



Essex-Windsor Solid Waste Authority Regular Board Meeting MINUTES

Meeting Date: Tuesday, June 7, 2022
Time: 4:00 p.m.
Location: Council Chambers (2nd Floor)
Essex County Civic & Education Centre
360 Fairview Ave. West
Essex, Ontario N8M 1Y6

Attendance

Board Members:

Gary Kaschak – Chair	City of Windsor
Fabio Costante	City of Windsor
Kieran McKenzie	City of Windsor
Jim Morrison	City of Windsor
Ed Sleiman	City of Windsor
Marc Bondy	County of Essex
Hilda MacDonald	County of Essex

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

County of Essex Staff:

Mary Birch	Director of Council & Community Services/Clerk
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Absent:

Gary McNamara	County of Essex (Ex-Officio)
Aldo DiCarlo – Vice Chair	County of Essex
Shawna Boakes	Executive Director of Operations
Tracy Beadow	Project Administrator
Natasha Gabbana	Manager of Performance Measurement & Financial Administration
Chris Nepszy	City Engineer/Commissioner of Infrastructure Services

Mike Galloway
Sandra Zwiers
Drew Dilkens

County of Essex CAO
Director of Financial Services/Treasurer
City of Windsor (Ex-Officio)

1. Call to Order

The Chair called the meeting to order at 4:07 p.m.

2. Roll Call of Board Members Present

Marc Bondy – Present
Fabio Costante - Present
Aldo DiCarlo – Not present
Gary Kaschak - Present
Hilda MacDonald - Present
Kieran McKenzie - Present
Gary McNamara – Not present
Jim Morrison - Present
Ed Sleiman - Present

3. 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.

4. Approval of the Minutes

A. May 3, 2022 Regular Meeting Minutes

Moved by Kieran McKenzie
Seconded by Marc Bondy

THAT the minutes from the Essex-Windsor Solid Waste Authority Regular Meeting, dated May 3, 2022, be approved and adopted.

**52-2022
Carried**

5. Business Arising from the Minutes

No items were raised for discussion.

6. Delegations

There were no delegations for June 7, 2022.

7. Waste Diversion

A. 2022 Spring Outreach Update

The Manager of Waste Diversion provided an update regarding the 2022 spring outreach activities.

In April, an Earth Day celebration was held at Malden park along with the City of Windsor. The event attracted 1,600 people of all ages. The focus of the event was food and organic waste and the Regional Organic survey was launched.

The Virtual Scavenger Hunt has continued due to its success last year. There were 47 missions offered and attracted 132 participants. The virtual event was done through the Goose Chase app and is great way to reach residents virtually.

The Authority held its spring inventory sale to continue supporting residents to divert waste.

Registration for the Gold Star Program has closed and inspections at the curb have already begun and are almost complete.

Mr. McKenzie asked what more can be done in regards to outreach perspective that could increase the diversion rate. He asked if a report could be brought forward to the Board where they could consider different alternatives that may require additional funding and have the Board look at what the potential options might be.

The Manager of Waste Diversion stated that in recent years, the Authority has been focusing on aligning outreach activities to operation so that issues can be addressed increase diversion and enhance better habits at the curb. She noted that the Authority could look at what other municipalities are doing from an outreach standpoint.

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

Mr. Kaschak asked how do we reach out to residents better from an outreach standpoint.

The Manager of Waste Diversion stated that the Authority has been hovering at a 34% diversion rate for some time. She noted that an organics program will definitely help increase this rate significantly. As Mr. McKenzie has noted, there may be other initiatives that the Authority can do to enhance what we currently have with the Blue Box program and other reduce and reuse programs that currently exist.

Mrs. MacDonald commented on resident participation and the diversion rate. She stated that we can't expect to get to that target until society starts to

change and right now she thinks that we are at a point where society is just not changing. She noted that the Authority is doing a very good job and maybe we should just keep doing what we are doing and wait for the evolution of the generations. She does not know what else you can do besides making it mandatory and forcing people.

The General Manager stated that when compared to other municipalities, the Authority is in a unique situation in that we do not control any waste collection contracts. When compared to other municipalities similar to the Authority, like London, that don't have an organics program and have bi-weekly recycling collection, you see where they have implemented bag limits, referred to as disincentives. In order to drive diversion rates up, you are not only looking at providing incentives like an organics program, drop-off depots, Gold Star programs and public education but also a disincentive program. Without providing the disincentive to residents to not put out that third bag of garbage and sort better at the curb, the diversion rate will remain stagnant. The General Manager noted that in order to drive the waste diversion rate up, it will require residents to place less waste at the curb and it will take a global municipal effort.

Mr. Morrison asked if there is a consistency between municipalities on how much garbage can be placed at the curb.

The General Manager stated that it does vary between municipalities. She noted that each of the seven County municipalities and the City of Windsor operate their own garbage collection contract and they are free at this time to place whatever limits they choose.

Mr. Morrison stated that we need to start policing this and perhaps audits should be done.

Mr. Bondy commented that if limits are enforced, residents may dump garbage in the rural areas.

The Manager of Waste Diversion stated that when limits are put into place, municipalities offer supports. For example, to prioritize diversion, Niagara increased recycling collection to weekly collection and garbage collection to bi-weekly and they saw an increase in their diversion rate. We have to offer the supports, like recycling bins, and the guidance to change and more enforcements at the curb. She noted the Authority has implemented some of the efforts but some of them are larger investments for this Board or the next Board to consider.

Mr. Kaschak asked for Mr. McKenzie's motion.

Mr. McKenzie stated that he would move Administration's recommendation but with the addition that Administration report back with outreach options with

high level cost estimates for the Board to consider to help improve diversion rates. He stated that he would speak to the motion if there was a seconder.

Mr. Bondy seconded the motion.

Mr. McKenzie stated that he appreciates all of the comments and remains optimistic that with a greater level of awareness we can increase the diversion rate.

Moved by Kieran McKenzie

Seconded by Marc Bondy

THAT the Board receive the report as information.

THAT Administration report back with outreach options with high level cost estimates for the Board to consider to help improve diversion rates.

**53-2022
Carried**

B. Blue Box Transition Update

The General Manager referred to page 21 of the agenda package and provided a summary and background information regarding the transition of the Blue Box Program to Extended Producer Responsibility (EPR).

The General Manager noted that at the April 5, 2022 Board meeting, an update was provided on the proposed amendments to the regulation. Those amendments were passed with minor revisions with the exception of the plan submission deadline. The Producers must now submit their plan by July 1, 2022 to the Resource Recovery and Productivity Authority (RPRA).

The Producer Responsibility Organizations (PROs) get to make the plan. The PRO, that either on their own or in partnership, makes up 66% of the material that is in the market will submit their plan. Circular Materials Ontario (CMO) represents the large producers such as Clorox, Coca-Cola, Costco, Dr. Pepper, Kraft, Loblaws and McDonald's. CMO looks like they will most likely have 66% of the market. If they don't have 66% of the market, they will combine with Ryse Solutions (Ryse), and have 66% of the market. It looks like CMO will most likely be the lead in this program. They are moving forward under the assumption that they get to create the rules and develop the plan.

