



Staff Report for Committee of the Whole Meeting

Date of Meeting: February 19, 2019

Report Number: SREIS.19.003

Department: Environment and Infrastructure Services

Division: Asset Management Planning and Environment Services

Subject: Waste By-law Update

Purpose:

To seek approval for updates to the Town's Waste By-law.

Recommendation(s):

1. That the existing Waste By-Law No. 159-07, being Chapter 715 of the Town of Richmond Hill Municipal Code, and all subsequent amendments be repealed, and, that the Waste By-Law No. 18-19 attached as Appendix 1 to SREIS.19.003 be enacted.
2. That the Town's Administrative Monetary Penalty System (AMPS) By-law No. 69-16 be amended by replacing the existing Schedule "A" with the new Schedule "A" attached as Appendix 2 to SREIS.19.003 and that AMPS Penalty Notices for contraventions set out in the new Schedule "A" may be issued commencing July 1, 2019.

Contact Person:

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Melinda Fartsalas, Supervisor of Administrative Monetary Penalty Systems, x5480

Report Approval:

Submitted by: Italo Brutto, Commissioner of Environment and Infrastructure Services

Approved by: Ilmar Simanovskis, Commissioner of Community Services

Approved by: Neil Garbe, Chief Administrative Officer

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All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), Town Solicitor (as required), Commissioner, and Chief Administrative Officer. Details of the reports approval are attached.

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Background:

Across York Region, waste management is an integrated program that includes the management of garbage, recycling, organics, yard waste, appliances and other types of residential household waste. Responsibilities are split between the local municipalities and the Region. Local municipalities collect waste while the Region processes and disposes of these materials. All nine local municipalities in York Region, including Richmond Hill, use contracted services to collect residential waste.

New Waste Contract

In recent years, Richmond Hill has undertaken a comprehensive review of waste management services in order to update the Town's waste collection contract. The review resulted in several changes to improve service delivery, enhance the Town's waste diversion programs and reduce cost. These improvements include the introduction of recycling in destination and community parks, at community mailboxes and in the downtown core, adjusting the yard waste collection season, and aligning the yard waste collection day with the regular waste collection day for each neighbourhood. These changes are reflected in the terms of the new waste collection contract scheduled to start on April 1, 2019. The new contract also includes enhanced data collection provisions, such as Global Positioning System ("GPS") tools to improve contract management, as well as new automated processes to record waste tonnages collected from multi-residential buildings.

Waste Development Standards

In addition, and in response to the recent trend towards higher-density developments, staff have finalized design and service standards that provide guidance for new developments regarding waste management infrastructure. The goal of these design standards is to provide residents with adequate, convenient and equal access to waste services. They also position the Town to adhere to upcoming legislative changes under the Waste Free Ontario Act, and in particular, the ability to reduce blue box contamination and improve the diversion rate of organics.

Update to Waste By-Law

The Town's Waste By-law must be updated to ensure alignment and consistency between the updated services, development standards and tools listed above. This staff report satisfies the requirements of SREIS.17.008, which directs the Commissioner of Environment, and Infrastructure Services to report back on recommended changes to the Town's Waste By-law. The purpose of this staff report is to provide Council with an overview of the main sections in the proposed by-law and to highlight the significant changes proposed.

Richmond Hill's Current Waste By-Law

Richmond Hill's current Waste By-law regulates the storage and collection of waste by establishing community requirements to support waste management services supplied by the Town. To provide context for the proposed changes, this section offers a brief overview of the current Waste By-law. The main components and requirements are:

- Waste collection service – this section describes the type and frequency of waste collection services provided by the Town.
- Garbage item limit – this sets the maximum number of garbage items permitted for each property. For example, single-family properties have a limit of three garbage items every two weeks.
- Collectable and non-collectable materials – specifies the materials that can be collected through the Town's waste collection program and those that cannot, such as hazardous or electronic waste which must be disposed of at Regional Depots or through other appropriate means.
- Approved waste containers - defines container requirements necessary for the waste collection contractor (or Town staff) to collect waste safely and efficiently from both single-family and multi-residential properties.
- Waste set-out requirements - describes how waste must be set out in order for the Town to provide service and to keep neighbourhoods safe and tidy. This includes the placement of containers as to not impede with winter operations, traffic or municipal sidewalks, as well as the timing for setting out and removing containers from the curb.
- Waste diversion - requires that residents actively participate in the Town's waste diversion programs including recycling, organics and yard waste.
- Waste Storage - requires that waste generated at multi-residential or Industrial, Commercial and Institutional ("ICI") properties be stored in enclosed waste storage rooms to foster community safety.
- Prohibitions - examples include activities regarding waste storage/accumulation that could result in a public nuisance due to odours, pests or unsightly/unsafe conditions (such as depositing waste onto a street).

The current by-law (by-law no. 159-07) was last amended in 2011 to establish a bi-weekly garbage limit of three garbage items, and prior to that, in 2007 when the green bin program was introduced.

