

Report to Civic Works Committee

To: Chair and Members
Civic Works Committee

From: Kelly Scherr, P.Eng., MBA, FEC
Deputy City Manager, Environment & Infrastructure

Subject: Award of Engineering Services to Complete *Environmental Protection Act* and Other Approvals for the Proposed Expansion of W12A Landfill

Date: January 11, 2022

Recommendation

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, the following actions be taken with respect to the studies and documentation required to obtain approval for the Proposed Expansion of the W12A Landfill once the Environmental Assessment Study Report has been submitted to the Ministry of Environment, Conservation and Parks:

- a) Golder Associates Ltd. **BE APPOINTED** to complete the studies and documentation required to obtain Environmental Compliance Approvals for the Proposed Expansion of the W12A Landfill Site under the *Environmental Protection Act* for Waste and Air and under the *Ontario Water Resource Act* for the Stormwater Management Ponds, in the total amount of \$454,177.80 including a contingency of \$75,696.30 and excluding HST, in accordance with Section 15.2 (g) of the City of London's Procurement of Goods and Services Policy;
- b) Dillon Consulting Ltd. **BE APPOINTED** to complete the studies and documentation required to obtain Environmental Compliance Approvals for the Proposed Expansion of the W12A Landfill Site under the *Ontario Water Resource Act* for the leachate pumping station, in the total amount of \$102,832.00 including a contingency of \$17,139.00 and excluding HST, in accordance with Section 15.2 (g) of the City of London's Procurement of Goods and Services Policy;
- c) AECOM Canada Ltd. **BE APPOINTED** to carry out the studies and documentation required to obtain approvals under the *Endangered Species Act* for the protection of Species of Risk identified and listed in the Environmental Assessment Study Report for the Proposed Expansion of the W12A Landfill, and to provide the documentation required with respect to preservation of the Natural Environment to obtain Environmental Compliance Approvals, in the total amount of \$99,028.73 including a contingency of \$14,678.44 and excluding HST, in accordance with Section 15.2 (g) of the City of London's Procurement of Goods and Services Policy;
- d) Comcor Environmental Ltd. **BE APPOINTED** to carry out preparation of supporting documents as part of the Design and Operation Report for the Environmental Compliance Approval – Waste application, and to carry out detailed design for the initial landfill gas collection system expansion construction, in the total amount of \$102,354.00 including a contingency of \$17,059.00 and excluding HST, in accordance with Section 15.2 (g) of the City of London's Procurement of Goods and Services Policy;
- e) the financing for the work identified in (a), (b), (c) and (d) above, **BE APPROVED** in accordance with the "Sources of Financing Report" attached hereto as Appendix "A";
- f) Civic Administration **BE AUTHORIZED** to undertake all the administrative acts that are necessary in connection with these purchases; and
- g) the Mayor and City Clerk **BE AUTHORIZED** to execute any contract or other documents, if required, to give effect to these recommendations.

Executive Summary

It is expected that approval of the Environmental Assessment (EA) for the proposed expansion of the W12A Landfill will take six to 18 months longer than originally anticipated. Most of the delay is associated with slower consultation processes due to the pandemic, longer review times by some government agencies, and a longer approval time for the Terms of Reference (ToR) by the Ministry of Environment, Conservation and Parks (MECP). It should be noted that the average time to complete an EA in Ontario over the last twenty years has been about eight years; staff still anticipate completing the EA for W12A in under six years.

The expected life of the W12A Landfill has been reduced by about one year since the start of the EA and the landfill is projected to be filled in 2024, versus 2025 as originally anticipated. The change is largely due to increased amounts of London's industrial, commercial, and institutional waste (IC&I waste) coming to the W12A Landfill as opposed to being shipped to private landfills. The proposed landfill expansion accounts for a continued increase in IC&I waste quantities.

In addition to the *Environmental Assessment Act* approval, there are several additional approvals required before the landfill can expand including approvals under the *Environmental Protection Act*, *Ontario Water Resource Act*, *Endangered Species Act*, *Planning Act*, *Ontario Heritage Act* and possibly the *Conservation Authorities Act*. Some of these approvals may take up to two years complete and staff are recommending they proceed concurrently to the Province's consideration of the EA itself.

This report seeks approval to proceed with these concurrent consultant assignments using many of the same consultants that worked on the EA in accordance with the Procurement of Goods and Services Policy Section 15.2 g. Subject to Council approval of this report, work on the concurrent studies would commence soon as the Environmental Assessment Study Report (EASR) has been submitted to the MECP for approval late January 2022.

Based on the work completed to date on the EA and comments received from reviewers, starting the additional technical studies concurrent to the consideration of the EA by the Province poses very little risk. The work identified in this report is required and the scope of the work is clear and unlikely to change through the EA approval period. All work to be completed will be fully consistent with the EA and the schedules include appropriate pauses where a check-in with provincial leads can occur.

