



Essex-Windsor Solid Waste Authority Regular Board Meeting Agenda

Meeting Date: Tuesday, October 5, 2021

Time: Regular Session – 4:00 PM

Location and Meeting Instructions: Meeting will be conducted via Zoom
Board Members and Staff will receive e-mail notification which will include log-in instructions

Anyone from the public or media wishing to be able to listen to the meeting is required to send an e-mail request to the Authority’s General Manager, Michelle Bishop mbishop@ewswa.org by 11:00 AM of the meeting date. Log-in instructions will be provided. The public and media will be able to listen to the meeting but will not be allowed to participate in the discussions.

LIST OF BUSINESS **PAGE NUMBERS**

- 1. Call to Order**
 - 2. Roll Call of Board Members Present**
 - Marc Bondy
 - Aldo DiCarlo
 - Gary Kaschak
 - Hilda MacDonald
 - Kieran McKenzie
 - Gary McNamara
 - Leo Meloche
 - Jim Morrison
 - Ed Sleiman
 - 3. Declaration of Pecuniary Interest**
 - 4. Approval of the Minutes**
 - A. September 15, 2021 Regular Meeting Minutes 1-18
 - 5. Business Arising from the Minutes**
-

6. Correspondence – No items**7. Delegations – No items****8. Waste Diversion**

A. Tetra Tech Canada Final Report – Organic Waste Management
Peer Review

B. Regional Food and Organics Biosolids Waste Management 19-21
Project – Revised Recommendations from the Regional Food
and Organics Oversight Committee

9. Waste Disposal – No items**10. Finance & Administration**

A. Legal Invoices 22

11. Other Items**12. New Business**

A. At the September 15, 2021 meeting of the Essex-Windsor Solid Waste Authority, Board Member Kieran McKenzie brought forward a Notice of Motion as follows:

1. THAT Administration be directed to structure partnership agreement models that contemplate a variety of potential entry points into a regional organic management system and;
2. THAT Administration report back with potential financing options to address the various partnership models and;
3. THAT Administration schedule presentation to the seven (7) County municipalities and the City of Windsor as soon as possible outlining the requirements of the Ontario Food and Organics Waste Policy Statement and the decision points that will be required by each municipality surrounding a regional Organics Management Program.

13. By-Laws

A. By-Law 19-2021 23
Being a By-Law to Confirm the Proceedings of the Meeting of the Board of the Essex-Windsor Solid Waste Authority

14. Future Meeting Dates

Tuesday, November 2, 2021 – 2022 Budget Deliberation

Tuesday, December 7, 2021

15. Adjournment



Essex-Windsor Solid Waste Authority Regular Board Meeting MINUTES

Meeting Date: Wednesday, September 15, 2021

Time: In-Camera Session – 3:00 PM
Regular Session - 3:30 PM

Location: Zoom Meeting

Attendance

Board Members:

Aldo DiCarlo – Chair	County of Essex
Marc Bondy	County of Essex
Hilda MacDonald	County of Essex
Gary McNamara	County of Essex (Ex-Officio)
Leo Meloche	County of Essex
Gary Kaschak – Vice Chair	City of Windsor
Kieran McKenzie	City of Windsor
Jim Morrison	City of Windsor
Ed Sleiman	City of Windsor

EWSWA Staff:

Michelle Bishop	General Manager
Steffan Brisebois	Manager of Finance & Administration
Cathy Copot-Nepszy	Manager of Waste Diversion
Tom Marentette	Manager of Waste Disposal
Teresa Policella	Executive Assistant

City of Windsor Staff:

Anne Marie Albidone	Manager of Environmental Services
Tony Ardovini	Deputy Treasurer Financial Planning
Tracy Beadow	Project Administrator
Dwayne Dawson	Executive Director of Operations
Natasha Gabbana	Manager of Performance Measurement & Financial Administration
Chris Nepszy	City Engineer/Commissioner of Infrastructure Services

County of Essex Staff:

Mary Birch	Director of Council & Community Services/Clerk
Mike Galloway	County of Essex CAO
Sandra Zwiers	Director of Financial Services/Treasurer

Absent:

Drew Dilkens	City of Windsor (Ex-Officio)
Cindy Becker	Financial Planning Administrator (City of Windsor)

Attendance**Others:**

Peter Klaassen	TetraTech Canada Inc.
Rob Reid	GHD
Andrew Bosinger	Synagro
Wesley Muir	Veolia
Rusty Thomson	AM800
Kyle Horner	Bell Media
Zander Broeckel	Bell Media

1. Closed Meeting

There was a Closed meeting scheduled for 3:00 PM.

Moved by Gary McNamara
Seconded by Kieran McKenzie

THAT the Board move into a closed meeting pursuant to Section 293 (2) (e) and (i), of the Municipal Act, 2001, as amended for the following reasons:

- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- (i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization

**11-2021
Carried**

Moved by Marc Bondy
Seconded by Leo Meloche
THAT the EWSWA Board rise from the Closed Meeting at 3:57 PM.