Proposed Waste By-Law

Main changes to the by-law are grouped into three categories as described below:

(1) Changes to the By-law to Align with Services Offered Under the New Contract

The following proposed changes to the by-law will help support delivery of waste management services and align with the updated suite of waste services provided in the new waste collection contract.

Organics Collection from Multi-residential Properties using Front-end Containers

The Town's new waste collection contract beginning in April of 2019 includes provisions for collecting organic material from multi-residential buildings using large front-end metal containers rather than the current method of using multiple wheeled plastic carts. Large buildings can generate a significant amount of organic material, which is inefficient to manage using the wheeled carts. By providing the option to large buildings to switch to metal front-end containers, the Town will improve service delivery and operational efficiency.

Additional Waste Collection Services

From time to time high-rise buildings require an extra waste pick-up. For example, a building may generate more waste than usual and require an interim pick-up in addition to the Town's weekly collection service. Currently these circumstances require property owners to contract private waste collection services. The updated by-law allows the Town to provide these extra services by charging a fee to the property owner that covers the Town's cost for this service. This approach allows the Town to provide better support to multi-residential buildings while still maintaining financial accountability. This service will be implemented through amendments to the Tariff of Fees by-law.

Health and Safety Provisions

To protect the health and safety of residents and waste collection staff, health and safety provisions have been updated to align with the new waste contract. These include the requirement to separate the toilet tank and the bowl when disposing of toilets as well as the requirement to set out waste in front of snow banks (rather than behind or within them).

(2) Waste Development Standards and Collection Requirements

Changes to the by-law described in this section give status to the Town's Waste Development Standards and Collection Requirements. These aim to establish equal and convenient access to waste diversion programs for all residents, and to improve waste service and diversion in multi residential developments.

Waste Development Standards

The Town's 'Waste Management Design and Collection Standards for Development' (Waste Development Standards) define infrastructure and collection requirements for

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new residential properties. These standards describe infrastructure and practices that must be in place for a development to receive municipal waste collection services, and include details such as the dimensions of set out areas, access routes, clearance height needed for waste vehicles, as well as dimensions for waste loading areas. The ['Waste Management Design and Collection Standards for Development'](#) can be found in Division J of the Town's Standards and Specifications Manual.

The Waste By-law has been updated to require that all new multi-residential properties comply with the applicable requirements in the Waste Development Standards to receive municipal collection service. The standards will provide residents of new multi-residential properties with equitable and convenient access to all municipal waste programs and allow for safe and efficient collection of municipal waste.

Three Separate Chutes

Currently, new high-rise developments are constructed with tri-sorters connected to waste chutes. The tri-sorters allow the user to switch between garbage, recycling and organics by pushing a button and waiting for a baffle to shift to the correct bin below. Staff have observed several problems with these systems, for example, if residents on separate floors want to dispose of waste at the same time, they must wait in turn for the baffles to switch. Staff have also observed frequent break-downs of this equipment in Richmond Hill, during which time the tri-sorter functions as a garbage chute, making it very difficult for residents to access recycling and organics diversion programs.

To provide convenient and equal access to the Town's diversion programs, the updated Waste By-law requires that new high-rise buildings with five storeys (5) or more, provide three separate waste chutes (one chute for waste, recycling and organics). Three chute systems provide residents in high-rises with access to all municipal waste programs similar to access enjoyed by residents living in single-family properties. By making these programs convenient, staff anticipate better participation, which will decrease the Town's overall waste collection costs and improve environmental outcomes. More information about the link between Town cost savings and participation rates in recycling and organics programs is provided in the Financial Implications section.

(3) Administrative Monetary Penalty System

Changes to the Waste By-law described in this section will improve the Town's approach to enforcing the by-law by authorizing the use of administrative penalties (e.g., tickets) to be issued in accordance with the Administrative Monetary Penalty System (AMPS). Fines under the AMPS system for violating the Waste By-law have been set at reasonable amounts that are non-punitive and meant to deter prohibited activities and promote compliance. Fines range from \$30 to \$100 for single-family properties, as compared to the fines currently approved for the Waste By-law under the Provincial Offences Act which are \$400 plus administrative surcharges. Examples of waste-related infractions that would be handled through the AMPS process include: setting out non-

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collectible waste at the curb such as hazardous waste, concealing items in curbside waste that may endanger the safety of the truck operator or residents, or accumulating garbage on the boulevard between collections.

The main benefits of using the AMPS are improved enforcement through deterrent penalties and a more efficient system of adjudicating penalties. Under the prior by-law using the Provincial Offences Act, adjudication of a ticket takes up to a year given the reduced court time allocations. The AMPS will address minor offenses without the need for the Provincial Court system, which can be reserved for more complicated waste-related infractions with serious implications. In addition, AMPS will reduce costs and increase public satisfaction by reducing the time it takes the Town to address public nuisance situations.

