

Public Works and Infrastructure Committee

Meeting No.	22	Contact	Candy Davidovits, Committee Administrator
Meeting Date	Tuesday, February 3, 2009	Phone	416-392-8032
Start Time	9:30 AM	E-mail	pwic@toronto.ca
Location	Committee Room 1, City Hall	Chair	Councillor Glenn De Baeremaeker

The Decision Document is for preliminary reference purposes only. Please refer to the Committee's Report to City Council or to the Minutes for the official record.

How to Read the Decision Document:

- *Recommendations of the Committee to City Council appear after the item heading.*
- *Other action taken by the Committee on its own authority, which does not require Council's approval, is listed in the decision document under the heading "Decision Advice and Other Information".*
- *Declarations of Interest, if any, appear at the end of an item.*

Minutes Confirmed – Meeting of January 6, 2009

PW22.1	ACTION	Adopted		Ward: All
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Amendments to the Municipal Code Chapter 441 - Fees and Charges, Chapter 849 - Water and Sewage Services and Utility Bill and Chapter 681 – Sewers

Public Notice

Committee Recommendations

The Public Works and Infrastructure Committee recommends that:

1. Municipal Code Chapter 849 - Water and Sewage Services and Utility Bill, ARTICLE I – Rebates, and Article II – Rates, be amended in accordance with the draft amending By-law attached as Appendix "A" to this Report.
2. Municipal Code Chapter 441 – Fees and Charges, Appendix A, Waste Collection and Disposal Fees and Water and Sewer Usage Rates, Schedule 4, Wastewater, be amended in accordance with the draft amending By-law attached as Appendix "B" to this Report.

3. Municipal Code Chapter 681 – Sewers, be amended in accordance with the draft amending By-law attached as Appendix “C” to this Report.
4. Authority be granted to the City Solicitor to introduce any necessary Bills required to implement these recommendations, subject to any necessary refinements, including stylistic, format and organization, as may be identified by the City Solicitor and General Manager, Toronto Water.
5. The appropriate City officials be authorized and directed to take the necessary actions to give effect thereto.

Decision Advice and Other Information

The Public Works and Infrastructure Committee held a public meeting on Tuesday, February 3, 2009, respecting the Amendments to the Municipal Code Chapter 441 - Fees and Charges, Chapter 849 - Water and Sewage Services and Utility Bill, and Chapter 681 – Sewers and, in accordance with the City of Toronto Municipal Code, notice of the public meeting was posted on the City’s website for a minimum of 21 days.

Origin

(January 16, 2009) Report from General Manager, Toronto Water

Summary

This report recommends several Municipal Code amendments to update various clauses applicable to Toronto Water operations. Specifically addressed within the report are fees established to equitably address current discrepancies in costs charged for the discharge of non-City supplied water to the sanitary sewers when compared to the cost paid by all other users of the sewer system.

The report also rectifies an administrative oversight by incorporating into the appropriate Municipal Code Chapters a fee for minor industrial waste or other appropriate sanitary sewer discharges; the eligibility requirements under the sewer surcharge rebate program related to the industrial use of water; and to update a definition under Municipal Code Chapter 681 - Sewers.

To promote water conservation the need for a Sanitary Sewer Service Discharge Agreement as defined under the Municipal Code Chapter 681 - Sewers will be eliminated when non-City water is used for flushing within washroom facilities.

Background Information

pw22.1-Amendments to the Municipal Code Chapter 441-Staff Report
(<http://www.toronto.ca/legdocs/mmis/2009/pw/bgrd/backgroundfile-18619.pdf>)

pw22.1-Appendix A - List of Proposed Chapter 849 Changes
(<http://www.toronto.ca/legdocs/mmis/2009/pw/bgrd/backgroundfile-18620.pdf>)

pw22.1-Appendix B - List of Proposed Chapter 441 Changes
(<http://www.toronto.ca/legdocs/mmis/2009/pw/bgrd/backgroundfile-18621.pdf>)

pw22.1-Appendix C - Proposed Chapter 681 Changes
(<http://www.toronto.ca/legdocs/mmis/2009/pw/bgrd/backgroundfile-18622.pdf>)

PW22.2	ACTION	Adopted		Ward: All
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Changes to the Administration of the Industrial Water Rate (Block 2) and Amendments to Municipal Code Chapter 849

Committee Recommendations

The Public Works and Infrastructure Committee recommends that:

1. Municipal Code Chapter 849 - Water and Sewage Services and Utility Bill, be amended in accordance with the draft amending By-law attached as Appendix “A” to this Report.
2. Authority be granted to the City Solicitor to introduce any necessary Bills required to implement Recommendation 1 above, subject to any necessary refinements, including stylistic, format and organization, as may be identified by the City Solicitor and the General Manager, Toronto Water.
3. The appropriate City officials be authorized and directed to take the necessary actions to give effect thereto.

