



Essex-Windsor Solid Waste Authority Regular Board Meeting Agenda

Meeting Date: Tuesday, March 7, 2023

Time: In-Camera Session – 4:00 PM
Regular Session Immediately Following In-Camera Session

Location: 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. Closed Meeting

A Closed Meeting is scheduled for 4:00 PM
THAT the Board move into a closed meeting pursuant to Section 239 (2) (i) of the Municipal Act, 2001, as amended for the following reason:
(i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly with the contractual or other negotiations of a person, group of persons, or organization.

2. Call to Order

3. Declaration of Pecuniary Interest

4. Approval of the Minutes

A. February 7, 2023 Regular Meeting Minutes 1-15

5. Business Arising from the Minutes

6. Correspondence

There are no items for discussion.

7. Delegations

There are no delegations for March 7, 2023.

8. Finance & Administration

A. EWSWA 2023 Budget Approval Status 16-17

9. Waste Diversion

A. Blue Box Transition Update 18-22
Re: EWSWA Material Recovery Facilities

10. Other Items

11. By-Laws

A. By-Law 2-2023 23
Being a By-Law to Confirm the Proceedings of the Meeting of the
Board of the Essex-Windsor Solid Waste Authority for March 7, 2023

12. Next Meeting Date

Tuesday, April 4, 2023

13. Adjournment



Essex-Windsor Solid Waste Authority Regular Board Meeting MINUTES

Meeting Date: Tuesday, February 7, 2023
Time: 4:00 PM
Location: Council Chambers
Essex County Civic & Education Centre
360 Fairview Ave. West
Essex, Ontario

Attendance

Board Members:

Gary McNamara - Chair	County of Essex
Hilda MacDonald	County of Essex (Ex-Officio)
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
Mark McKenzie	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:

Tony Ardovini	Deputy Treasurer Financial Planning
Shawna Boakes	Executive Director of Operations

County of Essex Staff:

Mary Birch	Interim CAO and Director of Legislative and Community Services/Clerk
Sandra Zwiers	Director of Financial Services/Treasurer
Kate Hebert	Manager, Records & Accessibility/Deputy Clerk

Absent:

Drew Dilkens	City of Windsor (Ex-Officio)
Anne Marie Albidone	Manager of Environmental Services

1. Call to Order

The General Manager called the meeting to order at 4:04 PM as the Board's Chair and Vice Chair had yet to be elected for 2023.

2. Board Members for 2023-2026

The General Manager welcomed four new Board members - Deputy Mayor Michael Akpata, Deputy Mayor Rob Shepley, Deputy Mayor Kirk Walstedt and Councillor Mark McKenzie. She also welcomed back Board members Councillor Gary Kaschak, Warden and Mayor Hilda MacDonald, Mayor Gary McNamara, Councillor Kieran McKenzie and Councillor Jim Morrison.

3. Introduction of EWSWA Management Team

The General Manager introduced the EWSWA Management Team and Administrative staff – Tom Marentette, Manager of Waste Disposal, Steffan Brisebois, Manager of Finance and Administration, Cathy Copot-Nepszy, Manager of Waste Diversion and Teresa Policella, Executive Assistant. She also introduced Shawna Boakes, City of Windsor Executive Director of Operations and Tony Ardovini, City of Windsor Deputy Treasurer Financial Planning. She noted that various members of County of Essex and City of Windsor Administration attend most Board meetings to assist with clarification of agenda items, if needed.

The General Manager stated that agendas will be distributed electronically. If a hard copy of the agenda is required, Board members can advise Teresa Policella, Executive Assistant.

4. Election of Chair and Vice Chair for 2023

The General Manager stated that per the agreement between the City of Windsor and the County of Essex that created the Authority, the positions of Chair and Vice Chair rotate between the City and the County on a yearly basis. She noted that for 2023, the Chair will be a County of Essex Board member and the Vice Chair will be a City of Windsor Board member.

The General Manager called for any declarations of pecuniary interest in regards to the elections of the Chair and Vice Chair. None were noted.

The General Manager called for nominations for the position of Board Chair among the County of Essex representatives.

Board Member Walstedt nominated Board Member Gary McNamara for Board Chair.

Board Member MacDonald seconded the nomination.

The General Manager called three (3) additional times for nominations for the position of Board Chair. There were no other nominations.

