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POLICY STATEMENT ON WASTE MANAGEMENT PLANNING

The Solid Waste Management Committee recommends the adoption of the recommendations contained in the following report, August 21, 2007, from the Director, Solid Waste and Administration:

1. RECOMMENDATIONS

It is recommended that:

1. Council endorse the Association of Municipal Recycling Coordinators and Association of Municipalities of Ontario response (letter dated July 26, 2007, *Council Attachment 1*) to the Ontario Ministry of the Environment's proposed *Policy Statement on Waste Management Planning: Best Practices for Waste Managers EBR #010-0420* (see *Attachment 2*).
2. The Regional Clerk forward a copy of this report to the Minister of the Environment.

2. PURPOSE

This report provides an overview of the Ministry of the Environment's proposed policy statement on waste management planning and its potential implications to the Region.

3. BACKGROUND

In the 1980's, the development of waste master plans, funded in part by the Province, was common practice amongst upper-tier municipalities. Many of the larger municipalities completed plans spanning periods of up to 20 years. These plans were intended to anticipate the future waste management needs of the local community and set a course of action to meet those needs and envisioned, for example, the construction of energy from waste facilities upon closure of local landfills. The ongoing challenges associated with siting waste processing and disposal infrastructure have, however, made long-term planning of this nature extremely difficult.

In recent years, the Provincial government has faced mounting public pressure to address the lack of waste management infrastructure in Ontario. The current provincial government has maintained a position that the Ministry's responsibility is to regulate waste management activities and the provision of waste management infrastructure is a municipal responsibility. On June 12, 2007, the Ontario Ministry of the Environment released, for consultation, a policy paper entitled, *Policy Paper on Waste Management Planning: Best Practices for Waste Managers* (see *Attachment 2*). The stated purpose of

this policy is to achieve more consistent and timely waste management planning across Ontario and make the decision-making process more transparent.

4. ANALYSIS AND OPTIONS

The Ministry's proposed policy statement includes a framework for developing a municipal waste master plan. The following section outlines this framework and the extent to which the Region's current diversion and disposal plans already meet its requirements.

4.1 Underlying Principles of the Policy Statement

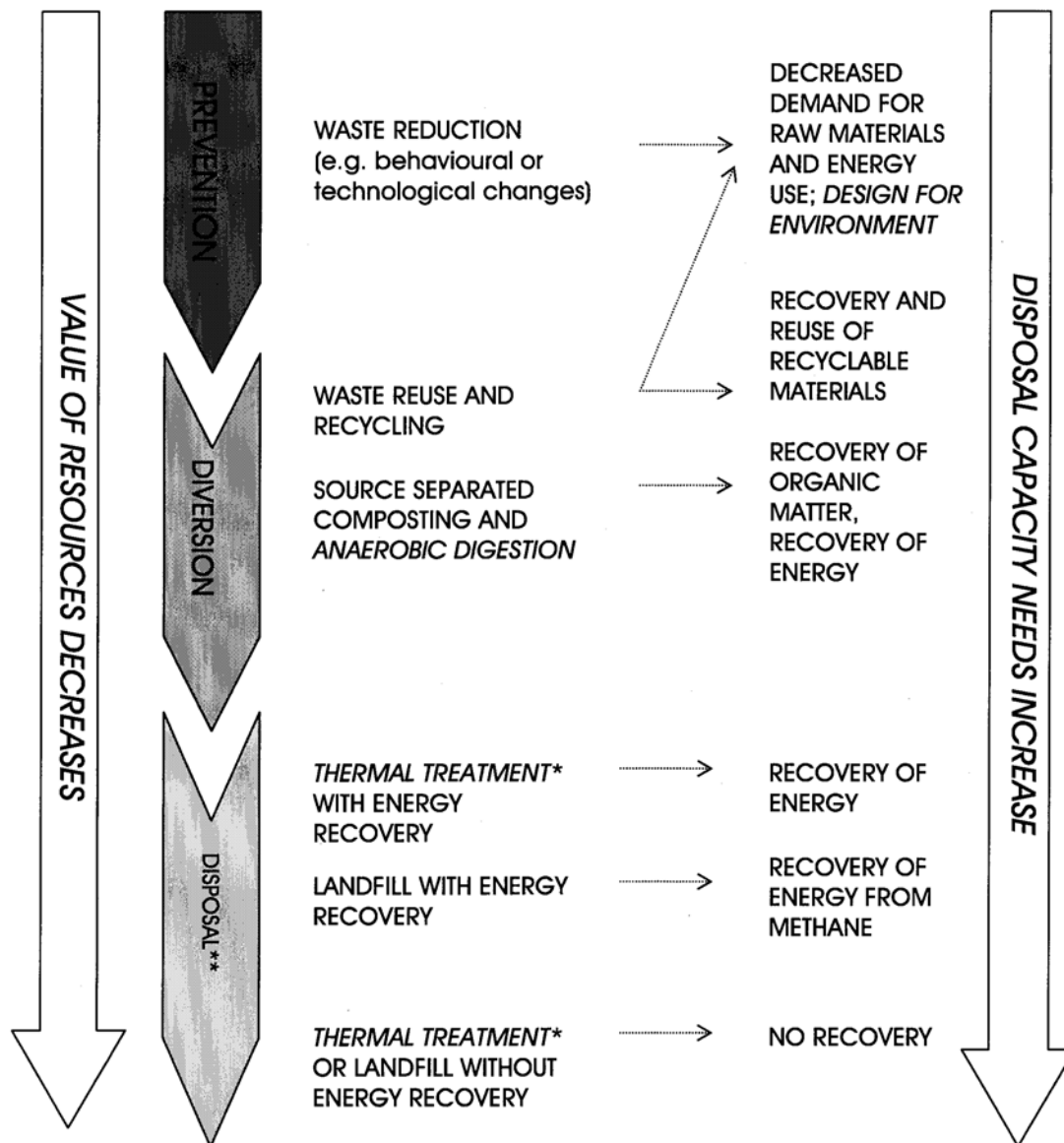
The policy statement proposes a number of important principles including, but not limited to, acknowledgement that:

