

THE REGIONAL MUNICIPALITY OF YORK

**REPORT NO. 4 OF THE REGIONAL
COMMISSIONER OF TRANSPORTATION AND WORKS**

**For Consideration by
The Council of The Regional Municipality of York
on June 23, 2005**

**1
DURHAM YORK RESIDUAL WASTE STUDY AGREEMENT**

1. RECOMMENDATIONS

It is recommended that:

1. The Region enter into an agreement with the Regional Municipality of Durham for the Durham York Residual Waste Environmental Assessment study.
2. A Joint Management Group for the Study be established comprised of elected officials and citizens from both York and Durham Regions as well as an “observer” from the City/County of Peterborough Waste Management Steering Committee, as discussed in this report.
3. The Regional Chair appoint Regional Councillors and three members from the public for the Joint Management Group.
4. The Regional Chair and Clerk be authorized to execute the agreement subject to review by Legal Services.

2. PURPOSE

The purpose of this report is to obtain authorization to enter into an agreement for an individual environmental assessment in conjunction with the Regional Municipality of Durham for the residual waste study and to establish a joint advisory committee for the project.

3. BACKGROUND

Regional Council adopted Clause 1 of Report No. 3 of the Solid Waste Management Committee on April 21, 2005 to initiate a partnership with Durham Region to jointly undertake a residual waste environmental assessment study. In addition, Council adopted Clause 1 of Report No. 4 of the Solid Waste Management Committee on May 19, 2005 to retain the consultants and start the public input process for the terms of reference for the project as required by the Ministry of the Environment.

4. ANALYSIS AND OPTIONS

The collaboration with Durham Region for the residual waste management environmental assessment requires an agreement to set out the responsibilities of each party. In addition, a joint advisory committee for the project should be established.

4.1 York/Durham Partnership Agreement

Staff have prepared a draft agreement for the Residual Waste Study (Study). This agreement between York and Durham Regions provides for the following:

- The definition of the scope of the study and the establishment of milestones.
- A procedure for establishing budgets in each year of the study which will be submitted to the Councils of both Durham and York for approval.
- Provision for equal sharing of joint costs.
- Termination provisions.
- Dispute resolution.
- Mutual indemnification.

As presented previously to Council, the estimated cost of the joint study is \$6.34 million over four years. It is proposed that the cost of the study be shared equally between York and Durham. The cost of additional studies or consultation specifically for only one Region would be the responsibility of the Region requesting such work.

There may be a situation where either York or Durham have a conflict on Study issues or wish to terminate the agreement. It is proposed that either of the two Regions could terminate the agreement upon at least 60 calendar days prior written notice, given within

60 calendar days after the achievement of a milestone. The agreement establishes a number of milestones for the project as follows:

- Approval of the Environmental Assessment Terms of Reference.
- Selection of the preferred method of managing both parties' post diversion waste.
- Selection of the preferred site(s).
- Preparation of a request for proposals to select a technology provider; and,
- Preparation of the applications for all necessary approvals required for the preferred solution.

Upon termination, each Region shall pay their respective share of all costs incurred prior to termination. The party terminating the agreement will also be required to reimburse the other party for the incremental cost of amending the Terms of Reference to permit the environmental assessment to continue.

Staff believe that the terms of the agreement as outlined in this report are fair and equitable and recommend Committee and Council authorize execution of it by the Regional Chair and Clerk.

4.2 Study Advisory Committee

The Study is a major undertaking that will take at least four years to complete. Over this time, there will be numerous issues that need to be discussed and resolved so that appropriate recommendations can be made to the Councils of both York and Durham. It is also important in undertaking an Environmental Assessment that the public be included as part of the advisory / decision making process.

Durham has already established the Durham Community Waste Disposal Task Committee as an advisory body to its Works Committee of Council. This committee has all eight of the elected officials from its Works Committee, three residents and one member representing Peterborough City/County.

York Region could create an advisory committee similar to Durham's which would work with staff and the Solid Waste Management Committee. In the past, York had a Solid Waste Public Liaison Committee.

The two Regions could have these separate committees but it is recommended that there be a single advisory committee with representatives from both York and Durham. It is proposed that a Joint Management Group (JMG) be established as a project advisory committee that includes elected officials and citizens from both Durham and York. The members would be "champions" for the project and help guide staff as the Study is undertaken. The JMG would work with staff and the Solid Waste Management Committee at York and the Durham Community Waste Disposal Task Committee. The JMG would also provide an opportunity to liaise with interested residents, environmental

groups and industry. All meeting records from the JMG would be part of the EA submission. It is suggested that the JMG meet at least four times per year and alternate the meeting locations between York and Durham. A complete terms of reference for the JMG would be developed at the first meeting of the group.

It is proposed that the JMG be comprised of:

- An equal number of voting members from York Regional Council and Durham Regional council.
- Three (3) non-voting members from the public-at-large from York Region.
- Three (3) non-voting members from the public-at-large from Durham Region.
- One (1) non-voting member representing the City and County of Peterborough Waste Management Steering Committee.

5. FINANCIAL IMPLICATIONS

There are no financial impacts related to this report as the costs to retain consultants and commence the EA process has previously been approved by Council.

6. LOCAL MUNICIPAL IMPACT

The success of the Study will require active public participation for citizens and local municipalities across the Region. Staff and elected officials will be notified of all public meetings and are invited to attend. As the Study proceeds, there may be the need for specific input and involvement from one or more local municipalities.

7. CONCLUSION

Staff are recommending that York Region partner with the Regional Municipality of Durham to undertake an individual Environmental Assessment for residual waste management. The Study will identify a long-term waste management solution for the two Regions.

The Senior Management Group has reviewed this report.

Respectfully submitted,

**June 16, 2005
Newmarket, Ontario**

**Kees Schipper
Commissioner of
Transportation and Works**