



THE REGIONAL MUNICIPALITY OF PEEL  
WASTE MANAGEMENT STRATEGIC ADVISORY COMMITTEE  
AGENDA

**Meeting #:** WMSAC - 2/2021  
**Date:** Thursday, April 1, 2021  
**Time:** 9:30 AM - 11:00 AM  
**Location:** Council Chamber, 5th Floor  
Regional Administrative Headquarters  
10 Peel Centre Drive, Suite A  
Brampton, Ontario  
**Members:** D. Damerla, G.S. Dhillon, P. Fortini, N. Iannicca, J. Innis (Vice-Chair), M. Mahoney, K. Ras, I. Sinclair, R. Starr (Chair)

The meeting will be live streamed on <http://www.peelregion.ca/>

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1. CALL TO ORDER
2. DECLARATIONS OF CONFLICTS OF INTEREST
3. APPROVAL OF AGENDA
4. DELEGATIONS
5. REPORTS
  - 5.1. Townhouse Waste Collection Options  
(Referred from the February 11, 2021 Regional Council meeting)  
Presentation by Norman Lee, Director, Waste Management
  - 5.2. Heart Lake Community Recycling Centre Operations
  - 5.3. Municipal Hazardous and Special Waste Transition to Full Producer Responsibility Update – Preliminary Analysis of the Draft Regulation
  - 5.4. Waste Collection Agreement for City of Mississauga Facilities  
(For Information)
6. COMMUNICATIONS
7. OTHER BUSINESS

**8. IN CAMERA**

**9. NEXT MEETING**

Thursday, May 20, 2021

9:30 a.m. – 11:00 a.m.

Council Chamber, 5th floor

Regional Administrative Headquarters

10 Peel Centre Drive, Suite A

Brampton, ON

**10. ADJOURNMENT**

**APPROVED AT REGIONAL COUNCIL  
February 11, 2021**

**11. ITEMS RELATED TO PUBLIC WORKS**

**11.2 Report of the Waste Management Strategic Advisory Committee (WMSAC-1/2021) meeting held on January 21, 2021**

**6. REPORTS**

**6.1 Townhouse Waste Collection Options**

**RECOMMENDATION WMSAC-3-2021:**

**Resolution Number 2021-119**

*That the following townhouse waste collection options be approved and presented to townhouse Board of Directors and/or Property Managers:*

- *Option 1a - Cart-based garbage and recycling collection with choice of 120, 240 and 360 litre carts and cart-based organics collection with a 100 litre cart;*
- *Option 1b - Cart-based garbage and recycling collection with choice of 120, 240 and 360 litre carts and cart-based organics collection with a smaller 46-80 litre cart;*
- *Option 2a – Cart-based garbage collection with choice of 120, 240 and 360 litre carts, bag-based recycling collection and cart-based organics collection with a 100 litre cart;*
- *Option 2b – Cart-based garbage collection with choice of 120, 240 and 360 litre carts bag-based recycling collection and cart-based organics collection with a smaller 46-80 litre cart;*

*And further, that the consultation plan with townhouse Board of Directors and/or Property Managers commence in the fall of 2021, including an education component on the transition of the Blue Bin Program to full producer responsibility in 2024;*

*And further, that staff align the implementation of the townhouse waste collection options selected by the individual townhouse complexes with the new curbside collection contracts anticipated to commence on October 1, 2024;*

*And further, that townhouse complexes requesting to be converted to cart-based collection with the large organics cart (Option 1a) prior to the new collection contract in 2024 be allowed to do so provided that the proposed approach, as outlined in the report of the Interim Commissioner of Public Works, listed on the January 21, 2021 Waste Management Strategic Advisory Committee agenda, titled “Townhouse Waste Collection Options”, is met;*

*And further, that townhouse complexes requesting to be converted to cart-based collection with a smaller organics cart (Option 1b) prior to the new collection contract in 2024 be allowed to do so, subject to satisfactory negotiations related to pricing with the waste collection contractors and provided that the proposed approach as outlined in the subject report, is met.*

**Referred to the April 1, 2021, WMSAC meeting**

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**REPORT TITLE:     Townhouse Waste Collection Options**

**FROM:                     Andrea Warren, Interim Commissioner of Public Works**

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## **RECOMMENDATION**

**That the townhouse waste collection options outlined in the report of the Interim Commissioner of Public Works, titled “Townhouse Waste Collection Options”, be approved;**

**And further, that the consultation plan outlined in the subject report be approved;**

**And further, that staff align the implementation of the townhouse waste collection options selected by the individual townhouse complexes with the new curbside collection contracts anticipated to commence on October 1, 2024;**

**And further, that townhouse complexes requesting to be converted to cart-based collection prior to the new collection contract in 2024 be allowed to do so provided the proposed approach outlined in the subject report are met.**

## **REPORT HIGHLIGHTS**

- To date, 18,138 townhouse units have been converted to a cart-based waste collection program, which represents approximately 50 per cent of all townhouse units in Peel.
  - At its June 13, 2019 meeting, Regional Council directed staff to cease all further implementation of the cart system in townhouse complexes and report back to the Waste Management Strategic Advisory Committee on alternative townhouse waste diversion strategies, including a consultation plan for engaging the townhouse residents prior to changing their current collection system.
  - Staff reviewed several service options and used a multi-pronged evaluation process to determine which options best align with Peel’s strategic policy objectives while meeting the needs of residents.
  - Options developed utilize varying combinations of carts for garbage, carts or bags for recycling and the existing size organics cart or a smaller organics cart.
  - Staff will consult with townhouse complexes in 2022 and implement their chosen option in 2024.
  - Staff recommends that townhouse complexes that have already been converted to carts remain on cart-based collection.
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## **DISCUSSION**

### **1. Background**

In January 2016, most curbside households, including all freehold townhouses, in the Region of Peel were converted from a weekly, bag-based waste collection program to a bi-

## **Townhouse Waste Collection Options**

weekly cart-based waste collection program. At that time, most townhouse condominium complexes were converted to bi-weekly bag-based collection for garbage and recycling, and weekly organics collection, using the same larger organics cart rolled out to other curbside households. Since the fall of 2016, staff converted 18,138 townhouse units, representing approximately 50 per cent of all townhouse units in Peel, from bag-based to cart-based collection.

At its June 13, 2019 meeting, Regional Council directed staff to immediately cease all further implementation of the cart system in townhouse complexes and report back to the Waste Management Strategic Advisory Committee on alternative townhouse waste diversion strategies, including a consultation plan for engaging the townhouse residents prior to further conversions (Resolution 2019-609).

The recommended approach for townhouse waste collection options in this report incorporates the results of an environmental scan of a number of other large and medium sized Ontario municipalities; feedback received from townhouse residents, property management and Regional Council; and, considers how these options align with Regional strategic policy objectives such as increasing diversion; seamlessly transitioning the Blue Box Program to Extended Producer Responsibility (EPR); potentially implementing a user pay system; and preparing for the 2024 collection contracts.

## **2. Environmental Scan Results**

The first step to determining options to replace the current three cart program for townhouse complexes was the completion of an environmental scan to gather information on how other Ontario municipalities collect from townhouses. This scan included the impact of the collection systems on diversion, resident satisfaction and concerns, contractor concerns and other challenges. The scan was completed through a questionnaire sent to municipalities with members on the Regional Public Works Commissioners of Ontario waste subcommittee and a total of seven responses were received.

The majority of municipalities offer the same service level in townhouse complexes that they do for regular curbside collection. Generally speaking, municipalities with bag-based collection for curbside customers offered bag-based collection for townhouse customers; and, municipalities with cart-based collection for curbside customers offered cart-based collection for townhouse customers. While all municipalities offered cart-based collection for organics, some used a smaller green bin than Peel. Municipalities that utilize automated collection vehicles tended to use 80 or 100 litre green bins and municipalities with manual collection tended to use 46 litre organics carts. Some of those municipalities offer alternatives, such as front-end collection when the collection vehicle cannot access each home individually. Appendix I includes a more detailed summary of the information received from municipalities that responded to the questionnaire.

### **Public Feedback**

Prior to pausing the cart rollout in 2019, staff engaged residents through public consultation sessions, surveys, focus groups, collection day set out studies and site visits. Through these activities, residents strongly expressed their key concerns which included the size of the new organics cart, the desire for a smaller organics cart, finding storage space for three carts indoors (as outdoor storage of carts is not appealing), the option for containers that they could carry to the curb and a desire for an alternative solution to the current three cart program.

## **Townhouse Waste Collection Options**

### **3. Townhouse Waste Collection Options**

Based on the information received through the environmental scan and from resident feedback, staff developed the following collection service options to consider for townhouses:

1. Cart-based collection with individual households having a choice between 120, 240 and 360 litre garbage and recycling carts and a choice of the full sized 100 litre organics cart or a smaller 46-80 litre organics cart
2. Cart-based collection for garbage with individual households having a choice between 120, 240 and 360 litre garbage carts, bag-based collection for recycling and a choice of the full sized 100 litre organics cart or a smaller 46-80 litre organics cart
3. Bag-based collection for garbage and recycling and a choice of the full sized 100 litre organics cart or a smaller 46-80 litre organics cart
4. Front End Collection for recycling, garbage and organics

If approved by Council, the option of a 46-80 litre organics cart would be made available to townhouse complexes that have already been converted but not offered to curbside residents in detached, semi-detached or freehold townhouses.

### **4. Analysis and Evaluation of Townhouse Waste Collection Options**

The following evaluation criteria for the townhouse waste collection options were developed considering feedback from Regional Council and residents:

- Supports the Region's Strategic Policy Objectives:
  - Increases Diversion – the option supports the diversion objectives of the Region's long-term waste management strategy and its 3Rs diversion target of 75 percent by 2034.
  - Allows for a Seamless Transition to Extended Producer Responsibility (EPR) - to prepare for the Blue Box Program transition, the draft regulation is considering the Region's preferred transition date which aligns with the commencement of the new collection contracts in 2024. Any changes implemented to Peel's current blue box program from now to transition, including changes to the collection system, may not be utilized or funded by the producers under the new blue box program.
  - Allows for Potential Future User Fees – a potential user fee system is being investigated in which residents would be charged a fee based on the size of their garbage cart.
- Addresses Resident Concerns – the service option supports residents' concerns regarding storage and the desire for a smaller green bin.
- Reduces Litter – the service option prevents blowing papers and other lightweight items, reducing neighbourhood litter.
- Prevents Vermin and Vector – the service option prevents vermin and vector from accessing food sources in waste.

The criteria were applied in an evaluation process to eliminate any options that did not align with the Region's objectives or reasonably address the concerns of residents. The results of the evaluation are shown in Table 5, below. A more detailed summary of the evaluation is included in Appendix II.

## Townhouse Waste Collection Options

**Table 1 - Townhouse Option Evaluation Summary**

Service Option	Alternative Strategy	Increases Diversion	EPR	User Fees	Addresses Resident Concerns	Reduces Litter	Prevents Vermin & Vector	Recommended
1	Cart-based garbage and recycling collection with choice of 120, 240 and 360 litre carts. Cart-based organics collection with choice of 46-80 litre or 100 litre cart.	Yes	Yes	Yes	Yes*	Yes	Yes	Yes
2	Cart-based garbage collection with choice of 120, 240 and 360 litre carts. Bag-based recycling collection. Cart-based organics collection with choice of 46-80 litre or 100 litre cart.	Yes	Yes	Yes	Yes	Yes	Yes	Yes
3	Bag-based garbage and recycling collection. Cart-based organics collection with choice of 46-80 litre or 100 litre cart.	No	Yes	Yes	Yes	Yes	No	No
4	Front End Collection for recycling, garbage and organics.	No	Yes	Yes	No	Yes	No	No

\*if small carts are selected

As Options 3 and 4 did not adequately meet all the evaluation criteria, staff recommends that these not be given further consideration. Options 1 and 2 have been brought forward as viable collection options for townhouse residents. The current three-cart program will continue to be available to townhouse complexes as part of option 1.

