



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

Environmental Protection Act Charge Regarding Alleged Odour Release in November 2021 from Green Lane Landfill

Date: October 2, 2024

To: City Council

From: City Solicitor

Wards: All

REASON FOR CONFIDENTIAL INFORMATION

This report contains advice or communications that are subject to solicitor-client and litigation privilege.

SUMMARY

The Ministry of the Environment, Conservation and Parks ("MECP") has charged the City of Toronto ("City") with the offence of discharging odour at Green Lane Landfill ("Green Lane") on November 9 and 10, 2021, contrary to the *Environmental Protection Act*.

The City of Toronto denies that it contravened the *Environmental Protection Act*.

Confidential Attachment 1 provides further information and advice regarding the legal proceeding.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential instructions to staff in Confidential Attachment 1;
2. City Council authorize the public release of the confidential instructions to staff contained in Confidential Attachment 1, at the discretion of the City Solicitor; and
3. City Council direct that the confidential information contained in Confidential Attachment 1 remain confidential in its entirety as it contains advice which is subject to solicitor-client privilege.

FINANCIAL IMPACT

The financial impacts are identified in Confidential Attachment 1.

DECISION HISTORY

None.

COMMENTS

Green Lane Landfill

Green Lane is a waste disposal site located southwest of London, Ontario. It was acquired by the City in 2007 to receive municipal waste from the City. It is managed by the Solid Waste Management Services division and operated in compliance with the Environmental Compliance Approvals issued by the MECP.

The Charge

On November 8, 2023, the MECP charged the City with committing the offence of discharging odour that caused an adverse effect, contrary to sections 14(1) and 186(1) of the *Environmental Protection Act*, at Green Lane on November 9 and 10, 2021 (the "Charge").

The City disputes the Charge on the basis that it has and continues to be duly diligent in its management of Green Lane.

Internal Consultations

The General Manager, Solid Waste Management Services, has been consulted and concurs with the recommendations in this report.

CONTACT

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SIGNATURE

Wendy Walberg [KF]
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 - Confidential Information