

**Evaluating the Public Participation Methods used in Toronto's Integrated Solid
Waste Resource Management Process**

MPA Research Report

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Introduction

Public participation in decision making on the local level has now become an issue which a municipality must take into consideration upon embarking on any project or plan. The municipality may decide to keep some decisions for staff to make recommendations on, but reasons must be stated as to why the general public was not consulted. The issue of citizen involvement is one of power. While the elected representatives of the people are supposed to be the vehicles through which citizens can voice their opinions and make sure that decisions are made in their favour, the general consensus of democratic theorists from the sixties to the present day is that somehow power has left the scope of the people, and now resides with powerful interests who provide financial backing for a politician's campaign. Ensuring that a public participation scheme is in place is an attempt to recover this last democratic ideal.

From a municipality's standpoint, the public participation system offers a way for a the public to "buy into" choices made at City Hall especially if these decisions are particularly contentious. The feeling is that if the public give input towards a decision and endorse a position, the responsibility of a politician at election time is somewhat reduced and he or she is better able to deflect anger sufficiently to get re-elected. As a sign of what "City Hall is doing for you", it is a very visual example of citizens getting their taxpayers' dollars worth in a type of public relations exercise.

This is often the case in situations where the municipality has gone through the trouble of organizing public meetings to discuss a particular topic, but the arguments put forth are in support or against options already developed by staff prior to the meeting. It

could also be a situation where opinions are solicited but when the voting actually takes place at Council, another avenue is taken. Citizens are not directly responsible for making decisions themselves and the final power continues to reside with Council. For the democratic theorist, this is unacceptable but does this system ultimately lead to better policy making?

The most common form of public participation is the public meeting. According to Nevin Cohen, who evaluated the technical assistance program for public participation groups in New York City, this can often be the most "wasteful and useless" practice that a municipality can undertake. He brings up the issue of the difficulty of affecting change when bureaucracies are by their nature very difficult to change.¹

The choice of developing waste management facilities is an incredibly problematic endeavor. There is no decision as great a risk politically as determining that a dump should go into a particular neighbourhood. Although outcry is often heard from communities when social services offices or accommodations catering to the lower classes appear in neighbourhoods, the garbage dump goes beyond issues of lowered property values to ones where a citizen's health is at risk. The responsibility is on the municipality to use the latest technology in order to avert possible health infractions and costly legal suits. Pressure has also been felt by municipalities to close existing facilities and to convert their use to more environmentally friendly practices.

Citizen involvement has typically taken the form of NIMBYism with strong anti-dump coalitions developing mainly from those whose area would be affected by the

¹ Cohen, Nevin. "Technical Assistance for Citizen Participation: A Case Study of New York City's Environmental Planning Process" in American Review of Public Administration. June 1995 p. 120

building of a waste management facility. The large volume of waste material requires a solution of some nature. Some jurisdictions have spent a great deal of time working on negotiating methods for developers of landfill sites to come to an agreement with local concerned residents. As A.B. Villaneuva of Western Illinois University notes, almost all issues in a typical labour-management arrangement are negotiable.² This is not the same in an environmental setting which introduces issues of land-use variables such as the best use of land to protect property, promoting health and welfare and enhancing social amenities. There is no real compromise in these types of situations. Either the developer will get his landfill site or not. Any settlement or payment they receive has to be balanced against the possible economic development which the land might otherwise have used, and must be balanced against the health risks of living near a garbage site.

Villaneuva ultimately advocates the use of direct democracy in determining whether or not a landfill site arrangement is acceptable or not.³ The problem with this in the Canadian municipal context is the typically low voter turnout in municipal elections. Would a plebiscite featuring some thirty odd percent of the electorate represent a mandate to permanently change the nature of a portion of a community? Within a municipal election, a number of other issues may be on the ballot as well as choices for the electorate to make about the types of persons that they want representing them. Is there the time for people to get to know about the issues enough to make an educated decision about a landfill site in this manner? One can accept perhaps a mandate given to a councillor or mayor with such a low turnout, mainly because such a decision is not

² Villanueva, A.B. "The Politics of Waste Management" in **The Journal of Social, Political and Economic Studies**. Summer 1996 p. 205

³ *ibid* p. 218

permanent, and can be rectified in the next election if the person does not live up to expectations. The decision to place a landfill site in a particular location is a permanent act.

One recent trend has been towards incinerating garbage which appears to be a solution as close to a win-win position as possible. Incineration units are not as visually a turn off as a landfill, which could satisfy the concerns raised by at least some citizens in a region in which it is to be built. The output of incineration can be used as an energy source which provides profits for a municipality who would otherwise be forced to pay out funds for landfills if they were privately owned or in another jurisdiction. It also keeps jobs in the community that would otherwise be created by the other jurisdictions. There are concerns however about the output from such incinerators. Residents still believe that air pollution is affected by an incinerator and the ash residue is quite toxic and must be dumped via some method.

There is also the view that decisions about waste management will fall into such difficulty on the local level due to public outcry that such decisions should be conducted and made at the provincial level as a buffer against local opposition.

What this boils down to is the great unpopularity with which a waste management decision making system is greeted. Local representatives face the loss of their seats, bureaucrats are placed in an unenviable situation where they must determine which community of their neighbours will be affected by their decisions, and the public faces the potential to have their voices muted or ignored by a weak public participation system. Nonetheless, several jurisdictions have been courageous enough to enter into the process.

In the case of the City of Toronto, this process has lasted for a decade with the end only now clearly being in sight.

Technical Knowledge for Improved Participation

For the average citizen, even the most mundane of policy making decisions can be difficult to comprehend. Without the basic knowledge of the way in which the municipality operates, a citizen cannot submit comments to reports which he or she may not even know exists, for which he or she does not know the timetable for implementation and even the formal process of submitting formal replies to reports. The power lies clearly with those who possess the expertise to figure out the often convoluted policy making process. The end result is that public advisory committees are generally filled with those members of the community who are aware of the committees' existence usually because of a vested interest.

Beyond the basics, unlike some municipal services, decision making around waste management is not an area where a citizen would be expected to have an opinion without a great deal of technical knowledge. The citizen would have to wrap his or her head around environmental and economic impacts while maintaining an understanding for where each option fits into the big picture of pure political considerations. This is the prime argument in favour of having a professional staff take a predominant position in these matters and leaving political considerations within the realm of Council.

In Cohen's survey of New York City, he states that he believes that a middle ground may be attainable with the technical expertise used to "provide a forum for reaching compromises on issues of size, location, operational parameters, and mitigation

measures."⁴ In this way, the citizen is used to tweak an existing plan. The idea is for the citizen to gain knowledge to the extent that he or she becomes almost a "co-worker" with a Public Works bureaucrat who is able to converse with and understand the newly "enlightened" concepts offered by the general public.

In New York City, a certain amount of the funds put aside for waste management processes is used to hire consultants to provide technical knowledge for average citizens in order to arrive at "meaningful" consultation. On paper the process appears to be quite sound. The citizens themselves are able to choose their technical consultant without having to rely on a firm who does business with the City and is therefore inclined to support proposals arising within the municipal bureaucracy. This could only lead to a problem if the consulting firm doing work for the citizens' groups would like to portray itself as a possible alternative firm for the City to turn to in the future. Several motives would no doubt be at play in this circumstance but if this motivates the firm to provide as good a service as possible for citizen groups, then it becomes an advantage as opposed to a problem.

The consultants are to "help the CACs (Citizen Action Committees) to evaluate the work of the city's technical staff, critique environmental impact statements, educate citizen group members, prepare testimony for public hearings, and develop alternative proposals."⁵ The method for determining which consultants are chosen is quite a long process involving the distribution of requests for proposals, the ranking of responses, interviewing finalists, and making the final selection through subcommittee.⁶

⁴ Cohen *ibid* p. 121

⁵ *ibid* p. 123

⁶ *ibid* p. 124

What this means is that the consultant chosen will certainly have been subject to quite a strenuous evaluation process but at great expense to the City both in staff time and actual monetary loss. The time frame required for this process suggests a committee with plenty of time to contemplate issues and thus this system is not ideal for a situation where a quick response is required. Serious questions need to be asked about the allotment of funds for such a system which can often result in duplication with both bureaucrats and citizens conducting evaluations sometimes simultaneously. There can be some cost savings exacted if both sides agree to a joint process but in these types of cases, who will end up with the “best” candidate, the bureaucrats or the citizens? Would either side’s argument be weakened depending on what the accepted protocol would be in a situation like this?

Cohen notes that in most cases, the citizens’ group will avoid hiring local consultants who have done work for the City in the past.⁷ In the case of New York City and in another large city such as Toronto, expertise probably exists in a number of different firms allowing citizens to make choices of this sort but in smaller communities, there could only be a handful of knowledgeable consultants to choose from. In any case, one can imagine a dwindling supply of consultants who would be able to undertake work of this sort as they become more familiar with government policies and would inevitably take up some sort of work for the municipality.

The only alternative would be to hire consultants who do primarily private sector work and who may not take into consideration public considerations such as equity issues

⁷ *ibid* p. 126

or be familiar with the “big picture” in the sector, as it would be an area in which they haven’t had to track over a long period of time.

In this fashion, the public almost seems to be playing the role of a pseudo-bureaucracy or an alternative area for input that politicians can go to. This sort of environment undermines the role of the bureaucrat and is almost a step towards citizen run bureaucracy. Taking this scenario to the extreme, one can envision a government with bureaucrats only performing clerical work while citizens work on policy formulation accumulating costs through the contracting out of professionals. The question remains whether or not this is an cost effective way of running the organization. Would such a set up also take into consideration historical trends or situations which may have some bearing on current decisions? Possibly, but only if the firm conducting the work has the adequate resources to research material which may or may not be a part of the public record.

This type of scenario also presumes that citizens who would be performing these tasks on a volunteer basis with limited hours and a full time job to attend to on the side, would have the time and ability to successfully assimilate all the data provided by the consultants and to come up with a well reasoned solution. Given that this type of activity would be voluntary, one can foresee this type of arrangement as being one where policy work is of a lower priority for members and thus reading and decision making are performed in a rushed environment. As is the case with the armchair broker who feels compelled to hire a professional to manage his or her funds because eyes cannot always be kept on the market, the public needs professional bureaucrats to observe trends and perform policy analysis on a full time basis.

What happens in a situation where bureaucrats and citizens have employed their own experts and have come to radically different solutions? In these types of cases, instead of consensus, the Council is forced to make a decision which will either alienate staff or be seen as going against the will of the general public. Should an environmental disaster occur after Council followed a staff decision as opposed to one by a public committee, would the municipality be more liable because it did not take into consideration the citizens' expert opinion?

Even if such an extreme situation did not arise, the organization providing the assistance may end up suggesting course of action to the public in order to gain more work for itself or for providing the City only with solutions that it can deliver. It is a story not atypical for any organization which has a lay board with limited knowledge at its decision making head.

The New York City model was seen to be a failure by Cohen mainly because it did not bridge the basic knowledge gap.⁸ Although the technicians seemed to work smoothly with those on the public advisory committee, the membership of this committee was comprised of the elites who knew of the process and the best way to take part in it.

Returning to the issue of access to time and resources, he notes that the CACs were most effective when they were comprised of members of organizations with substantial time and resources behind them.⁹ These types of people had staff or additional volunteers to review information and had probably accumulated quite a large library on various topics. Anyone of the representatives could thus feel at home within the city

⁸ *ibid* p. 127

⁹ *ibid* p. 129

bureaucracy working on similar issues but it is not representative of the community as a whole.