### 5. Implementation Timing

The current collection contracts allow the Region to convert townhouse complexes to the three-cart program, including the 100 litre organics cart or have the locations remain on current bi-weekly bag-based collection program.

The collection options that include a mixed service level and the provision for a 46-80 litre organics cart are not identified in the contract as collection methods. An amendment to the



## **Townhouse Waste Collection Options**

contract to allow these could be negotiated but would result in a significant increase in cost due to new vehicles and operators required to collect using these methods. The alternative collection options could be written into the next collection contract, which is expected to commence on October 1, 2024.

The existing cart supply contract does not allow for additional cart sizes to be manufactured outside of the designated carts (120L, 240L, 360L for garbage and recycling and 100L for organics). Staff would have to work with the cart vendor to amend the contract to implement a smaller organics cart.

Due to the anticipated high costs of renegotiating collection contracts and cart supply contracts, and due to the risk of producers not supporting changes to the blue box collection system under the new producer responsibility program, staff recommends implementing the townhouse conversion options listed above at the commencement of the next collection contract, which is anticipated to begin on October 1, 2024. Consultation and selection of options by townhouse complexes would, of course, occur sooner but collection would not change until 2024.

The future collection contract would specify the service level requirements at townhouse complexes, for the bidders' consideration in the submission of their bid prices, which staff believe would be more financially responsible than amending current contract pricing to address changes to the contract at this time.

As part of the Waste Collection Design Standards manual, any new townhouse complexes that are approved for development are now required to include storage for carts; up to 360 litres for garbage and recycling and 100 litres for organics. The Region will continue to work with the local municipalities as well as the developers to ensure that there is a designated area for waste collection carts.

Staff also recommend that any townhouse complexes requesting to be converted to cart-based collection with the three-cart program prior to the new collection contract in 2024 be allowed to do so, provided the proposed approach outlined in the Next Steps section of this report are met.

## **6. Next Steps**

### **Consultation Plan**

Following Council approval of the townhouse waste collection options, staff will implement a consultation plan to inform townhouse Boards of Directors and/or Property Managers of the waste collection service options and to confirm their preferred option.

The proposed process is as follows:

1. Board of Directors and/or Property Managers will be advised of Council's approval to move forward with one of the two options below:
  - Cart-based garbage and recycling collection with choice of 120, 240 and 360 litre carts with cart-based organics collection with choice of full sized 100 litre organics cart or 46-80 litre organics cart

## **Townhouse Waste Collection Options**

- Cart-based garbage collection with choice of 120, 240 and 360 litre cart, bag-based recycling collection with cart-based organics collection with choice of the full sized 100 litre organics cart or 46-80 litre organics cart
- 2. Staff will clearly describe the benefits and impacts of each option, including the ability to transition sooner if the complex chooses cart-based garbage and recycling and the 100 litre organics cart.
- 3. Board of Directors and/or Property Managers can arrange an online review or in-person site visit to support selection of the option that best suits their needs and, subject to COVID-19 restrictions, may request staff to meet with residents should it be necessary.
- 4. Board of Directors and/or Property Managers will be required to confirm their selection in writing before September 2022. For complexes that do not make a selection before the deadline, staff will assess the complex and assign and implement a recommended option. Residents will be required to select cart sizes by December 31, 2022 to allow staff to adequately describe the scope of work in the upcoming cart supply contract and waste collection contracts.

### **Proposed Approach for Consultation for Townhouse Complexes Requesting Conversion before 2024**

Staff has received requests from some townhouse complexes to implement the current three cart collection program. Staff recommend that townhouse complexes requesting to have all three carts – choice of 120 litres, 240 litres, or 360 litres for garbage and recycling carts and 100 litres organics cart – be approved for conversion prior to 2024 provided they meet the following requirements:

1. The Property Management Group for the complex must submit a written request on a prescribed form provided by staff.
2. The above written request must include written approval from the Board of Directors of the complex.

Once the written request is received, staff will advise the Ward Councillor that the conversion request has been submitted prior to converting the complex to the cart program.

## **7. Staffing**

In order to ensure adequate staffing for the consultation and implementation process, it is recommended that one contract staff be added through the 2022 budget process to assist with the consultation process in 2022.

## **RISK CONSIDERATIONS**

There is the risk that townhouse complexes that have already been converted could request to go back to bag-based collection, or one of the other approved options, which could reopen the debate amongst complex residents over whether to use carts or an alternative, and could increase costs. This risk will be managed by allowing these complexes to choose a smaller (46-80 litre) organics cart beginning in 2024.

## **Townhouse Waste Collection Options**

### **FINANCIAL IMPACTS**

Sufficient funding is available within existing approved budgets to fund the consultations and purchase of carts for the townhouse complexes that are requesting to be converted ahead of the new collection contracts in 2024.

One contract staff will be required to assist with the continuing consultation process in 2022. The request for this contract position will be submitted as part of the 2022 budget submission.

### **CONCLUSION**

In response to Regional Council direction, staff has identified a number of waste collection options for townhouses that have not yet been converted to cart-based collection. These options address residents' concerns (primarily around storage space) and support the Region of Peel's strategic objectives. If approved by Council, these options will be implemented in 2024 under the Region's new collection contracts. Consultations with townhouse complex Boards of Directors and property managers will take place in 2022 to inform them of the available options and for them to select one of the options. Townhouse complexes that request conversion to the existing cart-based collection system prior to 2024 and meet the requirements set out in this report will be converted.

### **APPENDICES**

Appendix I – Municipal Townhouse Collection Program Summary

Appendix II – Evaluation of Collection Options for Garbage, Recycling and Organics

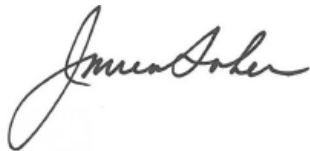
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*For further information regarding this report, please contact Norman Lee, Director Waste Management, Ext. 4703, [norman.lee@peelregion.ca](mailto:norman.lee@peelregion.ca).*

#### ***Reviewed and/or approved in workflow by:***

Department Commissioner, Division Director and Financial Support Unit.

Final approval is by the Chief Administrative Officer.



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J. Baker, Chief Administrative Officer

Appendix I: Municipal Townhouse Collection Program Summary

**Table 1 - Municipal Townhouse Collection Program Summary**

Municipality	Curbside Collection Method	Townhouse Collection Method
City of Toronto	Bi-weekly, cart-based collection for garbage and recycling and weekly organics in 100 litre carts (same size as Peel's new organics carts)	Bi-weekly cart-based collection for garbage and recycling and weekly organics in 100 litre carts  Front End collection for garbage, recycling and organics for stacked townhouses
City of Guelph	Bi-weekly, cart-based collection for garbage and recycling and weekly organics in 80 litre carts.	Bi-weekly, cart-based collection for garbage and recycling and weekly organics in 80 litre carts for majority of townhouses  Front End collection or bag-based collection where the collection vehicle cannot access each home
York Region	Bi-weekly bag-based collection for garbage, and weekly recycling in blue boxes and organics in 46 litre carts	Bi-weekly bag-based collection for garbage, and weekly recycling in blue boxes and organics in 46 litre carts for majority of townhouses  Front-end collection where collection vehicles cannot access each home
Halton Region	Bi-weekly bag-based collection for garbage, and weekly recycling in blue boxes and organics in 46 litre carts	Bi-weekly cart-based collection for garbage and weekly blue boxes and organics in 46 litre carts for majority of townhouses  Front-end collection where collection vehicles cannot access each home
City of Kingston	Weekly bag-based garbage, recycling in blue boxes and organics in 46 litre carts	Weekly bag-based garbage, recycling in blue and grey boxes and organics in 46 litre carts
Region of Waterloo	Bi-weekly bag-based collection for garbage, and weekly recycling in blue boxes and organics in 46 litre carts	Bi-weekly bag-based collection for garbage, and weekly recycling in blue boxes and organics in 46 litre carts  Cart-based recycling collection where the collection vehicle cannot access each home
City of London	Weekly bag-based garbage and recycling in blue boxes	Varying frequency of bag-based garbage and recycling depending on size and availability of set out space

Appendix II: Evaluation of Garbage, Recycling and Organic Collection Options

**Table 1 - Evaluation of Garbage Collection Options**

	Increases Diversion	Addresses Resident Concerns	Reduces Litter	Prevents Vermin and Vector	Aligns with Potential User Fee
Carts	Based on data, cart-based collection results in higher waste diversion and lower contamination.	Option to select a small cart, which minimizes the footprint when combined with a small recycling cart and 46 to 80 litre organics cart.	Lidded carts reduce litter as bags may come untied or be ripped open by animals.	Lidded carts prevent vermin from accessing garbage in comparison to bags.	If user fees are based on the size of the garbage cart this option would align best with user fees.
Bags	Experience has demonstrated that residents are less likely to participate in organics collection.	Residents will not be required to store carts. Residents can carry bagged waste to the curb.	Bag-based programs can generate litter as bags may come untied or be ripped open by animals.	Residents on bag-based collection are likely to place food waste in garbage bags. This is known to attract rodents.	User fees could be based on bags (e.g. through the use of certified bags or bag tags).
Front End Containers	Does not increase diversion as it provides a convenient option for residents to place everything into one bag.	Poses spacing concerns in complexes where collection pads need to be built and may require containers to be placed next to an end unit and take away valuable parking spaces.	Front-end garbage containers are lidded and reduce litter.	This will further exaggerate the existing vector and vermin issue as residents leave garbage outside of the container.	User fees could be based on number of front-end containers.

**Table 2 – Evaluation of Recycling Collection Options**

	Increases Diversion	Addresses Resident Concerns	Reduces Litter	Prevents Vermin and Vector	Ability to transition to EPR	Aligns with Potential User Fee
Carts	Based on data, cart-based collection results in higher waste diversion and lower contamination.	Option to select a small cart, which minimizes the footprint when combined with a small recycling cart and 46 to 80 litre organics cart.	Lidded carts reduce litter as bags may come untied or be ripped open by animals.	Lidded carts prevent vermin from accessing unrinsed recyclables in comparison to bags.	Changes implemented from now to transition, may not be funded. Recycling carts are consistent with the current system and will be accepted.	Carts will allow residents to store more recyclable material and reduce the amount of garbage generated, affecting the user fee.
Bags	Based on data, bag-based collection results in lower waste diversion and greater contamination.	Residents will not be required to store carts. Residents can carry bagged waste to the curb.	Bag-based programs do not reduce litter as bags may come untied or be ripped open by animals.	Experience has shown that unrinsed containers in bags attract vermin and vectors.	Changes implemented from now to transition, may not be funded. Bagged recycling is consistent with the current system and will be accepted.	In order to participate in the recycling program, residents will be required to purchase recycling bags in addition to paying user fees.
Front End Containers	Does not increase diversion as it provides a convenient option for residents to place everything into one bag.	Front-end collection may pose spacing concerns in complexes where collection pads need to be built and may require containers to be placed next to an end unit and take away valuable parking spaces.	Front-end recycling containers are lidded and reduce litter.	This will further exaggerate the existing vector and vermin issue as residents leave garbage outside of the container.	Changes implemented from now to transition, may not be funded. Front end recycling is consistent with the current system and will be accepted.	A user fee on front end garbage containers will encourage property managers to work more closely with residents to increase participation in the recycling program.

