



Essex-Windsor Solid Waste Authority Regular Board Meeting Agenda

Meeting Date: Tuesday, April 5, 2022

Time: Regular Session – 4:00 PM

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

Due to COVID-19, EWSWA Board meetings are currently being conducted via Zoom. To comply with Ontario guidelines, the EWSWA Board meetings will now be “live streamed” to Facebook. The EWSWA encourages all media representatives and interested members of the general public to watch on Facebook at <https://www.facebook.com/EWSWAorg>.

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Fabio Costante
Aldo DiCarlo
Gary Kaschak
Hilda MacDonald
Kieran McKenzie
Gary McNamara
Jim Morrison
Ed Sleiman | |
| 3. Declaration of Pecuniary Interest | |
| 4. Approval of the Minutes | |
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There are no delegations for April 5, 2022.

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There are no Waste Disposal items for April 5, 2022.

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Tuesday – July 5, 2022

Wednesday – August 10, 2022

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, March 1, 2022
Time: Regular Session – 4:00 PM
Location: Zoom Meeting

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
Aldo DiCarlo – Vice Chair	County of Essex
Marc Bondy	County of Essex
Hilda MacDonald	County of Essex
Gary McNamara	County of Essex (Ex-Officio)

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
Shawna Boakes	Executive Director of Operations

County of Essex Staff:

Mike Galloway	County of Essex CAO
Sandra Zwiers	Director of Financial Services/Treasurer

Absent:

Drew Dilkens	City of Windsor (Ex-Officio)
Tracy Beadow	Project Administrator, City of Windsor
Natasha Gabbana	Manager of Performance Measurement & Financial Administration, City of Windsor
Chris Nepszy	City Engineer/Commissioner of Infrastructure Services, City of Windsor
Mary Birch	Director of Council & Community Services/Clerk, County of Essex

1. Call to Order

The Chair called the meeting to order at 4:03 pm.

2. Roll Call of Board Members Present

Marc Bondy - Present
Fabio Costante - Present
Aldo DiCarlo - Present
Gary Kaschak- Present
Hilda MacDonald- Present
Kieran McKenzie - Present
Gary McNamara - 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. January 12, 2022 Regular Meeting Minutes**

Moved by Ed Sleiman

Seconded by Gary McNamara

THAT the minutes from the Essex-Windsor Solid Waste Authority Regular Meeting, dated January 12, 2022, be approved and adopted.

**19-2022
Carried**

5. Business Arising from the Minutes

No items were raised for discussion.

6. Delegations

There are no delegations for March 1, 2022.

7. Waste Diversion

There are no Waste Diversion items for March 1, 2022.

8. Waste Disposal

A. Appointment of Board Member to the Regional Landfill Liaison Committee for 2022

The Manager of Waste Disposal stated that the purpose of the report is to request that a Board Member, who is not from the Town of Essex, be appointed to the Regional Landfill Liaison Committee (LLC). The Board's appointment for 2021 was Board member Marc Bondy.

The Manager of Waste Disposal explained that the Environmental Compliance Approval (ECA) for the Regional Landfill stipulates the establishment and maintenance of a Landfill Liaison Committee. The purpose of the committee is to review and make comments on any activities at the Regional Landfill site and shall include a review of Operations and Monitoring reports, review of complaints as well as the development and implementation plan for eventual end use and perpetual care. The Manager of Waste Disposal detailed the members required to be on the committee.

Mr. Kaschak asked if there were any nominations.

Mr. McNamara nominated Mr. Bondy.

Mr. Morrison stated that he wanted a better understanding of the committee. He asked if there would be any value of having a City Board member involved in this committee.

The General Manager stated that traditionally the appointment has gone back and forth between both the City members and the County members. There is no requirement for the appointment to be a County member or City member, just that it is not a Board member from the Town of Essex. In the past, the Authority has had Board members that are elected officials from the Town of Essex, who have been excluded from being nominated to the position. She asked the Manager of Waste Disposal to provide further comments.

The Manager of Waste Disposal stated that the LLC discusses a range of issues including operational questions that are received from LLC members and local residents. He noted that it is good to have a wide range of views and contribution from anyone would be welcome. He stated that they discuss the annual and quarterly reports and other issues regarding the landfill which are also provided to the Board as applicable.

Mr. Bondy stated that they discuss local issues related to the surrounding neighbours. The LLC members are provided information on operations regarding the landfill and there is no decision making from the LLC. The residents are paid an annual compensation because they live next to the landfill. Mr. Bondy stated that he enjoys the LLC because he has a farming background.

Mr. Morrison stated the he supports Mr. Bondy to continue as a member of the LLC.

Mr. Sleiman stated that he was on the LLC for quite a few years. He stated that it is a very low-profile committee and enjoyed being on the committee.

Mrs. MacDonald stated that she sat on the LLC for two years. She noted that it is very interesting to get the perspective of the people most affected by the landfill and it gives the Board members a different perspective. It is a good point of view to understand that people are impacted and their quality of life has some disruption to it.

Mr. McKenzie asked if both a City and County Board member could be appointed to the LLC next term.

The General Manager stated that the Environmental Compliance Approval (ECA) grants the Authority to operate the landfill and sets out the composition of this committee. To change it legally would be a revision to the ECA. She would suggest that a friendly discussion take place at the Board level versus trying amending the ECA. She noted that all Board members are always welcome to attend the LLC meetings.

Moved by Gary McNamara

Seconded by Jim Morrison

THAT the Board appoint Marc Bondy, who is not a member of the Council of the Town of Essex, to the Landfill Liaison Committee for a term of one (1) year.

**20-2022
Carried**

B. RFP Award – Engineering and Construction of a Concrete Push Wall Extension in Transfer Station #2

The Manager Waste Disposal referred to page 23 of the agenda package.

The purpose of the report is to recommend the award of the Engineering and Construction Proposal for the extension of a concrete push wall located inside Transfer Station #2 in Kingsville to Barrinetti Construction Ltd. for a total price of \$88,800, which includes both the engineering and construction.

The existing push wall was constructed in 1995. Since that time waste volumes have steadily increased making it difficult to contain the garbage within the tip floor and prevent damage to the walls of the building.

The evaluation of the proposals was comprised of four stages. The proposals were evaluated by a committee appointed by the Authority and was comprised of the Manager and Supervisor of Waste Disposal and the Manager of Waste Diversion. The process was facilitated by the Manager of Procurement and Compliance for the County of Essex.

The RFP was issued on January 31, 2022. Five proponents attended the site meeting conducted at Transfer Station #2 on February 8, 2022. Bid packages were received from four proponents which were reviewed for compliance. The compliant bids proceeded through the Technical Evaluation Stage where the evaluation team individually reviewed and scored each proposal. Of the four submissions, three proceeded to the financial evaluation. The proponent with the highest score for both the financial and technical score was Barrinetti Construction Ltd. They achieved the highest technical score of 64.17 out of 70 and 30 points for the best price totaling 94.17 out of 100 points and was identified as the preferred proponent per the terms of the RFP.

The engineering and construction of the push wall extension was included as part of the 2022 capital budget. The project is below the budget estimate of \$125,000. The project will be financed from the Equipment Replacement Reserve.

Barrinetti Construction Ltd., has been in operation for over 25 years and is located in Leamington, Ontario.

Moved by Marc Bondy

Seconded by Jim Morrison

THAT the Board approve the award of the RFP for Engineering and Construction of the extension of the reinforced concrete push-wall in Transfer Station #2, to Barrinetti Construction Ltd. at a cost of \$80,800 plus applicable taxes. The proposal satisfies all specifications as detailed in the RFP document.

**21-2022
Carried**

9. Finance & Administration

A. Extension of Agreement for Farmland Rent

The General Manager referred to page 26 of the agenda package. The purpose of the report is to recommend the Authority exercise the option to extend the agreement with Chris Malott Farming Enterprises Inc. (CFME) for a one-year period from November 1, 2022 to October 31, 2023 at the current agreement price of \$276 per acre.