- Environmental protection is a shared responsibility.
- Integrated waste management systems must reflect local circumstances.
- Waste is to be managed as close as possible to the point of generation.
- Decision making is to be open and transparent and involve an informed public.
- Public and private sector partnerships should be considered.

Of particular importance is the adoption, by the Ministry, of an expanded waste management hierarchy which goes beyond the traditional 3Rs (i.e. reduce, reuse, recycle). The new hierarchy (Figure 1) recognizes the role of thermal treatment with energy recovery as being preferable over landfill as a disposal option.

Figure 1
The Waste Value Chain

Figure 1: The Waste Value Chain



* With potential use of ash or recovery of metals.

** Waste managers should consider waste reduction as a first priority, followed by diversion. All disposal options have unique environmental concerns and should only be considered as a last option. Where disposal is necessary, waste managers should carefully reflect on these environmental concerns in light of their local circumstances. Recovering energy from landfill or thermal treatment should be considered prior to thermal treatment or landfill without energy recovery.

4.2 Defined Roles and Responsibilities

The proposed policy acknowledges and defines the roles of the Province, municipalities, the private sector waste management industry, producers and stewards, the various industrial, commercial and institutional (IC&I) sectors, the public and environmental groups in developing sustainable waste management systems.

The paper reiterates the Province's position that its role is primarily one of establishing and enforcing applicable regulation and issuing approvals to various parties to engage in waste management activities. The role of municipalities is defined as including, amongst other things, responsibility for:

- Planning for and providing waste management services for its residents and, where appropriate, local businesses.
- Planning for siting and investing in necessary supporting infrastructure.

The responsibility of producers and stewards to minimize the environmental impacts of its products and packaging and fund-associated diversion plans is also acknowledged.

4.3 Municipal Obligations Under the Proposed Policy Statement

The current draft of the policy statement suggests that all municipalities should have a waste management plan or be covered by a plan developed by another municipality. Municipalities with a population of 100,000 or greater are obliged to have a plan within two years of finalization of the policy. Municipalities with less than 100,000 are obliged to complete a plan within two and a half years. The policy statement recognizes that under the *Municipal Act (2001)* responsibility to develop and maintain the required plans will vary by municipality.

The required plans are expected to cover a planning period of 20 to 25 years and to include the management of residential waste generated within the study area and any other wastes managed by the municipality (i.e. Industrial, Commercial and Institutional wastes). Biosolids which are not managed under an existing Nutrient Management Strategy are also to be incorporated in the proposed plans. The waste management plans should still reference these materials where they are already managed under a Nutrient Management Strategy and plan for anticipated changes over time.