**Table 3 – Evaluation of Organics Collection Options**

	Increases Diversion	Addresses Resident Concerns	Reduces Litter	Prevents Vermin and Vector	Aligns with Potential User Fee
100L cart	100 litre organics cart provides more capacity for resident to divert organics waste from the garbage.	Does not address resident's concerns regarding storage.	Lidded carts reduce litter.	Lidded organic carts also lock to further prevent vermin and other animals from accessing the material.	A user fee on garbage should encourage residents to effectively participate in the organics program. 100 litre carts will allow residents to store more material.
60-80L cart	60-80 litre organics cart provides some capacity for resident to divert organics waste from the garbage. Additional capacity will be needed once diapers and pet waste are added to the organics program.	This option address residents' concerns as it has a smaller footprint than the 100 litre cart.	Lidded carts reduce litter.	Lidded organic carts also lock to further prevent vermin and other animals from accessing the material.	A user fee on garbage should encourage residents to effectively participate in the organics program. 60 – 80 litre carts will allow residents to store some material.
46L cart	46 litre organics cart provides less capacity for resident to divert organics waste from the garbage. Additional capacity will be needed once diapers and pet waste are added to the organics program.	This option address residents' concerns as it has a smaller footprint than the 100 litre cart. Residents can carry the 46 litre cart to the curb.	Lidded carts reduce litter.	Lidded organic carts also lock to further prevent vermin and other animals from accessing the material.	A user fee on garbage should encourage residents to effectively participate in the organics program. A 46 litre cart may not provide enough capacity for residents.
Front End Containers	Based on past pilot programs, front- end organics collection in a multi-residential setting results in low diversion rate and high contamination rates.	Front-end collection may pose spacing concerns in complexes where collection pads need to be built and may require containers to be placed next to an end unit and take away valuable parking spaces.	Front-end organic containers are lidded and reduce litter.	Although lidded, there are many access points for vermin. This will further exaggerate the existing vector and vermin issue as residents leave garbage outside of the container.	A user fee on front end garbage containers will encourage property managers to work more closely with residents to increase participation in the organics program.

# **Update on Townhouse Waste Collection Options**

Waste Management Strategic Advisory Committee

April 1, 2021

Norman Lee  
Director, Waste Management  
Region of Peel



# Background

- Since the fall of 2016, 18,138 townhouse units, representing approximately 50% of all townhouse units in Peel, have been converted from bag-based to cart-based collection.
- In June 2019, Regional Council directed staff to immediately cease all further implementation of the cart system in townhouse complexes
- Staff was directed to report back to the Waste Management Strategic Advisory Committee on alternative townhouse waste diversion strategies, including a consultation plan for engaging the townhouse residents prior to further conversions (Resolution 2019-609)

# Environmental Scan

- An environmental scan was conducted of townhouse collection methods used in other Ontario municipalities
- Municipalities use a variety of cart and bag-based programs with both manual and automated collection methods
- The method of collection for townhouse complexes was usually the same as the method used for other curbside customers

# Criteria

- Staff assessed the collection methods identified in the scan using criteria that addressed the Region's objectives and the residents' concerns
- Specific criteria included whether the option:
  - Increases diversion and reduces contamination
  - Reduces wind-blown litter
  - Prevents vectors and vermin from accessing food in waste
  - Allows for a seamless transition to Extended Producer Responsibility (EPR)
  - Allows for future volume-based user fees
  - Addresses resident concerns about storage space and the desire for containers that can be carried through their home from the back yard

# Criteria Summary

	Increases Diversion	Addresses Resident Concerns	Reduces Litter	Prevents Vermin and Vector	Aligns with Potential User Fee	Recommended for Inclusion as an Option
Carts	Yes	Yes – small carts and 46-80L organics carts	Yes	Yes	Yes	Yes
Bags	No	Yes	Yes	No	Yes	Yes – for recycling only
Communal Containers	No	Yes – addresses cart storage concerns	No	No	Yes	Option included for Committee's consideration as requested by Council
Open Top Containers	No	Yes	No	No	No	No

Option 1  
Residents have choice of cart size for garbage and recycling

Option 1a  
All residents in complex  
use 100L organics cart

Option 1b  
All residents in complex  
use 46-80L organics cart



Options 1a and 1b were endorsed by WMSAC on January 21, 2021

5.1-19

Option 2  
Residents have choice of cart size for garbage  
and purchase bags for recycling

Option 2a  
All residents in complex  
use 100L organics cart

Option 2b  
All residents in complex  
use 46-80L organics cart



Option 3  
Residents purchase bags for  
garbage and recycling

Option 3a  
All residents in complex  
use 100L organics cart

Option 3b  
All residents in complex  
use 46-80L organics cart



# Option 3 (continued)



- Bagged garbage can attract racoons and rodents and can generate litter if bags come untied or are ripped open by animals.
- Staff does not recommend bags for garbage if other options exist



## Option 4

Residents purchase bags for garbage, recycling and organics and carry their waste to a communal container in designated areas of the complex

### Option 4a

Residents carry bags for garbage and recycling to Front End or in-ground bins in designated areas of the complex

### Option 4b

Residents carry bags for garbage, recycling and organics to Front End or in-ground bins in designated areas of the complex



5.1-23



# Option 4 (continued)



- Communal bins do not increase diversion or participation
- Communal bins increase contamination
- Communal bins are known to attract rodents, especially if bags are left outside bins
- Communal bins may require loss of parking spots or green space
- Complexes must construct and maintain proper bin enclosures
- Staff does not recommend communal bins if other options exist

## Option 5

Residents select receptacle for garbage, recycling and select size of organics cart



- Allowing bags for garbage can attract racoons and rodents
- Collection costs will increase with a mixed service level
- Collection contractors strongly recommend against this option due to operational and enforcement challenges
- Staff does not recommend this option

# Decision Making Process in Townhouse Condominium Complexes

- For each complex, there are organizing documents that define authorities to the Board of Directors, who are voted in to act on behalf of residents in the complex.
- The organizing documents specify how decisions are to be made. This can range from:
  - Organizing a resident vote, with quorum
  - Board of Directors making the decision on behalf of the residents
  - Authority to be delegated to someone else making the decision (other rules may apply in this instance)
  - Nothing being clearly defined in the agreement
- Staff will work with the Boards of Directors to become informed of how to best connect with all residents in the complex while adhering to their organizing documents

# Revised Consultation Plan

- Retain a consultation firm to work with Boards to develop the format, agenda and information to be provided to residents
- COVID dependent, consultation sessions with residents will either be in-person or virtual and staff will attend sessions as subject matter experts
- Step 1: Staff will determine with the Board of Directors, how the residents will be informed of the options
- Step 2: Staff will work with the Board of Directors to consult with residents to select preferred option and determine default option
- Step 3: Staff will support residents in selecting cart sizes for their households (if the options includes carts) and in preparing for the transition

# Implementation Timelines

- Townhouse complexes requesting to be converted to cart-based collection prior to the new collection contract:
  - To the current three cart program (Option 1a) could be transitioned immediately provided that the requirements set out in the report are met
  - To the cart program with a smaller organics cart (Option 1b) could be transitioned subject to satisfactory negotiations related to pricing with Peel's waste collection contractors
- Other Council approved options will be implemented at the commencement of Peel's next collection contract



# Implementation Timelines

- As directed by WMSAC on January 21, 2021, consultation plan with the Boards of Directors and residents commence in the fall of 2021 provided that staffing resources are sufficient and that COVID-19 restrictions are met with a goal that all complexes will have chosen their option, and, if appropriate, the size of the organics cart, by the end of 2022
- Staff recommends that townhouse complexes that have already been converted to carts remain on cart-based collection until the new collection contract

# Summary of Options

- **Options 1a and 1b**: cart-based collection where individual households choose cart size for garbage and recycling and entire complex chooses a single cart size for organics (**endorsed by WMSAC on January 21, 2021**)
- **Options 2a and 2b**: same as Option 1 except entire complex would purchase and use bags for recycling (**endorsed by WMSAC on January 21, 2021**)
- **Option 3**: entire complex would purchase and use bags for garbage and recycling and entire complex would choose a single cart size for organics
- **Options 4a and 4b**: Residents would carry garbage, recycling and organics to communal front-end containers in a designated area of the complex (option 4a has just garbage and recycling and option 4b adds an organics bin)
- **Option 5**: individual households have choice of bags or carts for garbage and recycling and choice of cart size for organics



# Next Steps

- Committee to:
  - Select and endorse and recommend to Council for approval, any additional options (beyond those endorsed at the January 21, 2021 WMSAC meeting) to be made available to townhouse complexes
  - Endorse and recommend to Council for approval, the Revised Consultation Plan, as described in this presentation

# Thank you

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**REPORT TITLE:**     **Heart Lake Community Recycling Centre Operations**

**FROM:**               Andrea Warren, Interim Commissioner of Public Works

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## **RECOMMENDATION**

**That operation of the Heart Lake Community Recycling Centre (Heart Lake CRC) be brought in-house to be operated by Regional staff effective April 1, 2022, as described in the report of the Interim Commissioner of Public Works, listed on the April 1, 2021 Waste Management Strategic Advisory Committee agenda, titled “Heart Lake Community Recycling Centre Operations”;**

**And further, that 27 new staffing positions for in-house operation of the Heart Lake CRC, as described in the subject report, be approved in advance of the 2022 budget with staff training beginning in March 2022;**

**And further, that funding for the purchase of new equipment for in-house operation of the Heart Lake CRC in the amount of \$1.4 million be set up under Capital Project 21-6570, financed from the Tax Rate Stabilization Reserve;**

**And further, that the Commissioner of Finance and Chief Financial Officer be authorized to increase the value or extend the term of existing contracts or award new contracts, on a direct negotiation basis or otherwise, on business terms acceptable to the Director of Waste Management and on legal terms satisfactory to the Regional Solicitor, in order to carry out the direction of this report for the Heart Lake CRC, subject to the limit of the program’s approved budget and notwithstanding the requirements of Part V of the Procurement By-law 30-2018, as amended;**

**And further, that where the authority conferred or delegated is to be exercised other than in accordance with Part V of the Procurement By-law 30-2018, as amended, Council states that pursuant to sections 3.1 and 3.2 of the subject by-law, as a matter of public record, it is satisfied that procuring in such manner is necessary in the public interest to ensure a seamless and uninterrupted transition from the current operator of the Heart Lake CRC to Regional staff.**

## **REPORT HIGHLIGHTS**

- There are six Community Recycling Centres (CRCs) in the Region of Peel. Five of the CRCs are operated by Regional staff and one of the CRCs (Heart Lake) has been operated by Miller Waste Systems Inc. since it opened in 2014.
- A 2017 report titled “Community Recycling Centre Performance Review” indicated that staff would report back to Council prior to the end of the Heart Lake CRC operating and maintenance contract with a recommended approach on how to proceed.

## Heart Lake Community Recycling Centre Operations

- The Heart Lake CRC contract is set to end in November 2021. Staff completed an analysis to determine if the Region should continue to contract the operation of the CRC or move the operation in-house in 2022.
  - Performance metrics for customer satisfaction, health and safety, and environmental compliance show similar performance of the Heart Lake CRC to the other Peel operated CRCs.
  - The financial assessment indicates that the Heart Lake CRC is the most expensive CRC to operate and that an annual savings of \$317 thousand could be achieved at this site if the operation is brought in-house in 2022. Overall savings of \$0.6 million will be achieved for Waste Management as existing resources will be leveraged to support the oversight of the Heart Lake CRC.
  - Staff therefore recommends that the operation of the Heart Lake CRC be brought in-house effective April 1, 2022.
- 

## DISCUSSION

### 1. Background

There are six Community Recycling Centres (CRCs) in the Region of Peel where residents and small businesses can drop off: garbage, recycling and yard waste; materials not collected at the curb such as wood, scrap metal and electronics; household hazardous waste; and reusable goods. Five of the CRCs (Battleford, Bolton, Brampton, Caledon and Fewster) are operated by Regional staff and one of the CRCs (Heart Lake) is operated by a third-party contractor.