Origin

(January 21, 2009) Report from General Manager, Toronto Water

Summary

The purpose of this report is to recommend to Council proposed by-law amendments to the eligibility criteria for the Block 2 water and wastewater industrial process-use service rate (the “Block 2 Rate”) to achieve the following: (i) to provide a mechanism to allow a customer to return to the Block 2 Rate after rectification of a non-compliance with the City’s Sewer Use By-law; (ii) to permit the City to receive Water Conservation Plans from customers at any time; (iii) to provide a mechanism to allow a customer who fails to submit an acceptable annual Water Conservation Plan Progress Report to return to the Block 2 Rate once the progress report is submitted and approved; and (iv) to remove from the Block 2 Rate a customer who has failed to implement its Water Conservation Plan and to permit the return to the Block 2 Rate only when the customer has implemented the approved Water Conservation Plan to the satisfaction of the General Manager, Toronto Water and submits a Water Conservation Plan progress report showing that implementation.

This report also responds to City Council’s directive from its meeting of December 1, 2 and 3, 2008 in response to the report entitled: *Protecting Water Quality and Preventing Pollution - Assessing the Effectiveness of the City’s Sewer Use By-law*, requesting that Toronto Water review all participants receiving the Block 2 Rate to ensure they are adhering to the conditions required to receive this reduced rate. This review has been completed and only those industrial participants who have complied with the conditions are receiving the Block 2 Rate. Any industrial participants, (i.e. companies having one or more water accounts with the City), that failed to meet the necessary conditions, including remaining in compliance with the City’s Sewer Use By-law, have been returned to the higher Block 1 rate.

Background Information

pw22.2-Changes to the Administration of the Industrial Water Rate-Staff Report
<http://www.toronto.ca/legdocs/mmis/2009/pw/bgrd/backgroundfile-18623.pdf>

pw22.2-Attachment A - Amending By-law for Municipal Code Chapter 849
<http://www.toronto.ca/legdocs/mmis/2009/pw/bgrd/backgroundfile-18624.pdf>

PW22.3	ACTION	Adopted		Ward: All
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Delegation of Authority to Procure Beneficial Use and Disposal Services for Biosolids

Committee Recommendations

The Public Works and Infrastructure Committee recommends that:

1. The General Manager, Toronto Water, be authorized to procure additional beneficial use and landfill disposal services for biosolids from the Ashbridges Bay Treatment Plant on a sole source basis and on such terms and conditions as he considers appropriate until such time as Council has considered and approved a Biosolids Management Master Plan.
2. Subject to the adoption of the recommendation in (1) above, the General Manager, Toronto Water, be authorized to execute one or more contracts and/or agreements on terms and conditions satisfactory to him and in a form satisfactory to the City Solicitor.
3. In the event that the General Manager, Toronto Water, identifies disposal services in the United States and wishes to contract with a United States disposal site operator for such services, he be authorized to proceed to arrange the necessary due diligence reviews, including physical/geologic setting, compliance history, facility design, spill/release/incident history, operational concerns, financial status, and waste acceptance procedures, and if the results are acceptable to the General Manager, Toronto Water, and the Deputy City Manager, enter into and execute such agreements on terms and conditions satisfactory to them and in a form satisfactory to the City Solicitor.
4. Staff report back to Council on the outcome of steps taken pursuant to these recommendations.
5. Confidential Attachment 1 to the report (January 20, 2009) from the City Solicitor be received, for information, and that it remain confidential in accordance with the provisions of the City of Toronto Act, 2006, as it contains information that is subject to solicitor-client privilege.

Origin

(January 20, 2009) Report from General Manager, Toronto Water

Summary

The purpose of this report is to seek delegated authority to procure beneficial use and/or disposal services on a sole source basis for biosolids from the Ashbridges Bay Treatment Plant (“ABTP”). In addition, this report provides a status update on the biosolids management emergency measures taken by the City resulting from Republic Services no longer accepting biosolids at its Carleton Farms landfill facility in Michigan. The last status update was provided to City Council at its meeting on September 26 and 27, 2007.