Cohen also noted that when the political masters were sympathetic to those who advocate for the environment, the CAC's effectiveness increased.¹⁰ One can imagine that many of the elected officials were perhaps members or supporters of these organizations and ensured their participation on influential committees. In these particular cases, the public participation groups serves only as a component of the politician's ideological agenda.

The third measure of success in the survey was the relative weakness of the Council.¹¹ The more likely it was that the mayor or a majority of Council was going down to defeat, the more likely that public opinion was adhered to. This is pure common sense. A Council fighting for its life is going to be hypersensitive to the needs of the electorate.

In terms of seeking a better compromise, Cohen suggests a cheap alternative through the form of a requirement that the consulting firm doing the in house work be responsible for providing assistance to community groups.¹² This flies in the face of seeking an impartial voice and requires Council and the bureaucracy to emphasize to the firm that they are have two clients, both of whom must be appeased. Given that the City is the one paying the bills, this is a daunting challenge to say the least.

Cohen also suggests that a municipality go beyond merely providing public relations material and hand over "impartial" background information and detailed reports

¹⁰ *ibid* p. 130

¹¹ *ibid*

¹² *ibid* p. 131

to the general public as part of its regular service.¹³ While it can be argued that most municipal reports contain something of a “PR” slant, there are nonetheless quite a large number of studies and materials available for the researcher on most governance issues. The municipality must do a cost benefit analysis to determine whether or not the publishing of vast sums of data is worthwhile when the average citizen desires reports that are in plain English and ones that can be digested in a small period of time. Although advocates of greater public involvement in policy making argue that bridging the gap of ignorance will promote more participation by the general public, it is fallacy to assume that all persons will be equally interested in political topics other than the few that affect them directly either through threats to their physical environment or through their pocketbooks at tax time.

Cohen's ultimate vision would take the form of a technical assistance office within a municipality which would serve as a liaison office between public participation groups and engineers and scientists who conduct research work.¹⁴ The municipality would have to make a decision no doubt about how such an office would be operated including consideration for the duration of a group's existence and whether or not topics it would discuss would remain consistent over time. It can be presumed that scientific and engineering staff would specialize in particular areas and perhaps find themselves irrelevant for long periods of time unless an ad hoc arrangement is made to have City staff serve in this capacity for short durations of time. The interference with regular work could end up being rather chaotic.

¹³ *ibid* p. 132

¹⁴ *ibid* p. 134

Another suggestion is to place responsibility for determining which staff would provide technical assistance in the hands of Council.¹⁵ Similar to the previous point, this could result in a chaotic situation if staff are plucked at random to serve in this capacity. There is also a presumption here that Council are best able to determine which one of their staff has the time and knowledge to provide this information adequately.

What the example of New York City clearly shows it that the larger the operation created to provide technical knowledge to citizen participants, the greater the conflict that exists between such groups and the bureaucracy as they both attempt to lobby Council to approve their way of viewing the world. Creating such an apparatus also does nothing to ensure that better representation exists on committees or that such technical advice (if it comes from a firm not interested in government contracts) is entirely accurate.

The Role of Technology in Government Decision Making

The latest trend to emerge in the field of waste management decision making involves the use of computer software to assist with making choices by taking into consideration all variables. A piece of analysis software was developed through a partnership with the Environment and Plastics Industry Council and Corporations Supporting Recycling with assistance from the City of London.¹⁶ The computer company involved with developing the program was Proctor and Redfern. The concept is to try and measure both environmental and economic modules to take into consideration both of these areas when determining a successful waste management strategy. The analysis provided by these programs are so sophisticated that they are able to determine how

¹⁵ *ibid* p. 135

¹⁶ Franner, Melanie. "A New Waste Management Analysis Tool" in **Solid Waste and Recycling Magazine**. February/March 1998.

differing numbers of weekly garbage collections can affect greenhouse gas emissions. The sophistication of such a program suggests that it may be easily used by those who are not well versed in the know how of waste management.

The use of these types of technological tools suggests that administrators are becoming more and more concerned with having the means to make impartial decisions or decisions which will not require mass education of the public. For now however, these types of software packages are not the prime means of making decisions at any of the surveyed municipalities. They serve as an assistance tool but do not have the capacity to make political decisions nor the ability to deal with human or emotional concerns.

Waste Management in Toronto since the 1990s

The recent decision of the City of Toronto to ship its garbage to the Northern Ontario community of Kirkland Lake is not a novel idea. It had been contemplated at the beginning of the last decade. The provincial government, especially in the New Democratic period of 1990-1995, placed pressure on Council to find means to dump garbage within its jurisdiction. This sentiment echoed public opinion at that time (and arguably at this time as well). These types of pressures have almost certainly led to today's environment when input from outside parties is both legislatively required and politically necessary.

Toronto's original waste management plan was referred to as SWEAP (the Solid Waste Environmental Assessment Plan). Unlike the current plan, the original process involved the Regions of Durham and York as well as what was then known as Metropolitan Toronto. SWEAP had initially been designed to replace two landfill sites in York and Durham region which would reach their maximum capacity in 1991 and 1993

respectively. These sites ended up being operated for a longer duration of time than originally envisioned.¹⁷

They would have reached exhaustion however in a short period of time and on average it had taken Toronto about 10 years to approve a site and go through the entire environmental assessment procedure.

The aforementioned NDP government had also closed a number of private landfills which had been used by Toronto, and another batch of private fills had reached capacity at the same time. The surrounding regions had also increased their tipping fees in this time period and overall there was a reluctance on the part of the outerlying regions to take on new garbage, as economic growth in those areas required that available land be used for commercial and residential purposes.¹⁸ It should be noted that Durham appeared to only be interested in participating in SWEAP if its region was not considered for future dumping. Talk of such a solution lead to Durham's departure from SWEAP in 1988. York Region became an observer in 1989. The overriding sentiment was that Toronto had to deal with its garbage and should not be bailed out by the surrounding regions.

Peel and Halton Regions were not content with their own landfill site searches and a joint effort with Toronto, York and Durham was undertaken entitled the Solid Waste Interim Steering Committee or SWISC in 1989. Objectives included using the latest technology to reduce waste as much as possible, increasing the amount of potential business for area corporations, and fulfilling provincial requirements while devising a collaborative method that would allow them to get along with the province in a smoother

¹⁷ MacLaren, Virginia W. "Assessing Public Participation in Waste Management Planning in Toronto" in Environments. Volume 23 Number 1 p. 52

¹⁸ *ibid* p. 53

way.¹⁹ In order to prevent what had happened to SWEAP, each area had to volunteer an area to be used as a short term solution which was within its own borders. The province initially was helpful in trying to find a solution and it was anticipated that the environmental assessment process would move relatively quickly. Ultimately however the NDP came to power in 1990 and took over responsibility for determining a waste solution for the GTA and thus making SWISC unnecessary.²⁰

Surprisingly, SWEAP continued to exist despite the fact that SWISC was more encompassing of the entire region, and the newer committee had appeared to show more promise. SWEAP even survived the interference of the province.

SWEAP involved a fairly basic public participation system. An advisory committee was to be set up and a network developed to pass on information to interested or affected parties.²¹

The system itself was discussed by the public through four public workshops attended by 61 people which was dominated by environmental groups, government officials and garbage collectors.²²

The workshops resulted in a process which would involve political representatives, people with technical prowess and the ability for the group to have a facilitator hired on. The SWEAP management committee approved of most of the recommendations save for one which would have seen a member of the public sit on the management committee itself (Appendix E). The final decisions were to be made by Council and staff with no laymen to offer input. No recommendation was made that the public

¹⁹ *ibid*

²⁰ *ibid*

²¹ *ibid* p. 54

was to be involved through the entire process but public input was sought at the draft stage at the very least.

Principles to be followed through the public participation system would include the need for as many citizens as possible to participate in a meaningful way and to try and reach as close to a consensual decision as possible.²³

Subcommittees were formed to represent each of the major stakeholder groups (environmental activists, industry players, interested staff and politicians) as well as one for unaffiliated persons who were simply interested or concerned about the process.²⁴ Representatives of these committees were supposed to gather information and report to a main multi-stakeholder committee. There was apparently some dissatisfaction with the limitation which the subcommittees were presented with. Specific issues were assigned to what was believed to be the most concerned group but most representatives wanted a clean plate on which to make recommendations.

The SWEAP Process Evaluation

The SWEAP process had been reviewed by Virginia MacLaren who issued 13 assessment criteria (Appendix D) to determine how effective the program was at that time. The areas of interest can be further reduced into four categories: (1) Final decision making authority, (2) Staff/Council resources and relations to participants, (3) Representation of all Citizens and Facility of Comprehending the Process and (4) Diversity of Techniques

²² *ibid*

²³ *ibid*

²⁴ *ibid*

MacLaren noted that it was difficult for some committees especially the environmental activist committee to maintain a large group.²⁵ By the end of the process, this committee had shrunk from 17 members to 7. One group had felt that its participation compromised its ability to appear at future environmental assessment hearings. Others simply felt that too few of its recommendations were adopted and that the entire process moved far too slowly. Interestingly enough, the lack of a mechanism to remove members led to a situation where members of a Durham environmental group continued to participate in SWEAP despite the withdrawal of Durham claiming that a proposal would no doubt affect Durham and that it was important to stick with the process.²⁶

In general, there were questions as to whether or not the decision makers were acting in good faith towards the advisory committees. It was noted that two recommendations that they had felt particularly strongly about had been met by delays from staff and politicians.²⁷ The first suggestion was one for a waste composition study. It was opposed by the Commissioner who seemed to have had it successfully delayed for just over a year but the recommendation was adopted nonetheless despite the high cost of conducting a thorough study. Some suggestion was made that the City did not end up providing enough funds for an acceptable survey.

The second bone of contention was in the area of public education. Once again this was opposed by the Commissioner.²⁸ The delays in this particular case appear to simply be the result of the very broad system developed to implement decisions and the large number of political actors required to implement them. The presence of SWISC also

²⁵ *ibid* p. 55

²⁶ *ibid*

²⁷ *ibid*

impeded adoption of this recommendation as there was some talk of undertaking a joint effort and thus adding another layer of persons to consult before proceeding with the plan. The reluctance of the Commissioner forced the group to attempt to get an audience directly with the Works Committee which they weren't able to do formally, but they made deputations which they were permitted to do as citizens anyway. The presence of a member of the Works Committee was requested but his involvement was rather infrequent.²⁹ In general, political participation on the main committee depended on whether or not it was an election year although the politician subcommittee did continue to meet.

SWEAP was successful in some areas however. There appeared to be adequate public participation in all stages of the plan's development including the early stages.³⁰ There was some attempt to have many ways of reaching the public including questionnaires, newsletters, videos, ads, workshops and public meetings. Committee members were also quite pleased to have a recording secretary assigned to cover their proceedings. It appeared that the committee was quite flexible in changing its approach once problems arose and a need for a new approach was required.

In terms of making an impact, the recommendations of the committees did end up being represented in final drafts of reports. In MacLaren's opinion, this also included some of the more controversial drafts when one would expect staff and politicians to control the majority of the debate.³¹

²⁸ *ibid*

²⁹ *ibid* p. 56

³⁰ *ibid* p. 53

³¹ *ibid* p. 57

What can be concluded firmly is that the creation of the new waste management system in Toronto was preceded by a lively and experienced public participation system that appeared to have flaws but was quite successful in finding ways to overcome difficulties. Higher expectations would be required in any new system.

Alternative Models: London/Middlesex and Halifax

As the SWEAP process drew to a close and SWM-MEP was being conceived, a pair of Canadian communities were also re-evaluating the method in which they arrived at waste management decisions: the London/Middlesex area and the newly amalgamated Municipality of Halifax.