CFME entered into a 5-year agreement with the Authority in 2016 which expired in 2021. The agreement contains an option clause which allows for three additional extensions of one year each. In November 2020, the Board

approved a one-year extension to the end of 2022. Although the agreement does not expire until late 2022, Mr. Malott is interested in exercising the right to have another one-year extension.

The General Manager noted that Mr. Malott has been an excellent tenant and has complied with all conditions and terms of the agreement. He has also invested in soil enhancement materials in order to improve the soil and achieve a better end product. She stated that it would be in Administration's best interest to continue to allow Mr. Malott to farm the property.

The agreement generates revenue of approximately \$225,000 per year.

Mr. Bondy commented that \$276 per acre is on the upper end and good pricing for land that does not have good soil which is why the landfill is located there.

Moved by Marc Bondy
Seconded by Aldo DiCarlo

THAT the Board authorize the General Manager to execute an extension agreement with Chris Malott Farming Enterprises Inc. for a one-year period November 1, 2022 – October 31, 2023 at the current agreement price of \$276 per acre for 10 parcels of farmland making up 813 acres in the vicinity of the Regional Landfill.

22-2022
Carried

B. Legal Invoices

Moved by Gary McNamara
Seconded by Marc Bondy

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

23-2022
Carried

10. Other Items

No items were raised for discussion.

11. By-Laws

A. By-Law 3-2022

Moved by Hilda MacDonald
Seconded by Kieran McKenzie

THAT By-Law 3-2022, being a by-law to authorize the execution of an agreement between the Essex-Windsor Solid Waste Authority and Barrinetti Construction Ltd. for the Engineering and Construction of a Concrete Push Wall Extension in Transfer Station #2, located in the Town of Kingsville.

24-2022
Carried

B. By-Law 4-2022

Moved by Hilda MacDonald

Seconded by Kieran McKenzie

THAT By-Law 4-2022, 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 1st day of March, 2022

**25-2022
Carried**

12. Future Meeting Dates

Tuesday – April 5, 2022

Tuesday – May 3, 2022

Tuesday – June 7, 2022

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 Gary McNamara

Seconded by Jim Morrison

THAT the Board stand adjourned at 4:30 pm.

**26-2022
Carried**

All of which is respectfully submitted.

**Gary Kaschak
Chair**

**Michelle Bishop
General Manager**



February 10, 2022

Essex-Windsor Solid Waste Authority
360 Fairview Ave. W.,
Essex, ON N8M 3G4

Attention: Michelle Bishop, General Manager

Dear Ms. Bishop:

Re: Park Development – Landfill #3 – Puce Rd.

At our meeting on Tuesday, February 1, 2022, the Council of the Municipality of Lakeshore duly passed the following resolution:

54-02-2022

Direct Administration to send a letter to Essex Windsor Solid Waste Authority (EWSWA) regarding the status of remediation of the landfill 3 on Puce Road and potential future use of the land as a passive park.

Carried Unanimously

I understand that EWSWA is aware of Lakeshore's interest to consider Landfill #3 as a potential future park space and is committed to keeping Lakeshore abreast of how we're doing in the remediation process and when it might be reasonable to have a more concrete plan be developed.

I would greatly appreciate if you could expedite those plans and provide me an approximate time as when we can expect to receive them.

Sincerely,

Tom Bain, Mayor

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419 Notre Dame Street, Belle River, ON N0R 1A0
519.728.2700 Toll Free: 1-877-249-3367 www.lakeshore.ca

Municipality of Lakeshore

March 24, 2022

Michelle Bishop
General Manager
Essex-Windsor Solid Waste Authority
360 Fairview Avenue W
Essex, ON

VIA EMAIL mbishop@ewswa.org

Dear Mrs. Bishop:

Re: County Participation in the Regional Food and Organics Waste Management Project

On October 20, 2021, County Council was provided with a report and delegation from Michelle Bishop, General Manager, EWSWA providing background information on EWSWA's Regional Food and Organics Waste Management Project. Following that presentation, Essex County Council resolved to consider a Regional approach to the Food and Organics Waste Management Project as it relates to participation from municipalities and report its decision back to the Essex-Windsor Solid Waste Authority no later than December 31, 2021. That deadline was subsequently extended to March 31, 2022.

At the March 16, 2022 meeting of County Council, Report #2022-0316-CCS-R004-MB, attached as Appendix 1, provided information on the responses received from the local municipalities and recommended that Essex County Council advise EWSWA that all Essex County municipalities would participate in a regional solution for the collection and processing of organic waste.

While the Town of Kingsville did provide correspondence that they did not wish to participate in the short-term service contract for the Regional Food and Organics Waste Management Program and the Town of Essex did not provide a response indicating any decision, Essex County Council adopted the following resolution:

County Participation in the Regional Food and Organics Waste Management Project

March 24, 2022

063-2022

Moved by Marc Bondy

Seconded by Aldo DiCarlo

That Essex County Council receives for information the memorandum prepared by the Regional Food and Organics Oversight Committee and sent to EWSWA Board Members on January 6, 2022 regarding the Regional Food and Organics and Biosolids Waste Management Project – Facility Ownership and Recommended Next Steps attached as Schedule “A”; *(not attached)*

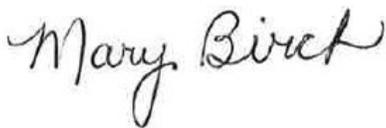
And Further That County Council receives for information the letter received from Essex-Windsor Solid Waste Authority (EWSWA) dated January 19, 2022 regarding the Resolution of the EWSWA Board – Regional Food and Organics and Biosolids Waste Management Project attached as Appendix “B”; *(not attached)* and,

And Further that County Council receives for information the correspondence from the local municipalities indicating their decision on participation in the Regional Food and Organic Waste Management Program, attached as Appendices “C” to “I” and provide copies to EWSWA;

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.

Should you have any questions, please contact the undersigned.

Sincerely yours,



Mary Birch
Director of Legislative and Community Services/Clerk

 519-776-6441 ext. 1335
TTY 1-877-624-4832

 360 Fairview Ave. W.
Suite # 202 Essex, ON N8M 1Y6

 countyofessex.ca

County Participation in the Regional Food and Organics Waste Management Project

March 24, 2022

CC: Essex County Municipalities

[Tracy Beadow](#), Project Administration, City of Windsor

[Chris Nepszy](#), Commissioner of Infrastructure Services, City of Windsor

 519-776-6441 ext. 1335
TTY 1-877-624-4832

 360 Fairview Ave. W.
Suite # 202 Essex, ON N8M 1Y6

 countyofessex.ca



Administrative Report

Office of the Director, Council & Community Services/Clerk

Office of the Director, Financial Services/Treasurer

To: Warden McNamara and Members of Essex County Council

From: Mary Birch, B.A., CMO
Director, Council & Community Services/Clerk
Sandra Zwiers, MAcc, CPA, CA
Director, Financial Services/Treasurer

Date: Wednesday, March 16, 2022

Subject: Regional Food and Organic Waste Management Program

Report #: 2022-0316-CCS-R004-MB

Purpose

To provide County Council with responses from local municipalities regarding participation in the Essex-Windsor Solid Waste Authority (EWSWA)-led Regional Food and Organics Waste Management Program and to recommend that the Essex-Windsor Solid Waste Authority (EWSWA) be advised that Essex County municipalities will participate in a regional solution for the collection and processing of organic waste material.

Background

On October 20, 2021, County Council was provided with a [report](#) and delegation from Michelle Bishop, General Manager, EWSWA providing background information on EWSWA's Regional Food and Organics Waste Management Project.