The General Manager asked Mr. McNamara if he would stand for the position of Board Chair.

Mr. McNamara accepted the nomination as Board Chair.

The General Manager declared Mr. McNamara as Chair for 2023.

The General Manager asked for a motion for the nominations for Chair to be closed.

Moved by Kieran McKenzie

Seconded by Robert Shepley

THAT Gary McNamara is named as Board Chair for the period ending December 31, 2023.

**1-2023
Carried**

The General Manager called for nominations for Vice Chair among the City of Windsor representatives.

Board Member Morrison nominated Board Member Gary Kaschak for the position of Vice Chair.

The General Manager called three (3) additional times for nominations for the position of Board Vice Chair. There were no other nominations.

The General Manager asked Mr. Kaschak if he would stand for the position of Board Vice Chair.

Mr. Kaschak accepted the nomination of Board Vice Chair.

The General Manager declared Mr. Kaschak as Vice Chair for 2023.

The General Manager asked for a motion for the nominations of Vice Chair to be closed.

Moved by Hilda MacDonald

Seconded by Robert Shepley

THAT Gary Kaschak is named as Board Vice Chair for the period ending December 31, 2023.

**2-2023
Carried**

5. Declaration of Pecuniary Interest

Chair McNamara 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.

6. Approval of the Minutes

Moved by Kieran McKenzie

Seconded by Hilda MacDonald

THAT the minutes from the Essex-Windsor Solid Waste Authority Regular Meeting, dated September 14, 2022, be approved and adopted.

**3-2023
Carried**

7. Business Arising from the Minutes

Mr. Kaschak asked if there were any updates to the Organics program. The Manager of Waste Diversion stated there were no further updates.

8. Correspondence

There are no items for discussion.

9. Delegations

There were no delegations for February 7, 2023.

10. Waste Disposal

A. Appointment of Board Member to the Regional Landfill Liaison Committee for 2023

The Chair called for nominations to appoint a Board member to the Regional Landfill Liaison Committee.

Mr. Kaschak nominated Board member Morrison.

The Chair called for any other nominations.

There were no other nominations.

The Chair asked Mr. Morrison if he accepted the nomination.

Mr. Morrison accepted the nomination.

Moved by Gary Kaschak

Seconded by Mark McKenzie

THAT the Board appoint Jim Morrison who is not a member of the Council of the Town of Essex, to the Landfill Liaison Committee for a one-year term for 2023.

**4-2023
Carried**

11. Finance & Administration

A. 2023 Budget Deliberation

The General Manager referred to the budget report on page 13 of the agenda package. The purpose of the report is to recommend approval of the 2023 expenditure budget estimates as well as the budget estimates related to non-municipal revenue. The report also recommends approval of a 4.1% increase to the 2022 base amount budgeted to the City of Windsor and the seven (7) County municipalities. This increase equates to \$566,240 and is comprised of two components. The first component is a \$1.00 increase on tipping fees assessed on waste delivered for disposal. The tipping fee will increase from \$40.00 to \$41.00 per tonne. This increase is approximately \$111,350. The other component is an increase in the fixed amount assessed to the municipalities based on population which equates to approximately \$454,890.

The General Manager stated that the municipal tonnage is projected to increase from 111,350 tonnes in 2022 to 112,370 tonnes in 2023.

The General Manager stated that the budget is normally deliberated in November and then presented to both the City of Windsor and County of Essex Council meetings for approval. The 2023 budget year was an exception due to the Board only forming in January 2023 due to the municipal election. She noted that if the budget is approved at this meeting, Authority Administration would arrange to appear before each of the respective Councils seeking approval.

The General Manager explained that the Technical Staff Committee, which is comprised of both City of Windsor and County of Essex staff, meets annually to review and discuss the budget. The Technical Staff Committee met in November 2022 and was provided an update in February 2023 when supplemental information was available. The Technical Staff reached a consensus regarding the 2023 Budget details and recommendations. She noted that the Technical Staff Committee was guided by the February 2018 recommendation from the CAOs of the City of Windsor and the County of Essex to reach a balanced budget by 2027 with 2018 being Year 1 of the 10-year period.

