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CURRENT FEDERAL AND PROVINCIAL EXTENDED PRODUCER RESPONSIBILITY INITIATIVES

The Solid Waste Management Committee recommends the adoption of the recommendations contained in the following report dated April 30, 2009, from the Commissioner of Environmental Services.

1. RECOMMENDATIONS

It is recommended that:

1. Regional Council endorse the staff recommendation that Waste Diversion Ontario undertake broader consultation and engagement on the Blue Box Program with municipalities and the public to provide clear definition on blue box system options and that the Regional Clerk communicate this endorsement to Waste Diversion Ontario.
2. Regional Council approve staff's recommendation of opting in to the Used Tire Program Plan and Waste Electrical & Electronic Equipment Program Plan.
3. A copy of this report be distributed to the local municipalities for their information.

2. PURPOSE

The purpose of this report is to:

1. Summarize the collaborative advocacy role that staff of the Region and its local municipalities have provided on proposed changes to the existing blue box funding program.
2. Summarize the Regional staff's advocacy regarding new diversion programs in Ontario and new Federal initiatives on sustainable packaging and Extended Producer Responsibility.

3. BACKGROUND

York Region and its Local Municipalities provide critical advocacy role regarding changes to Stewardship Funding Programs

The following tables summarize staff and the Region's responses to the Ministry of the Environment's five-year review of the Blue Box Program Plan, proposed Used Tire Program Plan and proposed Waste Electrical & Electronic Program Plan.

Blue Box Program Plan

<p>October, 2008 - Regional staff invited to comment on Ministry of the Environment's Discussion Paper entitled <i>Toward a Zero Waste Future: Review of Ontario Waste Diversion Act, 2002</i>.</p>
<p>November 4, 2008 - Waste Diversion Ontario's discussion paper entitled <i>Consultation Plan to Support a Review of the Blue Box Program Plan</i> released.</p>
<p>December 3, 2008 - Regional staff conducted workshops with waste management coordinators and managers that are members of the Inter-municipal Waste Diversion Committee.</p>
<p>December, 2008 - Feedback incorporated into comment letters sent to both the Ministry of the Environment and Waste Diversion Ontario (<i>see Attachments 1 and 2</i>).</p>
<p>January, 2009 – Staff comment letters endorsed by Regional Council and further reinforced in a letter from Regional Chairman Bill Fisch to Waste Diversion Ontario dated January 28, 2009.</p>
<p>February 6, 2009 - Waste Diversion Ontario released a <i>Draft Preliminary Report for Consultation – Blue Box Program Plan review</i>.</p>
<p>February 12, 2009 - Waste Diversion Ontario hosted a workshop attended by several staff from the Region and nine local municipalities.</p>
<p>February 25, 2009 - The Inter-municipal Waste Diversion Committee meeting to discuss Waste Diversion Ontario's draft report.</p>
<p>February 27, 2009 - Comments from Waste Diversion Ontario workshop incorporated into a letter from the Inter-municipal Waste Diversion Committee to Waste Diversion Ontario (<i>see Attachment 3</i>).</p>

Used Tire Program

<p>August 14, 2008 - Mr. John Gerretsen, Minister of the Environment, issued a program request letter to Waste Diversion Ontario asking for development and implementation of a stewardship program for on-road and off-road tires sold into the Ontario market.</p>
<p>December 12, 2008 - Ontario Tire Stewardship appointed as the Industry Funding Organization, and a draft program plan posted on its website.</p>

December 18, 2008 - Ontario Tire Stewardship held a consultation session at which the Region was an active participant.

January 14, 2009 - Ontario Tire Stewardship released a Used Tire Program Plan for comment.

January 23, 2009 - Regional staff submitted comments on the Plan to both Ontario Tire Stewardship and Waste Diversion Ontario (*see Attachments 4 and 5*).

February 27, 2009 - Ontario Tire Stewardship incorporated comments received into a revised Used Tire Program Plan.

Waste Electrical and Electronic Equipment

June 11, 2007 - Minister of the Environment Laurel Broten issued a program request letter to Waste Diversion Ontario asking for development and implementation of a Waste Electrical and Electronic Equipment Diversion Program.

July 9, 2008 - Minister of the Environment John Gerretsen approved the waste diversion program plan for Phase 1 materials.

January 21, 2009 - Ontario Electronic Stewardship, appointed as the Industry Funding Organization, posted a revised Phase 1 and 2 Waste Electrical and Electronic Equipment Diversion program document for consultation for public and stakeholder review and comment.

February 6, 2009 - Staff met with an Ontario Electronic Stewardship representative to clarify aspects of the Plan.

February 13, 2009 - Staff submitted a comment letter to Ontario Electronic Stewardship on (*see Attachment 6*).

Extended Producer Responsibility and Sustainable Packaging

February 2009 – Canadian Council of Ministers of the Environment (CCME) released two discussion papers to shift responsibility for end-of-life management of products to the producers, rather than the municipalities. The federal government is also looking to promote the reduction of packaging waste during all stages of the products life cycle.

4. ANALYSIS AND OPTIONS

Inter-Municipal Waste Diversion Committee supports shifting Blue Box funding from municipal tax base to producers

The premise of the proposed Blue Box Program Plan is to shift the burden for managing all materials from the municipal tax base to producers (i.e. product stewards), a move strongly supported by the Inter-municipal Waste Diversion Committee (IMWDC), made up of waste management representatives of York and its nine local municipalities.

Inter-Municipal Waste Diversion Committee requests more information regarding Program options

Inter-Municipal Waste Diversion Committee members expressed concern that the range of potential models for the blue box system proposed by Waste Diversion Ontario is very large, spanning from minimal program changes to blue box models designed and operated by producers. Little information has been provided by Waste Diversion Ontario to fully understand how these models might function, including potential impacts on service levels currently enjoyed by the public. Consequently, the Inter-Municipal Waste Diversion Committee has recommended that Waste Diversion Ontario undertake broader and more meaningful consultation with the public and municipalities on the proposed Blue Box Program Plan options to ensure that the potential implications of the proposed changes are clearly understood.