Mary Birch Director, Council & Community Services/Clerk
Corporation of the County of Essex, Suite 202, 360 Fairview Ave. W., Essex, ON N8M 1Y6
Phone: 519-776-6441, ext. 1335; Email: mbirch@countyofessex.ca
Sandra Zwiers, Director, Financial Services/Treasurer
Corporation of the County of Essex, Suite 215, 360 Fairview Ave. W., Essex, ON N8M 1Y6
Phone: 519-776-6441, ext. 1312; Email: szwiers@countyofessex.ca

Council was advised that the primary purpose of the project is to comply with Ontario's Food and Organic Waste Policy Statement pursuant to Section 11 of the 2016 Resource Recovery and Circular Economy Act (collectively "The Organics Provincial Policy Statement" or "OPPS"), which will require some municipalities in Essex-Windsor to achieve specific reduction and recovery target rates by 2025 as follows:

- City of Windsor – Provide curbside collection of food and organic waste to single family dwellings in an urban settlement area and to achieve a target rate of reduction of 70%;
- Amherstburg, LaSalle, Leamington and Tecumseh – Provide collection (through a public drop-off depot or community composting area or through curbside collection) of food and organic waste to single family dwellings in an urban settlement area and to achieve a target rate of reduction of 50%;
- Essex, Kingsville and Lakeshore – Not required to achieve specific rates of reduction for food and organic waste based on their population and population densities.

Essex County Council subsequently adopted the following resolution at the October 20, 2021 meeting:

THAT the Essex County Council consider a Regional approach to the Food and Organics Waste Management Project as it relates to participation from municipalities and report its decision back to the Essex-Windsor Solid Waste Authority no later than December 31, 2021.

Discussion

As the designated Project Manager, the City of Windsor retained GHD Limited (GHD) as the environmental consultant for Phase 1 of the Project. A Project Oversight Committee and Working Group, comprised of members from the EWSWA, the City and County, as well as stakeholders, provided input to GHD to produce a final report which outlined their project direction analysis and recommendations.

In June 2021, the EWSWA Board passed a motion for EWSWA Administration to retain an independent third-party consultant to conduct a peer review of the evaluation process completed to-date and the GHD Report.

Tetra Tech Canada Inc. was retained through a competitive bidding process to conduct the peer review, which was presented to the EWSWA on September 15 and October 5, 2021.

The findings identified by Tetra Tech are summarized below:

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

At the October 5, 2021 EWSWA Board meeting, Administration was directed to proceed with the development of a procurement plan for a Regional Food and Organic Waste Management project that would be as unrestrictive as possible to allow the private sector to propose innovative and cost-effective solutions. The Oversight Committee was authorized to sole source the next phase of consulting services to GHD for the preparation of a Request for Qualification (RFQ), followed by a Request for Proposal (RFP), and that the EWSWA Board approve the terms of reference prior to publishing of the RFQ and RFP.

In addition, the Board directed EWSWA Administration to schedule presentations at each of the seven (7) County municipalities and at the City of Windsor outlining the requirements of the Ontario Food and Organic

Waste Policy Statement and the decision points that will be required by each municipality.

Following the October 5, 2021 EWSWA Board meeting, the Oversight Committee, Technical Working Group and GHD began working towards the preparation of a Request For Qualifications. During this process, several issues and concerns were identified regarding a procurement process that allows for both municipally-owned and privately-owned models. These concerns are detailed in the Oversight Committee memorandum to the EWSWA Board dated January 6, 2022, provided in Appendix "A".

In an effort to assist the Regional Partners, GHD prepared a Roadmap to navigate the various questions and issues that still need to be determined to support data-driven decision making. Step 1 of the Roadmap, Program Governance, involves making decisions regarding who will be responsible for the implementation and management of each aspect of an organics program, and who will be participating and to what extent. The Oversight Committee, Technical Working Group and the Regional Partners have been working towards a decision regarding Regional Program Governance and participation.

The Roadmap clearly illustrates that a significant amount of effort is still required before a long-term organics program is established. Given the issues identified with an open procurement process, unknown participation levels, and numerous other variables including equipment and material sourcing delays which require a contract be established up to two years prior to commencement of services, the Oversight Committee concluded that the only option that can be completed prior to 2025 is a short-term service delivery contract.

Therefore, the Oversight Committee recommended to the EWSWA Board that Step 2 of the Roadmap – Short Term Service Processing Contract(s) – be initiated as soon as possible in order to secure processing capacity, establish and maintain compliance with provincial requirements, and gather valuable information and data regarding organic waste within the region.

The following recommendations were adopted by the EWSWA Board on January 12, 2022:

- 1) That the Food and Organic Waste Management Oversight Committee BE DIRECTED to continue to work through the various steps outlined in the Roadmap, and report back with progress updates, and;
- 2) That the Food and Organic Waste Management Oversight Committee BE DIRECTED to proceed with a short-term organic waste processing contract(s) RFP that meets the following minimum criteria:

- a) That the RFP BE REQUIRED to accept, at a minimum, source separated organics from Windsor and any other of the municipalities choosing to participate at the onset, and allows for changes to quantities of source separated organics, and;
 - b) That industry standards be exceeded regarding odour control measures implemented at the facility and the end product, and;
 - c) That the RFP be required to provide service for a 5-year term with options for extensions.
- 3) That the EWSWA send correspondence to the County of Essex and all municipalities in the region who have yet to respond to indicate whether or not their members or those municipalities will participate in the EWSWA led organics program and to indicate that response is required by March 31, 2022.

Correspondence advising the County of this resolution, dated January 19, 2022 is provided as Appendix "B".

Jurisdiction Over Collection and Processing of Organic Waste

The collection and processing of organic waste within the region is not a service that has been delivered by a municipality on a permanent basis in the past. The "Agreement between the County of Essex and City of Windsor Pertaining to the Creation of the Essex-Windsor Solid Waste Management Authority, dated April 18, 1994" (the Agreement), was reviewed by the County Solicitor, David Sundin, who also provides legal support to the EWSWA, to review the question of 'jurisdiction' over services related to the collection and processing of organic waste. He determined that the Agreement provides the necessary jurisdiction for the EWSWA to deal with the collection and processing of organic waste. He noted the following:

- 1) The definition of waste in the Agreement is broad and although it does not specifically state "organic waste", the definition encompasses "organic waste";
- 2) That the Agreement authorizes EWSWA "on behalf of the City and the County to take all steps and actions as are proper, necessary and/or advisable to carry out and fulfill its responsibilities and function";
- 3) That authorization is limited by, among other things, EWSWA obtaining approval from both the City and County each year for its operational plan and budget;

- 4) Even if the City and County do not both agree on the operational plan and budget, there is a dispute resolution process built into the Agreement;
- 5) EWSWA is also tasked with taking "all steps and activities as are proper and necessary" to comply with the Solid Waste Management Master Plan and to ensure "adherence to all conditions of approval for existing and future waste management sites." The current Solid Waste Management Master Plan includes the recommendation to implement an organic waste program and the Province appears to be moving towards banning organics from landfills

The 2022 EWSWA Authority operational plan and budget includes \$100,000 in consulting fees to support the continuation of the development of a regional organics program, which was adopted by the Authority on November 2, 2021 and subsequently approved by City and County Councils on December 13, 2021 and December 15, 2021, respectively.

Information Required to Move Forward

In keeping with GHD's recommendation and direction from the EWSWA Board, an RFT for contract processing services is being drafted. In order to ensure proponents provide adequate capacity for processing organic tonnage collected from participating municipalities, it is necessary to identify which municipalities will participate at this stage. GHD will then use collection data to estimate the tonnage of organic waste requiring processing in the short-term service contract.

Responses

At the time of writing this report, responses from all Essex County municipalities, with the exception of the Town of Kingsville, have been received and are provided as Appendices "C" to "H". The Town of Kingsville is scheduled to discuss this matter at their March 14th, 2022 Council meeting.