The London/Middlesex waste management plan arose mainly due to the disparity between landfill needs of different communities within the County. From a generational point of view, the City of London itself had the capacity to store garbage using their existing landfill site for the next 40 years. Only one other community within Middlesex County (North Dorchester) had a similar luxury. The other areas were therefore forced to export within the next 20 years.³²

The need for public participation had arisen out of the requirements of the Ministry of the Environment. Specifically, public consultation was to be reported in a Terms of Reference submitted under the Environmental Assessment Act for any strategic plan which required approval. Given that it would appear that the City/County was "forced" into such a process, a commitment to have "public consultation efforts..be

³² City of London/County of Middlesex. **Discussion Document: Waste Disposal Challenges and Opportunities for London/Middlesex.** May 1998. p. 8

meaningful and, where appropriate, impact on the waste disposal planning process" was set as a goal.³³

The City had recently conducted broad public consultations during its Vision '96 process and seemed to have created a standard for public participation which needed to be "meaningful". Formal environmental assessment act approval must adhere to Bill 76, The Environmental Assessment and Consultation Improvement Act, 1997 which requires that an EA approval process be undertaken for the purposes of contracting out waste management services.³⁴

London/Middlesex created a Waste Disposal Planning Public Liaison Committee which was to be made up "of representatives from community and environmental groups and associations, the business community, and the general public."³⁵ Although the creation of a committee would suggest that a consultative body had been formed, the language of the Plan implies that this group's primary responsibility would be primarily to "dissemin(ate) information to the general public and interested parties."³⁶ The presumption is made that the representatives would know better than City or County staff which interested parties would need to be informed of Council decisions. In this fashion, the City/County has spread its focus farther by perhaps reaching an audience that may not be known at City Hall but who has been an interest in the process.

The process would also involve municipal and provincial staff who would attend the monthly meetings to assist the group and to gain feedback. In this manner, the issue of an expertise gap is lessened. Presumably, most of the persons on the committee would

³³ *ibid* p. 24

³⁴ *ibid* p. 15

³⁵ *ibid* p. 26

be somewhat knowledgeable about waste management issues and most of the responsibility for transmitting that knowledge to the general public lay in their hands. One of the drawbacks of this approach is that the representatives on the committee often will have an interest in only a few components of the plan and are likely to report on these issues rather than conveying big picture points of view. The representatives are also unlikely to feel that it is their responsibility to inform persons outside of their general circle and perhaps they would not be familiar with doing so. The natural solution would be to invite representatives of the media into such an arrangement but there may be reluctance on the part of many participants to volunteer information in a frank fashion if reporters were in the room. In anticipation of such a problem the City/County committed to distributing media information through alternative means.³⁷

The selection of representatives of groups was determined by the Ministry of the Environment's "A Guide to Preparing Terms of Reference for Individual Environmental Assessments Draft". The City/County added to the list of recommended organizations several provincial ministries who would have some interest in the project (Appendix B).

An opportunity was given for interested parties to submit written comments if attendance at a meeting was not possible. As in New York City, technical consultants were made available to answer queries posed at meetings (Appendix C).

In general, the London plan took into consideration to a certain extent all the issues which have been discussed thus far. What is particularly interesting about London is the caution with which it proceeded with regard to provincial legislation. In the earlier

³⁶ *ibid*

³⁷ *ibid*

Toronto models and ultimately in SWM-MEP and TIRM, provincial considerations were contemplated after processes were already in motion with mixed success.

Probably the best example of a far reaching public participation scheme occurred in Halifax, Nova Scotia where the foundation for the integrated strategies of the four municipalities that make up the Regional Municipality of Halifax was created by a public participation group. There had been some environmental difficulties with the original landfill site and the original plan was to develop an incinerator.³⁸ Interference from the province prevented that idea from getting off the ground and when a landfill was necessary, those who had opposed the creation of any sort of garbage disposal area within the regional boundaries.

The unique situation with Halifax was the requirement of all agreements to be consensual. With a committee that was upwards of 500 people at its maximum³⁹, it was truly amazing that they were even able to agree on a meeting place let alone an entire waste management system.

The team approached the problem by first adhering to provincial standards and then adopting standards which would be acceptable to the community as a whole. While most of what the group agreed to was rather mundane such as the number of garbage pickups, one of the most important decisions was one to develop a system to prevent raw materials from being dumped into the site. This type of contamination was determined to cause erosion.⁴⁰ The problem with this system is that it relied upon persons who would be willing to go beyond merely separating recyclables from regular trash into making

³⁸ Goldstein, Nora and Kevin Gray. "Citizens Drive 65 Percent Diversion System" in **Biocycle**. April 1999 p. 38

³⁹ *ibid* p. 41

separate spaces for compostable material. The group had hoped that this would lead to more composting on the part of residents. There was also the insistence that a sophisticated landfill be developed in order to accommodate the new separation of waste materials.⁴¹

Surprisingly, compliance was high with 85% of households using a separate cart for compostable materials. 66% found the "green pail" easy to use and or generally very convenient, and 80% said they either strongly (45%) or generally approve (37%) of the Region's new composting program.⁴²

SWM-MEP and TIRM

SWM-WEP (The Solid Waste Management Marketplace Engagement Program) emerged as a continuation of Toronto's waste management debate as the Keele Valley Landfill Site continued to approach capacity.⁴³ At the time of the creation of SWEAP, this landfill was the only remaining venue for Toronto's garbage and it also received shipments from York Region (which is where the landfill is located) and Durham Region. It was noted that the majority of industrial and commercial venues who were responsible for their own waste disposal used private facilities which charged a lower fee than the Keele site.⁴⁴

⁴⁰ *ibid*

⁴¹ *ibid* p. 42

⁴² *ibid* p. 44

⁴³ City of Toronto. **SWM-MEP Newsletter Volume 1 Bulletin 1**. November 1998.

⁴⁴ *ibid*.

The Keele site was projected to be closed in 2002 and as a stop gap measure, the City had already reached a deal with Browning Ferris Industries to have waste shipped to the Arbor Hills Landfill site in Michigan.⁴⁵

Created by Council in October of 1998 to provide a quicker response than SWEAP did, and finally acknowledging the demands of other regions and the province, the City engaged in a bold program which would see the reduction of household waste by 50% by the year 2006.⁴⁶ The SWM-MEP program would work to ensure that as many potential business partners were consulted as possible and for new technologies to be embraced and employed. The precedent for involving other regions was continued and other areas were invited to take part in the process. Tipping the hat to those who saw the benefit of contracting out projects to the private sector, it was acknowledged that the solution may possibly involve the transferring of ownership of the waste disposal process to a private firm or at least that a leasing arrangement favourable to the City had to be made.⁴⁷

Several considerations were at play in developing a plan including environmental concerns, the possibility of investing in the local economy as well as the costs anticipated by a winning bid. The bids were assessed a certain number of points adding up to 100 which took in consideration these three considerations.⁴⁸ Environmental concerns and the cost of the project were slightly more heavily allocated (35 points each to 30 points)

⁴⁵ ibid

⁴⁶ ibid

⁴⁷ ibid

⁴⁸ City of Toronto. **Solid Waste Management Marketplace Engagement Program: Stage One (Draft) Planning Document**. November 23, 1998.

when compared to regional investment but all three would have to be adhered to in some degree to make sure that a bid was successful.

A certain amount of accountability was also included in the proposal which would allow the City to review the situation after five year intervals to ensure that the public was served in the best possible method.

The City also maintained the rights to any greenhouse gas emission credits and the right to contract out to a number of bidders.⁴⁹

A points system was enacted to ensure that criteria in certain critical areas such as diversion was met. This was reflected in prowess in waste diversion measured at a whopping 60 points out of 100 on the scale.⁵⁰ Creating jobs and reducing emissions each polled 15 points and some consideration for traffic volume around the centre was included (10 points).

Similar to the SWEAP guidelines, the City hoped to get representatives from industry, government agencies and the general public involved in a public participation forum.

Methods were varied for getting a hold of as many people as possible including the development of a web page and soliciting people for phone calls, faxes et cetera.⁵¹ The main avenue for comment remained the public meetings which were divided up based on group types similar to the SWEAP process.

The initial sets of meetings were to look specifically at general issues and more specific concerns including the screening procedures for potential service providers.

⁴⁹ *ibid*

⁵⁰ *ibid*

⁵¹ City of Toronto. SWM-MEP Newsletter Volume 1 Bulletin 2. December 1998.

What was not on the agenda was the ability for any stakeholder group to question elements of the process that had already been set in stone.

Ordinary Citizen Meetings

In its literature, the City alleged that the number of pollutants to be evaluated had increased due to suggestions made from the 271 comments received from various ordinary citizens during the consultation period.⁵² Interestingly enough, the only mention of questioning regarding pollutants on record is a question did arise with regards to polyvinyl chlorides and whether or not these would be disposed of by bidding persons.⁵³ The City confirmed that these had already been included in one of their organic categories.⁵⁴ So much for the confirmation of “meaningful” public consultation.

Most of the opinions and suggestions put forth during the ordinary citizens' meetings were not as fruitful in terms of responsiveness.

The first of these meetings was attended by 22 people. Unfortunately there is no way to tell whether or not any of these individuals represented specific interests or whether they were merely just interested in the process as citizens. Cross checking other meeting lists, it can be determined that 3 attendees were City staff.⁵⁵ It was indicated in the minutes that more people had been anticipated but it did allow for a more informal process which would seem to facilitate the process of hearing from people especially if

⁵² ibid

⁵³ ibid

⁵⁴ Gutteridge, Barry H. Commissioner Works and Emergency Services. **Solid Waste Management Marketplace Engagement Process: Results of Consultation Program.** Report to the Works and Utilities Committee, City of Toronto. March 15, 1999.

⁵⁵ City of Toronto. **SWM-MEP:Stage One (Draft) Planning Document. Public Forum.** January 9, 1999

some residents are intimidated by formal proceedings. This meeting had the most comments and suggestions of any meeting before or since.

Many of the comments and suggestions were of the general questioning variety and involved figures of tonnage et cetera which could be found in the initial proposal presented by staff to Council. One can presume that since these issues were raised in this forum, the general public had not scrutinized this document as much as the industry players had or perhaps there was a lack of understanding of the document. Similar sentiments were expressed about having one company deal with both diversion and disposal to provide for a more efficient delivery of services.

Interestingly enough, it was at the general public meeting that the issue of NIMBYism came up. The participants wanted proposals on the table to be considered even if community lobbying against projects was at play.⁵⁶ Given that none of the proposed sites was located within the boundaries of the City of Toronto, perhaps this was not surprising. It is far easier to be rational about decisions if there is no threat of putting a dump in your backyard.

Directly conflicting with issues that arose during the sessions with Industry group, the general public wanted the sites to be known during the initial bidding process.⁵⁷ The location of the final site was going to be a political issue with inevitable criticism that Toronto was dumping its problems on another community. It was going to be more easy for the public to swallow if the community was not a disadvantaged town desperate for revenue. The City did end up reporting on the planning location of each site proposal once the applications for further consideration were approved.

⁵⁶ *ibid*

The time frame was also questioned as the general public believed that speedy adherence to environmental assessment procedures would come at the expense of public comment.⁵⁸ Time does seem to be an issue through the entire process. Unlike the previous attempts to solve its garbage problem, this process was on a strict time line and most of the shortcomings of the consultation period are directly a result of this. It should be noted that in the meetings with provincial representatives, the time line was not an issue suggesting that the Province had either allowed for special circumstance to come into play in this particular process, or that the time had in fact been adequate to perform a full environmental assessment.