The General Manager stated that in addition to the annual budget process, a 15-year forecast is also prepared. To reach the goal of a balanced budget by 2027, an increase of 4.1% will need to be assessed to the City of Windsor and the seven (7) County municipalities. She noted that the Rate Stabilization Reserve is used to balance out large swings in episodic waste and fluctuations in Blue Box funding and revenue. There are estimates built into the budget and 15-year forecast documents. One estimate identified in the 15-year forecast document is the significant decrease of \$10 million in expenditures and the decrease in non-municipal revenue of \$5 million in the 2025 to 2026 calendar years on account of the transition of the Blue Box program to Extended Producer Responsibility. The \$3.9 million projected deficit in 2025 will be dependent on whether the transition to the Producer occurs in 2024 or January 1, 2026.

The General Manager stated that Administration tries to ensure that there is a healthy balance in the Rate Stabilization Reserve. The goal is to have 15% of our expenditures in the Reserve.

The General Manager asked if there were any questions. No questions were asked.

The General Manager stated that a zero-based budgeting approach is utilized. The budget assumes service levels stay the same. The budget does not include any new programs or any funding for the Green Bin program. The Budget does include the cost for additional labour to support the Waste Diversion program.

The General Manager explained the variances in the Budget Summary on page 16 of the agenda package. The fixed cost allocation represents the total amount the Authority will invoice to the City of Windsor and 7 County municipalities in the year. In summary, there was a favourable variance of \$2,468,850 between the 2022 budgeted deficit of (\$1,187,300) and the 2022 projected surplus of \$1,281,550. The 2022 budgeted deficit, when compared to the 2023 budgeted deficit, is expected to generate an unfavourable variance of \$2,570,080.

The Rate Stabilization Reserve in 2022 had an opening balance of \$9.8 million. The surplus from 2022 of \$1.28 million plus the interest will form the opening budgeted balance for 2023. In 2023, the Rate Stabilization Reserve is estimated to generate interest of approximately \$350,000. A draw from the reserve of \$103,000 is budgeted to fund the Clay Capping Project and the expected draw relating to the 2023 budgeted deficit amounts to \$3.75 million. The Rate Stabilization Reserve in 2023 is budgeted to have an ending balance of \$7.71 million.

The General Manager summarized additional charts contained in the report regarding revenue and expenditures.

The General Manager referred to page 19 of the agenda package which breaks down the municipal assessment between the City of Windsor and the County of Essex municipalities. The difference in the combined total municipal assessment from 2022 to 2023 is expected to be \$608,060.

The tables on pages 19 to 21 aid to present the significant variances (amounts over \$50,000) relating to the 2022 budgeted deficit and the 2022 projected surplus, and the 2022 budgeted deficit to the 2023 budgeted deficit. The General Manager spoke in detail to the significant variances.

The General Manger asked if there were any questions.

The Chair questioned the rationale for the 2022 unfavourable variance from municipal and residential tip fees.

The General Manager referred to the tonnage received from the City and the seven (7) County municipalities and stated that less material was collected at the curb and delivered to the depots than budgeted in 2022.

The Chair stated that he finds it interesting that the number is going down instead of maintaining or growing.

The General Manager stated that there were increases in 2020 and 2021 and speculate that the reduction could be due to residents returning to the office and school after the pandemic. Administration will continue to monitor incoming material.

The Chair asked if there were any further questions.

Mr. K. McKenzie asked about the projections and variances and how they relate to the reserves. He asked if we need to start preparing for worst case scenario if there is a lot of risk in the variances. He would like to understand the risks.

Mr. Morrison asked about the risks and reducing the reserve balance. He is concerned but understands that this is an estimate and there is a plan to build it up to \$5 million. Mr. Morrison referred to page 30 and the 2021 census population figures used to calculate the fixed cost allocation.

The General Manager stated that the most current census figures are used until the next census is released.

The General Manager continued to speak to the 2022 and 2023 variances.

The General Manager stated that the 2022 landfillable tonnes amounted to 336,600 which is approximately 79,000 tonnes over the 2022 budget. Approximately 257,000 tonnes of landfilled waste was budgeted for 2022 and approximately 300,000 tonnes of landfilled waste was budgeted for 2023. A 3-year trend is used to build this number.

The Chair spoke to assumptions used in order to budget municipal tipping fee revenue by stating that the only discretion would be a year of an anomaly, a flood, for example.

The General Manager responded that anomalies are not included in the budget. They are considered episodic waste and are not included in the budget estimates.