CMO has published a list of documents for collection services during the transition period. CMO has issued these documents to all 249 municipalities as a take it or leave it approach. There does not seem to be direct consultation or direct negotiations with the municipalities.

The General Manager stated that there was a survey requesting a simple yes or no answer asking if Windsor-Essex wishes to contract with CMO. The General Manager stated that the Authority has not answered the survey. She noted

that she, the Manager of Waste Diversion and the City of Windsor's Manager of Environmental Services sit on various committees with other municipal representatives and they have been able to provide input to a joint letter to CMO.

The General Manager summarized the letter on page 25 that was submitted to CMO which highlighted a number of areas of concern.

The letter was sent out on May 26th. On June 3rd, a response was received from CMO. The General Manager noted that the response was not included in the agenda as it was received after the agenda was distributed. CMO has acknowledged receipt of the letter. The letter states that they reviewed the feedback and are in the process of updating their agreements to address and clarify the points that have been raised. The agreements are expected to be updated and shared by June 15th. The General Manager noted that they listened to the municipalities, which is good and it is clear that municipalities were not going to accept this. The PROs are working on a very tight deadline. CMO needs to work with municipalities to work within existing contracts so that residents are not impacted with their curbside collection.

The General Manager stated that due to the upcoming election, recesses and potential lame duck situations, the Association of Municipalities of Ontario (AMO) has strongly recommended that municipalities have their Administration receive delegated authority from their councils or boards so that Administration has the ability to negotiate in the absence of a Board. The General Manager stated that a report will be brought forward to the Board at the July meeting.

Mr. McKenzie asked to what extent will the PROs remain accountable to the Province and what if they are not successful in meeting their diversion targets.

The General Manager stated the wording says producers have to do their best effort to maintain the system through transition. They have initially said that if they cannot come to an agreement with a municipality, they will be contacting the contractor directly. In our situation, our contractor is the City of Windsor for the County of Essex and GFL for the City of Windsor. As far as who decides if they are doing what they should be doing, it is up to RPRA. The General Manager asked the Manager of Waste Diversion and City of Windsor's Environmental Services Manager to provide further comments.

The Manager of Waste Diversion stated that the vast majority of municipalities are all on the same page. CMO responded to the letter immediately and they are looking to set up a municipal working group to be more collaborative.

Mr. Costante asked if this is an item that should be discussed in-camera.

The General Manager stated that the Authority has not had any direct communication with CMO and is not in formal negotiations. The letter and

documents are all publicly available. She noted that if the Authority is able to have direct dialogue with CMO, an in-camera meeting may be required.

The Manager of Environmental Services referred to the question in regards to who has more leverage. She noted that it is important for the Board to keep in mind that we can say yes or no at any time. She thinks that we need to wait until the June 15th response and see what they come back with. It is very encouraging that they have heard the municipalities and that they are looking to change some of those terms that are in the documents. Then at the point, we can then make a decision that is suitable for Windsor and Essex County.

Mr. McKenzie asked whether or not others were considered to be a signatory or support on the letter that was sent to CMO.

The General Manager stated that through our membership on AMO, the Municipal 3Rs Collaborative (M3RC) as well as the Regional Public Works Commissioners of Ontario (RPWCO), it was decided that instead of each municipality corresponding directly, that AMO, RPWCO, the Municipal Waste Association (MWA) and the City of Toronto (who does not participate with AMO), put up a united front on behalf of all municipalities.

The General Manager stated that updates regarding the blue box transition will continue. She also noted that there will be a report at the July meeting recommending delegated authority through Authority Administration in conjunction with the Technical Staff Committee which is comprised of City of Windsor and County of Essex staff, to make any required decisions on behalf of the Board and councils if needed during recess.

Moved by Kieran McKenzie
Seconded by Fabio Costante

THAT the Board receive the report as information.

**54-2022
Carried**

C. Reallocation of Budgeted Recycling Program Funds

The Manager of Waste Diversion referred to page 32 of the agenda. The recommendation of the report is the reallocation of approved 2022 budgeted funds from Consulting – Waste Audits to Purchased Services – Contract Staff. This reallocation will support Authority staff to collect data that will aid in the transition of the Blue Box program for information regarding ineligible sources.

The 2022 recycling program budget that was approved by the Board in November 2021 included \$54,000 for Consulting – Waste Audits. This allocation was for a consultant to support with residential curbside waste audits that would help Administration collect data for the transition of the Blue Box program. This data would provide updated information on solid waste

materials that are currently in the collection system. This has not been done since 2013.

Since the 2022 budget, the Authority has secured a service at no cost from the Continuous Improvement Fund (CIF), therefore, the \$54,000 is no longer required. CIF will be doing this across the province so municipal data collection is standardized. CIF has committed to supporting this area for the last quarter of 2022 and the first three quarters in 2023, which will provide data in all four seasons.

Additionally, the RPRA and AMO have confirmed that Producers are not obligated to collect ineligible sources at their expense per Ontario Regulation 391/21. Examples of ineligible sources are daycares and municipal buildings such as arenas.

Authority Administration and other municipalities have been advised through participation on different collaborations, such as the CIF and AMO, that it is likely that Producers will assume that these ineligible sources are a significant percent of existing collection programs and will charge municipalities accordingly. If a municipality wants to continue to service these facilities with a Blue Box program, it is important that accurate data is collected.

The Manager of Waste Diversion stated that the Authority is looking for support through a consultant to help identify the ineligible sources in our current common collection system in Essex County and the City of Windsor. This will allow the Authority to understand what the costs will be to the Authority and allow the Board to make an informed decision on whether we want to address that service delivery gap.

There are no financial implications as the intent is to reallocate the funds that were currently approved in the 2022 budget to a new line item.

Mr. Bondy asked if this would be one-year budget item.

The Manger of Waste Diversion stated yes and this would be completed this summer and fall.

Mr. Morrison asked if curbside audits are currently conducted to see if recyclables are placed in the garbage.

The Manager of Waste Diversion stated that audits are not currently conducted and the last audit was done in 2013. This will be a good exercise to help potentially address some of the issues that we have been talking about and help with outreach programs and to increase the diversion rate.

Mr. Sleiman asked for clarification regarding BIAs.

The General Manager stated that the Blue Box transition to Producers is only for residential and a certain amount of public spaces. With the transition to

Producers, it does not include industrial, commercial and institutional (ICI) recycling. Currently, the Authority collects BIAs, small businesses and some other ineligible sources like municipal facilities. We need to get an accurate count of what these ineligible sources are and decide if we want to keep providing this service.

Mr. McKenzie asked if there has been discussion or a potential policy change that would include ICI.

The General Manager stated that ICI is one of the largest producers of recycled material. It has been communicated but has not been revised at the provincial level.

