
**POLICY AND FINANCE COMMITTEE
AND
WORKS COMMITTEE**

AGENDA

Date of Meeting:	Friday, July 21, 2000	Enquiry:	Trudy Perrin
Time:	9:30 p.m.		Committee Administrator
Location:	Council Chamber		392-8027
	City Hall		tperrin@city.toronto.on.ca
	100 Queen Street West		

**DECLARATIONS OF INTEREST PURSUANT TO
THE MUNICIPAL CONFLICT OF INTEREST ACT.**

**TORONTO INTEGRATED SOLID WASTE RESOURCE
MANAGEMENT (“TIRM”) PROCESS –
CATEGORY 2, PROVEN DISPOSAL CAPACITY.**

**1. City Clerk
(June 23, 2000)**

Advising that the Policy and Finance Committee and Works Committee at their special joint meeting held on June 22 and 23, 2000, jointly deferred consideration of the reports and communications listed therein until a further joint meeting of the Committees, to be held at the call of the Chairs; and directed the Commissioner of Works and Emergency Services to:

- (1) contact all of the Respondents, in writing, for confirmation of the terms and conditions of their proposals and request that they provide final and best pricing scenarios on their proposals, including a separate price for dealing with the private sector (ICI) waste, including consideration of road and rail options, by sealed submissions to be made no later than June 30, 2000, at noon to the Chief Financial Officer and Treasurer for further evaluation and report thereon, in conjunction with the Commissioner of Works and Emergency Services, to the aforementioned joint meeting of the Policy and Finance Committee and the Works Committee;

- (2) address in the forthcoming report:
 - (i) consideration of the implications and feasibility of advancing the contracts to 2001;
 - (ii) development of a flexible disposal option that does not include extending the life of the Keele Valley Landfill Site;
 - (iii) staff's understanding of the Council direction with respect to the closing of the Keele Valley Landfill Site;
 - (iv) the current balance of capacity of the Keele Valley Landfill Site under Slow Fill Option B, adopted by Council on October 1 and 2, 1998, and various filling options to facilitate closing the site at the end of 2002;
 - (v) pricing of the various disposal options based on the City reaching a 60 percent diversion rate by 2006;
 - (vi) the position of Rail Cycle North with regard to the impact of reduced tonnages that may be shipped to landfill sites in the context of the City's diversion efforts;
 - (vii) other scenarios for transportation costs to Essex-Windsor, one scenario to be the City's cost net of overheads;
 - (viii) increased rail transportation opportunities in light of new rail modalities presented to the Committees at the meeting;
 - (ix) possible CO₂ and other possible credits for transportation by rail instead of by truck;
 - (x) the balance of waste remaining in the Greater Toronto Area after the 50 percent diversion by 2006; and
 - (xi) the estimated cost of diversion programs by 2006;
- (3) communicate with the other interested regional governments in the Greater Toronto Area requesting confirmation, in writing, of their participation in contracts for waste disposal; and submit a report to the joint meeting on staff's understanding of the role of the Regions of York, Durham and Peel in the partnership;
- (4) further report to the joint meeting on expanding the study of the CUPE/TEA (Toronto Environmental Alliance) Wet/Dry proposal to consider the inclusion of commercial strips and/or condominiums as well as single family dwellings which are currently being studied;

- (5) work with Enwave District Energy Limited and report to the joint meeting on the exploration of anaerobic digestion of waste, particularly organic wet waste, as a possible source of recovered energy in the form of heat and/or electricity;
- (6) request the consultants involved in advising the Committees and Council on this matter to attend the next joint meeting to answer questions that Members of Council may have, such meeting to be videotaped and held in public session with respect to those matters normally dealt with in public; and
- (7) report to the Policy and Finance Committee and the Works Committee by September 2000 on the feasibility of achieving a higher diversion rate through the use of new technology, and revising the diversion rate set by City Council from 50 percent by 2006 to 75 percent by the year 2010.

