

THE CITY OF TORONTO

City Clerk's Division

Minutes of the Policy and Finance Committee and the Works Committee

Meeting No. 2

Friday, July 21, 2000

A special joint meeting of the Policy and Finance Committee and the Works Committee was held on Friday, July 21, 2000, in the Council Chamber, City Hall, Toronto, commencing at 9:40 a.m.

Members Present:

	<u>9:40 a.m.-2:00p.m.</u>	<u>2:30 p.m.-6:50 p.m.</u> (In Camera: 4:10 p.m.-5:10 p.m.)
<u>Policy and Finance Committee</u>		
Mayor Mel Lastman, Chair	-	-
Councillor Elizabeth Brown	x	-
Councillor Gordon Chong	-	-
Councillor Betty Disero	x	x
Councillor Tom Jakobek	-	x
Councillor Norman Kelly	x	x
Councillor Ron Moeser	x	x
Councillor Frances Nunziata	x	-
Councillor Case Ootes	x	x
Councillor Joe Pantalone	-	-
Councillor Kyle Rae	x	x
<u>Works Committee</u>		
Councillor Bill Saundercook, Chair	x	x
Councillor Ila Bossons	x	x
Councillor Rob Davis	x	x
Councillor Betty Disero	x	x
Councillor Joan King	x	x
Councillor Jack Layton	x	x
Councillor Cesar Palacio	x	x
Councillor David Shiner	x	x
Councillor Bruce Sinclair	x	x
Councillor Paul Valenti	x	-

Members were present for some or all of the time period indicated.

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Councillor Saundercook in the Chair.

Also Present:

Councillor Olivia Chow
Councillor Irene Jones
Councillor Gloria Lindsay Luby

2.1 Toronto Integrated Solid Waste Resource Management (“TIRM”) Process – Category 2, Proven Disposal Capacity – Residual Solid Waste Disposal Capacity Options.

The Policy and Finance Committee and the Works Committee again had before them the following reports, which were deferred from the previous joint meeting on June 22 and 23, 2000:

(I) (June 19, 2000) from the Commissioner of Works and Emergency Services entitled “TIRM Process – Category 2, Proven Disposal Capacity – Residual Solid Waste Disposal Capacity Options”, 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

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- 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,

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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;

(II) (June 7, 2000) from the Commissioner of Works and Emergency Services entitled "TIRM Process – Top Qualified Proposals for Proven Disposal Capacity – Due Diligence Reviews", 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; and

(III) (June 6, 2000) from the Commissioner of Works and Emergency Services entitled "TIRM Process – Disposal and Diversion Tonnage Projections", 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;

(IV) confidential report (June 14, 2000) from the City Solicitor respecting the due diligence report of Earth Tech Canada Inc. and MacViro Consultants Inc.;

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- (V) confidential report (June 22, 2000) from the Chief Financial Officer and Treasurer respecting a financial analysis of the TIRM disposal options; and
- (VI) confidential report (June 22, 2000) from the Commissioner of Works and Emergency Services submitting proposed exceptions from TIRM Respondents and additional conditions to the TIRM RFP (Proven Disposal Capacity);

The Policy and Finance Committee and the Works Committee also had before them the following supplementary reports:

- (VII) (July 14, 2000) from the Commissioner of Works and Emergency Services, entitled “TIRM Process – Category 2, Proven Disposal Capacity – Residual Solid Waste Disposal Capacity Options – Supplementary Report”, 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,

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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

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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;
- (VIII) (July 14, 2000) from the Commissioner of Works and Emergency Services, entitled "TIRM Disposal Project – Requests for Further Information", providing the 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;
- (IX) (July 18, 2000) from the City Solicitor, entitled "TIRM Process – Category 2, Proven Disposal Capacity – Legal Issues Arising from Solid Waste Disposal in the United States", providing the Committees with general information on the legal context for the disposal of municipal solid waste in the United States; forwarding the content of a memorandum prepared by external counsel on the two primary issues, namely, the application of "Superfund" legislation (i.e., generator liability) and the risk of the border closing to the shipment of waste; and recommending that this report be received for information;
- (X) confidential report (July 18, 2000) from the Commissioner of Works and Emergency Services recommending that the exceptions and conditions cited therein be adopted, in order to facilitate final contract negotiations with TIRM Respondents recommended for award of contracts, to address the City's residual solid waste disposal needs;
- (XI) confidential report (July 18, 2000) from the Chief Financial Officer and Treasurer

