



## Essex-Windsor Solid Waste Authority Regular Board Meeting Agenda

**Meeting Date:** Wednesday, August 10, 2022

**Time:** In-Camera Session - 3:00 PM  
Regular Session Immediately Following In-Camera Session

**Location:** Essex County Civic Centre  
Meeting Room C  
360 Fairview Avenue West  
Essex, Ontario N8M 1Y6

Meeting will be held in-person for Board members and Staff. This meeting will not be streamed to Facebook due to the unavailability of audio-visual equipment. Media representatives and members of the general public are welcome to attend in person.

### **LIST OF BUSINESS** **PAGE NUMBERS**

#### **1. Closed Meeting**

A Closed Meeting is scheduled for 3:00 PM  
THAT the Board move into closed meeting pursuant to Section 239 (2) (i) of the Municipal Act, 2001, as amended for the following reason:  
(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 with the contractual or other negotiations of a person, group of persons, or organization.

#### **2. Call to Order**

#### **3. Roll Call of Board Members Present**

Marc Bondy  
Fabio Costante  
Aldo DiCarlo  
Gary Kaschak  
Hilda MacDonald

Gary McNamara  
Kieran McKenzie  
Jim Morrison  
Ed Sleiman

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**4. Declaration of Pecuniary Interest****5. Approval of the Minutes**

- A. July 5, 2022 Regular Meeting Minutes 1-15

**6. Business Arising from the Minutes****7. Delegations**

There are no delegations for August 10, 2022.

**8. Waste Diversion**

- A. RFP Processing of Source Separated Organics 16-21  
B. Extension of Newspaper Sourcing to REMM 22-25  
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- A. Restricted Acts of the Board 32-34  
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**11. Other Items****12. By-Laws**

- A. By-Law 10-2022 44  
Being a By-Law to Authorize the Execution of an Agreement between the Essex-Windsor Solid Waste Authority and Seaciff Energy Corp. for the Provision of Processing Source Separated Organic Waste
- B. By-Law 11-2022 45  
Being a By-Law to Authorize the Extension of the Contract between the Essex-Windsor Solid Waste Authority and Recyclable Materials Marketing (ReMM) for the Sale of Recyclable Newsprint from the Blue Box Program
- C. By-Law 12-2022 46  
Being a By-Law to Authorize the Execution of an Agreement between the Essex-Windsor Solid Waste Authority and Waste Connections Canada Inc. for a Set Volume Put-or-Pay Contract for Waste Disposal

D. By-Law 13-2022

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Being a By-Law to Confirm the Proceedings of the Meeting of the Board of the Essex-Windsor Solid Waste Authority for August 10, 2022.

**13. Future Meeting Dates**

Wednesday – September 14, 2022

Tuesday – October 4, 2022

Tuesday – November 1, 2022

Tuesday – December 6, 2022

**14. Adjournment**



## Essex-Windsor Solid Waste Authority Regular Board Meeting MINUTES

**Meeting Date:** Tuesday, July 5, 2022  
**Time:** 3:30 p.m.  
**Location:** Council Chambers (2<sup>nd</sup> Floor)  
Essex County Civic & Education Centre  
360 Fairview Ave. West  
Essex, Ontario N8M 1Y6

### Attendance

#### Board Members:

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

#### EWSWA Staff:

Michelle Bishop	General Manager
Steffan Brisebois	Manager of Finance & Administration
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

#### Absent:

#### Board Members:

Fabio Costante	City of Windsor
Hilda MacDonald	County of Essex
Drew Dilkens	City of Windsor (Ex-Officio)

#### EWSWA Staff:

Cathy Copot-Nepszy	Manager of Waste Diversion
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#### City of Windsor Staff:

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

**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

**1. Call to Order**

The Chair called the meeting to order at 3:33 p.m.

**2. Roll Call of Board Members Present**

Marc Bondy – Present

Fabio Costante – Not present

Aldo DiCarlo – Present

Gary Kaschak - Present

Hilda MacDonald – Not present

Kieran McKenzie - Present

Gary McNamara –Present (arrived at 3:54)

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. June 7, 2022 Regular Meeting Minutes

Moved by Marc Bondy

Seconded by Ed Sleiman

**THAT** the minutes from the Essex-Windsor Solid Waste Authority Regular Meeting, dated June 7, 2022, be approved and adopted.

**61-2022  
Carried**

**5. Business Arising from the Minutes**

No items were raised for discussion.

## 6. Delegations

There were no delegations for July 5, 2022.

## 7. Waste Diversion

### A. Blue Box Transition Update Re: Circular Materials

The General Manager provided an update on the Blue Box Transition to Extended Producer Responsibility. The Authority is scheduled for transition August 28, 2024. The transition period ends December 2025. The Producers will be fully responsible for the Blue Box program commencing January 1, 2026.

At the June Board meeting, the General Manager reported that Circular Materials Ontario (CMO) released a set of procurement documents to engage with the municipalities of Ontario during the transition period to continue to provide collection services.

A number of areas of concern were identified within the documents by the municipal working groups and Authority staff. Through the Association of Municipalities of Ontario (AMO), Municipal 3Rs Collaborative (M3RC), Regional Public Works Commissioners of Ontario (RPWCO) and the Municipal Waste Association, a letter was composed to CMO outlining the concerns. On June 22, 2022, CMO issued revised documents on its website. The revised documents included changes or removal of items that Ontario municipalities had identified as concerns and/or unacceptable conditions. However, some financial and operational concerns still remain unresolved.

Further, in early June, CMO announced that they had contracted with Reverse Logistics Group (RLG) to issue Requests for Proposals (RFPs) for interested parties, including Essex-Windsor, to establish Receiving Facilities for Blue Box material. They have taken all the municipalities in the Province and have grouped them into catchment areas. The catchment area for Essex-Windsor is the area that the Authority is currently.

A Receiving Facility operates differently than how the Authority is currently operating. Currently, the recyclables delivered to the Authority are processed or sorted by commodity, baled and marketed. The RFPs for Receiving Facilities require fibre and container products delivered to the facility be either loose loaded (loaded to an open trailer) or baled and then shipped to a full processing facility. Currently there are approximately 20-25 Material Recovery Facilities (MRFs) similar to the Authority in Ontario. CMO is looking to create large MRFs. Instead of having 20-25, they may have 10 in the entire Province. They are looking for receiving facilities to basically bulk the material and ship it to another location.

The procurement documents contain much of the same language in the original collection documents. The terms create significant risk to municipalities. The

Authority is currently in the process of meeting internally, as well as with our municipal partners, to identify those concerns and either respond to CMO directly or as a group to provide municipal input. The General Manager noted that from an administrative standpoint, there terms that Administration is not prepared to recommend to the Board.

Mr. McKenzie asked if there is anything that the Board could do to strengthen the Authority's position.

The General Manager stated that there is not a lot that she can ask of the Board right now except to stay abreast of the situation. If we can not come to an agreement, there is nothing forcing municipalities in Ontario to accept their terms and the Authority can step away if we can't come to terms that are mutually agreeable that have a balance of risk. Our intention is to not cause a disruption at the curb and impact the residents of the region. She noted that there is a united front from administrative positions among the municipalities and they are sticking together and are making headway. The intention is to try to make sure that the risk does not fall to the municipalities.

Mr. McKenzie asked if there is any value in reaching out to our own elected representatives at the provincial level to see if there is any type of intervention that can be made on our behalf to support our position.

The General Manager stated that any advocacy is welcome.

Mr. McKenzie asked if the government still has a role to play.

The General Manager stated that the ball is in CMO's court. From a provincial standpoint, they are expected to follow the Regulations. The reality is that if municipalities do not come to agreement with CMO, they may not achieve their timelines.

Mr. McKenzie asked if the Board should direct Administration to reach out to local elected officials to provide them with the information and the analysis and ask them to respond and then perhaps that opens up dialogue where that response could turn into advocacy.

The General Manager stated that she would leave it up to Mr. McKenzie to make that motion, if he wishes. She stated that the situation is fluid and she will continue to provide updates to the Board.

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

Mr. Morrison agrees with where Mr. McKenzie is going but perhaps it would be too early to move down that path. He noted that the AMO conference is in August and he would hope that some councillors would be there advocating for some of these issues. His concern is there doesn't seem to be a push back in any way from our elected representatives or AMO. He thinks that we need to

give them time to work through this issue but not for an extended period of time.

Mr. Kaschak agreed with Mr. Morrison. He stated that a motion could come forward but that we probably should wait to see the outcome of this topic from the AMO conference.

Mr. McKenzie asked that Administration share the information or the positions that have been articulated by AMO regarding the Blue Box transition process with our locally and provincially elected officials. He noted that he would speak to it if there is a seconder.