Concerns about engineers working on previous contracts evaluating bidders was also expressed.⁵⁹ This echoes the situation in New York City where the issue was finding an impartial firm to evaluate a proposal. The fact of the matter is that this particular field can be rather incestuous where previous bidders end up being advisors to the City. The City had had a long relationship with Proctor and Redfern who had authored Metro's framework for waste management in that municipality's final days. Both they and MacViro had a proven track record and probably enough of a professional background to provide the City with impartial information.

Unlike the Industry group, the citizens group took it upon themselves to get more people involved by starting a circulation list.⁶⁰ Perhaps the Industry players were not trying to do their competitors any favours.

⁵⁷ *ibid*

⁵⁸ *ibid*

⁵⁹ *ibid*

⁶⁰ *ibid*

In terms of technological breakthroughs, the public favoured setting aside money for the City to constantly do research on this emerging field (1% of the total budget was pitched). The City made a reference to possibly pouring more money into new and emerging technological research but no specific numbers were agreed to.⁶¹ Given the desire for the City to evaluate contracts on a five year basis, it can be presumed that research into new technologies would at least take place along those five year cycles to make sure that the company they were dealing with was still providing the best deal.

In a rather odd comment, it was suggested that Mexico should not be included in the process and that the radius should be extended to destinations farther away.⁶² The City responded by stating that through consultation, Mexico was deemed to not be an appropriate dumping ground.⁶³ Although the persons with whom the City would have held consultations on this issue are not mentioned, one can imagine that it was in all likelihood political actors who could envision the outcry of protest surrounding the issue of a first world municipality hauling garbage into a developing country. It would make any hue and cry about shipping garbage to a desperate Northern Ontario community seem no louder than a whisper.

Some grumbling about past non compliance with provincial standards was stated and the public group wanted assurance that this project would be constantly monitored to be maintained under provincial standards.⁶⁴ While these types of comments are thoughtful, it can be presumed that the province would keep a close eye on the

⁶¹ Gutteridge ibid

⁶² City of Toronto. SWM-MEP:Stage One (Draft) Planning Document. Public Forum. ibid

⁶³ Gutteridge ibid

developments of this project with a great deal of interest. Throughout the process there were many comments about how this process would set the tone for the rest of the province in issues ranging from the cost of waste management to realistic expectations for diversion figures.

Overall, the private citizens only had one meeting to attend before they were lumped in with industry and government agency players in general meetings. Given the comments and questions raised, it does not appear that anything spoken at this meeting became binding policy. It was primarily an information session to let people know what was going on.

The Industry Meetings

The initial meeting of industry players was attended by 37 people of which 8 persons were representatives of various City departments.⁶⁵ The other representatives were mostly composed of groups that would eventually make a bid for garbage services under one of the three categories.

Initially, the main concern of industry players was as mentioned earlier, the rather limited timeline they were given to get their act in gear. They felt that 18 months was too short a time to effectively start construction on a new site as the Keele Valley site closed down.⁶⁶ Although pressure existed from industry players to quickly move along with the

⁶⁴ City of Toronto. **SWM-MEP: Stage One (Draft) Planning Document. Public Forum.** *ibid*

⁶⁵ City of Toronto. **SWM-MEP: Stage One (Draft) Planning Document. Industry Meeting #1.** December 17, 1998.

⁶⁶ *ibid*

process and some commitment to speed up the process was made⁶⁷, it did not appear as though any stage of the project was rushed.

When the Diversion RFP was finally issued, the main concern was the preferred customer clause and the right which the City maintained to determine what surrounding areas would take part.⁶⁸ The City had been hoping to sign up a company that would primarily do business only with them and to prioritize their services above all the others. The industry players believed that a company may bid such a low price in order to secure the contract that they would need as much outside business as possible to recoup any losses or slim profit margins.⁶⁹ It was a clause which was attacked in all Industry group meetings but in the end the City did not budge, presumably to ensure that the service would be maintained at a high level to reassure voters who may have preferred to see the whole process remain in public hands.

The secondary stage involved the distribution of the Request for Expressions of Interest which were adapted to request information about a corporation's ability to utilize technology and be familiar with diversion programs.

This stage had been under criticism by the Industry group from the beginning of the first consultative meeting.

⁶⁷ Gutteridge *ibid*

⁶⁸ Gutteridge, Barry H. Commissioner Works and Emergency Services. **Toronto Integrated Solid Waste Resource Management Process: Request for Proposals for Proven Diversion Services**. Report to the Works Committee, City of Toronto. October 27, 1999.

⁶⁹ *ibid*

Some industry players felt put off that past experience and credibility did not seem to be taken into account in the new bidding process⁷⁰ but with the City considering employing technology which it hadn't used before, this is not terribly surprising.

As mentioned earlier, concern was also expressed that if the bid information became public knowledge that it would be viewable by competitors and hurt companies' chances in other bids.⁷¹

The group also stated that new technologies would probably not be able to be used to reduce costs as the amount of tonnage would be too small to lead to potential savings. The City had been seeking a long term technology contract which didn't make sense to the participants, as a new technology would not be as relevant in 20 years et cetera.⁷² Presumably, however, if the City were reviewing the contract every 5 years, the issue of changes in technology could always be re-negotiated.

One of the most confusing issues of the entire process had to do with figuring out whether or not the City was going to require an individual company to perform all tasks or if different companies would ultimately be responsible for different areas of the process. Industry was divided on this issue and flip-flopped between meetings. Initially, there was some favour for one company performing all tasks to ensure that all stages of the process run smoothly. Smaller players naturally argued that multiple contracts would involve more companies and the ability to take advantage of individual companies' specialization. In the end, the City agreed with the second opinion and kept the process open to as many different companies as possible.

⁷⁰ City of Toronto. **SWM-MEP: Stage One (Draft) Planning Document. Industry Meeting #1.** *ibid*

⁷¹ *ibid*

By the time the second industry meeting had been called, attendance had increased to 42 persons. The Town of Markham returned to the process and they were joined by the Region of Peel who sent three representatives to observe what was happening in the main City and to offer comment. Owen Sound and Essex-Windsor were also in attendance but they were technically "industry" players in this scenario as both intended to bid on contracts. City staff comprised 5 representatives.⁷³

A major concern addressed was the inability to compare apples with oranges. The Toronto process had included a number of diverse groups and as a result several different types of proposals would be on the table.⁷⁴ Would the City be able to make an equitable decision in this circumstance? It would seem both from the City's planning document and from their response to these queries, that it was actually looking forward to receiving diverse proposals as it intended to engage as many members of the community in the process as possible.⁷⁵

Public bidders also had concerns about competing against private providers and the question of financial requirements. Comments about hazardous waste were noteworthy as little mention was made of hazardous disposal in the main planning document.

It appears that the Industry meeting was dominated by issues of primary concern of the individual companies as they jockeyed for better position. The larger companies sought an all inclusive contract while maintaining the right to take contracts elsewhere.

⁷² ibid

⁷³ City of Toronto. SWM-MEP:Stage One (Draft) Planning Document. Industry Meeting #2. January 7, 1999.

⁷⁴ ibid

The smaller companies urged the City to diversify. To City ended up sticking by its principles and proceeded to accept applications for different components of the waste management process. From the standpoint of the person who would perhaps believe that consulting with Industry would allow the City to change course to create a more business friendly environment, the process would appear to signify nothing.

Government Agency Stakeholders

In the Government Agency meeting, 2 representatives from consultant Proctor & Redfern attended and joined nine representatives of the province and seven City employees. Provincial representatives came from the Ministries of Energy, Science and Technology, Environment, Agriculture, Food and Rural Affairs and Municipal Affairs.

The province was mainly concerned with whether or not the City would ensure that each bid was provincially compliant or whether it was the responsibility of each bidding corporation.⁷⁶

There were also questions regarding leadership of the project on the City's side in terms of negotiating contracts and the possibility that several companies would be awarded smaller contracts. The City confirmed that the project team itself would be conducting the negotiations.⁷⁷ By approaching negotiations this way, it would appear that the City wanted to keep the entire process out of the political reign and save the bidders from having to endure questioning by Council.

⁷⁵ Gutteridge, Barry H. **Solid Waste Management Marketplace Engagement Process: Results of Consultation Program.** ibid

⁷⁶ City of Toronto. **SWM-MEP:Stage One (Draft) Planning Document. Government Agency Meeting.** January 5, 1999.

⁷⁷ Gutteridge, Barry H **Solid Waste Management Marketplace Engagement Process: Results of Consultation Program.** ibid

Not surprisingly therefore, a contingency plan was requested as City Council may reject the recommendation of the process if it is not politically viable.⁷⁸

There was also some question about maintaining a 2000-2007 time limit and to consider the possibility of having a short term solution in place for a longer period of time.⁷⁹ The City confirmed that ultimately this would be a short term solution while a new greenfield was sought.⁸⁰ They stuck by the timeline.

In what seemed mainly to be a question of self interest, the provincial representatives wondered whether or not criteria to create jobs in Ontario were frowned upon by corporations. Providing grants and favourable loans to corporations that create jobs within the province has been a provincial politicians' trick for ages.

Despite the presence of several ministries, a feeling was expressed that other ministries should be brought to the table and suggested stronger communications in general with the province as well as with farm organizations.⁸¹ The City handed the responsibility of bringing new ministries into the process to the province.⁸²

Unlike the London process, the obsession to please the province did not appear to be in the forefront of the City's thinking and like the ordinary citizens, the province was only granted one exclusive stakeholder meeting.

⁷⁸ City of Toronto. **SWM-MEP:Stage One (Draft) Planning Document. Government Agency Meeting.** *ibid*

⁷⁹ *ibid*

⁸⁰ Gutteridge, Barry H. **Solid Waste Management Marketplace Engagement Process: Results of Consultation Program.** *ibid*

⁸¹ City of Toronto. **SWM-MEP:Stage One (Draft) Planning Document. Government Agency Meeting.** *ibid*

⁸² Gutteridge, Barry H. **Solid Waste Management Marketplace Engagement Process: Results of Consultation Program.** *ibid*

All Stakeholders Meetings

During the first "all stakeholder" gathering, the dominance of the Industry group was quite apparent. Much concern was also levied at the City's plan to regulate industrial waste capacity at a new disposal location. Many corporations saw the City competing directly with a private corporation. The bureaucrats felt restricted in this regard as they had been directed through a policy of City Council to take into consideration industrial/commercial (referred to as IC&I) waste.⁸³ This area was evidently not negotiable during the course of the engagement process.

The anti-lobbying ban was also considered to be problematic. There was no mention of whether or not lobbying would be permitted in outside areas and the competing companies only wanted it instituted when short lists are drafted.⁸⁴ Most felt there was a double standard that special interest groups would be able to lobby freely during the same period perhaps against an individual firm. No mechanism existed to ensure that misinformation could be cleared up without it being interpreted as being formal lobbying.⁸⁵ The City confirmed that the anti-lobbying provisions were to be designed in such a way that access to the media would not be limited and that presentations before the Works committee would be permitted.⁸⁶ While some protest was detected by the City when conducting surveys of possibly affected areas, no strong anti-dump resistance existed to affect how the dump was chosen. If a more vocal and organized campaign (perhaps with members of the community marching on City Hall)

⁸³ ibid

⁸⁴ City of Toronto. **SWM-MEP:Stage One (Draft) Planning Document. Stakeholder Meeting.** ibid

⁸⁵ ibid

had occurred, it would have been interesting to see whether or not the few avenues which the companies had to plead their case would have been enough to sway Council's opinion.