In the 2013 Budget approval process, Regional Council directed staff to secure a third-party contractor to operate and maintain the Heart Lake CRC in order to compare public and private CRC operations. A five-year operating and maintenance contract, plus two 12-month optional periods, was awarded to Tuff Recycling and Supply Inc. in 2014. Tuff Recycling and Supply Inc. was bought by Miller Waste Systems Inc. in 2018. The contract is currently in its second optional period and is set to end on November 30, 2021.

In 2017, staff reported on the first two years of the Heart Lake CRC contract through a report titled “Community Recycling Centre Performance Review”. At the time it was determined that the Heart Lake CRC contractor was meeting its contractual obligations and providing good services to its customers. In addition, key performance indicators for customer service, health and safety and environmental compliance were comparable across all CRCs. As a next step, it was noted that staff would report back to Council prior to the end of the Heart Lake CRC contract with a recommended approach on how to proceed.

As the Heart Lake CRC contract is coming to an end, staff completed an analysis to determine if the Region should continue to contract the operation of the Heart Lake CRC or move the operation in-house in 2022. This analysis considered the performance of the contracted operations in the following areas: customer service, health and safety, environmental compliance and financial.

## Heart Lake Community Recycling Centre Operations

### 2. Findings

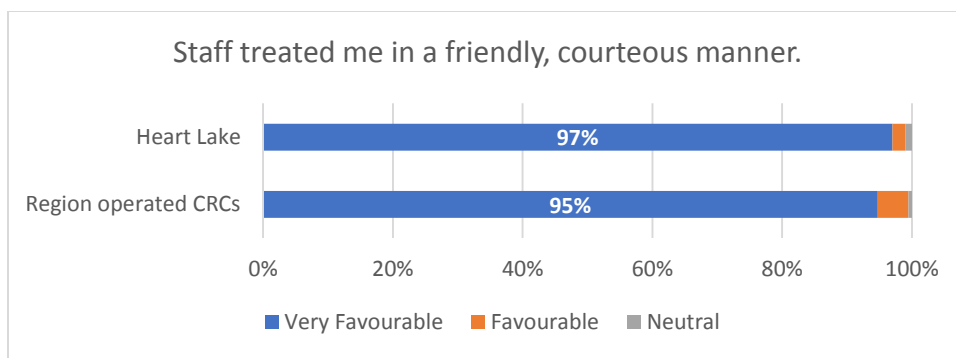
#### a) Customer Satisfaction

The Region's contractor is obligated to have customer satisfaction levels that are comparable to the Region-operated CRCs. To determine if this requirement is being met, the Region conducts annual customer service satisfaction surveys across the six sites and compares the results between the Heart Lake CRC and the other five Region-operated CRCs.

The 2019 survey results (which are consistent with results since the start of operating the Heart Lake CRC) showed that customer satisfaction levels at the Heart Lake CRC were similar to customer satisfaction levels at the five CRCs operated by Regional staff, as detailed below.

#### Customer Interaction

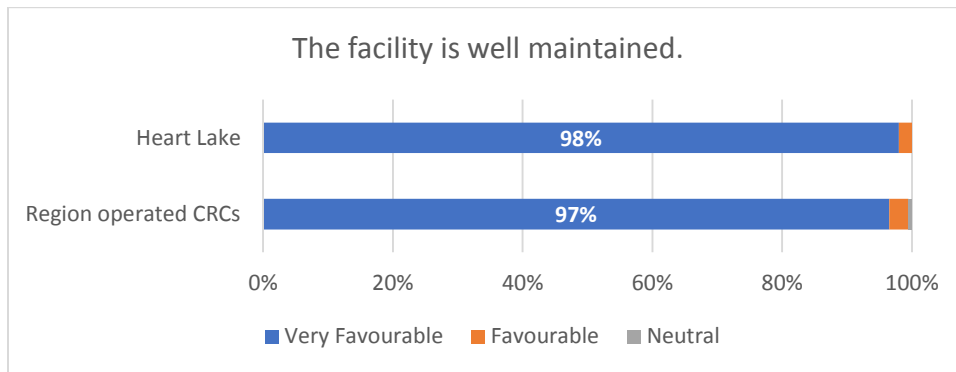
When asked if they were treated in a friendly and courteous manner by staff, 97 percent of Heart Lake CRC customers responded very favourably and 2 percent responded favourably. This is in line with the responses from customers of the other CRCs, that responded 95 percent very favourably and 4 percent favourably. The remaining one percent of customers from the Heart Lake CRC and the other CRCs responded neutrally to this question.



#### Facility Condition

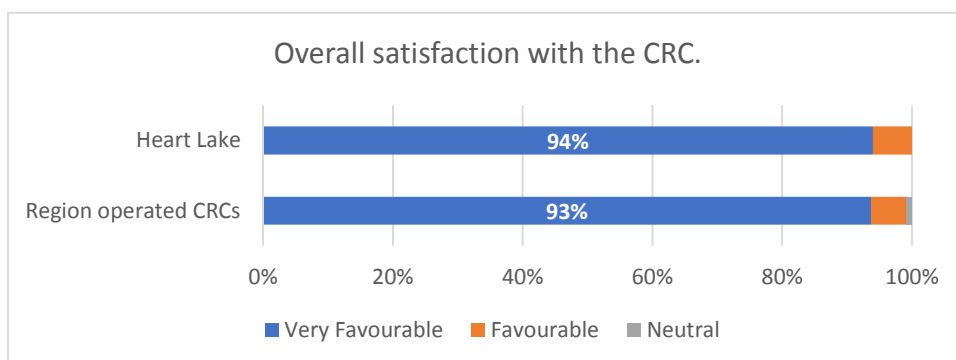
When asked if the facility was maintained in a clean and organized manner, 98 percent of Heart Lake CRC customers responded very favourably and 2 percent responded favourably. This is in line with the responses from customers of the other CRCs, that responded 97 percent very favourably and 2 percent favourably. The remaining one percent of customers at the other CRCs responded neutrally to this question.

## Heart Lake Community Recycling Centre Operations



### Overall Satisfaction

When asked if they are overall satisfied with the operation of the CRC, 94 percent of Heart Lake CRC customers responded very favourably and 6 percent responded favourably. This is in line with the responses from customers at the other CRCs, that responded 93 percent very favourably and 6 percent favourably. The remaining one percent of customers at the other CRCs responded neutrally to this question.



Based on the survey results, staff determined that customer satisfaction at the Heart Lake CRC is in line with the customer satisfaction of the other CRCs.

### b) Health and Safety

With respect to health and safety, the Heart Lake CRC performed similarly to the other CRCs. For 2018 and 2019, there were no documented or reported health and safety violations or orders from the Ministry of Labour for the Heart Lake CRC or the other five CRCs operated by Regional staff.

### c) Environmental Compliance

With respect to environmental compliance, the Heart Lake CRC performed similarly to the other CRCs. There are no documented or reported Environmental Compliance Approval violations issued by the Ministry of the Environment, Conservation and Parks for the Heart Lake CRCs or the five CRCs operated by Regional staff.

## Heart Lake Community Recycling Centre Operations

### d) Financial Assessment

#### i) Heart Lake CRC vs. Other CRCs

The financial assessment compared the direct operating costs of the Heart Lake CRC with similar size CRCs operated by Regional staff (Battleford, Brampton and Fewster). The Bolton and Caledon CRCs are not included in the operating cost comparison as both have a much smaller scale of operations and lower operating costs.

Operating costs for the CRCs vary based on size, site layout, operating hours and tonnage. The biggest driver for operating cost is the operating hours, as there is a direct correlation between total operating hours and staffing costs. Another driver for the operating cost is tonnage, as there is a direct correlation between tonnage and haulage and disposal costs.

Tables 1 and 2 below provide the 2019 gross operating cost and the gross operating cost per hour and per tonne for the Heart Lake CRC and the three similar sized CRCs operated by Regional staff.

*Table 1: 2019 Operating Cost per Hour*

CRC	Gross Operating Cost (Millions)	Operating Hours	Gross Expense per Operating Hour
Heart Lake	\$4.1	2932	<b>\$1,409</b>
Fewster	\$3.3	2932	\$1,157
Brampton	\$4.3	3191	\$1,348
Battleford	\$4.0	3191	\$1,283

*Table 2: 2019 Operating Cost per Tonne*

CRC	Gross Operating Cost (Millions)	Tonnage	Gross Expense per Tonne
Heart Lake	\$4.1	10,074	<b>\$410</b>
Fewster	\$3.3	10,165	\$334
Brampton	\$4.3	15,147	\$284
Battleford	\$4.0	15,104	\$271

The above tables show that the operating cost per hour and the operating cost per tonne for the Heart Lake CRC are significantly higher than the other CRCs.

#### ii) Projected Costs for the Heart Lake CRC

In addition to reviewing the historical operating costs for the CRCs, staff projected the future cost to operate the Heart Lake CRC in-house versus contracting out to a third-party based on forecasted tonnage and population growth. The biggest assumption built into the projection is that prices bid in response to a procurement

## Heart Lake Community Recycling Centre Operations

process would be similar to the current Heart Lake CRC contract price. To verify this assumption, staff completed a municipal scan and, based on feedback regarding recently tendered work, is satisfied that this is a reasonable assumption.

Table 3 below breaks down the projected 2022 gross cost to operate the Heart Lake CRC in-house versus a third-party. Based on the projection, the cost to operate the Heart Lake CRC in-house is approximately \$0.3 million less in 2022 than the cost to operate it with a third-party contractor.

*Table 3: Projected 2022 Gross Operating Cost per year*

Gross Cost Category	Third-party (Thousands)	In-house (Thousands)	Difference (Thousands)
Equipment, Haulage and Processing	\$2,182	\$1,524*	(\$658)
Salary and Wages	\$1,544	\$1,690**	\$146
Equipment Maintenance	\$128	\$128	-
Property Maintenance	\$440	\$342	(\$98)
Operation Oversight	\$260	\$552	\$292***
Corporate Internal Charges	\$80	\$159	\$79
Other Costs	\$278	\$200	(\$78)
Total	\$4,912	\$4,595	(\$317)

*\*The cost of capital equipment in the amount of \$1.4 million required for in-house operation is included in this projection; majority of equipment will be amortized over a period of 7 years.*

*\*\*27 new staff positions required for in-house operations*

*\*\*\*The operating budget for Heart Lake will increase by \$292,000 as a result of redistributed costs across all six CRCs, however the overall cost for oversight of the CRC network will remain the same.*

The financial assessment shows that the Heart Lake CRC is the most expensive CRC to operate (despite having fewer operating hours and lower tonnages than the Brampton and Battleford CRCs) and will continue to be the most expensive if operated by a third-party. By moving the operation in-house, the Region will realize approximately \$317 thousand in operating savings at this site in 2022. Overall savings of \$0.6 million will be achieved for Waste Management as existing resources will be leveraged to support the oversight of the Heart Lake CRC.

### 3. Recommended Delivery Model for the Heart Lake CRC and Next Steps

Based on the analysis, staff recommends that the operation of the Heart Lake CRC be brought in-house. In addition to the operational cost savings, by integrating the Heart Lake CRC into the Region's CRC network there will be operational efficiencies such as allocating staff among the six sites, utilizing the established haulage network and consolidating processing and disposal contracts.

To accommodate the transition of the operations from the contractor to the Region, Miller Waste Systems Inc. agreed to a further four-month extension from December 1, 2021 to March 31, 2022. If the recommendation set out in this report regarding the operation of the



## **Heart Lake Community Recycling Centre Operations**

Heart Lake CRC is approved, the option to extend will be exercised. The cost of such extension was built into the analysis.