Moved by Fabio Costante

Seconded by Marc Bondy

THAT the Board approve the reallocation of \$54,000 from the approved 2022 Recycling Program budget from Consulting – Waste Audits to a new expenditure, Purchased Services – Contract Staff to support data collection for the transition of the Blue Box program to Extended Producer Responsibility.

**55-2022
Carried**

D. RFP for the Processing of Source Separated Organic Waste (Verbal report)

The General Manager advised that the RFP for the Processing of Source Separated Organic Waste was issued on Thursday, May 19, 2022. The deadline for questions is Thursday, June 23, 2022. The closing date of the RFP is June 30, 2022. To date, there have been 14 plan takers. One plan taker advised they will not be submitting a bid which leaves 13 potential bidders.

Moved by Marc Bondy

Seconded by Kieran McKenzie

THAT the Board receive the report as information.

**56-2022
Carried**

8. Waste Disposal

A. Closed Landfill 3 End Use Plan

The General Manager referred to page 35 of the agenda package and provided an update regarding closed Landfill 3 and the end use plan. Landfill 3 is located on Puce Road (County Road 25) in the Municipality of Lakeshore. The landfill closed in June 1997 for the receipt of waste. The Regional Landfill opened in July 1997.

In 1996, the Authority submitted a closure and end use plan to the Ministry of the Environment, Conservation and Parks (MECP), formerly the Ministry of

Environment, that was approved. The closure and end use plan recommended a passive recreation site for the landfill, for example walking trails. An amendment was approved in 1999 and the Authority was issued an Environmental Compliance Approval (ECA). Within that document was the closure and end use plan. The approval does not imply that they are mandating the implementation of the end use plan but they do mandate the closure plan. The MECP's primary concern is the protection of the environment and ensuring that the perpetual care of the site is being maintained in accordance with MECP guidelines.

In 2011, the Authority secured clay from the Windsor-Essex Parkway project. The clay that was received from the project was used to properly cap Landfill 3. Without the site being properly capped, there was not an opportunity to implement the end use plan. The Authority continues to perform traditional perpetual care activities as well as remediation activities at the site to prepare for future end use.

In January 2022, the Authority engaged consultants to prepare lifespan evaluations which outlined how long the Authority would have to collect and haul leachate from the site. The number was in excess of 100 years.

In April 2022, the Authority received correspondence from the Municipality of Lakeshore requesting an update on the remediation process of Landfill 3 and the potential to use the site a passive park.

The Environmental Protection Act (EPA) stipulates that a waste disposal site cannot be used for a period of 25 years from the time it ceases to accept waste. Twenty-five years from 1997 puts us at 2022. In order to use the site, the Authority, through monitoring of the site in conjunction with the consulting engineer, will have to determine if the site has stabilized. The Authority would have to submit an application to the MECP requesting permission to implement the end use plan. The MECP will have to determine if the site can be used by the public. A public consultation may also be required.

The General Manager stated that she has had discussions with Truper McBride, CAO of Lakeshore, to have a better understanding on how Lakeshore wants to use the site. She stated that it was unclear from the discussions with Mr. McBride on what exactly Lakeshore is looking for but she did have an opportunity to discuss some of the concerns that the Authority would have in implementing the end use plan and the maintenance of the site. If the site was to become a passive recreation site, it would need to be supervised and ensure that the Authority is protected from liability issues.

The General Manager has also communicated with the County of Essex Infrastructure Services department regarding the County Wide Active Transportation System (CWATS). They indicated that they are in process of updating the Master Plan. The draft is scheduled to be released soon. In 2021, Lakeshore Council received a report that included a recommendation to

construct paved shoulders along County Road 25. This perhaps would be an opportunity to use the site and work in collaboration with CWATS and provide a passive trail.

The financial implications would depend on the scope of the project and what type of facility is being proposed. The incorporation of the walking trails into the existing landscape would be the most cost-effective solution. If it was determined that the municipality was looking for a more enhanced system where trails would need to be maintained year-round or if there was a need for parking and washroom facilities, that would raise costs significantly.

The General Manager stated that prior reports about the closure and end use plan speaks to the funding of closure and perpetual care costs. The reports do not specifically speak to the costs associated with end use. The current funding for the perpetual care, as outlined in the report, is between the three municipalities with the highest municipality being the City of Windsor at almost 92%. It is unclear in the report, if post closure activities are meant to include end used activities. With that being said, the City of Windsor does need to approve the budget for perpetual care of Landfill 3 through the budget approval process.

Mr. Morrison commented that this is very preliminary and is in favour of the recommendation. Mr. Morrison asked if the City of Windsor can still approve or not approve the budget for this landfill.

The General Manager stated the process of the Authority budget approval is to have the budget approved by the Authority Board, the City of Windsor and the County of Essex.

Mr. McKenzie asked if there are situations across the region where there is a landfill that is retired, for example Malden Park, where the municipality is directly benefiting and is undertaking more of the cost than other municipalities. He wants to understand the precedent that we are operating under.

The General Manager stated she was not aware of a similar situation and that Malden Park was the waste site for the City of Windsor and no other municipalities. The City of Windsor has chosen to turn it into a park as an end use.

Mr. Morrison noted that the recommendation does not include a study that would be needed to see if the MECP would be satisfied that the site would be safe to use. He asked if this should happen before further discussions take place regarding allocation of costs and usages.

The General Manager stated that the second recommendation would direct Administration to begin discussions regarding the implementation of the end use recommendation. This would include the work required to engage with the

Authority's consulting engineer to determine if the site is stable enough for an end use plan. Any work that needs to be done with have to be included in the 2023 budget.

Moved by Ed Sleiman

Seconded by Jim Morrison

THAT the Board receive the report as information.

THAT the Board direct Administration to begin discussions around the implementation of the End Use recommendation and this be the subject of budget deliberations between the three funding municipalities.

THAT the General Manager be instructed to communicate with the Municipality of Lakeshore to provide an update on the remediation process and the potential future use of the land as a passive park.

**57-2022
Carried**

9. Finance & Administration

A. Procurement Policy Update

The General Manager stated that the report is recommending that the existing operating capital expenditure policy be revised and renamed so it aligns with the procurement policies of the City of Windsor and the County of Essex and addresses legislative compliance and trade agreements and increased complexity of the Authority's procurement function. She noted that the existing policy approved on June 1, 2004 has not been revised since that time. The update establishes a transparent and efficient framework to ensure purchases are acquired through an open and fair process. Legal wording has also been updated to protect both the Board and the Authority.

The General Manager summarized some of the significant revisions to the policy.

Mr. Costante referred to the expenditure threshold increasing from \$50,000 to \$100,000. He asked how many transactions, on average, are captured between \$50,000 and \$100,000 on an annual basis.

The General Manager stated that she did an analysis and the difference would probably be one or two per year. This past year, there was one which was the relining of the flare which cost approximately \$88,000, which would not have been brought to the Board but was included in the 2022 Capital budget.

Mr. Costante asked if the Board will continue to receive reports even if the threshold is increased.

