



Essex-Windsor Solid Waste Authority Regular Board Meeting Agenda

Meeting Date: Tuesday, February 6, 2024

Time: 4:00PM

**Location and:
Meeting Instructions:** Essex County Civic Centre
Council Chambers, 2nd Floor
360 Fairview Avenue West
Essex, Ontario N8M 1Y6

Meeting will be held in person for Board Members and staff. Media representatives and interested members of the general public are invited to attend in person.

LIST OF BUSINESS

PAGE NUMBERS

1. Call to Order

2. Welcome to Board Member/Windsor Councillor, Mr. Fred Francis, who will be Windsor's 5th representative on the Board for 2024 and 2026.

County Representative, Mr. Kirk Walstedt, will return to the Board for 2025.

3. Election of Chair and Vice Chair for 2024

Chair for 2024 will be elected from among the City members.

Vice Chair for 2024 will be elected from among the County members.

4. Motion to Move In-Camera

Moved by:

Seconded by:

THAT the Board move into a closed meeting pursuant to Section 239 (2) (k), of the Municipal Act, 2001, as amended for the following reason:

(k) A position, plan, procedure, criteria, or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

5. Declaration of Pecuniary Interest

6. Approval of the Minutes

- A. December 5, 2023 Regular Meeting Minutes 1-8

7. Business Arising from the Minutes

8. Waste Diversion

- A. 2025 Green Bin Program Plan Update 9-14
- B. County Recycling Collection Contract Extension – City of Windsor 15-16
- C. Rural Ontario Municipal Association Conference Delegation Update 17-24

9. Waste Disposal

- A. Appointment of Board Member to the Regional Landfill Liaison Committee for 2024 25-26
- B. Update on Reverse Osmosis System (Verbal report)

10. Finance & Administration

- A. 2024 Operating Plan and Budget Status Update 27-28
- B. 2024 Operating Plan and Budget – 2023 Projection Update and 2024 Large Volume Customer Update 29-31

11. New Business

12. Other Items

13. By-Laws

- A. By-Law 1-2024 32
Being a By-Law to Authorize the Extension of Agreement with the City of Windsor to Provide Recycling Collection Services in the County of Essex for the renewal period from January 1, 2024 until August 27, 2024.
- B. By-Law 2-2024 33
Being a By-Law to Confirm the Proceedings of the Meeting of the Board of the Essex-Windsor Solid Waste Authority for February 6, 2024

14. Next Meeting Dates

Tuesday, March 5, 2024
Wednesday, April 10, 2024
Tuesday, May 7, 2024
Tuesday, June 4, 2024
Wednesday, July 10, 2024
Wednesday, August 14, 2024 – Note: This meeting will start at 3:00PM
Wednesday, September 11, 2024
Wednesday, October 9, 2024
Tuesday, November 5, 2024
Tuesday, December 3, 2024

15. Adjournment



Essex-Windsor Solid Waste Authority Regular Board Meeting MINUTES

Meeting Date: Tuesday, December 5, 2023

Time: 4:00 PM

Location: Essex County Civic Centre
Council Chambers, 2nd Floor
360 Fairview Avenue West
Essex, Ontario N8M 1Y6

Attendance

Board Members:

Gary McNamara - Chair	County of Essex
Michael Akpata	County of Essex
Rob Shepley	County of Essex
Kirk Walstedt	County of Essex
Gary Kaschak – Vice Chair	City of Windsor
Kieran McKenzie	City of Windsor
Jim Morrison	City of Windsor

EWSWA Staff:

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

City of Windsor Staff:

Shawna Boakes	Executive Director of Operations
Jim Leather	Waste Collection Contracts & Operations Administrator
Mark Spizzirri	Manager of Performance Management and Business Case Development

County of Essex Staff:

Mary Birch	Director of Council & Community Services/Clerk
Melissa Ryan	Director of Financial Services/Treasurer

Absent:

Hilda MacDonald	County of Essex
Mark McKenzie	City of Windsor
Anne-Marie Albidone	Manager of Environmental Services
Tony Ardovini	Deputy Treasurer Financial Planning

Drew Dilkens

City of Windsor (Ex-Officio)

1. Closed Meeting

A Closed meeting was held at 4:00PM

Moved by Kieran McKenzie

Seconded by Gary Kaschak

THAT the Board moved into a closed meeting pursuant to Section 239 (2) (k) of the Municipal Act, 2001, as amended for the following reason:

- (k) A position, plan, procedure, criteria, or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipally or local board.

**80-2023
Carried**

Moved by Gary Kaschak

Seconded by Kirk Walstedt

THAT the EWSWA Board rise from the Closed Meeting at 4:41PM.

**83-2023
Carried**

2. Call to Order

Chair McNamara called the Regular meeting to order at 4:41 PM.

The Chair thanked Mr. Walstedt for his membership on the Board in 2023. Mr. Walstedt will return to the Board in 2025. The Chair noted that Fred Francis, City of Windsor Councillor, is the alternate member for 2024.

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

Moved by Gary Kaschak

Seconded by Jim Morrison

THAT the minutes from the Essex-Windsor Solid Waste Authority Regular Meeting, dated November 7, 2023, be approved and adopted.

**84-2023
Carried**

5. Business Arising from the Minutes

There were no items raised for discussion.