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recommending that the financial terms of the final contract with any of the respondents be of acceptable form and content to the Commissioner of Works and Emergency Services, the City Solicitor and the Chief Financial Office and Treasurer, and reflect the terms of conditions presented by the respondents in their final and best pricing scenarios;

- (XII) (July 19, 2000) from the Commissioner of Works and Emergency Services entitled "TIRM Process – Category 2, Proven Disposal Capacity – Residual Solid Waste Disposal Capacity Options – Rail Transportation Review", respecting the rail transportation components of proposals submitted in connection with the award of contracts for residual disposal capacity under the TIRM Process; providing an overview of three railways whose services may be engaged through the TIRM Process to provide transport of solid waste; and recommending that this report be received for information.

The Policy and Finance Committee and the Works Committee also had before them a communication (June 23, 2000) from the City Clerk advising that the Committees 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;

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- (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

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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.

The Policy and Finance Committee and the Works Committee also had before them a confidential communication (June 22, 2000) from the Manager, Strategic Planning, Solid Waste Management Services forwarding correspondence from Mr. Bob Webb of Republic Services of Canada.

The Policy and Finance Committee and the Works Committee also had before them a communication (July 21, 2000) from Councillor Jack Layton, Don River, advising that he has been informed that Mayor Richard Denton, Town of Kirkland Lake, will be placing a motion before Kirkland Lake Council with respect to a referendum on the issue of Toronto's garbage being shipped to the Adams Mine.

The Policy and Finance Committee and the Works Committee also had before them the following communications:

- (a) communication (June 26, 2000) from the City Clerk, City of Vaughan, 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;
- (b) communication (July 4, 2000) from Mr. Gordon Landon, Regional Councillor, Chairman, Waste Management (York Region), 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;

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- (c) communication (June 29, 2000) from the Deputy Clerk, Region of Durham, 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;
- (d) communication (undated) from Mr. and Mrs. P. Riccardi, Maple, Ontario, in support of the closure of the Keele Valley Landfill Site;
- (e) communication (June 20, 2000) from Mr. Lorne LaCarte, Chief Administrative Officer, Township of Evanturel, expressing opposition, on behalf of the residents of the Township of Evanturel, 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;
- (f) communication (June 22, 2000) from Mr. T.E. Monahan, Secretary-Treasurer, Northeastern Ontario Municipal Association, 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;
- (g) communication (June 21, 2000) from Mr. John Mark Robertson, recommending that the City begin to seriously initiate ways reducing waste, including blue boxes located in a variety of public places and expanding the scope of the recycling program;
- (h) communication (June 23, 2000) from Ms. Eleanor M. Newton, Kirkland Lake, Ontario, 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;

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- (i) communication (June 23, 2000) from Mr. H.J. Janssen, Sesekinika, Ontario, 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;
- (j) communication (June 26, 2000) from Mr. Danny Blanchard, Kirkland Lake, Ontario, in support of the Adams Mine site for the award of the City of Toronto's waste disposal contract;
- (k) communication (July 6, 2000) from the Manager of Support Services, City of Oshawa, advising that City Council at its meeting on July 4, 2000, endorsed the resolution passed by the Council of the Regional Municipality of Durham with respect to the closure of the Keele Valley Landfill Site;
- (l) communication (July 17, 2000) from Mayor Lorna Jackson, City of Vaughan, advising that it is imperative that Toronto finalize its long-range waste management plans as quickly as possible; and that after 2002, Vaughan would be a very unwilling host;
- (m) 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;