The General Manager stated that any variances will continue to be brought forward to the Board through the three month and six month reports as well as in October or November as part of the full-year projection.

Mr. Costante referred to the revision of the \$5,000 threshold requiring three quotes. He asked if exceptions could be made if something was just over \$5,000.

The General Manager stated that there are situations that this may happen and the policy will allow for the General Manager to approve the expenditure. For example, a break down in equipment and the Material Recovery Facility, a repair on the sprinkler system or a leak in the middle of the night due to a frozen pipe.

Mr. Costante noted that he was pleased that this discretion and flexibility is allowed in the policy.

Mrs. MacDonald noted that the Municipality of Leamington also completed this process and this policy will allow for more efficiencies.

Mr. Morrison asked what kind of oversight do we have that the Authority is following the procurement policy. He noted that there is no mention of an internal auditor.

The General Manager stated that the Authority's auditor, KPMG, audits the Authority's policies and purchasing approvals through a sampling of documents. KPMG is also the auditor for the City of Windsor and the County of Essex. KPMG reviews meeting minutes and reviews budget approvals to ensure the policy is being followed. This gives assurance to both the City of Windsor and the County Essex because the Authority's financial information is included as part of their financial documents. The General Manager noted that the Authority is also the subject of the City of Windsor's internal audit scope of work and has been audited in the past.

Moved by Fabio Costante
Seconded by Hilda MacDonald

THAT the Board approve the revised Procurement Policy EW-008.

**58-2022
Carried**

10. Other Items

Mr. Costante stated that he has been corresponding with Administration and the Chair earlier today and acknowledges that a resolution was passed at the last Board meeting regarding a hybrid model and those who are eligible to attend meetings virtually. Mr. Costante would like to request that the

exceptions be expanded to those who want to attend the meeting virtually for other reasons.

Mr. Kaschak suggested that Mr. Costante's Notice of Motion start today and have the General Manager prepare a report for the next meeting. Mr. Kaschak asked the General Manager if that would be sufficient.

The General Manager noted that the circumstances to attend a Board meeting virtually were adopted at the last meeting. She stated that if a Notice of Motion is what is decided today, then it would give her an opportunity to bring the policy language back to the Board for discussion.

Mr. Kaschak stated that would be fair. He noted that the Board had a wholesome discussion at the last meeting that was carried unanimously. He asked Mr. Costante if he would be fine with the General Manager's suggestion.

Mr. Costante stated that he does not want to overcomplicate things but would like the opportunity to attend meetings virtually. Mr. Kaschak proposed that it would be fair to give the General Manager 30 days to prepare a report for the next meeting and the Board can vote accordingly at that time. Mr. Kaschak appreciates Mr. Costante's cooperation.

Mr. Kaschak asked if there was any other new business. He received a question from a candidate asking if election signs are recyclable. He asked if there will be an area set up at the Public Drop Off where the signs can be dropped off instead of going through the scales.

The Manager of Waste Diversion stated that the signs are recyclable and a tote has been placed on the yard waste pad. There will be an area set up at the Regional Landfill as well. She stated that a promotion through social media can be done and can be posted on the Authority website on where to drop off the material.

11. By-Laws

A. By-Law 7-2022

Moved by Marc Bondy

Seconded by Hilda MacDonald

THAT By-Law 7-2022, 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 7th day of June, 2022.

**59-2022
Carried**

12. Future Meeting Dates

Tuesday – July 5, 2022
Wednesday – August 10, 2022
Wednesday – September 14, 2022
Tuesday – October 4, 2022
Tuesday – November 1, 2022
Tuesday – December 6, 2022

13. Adjournment

Moved by Ed Sleiman
Seconded by Jim Morrison
THAT the Board stand adjourned at 6:02 p.m.

60-2022
Carried

All of which is respectfully submitted.

**Gary Kaschak
Chair**

**Michelle Bishop
General Manager**



Essex-Windsor Solid Waste Authority Administrative Report

June 27, 2022

To: The Chair and Board of the Essex-Windsor Solid Waste Authority
From: Michelle Bishop, General Manager
Meeting Date: Tuesday, July 05, 2022
Subject: Blue Box Transition Update Re. Circular Materials

Purpose

The purpose of this report is to provide the Board an update regarding Ontario Regulation 391/21 (the Regulation) the transition of the Blue Box Program to Extended Producer Responsibility (EPR).

Background

On June 3, 2021, the Ministry of the Environment, Conservation and Parks (MECP) released the Blue Box regulation (OReg.391/21) that transitions the current Blue Box Program to EPR.

The transition to EPR will occur in two (2) phases:

- The transition phase: August 28, 2024 - December 31, 2025
- The post-transition phase: January 1, 2026 onwards

The transition schedule released by the MECP, as an attachment to the Blue Box regulation, indicates that all Ontario municipalities will transition between July 1, 2023 and December 31, 2025. Essex-Windsor will transition to EPR on August 28, 2024. During the transition period (August 28, 2024 to December 31, 2025), Producers of products and/or packaging that is distributed in Ontario will be required to make best efforts to implement or maintain the level of recycling services as established in each municipality (e.g., maintain the collection frequency and collected materials as were in place in the municipality before transition) for eligible sources and public spaces as defined by the Regulation.

As of January 1, 2026, Producers are required to implement a standardized Blue Box Program (the common collection system) across Ontario that meets the regulatory requirements set by the Province. It is expected that obligated Producers will enlist the services of Producer Responsibility Organizations (PROs) to meet their regulatory requirements of the Regulation. A PRO would provide collection, management and administrative services to assist Producers in meeting their regulatory obligations.

The following is a list of registered PROs:

- Circular Materials
- Resource Recovery Alliance
- Ryse Solutions Ontario Inc.(Ryse)
- Canadian Beverage Container Recycling Association

Circular Materials Ontario (CMO), a subsidiary of Circular Materials, is currently the largest PRO registered as it represents over fifteen of Canada's leading food, beverage and consumer products manufacturers, retailers and restaurants (Clorox, Coca-Cola, Costco, Keurig, Dr. Pepper, Kraft-Heinz, Lassonde, Loblaw, Maple Leaf Foods, McDonalds, Metro, Nestle, P&G, Pepsi Co., Restaurant Brands International and Sobeys).

PROs that, either on their own or with another PRO, represent Producers who supply more than 66% of Blue Box material tonnage are required to submit a report on how they will operate the Blue Box system to the Resource Productivity and Recovery Authority (RPPRA), the agency of the Province responsible for program oversight under the Regulation to RPPRA by July 1, 2022. The Authority has been informed that CMO will likely have the 66% required or will submit a joint report with Ryse to achieve this 66%.

On May 11, 2022, CMO released a number of procurement documents on their website (<https://www.circularmaterials.ca/onmunicipalities/>) in order to offer contracts to municipalities to continue providing **collection** services during the transition period.