**14-2021
Carried**

2. Call to Order

The Chair called the meeting to order at 4:05 pm.

3. Roll Call of Board Members Present

Marc Bondy – Present
Aldo DiCarlo – Present
Gary Kaschak – Present
Hilda MacDonald – Present
Kieran McKenzie – Present
Gary McNamara – Present
Leo Meloche - Present
Jim Morrison – Present
Ed Sleiman – Present

4. Introduction of new Manager of Finance and Administration – Steffan Brisebois

The General Manager stated that on July 20, 2021, Steffan Brisebois joined the Authority staff as the new as the Manager of Finance and Administration. He is a Chartered Public Accountant and a graduate from the the University of Windsor and the Odette School of Business. He was previously with Grant Thornton as the Manager of Assurance Services. He is currently the Board Treasurer for Big Brothers Big Sisters Essex-Windsor.

The General Manager thanked Tony Ardovini from the City of Windsor and Sandra Zwiers from the County of Essex to assist in the recruitment process.

5. Declaration of Pecuniary Interest

The Chair called for any declarations of pecuniary interest and none were noted. He further expressed that should a conflict of a pecuniary nature or other arise at any time during the course of the meeting that it would be noted at that time.

6. Approval of the Minutes

A. July 6, 2021 Regular Meeting Minutes

Moved by Gary McNamara
Seconded by Hilda MacDonald

THAT the minutes from the Essex-Windsor Solid Waste Authority Regular Meeting, dated July 6, 2021, be approved and adopted.

**65-2021
Carried**

7. Business Arising from the Minutes

No items were raised for discussion.

8. Correspondence

A. Karen Bellemore, RD and Chair Windsor Essex Food Policy Council

Mr. McKenzie stated that the organization seems to want to play a role in the organics waste management process. He asked how we might be able to leverage that offer of support.

The General Manager stated that she had a phone conversation with Ms. Bellemore regarding the nature of the letter. Ms. Bellemore indicated that at a future meeting the organization may be interested in appearing as a delegation. Ms. Bellemore was unable to attend this meeting. The General Manager stated that she has not had further conversations since that time.

Moved by Marc Bondy

Seconded by Kieran McKenzie

THAT the correspondence from Karen Bellemore, RD and Chair Windsor Essex Food Policy Council be received.

**66-2021
Carried**

9. Delegations

There were no delegations present.

10. Waste Diversion

A. Presentation – Re: Organic Waste Management Peer Review

A presentation regarding the Organic Waste Management Peer Review was made by Peter Klaassen, Vice President-Solid Waste Ontario/Manitoba from TetraTech Canada Inc. Board members asked questions throughout the presentation.

Mr. Meloche asked if there was any type of formula may be looked at for this type of process to determine breakeven.

Mr. Klaassen replied there is, however, organic processing is expensive. He stated that as a municipality you are not looking at a profit and likely would not breakeven.

Mr. Meloche asked where that cost should be in terms of payback. He asked how long is the payback, 20 year or 10 year, or is it something that we should forget about.

Mr. Klaassen stated to forget about it. The impetus for this type of a program is legislated or policy. Landfilling is the cheapest option but not the

best option from an environmental perspective. It will cost more to divert organics but you would receive the environmental benefits.

Mr. Meloche stated that he knows that it will cost us but was looking for the measurement.

Mr. Klaassen stated that the measurement would be probably net present value analysis. The net present value will capture the capital upfront cost and the costs and revenues that extend over time. He stated that most of the municipalities measure using net present value in his experience.

Mr. McNamara stated that the numbers seemed quite high in regards to the assumption of the feedstock. He stated that there was no mention of a private public partnership where we work collectively together to offset some of the initial costs. Mr. McNamara asked if there is an opportunity to bring that also as a scenario. Mr. Klaassen replied yes and will be discussed later in the presentation.

Mr. Klaassen continued with the presentation and concluded that TetraTech believes that the GHD's calculations and work was reasonable. They would suggest some modification of some of the numbers, specifically the capital numbers. The GHD analysis directed their recommendations toward an anerobic process. From an economic perspective, the best option would be to have a facility at the landfill where your blending it with the gas that is generated from the landfill itself.

Mr. Meloche stated that it makes sense to maximize the processing capability of the facility to drive the cost in terms of recovery on capital down.

Mr. Klaassen discussed partnerships with surrounding regions and stated you have to balance the transportation component. Mr. Klaassen stated that transportation does two things. First, if you go beyond 100 kilometres from where you do the actual processing, it starts becoming expensive. Secondly, when you are using a lot of transportation you are eating up the hydrocarbons and fuel, so from an environmental perspective, you want to be careful how far you bring that waste from.

Mr. Klaassen's recommendation is that if an RFP is issued, the RFP should be very clear that any type of technology can be used but the evaluation will be based on matters such as cost, processing capability, a proven track record, sustainability and most importantly that it meets the regulatory and policy statements and energy targets. The evaluation would be based on having all of these components. He suggests not to delay the RFP as the process to put in a facility will take four to five years.