The second general public meeting was interesting in that it asked for a comparison with the Guelph wet/dry program.⁸⁷ Given that the Guleph program was very similar to the one which CUPE would propose for the City, one wonders whether or not some coordinated effort had been underway to convince some participants to bring the idea into the public eye before the alternate proposal was made official. The City ended up agreeing to take a look at the Guelph experience.

In another bit of positive news for CUPE employees, discussion of staff numbers confirmed that the City was in favour of maintaining staff numbers at their current level.⁸⁸

In a bid to ensure that a winning bid had other avenues for revenue, Industry asked a number of questions about industrial and commercial waste. The City talked at length about how both types of waste usually ended up in private sites and facilities through contractual arrangements but they were forced to admit that much of this waste would probably end up at the same facility and it would be necessary to ensure accurate readings of diversion numbers.

A stakeholder meeting was held specifically to deal with the criteria sought in the Request for Proposals stage which was attended by 21 people.⁸⁹ City staff were

⁸⁶ Gutteridge, Barry H. **Solid Waste Management Marketplace Engagement Process: Results of Consultation Program.** ibid

⁸⁷ City of Toronto. **SWM-MEP:Stage One (Draft) Planning Document. Stakeholder Meeting.** March 1, 1999.

⁸⁸ City of Toronto. **TIRM Newsletter Volume 2 Bulletin 3.** July 1999.

responsible for six attendees. The other participants were approximately an even mix of environmental activists, those who classified themselves as ordinary citizens and members of industry.

At this particular session, the participants were asked to determine what the criteria should be and how it should be weighted. The top priorities were identified as the need to ensure that residue is kept to a minimum, to produce high quality compost, and to keep the operation as cost effective as possible.⁹⁰ Medium priority was given to ensuring that the service remain in public hands, that many contracts will be issued and that Canadian technology and resources be used. Low priority was given to traffic concerns, improvements to apartment diversion programs and to monitoring systems. Noise and odour concerns were also given a low priority. Surprisingly also allocated in the low priority pile was the track record that each company had with the community in which they had engaged in disposal activities.⁹¹ As the weighting had already been done, this exercise was perhaps an attempt to get the public to make a final decision if Council were split between two or more projects.

Common Concerns - Diversion

Based on the report contained in the quarterly newsletter, the main issue that caught the attention of staff was the diversion issue. Specifically, the waste curves of the city were questioned.⁹² The high standards set for the reduction of waste was based on the

⁸⁹ City of Toronto. **SWM-MEP: Stage One (Draft) Planning Document. Stakeholder Meeting.** ibid

⁹⁰ ibid

⁹¹ ibid

⁹² City of Toronto. **SWM-MEP: Stage One (Draft) Planning Document. Industry Meeting #1.** ibid

presumption that technology would allow for better sorting and the enhanced ability to re-use a lot of disposable substances.

Already incorporated into the waste disposal system (at least within the boundaries of the old City of Toronto) was the Green Pail food recycling program and pilot projects specifically aimed towards apartment buildings and various composter distribution systems.⁹³

The City were optimistic about their diversion abilities and had predicted an 80% diversion rate by 2022 mainly due to technological breakthroughs to be used at the Dufferin Transfer Station, using a BTA Process which has been created by the Germans to divert organic waste and to create compost without overloading a community with bad odours.⁹⁴ At time of SWM-MEP's launch, the City was diverting 25% of residential waste.

The diversion issue would become the paramount concern of the City prompting the changing of the name of SWM-MEP to TIRM (Toronto's Integrated Solid Waste Resource Management Process) with a bold mission concerning diversion incorporated into the mission statement. Soon after the creation of TIRM, City Council would be even more optimistic about diversion numbers and predicted 50% diversion by 2006. This is not out of sync with what comparable municipalities were contemplating.⁹⁵ Halton Region was ahead of everyone else by having a current diversion rate of 37% with plans to hit 50% in 2000. Durham Region had started out at a similar point as Toronto and had also picked 2000 as the 50% diversion rate year. Peel Region aimed for 70% diversion

⁹³ City of Toronto. **SWM-MEP Newsletter Volume 1 Bulletin 3.** *ibid*

⁹⁴ *ibid*

⁹⁵ *ibid*

but gave themselves until 2016 in order to accomplish this task. A lot of determining whether or not this program was going to be successful depending on pilot projects which the bidding companies were not happy with, considering the time lines needed to prove beyond a shadow of a doubt that pilot projects are successful.

The public consultation groups were asked to address the diversion issue in September of 1999. Specifically they were asked to look at health and environmental concerns, the amount of residue which is left over from certain processes and the creation of marketable end products.

As with the industry group, the presumptions of the City with regard to diversion figures was questioned by the meeting of ordinary citizens. The environmental groups naturally supported as large a diversion program as necessary. Estimates of the actual number of garbage to be deposited in a site was critical for the industry gatherings, as a winning bid may not be able to deal with an unexpectedly large amount of tonnage either in terms of space or available staff. The bidding price was to be based on the amount of "end" garbage anticipated by the City and a low bid price may have ended up bankrupting a private contractor if additional costs were incurred to deal with large volumes.

A new separate diversion group was created with four members. The diversion groups believed that they were too small to bid for the entire process and required the City to confirm that there could be two potential winners, one for diversion and one for disposal.⁹⁶ This could lead to problems of disposal companies not having an incentive to divert waste as it would be going against their best interests. The potential to divert

industrial waste needed to be investigated as well. Quite surprisingly, there seemed to a question of whether or not City equipment could be used to utilize new technology. Some criticism was leveled that a lot of competitors were not aware of the process and would enhance the process if they were involved.⁹⁷ In its formal response, the City did not agree with any of the opinions of the diversion group and stated that it believed it had engaged most of the companies involved in this area and that plenty of competition could be anticipated.⁹⁸

In the end, 12 submissions were received by companies that had had some experience with diversion methods.⁹⁹ 9 submissions were received from companies or other municipalities that were already in the business of providing landfill space and 11 submissions were received from those advocating new technologies. Out of these bids, the City determined the applications that actually complied with what was asked for, reducing the numbers to 8, 7 and 8 bids in each respective category.¹⁰⁰

Common Concerns - Haulage

In their initial report, the City had decided to de-link haulage from the actual disposal component.¹⁰¹ The thinking was that one company (or the municipality) would be responsible for hauling and another for storage. The industry representatives seemed to believe that both issues could be handled together and would probably result in a lower

⁹⁶ City of Toronto. **SWM-MEP:Stage One (Draft) Planning Document. Industry Meeting #2.** January 7, 1999.

⁹⁷ *ibid*

⁹⁸ Gutteridge, Barry H. **Solid Waste Management Marketplace Engagement Process: Results of Consultation Program.** *ibid*

⁹⁹ City of Toronto. **TIRM Newsletter Volume 2 Bulletin 3.** *ibid*

¹⁰⁰ *ibid*

¹⁰¹ City of Toronto. **Solid Waste Management Marketplace Engagement Program: Stage One (Draft) Planning Document.** *ibid*

combined bid price. In the end despite the fact that both industry players and environmental groups supported the possible inclusion of haulage in any contract, the City would proceed to request Expressions of Interest with the understanding that the two components (storage and haulage) would be treated as two separate bids.

The first general stakeholder was dominated by the Industry groups and municipal players. This meeting was to deal with specific issues which arose around the introduction of third party haulers for disposal contracts, and municipal participation on the hauling component. With this meeting on very specific topics, there may have been a lack of interest in the general public to deal with very technical issues. The idea of using railways to haul garbage emerged during these meetings and it became apparent that haulage was going to be cheap but limited using this route.¹⁰²

Input from Affected Communities

One innovative form of public participation which Toronto had embarked on was to seek public input from communities who were potentially affected by a final disposal decision. Specifically, it solicited opinions from communities which had been proposed as landfill sites by those submitting bids. A total of 271 comments were received.¹⁰³ The vast majority were from the Michigan Area with 162 comments. Most of the comments were negative in nature and suggested that Toronto should deal with its garbage problem within its own boundaries. Interestingly, there is also a great deal of concern over the road and railways where garbage would potentially be shipped.¹⁰⁴ The City did not have a prepared response to this question and it cannot be determined whether or not they did

¹⁰² City of Toronto. **SWM-MEP:Stage One (Draft) Planning Document. Stakeholder Meeting.** February 25, 1999.

¹⁰³ *ibid*

have a plan in place to deal with possible spillage. In a response to the comment, it was merely acknowledged that such discussions would take place while negotiating the terms of the contract.¹⁰⁵ It should be noted that few responses were received from Kirkland Lake. It is entirely possible that Council reckoned that a low response rate could result in little hassle by residents once the garbage contract was signed.

The CUPE Waste Management Plan

In an attempt to ensure that its members played a pivotal role in whatever decision TIRM made, CUPE hired the Toronto Environmental Alliance to prepare an alternative disposal plan. The City seemed somewhat receptive to the suggestions provided and hired MacViro Consultants to do a comparative analysis of CUPE's plan.¹⁰⁶ The seriousness with which the City took the proposal can best be identified through the amount of money paid to the consultant to undertake this evaluation which approximately equalled \$32,500. MacViro also consulted with Enviros RIS mainly because of the work which this organization had done with the Guelph wet/dry plan, and which had served as a model for the CUPE proposal.¹⁰⁷

The CUPE alternative is generally referred to as "the wet/dry system" which essentially describes the method by which garbage is divided into wet and dry material to assist with the sorting out of recyclables and with organic components for composting. What was definitely a sign of good faith was the positive way in which it was

¹⁰⁴ *ibid*

¹⁰⁵ Gutteridge, Barry H. **Solid Waste Management Marketplace Engagement Process: Results of Consultation Program.** *ibid*

¹⁰⁶ Gutteridge, Barry H. Commissioner Works and Emergency Services. **Toronto Integrated Solid Waste Resource Management Process: Comparative Analysis of the CUPE Waste Management Plan.** Report to the Works Committee, City of Toronto. February 22, 2000.

investigated to see whether or not some of the recommendations of the CUPE report could be implemented immediately.¹⁰⁸ This proves that the City was open to plan changes in some circumstances but it appears to only have been the case where the changes were easy to accommodate and did not deviate from the overall goal designed by the bureaucrats.

Conclusion

The SWM-MEP/ TIRM process will not go down in history as a stellar or even a unique example of public participation in waste management decision making. In fact, the process itself will no doubt be criticized for years to come.

If meaningful public consultation results in the transfer of power from elected official and bureaucratic officials to the general population, then no power transfer has taken place in this example. Public consultation systems were developed to discuss a document whose principles remained intact throughout the entire process. This exercise was a very typical case of a bureaucracy controlling a process while maintaining final authority in the hands of the elected officials.

The public was consulted and opinions were gathered but it cannot be said that this was even a true dialogue. Answers to questions were provided in a Report to Council and not directly to the people who had asked them in the first place. Unlike the SWEEP process, members of the public were not engaging the decision makers directly. The bureaucrats reserved for themselves the last say.

This was perhaps inevitable as time limits were certainly a factor more in this process than what had previously existed in past consultation endeavours. As the Industry

¹⁰⁷ *ibid*

players had noted, the winning company would be hard pressed to get preparations completed by the time of the death of the Keele landfill site. In order to avert a crisis, the process needed to be comprehensive and include public opinion but it also needed to be set up immediately. One cannot blame the City for engaging in a process which needed to be enacted post haste.

As mentioned earlier, although this decision would impact the lives of ordinary citizens, the onus for the City to provide meaningful dialogue was lessened by the fact that the site chosen would not be in the vicinity of any person with a vote in the City of Toronto. Although the average citizen may be dismayed that the solution for Toronto's garbage could not be handled (for the most part) within City limits, he or she is not likely to contemplate Kirkland Lake very often reinforcing the concept of "out of sight, out of mind." The fear that single industry municipalities will use this example to replace the loss of a major commercial taxpayer is probably justified. Like casinos, it will likely be a growing moral issue but one which ultimately will lead to improved economic development.

