



*Transportation and Works Department
Solid Waste Management Branch
Fax: 905-954-4611*

Wednesday, June 30, 2004

Sr. Program Advisor
Waste Management Policy Branch
Ministry of the Environment
135 St Clair Avenue West, 7th Floor
Toronto, Ontario, M4V 1P5

To Whom It May Concern:

**Re: The Updating of the Interim Guidelines for the Production and Use of
Aerobic Compost in Ontario, EBR Registry #PA04E0007**

The Regional Municipality of York is in support of the Ministry of the Environment's initiative to harmonize the metals criteria with that of the CCME guidelines. In addition to this change, we urge the Ministry to consider harmonizing all compost quality criteria with the CCME guidelines.

Easing the use of compost is also a key issue in the processing of organic wastes. It would be beneficial to remove the practice of leaf land spreading from the biosolids utilization strategy. Leaves collected curb side from residential areas do not pose a health threat, and therefore should not be subject to the same scrutiny as biosolids.

Sincerely,

A handwritten signature in cursive script that reads 'Kelly Millen'.

Kelly Millen
Policy & Planning Coordinator

KM/km

G:\Policy\PI2 - Provincial Legislation\Environmental Bill of Rights\



Transportation and Works Department

*Solid Waste Management Branch
Fax: 905-954-4611*

Tuesday, July 13, 2004

Adam Ciulini, Team Leader
Waste Management Policy Branch
Ministry of the Environment
135 St Clair Avenue West, 7th Floor
Toronto, Ontario, M4V 1P5

Dear Mr. Ciulini:

Re: Proposed New Measures and Enhancements to Waste Diversion Ontario's Blue Box Program Plan – Material Specific Targets and Municipal Benchmarks, EBR Registry #RA04E0006

The York Region is in support of the Ministry of the Environment's overall goal of 60% waste diversion. The proposed initiatives regarding Material Specific Targets and Municipal Benchmarks are very closely related with the issues discussed in the EBR posting #PA04E0037 "Ontario's 60% Waste Diversion Goal, A Discussion Paper." For this reason it is recommended that the comments for these two postings be considered collectively in order to ensure harmonization between any policy and regulatory initiatives that result from these discussion documents.

Ontario Regulation 101/94

York Region is supportive of amending *O.Reg. 101/94*, to include residential printed paper, corrugated cardboard, magazines, telephone directories and high density polyethylene (HDPE). Communities in Northern Ontario should not be subject to the same collection requirements as Southern Ontario because of the distance to markets. Boxboard could also be considered as a designated material under this regulation. However, this material can either be composted through a centralized program or collected in the blue box, and it should be at the municipalities' discretion as to which diversion method is used. Other blue box materials to be considered include plastic film, polystyrene, and the remaining # 3-7 rigid plastics. The Region does not support addition of these materials at this time. However, a schedule for designation of these additional materials should be considered. Polystyrene and plastic film should be the last materials considered because of processing issues in municipal MRF's (Material Recycling Facilities), ongoing problems with the marketing of these materials (e.g., load rejections, scheduling problems, fluctuating prices).

Ontario Regulation 103/94

The Region supports downloading of enforcement responsibilities for *O.Reg 103/94* provided that all associated program costs are funded by the province.

Bag Limits and User Pay Systems

A mandatory three bag limit for residential waste collection or equivalent user pay system is supported by the Region of York. Consideration should be given to the implementation of a mandatory two bag limit once designation of the #3-7 rigid plastics, plastic film, and polystyrene has been completed.

Waste Audits

Numerous municipalities within the province have already undertaken their own individual waste audits, with the majority examining single family detached dwellings. Comprehensive monitoring is appropriate to assess our progress towards a goal of 60% diversion. It is recommended therefore, that a maximum of 10% of the Efficiency and Effectiveness Fund be used for "progress" waste audits. It is further suggested that 40% of this allocation be used to examine multi-unit dwelling disposal patterns. This is one area where we lack the information to begin effectively addressing waste diversion. Multi-unit residential buildings are identified as not receiving efficient collection services. By focusing audits on this type of dwelling, the Efficiency and Effectiveness Fund will assist in the development of specialized waste management programs for this type of situation.