6. Correspondence

- A. News Release from Ministry of the Environment, Conservation and Parks: Ontario Strengthening Penalties for Landfill Facilities that Contravene Environmental Laws

The General Manager stated that the Manager of Waste Disposal will be attending a stakeholder meeting on December 14, 2023, conducted by the Ministry of Environment, Conservation and Parks (MECP) to gain more information on the document.

Mr. McKenzie asked if there were any risks to the Authority based on this change.

The Manager of Waste Disposal stated not at this time. The Authority has regular dialogue with its MECP representative who is also a member of the Landfill Liaison Committee (LLC). He noted that other than the odd odour complaint, the Authority has not had any significant issues. The Authority engages with the public regarding their concerns and the issue is documented.

Moved by Kieran McKenzie
Seconded by Kirk Walstedt

THAT the Board receive the verbal report as information.

**85-2023
Carried**

7. Waste Diversion

- A. FoodCycler Organics Pilot Program Update

The Manager of Waste Diversion provided an update on the Waste Diversion pilot program that was launched in May 2023. The Authority partnered with Food Cycle Science (FCS) to launch a FoodCycler Organics Pilot Program (FOPP). The pilot program was launched to provide residents with another way to divert food waste from the Regional Landfill (RL).

The FOPP allowed the Authority to sell 250 units. She noted that 1,800 residents registered for the pilot program. As part of the pilot program, participants were asked to track how often they used their FoodCycler unit over a 12-week period and provide feedback. She also provided a summary of the key findings of the pilot program

She noted that Administration will continue to build awareness on how to reduce food waste and the knowledge of its residents so residents are prepared for the launch of the Regional Food and Organic Waste Management Program.

Administration has also worked with FCS to be able to offer additional units at a subsidized rate. As a result, an additional 121 units have been sold. The Authority and FCS will conduct a follow-up survey in six months.

The 2023 Operational Plan and Budget included \$25,000 for the Authority's subsidy portion of the pilot program funded through the Waste Diversion Reserve. She noted that existing Authority resources were allocated to assist with this initiative.

Moved by Jim Morrison

Seconded by Michael Akpata

THAT the Board receive the verbal report as information.

**86-2023
Carried**

8. Waste Disposal

A. Regional Landfill Request for Expressions of Interest (REOI) – Landfill Gas Management Update

The Manager of Waste Disposal provided an update regarding the Request for Expressions of Interest (REOI) for Landfill Gas Management at the Regional Landfill (RL).

He provided the history of how the RL has managed landfill gas since 2000 including the details of the Authority's agreement with Integrated Gas Recovery Services Inc. (IGRS) related to the recovery of methane gas at the RL.

The primary objective of the REOI is to gauge the interest of qualified parties with extensive Renewable Natural Gas (RNG) experience in the following:

- Forming a partnership with the Authority;
- Entering into a lease agreement with the Authority;
- Upgrading, expanding, operating, or maintaining the LFG system;
- Revenue sharing the LFG system with the Authority;
- Electrical power generation utilizing LFG for onsite consumption or grid;
- Processing Landfill leachate using LFG as the energy source; and/or
- A combination of the above or as proposed in the submitted EOI.

He explained that the Authority would like to evaluate gas management options in a proactive manner.

The REOI will close on December 7, 2023 at 5:00PM.

After evaluations of the REOI, the next step would be to issue a formal Request for Proposals (RFP) to provide the Authority with a basis to evaluate a sustainable long-term waste-to-energy partner with the greatest economic benefit.

There are no financial implications at this time. He noted that the 2023 budget included a capital expenditure figure of \$500,000 for the expansion of the existing gas collection wellfield as well as the replacement of the blower. The Authority has not utilized these funds with the hopes that the REOI will identify a potential funding partner. These funds have been reallocated to the 2024 budget.

The Chair asked if there were any questions.

Mr. Akpata asked what is the long-term plan.

The Manager of Waste Disposal stated that as a result of the REOI, the Authority hopes to expand the footprint as much as possible and utilize the gas collected in a more sustainable manner besides just flaring.

Kieran McKenzie asked if there is a potential that the Authority could net revenue depending on the option.

The Manager of Waste Disposal stated that hopefully a partnership could be formed to share in the costs.

Mr. Walstedt asked if methane is flared at closed Landfill 3 (LF3).

The Manager of Waste Disposal stated that methane is not flared at LF3.

Moved by Kieran McKenzie

Seconded by Kirk Walstedt

THAT the Board receive the report as information.

**87-2023
Carried**

9. Finance & Administration

A. Approval Status of the EWSWA 2024 Budget

The Manager of Finance and Administration provided an update of the EWSWA 2024 Operational Plan and Budget approval process.

On November 7, 2023, the Authority Board approved the 2024 recommendations.

As part of the budget approval process, the Budget is referred to the County of Essex (County) and the City of Windsor (City) and their Councils for their consideration.

Authority Administration is scheduled to attend Essex County Council on December 20, 2023.

At this time, the City has not provided a specific date but anticipates it will be scheduled in January 2024.

The Chair asked if there were any questions.

Discussion took place regarding the timing of the City of Windsor's 2024 budget process.

Moved by Gary Kaschak

Seconded by Jim Morrison

THAT the Board receive the verbal report as information.

**88-2023
Carried**

B. 2024 EWSWA Board Schedule

The General Manager provided a summary of the 2024 schedule.

Moved by Jim Morrison

Seconded by Kieran McKenzie

THAT the Board approve the 2024 Essex-Windsor Solid Waste Authority Regular Meeting Schedule.