Of the responses received Amherstburg, Lakeshore, LaSalle, Leamington and Tecumseh have all stated their support for a regional approach to food and organics waste management. Tecumseh Council further provided authorization for participation in a regional program. LaSalle Council also requested the EWSWA, with the County of Essex to begin to investigate a comprehensive regional approach for the collection and management of waste, as well as organics and recyclables. The Town of Essex resolution did not indicate support for the initiative and simply received the report from the EWSWA General Manager which was presented to County Council on October 2021.

Role of County Council

Based on the information provided by the local municipal councils, and in accordance with the motion of County Council from October 2021, County Council is now responsible for identifying the participation level for the whole of the County.

Financial Implications

As an initiative of the EWSWA, the County of Essex does not contribute directly to the finances of the Authority. The current financing model distributes costs of the EWSWA to the participating local municipalities on a user fee basis. Despite no direct costs to the County of Essex, the following financial implications should be considered:

- A regional approach provides for economies of scale which will drive financial savings. The more fulsome the participation, the greater the potential for savings for everyone.
- To optimize the diversion of organics, as well as realize financial savings for the whole of the system, centralizing garbage collection should be investigated simultaneously to provide a coordinated approach to collections. Reducing garbage collection frequency and increasing organics and recycling collection frequency will incentivize source separation for all refuse streams. Centralizing garbage collection will also provide for additional economies of scale and potential contract savings for all service areas.
- With a ban on organics on the horizon, it is prudent for all municipalities to participate to ensure any organics solution supports the entire region's capacity needs. Leaving some municipalities out exposes those municipalities to capital and operating risks of having to proceed with a stand-alone solution in the future to meet their needs.

Consultation

Substantial consultation on this initiative has taken place over the past year. Michelle Bishop has attended all municipal Council meetings within the region, as well as several meetings of the Chief Administrative Officers. County Solicitor David Sundin has been consulted on the question of jurisdiction for organics collection and processing decisions.

From County Administration, Sandra Zwiers is a member of the Working Group and Oversight Committee and Mary Birch is a member of the Oversight Committee.

Conclusion

Having participated on the Organics Working Group and Oversight Committee, County Administration concludes that they fully support a regional source separated organics program for the following reasons:

- It is the environmentally right thing to do;
- It aligns with our regional community energy plan goals;
- It will ensure compliance as the County municipalities continue to grow in population and density;
- It provides a sound business case for transferring governance of waste collection contracts from the local level to the regional level; and
- It will maximize the potential for cost savings and operational efficiencies for the whole of the waste collection/disposal system if the contracts are managed as a centralized solution by the EWSWA.

Recommendation

That Essex County Council receives for information the memorandum prepared by the Regional Food and Organics Oversight Committee and sent to EWSWA Board Members on January 6, 2022 regarding the Regional Food and Organics and Biosolids Waste Management Project – Facility Ownership and Recommended Next Steps attached as Schedule “A”;

And Further That County Council receives for information the letter received from Essex-Windsor Solid Waste Authority (EWSWA) dated January 19, 2022 regarding the Resolution of the EWSWA Board – Regional Food and Organics and Biosolids Waste Management Project attached as Appendix “B”; and,

And Further that County Council receives for information the correspondence from the local municipalities indicating their decision on participation in the Regional Food and Organic Waste Management Program, attached as Appendices “C” to “H” and provide copies to EWSWA;

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.

Approvals

Respectfully Submitted,

Mary Birch

Mary Birch, B.A., CMO Director, Council & Community Services/Clerk

Respectfully Submitted,

Sandra Zwiers

Sandra Zwiers, MAcc, CPA, CA, Director, Financial Services/Treasurer

Concurred With,

Mike Galloway

Mike Galloway, MBA, CMO, Chief Administrative Officer

Appendix Number	Title
Appendix A	Memo from the Regional Food and Organics Oversight Committee to the EWSWA Board, dated January 6, 2022
Appendix B	Correspondence from Michelle Bishop, General Manager EWSWA, dated January 19, 2022
Appendix C	Correspondence from the Town of Amherstburg, dated January 6, 2022
Appendix D	Correspondence from the Town of Essex, dated January 19, 2022
Appendix E	Correspondence from the Municipality of Lakeshore, dated November 16, 2021
Appendix F	Correspondence from the Town of LaSalle, dated February 24, 2022
Appendix G	Correspondence from the Municipality of Leamington, dated March 2, 2022
Appendix H	Correspondence from the Town of Tecumseh, dated March 1, 2022

From: [Tammy Fowkes](#)
To: [Mary Birch](#)
Cc: [Valerie Critchley](#)
Subject: RE: Resolution regarding Regional approach to Food and Organics Waste Management Project
Date: January 6, 2022 11:25:03 AM
Attachments:

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning Mary,

As requested, please see Amherstburg's resolution below regarding the proposed Food and Organics Waste Management Project:

Resolution # 20211122-TBD

"That the Town of Amherstburg SUPPORT a regional approach to organic and biowaste processing."

Please let me know if there is anything else you require.

Thank you,
Tammy

Tammy Fowkes

Deputy Clerk

Town of Amherstburg

271 Sandwich St South, Amherstburg, Ontario, N9V 2A5

Tel: 519-736-0012 x2216 Fax: 519-736-5403 TTY: 519-736-9860



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A BRIGHTER FUTURE**



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From: Mary Birch <MBirch@countyofessex.ca>
Sent: January 4, 2022 5:17 PM
To: Brenda Percy (bpercy@leamington.ca) <bpercy@leamington.ca>; 'Brianna Coughlin' <bcoughlin@lakeshore.ca>; Jennifer Alexander (jalexander@tecumseh.ca) <jalexander@tecumseh.ca>; Jennifer Astrologo <jastrologo@lasalle.ca>; Kristen Newman (knewman@lakeshore.ca) <knewman@lakeshore.ca>; Linda Jean <ljean@lasalle.ca>; Paula Parker



January 19, 2022

TO: County of Essex Council
360 Fairview Avenue West
Essex, ON N8M 1Y6
Email: mbirch@countyofessex.ca

Re: Food and Organics Waste Management Program

At its Special Council Meeting held on November 15, 2021, Michelle Bishop, Essex-Windsor Solid Waste Authority, General Manager, presented the Administrative Report entitled Essex-Windsor Solid Waste Authority (EWSWA) Regional Food and Organics Waste Management Project and recommended a regional organics initiative with local municipalities. This Administrative Report was brought to its Regular Council Meeting of December 6, 2021, to allow Essex Town Council an opportunity to further discuss the Town of Essex interest in participating in a regional approach to the proposed Food and Organics Waste Management Project. During Council deliberation there was no mover or direction to provide comments indicative of support or interest to participate in the proposed regional approach to the Project.

As a result of that review Council did not indicate support for this initiative and simply passed the following resolution:

R21-12-474

Moved by: Councillor Bowman

Seconded by: Councillor Garon



That Council receive the Administrative Report entitled Essex-Windsor Solid Waste Authority (EWSWA)-Regional Food and Organics Waste Management Project as dated October 20, 2021 and presented to Essex County Council at its meeting of October 20, 2021.

Carried

I trust you will find this satisfactory. If you have any questions or comments please feel free to contact the undersigned.

Yours truly,

A handwritten signature in black ink, appearing to read "R. Auger", with a long horizontal flourish extending to the right.

Robert W. Auger, L.L.B.
Town Solicitor, Legal and Legislative Services/Clerk
rauger@essex.ca



November 16, 2021

County of Essex
360 Fairview Ave. W. Suite 202
Essex, ON
N8M 1Y6

Attn: Mary Birch,
Director of Council and Community Services/Clerk

Dear Ms. Birch:

RE: EWSWA – Regional Food and Organics Waste Management Project

At their meeting held November 9th 2021, the Council of the Municipality of Lakeshore passed the following resolution:

364-11-2021

That the Municipality of Lakeshore support, in principle, a regional approach to food, organic and biosolid waste processing, and that this motion be sent to the County of Essex.