The one area of change within City limits will be the new task of diversion within pre-existing waste sorting areas. As the case in Halifax noted, success can be attained but only with good publicity and a commitment to civic pride. Instead of justifying diversion numbers, the City passed up a golden opportunity to use attendees at the consultation sessions as ambassadors convincing their fellow neighbours to embrace and use the new system.

¹⁰⁸ *ibid*

Ultimately out of a population of approximately two and a half million people, only a handful of people were solicited for an opinion with great ramifications for the future of waste management in the City. Beyond enforcing a strict community participation scheme similar to the fines levied against citizens who don't vote in Australia, this seems to be the best possible solution. Forcing people to attend will result in crowds who will not have the technical knowledge to offer intelligent opinion and relevant discourse. Even if, as New York City, the City of Toronto provided vast amounts of technical personnel to assist participants, there is a great assumption that people will be genuinely interested in the discourse and will absorb the knowledge provided. Polling is not the answer either, both in terms of small sampling sizes and the sophistication of the issue which no poller could ever relate to a respondee in any adequate fashion.

The public meeting with voluntary participation can lead to the possibility of environmental or industry groups dominating the proceedings. It is an imperfect solution but it is the most logical one for the future. The City can make the effort to improve the education of citizens about waste management but it cannot force them to offer opinions. As Virginia MacLaren had noted, the SWEEP process was flawed but it was flexible and it did allow participants to have the time to contemplate issues and to comment over a longer period of time. The City was on the right track. It didn't have the time to get things straight this time but hopefully it will look to the SWEEP process and to forget TIRM when making decisions of this sort in the future.

Appendix A

Goals and Objectives of the London/Middlesex Public Consultation Process

1. Enhance public awareness and understanding of issues related to the disposal of waste and the waste disposal challenges and opportunities facing London/Middlesex.

Objectives

- Identify, as early as possible, all stakeholders that may have an interest in the waste disposal planning process.
- Provide, early on and in a timely fashion, information on key issues and developments within the waste disposal planning process.
- Make all stakeholders, including the general public, aware of the waste disposal planning process and the provincial approvals process, as well as the significance of the process so that all can decide whether and how they should become involved.

2. Achieve effective public consultation as part of the waste disposal decision-making process

Objectives

- Develop effective consultation programs for the EA ToR Development and EA Study having regard for budget and public perception.
- Establish cooperative relationships with stakeholders, that have an expressed interest, in the early stages of the process and be responsive to their suggestions and needs.
- Offer appropriate opportunities for stakeholders to provide constructive input to the waste disposal planning process before any decisions are made.

3. Realize appropriate issue identification and problem solving results to enhance public acceptance of decisions

Objectives

- Provide timely and effective responses to the suggestions, issues and concerns identified throughout the consultation programs. Ensure the decisions of the planning process reflect the findings of the consultation program and the reasons for rejection or acceptance of ideas are fully explained.

Source: City of London/County of Middlesex. **Discussion Document: Waste Disposal Challenges and Opportunities for London/Middlesex**. May 1998.

Appendix B

Stakeholders and Agencies asked by London/Middlesex to participate in the public consultation sessions from their commencement

- Thames Region Ecological Association (TREA)
- Environmental Management Resource Centre for Business (EMRCB)
- Chamber of Commerce - Environment Committee
- The Urban League of London
- W12A Neighbourhood Liaison Committee
- Advisory Committee on the Environment (ACE)
- London Home Builders Association (LHBA)
- Middlesex Federation of Agriculture
- Ontario Christian Farmers
- London Property Management Association (LPMA)
- Hold All London Taxes (HALT)
- Waste Disposal Planning Public Liaison Committee
- Ministry of the Environment Environmental Assessment Branch
- Ministry of the Environment Southwestern Regional Office
- Ministry of Agriculture, Food and Rural Affairs
- Ministry of Citizenship, Culture and Recreation
- Ministry of Transportation
- Ministry of Natural Resources
- Upper Thames River Conservation Authority

Source: City of London/County of Middlesex. **Discussion Document: Waste Disposal Challenges and Opportunities for London/Middlesex**. May 1998.

Appendix C

Technical Consulting Team for London/Middlesex Public Consultation Process

Waste Marketing
Bailey Mylleville, Principle

Proctor and Redfern
Ron Vermey, P, Eng., Regional Office Manager, London
Mike Pratt, Associate, Senior Environmental Assessment
Steve Plaice, Waste Management Planner

Dillon Consulting
Gary Komar, P. Eng., Manager, Waste Management Group
Catherine Fletcher Marsden, Senior Environmental Planner
Rick Todd, P. Eng., Environmental Engineer
Janet Smoulders, Senior Environmental Planner

Makin' Headlines
John Matsui, President
Dan McDonald, Vice President

Source: City of London/County of Middlesex. **Discussion Document: Waste Disposal Challenges and Opportunities for London/Middlesex.** May 1998.

Appendix D

The Assessment Framework of Virginia MacLaren

1. The public's limits of authority in the policy-making process should be clearly defined.
2. Adequate staff and resources should be committed to the program.
3. The size of the program structure should not be unwieldy.
4. The participants should be representative of the full range of values in the community.
5. The structure of the program should be flexible.
6. Ground rules should be established for the operation of the program.
7. Participants should receive agenda and background materials before meetings.
8. The program should be dealt with in good faith by the decision-makers.
9. Staff should be responsive to participants' requests for information.
10. Participants should be encouraged to maintain regular contact with the groups that they represent.
11. Decision-makers should become involved in the program.
12. The public should become involved during the early stages of the planning process.
13. The program should include more than a single type of public involvement technique.

Source: MacLaren, Virginia W. "Assessing Public Participation in Waste Management Planning in Toronto" in Environments. Volume 23 Number 1 p. 52

Appendix E

Key Public Input Recommendations During Appraisal Stage (and Response by SWEAP Management Committee)

1. Involve municipal officials and politicians (YES)
2. Change structure for public involvement from subcommittee/committee format to advisory caucus/multi-stakeholder format (YES)
3. Provide a facilitator and secretary to the multi-stakeholder committee (YES)
4. Make technical staff available to public groups (YES, to the extent that resources permit)
5. Provide funding for public groups to hire their own experts (No established policy on this issue. Requests for funding to be dealt with on case by case basis)
6. A member of the public should sit on the SWEAP Management Committee (NO)
7. There should be public input at the draft stage of SWEAP document preparation (YES)

Source: MacLaren, Virginia W. "Assessing Public Participation in Waste Management Planning in Toronto" in Environments. Volume 23 Number 1 p. 52

Appendix F

Goals and Principles of the SWEAP public participation program

1. As many citizens as possible, including all public groups with an interest in any aspect of waste generation or management or environmental or municipal matters should be encouraged to participate in developing the plan.
2. Public involvement should be as meaningful as possible and should allow for unrestricted access to all relevant information and for full and responsive treatment of public input.
3. The overall goal is to obtain a broad level of agreement on the proposed course of action among as many relevant groups as possible.

Source: MacLaren, Virginia W. "Assessing Public Participation in Waste Management Planning in Toronto" in Environments. Volume 23 Number 1 p. 52

Appendix G

Components of SWEAP Outreach Program

1. SWEAP news
2. Lay Summaries of SWEAP documents
3. Introductory Workshops.
4. Resource Centres
5. Facility Tours
6. Master Plan Public Meetings
7. Site Specific Liaison Committees
8. Sitting Public Meetings
9. Waste Reductions Plan
10. Community Action Plan
11. Youth Program
12. Education Kit
13. Public Attitude Surveys

Source: MacLaren, Virginia W. "Assessing Public Participation in Waste Management Planning in Toronto" in Environments. Volume 23 Number 1 p. 52

Appendix H

Objectives of SWM-MEP Consultation

Consultation-related Objectives

1. To use clear, accessible language in project-related documentation and communications that accurately reflects the technical nature of the contracting process.
2. To provide opportunities for information exchange at key times to all those who are interested. All interested stakeholders should be kept abreast of activities and have an understanding of factors shaping the project.
3. To use a variety of consultation approaches, as appropriate, including workshops, open houses, group meetings, to ensure the engagement of the diverse range of interested stakeholders.

Communications-related Objectives

1. To support the project's public consultation plan.
2. To increase understanding and participation of stakeholders in project activities through an advertising campaign, newsletters, a comment line, and a project-related web site. Fact sheets and display panels may be used where appropriate.
3. To effectively communicate key messages from the project team/the City.
4. To broadly publicize tendering opportunities to potential bidders at the Request for Expressions of Interest (REOI) stage.
5. To provide access and information to the media via the project spokesperson.

Target Audiences

1. Residents of the City of Toronto
2. Politicians and Staff
3. Waste Management Industry
4. Environmental Non-Government Organizations, Various Industry Groups, Labour Unions and other Public Interest Groups
5. The Toronto Media

Tools and Techniques

- A database will be developed to facilitate direct-mailing of project-related information.
- An advertising campaign will promote consultation events that may be held to prompt attendance and stakeholder participation.
- Project information will be posted on the City's web site to enhance public access and opportunity for comment/questions
- A series of newsletters will be written at key times through the project to inform industry, agencies and organizations, and the members of the public on the SWM-MEP project mailing list of key happenings and opportunities to participate in various aspects of the project.
- Fact sheets, display panels, and other appropriate support materials will be developed to enhance the understanding of industry members and members of the general public.

- A 24 hour comment line and a toll free 1-800 number will be advertised so that any interested stakeholders can request information or leave project related questions and comments.
- Workshops or other meetings may be held to guide the development of project activities such as the finalization of the RFP criteria.
- The telephone number of the Public Consultation Coordinator will be advertised.

Key Consultations and Communications Activities

Stage 1 - Draft Planning Document

- Newsletter preparation and distribution
- Circulation of Draft Planning Document to industry, government agencies, potential GTA partners, environmental groups, interested members of the public
- Public and industry meetings will be held to discuss project direction and REOI criteria
- Web site information posted and updated, as appropriate
- Advertisement of 24 hour comment line in all project materials
- Documentation of results of Stage 1 consultation

Stage 2 - Request for Expressions of Interest

- Ensure completion and accuracy of database
- Develop advertising campaign for REOI and upcoming stakeholder consultations
- Advertise REOI call in appropriate media, circulate to database
- Newsletter preparation and distribution
- Preparation of project fact sheet and display panels, if appropriate
- Documentation of results of Stage 2 consultation

Stage 3 - Request for Proposals

- News release announcing short list of proposals
- Stakeholder engagement to develop and refine RFP criteria
- Documentation of results of RFP criteria consultation
- Newsletter preparation and distribution

Stage 4 - Due Diligence, Review, Negotiations, Award of Waste Contract

- News release announcing successful proponent(s)
- Newsletter preparation and distribution
- Documentation of results of project consultation overall

Source: City of Toronto. **Solid Waste Management Marketplace Engagement Program: Stage One (Draft) Planning Document**. November 23, 1998.