Mr. Bondy seconded.

Mr. McKenzie believes that the information needs to be brought forward to our elected officials, there is a significant transition with a core service that we deliver in our region to residents and all of us will be affected by this in one way or another. We need to get people thinking about whether or not the new proponents who are going to be responsible for delivering the services are moving forward in a way that's going to be seamless as it's supposed to be and also in a way that's going to be responsible and that our residents are going to find to be an acceptable service level. He stated that we are the ones that are going to be on the front lines of being accountable to residents in terms of why this has happened. He is looking to bring more voices and more awareness to the issue with the people who have an opportunity to influence the final outcomes.

Mr. Bondy agrees with Mr. McKenzie but believes we should wait until after the AMO conference in August. Mr. Bondy believes the motion is too early and should be brought forward later in August or September once we hear what AMO is going to do. Mr. Bondy cannot see how every municipality or region affected is going to create their own deal. He assumes it will be Province wide. Mr. Bondy does not see anybody accepting terms that does not provide at least the same service that is currently being done.

Mr. McKenzie stated that he would accept a friendly amendment to bring forward the motion after the AMO conference.

Moved by Kieran McKenzie

Seconded by Marc Bondy

**THAT** the Board receive the report as information.

**62-2022  
Carried**



B. Blue Box Transition to Extended Producer Responsibility – Request for Delegated Authority

The General Manager stated that the purpose of the report is to request the Board to authorize the General Manager to execute any 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).

The General Manager explained that upon the creation of the Authority, a Technical Staff Committee was also established. The Technical Staff Committee is comprised of Authority, County of Essex and City of Windsor staff. Legal services are provided by the Authority's solicitor who is also the solicitor for the County of Essex. The City of Windsor liaises with their legal department as required. The committee meets regarding the Authority budget and any large financial variances.

Mr. McNamara arrived at 3:54 p.m.

The General Manager stated the Authority could potentially be in lame duck status in August. The lame duck status not only affects the Authority Board from August until after the election but the Authority Board would also be on hiatus until the new members are announced through the striking committees by the City of Windsor and County of Essex councils. For example, for the 2014 election, the first meeting of the Authority Board was not until March 2015. For the 2018 election, the first meeting of the Authority Board was not until April 2019. There is a potential for this Board to not be standing as it is currently for a period of almost six months.

There have been many discussions with regards to the Blue Box transition through AMO and working groups. It has been suggested by AMO that Administration look at requesting delegated authority because of the Blue Box transition process. The Producers are saying that regardless of a municipalities transition date they intend to engage with all municipalities at the same time. They are looking to having the same contracts go out to all the municipalities, which means that if the Authority potentially does not have a Board, Administration cannot enter into agreement with the Producers.

The General Manager stated that Administration is being proactive and requesting that the Board delegate authority to the General Manager with consensus from the Technical Staff Committee to authorize the engagement or the execution of agreements.

Mr. Morrison stated that he sees the need for a delegation of authority for this situation and we have to be ready to be able to respond. Mr. Morrison asked if there is something more specific in terms of in consultation with the Technical Staff Committee.

The General Manager stated that this will be similar to the way that the Technical Staff Committee meets to discuss the Authority budget. The Technical Staff Committee achieves consensus before the budget is presented to the Board. In addition, legal counsel will also be engaged at this time. Normally, when consulting with the Technical Staff Committee, the Authority does not involve the legal component. In this situation any documents will need to be vetted by the legal department.

Mr. Morrison asked if the General Manager will ensure that she has the majority of the Technical Staff Committee on side.

The General Manager stated that she would welcome any amendments to the wording but currently the Technical Staff Committee works on consensus. The General Manager asked the Manager of Environmental Services to provide further comments.

The Manager of Environmental Services stated that the Technical Staff Committee reaches 100% consensus on all issues. She noted that she has been on the committee for a very long time and that the committee always works to consensus. She noted that if the Board were to decide to not approve the delegation of authority, this would mean that the Authority would not be able to respond to the Producers and a non-response on their behalf would be considered the same as saying we are not interested and we would lose that opportunity.

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

Mr. McKenzie stated that he supports the recommendation. The purpose of this recommendation is to empower Administration to be able to act up until a new Board would be constituted. He would suggest that once the striking committee process is complete, that the delegation of authority that is being contemplated would cease and would revert back to normal process be incorporated into the recommendation. Mr. McKenzie would invite Mr. Morrison to consider that in his motion.

Mr. Morrison stated that it would be just for this process. He would accept if we want to handle it as a friendly amendment. He would agree that would be the end of the delegation of authority.

Mr. Kaschak stated that appears to be a friendly amendment and asked if there was any further discussion on the amended motion. There was no other discussion.

Moved by Jim Morrison  
Seconded by Ed Sleiman

**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. And further THAT the delegation of authority would cease immediately upon the appointment of the new Board of the Essex-Windsor Solid Waste Authority.

**63-2022  
Carried**

C. Request for Reallocation of Budgeted Funds Re: Regional Organic Waste Management Program

The General Manager stated the purpose of the report is to request the reallocation of funds that were previously approved in the 2022 budget to support the Regional Organic Waste Management program.

The General Manager discussed program spending to date and the balance of funds in the Waste Diversion Reserve. In November 2021 the Board approved the sole sourcing of the next phasing of consulting work related to the preparation of the request for proposals to GHD with an upset limit of \$50,000. The scope of the RFP changed once it was determined a short-term processing contract would be procured and the funds were not required for the preparation of the RFP.

The General Manager stated that a lot of the work preparing the RFP was completed in-house by Authority and City of Windsor Staff and the technical work to build a facility of some nature was not required so the funds have not been used. The funds are currently earmarked for GHD but the Authority is asking the Board to reallocate the funds. As the Authority moves through the RFP process for the balance of the year, and potentially not have a Board, this would allow Administration to engage a consultant to do additional work as required. One of the items that has been noted is the potential need for a consultant once we know where the material is going to be processed. Depending on the location of the processing facility, analysis is required to determine the most efficient and economical way to get the material there.

Mr. Morrison asked if any comments could be made in public session regarding the RFP that closed last week.

The General Manager stated that two submissions were received. The evaluation committee is in the process of reviewing the submissions and a report would be brought forward at the August meeting.

Mr. McNamara stated this is a good start for the short term and he is prepared to move the report at the proper time. He also wanted to share that the County of Essex is looking at uploading all waste, including organics to the County level, instead of having seven distinct contracts. The municipalities are seeing large increases for waste collection contracts. The County is looking at better ways of doing this.

Moved by Gary McNamara

Seconded by Marc Bondy

**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.

**64-2022  
Carried**

D. Extension of Agreement with Green for Life Environmental Services Inc. – Hazardous and Special Waste Program

The General Manager stated that the purpose of the report is to recommend the Authority approve a one-year extension from January 1, 2023 to December 31, 2023, under the same terms and conditions as contained in the original tender documents plus a 3% inflationary adjustment with Green for Life Environmental Services Inc. (GFL) for the Hazardous and Special Waste Program (MHSW).

The General Manager explained that the MHSW program operates depots at all Authority facilities to allow residents to dispose of materials such as propane tanks, paint, fertilizer, batteries and light bulbs and divert this waste from the Regional Landfill. The labour component as well as disposal and transportation of this material is contracted. GFL disposes of this material in an environmentally sound manner.

The General Manager noted that the MHSW program is also going through a transition process and currently the Authority receives partial funding through stewards for this program. Due to this transition, a short-term contract was established which began in August 2019 through December 31, 2020, which was when the transition was supposed to happen. There have been delays with the transition and the Authority is at the end of the extension agreements. The Authority is requesting a one-year extension as the transition is still on-going. The company that the Authority originally engaged with has been bought by GFL. GFL continues to operate the program and there have been no issues to date.

Due to the contract being short-term, there was no price escalation built into the original contract. The contract has been extended twice without a price increase. Administration feels that a 3% inflationary adjustment is fair based on the inflationary pressures that we are seeing across the board particularly because there is a transportation component.

Mr. Morrison stated that he would be supporting this and would move the motion at the appropriate time. He asked the Manager of Environmental Services if there is any way that we could accommodate residents so they do not have to cross the scale and provide a more direct route to the building.

The Manager of Environmental Services explained the current process at the Public Drop Off Depot. She further noted that when the Public Drop Off was built, it was not designed for the population that we currently have. She noted they are in the process of looking at a redesign of the area.

Mr. McNamara asked if signs can be put up to direct residents to the MHSW building.

The Manager of Environmental Services stated that there are signs that indicate where to go but residents have to go through the scale as chemicals need to be weighed even though they are free to drop off.

Mr. McNamara stated that this program is very important and we do not want these items going into the landfill. He asked if there is a way to evaluate the efficiency of this program.

