



Essex-Windsor Solid Waste Authority Regular Board Meeting Agenda

Meeting Date: Wednesday, September 13, 2023

Time: 3:00PM

**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.

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Tuesday, November 7, 2023 – 2024 Budget Deliberation
Tuesday, December 5, 2023

11. Adjournment



Essex-Windsor Solid Waste Authority Regular Board Meeting MINUTES

Meeting Date: Wednesday, August 9, 2023

Time: 4:00 PM

Location: Zoom Meeting

Attendance

Board Members:

Gary McNamara - Chair	County of Essex
Hilda MacDonald	County of Essex
Rob Shepley	County of Essex
Michael Akpata	County of Essex
Kirk Walstedt	County of Essex
Gary Kaschak – Vice Chair	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
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:

Mary Birch	Director of Council & Community Services/Clerk
Sandra Zwiers	County CAO

Absent:

Drew Dilkens	City of Windsor (Ex-Officio)
Kieran McKenzie	City of Windsor
Mark McKenzie	City of Windsor
Mark Spizzirri	Manager of Performance Management and Business Case Development
Kate Hebert	Manager Records and Accessibility/Deputy Clerk

1. Call to Order

Chair McNamara called the Regular meeting to order at 4:02 PM.

The Chair asked the Executive Assistant to conduct the roll call:

Gary Kaschak - Present
Kieran McKenzie - Absent
Jim Morrison - Present
Mark McKenzie - Absent
Michael Akpata - Present
Rob Shepley - Present
Hilda MacDonald - Present
Gary McNamara - Present
Kirk Walstedt - Present

2. 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.

3. Approval of the Minutes

Moved by Hilda MacDonald
Seconded by Gary Kaschak

THAT the minutes from the Essex-Windsor Solid Waste Authority Regular Meeting, dated July 12, 2023, be approved and adopted.

**50-2023
Carried**

4. Business Arising from the Minutes

There were no items raised for discussion.

5. Waste Disposal

A. Regional Landfill Leachate Management

The Manager of Waste Disposal referred to the report on pages 16-19 of the agenda package. The purpose of the report is to recommend the Board enter into a contract with Rochem Americas ("Rochem") for a one (1) year term for the rental of a 50,000 Gal-per-day (gpd) portable high-pressure reverse osmosis ("RO") system to treat and process leachate at the Regional Landfill ("RL").

At the July 12, 2023 Board meeting, the Board was provided an update regarding the management of leachate at the RL and was also provided copies of reports, including recommendations, prepared by Stantec and RWDI Air Inc. In addition, the Board was provided details about Rochem's RO system and estimated costs. The Board approved the recommendation to post an Advance Contract Award Notice ("ACAN").

On July 12, 2023, Administration published the ACAN for a period of 14 days so potential service providers could provide a statement of capability. No service providers provided a submission. Given that the Authority did not receive any submissions and per the Authority's Procurement Policy (EW-008), the Authority may enter into a contract with Rochem. If the Board chooses to award the contract to Rochem, the Authority will work with Rochem to establish a delivery date for the system, begin work on infrastructure upgrades and prepare the site to support the plant and pilot study.

The Manager of Waste Disposal referred to the table on page 18 of the agenda package that outlined the estimated costs that the Authority would be obligated to pay Rochem to rent the RO system and purchase specific chemicals. A one-time hydro service upgrade will be required. As discussed at the July 2023 Board meeting, the RL does not currently have the power to operate the plant and this would also be needed for any type of long-term treatment solution. Administration is also recommending a one-time contribution from the Rate Stabilization Reserve to fund this service upgrade.

The rental and operating costs will form part of the Regional Landfill Operating Program. A portion of the costs will be offset by revenue earned from the delivery of episodic waste and from savings in leachate hauling and treatment expenditures. The final cost will form part of the 2023 financial projection figure. The 2024 costs will be included in the 2024 Operating Plan and Budget.

The Chair asked if there were any questions. No questions were asked.

Moved by Rob Shepley
Seconded by Kirk Walstedt

1. **THAT** the Board authorize the Chair and General Manager to execute a contract with Rochem Americas for a one (1) year term in the amount of \$874,320 USD for the year [\$72,860.00 USD per month] for the rental of a 50,000 Gal-per-day (gpd) (189 m³ per day) portable high-pressure Reverse Osmosis system to treat and process leachate at the Regional Landfill.
2. **THAT** the Board approve the one-time contribution from the Rate Stabilization Reserve to fund the hydro service upgrades at the Regional Landfill.

51-2023
Carried

6. Other Items

No items were raised for discussion.

7. By-Laws

A. By-Law 7-2023

Moved by Gary Kaschak

Seconded by Jim Morrison

THAT By-Law 7-2023, being a By-law to Authorize the execution of an agreement between the Essex-Windsor Solid Waste Authority and Rochem Americas for a one (1) year term in the amount of \$874,320 USD for the year [\$72,860 USD per month] for the rental of a 50,000 Gal-per-day (gpd) (189 m³ per day) portable high-pressure Reverse Osmosis system to treat and process leachate at the Regional Landfill.

52-2023
Carried

B. By-Law 8-2023

Moved by Rob Shepley

Seconded by Michael Akpata

THAT By-Law 8-2023, 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 9th day of August, 2023.

53-2023
Carried

8. Next Meeting Dates

Wednesday, September 13, 2023

Thursday, October 5, 2023

Tuesday, November 7, 2023

Tuesday, December 5, 2023

9. Adjournment

Moved by Rob Shepley

Seconded by Gary Kaschak

THAT the Board stand adjourned at 4:12 PM.

54-2023
Carried

All of which is respectfully submitted.

Gary McNamara
Chair

Michelle Bishop
General Manager



Essex-Windsor Solid Waste Authority Administrative Report

September 7, 2023

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

From: Cathy Copot-Nepszy, Manager of Waste Diversion

Meeting Date: Wednesday, September 13, 2023

Subject: EWSWA Material Recovery Facilities (MRFs) Lease Update

Purpose

The purpose of this report is to update the Board on the status of the Materials Recovery Facilities (MRFs) Lease Request for Proposals (RFP).

Background

As provided at previous Board meetings, Ontario's Blue box program is undergoing major changes as a result of Ontario Regulation 391/21 (OREg 391/21). These Regulations were released June 3, 2021 by the Ministry of the Environment, Conservation and Parks (MECP) to transition the current Blue Box Program from a municipally managed system to a full Extended Producer Responsibility (EPR) system.

The start of the transition to EPR began on July 1, 2023, and will end on December 31, 2025, where full EPR will begin January 1, 2026. Essex-Windsor municipality's transition is scheduled for August 28, 2024. Until this transition, the Authority (on behalf of its municipalities) is legislated to operate the current Blue Box program in its entirety (e.g., promotion, collection, processing, end-market).

With the transition to EPR, obligated Producers will enlist the services of Producer Responsibility Organizations (PROs) to meet their regulation requirements. As of late, PROs identified for this program include Circular Materials (CM), Ryse Solutions Ontario Inc. and H2 Compliance Inc.

In 2022, CM released procurement documents for Post-collection services (i.e., receiving facility) for the consolidation and/or sorting of collected Blue Box materials for eventual sale to end-markets. As there were a number of challenges and risks for municipalities to enter into contractual obligations with CM, the Authority, like many municipalities across Ontario, opted out to be a direct service provider to CM for Post-collection services (e.g., receiving facility, processing of Blue Box materials).

As a result, the Authority reviewed uses for its MRF assets that are situated on an encumbered site (Windsor Public Drop Off-3560 North Service Road) beyond August 28, 2024, considering that these uses must comply with the Authority's Environmental Compliance Approval (ECA) 4911-9ATQWB, as well as all Applicable Laws, etc.

At the March 7, 2023 Board meeting, Administration shared that after evaluating the possibility of leasing one or both MRFs for Blue Box Post-collection services to a service provider who would contract with a PRO, this could be a favourable direction for the Authority. This direction could generate revenue and may also help the region with a more seamless transition to EPR. Therefore, the Board approved the recommendation to allow Administration to proceed with the issuance of an RFP for the lease of one or both of its MRFs.

