



**STAFF REPORT
ACTION REQUIRED
with Confidential Attachment**

**Biosolids Master Plan Update – Highland Creek
Treatment Plant**

Date:	April 7, 2011
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.
Reference Number:	

SUMMARY

This report responds to the request by the Public Works and Infrastructure Committee at its March 23, 2011 meeting for information related to legal issues regarding City Council's decision in respect of the Biosolids Master Plan for the Highland Creek Treatment Plant (the "BMP").

This report should be read in conjunction with the related report from the General Manager, Toronto Water.

RECOMMENDATIONS

The City Solicitor recommends that:

1. The confidential information in Attachment 1 be received for information.
2. The confidential information in Attachment 1 remain confidential as it is subject to solicitor-client privilege.

Financial Impact

The financial impacts are set out in the Confidential Information Attachment 1 to this report.

DECISION HISTORY

At its meeting of June 8 and 9, 2010, City Council approved both the beneficial use option as the primary biosolids management strategy for the Highland Creek Treatment Plant (the "HCTP") and the landfill disposal option as a contingency option as outlined in the BMP and directed the appropriate staff to implement the recommended beneficial use biosolids management strategy contained therein.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.PW33.4>

At its meeting on March 23, 2011, the Public Works and Infrastructure Committee requested that staff report back on a number of issues including legal issues with respect to the BMP under the province's Environmental Assessment Act:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.PW2.9>

COMMENTS

The BMP addresses the plan for future management of biosolids from the HCTP in a manner that is sustainable, reliable, environmentally sound, cost-effective and flexible. The BMP was undertaken by the City's professional consultant, AECOM, on behalf of the City, in accordance with the Municipal Class EA Process prescribed under Ontario's Environmental Assessment Act (the "Act"). This is a planning process, approved under the legislation for a class or group of 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. Among the objectives of the BMP was the fulfillment of the requirements of Phases 1 and 2 of the Municipal Engineers Association Class Environmental Assessment Master Planning (MCEA, 2000 as amended in 2007) process. The BMP was completed following the Master Plan process defined in the Municipal Class Environmental Assessment for water, wastewater and road projects (the "BMP Process").

As reported by Toronto Water staff, the BMP Process spanned several years of public consultation. City Council provided approval throughout this process including specific direction of a peer review process for the decision-making model used to assess the various biosolids management options under consideration. For the BMP Process, the scoring criteria weightings to assess the impacts were as follows: environmental (40%), social (40%) and financial (20%). The same decision-making model was used to assess biosolids management options for each of the City's four wastewater treatment plants.

The beneficial use option ultimately chosen by Council was not the 'preferred' biosolids management strategy for the HCTP as part of the BMP Process. The 'preferred' option was, in fact, the replacement of existing multiple hearth incinerators with new

modernized fluidized bed incinerators with state of the art scrubbing technology and energy recovery (incineration). The overall final weighted score for the 'preferred' incineration option was 82 while the final weighted score for the beneficial use option chosen by Council was 78.

On the advice of the City Solicitor, the balance of the information relating to this matter is confidential as it is subject to solicitor-client privilege.

Additional information is contained in Confidential Information Attachment 1 to this report.

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SIGNATURE

Anna Kinastowski
City Solicitor

ATTACHMENTS

Confidential Attachment 1: Biosolids Master Plan Update – Highland Creek Treatment Plant