(NOTE: Communications listed in the aforementioned communication were distributed to Members of Council for the previous joint meeting, and are on file in the office of the City Clerk.)

**1(a). TIRM CATEGORY 2, PROVEN DISPOSAL CAPACITY
RESIDUAL SOLID WASTE DISPOSAL CAPACITY OPTIONS.**

(DEFERRED FROM PREVIOUS MEETING)

Commissioner of Works
and Emergency Services
(June 19, 2000)

Recommending that:

- (1) the Commissioner of Works and Emergency Services be authorized to proceed to conduct final contract negotiations with the following three TIRM Respondents to address the City's residual solid waste disposal needs: Green Lane Environmental Group Ltd. for up to 125,000 tonnes per year; Essex-Windsor Solid Waste Authority for up to 100,000 tonnes per year; and Onyx Arbor Hills Landfill, Inc. for up to 454,000 tonnes per year, subject to satisfactory resolution of additional contractual matters and exceptions as identified by the Commissioner of Works and Emergency Services to be detailed in a report to be submitted In Camera to the Joint Committees;

and, subject to approval of Recommendation No. (1), recommending that:

- (2) the commencement date of contracts referred to in Recommendation No. (1) be January 1, 2001, to allow the City of Toronto to commence disposal operations

with the Respondents on that date in order to extend the service life of the Keele Valley Landfill to December 31, 2006;

- (3) the Commissioner of Works and Emergency Services be requested to report to the Works Committee and Policy and Finance Committee on the outcome of the final contract negotiations, referred to in Recommendation No. (1) by September 2000;
- (4) effective January 1, 2001, the amount of solid waste disposed of at the Keele Valley Landfill be limited to approximately 700,000 tonnes annually made up of municipal solid waste from the City of Toronto, the Region of York and the Region of Durham (subject to confirmation that these Regions choose to dispose of their waste at the Keele Valley Landfill as set out in Recommendation No. (6)) and only that private sector waste which cannot be disposed of via transfer stations to alternative disposal facilities;
- (5) should the Regions of York and Durham choose to dispose of their municipal solid waste at the Keele Valley Landfill, the City of Toronto charge York Region on the basis of its current agreement with the City of Toronto for disposal and charge Durham Region a disposal fee reflective of the market price as determined through the TIRM Process;
- (6) City Council request the Regional Councils of Durham and York to formally confirm by September 1, 2000, their agreement to continue using Keele Valley for disposal of their municipal solid waste;
- (7) City Council request the Region of Peel by formal by-law of Council to confirm by September 1, 2000, its participation in contracts for the disposal of municipal solid waste commencing January 1, 2001;
- (8) the Keele Valley Landfill close to solid waste disposal operations no later than December 31, 2006;
- (9) the Commissioner of Works and Emergency Services be authorized to submit a report to the Works Committee regarding a tendering process, separate from the TIRM Process, for the disposal of solid waste received from the private sector;
- (10) effective January 1, 2001, the Commissioner of Works and Emergency Services be authorized to adjust the solid waste management disposal fee at Toronto's transfer stations by up to 15 percent by giving two weeks public notice; and
- (11) the Commissioner of Works and Emergency Services be authorized to share under confidentiality agreements with the Regional Commissioners of Works for Durham, Peel and York the detailed contract terms of the proposed contracts with the appropriate Respondents in order for them to finalise their due diligence processes and to develop recommendations to their respective Regional Councils.