Carried Unanimously

Sincerely,

Brianna Coughlin
Division Leader – Civic Affairs



February 24, 2022

Essex County Council
c/o Mary Birch
County Clerk
360 Fairview Ave. W.
Essex, ON N8M 1Y6

Dear Warden McNamara and County Councillors,

Re: EWSWA – Regional Food, Organics, and Biosolids Waste Management Project

At the February 22, 2022, Regular Meeting of Council, Council gave consideration to a report on the EWSWA Regional Food, Organics, and Biosolids Waste Management Project.

At the Meeting, the following Resolution was passed:

048/22

Moved by: Deputy Mayor Meloche

Seconded by: Councillor Akpata

- A. That the report of the Chief Administrative Officer dated February 11, 2022 (AD-01-2022) regarding Essex-Windsor Solid Waste Authority (EWSWA) - Regional Food, Organics and Biosolid Waste Management Project BE RECEIVED;
- B. That the Town of LaSalle endorse a regional approach for compliance with the legislation regarding Food, Organics and Biosolids Waste Management;
- C. That the Town of LaSalle endorse the approach outlined in the January 6, 2022 report which was presented at the January 12, 2022 Essex-Windsor Solid Waste Authority Board meeting:
 1. That the Food and Organic Waste Management Oversight Committee BE DIRECTED to continue to work through the various steps outlined in the roadmap, and report back with progress updates; and
 2. That the Food and Organic Waste Management Oversight Committee BE DIRECTED to proceed with a short-term organic waste processing contract(s) RFP that meets the following minimum criteria:



- a) That the RFP BE REQUIRED to accept, at a minimum, source separated organics from Windsor and any other of the municipalities choosing to participate at the onset, and allows for changes to quantities of source separated organics; and
- b) That industry standards BE EXCEEDED regarding odour control measures implemented at the facility and the end product; and
- c) That the RFP BE REQUIRED to provide service for a 5-year term with options for extensions.

D. That the Town of LaSalle request that the Essex-Windsor Solid Waste Authority with the County of Essex begin to investigate a comprehensive regional approach to the collection and management of Waste, Organics and Recycling programs with the objective of a more efficient and cost effective regional solution

Carried.

Yours Truly,



Jennifer Astrologo
Director of Council Services/Clerk
Town of LaSalle
jastrologo@lasalle.ca

cc. Joe Milicia, Chief Administrative Officer, Town of LaSalle





March 2, 2022

To Whom it May Concern:

Please be advised that the Council of The Corporation of the Municipality of Leamington, at its meeting held Tuesday, December 7, 2021 enacted the following resolution:

No. C-346-21

That Leamington Council support a regional approach to organics collection and organics management.

Carried

Dated today, the 2nd day of March, 2022.

Brenda Percy

Signed with ConsignO Cloud (2022/03/02)
Verify with verifio.com or Adobe Reader.



Brenda Percy, Clerk

The Corporation of the Municipality of Leamington



The Corporation of the Town of Tecumseh

March 1, 2022

County of Essex

360 Fairview Ave.
Essex, ON N8M 1Y6

Attention: Ms. Mary Birch, Director of Council and Community Services/Clerk
(mbirch@countofessex.ca)

Dear Ms. Birch:

**Re: Resolution of the Essex-Windsor Solid Waste Authority Board -
Regional Food and Organics and Biosolids Waste Management Project**

The Council of The Corporation of the Town of Tecumseh, at its regular meeting held on Tuesday, February 22, 2022, gave consideration to participation in the Regional Food and Organics and Biosolids Waste Management Program as requested in the Essex-Windsor Solid Waste Authority letter dated January 19, 2022.

At their meeting, Tecumseh Council passed the following resolution:

That Report PWES-2022-10 entitled "Regional Food and Organics and Biosolids Waste Management Project" be received;

And that Council endorse the Essex-Windsor Solid Waste Authority (EWSWA) Board resolution (Resolution 7-2022) that was adopted at its Wednesday January 12, 2022 meeting, as contained in the EWSWA Letter to the Town dated January 19, 2022;

And further that Council approve Tecumseh's participation in the EWSWA led regional organics program;

And furthermore that the Clerk provide notification to the County of Essex of Tecumseh's intention to participate in the EWSWA led regional organics program no later than March 7, 2022.

Please consider this letter as confirmation of the Town of Tecumseh's participation in the EWSWA led regional organics program.

Yours very truly,

A handwritten signature in cursive script that reads "Laura Moy".

Laura Moy, Dipl.M.M.
Director Legislative Services & Clerk

LM/sw

cc: Michelle Bishop, General Manager (mbishop@ewswa.org)
Margaret Misek-Evans, Chief Administrative Officer (mevans@tecumseh.ca)
Phil Bartnik, Director, Public Works & Engineering Services (pbartnik@tecumseh.ca)

Mary Birch

From: Sandy Kitchen <SKitchen@kingsville.ca>
Sent: March 16, 2022 10:42 AM
To: Mary Birch
Subject: RE: Resolution regarding Regional approach to Food and Organics Waste Management Project

Hello Mary:

This is to advise that the Town of Kingsville's Public Works and Environmental Services Manager presented a report to Council at its Regular Meeting held on Monday, March 14, 2022 in connection with this item. The following motion was passed:

Moved By Councillor Laura Lucier
Seconded By Councillor Kimberly DeYong

- 1. That the Town of Kingsville will not participate in the short-term service contract for the Regional Food and Organics Waste Management Program proposed by Essex Windsor Solid Waste Authority; AND FURTHER THAT Council directs Administration to develop local programs to help encourage and support residents to decrease food waste at home.**

I am in the process of finalizing the formal minutes for adoption by Kingsville Council on Monday, March 28. If you require further information, please let me know.



Sandra Kitchen, Deputy Clerk-Council Services
Legislative Services
The Corporation of the Town of Kingsville
2021 Division Road North
Kingsville, Ontario N9Y 2Y9
Phone: (519) 733-2305
Web: www.kingsville.ca

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COUNCIL SERVICES DEPARTMENT

IN REPLY, PLEASE REFER
TO OUR FILE NO. _____

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

March 25, 2022

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

Dear Ms. Bishop:

Re: Response to Resolution of the Essex-Windsor Solid Waste Authority Board – Regional Food and Organics and Biosolids Waste Management Project from EWSWA dated January 27, 2022

At the February 28, 2022 regular Meeting of Council, Council gave consideration to a report on the EWSWA Regional Food, Organics, and Biosolids Waste Management Project.

At the Meeting, the following Resolution was passed:

CR89/2022

That the presentation by Michelle Bishop, General Manager, and Cathy Copot-Nepszy, Manager of Waste Diversion, Essex-Windsor Solid Waste Authority (EWSWA), entitled "Regional Food, Organic and Biosolids Waste Processing" **BE RECEIVED** for information; and,

That Council **RECEIVE FOR INFORMATION** the letter received from Essex-Windsor Solid Waste Authority (EWSWA) dated January 27, 2022 regarding the Resolution of the EWSWA Board – Regional Food and Organics and Biosolids Waste Management Project attached as Schedule "A"; and,

That Council **RECEIVE FOR INFORMATION** the memorandum prepared by the Regional Food and Organics Oversight Committee and sent to EWSWA Board Members on January 6, 2022 regarding the Regional Food and Organics and Biosolids Waste Management Project – Facility Ownership and Recommended Next Steps attached as Schedule "B"; and further,

Ms. Michelle Bishop, General Manager
Essex Windsor Solid Waste Authority
Page 2
March 25, 2022

That City Council **AGREE IN PRINCIPLE** to participate in a EWSWA-led Regional Food and Organic Waste Management Program; and further, That Administration **BE DIRECTED** to advise EWSWA of this decision prior to March 31, 2022.
Carried.

Should you have any questions or require further clarification, please do not hesitate to ask.

