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REGIONAL STAFF RESPONSES TO THE MOE'S PROPOSED 60% WASTE DIVERSION GOAL

The Solid Waste Management Committee recommends the following:

- 1. The presentation by Andrew Campbell, Director, Solid Waste Management, be received; and**
- 2. The following report, August 31, 2004, from the Commissioner of Transportation and Works, be referred back to staff in order to:**
 - (a) meet with representatives from the local municipalities regarding the Ministry of the Environment's proposed goal of 60% waste diversion;**
 - (b) prepare a letter supported by all local municipalities to be forwarded to the Ministry of the Environment on the position taken collectively by the Region and the local municipalities.**
 - (c) report back to Committee as soon as possible.**

1. RECOMMENDATIONS

It is recommended that:

1. The Solid Waste Management Committee and Regional Council receive and endorse the three attached letters submitted by staff to the Ministry of the Environment's Environmental Bill of Rights postings relating to the goal of 60% waste diversion.
2. A letter of endorsement be sent to the Minister of the Environment, all local MPP's, and the Association of Municipalities of Ontario.
3. The provincial government be requested to provide municipal funding for solid waste management diversion programs in order to assist municipalities in achieving 60% diversion.

2. PURPOSE

The purpose of this report is for Regional Council to receive and endorse the three letters that were developed by Solid Waste Management branch staff in response to the Environmental Bill of Rights (EBR) postings relating to the Ministry of the Environment's (MOE) goal of 60% waste diversion.

3. BACKGROUND

On April 5, 2004, the Honourable Minister of the Environment, Leona Dombrowsky, announced Ontario's aim to divert 60% of waste from landfill by 2008. Following this announcement, three related EBR registries were posted for comments. The three postings were entitled:

- The Updating of the Interim Guidelines for the Production and Use of Aerobic Compost in Ontario, EBR Registry #PA04E0007.
- Proposed New Measures and Enhancements to Waste Diversion Ontario's Blue Box Program Plan - Material Specific Targets and Municipal Benchmarks, EBR Registry #RA04E006.
- Ontario's 60% Diversion Goal, A Discussion Paper, EBR Registry #PA04E0037.

Each posting warranted input from York Region. Responses were developed and submitted to the Ministry within the required time frames. However, the required deadlines precluded the opportunity to obtain Council approval prior to submission.

4. ANALYSIS AND OPTIONS

The following sections briefly highlight the content of each EBR posting.

4.1 Interim Guidelines for the Production and Use of Aerobic Compost

On May 5, 2004, a proposal was published on the EBR registry for comment, proposing to harmonize the provincial compost metals guidelines with those of the Canadian Council of Ministers of the Environment (CCME). The "Interim Guidelines for the Production and Use of Aerobic Compost in Ontario" were published as a temporary measure in 1991 by the Ministry of the Environment to assist in the selection and approval of aerobic composting methods and end product quality. The guideline established criteria for metals, pathogens, foreign matter and maturity for compost products before being used in an unrestricted manner. The CCME published a national guideline in 1996 based on more recent studies, involving soil conditions, and public health, than the previously set provincial guidelines which were solely based upon soil background concentrations. By adopting the CCME metal guidelines for aerobic compost, the province would slightly increase the amounts of certain elements, measured by dry weight, permissible in compost products in Ontario.

The problem with the provincial interim guidelines was that they limited the use of compost produced through residential source separated organic waste collection. The proposed changes benefit the Region by increasing the marketability of compost produced through the yard waste and source separated organics programs.

4.2 Material Specific Targets and Municipal Benchmarks

On June 23, 2004, a document entitled "Proposed New Measures and Enhancements to Waste Diversion Ontario's (WDO) Blue Box Program Plan - Material Specific Targets and Municipal Benchmarks" was posted on the EBR. This proposal was the second in a

series of three submitted to the Ministry by the WDO in response to Minister Dombrowsky's December 22, 2003 request that the WDO develop new measures and enhancements to the blue box program plan. The first proposal focused on the administrative costs of the WDO and Stewardship Ontario, and the third proposal is to focus upon specific cost containment principles to be followed by municipalities and blue box material stewards. More specifically, comments on the second proposal were solicited regarding:

- Policies and practices that would lead to achieving at least 60% diversion of all blue box wastes by 2008 through reduction, reuse and recycling.
- Target percentages for each blue box material that would be diverted annually in the program. Policies and practices to ensure that the proposed material diversion targets are met.
- Benchmark targets for municipal diversion rates.