Mr. McKenzie stated that he has a motion at the appropriate time. He asked Mr. Klaassen if the capital component would be clarified through the RFP

process and the proponents would provide more accurate costing at that time.

Mr. Klaassen stated that there would be two options. One option is a traditional municipal approach where the capital is paid for upfront and then to have the municipality or someone else operate it over a 15-20 year lifespan. The other option is to have it 100% financed by a private company and then costs would come through the tipping fees. Tipping fees in this case would be higher. A comparison of the two options can be done through net present value analysis.

Mr. McKenzie referred to the deadline and noted that 2025 seems distant. He asked Mr. Klaassen if he was aware of these types of deadlines that have been established by various governments or in other instances in Ontario. He also asked what happens if we do not meet the deadline.

Mr. Klaassen stated that with some exceptions, we were further ahead than other municipalities. Mr. Klaassen thinks that the government has to be somewhat flexible, as long as you have a plan.

Mr. McKenzie asked if the government agency that we are responding to through this process is the Ministry of the Environment, Conservation and Parks (MECP). He noted that the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) does play a role and may provide comment with respect to how this will proceed but ultimately it is the MECP that we are responding to and evaluate whether or not the process that we engage and that we move forward with is going to meet the criteria that needs to be met.

Mr. Klaassen strongly urged to meet with the MECP to go through the plans before an RFP is issued. He noted that a cooperative relationship will speed up the process.

Mr. McKenzie stated that he has a motion at the appropriate time.

Mr. Bondy stated that the presentation was very informative. Mr. Bondy noted that the presentation concluded that there will be problems in the long run if we did not move forward with the RFP soon. Mr. Bondy asked what are the problems.

Mr. Klaassen stated that the biggest problem would be the permits which would include obtaining a partial or full Environment Assessment (EA). The EA process might take one to two years. The permit application will take a year. Within all that time, you have to do a design and obtain bids for construction which might minimally take a year. Then the construction period of about a year. The entire process will take between four to five years for a well-run project.

Mr. Bondy noted that Mr. Klaassen stated that we are further ahead than other municipalities. He asked if Mr. Klaassen ever heard of a municipality being fined for not meeting the deadline.

Mr. Klaassen replied that he has never heard of that.

Mr. Bondy stated that we have to do our due diligence.

Mr. Morrison asked if Mr. Klaassen has run into other situations like Windsor or the County. We will be able to issue an RFP if we do not know what everyone is going to do as there are many variables. He asked Mr. Klaassen if he could offer any advice.

Mr. Klaassen stated that there is flexibility if done wisely. They have to start with a goal of removing as much of the organics out of the system. The more the MECP is involved, the quicker it will move along. The other component is the public outreach and how interested the public is in actually knowing what happens after they put their green bin out for collection and that if goes into a facility that produces Renewable Natural Gas (RNG) or doesn't produce RNG, etc. Over the last three years, the picture has changed from private investment in these types of facilities. The other driver is the political environment within the Province. The current government is pushing this and they are furthest to the right. If you get a Liberal or NDP government, they will push this even further. The federal government is providing funding for both the research and the capital investment that is required for some of these municipalities. Mr. Klaassen stated that there is a lot of push from different directions to get this done.

Mr. Morrison appreciated Mr. Klaassen's perspective. He asked if there is a potential complete ban into the landfill.

Mr. Klaassen stated that he thinks that it is coming. He noted that Northern Europe has a ban and we will start seeing the same thing here. It is all dependent on the government itself.

Mr. DiCarlo stated that Mr. McKenzie would like to make a motion.

Mr. McKenzie stated that there are four parts to the motion. He stated that he asked the General Manager to circulate three points of the motion via e-mail prior to the meeting and would like to add that that the verbal report and presentation by TetraTech be received. Mr. Klassen read the motion as follows:

1. That the Board receive the verbal report and presentation by TetraTech; and
2. That Administration be directed to structure partnership agreement models that contemplate a variety of potential entry points into a regional organic management system; and

3. That Administration report back with potential financing options to address the various partnership models; and
4. That Administration schedule presentations to the seven (7) County municipalities and the City of Windsor as soon as possible outlining the requirements of the Ontario Food and Organics Waste Policy Statement and the decision points that will be required by each municipality surrounding a regional Organics Management Program.

Mr. McKenzie stated that if there is a seconder he will speak to the motion.

Mr. Sleiman seconded the motion.

Mr. McKenzie stated that the motion he brought forward today comes after consulting with his colleagues at the City of Windsor and listening to the various discussions and concerns that have been raised by us undertaking a significant and provincially mandated process that we have been essentially forced to undertake. He strongly supports this proceeding. He thinks to achieve all of the objectives that every one of us here would like to achieve and from a climate change adaptation mitigation standpoint, these motions are seeking to address some of those concerns and to provide options as we continue to move forward through this process. He stated that the timelines are extremely tight and we have an obligation to be able to proceed, notwithstanding the uncertainty with respect to how the province may respond to municipalities not meeting the deadlines. He stated that these are concerns and these motions are looking to address those concerns that provide options from a financing perspective and what actually may happen if different municipalities decide to enter into this process at different points as we continue to move through it. Mr. McKenzie stated that it is important that the Authority undertake a process to address each municipality so that not only the Board members but every councillor and public official that is going to be affected and held accountable for the decisions that we make on this important measure, and that the information is provided directly to them and they have the opportunity to ask the questions that they need to be asked.