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- (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;
- (lii) (June 1, 2000) from Mrs. R. Gaston, Kirkland Lake Ontario;
- (liii) (June 12, 2000) from Ms. Bonnie Borden, Kenogami, Ontario;
- (liv) (June 12, 2000) from Ms. Sandra Lee Orr, Kirkland Lake, Ontario;
- (lv) (June 12, 2000) from Ms. Ruth Irvine, Kirkland Lake, Ontario;
- (lvi) (June 13, 2000) from Ms. Ruth Irvine, Kirkland Lake, Ontario;

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- (lvii) (June 21, 2000) from Ms. Donna Sinclair, North Bay, Ontario;
 - (lviii) (June 21, 2000) from Mr. Bob Wolfe, New Liskeard, Ontario;
 - (lix) (June 21, 2000) from Mr. Gordon Denton, Temiskaming resident;
 - (lx) (June 21, 2000) from Ms. Sarah Gene Denton, Kirkland Lake, Ontario;
 - (lxi) (June 21, 2000) from Mr. Peter Denton, Temiskaming resident;
 - (lxii) (June 21, 2000) from Mr. Grant Tunnicliffe, South Porcupine, Ontario;
 - (lxiii) (June 26, 2000) from Ms. Margo Hilton, Toronto, Ontario;
 - (lxiv) (June 28, 2000) from Caryn Colman, Francis Boyes and Emily Boyes, Smoothwater Outfitters, Temagami, Ontario;
 - (lxv) (July 3, 2000) from Ms. Brennain Lloyd, Northwatch;
 - (lxvi) (July 4, 2000) from Caryn Colman, Francis Boyes and Emily Boyes, Smoothwater Outfitters, Temagami, Ontario;
 - (lxvii) (July 7, 2000) from Ms. Donna Williams, Englehart, Ontario;
 - (lxviii) (July 7, 2000) from Ms. Ingrid Corley, Englehart, Ontario;
 - (lxix) (July 10, 2000) from Ms. Lana Nichol, Elliot Lake, Ontario;
 - (lxx) (July 10, 2000) from Mr. Carlton Smith, Haileybury, Ontario;
 - (lxxi) (July 11, 2000) from Harm Dunnink and Corrie Dunnink, New Liskeard, Ontario;
 - (lxxii) (July 11, 2000) from Ms. Ginette Evans, New Liskeard, Ontario;
 - (lxxiii) (July 12, 2000) from Rosaire and Cecile Leveille, Haileybury, Ontario;
 - (lxxiv) (July 12, 2000) from Ms. Ghislaine Gavel, Earlton, Ontario;
 - (lxxv) (July 12, 2000) from Charlie Angus;
 - (lxxvi) (July 14, 2000) from Ms. Corinna Dallaire, New Liskeard, Ontario;
 - (lxxvii)(July 15, 2000) from Caryn Colman, Smoothwater Outfitters, Temagami, Ontario;
 - (lxxviii)(July 16, 2000) from Christopher Peckover, New Liskeard, Ontario;
 - (lxxix) (July 17, 2000) from Ms. Cheryl Posch, Thornloe, Ontario;
 - (lxxx) (July 17, 2000) from Mr. Stan Gorzalczynski, Haileybury, Ontario;
 - (lxxxi) (July 18, 2000) from Mr. Edward Burt, Kagawong, Ontario;
 - (lxxxii)(July 18, 2000) from Mr. Mark Wilson, President, Temiskaming Agricultural Development Association; and
 - (lxxxiii)(July 21, 2000) from Ms. Kate Chung, Toronto, Ontario;
- (n) form letters from 133 persons in opposition to the Adams Mine landfill proposal;
- (o) communication (July 19, 2000) from Mr. Doug Orth, Kirkland Lake, Ontario, addressed to the Editor, Toronto Star, in response to an article with respect to his community's acceptance of the Rail Cycle North proposal;
- (p) communication (July 20, 2000) from Mr. Andrew Van Oosten, Deputy Clerk, Town of

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Englehart, addressed to the Editor, Toronto Star, expressing concern with respect to an article "Kirkland Lake Fights Trash Plan", and advising that the majority of the residents of the Town of Englehart support the project;

- (q) communication (July 20, 2000) from Mr. John Cartwright, Business Manager, Construction Trades Council, expressing concern at the impact of the Adams Mine proposal on alternative solutions, such as the CUPE proposal for solid waste diversion;
- (r) communication (undated) from Ms. Danuta K. Livingston, and others, Larder Lake, Ontario, advising of the opposition of the residents of Larder Lake to the Adams Mine project; and
- (s) communication (July 21, 2000) from the Premier of Ontario, the Honourable Michael D. Harris, addressed to the Chair of the Works Committee, advising of his government's commitment to the closure of the Keele Valley Landfill Site by 2002.

