
TORONTO CITY COUNCIL DECISION DOCUMENT SPECIAL MEETING ON SEPTEMBER 19, 2006

City Council's actions on Request for Proposal (RFP) 6033-06-3218 for Contingency Waste Disposal Capacity and Long-Term Waste Disposal Capacity is contained in this Decision Document. Declarations of Interest, if any, are included and all additional material noted in this document is on file in the City Clerk's Office, Toronto City Hall. Please refer to the Council Minutes for the official record of Council's proceedings.

1	Request for Proposal (RFP) 6033-06-3218 for Contingency Waste Disposal Capacity; and	
	Long-Term Waste Disposal Capacity.....	1

1 Request for Proposal (RFP) 6033-06-3218 for Contingency Waste Disposal Capacity; and

Long-Term Waste Disposal Capacity.

City Council on September 19, 2006, issued instructions to staff, and in so doing, adopted, as amended, the confidential report (September 18, 2006) from the General Manager, Solid Waste Management Services, and the Deputy City Manager and Chief Financial Officer, entitled “Long Term Waste Disposal Capacity”.

The following staff Recommendations (1), (2), (5) to (8), (10) to (15), (16), as amended, and (18) are now public, and the balance of the report remains confidential, in accordance with the provisions of the *Municipal Act, 2001*, and the *Municipal Freedom of Information and Protection of Privacy Act*, as it contains information related to the security of the property of the municipality and is otherwise subject to the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*:

“It is recommended that:

- (1) the General Manager of Solid Waste Management Services be authorized to enter into and execute on behalf of the City of Toronto the letter of intent, dated September 15, 2006 and summarized in the Term Sheet, attached as Appendix A, for the purchase of the Green Lane Landfill and all related waste disposal assets beneficially owned by St. Thomas Sanitary Collection Service Limited Partnership, Green Lane Environmental Group Limited Partnership and their respective principals;

and, subject to the adoption of Recommendation (1), it is further recommended that:

- (2) the General Manager of Solid Waste Management Services be authorized to negotiate and execute:
 - (i) an agreement of purchase and sale based on the terms and conditions set out in the Term Sheet attached as Appendix A, including any adjustment to the purchase price as set out in Recommendation (9) of this report, and otherwise on terms and conditions satisfactory to the General Manager of Solid Waste Management Services and the Deputy City Manager and Chief Financial Officer and in a form satisfactory to the City Solicitor; and

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- (ii) such other related agreements, including a non-disclosure and confidentiality agreement, as are referenced in the letter of intent, and in accordance with the letter of intent and otherwise on terms and conditions satisfactory to the General Manager of Solid Waste Management Services and the Deputy City Manager and Chief Financial Officer and in a form satisfactory to the City Solicitor;
 - (5) the General Manager of Solid Waste Management Services report back during the 2007/2008 Budget Process on the Operating Budget impact associated with the acquisition and maintenance of this site;
 - (6) the Deputy City Manager and Chief Financial Officer report back in 2007 on a financing strategy;
 - (7) the General Manager of Toronto Water be directed to consider the implications of purchasing the Green Lane Landfill on the preferred options for managing biosolids for the Ashbridges Bay Treatment Plant as identified in the draft Biosolids and Residuals Master Plan;
 - (8) the General Manager of Solid Waste Management Services be authorized to give notice under the Waste Transport and Disposal Agreement between the City of Toronto, Republic Services, Inc., Republic Services of Canada, Inc., Republic Services of Michigan I LLC., doing business as Carleton Farms Landfill, and Republic Transportation Services of Canada, Inc., dated February 28, 2006, that the City intends to redirect the maximum allowable waste quantities under that Agreement to an Ontario landfill prior to the Agreement's expiry at the end of 2010;
 - (10) the General Manager of Solid Waste Management Services be directed to proceed to the completion of the Terms of Reference for the City of Toronto's Environmental Assessment of a long-term post-diversion solid waste management system, in collaboration with the Council appointed Community Environmental Assessment Team, and incorporate the impact of the purchase of the Green Lane Landfill on the analysis of long-term treatment needs for residual solid waste;
 - (11) City Council not restrict the City of Toronto's Environmental Assessment of a long-term post-diversion solid waste management system to a policy of one-hundred percent diversion from landfill, and allow the Environmental Assessment to include landfill in the mix of technologies to be considered through the Environmental Assessment;