Yours very truly,



Steve Vlachodimos
City Clerk

/TB

cc: Regional Food and Organics Oversight Committee



2021 Division Road North
Kingsville, Ontario N9Y 2Y9
Phone: (519) 733-2305
www.kingsville.ca
kingsvilleworks@kingsville.ca

March 17, 2022

VIA EMAIL

Essex-Windsor Solid Waste Authority
360 Fairview Avenue West, Suite 211
Essex, ON
N8M 3G4

Attn: Michelle Bishop, General Manager

RE: Regional Food and Organics Waste Management Program

Dear Ms. Bishop,

On March 14, 2022, Council of the Town of Kingsville passed the following resolution:

That the Town of Kingsville will not participate in the short-term service contract for the Regional Food and Organics Waste Management Program proposed by Essex-Windsor Solid Waste Authority;

AND FURTHER THAT Council directs Administration to develop local programs to help encourage and support residents to decrease food waste at home.

On behalf of Council, I ask that you confirm the Town of Kingsville's intent not to participate in the short-term service contract at this time. We look forward to hearing from you regarding same.

Sincerely,

A handwritten signature in black ink, appearing to read "Paula Parker".

Paula Parker
Town Clerk, on behalf of Council
pparker@kingville.ca



MEMO

Date: March 31, 2022

To: EWSWA Board Members

From: Regional Food and Organics Oversight Committee

Meeting Date: April 5, 2022

Subject: Regional Food and Organics and Biosolids Waste Management Project – Short Term Service Processing Provider RFP – Terms of Reference

1. Purpose and Rationale

The purpose of this report is to provide the Essex Windsor Solid Waste Authority (“EWSWA” or “the Authority”) Board the Terms of Reference included in the Request for Proposal (“RFP”) currently being developed by the Regional Food and Organics Oversight Committee (“Oversight Committee”) for a short term service provider for organics processing.

The information provided in this Memorandum is intended to provide the Board with an overview of the draft RFP content and evaluation process, or Terms of Reference. A high level overview of the RFP structure is provided in order to prevent potential bidders from acquiring advance knowledge of the RFP details and to maintain the integrity of the procurement process.

It is intended that the Authority Board provide approval to proceed with finalization and issue of the RFP during the April 5, 2022 Board meeting.

2. Background

At the October 5, 2021 EWSWA Board meeting, Administration was directed to proceed with the preparation of a Request for Qualifications (“RFQ”), followed by an 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 Authority Board meeting, Administration was directed to proceed with the preparation of a short-term organic waste processing contract(s) RFP. An RFQ for a service contract is not typically completed, as the RFP process has a qualification component imbedded in it to allow only qualified proponents who pass the technical stage of the evaluation to proceed to the financial evaluation. Therefore, a stand-alone RFQ will not be completed, and Administration will proceed with the RFP for a short term service provider.

3. Terms of Reference

The Technical Working Group and the Oversight Committee have been working with the consultant to develop the Terms of Reference to be included in the RFP. Although some details have yet to be finalized, including the total estimated tonnage to be included, the key details of the Terms of Reference have been established by the working team and are summarized in the following sections for the Board's consideration.

3.1 RFP Overview

Proponents are required to deliver a submission comprised of a Technical Proposal (Envelope A) and a Financial Proposal (Envelope B). The Technical Proposal requires each Proponent to provide information and respond to questions which will enable the Authority to evaluate the Proponent's skills, resources and experience. The Technical Proposal will be evaluated as to whether the Proponent meets the Authority's mandatory criteria and meets the Authority's needs. The Financial Proposal requires each Proponent to provide costing information.

The evaluation of Proposals will be carried out by an Evaluation Committee. Evaluation Committee members, including representatives from the County, the City and the Authority, will be determined by the Oversight Committee at a future date.

The evaluation of Proposals will be comprised of the following stages:

- Stage 1: Proposals will be reviewed to confirm compliance with all mandatory requirements.
- Stage 2: All compliant Proposals will proceed to the Technical Evaluation as described below.
- Stage 3: All Proposals achieving the Minimum Technical Score will proceed to the Financial Evaluation.
- Stage 4: The Proponent with the highest Technical and Financial Score (the "Combined Score") will proceed to the Contract phase.

Financial Proposals of Proponents who's Technical Proposals are deemed not to meet the needs of the Authority will be returned to the Proponent unopened.

3.2 Scope of Work

The scope of work details the requirements of the Authority's solicitation of Source Separated Organics ("SSO") processing services. The Proponent is required to be currently experienced in the processing of SSO and shall be required to provide one or more permitted facilities to receive and process the material, transportation and disposal of residue, and marketing of the end product for beneficial use.

The Authority's responsibilities include the following:

- Promotion and education to maximize green bin participation and capture rates and minimize contamination,
- Supply and delivery of the material to the processing facility, and
- Provide payment to the Contractor.

The Contractor is responsible for the following:

- Providing an excellent standard of service as determined by the Authority,
- Operation of the facility, located in Ontario, in accordance with all federal, provincial and municipal regulations,
- Maintaining all necessary permits and licences, insurance, and performance security,
- Taking ownership, processing and marketing of the material for a beneficial use,
- Complete composition audits and submitting reports in accordance with the terms of the RFP,
- Disposing of residual waste at a licenced waste facility in Ontario, in accordance with the terms of the RFP,
- Providing and implementing a Contingency Plan to manage the material in the event that the Contractor's facility is unable to receive and/or process the SSO, and
- Notify the Authority in writing prior to any scheduled shutdown, in which case the contingency plan will be implemented to ensure there is no interruption of service to the Authority.

The Proponent must demonstrate that the processing facility is capable of environmental management that prevents off-site nuisances including odour, noise, dust, litter and pests to an excellent level of service. The RFP includes specifications for liquidated damages for instances of non-performance and non-compliance.

3.3 Evaluation

The Evaluation Committee will evaluate each Proposal as detailed below.

Mandatory Submission Requirements

Each RFP submission must include the following:

- An executed Conflict of Interest Declaration
- Bid Bond and Agreement to Bond
- Contract Security – performance bond, labour and material payment bond

Technical Evaluation

Each RFP must provide the following technical information.

Company Profile

Each Proposal will be evaluated based on the following company profile information:

- *Company Details*
- *Experience*
- *References*

Operational Details

Each Proposal will be evaluated based on the following operational details:

- *Facility Operations*
- *Personnel*
- *Process Description*
- *Contaminant Materials*
- *Contingency Plans*

Quality Assurance

Each Proposal will be evaluated based on the following quality assurance details:

- *Communications Plan*
- *Emissions*
- *Beneficial Use and Marketing*
- *Understanding of the RFP Requirements*

Environmental Benefits

Each Proposal will be evaluated based on the following Greenhouse Gas (GHG) emission details:

- *Energy Production Rate*
- *Organics Recovery Rate*
- *Transportation Distances*
- *Other Sustainable Practices and Strategies*

Each Technical submission will be evaluated by considering the Proponent's company profile, location, personnel and subcontractors, financial capacity, and experience over the past 10 years. Additionally, the evaluation will focus on the Proponents operational and process details and efficiency, and end products. The majority of available points are allocated to the operational details and environmental benefits each Proponent can provide.

Financial Evaluation

Each RFP must provide their offered costs which will be evaluated along with the transportation costs based on distance to the Proponents facility. The Proponent which submits the lowest total price of contract for the term plus the optional periods will receive full points towards their Financial Score. Other compliant Financial Proposals will be compared to the lowest total price of contract to determine their score.

Overall Evaluation

The majority of available points are allocated to the Technical Evaluation in order to ensure that the successful Proponent is highly qualified and experienced. The Proponent with the highest Combined Score will be selected as the Preferred Contractor.

3.4 Timing

The RFP is anticipated to be issued by mid spring 2022, which will allow the working team to finalize the estimated tonnage. Based on this, a Preferred Contractor may be selected by early/mid summer 2022.