**89-2023
Carried**

10. New Business

No items were raised for discussion.

11. Other Items

No items were raised for discussion.

12. By-Laws

A. By-Law 15-2023

Moved by Kirk Walstedt

Seconded by Michael Akpata

THAT By-Law 15-2023, 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 5th day of December, 2023.

**90-2023
Carried**

13. Next Meeting Dates

January – TBD and scheduled if required

Tuesday, February 6, 2024

Tuesday, March 5, 2024

Wednesday, April 10, 2024

Tuesday, May 7, 2024

Tuesday, June 4, 2024

Wednesday, July 10, 2024

Wednesday August 14, 2024 – Note: This meeting will start at 3:00PM

Wednesday, September 11, 2024

Wednesday, October 9, 2024

Tuesday, November 5, 2024

Tuesday, December 3, 2024

14. Adjournment

Moved by Jim Morrison

Seconded by Gary Kaschak

THAT the Board stand adjourned at 5:21PM.

**91-2023
Carried**

All of which is respectfully submitted.

Gary McNamara
Chair

Michelle Bishop
General Manager



Essex-Windsor Solid Waste Authority Administrative Report

January 24, 2024

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

From: Catharine Copot-Nepszy, Manager of Waste Diversion

Meeting Date: Tuesday, February 06, 2024

Subject: 2025 Green Bin Program Plan Update

Purpose

The purpose of this report is to provide the Authority Board with an overview of the Green Bin Program plan that has been developed to support a fall 2025 launch.

Background

As discussed at prior meetings, in order to comply with Ontario's Food and Organic Waste Policy Statement (the Policy), the Region will be implementing a Regional Food and Organic Waste Management Program (Green Bin Program) in 2025. This initiative will be instrumental in diverting food and organic waste away from the Essex-Windsor Regional Landfill.

In March 2022, Essex County Council resolved that all Essex County municipalities would 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. This means that depending on the individual waste collection contract expiration dates, municipalities may have different program commencement dates.

Since this direction, the Authority and the City of Windsor (City) have been working collaboratively to have the proper contracts and resources in place for a fall 2025 Green Bin Program launch.

Table 1. Shares the Municipal Launch Date schedule for the Green Bin Program that onboards each of the municipalities in Essex-Windsor.

Municipality	2025	2026	2027
Windsor	X		
Essex	X		
Lakeshore	X		
LaSalle	X		
Tecumseh	X		
Amherstburg			X
Kingsville			X
Leamington			X

Discussion

Below is a graphic overview of the key items that the Authority will undertake in the next two years to support a fall 2025 Green Bin Program commencement date for the City, Essex, Lakeshore, LaSalle, and Tecumseh. This work will be done in collaboration with the City, as well as the Authority’s municipal partners in the County.

2024- January-June

SSO Collection Contract (City and County)

Administration from the City and the Authority are both working to secure collection contracts for the weekly curbside collection of Source Separated Organics (SSO) from single family homes in their respective areas. While the City is currently finalizing its contract, Administration is targeting to initiate their procurement for services for the County in early February.

SSO Material Transfer Facilities

The EXP Services Inc. (EXP.) Strategic Plan report presented in July 2023 recommended that the Authority undertake the next steps toward developing the required SSO transfer stations at the Authority sites in Windsor and Essex (Essex-Windsor Regional Landfill) to support the delivery and consolidation of collected SSO from identified municipalities. It is important to note that Administration has also met with representative from the Ministry of the Environment, Conservation

and Parks (MECP) to discuss the change in operations at both sites, as SSO will now be transferred separately from Garbage.

Windsor Organic Transfer Station

In 2023, Authority Administration engaged a consultant to evaluate the feasibility of a transfer station for SSO at the Authority's Windsor site. Administration is looking to bring a recommendation forward to the Board to procure a Design-Build of this asset so that it can be commissioned prior to the launch of the Green Bin Program. This location will have SSO delivered from the City, Lakeshore and Tecumseh as identified by the EXP Services Inc. report (2023).