Mr. McNamara stated that was a long motion and had many pieces to it. He stated that he has concerns that it sounded as if we're committing Windsor and the seven (7) municipalities before we actually know what the RFP will be and what those cost factors are. He stated that we need to go through the process and wants all the facts before he can go to his public.

Mr. Meloche stated that he would like to see Mr. Klaassen's final report and wondered if this motion was premature.

Mrs. MacDonald stated that she agrees with Mr. McNamara. She stated that she was concerned that she was painting herself and her municipality into a corner. She is not prepared to do that. She wanted to say again that she

will not sign until she is comfortable. Mrs. MacDonald has talked with her council members as well.

Mr. Bondy referred to the presentation and expanding the waste water treatment plant. He stated that his municipality buys water from the City and that would be extra cost to his municipality. He agrees with Mr. McNamara and Mrs. MacDonald that he would feel more comfortable waiting until the final report at the next meeting.

Mr. McKenzie stated that he wants to be clear that he does not feel that this motion is committing anyone to anything. He stated that the motion is sending direction to administration to bring the Board more information than they might not otherwise have obtained and to do presentations and provide information to all the municipalities in the region. He stated that the motion is not asking for firm commitments and there is a certain level of urgency.

Mr. McNamara stated that he wants to receive Mr. Klaassen's report but the remainder of the motion should be a Notice of Motion at this time and be brought forward at the next meeting. He stated that only the interim report on the peer review was to be brought forward at this meeting and the final report at the October meeting. Mr. McNamara stated that he would support a Notice of Motion. He would like to have an opportunity to review TetraTech's presentation with his municipality and County colleagues for their perspective.

Mr. McKenzie stated that he would happy to split the motion and only receive the report at this time and the remainder of the motion as a Notice of Motion to be contemplated at the next meeting.

Mr. DiCarlo stated that a seconder would be required again to receive only the report as the remainder of the motion will be a Notice of Motion.

Mr. Meloche seconded receiving the report.

Moved by Kieran McKenzie

Seconded by Leo Meloche

THAT the Board receive TetraTech's verbal report and presentation as information.

**67-2021
Carried**

Mr. DiCarlo stated that the Notion of Motion would be an order and a seconder was not required. Mr. DiCarlo stated the Notice of Motion is accepted and will be placed on the next meeting agenda.

Mr. McNamara stated that he had to leave for another meeting. He left the meeting at 5:25 pm.

Mrs. MacDonald stated that she believes a seconder was required for a Notice of Motion.

Mr. DiCarlo stated that a seconder will be taken to cover all bases.

Mr. Bondy seconded the Notion of Motion.

Mr. DiCarlo stated that a vote was not required for a Notice of Motion.

Moved by Kieran McKenzie

Seconded by Marc Bondy

THAT the Board receive a Notice of Motion for the October 5, 2021 Essex-Windsor Solid Waste Authority Board meeting as follows:

1. THAT Administration be directed to structure partnership agreement models that contemplate a variety of potential entry points into a regional organic management system and;
2. THAT Administration report back with potential financing options to address the various partnership models and;
3. THAT Administration schedule presentation to the seven (7) County municipalities and the City of Windsor as soon as possible outlining the requirements of the Ontario Food and Organics Waste Policy Statement and the decision points that will be required by each municipality surrounding a regional Organics Management Program.

B. Status of MHSW Wind-Up

The Manager of Waste Diversion referred to page 18 of the agenda package.

The Manager of Waste Diversion stated that on June 8, 2021, the MECP issued the final Hazardous and Special Products (HSP) Regulation which will transition the current program, Municipal and Hazardous and Special Waste (MHSW) program over to the new HSP program.

Prior to receiving provincial funding beginning in 2008, the Authority opened it's first MHSW Depot in 1995. The Authority and the region's environmental stewardship has continued to grow to support residents in Windsor-Essex to properly dispose of MHSW materials at all Authority sites.

The Authority reports on this MHSW program through the Annual Waste Diversion Report. On average, over the last five years, the program has diverted approximately 580,000 litres and 100,000 kilograms of MHSW through the program. This means that these materials were properly handled and disposed of, therefore, not polluting the environment or landfill. The current MHSW program is partially funded by the Authority and three industry funding organizations (IFO) representing the producers: Stewardship Ontario, Automotive Materials Stewardship and Product Care Association.

In 2016 through the Waste Diversion Act (WDTA), the Resource Productive & Recovery Authority (RPRA) was created to assist in an orderly transition to hold the producers responsible for their materials and to transition all of these programs. The last day for the MHSW transition is September 30, 2021. The new HSP program will start October 1, 2021. The transition period will occur from October 1, 2021 to December 31, 2022, which will allow for a smooth transition of operations at all of the Authority depots.