4. Oversight Committee Recommendations

The Oversight Committee is recommending that the RFP for a short term service provider be issued as soon as possible in order to secure processing capacity. The Terms of Reference to be included in the RFP have been summarized in Section 3 above, as requested by the Board.

The Oversight Committee has prepared the following recommendation for the Board's consideration:

That the Board APPROVE the Terms of Reference framework of the RFP, and DIRECT Administration to finalize and issue the RFP for a short-term organic waste processing contract(s).



Essex-Windsor Solid Waste Authority Administrative Report

March 29, 2022

To: The Chair and Board of the Essex-Windsor Solid Waste Authority
From: Cathy Copot-Nepszy, Manager of Waste Diversion
Meeting Date: Tuesday, April 05, 2022
Subject: Update on Spring Outreach Program

Purpose

To provide an update to the Board regarding upcoming EWSWA outreach activities in Essex-Windsor.

Background

Annually, the EWSWA takes on a variety of outreach activities like Earth Day, inventory sales, Gold Star program, etc. to give residents strategies that will enhance their waste diversion efforts and live more environmentally friendly lifestyles.

Discussion

The EWSWA has confirmed that 2022 outreach activities will centre around food and organic waste. This means that the priority messaging for events, promotions, resources, sales, etc. will be designed to support this theme. Below are the following outreach activities that the EWSWA plans to undertake this year.

Earth Day 2022 Celebrations

On April 24th, 2022 from 10 am to 3 pm, the Earth Day Committee (comprised of the EWSWA, City of Windsor, and ERCA staff) will host an Earth Day event at Malden Park. The theme for this year's local Earth Day festivities is "Invest in our Future". This free event will host many interactive activities for residents of all

ages. The EWSWA will be promoting waste diversion programs this year with a particular focus on food and organic waste. Proposed events include: seed planting for kids, composting/green cone digesting, Scienstational Snakes, recycling truck display, kids' passports, eagle survivor game for kids, recycle box sorting game, etc. The Earth Day Committee is also compiling 500 sustainability kits for the first 500 guests.

As the 2021 virtual Earth Day Scavenger Hunt was such a hit and a great way to reach residents remotely, the Earth Day Committee has agreed to run it again in 2022. The 2022 challenge will take place from April 17-30th. Goose Chase will host this event that combines the 'tried and true scavenger hunt' with the latest in smartphone technology to create fun, interesting and user-friendly missions. These missions were specifically designed to be completed on a smart phone from the home, backyard, or local park.

Spring Earth Day Sale

On May 2nd-6th, the EWSWA will be selling backyard composters (BYC) and green cone digesters (GCD) to residents. On various days during this timeframe the EWSWA will be selling these items at either the Windsor Public Drop off or the Essex County Civic Centre. Residents will pre-register for the by appointment only sale. The City of Windsor will also be selling their rain barrels at this inventory sale.

Gold Star

The Gold Star program is a great way to reward residents who are committed to being top notch recyclers of blue box materials. As this program uptake still remains high, it will run again in 2022 where the first 100 registrants will be accepted into the 2022 program. Once registrations are done on Thursday, May 12th, registrant's curbside audits will be scheduled to see if they meet Gold Star recycling status to receive the honorary Gold Box.

More EWSWA Outreach

Currently the EWSWA is developing a Request for Quote for the design and development of a new EWSWA website in 2022. This would replace the current website which is unable to support the demands and growth of operations and communications, and is not AODA compatible. Also, this July, mass public engagement will occur through the annual mail-out of Enviro Tips to households across Essex-Windsor as it is a key communication strategy for the EWSWA. Finally, the EWSWA will continue to actively engage residents through the use of social media, Recycle Coach app, ewswa.org, etc.

Financial Implications

As the work above was built into the 2022 budget, there are no unforeseen financial implications to report at this time.

Recommendation

THAT the Board receive this report as information.

Submitted By



Cathy Copot-Nepszy, Manager of Waste Diversion



Essex-Windsor Solid Waste Authority Administrative Report

March 28, 2022

To: The Chair and Board of the Essex-Windsor Solid Waste Authority
From: Michelle Bishop, General Manager
Meeting Date: Tuesday, April 05, 2022
Subject: Essex-Windsor Blue Box Net Cost - 2020

Purpose

The purpose of this report is to advise the Board of the EWSWA's blue box net cost and how it compares to other Ontario municipalities.

Background

The Resource Productivity and Recovery Authority (RPPRA) is the regulator mandated by the Government of Ontario to enforce the province's circular economy laws. One of the RPPRA's responsibilities is to gather and compile cost and revenue data from all 249 Ontario Blue Box programs on an annual basis. This data is provided by EWSWA administration annually during a process called the RPPRA Datacall. This data is used to determine the Steward Funding Obligation and the amount that the Stewards must pay to participating communities for operating the Blue Box Program.

The 2020 figures are the most recent figures available from RPPRA.

Discussion

The following tables present:

1. How does the EWSWA's 2020 net blue box cost compare to other Ontario municipalities in RPPRA Group 1 and 2 (which consists of the larger programs in Ontario).

As can be seen from the tables below, the EWSWA's cost is in the middle among its peers at \$409/tonne when compared to a low of Waterloo at \$252/tonne and a high of Toronto at \$582/tonne. The average for all 249 Blue Box programs across the Province is \$462/tonne.

Program	2020 Marketed Tonnes	2020 Reported Net Cost	Reported Net Cost per Tonne
Waterloo, Regional Municipality Of	33,207	\$8,369,664	\$252
Ottawa, City Of	60,399	\$15,600,430	\$258
Halton, Regional Municipality Of	36,877	\$10,227,954	\$277
Niagara, Regional Municipality Of	35,945	\$11,788,889	\$328
Durham, Regional Municipality Of	41,370	\$16,083,204	\$389
Essex-Windsor Solid Waste Authority	18,591	\$7,595,802	\$409
London, City Of	23,189	\$10,217,173	\$441
Hamilton, City Of	31,467	\$14,387,520	\$457
York, Regional Municipality Of	57,594	\$26,373,701	\$458
Simcoe, County Of	26,354	\$12,552,605	\$476
Peel, Regional Municipality Of	76,783	\$38,203,528	\$498
Toronto, City Of	103,855	\$60,465,883	\$582
All 249 Ontario Blue Box Programs	756,984	\$349,840,024	\$462

2. What makes up the cost of the EWSWA's blue box program?

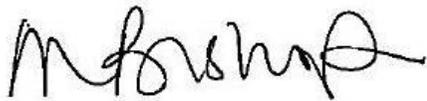
The following table summarizes the calculation used to determine the EWSWA's reported net cost per tonne figure.

Blue Box Program	2020
Costs	
Blue Box Collection	\$5,111,990
Processing/Sorting Recyclables	\$4,102,810
Administration/Other	\$533,769
Public Education & Promotion	\$137,979
Total Costs	\$9,886,548
Revenue from Sale of Recyclable Material	\$2,290,745
Net Cost	\$7,595,803
Tonnes of Recyclables Sold	18,591
Net Cost Per Tonne	\$409

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 the first letter of each word being capitalized and prominent.

Michelle Bishop, General Manager



Essex-Windsor Solid Waste Authority

Administrative Report

March 29, 2022

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

From: Michelle Bishop, General Manager

Meeting Date: Tuesday, April 05, 2022

Subject: Blue Box Transition Update

Purpose

The purpose of this report is to advise the Board of the proposed amendment to Ontario Regulation 391/21 (the Regulation).

Background

The Regulation, originally released on June 3, 2021, confirming the Blue Box transition to an Extended Producer Responsibility (EPR) included instructions on how Producer Responsibility Organizations (PROs) would establish and operate a collection and processing system in Ontario in accordance with the Regulation. This included details on how the rules of the system would be determined by the rule creators and outlines the use of an allocation table that would assign residences, facilities and public space locations to PROs and producers. The rule creators are PROs that have registered with Resource Productivity and Recovery Authority (RPRA) before November 1, 2021 and:

- have entered into representation agreements with one or more producers of Blue Box material supplied to consumers in Ontario in 2020
- represent one or more producers that in aggregate supplied at least 20,000 tonnes of Blue Box material to consumers in Ontario in 2020

Of the list of registered PROs, three have qualified as rule creators:

- Circular Materials
- Resource Recovery Alliance
- Ryse Solutions Ontario Inc.

