

**THE CITY OF TORONTO**

**Clerk's Department**

**Minutes of the Works and Utilities Committee**

**Wednesday, April 22, 1998**

The Works and Utilities Committee met on Wednesday, April 22, 1998, in Committee Room A, 2nd Floor, Metro Hall, Toronto, commencing at 9:45 a.m.

Members Present:

Councillor Betty Disero, Chair  
Councillor Gerry Altobello  
Councillor Lorenzo Berardinetti  
Councillor Ila Bossons  
Councillor Sandra Bussin  
Councillor Tom Jakobek  
Councillor Jack Layton  
Councillor Bill Saundercook  
Councillor Sherene Shaw  
Councillor David Shiner  
Councillor Michael Walker

Regrets:

Mayor Mel Lastman

Also Present:

Councillor Doug Holyday  
Councillor Joan King  
Councillor Judy Sgro

**Confirmation of Minutes.**

On motion by Councillor Bossons, the Minutes of the meeting of the Works and Utilities Committee held on March 25, 1998, were confirmed.

**56. Waste Watcher Recycling Program.**

The Chair of the Committee advised the Committee that a cheque in the amount of \$21,000.00 had been forwarded to the Works and Emergency Services Department by CSR: Corporations Supporting Recycling, as a contribution towards funding for the Waste Watcher Recycling Program.

**(Clause No. 15(e), Report No. 4)**

**57. Appointments to Consultation Committees.**

The Committee again had before it a report (March 9, 1998) from the Interim Functional Lead for Solid Waste Management recommending that one member of the Works and Utilities Committee be appointed to the Solid Waste Management Industry Consultation Committee, and one member be appointed to the Keele Valley Landfill Site Liaison Committee; and providing background information with respect to each of the aforementioned Committees.

The Committee submitted the aforementioned report to Council without recommendation, noting that the Chair of the Committee undertook to contact Members of Council to determine their interest in serving on either of the aforementioned Committees.

**(Clause No. 9, Report No. 4)**

**58. Deep Lake Water Cooling Project.**

The Committee had before it a report (April 7, 1998) from the Interim Functional Lead for Water and Wastewater providing an update on the status of the Deep Lake Water Cooling Project; advising that the innovative project is expected to have environmental and economic benefits to the City; further advising that a pre-design study and Class Environmental Assessment is underway to allow public input and confirm project viability while maintaining the security and integrity of the water supply system; and recommending that this report be received for information.

The Committee also had before it a communication (April 21, 1998) from Mr. Tony O'Donohue, President, Environmental Probe Ltd., requesting the opportunity to address the Committee with respect to the Deep Lake Water Cooling Project, and requesting that the report dated April 7, 1998, from the Interim Functional Lead for Water and Wastewater be listed on the agenda for the next meeting of the Committee as a deputation item.

The Committee received the aforementioned report.

**This item was subsequently reopened.  
(Refer to Minute No. 70)**

**59. Keele Valley Landfill Site -  
Amendment to Technical Services Agreement.**

The Committee had before it a report (April 7, 1998) from the Interim Functional Lead for Solid Waste Management recommending that:

- (1) authority be granted to increase the approved level of expenditure for technical services for Conestoga Rovers & Associates Limited by an amount of \$246,000.00 from \$2,571,000.00 to \$2,817,000.00 after the Municipal Goods and Services Tax Rebate for general consulting services, landfill gas consulting services including gas utilization and ambient air monitoring, leachate disposal, moisture recirculation, final cover, progressive rehabilitation and site closure requirements at the Keele Valley Landfill Site within funding limits previously approved;
- (2) the term of the agreement be extended to December 31, 1999; and
- (3) the appropriate officials be authorized to amend the existing agreement between the City of Toronto and Conestoga Rovers & Associates Limited to give effect thereto.

The Committee recommended to Council the adoption of the aforementioned report.

**(Clause No. 8, Report No. 4)**

**60. Acceptance of Quotations for Polyelectrolytes.**

The Committee had before it a report (April 6, 1998) from the Chief Financial Officer and Treasurer recommending that:

- (1) the polyelectrolytes used for the dewatering of anaerobically digested sludge at the Main Treatment Plant and raw sludge at the Highland Creek Treatment Plant, and for the dissolved air flotation of waste activated sludge at the Main Treatment Plant and Humber Treatment Plant which provide the most effective performance at the lowest evaluated cost be accepted, as follows:

Part A - Water soluble polyelectrolytes for the dewatering of anaerobically digested sludge at the Main Treatment Plant and raw sludge at the Highland Creek Treatment Plant.