Discussion

On April 6, 2023, the Authority issued an RFP (No.2023-0406) to pursue the potential lease of one or both MRFs after August 2024 through Bids and Tenders and additionally promoted the procurement on Biddingo, MERX and in the Windsor Star. The RFP process required each proponent to attend a mandatory site visit for the purposes of reviewing the MRF assets and operations, as well as understanding the site. Three proponents attended the mandatory site visit.

The RFP closed on May 5th, 2023 at 5:00 pm. While there were six plan takers, only one proposal was received. The submitted proposal was then evaluated extensively by a committee established by the Authority, which determined that this proponent met all requirements of the RFP (e.g., mandatory requirements, technical requirements and financial requirements). However, the award of this RFP was not issued to the proponent as it was contingent on them securing a Post-collection services contract with a PRO that aligned with the Authority's transition date(August 28, 2024).

In the coming weeks, it was relayed to the Authority, that the successful proponent at this time had not had confirmation of a Post-collection services contract with a PRO. Further on June 27, 2023, the Authority received an email from a local municipality sharing that they had been notified by CM (a PRO) that

GFL Environmental Inc. located at 2700 Deziel Drive Windsor, Ontario N8W 5H8 was awarded the CM contract to receive Blue Box materials from its transition date (August 28, 2024) to December 31, 2025 for this Essex-Windsor catchment area. At this time, the Authority reached out to CM sharing that it was very disappointed to hear this news *through the grapevine* and not directly from CM as the Authority was its main contact for this entire transition process and the operator of the current Blue Box program for Essex-Windsor. As a result, the Authority requested a meeting with CM to discuss the next steps.

At a July 7, 2023 meeting between CM, the Authority and City Administration, many questions were asked about the CM's Post-collection procurement process and the next steps. CM expressed that while they had contracted with GFL Environmental Inc. for receiving materials in Windsor for this catchment area, they were still in the process of reviewing submissions for the processing of Blue Box materials. The Authority questioned why the two services were not better linked as CM (and their Producers) may have had financial, logistical and environmental efficiencies in doing so.

At this meeting, Administration also communicated that it needed to decide in early fall at latest as to how it was to use its MRFs after August 2024. Administration then shared that it needed to establish a transfer station to support the launch of a 2025 Green Bin program. In the end, amicably CM left the meeting and its parties confident that CM would finalize the procuring of processing Blue Box materials within a month's time.

To follow up, no correspondence was received from CM since the July 7th meeting and as a result, the Authority reached out to CM asking for an update. CM responded that they still did not have resolve on the procurement of Blue Box processing for this catchment. As a result, Authority Administration phoned CM's VP, National Supply Chain Operations – Ms. Sherry Arcaro requesting an update. Here, Ms. Arcaro was transparent with information, sharing that they had delays on their end to finalize this procurement. This was due to summer vacations, staff, legal, as well as, more questions and scenarios arising as they reviewed submissions from their procurement process. CM explained that it was building an entire system for Ontario and trying to see at a minimum how many MRFs it needed to process Blue Box materials for Ontario, keeping in mind that they needed a contingency plan in case a MRF in their network plan goes down. Ms. Arcaro confirmed that the recommendation that they were working on was to go to the CM Board by the third week in September and if no questions were asked or challenges initiated, that CM would have a response to the Authority by mid-October. Ms. Arcaro also noted that CM had all the information that it needed from the Authority in order to finalize their procurement.

While Authority Administration is working patiently with CM to see if leasing the MRFs for the processing of Blue Box materials is feasible, Administration is keeping in mind that the 2025 launch of a new Green Bin program is quickly approaching.

As presented recently at an Authority Board meeting, the EXP report recommended that organic material collected in certain areas of Essex-Windsor for the 2025 Green Bin program be consolidated at the North Service Road location before being transferred to Seaclyff Energy for processing. EXP identified two (2) potential scenarios, the first being a retrofit of the existing Transfer Station #1 and the second being a retrofit of the Authority's Container MRF.

If there is an opportunity to generate revenue from the leasing of the MRFs, Administration would certainly like to explore that which is why the Authority has held patiently with CM. However, in absence of a response from CM in a timely manner, the Authority may need to proceed with a recommendation to the Board. The Technical Staff Committee will be meeting to discuss opportunities to keep moving forward while Administration waits for CM to respond.

Financial Implications

There are no financial implications associated with this 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

September 5, 2023

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

From: Tom Marentette, Manager of Waste Disposal

Meeting Date: Wednesday, September 13, 2023

Subject: Hydro Service Upgrades at the Regional Landfill RFQ Award

Purpose

The purpose of this report is to recommend the award for Hydro Service Upgrades at the Regional Landfill Request for Quote (RFQ) to Sterling Motors Technology Inc. at the submitted price of \$139,900 plus HST.

Background

As presented at previous meetings the Regional Landfill site does not have adequate hydro service to support any long-term leachate management solution and a service upgrade is required. The following recommendation was approved by the Board on August 9, 2023:

Moved by Rob Shepley
Seconded by Kirk Walstedt

THAT the Board approve the one-time contribution from the Rate Stabilization Reserve to fund the hydro service upgrades at the Regional Landfill.

Carried

Discussion

Initial estimates for the completion of the upgrade were approximately \$90,000. Through consultation with Hydro One and the electrical contractors, it was identified that changes to the preliminary design and additional work were needed to accommodate the power demand, the requirements of Hydro One and the Electrical Safety Authority. Due to these changes and the expanded scope of work, the total cost of the Hydro Service Upgrades at the Regional Landfill exceeded \$100,000. Per the Authority's Procurement Policy (EW-008), Administration is required to obtain Board approval for the award of the RFQ when the total dollar amount of a purchase or service exceeds \$100,000.

The Authority conducted a competitive RFQ for the Hydro Service Upgrades at the Regional Landfill and advertised it on the Authority's website (EWSWA.org). The scope of work involved the supply of electrical labour services, materials and electrical equipment to install panels, lights, switches, a pump, wire and other related equipment to connect electrical power to two (2) new shipping containers. The shipping containers will be used to house all necessary electrical equipment to operate the Reverse Osmosis (RO) system. At the time of closing, two (2) Proponents submitted a formal bid.

Proponents were evaluated using a two-step approach which included the Compliance Stage and Pricing Stage. The Proponents were required to meet all the RFQ's submission requirements in order to proceed to the Pricing Stage. If the Proponent proceeds to the Pricing Stage, the best price will proceed to the award of the contract. Both Proponents passed the Compliance Stage and the resulting bid prices were as follows:

Company	Bid Price (excluding HST)
Sterling Motor Technology Inc.	\$139,900
Mellon Inc.	\$224,400

Financial Implications

The Hydro Service Upgrade at the Regional Landfill cost of \$139,900 (plus HST) and will be funded by a one-time contribution from the Rate Stabilization Reserve. The draw will reduce the Rate Stabilization end-of-year reserve balance.

Recommendations

1. THAT the Board award the Request for Quote to Sterling Motor Technology Inc. for the Hydro Service Upgrades at the Regional Landfill in the amount of \$139,900 plus HST.

2. THAT the Board approve the increase in the one-time contribution from the Rate Stabilization Reserve to fund the Hydro Service Upgrades at the Regional Landfill from \$90,000 to \$139,900 plus HST.

Submitted By



Tom Marentette, Manager of Waste Disposal



Essex-Windsor Solid Waste Authority

Administrative Report

September 5, 2023

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

From: Tom Marentette, Manager of Waste Disposal

Meeting Date: Wednesday, September 13, 2023

Subject: Design, Engineering and Construction of a New Scale House Building – Result and Award

Purpose

The purpose of this report is to recommend the award of the Request for Proposals (RFP) for the Design, Engineering and Construction of a new scale house building at Transfer Station #2, located in the Town of Kingsville to Greenlight General Contracting Inc. who have been identified as the Preferred Proponent and submitted a total bid price of \$224,000 (excluding taxes).

