

THE REGIONAL MUNICIPALITY OF YORK

BILL NO. 86

BY-LAW NO. A-0351-2004-084

A by-law to regulate transfer stations used for municipal solid waste by The Regional
Municipality of York

WHEREAS subsection 11(2) of the *Municipal Act, 2001*, (the “*Municipal Act*”) provides that upper-tier municipalities may pass by-laws within the sphere of waste management;

AND WHEREAS section 425 of the *Municipal Act* provides that a municipality may pass by-laws providing that any person who contravenes any by-law of a municipality passed under the authority of the *Municipal Act* is guilty of an offence;

AND WHEREAS section 77 of the *Municipal Act* provides that a municipality may, in a by-law prohibiting or regulating any matter passed under the waste management sphere of jurisdiction, provide for fines of up to \$10,000.00 for individuals and \$50,000.00 for corporations on a first conviction and \$25,000.00 for individuals and \$100,000.00 for corporations on a second conviction;

NOW THEREFORE the Council of The Regional Municipality of York enacts as follows:

1. DEFINITIONS

1.1 In this by-law,

- (a) “Commissioner” means the Region’s Commissioner of Transportation and Works and includes his or her designate;
- (b) “garbage” means waste other than recyclable materials, yard waste, and prohibited waste;

- (c) “prohibited waste” means the waste items listed in Schedule B of this by-law;
- (d) “recyclable materials” means the waste items listed in Section A of Schedule A of this by-law;
- (e) “transfer station” means a facility used by The Regional Municipality of York as a transfer station for municipal solid waste except those transfer stations owned and operated by the Region;
- (f) “waste” means garbage, recyclable materials, yard waste and prohibited waste; and
- (g) “yard waste” means the waste items listed in Section B of Schedule A of this by-law.

2. WASTE SEPARATION

- 2.1 The Commissioner shall make available, at transfer stations, a list of prohibited materials attached to this by-law as Schedule B, Prohibited Waste.
- 2.2 No person shall deliver to a transfer station any prohibited waste commingled with other waste except if such prohibited waste is small in amount and incidental;
- 2.3 Vehicle operators with loads containing recyclable materials and yard waste shall identify the owner of the material.
- 2.4 Vehicle operators shall deposit garbage, recyclable materials and yard waste in areas designated for such materials, separated from other waste, at the transfer station.

3. WEIGHSCALE REQUIREMENTS

- 3.1 Vehicle operators shall identify the waste material type and source to the weighscale operator.

4. OPERATIONS AT TRANSFER STATIONS

- 4.1 Vehicle operators entering a transfer station site shall ensure that their loads are fully covered by tarpaulins or alternative coverings acceptable to the Commissioner.
- 4.2 Vehicle operators shall not remove the covering on any load except as permitted in an unloading area.
- 4.3 Vehicle operators and other users of a transfer station shall:
- (a) Obey any directions provided by transfer station staff;
 - (b) Use only designated entrance and exit routes; and
 - (c) Obey all speed limits and signs posted at the site.

5. PROHIBITED ACTIVITIES

- 5.1 No person shall knowingly deliver or permit to be delivered to a transfer station any material listed in Schedule B, Prohibited Waste, for disposal purposes.
- 5.2 No person shall:
- (a) Enter the transfer station site with an unsafe vehicle or load;
 - (b) Scavenge at the transfer station site; or
 - (c) Smoke at the transfer station site.

6. OPERATING AREA RESTRICTIONS

- 6.1 All persons using the transfer station shall comply with the following operating area requirements:
- (a) Unloading shall be performed only in authorized areas as designated by transfer station staff;

- (b) Only the driver shall leave the vehicle while in an unloading area;
- (c) Unloading doors shall be secured with chains or acceptable alternatives, and all doors shall be closed and secured before departure from the unloading area;
- (d) Tarpaulins and turnbuckles shall not be removed or released except in an unloading area; and
- (e) Loose material shall be removed from truck boxes before the vehicle leaves the unloading area.

7. FAILURE TO COMPLY

- 7.1 Any person who contravenes any provision of this by-law may be denied entry to all Regional transfer stations and may be re-admitted only with written permission from the Commissioner.

8. OFFENCES

- 8.1 Any person who contravenes any provision of this by-law is guilty of any offence and is liable to a fine of not more than \$10,000.00 for a first conviction and \$25,000.00 for any subsequent conviction, provided that if a corporation is convicted of an offence the maximum penalties shall be \$50,000.00 for the first conviction and \$100,000.00 for any subsequent conviction.

9. SCHEDULES

- 9.1 Schedules A and B shall form part of this by-law.

ENACTED AND PASSED this 21st day of October, 2004.

Regional Clerk

Regional Chair

SCHEDULE A

A. RECYCLABLE MATERIALS

The following items shall be deemed to be recyclable materials for the purposes of this by-law:

1. Glass bottles and jars;
2. Metal food and beverage cans;
3. Plastic bottles and jugs, including beverage containers, made of high density polyethylene (HDPE #2) or polyethyleneterephthalate (PET #1);
4. Household paper (including junk mail, writing paper, computer paper and envelopes);
5. Paper egg cartons and moulded paper pulp packing material;
6. Boxboard;
7. Newspaper and paper flyer inserts;
8. Telephone directories;
9. Magazines and catalogues;
10. Soft and hard covered books;
11. Paper bags;
12. Paper cores (e.g. from toilet paper and paper towels);
13. Clean, unwaxed corrugated cardboard;
14. Polycoat milk and juice cartons;
15. Scrap metal, including but not limited to refrigerators, stoves, freezers, air conditioners, dehumidifiers, washing machines, clothes dryers, dishwashers, barbecues, and large metal objects;
16. Motor vehicle tires; and
17. Any other items designated as a recyclable material by the Commissioner.