The risk of not proceeding early means increased schedule pressure to complete the concurrent studies after the approval of the EA, which would not be a desirable position for City staff, technical consultants or provincial staff.

Linkage to the Corporate Strategic Plan

Municipal Council continues to recognize the importance of solid waste management and the need for a more sustainable and resilient city in the development of its 2019-2023 Strategic Plan for the City of London. Specifically, London's efforts in waste management address the three following areas of focus:

- Building a Sustainable City
- Growing our Economy
- Leading in Public Service

On April 23, 2019, the following was approved by Municipal Council with respect to climate change:

Therefore, a climate emergency be declared by the City of London for the purposes of naming, framing, and deepening our commitment to protecting our economy, our eco systems, and our community from climate change.

Both the Resource Recovery Strategy and Residual Waste Disposal Strategy (including the EA) address various aspects of climate change mitigation and climate change adaptation. These elements are requirements that must be addressed as part of EA documentation.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

Relevant reports that can be found at www.london.ca under City Hall (Meetings – Council and Standing Committees) include:

- Proposed Expansion of the W12A Landfill Site – Updated Environmental Assessment Engineering Consulting Costs (January 19, 2021 meeting of the Civic Works Committee (CWC), Item #2.2)
- Proposed Expansion of the W12A Landfill Site – Updated Environmental Assessment Engineering Consulting Costs (September 22, 2020 meeting of the CWC, Item #2.2)
- Proposed Expansion of the W12A Landfill Site: Updated Environmental Assessment Engineering Consulting Costs (September 22, 2020 meeting of the CWC, Item #2.12)
- Proposed Expansion of the W12A Landfill Site: Updated Environmental Assessment Engineering Consulting Costs (October 22, 2019 meeting of the CWC, Item #2.12)
- Appointment of Consulting Engineer for Various Technical Studies as part of the Environmental Assessment Process for the Proposed Expansion of the W12A Landfill Site (July 17, 2017 meeting of the CWC, Item #6)
- Update and Next Steps – Resource Recovery Strategy and Residual Waste Disposal Strategy as Part of the Environmental Assessment Process (February 7, 2017 meeting of the CWC, Item #10)
- Appointment of Consulting Engineer Long Term Solid Waste Resource Recovery and Disposal Plans (May 24, 2016 meeting of the CWC, Item #10)

1.2 Context

Work on the Environmental Assessment for the expansion of the W12A Landfill began in the Spring of 2017. The first step was the development of a Terms of Reference (ToR) which becomes the framework (work plan) for completing the EA. The ToR was approved by the Minister of the Environment, Conservation and Parks on July 30, 2019. Work on the EA began in August 2019 and resulted in the selection of a vertical expansion over the existing waste footprint.

Unlike Class EAs, individual EAs must have their EASR approved by the Minister of Environment, Conservation and Parks. The Prescribed Deadlines (Ontario Regulation 616/98) requires the approval process to be completed in 30 weeks however the process often takes longer and a decision by the Minister after 30 weeks is still valid.

Other approvals in addition to the EA approval will be required before the landfill can be expanded. These approvals include:

- *Environmental Protection Act* (EPA) approval of a waste and air Environmental Compliance Approval (ECA)
- *Ontario Water Resources Act* (OWRA) approval of an ECA for the stormwater management ponds and leachate pumping station
- *Planning Act* approval to rezone the land being added to the landfill's buffer area
- *Ontario Heritage Act* requires a letter of concurrence from the Ministry of Heritage, Sport, Tourism and Culture Industries
- *Endangered Species Act* approval of Notice of Activity or Overall Benefit Permit.
- Conservation Authorities Act may require Section 28 approval given the landfill abuts Fill Regulation Limits

ECA approval under the EPA and OWRA are expected to take the longest time. It is estimated that preparation of the reports and documentation to support the applications could take up to a year in addition to the application review period with the MECP which could take one year or longer.

2.0 Discussion and Considerations

2.1 Approval Timeline

As previously discussed, there are several additional approvals required before the landfill can be expanded, even after the Province has approved the EA. These approvals must be completed over a very short time period.

When the EA process began in 2017, the W12A Landfill was expected to be filled by the beginning of 2025. Currently, less industrial, commercial and institutional (IC&I) waste generated in London is going to private landfills in Ontario and Michigan and instead is going to the W12A Landfill. The amount of waste being received at the W12A Landfill has increased from 258,500 tonnes in 2016 to 342,700 tonnes in 2020. This has resulted in the expected life of the W12A Landfill being reduced by about one year (beginning of 2024). It should be noted the landfill expansion accounts for the increase in IC&I waste quantities.