Since 2006, staff have put in place various contracts to manage and dispose of biosolids generated at the ABTP. These contracts vary in length and provide the City a variety of beneficial use and disposal options. However, some of these contracts have now expired. In addition, the commissioning of the Pelletizer Facility which was to have been completed in late 2007, has encountered difficulties resulting in the need to dispose of biosolids that would otherwise have been processed by the Pelletizer.

To ensure the ABTP continues to operate in compliance with its Certificate of Approval and all other environmental legislation and regulations, staff recommend the continued diversification of the biosolids management program by seeking out additional service providers until long term recommendations anticipated as part of the Biosolids Master Plan can be considered and approved by City Council.

Background Information

pw22.3-Delegation of Authority to Procure Beneficial Use and Disposal Services for Biosolids-Staff Report

(<http://www.toronto.ca/legdocs/mmis/2009/pw/bgrd/backgroundfile-18625.pdf>)

Communications

(February 3, 2009) e-mail from Maureen Reilly, Sludge Watch (PW.New.PW22.3.1)

3a Delegation of Authority to Procure Beneficial Use and Disposal Services for Biosolids

Confidential Attachment - The receiving of advice that is subject to solicitor-client privilege

Origin

(January 20, 2009) Report from City Solicitor

Summary

The confidential attachment sets out legal issues associated with the recommendations contained in the report dated January 20, 2009 from the General Manager, Toronto Water, entitled “Delegation of Authority to Procure Beneficial Use and Disposal Services for Biosolids”.

The information contained in the attachment is confidential based on solicitor-client privilege and should remain confidential.

Background Information

pw22.3a-Delegation of Authority to Procure Beneficial Use and Disposal Services for Biosolids-Staff Report

(<http://www.toronto.ca/legdocs/mmis/2009/pw/bgrd/backgroundfile-18626.pdf>)

PW22.4	ACTION	Adopted		
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Contract Award - Contract 08FS - 66WS, Tender Call 223-2008 and Purchase Order Amendments for Dufferin Reservoir Expansion - Phase 2

Decision Advice and Other Information

The Public Works and Infrastructure Committee:

1. In accordance with Section 195-14C of the City of Toronto Municipal Code (Purchasing), awarded Contract 08FS-66WS, Tender Call 223-2008, for the Dufferin Reservoir Expansion to Bondfield Construction Company Limited, in the amount of \$41,881,619.05, net of GST, having submitted the lowest bid meeting specifications in conformance with the Tender requirements.
2. In accordance with Section 71-11.1.C of the City of Toronto Municipal Code (Financial Control By-law), amended Purchase Order No. 6023242 issued to Genivar (Ontario) Inc. for the provision of general office administration and site supervision services during construction by an additional amount of \$452,600.00 net of GST, for a revised total of \$1,415,207.00 net of GST, and extended the purchase order expiry date to December 31, 2013.
3. In accordance with Section 71-11.1.C of the City of Toronto Municipal Code (Financial Control By-law), amended Purchase Order No. 6023535 issued to Genivar (Ontario) Inc. for the provision of post construction services by extending the purchase order expiry date to December 31, 2015.

Origin

(January 15, 2009) Report from Executive Director, Technical Services, and the Acting Director, Purchasing and Materials Management

Summary

The purpose of this report is to advise on the results of the Tender Call 223-2008 issued for the Dufferin Reservoir Expansion Phase 2, in accordance with specifications and drawings as required by Technical Services, and to request authority to award a contract to the recommended bidder and to amend the purchase order for professional engineering services with Genivar (Ontario) Inc.

Background Information

pw22.4-Contract Award - Contract 08FS-66WS, Tender Call 223-2008-Staff Report
<http://www.toronto.ca/legdocs/mmis/2009/pw/bgrd/backgroundfile-18627.pdf>

PW22.5	ACTION	Adopted		Ward: All
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Amendments to Recycling Processing Fees Related to Residue Percentage

Decision Advice and Other Information

The Public Works and Infrastructure Committee recommended to the Budget Committee that:

