



**STAFF REPORT
ACTION REQUIRED
with Confidential Attachment**

**Highland Creek Wastewater Treatment Plant Biosolids
Management Update**

Date:	September 11, 2013
To:	Public Works and Infrastructure Committee
From:	City Solicitor
Wards:	All Wards
Reason for Confidential Information:	This report contains advice or communications that are subject to solicitor-client privilege and is about potential litigation that affects the City or one of its agencies, boards, and commissions.
Reference Number:	

SUMMARY

This report should be read in conjunction with the report from the General Manager, Toronto Water which provides an update on developments since the May 2011 direction from Council to implement Beneficial Use as the primary biosolids management strategy and Landfill Disposal as a contingency for the Highland Creek Wastewater Treatment Plant ("HCTP"). This report has been prepared to ensure that Committee and Council have the related legal advice for consideration along with the General Manager's report.

RECOMMENDATIONS

The City Solicitor recommends that:

1. This report be received for information.
2. The confidential information in Attachment 1 remain confidential as it is subject to solicitor-client privilege and concerns potential litigation which affects the City.

FINANCIAL IMPACT

There is no financial impact beyond what has already been approved in the current year's budget.

DECISION HISTORY

The decision history related to the management of biosolids at the HCTP is detailed in the related report from the General Manager, Toronto Water.

However, it should be noted that a report with confidential attachment from the City Solicitor dated April 7, 2011 was submitted in response to the request from the Public Works and Infrastructure Committee, at its meeting on March 23, 2011, for a report back on legal issues regarding the City's Biosolids Master Plan ("BMP") under the province's Environmental Assessment Act. At its May 17, 18 and 19, 2011 meeting, City Council considered that report along with a report from the General Manager, Toronto Water.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.PW3.4>

COMMENTS

TW staff has reported to Council on communications with the Ministry of the Environment ("MOE") regarding City Council's May 2011 direction to implement Beneficial Use as the primary biosolids management strategy and Landfill Disposal as a contingency for the HCTP ("Council's Direction"). Based on these communications with the MOE, TW staff has further reported that in order to implement Council's Direction a separate Schedule B Class Environmental Assessment is required, in accordance with the Municipal Class EA Process prescribed under Ontario's Environmental Assessment Act (the "Act"). That EA will specifically address the implementation of the biosolids management strategy at the HCTP. It will include an assessment of all viable biosolids management options (including the "Do Nothing" option) along with additional public consultation.

The Municipal Class EA Process is a planning process, approved under the Act for a class or group of municipal undertakings. Projects included in the Class EA may be implemented without further approval under the Act provided the approved Class EA planning process is followed.

The balance of the information relating to this matter is confidential as it is subject to solicitor-client privilege and relates to potential litigation.

Additional information is contained in Attachment 1 to this report.

CONTACT

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SIGNATURE

Anna Kinastowski
City Solicitor

ATTACHMENTS

Attachment 1 (Confidential): Highland Creek Wastewater Treatment Plant Biosolids Management Update