Approval of the EA by the MECP is expected to be completed by Fall 2022. The EA, from start to anticipated approval, will have taken approximately 5.5 years, or about six to 18 months longer than originally anticipated. Most of this delay is associated with longer-than-anticipated time spent on consultation due to the impacts of Covid, longer review times by government agencies and a longer approval time for the ToR by the MECP. It should be noted that the average time to complete an EA in Ontario over the last twenty years has been about eight years.

In summary, the time remaining to complete the remaining approvals is about 2.5 years less than originally anticipated. In order to gain back some of the lost time, it is proposed to start work on the other approvals prior to receiving EA approval from the MECP.

As noted previously, ECA approvals under the EPA and OWRA are expected to take the longest time and work on these studies and submissions should begin as soon as possible.

It is proposed that the studies that will be conducted concurrently to consideration of the EA by the Province use many of the same consultants that worked on the EA approval and in accordance with the Procurement of Goods and Services Policy Section 15.2 g. Specifically, using these consultants will be to the financial advantage of the City and will also expedite the project because the work can commence immediately. No time will be lost seeking and reviewing alternative proposals. These consultants also have specific knowledge of the site whereas other consultants would need time to review the W12A Landfill site specific details. Considering this, key consultants who work on the EA for the proposed expansion of the W12A Landfill were invited to submit proposals to complete specific tasks for the ECA and other required approvals as discussed below.

2.2 Golder Associates Ltd.

Golder Associates Ltd (Golder) provided a proposal to complete the ECA Approvals (EPA and OWRA) for the expansion of the W12A Landfill. This engineering consulting work includes:

- Preparation of ECA level designs of the upgraded perimeter leachate collection system, leachate mound control system, stormwater management system, small vehicle drop-off area, perimeter roads, screening berms and overall site plan.

- Preparation of the Design and Operations Report, Stormwater Management Design Report, Leachate Collection and System Disposal Report, Emission Summary and Dispersions Modelling (ESDM) Report and Acoustic and Assessment Report (AAR).
- Incorporating information from other consultants working on the project into the above-mentioned reports including the ECA level design of the leachate pumping station and landfill gas collection system as well as required information from the natural environment approvals (Environmental Impact Study, *Endangered Species Act*).
- Preparing applications for the ECAs.

The ECA level design work will be a continuation of the work (conceptual level) completed by Golder at the EA stage. Some of the reports to be prepared (ESDM Report and AAR) are expected for the most part to be a repackaging of the results of the detailed assessments completed by Golder for the EA.

City staff have reviewed the fee submissions in detail considering the hourly rates provided for each consultant staff member. City staff have confirmed that hourly rates are consistent with those submitted through competitive processes. City staff also reviewed the time allocated to each project related task. Staff can confirm that the amount of time allocated to each project task is consistent with prior projects of similar nature that have been awarded through a competitive process.

In accordance with Section 15.2 (g) of the Procurement of Goods and Services Policy, Civic Administration is recommending Golder be authorized to carry out engineering services for the expansion of the W12A Landfill for the proposal estimate of \$454,177.80 (excluding HST). The estimate includes a contingency of \$75,696.30 (20%). This contingency is larger than normal projects due to the uncertainty of proceeding with the required approvals prior to receiving EA approval.

2.3 Dillon Consulting Ltd.

Dillon Consulting Ltd (Dillon) provided a proposal to prepare an ECA level design of the main leachate pumping station. Dillon was involved in the EA for the landfill including the preparation of the background reports for groundwater and surface water and Transportation Assessment and therefore has a complete understanding of what is proposed in the EA. Dillon designed the most recent expansion of the leachate collection system and completed the work on the upgrades to pumping station 701 (most recent work on pumping stations at the landfill).

City staff have reviewed the fee submissions in detail considering the hourly rates provided for each consulting staff member. City staff have confirmed that hourly rates are consistent with those submitted through competitive processes. City staff also reviewed the time allocated to each project related task. Staff can confirm that the amount of time allocated to each project task is consistent with prior projects of similar nature that have been awarded through a competitive process.

In accordance with Section 15.2 (g) of the Procurement of Goods and Services Policy, Civic Administration is recommending Dillon be authorized to carry out engineering services for the expansion of the W12A Landfill for the proposal estimate of \$99,848.00 (excluding HST). The estimate includes a contingency of \$16,641.00 (20%). This contingency is larger than normal projects due to the uncertainty of proceeding with the required approvals prior to receiving EA approval.

2.4 Comcor Environmental Ltd.

Comcor Environmental Ltd. (Comcor) provided a proposal to prepare an ECA level design of Landfill Gas (LFG) collection system infrastructure and a detailed design for the first phase of the construction.