4.3.1 Minimum Required Content of Waste Management Plans

At a minimum, the plans are required to contain the following:

- Discussion of the factors driving the need to review current waste management programs and the issue(s) to be addressed in the plan.
- Broad goals, objectives and associated targets.
- Defined study area.
- Description of the current waste management system, types and quantities of materials handled and anticipated trends.
- Estimates of future diversion and disposal needs.

- Description of variables that could affect projected needs and the extent to which they can be controlled.
- Overview of supporting data and studies.
- Analysis of options and recommended strategy to maximize diversion.
- Description of the existing and/or planned facilities required as part of the proposed system.
- Analysis of the projected operating and capital costs for the system.
- Description of the financial strategies and detailed 10-year financial plan required to support the proposed system.
- Timeline for implementation.
- Contingency plans.
- Annual reporting requirements.
- Periodic plan reviews coordinated with Official Plan reviews.
- Development of a supporting public education strategy.
- Description of the public consultation process used in plan development, including consultation with local residents, First Nations, host and neighbouring communities where applicable.

4.3.2 Policy Statement Impacts on York Region

Policy statements do not have the status of a regulation or Ministerial order. There are no penalties or legal remedies associated with non-compliance. Failure to adhere to the policy statement may, however, have negative implications in the Region's future dealings with the Ministry.

Between the current Joint Municipal Waste Diversion Strategy, adopted by all Councils in York Region in 2006, and work undertaken to date through the Durham/York Residual Waste Environmental Assessment, the Region has already completed most of the work required to be compliant with the proposed Policy Statement. Discussions with Ministry staff have confirmed this assessment. Supplementary work is, however, required to extend the timeline of the current Waste Diversion Strategy, develop a sustainable, supporting, financial strategy and to ensure adequate consultation has been completed with all affected parties.

Staff has already begun work on addressing these missing or incomplete requirements and intends to finish this work over the coming year once the Policy Statement has been adopted by the Province.

The Region's obligations under the policy statement to develop plans for the management of biosolids are fulfilled by Durham Region's Biosolids Master Plan and York Region's Water/Wastewater Master Plan.

4.3.3 Regional Response to the Proposed Policy Statement

Public comment on the proposed policy statement was accepted by the Ministry of the Environment for 45 days, ending on Friday, July 27, 2007. Regional staff informed their

local municipal counterparts of the release of this draft document, the opportunity to provide input to the Ministry, and offered to forward any comments they might have. Regional staff and a number of local municipal staff worked with the Association of Municipal Recycling Coordinators and Association of Municipalities of Ontario to develop a joint response to the Ministry (letter dated July 26, 2007, Council Attachment 1).

5. FINANCIAL IMPLICATIONS

The expected cost of consolidating the current Joint Municipal Waste Diversion Strategy (2006) and Durham York Residual Waste Environmental Assessment documentation into the format required under the proposed policy statement is expected to be approximately \$10,000. Funds to complete this work will be included in the draft 2008 operating budget for consideration by Council.

Updates of the plan every five years are recommended under the policy statement. These periodic updates and their associated public consultation obligations are expected to cost approximately \$100,000 to complete. Funds will be included in the draft 10-year capital budget at five year intervals starting in 2013 to accommodate this cost.

6. LOCAL MUNICIPAL IMPACT

Under the *Municipal Act (2001)*, the Region is responsible for waste disposal and diversion. Development of a waste management plan by the Region will fulfill the obligations of the local municipalities under the proposed policy statement. Those municipalities with related capital infrastructure (e.g. recycling depots) will, however, need to ensure financial strategies are in place to cover their operating and capital replacement costs should they intend to continue their operations. Similarly, the Joint Municipal Waste Diversion Strategy contemplates further diversion efforts by both levels of government which, under the proposed waste management plan, will need to be actioned and financed appropriately.

7. CONCLUSION

The Ministry of the Environment's policy statement, proposed on June 12, 2007, requires the development of a waste management plan by municipalities with over 100,000 residents within two years and those with fewer residents within two and a half years. Development of a compliant plan by the Region will fulfill this obligation for both local levels of government. Staff has already begun this work and anticipate its completion in 2008.

For more information on this report contact Michael J. Birett, Manager, Waste Diversion of the Solid Waste and Administration Branch at extension 5738 in the Transportation and Works Department.

The Senior Management Group has reviewed this report.

(The attachments referred to in this clause are attached to this report.)