Main Treatment Plant:

The polyelectrolyte submitted by Canada Flocculants Incorporated, product designation HF-171-MT at \$4,610.00 per tonne, excluding all taxes.

Highland Creek Treatment Plant:

The polyelectrolyte submitted by Canada Flocculants Incorporated, product designation HF-161-MT at \$4,020.00 per tonne, excluding all taxes.

Part B - Polyelectrolytes for the dissolved air flotation of waste activated sludges at the Main Treatment Plant and Humber Treatment Plant.

Main Treatment Plant:

The polyelectrolyte submitted by Allied Colloids (Canada) Incorporated, product designation DP20-14 at \$4,600.00 per tonne excluding all taxes.

Humber Treatment Plant:

The polyelectrolyte submitted by Allied Colloids (Canada) Incorporated, product designation DP20-05 at \$4,020.00 per tonne excluding all taxes;

- (2) this report be forwarded to the next meeting of Council; and
- (3) the appropriate officials be authorized to complete the necessary contract documents.

The Committee also had before it a communication (March 22, 1998) from Ms. Karey Shinn, Chair, Safe Sewage Committee, raising questions with respect to the quotations for polyelectrolytes.

The Committee recommended to Council the adoption of the aforementioned report.

**(Clause No. 14, Report No. 4)**

**61. Cogeneration Facility, Humber Treatment Plant -  
 Contract No. WPC-11-97.**

The Committee had before it a report (April 7, 1998) from the Commissioner of Works and Emergency Services recommending that:

- (1) Contract No. WPC-11-97, for the installation of previously purchased new gas engine generation units and electric air blowers including all associated electrical and mechanical work for the cogeneration project at the Humber Treatment Plant, be awarded to Comstock Canada Ltd., for the total lump sum price of \$16,798,000.00 including the Goods and Services Tax and a Schedule of Prices Allowance of \$22,860.00 for potential additional work; and
- (2) the appropriate City officials be authorized to take the necessary action to give effect thereto.

The Committee recommended to Council the adoption of the aforementioned report.

**(Clause No. 3, Report No. 4)**

**62. Cleaning and Cement Mortar Relining of  
Existing Water Mains, Scarborough District -  
Contract No. 11-98, Phase 1.**

The Committee had before it a report (April 1, 1998) from the Commissioner of Works and Emergency Services recommending that:

- (1) Contract No. 11-98, for the cleaning and cement mortar relining of cast iron water mains in the Scarborough District, be awarded to New Tide Investments Limited, for the total price of \$1,516,747.47 including the Goods and Services Tax; and
- (2) the appropriate City officials be authorized to take the necessary action to give effect thereto.

The Committee recommended to Council the adoption of the aforementioned report.

**(Clause No. 5, Report No. 4)**

**63. Cleaning and Cement Mortar Lining of  
Existing Water Mains, North York District -  
Contract No. NY9880WS.**

The Committee had before it a report (April 9, 1998) from the Commissioner of Works and Emergency Services recommending that:

- (1) Contract No. NY9880WS, for the cleaning and cement mortar lining of cast and ductile iron water mains in the North York District, be awarded to Cormar Contracting Ltd., for the Total Price of \$1,288,396.63 including the Goods and Services Tax; and
- (2) the appropriate City officials be authorized to take the necessary action to give effect thereto.

The Committee recommended to Council the adoption of the aforementioned report.

**(Clause No. 6, Report No. 4)**

**64. Appointments to Toronto 3Rs Sub-Committee.**

The Committee gave consideration to the matter of appointments to the Toronto 3Rs Sub-Committee of the Works and Utilities Committee, the Terms of Reference for which were adopted by the Committee at its meeting on March 25, 1998.

On motion by Councillor Layton, the Committee:

- (1) appointed the following Members of the Committee to the aforementioned Toronto 3Rs Sub-Committee:
  - Councillor Lorenzo Berardinetti;
  - Councillor Jack Layton;
  - Councillor Bill Saundercook; and
  - Councillor David Shiner; and
- (2) recommended to Council that Councillor Judy Sgro be appointed to the Toronto 3Rs Sub-Committee.