The General Manager made a general statement that the majority of the expenditure increases in 2023 are driven by contractual increases which tend to be a constant theme as it relates to Authority expenditures.

Mr. K. McKenzie asked if the government has offered any funding to help mitigate the cost of the implementation of the organics program.

The General Manager responded that London and Essex-Windsor are the last large municipalities in the province to introduce an organics program and at this time she is not aware of any funding being offered.

Mrs. MacDonald asked if other municipalities that have an organics program received funding many years ago and if we are being treated the same.

The General Manager responded that she did not know but would attempt and find out.

Mrs. MacDonald replied that we should have been doing this along time ago.

The Chair added that Mr. K. McKenzie has a good point. Why wouldn't the government look at this region to get the program up and running. He also noted that AMO has been doing their part for years. The Chair stated that maybe there is an opportunity to ask, the worst thing they could say is no.

The General Manager stated that the Authority could look into this and other funding opportunities.

The General Manager referred to Landfilled Tonnes chart on page 10 of the budget document. The potential risks are that the large volume waste haulers only deliver the minimum tonnes of material based on their Put or Pay contracts and not their budgeted tonnes. Historically, these large volume waste haulers have delivered more tonnes than what they were obligated to deliver and the budget is built on a 3-year trend. Other risks associated with revenue in the 2023 budget figures that were discussed related to contaminated episodic waste.

The General Manager highlighted the Recycling Revenue Chart on page 12 of the budget document. The Authority had record revenues in 2021 which were similar in 2011 and now there is a downward trend.

The General Manager summarized how significant budget estimates were calculated and how risks are mitigated within the document. Examples included using conservative estimates to calculate anticipated blue box material commodity prices and using 3 years of data to estimate the amount of tonnage that will be delivered for disposal. She further explained that while Essex-Windsor is scheduled to transition the blue box program in August 2024 the 15-year forecast allows for that date to be postponed to December 31, 2025.

The General Manager stated that the 2023 Capital Budget projects will be funded by various reserves. She noted that the Authority is trying not to invest unnecessary funds in the recycling centres due to transition but needs to maintain equipment repairs to ensure the facility is operational.

The General Manager asked if there were any questions.

Mr. Walstedt stated that he did not see any funding for clay capping of Landfill Number 3. He asked is there are any plans for this.

The General Manager stated that the line item of \$50,000 for site and grounds maintenance included in the budget. The previous large clay capping project is now complete and currently the \$50,000 is used for maintenance related projects. It was identified that some leachate wells need replacement and that has been included in the budget.

Mr. Walstedt questioned the future use of Landfill Number 3.

The General Manager explained that the Board received correspondence from the Municipality of Lakeshore in May 2022 regarding the end use plan of Landfill Number 3 and the Board received a report from Administration in June 2022. The General Manager indicated that the end use of a landfill site is a period of 25 years from the time the site ceases to accept waste. Landfill Number 3 closed in 1997 which in turn suggests 2023 would be the earliest that a plan could be implemented. The General Manager highlighted that \$10,000 has been included in the consulting budget to be used to explore end use options for the site.

Mr. Walstedt is concerned about the amount of years that leachate treatment will be required. He noted that there should be a long-term solution.

The General Manager stated that the Authority is dealing with this on an on-going basis for all sites and referred to the contamination study report that was presented to the Board in 2022.

Mr. K. McKenzie asked if the Board can expect a report on the recommendation regarding this issue.

The General Manager stated there have been ongoing discussions with the Town of Essex and the Municipality of Lakeshore. At the September 2022 Board meeting, it was reported that the consulting firm Stantec is investigating

the potential strategies of pre-treatment of leachate, long-term leachate studies and the feasibility of installing a force main to the Town of Essex Pollution Control Treatment Plant similar to the force main used at Closed Landfill 2.

Mr. K. McKenzie asked if the Board will be provided with the Stantec report.

The General Manager replied yes.

The General Manager referred to the Schedule of Fees on page 30 of the agenda package. What was noted on this schedule is the increase to the ICI rate for small businesses of \$2 per tonne and the increase of \$9 per tonne for greenhouse vines. She explained that vines historically had a reduced rate because the material did not take up significant space in the landfill but this waste has resulted in significant amounts of leachate, which results in an increase of leachate treatment and hauling costs as well as other operational challenges.

The Chair asked if there are any risks to shipping vines to the United States.

