



## 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

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#### 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 25<sup>th</sup>), Administration intends to seek County Council's approval of the By-law at its August 16<sup>th</sup> 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 Zwierys*

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

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