(Councillor Lorenzo Berardinetti; Councillor Jack Layton; Councillor Bill Saundercook; Councillor David Shiner; Councillor Judy Sgro - April 22, 1998)

**(Clause No. 10, Report No. 4)**

**65. Sanitary Discharge Agreement.**

The Committee again had before it a report (March 10, 1998) from the Interim Functional Lead for Water and Wastewater recommending that staff be authorized to enter into a Sanitary Discharge Agreement with The Glidden Company Limited, for the discharge of treated groundwater from its private water system at 370 Wallace Avenue, Toronto, to the sanitary sewer system, under terms and conditions satisfactory to the City Solicitor and the Commissioner of Works and Emergency Services.

On motion by Councillor Layton, the Committee recommended to Council the adoption of the aforementioned report; and requested the Commissioner of Works and Emergency Services, after three months of testing, to submit a report on the test results to the Committee for information.

(Commissioner of Works and Emergency Service; c: Interim Functional Lead for Water and Wastewater - April 22, 1998)

**(Clause No. 13, Report No. 4)**

**66. Pickering Nuclear Generating Station.**

The Committee again had before it a communication (February 4, 1998) from the Town Clerk, Town of Pickering, advising that the Council of the Town of Pickering passed a resolution at its meeting of February 2, 1998, respecting an order by the Government of Ontario for an Environmental Assessment of the Pickering Nuclear Generating Station, wherein it is resolved as follows:

“NOW THEREFORE THE Council of the Corporation of the Town of Pickering hereby seeks the endorsement of all Councils within the Greater Toronto Area of Pickering’s request for the Environmental Assessment; and

THAT copies of this resolution and the December Report Card on the Pickering Nuclear Station, along with a certified copy of the Question and election results, be forwarded to all Councils within the Great Toronto Area.”

Councillor Layton moved that the Committee recommend to Council the endorsement of the resolution embodied in the aforementioned communication; and that the Premier of Ontario, the Minister of the Environment, the Minister of Energy, Science and Technology, and the Town of Pickering be advised accordingly.

Councillor Shiner moved that the aforementioned communication be received.

Upon the question of the adoption of the foregoing motion by Councillor Shiner, it was lost.

Upon the question of the adoption of the foregoing motion by Councillor Layton, it was carried.

**(Clause No. 12, Report No. 4)**

**67. Water Main Cleaning and Cement Lining at Various Locations in the Etobicoke District - Contracts Nos. EB9801WS and EB9802WS.**

The Committee had before it a report (April 9, 1998) from the Commissioner of Works and Emergency Services recommending that:

- (1) Contract No. EB9801WS for water main cleaning and cement lining at various locations in the Etobicoke District be awarded to Cormar Contracting Ltd. for the total tendered price of \$2,383,404.14 including the Goods and Services Tax; and
- (2) the appropriate City officials be authorized to take the necessary action to give effect thereto.

The Committee also had before it a report (April 9, 1998) from the Commissioner of Works and Emergency Services recommending that:

- (1) Contract No. EB9802WS for water main cleaning and cement lining at various locations in the Etobicoke District be awarded to Main Rehabilitation Co. Ltd. for the total tendered price of \$2,458,330.35 including the Goods and Services Tax; and
- (2) the appropriate City officials be authorized to take the necessary action to give effect thereto.

On motion by Councillor Shiner, the Committee recommended to Council the adoption of the aforementioned reports.

(Strategic Policies and Priorities Committee c. Commissioner of Works and Emergency Services - April 30, 1998)

**(Clause No. 4, Report No. 4)**



(The foregoing item was also considered by the Strategic Policies and Priorities Committee at its meeting on May 5, 1998.)

**68. Consulting Services - Construction Supervision and Administration, Western Beaches Storage Tunnel. (Trinity-Niagara, High Park)**

The Committee had before it a report (April 9, 1998) from the Interim Functional Lead for Water and Wastewater respecting amendments to the agreement for consulting services to include detailed design reviews and construction supervision/administration for Phase 1 of the Western Beaches Storage Tunnel; and recommending that:

- (1) the terms of reference of the consulting agreement dated July 5, 1996, for the preparation of the preliminary design and tender documents for the Western Beaches Storage Tunnel be amended to include reviews of detailed design calculations and drawings prepared by the design/build contractor, and the construction supervision and construction administration of the tunnel project;
- (2) the total consulting fee of \$811,759.20, including GST, provided for in the consulting agreement dated July 5, 1996, and in the amending consulting agreement dated December 18, 1997, with CH2M Gore & Storrie Limited and MacViro Consultants Inc. be increased by \$970,000.00 to \$1,781,759.20, including GST; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Councillor Layton moved that Ms. Karey Shinn, Chair, Safe Sewage Committee, be given the opportunity to address the Committee with respect to the foregoing matter, which was carried.

