

EASTERN REGIONAL SERVICE BOARD

Minutes of Meeting #5

April 25, 2012

7:00 p.m.

Ramada St. John's, Matthew Room

In Attendance:

Harold Mallowney, Southern Shore, Vice-Chairperson
Ches Ash, Trinity Conception North
Bill Bailey, Clarenville & Isthmus
Walter Butt, Small Metro
Wally Collins, St. John's
Joy Dobbie, Trinity Bay South & Isthmus East
Frank Galgay, St. John's
Derrick Green, Bay Roberts
Sandy Hickman, St. John's
Sheilagh O'Leary, St. John's
Sterling Willis, Paradise

Regrets:

Dave Aker, Mount Pearl
Danny Breen, St. John's
Gerry Colbert, St. John's
Shannie Duff, St. John's
Woodrow French, CBS
Debbie Hanlon, St. John's
Tom Hann, St. John's
Bruce Tilley, St. John's

Guests:

Darryl Johnson, Bonavista PWM
Cory Grandy, Municipal Affairs
Leigh Puddester, MMSB
Ken Kelly, CAO, EWM
Kevin Power, FOO, EWM
Lynn Tucker, Recording Secretary

1. Call to Order

Mr. Harold Mallowney, Vice-Chairperson, Acting Chairperson called the meeting to order at 7:00 p.m.

2. Adoption of Agenda

It was moved and seconded (C Ash/D Green) to adopt the agenda as circulated.

MOTION #2012-018: Carried

3. Review of Minutes – March 28, 2012

It was moved and seconded (S Willis/B Bailey) that the minutes of the March 28, 2012 meeting are adopted as is.

MOTION #2012-019: Carried

4. Update of Waste Recovery Facilities (WRF) Construction – Kevin Power, Field Operations Officer, EWM

Mr. Power reported:

- For the Southern Shore area, all landfills have been closed and the Bay Bulls site is currently under construction to finalize the WRF. Renews-Cappahayden is completed and the WRF is operating. Mr. Power noted that the Site Attendant at the Renews-Cappahayden WRF does a great job and the site is well worth visiting if any Board member would like to see a WRF;
- For the proposed Cavendish WRF, property ownership is an issue and is being investigated;
- For Harbour Grace, it seems that the WRF will be constructed at the old teepee incinerator site – the Hazmat field work has been completed;
- For Old Perlican the tender was rejected as it was too high. The work will be re-tendered and bundled with the Grate's Cove landfill closure;
- For Placentia, the WRF work has been completed and the WRF is fully operational ;
- For St. Joseph's WRF, the site closure has been awarded and work should begin soon;
- For Sunnyside, the tender was just awarded and work should begin soon;
- For Whitbourne, site selection has not been finalized but is being worked on.

Mr. Mallowney thanked Mr. Power for his report.

5. Equipment Purchase for Waste Recovery Facilities – Wood Chipper

Mr. Mallowney asked Mr. Power to provide information regarding this purchase. Mr. Power reported that this equipment would be used at the WRFs throughout the Eastern region. While researching this equipment, he looked at the Town of Holyrood who has a wood chipper and was told that they use it regularly and are pleased with it.

It was moved and seconded (W Butt/S Hickman) to award tender to Brenkir Industrial Supply of Mount Pearl for \$16,495.00 plus HST for the purchase of a wood chipper.

MOTION #2012-020: Carried

6. Committee Reports

(a) Strategy & Policy Committee – Ches Ash, Chairperson

(i) Development of a Strategic Plan – process to be implemented

Mr. Ash reported that currently ERSB/EWM does not have a vision for the organization beyond an infrastructure plan – Regional Plan. He outlined:

- There is no plan for the next 3-5 years that outlines this organization's goals for diversion, organics composting or other opportunities.
- There are provincial goals but this Board does not have its own mandate.
- This Board needs to establish priorities with timelines and resources to attain these priority items – will this organization continue to outsource or will it build internal capacity.
- What role does it play for metro communities?
- There is a need to involve stakeholders beyond the Board members.
- The development of a Strategic Plan is about a process – not just about a list of issues. It will develop action plans and a way to measure performance.
- Mr. Ash directed members to *Figure 2, Agenda Item #6.a.i. of tonight's meeting package – Goal, Objectives and Performance Measures as Elements of Strategic Planning* – it outlines the questions we need to address:
 - Where are we now?
 - Where do we want to be?
 - How do we get there?
 - How do we measure our progress?
- Mr. Ash directed members to the *Approach and Work Plan* information that is attached immediately following *Figure 2* – this process will only work if the Board takes ownership of the vision and the strategy to push the organization forward.
- The process will be lead by the Strategy & Policy Committee but it may require full Board sessions in order to develop the vision and objectives.