The General Manager stated that there are two ways to track the household chemical waste. The first way is scale traffic, as well as the volume being shipped out. The other way is through waste audits which will be performed at the end of the year. The cost of the program has gone up over the years, not only because the cost of labour and disposal has risen, but because the Authority is seeing more material being brought to the sites. It is a cost that should be borne by the Authority because we own our own landfill. It is very important to keep this material out of the landfill, not only for the waste environment within the landfill but for the health and safety of Authority staff. We do not want residents hiding material in their garbage.

Moved by Jim Morrison

Seconded by Aldo DiCarlo

**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.

**65-2022  
Carried**

## **8. Waste Disposal**

There were no Waste Disposal items for July 5, 2022

## **9. Finance & Administration**

### **A. 2022/2023 EWSWA Insurance**

The Manager of Finance provided an update regarding the Authority's comprehensive insurance program renewal for the period of July 1, 2022 to

June 30, 2023 and explained that AON, the Authority's insurance broker, was again challenged on securing and negotiating coverage on behalf of the Authority due to insurers deeming the recycling industry, as a whole, a greater risk due to recent claims across the Province in 2022. The Manager of Finance referred to the table outlining the premiums. There is an overall increase in premiums of \$39,511 from the previous year which equates to increase of approximately 8%.

The largest increase in premium rates relates to the property and equipment coverage. A new premium for the Authority in 2022 relates to cyber coverage. The Authority was able to secure coverage for the 2022-2023 period. This includes business interruptions, losses relating to security breach, reputation loss, cyber extortion loss or data recovery costs.

The Manager of Finance also noted that there have been some decreases in premiums with the largest being the environmental coverage policy. This year the Authority has been offered a two-year term.

Since 2014, the Authority has participated in risk assessments. To date, there are no critical recommendations and the Authority has accepted all advisory recommendations. Unfortunately, insurers still feel risks are high for the Authority and consequently some of the premiums and deductibles have changed for the 2023 period.

The financial implications for the 2022 budget included an expenditure of \$562,000 for insurance related costs with approximately \$250,000 incurred as of the term expiry date of June 30, 2022. A portion of the renewal for 2022 will be \$270,500 for a total projection of \$537,200, resulting in a favourable variance of \$24,800 for 2022.

In 2020, the Authority Board approved establishing an Insurance Reserve \$250,000 would be used to mitigate the potential financial risks to the Authority in the event of a claim. The 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.

Mr. McNamara commented that an increase under 10% is very good, especially when looking at the inflation rate of 7.7%. He commended the Authority on obtaining 100% coverage on assets. Mr. McNamara asked which aspects of the organization do insurers feel is the highest risk.

The Manager of Finance stated that it is predominantly the property and equipment and the fibre recycling facility.

Mr. McNamara commented on significant increases in the municipal sector.

The General Manager stated that there are two elements driving the increase. One being the fibre building which has the potential for a fire and the other factor is the Authority markets material from the recycling facility to the United

States. Every year as part of the renewal, the insurers ask how much revenue is from the sale of material to the United States. The Authority has had a significant increase in 2021 in commodity prices and it also becomes reflected in our liability. They see this as a potential liability claim if we ship material from Authority sites across the border and if there was a claim in the U.S.

Mr. Morrison commented that it is good to see that cyber concerns are addressed and the rates seem reasonable when looking at the potential losses that the Authority could have. He asked how the Authority went about getting cyber coverage.

The Manager of Finance stated that the plan that was offered is fairly robust and the premiums are very reasonable due to the County of Essex also obtaining cyber coverage. The insurance providers are looking to have that type of coverage now because of the significant amount of risks associated to data breaches and information loss. He noted that on July 15, 2022, the Authority is implementing a two-factor authentication log-in method which will provide another level of security.

Mr. Sleiman asked if the rates increased because of the Authority's previous claim or if it is an average of all the solid waste authorities in the province.

The General Manager explained that similar to personal insurance you may never have a claim but your insurance rate increases. The claim that the Authority had in 2005 was a significant claim and the Authority has tried to do everything to mitigate the risk but others like the Authority have had claims and insurers look at everyone and the reality of the business.

Mr. Bondy asked if the Authority has discussed a fee rather than a commission. He commented that insurers make a commission which could typically be 15-20%. He noted that savings could be realized if the Authority could negotiate a fee.

The General Manager stated that the Authority has not but will make note for the next negotiation.

Mr. Bondy also suggested that in regards to the sales to the United States, that they could do it based on the number of trips. For example, if the prices went up for the recyclables, the exposure does not change and there would be a better return on the sale.

Moved by Gary McNamara

Seconded by Marc Bondy

**THAT** the Board receive the report as information.

**66-2022  
Carried**



## B. County of Essex Council Motion Re: Regional Waste Collection

The General Manager referred to page 36 of the agenda. She provided an update on motions that were passed at the County of Essex Council meeting on June 15, 2022 regarding regional waste collection.

The General Manager provided background regarding the agreement that created the Authority between the City of Windsor and the County of Essex and how waste collection is handled.

On March 16, 2022, County Council agreed to a regional approach to the organics program.

On June 15, 2022, there was discussion at County Council regarding the seven county municipalities and how they currently procure and manage seven different waste contracts and the potential cost savings that exists if waste collection services were regionalized.

The General Manager referred to page 37 of the agenda package that outlined the motions passed by County Council. She noted that the motions coincide with the regional organics program.

The General Manager, Steffan Brisebois-Manager of Finance, Sandra Zwiers-County of Essex Director of Financial Services/Treasure and David Sundin - Authority and County of Essex Solicitor are in the process of planning a kick-off meeting with the seven county municipalities. The Authority has requested information to identify the nuances of all seven contracts to prepare for the kick-off meeting.

Moved by Aldo DiCarlo

Seconded by Gary McNamara

**THAT** the Board receive the report as information.

**67-2022  
Carried**

## 10. Other Items

Mr. Bondy asked if the sales of recyclables are still maintaining a higher level than normal.

The General Manager stated that in the first quarter of 2022 there was a favourable variance. A six-month financial report will be prepared for the August agenda. The markets should remain strong for at least the remainder of the year. Due to current inflation prices, commodity prices and supply demand issues, we will continue to see those strong prices.

Mr. Morrison asked if Mr. Costante's request at the last meeting will be deferred to the next meeting.



The General Manager stated that Mr. Costante was unable to attend today's meeting and that he requested the item be deferred until the August 10<sup>th</sup> meeting.

## 11. By-Laws

### A. By-Law 8-2022

Moved by Marc Bondy

Seconded by Ed Sleiman

**THAT** By-Law 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.

**68-2022  
Carried**

### B. By-Law 9-2022

Moved by Marc Bondy

Seconded by Ed Sleiman

**THAT** By-Law 9-2022, 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 5<sup>th</sup> day of July, 2022.

**69-2022  
Carried**

## 12. Future Meeting Dates

Wednesday – August 10, 2022

Wednesday – September 14, 2022

Tuesday – October 4, 2022

Tuesday – November 1, 2022

Tuesday – December 6, 2022

## 13. Adjournment

Moved by Kieran McKenzie

Seconded by Marc Bondy

**THAT** the Board stand adjourned at 4:49 p.m.

**70-2022  
Carried**

All of which is respectfully submitted.

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**Gary Kaschak**  
**Chair**

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**Michelle Bishop**  
**General Manager**



# Essex-Windsor Solid Waste Authority

## Administrative Report

August 1, 2022

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

**From:** Michelle Bishop, General Manager  
Catharine Copot-Nepszy, Manager of Waste Diversion

**Meeting Date:** Wednesday, August 10, 2022

**Subject:** RFP Result and Award for Processing of Source Separated Organics

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### Purpose

The purpose of this report is to recommend the award of the Request for Proposal (RFP) for the Provision of Processing Source Separated Organic Waste (SSO) to Seaclyff Energy Corp. (Seaclyff) for a five (5) year term commencing in spring 2025 with the option to renew the contract for three (3) additional, one-year extensions or portions of a year thereof at the absolute unfettered discretion of the Authority, and such extensions shall be under the same terms and conditions contained within the executed contract. The actual commencement date will be determined in consultation with Seaclyff once more information is available regarding estimated delivery times of major vehicle, equipment and material purchases required for the SSO collection program.

### Background

At the October 5, 2021 Board meeting, Authority Administration was directed to proceed with the preparation of a Request for Qualifications (RFQ), followed by a Request for Proposal (RFP), and that the Authority Board approve the terms of reference prior to the publishing of the RFQ and RFP. At the January 12, 2022 Board meeting, Administration was directed to proceed with the preparation of a short-term SSO processing RFP.