**1(b). TIRM CATEGORY 2, PROVEN DISPOSAL CAPACITY
RESIDUAL SOLID WASTE DISPOSAL OPTIONS:
SUPPLEMENTARY REPORT.**

Commissioner of Works and
Emergency Services
(July 14, 2000)

Recommending that:

- (1) should the Joint Committee and Council choose not to consider options involving the extension of the service life of the Keele Valley Landfill Site beyond 2002, then the Commissioner of Works and Emergency Services be authorized to conduct final contract negotiations as follows, to addition to satisfactory resolution of additional contractual matters and exceptions as identified by the Commissioner of Works and Emergency Services to be detailed in an In Camera report;
 - (a) with Republic Services of Canada Inc., for a “no put or pay” contract for tonnages above 100,000 tonnes per year for a flexible combined term of up to 20 years, to manage the private sector waste received by the City of Toronto for disposal; and
 - (b) with Rail Cycle North Ltd. for a “no put or pay” contract for a term of 20 years to encompass only the residual municipal solid waste disposal needs of the City of Toronto and the Greater Toronto Area Regional Municipalities of Peel, York and Durham, under the terms and conditions of the Memorandum of Understanding between the four participating municipalities;

and, subject to approval of Recommendations No. (1)(a) and (b) including satisfactory resolution of additional contractual matters and exceptions as identified by the Commissioner of Works and Emergency Services to be detailed in an In Camera report, it is recommended that:

- (2) the commencement date of the contract award to Republic Services of Canada Inc., be January 1, 2001 at a rate of 300,000 tonnes of solid waste, both municipal and private sector solid waste, per year for two years less a day in order to facilitate a December 31, 2002 closing of the Keele Valley Landfill Site, and from and after January 1, 2003, on the basis of the “no put or pay” basis as set out in Recommendation No. (1)(a);
- (3) the commencement date of the contract award to Rail Cycle North Ltd., be January 1, 2003;

- (4) the Commissioner of Works and Emergency Services be authorized to enter into discussions with Onyx Arbor Hills Landfill Inc. to determine if the existing disposal contract with Onyx Arbor Hills Landfill Inc. can be renegotiated on the basis of the conditions identified by the Commissioner of Works and Emergency Services as detailed in an In Camera report;
- (5) the Commissioner of Works and Emergency Services be requested to undertake the contract negotiations, referred to in Recommendations (1), (2), (3), and (4), listed above, and authorized to report to the Council meeting of August 1, 2 and 3, 2000 on such negotiations;
- (6) the Regional Municipality of Durham be invited to continue to dispose of its municipal solid waste at the Keele Valley Landfill Site from January 1, 2001 until its closure at a disposal fee reflective of the market price as determined through the TIRM Process and that the Commissioner of Works and Emergency Services report back through Committee to the Council meeting of October 2, 3, and 4, 2000 on any price agreement;
- (7) effective January 1, 2001, the Commissioner of Works and Emergency Services be authorized to adjust from time to time the solid waste management disposal fee at Toronto's transfer stations by up to 15 percent upwards or downwards by giving two weeks public notice;
- (8) the Commissioner of Works and Emergency Services be authorized to share under confidential agreements with the Regional Commissioners of Works for Durham, Peel, and York the detailed contract terms of the proposed contracts with the appropriate Respondents in order for them to finalize their due diligence processes and to develop recommendations to their respective Regional Councils;
- (9) the Commissioner of Works and Emergency Services be authorized to develop with the Regional Commissioners of Works for Durham, Peel, and York a formula for the partial recovery by Toronto from the Regional Municipalities of (i) the costs of the TIRM Process and (ii) the study costs in connection with the environmental assessment of the Adams Mine undertaken by the former Metro Toronto as reflected in the per tonne service fee credit given by Rail Cycle North Ltd., such formula to be based on a contributing tonnage percentage to a contract with Rail Cycle North Ltd.; and
- (10) City Council request the Regional Councils of Peel, York, and Durham to formally confirm no later than September 18, 2000, their agreement to enter into a joint contract in partnership with the City of Toronto for the disposal of residual municipal solid waste.

**1(c). TIRM DISPOSAL PROJECT –
REQUESTS FOR FURTHER INFORMATION:
SUPPLEMENTARY REPORT.**

Commissioner of Works and
Emergency Services
(July 14, 2000)

Providing the Works and Policy and Finance Committees with responses to requests for further information identified by the Committees at their joint meeting of June 22 and 23, 2000; and recommending that this report be received for information.