Mr. Mullowney noted that he has been involved in the strategic planning process in the past as has many other Board members. He feels that there will be a need for many sessions to discuss this matter.

Mr. Grandy stated that as a government appointed Board, this organization has obligations of transparency and accountability to keep in mind. He said he would identify someone from the Transparency & Accountability Office to assist the Board with this process if wanted.

Mr. Kelly stated that the Strategy & Policy Committee had already discussed having someone from outside the organization assist with this process.

Mr. Ash stated that having expertise provided by the Transparency & Accountability Office would be a key component of the overall process and would be welcomed.

(ii) Update on Service Delivery Policy

Mr. Ash reported that the principles approved by this Board have been sent to a solicitor – Curtis Dawe & Associates to provide costing and timeline for completion.

(b) Finance & Audit Committee – Bill Bailey

(i) Introduction of Financial Statements – Regional Integrated Waste Management Facility at Robin Hood Bay

Mr. Bailey stated that the Financial Statements for the Regional Facility at Robin Hood Bay are being tabled tonight but will be discussed at the May 30th Board meeting when Mr. Jason Sinyard, Manager of RHB would be available to answer any questions. In addition, the City is pulling together some additional comparison data for the May 30th meeting and that material will be distributed once it is ready.

(ii) Letter to be written to City of St. John’s to Transfer Funds from the Tipping Fees Collected for EWM Operational Purposes on a Schedule of the First Week of January, April, July and October.

Mr. Bailey stated that the Finance & Audit Committee had directed Mr. Kelly to draft a letter to the City to request a schedule be established for regular payments to EWM for the portion of the tipping fees that fund EWM. This is to allow more regular management of EWM cash flow. A copy of the draft letter is included in tonight’s meeting package.

(iii) Transfer Landfill Permits to EWM for Tipping Fees

Mr. Bailey stated that this is a continuation of the process to reduce HST that contractors were charging on tipping fees to municipalities.

- EWM is the most logical entity to take on the role of allocating tipping fees to the regions and municipalities as a third party.
- This requires EWM to take on the risk of collecting these funds from the municipalities.
- This is what the Province intended as the role of the regional service board.

It was moved and seconded (B Bailey/W Collins) to proceed with the transfer of landfill disposal permits to Eastern Waste Management from contractors to reduce HST costs – this is a two-year pilot to be reviewed. EWM will notify municipalities and Municipal Affairs that the policy will be that any delinquency on the part of a municipality, Local Service District, unincorporated area or sub-region will result in household rates rising in that area/sub-region for all members in order to cover any shortfall.

MOTION #2012-021: Carried

(iv) Town of Sunnyside Request for Compensation for Residential Use of Landfill

Mr. Bailey reported that the Town of Sunnyside has requested compensation in the amount of \$1,000.00 per month for use of their town’s landfill until a WRF is operational in the area. A contract to construct a WRF in Sunnyside has been awarded and construction should start soon. Since January 2012, 65 residents from outside the Town of Sunnyside have used the landfill. There is no cost data to be provided. The Committee is recommending a payment of \$500.00 per month for use of the landfill by area residents as recognition that the service

is being provided. Members should be aware that nothing has been offered to the other four towns in the area that are still operating their landfills.

It was moved by B Bailey to offer \$500.00 per month compensation to the Town of Sunnyside for use of their landfill by area residents until the Waste Recovery Facility is operational.

Mr. Butt asked why we would be paying this.

Mr. Bailey asked Mr. Kelly to address the question and he stated that a joint collection contract was put in place in the area in January 2012. There are currently five (5) landfills in the area to be closed. Those landfills have been provided Certificates of Approval to operate until May 31, 2012. Now that a contract is in place, it allows the landfills to close. Once the landfills close, EWM need to have a WRF available for residents to drop off their bulk-type items. Until the Sunnyside WRF opens, the Town of Sunnyside is requesting that they be provided compensation for picking up the 'slack'. If they are not compensated they will not allow residents to drop off items at their landfill.

Ms. O'Leary asked if the other four (4) towns will come forward and request compensation.

Mr. Kelly stated that they may; however, those landfills are slated to close and have Certificates of Approval to May 31st only. The Sunnyside Landfill is a revenue generator for the Town of Sunnyside and it will continue to operate at least to December 31, 2012 as they have a Certificate of Approval to that date.

Ms. O'Leary asked what the timeframe is before the Sunnyside WRF is operational.

Mr. Power said it should be operational in about five (5) weeks.