Key issues identified as needing further consultation and consideration include:

- Definition of the fundamental principles for the blue box recycling system, independent of the system options considered
- Ensuring that the principle of public accountability for the blue box recycling system effectiveness is maintained
- Establishment of regulatory-based requirements for service levels and recycling system performance targets
- Definition of examples and/or hypothetical scenarios to illustrate how each recycling system option may function if implemented
- Adequate compensation for existing solid waste management capital infrastructure, depending on the system option chosen
- Additional details around provisions for municipalities to have the option to continue to participate in the blue box program as service providers

The philosophy underlying the Inter-Municipal Waste Diversion Committee's comments is recognition that the public is the primary stakeholder in Ontario's blue box system and any revisions to the system should advance and build upon the successes that have already been achieved.

York Region will benefit from becoming a Registered Collector of Tires under the Used Tire Program Plan

The Used Tire Program Plan provides the Region with the option to either opt-in or opt-out of the Plan. By choosing to participate in the Plan, the Region will receive free haulage of tires from a registered Ontario Tire Stewardship hauler. The Region will also receive collector payments of \$0.88 per tire for off-rim passenger, light truck and small off the road tires, and \$3.05 per tire for medium truck and large off-the-road tires. The Region can continue to charge fees for on-rim tires to cover the cost of removing them from the rim and would negotiate a revenue sharing arrangement with the hauler. Benefits to opting in to the Program are:

- Shifting costs from a direct user pay system to an extended producer responsibility (i.e. steward supported) system
- Reduced cash handling and administrative burden at receiving sites
- Continued provision of a full suite of solid waste management services accessible through the Region's facilities
- Demonstration of the Region's ongoing commitment to diversion initiatives

However, staff are concerned about increased volumes received at the Georgina Transfer Station, as new types of off-rim tires (representing about 85 percent of incoming tires) would be collected free of charge. Additionally, there is an issue with limited on-site storage area for tires, given a new requirement to store tires in roll-off containers. To offset the impacts to the Georgina Transfer Station, the McCleary Court Community Environmental Centre will receive tires once it begins operation in the spring of 2009. Staff will monitor the volumes collected at both sites upon commencement of the Program and will adjust collection schedules as required.

Implementation of Waste Electrical and Electronic Equipment Program Plan requires Registration as a Collector

Establishment of the Waste Electrical and Electronic Equipment Program Plan provides extended producer responsibility to support a portion of the waste electronics collection and recycling services that are currently offered by the Region. Ontario Electronic Stewardship has agreed that collectors registered under the new program will receive free transportation and processing of Phase 1 materials collected, as well as receiving payment of \$165/tonne as collector reimbursement. Phase 1 of the program includes the addition of televisions to the Region's existing collection program. To qualify as a Registered Collector under the program, electronics must be collected, sorted and prepared for transport according to Ontario Electronic Stewardship Sorting and Packaging requirements. Phase 2 materials, including copiers, telephones and video players, will be funded in 2010. For Phase 2 of the program, the reimbursement amount has not yet been established.

While this program will improve the Region's diversion efforts, this program will produce some operational and financial challenges, including:

- Due to space and staffing limitations, Staff are working on a proposal to have a selected Ontario Electronic Stewardship hauler sort, track, package and transport all Waste Electrical & Electronic Equipment items on behalf of the Region. In return, the hauler would be eligible to receive the \$165 per tonne Ontario Electronic Stewardship reimbursement for collection of Phase 1 materials
- Staff have expressed to Ontario Electronic Stewardship that the \$165 per tonne payment is insufficient to cover operating, capital equipment and site related costs. (refer to Section 5 for a financial analysis of the Program)
- Staff have also expressed concerns about the Plan's proposed storage of equipment in gaylord containers (rather than the current roll-off containers) since the Region's current depots have little or no additional storage space available

As it is anticipated that large quantities of televisions may be received at the Region's depots starting April 1, 2009, staff have arranged with the Region's current contractor, Greentec International, to provide frequent pickups to supplement the Ontario Electronic Stewardship contract if necessary to meet the demand. Staff also plan to organize special events held at various times and locations throughout the Region specifically to collect televisions. These events are also eligible for the \$165 per tonne reimbursement for Phase 1 materials.

The Federal Government is seeking comment on discussion papers addressing extended producer responsibility and sustainable packaging

Consistent with the Region's endorsement of a 4R's sustainable waste management hierarchy, extended producer responsibility and reduction of packaging are key concepts supporting prevention of generation of waste at the source. Two discussion papers entitled, "*Towards a Proposed Canada-Wide Action Plan (CAP) for Extended Producer Responsibility*" and "*Towards a Proposed Canada-Wide Strategy for Sustainable Packaging*" were released in February 2009 by the Canadian Council of Ministers of the Environment (CCME). The Federal level is the most appropriate advocacy venue to influence decisions and actions of many of the larger multi-national corporations responsible for the generation of a great deal of consumer product and packaging waste.

The purpose of the Canadian Council of Ministers of the Environment discussion papers is to shift the responsibility for end-of-life management of products to the producers (rather than to the municipalities) and to promote the reduction of packaging waste during all stages of the product's life cycle. The following table summarizes some of the key concepts discussed in both papers.

<p>Towards a Canada-wide Action Plan for Extended Producer Responsibility</p>	<p>Canadian Council of Ministers of the Environment is proposing an Action Plan that will incorporate the following:</p> <ul style="list-style-type: none"> • Producers to adopt full life-cycle cost accounting • Shift the product end-of-life management expenses from taxpayers to producers and consumers • Reduce the amount of waste generated and disposed • Reduce the toxicity and environmental risks by improving the overall life-cycle performance • Expand Extended Producer Responsibility across Canada that is consistent and harmonized to maximize producer responsibility <p>The Action Plan is seeking to harmonize current provincial steward programs (i.e. blue box, waste electrical and electronic equipment, etc.), and address construction and demolition materials, furniture, textiles and appliances at a later date. The Action Plan will include a monitoring program to measure effectiveness and compliance.</p>
<p>Towards a Proposed Canada-Wide Strategy for Sustainable</p>	<p>Canadian Council of Ministers of the Environment is proposing a Sustainable Packaging Strategy that will include the following actions:</p> <ul style="list-style-type: none"> • Introduce province-wide Expand Extended Producer Responsibility requirements within a set timeframe • Negotiate agreements with producers to reduce packaging • Support development of consistent identification for reusable, recyclable and compostable packaging and recycling content • Support development of sustainability criteria • Support development of educational initiatives promoting sustainable packaging design and best practices • Support establishment of ombudsman to address excess packaging complaints by consumer <p>The Sustainable Packaging Strategy proposes performance measures that focus on zero growth of packaging and reductions in packaging.</p>

The Canadian Council of Ministers of the Environment is inviting comment on both draft documents until May 29, 2009. Recognizing the importance of these two papers, staff will consult with waste management representatives of the local municipalities to prepare and submit comments.

