

April 3, 2019

Report To: Mayor and Council

From: Travis Rob, Manager of Operations and Facilities

RE: Landfill Use Request from Whitefish Bay First Nation

Back in September of 2018 a letter was received by Council from Naotkamegwanning (Whitefish Bay) First Nation requesting an agreement to utilize the Town landfill site as their site was very close to capacity and there has recently been a move to close landfills at First Nation communities as they reach capacity and move the waste to larger neighbouring sites. See attached letter and subsequent report for your information. The previous Council was on board with developing an agreement with Naotkamegwanning First Nation for use of our landfill site providing we were regulatorily able to do so.

Since that initial letter the Town has been working with the community, Ministry of Environment Conservation and Parks (MOECP) and Indigenous Services Canada to work out the details surrounding the Town taking material from this community.

At this point Naotkamegwanning has secured a truck to haul the material and should have the truck and drivers licenced as well as the waste hauling permits in place at the end of March. They are working on securing the capital assets required to collect the materials on site, so they would be ready to transport. The movement of all materials from the Community to the Town landfill site would be the responsibility of the Community and materials would be weighed at the Town site. Indigenous Services Canada is working on a draft Municipal Type Service Agreement (MTSA) between Whitefish Bay and the Town which would outline requirements for the waste types, fees and haulage as well as a requirement for a recycle program to be implemented.

The Town has also been working with MOECP looking into our legal ability to accept the waste under our current Landfill site Certificate of Approval (C of A). Currently, under our C of A, we are only allowed to accept materials from within the boundaries of the Town of Fort Frances, however we have historically been accepting materials from Alberton and Mine Centre. The MOECP have been very understanding of the unique situation we are in whereby we are at the start of a multi year site expansion and related C of A amendment and agree that it does not make sense for us to undertake an amendment to our C of A to address this matter now. Our inspector for our landfill site with MOECP has scoured the regulation looking for opportunities for us to take this material for the short term under our current C of A, however the Community is too far from Fort Frances to allow for that to happen. There is an opportunity, however, under the regulation for an Emergency Provincial Officers Order to be served on the Town basically requiring that the Town take the material from this site due to the current landfill site conditions in Whitefish Bay. However, this order is reserved to address real emergency situations which is not really the case here. As an alternative and in good faith, MOECP has suggested a letter of understanding between the Town and MOECP to allow the material to flow to Fort Frances as we move to a site expansion and ECA amendment. Attached to this report is a letter of support from MOECP for a partnership between Whitefish Bay and Fort Frances as well as a draft letter of understanding from MOECP. In addition to this Indigenous Services Canada does have funds available for a community like Fort Frances to access to help offset costs associated with C of A amendments required to accept waste materials from First Nation Communities.

With the changes to First Nation landfill site operations, the Town has an opportunity to position itself as a District landfill not just a Municipal landfill. This would bring more waste to our site, however if we

properly plan for this through our expansion works it would also mean more revenue into the future to help offset operational costs. In addition, it would help our neighboring communities as they transition away from having a landfill sites available to them.

At this point, a few decisions need to be made surrounding this matter:

1. Is this Council still in support of entering into a MTSA agreement with Nautkamegwanning First Nation for use of our Landfill site?
2. Is Council comfortable with having a letter of understanding from the MOECP to allow for Nautkamegwanning to bring materials to our site before an amendment to our C of A is completed?

It is the recommendation of Administration to enter into a MTSA agreement with Nautkamegwanning First Nation and further utilize an emergency order to facilitate the waste acceptance at the Town of Fort Francis Landfill.

Respectfully Submitted



Travis Rob, P.Eng
Manager of Operations and Facilities

Council approval of this report will agree with the recommendation of the Operations and Facilities Executive Committee to

- 1. Enter into a Municipal Type Service Agreement with Nautkamegwanning (Whitefish Bay) First Nation and,**
- 2. Utilize a letter of understanding from the Ministry of the Environment, Conservation and Parks to facilitate the community bringing their waste to our landfill site.**