The Commissioner of Works and Emergency Services gave a presentation to the Policy and Finance Committee and the Works Committee in connection with the TIRM Process residual solid waste disposal capacity options, and submitted a copy of his presentation.

The following Consultants were present at the meeting to respond to questions from Members of the Policy and Finance Committee and the Works Committee:

- Mr. David O. Merriman, Principal, MacViro Consultants;
- Mr. Paul Dewaele, Principal, Dixon Hydrogeology Inc;
- Mr. Michael G. Pratt, Project Manager, Earth Tech Canada Inc; and
- Mr. Robert Mansell, Tory Tory DesLauriers and Binnington.

The following persons appeared before the Policy and Finance Committee and the Works Committee in connection with the foregoing matter:

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- Councillor Mario Ferri, Ward 1, City of Vaughan;
- Mr. Todd Pepper, General Manager, Essex-Windsor Solid Waste Authority;
- Mr. Pierre Brien, Federal Member of Parliament for the riding of Temiscamangue, Quebec;
- Dr. Juri Pill, President and Chief Executive Officer, Enwave District Energy Limited;
- Mr. Ron Bonnett, Vice President, Ontario Federation of Agriculture;
- Mr. Conrad Poulson, Timiskaming First Nation, and submitted a copy of his comments together with a copy of a communication addressed to the Minister of Indian Affairs and Northern Development;
- Mr. Terry Graves, Temiskaming Environmental Action Committee, and gave a video presentation of a “Walk for Water” demonstration held in New Liskeard on July 19, 2000, in opposition to the Adams Mine project;
- Ms. Eva Graves, Adams Mine Intervention Coalition;
- Mr. Vince Auger, resident of New Liskeard;
- Mr. Pierre Belanger, Earlton resident, and submitted a Press Release by Mr. Benoit Serre, M.P., Timiskaming-Cochrane, and communications from Mr. Denis Clermont, MRC Temiscamingue, addressed to the Ministers of the Environment for Canada and the Province of Quebec;
- Mr. Ambrose Raftis, Temiskaming Tomorrow, and gave a presentation in regard thereto;
- Ms. Karen Pilch, Township of Chamberlain resident, and submitted communications from Ms. Sue Wozny and Ms. Mary Kramp Lalonde in opposition to the Adam Mine proposal;
- Mr. John Jackson, Citizens Network on Waste Management;
- Ms. Brennain Lloyd, Northwatch;
- Mr. Robert McCaig, President, Green Lane Environmental;

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- Mr. Allan Gardiner, Chair, Richmond Landfill Public Liaison Committee;
- Mr. Robert Webb, Vice-President, Republic Services of Canada Inc., and submitted a copy of a communication from Baker & Hostetler with respect to the importation of Canadian solid waste into the United States;
- Mr. Doug Miller, Canadian Pacific Railways;
- Mr. Don Newcombe, Regional Vice-President, Onyx;
- Ms. Karen Buck, Citizens for a Safe Environment, and submitted a communication with respect thereto;
- Mr. Ernst von Bezold, Vaughan C.A.R.E.S.;
- Mr. Wilfred Walker, Transport 2000 Ontario;
- Mr. Bill Guthrie, Vice-President, Toronto Civic Employees' Union, CUPE Local 416, and submitted communications with respect thereto;
- Mr. Cameron Smith, Coalition for Green Economy, and submitted material with respect thereto;
- Ms. Barbara Bukowski, Kirkland Lake;
- Councillor Paul Bogart, Township of Coleman, and submitted copies of Resolutions adopted by the Temiskaming Municipal Association in 1996 with respect to the Adams Mine site;
- Mr. Gord Perks, Toronto Environmental Alliance;
- Mr. Gordon E. McGuinty, President, Notre Development, representing Rail Cycle North.