In early 2022, the Technical Working Group and the Oversight Committee collaborated with the consulting firm, GHD, to develop the Terms of Reference and the RFP document.

At the April 5, 2022 Board meeting, the RFP Terms of Reference were approved and Administration was directed to finalize and issue this RFP.

As a result, on Thursday May 19, 2022, the Authority released this said RFP per the Authority's Procurement Policy EW-008. The RFP invited Proponents through the County of Essex's Bids and Tenders Procurement Tool to submit a competitive proposal up until 2:00 pm on Thursday, June 30, 2022.

### **RFP Evaluation Overview**

The RFP Evaluation encompassed a multiple staged approach. In Stage 1: Compliance, Mandatory Submission Requirements such as: an executed Declaration, Bid Bond & Agreements to Bond and Contract Security documents were reviewed. If Stage 1 was satisfied, the Proponent was deemed eligible to proceed to Stage 2, the Technical Evaluation. In Stage 2, the Technical Proposal was reviewed and evaluated by an evaluation team who comprised of the following:

- EWSWA
  - General Manager
  - Manager, Waste Diversion
- Corporation of the County of Essex
  - Director of Financial Services/Treasurer
- Corporation of the City of Windsor
  - Manager of Environmental Services
  - Administrator of Waste Collection Contracts

As defined by the RFP, Technical Proposals were given a score out of 120 points which was the maximum points that a Proposal could receive in Stage 2. Proponents achieving a Minimal Technical Score of 72 points (60%) out of 120 points proceeded to Stage 3, the Reference Evaluation.

Stage 3 is where the evaluators reviewed references that were given by the Proponents during their submissions. In this evaluation component, the Proponent's proposal was given either a pass or fail score, where, a pass score in Stage 3, allowed the Proponent to proceed to Stage 4, the Financial Evaluation.

In Stage 4, the Proponent's Total Price of Contract for the term plus optional periods were opened and evaluated. Here the Proponent with the lowest Total Price of Contract received the highest possible score of 80 points towards their

Financial Score. Then, the Total Price of Contract of each of the other Proponents was compared to the lowest Total Price of Contract to determine each score out of 80 points using the following formula:

Proponent's Financial Score = (Lowest of all prices submitted/This proposal's price) x 80

Therefore, a Proposal submitting a price twice as much as the lowest price would get 40 points.

The financial proposal required the Proponent to provide a price per tonne to process the material and additionally included a calculation to account for the transfer of the material from the Authority's Transfer Station located at 3560 North Service Road in Windsor to the Proponents receiving facility location.

After Financial Scores were calculated for each Proponent's Proposal, the Combined Score for each Proposal was evaluated. The Combined Score is the sum of the Technical Score and the Financial Score which could at a maximum reach 200 points. The Technical Evaluation was weighted at 60%, while the Financial component was weighted at 40%. The Proponent with the highest Combined Score was selected as the "Preferred Proponent". The Preferred Proponent then proceeds to Stage 5, the Contract phase, where they will enter into discussions with the Authority to finalize the terms of the Contract.

## **Discussion**

The RFP was published through the Bids and Tenders portal on the County of Essex website, the EWSWA website, MERX, Biddingo, and the Windsor Star newspaper. Some questions and inquiries were received by the Authority during the process and one Addendum was issued through Bids and Tenders in response and in accordance with the RFP.

It shall be noted that initially, there were 16 plan takers of the RFP, however, on June 30, 2022 two (2) bid packages were received in total. These two submissions were opened and reviewed through a sound procurement process that was outlined in the RFP. Submissions were initially reviewed for compliance and no issues were found with the two submissions: Convertus Canada Ltd. (Convertus) and Seacliff Energy Corp. (Seacliff).

Once both Proponent's submissions were compliant in Stage 1, their Technical Proposals were given to the Evaluation Team to determine their final Technical Scores. Both Proponents were successful in achieving the Minimal Technical Score and proceeded to Stage 3, the Reference Evaluation. As both Proponents were

given a Pass score in Stage 3, they proceeded to Stage 4, the Financial Evaluation. At this stage each Proponent’s Total Price of Contract was opened and evaluated and later used to calculate their Combined Score.

The highest Combined Score was obtained by Seacliff and therefore they were declared the “Preferred Proponent” per the terms of the RFP.

**Financial Implications**

The RFP stated a five (5) year term commencing in spring 2025 with the option to renew the contract for three (3) additional, one-year extensions.

The recommended Proponent, Seacliff Energy Corp. submitted pricing for the Contract Term as follows:

<b>Contract Year</b>	<b>Price Per Tonne</b>
Year 1	\$135.00
Year 2	\$140.00
Year 3	\$145.00
Year 4	\$150.00
Year 5	\$155.00
Year 6	\$160.00
Year 7	\$166.00
Year 8	\$172.00

This Contract Term serves to bring the contract to spring 2030 with options for extension. This short-term contract allows the Authority to secure processing capacity, establish and maintain compliance with provincial requirements, and gather valuable information regarding organic waste within the region which will be used to form the basis of a long-term design or procurement solution.

The RFP document specifically stated that the Authority would not commit to any minimum or maximum tonnes per year. This allows the Authority, in collaboration with City of Windsor and County of Essex municipalities, to align the commencement of the program with the expiration of existing waste collection contracts.

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

## About the Recommended Proponent

Seacliff has been in operation since 2011 and they are based out of Leamington, Ontario. Their parent company is Envest Corp. Seacliff, which is an organics recycling and bioenergy facility, operating an anaerobic digester designed to handle a diverse range of organic materials. Seacliff currently provides organic material processing services to four (4) Ontario municipalities, as well as various private sector companies.

Seacliff is able to process all acceptable material stated in the RFP document including:

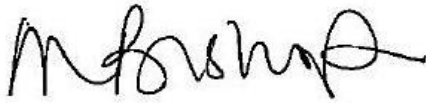
- Baked goods, candies
- Bread, cereal, pasta, noodles, rice, beans, grains
- Coffee filters & grounds, paper teabags
- Dairy products, including milk, yogurt, butter & cheese
- Dry baking ingredients, herbs, spices
- Eggs, eggshells
- Fats, cooking oils, & food grease (liquid or solid)
- Fruits & vegetables (cooked or raw, including peels, scraps and pits)
- Meat, seafood, giblets & bones
- Nuts & seeds
- Salad dressing, mayonnaise, gravy, & sauces
- Cardboard egg cartons
- Food-soiled paper napkins, paper towel, & tissues (provided it is free of contaminants, such as household cleaners)
- Food-soiled paper plates, cups, and muffin wrappers (un-waxed and un-plasticized)
- Food-soiled pizza boxes and cardboard
- Newsprint, and paper bags (to wrap food and line containers)
- Un-plasticized soiled paper food packaging (such as flour bags)
- Waxed paper
- Wooden stir sticks, chop sticks, popsicle sticks, toothpicks
- Household plants (including soil) & cut flowers
- Human and animal hair
- Pumpkins

## Recommendation

1. THAT the Authority Board award the Request for Proposals (RFP) for the Provision of Processing of Source Separated Organic Waste to Seacliff Energy Corp.

2. THAT the Authority Board authorize the Chair and General Manager to execute the Contract to engage Seaclyff Energy Corp. for a five (5) year term commencing in spring 2025 with the option to renew the contract for three (3) additional, one-year extensions or portions of a year thereof at the absolute unfettered discretion of the Authority, and such extensions shall be under the same terms and conditions contained within the executed Contract.

**Submitted By**



Michelle Bishop, General Manager



Cathy Copot-Nepszy, Manager of Waste Diversion





# Essex-Windsor Solid Waste Authority Administrative Report

August 2, 2022

**To:** The Chair and Board of the Essex-Windsor Solid Waste Authority  
**From:** Catharine Copot-Nepszy, Manager of Waste Diversion  
**Meeting Date:** Tuesday, August 09, 2022  
**Subject:** Extension of the Sale of Recyclable Newsprint

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## Purpose

To request approval from the Board to execute an extension to the contract for the sale of recyclable newsprint from the Blue Box Program to Recyclable Materials Marketing (ReMM) for the period December 1, 2022 – August 28, 2024 under the same terms and conditions of the current contract plus an adjustment premium of \$20 USD Per Ton for recycled newsprint from \$15 USD Per Ton.

## Background

In recent years, the Authority has marketed approximately 5,000 tonnes of recyclable newsprint from its "Red Box" recycling program annually. In tonnage, this represents almost 25% of all materials recycled in Essex-Windsor annually through the Blue Box program. In 2021, the Authority sold 4,963 tonnes of newsprint material which resulted in revenue of \$771,507.