Appropriate Market Development Activities

In order for municipalities to collect additional materials through the blue box program there must be reliable markets and sufficient feedstock. Reliable markets have been a serious problem for recycling materials such as the #3-7 rigid plastics. Increasing diversity in resin types and colors is making this a growing problem for this type of packaging. Creation of value added North American markets are necessary for new types of blue box material. Charging product stewards with the responsibility of ensuring that there are legitimate North American markets available for their equivalent tonnage would promote the use of readily recyclable packaging materials. Consideration should also be given to assigning product stewards with responsibility for marketing of the collected materials. The provincial government should also take a leadership role with respect to development of blue box recyclable packaging through the implementation of packaging legislation restricting the use of resin types, where practical, to those which are recyclable in North American markets.

Collecting and Processing Additional Materials

York Region is supportive of the proposals put forth by the WDO under this section. Standardized levels of collection services, and best practices would increase participation levels and diversion rates. The majority of households in Ontario currently have one or two blue boxes. In many instances they are also restricted to bi-weekly blue box collection. This combination of factors inhibits their ability to fully participate in the program because of blue box capacity limitations. This situation will only deteriorate as we attempt to designate new materials and improve capture rates of currently designated materials. Mandatory provision of free blue boxes by municipalities would also assist in achieving the 60% blue box waste diversion target. The

elimination of plastic bags for recycling collection would also assist in standardizing blue box collection across Ontario.

Research

The economic impacts of material specific targets need to be more thoroughly examined before they are set for newly designated materials. This will ensure that there is sufficient infrastructure for implementation. Non municipal activities involving management of blue box waste should also be studied in order to explain the gap between industry generation and disposal data.

Public education is a critical component of successful recycling programs. Advertising and public education should be a mandatory component of the blue box program. A mandatory minimum dollar amount to be spent by municipalities on blue box advertising should be established on a per capita basis. A series of "best practices" should be established for promotion and education, and the Efficiency and Effectiveness Fund should be used to monitor these programs. Mandatory follow up studies should be performed on all major P&E initiatives to ensure their effectiveness. In order to improve capture rates, it is also suggested that municipalities and the province consider implementing an "All Bottles" collection program as a best practice.

Targets, Policies and Practices

The material specific targets discussed by the WDO in this paper are achievable with the exception of those set for polycoat and aseptic containers. This material is currently managed by most municipalities as a contaminant within the fibre stream. To achieve the proposed target, municipalities will most likely be forced to begin separating these two materials for discrete processing and marketing. However, this would result in operational issues for municipal MRF's (e.g., sanitation issues, additional bunkers and sorters). Benchmarks should not be set for materials other than those mandated in *Schedule I of O.Reg.101/94*. If new materials are mandated, capital funding should be made available to municipalities for MRF retrofitting. User fee and bag limit programs are widely recognized and understood within Ontario, and therefore do not require further research.

Municipal Benchmarks

Municipalities are very familiar with the specific and unique details of their areas' waste stream. Each municipality can speak directly to the proposed benchmarks with regard to achieving the targets because they understand the nature of their areas' waste composition. Benchmarks can be modified and tailored, and because of this, there is no need for further delay in implementing this type of program. In order to make certain that reported diversion rates are true representations of municipal waste programs, a benchmark should be set for material recycling facility residue regardless of the type of facility or process. The Efficiency and Effectiveness Fund could also be used to assess this aspect of municipal recycling programs.

Other Considerations

Before new materials are designated to the blue box program, a thorough cost benefit analysis and assessment of their environmental benefits should be performed. A review of the existing list of recyclable materials is needed to prioritize which of the new and existing materials should be collected.

Tuesday, July 13, 2004
Mr. Adam Ciulini

4

The Region of York would like to thank the Ministry for the opportunity to comment on this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Kelly Millen". The signature is fluid and cursive, with the first name "Kelly" and the last name "Millen" clearly distinguishable.

Kelly Millen
Policy and Planning Coordinator

KM/km

G:\Policy\PI2 - Provincial Legislation\Environmental Bill of Rights\



*Transportation and Works Department
Solid Waste Management Branch
Fax: 905-954-4611*

Tuesday, August 10, 2004

Mr. John Taylor, Project Leader
Waste Management Policy Branch
Ministry of the Environment
135 St Clair Avenue West, 7th Floor
Toronto, Ontario, M4V 1P5

Dear Mr. Taylor:

**Re: Ontario's 60% Waste Diversion Goal, A Discussion Paper,
EBR Registry # PA04E0037**

York Region is supportive of the Ministry of the Environment's over all goal of 60% waste diversion from the residential, industrial, commercial, institutional, construction and demolition sectors. However, it is important that the Ministry recognize that the Region is a two-tier municipal waste management system. The Region can therefore not commit to being able to achieve this goal.