A. Councillor Saundercook moved:

- (1) the adoption of the aforementioned report dated July 14, 2000, from the

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Commissioner of Works and Emergency Services entitled “TIRM Process – Category 2, Proven Disposal Capacity – Residual Solid Waste Disposal Capacity Options – Supplementary Report”;

(Recommendation No. (1)(a):

Carried unanimously

Recommendation No. (1)(b):

Carried on the following recorded vote:

**FOR: Davis, Disero, Jakobek, Kelly, King, Moeser,
Ootes, Palacio, Saundercook, Shiner, Sinclair**

AGAINST: Bossons, Layton, Rae

Remainder of Recommendations:

Carried on the following recorded vote:

**FOR: Davis, Disero, Jakobek, Kelly, King, Moeser,
Ootes, Palacio, Saundercook, Shiner, Sinclair**

AGAINST: Bossons, Layton, Rae)

- (2) the adoption of the aforementioned confidential report dated July 18, 2000, from the Commissioner of Works and Emergency Services “TIRM Process – Category 2, Proven Disposal Capacity – Residual Solid Waste Disposal Capacity Options – Supplementary Report – Exceptions and Conditions”; **(Carried)**
- (3) the adoption of the aforementioned confidential report dated July 18, 2000, from the Chief Financial Officer and Treasurer entitled “TIRM Disposal Options – Financial Analysis Final and Best Prices”; and **(Carried)**
- (4) that the Commissioner of Works and Emergency Services be requested to undertake the contract negotiations referred to in Recommendations Nos. (1), (2), (3) and (4) embodied in the aforementioned report dated

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July 14, 2000, and report thereon to Council on August 1, in accordance with Recommendation No. (5). **(Carried)**

B. Councillor Shiner moved that:

- (1) the Commissioner of Works and Emergency Services be requested to include in negotiations a retention of CO2 credits by the City of Toronto and submit a report thereon to Council with the joint Committees' recommendations; and **(Carried)**
- (2) the Chief Financial Officer and Treasurer, in consultation with the Commissioner of Works and Emergency Services, be requested to submit a report to Council with the joint Committees' recommendations on the various options available to fund the budget impact of both diversion and disposal costs in the next three years, including a review of tipping fees. **(Carried)**

C. Councillor Palacio moved that should the aforementioned report dated July 14, 2000, be adopted, the negotiations by the Commissioner of Works and Emergency Services include that Toronto have the right, at its sole option, to contract with an alternative provider(s) of disposal capacity in the event that at year 10 of a contract with Rail Cycle North landfill market prices have fallen below that of the Rail Cycle North service fee.

(Lost, on the following recorded vote:

FOR: Bossons, Davis, Layton, Palacio, Rae, Shiner

AGAINST: Disero, Jakobek, Kelly, King, Moeser, Ootes, Saundercook, Sinclair)

D. Councillor Layton moved that:

- (1) the Adams Mine site be deleted from the list for further consideration; **(Redundant)**

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- (2) the extension of the Keele Valley Landfill Site beyond the end of the year 2002 be deleted from further consideration; **(Redundant)**
 - (3) the lowest price bidder, the Republic (Road) Option be selected for further negotiations, including the further examination of achieving a low cost rail option for all or a portion of the delivery of the waste; **(Redundant)**
 - (4) the Commissioner of Works and Emergency Services be encouraged to bring forward to the Works Committee an integrated plan for accelerating the reduction of the waste stream including the concept of anaerobic digestion of organic waste for the production of energy **(Carried)**, in collaboration with Toronto Hydro and Enwave; **(Lost)**
 - (5) the Province of Ontario be encouraged to pass legislation similar to that of the Province of Nova Scotia which prohibits organics from being deposited in landfill sites, such legislation to include a phase-in period, provided that funding assistance is given to municipalities to handle their organic waste; **(Carried)**
 - (6) in the event that the Rail Cycle North proposal is adopted, trace testing of the Adams Mine be conducted and reported on to Council before finalization of the contract with Rail Cycle North. **(Lost)**
- E. Councillor Moeser moved that the Commissioner of Works and Emergency Services be requested to submit a report to the Works Committee annually in March on the City of Toronto's progress with respect to waste diversion and the cost of waste diversion programs. **(Carried)**
- F. Councillor Jakobek moved that all and any reference to incineration as a form of diversion be deleted.