**1(d). TIRM TOP QUALIFIED PROPOSALS FOR
PROVEN DISPOSAL CAPACITY –
DUE DILIGENCE REVIEWS.**

(DEFERRED FROM PREVIOUS MEETING)

Commissioner of Works and
Emergency Services
(June 7, 2000)

Providing a summary of the due diligence review of the top-qualified proposals in TIRM Category 2, Proven Disposal Capacity, which was undertaken with respect to the following Respondents and their respective facilities, both primary and contingency sites:

- Essex Windsor Solid Waste Authority;
- Green Lane Environmental;
- Onyx Inc.;
- Rail Cycle North; and
- Republic Services (Canada) Ltd.;

outlining the purpose, scope and methodology of the due diligence review, and advising that in conjunction with reviewing Respondents' facilities, due diligence reviews were conducted of proposed waste haulage systems which considered transportation service providers' facilities, their environmental systems capabilities and transportation safety records; summarizing the key findings and associated remedies identified by the project consultants; further advising that the project consultants have advised, following the completion of the due diligence review, that the Respondents investigated are capable of delivering the waste haul and disposal services offered in their submissions to Toronto, and that they did not identify any technical or scientific issues which would be a basis for precluding Toronto from entering into contracts with the Respondents for service provision; and recommending that the report be received for information.

1(e). TIRM PROCESS – DISPOSAL AND DIVERSION TONNAGE PROJECTIONS.

(DEFERRED FROM PREVIOUS MEETING)

Commissioner of Works and
and Emergency Services
(June 6, 2000)

Submitting a table providing the range of waste disposal and diversion tonnage projections that are being used to determine the recommended award of contract(s) for proven disposal services under the TIRM Process; noting that the report provides the range of waste tonnage that may need to be disposed of over the 20-year TIRM planning period and demonstrates the importance of flexibility in considering disposal services contract options; and recommending that the report be received for information.

IN CAMERA - In accordance with the Municipal Act, a motion is required for the Committees to meet privately and the reason must be stated.

1(f). TIRM DISPOSAL OPTIONS – FINANCIAL ANALYSIS.

(DEFERRED FROM PREVIOUS MEETING)

Chief Financial Officer and Treasurer
(June 22, 2000)

Confidential report respecting a financial analysis of the TIRM disposal options, such report to be considered in-camera having regard that the subject matter relates to the receiving of advice that is subject to solicitor-client privilege.

1(g). DUE DILIGENCE REPORT OF EARTH TECH CANADA INC. AND MACVIRO CONSULTANTS INC.

(DEFERRED FROM PREVIOUS MEETING)

City Solicitor
(June 14, 2000)

Confidential report respecting the due diligence report of Earth Tech Canada Inc. and MacViro Consultants Inc., such report to be considered in-camera having regard that the subject matter relates to the receiving of advice that is subject to solicitor-client privilege.

**1(h). CATEGORY 2, PROVEN DISPOSAL CAPACITY –
RESIDUAL SOLID WASTE DISPOSAL CAPACITY OPTIONS -
SUPPLEMENTARY REPORT.**

(DEFERRED FROM PREVIOUS MEETING)

Commissioner of Works and
Emergency Services
(June 22, 2000)

Confidential report submitting proposed exceptions from TIRM Respondents and additional conditions to the TIRM RFP (Proven Disposal Capacity), such report to be considered in-camera having regard that the subject matter relates to the receiving of advice that is subject to solicitor-client privilege.

**1(i). Manager, Strategic Planning,
Solid Waste Management Services
(June 22, 2000)**

(DEFERRED FROM PREVIOUS MEETING)

Confidential communication forwarding correspondence from Mr. Bob Webb of Republic Services of Canada, such communication to be considered in-camera having regard that the subject matter relates to the receiving of advice that is subject to solicitor-client privilege.

NEW COMMUNICATIONS:

**1(j). City Clerk,
City of Vaughan
(June 26, 2000)**

Forwarding a copy of Minute No. 187 regarding the City of Toronto Integrated Solid Waste Resource Management Process, which was passed by the Council of the City of Vaughan on June 19, 2000.