These comments reflect the views of York Regional staff and are awaiting endorsement by Regional Council at their next meeting slated for September 23, 2004.

Objectives and Targets

Municipal Diversion

York Region requests that the Ministry give consideration to timelines when assigning targets and implementation dates which are reflective of the current barriers preventing further progress on waste diversion. To make changes to collection programs and contracts, many of York's lower tier municipalities must wait until expiry dates are reached or face additional fees and or penalties. The Region requests that mandatory targets not be implemented without significant provincial funding to support capital infrastructure development is put in place and environmental assessment regulatory reform has been completed. York Region believes that in order to achieve 60% diversion, the goal should be mandated for municipal diversion, and municipalities should decide how best to achieve the target by developing individual plans.

Diversion targets can be set using an overall or material specific approach. In order to achieve a level of 60% diversion within Ontario, the province needs to decide which mechanism will achieve the desired results. York Region is supportive of material specific diversion targets for the industrial, commercial and institutional sectors since certain sectors will not achieve the ministry's targets voluntarily.

York Region supports the setting of fair mandatory diversion targets for municipalities varying by size of population geographic location and distance to market. York supports a "least cost to capture the next tonne" approach to diversion coupled with material specific targets supported by provincially funded curb-side and multi-residential audits. The Region believes that municipalities should be given some autonomy in deciding which solutions are appropriate for their community.

In order to facilitate a level playing field for all sectors, the industrial, commercial and institutional sectors should be subject to the same objectives and targets as municipalities. Recycling programs should be extended into the workplace to reinforce that recycling programs are universal in communities, all homes, businesses, and industry. As a starting point, all companies and municipalities should be prioritized according to their waste generation. The top 20% waste generators should be targeted as a priority and a schedule be developed to work through to the smaller generators.

York Region is supportive of provincially mandated minimum standards (i.e., collection frequency, container type and size) for the collection of residual waste and blue box materials to harmonize service levels across the province and simplify participation for residents. The province should also mandate the use of identified best practices for collection and processing of waste as identified by the Ontario Centre for Municipal Best Practices.

York believes the current list of recyclables designated under Schedule 1, Part 1 of Regulation 101/94 should be expanded. The following items should be added to the list for basic blue box programs: rigid aluminum foil containers, old boxboard, corrugated cardboard, household printed paper, magazines, catalogues, telephone books, and HDPE bottles. The Region has already commented on this issue in its response to Waste Diversion Ontario's (WDO) Blue Box Program Plan- Material Specific Targets and Benchmarks, EBR Registry # RA04E0006.

Public Reporting by Businesses

If reporting is to take place, there is a need to ensure a level of confidentiality for businesses operating in competitive environments. It is acceptable to compile this type of information if it is to be used to establish future sector specific targets, otherwise, it is a waste of resources. Companies should be prioritized by size, targeting the largest 20% and work down as resources are available. York Region believes that the regulations should apply to all businesses of a reasonable size (e.g. 50 employees or larger).

Enforcement of the IC&I Diversion Regulations

York Region feels that this task should be carried out by the Ministry of the Environment, as municipalities have insufficient resources to manage this sector. Performance targets should be set and results reported for this sector to ensure that they are doing their part to achieve 60%

diversion. The Ministry should allocate the resources to enforce the current IC&I waste management regulations.

Accelerating Centralized Composting

Support for Backyard Composting

York supports a provincially mandated target for distribution of backyard composters to residents within major municipalities. There is a reasonable, yet limited acceptance of this program, and it is estimated to be around 60% of those residents with a backyard. An analysis is required to justify any effort beyond this saturation point. York recommends that the province investigate the use of garborators to address organics diversion in multi-unit dwellings

Organic Waste Collection and Centralized Composting in Large Municipalities

To develop composting programs within Ontario on such a short deadline, the Ministry should contribute funding for expenditures and streamlining/ expediting of approvals relating to new facilities. In order to promote provincial efficiency, the MOE should determine how many additional sites are required to service the market and limit development accordingly. The siting of compost facilities is difficult given the regulatory framework within the province of Ontario. It would be beneficial to establish permit by rule regulations for diversion facilities and modify the approvals process to reflect more realistic operational parameters. A regulatory framework should be based on a risk management approach.