The General Manager stated that a large volume hauler is under contract until 2024 so any impact would be post that contract expiration date. The General Manager continued to speak to other reasons why vines are problematic to the Authority's landfilling operations.

Mr. Kaschak asked if vines could potentially go to an organics facility.

The General Manager stated that Authority Administration has had the opportunity to visit Seacliff Energy. Administration were able to ask the operators of the facility if vines could be accepted at the facility. The response was that vines have proven challenging to process in an anaerobic digester.

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

Moved by Hilda MacDonald

Seconded by Gary Kaschak

THAT the Board

1. Approve the 2023 **Expenditure and Revenue budget estimate figures** excluding the municipal Total Waste Management Fee (Tip Fee) and the municipal Fixed Cost Assessment.
2. Increase the **Total Waste Management Fee** by \$1.00 per tonne to \$41.00/tonne from \$40.00/tonne. This is the fee assessed to municipalities for each tonne of refuse delivered for disposal.
3. Increase the **Fixed Cost Assessment** to Windsor and the 7 County municipalities based on the following chart. Fixed costs are assessed based on population.

	2021 Census Population	2023 Amount	2022 Amount	Difference
WINDSOR	229,660	\$5,331,706	\$5,084,516	\$247,190
AMHERSTBURG	23,524	546,125	520,805	25,320
ESSEX	21,216	492,543	469,708	22,835
KINGSVILLE	22,119	513,507	489,700	23,807
LAKESHORE	40,410	938,144	894,650	43,495
LASALLE	32,721	759,639	724,421	35,219
LEAMINGTON	29,680	689,040	657,095	31,946
TECUMSEH	23,300	540,925	515,846	25,079
TOTAL	422,630	\$9,811,630	\$9,356,740	\$454,890

4. Approve the Fee Schedule, as attached to this report, exclusive of the municipal Total Waste Management Fee but inclusive of the per tonne rate increases outlined in the Fee Schedule for 2023.
5. That any resultant (deficit)/surplus from 2022 operations be contributed to or funded by the Rate Stabilization Reserve.
6. That any resultant (deficit)/surplus for 2023 be contributed to or funded by the Rate Stabilization Reserve.

**5-2023
Carried**

B. Authority’s Banker, Auditor and Solicitor

The Manager of Finance and Administration stated that the banker for the Authority is Canadian Imperial Bank of Commerce (CIBC). He noted that the

Authority partnered with the County of Essex in order to leverage the cash assets of both organizations.

The Authority's auditor is KPMG. The Manager of Finance also noted that the Authority partnered with the County of Essex at the time of the selection of an external auditor and further that KPMG is also the City of Windsor auditor.

The Manager of Finance stated that the Authority's solicitor is Mr. David Sundin from the County of Essex.

Moved by Kieran McKenzie
Seconded by Mark McKenzie

THAT the Board receive the report as information.

**6-2023
Carried**

C. Legal Invoice

Moved by Kirk Walstedt
Seconded by Robert Shepley

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

**7-2023
Carried**

D. 2023 EWSWA Board Meeting Schedule

The General Manager referred to the 2023 meeting schedule presented in the agenda package and stated that the August 1st meeting will be cancelled due to a conflict with the City of Windsor Development & Heritage Standing Committee meeting on the same day. Three of the four City of Windsor representatives are on this committee. She noted that if there are agenda items that need to be addressed, a meeting will be scheduled at a later date.

The General Manager also noted that traditionally when a holiday falls on the first Monday of the month, the Board meeting is rescheduled to the following Wednesday to accommodate municipal Council meetings being rescheduled to the Tuesday. However, in October, two holidays fall in the first two weeks of the month. October 5th has been scheduled as an alternative meeting date.

Moved by Gary Kaschak
Seconded by Hilda MacDonald

THAT the Board approve the 2023 Essex-Windsor Solid Waste Authority Regular Board Meeting Schedule.

**8-2023
Carried**

12. Waste Diversion

A. Blue Box Extended Producer Responsibility presentation and update

The Manager of Waste Diversion provided a presentation and update regarding the transition of the Blue Box program to Extended Producer Responsibility.

The Chair left the meeting at 6:12 PM. The Vice Chair assumed the role of Chair.

At the end of the presentation, the Manager of Waste Diversion asked if there were any questions.