Ms. Karey Shinn, Chair, Safe Sewage Committee, appeared before the Committee in connection with the foregoing matter, and filed a submission with respect thereto.

Councillor Layton moved that the Commissioner of Works and Emergency Services be requested to:

- (1) arrange a briefing on the Western Beaches Storage Tunnel project for Members of the Committee, prior to the meeting of Council scheduled for May 13, 1998, and that the Ward Councillors for the area, Councillors Korwin-Kuczynski, Miller, Pantalone and Silva, and other Members of Council be invited to attend; and

- (2) provide confirmation on the agreements with the Toronto Region and Conservation Authority and the Toronto Harbour Commission for the disposal of excavated shale, directly to Council for consideration with this matter.

Councillor Bussin moved that consideration of the aforementioned report be deferred until following the briefing for Members of the Committee.

Councillor Shiner moved the adoption of the aforementioned report.

Upon the question of the adoption of the foregoing motion by Councillor Layton, it was carried.

Upon the question of the adoption of the foregoing motion by Councillor Bussin, it was lost.

Upon the question of the adoption of the foregoing motion by Councillor Shiner, it was carried.

(Commissioner of Works and Emergency Services; c: Interim Functional Lead for Water and Wastewater; Councillor Chris Korwin-Kuczynski; Councillor David Miller; Councillor Joe Pantalone; Councillor Mario Silva; Ms. Karey Shinn - April 22, 1998; Members of the Works and Utilities Committee - May 5, 1998)

**(Clause No. 2, Report No. 4)**

**69. Status and Reconfirmation of Storm Water Group.**

The Committee had before it a communication (April 7, 1998) from Ms. Joyce McLean, City of Toronto Storm Water Group, respecting the background and status of the Storm Water Group, formed as an advisory group to the former City of Toronto in October 1996, pursuant to an Exemption Order issued by the Minister of Environment and Energy for the Western Beaches Storage Tunnel Environmental Assessment, and submitting recommendations with respect to the reconfirmation of the Storm Water Group.

The City of Toronto Storm Water Group subsequently submitted a revised communication (April 21, 1998) recommending that:

- (1) City Council adopt the Committee Report and its recommendations as previously adopted by Toronto City Council in the July 14, 1997 minutes;
- (2) City Council reinstate the Storm Water Group as the City's primary advisory Committee on storm water management with:
  - the appointment of one or more City Councillors as chairs(s);
  - the reappointment of current members, and additional members to be considered to reflect the wider constituency of the new city; and
  - staff resources, including administration services, from Parks and Recreation, Works and Emergency Services, and Urban Development and Planning, to be allocated to the Committee; and
- (3) the Storm Water Group meet with and coordinate planning and information with the (former Metro) Wet Weather Master Planning process and report back to the Works and Utilities Committee.

On motion by Councillor Layton, the Committee:

- (1) deferred consideration of the aforementioned communication until its next meeting, scheduled to be held on May 20, 1998, as a deputation item; and
- (2) requested the Commissioner of Works and Emergency Services to submit a report thereon to such meeting.

(City of Toronto Storm Water Group; Commissioner of Works and Emergency Services - April 22, 1998)

**(Clause No. 15(b), Report No. 4)**

**DEFERRED**

**70. Deep Lake Water Cooling Project.  
(Refer to Minute No. 58)**

On motion by Councillor Layton, the Committee reopened its consideration of the report dated April 7, 1998, from the Interim Functional Lead for Water and Wastewater respecting the status of the Deep Lake Water Cooling Project.

On motion by Councillor Layton, the Committee:

- (1) deferred consideration of the aforementioned report until its next meeting, scheduled to be held on May 20, 1998, as a deputation item;
- (2) requested that any proponents of deep lake water cooling be advised accordingly; and
- (3) requested the Chair of the Committee to consult with the Members of Council serving on the Boards of the Toronto Hydro-Electric Commission and the Toronto District Heating Corporation with respect thereto.