**1(k). Mr. Gordon Landon,
Regional Councillor,
Chairman Waste Management (York Region)
(July 4, 2000)**

Expressing concern with respect to the recommendations in the staff report dated June 19, 2000, regarding the extension of the Keele Valley Landfill Site closure until 2006; and urging City Council to consider a long-term solution that does not require Keele Valley to remain open beyond 2002, and to consider a Canadian solution.

- 1(l).** Deputy Clerk,
Region of Durham
(June 29, 2000)

Advising that the Council of the Regional Municipality of Durham on June 28, 2000, adopted a resolution with respect to the Keele Valley Landfill Site, wherein it is resolved that:

- (1) the Region of Durham opposes the continued use of the Keele Valley Landfill Site beyond the year 2002 and calls upon the Province of Ontario to intervene and close the Keele Valley Landfill Site as previously committed to the City of Vaughan; and
- (2) the Region of Durham demand that the City of Toronto adhere to the Terms of Reference as stipulated in a Memorandum of Understanding agreement with the Regions of Durham and York.

- 1(m).** Mr. and Mrs. P. Riccardi,
Maple, Ontario
(undated)

In support of the closure of the Keele Valley Landfill Site.

- 1(n).** Mr. Lorne LaCarte,
Chief Administrative Officer,
Township of Ewanturel
(June 20, 2000)

Expressing opposition, on behalf of the residents of the Township of Ewanturel, to the proposal of waste being sent to and stored at the former Adams Mine site; and forwarding a Resolution dated May 24, 2000, again confirming the Council's opposition to the proposal.

- 1(o).** Mr. T. E. Monahan,
Secretary-Treasurer,
Northeastern Ontario Municipal Association
(June 22, 2000)

Advising that the Northeastern Ontario Municipal Association (NEOMA) has been supportive of the Adams Mine site near Kirkland Lake for the disposal of the City of Toronto's waste, subject to the necessary environmental assessment being completed, which has been done.

- 1(p).** Ms. Eleanor M. Newton,
Kirkland Lake, Ontario
(June 23, 2000)

Forwarding a video to be reviewed by the Committee, entitled “Rail Cycle North – The Provincial Waste Management Solution”; and urging Council to accept the Rail Cycle North proposal.

- 1(q).** Mr. H.J. Janssen,
Sesekinika, Ontario
(June 23, 2000)

Forwarding the final report and recommendations of the Small Communities Committee for the unorganized townships; and stating that the Town of Kirkland Lake has no jurisdiction in Boston township where the Adams Mine is located.

(NOTE: The aforementioned report is on file in the office of the City Clerk.)

- 1(r).** Mr. Danny Blanchard
Kirkland Lake, Ontario
(June 26, 2000)

In support of the Adams Mine site for the award of the City of Toronto’s waste disposal contract.

- 1(s).** Communications from the following in opposition to the Adams Mine landfill proposal:

- (i) (May 31, 2000) from Ms. Tracey Polson, Notre Dame du Nord, Quebec;
- (ii) (May 31, 2000) from Mr. Roy Addison, New Liskeard, Ontario;
- (iii) (May 31, 2000) from Ms. Mabel McLaren, Notre Dame du Nord, Quebec;
- (iv) (June 1, 2000) from Lou Penterman, Notre Dame du Nord, Quebec;
- (v) (June 1, 2000) from Kerrin McFarland, Cobalt, Ontario;
- (vi) (June 2, 2000) from Mr. James Simpson;
- (vii) (June 5, 2000) from Ms. Marguerite J. St. Amont;
- (viii) (June 6, 2000) from Ms. Kathryn Cory, Cobalt, Ontario;
- (ix) (June 8, 2000) from Ms. Lillian Demarell, Englehart, Ontario;
- (x) (June 9, 2000) from the McNair family;
- (xi) (June 9, 2000) from Ms. Diane Huisman, Thornloe, Ontario;
- (xii) (June 9, 2000) from Mr. Richard Begin, New Liskeard, Ontario;
- (xiii) (June 9, 2000) from Ms. Alicia Thivierge, Notre Dame du Nord, Quebec;
- (xiv) (June 9, 2000) from Kyle Chevrier, Notre Dame du Nord, Quebec;
- (xv) (June 9, 2000) from Mr. Matthew F. Bailey, Belle Vallee, Ontario;
- (xvi) (June 10, 2000) from Ms. Norma West, Englehart, Ontario;
- (xvii) (June 10, 2000) from Mr. James West, Englehart, Ontario;
- (xviii) (June 10, 2000) from Ms. Jeanne Hauthier, New Liskeard, Ontario;