A number of areas of concern were identified within the documents by the Association of Municipalities of Ontario (AMO) and municipalities across Ontario. On May 26, 2022, AMO, the City of Toronto, the Municipal Waste Association (MWA) and the Regional Public Works Commissioners of Ontario (RPWCO) submitted a letter to the Chair of CMO on behalf of municipalities regarding the proposed documents (e.g., Blue Box Master Service Agreement and Accompanying Statements of Work).

On June 3, 2022, CMO responded to AMO, City of Toronto, RPWCO and MWA. The letter stated that CMO had reviewed the feedback presented on behalf of municipalities and would be updating the original documents.

Discussion

On June 22, 2022, CMO released the revised documents related to Blue Box collection services. These revised documents reflect the feedback and comments received from the municipalities and some of the unacceptable conditions that were identified in the letter have been revised or removed. However, a number of concerns remain unresolved from a municipal standpoint.

Additionally, on June 7, 2022, CMO released a communication stating that it had contracted with Reverse Logistics Group (RLG) to perform work in connection to the operation of receiving facilities and related services to support the Blue Box transition. Together, the parties issued Requests for Proposals (RFPs) from interested parties like municipalities to gauge their interest in establishing and operating Receiving Facilities (RF) in collection catchment areas that they have defined across Ontario.

The Authority currently sorts Blue Box materials collected and delivered to its two Material Recovery Facilities (MRFs) into the various commodities and sells this baled material to customers through established contracts or to the highest bidder (spot market). The RFPs issued by RLG are for receiving facilities only, meaning the material would not require traditional sorting, but, instead would be received and later loaded either loose or baled to a quality requirement, and finally shipped to a secondary facility for processing.

This RFP contains terms and conditions that are similar to those in the initial draft of the collection services documents noted previously. As identified to the Board during that process, many of these terms and conditions pose a number of challenges and risks for municipalities with existing contracts and infrastructure that may not have ability to incorporate these new requirements.

The Authority is represented on the AMO Municipal 3Rs Collaborative (M3RC) committee, the Regional Public Works Commissioners of Ontario (RPWCO) waste sub-committee as well as various CIF transition committees by Authority General Manager, Michelle Bishop and Manager of Waste Diversion, Cathy Copot-Nepszy, and City of Windsor Manager of Environmental Services, Anne Marie Albidone.

At the time of writing this report, meetings are currently being held both externally and internally and with various stakeholders to strategically discuss the latest CMO documents and next steps.

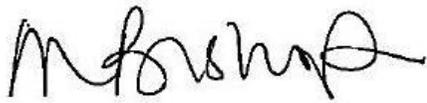
Financial Implications

No financial implications to report at this time.

Recommendation

THAT the Board receive this report as information.

Submitted By

A handwritten signature in black ink, appearing to read "Michelle Bishop". The signature is fluid and cursive, with a large initial "M" and a long, sweeping tail.

Michelle Bishop, General Manager



Essex-Windsor Solid Waste Authority

Administrative Report

June 27, 2022

To: The Chair and Board of the Essex-Windsor Solid Waste Authority

From: Michelle Bishop, General Manager

Meeting Date: Tuesday, July 05, 2022

Subject: Blue Box Transition to Extended Producer Responsibility – Request for Delegated Authority

Purpose

To request that the Board authorize the General Manager to execute the agreements responsible for the collection and processing of Blue Box recyclables within Essex-Windsor that are approved by the Technical Staff Committee with the producers or producer responsibility organizations (PROs), as defined in O. Reg. 391/21 made under the Resource Recovery and Circular Economy Act, 2016 (Regulation);

And further, that should the Authority be successful in reaching agreement with producers for the Authority to provide blue box collection on their behalf, that the General Manager be authorized to execute an extension to the contract with the Corporation of the City of Windsor, to December 31, 2025 on terms and conditions approved by the Technical Staff Committee and on legal terms satisfactory to the Authority Solicitor;

And further, that should the Authority be successful in reaching agreement with producers for the Authority to provide blue box processing on their behalf, that the General Manager be authorized to execute an extension to the contract with the HGC Management Ltd., to December 31, 2025 on terms approved by the Technical Staff Committee and on legal terms satisfactory to the Authority Solicitor;

And further, the Board authorize the General Manager and the Technical Staff Committee, to enter into discussions with PROs or respond to any procurement requests, on their potential interest in using any of the Authority's blue box

program-related infrastructure and assets to support the blue box transition phase (August 2024 to December 2025) and post-transition phase (2026 and beyond).

Background

Technical Staff Committee

Upon the creation of the Authority a Technical Staff Committee was established. The committee is comprised of Authority, City of Windsor and County of Essex staff. The committee meets on an ad hoc basis to discuss financial and operational issues. The following are members of the committee:

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 |

City of Windsor Staff:

- | | |
|---------------------|---------------------------------------|
| Chris Nepszy | Commissioner, Infrastructure Services |
| Anne Marie Albidone | Manager of Environmental Services |
| Shawna Boakes | Executive Director of Operations |
| Tony Ardovini | Deputy Treasurer Financial Planning |

County of Essex Staff:

- | | |
|---------------|--|
| Mary Birch | Director of Council & Community Services/Clerk |
| Sandra Zwiers | Director of Financial Services/Treasurer |

Legal Services

County of Essex Solicitor, David Sundin, is also the solicitor for the Authority and represents the Authority on various legal matters. Additionally, legal advice is also provided by the City of Windsor legal department as required through the City’s Technical Staff Committee members.

Please refer to background information contained in Agenda Item 7A - Blue Box Transition Update.

Discussion

Once producers and PROs finalize the rules for the new producer led Blue Box Program (expected to occur around mid-2022), negotiations will need to take place immediately between municipalities like the Authority and PROs. These conversations with the PROs are required to confirm the Authority’s role in the

collection and processing of Blue Box recyclables under the new Regulation to ensure a smooth transition on August 28, 2024 to the producers.

It is important to note that PROs are operating under a severely constricted timeline to have services in place in time for the upcoming transitions across the province. Accordingly, any agreement(s) negotiated between the Authority and PROs may require expedited execution to ensure the region's residents' best interests are protected.

To ensure a successful and smooth transition to the new program, it was recommended by Association of Municipalities of Ontario (AMO) that municipalities should strongly consider getting approval for delegated authority. Due to the potential lame duck status of the Authority Board after August 2022 as a result of elections, and AMOs advice, Authority Administration is recommending that delegated authority be given to the General Manager to execute any such agreements, in the event that there is not sufficient time to report to the Board for approval. Information will be brought forward to the Board as more details are known and when agreements are reached, if applicable.

To ensure seamless operations during the 16 months after transition on August 28, 2024, staff will exercise existing extension options contained in the current Blue Box collection and processing contracts if an agreement is reached with the PROs.

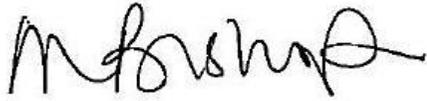
Financial Implications

There are no direct or immediate financial implications associated with this report. Any financial implications arising from the transition to full producer responsibility will be communicated to the Board throughout the transition process and will be presented for approval as part of the annual budget process in the appropriate year.