Essex Organic Transfer Station

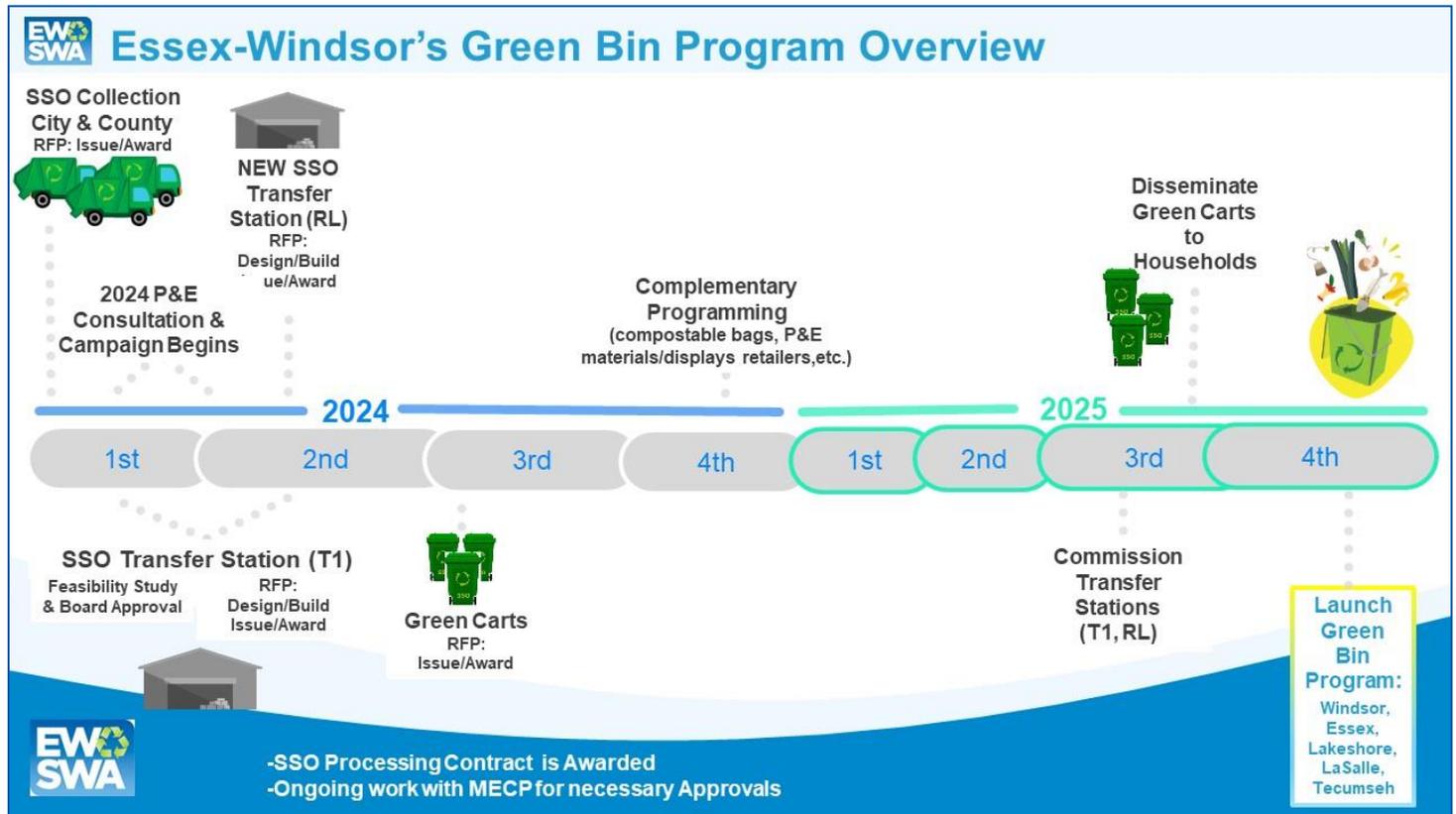
Authority Administration will also be working with a consultant to prepare for the procurement of a Design-Build for a NEW SSO Transfer Station at the Essex-Windsor Regional Landfill. The program plan targets this asset to also be commissioned prior to the launch of the Green Bin Program. At this location, the SSO collector will deliver SSO materials collected from the municipalities of: Amherstburg, Essex and LaSalle as identified by EXP Services Inc. in 2023.

SSO material collected from both Kingsville and Leamington will not require transfer locations as the SSO will be delivered directly to Seaclyff Energy Corp. for processing.

2024- July-December

Household Carts for the Green Bin Program

In order to provide the necessary lead time for a company to provide carts for the fall 2025 launch, Administration is targeting early summer to procure for a company to provide and disseminate carts to households in 2025. The delivery of a Green Bin Program package to each household will occur approximately one month prior to the start of collection services. Each package is expected to include items such as a cart, kitchen catcher, program information and resources including program instructions and a collection schedule.



2024-2025

Green Bin Program: Promotion and Education (P&E)

Authority Administration will be working with a marketing consultant to develop a program plan to publicly roll-out a Green Bin program in 2025. This P&E program will launch at the annual Earth Day event in 2024 and will continue until the 2025 launch to "Grow the region Green"- stay tuned!

Complementary Programming

Once major procurement and direction are established, key complementary items will be taken on by Administration to roll-out the program successfully. Items include: ensuring sufficient stock of appropriate compostable bags for the Green Bin Program at retailers in the region, the purchase and development of key P&E displays and resources, rebranding existing Authority assets (e.g., cube van), etc.

Additional Administrative Items

Administration will work closely with Seacliff Energy Corp. to ensure that they are ready to support a fall 2025 launch.

Authority Administration will evaluate and identify appropriate staffing levels, training and necessary onboarding, etc. that are needed to launch the Green Bin Program in 2025. Further, Administration will be working to create a customer service program that will successfully triage issues, track them, and effectively respond to them individually and/or to the masses through communication campaigns for trending issues.

2025-July-December

Commissioning of New Transfer Stations

Once procurement for both these new assets is complete in early 2024, the Authority will work with the awarded contractor and the Ministry to ensure that these assets meet the necessary approvals and are commissioned ahead of the 2025 fall launch so that collection contractors, staff, standard operating procedures, etc. are ready.

Dissemination of Carts to Households

The awarded contractor for this program will be required to disseminate Green Bin Program packages to each household that will be serviced through this new program. At a minimum, the delivery of this package will be done one month before the launch of each municipality.

Financial Implications

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.

Project items for the 2024 Green Bin Program that are described in this overview have been included in the approved 2024 Operational Plan and Budget.

Recommendation

THAT the Board receive this report as information.