Background

The Authority owns and operates the Transfer Station #2 site located at 2021 CR31, RR#2 Albuna Townline in the Town of Kingsville. The site is open six days a week for residents, industrial/commercial/institutional (IC&I) customers, and municipal customers to deliver an assortment of materials which includes but is not limited to curbside garbage, recyclable material and non-hazardous waste.

On May 16, 2023, the Authority issued an RFP for the Design, Engineering and Construction of a new scale house building at Transfer Station #2. The new scale house will replace the original 30-plus-year-old pre-fabricated scale house building which no longer adequately supports the Authority's operations. The larger permanent structure will better service the needs of this essential transfer facility.

RFP Evaluation Overview

The RFP Evaluation of Proposals was comprised of the following stages:

Stage 1: Proposals were reviewed to confirm compliance with all mandatory requirements.

Stage 2: All compliant Proposals were reviewed according to the Technical Evaluation which included providing three (3) projects undertaken within the last five (5) years that are relevant in size, nature, scope and complexity to this RFP.

Stage 3: All Proposals that achieved the Minimum Technical Score (70% or 49 out of 70 or greater) proceeded to the Financial Evaluation stage.

Stage 4: The Proponent with the highest Technical and Financial Score (the "Combined Score") was recommended for contract award.

The evaluation of the proposals was carried out by a committee of three (3) appointed members selected by Administration which comprised of the Manager of Waste Disposal, the Waste Disposal Supervisor and the Manager of Finance and Administration. The process was facilitated by the Procurement Officer from the County of Essex.

Discussion

The RFP was posted on Biddingo.com, MERX.com, bidsandtenders.com, EWSWA.org and was advertised in the Windsor Star newspaper. A site meeting was conducted at Transfer Station #2 on May 30 at 10:00 am, to review the site and answer questions about the project. Three (3) Proponents attended the site meeting. The RFP closed on June 22, 2023 and proposals were received from three (3) Proponents.

There was no public opening and bidders were required to email their bid package to the Authority by 12:00 pm (noon) on the day of closing. All bid packages received a time stamp and were reviewed for compliance with all mandatory requirements.

Compliant submissions proceeded to the Technical Evaluation Stage where the evaluation team individually reviewed and scored each Proposal.

Individual evaluations were completed from June 29 to July 5, 2023. A group consensus meeting took place at 5:00 pm on July 6 facilitated by the County of Essex, Procurement Officer. All three (3) Proponents achieved the Minimum Technical Score and proceeded to the Financial Evaluation stage of the process.

The Proponent with the highest Technical and Financial Score (the “Combined Score”) is recommended for contract award. Greenlight General Contracting Inc., achieved the highest Combined Score and was identified as the “Preferred Proponent” per the terms of the RFP.

Financial Implications

The RFP for the Design, Engineering and Construction of a New Scale House Building at Transfer Station #2 was included as part of the 2023 capital budget. The 2023 budget was formed based on an estimate received at the time of forming the budget. Neither the design nor the project scope materially changed from the original estimate, however, after having completed the competitive procurement process the cost of this project exceeded the 2023 budget of \$130,000. The project will be financed through the Equipment Replacement Reserve.

About the Recommended Proponent

Greenlight General Contracting Inc., has been in operation for five (5) years and they are located in the Town of Tecumseh. The President, Mr. David Skillings, P. Eng., has been working in the construction industry since 2007 and the Greenlight General Contracting team members possess a wealth of experience in all facets of renovations, remediation, and new construction.

Recommendation

1. THAT the Board award the Request for Proposal (RFP) to Greenlight General Contracting Inc. for the Design, Engineering and Construction of a new scale house building at Transfer Station #2 in the amount of \$224,000 plus HST.

Submitted By



Tom Marentette, Manager of Waste Disposal



Essex-Windsor Solid Waste Authority Administrative Report

August 16, 2023

To: The Chair and Board of the Essex-Windsor Solid Waste Authority
From: Steffan Brisebois, Manager of Finance and Administration
Meeting Date: Wednesday, September 13, 2023
Subject: January to June 2023 – Six Month Operations Financial Review

Purpose

The purpose of this report is to present a six-month financial review of the operating costs and revenue comparing estimated results to the 2023 Operational Plan and Budget figures.

Discussion

The following tables present estimated operating revenue and expenses for the period January 1, 2023 to June 30, 2023 compared to the 2023 Budget figures.

Revenue	January to June 2023 Budget	January to June 2023 Estimate	Variance Favourable (Unfavourable)
Municipal Refuse - Tipping Fees	\$2,303,600	\$2,197,300	(\$106,300)
Municipal Organics - Tipping Fees	\$312,800	\$278,700	(\$34,100)
I/C/I Refuse Landfilled - Tipping Fees	\$4,251,600	\$4,616,200	\$364,600
I/C/I – Non-landfilled - Tipping Fees	\$259,900	\$352,500	\$92,600
Residential Refuse - Tipping Fees	\$388,500	\$338,700	(\$49,800)
Residential \$5 Min. Fee - Tipping Fees	\$100,000	\$101,500	\$1,500

Revenue	January to June 2023 Budget	January to June 2023 Estimate	Variance Favourable (Unfavourable)
Municipal Allocation of Fixed Costs	\$4,905,800	\$4,905,800	\$0
Sale of Recyclable Goods	\$1,180,100	\$1,353,500	\$173,400
Product Stewardship Funding	\$1,531,500	\$1,529,700	(\$1,800)
Other Revenue	\$616,200	\$618,900	\$2,700
Total Revenue	\$15,850,000	\$16,292,800	\$442,800

Expenses	January to June 2023 Budget	January to June 2023 Estimate	Variance Favourable (Unfavourable)
Committee Expenses	\$6,500	\$2,400	\$4,100
Administration	\$1,034,900	\$1,065,100	(\$30,200)
Realty	\$7,900	\$7,800	\$100
Recycling	\$5,315,700	\$5,373,100	(\$57,400)
Municipal Hazardous or Special Waste	\$241,200	\$213,800	\$27,400
Waste Reduction	\$659,300	\$627,900	\$31,400
Advertising & Public Education	\$201,000	\$200,500	\$500
Regional Landfill	\$2,521,100	\$2,230,200	\$290,900
Transfer Station #1 - Windsor	\$1,180,300	\$1,144,700	\$35,600
Transfer Station #2 - Kingsville	\$418,100	\$409,800	\$8,300
Public Drop-Off Depot - Windsor	\$786,900	\$757,700	\$29,200
Regional Landfill Other	\$320,500	\$320,500	\$0
Regional Landfill Compensation	\$1,787,100	\$1,846,800	(\$59,700)
Regional Landfill Debenture	\$2,939,700	\$2,239,700	\$0
Total Expenditures	\$17,298,700	\$17,140,000	\$280,200

Landfilled Tonnes	Budgeted Tonnes	Actual Tonnes	Variance Favourable (Unfavourable)
January to June 2023	161,319	166,710	5,391

Operating Revenue

Overall, the estimated January to June 2023 revenue is approximately \$442,800 more than budgeted.

Municipal Tip Fee Revenue – Refuse

A total of 53,590 tonnes of municipal refuse was received in the first six months of 2023 compared to 56,185 budgeted tonnes. The difference generated an unfavourable variance of 2,595 tonnes and an unfavourable revenue variance of (\$106,300). The unfavourable variance is expected to decrease due to the recent influx of refuse material received at the Regional Landfill stemming from flooding in the Essex-Windsor Region.

Industrial/Commercial/Institutional Tip Fee Revenue – Landfilled Material

ICI tip fee revenue from landfilled types of material is \$364,600 higher than budgeted due to higher-than-expected tonnages.