The sale of recycled newsprint has been marketed through large contracts since 2007. These contracts have provided the Authority with a stable outlet as these markets are historically very volatile.

In 2017, through a Request for Proposals process, the highest price per tonne submitted was by Recyclable Materials Marketing (ReMM), therefore the Authority Board awarded the contract to purchase recyclable newsprint for the period May 29, 2017 – November 30, 2020 with the option of two, one-year extensions upon mutual agreement by the parties to ReMM.

In 2021, the Authority successfully exercised the last extension with ReMM under the existing terms and conditions, even though ReMM wanted to increase the quality specification to align with new market demands.

### About ReMM

Since its inception in 1996, Recyclable Materials Marketing (ReMM) has marketed millions of tonnes of recyclable material for public and private recycling facilities across North America to support end markets across the world. In Ontario, ReMM markets recyclable newsprint for the Authority domestically to Hartmann Canada Inc. (Hartmann). Hartmann is located in Brantford, Ontario where they produce and sell sustainable egg and fruit packaging globally. Their sustainable high-quality moulded fibre packaging is manufactured from paper-based materials like recyclable newsprint.

### Fibre Markets

In the Pulp and Paper industry it is common practice to become a member to access the Fastmarket RISI's "Yellow Sheet" which is published monthly by industry expert analysts who study this industry globally to share the latest market pricing and trends. The "Yellow Sheet" provides a monthly standard industrial index for many markets. The Authority refers to both the Buffalo and Chicago markets to get their monthly pricing index as these are the markets that the Authority sells their fibre materials through. For example, if the index for Buffalo is higher for the month of August at \$100 Per USD Ton than the Chicago (\$90 Per USD Ton) and ReMM is contracted to pay the high index of these markets plus a premium of \$20 USD Ton, then ReMM would pay the Authority a value of \$100 Per USD Ton + \$20 Per USD Ton = \$120 Per USD Ton for recycled newsprint for that month.

### **Discussion**

This recycled newsprint contract with ReMM has been deemed successful as ReMM's contract price was above the average provincial municipal market prices (per the Continuous Improvement Fund (CIF)) with an unchanged quality specification, even when quality or supply was a challenge. It is also worth noting that the Authority's average price received under contract with ReMM for 2021 was approximately \$10 per tonne higher than the CIF's published provincial average.

As the contract term with extensions for the sale of recyclable newsprint with ReMM expires November 30, 2022, ReMM has indicated that they are interested in extending this contract. In discussions with ReMM they have stated that they are able to increase their contract price by \$5.00 USD Per Ton which will increase their current contract price from the higher price of Buffalo or Chicago (+) plus a

premium of \$15.00 USD Per Ton to a premium of \$20 USD Per Ton. Furthermore, ReMM's offer would be coupled with no changes to the terms and conditions of the original contract as they have noted that this domestic "partnership" provides a very valuable, sustainable, source of materials to their customer, Hartmann Canada Inc.

While the Authority could go through another procurement for the sale of recyclable newsprint, there are a few risks associated with this process. First, the term of the contract is much shorter than the original which could influence pricing. Secondly, the quality specification on the original contract is not clearly defined as it would need to be under new market conditions. The other option with this material is to spot market the material monthly, which introduces other risks associated with market volatility around demand and quality which also can vary pricing.

As shared at previous Board meetings, the Authority will begin their transition to Extended Producer Responsibility (EPR) on August 28, 2024 per Ontario Regulation 391/21 that was published by the Ministry of the Environment, Conservation and Parks (MECP) in June 2021. This transition shortens the need for the Authority to market these materials as the Producers will be responsible to do so post August 28, 2024.

With all these factors coming into play, it is recommended that the Authority add an extension to their current contract with ReMM, under the existing contract terms and conditions, with their new offer of the higher price of Buffalo or Chicago (+) a premium of \$20 USD Per Ton to bring the Authority through to August 28, 2024 to align with transition to EPR.

### **Financial Implications**

The financial impact of this contract is difficult to precisely calculate as the revenue per tonne is dependant on market conditions and exchange rates. However, it is estimated that 8,038 tonnes (or 8,860 tons) of recycled newsprint will be marketed during the term of this extension (December 1, 2022 to August 28, 2024) which will generate an additional \$44,300 USD in revenue. For 2022, it is estimated that an additional \$2,175 USD in revenue will be generated for the month of December.

### **Recommendation**

THAT the Board extend the contract for the sale of recyclable newsprint from the Blue Box Program to Recyclable Materials Marketing (ReMM) for the period December 1, 2022 – August 28, 2024 under the same terms and conditions of the

current contract plus an adjustment premium of \$20 USD Per Ton for recycled newsprint, as mutually agreed upon by both parties.

**Submitted By**



Catharine Copot-Nepszy, Manager of Waste Diversion



# Essex-Windsor Solid Waste Authority

## Administrative Report

August 3, 2022

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

**From:** Catharine Copot-Nepszy, Manager of Waste Diversion

**Meeting Date:** Wednesday, August 10, 2022

**Subject:** Zero Waste Event Update

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### Purpose

To provide an update to the Authority Board on the City of Windsor's Zero Waste Depot at the opening ceremony for the Can-Am Police-Fire Games on July 26, 2022 at Windsor's Festival Plaza.

### Background

The Can-Am Police-Fire Games is a multi-sport event that takes place in North America every other year. The City of Windsor was selected to host the 2022 event which took place Monday, July 25th to Sunday, July 31st.

In the planning stages of the games, the organizing committee for the Can-Am Games established that it was essential for the opening ceremonies at Festival Plaza to support a "Zero Waste" strategy. As the Authority operates a recycling program for Special Events, Windsor staff contacted the Authority to provide recycling services for the opening ceremonies, as well as, potentially support the Zero Waste event. Other partners included in this initiative were Greener Farms who provided the recycling of organic waste, Green for Life Environmental Inc. and the YQG Green Team who provided volunteers to sort waste at the Zero Waste Depot.

### Discussion

In advance of the event, all aspects from how food was going to be sold to customers to how waste would be sorted and removed from the site had to be

established. For example, for this event, the City of Windsor purchased recyclable paper food boats and compostable cutlery that food vendors used to distribute their food items to have better controls on driving a Zero Waste event. Food vendors were also educated on how to support a Zero Waste event. Through the procurement activity of purchasing these items, it was determined that additional research for the procurement of food service items (e.g., lids, distributing sauces, cream and sugar) is key in a Zero Waste event. This is a significant aspect of a Zero Waste event that would provide food vendors a tool to successfully participate in future Zero Waste events. As well as providing vendors strategies to serve food that minimized packaging (e.g., for condiments, sauces).

Another consideration was to understand the waste that would be generated upfront so that there would be adequate and efficient waste receptacles and removal strategies in place. For example, providing a 6-yard open-top bin for cardboard generated from drink packaging is more efficient for handling this waste than using 10 carts that would adequately handle material of this size and quantity.

Finally, providing a sorting system for all waste like paper products, containers, utensils, organics (e.g., food scraps), and other waste so that they can be placed into their proper stream (e.g., blue box, composting, landfill). Therefore, for this first Zero Waste event, the organizing committee determined that the 'sorting' of waste must be completed by trained staff and volunteers at a centralized Zero Waste Depot at the event. This Depot was managed by the City of Windsor and supported by staff from other organizations like the Authority and the YQG Green Team. The Zero Waste Depot's sorting system contained thirty recycling carts (paper and containers), eight organics carts (food waste and contaminated paper products) and one garbage bin to handle waste for landfill material (e.g., garbage). It's important to note that all garbage and recycling bins around the venue were removed to better guide attendees to bring their waste to the Zero Waste Depot.

While there was much to be learned from the first Zero Waste event, the City of Windsor and their partners were very pleased with the outcome. It was noted by Board members who were in attendance and attendees that it was an impressive first Zero Waste event. So much so, that the Port Authority Harbour Master acknowledged that the waste management efforts of the event were successful as it eliminated litter that may have otherwise entered the nearby waterway.

The most notable highlight of the event is that with the proper supports in place, waste can be effectively diverted to the proper stream. In the case of this Zero Waste Event, where over 2,000 people were in attendance only 1 35-gallon recycling cart of garbage was captured by the end of the event. It was identified that most of this waste was from packaging (e.g., plastic overwrap, condiment

cups) and waste that was brought in from outside of the event (e.g., kids snack wraps).

On a more positive note:

- 4 - 95-gallon carts of organic waste and
- 8 - 95-gallon carts of red box (fibre) material, and
- 7 - 95-gallon carts of blue box (container) material were captured and diverted.