It is recommended that the Heart Lake CRC be closed for four days (March 28 to 31, 2022) so the contractor can remove their equipment and Regional staff can prepare the site. The Heart Lake CRC will reopen on April 1, 2022 for business, utilizing the Region's in-house operations team. This change will be communicated in advance and residents will temporarily be redirected to the other CRCs.

The process to recruit staff for the transition of operations is scheduled to begin in January 2022. The recruitment process will include consideration of staff currently operating the Heart Lake CRC. Staff training will begin in March 2022 to allow for at least four weeks of training including one week online and three weeks hands-on training at the various CRCs. Dedicated staff for the Heart Lake CRC will be on-site between March 28 and 31, 2022 to prepare the site for in-house operation. As such, it is recommended that 27 new staff positions (17 full-time, 6 part-time and 4 student or casual) be approved at an approximate cost of \$1.7 million per year prior to the 2022 budget process. These staff positions were accounted for in the analysis of the Heart Lake CRC and projected savings in 2022.

The Region will be required to purchase new equipment to operate the Heart Lake CRC in-house. This equipment includes compaction trailers, roll-off trucks, loaders, roll-off bins, etc. The cost of the equipment is approximately \$1.4 million. It will mostly be amortized over a period of 7 years, and along with funding allocation for future replacement, this will result in an annual cost of \$0.5 million. This cost has been built into the 2022 projected savings. Due to the nature of the equipment, the procurement and fabrication process will take anywhere between 8 to 10 months.

## **RISK CONSIDERATIONS**

To address the risk associated with the assumption that bids in response to a procurement process would include a similar price as the current Heart Lake CRC contract staff completed a municipal scan and determined that bids would likely be similar if there are no significant changes to the scope of the work.

In 2020, the Heart Lake CRC's tonnage and customer volumes have drastically increased due to COVID-19. Staff is unsure if the increased usership of the CRC will continue (as residents are more familiar with the sites) or if tonnages will decrease post-COVID to align with 2019 numbers. Staff is monitoring and assessing if this change is permanent or temporary. In any case, an increase in tonnage and usership would impact both third-party and in-house operations the same and would not change the conclusions reached in this report.

## **PROCUREMENT IMPLICATIONS**

Procurement has reviewed the relevant contracts that currently service the other CRCs in order to determine whether the goods delivered or services performed pursuant to those contracts could be extended to the Heart Lake CRC.

The review has determined that in many of these cases, the Procurement Award Reports authorize the increase of the contract value within a particular level set out in Schedule "B" of the Procurement By-law. However, Legal has advised that extending some of the contracts to

## **Heart Lake Community Recycling Centre Operations**

the Heart Lake CRC would amount to a new procurement that would be subject to the obligations the Region has to be compliant with applicable international and domestic trade agreements, thereby requiring that the goods or services required for the Heart Lake CRC be competitively procured.

Considering the overall number of contracts and the need to ensure a successful transition from the current operator to Regional staff in a short period of time, authority to not comply with the trade agreement requirements and authority to delegate entering into contract amendments to the CFO may be based on the use of sections 3.1 and 3.2 of the Procurement By-law. These sections allow Regional Council to authorize by resolution the purchase of goods and services other than in the manner required by the Procurement By-law on the basis that it is satisfied that it is necessary to do so in the public interest.

## **FINANCIAL IMPLICATIONS**

Moving operations of the Heart Lake CRC from third party to in-house would result in an estimated operating savings at this site of approximately \$317 thousand annually starting in 2022. The savings would increase each year at the rate of inflation.

Staff also request that a new capital project in the amount of \$1.4 million be set up under Capital Project 21-6570 financed from the Tax Rate Stabilization Reserve. The capital project is for the purchase of new equipment for in-house operations of the Heart Lake CRC.

The \$317 thousand of annual savings includes addition of 27 staff positions at an estimated cost of \$1.7 million and capital cost of \$1.4 million for new equipment required to operate the Heart Lake CRC, amortized over seven years.

In addition to the \$317 thousand savings at the Heart Lake CRC, there will be \$292 thousand in savings achieved by leveraging existing resources from the other five CRCs to provide oversight of the Heart Lake CRC. Therefore, the Waste Management program will achieve overall savings of \$0.6 million by moving the operations to in-house at the Heart Lake CRC.

## **CONCLUSION**

Staff reviewed the contracted operation of the Heart Lake CRC and recommends that the operation is brought in-house effective April 1, 2022 for cost savings. The financial assessment shows that the Heart Lake CRC is the most expensive CRC to operate and that an annual savings of \$317 thousand could be achieved at this site if the operation is brought in-house in 2022. In addition to the \$317 thousand savings at the Heart Lake CRC, there will be \$292 thousand in savings achieved by leveraging existing resources from the other five CRCs to provide oversight of the Heart Lake CRC for an overall savings of \$0.6 million. These savings are projected to increase annually at the rate of inflation.

In addition to the cost savings, by integrating the Heart Lake CRC into the Region's CRC network there will be operational efficiencies such as allocating staff among the six sites, utilizing the established haulage network and consolidating processing and disposal contracts.

## **Heart Lake Community Recycling Centre Operations**

*For further information regarding this report, please contact Norman Lee, Director Waste Management, Ext. 4703, [norman.lee@peelregion.ca](mailto:norman.lee@peelregion.ca).*

### ***Reviewed and/or approved in workflow by:***

Department Commissioner, Division Director, Financial Support Unit, Legal Services and Procurement.

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**REPORT TITLE:**      **Municipal Hazardous and Special Waste Transition to Full Producer Responsibility Update – Preliminary Analysis of the Draft Regulation**

**FROM:**                      **Andrea Warren, Interim Commissioner of Public Works**

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## **RECOMMENDATION**

**That, while the Region of Peel wholeheartedly supports the transition of waste diversion programs to full producer responsibility, the Region of Peel not support the proposed Hazardous and Special Products regulation in its current form;**

**And further, that the Minister of the Environment, Conservation and Parks be requested to amend the Hazardous and Special Products regulation to designate all materials captured in Phase 1, 2 and 3 of the current Municipal Hazardous and Special Waste Program;**

**And further, that the comments outlined in the report of the Interim Commissioner of Public Works, listed on the April 1, 2021 Waste Management Strategic Advisory Committee agenda, titled “Municipal Hazardous and Special Waste Transition to Full Producer Responsibility Update – Preliminary Analysis of the Draft Regulation” be endorsed;**

**And further, that the Commissioner of Finance and Chief Financial Officer be authorized to increase the value, amend, or extend the terms of existing contracts or to award new contracts, on a direct negotiation basis or otherwise, on business terms acceptable to the Director of Waste Management and on legal terms satisfactory to the Regional Solicitor, in order to implement the new regulatory framework within the timelines contemplated by the draft regulation or such amended regulatory timelines where, in the opinion of the Commissioner of Finance and Chief Financial Officer, such timelines or other regulatory provisions are not reasonably compatible with the carrying out of a competitive procurement process, provided that, in the opinion of the Regional Solicitor such new regulatory framework is substantially in the form contemplated by the draft regulations, subject to the limit of the program’s approved budget and notwithstanding the requirements of Part V of the Procurement By-law 30-2018, as amended;**

**And further, that where the authority conferred or delegated is to be exercised other than in accordance with Part V of the Procurement By-law 30-2018, as amended, Council hereby states that pursuant to sections 3.1 and 3.2 of the subject by-law, as a matter of public record, it is satisfied that procurement in such manner is necessary in the public interest to ensure a seamless and uninterrupted transition from the current regulatory framework to the new one contemplated by the draft regulations;**

## **Municipal Hazardous and Special Waste Transition to Full Producer Responsibility Update – Preliminary Analysis of the Draft Regulation**

**And further, that a copy of the subject report be shared with the Minister of the Environment, Conservation and Parks, the Association of Municipalities of Ontario, and all Peel area MPPs for their information.**

### **REPORT HIGHLIGHTS**

- The Region of Peel is one of the largest collectors of Municipal Hazardous and Special Waste (MHSW) in the province collecting 1.8 million kilograms per year.
- The Region began collecting MHSW in 1987 and has been participating in the current MHSW program since its inception in 2008.
- As Peel moves forward with Mixed Waste Processing it will be even more important to keep these materials out of the waste stream.
- The original intention for the current MHSW program was to have producers fund the program in a phased approach, with three phases identified. Producer funding for Phase 1 materials commenced in 2008. Notwithstanding the original intention, the province never obligated producers to fund Phase 2 and 3 materials so the cost of managing Phase 2 and 3 materials, which represents 45 per cent of Peel's MHSW collection and management cost, is borne by Regional taxpayers.
- The current MHSW program will end on June 30, 2021 and will be replaced by the proposed Hazardous and Special Products (HSP) program, which will begin on July 1, 2021.
- On February 11, 2021 the Ministry of the Environment, Conservation and Parks posted the proposed HSP regulation with a comment period until March 28, 2021.
- The proposed regulation does not designate additional materials and is not expected to increase producer funding beyond current levels. In fact, a quick assessment by staff shows that the proposed regulation will lower producer funding.
- While the Region wholeheartedly supports the transition of waste diversion programs to full producer responsibility, staff recommends that the Region not support the proposed regulation in its current form.
- The comments in this report are based on an initial review of the proposed regulation by staff and initial discussions with the Association of Municipalities of Ontario (AMO) and other municipalities. Staff will continue to review the proposed regulation and refine Peel's comments up until the deadline for submitting comments. Staff fully expects that Peel's final comments will be consistent with the contents of this report. If that changes, staff will advise Committee and Council accordingly.
- Once the regulation is finalized, the Region will need to enter into new service agreements and new funding agreements within a short time period.
- To ensure a successful transition to the HSP program within these tight timelines, it is recommended that staff be delegated authority to amend or extend existing contracts or enter into new contracts as necessary.

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## **DISCUSSION**

### **1. Background**

The Region began collecting Municipal Hazardous and Special Waste (MHSW) in 1987 to properly manage these materials, which create significant harm to the environment if left in the waste stream. At the time, Peel taxpayers bore 100 percent of the collection and disposal costs. In 2008, the current MHSW program was approved and producers were to become responsible, in a phased manner, for funding the collection and disposal of MHSW.

## Municipal Hazardous and Special Waste Transition to Full Producer Responsibility Update – Preliminary Analysis of the Draft Regulation

The implementation did not go as planned and, as a result, only Phase 1 of the program is currently funded by producers.

The Region of Peel is one of the largest collectors of MHSW in the province, collecting 1.8 million kilograms per year. The Region currently accepts MHSW from Peel residents and eligible small businesses at its Community Recycling Centres (CRCs) free of charge. The Region plays an important role in ensuring MHSW does not end up in sewers, landfills, or the environment.

As the Region considers Mixed Waste Processing it will be even more important to keep these materials out of the waste stream.

### 2. Current Program

The current MHSW program is operated and funded by three organizations representing producers: Stewardship Ontario, Automotive Materials Stewardship, and Product Care Association.

The original intent of the MHSW program was to fund the collection and disposal of MHSW materials in a three phased approach. In 2008, the province obligated producers to fund Phase 1 materials and that obligation remains in place today. In 2010, when producers were obligated to fund Phase 2 and 3 materials, there was significant media coverage of public backlash due to Eco Fees charged by retailers, so the Ministry paused those two phases and they were never reinstated.

The Region collects Phase 1 MHSW materials and is reimbursed by the three industry organizations for the cost of managing the Phase 1 materials.

Peel also collects Phase 2 and 3 materials along with some additional materials that are not designated within any of the three phases (i.e. wet cell batteries, motor oil) to prevent these materials from leaking into the environment. Peel is not reimbursed for the cost of managing any of these materials. While wet cell batteries and motor oil are not designated, they are revenue generating materials and as such, staff is satisfied with them not being designated.

