



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, April 19, 2023

Subject: Regional Waste Management Initiative

Report #: 2023-0419-LCS-R04-DMS

Purpose

The purpose of this Administrative Report (the "**Report**") is to provide County Council with an update and information related to the commitment by the previous Council to have the County take control of both traditional generic waste collection for all 7 lower tier municipalities, as well as for the impending requirement to deal with organic waste.

Background

The following is the timeline that resulted in the previous Council directing that a regional approach be taken with respect to waste management:

- (1) On October 20, 2021, County Council was provided with a report and delegation from Michelle Bishop, General Manager for EWSWA, providing background information on 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 pursuant to Section 11 of the *Resource and Circular Economy Act*, which required the following of the Essex-Windsor municipalities:

- City of Windsor – Provide curbside collection of food and organic waste to single family dwellings in an urban settlement area and to achieve a target reduction of 70%;

- Amherstburg, LaSalle, Leamington, and Tecumseh – Provide collection of food and organic waste (this could be curbside pickup, but could also be drop-off depot or community composting areas) to single family dwellings in an urban settlement area and to achieve a target reduction of 50%; and
- Essex, Kingsville, and Lakeshore – Not currently required to achieve specific rates of reduction for food and organic waste based on their current population size and density.

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

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

- (3) On February 28, 2022, the Council for 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 a EWSWA led Regional Food and Organic Waste Program; and further, That Administration BE DIRECTED to advise EWSWA of this decision prior to March 31, 2022.

- (4) On March 16, 2022, County Administration provided County Council with an Administrative Report, being Report [# 2022-0316-CCS-R004-MB](#). A copy of that report is appended to this Report. Following the presentation by County Administration 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.

The County Resolution was made on the basis that the County has the ability to impose the Organics Program pursuant to the provisions of the By-law No. 2847.

- (5) On June 1, 2022, 2 Motions were made by lower tier municipalities that were not satisfied that the Organics should be imposed on them. The 2 Motions provided as follows:

- a) Notice of Motion – Town of Essex (the "**Essex Motion**")

That the County of Essex take regional control, both operationally and financially, for the impending organic waste collection and disposal, and furthermore that the County of Essex take control of generic waste for all 7 lower tier municipalities, both operationally and financially, as lower tier garbage collection contracts expire.

The expectation is that garbage collection of every type will become the responsibility of the County of Essex and the cost will become part of the County of Essex tax levy.

- b) Notice of Motion – Town of Kingsville (the "**Kingsville Motion**"):

Whereas the Essex Windsor Solid Waste Authority (EWSWA) is pursuing a new regional program with a region-focused organics plan that supports tenets of the Essex County Environmental Plan; and

Whereas the benefits of a regional organics project received County Council endorsement encouraging EWSWA to pursue a new regional program for all seven (7) member municipalities in recognition of the shared value this diversion program presents to the Windsor-Essex Region;

Therefore, be it resolved that, at the next regular meeting of Essex County Council, I may move or cause to have moved that this integral waste diversion initiative, and introduction of

a regional organics program, be fully funded by the County of Essex under the County taxation levy.

- (6) The 2 Motions above were further addressed at a meeting of County Council held on June 15, 2022, at which time County Council unanimously resolved the following:

That Essex County Council direct Administration to work with the Essex-Windsor Solid Waste Authority 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, 2021, 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.

Further background information will be provided by Michelle Bishop, General Manager of EWSWA and members of County Administration in a PowerPoint presentation to be made following this report being provided to County Council

Discussion

Following the June 15, 2022 Resolution of County Council, County Administration has had a number of meetings, conversations, and presentations with respect to the Organics Program and the uploading of all waste collection to the County. These topics have also been addressed on multiple occasions at the Regional CAO Meetings.

There appears to be consensus at the administrative level for proceeding with uploading all waste collection to the County, in accordance with the second part of the June 15, 2022 Resolution of County Council.

With respect to the first part of the June 15, 2022 Resolution from County Council, Administration can confirm that EWSWA has retained a consultant with respect to conducting a fulsome "Waste Collection Review". Part of the scope of that consultant's work includes an analysis of the potential cost savings to be realized by transferring the jurisdiction of garbage collection

from local municipalities to the County. Once that analysis is complete, it will be provided to County Council as part of a further future report.

On March 14, 2023, a presentation was made by EWSWA and the County to Council for the Town of Tecumseh, that is largely the same as the presentation being made to County Council later tonight. Following the presentation to Tecumseh Council, the following resolution was made by Town Council:

And that Council endorse the concept of a regional approach to waste management and direct Administration to report back at a future Council meeting with additional information on a regional waste management program, including the County's by-law and the logistics of uploading the waste management service.

Before proceeding to make formal presentations to the Councils of the other local municipalities, Administration deemed it prudent to make a formal presentation to County Council first to provide an overview and update.

Following delivery of this Report and the presentation to follow, the planned next steps are as follows:

- (1) Circulation of a draft By-law for local municipalities to provide comment on prior to the By-law being presented to County Council for review, approval, and adoption;
- (2) Individual presentations to the Councils of the local municipalities, if requested; and
- (3) Working with the Administrations of the local municipalities on the timing of their bringing the necessary By-law to each local municipality.

Further discussion points will be addressed in the presentation to be made by EWSWA and County Administration following the presentation of this Report.

Financial Implications

There are no direct financial implications to the County, which will recover funds from each local municipality for the service provided on a regional basis. However, there is expected to be cost savings from the County municipalities going to market as a larger group, and there may be other financial impacts at the local level that cannot be fully ascertained at this time.

The potential financial implications related to regional waste collection will be addressed slightly in further detail in the presentation to be made following

this Report, and in more detail once the consultant retained by EWSWA has conducted its analysis.

Consultations

In drafting this Report, the following were consulted:

- Sandra Zwiers, Director of Financial Services/Treasurer
- Michelle Bishop, General Manager of EWSWA
- Mary Birch, Interim CAO

Recommendation

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.

Approvals

Respectfully Submitted,

David M. Sundin

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

Concurred With,

Sandra Zwiers

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

Concurred With,

Mary Birch

Mary Birch, BA, CMO, Interim Chief Administrative Officer

Appendix Number	Title
Appendix 1	Report Number 2022-0316-CCS-R004-MB Regional Food and Organic Waste Management Program