As the Authority promotes the capture of blue box materials at local events through its Special Events Recycling Program, this Zero Waste approach to events elevates diversion of waste to another level. The Authority commends any organization who takes the leadership to approach their events or day-to-day operations from a Zero Waste lens. Furthermore, the Authority has identified some future opportunities for Zero Waste initiatives:

- Create a Zero Waste event guide for any event holder to access.
- Share information with other municipalities that may be interested to hold a municipally led Zero Waste event
- Encourage other municipalities in Essex County to hold a Zero Waste event prior to 2025 to better educate and prepare Essex-Windsor residents for the rapidly approaching organics program.

### **Financial Implications**

There are no financial implications to report at this time, as all Authority resources that supported this event were redeployed from existing programs in the 2022 Budget.

### **Recommendation**

That the Board receive this report as information.

### **Submitted By**



Catharine Copot-Nepszy, Manager of Waste Diversion

Attachments:





Zero Waste Depot at Can-Am Police-Fire Games



Participants dropping off waste at Zero Waste Depot





# Essex-Windsor Solid Waste Authority

## Administrative Report

July 7, 2022

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

**From:** Steffan Brisebois, Manager of Finance and Administration

**Meeting Date:** Wednesday, August 10, 2022

**Subject:** Large Volume Customer Contract -Waste Connections of Canada Inc.

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### Purpose

The purpose of this report is to recommend that the Board approve the execution of a contract between the Authority and Waste Connections of Canada Inc. (Waste Connections) to deliver a minimum of 30,001 tonnes of refuse per year to the Authority for disposal. The term of the contract will be September 1, 2022 – August 31, 2024 with an option to extend the contract for one (1) additional year upon mutual agreement. The rate for refuse delivered to the Regional Landfill will be \$34/tonne for the term of the contract while all other applicable rates will be those in effect at the time of the delivery of the refuse to any of the other Authority facilities.

### Background

The Authority offers what is called “large volume tipping fee rates” to those Regional Landfill customers that enter into a contract for one or more years. These rates are at a discount to the regular, or gate rate. An example would be as follows: the 2022 gate rate is \$62/tonne but if a customer agrees to deliver 1,001 tonnes annually the rate is reduced to \$50/tonne. The 2,001 tonnes rate is \$51/tonne and so on. The lowest 2022 rate is \$34/tonne and a customer would need to deliver at least 30,001 tonnes during a one-year period of time.

In order to qualify for a discounted rate, the customer is required to sign a “put-or-pay” contract. This means that they would have to deliver the tonnage as per

the contract and if they didn't they would still owe the Authority for the dollar value of the undelivered tonnage.

These large volume contracts serve to provide the Authority with a guaranteed source of revenue.

## **Discussion**

Waste Connections current three-year 5,001 tonne contract with the Authority expires on August 31, 2022. They have advised Administration that they wish to enter into a new 30,001 tonne contract, in this case for a two-year period September 1, 2022 – August 31, 2024 with an option to extend the contract for one (1) additional year upon mutual agreement.

## **Financial Implications**

The financial implications would be that the Authority could anticipate a minimum of \$1,020,034 per contract year in ICI (Industrial Commercial Institutional) tipping fee revenue. No significant financial implication is expected since Waste Connections tonnages in the past two years have exceeded this put-or-pay contract. In 2021, Waste Connection disposed of approximately 63,200 tonnes of landfillable material and tonnages for 2022 are expected to exceed this 30,001-tonne contract amount. The revenue will form part of the 2022 projection, 2023 and 2024 budget.

## **Recommendation**

THAT the Authority approve the execution of the contract with Waste Connections of Canada Inc. to deliver a minimum of 30,001 tonnes of refuse per year. The term of the contract will be September 1, 2022 – August 31, 2024 with an option to extend the contract for one (1) additional year upon mutual agreement. The rate for refuse delivered to the Regional Landfill will be \$34/tonne for the term of the contract.

## **Submitted By**



Steffan Brisebois, Manager of Finance and Administration



# Essex-Windsor Solid Waste Authority Administrative Report

July 14, 2022

**To:** The Chair and Board of the Essex-Windsor Solid Waste Authority  
**From:** Michelle Bishop, General Manager  
**Meeting Date:** Wednesday, August 10, 2022  
**Subject:** Restricted Acts of the Board After Nomination Day

## Purpose

The purpose of this report is to seek delegation of authority for the General Manager to undertake certain acts of the Essex-Windsor Solid Waste Authority (the Authority) after Nomination Day, which may be restricted by Section 275 of The Municipal Act.

## Background

Section 275 of The Municipal Act, 2001, identifies acts of Council that may be restricted after Nomination Day for a municipal election.

Section 275 includes a statement that certain acts are restricted if three-quarters or 75% of the members of the outgoing Council are not returning.

This is determined at two different dates.

- 1) After nomination day (August 19, 2022), but before voting day (October 24, 2022), based on whether existing members of the Council have filed nomination papers.
- 2) After voting day (October 24, 2022), based on whether an existing member is elected.

The acts of which are restricted under Section 275 include:

- a) the appointment or removal from office of any officer of the municipality;

- b) the hiring or dismissal of any employee of the municipality;
- c) the disposition of any real or personal property of the municipality which had a value exceeding \$50,000 when it was acquired by the municipality; and
- d) making any expenditures or incurring any other liability which exceeds \$50,000.

There are, however, exceptions to the restricted acts which states that (c) and (d) do not apply if the disposition or liability was included in the current budget adopted before nomination day in the election year.

There is also a provision in this section which allows the delegation of authority for these restricted acts to any person or body.

### **Discussion**

Since the creation of the Authority, the Board has also followed the 75% rule in determining if the Board may be restricted or lame duck during an election year. For the Authority, 7 of the 9 existing members are required.

Section 275 of the Municipal Act does not specifically list an entity separate and apart from Council, therefore it is unclear if the Authority Board is necessarily restricted, just because either or both of City and County Council are restricted.

However, for the sake of certainty and not inadvertently having the Board overstep its bounds, it is the advice of the Authority Solicitor that the Board delegate Authority.

Based on the nominations filed to date for positions of Mayor and Deputy Mayor at Essex County municipalities, it appears that Essex County Council may be a lame duck Council beginning August 19th.

### **Restricted Acts Already Delegated**

Authority Policy HR-001 authorizes the General Manager to hire and dismiss employees within the organization. This would pertain only to existing positions.

At the July 5, 2022 meeting, the Authority Board approved the delegation of authority to the General Manager to execute 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).

## **Restricted Acts Not Currently Delegated**

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The disposition of real property is not currently delegated to the General Manager and Administration does not feel it is necessary at this time.

Although Administration does not foresee a need at this time, Administration is requesting that the approval of unbudgeted expenditures or liabilities greater than \$50,000 be delegated to the General Manager.

The nature of the work performed by the Authority at both the Regional Landfill and the Recycling Material Recovery Facilities is an essential service to the residents and businesses of the Essex-Windsor region. The operation of many pieces of equipment are critical to the continuity of business for the Authority. The Board may wish to delegate approval authority to the General Manager on a temporary basis to execute any necessary repairs if required.

### **Financial Implications**

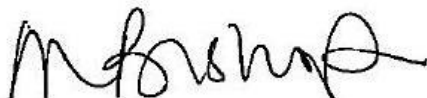
There are no financial implications at this time. Should they arise, the General Manager will provide a report to the Authority Board at the first scheduled meeting in 2023.

### **Recommendation**

THAT the Board of the Essex-Windsor Solid Waste Authority, provisional upon City of Windsor Council, Essex County Council or the Board of the Essex-Windsor Solid Waste Authority being subject to the restricted acts of Council set out in Section 275 (3) of The Municipal Act, 2001, S.O. 2001 c.25, following nomination day, delegate approval authority to the General Manager for the period August 19, 2022 to the date of first meeting of the newly appointed Board, to approve unbudgeted expenditures or liabilities exceeding \$50,000.

And further that the General Manager report to the Essex-Windsor Solid Waste Authority Board any use of this delegated authority at the first scheduled meeting of the Board.

### **Submitted By**



Michelle Bishop, General Manager



# Essex-Windsor Solid Waste Authority Administrative Report

June 23, 2022

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

**From:** Michelle Bishop, General Manager

**Meeting Date:** Wednesday, August 10, 2022

**Subject:** Amendment to Order and Proceedings Policy EW-001 re: Electronic Meetings

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## Purpose

The purpose of this report is to provide the Board with Section 2.1 of the Essex Windsor Solid Waste Authority Order and Proceedings Policy EW-001 (the Policy) in order to facilitate discussion regarding electronic participation at Board meetings.

## Background

On May 5, 2020, the Authority Board approved amendments to the Policy as a result of the Declaration of Emergency made by the Province of Ontario pursuant to section 7.0.1 of the Emergency Management and Civil Protection Act related to COVID-19.