A six-month tonne variance is detailed further in the table below:

Description	January to June 2023 Budget (Tonnes)	January to June 2023 Estimate (Tonnes)	Variance Favourable (Unfavourable) (Tonnes)	Dollar Value (\$)
Industrial, Commercial or Institutional Waste	79,430	81,460	2,030	\$153,320
Contaminated Soil	20,000	25,560	5,560	\$211,280
Total Tonnes / Dollars	99,430	107,020	7,590	\$364,600

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

ICI tip fee revenue from non-landfilled types of material is \$92,600 more than budgeted due to higher-than-expected tonnages. Examples of non-landfilled material are auto shredder fluff which is used as a daily cover material and organics delivered by businesses such as landscaping companies.

Sale of Recyclable Goods

As previously reported in the May 2, 2023 Board meeting, recyclable material commodity prices remained higher than budget during the period. The average price per tonne of recyclable material is \$30 more than budgeted in the six-month (\$140 actual vs. \$110 budget). The recyclable material tonnages were approximately 1,090 tonnes under budget (9,640 actual tonnes vs. 10,720 budgeted tonnes). Actual revenue for the period was \$1,353,500 compared to the budgeted revenue of \$1,180,100. This equates to a favourable variance of \$173,400 which is due to the aforementioned higher price per tonne on average.

This favourable variance is a result of positive global market conditions where demand is high and material supply is low, thereby escalating many commodity prices in the period.

The following table contains the 2023 budget figures, year to date and current prices per tonne for each recyclable material.

Material	2023 Budget Price Per Tonne	January to June Average Price	August 2023 Sales Price
Newspaper	\$112	\$87	\$88
OCC (Cardboard)	\$67	\$83	\$111
Boxboard/Hardpack	\$15	\$27	\$51
Clear Glass	\$0	\$30	\$29
Tin/Steel	\$241	\$363	\$345
Fine Paper	\$124	\$124	\$124
Aluminum	\$2,033	\$2,246	\$1,901
PET – Plastic	\$224	\$357	\$85

Material	2023 Budget Price Per Tonne	January to June Average Price	August 2023 Sales Price
HDPE – Plastic	\$240	\$454	\$210
Polycoat	\$10	\$1	(\$5)
Mixed Plastics	\$35	\$83	\$20
Mixed Metals	\$325	\$236	\$236
Mixed Fibre	\$0	\$0	\$10
Residual Containers	\$5	\$11	\$11

Operating Expenditures

Overall, the estimated January to June 2023 expenditures are approximately \$280,200 less than budgeted. Most expenditure estimates were within their budget for the six-month period. The major exceptions were in the Regional Landfill Operating Program, Recycling Program and Regional Landfill Compensation.

The favourable variance of \$290,900 in the Regional Landfill Operating Program is primarily due to the reduction of leachate tonnes needing to be hauled and treated. The reduction in tonnages is attributable to the City of Windsor's Pollution Control Department restricting the delivery of leachate to their treatment facilities. The favourable variance is expected to decrease in the second half of 2023 due to the costs of launching the reverse osmosis treatment plant and the expected increases in the number of leachate loads hauled and treated.

The unfavourable variance of \$57,400 in the Recycling Program is attributable to the increase in costs to operate the County Blue Box Collection which the City of Windsor operates.

The Regional Landfill landfillable material tonnage in the first six months was greater than anticipated. This increase led to an increase in host municipality and residential compensation expenditure of \$59,700.

Operating Summary

The approved 2023 budget included a total budgeted deficit of (\$3,757,380) of which (\$1,570,200) was expected to be incurred in the first six months of operations with a July to December budgeted deficit of (\$2,187,180). The six-

month financial review indicates an estimated deficit of (\$847,200) for the January to June period. Therefore, there is an estimated six-month favourable variance of \$723,000 to the budget.

Financial Implications

The projection for the full 2023 fiscal year will form part of the 2024 Operating Plan and Budget document which will be presented to the Authority Board at the November 2023 meeting.

Recommendation

THAT the Board receive this report as information.

Submitted By



Steffan Brisebois, Manager of Finance and Administration



Essex-Windsor Solid Waste Authority

Administrative Report

September 7, 2023

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

From: Michelle Bishop, General Manager

Meeting Date: Wednesday, September 13, 2023

Subject: Update - County of Essex Council Motion Re. Regional Waste Collection

Purpose

The purpose of this report is to advise the Authority Board of a further update relating to the Motions passed at Essex County Council with regards to waste collection within the seven County municipalities.

Background

At the July 5, 2022, and May 2, 2023 meetings of the Authority Board, Administration advised Board members of the motions passed by Essex County Council and noted that County of Essex and Authority Administration would commence discussions with the municipalities with respect to regionalizing waste services. In particular, to pursue concurrence to upload garbage collection from the local level to the upper tier level and to seek consultation on a cost allocation/recovery model for regional waste services (including organics) on the basis that the services would be operated entirely at the regional/upper-tier level.

On April 19, 2023, the Authority General Manager, Authority and County Solicitor, David Sundin, County Director of Finance/Treasurer Sandra Zwiers presented an update to County of Essex Council to confirm Council's commitment to the project.

The following recommendation was passed at that meeting:

That Essex County Council (1) receive this Report, (2) reconfirm its commitment to a regional approach to waste management, and (3) direct County Administration to report back at a future meeting of County Council with any further feedback received from local municipalities and the necessary By-law to upload the collection of waste to the County.

At the request of local municipalities, the Authority General Manager, Authority and County Solicitor, David Sundin, County CAO/Director of Finance/Treasurer Sandra Zwiers made the following presentations regarding the resolutions passed at Essex County Council as well as provided information regarding the benefits of the regionalization of waste collection:

Town of Tecumseh – March 14, 2023

Town of Essex – May 1, 2023

Municipality of Leamington – June 13, 2023

Town of Amherstburg – June 26, 2023

Town of LaSalle – July 25, 2023

Town of Kingsville – August 14, 2023

Municipality of Lakeshore – August 15, 2023

At the July 12, 2023 meeting of the Authority Board, EXP presented the findings of their report regarding the review of existing municipal waste collection logistics and transfer sites and the development of a strategic plan as it related to the commencement of an organic waste collection program and regional solid waste collection program.

Discussion

On July 19, 2023, and August 16, 2023, the Authority General Manager, Authority and County Solicitor, David Sundin, County CAO/Director of Finance/Treasurer Sandra Zwiers appeared before County of Essex Council to present reports including the recommendations included in the EXP document as well as a summary of the meetings at local municipalities.

Further, Essex County Council was asked to approve the recommendation to pass a by-law to initiate the process of uploading the collection and delivery of waste from the local municipalities to the County of Essex.

Copies of those reports and the resolution of Council received from the County of Essex Legislative Services Department have been included for information.

Essex County Council, at its Wednesday, August 16, 2023 meeting, adopted the following resolution:

217-2023

Moved By Gary McNamara

Seconded By Joe Bachetti

That Essex County Council receive this Report for information purposes and initiate the process of uploading the collection and delivery of waste from the local municipalities to the County by discussing and passing the By-law appended as **Appendix "B"** to this Report. (vote electronically)

In Favour (8): Joe Bachetti, Sherry Bondy, Chris Gibb, Hilda MacDonald, Gary McNamara, Michael Prue, Rob Shepley, and Larry Verbeke

Opposed (6): Michael Akpata, Tracey Bailey, Kimberly DeYong, Crystal Meloche, Dennis Rogers, and Kirk Walstedt

Next Steps

Now that the By-law has been passed by Essex County Council, it will then be up to at least 4 of the Councils of the local municipalities, comprising at least 50% of the electors within the County, to pass resolutions consenting to the County's By-law in accordance with the provisions of Section 189(2) of the *Municipal Act, 2001*.

County of Essex Administration has requested that local municipalities endeavour to have this presented at their local Councils by the end of September. A final report summarizing the resolutions of each Council and the ultimate resolution will follow at that time.

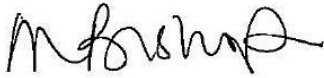
Financial Implications

No financial implications to report at this time.