Submitted By



Catharine Copot-Nepszy, Manager of Waste Diversion



Essex-Windsor Solid Waste Authority

Administrative Report

December 18, 2023

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

From: Michelle Bishop, General Manager

Meeting Date: Tuesday, February 06, 2024

Subject: County Recycling Collection Contract Extension - City of Windsor

Purpose

The purpose of this report is to formally request approval from the Authority Board for an extension to the agreement with the City of Windsor to provide recycling collection services in the County of Essex for the renewal period from January 1, 2024 until August 27, 2024.

Background

In the fall of 2020, the City of Windsor and the Authority entered into an agreement for the provision of recycling collection services in the County of Essex. At the time of the agreement, the Region's transition date to the Extended Producer Responsibility (EPR) model was unknown. The earliest transition date possible was January 1, 2023, and the latest transition date possible was December 31, 2025. It was agreed by both parties to set the collection contract term until December 31, 2023, with an understanding that once the transition date for the region was established the term of the agreement may need to be extended.

The transition date for the City of Windsor and all seven (7) Essex County municipalities has been established as August 27th, 2024. The Authority therefore requires an extension to continue the City of Windsor provided services for approximately 8 months beyond the current agreement.

Discussion

The current collection agreement with the City of Windsor expired on December 31, 2023, however, the Producer Responsible Organizations will not be taking over full recycling responsibilities until August 28th, 2024. The Authority therefore requires either an extension to the current agreement with the City of Windsor, or a new agreement with a different service provider. Given that the collection needs are for approximately 8 months, Administration has recommended that the term of the current agreement be extended for a period commencing on January 1, 2024 until August 27, 2024.

Financial Implications

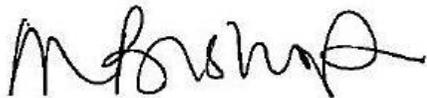
The approved 2024 Operational Plan and Budget included an expenditure for the cost of blue box collection in the County of Essex for the period of January 1, 2024 to August 27, 2024.

There are no additional financial implications at this time.

Recommendation

THAT the Board **APPROVE** the extension and the Chair and General Manager **BE AUTHORIZED** to sign an extension to the agreement with the City of Windsor to provide recycling collection services in the County of Essex for the renewal period from January 1, 2024 until August 27, 2024.

Submitted By



Michelle Bishop, General Manager



Essex-Windsor Solid Waste Authority

Administrative Report

January 29, 2024

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

From: Michelle Bishop, General Manager

Meeting Date: Tuesday, February 06, 2024

Subject: ROMA Conference Delegation Update

Purpose

The purpose of this report is to provide the Board with an update regarding the delegation presentation at the Rural Ontario Municipal Association (ROMA) conference on January 23, 2024, regarding the collection of Blue Box materials from Non-eligible sources (NES).

Background

As previously communicated, a ROMA delegation request was drafted by Authority Administration and submitted by the County of Essex. On December 28, 2023, the County received notification that the request was approved.

At 9:15 am on Tuesday, January 23, 2024, the Essex County Warden and Authority Board member Hilda MacDonald, County of Essex CAO, Sandra Zwiers, and the Authority General Manager, Michelle Bishop presented to Mr. John Yakabuski, Parliamentary Assistant to the Minister and other representatives from the Ministry of Environment, Conservation and Parks (MECP).

The delegation was to request changes to the Blue Box Regulation (Regulation) (O Reg 391/21) to capture non-residential recycling or NES in the new producer responsibility model or alternatively to require producers to allow for the co-collection of non-residential and residential materials. In this urban/rural mixed region of Essex-Windsor, the exclusion of recycling collection services for non-residential recycling leaves a burden on small businesses and municipalities. It is

anticipated that if municipalities don't maintain the existing collection of blue box materials for NES, recyclables will end up in the region's most valuable asset, the Essex-Windsor Regional Landfill, consuming valuable capacity with blue box recyclables that should continue to be diverted and detract the region from its environmental goals.

Discussion

The delegation presentation highlighted concerns associated with the exclusion of certain properties such as municipal facilities (municipal buildings, arenas, marinas, libraries, etc.), not-for-profits, places of worship, and industrial, commercial and institutional (IC&I) sources from the new Regulation.

The presentation highlighted several key issues that were identified in the delegation request (Refer to attachments for MECP delegation details).

Changes to the Regulation wording were sought to reduce the negative impact that will come from not allowing the co-collection of blue box recycling material from these NES sources with eligible source/residential collection. If left as is, the Regulation will perpetuate inefficient collection practices, loss of economies of scale to support financially efficient contracts, and likely result in the disposal of recyclables into municipal landfills. The unintended consequences of the current Regulation will ultimately become a financial, operating and environmental burden to municipalities. For those municipalities in a rural context, the negative consequences will only be amplified.

Mr. Yakabuski and his ministry staff were receptive to our request for Regulation refinement. Overall, the presentation was well received.

The following points summarize some of the comments received from Mr. Yakabuski:

- Thanked us for acknowledging that the program was good for Ontarians and welcomed by municipalities.
- This is an issue that the MECP is well aware of and many municipalities have raised concerns.
- The Regulation was difficult to create and MECP tried its best to capture everything, but as with any Regulation, gaps have been identified.
- Agreed that it would be chaotic if there were numerous different collector vehicles in a small town picking up from different NES stops.
- Understood the current supply chain issues.
- Stated he understood our concern for landfill capacity and agreed that these materials would end up in the landfill.