Appendix I provides a list of all MHSW materials collected at Peel's CRCs.

Table 1 below provides a breakdown of collection and management (i.e. recycling/disposal) costs for the MHSW materials managed by Peel in 2020. It shows that producers paid \$2,190,064 which represents 72 percent of the cost for Phase 1 materials. Table 1 highlights that Regional taxpayers paid \$834,197 for Phase 1 materials, which represents a 28 percent subsidy to producers. Regional taxpayers paid an additional \$968,362 to collect and manage Phase 2 and 3 materials.

Table 1 – 2020 MHSW collection and management costs

Collection and Management	2020 Total Collection & Management Costs	2020 EPR Producer Funding	2020 Funding Gap (\$)	2020 Funding Gap (%)
<b>Phase 1</b>	\$3,024,261	\$2,190,064	\$834,197	28%
<b>Phase 2</b>	\$316,665	\$0.00	\$316,665	100%

## Municipal Hazardous and Special Waste Transition to Full Producer Responsibility Update – Preliminary Analysis of the Draft Regulation

Collection and Management	2020 Total Collection & Management Costs	2020 EPR Producer Funding	2020 Funding Gap (\$)	2020 Funding Gap (%)
<b>Phase 3</b>	\$651,697	\$0.00	\$651,697	100%
<b>Total</b>	<b>\$3,992,623</b>	<b>\$2,190,063</b>	<b>\$1,802,559</b>	<b>45%</b>

### 3. Regulation Development Advocacy

Staff has been engaged in the development of the proposed regulation, participating directly in information webinars, and attending consultation sessions since the Province directed the wind-up of the current MHSW program in 2018.

In July 2020, staff worked with the Association of Municipalities of Ontario to develop the following key recommendations for the proposed Hazardous and Special Products (HSP) regulation and sent them to the Ministry for consideration:

- Designate all materials currently handled by the Region and other municipalities.
- Require Producers to report on the amount of materials collected and how they are managed.
- Require Producers to develop education and promotion activities to inform the public on the proper disposal of HSP products.

Comments submitted by staff during the development of the proposed regulation are included in Appendix II of this report.

On February 11, 2021 the Ministry released the proposed regulation for Hazardous and Special Products under the *Resource Recovery and Circular Economy Act, 2016*. The MHSW program will transition to a full producer responsibility program under the proposed HSP regulation as follows:

- Deadline for comments on proposed regulation– March 28, 2021
- Final Regulation expected to be posted – sometime in April or May 2021
- Registration deadline for Producers – May 31, 2021
- Registration deadline for Producer Responsibility Organizations (PROs) – 30 days after being retained by a Producer (for example if a producer retains a PRO on June 1 then the deadline is June 30)
- End of existing MHSW program – June 30, 2021
- New HSP program starts – July 1, 2021

Under the new program producers may fulfill their regulatory obligations themselves or through Producer Responsibility Organizations (PROs). These PROs would be responsible for establishing and operating collection or management systems and administrative reporting on behalf of producers they represent.

To ensure the Region continues to receive funding for the program, it will need to enter into funding agreements with producers or PROs by the start of the new program on July 1, 2021. The Region may also have to enter into new agreements with service providers depending on how producers set up the new program.

## **Municipal Hazardous and Special Waste Transition to Full Producer Responsibility Update – Preliminary Analysis of the Draft Regulation**

### **4. Preliminary Comments and Recommendations on Proposed Hazardous and Special Products Regulation**

The proposed Hazardous and Special Products regulation does not incorporate Peel's recommendations from its July 2020 submission to the Ministry as noted above. A preliminary review of the proposed regulation shows that it increases costs and reduces revenue for Peel, adds administrative burden, sets poor targets, and makes producers less responsible for the collection and management of these materials.

While the Region of Peel wholeheartedly supports the transition of waste diversion programs to full producer responsibility, staff recommends that the Region not support the proposed regulation in its current form.

The following sections identify key areas where the proposed regulation fails to satisfy a transition to full producer responsibility and provide staff's recommended comments.

#### **Designated Materials**

The proposed regulation does not provide for improvement of environmental outcomes as it limits the list of materials designated for producer funding. For example, it removes refillable propane cylinders which is currently a designated material. Municipalities will be forced to manage non-designated materials to avoid significant environmental impact and risks to the health and safety of staff and contractors.

Staff recommends that the regulation designate all materials currently included in the three phases of the MHSW program so that there is some certainty that producers will become responsible for all materials and municipal taxpayers will be able to stop subsidizing producers for the cost of collecting and managing these materials. Staff recognizes that the province prefers to designate materials in a phased approach to mitigate the impact on producers. If the province chooses to do this, staff recommends that it be done in this regulation with dates set for each phase.

#### **Targets**

The proposed regulation only includes management targets for oil filters and non-refillable pressurized containers. For all other designated materials, there are no collection or management targets. Without collection or management targets, producers have no incentive to utilize or pay municipalities to collect materials on their behalf.

Staff recommends that the regulation set ambitious collection and management targets for all designated materials.

#### **Municipal Costs**

Since the list of materials designated in the proposed regulation represents only a portion of what the Region collects, there would continue to be a significant funding gap. Table 2 below compares producer funding under the current MHSW program to the estimated level of producer funding under the proposed HSP regulation. Staff estimate the funding gap would increase from 45 percent to 50 percent. If producers choose not to pay Peel for collection, the funding gap would increase to 70 percent.



## Municipal Hazardous and Special Waste Transition to Full Producer Responsibility Update – Preliminary Analysis of the Draft Regulation

Staff recommends that the regulation require producers to be responsible for all collection and management costs related to all of their products, including costs reasonably incurred by municipalities for providing HSP services.

Table 2 – Comparison of funding for collection and management costs

Funding System	2020 MHSW Gross Costs	2020 MHSW Funding	2020 MHSW Funding Gap (\$)	2020 MHSW Funding Gap (%)
<b>Current</b>	<b>\$3,992,623</b>	\$2,190,064	\$1,802,559	45%
<b>New HSP Funding (if collection costs continue to be covered)</b>	<b>\$3,992,623</b>	\$2,007,967	\$1,984,656	50%
<b>New HSP Funding (if only Management Costs are covered)</b>	<b>\$3,992,623</b>	\$1,178,223	\$2,814,400	70%

### **Suggested Municipal Obligation for Mercury Containing Devices**

The proposed regulation directs producers to identify municipal depots as drop-off locations for the disposal of mercury containing devices as part of promotion and education materials. The identification of municipalities in this manner suggests a municipal obligation for collection and management of mercury containing devices and could limit producers' obligation to cover the costs for collecting these materials. Further, it is unclear if municipalities would have the option to opt out of collection and management of mercury containing devices.

Staff recommends the regulation not identify municipalities as drop-off locations for mercury containing devices or for any other materials. Instead, it should require that sites accepting mercury containing devices must have appropriate provincial environmental compliance approvals. Alternatively, if the final regulation identifies that mercury containing devices should go to municipal depots, it should also require that producers pay municipalities for the collection of these materials on a full cost recovery basis.

### **Compressed Transition Process**

The proposed regulation does not amend the transition date of July 1, 2021 creating uncertainty and introducing significant risk for municipalities and all service providers by providing insufficient time to ensure a smooth transition process to the new program.

Staff recommend that the Ministry delay the start of the HSP program until January 1, 2022, to give municipalities, producers and service providers the time required to prepare for the start of the new program.

## **Municipal Hazardous and Special Waste Transition to Full Producer Responsibility Update – Preliminary Analysis of the Draft Regulation**

### **Exemptions**

The proposed regulation allows for the exemption of producers that contribute a small quantity of materials into the market. These exemptions, often referred to as de minimis exemptions, are common in producer responsibility regulations but the materials covered by this regulation, even in small quantities, can pose significant environmental and health risks if not properly managed. All producers should be responsible for the management of these materials. Staff is unaware of any analysis done by the Ministry to justify these exemptions and does not agree they should apply to wastes of this nature.

Staff recommends that, unless the Ministry provides evidence-based rationale for exemptions, the exemptions be removed from the regulation.

### **Resident Information Collection Requirements**

The proposed regulation requires municipal depots to collect resident contact information and the weight of materials accepted if a resident brings in more than 25kg. This requirement raises privacy concerns and adds administrative burden onto municipal depots and collection events. The implementation of this requirement would require establishment of a protocol to protect resident private information, new and onerous processes that would slow down the flow of customers, extra resourcing and perhaps infrastructure to comply with this requirement.

Staff recommends the Ministry work with municipalities to develop an alternative method that considers the realities of municipal collectors.

Staff will continue to assess the proposed regulation and work with the Association of Municipalities of Ontario and other municipalities up until the end of the commenting period and may submit additional comments to those identified above.

## **PROCUREMENT IMPLICATIONS**

In the short time between the filing of the final HSP regulation and the transition date of July 1, 2021 staff must review the final regulation, understand Producers' funding and operational plans, procure the services of a service provider to accept the hazardous and special products collected at our CRCs and enter into agreements with producer responsibility organizations.

To ensure a successful transition from the current MHSW program to the new HSP program in the short timelines prescribed in the proposed regulation, and to ensure uninterrupted service, staff is requesting authority to increase the value, amend the scope or terms, or extend the term of existing contracts or award new contracts, on a direct negotiation basis or otherwise under the authority of sections 3.1 and 3.2 of the Procurement By-law.

If the Ministry were to delay the start of the HSP program until January 1, 2022, it would give staff the time required to prepare for the start of the new program.

## **Municipal Hazardous and Special Waste Transition to Full Producer Responsibility Update – Preliminary Analysis of the Draft Regulation**

### **NEXT STEPS**

#### **Proposed Regulation Comments**

Staff will submit comments to the Ministry by the March 28, 2021 deadline. Should staff find additional areas of concern that significantly deviate from the above, the new comments will be submitted by the deadline and presented to Council at the earliest opportunity.

#### **Implementing the New Hazardous and Special Products (HSP) Program**

Staff will conduct market soundings with producers, producer responsibility organizations and service providers as soon as possible, to obtain information on how they are planning to offer services under the new Hazardous and Special Products program. Subject to the finalization of the HSP regulation and subject to Council approval of the recommendations in this report, staff will secure service providers and producer funding as expeditiously as possible.

### **RISK CONSIDERATIONS**

There is a risk that the final HSP regulation may not expand the list of materials the collection and management of which producers are obligated to fund, beyond those identified in the draft regulation.

If the final HSP regulation does not include collection and management targets for obligated materials, there is a risk that producers might not need to retain Peel as a collector or might use hardball negotiation tactics to lower their cost.

Given the extremely short time between when the final regulation is expected and July 1, 2021 when the new program is to come into effect, there is a risk that the Region might not be able to finalize funding agreements with producer responsibility organizations by the transition date meaning the Region would not be paid for collection and would have to pay for the processing or disposal of any materials it does collect until it is able to enter into a funding agreement with a producer or producer responsibility organization.

There is also a risk that the Region may not be able to enter into a service agreement by the start date if service providers are unsure about how producers or Producer Responsibility Organizations will structure the payment system. This could mean that the Region may not be able to send HSP materials to an end-market resulting in reaching allowable storage limits and potential compliance issues with our Environmental Compliance Approvals and therefore need to stop collecting HSP materials for a period of time.

Each of these risks is accompanied by financial implications as described in this report.

Staff will continue to advocate for terms that mitigate these risks.

### **FINANCIAL IMPLICATIONS**

There are no immediate financial implications resulting from this report.