It was moved and seconded (B Bailey/J Dobbie) to offer \$500.00 per month compensation to the Town of Sunnyside for use of their landfill by area residents until the Waste Recovery Facility is operational.

MOTION #2012-022: Carried

(v) Letter to the Departments of Municipal Affairs and Environment and Conservation with Conditions for Permit to Operate a Landfill in Sunnyside – Certificate of Approval

Mr. Bailey asked Mr. Kelly to provide information on this item. Mr. Kelly directed members to the draft letter provided in tonight's handout – this is an addendum to tonight's meeting package. Mr. Kelly outlined the following:

- The Town of Sunnyside is one (1) of five (5) landfills in the area.
- EWM started a collection contract in January 2012 so that the five (5) landfills could close.
- Town of Sunnyside has been provided approval to continue to operate their landfill to December 31, 2012 – this is longer than any other landfill. No consultation took place with EWM before or after the extension was granted.
- Sunnyside wants to remain open as an industrial landfill.

- The Certificate of Approval is attached to the handout – it has the rules that Sunnyside has to follow. These have not been amended.
- Sunnyside will be able to operate as an alternative to Robin Hood Bay.
- So, what will happen when we close Clarendville area landfills and they have to drive by the Sunnyside landfill that is still open?
- We understand provincial government departments are going to meet to determine the plan for Sunnyside i.e. what they can take in the form of waste, etc.
- The handout has a draft letter to the Minister to invite EWM to the table to express its views on this issue and how it can impact the Regional Waste Management System.
- They have been allowed to continue to operate as they accept waste streams that the Regional Facility at Robin Hood Bay (RHB) will not accept i.e. offal from Country Ribbon; industrial waste from the oil refinery at Come by Chance; etc.
- At this time, Sunnyside is operating as an alternative to RHB. EWM needs to ensure that the Sunnyside landfill complements the Regional Facility at RHB and is not competing with RHB.

Mr. Green asked if they charge tipping fees?

Mr. Kelly replied that they do not have weigh scales at the Sunnyside Landfill but they have a rate schedule in place i.e. a charge is applied according to the type of vehicle.

Mr. Green asked if it is more than \$65.50 per tonne.

Mr. Kelly answered that to the best of his knowledge it would not be more than \$65.50 per tonne.

Ms. Dobbie noted that the mink farm in her area takes its waste to the Sunnyside Landfill as RHB will not accept it.

Mr. Grandy stated that he cannot speak to the Certificate of Approval as that is issued by the Department of Environment and Conservation; however, it is his understanding that Sunnyside will be allowed to operate its landfill to accept those materials that RHB will not. It is not intended that the Sunnyside Landfill will be competing with RHB and should be accepting only special waste and/or industrial waste that the Regional Facility will not take.

Mr. Mullowney asked if the Sunnyside Landfill is a lined site.

Mr. Grandy responded that it is not a lined landfill.

Members asked for an explanation and Mr. Kelly stated that lined landfills such as RHB are able to contain harmful leachate. RHB has been engineered to current standards; however, the Sunnyside Landfill has not been engineered to current standards.

Ms. Dobbie stated that she hopes that the composting programs will take care of the offal in future.

Mr. Ash noted that this is an important issue. All communities in the Eastern region were advised that they had to close their landfills. Therefore, if the Town of Sunnyside is allowed to continue to operate, there should be strict conditions applied to their Certificate of Approval. Other communities may use Sunnyside as a reason not to comply with the *Provincial Waste Management Strategy*. If the Sunnyside Landfill is to remain open, it should be to accommodate special waste and industrial waste only.

Mr. Butt stated that he has a community in his sub-region that is reluctant to close their landfill. If Sunnyside is allowed to remain open, it will become an issue.

Mr. Bailey stated that he feels this issue has to be addressed quickly – the letter needs to go right away.

Mr. Dobbie asked on what information do the Department of Environment and Conservation base its approvals and the provision of Certificates of Approval. She is not aware of any consultation with EWM.

Mr. Grandy stated that the intent is for a Certificate of Approval for special waste streams only. He stated that he feels it is a good letter to send.

Mr. Butt asked if landfills are inspected by the province.

Mr. Grandy stated that he thinks they are inspected two (2) times annually.

Mr. Green expressed concern with the low number of inspections and stated he feels that the industrial waste going there could present issues of toxic materials, PCBs, etc. being dumped there.

Mr. Grandy stated that those types of materials are considered Hazardous Industrial Waste and that falls into another category for disposal. Those materials should not be going there. In addition Hazardous Industrial Waste was not part of the *Provincial Waste Management Strategy* or a part of the mandate of ERSB/EWM.

Mr. Green noted that the Sunnyside Landfill seems to be an unregulated site at this time.