The Authority is excited about transitioning MHSW to IFO but the regulation poses challenges to municipalities due to tight timelines and excludes certain hazardous waste which places the financial burden on the municipality. Throughout the transition period of these regulations being published, the Authority and other municipalities and municipal networks, such as AMO, have been working together with the MECP to address concerns with the regulations, however, the regulations have been published. The next steps are to transition over to the IPR regulatory framework. We will be working through this transition time period to evaluate what we are doing, what needs to be continued to keep this program uninterrupted and financially sound. As of right now, the financial impact or operational impact to this program is unknown as we are still working with producers to understand what the final agreements will look like and if the current costs and revenues generated from the program will continue.

Moved by Leo Meloche

Seconded by Ed Sleiman

THAT the Board receive the report of the Status of MHSW Wind-up as information.

**68-2021
Carried**

C. Bike Reuse Program Update (Verbal report)

The Manager of Waste Diversion stated that the bike reuse program will launch in late October. She stated that meetings have been held with Bike Windsor-Essex to discuss the Authority locations facility design and the logistics of moving bikes in and out of Authority facilities.

Bike Windsor-Essex was able to donate bike racks for this program as an in-kind gesture while the program partnership exists. This will not be a cost that the Authority will have to incur for this program. A standard operating procedure has to be finalized in regards to scale coding and logistics as well as staff training around moving the bikes throughout the sites.

A media release will be published regarding the launch and media will be invited. The Authority will be promoting the program through our website and social media. The Authority is also finalizing a logo for the program. The Authority and Bike Windsor-Essex are also working on a partnership

agreement so that both organizations are in line with the goals and objectives of this program and how we will manage it together. It has been agreed that a launch date of October 21, 2021 at 8:30 am will be held at the Windsor Public Drop-Off Depot. Board members will be receiving an invitation to celebrate the new recycle bike drop off depot program.

Mr. McKenzie thanked the General Manager and the Manager of Waste Diversion for undertaking this process and making it a reality. He appreciates they took the proposal seriously and wanted to thank them on behalf of the cycling community.

Moved by Marc Bondy

Seconded by Hilda MacDonald

THAT the Board receive the verbal report as information.

**69-2021
Carried**

11. Waste Disposal

A. Tender Award for the Supply and Service of One (1) Hydraulic Excavator and One (1) Articulated Dump Truck

The Manager of Waste Disposal referred to page 21 of the agenda package. The purpose of the report is to recommend the tender award to Toromont CAT for one Hydraulic Excavator and one Six-Wheel Articulated Dump Truck to be used at the Regional Landfill. Administration is also recommending seven (7) year service and maintenance contracts with up to 12,000 hours for the excavator and up to 8,000 hours for the dump truck. The tender also included a provisional option for extended powertrain warranties. Toromont CAT included this as well as Brandt and both companies guaranteed delivery dates. Brandt Tractor also provided rates for comprehensive all-inclusive repairs instead of a standard manufacturers maintenance. The rates are shown in the charts on page 21 of the agenda package. This explains why Brandt's rates are so much higher.

These two (2) pieces of equipment are the primary equipment used at the Regional Landfill for earth moving, digging holes for special digs or special waste as well as moving clay. They will replace existing equipment that are seven (7) years old and have reached the end of their useful life.

The tender was issued in July 2021 and advertised as noted in the report. Due to COVID-19, there was no public tender opening. The tender opening was conducted via Zoom and was attended by Vice Chair, Gary Kaschak, the Manager of Waste Disposal and the Authority's Executive Assistant. The tender closed on September 2, 2021 and two bids were received by e-mail by the closing date and time. All bids were reviewed for compliance with no issues.

The equipment will be included as part of the 2022 Landfill Capital budget. Due to interruptions in supply chain for equipment and manufacturing delays, administration sought to pre-purchase this equipment in order to avoid potential equipment delays which may adversely affect landfill operations in 2022.

The tender also included a provision for an optional extended powertrain warranty for both pieces of equipment. However, in review of the cost to purchase this option, versus a review of the history of repairs on this type of equipment, administration is not recommending this option. Instead, additional funds will be allocated to the Equipment Replacement Reserve for any unforeseen repairs that we may experience in the 2022 budget and beyond. The old units will be sold through a competitive sales process or taken on trade.

Mr. Meloche asked if the Authority is maximizing the use of the equipment. He also asked if the administration evaluates the cost to refurbish the equipment that may make it more economical and perhaps get three more years out of the equipment.

The Manager of Waste Disposal stated that the Authority has gone through those scenarios and it is two-fold. He stated that at seven years, or the hours that are put on these units, they will require some major rebuilds on the undercarriage, turbochargers, pumps and the second part is reliability. These are critical pieces of equipment and the Authority runs very lean at the landfill. When a piece of equipment goes down, valuable time is lost and the Authority does not have the luxury of having a spare unit. The Authority would have to rent units while the major rebuilds were conducted on these pieces of equipment.

