

3. CANADIAN WASTE SERVICES INC. - FRANCHISE AGREEMENT - LEACHATE PIPELINE

COMMITTEE RECOMMENDATIONS

That Council approve:

- 1. The grant of a franchise to Canadian Waste Services Inc. permitting the construction, operation and maintenance of a leachate forcemain from the Canadian Waste Services Inc. Landfill Site located within the SE 1/2 of Lot 4, Conc. 3, in the Township of West Carleton, south within Regional Road #5 (Carp Road) and west within Regional Road #36 (Hazeldean Road) in accordance with a franchise agreement;**
- 2. That the Environment and Transportation Commissioner be delegated the authority to approve revisions to the Franchise Agreement where such revisions are substantially in accordance with the principles of this report, and;**
- 3. That the requirement to obtain the assent of the electors for the granting of the franchise be waived.**

DOCUMENTATION

- 1. Director, Engineering Division, Environment and Transportation Department, and Acting Regional Solicitor's joint report dated 7 Sept 99 is immediately attached.**
- 2. An Extract of Draft Minute, 14 Sept 99, follows the report and includes a record of the vote.**

REGION OF OTTAWA-CARLETON
RÉGION D'OTTAWA-CARLETON

REPORT
RAPPORT

Our File/N/Réf. **50 14-97-0002-V**
Your File/V/Réf.

DATE 7 September 1999

TO/DEST. Co-ordinator
 Planning and Environment Committee

FROM/EXP. Director, Engineering
 Acting Regional Solicitor

SUBJECT/OBJET **CANADIAN WASTE SERVICES INC.**
 FRANCHISE AGREEMENT
 LEACHATE PIPELINE

RECOMMENDATION

That the Planning and Environment Committee recommend that Council approve:

- 1. The grant of a franchise to Canadian Waste Services Inc. permitting the construction, operation and maintenance of a leachate forcemain from the Canadian Waste Services Inc. Landfill Site located within the SE 1/2 of Lot 4, Conc. 3, in the Township of West Carleton, south within Regional Road #5 (Carp Road) and west within Regional Road #36 (Hazeldean Road) in accordance with a franchise agreement;**
- 2. That the Environment and Transportation Commissioner be delegated the authority to approve revisions to the Franchise Agreement where such revisions are substantially in accordance with the principles of this report, and;**
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BACKGROUND

Canadian Waste Services Inc. is the owner and operator of the West Carleton Landfill Site located at 2301 Carp Road on the north-west corner of intersection of Highway 417 and Carp Road (Regional Road #5). This landfill site has had a history of leachate contaminated groundwater migrating from the site. In 1987, Laidlaw Waste Systems Ltd., (now Canadian Waste Services Inc.) purchased the site and began development of a groundwater and leachate management program. In 1988, at their cost they extended the Regional water system along Carp Road to a number of properties who had been impacted by the contaminated groundwater. In 1991, as part of the settlement with Laidlaw concerning the importing into Ottawa-Carleton of out of Region waste, the Region agreed to the following:

The RMOC will use its best efforts to expedite the process of review of the proposed sewage system to carry leachate from the Laidlaw Landfill to the Regional Sewage Treatment Centre.

Since then they have installed a perimeter purge well system along the east and south boundaries of the landfill site and have constructed geosynthetic-lined leachate collection and contaminant cells for future waste disposal. The lined sections are for the prevention of leachate generated in these areas from infiltrating into the groundwater. The purge well system are intended to intercept and remove contaminated groundwater and prevent it from migrating off the landfill site.

In October 1997, a portion of the purge well system was commissioned on an interim basis while CWS was waiting for approvals for the full scale system.

Contaminated groundwater from these wells is pumped to a storage tank on site and then hauled by tanker truck to the R.O. Pickard Environmental Centre for treatment. This method only captures a relatively small amount of the contaminated groundwater that is leaving the site. The solution for increasing the volume of leachate captured is to have the contaminated groundwater and leachate collected from the lined cells pumped through a dedicated forcemain to the local sewer system, then to the Regional system and the R.O. Pickard Environmental Centre for treatment.

DISCUSSION

CWS has requested approval to construct a forcemain from their landfill site south along Carp Road and west along Hazeldean Road to the Goulbourn sanitary sewer system. In response to this request, a Franchise Agreement has been prepared for the construction, operation and maintenance of the leachate forcemain within the Regional Roads. Provided that the necessary approvals are in place, CWS hopes to commence construction of the pipeline in 1999. The view of the Ministry of the Environment is that the construction of this pipeline is a pressing need to control leachate at the CWS landfill site. The Township of Goulbourn concurs with the construction of the leachate pipeline.

The *Municipal Franchises Act* requires that a franchise be granted for the use or occupancy of a municipal highway. The franchise must establish the terms and conditions of the grant and the period for which such right is to be granted. This grant also requires the assent of the electors except where the municipality expressly waives the assent of the electors prior to the municipality's exercise of its authority to grant the franchise.