York believes source separated organics diversion should be mandated for all major municipalities in Ontario as distance to markets is not an issue.

Financing Strategies

User Pay

York Region is in supportive of the use of bag limits, bag tag systems and conceptually even full user pay. However, in order to implement such a financing mechanism, it must be recognized that funding is required. It is necessary to implement a system that rewards those who participate in the diversion programs and penalizes the largest waste generators. User pay systems are suitable for encouraging diversion and for partially financing waste residue management. However, they will not generate "new" dollars to support new diversion programs. Typically user pay systems do not reflect the true costs of waste management.

Provincial Funding

Municipalities require a funding mechanism that provides new funding rather than a re-allocation of existing funds. York Region is in support of provincial funding for projects that facilitate the goal of 60% waste diversion.

Financing Through Borrowing

York Region does not support of this type of funding mechanism. The limited success of the GMEF loan scheme clearly demonstrates that this approach is of limited value to municipalities. Recent improvements have however made the program more user friendly.

Waste Disposal Surcharge

York Region is not in support of this funding mechanism as it fails to generate new funds. Presumably, municipalities would pay a levy on the disposal of waste, and the levy would be

returned to them by a governing body through funding allocation less the administrative cost of handling the funds. This will also raise the price of disposal in the province of Ontario, and makes shipping to Michigan more attractive and affordable to a wider radius of customers.

Private Sector Investment

Opportunities already exist for this type of partnership. It fails to provide a source of funding for the development of infrastructure because the municipality still has to pay the private sector the cost of capital, processing, and profit.

A significant barrier that prevents many private sector entities from this type of partnership is the current environmental assessment and environmental protection act approvals process. There is insufficient certainty to attract credible project financiers. A stream lined approval process is needed.

Recycled Material Revenues

York Region does not recognize this as a new funding strategy. The revenues from recycling programs are already used to defray system operating costs and do not cover full system costs.

Designation of New Materials Under the Waste Diversion Act (WDA)

York believes there is a need to perform a solid cost benefit analysis of the proposed materials, taking into account the availability of viable end markets, cost to collect and process, and environmental benefits before new materials are designated for this purpose. York does support the immediate designation of low grade paper products, household hazardous and special wastes (including oil), electronics and fast food and beverage packaging.

Deposit-Return Systems

While the Region acknowledges deposit-return systems for non-refillable packaging, this may not have a substantive effect on municipal diversion rates, consideration should be given to the potential to take liquor bottles out of the blue box program to either a stand alone or deposit return program co-run with the Beer Store. The potential cost savings accrued by avoiding the wear and tear on municipal processing facilities directly attributable to glass would allow resources to be spent on increasing diversion of other materials.

IC&I Renewed Commitment

Review and Revision of Ont. Reg 103/94 for IC&I Commitment

The Region believes that this regulation should be enforced and source separation mandated. If the regulation is enforced, regular audits should be performed by accredited auditors to ensure the requirements are met. The legislation should be repealed if the province does not intend to enforce it.

Require Public Reporting for the Largest Generators

York Region believes public reporting by larger generators in the province is necessary to achieve the goal of 60% diversion provided the Ministry uses the information to focus resources and prioritize diversion programs. York Region also recognizes the importance of keeping competitive information confidential.

Diversion Reporting for Other Sectors

This practice is appropriate if generators are prioritized and the largest producers of waste are the initial focus. It is necessary to consider the dynamics of each industry when setting targets. Some industries are more mature by nature than others, for example the automotive industry versus the construction and demolition industry. Voluntary initiatives have worked in the automotive sector. It is likely that more stringent measures will need to be taken with the construction and demolition industry such as mandatory regulations and enforcement mechanisms.

Small Business Training

York Region believes that this type of program would be an inefficient use of funds as two-thirds of Ontario's businesses have less than 50 employees. It would be more cost-effective to identify the top 20% of waste generators and focus efforts on ensuring this group achieves 60% diversion before progressing to smaller companies providing the most efficient use of funds to produce significant results.