The Regulation states the earliest that rules can be submitted to RPRA is January 1, 2022 and the allocation table must be submitted to the RPRA no later than July 1, 2022.

In February a meeting was held between Ontario's Environment Minister, David Piccini and the 3 PROs. The outcome of that meeting resulted in a mediation plan between the parties.

Discussion

On March 22, 2022 the attached document titled "Blue box regulation: making each producer responsible for all eligible sources in Ontario", was received from the Ministry of Environment, Conservation and Parks (MECP) by AMO and circulated to municipalities with a March 25, 2022 deadline to provide comments to the MECP.

The document outlined potential changes to the Regulation that included removing the rule making process and allocation table and making each producer responsible for each eligible source.

The document further identifies April 1, 2023 as the date that PROs would be required to provide documentation to RPRA as to how they plan to establish and operate a collection and post-collection system.

Authority General Manager, Michelle Bishop and City of Windsor Manager of Environmental Services, Anne Marie Albidone, sit on both the AMO Municipal 3Rs Collaborative (M3RC) committee and the Regional Public Works Commissioners of Ontario (RPWCO) waste sub-committee. Meetings were held with both committees on Thursday, March 24th and Friday, March 25th respectively to discuss the proposed amendments.

With the first Municipalities scheduled to transition in July 2023 (Essex-Windsor is scheduled to transition August 2024), both committees discussed concerns relating to the proposed changes and in particular the April 1, 2023 date for document submission by the PROs. Even though Essex-Windsor does not transition until 2024, the delay in knowing the transition details until April 2023 could result in challenges with local processing and collection contracts, as well as cause potential delays to how the Authority and municipalities across Ontario transition their assets to support EPR.

Consensus was reached by the committees that correspondence should be sent by each committee to the MECP on behalf of municipalities to identify areas of concern.

Both AMO and RPWCO provided comments to the MECP on Friday, March 25, 2022.

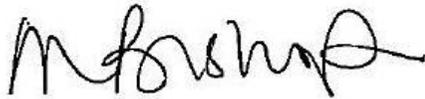
Financial Implications

No financial implications to report at this time.

Recommendation

THAT the Board receive this report as information.

Submitted By



Michelle Bishop, General Manager

Attachment - Blue box regulation: making each producer responsible for all eligible sources in Ontario

Blue box regulation: making each producer responsible for all eligible sources in Ontario

This document is part of the facilitation process and is for discussion purposes only.

March 22, 2022

The blue box regulation could be amended to eliminate the need for an allocation table as producers and producer responsibility organizations (PROs) are planning for transition.

The amendments would make each producer liable for meeting regulated collection requirements for every eligible source in Ontario.

Removing the requirement to create the allocation table would allow PROs to focus on establishing the commercial relationships needed to create a single common collection system for the entire province.

Below are the changes that could be made to implement this approach.

1: Remove the rule making process and allocation table from the regulation.

- PROs would not be required to create allocation rules or an allocation table that allocates different sources to each PRO or producer.
- Under the allocation table model, producers and their PROs are only required to collect from the sources allocated to them.

2. Make each producer responsible for meeting collection requirements for every eligible source in Ontario.

- Each producer/PRO would be responsible for providing blue box collection to each eligible source in the regulation.
- This would result in overlapping responsibility among all producers for province-wide collection.
- To avoid duplication, producers, through their PROs, would be able to create a single common collection system that services every eligible source and enables every producer to meet its collection obligations.

3. Require PROs to report on how they will establish a province wide collection system, and how they will operate the post-collection system.

- Require producers, or their PROs, to provide documentation to RPRA by April 1, 2023, about how they are establishing and operating a collection system for all eligible sources through one of two paths:

- A. Where all PROs have entered into an agreement to establish a single common collection system, require them to submit a copy of the agreement to RPRA, or;
 - B. If every PRO has not entered into an agreement to establish a single common collection system, require producers/PROs to submit a copy of the collection contracts they have to collect from all eligible sources to RPRA.
- Require producers, or their PROs, to provide documentation to RPRA by April 1, 2023, about how they are operating a post-collection system for all eligible sources.
 - This would allow PROs to focus on creating the agreements needed to provide a province-wide common collection system, rather than the allocation rules and table required under the current approach.
 - The Ministry is considering the appropriate reporting requirements and timelines for reporting. The ministry may consider additional, or alternate, reporting requirements and timelines as analysis proceeds. The goal is to ensure reporting requirements that are low-burden and can also support effective compliance and enforcement.

4. Make PROs responsible for submitting offers of service to First Nation communities.

- The regulation currently requires producers that are allocated eligible sources on reserves to provide offers of service to those First Nation communities.
- If the regulation is amended to make each producer responsible for every eligible source, the requirement to make such an offer would be imposed on PROs only.
- Each PRO would need to prove they have met the offer requirements, or that another PRO did so on their behalf.

5. Exempt producers from submitting a PRO agreement or collection contracts where they have an alternative collection system for all obligated materials.

- The regulation currently exempts producers from being assigned eligible sources where they have an alternative collection system that meets all regulated outcomes.
- Amendments would be needed to exempt those producers from the new responsibility imposed on all producers to collect from every eligible source in Ontario.

6. Make additional consequential administrative and reporting changes, including document retention in respect of the new reporting requirements.



Essex-Windsor Solid Waste Authority

Administrative Report

March 29, 2022

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

From: Steffan Brisebois, Manager of Finance and Administration

Meeting Date: Tuesday, April 05, 2022

Subject: 2022 Budget – Projection Update

Purpose

The purpose of this report is to provide an update to the Board on 2021 projected revenue figures.

Background

The Board met on November 2, 2021 to deliberate the 2022 budget. Included in the 2022 budget document were 2021 revenue projections for the ICI Tipping Fee Revenue for both Landfilled and Non-landfilled Material. Also, included were 2021 revenue projections for Municipally Delivered Refuse Revenue. Those projected figures are required to be revised as described in the discussion section below.

Discussion

2021 Revenue Projections

At the time of the preparation of the 2022 budget document certain estimates were made in order to derive projected 2021 revenue figures. Administration uses 8 months of current year actual revenue figures and estimates the balance of the year based on prior year data and trend analysis. Now that 2021 has concluded more accurate figures can be calculated.

ICI Landfilled Tip Fee Revenue – An additional \$1,728,650 in revenue was received in the 2021 fiscal year. The majority of the additional revenue is derived from 29,300 tonnes of un-projected greenhouse vines and waste material. In addition,

12,980 tonnes of un-projected ICI waste material were received in the 2021 fiscal year.

Municipally Delivered Refuse Revenue – An additional \$73,320 in revenue was received in the 2021 fiscal year. The Authority received 1,880 tonnes more refuse than originally projected (113,832 tonnes vs. 111,952 tonnes).

ICI Non-Landfilled Tip Fee Revenue – An additional \$142,200 in revenue was received. Approximately \$116,850 of that additional revenue was received from one customer.

Summary

2021 Additional Revenue

ICI Landfilled Tip Fee Revenue	\$1,728,650
ICI Non-Landfilled Tip Fee Revenue	142,200
Municipal Tip Fee Revenue	73,320
Less: Compensation	<u>(453,000)</u>
	<u>\$1,491,170</u>

Financial Implications

The additional revenue serves to increase the 2021 projected surplus. A full year end report will be provided to the Board in May once the 2021 audit is completed by KPMG. The final operating surplus figure will be reported at that time.

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 5-2022

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 April, 2022.**