(Commissioner of Works and Emergency Services; Councillor Betty Disero; c: Interim Functional Lead for Water and Wastewater; Mr. Tony O'Donohue; Interested Parties - April 22, 1998)

**(Clause No. 15(c), Report No. 4)**

**DEFERRED**

**71. Deposit/Return System for Alcoholic and Non-Alcoholic Beverage Containers.**

The Committee had before it a report (April 16, 1998) from the City Solicitor respecting a deposit/return system for beverage containers and measures that can be undertaken with respect to licensing at the retail or distribution level, as requested by the Committee at its meeting on March 25, 1998; and recommending that the report be received for information.

The Committee also had before it a communication (April 20, 1998) from Mr. Robert G. Power, Outerbridge, Miller, Sefton, Willms & Shier, Barristers and Solicitors, in response to the Committee's invitation to appear before the Committee at its meeting on April 22, 1998, advising that he would not be available to attend the meeting due to a prior out-of-town commitment; and providing arguments for the City of Toronto to pursue a deposit/refund system within its jurisdiction, despite any regulatory restrictions that the City may currently face.

Councillor Judy Sgro, North York Humber, appeared before the Committee in connection with the foregoing matter.

The Committee received the aforementioned report and communication; and directed that such report and communication be referred to Council for consideration with this matter at its special meeting to be held on April 28, 1998. (Clause No. 1 of Report No. 3A of The Works and Utilities Committee.)

(City Council; c: Commissioner of Works and Emergency Services; Interim Functional Lead for Solid Waste Management; City Solicitor; Mr. Robert G. Power - April 22, 1998)

**(Clause No. 15(a), Report No. 4)**

**72. Charitable Waste Management Grant.**

The Committee had before it a report (April 8, 1998) from the Interim Functional Lead for Solid Waste Management recommending that the Shrine Circus, a registered charitable organization, be provided with a grant by way of exemption from waste management fees otherwise payable for waste generated by the Scarborough Shrine Circus.

The Committee recommended to Council the adoption of the aforementioned report.

**(Clause No. 11, Report No. 4)**

**73. Procedures for Retendering Existing Contracts for Waste Collection, and Provision for In-House Opportunity.**

The Committee had before it a report (April 9, 1998) from the Interim Functional Lead for Solid Waste Management reviewing the expiry dates of all existing waste collection contracts and the lead time for retendering and potential collection equipment acquisition, to assist in reviewing the potential for carrying out collection work in house; and recommending that:

- (1) the tender schedule shown in Table 2 be forwarded to the sub-committee reviewing the provision of bulk lift waste collection services for its consideration;
- (2) authorization be given to call tenders for all waste collection contracts which expire in 1998 and 1999, excluding the Toronto and York bulk lift contracts, as shown in Table 2 of this report; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

On motion by Councillor Bossons, the Committee recommended to Council the adoption of the aforementioned report.

**This item was subsequently reopened.  
(Refer to Minute No. 75)**

**74. Interim Purchasing By-law.**

The Committee had before it a communication (March 12, 1998) from the City Clerk forwarding a copy of Clause No. 1 contained in Report No. 2 of The Corporate Services Committee, headed "Interim Purchasing By-law", which was adopted, as amended, by City Council on March 4, 5 and 6, 1998, and a copy of By-law No. 57-1998, enacted by Council on March 6, 1998.

The Committee also had before it the following communications:

- (i) (February 18, 1998) from Mr. Salvatore Morra, Executive Director, Metropolitan Toronto Sewer and Watermain Contractors Association, forwarding a brief prepared by the Metropolitan Toronto Sewer and Watermain Contractors Association entitled "Running Water: Best Practices in Standardized Construction Contracts in the New City of Toronto", and advising that the City has the opportunity to bring its sewer and watermain construction contract language and practices into line with best practices in Canada, resulting in lower costs and no negative impact on services;
- (ii) (March 11, 1998) from Mr. Jacques Daoust, President, Engineered Coatings Ltd., respecting the ability of amalgamated public sector agencies to expand Tender Restriction Clauses in former tendering policies to new areas within the new City of Toronto; expressing concern about restricting those who can bid on taxpayer funded projects; and requesting a commitment in developing a fair tendering policy;
- (iii) (March 12, 1998) from Mr. John Mohle, Wellington Construction Inc., advising that Wellington Construction Inc. supports an open tendering policy, that the company has constructed municipal contracts as a major portion of its works, and that its employees as taxpayers should be able to work on taxpayer funded projects;
- (iv) (March 23, 1998) from Mr. Joe D'Alessandro, President, Duplex Electrical Ltd., supporting an open tendering policy with regard to non-union and union trades; and advising that restrictive clauses in job tenders would result in job layoffs, and that as these are taxpayer funded projects, they should be open to all qualified contractors, not just those that are unionized; and
- (v) (April 1, 1998) from Mr. Rod Shantz, President, RodCo Mechanical Inc., respecting tendering policies for projects in the Toronto District School Board and City of Toronto amalgamated areas; and expressing support for an open tendering policy and the elimination of restrictive clauses in any legislation.