## **Municipal Hazardous and Special Waste Transition to Full Producer Responsibility Update – Preliminary Analysis of the Draft Regulation**

### **CONCLUSION**

Staff reviewed the proposed Hazardous and Special Products regulation under the *Resource Recovery and Circular Economy Act*, 2016 and, while the Region of Peel wholeheartedly supports the transition of waste diversion programs to full producer responsibility, staff recommends that the Region not support the proposed regulation in its current form. Staff will submit comments to the Ministry of the Environment, Conservation and Parks by the March 28, 2021 deadline.

Staff will continue to participate in consultations related to the transition of the Municipal Hazardous and Special Waste program to provide feedback that advocates for the interest of the Region's residents and will update Regional Council as appropriate.

### **APPENDICES**

Appendix I – List of all Municipal Hazardous and Special Waste Materials Collected at the Community Recycling Centres

Appendix II - Comments on Municipal Hazardous and Special Waste Regulation Development Submitted July 24, 2020

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*For further information regarding this report, please contact Norman Lee, Director Waste Management, Ext. 4703, [norman.lee@peelregion.ca](mailto:norman.lee@peelregion.ca).*

### ***Reviewed and/or approved in workflow by:***

Department Commissioner, Division Director, Financial Support Unit, Legal Services and Procurement.

## Appendix I – List of all MHSW materials collected at the Community Recycling Centres

Phase 1	Phase 2	Phase 3	Non-designated
Waste Paint Pails	Flourescent Tubes 4's	Inorganic Acids	Motor Oil
Waste Paint Drums	Flourescent Tubes 8's	Inorganic Bases	Wet Cell Batteries
Fertilizers	Misc Flourescent Tubes	Oxidizers	
Dry Cell Batteries	Rechargeable Batteries	Fuel	
Ethylene Glycol	Pharmaceuticals	PCB Ballasts	
Pesticide	Syringes		
Misc Flam Drums	Fire Extinguishers		
Misc Flam Pails	Mercury		
Propane 5lb Cylinder			
Propane 10lb Cylinder			
Propane 20lb Cylinder			
Propane 30lb Cylinder			
Propane 100lb Cylinder			
<5lb Propane			
Misc Flam Cylinders			
Misc Non-Flam Cylinders			
Aerosols			
Oil Filters			

**MHSW Regulation Development July 24, 2020 – Region of Peel Comments**



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July 24, 2020

Charles O'Hara  
Director, Resource Recovery Policy Branch  
Foster Building 8th Flr,  
40 St Clair Ave W, Toronto, ON M4V 1M2

**RE: Proposed Regulation for Hazardous or Special Waste under the Resource Recovery and Circular Economy Act, 2016**

Dear Mr. O'Hara:

The Region of Peel (Region) appreciates the opportunity to provide comments and feedback on the development of the new hazardous or special waste regulation. The Region as one of the largest collectors of hazardous or special waste (1.6 million kg per year) plays an important role as the final backstop to ensure many hazardous or problematic products do not end up in the environment. This includes keeping these products out of solid waste disposal systems (e.g. landfill) and stormwater and wastewater systems. The costs associated with collecting and managing these materials is a significant burden on the Region.

**Designating Materials**

The current list of materials included in Ontario's municipal hazardous and special waste (MHSW) producer responsibility program only make up a fraction of what the Region collects and is forced to manage.

The Region understands that some of the producers of these products are advocating that they should not be included in the regulation as they have functioning diversion initiatives already in place or their materials are meant to be fully consumed after purchase. However, based on 2019 data, Peel managed over 16,000 kg of pharmaceutical waste and sharps, 11,000 kg of fertilizer waste, 14,000 kg of pesticides, and 72,000 kg of propane cylinders and compressed gasses. If these programs were functioning well, the Region would not be forced to manage this amount of materials.

Table 1 below provides a breakdown of quantity by weight and management (recycling/disposal) costs for the materials managed under the current MHSW program (Phase 1) and the materials that are not obligated (Phase 2 & 3). It is important to note these costs are based on management and do not include collection, promotion and education costs. As highlighted through Table 1, 49% of MHSW management costs were borne by the municipal taxpayer.

**MHSW Regulation Development July 24, 2020 – Region of Peel Comments***Table 1: MHSW Management Costs (based on O. Reg. 387/16)*

	Amount Managed (kg)	Total Management Costs	EPR Funding	Regional Costs	% Covered by Producers
<b>Phase 1</b>	1,051,253	\$1,218,413	\$879,888	\$338,524	72%
<b>Phase 2/3</b>	510,176	\$275,214	\$0	\$275,214	0%
<b>Total</b>	1,561,429	\$1,493,627	\$879,888	\$613,738	59%

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The proposed Regulation should ensure that all the materials currently captured in O. Reg. 387/16 under the Waste Diversion Transition Act, 2016 (WDTA) are included in the new regulation. The materials collected at our depots fall into all or some of the following categories:

- Are hazardous and can negatively impact the environment and human health;
- Are managed in significant quantities; and
- Are managed at a significant cost to the municipal taxpayer.

The Table below includes all the consumables and containers/products that should be designated as obligated materials.

*Table 2: List of Materials Proposed for Designation*

Categories	Definitions
<b>Paints and Coatings</b>	All materials that are designed and intended to be used to coat a surface including but not limited to Architectural paints, automotive paints, furniture paints, undercoating's, bitumen-based driveway sealers, roof patches, tars, high heat paints, wood stains, varnishes and sealers, foundation coatings, industrial paints etc.
<b>Paint and Coatings Containers</b>	All forms of containers that are used to contain paints and coatings
<b>Solvents</b>	Thinners, mineral spirits
<b>Solvent Containers</b>	All forms of containers that are used to contain solvents
<b>Oil Filters</b>	All sizes of oil filters after they have been used for intended purpose
<b>Oil Containers</b>	All size of oil and lubricant containers that were used for the purpose of containing lubricating oil
<b>Used Oil and Lubricants</b>	All types of oils and lubricants designed and intended to lubricate any engines including but not limited to automotive oils, small engine oils, chain oils, hydraulic fluids, power steering fluids, brake fluids etc.
<b>Antifreeze</b>	All materials that are designed and intended to be used as a coolant or anti-freezing agent including but not limited to automotive antifreeze, RV antifreeze, plumbing antifreeze, coolants etc.
<b>Antifreeze Containers</b>	All forms of containers that are used to contain antifreeze and coolants

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Categories	Definitions
<b>Pressurized Containers</b>	All refillable and non-refillable pressurized containers including but not limited to propane cylinders, oxygen cylinders, acetylene and other forms of compressed gasses
<b>Fertilizers</b>	All forms of fertilizers designed and intended to be used for the purpose of encouraging the growth of plants (certified compost should be excluded)
<b>Fertilizer Containers</b>	All durable containers that contained fertilizers
<b>Pesticides</b>	All materials with chemical compositions designed and intended to kill or repel pests, insects, vectors, vermin and invasive plants, including but not limited to pesticides, herbicides, fungicides, insect repellants, insecticides, algicides
<b>Pesticide Containers</b>	All durable containers that contained pesticides
<b>Aerosols</b>	All forms of aerosols including but not limited to paint aerosols, body sprays, hair sprays, insect repellants, etc.
<b>Portable Fire Extinguishers</b>	All size and chemical formulas of portable fire extinguishers
<b>Fluorescent Light Bulbs</b>	If not included in the EEE regulation should include all sizes of Fluorescent light bulbs including Compact Fluorescent lights etc.
<b>Pharmaceuticals</b>	All forms of materials designed for the intended purpose of improving the health and wellness of humans and animals including but not limited to over the counter and prescribed medications, vitamins, cold medications, supplementals etc.
<b>Sharps</b>	All forms of devices that are designed and can break the skin including but not limited to needles, syringes, diabetic lancets, glucose sensors, acupuncture needles, straight razors from all potential residential sources and public spaces.
<b>Mercury Containing Devices</b>	Including but not limited to thermometers, thermostats, barometers and all other mercury containing switches or devices
<b>Automotive Additives and Cleaners</b>	Including but not limited to diesel exhaust fluid, brake fluid, and other fuel cleaners and additives
<b>Automotive Additives and Cleaner Containers</b>	All containers that contained automotive additives and cleaners
<b>Fuels</b>	Including but not limited to Kerosene, gasoline, diesel, camping fuels, mixed fuel blends for small engines
<b>Miscellaneous Flammable Materials</b>	All products that by chemical formulation have the inherent risk of being flammable if not included in any of the other categories. Including but not limited to adhesives, contact cements, glues, epoxies, caulking, fiberglass resins, polishes, waxes, water proofing solutions, acetone, nail polish remover etc.



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Categories	Definitions
<b>Oxidizers</b>	All products that have the characteristics of an oxidizer including but not limited to peroxides, bleach, oxidizer cleaners, organic peroxides (Methyl Ethyl Ketones), hardeners, some pool chemicals and some photo chemicals
<b>Corrosives- Acids</b>	All products that have a pH between 0 – 7 including but not limited to acid cleaners, rust removers, masonry cleaners, deck washers, boric acid, muriatic acid, pH down, some photo chemicals, furniture and paint strippers
<b>Corrosives – Caustics</b>	All products that have a pH between 7.5 – 14 including but not limited to caustic cleaners, soaps, etching solutions, oven cleaners, toilet and drain cleaners etc.
<b>Reactive Chemicals</b>	Products that are by their chemical characteristics reactive to light, water or vibrations including but not limited to sodium metal, phosphorus, lithium, organic peroxides, picric acid, calcium carbide
<b>Flares, Fireworks and Ammunitions</b>	Including but not limited to spent and unspent road flares, fireworks, marine flares and ammunition

The designation of the above materials is preferred to occur all at once. However, while we do not agree with the concerns raised by producers and their associations, we have recommended designation to occur over a two stage period:

- Phase 1 (July 1, 2021): Paint and coatings, expanded pesticides category, solvents, expanded fertilizer category, used oil filters, oil containers (under 30 litres), pressurized containers, anti-freeze, aerosols, portable fire extinguishers, mercury containing devices, fluorescent light bulbs (if not in the EEE regulation), and all associated containers of the above.
- Phase 2 (January 1, 2023): pharmaceuticals and sharps, automotive additives and cleaners, automotive additives and cleaner containers, fuels, miscellaneous flammable materials, oxidizers, corrosives – acids, corrosives – caustics, fuels, reactive chemicals, flares, fireworks and ammunitions and all associated containers of the above.

The phase 1 list which includes materials already designated under the current program is also recommended to include broadened pesticides and fertilizer categories as the current definitions do not account for the types of materials being returned. It is also recommended that the Province expand the designated material list to include those that were a part of the Recycling Council of Ontario MHSW program which reimbursed municipalities for certain materials including aerosols, portable fire extinguishers, mercury containing devices, and fluorescent light bulbs (if not in the EEE regulation).

The definition of pesticides should be expanded to include Schedule IV of the Pest Control Products Regulation as this represents the bulk of retail pesticides that residents currently return to Regional depots. Based on audit data, currently 85% of all pesticides managed are non-obligated.



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Phase 2 includes the bulk of other materials being collected via Regional depots. As noted above, the Region continues to receive large volumes of these products back through the depots – including increasing amounts of products that are not obligated but need to be properly managed at the end-of-life.

A designation of these materials will help align Ontario with other provinces like British Columbia, Quebec, and Manitoba which include a broader range of flammable, corrosive and toxics materials and their containers.

We would also recommend that the Province institute a program to compensate collectors for the cost to manage obligated materials returned in unmarked containers and legacy materials.

The Region advocates that the responsibility to manage all the above materials should be that of the producers that manufacture these products rather than the municipal taxpayer. This responsibility includes ensuring that consumers purchase the appropriate amount and that they are properly managed at end of life. These companies have a much more direct relationship with the consumer rather than the Region. Government policies like producer responsibility have an opportunity to create efficient market signals. Burden will only be increased on the municipal taxpayer if the Province decides to retract or maintain the current shared model rather than move to full producer responsibility.