Relationship to Vision 2026

Implementation of provincial funding programs for blue box materials, tires and electronic waste supports four of the eight goals of Vision 2026 (Goal 2: Enhanced Environment, Heritage and Culture, Goal 4: Responding to the Needs of Our Residents, Goal 7: Infrastructure for a Growing Region and Goal 8: Engaged Communities and a Responsive Region) by:

- Provincial support to enhance the 3Rs: reduce, reuse and recycle
- Building relationships with the Provincial government to provide services
- Encouraging continued diversion of waste from landfill including recycling
- Enhancing public awareness programs about recycling
- Pursuing alternative sources of program funding
- Seeking adequate feedback from the public prior to program implementation

5. FINANCIAL IMPLICATIONS

In-depth evaluation of options is required to determine Financial Implications of revisions to Blue Box Program Plan

As has been demonstrated dramatically over the past several months, Municipalities are exposed to financial instability in the recycled commodities markets. Municipalities have substantial investments in public education, promotion and infrastructure to support the existing blue box system. No details have been provided regarding the financial implications of changes to the Blue Box system. Staff have communicated concerns to Waste Diversion Ontario and the Ontario Ministry of the Environment to express the need to provide greater financial support to ensure the public continues to enjoy the same or better level of service and recycling performance under any revised Blue Box system scenario. Staff will update Council once additional information regarding the financial implications of changes to the blue box system becomes available.

Used Tire Program Plan to provide Region with net revenue exceeding \$9,300 per year

The Region currently operates its used tire recycling program on a cost recovery basis. To understand the financial impacts of opting in or out of this program, Staff conducted a preliminary analysis of both options. While both would result in net revenue, opting in to the program would provide the most benefit to the Region. Table 1 summarizes the financial impact of opting in to the program, exclusive of capital repayment costs. The on-rim tire expenditure reflects the potential revenue share with the hauler.

Table 1
Financial Implications of Opting In to Used Tire Program Plan
(Cost Figures Expressed in Thousands)

Item	Expenses	Revenues	Net Revenue
Collection allowance (passenger, light truck)		\$8.6	\$8.6
Collection allowance (medium truck, large off-road)		\$0.6	\$0.6
Additional storage and bin rental cost	\$(3.4)		\$(3.4)
On-rim charge (passenger, light truck tires)	\$(2.6)	\$5.2	\$2.6
On-rim charge (heavy truck, farm tractor tires)	\$(1.4)	\$2.7	\$1.3
Additional administrative costs	\$(0.4)		\$(0.4)
Total	(\$7.8)	\$17.1	\$9.3

Participation in Waste Electrical and Electronic Equipment Diversion Program Plan will reduce net costs to \$207 per tonne from \$372 per tonne

Based on 2008 tonnages and expenditures, staff estimate that implementation of the Waste Electrical and Electronic Equipment Diversion Program Plan will result in a net cost to the Region of \$207 per tonne, down from the current program cost of \$372 per tonne. Table 2 below presents the anticipated cost breakdown under the new Waste Electrical and Electronic Equipment program in comparison with the current 2008 program costs. This breakdown illustrates the anticipated impact of the \$165/tonne savings to be realized from Ontario Electronic Stewardship funding of promotion, Collector fees, transportation and processing of Phase 1 materials.

Table 2
2008 Waste Electrical and Electronic Equipment Program Cost

Item	New Waste Electrical & Electronic Program Costs			2008 Waste Electronic Material Costs
	Phase 1	Non-Phase 1	Total	
Operating Costs (\$ x1000s)				
Staffing	\$33.7	\$11.3	\$45.0	\$45.0
Transport and Processing ¹	0	\$33.8	\$33.8	\$115.0
Promotions ¹	0	\$3.4	\$3.4	\$13.5
Facility Operating Costs	\$42.0	\$14.0	\$56.0	\$56.0
Collector Contractor Fee ²	\$103.0	NA	\$103.0	NA
Sub-Total Operating Costs	\$178.7	\$62.5	\$241.2	\$229.5
Capital Replacement	\$25.5	\$8.5	\$34.0	\$34.0
Total Operating and Capital Replacement ³ (\$ x1000s) (A)	\$204.2	\$71.0	\$275.2	\$263.5

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Regional Council Meeting of May 21, 2009

Collector Reimbursement from Ontario Electronic Stewardship (tonnes x \$165) (B)	\$103.0	NA	\$103.0	NA
Net Program Costs (\$ x1000s) (A-B)	\$101.2	\$71.0	\$172.2	\$263.5
Tonnes Managed	624	208	832	709
Unit Costs (\$/tonne)				
Total	327	341	331	372
Net	162	341	207	372

Notes:

1. Ontario Electronic Stewardship provided service for Phase 1 materials.
2. Assumes Collector Contractor proposal price = \$165/tonne for Phase 1 materials.
3. The need for future facility improvements/upgrades is not included and will be evaluated following implementation of Phase 2.

2009 Solid Waste Management budget includes new staff focused on advocacy and pilot projects

The Environmental Promotion and Protection Branch included funds in its 2009 solid waste management budget to hire one full-time staff person to focus on advocacy and implementing new solid waste management pilot projects. The advocacy and pilot project work stems from the Region's Solid Waste Management Strategy which focused on a need to lobby Provincial and Federal levels of government on issues including extended producer responsibility and packaging reduction. To date, this work has included the launching of the Plastic Bag Take-Back Program in partnership with local retailers, to encourage taking back plastic bags and the use of reusable grocery bags.

