

## **Agreement to Accept Non-Hazardous Solid Waste from First Nations**

Presented To:	City Council
Meeting Date:	April 25, 2023
Type:	Presentations
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Recommended by:	General Manager of Growth and Infrastructure

## **Report Summary**

This report and presentation provides the basis of terms for an agreement to accept solid non-hazardous waste from Atikameksheng Anishnawbek and Wahnapiatae First Nations and seeks authority for the General Manager of Growth and Infrastructure to execute the agreement.

## **Resolution**

THAT the City of Greater Sudbury authorize the General Manager of Growth and Infrastructure to execute an agreement with Atikameksheng Anishnawbek and Wahnapiatae First Nations for the acceptance of non-hazardous solid waste at the Sudbury Landfill and Waste Diversion Site and that the Delegation By-law be amended to provide this authority as detailed in the report entitled “Agreement to Accept Non-Hazardous Solid Waste from First Nations” presented to City Council on April 25, 2023.

## **Relationship to the Strategic Plan, Health Impact Assessment and Community Energy & Emissions Plan (CEEP)**

This report refers to Creating a Healthier Community by strengthening Indigenous relations as outlined in the 2019-2027 Strategic Plan adopted by City Council.

## **Financial Implications**

The estimated annual cost for waste disposal as well as material handling, processing and administration is \$46,750. These costs will be recovered from Atikameksheng Anishnawbek and/or Wahnapiatae First Nations through the appropriate user fee rates for the type of waste delivered to the Sudbury Landfill and Waste Diversion Site.

## Background

The Atikameksheng Anishnawbek First Nation (formerly Whitefish Lake First Nation) is located near Naughton, approximately 30 kilometers southwest of the City of Greater Sudbury's city center. The current land base is around 19,416 hectares with approximately 162 households.

The Wahnapiatae First Nation is located near Capreol, approximately 50 Kilometers northeast of the City of Greater Sudbury's city center. The current land base is around 1,024 hectares and is home to approximately 56 permanent households and 464 seasonal households (May to October).

Both communities occupy geographical areas located within the boundaries of the City of Greater as indicated on the map in Appendix A, however, they do not form part of the City.

With the support of the federal government, First Nation communities are developing sustainable waste management systems which include partnerships with municipalities (e.g. municipal-type agreements). The Atikameksheng Anishnawbek and Wahnapiatae First Nations provide waste management services to their residents but will not have landfill capacity in the near future. Both communities are working towards closure of their respective landfill sites which will be replaced with waste transfer stations and, both have requested assistance from the City to manage their waste disposal and processing needs once their landfill sites close.

The City already has agreements in place with these First Nation communities to accept Blue Box recyclable materials at the City's Recycling Center. The First Nations communities are also included in the province's plan to transition the management of the Blue Box materials from eligible sources to full producer responsibility.

In the report submitted on July 8, 2003 (refer to Appendix B), Council approved acceptance of solid waste from Atikameksheng Anishnawbek and Wahnapiatae First Nations. Staff have amended the Environmental Compliance Approval for the Sudbury Landfill and Waste Diversion Site which included a public notice and commenting period as part of the environmental compliance review process (no comments were received). With the Sudbury Landfill Site now licensed to accept solid non-hazardous waste from these communities, Staff are seeking authorization to enter into and execute agreements for the acceptance of waste from these First Nation communities based on the general terms listed in this report.

## Analysis

### **Estimated Quantity of Waste from Atikameksheng Anishnawbek and Wahnapiatae First Nations**

The estimated quantities of the solid non-hazardous waste generated per household from the First Nations communities were based on the average quantity of solid waste produced by an individual household in the City of Greater Sudbury in 2018 and are provided in Table 1. It is estimated that, approximately 425 tonnes of solid waste will be received annually, which would represent approximately 0.61% in additional waste load received at the Sudbury Landfill Site each year.

Table 1: Estimated annual quantity of waste from Atikameksheng Anishnawbek and Wahnapiatae First Nations

First Nation Community	No. of Households	CGS Average kg/household Annually*	Tonne Generated Annually
Atikameksheng Anishnawbek	162	945	153
Wahnapiatae	288**	945	272
<b>TOTAL</b>	<b>450</b>	-	<b>425</b>

\*Greater Sudbury Datacall Submission 2018

\*\*56 permanent and 464 seasonal homes \* 56 + 464/2 = 288

Although the amount of waste expected from these First Nation communities is minimal, it should be noted that accepting additional waste contributes to using up available landfill space sooner. However, this impact may be reduced by a provision in the agreement to make best efforts to divert all materials included in the City's waste diversion programs.

### **Tipping Fee Cost Recovery**

The City charges its citizens a tipping or processing fee for the disposal, handling or processing of waste materials at the City's landfill sites in accordance with the User Fee By-law. The 2023, User Fee By-law establishes a \$100/tonne tipping fee rate for the disposal of regular garbage. To encourage diversion, some divertible materials (wood, construction and demolition wastes, etc.) have a reduced handling and processing rate, whereas some materials (organics, leaf & yard and metals, etc.) currently do not have an associated handling or processing fee for residents of the City of Greater Sudbury. However, there is cost to handle and process these divertible materials.