Mr. Morrison thanked the Manager of Waste Diversion for a very informative presentation. He asked when do we have to make some of the decisions, like opting out, for example.

The Manager of Waste Diversion stated that municipalities were willing to opt in but now they are steering to opt out due to the terms and conditions and unbalanced risk that CMO has set out in their agreements. She stated that a decision will have to be made early this year. She stated that the Authority has already opted out of being a receiving facility service provider last year. The Authority will also have to make a decision to opt in or out as a collection service provider early this year.

Mr. Morrison asked which direction is the province taking.

The Manager of Waste Diversion stated that municipalities have brought this up numerous times through AMO and other networks. There are many contracts that have not been signed by the municipalities, but that municipalities really are still trying to be supportive for a smooth transition to EPR.

Mr. K. McKenzie asked how will these changes impact residents on what service is provided and the changes that will be happening. He noted that these changes could be significant. He asked what does Administration and the Board have to do so that residents do not feel like their level of service is downgraded.

The Manager of Waste Diversion stated that this is definitely a concern of Administration. Administration participates on collaboration groups and are learning from the first group that is transitioning and what things we need to look at. By the time our region transitions, there will be enough information from other municipalities that are going through it now. She referred to the plastic bag ban and how the Authority provided information months in advance to residents before the program was implemented.

Moved by Michael Akpata
Seconded by Mark McKenzie

That the Board receive the presentation as information.

**9-2023
Carried**

13. Other Items

There were no other items raised for discussion.

14. By-Laws

A. By-Law 1-2023

Moved by Mark McKenzie
Seconded by Kirk Walstedt

THAT By-Law 1-2023, 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 7th day of February, 2023

**10-2023
Carried**

15. Next Meeting Date

Tuesday, March 7, 2023

16. Adjournment

Moved by Robert Shepley
Seconded by Hilda MacDonald

THAT the Board stand adjourned at 6:25 PM.

**11-2023
Carried**

All of which is respectfully submitted.

Gary McNamara
Chair

Michelle Bishop
General Manager



Essex-Windsor Solid Waste Authority Administrative Report

March 2, 2023

To: The Chair and Board of the Essex-Windsor Solid Waste Authority
From: Steffan Brisebois, Manager of Finance and Administration
Meeting Date: Tuesday, March 07, 2023
Subject: EWSWA 2023 Budget Approval Status

Purpose

The purpose of this report is to update the Board on the status of the 2023 EWSWA Budget approval process.

Background

At the Authority's February 7, 2023 meeting the Authority Board approved the 2023 budget recommendations.

As a part of the final approval process, the budget was then referred to the County of Essex and the City of Windsor and their Councils for their consideration.

Discussion

On March 1, 2023, Authority Administration attended Essex County Council to present the 2023 Budget, address questions and seek approval. Essex County Council resolved to approve the Authority's Budget at that meeting.

Authority Administration is scheduled to attend Windsor City Council to present the 2023 Budget on the week of April 3, 2023. At the time of this report, the meeting date had yet to be finalized. At this Council meeting, the Authority Administration will seek approval of the 2023 EWSWA Budget.

Recommendation

For the Board's information.

Submitted By

A handwritten signature in blue ink that reads "Steffan Brisebois". The signature is written in a cursive style and is placed over a light gray rectangular background.

Steffan Brisebois, Manager of Finance and Administration



Essex-Windsor Solid Waste Authority

Administrative Report

February 28, 2023

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

From: Cathy Copot-Nepszy, Manager of Waste Diversion

Meeting Date: Tuesday, March 07, 2023

Subject: Blue Box Transition Update Re. EWSWA Material Recovery Facilities

Purpose

The purpose of this report is to request approval from the Board to proceed with the release of a Request for Proposals (RFP) for the Material Recovery Facilities (MRFs) which includes the lease of one or both facilities, the purchase of processing equipment and the provision of recyclable materials processing services for material collected from non-eligible sources.

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) released June 3, 2021 by the Ministry of the Environment, Conservation and Parks (MECP) that transitions the current Blue box Program from a municipally managed system to a full Extended Producer Responsibility (EPR).