On motion by Councillor Bossons, the Committee referred the aforementioned communications to the Commissioner of Works and Emergency Services, with a request that he:

- (1) meet with interested parties, including the Toronto Hydro-Electric Commission with respect to negotiations that are taking place with the Commission; and
- (2) submit a report to the Committee on a tendering policy, taking into consideration any relevant policies before the Corporate Services Committee and the brief prepared by the Metropolitan Toronto Sewer and Watermain Contractors Association, such report to be listed as a deputation item.

(Commissioner of Works and Emergency Services; c: Interested Parties; Secretary, Corporate Services Committee - April 22, 1998)

**(Clause No. 15(d), Report No. 4)**

**75. Procedures for Retendering Existing Contracts for Waste Collection, and Provision for In-House Opportunity.  
(Refer to Minute No. 73)**

The Committee reopened its consideration of the report dated April 9, 1998, from the Interim Functional Lead for Solid Waste Management respecting the procedures for the retendering of existing contracts for waste collection, and reviewing the potential for carrying out collection work in house.

Councillor Doug Holyday, Markland-Centennial, appeared before the Committee in connection with the foregoing matter.

On motion by Councillor Berardinetti, on behalf of Councillor Holyday, the Committee:

- (1) recommended to Council the adoption of the aforementioned report; and
- (2) requested the Commissioner of Works and Emergency Services to submit a report to the meeting of the Committee scheduled to be held on June 17, 1998, providing a comparison of costs for both curbside and bulk lift waste collection in the former municipalities.

(Commissioner of Works and Emergency Services; c: Councillor Doug Holyday; Interim Functional Lead for Solid Waste Management - April 22, 1998)

**(Clause No. 7, Report No. 4)**

**76. Burning of Waste Oil.**

The Committee again had before it a communication (February 19, 1998) from Councillor Judy Sgro, North York Humber, forwarding recent articles and documents pertaining to the management of used oil, including comments made by the Minister of the Environment in the issue of The Record dated February 18, 1998, regarding this matter; and suggesting that staff undertake the following analyses:

- (1) identify options to ban or grandfather the operation of used oil furnaces within the City of Toronto; and
- (2) identify options to increase the recovery of used motor oil and thereby divert it from burning in space heaters and from fouling the City of Toronto's sewage treatment facilities.

The Committee also had before it a report (April 8, 1998) from the Commissioner of Works and Emergency Services recommending that:

- (1) the Minister of the Environment be requested to discontinue the issuance of air approvals for waste oil burners where re-refining facilities are available;
- (2) the Minister of the Environment be requested to consider placing a sunset regulation on existing air approvals for waste oil burners in urban areas;
- (3) communications to the public should continue to prevent the dumping of waste oil into sewers or the environment;
- (4) all City fleets adopt the use of re-refined oil that meets manufacturers warranty requirements, subject to availability and reasonable cost differential;
- (5) if the Minister does not discontinue the approval of waste oil burners permanently, the Province of Ontario be requested to give municipalities the option to adopt by-laws that prohibit the use in their respective jurisdictions and that take precedence over approvals issued under the Environmental Protection Act, section 9; and



- (6) if the Minister does not discontinue the air approval of waste oil burners permanently, the Province be requested through an appeal under the Environmental Bill of Rights to give municipalities standing in the review and setting of new more stringent air emission standards under Regulation 346.