Disposal Ban for Organics and Recyclable Materials

York would support a ban on organics provided the Ministry is staffed to ensure compliance with the regulation and enforcement is equally applied at both public and private sector facilities. If a disposal ban was implemented, it would ultimately need to be enforced at the landfill or transfer station. Rather than banning materials, it would be more effective to mandate recycling programs at IC&I transfer stations and facilities. York Region would support this action.

New Diversion Technologies

Streamlined Approvals Process

As previously mentioned, there is a need for a streamlined approvals process. This process should be based upon risk management and reflect the merits of the proposal. It is necessary to differentiate between legitimate stakeholders and general input within the approvals process under the EPA. Stakeholders should be defined as those directly impacted by a project versus other parties. Groups like the Sierra Club are not stakeholders, but are legitimate sources of input to the process. A definition could be set to identify what level of public satisfaction or opposition is required to allow or prevent a facility from moving forward.

Research Exemption

The Region agrees that the research exemption under Ont. Reg 334 should be rewritten to ensure that small scale research or demonstration projects for new waste diversion technologies are not subject to the Environmental Assessment Act. The current conditions placed on the "research" exemption fails to allow for suitably sized projects to produce results that can be extrapolated to community based waste management solutions. The exemption needs to be set at an expanded level that produces research scale projects.

Packaging Reduction and Recycled Content

Working with Other Levels of Government to Reduce Packaging and Increase Recycled Content

It is recognized by York Region that the jurisdiction to mandate the use of packaging materials lies outside of the provincial realm. Packaging is an issue that needs to be addressed at the federal level. The Region would be in support of a coordinated effort developed through the

Canadian Council of Ministers of the Environment (CCME). The Region is supportive of mandating the use of materials that are acceptable through the blue box program, otherwise a levy should be charged to product manufacturers. The Region believes that stewards should be made responsible for the marketing of blue box materials and proposed outlets audited by municipalities to ensure the environmental soundness of the outlet. The private sector has direct impact on the cost of blue box programs through the materials they choose to use for their packaging, and they need to be held accountable. York Region feels that only recyclable and/or compostable materials should be used for packaging.

Disseminating Information on Best Practices in Packaging Reduction, Reuse and Recycling
Manufacturers are already aware of the best practices that exist regarding packaging reduction, reuse and recycling. Any further educational efforts surrounding this issue would be an inefficient use of resources.

Public Education and Awareness Activities to Promote the 3Rs

Work With Stakeholders to Deliver Effective Public Education on the 3Rs

In order to ensure that promotion and education campaigns are effective, York believes performance targets including the monitoring and measuring of results should be used. Promotion and education studies should also be statistically valid if they are to be funded.

Effective marketing is an integral component of efficient diversion programs. It is more effective to provide municipalities with direct funding for promotion and education rather than "in-kind" advertising provided through current stewardship activities. In order to assist in funding the current promotion and education activities, it is recommended that the newspaper steward's "in-kind" contribution to the WDO be repealed and the funds be provided directly to municipalities.

Provincial Waste Monitoring System

Reporting of Waste Diversion Statistics

York supports reporting of waste diversion statistics by both the public and private sectors to ensure an accurate picture of waste management province wide. Municipalities are already required to report these statistics through the annual WDO data call and the Municipal Performance Measurement Program(MPMP). A gap exists in the diversion and generation data presently collected as a result of the missing IC&I information.

Other Comments

In order to efficiently promote waste diversion, the province needs to decide how much infrastructure is sufficient for the processing of organics, and recyclables. The province would then be able to limit or expedite the siting of essential services like transfer stations, composting plants, and MRF's which would in turn facilitate municipal efforts to achieve the goal of 60% diversion by the 2008 deadline.

The use of GAP analysis by municipalities to calculate diversion is currently mandated in order to ensure that data is accurate and easily comparable through MPMP reporting and the WDO tonnage data call. A greater awareness of the requirement to use GAP is necessary. The MPMP

Monday, August 9, 2004
Mr. John Taylor

7

information could be made available to the MOE through coordinated efforts with the Ministry of Municipal Affairs.

York Region would like to thank the Ministry for the opportunity to comment on these issues.

Sincerely,

A handwritten signature in black ink, reading "Kelly Spitzig". The signature is written in a cursive style with a large, stylized "K" and "S".

Kelly Spitzig
Policy & Planning Coordinator

KM/km
G:\Policy\P12 - Provincial Legislation\Environmental Bill of Rights\