Recommendation

THAT the Board receive this report as information.

Submitted By



Michelle Bishop, General Manager

Attachments:

- Report 2023-0719-LCS-R11-DMS – Regional Waste Management Initiative
- Report 2023-0816-LCS-R12-DMS – Regional Waste Management Initiative
- Resolution of Council 217-2023 – Regional Waste Management Initiative



Administrative Report

Office of the County Solicitor

To: Warden MacDonald and Members of Essex County Council

From: David Sundin, BA (Hons), LL.B.
County Solicitor

Date: Wednesday, July 19, 2023

Subject: Regional Waste Management Initiative

Report #: 2023-0719-LCS-R11-DMS

Purpose

The purpose of this Administrative Report (the "**Report**") is to provide County Council with an update regarding, and to comply with, the April 19, 2023 Resolution of County Council, being Resolution # 085-2023 (the "**2023 Resolution**"), in which County Council (1) reconfirmed its commitment to exploring a regional approach to both organic waste and traditional waste collection and (2) directed County Administration to report back at a future meeting of County Council with any further feedback received from local municipalities and to present the necessary By-law to upload the collection of waste to the County.

Background

Summary of Timeline

To assist County Council, the following is a summary of what has occurred to date with respect to the Regional Waste Management Initiative that was commenced by the previous County Council, and which has been recommitted to by this County Council is provided below. A more detailed summary is provided in an Administrative Report provided to County Council on April 19, 2023, being Report # 2023-0419-LCS-R04-DMS.

- (1) On October 20, 2021, County Council was provided with a report and delegation from the Essex Windsor Solid Waste Authority ("**EWSWA**") regarding EWSWA's Regional Food and Organics Waste Management Program (the "**Organics Program**"). County Council

was advised at that time that the primary purpose for the Organics Program was to ensure compliance with Ontario's Food and Organic Waste Policy Statement, which requires the City of Windsor, the Town of Amherstburg, the Town of LaSalle, the Municipality of Leamington, and the Town of Tecumseh, to provide for certain levels of collection and diversion of organic waste.

- (2) At the conclusion of the October 20, 2021 meeting of County Council, County Council adopted the following resolution:

THAT Essex County Council consider a Regional approach to the [Organics Program] as it relates to participation from municipalities and report its decision back to [EWSWA] no later than December 31, 2021.

- (3) On February 28, 2022, the Corporation of the City of Windsor (the "**City**") made the following decision (the "**City Resolution**"):

That City Council AGREE IN PRINCIPLE to participate in an EWSWA led Regional [Organics Program]; and further, That Administration BE DIRECTED to advise EWSWA of this decision prior to March 31, 2022.

- (4) On March 16, 2022, County Council made the following decision (the "**County Resolution**"):

And further that County Council advise 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.

- (5) On June 1, 2022, members of County Council from the Town of Essex and the Town of Kingsville, whose Towns are not currently required to meet certain collection and diversion targets brought 2 similar Motions, seeking support for a Regional approach to all waste collection with the cost becoming part of the County's tax levy.

- (6) Those 2 similar Motions were further considered at a meeting of County Council held on June 15, 2022, at which time County Council unanimously resolved (the "**2022 County Resolution**") the following:

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

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

- (7) Further to the 2022 County Resolution:
- (a) County Administration and EWSWA consulted with the CAOs of the local municipalities to confirm there is broad administrative support for pursuing a Regional approach to waste collection;
 - (b) EWSWA retained a consultant to conduct a fulsome "Waste Collection Review", with part of the scope being the completion of an analysis of the potential cost savings to be realized by transferring the jurisdiction of waste collection to the County. The results of that consultant's report are described in more detail below;
 - (c) County Administration reported back to County Council on April 19, 2023, which resulted in the 2023 County Resolution;
 - (d) Meetings have been, or will be held, with the local municipalities to provide information and to seek feedback prior to this Report and the related By-law being presented to County Council. The details of the meetings held to date, or that will be held, are outlined in more detail below;

- (e) The draft By-law to upload the collection and delivery of waste to the County has been drafted and circulated to the local municipalities for comment, but with no comments being provided to date; and
- (f) County Administration and EWSWA have initiated a working group to explore, among other things, (1) setting a base service level, (2) discussing how enhanced services can be added on to the base service level by a local municipality, and (3) beginning to discuss whether the Regional program should be funded from (a) the general levy, (b) a user fee system, or (c) a combination of general levy and user fee.

Meetings with Local Municipalities

County Administration and EWSWA have jointly made the following presentations to the local municipalities:

- (1) Town of Tecumseh – March 14, 2023 – Following the presentation to Council for the Town of Tecumseh, Town Council made a resolution in support of the concept of a regional approach to waste management.
- (2) Town of Essex – May 1, 2023 – Following the presentation to Council for the Town of Essex, Town Council made a resolution in support of the concept of a regional approach to waste management.
- (3) Municipality of Leamington – May 31, 2023 – Following the presentation to Council for the Municipality of Leamington, the Council for the Municipality endorsed the concept of a regional approach to waste management.
- (4) Town of Amherstburg – June 26, 2023 – Following the presentation to Town Council, Town Council endorsed the concept of a regional approach to waste management for further exploration.

County Administration and EWSWA have recently been invited to make a presentation to LaSalle Council, which presentation is expected to be made on July 25, 2023.

EXP Report

As mentioned above, EWSWA retained a consultant, namely EXP Services Inc. ("**EXP**"), to, among other things, assist in a broad waste collection

review. The final Report of EXP was provided to EWSWA on May 23, 2023 (the "**EXP Report**"), and was formally provided to the Board of EWSWA on July 12, 2023. A copy of the EXP Report is appended to this Report as **Schedule "A"**.

The EXP Report included a number of conclusions and recommendations. The following is a summary of the conclusions and recommendations contained in the EXP Report:

General Conclusions

- (1) The municipal experience in Ontario and elsewhere indicates *Every Other Week* ("**EOW**") garbage collection is a best practice waste management policy that supports effective waste diversion behaviours, especially in Source Separated Organic Waste ("**SSO**") programs.
- (2) EOW garbage collection may provide potential garbage collection cost savings.
- (3) Bag limits are not an effective means of encouraging the diversion of SSO from garbage unless the bag limits are extremely low. However, this can lead to complaints of discrimination from households that legitimately generate garbage that cannot be otherwise diverted (e.g., multi-generational households, households that use diapers).
- (4) Clear bag garbage policies have been shown to be effective at diverting SSO and Blue Box material from the garbage stream and is becoming increasingly common across Ontario municipalities.
- (5) Concerns about clear bag programs are well understood and can be managed through careful program design, implementation, and communications. Implementation of clear bag policies require the updating of municipal waste management by-laws to ensure applicability and enforceability.

General Recommendations

- (1) Implementation of a County wide SSO program should be done through both urban and rural areas. This approach will provide equitable service delivery and better position the County for when the proposed provincial landfill ban on SSO is implemented.

- (2) EOW garbage collection should be implemented concurrently in areas where curbside SSO collection is introduced.
- (3) Clear bags for garbage should be adopted to motivate residents to only throw garbage in these bags and not SSO or recyclables.
- (4) A By-law review should be undertaken once curbside collection programs and policies are confirmed, to ensure By-laws support the new programming.