On July 2, 2020, Bill 197, Economic Recovery Act, amended the Municipal Act, 2001 to permit Councils in Ontario the option of including electronic participation in their Procedural By-law as a normal practice outside of a declared emergency.

The Act now says the following:

238. (3.1) The applicable procedure by-law may provide that a member of council, of a local board or of a committee of either of them, can participate electronically in a meeting to the extent and in the manner set out in the by-law.

(3.3) The applicable procedure by-law may provide that,

(a) a member of a council, of a local board or of a committee of either of them who is participating electronically in a meeting may be counted in determining whether or not a quorum of members is present at any point in time; and

(b) a member of a council, of a local board or of a committee of either of them can participate electronically in a meeting that is open or closed to the public.

On May 3, 2022, Administration provided the Board with policy EW-001 and recommended that the Board discuss member participation in meetings, and determine what, if any, parameters to establish, to permit or limit participation remotely.

At that meeting, Authority Board approved amendments to the Policy to allow for members of the Board in certain circumstances to attend and participate electronically in meetings that are otherwise scheduled to be held in person.

On June 7, 2022, Board Member Costante brought forward a Notice of Motion to request that the exceptions be expanded to those who want to attend the meeting virtually for other circumstances.

## **Discussion**

At the May 3, 2022 meeting the Section 2.1 was revised as follows:

*While in-person participation shall remain the primary method of participation by members, Electronic Participation in Board or Committee meetings will be allowed under the following circumstances:*

*In the event of an emergency being declared by the Premier, Cabinet, or the Head of Council of the County, the City of Windsor or within its local municipalities, under the Emergency Management and Civil Protection Act;*

*As determined by the Board or Committee Chair, in consultation with the General Manager, that an electronic meeting of the full Board or Committee is necessary or is an efficient means for the completion of Authority business;*

*In a significant weather event;*

*For individual members of the Board or Committees, due to illness, injury or other similar circumstances.*

*If possible, the Board Chair, General Manager and Executive Assistant shall be physically present at the same location in order to conduct the meeting and to administer the video-conference or tele-conference.*

The Board has the discretion to permit, through its Procedural By-Law, members of the Board to attend and participate electronically in meetings that are otherwise scheduled to be held in person.

The County of Essex has included similar circumstances where a Council member may participate electronically and additionally included further stipulations including:

- Members participating electronically due to reasons set out in the by-law shall be limited to electronic participation up to three (3) times per year.
- Electronic Participation is limited to participation from within Canada.
- A Council or Committee member may request permission from the Warden/Committee Chair and the Clerk to participate electronically in additional meetings as a result of extenuating circumstances.
- Electronic participation will not be allowed at the inaugural session of Council or at a meeting where the yearly budget is being considered.

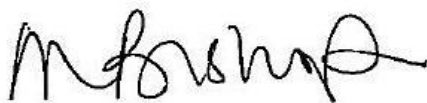
The City of Windsor has implemented a hybrid approach and while in-person participation is preferred, members are able to participate electronically.

### **Recommendation**

THAT the Board receive this report as information.

THAT the Board discuss the considerations for member participation in meetings, and determine what, if any, parameters to establish, to permit or limit participation remotely.

### **Submitted By**



Michelle Bishop, General Manager





# Essex-Windsor Solid Waste Authority Administrative Report

July 29, 2022

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

**From:** Steffan Brisebois, Manager of Finance and Administration

**Meeting Date:** Wednesday, August 10, 2022

**Subject:** January to June 2022 – Six Month Operations Financial Review

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## Purpose

The purpose of this report is to present a six-month financial review of the operating costs and revenue comparing estimated results to the 2022 Operational Plan and Budget figures.

## Discussion

The following tables present estimated operating revenue and expenses for the period January 1, 2022 to June 30, 2022 compared to budget figures.

Revenue	January to June 2022 Budget	January to June 2022 Estimate	Variance Favourable (Unfavourable)
<b>Municipal Refuse - Tipping Fees</b>	\$2,227,000	\$2,167,500	(\$59,500)
<b>Municipal Organics - Tipping Fees</b>	\$348,800	\$261,600	(\$87,200)
<b>I/C/I Refuse Landfilled - Tipping Fees</b>	\$3,084,800	\$3,721,700	\$636,900
<b>I/C/I – Non-landfilled - Tipping Fees</b>	\$192,600	\$281,000	\$88,400
<b>Residential Refuse - Tipping Fees</b>	\$388,500	\$351,300	(\$37,200)
<b>Residential \$5 Min. Fee - Tipping Fees</b>	\$100,000	\$106,700	\$6,700

<b>Revenue</b>	<b>January to June 2022 Budget</b>	<b>January to June 2022 Estimate</b>	<b>Variance Favourable (Unfavourable)</b>
<b>Municipal Allocation of Fixed Costs</b>	\$4,678,400	\$4,678,400	\$0
<b>Sale of Recyclable Goods</b>	\$1,837,100	\$3,086,600	\$1,249,500
<b>Product Stewardship Funding</b>	\$1,751,600	\$1,899,300	\$147,700
<b>Other Revenue</b>	\$625,600	\$628,500	\$2,900
<b>Total Revenue</b>	<b>\$15,234,400</b>	<b>\$17,182,600</b>	<b>\$1,948,200</b>

<b>Expenses</b>	<b>January to June 2022 Budget</b>	<b>January to June 2022 Estimate</b>	<b>Variance Favourable (Unfavourable)</b>
<b>Committee Expenses</b>	\$6,500	\$1,900	\$4,600
<b>Administration</b>	\$1,035,900	\$1,030,300	\$5,600
<b>Realty</b>	\$26,710	\$13,400	\$5,700
<b>Recycling</b>	\$4,848,000	\$4,821,200	\$26,800
<b>Municipal Hazardous or Special Waste</b>	\$256,400	\$218,100	\$38,300
<b>Waste Reduction</b>	\$705,600	\$668,200	\$37,400
<b>Advertising &amp; Public Education</b>	\$168,200	\$168,900	(\$700)
<b>Regional Landfill</b>	\$2,010,900	\$2,248,400	(\$237,500)
<b>Transfer Station #1 - Windsor</b>	\$1,016,700	\$1,008,500	\$8,200
<b>Transfer Station #2 - Kingsville</b>	\$378,700	\$370,500	\$8,200
<b>Public Drop-Off Depot - Windsor</b>	\$726,000	\$718,600	\$7,400
<b>Regional Landfill Other</b>	\$304,500	\$304,500	\$0
<b>Regional Landfill Compensation</b>	\$1,304,500	\$1,476,400	(\$108,000)
<b>Regional Landfill Debenture</b>	\$2,829,100	\$2,829,100	\$0
<b>Total Expenditures</b>	<b>\$15,668,300</b>	<b>\$15,872,300</b>	<b>(\$204,000)</b>

<b>Landfilled Tonnes</b>	<b>Budgeted Tonnes</b>	<b>Actual Tonnes</b>	<b>Variance Favourable (Unfavourable)</b>
<b>January to June 2022</b>	<b>133,255</b>	<b>143,769</b>	<b>10,514</b>

## Operating Revenue

Overall, estimated January to June 2022 revenue is approximately \$1,948,200 more than budgeted.

### Municipal Tip Fee Revenue – Refuse

Municipal tip fee revenue is (\$59,500) less than budgeted. For the six-month period January-June 2022 a total of 54,188 tonnes were received for disposal compared to the budget of 55,675 tonnes.

### Industrial/Commercial/Institutional Tip Fee Revenue – Landfilled Material

ICI tip fee revenue from landfilled types of material is \$636,900 higher than budgeted due to higher than expected volumes. As reported at the May 3, 2022 meeting, the refuse and greenhouse material tonnes were higher than previously budgeted.

The six-month tonne variance is described further in the table below:

<b>Description</b>	<b>January to June 2022 Budget (Tonnes)</b>	<b>January to June 2022 Estimate (Tonnes)</b>	<b>Variance Favourable (Unfavourable) (Tonnes)</b>	<b>Dollar Value (\$)</b>
<b>Industrial, Commercial or Institutional Waste</b>	39,500	50,533	11,033	\$591,180
<b>Greenhouse Vines and Growing Medium</b>	27,430	28,700	1,270	\$45,720
<b>Total Tonnes / Dollars</b>	<b>66,930</b>	<b>79,233</b>	<b>12,303</b>	<b>\$636,900</b>

## Industrial/Commercial/Institutional Tip Fee Revenue – Non-Landfilled Material

ICI tip fee revenue from non-landfilled types of material is \$88,400 more than budgeted due to higher than expected volumes. Examples of non-landfilled material are auto shredder fluff used for cover material and organics delivered by businesses such as landscaping companies.