B. YARD WASTE

The following items shall be deemed to be yard waste for the purpose of this by-law:

1. Grass clippings, weeds, flowers, garden plants, vegetable garden waste and leaves;
2. Hedge and shrub trimmings, brush, twigs and branches under 15 centimeters in diameter;
3. Christmas trees; and
4. Any other item designated as yard waste by the Commissioner.

SCHEDULE B

PROHIBITED WASTE

The following items shall be deemed to be prohibited waste for the purposes of this by-law:

- A. Acute hazardous waste chemical as defined in Revised Regulations of Ontario, 1990, Regulation 347;
- B. Biomedical waste, and pathological waste, whether solid or liquid, including but not limited to any animal or human organ or part thereof; bone, muscle or other animal or human tissue or part thereof; used bandages, poultices, dressings, medicines, vitamins, drugs, vaccines, needles, syringes, vials or any other similar material or substance which contains or may contain pathogenic micro-organisms or which may be hazardous or dangerous and anything designated as pathological waste by Revised Regulations of Ontario, 1990, Regulation 347;
- C. Hazardous waste chemical as defined in Revised Regulations of Ontario, 1990, Regulation 347;
- D. Corrosive waste as defined in Revised Regulations of Ontario, 1990, Regulation 347;
- E. Hazardous industrial waste as defined in Revised Regulations of Ontario, 1990, Regulation 347;
- F. Ignitable waste as defined in Revised Regulations of Ontario, 1990, Regulation 347;
- G. PCB waste as defined in Revised Regulations of Ontario, 1990, Regulation 362;
- H. PCB waste as defined by the United States Environmental Protection Agency in 2003 40 CFR 761, in force on October 1, 2004;
- I. Radioactive waste as defined in Revised Regulations of Ontario, 1990, Regulation 347;
- J. Low-level radioactive waste as defined in section 2 of Michigan's *Low-Level Radioactive Waste Authority Act*, 1987 PA 204, MCL 333.26202, in force on October 1, 2004;
- K. Reactive waste as defined in Revised Regulations of Ontario, 1990, Regulation 347;
- L. Severely toxic waste as defined in Revised Regulations of Ontario, 1990, regulation 347;
- M. Leachate toxic waste as defined in Revised Regulations of Ontario, 1990, Regulation 347;
- N. Pharmaceutical waste;

- O. Any household product, material or item labeled as “corrosive”, “toxic”, “reactive”, “explosive”, “oxidizing”, “poisonous”, “infectious” or “flammable”, including but not limited to the following:
1. Pool or photographic chemicals;
 2. Laundry bleach;
 3. Drain, oven, toilet and carpet cleaning solutions;
 4. Paint thinner and paint remover;
 5. Rat and mouse poison;
 6. Insect killers;
 7. Moth balls;
 8. Weed killers;
 9. Fungicides;
 10. Wood preservatives;
 11. Oil-based and latex paints;
 12. Engine oil;
 13. Brake and transmission fluid;
 14. Antifreeze;
 15. Automotive batteries (including lead acid batteries);
 16. Ni-cad rechargeable batteries (including lead acid batteries);
 17. Propane tanks;
 18. Other gas tanks, including lighters; and
 19. Fire extinguishers.
- P. Any waste in liquid form including but not limited to swill or other organic matter not properly drained and securely wrapped;
- Q. Mixed loads of waste and recyclable material or recyclable (Blue Box) materials that have been mixed with garbage;

- R. Beverage containers, including aluminum food or beverage cans (including cans made primarily of aluminum), glass bottles and jars for food or beverages, steel food or beverage cans (including cans made primarily of steel), polyethylene terephthalate bottles for food or beverages (including bottles made primarily of polyethylene terephthalates);
- S. Municipal wastewater sewage sludge or any other type of industrial sludge;
- T. Incinerator ash, red ash and any other type of ash;
- U. Dusty materials;
- V. Contaminated soil;
- W. Tires, shredded rubber, and any tire residue;
- X. Drums (plastic or metal drums/uncrushed drums);
- Y. Leaf and yard waste as defined in Ontario Regulation 101/94;
- Z. Animal carcasses, animal by-products, slaughterhouse remains;
- AA. Asbestos;
- BB. Discarded commercial chemical products, off-specification species, container residues, and spill residues thereof identified and listed as toxic hazardous wastes under Rule 226 and enumerated in the Michigan Department of Environmental Quality Waste Management Division's Hazardous Waste Management Program Administrative Rules promulgated pursuant to Part 111 of the *Natural Resources and Environmental Protection Act, 1994 PA 451, as amended*, Rule 299.9226 Table 205c, in force on October 1, 2004; and
- CC. Designated materials and other items which have been banned from landfill or for which reasonable alternative disposal methods are available, as determined by the Commissioner.