- (xix) (June 10, 2000) from Ms. Kathryn Hurtubise, District of Temiskaming;
- (xx) (June 10, 2000) from Ms. Charlotte Loranger, District of Temiskaming;
- (xxi) (June 10, 2000) from Ms. Sherry Flood, District of Temiskaming;
- (xxii) (June 10, 2000) from Mr. Dennis Messenger, New Liskeard, Ontario;
- (xxiii) (June 10, 2000) from Ms. Mary Jane St-Laurent, Cobalt, Ontario;
- (xxiv) (June 10, 2000) from Mr. Donald J. McEachern, Englehart, Ontario;
- (xxv) (June 10, 2000) from Mr. Colin Ahola, New Liskeard, Ontario;
- (xxvi) (June 10, 2000) from Ryan Ahola, New Liskeard, Ontario;
- (xxvii) (June 10, 2000) from Luke Raftis, Englehart, Ontario;
- (xxviii) (June 11, 2000) from Mr. Barrie Story, Kenabeek, Ontario;
- (xxix) (June 13, 2000) from Mr. Edward J. Gorecki, Englehart, Ontario;
- (xxx) (June 13, 2000) from Mr. Hugh Reynolds, Englehart, Ontario;
- (xxxi) (June 21, 2000) from Mr. Ken Ogilvie, Executive Director, Pollution Probe;
- (xxxii) (June 23, 2000) from C. Huisman, Thornloe, Ontario;
- (xxxiii) (June 23, 2000) from Ms. Betty Hermiston;
- (xxxiv) (June 23, 2000) from D. Oliphant, Thornloe, Ontario;
- (xxxv) (June 24, 2000) from Ms. Linda Miller, Thornloe, Ontario;
- (xxxvi) (June 26, 2000) from Mr. Garry Montague and family, Kirkland Lake, Ontario;
- (xxxvii) (June 26, 2000) from K. Peckover;
- (xxxviii) (June 28, 2000) from Mr. Gordon J. Ham, Englehart, Ontario;
- (xxxix) (June 29, 2000) from Ms. Norma Edwards, Englehart, Ontario;
- (xl) (June, 2000) from Ms. Yolande Rivard, Earlton, Ontario;
- (xli) (June, 2000) from Mr. Francois Rivard, Earlton, Ontario;
- (xlii) (undated) from Mr. Denis Belanger, Ontario;
- (xliii) (undated) from Brandon Chief, Notre Dame du Nord, Quebec;
- (xliv) (undated) from Mr. Allan J. McLaren, Notre Dame du Nord, Quebec;
- (xlv) (undated) from Ms. Joanne Hamel;
- (xlvi) (undated) from Ms. Bonnie Tebiscon, Notre Dame du Nord, Quebec;
- (xlvii) (undated) from Mr. Justin Connolly;
- (xlviii) (July 4, 2000) from Mr. Michael Lafoy, Cobalt, Ontario;
- (xlix) (July 13, 2000) from C. Dallaire, District of Temiskaming;
- (l) (July 16, 2000) from Mr. Joseph Melaschenko, Toronto, Ontario;
- (li) (May 29, 2000) from Ms. Diane Nieme, Tarzwell, Ontario;

NOTE: The following form letters are on file in the office of the City Clerk:

- 1(t).** Form letters from 28 persons in opposition to the Adams Mine landfill proposal.
- 1(u).** Form letters from 33 persons in opposition to the Adams Mine landfill proposal.
- 1(v).** Form letters from 10 persons in opposition to the Adams Mine landfill proposal.
- 1(w).** Form letters from 7 persons in opposition to the Adams Mine landfill proposal.
- 1(x).** Form letters from 9 persons in opposition to the Adams Mine landfill proposal.