The start of transition to EPR for all Ontario municipalities will occur between July 1, 2023 and December 31, 2025, where full EPR begins January 1, 2026. Essex-Windsor's transition date is scheduled for August 28, 2024. Until Essex-Windsor transitions, it continues to be legislated to operate the current Blue box program. During the transition period (August 28, 2024 to December 31, 2025), Producers of products and/or packaging that is distributed in Ontario will be required to make best efforts to implement or maintain the level of recycling services as established in each municipality (e.g., maintain the collection frequency and collected

materials as were in place in the municipality before transition) for eligible sources as defined by OReg 391/21.

With transition to EPR, it is expected that obligated Producers will enlist the services of Producer Responsibility Organizations (PROs) to meet their regulatory requirements of the Regulation. A PRO would provide collection, management and administrative services to assist Producers in meeting their regulatory obligations. As of late, PROs identified for this program include: Circular Materials Ontario (CMO), Ryse Solutions Ontario Inc., Canadian Beverage Container Recycling Association (CBCRA) and most recently, H2 Compliance Inc. has been added.

Please recall from the previous Board meeting, that with transition to EPR, OReg 391/21 is only obligated to collect blue box materials from defined eligible sources such as: residential units, specified long term care and retirement homes, schools, and public spaces. Producers are not obligated to service non-eligible sources such as: industrial, commercial and institutional (ICI) businesses, business improvement areas (BIAs), not-for-profit organizations, municipal buildings or facilities, daycares, places of worship, commercial farms, etc.

At the July 2022 Board meeting, Administration shared that CMO released procurement documents for Post-collection services (i.e., receiving facility) which will consolidate and/or sort collected blue box materials for eventual sale to end-markets. Here, it was conveyed to the Board that there were a number of challenges and risks for municipalities to enter into contractual obligations through this process.

As of January 24th, 2023, a provincial municipal network, the Continuous Improvement Fund (CIF), has noted that all Ontario municipalities who own MRFs (15 municipalities) have all opted out to be a direct service provider to CMO for Post-collection services. Many municipalities haven't decided the future use of their MRFs, however, those who have made decisions have chosen one of the following directions: sell, lease, or explore other options such as repurposing their facility. As the Authority also did not bid on these CMO procurement requests for Post-collection services, Administration has been exploring alternative uses for its MRFs, which it will discuss in more detail throughout this report.

Discussion

Since, the Authority's did not submit a bid on CMO's procurement request for Post-collection services, the Authority began to consider alternative uses for its MRF assets located at 3560 (Fibre MRF) and 3580 (Container MRF) North Service Road that are located on City of Windsor (City) owned property. The City is party to the agreement because under the conditions of the 1994 agreement between the County of Essex (County) and the City that created the Authority, the Authority

cannot have title to property. For properties located in the County that Authority requires to manage as part of delivering waste disposal and waste diversion services to Essex-Windsor, property title is in the name of the County. Examples of this would include the Essex-Windsor Regional Landfill (RL), Transfer Station #2 and the farmland properties surrounding the RL are all in the County, therefore the County has title to these lands. Similarly, for property located in the City, the City would have title to those lands. An example would be the land on which the Authority's two MRFs, transfer station and public drop-off are situated.

As these facilities are located on an encumbered site along with the Authority's transfer station, scale and main public drop off facilities, as well as, City buildings, determining the effective use for these MRFs from August 24, 2024 and beyond is key. It is also important to note that the Leasee must confine its operations at the MRF(s) to the operating limits of the Authority's Environmental Compliance Approval (ECA) 4911-9ATQWB that was issued by the Ministry on September 30, 2013, the Lease Agreement and terms and conditions of the RFP. Similarly, the Leasee must operate in compliance with all Applicable Laws including without limitation, all laws relating to the protection of the environment and human health and safety.

It is important to highlight in this report that the initial term of the current contract for processing of blue box materials for both the Authority's Container and Fibre MRFs expired December 31, 2022 and is now in its first one-year extension with HGC Management Inc. This contract has provisions to extend annually up until December 31, 2027 at the Authority's sole discretion. More importantly, this contract was strategically termed so that it could align with a provincially set wind-up date for Essex-Windsor once this is firmed up through EPR to ensure that there is no gap in service for Post-collection services for Essex-Windsor.