Comcor Environmental Limited (Comcor) has specialized experience in the field of design, installation and operation of LFG collection systems. Comcor currently operates and maintains over 20 landfill gas collection, flaring and/or utilization facilities across Canada, with 16 of these projects being located in Ontario. Comcor has also completed design work, on-site supervision and commissioning as associated with the majority of these facilities.

Comcor completed the design and oversaw installation of the existing LFG collection and flaring system and several LFG collection system expansions at the W12A Landfill site. Comcor is also currently under contract by the City to operate and maintain the existing LFG flaring station and is working on the expansion of the landfill's existing flaring station.

City staff have reviewed the fee submission in detail considering the hourly rates provided for each consultant staff member. City staff have confirmed that hourly rates are consistent with those submitted through competitive processes. City staff also reviewed the time allocated to each project related task. Staff can confirm that the amount of time allocated to each project task is consistent with prior projects of a similar nature that have been awarded through a competitive process.

In accordance with Section 15.2 (g) of the Procurement of Goods and Services Policy, Civic Administration is recommending Comcor be authorized to carry out engineering services for the expansion of the W12A Landfill for the proposal estimate of \$102,354.00 (excluding HST). The estimate includes a contingency of \$17,059.00 (20%). This contingency is larger than normal projects due to the uncertainty of proceeding with the required approvals prior to receiving EA approval.

2.5 AECOM Canada Ltd.

AECOM Canada Ltd (AECOM) provided a proposal to complete:

- an Environmental Impact Study (EIS) which will be used to support rezoning of the additional lands that will be included in the buffer of the expanded landfill;
- prepare an Environmental Mitigation and Monitoring Plan for wildlife which will be incorporated into the Design and Operations Report being prepared by Golder;
- documentation for approval under the *Endangered Species Act*. It is expected the site will need an Overall Benefit Permit because of the Species at Risk living at the landfill; and
- assist in identifying any requirements under section 28 of the OWRA in consultation with the Upper Thames Conservation Authority and the Kettle Creek Conservation Authority.

AECOM completed the technical Biology Existing Conditions and Impact Assessment Report for the EA and is knowledgeable of the existing biological characteristics at the landfill site. It is expected that the information from the Biology Report will be used in completing each of the above tasks. Therefore, there is an advantage to the City that AECOM would commence the tasks immediately upon City Council's approval without putting extra efforts to review the relevant background information from the EA phase.

City staff have reviewed the fee submissions in detail considering the hourly rates provided for each consultant staff member. City staff have confirmed that hourly rates are consistent with those submitted through competitive processes. City staff also reviewed the time allocated to each project related task. Staff can confirm that the amount of time allocated to each project task is consistent with prior projects of a similar nature that have been awarded through a competitive process.

In accordance with Section 15.2 (g) of the Procurement of Goods and Services Policy, Civic Administration is recommending AECOM be authorized to carry out engineering services for the expansion of the W12A Landfill for a fee estimate of \$99,028.73 (excluding HST). The fee includes a contingency of \$14,678.44 (20%). This contingency is larger than normal projects due to the uncertainty of proceeding with the required approvals prior to receiving EA approval.

2.6 Risk of Concurrent Study Work

Based on the work completed to date on the EA and comments received from reviewers, starting the additional technical studies concurrent to the Province's consideration of the EA itself poses very little risk. The work identified in this report is required. All work to be completed will be fully consistent with the EA and the schedules will include appropriate pauses where a check-in with provincial leads can occur.

Should additional work be required during the final review stage, City staff would immediately address this with the technical consultants to determine next steps. It could result in the need to use the contingency budget or, for any significant items, a budget amendment to cover the new work.

The risk of not proceeding concurrently means that there is an increased pressure for City staff, technical consultants and provincial staff to complete the post-EA approvals in a shorter period of time.

3.0 Financial Impact

The funding to proceed with these awards as recommended by staff is available within the existing Waste Management capital accounts that were established to fund landfill development and expansion work, as outlined in the Source of Financing included as Appendix A. As noted in each section for the technical consultants, a larger contingency budget has been assigned to each major undertaking. Use of the contingency budget can only proceed with prior approval from City staff.

Conclusion

Expansion of the W12A Landfill site requires additional approvals under various Acts before construction is permitted. ECA approvals under the EPA and OWRA are expected to take the longest time. It is recommended to start work on the other approvals prior to receiving EA approval from the MECP and use many of the same consultants that worked on the EA approval to expediate the approval process.

Prepared by:	Mike Losee, B.SC Division Manager, Waste Management
Submitted by:	Jay Stanford, MA, MPA Director, Climate Change, Environment & Waste Management
Recommended by:	Kelly Scherr, P. Eng., MBA, FEC Deputy City Manager, Environment and Infrastructure