Collection, Transfer, and Haulage Design Conclusions

- (1) Use of dedicated collection vehicles for the collection of each stream (garbage and SSO) is a more reasonable approach for EWSWA, the City, and the County than co-collection because:
 - (a) There are few, if any, applicable examples of co-collection of garbage with SSO in Ontario, and so it is an untested practice that poses risk;
 - (b) The anticipated SSO tonnage collected is uncertain at this time as it is a new program, and this potential variance could lead to collection inefficiencies; and
 - (c) Introducing co-collection in a weekly SSO / EOW garbage collection program could increase routing and scheduling complexities and thereby increase program risk.
- (2) Implementing a SSO collection program across the Essex-Windsor Region in both rural and urban areas would provide a number of additional benefits, including:
 - (a) Program consistency across service areas, which will reduce the likelihood of conflicting and confusing messaging;
 - (b) Reducing the complexity of program logistics when implementing the new SSO collection / EOW garbage collection, thereby minimizing organizational and planning-related risks;

- (c) Allowing for a less complicated bidding process, which may encourage more accurate and competitive pricing through a less onerous tender process;
 - (d) Maintaining a consistent and equitable level of service to all participating municipalities and their residents;
 - (e) Reducing the potential for acrimony by residents that may feel they are not receiving an equitable level of service;
 - (f) Placing the County and its residents in an advanced state of readiness should the province implement its proposed provincial landfill ban on SSO in 2030; and
 - (g) Avoiding potential confusion and contractual changes that may arise if the rural areas are brought into the program at a later date in response to pressures imposed by the planned provincial SSO landfill ban.
- (3) Consolidation of waste and shipping in larger quantities reduces the number of trips required, resulting in several economic, environmental, and social benefits, including:
- (a) Cost savings;
 - (b) Reduced greenhouse gas and other emissions; and
 - (c) Fewer trucks on local roads.
- (4) SSO transfer and hauling costs are most economical under the EXP Report's SSO Scenario 3. In this scenario, collected SSO is delivered to SSO transfer stations located at EWSWA's Transfer Station Site #1 and the Regional Landfill or SSO direct hauled to the Seacliff facility, depending on the collection origin of SSO. Regionalization of garbage collection does not have a significant impact on the transfer and hauling costs.

Collection, Transfer, and Haulage Design Recommendations

- (1) EWSWA should undertake the next steps toward developing the required SSO transfer stations at Transfer Station Site #1 and the Regional Landfill. Regarding SSO transfer facilities at Transfer Station Site #1, EWSWA has two options available; this includes

either the construction of a new SSO transfer station next to the existing Transfer Station # 1 that consolidates garbage, or retrofit the transitioning Blue Box Containers Material Recovery Facility ("**MRF**"). While not costed for this study, the EXP team notes that, based on its visual inspection of the site, the Fibre MRF could also potentially be retrofitted as a SSO transfer station; however, this would not be the preferable choice for a SSO transfer station.

- (2) While the use of split trucks for co-collection is not included as a recommendation in this study, it should still be considered as an option when developing the collection tender, particularly if the Board of EWSWA opt for EOW garbage collection. EOW garbage collection may increase the quantities of SSO diverted (and reduce the quantities of garbage collected), therefore making the option of co-collection more feasible. The RFP process should include the option of co-collection of either yard waste or SSO with garbage, which would then allow bidders to determine its suitability and costing.
- (3) SSO collected in Kingsville and Leamington should be directly hauled to Seaclyff Energy in Leamington.

Regionalization Conclusions

- (1) Regionalization (including municipal joint procurement) of waste collection services is an accepted best practice and is well established in Ontario.
- (2) Regionalization can potentially provide not just economic benefits, but also environmental and social benefits, including:
 - (a) Cost savings due to increased competition, administrative efficiencies, and improved public participation due to consistency of services and communications across the County;
 - (b) Reduced greenhouse gas and other emissions due to optimized collection routes; and
 - (c) Increased customer satisfaction due to equity in service and better oversight of quality management.

- (3) Regionalization does not appear to have a significant impact on transfer and hauling costs for either garbage or SSO. Rather, potential cost savings with regionalization would most likely be due to increased competition on collection tenders, less travel time due to optimized routing, and operational efficiencies for the Authority and its municipal partners.

Regionalization Recommendations

- (1) It is recommended that EWSWA initiate necessary discussions with the County, its local municipalities, and the City of Windsor, to take steps to have EWSWA collecting waste for the entire Essex-Windsor Region.

Discussion

In light of the above summary of the steps taken to date to implement a Regional Waste Collection Program, and what appears to be support from the local municipalities who have received presentations, a draft By-law has been prepared for County Council's review and consideration. Given one local municipal presentation for the Town of LaSalle remains outstanding (to be conducted on July 25th), Administration intends to seek County Council's approval of the By-law at its August 16th regular meeting. The draft By-law is appended to this Report as **Schedule "B"**.

Once the By-law is passed by County Council, it will then be up to at least 4 of the Councils of the local municipalities, comprising at least 50% of the electors within the County, to pass resolutions consenting to the County's By-law in accordance with the provisions of Section 189(2) of the *Municipal Act, 2001*.

Financial Implications

There are currently no anticipated direct financial implications to the County. Should the collection and delivery of waste be uploaded to the County, the County will recover funds from each local municipality for the new Regional service. It is expected that there will be cost savings and administrative efficiencies for the County municipalities by going to market as a larger group and managing the services regionally.

The potential for cost savings has been highlighted in the EXP Report, as outlined above.

Consultations

In drafting this report, consultations were held with Michelle Bishop, Manager of ESWA and the County's Finance Department.

Recommendation

That Essex County Council receive this Report for information purposes and background information in considering, discussing, and future voting on the necessary By-law should County Council choose to initiate the process to upload waste collection and delivery to the County from the local municipalities.

Approvals

Respectfully Submitted,

David M. Sundin

David Sundin, BA (Hons), LL.B., County Solicitor

Concurred With,

Sandra Zwiery

Sandra Zwiery, MAcc, CPA, CA, Chief Administrative Officer and Director,
Financial Services/Treasurer

Appendix Number	Title
Schedule A	EXP Report (To be E-mailed to Council)
Schedule B	Draft By-law



Administrative Report

Office of the County Solicitor

To: Warden MacDonald and Members of Essex County Council

From: David Sundin, BA (Hons), LL.B.
County Solicitor

Date: Wednesday, August 16, 2023

Subject: Regional Waste Management Initiative

Report #: 2023-0816-LCS-R12-DMS

Purpose

The purpose of this Administrative Report (the "**Report**") is to provide Council of the Corporation of the County of Essex (the "**County**") with an update on the regional waste management initiative and to provide County Council with the necessary information to discuss and vote on a By-law to upload the collection and delivery of waste from the local municipalities to the County.

Background

A detailed summary of what has occurred to date was provided to County Council at its Regular Council Meeting held on July 19, 2023 in Report # 2023-0719-LCS-R11-DMS (the "**July Report**"), a copy of which is appended to this Report as **Appendix "A"**.

When the July Report was presented to County Council, the Town of Kingsville, the Town of LaSalle, and the Municipality of Lakeshore had not yet been able to schedule presentations from the County and the Essex Windsor Solid Waste Authority ("**EWSWA**") to their respective Councils. As such, the recommendation at the time of the July Report was that County Council receive the "July Report for information purposes and background information in considering, discussing, and future voting on the necessary By-law should County Council choose to initiate the process to upload waste collection and delivery to the County from the local municipalities".

During the discussions related to the July Report some members of County Council raised concerns about whether a charge to the local municipalities on

the basis of (a) the general levy, (b) a user fee model, or (c) some hybrid combination of general levy and user fee would be recommended.

Recognizing the barrier this aspect of the uploading decision was creating, the County CAO/Director of Financial Services/Treasurer prepared a hybrid option for CAO's, Treasurers and the Regional Working Group to consider. The funding model proposal is detailed further below in this Report.

Since the July Report, the County and ESWA were able to present to the Town of LaSalle on July 25, 2023. As of the time of the writing of this Report, the presentations to the Town of Kingsville and the Municipality of Lakeshore have not yet occurred but are scheduled for August 14 and 15 respectively.

Of the local municipalities that have received presentations to the date of this Report, all have voted in support of exploring the Regional Waste Initiative further. A verbal reporting of the results in Kingsville and Lakeshore will be made to County Council during the August 16 regular meeting of council.