The Committee also had before it a report (April 16, 1998) from the City Solicitor providing information on the identification of options to ban or grandfather the operation of used oil furnaces within the City of Toronto, for consideration by the Committee in conjunction with the report dated April 8, 1998, from the Commissioner of Works and Emergency Services; concluding that any regulatory option by the City of Toronto to prohibit the burning of waste oil in space heaters is likely invalid on the basis of conflict with regulatory approvals under the Environmental Protection Act; advising that the principle of conflict, in particular, would apply notwithstanding the moratorium on certificates of approval (air) for the burning of waste oil, and that the Draft Municipal Act expressly incorporates the principle of conflict; and recommending that the report be received for information.

The Committee also had before it the following communications:

- (i) (March 23, 1998) from Mr. John Hanson, Executive Director, Recycling Council of Ontario, expressing support for a proposed Toronto by-law to address the issue of waste-derived fuel furnaces, and for re-refining as the preferred option for dealing with oil; and requesting the opportunity to make a deputation when the Committee discusses this issue;
- (ii) (March 20, 1998) from Mr. Ken Ogilvie, Executive Director, Pollution Probe, advising that Pollution Probe is a very strong advocate for improving air quality and encouraging governments at all levels to take actions that support this objective; and requesting the opportunity to make a deputation to the Committee regarding the burning of used oil in Toronto;
- (iii) (March 23, 1998) from Mr. Gord Perks, Toronto Environmental Alliance, recommending that the Committee direct staff to develop options for the banning of burning of used motor oil, and direct the Medical Officer of Health to report on the health and environmental consequences of burning used oil in Toronto;
- (iv) (March 23, 1998) from Mr. Ian C. Morton, Community Service Project Manager, Ontario Provincial Office, The Lung Association, in support of banning the sale of new waste derived fuel furnaces and to grandfather existing ones; and encouraging the Committee to urge the Ministry of the Environment to establish a mandatory used oil collection program, where feasible, to replace the voluntary approach currently in place;

- (v) (March 25, 1998) Mr. Usman A. Valiante, General Science Works Inc., submitting maps showing the location of used-oil furnaces within the City of Toronto and population statistics;
- (vi) (April 20, 1998) from Mr. T. R. Clapp, Vice President, Ontario Division, Canadian Petroleum Products Institute, requesting the opportunity to appear before the Committee with respect to the issue of the burning of used oil; and advising that the Canadian Petroleum Products Institute supports recycling as the best practice for managing used oil, and endorses the current provincial ban on permitting new used oil fired space heaters; and
- (vii) (April 21, 1998) from Mr. David Leonhardt, Director, Public and Government Relations, Canadian Automobile Association (Ontario), requesting the opportunity to appear before the Committee, and advising that CAA Ontario is opposed to the burning of used lubricating oil whenever another viable option is available.

Councillor Jakobek moved that consideration of the foregoing matter be deferred, that all interested parties be advised accordingly, and that an advertisement be placed in the daily newspapers advising members of the public when this matter will be considered; and that depositions not be heard until the next meeting.

Councillor Berardinetti moved that the Committee hear depositions at this time, and defer consideration of the matter until its next meeting or until a special meeting to be held at the call of the Chair.

Councillor Shiner moved that the vote be taken on the deferral, and that the Committee hear all depositions.

The Chair of the Committee ruled that the Committee hear depositions at this time, and consider the matter of deferral following the depositions.

Having regard for the ruling of the Chair, the foregoing motions by Councillors Jakobek, Berardinetti and Shiner were not put to the vote.

The following persons appeared before the Committee in connection with the foregoing matter:

- Ms. Zivah Stocker, North York, Ontario, and filed a submission with respect thereto;
- Mr. John Hanson, Executive Director, Recycling Council of Ontario, and filed a submission with respect thereto;
- Mr. Ian C. Morton, Director, Environmental Health, Pollution Probe, and filed a submission with respect thereto;
- Mr. Usman A. Valiante, General Science Works Inc.;

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- Mr. T. R. Clapp, Vice-President, Ontario Division, Canadian Petroleum Products Institute, and filed a submission with respect thereto;
- Mr. David Leonhardt, Director, Public and Government Relations, Canadian Automobile Association;
- Mr. Ron Lugowski, De-On Supply Incorporated;
- Mr. Doug Barnett, Reznor/Garage Supply Ltd.;
- Mr. Lloyd Clare, Environmental Permit Corporation;
- Ms. Melissa Brookfield, Ontario Provincial Office, The Lung Association;
- Councillor Judy Sgro, North York Humber, and submitted a press kit from Pollution Probe, The Lung Association, Recycling Council of Ontario, Toronto Environmental Alliance and CAA Ontario, and a list provided by the Ministry of the Environment indicating locations of waste oil furnaces; and
- Councillor Joan King, Seneca Heights.