It was moved and seconded (B Bailey/D Green) to send the letter as tabled to the Departments of Municipal Affairs and Environment and Conservation .
MOTION #2012-023: Carried

(c) Governance Committee

Mr. Mullaney reported that the Governance Committee has not met recently and there is no report for tonight. In addition, there has been no response from the Minister's office regarding the Board's request for a meeting to discuss the Board level and remuneration.

Mr. Grandy stated that the Minister wants to meet and that a meeting can be set up. He asked that the Board find time next week to arrange the meeting. He reminded members that the House of Assembly is open so the best time for the Minister would be mornings or evenings.

After discussion, it was determined that several representatives from the Board and Mr. Kelly would meet with the Minister one evening. Mr. Kelly will arrange this meeting through Mr. Grandy.

7. Correspondence

Mr. Kelly reported that a response was received from the Minister of Municipal Affairs regarding ERSB's request to intercept MOG payments for delinquent communities. A copy has been provided in this evening's meeting package.

At this time, the sub-regions have their own contracts because EWM could not enter into contracts before becoming a Regional Service Board. As a temporary fix, the sub-regional committees formed corporations and entered into contracts. The intent was to have these contracts transferred to EWM once it became a Regional Service Board. At this time, several of the sub-regional committees and the Board have reservations about taking over those contracts; however, the Minister is clear in the attached letter (p.2, para.4) that ERSB/EWM should be taking over those contracts. EWM is the entity with the authority to take over the contracts and to provide the service.

Mr. Mallowney asked what the Minister's timeframe would be.

Mr. Grandy responded that it would be as soon as possible.

Mr. Kelly stated that the Southern Shore Waste Management Committee and the Southwest Avalon Waste Management Committee are both ready to pass over their contracts.

Mr. Mallowney reported that he is the Chairperson for the Southern Shore Waste Management Committee and they realized from the start that incorporating and entering into a joint-contract was an interim measure and that the contract would be passed over when EWM became a Regional Service Board. They feel strongly that the sooner that happens, the better.

Mr. Ash stated that many towns have concerns around the cost of waste collection and transportation if EWM takes over the contracts – this cost is onerous for many towns. He feels it is very important to communicate to communities that EWM/ERSB recognizes that and will continue to minimize expenditures to try and maintain an economical and affordable waste management system for the region. Communication to the communities is very important.

Mr. Mallowney acknowledged that awareness and communication are very important. Mr. Ash makes a good point.

8. Next Meeting – May 30, 2012

Mr. Mallowney noted that the next ERSB regular meeting is scheduled to take place on Wednesday, May 30, 2012 at 7:00 p.m.

Mr. Kelly informed members that the MMSB Spring Forum takes place May 31-June 1, 2012 in Gander/Norris Arm. This is a regional forum and is very informative. There is a lot of sharing of experiences from across the province. To date, four (4) Board members have expressed an interest in attending – they are Ms. Joy Dobbie, Mr. Harold Mallowney, Mr. Bill Bailey and Mr. Walter Butt.

Mr. Puddester stated that this forum will focus on indiscriminate dumping and should be very interesting and informative. In addition, the forum includes regional updates.

Mr. Kelly noted that the next ERSB meeting is scheduled for May 30th and the MMSB Forum begins at 8:30 a.m. on May 31st in Gander and runs through the afternoon of June 1st.

Mr. Kelly also informed members that the vendor of the Transtor system that will be used at the Clarendville Transfer Station has extended an invitation to visit their facility at Peele, Ontario and several other locations in the area for May 23-24. Mr. Cory Grandy, Director, Waste Management Division and Mr. Cluney Mercer, Assistant Deputy Minister of Municipal Affairs are going as well as Mr. Kelly, Chief Administrative Officer and Mr. Power, Field Operations Officer of EWM. In addition, the following Board members have expressed an interest in attending - Mr. Bill Bailey as he represents the Clarendville & Isthmus area; Mr. Harold Mallowney; Ms. Joy Dobbie and Mr. Sterling Willis.

Discussion returned to the Strategic Plan and Mr. Puddester stated that the MMSB would be happy to assist ERSB with the development of its plan. In addition, Mr. Puddester was asked if ERSB members would be able to attend MMSB meetings as observers and he replied that they could certainly look at that. It was noted that at the last Strategy & Policy Committee meeting, members expressed a strong desire to understand the role of all ERSB stakeholders including the MMSB and where they are going so that we can all work better together.

9. Adjournment

It was moved and seconded (H Mallowney/J Dobbie) to adjourn the meeting at 8:10 p.m.

MOTION #2012-024: Carried

*Prepared by:
Lynn Tucker
April 27, 2012*