Appendix I

Stage One Industry Meeting One

Attendance

H. Amoud City of Toronto Works
 Colin Andrews Plasma Environmental
 J. Annand Pak-Man Enterprises
 P. Becker MacViro
 Carmine Bruno City of Toronto Finance
 Richard Butts City of Toronto Works
 Jessica Campbell Hammersmith Environmental Recycle Plus
 Carl Conusso Wasteco
 Andrew Csorba Accurate Waste Quip
 Otto Fasberger SSI Schaefer
 Faruk Fattah FATCO Holdings
 Larry Fedec Dillon
 Richard Gilbert AGRA
 Nigel Guilford Rail Cycle North/Canadian Waste Services
 Tracey Ehl Harrison City of Toronto Works
 B. Holzein Eastern Power
 Phil Jenkins Jenkins and Associates Ltd.
 Bohdan Kowalyk
 Mark Lyons Wheelabrator
 Nancy Martins City of Toronto Works
 Clarissa Morawski CM Consulting
 Gordon McGuinty Rail Cycle North
 Mike McGuinty Rail Cycle North
 Paul Murray Gartner Lee
 J. Nagano BFI
 Harry Olivier Consultant
 Lawson Oates City of Toronto Works Project Manager
 Andy Pollock City of Toronto Works
 Nancy Porteous-Koehler Canadian Waste Systems Inc.
 M. Pratt P & R
 Carmela Romano City of Toronto Finance
 Peter Viega Town of Markham
 Gregory Vogt Eastern Power
 Doug Webb U.M.A.
 Art Wilson Pak-Man Enterprises
 A.J. Wolfe Rail Cycle North, Miller Waste

Concerns/Issues Raised

Process Related Issues

1. The option for companies to offer proposals for 5 year increments needs to be reconsidered.
2. The City's tonnage projections are inaccurate.

3. Is there an intent to require a host municipality agreement?

4. This is a very tight time line.

REOI/RFP Criteria Issues

5. Credibility and past experiences should be enough at the REOI stage.

6. Some companies may not want competitors to know where sites are located at the REOI stage.

7. Life cycle analysis will be used to compare landfill to incineration.

8. It is not clear how RFP evaluation criteria can be reevaluated/refined.

9. Will an evaluation of alternative proposals be done before looking into the price envelope?

Consultation Related Issues

10. Consultation has already been carried out during site specific approvals processes.

Diversion Related Issues

11. Define Diversion.

12. How will the City account for the possibility that its aggressive diversion targets may not be met?

New and Emerging Technologies Related Issues

13. There are no economies of scale to be gained in the new and emerging technologies category, as the tonnages are too small.

14. Locking the City into long term contracts for new and emerging technologies does not make sense, as these technologies will not be so new in 20 years.

Partnership Related issues

15. Will options for partnering be evaluated within this process?

Other Comments

16. The market is looking for a strong commitment from the other regions if they wish to join this process.

Source: City of Toronto. **SWM-MEP: Stage One (Draft) Planning Document. Industry Meeting #1.** December 17, 1998.

Appendix J

Attendance

Richard Butts City of Toronto Works
 Tracey Ehl Harrison City of Toronto Works
 Dan Ionescu Ministry of the Environment Waste Management Branch
 Mae Lee City of Toronto
 Erin Mahoney Proctor and Redfern
 John Malczak MNDM, Corporate Policy Secretariat
 Peter Mancini Ministry of Energy, Science and Technology
 Nancy Martins City of Toronto Works
 Lawson Oates City of Toronto Works Project Manager
 Andy Pollock City of Toronto Works
 Michael Pratt Proctor and Redfern
 Somei Quan Ministry of Municipal Affairs
 Pat Scanga City of Toronto
 Dave Smith Ministry of the Environment Approvals
 Dave Staseff Ministry of the Environment Approvals
 Chris Tschirhart Ministry of Natural Resources, Aurora
 Ray Valaitis Ministry of Agriculture, Food and Rural Affairs
 Mary Ellen Warren Ministry of Energy, Science and Technology

Concerns/Issues Raised

Process Related Comments

1. The document that has been presented is a draft.
2. Does this process detail compliance requirements with provincial policies, or will it be left to the proponent to see if the site complies with provincial policies?
3. Is there any direction being given to proponents to contact relevant provincial ministries regarding compliance with their policies?
4. Would Toronto consider one company taking 100% of the waste for the 20 year period?
5. Who will be conducting the contract negotiations?
6. Toronto needs a contingency plan to deal with the instance that the final results are not acceptable to City Council.
7. If there is a new greenfield site proposed which as to go through an individual Environmental Assessment process, the timelines will not be met.
8. Agencies suggested that they would refer specific project-related questions from the public to the City of Toronto and Proctor and Redfern.

REOI/RFP Criteria Comments

9. Has there been any resistance to the Ontario based benefits criteria?
10. How many responses to the request for Expressions of Interest are expected?
11. Can one EOI response include multiple sites?
12. Who will provide the greenhouse gas emissions measurement figures?
13. What information will decide the pass or fail of a proponent?

Consultation-Related Comments

14. What is the next point at which the government review agencies and public will be invited to comment?
 15. The City should communicate directly with the agency staff involved, as well as through the formal communications channels
 16. Farm organizations should be informed of project happenings.
 17. Other relevant ministries should be informed of this project and invited to participate.
- Diversion-Related Comments
18. What is meant by diversion?
- Partnership-Related Comments
19. What is the range of involvement/partnership that the City will consider?
- Other Comments
20. It was suggested that the City meet with the MNR District Planners who meet once every 6 months.

Source: City of Toronto. **SWM-MEP:Stage One (Draft) Planning Document.**
Government Agency Meeting. January 5, 1999.

Appendix K

Attendance

Colin Andrews Plasma Environmental
John Bray Ontario Waste Management Association
Carmine Bruno City of Toronto Finance
Richard Butts City of Toronto Works
Benjamin Chan Ontario Hydro Technologies
Elizabeth Fournier Notre Development
Allan Gardiner Ont. Int. Was.
Richard Gilbert AGRA
Nigel Guilford CWS Inc.
Jeff Harris BFI
Chai Kalevar UNAC
Bob Kearse Burnside Environmental
S. Khalehria
Melanie Kowalec Peel Region
Tracy Kozar Government Policy Consultants
Peter Lockhart OCMM
Linda Lynch Environment Watch/Harkow
Kathleen MacLean Walker Industries
Mike McGuinty Notre Development
Ed McLellan OCMM
Dave Merriman MacViro
Clarissa Morawski CM Consulting
R. Moskal Peel Region
Judy Nagano BFI
Carroll Nichols OCMM
Lawson Oates City of Toronto Works, Project Manager
Harry Olivier EFW Ad Hoc Group
George Paturalski BFI
Todd Pepper Essex-Windsor Solid Waste Authority
Andy Pollock City of Toronto Works
Nancy Porteous-Koehle CWSI
Mike Pratt Proctor and Redfern
Pat Scanga City of Toronto Works
V. Seferazza Peel Region
Dave Tedesco
John H. Todd Owen Sound
Peter Veiga Town of Markham
Doug Webb UMA Engineering
Scott Wolfe Rail Cycle North/Miller Waste
Ken Wulff Chemical Surplus Ltd.

Concerns/Issues Raised

Process-Related Issues

1. Explain the renegotiation of contracts every five years.
 2. On January 22, 1999, the Greater Toronto Services Board may take over this process.
 3. The City must commit to certain tonnages if it wants a long-term disposal solution.
 4. The definition of waste is missing in the document.
 5. A company should be awarded the entire waste management contract.
 6. Will the REOI and the RFQ be in the same proposal call, to be delivered at the same time?
 7. Everyone should be applying for 20 year bids, otherwise Council may only look at 5 year term options.
 8. 5 year contracts are not a very good way to run a city of this size.
 9. Why are other GTA municipalities' waste not included in the secure part of the graph?
- REOI/RFP Criteria Issues
10. Toronto has taken great pains to ensure a level playing field.
 11. When considering GTA municipal participation in this process, how many RFPs will there be?
 12. Will financial requirements apply to all bidders, public and private?
 13. Municipal government insurers are questioning the financial securities being requested.
 14. In the two envelope system the lowest price always wins.
 15. Meaningful environmental criteria are needed.
 16. There has been a great deal of focus on environmental impacts, yet the benefits of one site over many sites are being overlooked.
 17. In the City's biosolids project bids, environmental components were not accounted for in the evaluation criteria.
 18. Where are the environmental criterion?
 19. The proposal presented at this meeting to combine the REOI with an information seeking process is not a good business practice.
 20. There is some discomfort in revealing site locations at the REOI stage.
- Diversion-Related Issues
21. Low cost of disposal will encourage not meeting diversion targets
- Other Comments
22. Toronto seems to be rewarding disposal, but not recycling.
 23. Richard Gilbert requested a copy of the Memorandum of Understanding that has been developed between the potential GTA participants.
 24. How is the City dealing with the increasing amount of hazardous waste in the garbage?
 25. Waste is a valuable resource which the City needs to deal with in a responsible manner.
- Diversion Group
26. Concern was expressed that the City will not receive any bids for diversion because it is impossible for diversion companies to compete with large sized disposal companies.
 27. Industrial waste is not included in the diversion category.
 28. Must provide disposal companies an incentive to divert.
 29. Policy Principle #1 does not appear to be adhered to.
 30. Diversion targets must apply to both residential and ICI wastes.

31. Provide an opportunity for new and emerging technologies to make use of city owned property.
32. Depending on successfulness, allow for an increase in the tonnages for new and emerging technologies over a time period.
33. Provide for shorter time frame in evaluation of new and emerging technologies.
34. Household hazardous waste has not been included despite capabilities within the private sector to handle its diversion
35. There is no incentive for the diversion of materials other than disposal cost avoidance.
36. Must provide a waste characterization by sector.
37. Page 52, definition of waste diversion - should include 'not thermal or high temperature'.
38. Page 52, definition of waste diversion - should read 'mixed and/or source separated'.
39. It appears that many of the companies in the diversion industry are not participating or are unaware of this process.

Source: City of Toronto. **SWM-MEP:Stage One (Draft) Planning Document.**
Industry Meeting #2. January 7, 1999.

Appendix L

Attendance

Mike Ackerman
 Angelo Barbaris
 Karen Buck
 Terri Burgess
 Bob Davis
 Ed Fox
 Allan Gardiner
 Iain Gardiner
 Tracey Ehl Harrison City of Toronto Works
 Paul Holliday
 Rhonda Hustler
 John Jackson
 Chai Kalevar
 Mukaddes Koc
 Hon Lu
 Brennain Lloyd
 C. Munday
 David Newland
 Lawson Oates City of Toronto Works Project Manager
 Shelley Petrie
 Michael Pratt City of Toronto Works
 S. Shumuk

Concerns/Issues Raised

Process-Related Issues

1. Who did the needs study for this process?
2. All proponents will need to work from the same tonnage figures.
3. Are proponents going to be asked to bid based on the assumption that the 2 million tonnes is a constant?
4. Are tonnages from each sector shown in the document?
5. Do disposal contracts include haulage?
6. What securities will be required for these contracts?
7. What is the current at source breakdown of waste?
8. What sources of waste are being dealt with in this process?
9. The City should take on responsibility for the impacts for longer than the term of the contract.
10. The process for securing disposal and diversion contracts should take place at the same time.
11. Priority should be given to companies who can do both diversion and disposal.
12. There was some concern that there is a wholesale reliance on the marketplace in this process.
13. How will performance of contractors be monitored?

REOI/RFP Criteria Issues

14. Sites shouldn't be disqualified at the REOI stage because of community lobbying.
15. Does the REOI stage involve the evaluation of only business credentials?
16. Financial restrictions in the REOI for the diversion and new and emerging categories will inhibit potential proponents from participating in the process, especially smaller businesses.
17. Are polyvinyl chlorides being considered in the macro environmental impacts?
18. How will the RFP criteria be refined?
19. Is there a threshold for the impacts that will result from these contracts?
20. Why has the willing host criteria been dropped?
21. Site locations should be disclosed at the REOI stage.
22. The way community acceptability is built into this process is problematic, as proponents may have moved very quickly to get approvals.
23. Engineers doing the evaluation should have no relationship to the past approvals secured related to the sites.