6. LOCAL MUNICIPAL IMPACT

The regulatory review of the blue box program plan resulted in many comments from the stakeholders. Some of the blue box system options proposed by Waste Diversion Ontario represent fundamental changes to the existing system. Dependent upon the option(s) adopted by the Province, some of these changes could have profound impacts upon the way blue box services are delivered to the public. Recognizing this, it is important that the Region continue to collaborate with its Local municipalities on this important advocacy issue.

There would be no direct impact on the municipalities from the implementation of the tire program.

With the launch of the Waste Electrical and Electronic Equipment Diversion Program Plan, local municipalities currently collecting televisions at the curb may choose to

discontinue this service, since they would be accepted at the Region's depots for recycling within the waste electronics program.

7. CONCLUSION

The Region and local municipalities, through the Inter-municipal Waste Diversion Committee, have played a vital advocacy role in providing critical feedback as it relates to these proposed changes and how they might affect our Blue Box program. Continued collaboration between the Region and local municipalities on advocacy issues relating to the Blue Box program will be critical as future legislative changes are rolled out from the province. This effort will help to ensure the continued delivery of high quality services to the public while maintaining the Region's status as a leader in waste diversion for large urban municipalities.

Once implemented in the fall of 2009, opting in to the Used Tire Program Plan will provide a net annual revenue to the Region exceeding \$9,300. Implementation of the Waste Electrical and Electronic Equipment Diversion Program Plan will result in a net cost to the Region of \$207 per tonne, a savings of \$165 per tonne from the current program cost of \$372 per tonne.

For more information on this report, please contact Laura McDowell, Director of Environmental Promotion and Protection at Ext. 5077.

The Senior Management Group has reviewed this report.

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



December, 2008

Ms. Alena Grunwald,
 Project Manager
 Ministry of the Environment, Integrated Environmental Planning Division
 Waste Management Policy Branch
 135 St Clair Avenue West, Floor 7
 Toronto, ON M4V 1P5

cc: Glenda Gies, Waste Diversion Ontario.

Dear Ms. Grunwald:

Re: EBR Registry Number: 010-4676
'Toward a Zero Waste Future: Review of Ontario's Waste Diversion Act, 2002:'
Discussion Paper for Public Consultation

York Region is pleased to provide the following staff only comments on 'Toward a Zero Waste Future: Review of *Ontario's Waste Diversion Act, 2002*: Discussion Paper for Public Consultation' – EBR Registry Number: 010-4676. Due to the timing of Committee and Council at the Region, the Ministry's consultation schedule and EBR comment deadline, these comments will be considered by Regional Council on January 22, 2009. We will provide a copy of the Council recommendations on the report to the Ministry after that date.

York Region Waste Management Background:

The Regional Municipality of York is made up of nine local municipalities (Aurora, East Gwillimbury, Georgina, King, Markham, Newmarket, Richmond Hill, Vaughan, and Whitchurch-Stouffville) that provide services to over 983,000 residents, 25,000 businesses and 395,000 employees. The two-tier government structure provides services to residents and some businesses which includes collection and processing of waste and divertible materials. In 2007, the Region generated over 358,000 tonnes of waste, of which 46% was diverted from landfill¹. In 2006, the nine local municipalities and the Region worked together to develop the Joint Municipal Waste Diversion Strategy that has set the target of 65% waste diversion by 2010. Local municipal and Regional staff subsequently formed the Inter-municipal Waste Diversion Committee (IMWDC) which is made up of solid waste professionals from each of the nine local municipalities and Region.

¹Waste Diversion Ontario, 2007 Datacall

December, 2008

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EBR Registry Number: 010-4676

'Toward a Zero Waste Future: Review of Ontario's *Waste Diversion Act, 2002*.'

Discussion Paper for Public Consultation

Joint Comments to the Ministry of the Environment on the *Waste Diversion Act, 2002*: Discussion Paper for Public Consultation'

On December 3, 2008, the IMWDC met to develop comments on the *Waste Diversion Act* Review. The discussion sessions provided comments under four major themes:

1. Extended Producer Responsibility (EPR).
2. Increasing Waste Reduction through the 3R Hierarchy.
3. Increasing Reduction and Diversion of Industrial, Commercial & Institutional (IC&I) Waste.
4. Streamlining Governance and Administration.

During the December 3, 2008 IMWDC workshop, it was agreed that all positions expressed would be respected and to the greatest extent possible, extensive effort would be made by the group to define consensus positions among the representatives. On some issues, productive discussions revealed that consensus was not reached. Consistent with the concept of respect for all positions, it was agreed that not only would consensus positions be communicated in the review comments, but differing or dissenting positions would also be conveyed.

Extended Producer Responsibility (EPR)

Consensus was reached by the IMWDC that producers need to be made responsible for the end of life of products they produce. This means being responsible for 100% of the costs to collect and process their material at the end of its use in a responsible manner. Incentive tools need to be in place whereby recycling and reuse is financially more advantageous than disposal.

The group concurred that product designs need better life cycle analysis before being allowed to enter the market. Stronger mechanisms in product labeling need to be undertaken so that consumers understand the impact of their purchasing choices on the environment and product pricing should accurately reflect environmental impact in the products cost. Environmental product labeling was conveyed as more important than fee visibility.

It has been suggested that full cost steward responsibilities might lead to assumptions of program delivery and service by the steward organizations. The IMWDC is concerned that this presents a negative impact on delivery of important waste management services to residents and a loss of accountability. If program delivery was to be assumed by industry stewards, municipalities would have to be appropriately compensated for existing long term investments in existing infrastructure along with assurance that level of service and environmentally responsible decision making is not compromised.

Increasing Waste Reduction through the 3R Hierarchy

It was conveyed by the group that the Act needs to have stronger emphasis and incentives for reduction and reuse programs. This could be achieved by rewarding and encouraging product designs that move away from single usage convenience products. It was acknowledged that stronger support for reuse networks would also encourage reduction of waste.

Two opinions were expressed about the incorporation of the fourth R (recovery) into the waste reduction hierarchy. One suggestion was that consideration should be given to the fourth R (recovery) in the waste management hierarchy only if all other diversion avenues have been explored first. Another opinion expressed was that the reference to the fourth R is in contradiction to the zero waste concept and should not be included in the hierarchy (please see appended comments).