Recommendation

THAT the Board Delegate authority to the General Manager of the Essex Windsor Solid Waste Authority, in consultation with the Technical Staff Committee and Legal Services, to negotiate and execute, in the best interest of the region, the legal agreement(s) needed for the transition of the Blue Box Program to Extended Producer Responsibility as described within this report.

Submitted By

A handwritten signature in black ink, appearing to read "Michelle Bishop". The signature is fluid and cursive, with the first name "Michelle" and last name "Bishop" clearly distinguishable.

Michelle Bishop, General Manager



Essex-Windsor Solid Waste Authority Administrative Report

June 28, 2022

To: The Chair and Board of the Essex-Windsor Solid Waste Authority
From: Michelle Bishop, General Manager
Meeting Date: Tuesday, July 05, 2022
Subject: Request for Reallocation of Budgeted Funds - Re. Regional Organic Waste Management Program

Purpose

To request approval from the Board to reallocate approved 2022 budgetary funds to support the Regional Organic Waste Management Program (the Program).

Background

In February 2019, as part of the Rate Stabilization Reserve Usage Strategy report the Authority Board approved the creation of the Waste Diversion Reserve. A reallocation of \$2,000,000 was made from the Rate Stabilization Reserve to the new Waste Diversion Reserve to support the Province of Ontario's Food and Organic Waste Policy Statement.

The 2021 Budget included the following funding for the development of the Regional Food and Organics Waste Management Plan:

Budget Item	Program Estimate	
	Organics	Biosolids
EXPENSES		
1. City Project Management (Phase 1 only)	\$42,500	\$7,500
2. Engineering and Consulting – GHD Limited	\$112,625	\$19,875

Budget Item	Program Estimate	
3. Contingency	\$17,000	\$3,000
4. Non Recoverable HST	\$1,983	\$350
Grand Total Expenses	\$174,108	\$30,725

The budget included a contribution from the Waste Reduction Reserve to fund the Organics portion of the Program, whereas, the City of Windsor would assume the cost of the Biosolids portion.

At the November 2, 2021 meeting, the Authority Board approved the 2022 Operational Plan and Budget that included additional Consulting fees of \$100,000 to support the Program with funding from the Waste Reduction Reserve. At this meeting, the Authority Board also approved a recommendation to sole source the next phase of consulting services related to the preparation of the Request for Proposals (RFP) to GHD with an upset limit of \$50,000.

Furthermore, at the January 12, 2022 meeting, the Authority Board approved a recommendation from the Food and Organic Waste Management Oversight Committee to proceed with tendering for a short-term organic waste processing services.

Discussion

Actual expenditures for 2021 and for the period of January to June 2022 total approximately \$190,000 which includes the additional cost for the Tetra Tech peer review of the Regional Food and Organics Waste Management Plan.

The time and effort required to prepare an RFP for a short-term organic waste processing contract was considerably less than if the Authority had proceeded with procuring a long-term solution. As a result, the additional consulting funds were not required.

The short-term organic waste processing RFP closes on June 30, 2022. Depending on the location of the successful proponent the Authority may be able to deliver the organic waste material directly to the receiving or processing facility. Alternatively, it may be more cost effective or efficient to consolidate the material at an existing Authority location and transfer the material to the facility.

Due to the nature of the material and projected volumes the Technical Working Group requires the assistance of a consultant to assist in determining the best delivery method. Both operational and financial considerations need to be considered including the ability of existing Authority locations to handle the material and the cost to haul material.

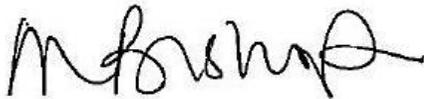
Financial Implications

There are no financial implications at this time as the funds have been included in the 2022 Operational Plan and Budget.

Recommendation

THAT the Board approve the reallocation of funds included in the approved 2022 Operational Plan and Budget to support additional consulting required for the Regional Organic Waste Management Program.

Submitted By



Michelle Bishop, General Manager



Essex-Windsor Solid Waste Authority

Administrative Report

June 28, 2022

To: The Chair and Board of the Essex-Windsor Solid Waste Authority

From: Cathy Copot-Nepszy, Manager of Waste Diversion

Meeting Date: Tuesday, July 05, 2022

Subject: HSP Program Extension of Agreement with Green For Life Environmental Services Inc. (GFL)

Purpose

The purpose of this report is to recommend that the Authority add a one-year extension from January 1, 2023 to December 31, 2023 under the same terms and conditions as contained in the tender document, "Provision of Equipment and Labour for the Receiving, Loading, Transportation and Disposal of Municipal Hazardous and Special Waste (MHSW), and for the Operation of MHSW Depots at EWSWA Facilities", and current agreement plus a 3% inflationary adjustment, between the Authority and GFL to support the Hazardous and Special Waste (HSP) program transition.

Background

In 2019, the Authority tendered for the "Provision of Equipment and Labour for the Receiving, Loading, Transportation and Disposal of MHSW, and for the Operation of MHSW Depots" at Authority facilities as the existing contract was set to expire. Through a competitive procurement process, three reputable companies in this industry submitted bids, the Authority Board awarded the tender to EnviroSystems Incorporated as they were the low bid. The award term was for the period of August 11, 2019 to December 31, 2020 with an option at the Authority's discretion for two additional one-year term extensions. Since this award, EnviroSystems Incorporated was acquired by GFL.

Furthermore, the Authority has exercised the two additional one-year term extensions in order to align with the wind-up of the MHSW program to the HSP program through the Individual Producer Responsibility (IPR) framework. IPR

stems from the Resource Recovery and Circular Economy Act (RRCEA) that was published in 2016 to assist with the transition to a circular economy by ensuring that designated waste diversion materials in Ontario become the full responsibility of Producers. Essentially, IPR holds producers accountable for their products and packaging once consumers are finished with them, as it sets mandatory and enforceable requirements for resource recovery and gives producers options for resource recovery services in a competitive market.

Discussion

As of today, the Authority and GFL are working in the final extension year of the original contract and current agreement, which will expire on December 31, 2022. To date, this contractual relationship has been favourable between parties as they have successfully worked together to manage hazardous and special waste throughout the transition to the HSP program. As this transition is still active, the Authority and GFL have mutually agreed that an additional one-year extension beyond the contract to December 31, 2023 would beneficially support the HSP transition. Both parties have agreed that it is reasonable to extend this with the same terms and conditions as the tender plus a 3% inflationary adjustment as it would allow the HSP transition to settle which would better define its program requirements and allow the Authority to tender more accurately in 2023.

Financial Implications

The tender awarded in 2019 did not include an inflationary adjustment calculation, as the contract labour and disposal figures submitted in the bid document were for the term of the contract.

This request will not impact the 2022 approved budget, but it will be captured in the 2023 budget. The 2022 Budget includes an estimate of \$495,000 for contract labour and disposal, a 3% increase would equate to approximately \$15,000.