- Mr. Yakabuski turned it over to Mr. Marc Peverini, Manager, Waste Diversion to ask a few questions.
- Mr. Peverini asked for more information including specific questions regarding the Authority's program such as percentage NES compared to eligible sources. How the program was currently managed, who is eligible, etc.
- He stated that this is a difficult issue because each municipality has a different program.
- Specifically, he is looking to find out the criteria municipalities use to determine eligibility and for municipalities to offer suggestions for developing criteria.

Additionally, a follow-up email has been received from Mr. Peverini requesting additional information and details on how the Authority services small IC&I facilities in the existing blue box program.

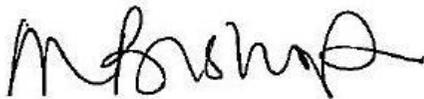
Financial Implications

There are no financial implications at this time.

Recommendation

THAT the Board receive this report as information.

Submitted By



Michelle Bishop, General Manager

Attachments

ROMA Delegation Request 2024
Non-Eligible Sources / Blue Box Transition / EPR
Ministry of Environment, Conservation and Parks

Summary

Industrial, commercial and some institutional (IC&I) properties, including mixed-use properties, not for profits, etc. are not captured in the new Blue Box Regulation (O.Reg. 391/21). As a result, costs associated with continuing to provide blue box program services (collection, processing, promotion and education, administration, etc.) to this sector will remain the responsibility of Ontario municipalities. This is an inefficient and costly approach that will negatively impact the environment.

Options for blue box collection during and post-transition have been dictated by Circular Materials, the primary Producer Responsibility Organization (PRO) in Ontario. Options include separate or co-collection with eligible sources during the transition period and separate collection only post-transition (2026 and beyond). The options are restrictive, inefficient, and disadvantageous to municipalities who have positively supported the diversion of blue box materials from landfills for the past three decades for both residents and small businesses.

This approach presents significant concerns for municipalities and their taxpayers for a number of reasons:

- Inefficient collection method: banning the co-collection of eligible and non-eligible materials post-2026 is an inefficient way to collect these materials as many non-eligible sources reside on eligible source collection routes. This will unnecessarily result in additional collection trucks on the roads and an increase in greenhouse gas emissions.
- How will a non-eligible source collection program be funded: many municipalities embed the cost of blue box recycling in municipal taxes equally amongst residences and businesses regardless of their participation. With eligible sources being funded by the producers under the new Blue Box Regulation (O.Reg. 391/21), this reduces the tax base for this service that will be applied to IC&I properties. This shift in cost burden will negatively impact the IC&I sector, particularly small local businesses, non-profit organizations, daycares, places of worship, post-secondary schools, municipal buildings, etc. The mechanism to bill this distinct group of customers will also be administratively cumbersome for municipalities.
- Lack of competition: the waste management sector has seen fewer service providers bidding on municipal waste collection contracts in the last 5-10 years. This suggests a lack of competition in the marketplace, putting municipalities in a disadvantageous position to procure competitive pricing for such a service for non-eligible sources, thus

putting more pressure on small local businesses, non-profit organizations, daycares, and places of worship.

- Recyclable materials will go to landfill: if municipal collection services are discontinued to IC&I properties, those that do not meet the criteria set out in IC&I Source Separation Programs (O.Reg. 103/94) will likely not participate in a recycling program if it comes at an additional cost. This will result in blue box materials going in the garbage stream and consequently an increase in tonnages going to the EWSWA's Essex-Windsor Regional Landfill, thereby reducing the lifespan of this landfill and landfill capacity in Ontario.

The County of Essex and the EWSWA are urging the MECP to reconsider the criteria for non-eligible sources in the new Blue Box Regulation (O.Reg. 391/21); at a minimum to expand producer responsibility to include IC&I properties not governed by O.Reg. 103/94 to bridge the gap between the two regulations' criterion while promoting continued participation in recycling programs.

Background

In 2022, the Province passed the new Blue Box Regulation (O. Reg. 391/21) under the Resource Recovery and Circular Economy Act (RRCEA). The new Blue Box Regulation shifts the responsibility for funding and operating the blue box program from municipalities to producers of paper, packaging, and other similar products. Eligible communities (municipalities, local services boards, or First Nation communities) transition to this extended producer responsibility (EPR) model between July 1st, 2023 and December 31, 2025. The new Blue Box Regulation takes full effect on January 1st, 2026. Essex County, which is the area that the EWSWA currently operates a blue box program for, transitions on August 28th, 2024.

The new Blue Box Regulation requires producers to collect from eligible sources including residences, multi-residential buildings, schools, and non-profit long-term care and retirement homes, but excludes sources (i.e., non-eligible) that are currently receiving blue box curbside collection services. Non-eligible sources include IC&I properties, as well as not-for-profit organizations, municipal buildings and facilities, daycares, places of worship, campgrounds and trailer parks, and commercial farms, etc.

Current waste diversion (recycling) regulations governing the IC&I sector include O.Reg. 102/94: Waste Audits and Waste Reduction Work Plans and O. Reg. 103/94: Industrial, Commercial and Institutional Source Separation Programs. These regulations target very large IC&I establishments and fail to address small and medium establishments, which have been excluded from the new Blue Box Regulation, but currently receive blue box services from their municipality like the EWSWA.