Increasing Reduction and Diversion of Industrial, Commercial and Institutional (IC&I) Waste

The group identified that there are two different types of IC&I sectors that are under consideration for this section of the discussion paper. The IC&I producers of products (i.e. Proctor and Gamble), versus the IC&I generators of waste (i.e. schools and restaurants). Responsibility can be extended to IC&I producers by requiring a minimum standard of recyclability on the products and packaging they produce before allowing it into the Ontario market place. The group communicated that Federal and Provincial governments need to work together to better regulate standards for packaging materials so that they fit within the fundamental waste reduction and diversion goals. It was also recommended that if producers were required to publicly report their waste reduction and diversion efforts, pressure would be put on the IC&I sector to be more environmentally responsible for their product and packaging design choices.

The IC&I sector that generates waste (i.e. schools and restaurants), needs to have the tools and incentives in place to better promote compliance with the current regulations (Ontario Regulation 102/94 and Ontario Regulation 103/94). It was recommended that consistent and ongoing enforcement be carried out by the Province and that cost incentives be created for business to recycle rather than dispose.

Streamlining Governance and Administration

The group acknowledged that there is a need for clear definitions of the roles and responsibilities for waste diversion within the Federal, Provincial and municipal governments and within industry and the private sector. There was agreement that Waste Diversion Ontario (or a similar organization) could fulfill the need of a multi-stakeholder Provincial waste management body by broadening its mandate to include a full scope of integrated waste management issues.

It was recognized that there needs to be empowerment of different government bodies to work together to achieve waste diversion/reduction goals (i.e. Provincial jurisdiction over

December, 2008

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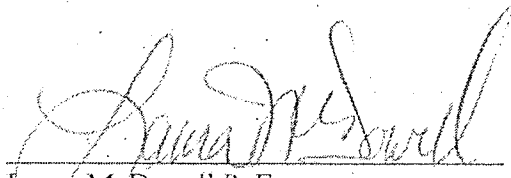
"Toward a Zero Waste Future: Review of Ontario's *Waste Diversion Act, 2002*."

Discussion Paper for Public Consultation

packaging laws). Developing a uniform municipal authority would support the standardization of programs provincially and enhance public participation and encourage effective stewards program delivery.

Thank you for providing York Region and its area municipalities with the opportunity to comment on the WDA review. We hope that comments provided will be helpful in the review process.

Sincerely,

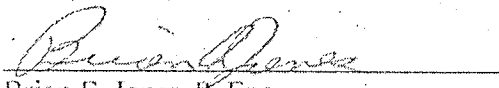


Laura McDowell P. Eng.

Director of Environmental Promotion & Protection

Department of Environmental Services

Regional Municipality of York



Brian F. Jones, P. Eng.

Chair of Inter-municipal Waste Diversion Committee (IMWDC)

Director of Public Works Services

Town of Newmarket

**Appended IMWDC Comments and Recommendations
From the December 3, 2008 meeting:**

Extended Producer Responsibility	Discussion Paper Question Addressed
<ul style="list-style-type: none"> Require industry to meet material specific diversion targets. 	#4 and #5
<ul style="list-style-type: none"> As a group we supported take-back programs, making producers responsible for the end of life of their products as a tool for EPR. 	#1,2,5,11,16
<ul style="list-style-type: none"> 100% funding including collection, processing and capital costs with hard timelines. 	#10
<ul style="list-style-type: none"> Concerns were raised that ultimately the consumer will be paying for EPR. 	#8, 16
<ul style="list-style-type: none"> Producers should provide funding to municipalities to fully cover costs for collection and processing of residual waste and litter, not just from the Blue Box (excluding yard waste as there is no industry producer for this). The concept of providing incentives for desired behavior and establish disincentives for undesirable behavior you do not want was suggested. 	#1,4,5
<ul style="list-style-type: none"> The cost of the product has to reflect the true costs which include processing, collection and capital. 	#1,2
<ul style="list-style-type: none"> Provide some mechanism such as product labeling for people to understand what they are buying (i.e. more wasteful vs. less wasteful products) and how to dispose of it. A suggestion was made to label products to educate consumers on processing and disposal costs - could use a rating system like the Green Dot program in Europe. 	#19
<ul style="list-style-type: none"> All packaging should be made with material that can be recycled; stewards must ensure markets whether the material is accepted in the blue box or elsewhere. 	#1,2,24,25
<ul style="list-style-type: none"> EPR requires multiple tools (i.e. 100% funding, take-back programs, etc.), and ultimately there is a need for more standardization and more penalties for difficult materials (i.e. composite packaging like the Tim Horton's paper cup and plastic lid). 	#1,2,4
<ul style="list-style-type: none"> Require a minimum environmental standard for all packaging design and disposal with regard for its life cycle and ease of recycling the material. 	#1,2

Increasing Waste Reduction through the 3Rs Hierarchy	Discussion Paper Question Addressed
<ul style="list-style-type: none"> Targets should be focused on reaching zero residual waste to disposal not how high the percentage of diversion is. Metrics should be considered as weight/capita in order to minimize waste. Concerns were raised that Statistics Canada data has a five year lag time and is not representative of current municipal house hold data. Overall, group stressed the need for standardization of metrics. 	#1, #2
<ul style="list-style-type: none"> Need standardized reporting of data and must be in clear plain language. 	
<ul style="list-style-type: none"> There is a need for increased emphasis on the first R (reduction) – in volume as well as weight of packaging. Incentives for reuse of products. Measure garbage and focus on first 2 R's (reduction and reuse). 	#13, 17,
<ul style="list-style-type: none"> Waste management hierarchy should be reflective of life-cycle and emphasize the impact of waste management choices to the public. 	#24
<ul style="list-style-type: none"> Consideration should be given to the fourth R (recovery) in the waste management hierarchy only if all other avenues are used (note: this was not accepted by entire group). 	#13
<ul style="list-style-type: none"> Reference to the fourth R (recovery) is in contradiction to zero waste concepts (note: this was not accepted by entire group). 	#13