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- (12) City staff prepare a Business Plan for the operation and management of the Green Lane Landfill by the Fall of 2007 based on the principles of full cost accounting, asset preservation and achieving Council-approved diversion strategies as outlined in the Multi-Year Solid Waste Business Plan;
 - (13) the General Manager of Solid Waste Management Services be authorized to retain Gartner Lee Ltd., and Jason Price Chartered Accountants on a sole source basis to a maximum of \$50,000.00 funded from the Solid Waste Management Reserve Fund to provide assistance with the completion of environmental and financial due diligence of the Green Lane Landfill, and to execute agreements with these firms on terms and conditions satisfactory to the General Manager of Solid Waste Management Services and in a form satisfactory to the City Solicitor;
 - (14) the City Solicitor be authorized to retain the law firm of Stikeman Elliott on a sole source basis to provide legal assistance in the purchase of the Green Lane Landfill, and to execute a retainer agreement on terms and conditions and in a form satisfactory to the City Solicitor to a maximum of \$200,000.00 funded from the Solid Waste Management Reserve Fund;
 - (15) the General Manager of Solid Waste Management Services be authorized and directed to create the position of 'Local Liaison and Environmental Manager, Green Lane Landfill', and to staff or contract the position immediately on a sole source basis at an estimated cost of \$200,000.00 annually to be funded from the Solid Waste Management Operating Budget;
 - (16) the General Manager of Solid Waste Management Services be authorized on an as needed basis to hire up to two additional management and accounting personnel on a contract basis for a maximum of 18 months at a maximum cost of \$200,000.00 annually to be funded from the Solid Waste Management Operating Budget; and
 - (18) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto, including the introduction of any necessary bills in Council."

City Council also adopted the following:

“That:

- (1) authority be granted to the General Manager, Toronto Water, to negotiate and award a contract to All Treat Farms Limited, subject to satisfactory negotiations, including an option for additional processing capacity if the project proves to be successful, in the amount of \$45,638.30 including all applicable charges and taxes, for processing 500 tonnes of biosolids for beneficial use in 2007;
- (2) the General Manager of Toronto Water be authorized to negotiate amendments to contracts with haulage companies currently under contract to the City for the haulage of biosolids to All Treat Farms Limited, if satisfactory terms and conditions can be attained, or proceed to a competitive procurement process if satisfactory terms and conditions cannot be attained;
- (3) the General Manager of Toronto Water be directed to submit a staff report to the Public Works and Infrastructure Committee on the outcome of the proposed contract negotiations with All Treat Farms Limited and report any net increase or decrease in associated haulage costs;
- (4) the appropriate City officials be authorized and directed to give effect thereto;
- (5) the City of Toronto make a public declaration that it is committed to doing what is necessary to achieve as close as possible to a 100 percent recycling target;
- (6) the General Manager, Solid Waste Management Services, be requested to:
 - (a) report back to City Council, through the Public Works and Infrastructure Committee, before the end of the first quarter, after closing, for information only, on the results of the financial and environmental due diligence, including a financial strategy and total financial implications both short and long term, and on the results of the due diligence, as required under Section 6C of the Conditions of Closing;
 - (b) establish a staff committee, with other staff from Greater Toronto Area member municipalities, to examine opportunities for pooling resources for a co-operative approach to waste management; and

- (c) informally explore, with the Ministers of Transport and the Environment, the feasibility of direct access off Highway 401 into the site.”
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Council also considered the following:

- Report (September 15, 2006) from the General Manager, Solid Waste Management Services, the General Manager, Toronto Water and the Director, Purchasing and Materials Management [Communication 1(a)].

- Confidential Report (September 18, 2006) from the General Manager, Solid Waste Management Services, and the Deputy City Manager and Chief Financial Officer. [Confidential Communication C.1(a)]. Staff Recommendations (1), (2), (5) to (8), (10) to (15), (16), as amended, and (18) are now public, and the balance of the report remains confidential, in accordance with the provisions of the *Municipal Act, 2001*, and the *Municipal Freedom of Information and Protection of Privacy Act*, as it contains information related to the security of the property of the municipality and is otherwise subject to the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*.

- Confidential Appendix “A”, being the Term Sheet for the purchase of Green Lane Landfill and all related waste disposal assets, to the Confidential Report (September 18, 2006) from the General Manager, Solid Waste Management Services, and the Deputy City Manager and Chief Financial Officer. [Confidential Communication C.1(b)]. This Appendix remains confidential, in accordance with the provisions of the *Municipal Act, 2001*, and the *Municipal Freedom of Information and Protection of Privacy Act*, as it contains information related to the security of the property of the municipality and is otherwise subject to the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*.

- Letter of Intent (September 15, 2006) for the purchase of the Green Lane Landfill [Confidential Communication C.1(c)]. The Letter of Intent remains confidential, in accordance with the provisions of the *Municipal Act, 2001*, and the *Municipal Freedom of Information and Protection of Privacy Act*, as it contains information related to the security of the property of the municipality and is otherwise subject to the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*.



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