Moved by Leo Meloche

Seconded by Marc Bondy

1. **THAT** the Board approve the acquisition of a Caterpillar Model 330 GC Hydraulic Excavator as supplied by Toromont CAT at a cost of \$352,474 plus applicable taxes.
2. **THAT** the Board approve a seven (7) year or up to a 10,000-hour service and maintenance contract at a pre-tax cost of \$4.09 per hour for the Caterpillar Model 330GC Hydraulic Excavator as supplied by Toromont CAT.
3. **THAT** the Board approve the acquisition of a Caterpillar Model 730 Six-Wheel Drive Articulated Dump Truck as supplied by Toromont CAT at a cost of \$596,873 plus applicable taxes.
4. **THAT** the Board approve a seven (7) year or up to 8,000-hour service and maintenance contract at a pre-tax cost of \$7.77 per hour for the Caterpillar Model 730 Six-Wheel Drive Articulated Dump Truck as supplied by Toromont CAT.

**70-2021
Carried**

12. Finance & Administration

A. EWSWA Administration appearing before Town of Essex Council on August 3, 2021

The General Manager stated at the request of the Town of Essex, she and the Manager of Waste Disposal attended Town of Essex Council meeting to present the 2020 Regional Landfill Operations report. The operations report is required to be sent annually to the host municipality. The Manager of Waste Disposal presented a PowerPoint presentation outlining highlights of the 2020 operational report at that meeting and responded to questions from Town of Essex Council members.

Moved by Marc Bondy

Seconded by Kieran McKenzie

THAT the Board receive the report as information.

**71-2021
Carried**

B. Mandatory Vaccine Policy

The General Manager referred to page 18 of the agenda package. The report is to update the Board on how mandatory vaccine policies at the County of Essex and the City of Windsor affect the Authority operations.

On August 23, 2021, the City of Windsor Council instructed City administration to prepare a COVID-19 vaccination policy and report back to Council.

On August 25, 2021, the County of Essex issued a COVID-19 Vaccination Policy.

The General Manager stated that vaccine policies implemented by the City of Windsor or County Essex affect staff at all EWSWA locations. Bargaining unit staff are employed directly by the County of Essex or the City of Windsor or are contractors that are contracted by the Authority. The staff, whether City or County, need to abide by the health and safety policies of each individual corporation as well as the health and safety policies of the Authority.

The County of Essex policy was implemented on September 7, 2021. The General Manager was pleased to announce that all of the Authority County of Essex staff members are in compliance with the policy, as well as all of the Authority seven (7) non-union employees.

The General Manager stated that they will be looking forward to the City of Windsor's policy and having their staff align with that policy as well and to have very minimal impact on Authority operations. She noted that the Manager of Waste Disposal and the Manager of Waste Diversion have been diligently working with Authority contractors to ensure they are in compliance with the policy.

Visitors and customers utilizing Authority sites to dispose of material or purchase material will not be required to be vaccinated. Authority administration continues to follow all safety protocols.

If required, the General Manager will provide an update and additional impacts to operations when the City of Windsor mandatory vaccine policy is implemented.

Moved by Hilda MacDonald

Seconded by Leo Meloche

THAT the Board receive the report as information.

**72-2021
Carried**

C. January to June 2021 – Six (6) Month Operations Financial Review

The Manager of Finance and Administration provided a six-month financial review for the period of January to June 2021. The report compares the first six-month budgeted revenue and operating costs to actual figures.

He referred to the table on pages 39 and 40 of the agenda package that summarized each program, revenue and expenses for this period and explained the larger variances in detail:

- The favourable revenue variances for municipal refuse tipping fees, ICI non-landfilled tipping fees and residential refuse tipping fees are attributable to an increase in tonnages. The ICI non-landfilled tipping fees include auto shredder fluff and daily cover material.
- The ICI refuse landfilled tipping fees are in an unfavourable position of (\$318,900). This is due to a long-term large volume ICI customer that did not renew their contract for the 2021 year. This information was presented to the Board on February 2, 2021.
- The largest favourable variance is the revenue for the Sales of Recyclable Goods. The reason is the increase in the commodity prices for the sale of recycled material.
- The favourable variance for Product Stewardship Funding is due to the increase in revenue from Stewardship Ontario Blue Box funding. The Authority received an additional \$535,200 more funding than

previously budgeted with half of the increase being realized in the first six months.

- Most of the budgeted expenditures were within their estimates for this six-month period with the exception of Administration and Regional Landfill Compensation. The Regional Landfill Compensation is in a favourable position due to a lower amount of waste being delivered to the Regional Landfill than what was originally estimated.

Overall, the Authority is in a favourable position of \$1,195,700 compared to the budget for the first six (6) months of 2021.

He also noted the projections of the full 2021 fiscal year will form part of the 2022 budget that will be presented at the November 2, 2021 meeting.

Moved by Jim Morrison

Seconded by Kieran McKenzie

THAT the Board receive the report as information.