Consultation-Related Issues

24. When will the sites be made public?
25. When will the next round of consultation take place?
26. What will the public feedback be based for at RFP stage?
27. Residents should be given the opportunity to network with each other to exchange ideas and comments.
28. Has the Planning Document been before Council yet?

Diversion-Related Issues

29. What if disposal proponents did not account for increasing diversion rates?
30. Define Diversion.
31. Are there interim benchmark targets that are to be met between now and the 50%, 2006 goal?
32. Does the City provide diversion opportunities for the IC&I sectors?
33. How is the City educating the public about waste diversion?
34. Solutions for diversion problems in urban and suburban areas exist.
35. How is Toronto setting its diversion targets?
36. The planning document infers that diversion proposals may be rejected because certain tonnages are committed to disposal.
37. Are tonnages being guaranteed to diversion companies?
38. The 'friction points' between diversion and disposal should be identified.
39. A diversion system that is compatible with high density living needs to be adopted.
40. There should be bans on certain items and the removal of compostables from disposal.
41. Toronto has learned the wrong message from past site searches.
42. Staff needs to make strong recommendations to secure diversion options.

New and Emerging Technologies-Related Issues

43. A portion should be put into research and development.

Partnership-Related Issues

44. There are mixed messages regarding partnerships.
45. How will partnerships be structured within the diversion stream of this process?
46. Explain the partnerships that are envisioned in this process.

Other Questions/Comments

47. When does the BFI contract end?
48. Is the exiting City transfer station network going to be used?
49. Does North America include Mexico?
50. There should be some discussion of the long term liability associated with exporting waste to the United States.
51. A number of City Works are currently out of compliance with Ministry of Environment regulations.
52. Who will manage a perpetual care fund?
53. Has there been any discussion of mining the Keele Valley site to gain additional capacity.
54. Toxic waste needs to be considered within this process.

Source: City of Toronto. **SWM-MEP:Stage One (Draft) Planning Document. Public Forum.** January 9, 1999.

Appendix M

Attendance

Rino Adamo BFI
 Colin Andrews Plasma Environmental Technologies
 Angelo Babaris City of Toronto Works
 J. Bray OWMA
 Richard Butts City of Toronto Works
 M. Dennis Northwood Recycling
 Linda Dionne Pebblestone Multi-Services Inc.
 Garth Fowler BFI
 Jim Graham Try Group
 Lee Gravos Toromont
 Tracey Ehl Harrison City of Toronto Works
 B. Henderson J & F Waste
 Shane Inverary City of Toronto Works
 Steve Janes City of Vaughn
 Phil Jenkins PTJ Associates
 Mike Kemp Local 416
 Mae Lee City of Toronto Works
 John Malvzek Ontario Ministry of Northern Development and Mines
 G. McGuinty Rail Cycle North
 M. McGuinty Rail Cycle North
 Clarissa Morawski CM Consulting
 R. Moskal Peel Region
 P. Muldowney Complete Waste Management Services
 Lawson Oates City of Toronto Works Project Manager
 Ernie Pase Harkow
 Todd Pepper EWSWA
 R. Robertson Port of Toronto
 Vince Sferrazza Peel Region
 F. Shilson Local 416
 John Todd Todd Enterprise
 Rick Vandersluis Try Group
 Don Welch Pebblestone Multi-Services Inc.
 S. Wilson Serek International Wilson Ltd.
 Scott Wolfe Rail Cycle North

Concerns/Issues Raised

Quantity and Time Frames

1. Proponents have to secure specific approvals regarding tonnages/year and must adhere to Certificates of Approval.
2. Will the bidders know how the decisions are made and how they scored in the process?
3. The 20-year tonnage curve graph for waste diversion in the City is not realistic.
4. The process as described in the past, involved tonnage and price together.

Haulage

5. The City is duplicating the effort of proponents who expect to go through their own RFP process to secure competitively priced hauling, directly relating to their disposal proposal.

6. The transfer station locations and garbage centroids should be specified in the document.

7. The haulage proposal is a very positive one for the haulage industry.

8. A rail based proposal will involve special containers.

9. The rail based proposal will keep costs down.

10. The condition of using current levels of city labour in the haulage component is generally acceptable.

11. Is the City willing to upgrade existing transfer station facilities to accommodate newer trucks?

12. What will happen if the assets of one hauler aren't compatible with the disposal technology?

13. Will a company be disqualified from the bidding process if it does not have a separate disposal only bid?

Preferred Customer

14. The City as a 'preferred customer' condition is too prescriptive.

15. The requirement is financially unfeasible.

16. This clause discriminates against greenfield sites.

17. The City should state their objectives, and allow the disposal companies to be more creative in deciding how the job will be done.

18. This condition would create difficulties for smaller municipalities in terms of getting a low rate from disposal companies.

19. On what basis will the 'best price' be determined?

20. This clause will cause chaos with respect to existing contractual arrangements.

21. Bidders cannot finance a plan with this condition.

22. The preferred customer clause is unnecessary.

23. Margins are going to be shaved in order to submit the most competitive price.

Contracting for ICI Waste Only

24. It would be difficult for the City to segregate IC&I from household waste at the transfer stations.

25. The City does not control IC&I volume, so how can it be contracted for?

26. The City should not compete with disposal companies for IC&I waste.

27. A caution was raised, as contractors will demand put or pay provisions.

Anti-Lobbying Ban

28. Industry should reserve the right to correct any misinformation in the media and/or with Councillors.

29. Will the anti-lobbying ban apply in the partner GTA regions?

30. It is unfair that proponents can not lobby, but special interest groups can.

General Comments

31. The public and industry would like to see the draft report before it goes to Works and Utilities Committee on March 24, 1999.

32. This process is becoming more like a tender process than a request for expression of interest.

33. The growing complexity of the process makes it very uninviting.

34. Before proponents submit proposals, there needs to be a clear understanding of how proposals will be evaluated.
35. The project timelines are very tight.
36. Will at waste be going through City transfer stations or is there flexibility to use private transfer stations?

Source: City of Toronto. **SWM-MEP:Stage One (Draft) Planning Document. Stakeholder Meeting.** February 25, 1999.

Appendix N

Attendance

Karen Buck Citizens for a Safe Environment
 Richard Butts City of Toronto Works
 Mike Canal Capital Environmental
 Faruk Fattah Fatro Holdings
 Richard Gilbert AGRA
 Tracey Ehl Harrison City of Toronto Works
 Rhonda Hustler WWLC
 Shane Inverary City of Toronto Works
 Debbie Kempert RCN
 Mae Lee City of Toronto Works
 Dave Merriman MacViro
 R.A. McCaig Greenlane Environmental Group
 Lawson Oates City of Toronto Works Project Manager
 Shelley Petrie TEA
 S. Poulos Co-Ex
 Michael Pratt Proctor and Redfern
 Pat Scanga City of Toronto Works
 Joan H. Todd Todd Enterprises
 John Todd Todd Enterprises
 Ray Valitis Ministry of Agriculture, Food and Rural Affairs
 Rob T. Webb Earthwater Waste System

Concerns/Issues Raised

Waste Diversion

1. How much money has been invested into the Dufferin Material Recovery Facility pilot?
2. If the waste diversion rate is higher than expected, will there be enough methane gas to run the power plant at the landfill?
3. Many questions were asked regarding the experience of the Guelph wet/dry facility.
4. Does the City have the resources to support the 75% waste diversion rate?
5. All waste, including apartment waste, should be sorted in the MRF before going to disposal.
6. Will this process require that participating GTA regions meet Toronto diversion targets?
7. Will the volume of contracted waste change over the 20 years span with the improvement of the waste diversion program?
8. Does the City have the same enthusiasm in finding MRF plants are finding landfill options?
9. Is the City equally interested in MRF private/public revenue sharing partnerships?
10. What is the cost per tonne to process at MRF?
11. Does the bidding process for disposal companies include the diversion component?
12. The disposal price the City receives, the site location, and the bidding process for disposal effectively influence province-wide standards for disposal and diversion.

13. The fixed quantities over 20 years should only consider residue left after 80% diversion.
14. The City shouldn't consider disposal before certain diversion rates are in place.
15. The fixed quantity in the contract will undermine diversion.
16. Can materials not currently diverted be diverted using new technologies?
17. Toronto should look at a two-stream waste system because it would be easier and therefore more residents would participate.
18. Research and development should be a part of Toronto's waste diversion planning.

Haulage

19. How does the City compare/handle bidders on environmental grounds?
20. Will there be a full environmental analysis on haulage?
21. There could be a large price difference between haul technologies.
22. How heavily will price be factored in if haulage and disposal are de-linked?
23. Will there be a separate RFP for disposal and haulage?
24. Some participants felt that de-linking haulage and disposal was a positive step in this process.
25. When will the proposal for haul be called?

Quantities and Timeframes

26. Adding a 10 year and 15 year tables would give more opportunities to bidders.
27. Locking in to long term contracts could eliminate savings which could otherwise be of benefit to the City.
28. A long term 20 year contract would give the City a better price in the long run.
29. Table 3.4 caps waste diversion.

Preferred Customer

30. Won't the 'preferred customer' condition drive costs up?
31. Toronto as a preferred customer will set provincial price standards and freeze prices for others.
32. Economic and environmental factors should be included in the preferred customer equation.
33. There is a conflict between tonnage ranges and the preferred customer clause.

Contracting for ICI Waste Only

34. If IC&I contractors are allowed to take unsorted loads to transfer stations, the City will miss much of the recycling materials that can generate revenue.
35. How practical is it for the City to contract for separate IC&I flow?
36. Is IC&I waste still IC&I waste once it goes through the City transfer station?
37. IC&I waste should not be accepted at the transfer stations, as the City will be competing directly with operators who currently run recycling plants.

General Comments

38. Stakeholders should be notified when staff reports regarding this process are available prior to Committee and Council meetings.
39. Reports need to clearly show how feedback during consultation efforts influenced this process.
40. How does this project link with the work of the Environmental Task Force?
41. What effect will the Memorandum of Understanding between GTA municipalities have on this process?
42. How will amalgamation affect the demographics of future waste?

43. Are the regions open to public-private partnership options?
44. Has Toronto looked for all certified landfill capacity across Ontario?
45. How does the short listing process work?
46. There are a number of sites being developed in Ontario solely based on a chance at taking Toronto's waste.

Source: City of Toronto. **SWM-MEP:Stage One (Draft) Planning Document. Stakeholder Meeting.** March 1, 1999.

Appendix O

Attendance

Farah Aslani

Karen Buck Citizens for a Safe Environment

Catherine Daniels City of Toronto Works

Felix Froelich Eastern Power/Subbor

Meghan Gilbert AGRA

Richard Gilbert AGRA

Maria Kelleher EnviroRIS

Cliff Kerr Bioburn

Edith Koehler City of Toronto Works

Tracy Korovesi City of Toronto Works

Aimo Kuronen Hatch Associates/Stinnes Enerco

Nancy Martins City of Toronto Works

David Merriman MacViro

Ettienne Middleton Eastern Power/Subbor

Lawson Oates City of Toronto Works Project Manager

Shelley Petrie Toronto Environmental Alliance

David Pratt Earth Tech

Nikki Vecchiola City of Toronto

Ed Walton

Robert Webb Republic Services

George White Bioburn

Source: City of Toronto. **TIRM: Category One - Diversion. Stakeholder Meeting.**
September 9, 1999.

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