The designation of new blue box materials under Part I of Schedule 1 of Ontario Regulation 101/94, bag limits and user pay systems, market development activities, and program efficiencies are all issues that were discussed in York Region's staff response to this EBR posting.

Staff supported the initiatives surrounding material specific targets and municipal benchmarks to enhance the blue box program plan. The designation of new materials with reliable markets under Part I of Schedule 1 in Ontario Regulation 101/94 would result in greater stewardship funding for the Region's blue box program. The material specific targets suggested by the WDO were supported by staff with the exception of those pertaining to polycoat and aseptic containers.

4.3 Ontario's 60% Diversion Goal

On June 10, 2004, the Ministry of the Environment posted its discussion paper entitled "Ontario's 60% Waste Diversion Goal, A Discussion Paper" on the EBR. This paper was drafted in response to Minister Dombrowsky's April 5, 2004 announcement related to the McGuinty government's initiative to create clean, liveable communities through the development of a new waste diversion strategy. The strategy aims to divert 60% of Ontario's waste from disposal by 2008. The discussion paper identified options for achieving 60% diversion of waste from disposal within the residential, industrial, commercial, institutional, construction and demolition sectors. Issues considered in the discussion paper included:

- Provincial diversion objectives and targets.
- Centralized composting for residential waste.
- Financing strategies for increased waste diversion including user pay and bag limits.
- Renewed provincial commitment to industrial, commercial and institutional waste diversion.
- Disposal bans for organics and recyclable materials.
- New waste diversion technologies.
- Packaging reduction and increased recycled content in packaging.
- Promotion and education of the 3R's.
- A provincial waste monitoring system.

In conjunction with the EBR posting, the Ministry held six public and key stakeholder consultation sessions at various points across the province to solicit comment on the discussion paper. An additional session was also held to discuss the financing strategies with stakeholders. Regional staff was in attendance at these sessions.

The financing strategies discussed by the Ministry and stakeholders included: user pay and bag limit waste management systems, provincial funding, financing through borrowing, waste disposal surcharges, private sector investment, recycled material revenues, the designation of new blue box materials, and deposit-return systems. It was agreed by municipal representatives that municipalities are in need of “new” funding to support new or expanded diversion programs. The majority of the financing strategies reviewed in the discussion paper lacked the ability to address this need.

Regional staff supported the Ministry’s overall goal of 60% waste diversion, but felt that the Region was unable to commit to achieving it given its two-tiered waste management structure. The need for close coordination with local diversion efforts during the provincial implementation process was identified by staff as a key issue with Ontario’s newly proposed waste management strategy. It was also felt by staff that the target date of 2008 was insufficient given the current barriers preventing further progress on waste diversion including a lack of provincial funding. The province considers diversion activities to include composting and recycling, and fails to recognize energy from waste or thermal treatment methods within their definition. Given our current diversion rate of 24%, achieving 60% diversion through recycling and composting is going to be both financially and socially challenging.

5. FINANCIAL IMPLICATIONS

There are no direct financial implications associated with these responses.

6. LOCAL MUNICIPAL IMPACT

The Ministry’s consultation papers are open to comment from all levels of government and the public. It has been left to the discretion of the local municipalities to submit their own comments on the papers where appropriate.

7. CONCLUSION

To further influence the Province of Ontario’s policy making process, it is necessary for Regional staff to represent York’s position when comments are solicited. The policy and funding issues relating to the goal of 60% waste diversion have a direct impact on the waste management programs and services offered throughout York Region. It is recommended for these reasons, that Council endorse and support staff’s position

regarding the provincial aerobic compost guidelines, material specific targets and municipal benchmarks, and Ontario's 60% waste diversion goal.

The Senior Management Group has reviewed this report.

(A copy of the attachment referred to in this Clause is included with this report and is also on file in the Regional Clerk's office.)