1. Council approve an increase in the July 1, 2008 to December 31, 2008, processing fees for single stream recycling with Metro Municipal Recycling Services Inc. and Canada Fibers Ltd. as follows:
 - a. for single stream recycling processing with Metro Municipal Recycling Services Inc. by \$13.90 per tonne to \$90.91 per tonne which will result in retroactive compensation of \$760,000; and
 - b. for single stream recycling processing with Canada Fibers Ltd. by \$14.65 per tonne to \$91.15 per tonne which will result in retroactive compensation of \$367,670.
2. Council approve the 2008 proposed rate schedule for additional residue rates between 14.01% and 28%, adjusted by Toronto All Items in Consumer Price Index changes effective January 1, 2009, for single stream recycling processing with Metro Municipal Recycling Services Inc. and for Canada Fibers Ltd. as set out in Table 1 and 2, respectively, in the Financial Impact Section.
3. The 2009 Approved Operating Budget for Solid Waste Management Services be adjusted to increase expenditures in Cost Centre SW0742 (MRF: Single Stream – Scarborough) by \$1,283,976 and Cost Centre SW0751 (MRF: Single Stream – Dufferin) by \$338,692 and that these increased expenditures be offset by reducing the budgeted contribution to the Waste Management Reserve Fund in Cost Centre SW0762 (Multi Unit Waste Reduction Levy) by \$511,334 and by an increase in WDO funding of \$1,111,334 in Cost Centre SW0703 Waste Diversion and Planning.
4. Council authorize the General Manager, Solid Waste Management Services, to enter into any necessary amending agreements with both Metro Municipal Recycling Services Inc. and Canada Fibers Ltd., on terms and conditions satisfactory to the General Manager, Solid Waste Management Services, to reflect Recommendations 1 and 2 and in a form satisfactory to the City Solicitor.

Origin

(January 20, 2009) Report from General Manager, Solid Waste Management Services

Summary

The purpose of this report is to request authority to amend the single stream recycling processing fees with Metro Municipal Recycling Services Inc. and Canada Fibers Ltd. to account for an increase in the percentage of residue in the single stream recycling mix.

Background Information

pw22.5-Amendments to Recycling Processing Fees Related to Residue Percentage-Staff Report (<http://www.toronto.ca/legdocs/mmis/2009/pw/bgrd/backgroundfile-18634.pdf>)

PW22.6	ACTION	Adopted		Ward: All
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Amendments to Leaf and Yard Waste Processing Contracts

Decision Advice and Other Information

The Public Works and Infrastructure Committee:

1. In accordance with Section 71-11.1.C of the City of Toronto Municipal Code (Financial Control By-law), amended the target value of contract 47007627, with Integrated Municipal Services, by adding \$181,932.95 to the current target value of \$2,704,352.78. The new target value will be \$2,886,285.73.
2. In accordance with Section 71-11.1.C of the City of Toronto Municipal Code (Financial Control By-law), amended the target value of contract 47007389, with Alltreat Farms Limited, by adding \$410,365.30 to the current target value of \$12,721,146.90. The new target value will be \$13,131,512.20.

Origin

(January 19, 2009) Report from General Manager, Solid Waste Management Services

Summary

Solid Waste Management Services requests authorization to amend the target value of contracts with Alltreat Farms Limited and Integrated Municipal Services for the processing of Leaf and Yard Waste. Target values of these five year contracts have historically been amended a number of times as a result of the increased capture rate of these materials. This report requests authority to amend contracts based on increased processing requirements in 2007. The contracts ended on December 31, 2007.

The purpose of this report is to obtain authorization to amend Leaf and Yard Waste Blanket Contract Purchase Orders by increasing the amounts as described in this report due to the increased capture rate of these materials for processing in 2006 and 2007.

Background Information

pw22.6-Amendments to Leaf and Yard Waste Processing Contracts-Staff Report (<http://www.toronto.ca/legdocs/mmis/2009/pw/bgrd/backgroundfile-18629.pdf>)

PW22.7	ACTION	Adopted		
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SSO and Recycling Infrastructure Sub-Committee

Decision Advice and Other Information

The Public Works and Infrastructure Committee:

- a. adopted the following Terms of Reference for the SSO and Recycling Infrastructure Sub-Committee:

“1. Authority

At its meeting of January 6, 2009, the Public Works and Infrastructure Committee adopted item PW25.15 - SSO and Recycling Infrastructure Sub-Committee:

The Public Works and Infrastructure Committee:

1. re-established the SSO Sub-Committee to be renamed the SSO and Recycling Infrastructure Sub-Committee;
 2. requested the City Clerk to canvass members of the Public Works and Infrastructure Committee for their interest in participating on the Sub-Committee and to schedule meetings of the Sub-Committee during the lunch time recess of meetings of the Public Works and Infrastructure Committee; and
 3. requested the General Manager, Solid Waste Management Services, to provide draft Terms of Reference for the SSO and Recycling Infrastructure Sub-Committee at the first meeting of the Sub-Committee.
2. Composition
- The SSO and Recycling Infrastructure Sub-Committee membership will be comprised of interested members of the Public Works and Infrastructure Committee appointed by the Public Works and Infrastructure Committee.
3. Chair and Vice Chair
- At its first meeting, the SSO and Recycling Infrastructure Sub-Committee will select a Chair and Vice-Chair.
4. Meetings
- Meetings of the SSO and Recycling Infrastructure Sub-Committee will be held during the lunch break of the Public Works and Infrastructure Committee or at the call of the Chair.