As producers are not required to collect from non-eligible sources, there are options to have this material collected via curbside collection and at depots and then processed and mixed in

with eligible sources during the transition period (January 1, 2024-December 31, 2025) at a cost to municipalities. After the transition period ends (beginning January 1, 2026) this material must be separated from eligible sources and handled solely by municipalities if they wish to continue collecting from these locations. This model has been dictated by Circular Materials as the primary PRO in Ontario.

This approach leaves significant gaps in waste diversion requirements at a time when landfill capacity in the Province is reaching a crisis point with approximately 10 years remaining. Further, efficiencies will be lost when separating the collection and processing of eligible and non-eligible source blue box materials, putting more strain on supply-chain resources and unnecessarily increasing costs.

BLUE BOX BLUES

ONTARIO REGULATION 391/21

THE PROBLEM

Ontario Regulation 391/21 leaves municipalities with two unappealing options that will either increase costs, inefficiencies and emissions or reduce services and diversion rates, shortening the lifespan of existing landfills.

The regulation removes from producers the responsibility to collect from a wide range of non-eligible sources including: commercial farms, daycares, not-for-profits, industrial/commercial properties, municipal buildings, places of worship, campgrounds and trailer parks.



THIS LEAVES MUNICIPALITIES, PARTICULARLY RURAL ONES, WITH TWO **BAD OPTIONS:**

OPTION 1: SEPARATE COLLECTION PROGRAM

- Additional trucks will have to collect at different times on the same routes, increasing costs, inefficiencies and greenhouse gas emissions
- The shifting cost burden for what was a general service will negatively impact the IC&I sector and create administrative red tape
- The lack of competition in the sector will lead to higher contract prices

OPTION 2: CEASE COLLECTION OPERATIONS FOR NON-ELIGIBLE SOURCES

- Disproportionately impact small businesses and non-profits already struggling with inflation and interest rate hikes
- Recyclable material will instead go to landfills, drastically shortening their lifespan
- This diversion reduction comes with environmental impacts and long-term cost implications

THE SOLUTION

Expand producer responsibility to include IC&I properties and promote continued participation in recycling programs.





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357-2024-154

January 25, 2024

Ms. Hilda MacDonald
Warden
County of Essex
Email: macdonald@leamington.ca

Dear Warden MacDonald:

Thank you for meeting with me at the 2024 Rural Ontario Municipal Association (ROMA) conference in Toronto. I appreciate having the opportunity to meet with municipal partners from across the province and learn about the priorities in your communities.

Our government is actively supporting growth in rural communities, addressing your unique environmental opportunities and challenges, creating jobs and building a cleaner, greener future. This includes our progress and work to protect our lakes and rivers, keep our neighbourhoods and parks clean and free of litter, and preserve Ontario's rich biodiversity.

I am excited to continue our work toward our shared goals of conserving the environment for the health and prosperity of future generations.

Once again, thank you for meeting with me and I look forward to our continued collaboration.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Yakabuski".

John Yakabuski
Parliamentary Assistant to the Minister of the Environment, Conservation and Parks



Essex-Windsor Solid Waste Authority Administrative Report

January 22, 2024

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

From: Tom Marentette, Manager of Waste Disposal

Meeting Date: Tuesday, February 06, 2024

Subject: Appointment of One Board Member to the Regional Landfill Liaison Committee for 2024

Purpose

The purpose of this report is to request that the Authority appoint a Board Member, who is not from the Town of Essex, to the Landfill Liaison Committee for a one (1) year term for 2024.

As a matter of information, the Board's appointment for 2023 was Board Member Jim Morrison.

Background

The Environmental Compliance Approval for the Regional Landfill stipulates the establishment and maintenance of a Landfill Liaison Committee (LLC). The purpose of the LLC is to review and make comment on any activities associated with the Essex-Windsor 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.

Membership of the LLC consists of 8 members as follows:

1 Member From the EWSWA Board that is not a Municipal Council Member from the host municipality, namely the Town of Essex – Term of 1 year

2 Members From the Municipal Council of the host municipality, namely the Town of Essex – Term of Council, (Ms. Kim Verbeek & Ms. Katie McGuire-Blais)

1 Member MOE Representative - Appointed by the District Manager of the Ministry of the Environment, Conservation and Parks (Mr. Jeff Buckley, Senior Environmental Officer - Windsor Office)

4 Members Resident representatives from the 'Schedule A' area as defined in the Compensation Policy – Term of 3 years (Ms. Susan Morand – 2022-2024, Ms. Louise Masse – 2022-2024, Ms. Maria McPherson – 2023-2025) and Mr. Ted Polewski – 2024-2026)

Discussion

The LLC meets four (4) times per year, usually in May, July, September and November. Exact meeting dates are yet to be determined.

Recommendation

THAT the Board appoint one of its members, who is not a member of the Council of the Town of Essex, to the Landfill Liaison Committee for a one (1) year term for 2024.

Submitted By



Tom Marentette, Manager of Waste Disposal



Essex-Windsor Solid Waste Authority Administrative Report

February 1, 2024

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

From: Steffan Brisebois, Manager of Finance and Administration

Meeting Date: Tuesday, February 06, 2024

Subject: EWSWA 2024 Operational Plan and Budget Approval Status

Purpose

The purpose of this report is to update the Board on the status of the EWSWA 2024 Operational Plan and Budget ("Budget") approval process.

Background

At the November 7, 2023 EWSWA Board meeting, the Board approved the 2024 Budget and Administration's recommendations.

As part of the final approval process, the Budget needed to be referred to the County of Essex and the City of Windsor and their Councils for their consideration.