- 1(y). Copies of communications from 10 persons in opposition to the Adams Mine proposal, which are on file in the office of the City Clerk but are not of sufficient quality to be reproduced.

**2. COMPLIANCE BOUNDARY AT
KEELE VALLEY LANDFILL SITE.**

Commissioner of Works and
Emergency Services
(June 27, 2000)

Recommending that:

- (1) the City of Toronto request the MOE to amend the Certificate of Approval applicable to the Keele Valley Landfill site to move the compliance boundary of the Landfill from the south end of the secondary buffer lands at Major Mackenzie Drive to the south of the primary buffer lands as redefined as set out in this report;
- (2) Recommendation No. (1) be subject to the following conditions:
 - (a) York Major Holdings, the owner of the lands comprising the secondary buffer, enter into an agreement with the City of Toronto incorporating the following provisions:
 - (i) Any new land use on the lands that are currently part of the secondary buffer (“the new uses”) not occur until waste disposal operations at the Keele Valley Landfill site have ceased;
 - (ii) Any technical studies required in support of the application to amend the Certificate of Approval be completed to the satisfaction of the Commissioner of Works and Emergency Services at the cost of York Major Holdings and York Major Holdings similarly be responsible for any costs associated with the processing of the amendment, including costs associated with any proceedings required, including those under the *Environmental Protection Act* or the *Environmental Assessment Act*;
 - (iii) York Major Holdings fully indemnify and save harmless the City of Toronto in relation to:
 - (a) any costs incurred by the City of Toronto, directly or indirectly, as a result of the movement of the site boundary or of the new uses, and

- (b) any claims or damages asserted in respect of any existing contamination of the secondary buffer lands; and
- (c) any claims advanced in respect of the new uses and attributed to the City of Toronto's activities at the Keele Valley Landfill site or the Avondale Composting Facility,

such indemnification to be secured in a manner satisfactory to the Commissioner of Works and Emergency Services and in a form satisfactory to the City Solicitor, which security may include but not be limited to such collateral agreements or registrations on title as considered appropriate for this purpose with such financial securities as liability insurance including the City of Toronto as an additional insured and bonds as deemed necessary by the Chief Financial Officer and Treasurer;

- (iv) York Major Holdings convey to the City of Toronto the following lands or interests in land:
 - (a) lands adjacent to the primary buffer as shown in Figure B-5 attached; and
 - (b) permanent easement rights to discharge stormwater onto York Major Holdings lands in accordance with the Stormwater Management Plan approved for the Keele Valley Landfill site;

and

- (b) the City of Vaughan first enact or provide the following:
 - (i) a temporary zoning by-law effective June 1, 2001, to permit composting at the Avondale Facility to continue until May 31, 2004. (the maximum time allowed for temporary zoning approval);
 - (ii) a holding by-law preventing development of the secondary buffer lands until waste disposal operations at the Keele Valley Landfill have ceased; and
 - (iii) an agreement to impose, where possible, on any planning application for approval by Vaughan in respect of the secondary buffer lands, the inclusion on title of a warning clause with respect to the potential for nuisance impacts on the use and enjoyment of those lands that could result from time to time from any use of the

Avondale Facility or any maintenance activities after cessation of waste disposal operations at the Keele Valley Landfill.

- (3) the appropriate City staff be authorized and directed to take the necessary action to give effect thereto and to report back to Council for approval of any agreements to be executed with York Major Holdings.