Recommendation

THAT the Board approve a one-year extension from January 1, 2023 to December 31, 2023 under the same terms and conditions as contained in the current agreement and tender document, "Provision of Equipment and Labour for the Receiving, Loading, Transportation and Disposal of Municipal Hazardous and Special Waste (MHSW), and for the Operation of MHSW Depots at EWSWA Facilities", plus a 3% inflationary adjustment between the Essex-Windsor Solid Waste Authority and Green For Life Environmental Services Inc.

Submitted By



Cathy Copot-Nepszy, Manager of Waste Diversion



Essex-Windsor Solid Waste Authority Administrative Report

June 21, 2022

To: The Chair and Board of the Essex-Windsor Solid Waste Authority
From: Steffan Brisebois, Manager of Finance and Administration
Meeting Date: Tuesday, July 05, 2022
Subject: 2022/2023 EWSWA Insurance

Purpose

The purpose of this report is to update the Board on the Authority's comprehensive insurance program renewal for the period of July 1, 2022 to June 30, 2023.

Background

The Authority's insurance broker is Aon Reed Stenhouse Inc. (AON). In recent years, AON has been challenged securing and negotiating coverage on behalf of the Authority. This is primarily due to insurer's deeming the recycling industry as a whole to be of greater risk due to recent claims across the province.

Discussion

In 2022, AON was again challenged to secure coverage for the entire replacement costs. AON indicated that they continue to see increased rates, reduced limits/capacity, increased deductibles and the implementation of additional exclusions and limitations within the waste management sector. Ultimately, AON was able to secure insurance for 100% of the replacement cost of all Authority assets by splitting the policy. Below is a table outlining the coverage details. If the Authority was to have a claim the 4 companies would pay their portion of the total cost less the deductible.

Insurer	Expiring Policy	Renewal
Zurich	50%	50%
Specialty Risk Underwriting Ltd. (Through Northbridge General Insurance)	0%	25%
Echelon	20%	20%
Aviva	0%	5%
Northbridge/Stewart Underwriting	20%	0%
Northbridge/Chutter Underwriting	10%	0%
Total	100%	100%

Premiums

The following table summarizes the various coverages and related premiums. As highlighted in the table the 2022/2023 program represents an overall increase in premiums of \$39,511 from the prior year. This equates to an increase of 8%.

Class	2022/23 Premium	2021/22 Premium	Premium Increase / (Decrease)
Property & Equipment	\$285,239	\$263,560	\$21,679
Contractor's Equip.	\$26,863	\$28,189	(\$1,326)
Environmental (2 Year total; \$70,250)	\$35,125	\$42,187	(\$7,062)
Owned Automobile	\$25,094	\$26,973	(\$1,879)
General Liability	\$52,931	\$43,615	\$9,316
Umbrella Liability	\$49,000	\$42,350	\$6,650
Errors & Omissions	\$19,772	\$16,135	\$3,637
Boiler & Machinery	\$3,211	\$2,982	\$229
Directors & Officers	\$6,900	\$5,979	\$921
Crime	\$9,890	\$9,200	\$690
Cyber (Breach Response)	\$3,590	Not covered	\$3,590
Total Premium	\$517,615	\$481,170	\$36,445
PST on All but Auto	\$39,402	\$36,336	\$3,066
Total	\$557,017	\$517,506	\$39,511

The Authority has a very different risk profile than a municipality, in particular the risk associated with the operation of a fibre recycling facility is significantly higher than most other municipal operations.

The total value of the Authority's property and processing equipment is greater than \$19,000,000. The increase in premiums in property and equipment as previously stated is attributable to the insurer's evaluating the recycling industry as a whole in Ontario to be of a greater risk. As a matter of information, the Authority's last claim related to its recycling operations dates back to 2005.

Along with the above noted value of property and equipment the Authority also insures approximately \$5,000,000 in contractor's or rolling stock equipment. This includes equipment such as front-end loaders, bull dozers and the compactor at the Regional Landfill. Although the Authority's values increased from the replacement of a compactor, hydraulic excavator and articulated dump truck in 2022 the premium has decrease by \$1,326 due the change in the insurer (Intact).

The Environment policy insurer (Zurich) offered the Authority a 2-year renewal option in 2022. The Authority exercised this option which delivers a reduced premium and offered coverage for 2 years.

The Authority was able to secure cyber security insurance in 2022. Some highlights of the policy coverage include: Business Interruption Loss relating to a security breach and/or system failure, Reputation Loss, Cyber Extortion Loss, Hardware Replacement Costs and Data Recovery Costs. Although, the Authority utilizes the County of Essex IT infrastructure and network the County of Essex was unable to add the Authority to their Cyber Security policy.

Deductibles

The following table summarizes the deductible amounts for the various classifications:

Class	2022 / 2023 Deductible	2021 / 2022 Deductible
Property & Equipment	\$100,000 - \$250,000	\$100,000- \$250,000
Contractor's Equipment	\$2,500 - \$50,000	\$2,500 - \$50,000
Environmental	\$25,000	\$25,000
Owned Automobile	\$5,000-\$10,000	\$5,000
General Liability & Legal	\$5,000	\$5,000
Umbrella Liability	\$10,000	\$10,000
Directors & Officers	\$15,000	\$15,000
Errors & Omissions	\$5,000	\$5,000
Boiler & Machinery	\$10,000	\$10,000
Cyber (Breach Response)	\$1,000	Not covered

In 2021 AON was able to negotiate a reduction to \$100,000 for claims under \$1,000,000 at the Administration office and the Kingsville Transfer Station 2. The insurers were unwilling to reduce the deductible at the Regional Landfill or the Windsor Material Recovery Centre. No changes transpired relating to the deductibles of the property and equipment policy in 2022.

The deductible for the contractor's equipment policy varies depending on the value of the equipment. For example, if there was a claim on a piece of equipment with a value of less than \$25,000 the deductible would be \$2,500, however, if the claim was on a piece of equipment such as the compactor at the Regional Landfill that has a value of approximately \$1,450,000 the deductible would be \$50,000. No changes have transpired to the deductibles in 2022 relating to the contractor's equipment policy.

The only notable change to the Authority's deductibles in 2022 relates to the Owned Automobile policy. The deductible for the 1998 Freightliner Water Truck increased from \$5,000 to \$10,000 on the loss or damage coverage. All other units remained at a \$5,000 deductible.

Additional Information

Since 2014 the Authority has participated in periodic Risk Control Assessments. Insurance company representatives perform site visits at the Essex-Windsor Regional Landfill, Windsor Recycling Facilities and Windsor Transfer Station. To date there have been no critical control recommendations received.