Discussion

On December 20, 2023, Administration attended Essex County Council to present and seek their approval of the EWSWA 2024 Budget. It was at this meeting that County Council resolved to approve the 2024 Budget.

On January 22, 2024, Administration attended Windsor City Council as delegates to address any Council members' questions surrounding the 2024 Budget. It was at the January 29, 2024 meeting that Windsor City Council resolved to approve the 2024 Budget.

Recommendation

For the Board's information.

Submitted By



Steffan Brisebois, Manager of Finance and Administration



Essex-Windsor Solid Waste Authority

Administrative Report

January 25, 2024

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

From: Steffan Brisebois, Manager of Finance and Administration

Meeting Date: Tuesday, February 06, 2024

Subject: 2024 Budget – Projection Update

Purpose

The purpose of this report is to provide an update regarding the 2023 projected and 2024 budgeted revenue and expenditure figures which were presented in the 2024 EWSWA Operating Plan and Budget (“the Budget”) on November 7, 2023.

Background

On November 7, 2023, the 2024 Budget was approved by the EWSWA Board. At the time of the preparation of the 2024 Budget, some estimates were made in order to derive the projected 2023 revenue and expenditure figures.

Administration has identified variances in the 2023 Industrial, Commercial and Institutional (IC&I) tipping fee revenue and select expenditure figures. Those projected figures are required to be revised as described in the discussion section below.

Discussion

2023 Revenue Projections

IC&I Landfilled Tip Fee Revenue – The table below shows that at the end of 2024, 33,512 additional tonnes were deposited at the Essex-Regional Landfill amounting

to \$759,050. The majority of the additional revenue is derived from un-projected greenhouse vines delivered by large volume waste hauling customers received at the end of the fiscal year. The remaining difference was attributable to 4,680 tonnes of additional un-projected contaminated soil material.

	2023 Projection Original	2023 Projection Revised	Positive/ (Negative) Variance
<u>IC&I Landfilled Waste Revenue</u>			
IC&I Waste	\$8,057,870	\$9,008,430	\$950,560
Contaminated Soil	\$1,216,000	\$1,388,770	\$172,770
Less: Host Compensation (\$10.87/tonne)	(\$2,277,460)	(\$2,641,740)	(\$364,280)
Net change in IC&I Landfilled Waste Revenue	\$6,996,410	\$7,755,460	\$759,050
<u>IC&I Landfilled Waste in Tonnes</u>			
IC&I Waste	177,518	206,350	28,832
Contaminated Soil	32,000	36,680	4,680
Net change in IC&I Landfilled Waste in Tonnes	209,518	243,030	33,512

2023 Expenditure Projections

Reverse Osmosis Plant and Frac Tank Rental and Consumables – Included in the 2023 projected figures were costs to rent and operate the RO Plant and Frac Tanks in the month of December 2023. Due to delays in shipping, no costs were incurred surrounding the RO Plant rental, Frac Tank rental and operating fees which were projected to be \$124,450.

Risks Associated with Revenue Included in the 2024 Budget Figures

Large Volume Waste Hauler

At the November 7, 2023 EWSWA Board meeting, Administration advised the Board that there were inherent risks built into the 2024 Budget since the Budget is built based on information that is available at the time the Budget is prepared. At that time, two large volume waste hauling customer contracts were set to expire on December 31, 2023. As of January 1, 2024, both customers signed a one-year put-or-pay contract with the following minimum tonnages:

	Calendar 2023 put-or-pay minimum tonnage	Calendar 2024 put-or-pay minimum tonnage	Variance Positive/(Negative) in tonnes
Customer A	1,001	1,001	0
Customer B	20,001	10,001	(10,000)

Financial Implications

Both the additional revenue from the landfillable waste and the delay in operating the RO Plant will serve to decrease the 2023 operating deficit. A full year-end report will be provided to the Board in May once the 2023 audit is completed by KPMG. The final 2023 operating deficit figure will be reported at that time.

Administration does not anticipate any financial impact to the 2024 Budget from the reduced tonnage since the 2024 Budget includes two (2) large volume waste hauling contracts with a minimum put-or-pay contract of 1,001 tonnes and 10,001 tonnes respectively.

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 1-2024

Being a By-law to Authorize the Extension of Agreement between the City of Windsor and Essex-Windsor Solid Waste Authority to Provide Recycling Collection Services in the County of Essex for the Renewal Period from January 1, 2024 until August 27, 2024

WHEREAS the Essex-Windsor Solid Waste Authority has approved entering into an extension Agreement with the City of Windsor to provide recycling collection services in the County of Essex for the renewal period from January 1, 2024 until August 27, 2024.

NOW THEREFORE the Essex-Windsor Solid Waste Authority enacts as follows:

- 1) **THAT** EWSWA hereby approves an extension Agreement with the City of Windsor.
- 2) **THAT** the term of the original Agreement be extended for the period from January 1, 2024 until August 27, 2024.

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

ESSEX-WINDSOR SOLID WASTE AUTHORITY

EWSWA Board Chair

**Michelle Bishop
General Manager**

**Read a First, Second and Third Time, Enacted and Passed This
6th Day of February, 2024.**

Essex-Windsor Solid Waste Authority

By-Law Number 2-2024

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

EWSWA Board Chair

**Michelle Bishop
General Manager**

**Read a First, Second and Third Time, Enacted and Passed This
6th Day of February, 2024**