Staff will continue to take an education first approach to achieving compliance. The waste management requirements contained in the by-law will continue to be communicated to residents via Town's website, the Waste Calendar and the Town's Waste App. Curbside education for residents will also continue through the use of educational stickers placed on the waste bins that the waste contractor will leave behind if the material is either non-collectable (e.g. electronic waste) or does not meet the set-out requirements in the by-law (i.e. set out on the wrong day or in exceedance of the garbage item limit). The AMPS penalties (e.g., tickets) will be used in instances of repeat offenses when attempts at education and voluntary compliance have failed.

Next Steps and Timing

Pending approval of the Waste By-law, Town staff will update the Waste Management Standards to add in the requirement for 3 separate chutes for high-rise developments and implement public awareness initiatives to educate residents on the requirements of the updated Waste By-law.

Beginning July 1, 2019, Penalty Notices may be issued for minor contraventions of the Waste By-law under the AMPS.

Financial/Staffing/Other Implications:

There are no immediate financial implications associated with this staff report, however there are several areas of indirect cost savings and/or cost avoidance.

The changes proposed for the Waste By-Law ensure alignment and consistency with services under the new waste contract, the waste development standards and other tools listed above. These changes are intended to improve service delivery and waste diversion by providing multi-residential homes with equal and convenient access to the Town's diversion programs (such as blue box and green bin).

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- Currently in Ontario, Producers¹ of products, packaging and printed materials are required to pay 50% of municipal blue box expenses as per the *Waste Diversion Transition Act, 2016*. Based on the volume of recyclable materials collected each year in Richmond Hill, this translates to approximately \$650,000 in funding annually. By comparison, the cost of garbage is entirely borne by municipalities. By making it easier for residents to participate in the Town's recycling program, the Town will be in a position to collect a greater portion of the blue box program funding.
- York Region works with end markets (global companies) to sell recycled material and generate revenue to help offset the cost of waste management across the Region. End markets set standards for contamination in the material they purchase from municipalities. By making it easier to sort waste properly, contamination in recycling and organics is easier to control, maximizing the value received by York Region residents for their blue box and organic material.
- Future regulations are expected to impose strict contamination limits on all waste streams. By aligning the Waste By-Law with modern waste development standards, including the use of three separate chutes, the Town ensures that infrastructure is in place to provide equal and convenient access to blue bin and green bin services for all residents. This will make contamination easier to address, and position the Town to avoid future waste management costs related to blue box contamination and/or a possible ban on organics at landfill.
- By authorizing penalties in accordance with AMPS for the purpose of enforcement of the Waste By-law, the Town will be better able to recover costs associated with enforcement.

Relationship to the Strategic Plan:

The proposed changes to the Waste By-Law align with community waste management services and standards. These new tools improve service delivery, provide residents with better access to waste management programs (thereby improving diversion rates), reduce contamination and avoid cost. These changes align with Goal 4 of the Strategic Plan "Wise Management of Resources in Richmond Hill", as well as Goal 2 "Better Choice in Richmond Hill".

Conclusion:

In recent years, Richmond Hill has undertaken a comprehensive review of waste management services in order to update the Town's waste collection contract. In addition, and in response to growth and intensification driving new forms of development, staff have finalized design and service standards that provide guidance for new developments regarding waste management infrastructure and requirements for

¹ Producers – Ontario companies that supply products, packaging or printed materials accepted in the Blue Box. This is a defined group including manufacturers, importers and distributors of a certain size.

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municipal waste collection. Due to these changes, an update to the current Waste By-law is necessary to ensure consistency and alignment between these programs. The proposed modifications to the by-law include provisions that support the delivery of waste management programs and services, support waste collection and diversion in multi-residential properties and improve the Town's approach to by-law enforcement through the Administrative Monetary Penalty System.

The new Waste By-Law will ensure residents are provided with equal and convenient access to all municipal waste programs while allowing for safe and efficient municipal waste collection. The changes will also provide the Town with the necessary tools to reduce and manage contamination in light of changing legislation. Enforcement options have also been improved and will contribute to an increase in public satisfaction by improving efficiency for dispute resolution.

Attachments:

Appendix 1 - Waste By-law 18-19

Appendix 2 – Schedule “A” Administrative Penalty By-law 19-19

Report Approval Details

Document Title:	SREIS.19.003 - Waste By-law - Final.docx
Attachments:	- Schedule A - Administrative Penalty By-law No 19-19.docx - Waste By-law 18-19.docx
Final Approval Date:	Feb 1, 2019

This report and all of its attachments were approved and signed as outlined below:

Vlad Gaiu - Jan 30, 2019 - 11:40 AM

Tracey Steele - Jan 30, 2019 - 11:58 AM

Terry Ricketts - Jan 30, 2019 - 12:16 PM

Ilmar Simanovskis - Feb 1, 2019 - 7:49 AM

Italo Brutto - Feb 1, 2019 - 1:44 PM

David Dexter - Feb 1, 2019 - 3:43 PM

Neil Garbe - Feb 1, 2019 - 4:01 PM