Meetings will be conducted according to Municipal Code Chapter 27, Council Procedures. All meetings will be open except as permitted by the Council Procedures and the City of Toronto Act, 2006.

Public presentations will be conducted in accordance with the Council Procedures.

5. Reporting to the Public Works and Infrastructure Committee

Following each of its meetings, the SSO and Recycling Infrastructure Sub-Committee will report its recommendations and decisions to the Public Works and Infrastructure Committee.

6. Term

The term of the SSO and Recycling Infrastructure Sub-Committee shall continue until November 30, 2010, unless otherwise decided by the Public Works and Infrastructure Committee.

7. Purpose

It is vital that the City proceed expeditiously with the planning and implementation of its new solid waste diversion facilities.

By working closely with staff, the SSO and Recycling Infrastructure Sub-Committee will ensure staff reports related to these facilities are dealt with quickly and efficiently and help keep these projects on schedule and budget without unduly burdening the full Public Works and Infrastructure Committee with the large volume of work anticipated.

The SSO and Recycling Infrastructure Sub-Committee will consider staff reports that would normally go to the Public Works and Infrastructure Committee related to the following solid waste initiatives:

- i. the planning, siting and implementation of additional single stream recycling processing capacity;
- ii. the planning, siting and implementation of household durable goods re-use and recycling facilities; and,
- iii. the implementation of the two new 55,000 tonne per year SSO processing facilities located at the Disco Transfer Station and the Dufferin Waste Management Site.; and

- b. appointed the following members of the Public Works and Infrastructure Committee to the SSO and Recycling Infrastructure Sub-Committee:

Councillor Glenn De Baeremaeker;
 Councillor Shelley Carroll;
 Councillor Adam Giambrone;
 Councillor Cesar Palacio; and
 Councillor Gord Perks.

Origin

(January 23, 2009) Letter from the City Clerk

Summary

Advising that the City Clerk has canvassed the members of the Public Works and Infrastructure Committee as requested by the Committee on January 6, 2009, and that, to date, the following members have expressed an interest in participating on the SSO and Recycling Infrastructure Sub-Committee:

Councillor Glen De Baeremaeker;
 Councillor Shelley Carroll;
 Councillor Adam Giambrone; and
 Councillor Gord Perks; and

Submitting draft Terms of Reference for the SSO and Recycling Infrastructure Sub-Committee prepared by the General Manager, Solid Waste Management Services.

Background Information

pw22.7-Letter from City Clerk-SSO and Recycling Infrastructure

(<http://www.toronto.ca/legdocs/mmis/2009/pw/bgrd/backgroundfile-18589.pdf>)

pw22.7-SSO and Recycling Infrastructure Sub-Committee-Terms of Reference

(<http://www.toronto.ca/legdocs/mmis/2009/pw/bgrd/backgroundfile-18866.pdf>)

PW22.8	Presentation	Received		Ward: All
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Residual Waste Working Group - Update on Activities

Decision Advice and Other Information

The Public Works and Infrastructure Committee received, for information, the presentation by Kathleen Reil, Chair, Residual Waste Working Group.

Summary

Presentation on the activities of the Residual Waste Working Group.

Communications

(February 3, 2009) presentation from Kathleen Reil, Chair, Residual Waste Working Group (PW.New.PW22.8)

Meeting Sessions

Session Date	Session Type	Start Time	End Time	Public or Closed Session
2009-02-03	Morning	9:40 AM	10:25 AM	Public
2009-02-03	Morning	10:25 AM	10:40 AM	Closed
2009-02-03	Morning	10:40 AM	10:50 AM	Public

Attendance

Date and Time	Quorum	Members
2009-02-03 9:40 AM - 10:25 AM (Public Session)	Present	<i>Present:</i> Carroll, De Baeremaeker, Lee, Palacio, Perks <i>Not Present:</i> Giambrone
2009-02-03 10:25 AM - 10:40 AM (Closed Session)	Present	<i>Present:</i> Carroll, De Baeremaeker, Lee, Palacio, Perks <i>Not Present:</i> Giambrone
2009-02-03 10:40 AM - 10:50 AM (Public Session)	Present	<i>Present:</i> Carroll, De Baeremaeker, Lee, Palacio, Perks <i>Not Present:</i> Giambrone