Discussion

As the general consensus, subject to selection of the funding model, appears to be that the County proceed to make the collection and delivery of waste a regional service, with the power to be exercised by the upper tier, and not by the lower tier, County Administration recommends that County Council initiate the process to upload the service by passing the required By-law. A copy of the draft By-law is appended to this Report as **Appendix "B"**.

Again, County Council passing the By-law tonight does not in and of itself upload the service from the local municipalities to the County. It only starts the process. The *Municipal Act, 2001*, requirements are that at least 4 of the 7 local municipalities, comprising at least 50% of the electors in the County pass resolutions in support of the County's By-law before the service is uploaded.

Financial Implications

As per all previous Administrative Reports on this matter, there are no anticipated direct financial implications to the County. The financial impacts to the local municipalities depend on the funding model that is ultimately agreed to and implemented. Regardless of the funding model that is put in place, it is expected that there will be cost savings and administrative efficiencies that will benefit all the County's local municipalities by going to

market as a larger group and managing the collection of waste in a coordinated fashion on a regional basis.

As noted earlier in this Report, a hybrid funding model was proposed to the CAO's, Treasurers and Regional Municipal Working Group. The aim of the hybrid model is to recognize differing viewpoints on how local municipalities should contribute to the cost of the regional service. Factors influencing the differences in local viewpoints include:

- Existing contract pricing – some locals are currently enjoying below market pricing for waste collection services and prefer to continue to enjoy that pricing than risk moving to a regional contract that may see pricing increase.
- Existing service levels – while the majority of services in existing contracts are uniform, some locals offer elevated service levels that there is a preference to maintain (eg. Additional leaf and yard waste collections).
- Subsidization concerns – a straight general levy funding model would shift the payment of the regional service onto municipalities with higher weighted assessment and off of municipalities with lower weighted assessment irrespective of the actual use of the service.
- Existing catchment areas – while the majority of residents enjoy waste collection services, there are some residents in rural areas of the County that currently do not have waste collection services. Unless services were expanded, a general levy model would charge residents for services they are not able to participate in.
- Authority and decision making – there is a varying degree of support for moving the authority for decision making to the County even though there seems to be unanimous consensus that the cost for regional waste services can move to the County.

Proposed Hybrid Funding Model

The proposed hybrid funding model is based on a number of foundational assumptions which include:

- Assumes the triple majority of locals transfer authority for waste collection to the County (preferable by the end of September: County to take first step in Aug, locals to vote in favour as soon as possible after that in September).
- Assumes all residents of Essex County will receive organic collection services (not just urban settlement areas) and waste collection

services. This is the direction the Regional Waste Working Group has voiced approval for.

- The County would assume all current waste collection contracts and associated costs (at a date to be determined – suggest Jan 1, 2024 to align with the next budget).
- The County would engage EWSWA to manage all existing waste contracts and take on responsibility to coordinate a combined procurement on a go forward basis at a date/time that is most advantageous to existing contract expiry and compliance requirements with ministry organics legislation.
- Service Levels would remain as established under local existing contracts until it is feasible and financially appropriate to move to a greater standardized service level. Continued working group meetings would be held to establish the standardized service level and associated RFT for collection services that would go to market in the future. Any services a local may wish to obtain in excess of the established regional standard could be billed to that municipality on a full cost recovery basis. (NOTE: The goal would be to reduce exceptions from the standard service level to increase the consistency of the customer experience across the region and the likelihood of contract savings. The more complex the RFT for services, the higher the cost will be. The higher the deviation from the standard service level, the more that municipality's residents would pay for waste services.)
- After the triple majority is passed, EWSWA would engage in a robust and collaborative education campaign. The goal of the campaign would be to raise awareness of the upcoming organics roll out, explain the need to implement waste best practices and prepare residents for collection frequency changes. The campaign would roll out during 2024 in anticipation of a regional standardized service roll out into 2025.
- The initial transfer of authority for waste collection to the County would afford an element of local municipal influence in that existing service levels would be maintained as outlined in existing contracts, for a time. Ultimately, the County, as the authority for the service, would move toward a future "standardized" residential service level. The Regional Waste Working Group is currently recommending that future standardized service level include:
 - Bi-weekly garbage collection (Change from weekly to make room for weekly organic collection)
 - Maintaining of bulk/large item collection

- Weekly organic collection (NEW – enhanced service level)
- Bi-weekly leaf/yard waste (from April to November)
- Monthly White Good Pick Up

On the basis of the above assumptions, the hybrid funding model would be calculated as follows:

- 1) Tonnages, household and population count data would be maintained for each local as they are now under EWSWA's existing billing model.
- 2) The cost for local existing collection contracts would form part of the County's Budget (proposing this begin for the 2024 Budget cycle). The County Budget would be amended to create a separate department/cost centre to transparently capture all regional waste program costs it now manages.
- 3) EWSWA would bill the County based on its existing billing model and provide sufficient detail to identify each local's tonnage/population. The County would pay EWSWA for these billings.
- 4) In preparing the 2024 Budget, the County would estimate the total cost of each local's waste collection contract.
- 5) When calculating the County Annual Tax Rate, **two tax rate calculations** would be made:
 - a) County Services (Not Including Waste Services) – calculated as normal based on global weighted assessment
 - b) County Waste Services – calculated as a separate special area rate that establishes a tax rate by the local municipality for only its share of the regional cost based on its own tonnage/households in relation to only its weighted assessment (not the share of global weighted assessment).

A homeowner would see four tax rates on their bill:

1. Local Municipal Rate
2. County General Levy Rate
3. County Waste Levy Rate
4. Education Rate

The hybrid model acknowledges the cost for the service is linked to usage (tonnage/households) and incentives environmentally friendly resident behaviours. The model also has the improved benefit of more transparently billing residents for the use of the regional waste service. At present, with the exception of a small number of residents who are currently charged a special area rate for garbage collection, no other residents are billed directly for waste services. The cost of waste collection is rolled into the general local

municipal rate. As education campaigns roll out and resident awareness increases related to waste program best practices, the visibility of the cost of the program will be even more important. Often behaviours can be changed when there is a connection between one's actions and the price one must pay. The hybrid billing model will create a separate charge on the tax bill to achieve this transparency.

From a service level perspective, the Regional Waste Working Group has reached a consensus that residential waste services should move to every other week garbage collection and weekly organics collection to achieve waste diversion targets and maximize total program savings. The group recognizes education and transition time will be critical to onboarding residents and achieving engagement. The most efficient way to manage the change is at the regional level. Burdening each local municipality with developing education campaigns and ensuring messaging across seven locals is consistent will be challenging and inefficient. Uploading the service prior to initiating any change will achieve the greatest level of efficiency and lowest level of cost/effort.

Consultations

In drafting this Report, the County Solicitor has consulted with ESWWA and the County's Finance Department directly, and has been involved in conversations being held with the local municipalities through the Regional Waste Working Group and through attendance on the presentations to the Councils of the local municipalities.

Recommendation

That Essex County Council receive this Report for information purposes and initiate the process of uploading the collection and delivery of waste from the local municipalities to the County by discussing and passing the By-law appended as **Appendix "B"** to this Report.