**73-2021
Carried**

D. Legal Invoices

Moved by Kieran McKenzie

Seconded by Marc Bondy

THAT the Board authorize the payment of the legal account as summarized

**74-2021
Carried**

13. By-Laws

A. By-Law 16-2021

Moved by Marc Bondy

Seconded by Ed Sleiman

THAT By-Law 16-2021, Being a By-Law to Authorize the Execution of an Agreement between the Essex-Windsor Solid Waste Authority and Toromont CAT for the Supply and Service of One (1) Hydraulic Excavator with a Seven (7) Year or up to 10,000-hour service and maintenance contract.

**75-2021
Carried**

B. By-Law 17-2021

Moved by Marc Bondy

Seconded by Ed Sleiman

THAT By-Law 17-2021, Being a By-Law to Authorize the Execution of an Agreement between the Essex-Windsor Solid Waste Authority and Toromont CAT for the Supply and Service of One (1) Articulated Dump Truck with a Seven (7) Year or up to 8,000-hour service and maintenance contract.

**76-2021
Carried**

C. By-Law 18-2021

Moved by Marc Bondy
Seconded by Ed Sleiman

THAT By-Law 18-2021, being a By-law to confirm the Proceedings of the Board of the Essex-Windsor Solid Waste Authority be given three readings and be adopted this 15th day of September, 2021.

**77-2021
Carried**

14. Future Meeting Dates

Tuesday, October 5, 2021
Tuesday, November 2, 2021
Tuesday, December 7, 2021

15. Adjournment

Moved by Kieran McKenzie
Seconded by Ed Sleiman
THAT the Board stand adjourned at 6:01 pm.

**78-2021
Carried**

All of which is respectfully submitted.

Aldo DiCarlo
Chair

Michelle Bishop
General Manager

MEMO

Date: September 29, 2021

To: EWSWA Board Members

From: Regional Food and Organics Oversight Committee

Meeting Date: October 5, 2021

Subject: Regional Food and Organics and Biosolids Waste Management Project - Revised Recommendations

1. Purpose

The purpose of this report is to provide the Essex Windsor Solid Waste Authority (“EWSWA”) Board with a revised set of recommendations from the Regional Food and Organics Oversight Committee (“Oversight Committee”) related to project direction and participation from municipalities.

It is intended that the EWSWA Board provide direction based on these recommendations during the October 5, 2021 board meeting.

2. Background

At the June 1, 2021 EWSWA Board meeting, the Oversight Committee presented a set of proposed recommendations to proceed with the next stages of this project. At the June 1, 2021 EWSWA Board meeting, the Board received the recommendations and passed a motion for EWSWA Administration to retain a third party independent consultant to conduct a peer review of the evaluation process as detailed in the GHD Limited (“GHD”) report. After a competitive bidding process, EWSWA retained the services of Tetra Tech Canada Inc. (“Tetra Tech”) to conduct the peer review.

3. Discussion

A summary of the findings identified by Tetra Tech are provided in Section 5.0 of the report entitled “*Essex-Windsor Solid Waste Authority Peer Review of Organics and Biosolids Waste Management & Processing Consulting Report and Analysis of the Impact Organic Diversion from the Regional Landfill*”, Tetra Tech Canada Inc., September 24, 2021 (“Peer Review Report”) and summarized below:

- The GHD Reports are substantially sound and offer comparative impacts of the various options. Concern was noted in regards to the capital costs presented by GHD, which may be underestimated.
- Given the compliance deadline of 2025 that applies to Windsor, Tecumseh, Amherstburg, LaSalle and Lakeshore, and the likelihood of an organics ban at all landfills which would then capture Kingsville, Essex and Lakeshore, Tetra Tech recommends that all 8 communities be part of a regional solution
- The Ministry of the Environment, Conservation and Parks (“MECP”) will assess innovative technologies for compliance with the Food and Organic Waste Ontario Provincial Policy Statement (“OPPS”). Proponents of innovative technologies must demonstrate compliance with the OPPS, and should be allowed to submit a proposal in response to a Request for Proposal (“RFP”).
- Anaerobic digestion appears to be the best fit for both organics processing and greenhouse gas reduction targets
- Tetra Tech recommends an RFP be prepared that requires proponents to meet the following key critical end points:
 - That the proponents have the skills, experience and technology that works
 - That any proposal meets all regulatory and policy requirements for EWSWA (including energy policies)
 - That a cost proposal (whether upfront capital or all inclusive tipping fees) be evaluated on a Net Present Value (“NPV”) basis.