### Management and Standards

Producers should be required to report on the amount of materials collected (e.g. consumables and products/containers separately) and how all of the collected materials were managed.

It is acknowledged that the goal for some of these materials is to simply ensure they are used up properly rather than disposed of. Table 3 below outlines the recommended targets (including new and stockpiled items).

*Table 3: Proposed Reporting and Targets Framework*

Categories	Collection Reporting	Target on Collection	Management Reporting	Target on Management
<b>Paints and Coatings</b>	✓	✗	✓	80%
<b>Paint and Coatings Containers</b>	✓	80% (year 1), 85% (year 2), 90% (year 3)	✓	80%
<b>Solvents</b>	✓	✗	✓	Best efforts to improve outcomes
<b>Solvent Containers</b>	✓	80% (year 1), 85% (year 2), 90% (year 3)	✓	80%
<b>Oil Filters</b>	✓	80% (year 1),	✓	80%

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Categories	Collection Reporting	Target on Collection	Management Reporting	Target on Management
		85% (year 2), 90% (year 3)		
Oil Containers	✓	80% (year 1), 85% (year 2), 90% (year 3)	✓	80%
Used Oil and Lubricants	✓	✗	✓	Best efforts until targets set
Antifreeze	✓	✗	✓	80%
Antifreeze Containers	✓	80% (year 1), 85% (year 2), 90% (year 3)	✓	80%
Pressurized Containers	✓	80% (year 1), 85% (year 2), 90% (year 3)	✓	80%
Fertilizers	✓	✗	✓	Best efforts to improve outcomes
Fertilizer Containers	✓	80% (year 1), 85% (year 2), 90% (year 3)	✓	80%
Pesticides	✓	✗	✓	Best efforts to improve outcomes
Pesticide Containers	✓	80% (year 1), 85% (year 2), 90% (year 3)	✓	80%
Aerosols	✓	80% (year 1), 85% (year 2), 90% (year 3)	✓	80%
Portable Fire Extinguishers	✓	Best efforts until targets set	✓	Best efforts until targets set
Pharmaceuticals	✓	✗	✓	Best efforts to improve outcomes
Sharps	✓		✓	Best efforts to improve outcomes
Mercury Containing Devices	✓	Best efforts until targets set	✓	Best efforts until targets set
Automotive additives and cleaners	✓	✗	✓	Best efforts until targets set
Automotive additives and cleaner containers	✓	Best efforts until targets set	✓	Best efforts until targets set
Fuels	✓	✗	✓	Best efforts to

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Categories	Collection Reporting	Target on Collection	Management Reporting	Target on Management
				improve outcomes
<b>Miscellaneous Flammable Materials</b>	✓	✗	✓	Best efforts until targets set
<b>Oxidizers</b>	✓	✗	✓	Best efforts until targets set
<b>Corrosives- Acids</b>	✓	✗	✓	Best efforts until targets set
<b>Corrosives – Caustics</b>	✓	✗	✓	Best efforts until targets set
<b>Reactive Chemicals</b>	✓	✗	✓	Best efforts until targets set
<b>Flares, Fireworks and Ammunitions</b>	✓	✗	✓	Best efforts until targets set

**Promotion and Education**

MHSW materials are hazardous waste by definition and the proper management of materials and containers is of paramount importance. The basis for proper management begins with an educated consumer relative to the human health and safety and environmental risks associated with MHSW products and clear and convenient direction on how and where to access collection infrastructure for product and containers.

Promotion and education activities should at a minimum inform the public of how materials can be managed, to encourage participation, and to motivate consumers to adopt and maintain the desired environmental behaviour.

In addition, due to the human health & safety and environmental risk associated with MHSW products and the absence of material management targets, producers should be required to provide at least one direct educational piece to every household once per year. This outreach could be through direct promotion and education engagement with households or could be through Regional mailouts such as waste collection calendars and other educational materials.

**Collection and Consumer Accessibility**

Collection requirements and targets are pivotal for MHSW materials. Residents need convenient and easy access to collection points to ensure these materials are managed properly and are not simply disposed of down the drain or into the Regions solid waste disposal system or incorrectly managed through the Blue Box program.

For automotive products, the regulation should establish similar accessibility rates to those in the Used Tire Regulation, which captures a similar collection system of municipal depots and auto shops.



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For pharmaceutical and sharps, the regulation should increase the accessibility requirements in place in O. Reg. 298/12: Collection of Pharmaceuticals and Sharps to address the large volume of materials still being returned to our depots or found in the litter stream (e.g. public space sharps receptacles), Public Health sources, or other waste management programs (e.g. blue box).

For the rest of the materials, which are largely captured by the Region's depots and special events it would be reasonable to follow similar accessibility rates to the draft electronic and electrical equipment regulation.

Fundamental to the new regulation is the requirement that accessibility and collection not be curtailed or impeded when producers are approaching or have met any management targets before the end of the reporting year. In this case, the regulation must require that all materials and containers collected must be managed and recycled with the costs being borne by producers. This should mirror similar requirements in the Tire Regulation.

Producers should be required to report on the amount of materials collected (e.g. products and containers separately) and how all of the collected materials and their containers were managed.

If the accessibility requirements and collection targets for containers in some categories are robust, then there may not be a need to specify management targets for certain products. In some categories, collection targets for containers and accessibility requirement will lead to excess consumable materials being collected. These materials will require management by the producer if the regulatory concept around accessibility and collection described above is adopted. These material categories would include paint, pesticides, solvents, fertilizers, pressurized containers, aerosols, sharps and pharmaceuticals. Where no material collection or management target has been established, it is essential that Resource Productivity and Recovery Authority (RPRA) oversight include assessing producer performance for collection and material management against historical norms to ensure there is no 'slippage' and progressive annual increases in both collection and management volumes are achieved.

In addition, to prevent harm to the environment and human health, it is critical that collection sites of hazardous and special waste adhere to Provincial environmental and health and safety rules and standards for the materials managed. If the expectation following the start of the new program, is a proliferation of collection sites, the process to confirm adherence to the appropriate rules and standards will need to be reaffirmed.

### Registration Reporting and Auditing

The Region appreciates how important it will be to collect and track data to assess progress towards objectives and continuous improvement. We are however concerned with compliance in the first year of the regulation. It is difficult to determine if Producer Responsibility Organizations (PROs) and producers under the current Tires regulation are meeting their obligations. The concern is that if the required audit uncovers problems, those problems will not be known until over a year after the regulation came

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into force. By that point, the market may have been substantially disrupted and it may be difficult to rectify problems created. Additional forms of interim auditing within the first year would help to ensure the right market conditions are established at the onset of the program.

It would also be helpful to make sure the regulation on administrative monetary penalties is enacted as soon as possible to ensure all participants understand the consequences of failing to comply.

Additionally, while not specific to the draft Regulations, the Province should consider having the RPRA perform periodic waste composition audits across the Province to assess performance of the program.

Please feel free to reach out if you have any questions and/or comments about the contents of this letter.

Sincerely,

Norman Lee  
Director, Waste Management  
905-791-7800 extn. 4703  
[norman.lee@peelregion.ca](mailto:norman.lee@peelregion.ca)

**For Information**

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**REPORT TITLE:**     **Waste Collection Agreement for City of Mississauga Facilities**

**FROM:**               Andrea Warren, Interim Commissioner of Public Works

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## **OBJECTIVE**

To provide an overview of the waste collection agreement between the Region of Peel and the City of Mississauga for municipal facilities.

### **REPORT HIGHLIGHTS**

- The Region of Peel provides waste collection and disposal services to the Cities of Mississauga and Brampton and Town of Caledon (the local municipalities) at no charge, including the collection of waste from municipal facilities and permitting the local municipalities to directly deliver waste to designated Regional facilities.
  - Staff from the Region and the City of Mississauga worked together over the past several years to develop a waste collection agreement that sets out the waste collection and disposal services and service levels that the Region provides to the City of Mississauga.
  - The Region will execute the agreement following the Waste Management Strategic Advisory Committee's consideration of the report.
  - Staff from the Region have been working with staff from the City of Brampton and Town of Caledon to develop similar agreements.
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## **DISCUSSION**

### **1. Background**

The Region of Peel provides waste collection and disposal services to the Cities of Mississauga and Brampton and Town of Caledon (the local municipalities) at no charge. The services include the collection of waste from municipal facilities such as City and Town Halls, recreation centres, fire stations and libraries and permitting the local municipalities to deliver waste to designated Regional facilities, including the Peel Integrated Waste Management Facility on Torbram Road.

The Commissioner of Community Services at the City of Mississauga contacted the Region's Waste Management division to develop an agreement between the City of Mississauga and the Region to formalize the service standards for Regional waste collection and disposal services, provide the City of Mississauga with tonnage reports to enable it to calculate diversion rates for municipal facilities and agree to work collaboratively on City of Mississauga pilot projects that support the Region's waste diversion target of 75 percent by 2034.

## **Waste Collection Agreement for City of Mississauga Facilities**

The agreement supports Action 4.1 of the Region's long-term waste management strategy, the Roadmap to a Circular Economy, which speaks to assisting the local municipalities with their waste reduction and resource recovery efforts. By supporting the local municipalities, we will collectively divert more waste from landfill and enhance environmentally friendly behaviours in the community.

Along with setting out and clearly defining waste management services and service levels, the agreement also incorporates provisions of existing waste management agreements between the Region and the City of Mississauga, including the collection and disposal of municipal waste from roadside litter containers, reimbursement to the City of Mississauga for the collection of vacuumed leaves and the distribution and sale of garbage bags tags at municipal facilities.

Having a single waste collection agreement that documents the full scope of waste collection and disposal services provided to the City of Mississauga, provides managers with clarity and streamlines communication between the Region and the City of Mississauga.

### **2. Waste Collection Agreement**

The waste collection agreement between the Region and the City of Mississauga outlines both parties' responsibilities in regards to waste management and includes a list of City of Mississauga facilities where Regional collection is provided (including collection frequency), identifies key contacts for waste management inquiries and commits the Region to provide the City of Mississauga with tonnage reports and up-to-date waste management educational material. Once executed, the waste collection agreement will renew annually for successive one-year periods providing both parties with the flexibility to make amendments regarding any program changes, such as the transition of the blue box program to full producer responsibility.

On January 20, 2021, the City of Mississauga's General Committee enacted a by-law that authorized City of Mississauga staff to sign the agreement.

Under the Region's Document Execution By-law, the Commissioner of Public Works has delegated authority to sign the agreement as authorized by the Region's Waste Collection By-law 35-2015, as amended. Therefore, the Region's Commissioner of Public Works will sign the agreement with the City of Mississauga as well as any similar agreements with the City of Brampton and Town of Caledon.

The Region will execute the agreement following Committee's consideration of the report. Staff from the Region have been working with staff from the City of Brampton and Town of Caledon to develop similar agreements.

## **FINANCIAL IMPLICATIONS**

There are no financial impacts resulting from the waste collection agreement as the Region already provides these waste collection and disposal services to the City of Mississauga.



## **Waste Collection Agreement for City of Mississauga Facilities**

### **CONCLUSION**

Region of Peel and City of Mississauga staff worked together to develop a waste collection agreement that documents the waste collection and disposal services provided to City of Mississauga facilities. The waste collection agreement outlines both parties' responsibilities regarding waste management and supports the Region's waste diversion target of 75 percent by 2034.

Staff have engaged with the City of Brampton and Town of Caledon to develop similar waste collection agreements.

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*For further information regarding this report, please contact Norman Lee, Director Waste Management, Ext. 4703, [norman.lee@peelregion.ca](mailto:norman.lee@peelregion.ca).*

#### ***Reviewed and/or approved in workflow by:***

Department Commissioner, Division Director and Legal Services.