Approvals

Respectfully Submitted,

David M. Sundin

David Sundin, BA (Hons), LL.B., County Solicitor

Concurred With,

Sandra Zwiers

Sandra Zwiers, MAcc, CPA, CA, Chief Administrative Officer and Director,
Financial Services/Treasurer

Appendix Number	Title
"A"	Report # 2023-0719-LCS-R11-DMS
"B"	Draft By-law



The Corporation of the County of Essex

By-Law Number 2023-XX

A By-law to transfer all power of the lower-tier municipalities of the County of Essex with respect to the collection of waste and the delivery of such waste in the County of Essex, pursuant to the provisions of Sections 189 and 190 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

Whereas, on or about September 19, 1990, pursuant to the provisions of Section 209(a) of the *Municipal Act*, R.S.O. 1980, c. 302, by way of By-law No. 2847 all waste management functions, except the collection of waste, the delivery of waste, and the treatment of sewage sludge, were transferred from the lower-tier municipalities of the County of Essex to the upper-tier County of Essex;

And whereas Section 188 of the *Municipal Act, 2001*, S.O. 2001, c. 25 provides that both "lower-tier power" and "upper-tier power" means a power that may be exercised, among other things, with respect to "waste management";

And whereas Section 189 of the *Municipal Act, 2001*, S.O. 2001, c. 25 provides that "[a]n upper-tier municipality may pass a by-law to provide for, (a) the transfer of all or part of a lower-tier power to the upper-tier municipality from one or more of its lower-tier municipalities which are specified in the by-law; and (b) transitional matters to facilitate the assumption of the lower-tier power";

And whereas Council for the Corporation of the County of Essex deems it expedient to transfer the powers of the lower-tier municipalities of the County of Essex with respect to the collection of waste and the delivery of such waste to the County of Essex;

And whereas this By-law Number 2023-XX is related to By-law No. 2847 (a copy of which is appended hereto as **Schedule "A"**), By-law No. 2866 (a copy of which is appended hereto as **Schedule "B"**), By-law No.

3201-95 (a copy of which is appended hereto as **Schedule "C"**), and By-law No. 3272-97 (a copy of which is appended hereto as **Schedule "D"**).

Now therefore the Council of the Corporation of the County of Essex hereby enacts as follows:

- 1) Section 3(c) of By-law No. 2847 be and is hereby repealed, but with all other provisions of By-law No. 2847 remaining in full force and effect;
- 2) The Corporation of the County of Essex hereby assumes all powers and transfers all powers from its lower-tier municipalities with respect to the collection of waste and the delivery of such waste;
- 3) Nothing in this By-law Number 2023-XX shall be deemed to include the storage, processing, and/or treatment of sewage sludge, which power is expressly preserved for the lower-tier municipalities of the County of Essex;
- 4) This By-law Number 2023-XX shall come into force and take effect after:
 - i. the final passing of this By-law 2023-XX by Council for the Corporation of the County of Essex; and
 - ii. a majority of the councils of the lower-tier municipalities forming part of the County of Essex for municipal purposes have passed resolutions giving their consent to this By-law Number 2023-XX, with the total number of electors in the lower-tier municipalities that have passed resolutions giving their consent to this By-law Number 2023-XX forming a majority of all electors in the County of Essex.
- 5) Following this By-law Number 2023-XX coming into force and taking effect:
 - i. the Corporation of the County of Essex may exercise the transferred lower-tier power specified in this By-law 2023-XX;
 - ii. the lower-tier municipalities of the County of Essex are bound by the By-law Number 2023-XX and no longer have the power to exercise the transferred lower-tier power;

- iii. any existing by-law or resolution of a lower-tier municipality that relates to the transferred lower-tier power specified in this By-law 2023-XX shall, to the extent it applies in any part of the affected lower-tier municipality, be deemed to be a By-law or resolution of the County of Essex; and
- iv. any existing by-law or resolution referred to in clause iii. above shall remain in force in the affected lower-tier municipality, or the affected part of the said lower-tier municipality, until the earlier of:
 - a) two years after this By-law Number 2023-XX comes into force; and
 - b) the day the existing lower tier by-law or resolution is repealed by the County of Essex.
- 6) Further, following this By-law Number 2023-XX coming into force and taking effect, the County of Essex may continue anything that any of its lower-tier municipalities began under the transferred lower-tier power specified by this By-law Number 2023-XX but did not complete.
- 7) Further, following this By-law Number 2023-XX coming into force and taking effect, no lower-tier municipality of the County of Essex may exercise any power related to the collection of waste and the delivery of such waste, without the consent of the Corporation of the County of Essex, which consent may be provided by the Corporation of the County of Essex on such terms and conditions as may be deemed expedient during the transition of the power of collection of waste and the delivery of such waste from the lower-tier municipalities of the County of Essex to the Corporation of the County of Essex.
- 8) Council for the Corporation of the County of Essex specifically authorize the Warden and Clerk of the Corporation of the County of Essex to execute such further and other documents as may be required to give effect to this By-law Number 2023-XX, including, but not limited to, for the assignment of contracts related to the collection of waste and the delivery of such waste from the lower-tier municipalities to the Corporation of the County of Essex.

Read a first, second and third time and Finally Passed this Choose an item. **day of** Choose an item., **2023.**

Hilda MacDonald, Warden

Mary S. Birch, Clerk

Clerk's Certificate

I, Mary S. Birch, Clerk of the Corporation of the County of Essex, do hereby certify that the foregoing is a true and correct copy, of **By-law Number 20XX-XX** passed by the Council of the said Corporation on this Choose an item. **day of** Choose an item., **2023.**

Mary S. Birch, Clerk
Corporation of the County of Essex

August 17, 2023

Memo

To: David Sundin dsundin@countyofessex.ca
Michelle Bishop mbishop@ewswa.org
Diane MacKenzie dmackenzie@countyofessex.ca

Re: Resolution of Council – Regional Waste Management Initiative

Essex County Council, at its Wednesday, August 16, 2023 meeting, adopted the following resolution:

217-2023

Moved By Gary McNamara

Seconded By Joe Bachetti

That Essex County Council receive this Report for information purposes and initiate the process of uploading the collection and delivery of waste from the local municipalities to the County by discussing and passing the By-law appended as **Appendix "B"** to this Report. (vote electronically)

In Favour (8): Joe Bachetti, Sherry Bondy, Chris Gibb, Hilda MacDonald, Gary McNamara, Michael Prue, Rob Shepley, and Larry Verbeke
Opposed (6): Michael Akpata, Tracey Bailey, Kimberly DeYong, Crystal Meloche, Dennis Rogers, and Kirk Walstedt

Carried

A signed copy of By-law 2023-40 is attached for your records.

Please do not hesitate to contact me if you have any questions.

Regards,



Crystal Sylvestre
Coordinator, Legislative & Community Services

Essex-Windsor Solid Waste Authority

By-Law Number 9-2023

Being a By-Law to Authorize the Execution of an Agreement between the Essex-Windsor Solid Waste Authority and Sterling Motor Technology Inc. for the Hydro Service Upgrades at the Regional Landfill

Whereas the Essex-Windsor Solid Waste Authority has approved entering into an Agreement with Sterling Motor Technology Inc. for the Hydro Service Upgrades at the Regional Landfill.

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

1. THAT EWSWA hereby approves a contract with Sterling Motor Technology Inc. upon and subject to the terms, covenants and conditions contained in the Agreement.

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

ESSEX-WINDSOR SOLID WASTE AUTHORITY

Gary McNamara
EWSWA Board Chair

Michelle Bishop
General Manager

**Read a First, Second and Third Time, Enacted and Passed
this 13th Day of September, 2023.**

Essex-Windsor Solid Waste Authority

By-Law Number 10-2023

Being a By-Law to Authorize the Execution of an Agreement between the Essex-Windsor Solid Waste Authority and Greenlight General Contracting Inc. for the Design, Engineering and Construction of a New Scale House Building at Transfer Station #2, located in the Town of Kingsville

Whereas the Essex-Windsor Solid Waste Authority has approved entering into an Agreement with Greenlight General Contracting Inc. for the Design, Engineering and Construction of a New Scale House Building at Transfer Station #2, located in the Town of Kingsville.

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

1. THAT EWSWA hereby approves a contract with Greenlight General Contracting Inc. upon and subject to the terms, covenants and conditions contained in the Agreement.

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

ESSEX-WINDSOR SOLID WASTE AUTHORITY

**Gary McNamara
EWSWA Board Chair**

**Michelle Bishop
General Manager**

**Read a First, Second and Third Time, Enacted and Passed
this 13th Day of September, 2023.**

Essex-Windsor Solid Waste Authority

By-Law Number 11-2023

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 McNamara
EWSWA Board Chair

Michelle Bishop
General Manager

**Read a First, Second and Third Time, Enacted and Passed This
13th Day of September, 2023**