In accordance with the July 8, 2003 report, Staff recommend a 100% cost recovery for disposal, handling and processing of all waste received from outside City boundaries. In addition, a 10% administration fee per tonne is recommended in order to recover administrative costs.

The estimated annual tipping fee and administrative cost recovery revenues for disposal of waste is provided in Table 2 and is based on the estimated quantities of solid waste in Table 1 and the 2023 User Fee Bylaw.

Table 2: Estimated quantity of waste from Atikameksheng Anishnawbek and Wahnapiatae First Nations.

<b>First Nation Community</b>	<b>Tonne Generated Annually</b>	<b>Tipping Fee* per tonne (\$)</b>	<b>10% Administration Fee (\$)</b>	<b>Estimated Annual Fee (\$)</b>
<b>Atikameksheng Anishnawbek</b>	153	100	1,530	16,830
<b>Wahnapiatae</b>	272	100	2,720	29,920
<b>TOTAL</b>	<b>425</b>		<b>4,250</b>	<b>46,750</b>

\*2023 User Fee By-Law Tipping Fee Rate

It should be noted that the amount of waste and estimated tipping fee recovery noted in Table 2 may decrease if the First Nation communities advance their diversion efforts.

### **General Terms of the Agreement to Receive Waste from Atikameksheng Anishnawbek and Wahnapiatae First Nations**

In consultation with Atikameksheng Anishnawbek and Wahnapiatae First Nations, Staff are recommending the following terms be included in the agreement for the acceptance of solid non-hazardous waste from Atikameksheng Anishnawbek and Wahnapiatae First Nations at the Sudbury Landfill and Waste Diversion Site:

- The City will accept only municipal waste as defined under Reg. 347 being solid non-hazardous, as approved under the Sudbury Landfill Site Environmental Compliance Approval and determined by the City from time to time in its sole discretion. The City reserves the right to make changes within its list of acceptable items for disposal and diversion.
- Waste that can be diverted as part of the City of Greater Sudbury's waste diversion programs should also be diverted by the First Nation communities and placed in the approved diversion area of the

Sudbury Landfill Site. The First Nation communities will be responsible for ensuring that waste streams are not contaminated.

- The City will not accept waste materials that are designated under individual producer responsibility under the Ontario Resource Recovery and Circular Economy Act, 2016 (e.g. tires, electronics, Blue Box materials, etc). To manage such materials, the First Nation communities should make the necessary arrangements with the producers or producer responsible organizations.
- No acceptance of hazardous or special wastes.
- All fees for waste disposed, handled or processed shall be recovered at the City's established tipping or processing rate per tonne as amended from time to time plus a 10% administration fee. The First Nation communities shall be responsible to deliver waste to the Sudbury Landfill Site at its sole cost and expense.
- Payment for shipments of waste delivered to the site will be administered through a pre-payment account.
- The community's waste shall be delivered via commercial hauling vehicle(s) (owned or contracted). The City will not accept delivery of waste from individual private motor vehicles/residents/businesses.
- The communities shall provide all required insurance coverages prior to the delivery of any shipments of waste to the City.
- The agreement may be terminated by either party, without liability to the other, on sixty (60) days notice.

## **Next Steps**

At the direction of Council, Staff will finalize the legal agreement for the acceptance of solid non-hazardous waste from Atikameksheng Anishnawbek and Wahnapiatae First Nations. The final agreements will be provided to the Atikameksheng Anishnawbek and Wahnapiatae First Nations when they are ready to begin delivering their waste to the Sudbury Landfill. In the case of Wahnapiatae First Nations, Staff expect the request no later than May 2024.

Staff will continue to monitor future provincial developments in the diversion plans under the Ontario Resource Recovery and Circular Economy Act, 2016. If producers become responsible for diversion of additional waste categories, Staff will work towards transitioning and amending the agreement at that time.

## **Conclusion**

The Atikameksheng Anishnawbek and Wahnapiatae First Nations have requested that the City provide assistance to them in the form of a partnership to accept the solid non-hazardous waste from their communities at the City's Landfill Site. Strengthening the City's Indigenous relations is a strategic priority. Accepting waste from Atikameksheng Anishnawbek and Wahnapiatae First Nations to assist them with sustainable waste management practices and contribute to relationship building with our local Indigenous communities. If authority to execute an agreement for the acceptance of waste is granted, Staff will proceed with finalizing the agreement which can be provided to the First Nation communities when they are ready to begin delivering their waste.

## Resources Cited

City of Greater Sudbury, Strategic Plan, 2019 – 2027

Accessed online: <https://www.greatersudbury.ca/city-hall/mayor-and-council/city-of-greater-sudbury-2019-2027-strategic-plan/2019-2027-strategic-plan/>