## Sale of Recyclable Goods

As previously reported in the May 3, 2022 Board meeting, recyclable material commodity prices remained high during the period. Average revenue from the sale of recyclables is \$114 per tonne more than that budgeted for the six-month period (\$289 vs. \$175). Tonnage received is over budget by 180 tonnes (10,650 actual tonnes vs. 10,470 budgeted tonnes). Actual revenue for the period was \$3,086,600 compared to budgeted revenue of \$1,837,100. This equates to a favourable variance of \$1,249,500 which is due to the aforementioned higher tonnage and higher price per tonne on average.

This favourable variance is a result of positive global market conditions where demand is high and material supply is low, thereby escalating many commodity prices in the period. This remained true through the first half of the year, however, in the month of July prices for some material types have begun to fall. Plastics have fallen in price due to an oversaturation of material within the market for the month of July.

The following table contains the 2022 budget figures, year to date and current prices per tonne for each recyclable material.

Material	2022 Budget Price Per Tonne	January to June Average Price	July 2022 Sales Price
<b>Newspaper</b>	\$110	\$200	\$210
<b>OCC (Cardboard)</b>	\$151	\$231	\$215
<b>Boxboard/Hardpack</b>	\$94	\$157	\$140
<b>Clear Glass</b>	\$20	\$0	\$0
<b>Tin/Steel</b>	\$302	\$466	\$307
<b>Aluminum</b>	\$1,696	\$3,040	\$2,243

<b>Material</b>	<b>2022 Budget Price Per Tonne</b>	<b>January to June Average Price</b>	<b>July 2022 Sales Price</b>
<b>PET – Plastic</b>	\$420	\$956	\$175
<b>HDPE – Plastic</b>	\$834	\$842	\$550
<b>Polycoat</b>	\$18	\$59	\$90
<b>Mixed Plastics</b>	\$139	\$268	\$85
<b>Mixed Metals</b>	\$243	\$415	\$322
<b>Mixed Fibre</b>	\$40	\$110	\$110
<b>Residual Containers</b>	\$0	\$25	\$10

### **Product Stewardship Funding**

The 2022 budget included an estimate of \$3,503,250 in product stewardship funding including \$3,335,250 in Stewardship Ontario Blue Box Funding and \$168,000 in other Stewardship funding related to the MHSW Program. The Authority has been notified that the actual 2022 Blue Box funding to be received is \$3,653,000 an increase of \$317,750 with 50% or \$158,875 of that increase being recognized in the first half of 2022. Additionally, a (\$11,175) unfavourable variance is due to amounts received from the MHSW program being less than expected. These two items result in a favourable variance totalling \$147,700.

### **Operating Expenditures**

Most expenditure estimates were within their budget for the six-month period. The major exceptions were in the Regional Landfill Operating Program and Regional Landfill Compensation.

The Regional Landfill Operating Program has an unfavourable variance of \$237,500 due to more leachate tonnes needing to be hauled and processed than previously anticipated. The increase in precipitation and mixtures of organic waste material have contributed towards higher levels of leachate which formed in the Regional Landfill. Additionally, in the first six-months of 2022, diesel prices have increased significantly. The rising fuel prices contributed towards the large unfavourable position within the program.

The Regional Landfill landfillable material tonnage in the first six-months was greater than anticipated. This increase has led to an increase in host municipality and residential compensation expenditure.

Other notable variances include the following:

- Waste Reduction – A favourable variance of \$37,400 is primarily due to lower than anticipated summer student hours. Lower number of summer student applicants and turnover contributed toward the favourable variance in the first six-months of 2022.
- Municipal Hazardous or Special Waste – A favourable variance of \$38,300 is due to lower tonnes of material needing to be processed than previously budgeted.

### **Operating Summary**

The approved 2022 budget included a total budgeted deficit of (\$1,187,300) of which (\$388,200) was expected to be incurred in the first six months of operations with a July to December budgeted deficit of (\$799,100). The six-month financial review indicates an estimated surplus of \$1,310,300 for the January to June period. Therefore, there is an estimated six-month favourable variance of \$1,744,200 to the budget.

### **Financial Implications**

The projection for the full 2022 fiscal year will form part of the 2023 Operating Plan and Budget document that will be presented to the Authority Board at the first meeting of the new Authority Board.

### **Recommendation**

THAT the Board receive this report as information.

### **Submitted By**



Steffan Brisebois, Manager of Finance and Administration

# Essex-Windsor Solid Waste Authority

## By-Law Number 10-2022

### Being a By-Law to Authorize the Execution of an Agreement between the Essex-Windsor Solid Waste Authority and Seacliff Energy Corp. for the Provision of Processing Source Separated Organic Waste

**Whereas** the Essex-Windsor Solid Waste Authority has approved entering into an Agreement with Seacliff Energy Corp. for the Provision of Processing Source Separated Organic Waste for a five (5) year term commencing in spring 2025 with the option to renew the contract for three (3) additional, one-year extensions or portions of a year thereof at the absolute unfettered discretion of the Authority, and such extensions shall be under the same terms and conditions contained within the executed Contract.

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

1. THAT EWSWA hereby approves a contract with Seacliff Energy Corp. upon and subject to the terms, covenants and conditions contained in the Agreement.

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

#### ESSEX-WINDSOR SOLID WASTE AUTHORITY

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**Gary Kaschak**  
EWSWA Board Chair

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**Michelle Bishop**  
General Manager

**Read a First, Second and Third Time, Enacted and Passed  
this 10<sup>th</sup> Day of August, 2022.**

# Essex-Windsor Solid Waste Authority

## By-Law Number 11-2022

### Being a By-Law to Authorize the Extension of the Contract Between the Essex-Windsor Solid Waste Authority and Recyclable Materials Marketing (ReMM) for the Sale of Recyclable Newsprint from the Blue Box Program

**Whereas** the Essex-Windsor Solid Waste Authority has approved entering into an extension of the contract with Recyclable Materials Marketing (ReMM) for the Sale of Recyclable Newsprint from the Blue Box Program for the period December 1, 2022 – August 28, 2024.

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

1. THAT EWSWA hereby approves an extension of the contract with Recyclable Materials Marketing (ReMM).
2. THAT the term of the original Agreement be extended from December 1, 2022 – August 28, 2024 shall reflect the same terms and conditions as contained in the current contract plus an adjustment premium of \$20 USD Per Ton for recycled newsprint from \$15 USD per Ton;

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

#### ESSEX-WINDSOR SOLID WASTE AUTHORITY

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**Gary Kaschak**  
**EWSWA Board Vice Chair**

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**Michelle Bishop**  
**General Manager**

**Read a First, Second and Third Time, Enacted and Passed  
this 10<sup>th</sup> Day of August, 2022.**



# Essex-Windsor Solid Waste Authority

## By-Law Number 12-2022

### Being a By-Law to Authorize the Execution of an Agreement Between the Essex-Windsor Solid Waste Authority and Waste Connections Canada Inc. for a Set Volume Put-or-Pay Contract for Waste Disposal

**Whereas** a 'Put or Pay Contract' has been agreed upon and the parties hereto acknowledge that this is a Put or Pay Contract.

**Now Therefore** the Board of the Essex-Windsor Solid Waste Authority hereby authorizes the Chair and the General Manager to execute an agreement for the Put or Pay contract for the term September 1, 2022 – August 31, 2024 with an option to extend the contract for one (1) additional year upon mutual agreement as follows:

**Amount of Tipping Fees** - The Contractor shall pay to the EWSWA a fee (the "Tipping Fee") for each tonne of ICI Waste it deposits in the Landfill in each Contract Year during the Term in an amount determined as follows:

<b>If this Put or Pay Contract is for</b>	<b>Base Tipping Fee for this contract</b>	<b>On the first</b>
30,001 tonnes annually	\$34/tonne	On all tonnes delivered including those tonnes in excess of 30,001

**Now Therefore** the Essex-Windsor Solid Waste Authority enacts:

- 1) **That** this By-Law forms part of the Agreement; and
- 2) **That** the Covenants, Terms and Conditions as set out in the Agreement shall be enacted by this By-Law and shall take effect upon the final passing thereof.

#### ESSEX-WINDSOR SOLID WASTE AUTHORITY

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**Gary Kaschak**  
Chair

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**Michelle Bishop**  
General Manager

**Read a First, Second and Third Time, Enacted and Passed This  
10<sup>th</sup> Day of August, 2022.**

# Essex-Windsor Solid Waste Authority

## By-Law Number 13-2022

### 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**

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**Gary Kaschak**  
**EWSWA Board Chair**

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**Michelle Bishop**  
**General Manager**

**Read a First, Second and Third Time, Enacted and Passed  
This 10<sup>th</sup> Day of August, 2022.**