Additionally, the Authority has addressed all important and advisory recommendations identified by the insurer as well as implemented additional risk mitigation items as deemed necessary by Authority staff. Some of these items include:

- Additional video cameras installed to ensure all areas of public access are clearly visible.
- New gates installed at the Windsor site to ensure site is secure.
- Replacement of all security and fire detection equipment at all sites.
- Installation of an automatic fixed suppression system on the Regional Landfill compactor and dozers.
- Annual infrared scanning on all the electrical panels in the recycling buildings to ensure there are no hot spots that could lead to an electrical failure.
- Annual fire hydrant testing to ensure an acceptable flow and pressure rating is achieved.
- The fire department has been invited to tour the Windsor facility annually to ensure they are familiar with the site.

- All metal halide light fixtures have been replaced with LED fixtures to reduce the inherent fire risk associated with exploding metal halide fixtures.

Unfortunately, although the above steps have been taken by the Authority to reduce the potential for claims the insurer still feels that the risk level is higher than acceptable and consequently has increased premiums and deductibles.

Prior to the expiration of the policy AON requested quotes from over 40 different insurance carriers. AON will continue to work throughout 2022 to ensure that the Authority is getting the best available coverage and pricing.

Financial Implications

The 2022 budget document includes an expenditure of \$562,000 for insurance related costs with approximately \$258,700 incurred as of the term expiration date of June 30, 2022. The portion of the renewal for 2022 will be \$278,500 for a total projection of \$537,200 resulting in a favorable variance of \$24,800 for 2022.

In 2020 the Authority Board approved establishing an Insurance Reserve in the amount of \$250,000. The reserve would be used to fund and mitigate the potential financial risk to the Authority in the event of a claim. This reserve is reviewed annually as part of the budget process to ensure adequate funds are available. The reserve would need to be replenished in the event of a claim.

Recommendation

THAT the Board receive this report as information.

Submitted By



Steffan Brisebois, Manager of Finance and Administration



Essex-Windsor Solid Waste Authority Administrative Report

June 27, 2022

To: The Chair and Board of the Essex-Windsor Solid Waste Authority
From: Michelle Bishop, General Manager
Meeting Date: Tuesday, July 05, 2022
Subject: County of Essex Council Motion Re. Regional Waste Collection

Purpose

The purpose of this report is to advise the Authority Board of Motions passed at the June 15, 2022 meeting of Essex County Council with regards to waste collection within the seven County municipalities.

Background

The 1994 agreement between the City of Windsor and the County of Essex that created the Authority (the Agreement) includes the following:

Section 5 (q) - Powers and Obligation of the Authority

- (i) It is understood and agreed that, until otherwise determined by the parties hereto, waste collection and recycling collection within the City of Windsor, as well as operations at the City of Windsor Waste Transfer Station, will remain the responsibility of the City of Windsor.*
- (ii) It is understood and agreed that, until otherwise determined by the parties hereto, waste collection in the County of Essex will remain the responsibility of the individual local municipalities.*
- (iii) Despite paragraphs (i) and (ii) above, the Authority may enter into agreements with either the City or the County respecting the*

purchase of a waste management service, subject to such terms and conditions as may be agreed upon.

In October 2006, the Agreement was amended to include the City of Windsor Waste Transfer Station (now Transfer Station #1) as part of the facilities of the integrated solid waste management system operated by the Authority.

Further, at the March 16, 2022 meeting, Essex County Council resolved the following:

063-2022

Moved by Marc Bondy

Seconded by Aldo DiCarlo

And Further that County Council advise the EWSWA prior to March 31, 2022, that all Essex County municipalities will participate in a regional solution for the collection and processing of organic waste material from urban settlement areas, at a minimum, as part of the short-term processing contract commencing January 1, 2025 or immediately upon the expiration of a municipality's existing waste collection contract, whichever is later.

Carried

Discussion

At the June 15, 2022 meeting of Essex County Council, discussion took place regarding the waste collection within the seven County municipalities. Currently all seven municipalities procure and manage seven different waste collection contracts. It has been identified that potential cost savings exist if waste services were regionalized.

The following motions were carried unanimously:

155-2022

Moved By Richard Meloche

Seconded By Marc Bondy

That Essex County Council direct Administration to work with the Essex-Windsor Solid Waste Authority (EWSWA) to prepare a report on potential cost savings to be realized by transferring the jurisdiction of garbage collection from local municipalities to the County and ultimately to EWSWA, to manage garbage collection services for the County municipalities.

Carried

156-2022

Moved By Richard Meloche

Seconded By Leo Meloche

That Essex County Council direct Administration to conduct consultations and seek formal concurrence from each local municipality, in accordance with Section 189(2) of the Municipal Act, 2001, to transfer the jurisdiction of garbage collection, and examine the individual potential impacts of recovering fees for all waste and/or organic collection and disposal from a user fee pay system to a tax levy billing system.

Therefore, County of Essex and Authority Administration will commence discussions with the municipalities with respect to regionalizing waste services. In particular, to pursue concurrence to upload garbage collection from the local level to the upper tier level and to seek consultation on a cost allocation/recovery model for regional waste services (including organics) on the basis that the services would be operated entirely at the regional/upper tier level.

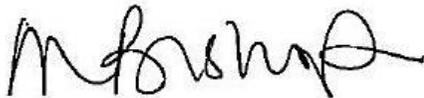
Financial Implications

No financial implications to report at this time.

Recommendation

THAT the Board receive this report as information.

Submitted By



Michelle Bishop, General Manager

Essex-Windsor Solid Waste Authority

By-Law Number 8-2022

Being a By-Law to Authorize the Extension of an Agreement Between the Essex-Windsor Solid Waste Authority and Green for Life Environmental Services Inc. for the Provision of Equipment and Labour for the Receiving, Loading, Transportation and Disposal of Municipal Hazardous and Special Waste (MHSW) and for the Operation of MHSW Depots at Essex-Windsor Solid Waste Authority Facilities

Whereas the Essex-Windsor Solid Waste Authority has approved entering into an extension Agreement with Green for Life Environmental Services Inc. for the Provision of Equipment and Labour for the Receiving, Loading, Transportation and Disposal of Municipal Hazardous and Special Waste (MHSW) and for the Operation of MHSW Depots at Essex-Windsor Solid Waste Authority Facilities from January 1, 2023 to December 31, 2023.

Now Therefore the Essex-Windsor Solid Waste Authority enacts as follows:

1. THAT EWSWA hereby approves an extension Agreement with Green for Life Environmental Services Inc.
2. THAT the term of the original Agreement be extended from January 1, 2023 to December 31, 2023 and shall reflect the same terms and conditions as contained in the current agreement and original documents plus a 3% inflationary adjustment;

THIS By-Law shall take effect upon the final passing thereof.

ESSEX-WINDSOR SOLID WASTE AUTHORITY

Gary Kaschak
EWSWA Board Vice Chair

Michelle Bishop
General Manager

**Read a First, Second and Third Time, Enacted and Passed
this 5th Day of July, 2022.**

Essex-Windsor Solid Waste Authority

By-Law Number 9-2022

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

Gary Kaschak
EWSWA Board Chair

Michelle Bishop
General Manager

**Read a First, Second and Third Time, Enacted and Passed
This 5th Day of July, 2022.**