(Ruled out of order by the Chair.

Chair's ruling upheld on the following recorded vote:

FOR: Bossons, Davis, Disero, King, Moeser, Ootes, Palacio,

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Saundercook, Shiner, Sinclair

AGAINST: Jakobek, Layton, Rae)

- F. Councillor Rae, on behalf of Councillor Brown, moved that the Commissioner of Works and Emergency Services be requested to submit a report directly to Council on August 1, 2000, on the history of the seismic activity in the area of the Adams Mine and the ratings on the Richter Scale at the centre of the seismic activity, with particular reference to the January 1, 2000, earthquake and the previous two episodes, such report to include the Adams Mine site, Kirkland Lake and Englehart. **(Lost)**

The following is the action therefore taken by the Policy and Finance Committee and the Works Committee:

The Policy and Finance Committee and the Works Committee jointly recommended to Council:

- (A) the adoption of the report dated July 14, 2000, from the Commissioner of Works and Emergency Services, entitled "TIRM Process – Category 2, Proven Disposal Capacity – Residential Solid Waste Disposal Capacity Options – Supplementary Report";
- (B) the adoption of the confidential report dated July 18, 2000, from the Commissioner of Works and Emergency Services, entitled "TIRM Process – Category 2, Proven Disposal Capacity – Residential Solid Waste Disposal Capacity Options – Supplementary Report – Exceptions and Conditions";
- (C) the adoption of the confidential report dated July 18, 2000, from the Chief Financial Officer and Treasurer, entitled "TIRM Disposal Options – Financial Analysis Final and Best Prices";
- (D) that the Commissioner of Works and Emergency Services be encouraged to bring forward to the Works Committee an integrated plan for accelerating the reduction of the waste stream including the concept of

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anaerobic digestion of organic waste for the production of energy; and

- (E) that the Province of Ontario be encouraged to pass legislation similar to that of the Province of Nova Scotia which prohibits organics from being deposited in landfill sites, such legislation to include a phase-in period, provided that funding assistance is given to municipalities to handle their organic waste.

The Policy and Finance Committee and the Works Committee also requested that:

- (i) the Commissioner of Works and Emergency Services undertake the contract negotiations referred to in Recommendations Nos. (1), (2), (3) and (4) embodied in the aforementioned report dated July 14, 2000, and report thereon to Council for its meeting on August 1, 2 and 3, 2000, in accordance with Recommendation No. (5);
- (ii) the Commissioner of Works and Emergency Services include in negotiations a retention of CO₂ credits by the City of Toronto and submit a report thereon to Council with the joint Committees' recommendations;
- (iii) the Chief Financial Officer and Treasurer, in consultation with the Commissioner of Works and Emergency Services, submit a report to Council with the joint Committees' recommendations on the various options available to fund the budget impact of both diversion and disposal costs in the next three years, including a review of tipping fees; and
- (iv) the Commissioner of Works and Emergency Services submit a report to the Works Committee annually in March on the City of Toronto's progress with respect to waste diversion and the cost of waste diversion programs.

(Commissioner of Works and Emergency Services; City Solicitor; Chief Financial Officer and Treasurer; c: General Manager, Solid Waste Management Services – July 21, 2000)

(Clause No. 1, Joint Report No. 2)

2.2 Compliance Boundary at the Keele Valley Landfill Site.

The Policy and Finance Committee and the Works Committee had before them a report (June 27, 2000) from the Commissioner of Works and Emergency Services 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

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- (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

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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.

The Policy and Finance Committee and the Works Committee jointly recommended to Council the adoption of the aforementioned report.

(Clause No. 2, Joint Report No. 2)

The Policy and Finance Committee and the Works Committee adjourned their meeting at 6:50 p.m.

Chair.