4. Revised Recommendations

Based upon the conclusions of the Peer Review Report, the following revised recommendations are proposed for the Board’s consideration:

1. That the Food and Organic Waste Management Oversight Committee **BE DIRECTED** to proceed with a Procurement Plan for an organic waste management facility that meets the following minimum criteria:
 - a. That, should a new facility be constructed, the facility **BE LOCATED**:
 - on lands adjacent to the Regional Landfill, or
 - on lands adjacent to the Windsor Biosolids Processing Facility, or
 - at a site supplied by a proponent through the procurement submissions, and;
 - b. That, consistent with the intent of the City of Windsor Community and Corporate Energy Plans and the Essex County Regional Energy Plan, that the RFP **BE REQUIRED** to utilize a technology that produces renewable energy with concurrent recovery of nutrients, in addition to helping municipalities move towards their greenhouse gas reduction goals and to meet or exceed waste diversion targets set out in the OPPS, and;

- c. That the RFP **BE REQUIRED** to accept, at a minimum, source separated organics from Windsor and any other of the municipalities choosing to participate at the onset (to be confirmed by December 31st, 2021), and allows for expansion to accommodate source separated organics from municipalities that do not participate at the onset through a curbside collection program, and;
 - d. That if the facility is located at the Windsor Biosolids Processing Facility, biosolids from the City of Windsor's wastewater treatment facilities **BE INCLUDED** in the minimum feedstock, with the costs and revenues related to the processing of the biosolids portion of the feedstock being apportioned to the City of Windsor, and;
 - e. That industry standards **BE EXCEEDED** regarding odour control measures implemented at the facility and the end product, and;
2. That the EWSWA Board **APPROVE** a sole source for the next phase of consulting services related to the preparation of a Request for Qualifications, followed by an RFP to GHD for additional fees at an upset limit of \$50,000, and;
3. That the 7 County municipalities, as applicable, **BE REQUESTED** to report back to the EWSWA Board by December 31, 2021 identifying if they will participate in the Regional Food and Organics Waste Management program at its onset and to what degree, based on the recommendations of the Food and Organic Waste Oversight Committee and endorsed by the EWSWA Board, and;
4. That the Food and Organics Waste Oversight Committee **BE DIRECTED** to report back to the EWSWA Board with a recommended Procurement Plan outlining project delivery model selection, timing and next steps, and;
5. That the Food and Organics Waste Oversight Committee **BE DIRECTED** to pursue planning and environmental approvals for the municipally owned sites adjacent to the regional landfill in the County of Essex and the Windsor Biosolids Processing Facility in the City of Windsor, and;
6. That, prior to any contract award, the General Manager of EWSWA **BE DIRECTED** to report back to the EWSWA Board with a Regional Food and Organics Waste Management Plan, such plan to include the proposed funding model including sharing of expenses, revenues and environmental credits and responsibilities of all parties related to the facility, including biosolids processing if the Windsor Biosolids Processing Facility is the selected location, and the food and organic waste collection system.



Essex-Windsor Solid Waste Authority Administrative Report

September 27, 2021

To: The Chair and Board of the Essex-Windsor Solid Waste Authority
From: Michelle Bishop, General Manager
Meeting Date: Tuesday, October 05, 2021
Subject: Summary of Legal Account(s)

1. McTague Law Firm LLP

\$371.00

Regarding:	Various Legal Advice re: RFT document language and bid submission
Invoice #	314376
Billing Period	August 1 – August 31, 2021
Invoice Date	August 31, 2021

Recommendation

That the Board authorize the payment of the legal account as summarized.

Submitted By

A handwritten signature in black ink, appearing to read 'Michelle Bishop', is written over a light gray circular watermark.

Michelle Bishop, General Manager

Essex-Windsor Solid Waste Authority

By-Law Number 19-2021

Being a By-law to Confirm the Proceedings of the Meeting of the Board of the Essex-Windsor Solid Waste Authority.

WHEREAS by Agreement dated 18 May 1994, made between the Corporation of the County of Essex and the Corporation of the City of Windsor, the Essex-Windsor Solid Waste Authority (The Authority) was created as a joint board of management pursuant to Sections 207.5 and 209.19 of the *Municipal Act, RSO 1990, Chapter M.45* and;

WHEREAS Subsection 5.(3) of the Municipal Act, RSO 2001, Chapter 25, provides that the powers of a municipality shall be exercised by By-Law and;

WHEREAS Section 1 of the Municipal Act RSO 1990, Chapter M 46 defines a municipality as including a board, commission or other local authority exercising any power with respect to municipal affairs or purposes and;

WHEREAS it is deemed expedient that the proceedings of the Authority at this meeting be confirmed and adopted by By-Law

NOW THEREFORE the members of the Authority enact as follows:

- 1) The action of the members of the Authority in respect to each recommendation contained in the Report/Reports of the Committees and each motion and resolution passed and other action taken by the members of the Authority at this meeting is hereby adopted and confirmed as if all such proceedings were expressly set out in this by-law.
- 2) The Chair and the proper officials of the Authority are hereby authorized and directed to do all things necessary to give effect to the action of the members of the Authority referred to in the preceding section hereof.
- 3) The Chair and the General Manager of the Authority are authorized and directed to execute all documents necessary in that behalf.

ESSEX-WINDSOR SOLID WASTE AUTHORITY

Aldo DiCarlo
EWSWA Board Chair

Michelle Bishop
General Manager

**Read a First, Second and Third Time, Enacted and Passed
This 5th Day of October, 2021.**