It is recommended that Regional Council waive the requirement to obtain the assent of the electors and that a franchise to CWS be granted for a period of 20 years in accordance with the principles set forth in this report.

CONSULTATION

In June of 1998, the Region requested that CWS undertake public consultation for their proposed leachate forcemain. The consultation process was carried out in the fall of 1998 with a Public Consultation Report issued in December 1998.

Public consultation consisted of distribution of a newsletter to residents and businesses in the vicinity of the landfill, a Community Open House for all the land owners along the proposed forcemain alignment and a Public Open House. Notices for the Community Open House were hand delivered to the land owners along the proposed forcemain route. For the Public Open House, notices were placed in three local weekly newspapers, (Stittsville Weekend Signal, Carp Valley Press and Stittsville News). The results of the Public Consultation were summarised in a report, a copy which was submitted to the Region. Staff have reviewed the report and are satisfied that a valid public consultation process was followed and that all the issues raised during the process have been adequately addressed.

FRANCHISE AGREEMENT

The purpose of the franchise agreement is to primarily address the physical presence of the pipe within the Regional right-of-way and the opportunities granted to Canadian Waste to deliver a particular flow to the Goulbourn and Regional sewer systems. The terms and conditions governing the quality of the leachate itself are presently set forth in a leachate agreement approved by Regional Council on 25 June 1997 (Planning and Environment Committee Report 60, Item 1). A separate report is before Committee and Council with respect to leachate quality in the leachate pipeline.

The pipeline to be constructed by Canadian Waste is to be owned by Canadian Waste and is to serve solely the present approved landfill site. The agreement sets forth that no other connections will be permitted to the leachate pipe. In addition, the proposed franchise agreement provides the following:

1. All approvals required for the construction and operation of the leachate pipe shall be obtained by and at the sole cost of Canadian Waste.
2. The design and construction of the leachate pipe shall be done by and at the sole cost of Canadian Waste. Canadian Waste shall deposit with the Region a Letter of Credit to secure the proper construction of the pipe and rehabilitation.
3. Canadian Waste shall deliver to the Region a comprehensive operations and maintenance manual for the on-site leachate collection system and the leachate pipe.
4. Canadian Waste shall provide to the Region a contingency plan addressing emergency response and spill response by CWS as well as clean-up, odour response and leachate disposal during leachate collection system shut-down.
5. The flow of leachate shall not at any time exceed 14.7 litres per second.
6. The Environment and Transportation Commissioner may, at any time, shut down the discharge of leachate into the leachate pipe for such period of time that the Environment and Transportation Commissioner deems necessary. This action would be taken where

downstream operational or capacity concerns require the temporary cessation of the discharge of the leachate into the Goulbourn and Regional sewer systems..

7. CWS shall provide the Region with access to their remote control mechanism to enable the Region to shut down the discharge of leachate into the leachate pipe..
8. The integrity of the pipe shall be tested annually by Canadian Waste.
9. CWS shall certify to the Region that all approvals by other agencies for the construction and operation of the leachate pipeline have been obtained.

EXPENDITURE JUSTIFICATION

As the pipe is to be constructed and operated by Canadian Waste, there should not be any cost to the Regional Corporation.

Approved by J.M. Miller, P. Eng..

Approved by E.A. Johnston

JMM/EAJ/TW/TCM/

Extract of Draft Minute
Planning and Environment Committee
14 September 1999

CANADIAN WASTE SERVICES INC.
FRANCHISE AGREEMENT - LEACHATE PIPELINE

- Director, Engineering Division, Environment and Transportation
Department, and Acting Regional Solicitor's joint report dated 7 Sept 99

Councillor Legendre asked staff to explain Recommendation 3. Tim Marc, Manager, Planning and Environment Law advised the Municipal Franchise Act is a very old Act of significant history and under that Act, there is a provision that any granting of a municipal franchise would have to be assented to by all of the electors in the Region. He said previously this could be avoided by going to the Ontario Municipal Board for approval. Pursuant to amendments made to the Municipal Act by the current government, it is now possible for Council simply to waive the need to obtain the electors assent, but it is necessary that Council make this decision.

Councillor van den Ham noted the report requires the integrity of the pipe to be tested annually by Canadian Waste Services. He asked if this was necessary and if this was something the Region does to its own pipes.

Jim Miller, Director, Engineering advised the test would be a pressure test that staff do not feel would be too onerous; staff were trying to be prudent by including this requirement. He advised the Region does not have the same type of pipes proposed to be used. He said the Region has carried out some testing programs on its pipes, but could not say if they were conducted on a regular basis.

Councillor van den Ham stated he was concerned with keeping costs reasonable for those concerned and he suggested that once the pipe is constructed and tested for a few years, staff could perhaps amend the agreement so that annual testing is not required. Mr. Miller replied staff would take this under advisement for future consideration.

The Committee then considered the staff recommendations.

That the Planning and Environment Committee recommend that Council approve:

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CARRIED