Increasing Reduction and Diversion of Industrial, Commercial and Institutional (IC&I) Waste	Discussion Paper Question Addressed
<ul style="list-style-type: none"> In order to encourage businesses to recycle, fees or added costs should be incorporated into cost for disposal to provide incentives to reduce and encourage businesses to recycle (i.e. fee for landfilling/incineration). 	#20,23
<ul style="list-style-type: none"> Need enforcement of Ontario Regulation 102/94 – it is not being effectively enforced now. 	#35
<ul style="list-style-type: none"> Stronger packaging regulations are needed – including a minimum environmental standard that producers must meet if their products are to enter the Ontario market (i.e. amount of recyclable material used, suitability for the blue box or other diversion program, minimal environmental impact throughout life cycle). Producers that import packaging and products should also be subject to the same standardized requirements. In order to maintain sufficient and effective standardization, the Ministry of the Environment should consult with any other Federal or provincial ministries that have impacts on packaging in Canada for developing and enforcing these standards. 	
<ul style="list-style-type: none"> Suggest to empower the Province or municipalities to plan and implement packaging content laws. 	#24
<ul style="list-style-type: none"> If the IC&I sector was required to publicly report their waste diversion efforts, this would give incentives to industry to make better environmentally sustainable decisions. 	#21
<ul style="list-style-type: none"> Due to the lack of capacity available to manage the volume anticipated for generated IC&I sector waste, tools need established to encourage private infrastructure to process ICI waste (funded through EPR). Consideration needs to be given to other diversion programs such as organics, and biodegradable products. 	#1,2
<ul style="list-style-type: none"> 100% pay back from IC&I producers. 	#10

Streamlining Governance and Administration	Discussion Paper Question Addressed
<ul style="list-style-type: none"> The group acknowledged that there is a need for clearer definitions on the roles and responsibilities of Federal, Provincial and Municipal governments plus and industry stewards. There needs to be more empowerment to different government bodies to achieve waste diversion/reduction (i.e. Provinces jurisdiction over packaging laws granted by Federal government). There was agreement that the Ministry of the Environment (MOE) should remain the enforcement body but it was strongly recommended that the enforcement significantly be improved. 	#30, 31, 32,
<ul style="list-style-type: none"> Concerns were raised that penalties can be administratively challenging especially when there are many stages of enforcement (i.e. warnings, follow-ups, charges, appeals). Consideration should be given to enforce regulations immediately. An alternative to using the judicial system is a 'fee for service' for non-compliance (i.e. if municipalities have to process residue they would have to authority to charge back to the generator for services). 	#35
<ul style="list-style-type: none"> An overall comment made indicated that the Province needs to be more proactive and less reactionary. 	
<ul style="list-style-type: none"> Suggested that technology can be used to track and divert material (i.e. use UPC type codes on products) – the material tracking would indicate how much waste is being produced. 	#6b
<ul style="list-style-type: none"> Build program to incorporate alternative system beyond Blue Box (i.e. Community Environmental Centres, transfer stations, deposit refund, take back programs). 	#11
<ul style="list-style-type: none"> Ensure programs are not cumbersome for municipalities (i.e. smaller municipalities) to either participate or manage under full funding. 	
<ul style="list-style-type: none"> Consider designation of some materials that are optional for curbside green bin organics (i.e. specifically problematic organic material such as kitty litter and diapers). 	



December, 2008

Ms. Glenda Gies
Executive Director
Waste Diversion Ontario
45 Sheppard Avenue East,
Suite 920, North York, ON M2N 5W9

cc: Alena Grunwald, Ministry of the Environment

Dear Ms. Gies:

**Re: Waste Diversion Ontario Consultation Plan to Support a
Review of the Blue Box Program Plan**

York Region is pleased to provide the following staff only comments on Waste Diversion Ontario's Consultation Plan to Support a Review of the Blue Box Program Plan. Due to the timing of the Region's Committee and Council and Waste Diversion Ontario's consultation schedule, these staff comments will be considered by Council in January 22, 2009. We will provide a copy of the Council's recommendations on the report to Waste Diversion Ontario after that date.

York Region Waste Management and Recycling Background:

The Regional Municipality of York is made up of nine local municipalities (Aurora, East Gwillimbury, Georgina, King, Markham, Newmarket, Richmond Hill, Vaughan, and Whitchurch-Stouffville) and provides services to over 983,000 residents, 25,000 businesses and 395,000 employees. The two-tier government structure provides services to residents and some businesses which includes collection and processing of waste and divertible materials. In 2007, the Region generated over 358,000 tones of waste, of which 46% was diverted from landfill¹. In 2006, the nine local municipalities and the Region worked together to develop the Joint Municipal Waste Diversion Strategy that has set the target of 65% waste diversion by 2010. Local and Regional staff subsequently formed the Inter-municipal Waste Diversion Committee (IMWDC) which is made up of solid-waste professionals from each of the nine municipalities and Region.

¹ Waste Diversion Ontario, 2007 Datacall.

On December 3, 2008, the IMWDC met to develop comments on the Blue Box Program Plan review. The discussion sessions provided comments under four major themes:

1. Extended Producer Responsibility (EPR) and Program Funding.
2. 3Rs hierarchy in the Act.
3. IC&I Industry Accountability.
4. Governance and Program Delivery.

During the December 3, 2008 IMWDC workshop, it was agreed that all positions expressed would be respected and to the greatest extent possible, extensive effort would be made by the group to define consensus positions among the representatives. On some issues, productive discussions revealed that consensus simply could not be reached. Consistent with the concept of respect for all positions, it was agreed that not only would consensus positions be communicated in the review comments, but differing or dissenting positions would also be conveyed.

IMWDC Comments and Recommendations for WDA Review:

1. Program Performance:

- Standardized definitions are needed in the Plan for what is meant by waste diversion rate and by capture rate.
- Diversion rate has been understood as the percentage of all material taken out of the whole waste stream whereas capture rate has been understood as the percentage of each available material that is actually collected and recycled (the table on page 5 of the backgrounder for the BBPP refers to capture rate as diversion rate with a different meaning highlighting the need for standardized terms).
- Targets should be focused on reaching zero residual waste instead of percentage diverted from the total waste stream as this can be deceiving when generation per household or population is increasing,
- Measurements should be taken on a disposal/household or disposal/capita basis rather than percentage diverted.