Councillor Bossons moved that the aforementioned report dated April 8, 1998, from the Commissioner of Works and Emergency Services be amended by:

- (i) striking out the words “where re-refining facilities are available” in Recommendation No. (1) and inserting in lieu thereof the words “where access to re-refining services exists”;
- (ii) striking out Recommendation No. (2) and inserting in lieu thereof the following:
  - “(2) the Minister of the Environment be requested to ban the use of waste oil burners in the urban area of Toronto, as already defined in Ministry of the Environment regulations which prohibit the sale of high sulphur gasoline;” and
- (iii) adding thereto the following recommendations:
  - “(6) the Commissioner of Works and Emergency Services and the City Solicitor be requested to prepare a draft by-law which would have the effect of banning the use of waste oil burners in the City of Toronto; and
  - (7) if the City of Toronto takes the position that waste oil burners should be banned, it advise the members of the Association of Municipalities of Ontario and invite their support.”

Councillor Walker moved that the Commissioner of Works and Emergency Services and the City Solicitor be requested to develop a draft by-law on the banning of space heaters, and that a public hearing take place at that time.

Councillor Jakobek moved that consideration of the aforementioned matter be deferred, and all interested parties be advised accordingly.

The time of 12:30 p.m. having arrived, Councillor Layton moved that the Committee complete its consideration of this item, which was carried.

Councillor Saundercook moved that:

- (1) the aforementioned reports from the Commissioner of Works and Emergency Services and the City Solicitor be submitted to Council without recommendation; and
- (2) the aforementioned reports and communications and the foregoing motions by Councillors Bossons and Walker be referred to a special meeting of the Committee to be held on May 11, 1998, for the hearing of deputations.

Councillor Layton moved that the Medical Officer of Health be invited to provide her comments in connection with the foregoing matter to the special meeting of the Committee to be held on May 11, 1998, which was carried.

Upon the question of the adoption of the foregoing motions by Councillor Saundercook and Layton, they were carried.

Having regard for the action taken by the Committee, the foregoing motion by Councillor Jakobek was not put to the vote.

The following is the action therefore taken by the Committee:

The Committee:

- (1) directed that the aforementioned reports from the Commissioner of Works and Emergency Services and the City Solicitor be submitted to Council without recommendation;
- (2) referred the aforementioned reports and communications and the following motions to a special meeting of the Committee to be held on May 11, 1998, for the hearing of deputations:

Moved by Councillor Bossons:

“That the report dated April 8, 1998, from the Commissioner of Works and Emergency Services be amended by:

- (i) striking out the words “where re-refining facilities are available” in Recommendation No. (1) and inserting in lieu thereof the words “where access to re-refining services exists”;
- (ii) striking out Recommendation No. (2) and inserting in lieu thereof the following:
  - “(2) the Minister of the Environment be requested to ban the use of waste oil burners in the urban area of Toronto, as already defined in Ministry of the Environment regulations which prohibit the sale of high sulphur gasoline;” and
- (iii) adding thereto the following recommendations:
  - “(6) the Commissioner of Works and Emergency Services and the City Solicitor be requested to prepare a draft by-law which would have the effect of banning the use of waste oil burners in the City of Toronto; and
  - (7) if the City of Toronto takes the position that waste oil burners should be banned, it advise the members of the Association of Municipalities of Ontario and invite their support”; and

Moved by Councillor Walker:

“That the Commissioner of Works and Emergency Services and the City Solicitor be requested to develop a draft by-law on the banning of space heaters, and that a public hearing take place at that time”;

- (3) requested that all interested parties be advised accordingly; and
- (4) invited the Medical Officer of Health to provide her comments in connection with the foregoing matter to the special meeting of the Committee scheduled to be held on May 11, 1998.

Works and Utilities Committee Minutes  
Wednesday, April 22, 1998

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(Works and Utilities Committee; Commissioner of Works and Emergency Services; City Solicitor; Medical Officer of Health; Councillor Judy Sgro; Councillor Joan King; All Interested Parties - April 22, 1998)

**(Clause No. 1, Report No. 4)**

The Committee adjourned its meeting at 12:45 p.m.

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Chair.