In September 2022, Administration used existing budgeted consulting funds to engage reputable, waste industry consultants to assist Administration in determining potential use options for its two MRFs, post the Authority's start of transition. This process confirmed that there is a potential opportunity for the Authority to generate revenue annually by leasing one or both MRFs, as these assets would support a Leasee to run an efficient and effective MRF processing operation and furthermore aid with a more seamless transition to EPR. The following are notable rationale that support the direction to lease:

- Condition of the MRFs and their processing equipment, and other facilities available onsite (e.g., scales, transfer station, security system);
- Southern location of the favourable two-stream MRF assets in Ontario and their proximity to USA's large mid-west recycling markets;
- Existing terms of the current ECA for this site and coverage of these MRF assets that are approved and established;

- Potentially supports the Authority to continue to service non-eligible sources at the curb at a more economical processing fee as this service could be included in the lease, which would also continue to divert blue box diversion for these sources in the region;
- Supports more local employment (potentially employing over 25 local residents) by offering the consolidation, processing, and/or transfer of blue box services in the region;
- Generates a gross revenue (e.g., MRFs, scales) that will offset ongoing capital repairs (e.g., roof, HVAC, asphalt) and maintenance for Authority assets; and
- MRF processing equipment will be removed by the Leasee by the end of the contract term at their cost.

Alternatively, the following are additional considerations that Administration has highlighted with leasing the MRF(s):

- May need to deal with eventual stranded assets if RFP is not awarded or once it expires; where the Authority will need to look at repurposing MRF assets for other Authority waste management programs;
- Effective management of lease to ensure ECA and Authority assets are protected and contractual risks are avoided;
- Non-eligible sources may still pose a risk to manage if contamination levels rise; and
- Maintenance costs and capital repairs for the building envelope and systems will exist with buildings being operational (e.g., roof, property maintenance).

Request for Proposal (RFP)

With this information, Administration engaged a consultant to assist in developing a Request for Proposal (RFP) to consider leasing these key assets like the Fibre MRF and Container MRF, along with selling the processing equipment in both MRFs beyond the transition date. The RFP is to consider the lease of one or both MRFs to a processing contractor that supports Ontario's residential blue box program during and/or post-transition. Included with the lease of these buildings, is the mandatory purchase of MRF processing equipment. Finally, through this RFP, the Authority is requesting that the Leasee is to receive and process Blue box materials from non-eligible sources in Essex-Windsor as the Producers will not be obligated to service these during and post-transition per OReg 391/21. A reminder that the current municipal blue box program encourages tax payers like ICI or non-eligible sources (new- per OReg 391/21) to recycle by servicing them alongside residential curbside collection services to capture these valuable resources thereby avoiding landfill. At the time of this report, it is estimated that less than 3% of curbside collection that is serviced by the Authority's blue box program in Essex-Windsor is from non-eligible sources.

While Administration and the consultant are still finalizing the term of the contract, optimally, the lease and processing commencement dates would start after transition (August 2024) and run for a term that benefits both parties. In determining whether to renew this contract, the Authority will consider the following, but not be limited to, price, service, quality of workmanship, change in the Authority's operational needs and Change of Law.

The RFP process would require each proponent to attend a mandatory site visit for the purposes of inspecting the MRFs, related processing equipment, the types and composition of non-eligible material, as well as, any other aspects of the site and its operations to allow the proponent to develop their proposal.

Proposals for the RFP will only be received electronically through the County of Essex's Bidding System. Proposals submitted will be reviewed by an evaluation committee established by the Authority. The evaluation process will first ensure the submission has met compliancy with all the mandatory requirements contained within the RFP. Then, compliant proposals will proceed to the technical evaluation that considers information submitted by the company including: company profile, experience, assets, etc. If the minimal technical score is met, proponents will then proceed to the financial evaluation where the submission with the highest combined (technical and financial) score will be deemed the preferred proponent. At this time, Administration will then report back to the Board with this information to finalize direction for use of these MRF assets, as well as, discuss servicing non-eligible sources beyond transition. At that time, the Board could determine if the processing of Blue box materials from ICI or non-eligible sources would continue with transitioning of the blue box program to EPR.

Financial Implications

There are no financial implications associated with this report at this time.

Recommendation

THAT the Board receive this report as information and provide Administration with approval to proceed with issuing a Request for Proposals for the Material Recovery Facility which includes the lease of one or both facilities, the purchase of processing equipment and the provision of recyclable materials processing services for material collected from non-eligible sources.

Submitted By



Cathy Copot-Nepszy, Manager of Waste Diversion

Essex-Windsor Solid Waste Authority

By-Law Number 2-2023

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
7th Day of March, 2023**