2. Material-Specific Performance:

- The IMWDC agreed that material specific diversion targets should be required from industry to address low performance materials like plastics with the intent of continual improvement in diversion..

3. Consistency Across Municipalities:

- The IMWDC reached consensus that once full EPR/Industry funding is in place, standardization of materials collected should be consistent across municipalities.

4. Problematic Waste:

- The group supports tools such as take-back programs and the concept of making producers responsible for products they produce that can not be recycled in the Blue Box. (e.g. 15L PET water bottles).
- There should be a minimum environmental standard established for producers to design packaging that is easily recycled and fits an environmentally sustainable life-cycle assessment framework.
- IC&I producers should be subject to the same standardized requirements for imported products.
- The Ministry of the Environment and the Federal government need to work together to implement packaging regulations and enforcing standards so that municipalities do not allow problematic packaging to enter the system.

5. Blue Box Waste from The IC&I Sector:

- The IMWDC was in agreement that industry stewards and producers need to experience a higher cost for disposal (i.e. added disposal fee) in conjunction with low recycling costs in order to provide financial incentive to encourage businesses to recycle.
- Stronger and ongoing enforcement is needed of Ontario Regulation 103/94.

6. Blue Box Waste Collected Outside The Blue Box:

- The group supports take-back programs as a tool to support extended producer responsibility, making producers responsible for their products.
- The cost of managing packaging and printed paper should also include the cost for what remains in residual waste and litter as well, not only the percentage that gets into the Blue Box.
- There needs to be a system of incentives for desirable behavior and disincentives for undesirable behavior.
- The current waste diversion system does not work as landfilling is cheaper than recycling. The implementation of a landfill fee was suggested to equalize cost of recycling and encourage better environmental management of post consumer material.
- Build program to incorporate alternative system beyond the Blue Box (i.e. Community Environmental Centres, transfer stations, deposit refund and take back programs).

7. Additional Blue Box Wastes:

- Build program to incorporate alternative system beyond the Blue Box (i.e. Community Environmental Centres, transfer stations, deposit refund and take back programs).

8. Environmentally Responsible Management:

- It has been suggested that full cost steward responsibilities might lead to assumption of program delivery and service by the steward organizations.
- Concern was expressed that this could have negative impact on delivery of important waste management services to residents and a loss of accountability.
- If program delivery was to be assumed by industry stewards, municipalities would have to be appropriately compensated for existing long term investments in existing infrastructure along with assurance that level of service and environmentally responsible decision making is not compromised.

9. Stewardship Fees:

- Full EPR was supported by the group whereby steward fees would equal 100% of the Blue Box costs which include collection, processing and capital costs.
- Concern was expressed that ultimately the consumer would incur these costs.
- The cost of managing packaging and printed paper should also include the cost for residual waste, not what gets into the Blue Box.
- There needs to be a system of incentives for desirable behavior and disincentives for undesirable behavior.

10. EPR Funding:

- Full EPR was supported by the group whereby steward's fees would equal 100% of the Blue Box Costs which include collection, processing and capital.
- The cost of managing packaging and printed paper should also include the cost for residual waste and litter, not only what gets into the Blue Box
- Packaging should all be made with material that can be recycled in the Blue Box.
- EPR requires a mixed basket of models/tools. Ultimately we need more standardization and more penalties imposed for difficult materials (i.e. multi-material packaging like Tim Horton's paper cup and plastic lids).
- Waste Management hierarchy should be reflective of product life-cycle and emphasize the impact of waste management choices.

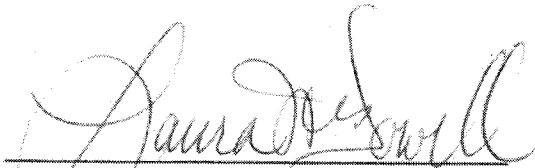
December, 2008

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Waste Diversion Ontario Consultation Plan to Support a
Review of the Blue Box Program Plan

Thank you for providing York Region and its area municipalities with the opportunity to comment on the BBPP review. We hope that comments provided will be helpful in the review process.

Sincerely,



Laura McDowell, P. Eng.
Director of Environmental Promotion & Protection
Environmental Services Department
Regional Municipality of York



Brian F. Jones, P. Eng.
Chair of Inter-municipal Waste Diversion Committee (IMWDC)
Director of Public Works Services
Town of Newmarket

file



COUNCIL ATTACHMENT 3

Environmental Services
Promotion and Protection Branch

February 27, 2009

Ms. Glenda Gies
Executive Director
Waste Diversion Ontario
45 Sheppard Avenue East, Suite 920
Toronto, ON M2N 5W9

Dear Ms. Gies:

Re: “Draft Preliminary Report for Consultation Review of the Blue Box Program Plan”

York Region is pleased to provide staff comments on Waste Diversion Ontario’s (WDO’s) “Draft Preliminary Report for Consultation Review of the Blue Box Program Plan”, dated February 6, 2009 (WDO’s Draft Report).

In recognition of the importance of this process, York Region and its local municipalities are actively engaged in WDO’s consultation on the Blue Box Program Plan review. Waste management coordinators and managers from York Region and its nine local municipalities conducted a workshop to discuss the Blue Box Program Plan review and submitted comments in December 2008. These were endorsed by York Regional Council in January 2009 and were further reinforced in a letter from York’s Regional Chairman, Mr. Bill Fisch, to WDO dated January 28, 2009.

In addition to submitting our comments, several staff from both York Region and its nine area municipalities participated in the workshop hosted by WDO on February 12, 2009. York Region’s Inter-municipal Waste Diversion Committee (IMWDC), comprised of solid waste professionals from York Region and its nine area municipalities met again on February 25, 2009 to discuss WDO’s Draft Report. The following presents staff comments resulting from that review. These do not detract from nor diminish any comments previously submitted by York Region, but supplement and build upon those earlier comments.

The core concept of shifting the burden for managing all materials associated with the life cycle of consumer products (i.e. production, packaging, promotion, marketing, use and end-of-life) off of the municipal tax base and on to the producers (i.e. stewards) is strongly supported.

We appreciate the efforts of WDO in leading this important review process and preparing its Draft Report, particularly given the very tight timelines involved. Staff generally agrees with much of the information presented in WDO's Draft Report, however there are also a number of matters of concern that have been identified.

General Comments

The following highlights the primary, over-arching comments applicable to the entire Draft Report:

- The range of potential models considered for the blue box system that are encompassed within the recommendations presented in WDO's Draft Report is very large. The potential impacts on Ontario's material recycling efforts differ substantially dependent on the option that is ultimately implemented. Rather than leaving reviewers to make assumptions, consideration of the draft recommendations would be greatly assisted by inclusion of examples and/or hypothetical scenarios illustrating how the recycling system might be envisioned to function in light of each of the recommendations.
- Concern was expressed regarding the potential for profound impacts on the public and the environment dependent on the system model that is advanced from this review process. Regardless of the system model adopted, fundamental principles should be defined to ensure:
 - current service level expectations by the public are maintained and ideally enhanced in the future through commitment to continual improvement;
 - the primary environmental objectives of material recycling are supported by enforced regulatory targets; and
 - accountability to the public (i.e. the primary stakeholders) for the effectiveness of the system is maintained.
- Given the very significant potential for impact upon the public and the environment, the IMWDCs suggest that there is a need for broader consultation and engagement of the public on this important matter. Following the Minister's consideration of WDO's submissions, it is suggested that the preferred options for advancing Ontario's blue box material recycling system be more clearly defined and a meaningful consultation with the public be conducted Province-wide.

Specific Comments

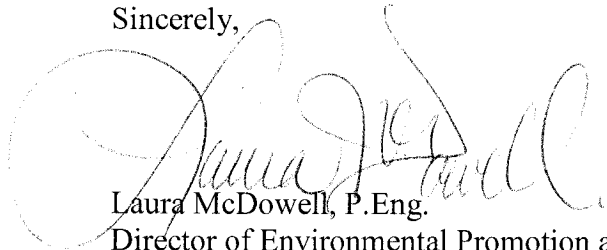
Please refer to the attached tables regarding comments on specific sections of WDO's Draft Report. Table 1 focuses on major issues identified in the discussion text contained in Sections 1 to 6 in the report. Table 2 presents comments specific to each of the draft recommendations.

Draft Preliminary Report for Consultation Review of the Blue Box Program Plan

Since there is overlap in many of the matters discussed in several of the sections of the report, to minimize repetition these comments do not attempt to address each and every instance where a particular issue is documented in WDO's Draft Report.

York Region was recently ranked #1 within the category of Large Urban Municipalities in Waste Diversion Ontario's recent release of 2007 diversion rates. A major part of this success is attributable to the Region's historical and on-going investment in capital infrastructure as well as investment in promotion and education motivating enthusiastic public participation in our waste management programs. We trust that WDO and the Province will build upon this long-term investment to progressively advance waste management in Ontario in the future. As a municipal diversion leader, York Region acknowledges the contributions of Ontario's steward organizations to share in the obligation of meeting the environmental objectives underlying diversion.

Sincerely,



Laura McDowell, P.Eng.
Director of Environmental Promotion and Protection

LM/sc

Copy to: The Honourable John Gerretsen, Minister of the Environment

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Table 1 – Sections 1 to 5

<i>Report Section Reference No.</i>	<i>Heading</i>	<i>Supplementary Comments</i>
4.1	Defining Extended Producer Responsibility	<p>There remains a great deal of confusion and ambiguity regarding the terms “extended producer responsibility (EPR)” and “full EPR”. This ambiguity is apparent in the varied stakeholder comments discussed in various sections of WDO’s Draft Report. The lack of clarity around this terminology continues into the draft recommendations proposed by WDO. The municipalities and the stewards do not appear to have a common understanding of “full EPR”, however achieving this understanding is critical to realizing meaningful progress in advancing Ontario’s waste management objectives.</p> <p>For consideration, the most fulsome and appropriate definition of “full EPR” is contained in the CCME’s guiding principles attached as Appendix A to the WDO’s Draft Report. While all of the principles contained in that Appendix are positive and appropriately supportive of “full EPR” particular attention is drawn to principles I2 (i.e. the 4Rs waste management hierarchy), I3 (i.e. producers incorporate design for the environment) and I4 (i.e. end-of-life responsibility for wastes are transferred from municipalities to producers) as being issues that are not currently well-addressed in Ontario’s waste management system, however these are key to the fundamental basis for “full EPR”. Anything less than achievement of all of these principles is not “full EPR” and should be recognized as partial or transitional measures on the road to “full EPR”. It is important to note that failure to ultimately achieve “full EPR” perpetuates the historic municipal tax subsidization of the costs of production and consumption.</p>
5.1	Different Perspectives	<p>Consistent with the above-referenced CCME guiding principles, it is strongly emphasized that the absence of mandated responsibilities for inclusion of design for the environment in product and packaging development and end-of-life management of packaging & products that are disposed represents significant “leakage” from the concept of “full EPR”. This externalizes costs. When the costs of disposal (i.e. landfill) are lower than other options in the 4Rs hierarchy, financial disincentives for diversion result.</p> <p>Stewards’ claim to entitlement for control of the blue box system design and operation can be considered as appropriate only in the context of the broadest definition of “full EPR” as described in the comments above and if accompanied by appropriately defined, regulated and enforced progressive recovery targets. Selective removal of</p>

<i>Report Section Reference</i>		<i>Supplementary Comments</i>
<i>No.</i>	<i>Heading</i>	
		<p>components of the system from the realm of public accountability could be negatively viewed as “cherry picking”, whereby the revenue generating elements of waste management are segregated from the core cost components. As noted above, this runs the risk of perpetuating municipal subsidization and could inadvertently magnify the existing financial disincentives for diversion.</p> <p>Should the preferred system option proceed whereby the stewards realize control of the design and operation of the blue box material recycling system, a program would be required to ensure that the municipalities be fully compensated for the millions upon millions of Ontario’s taxpayers dollars that have been invested into existing waste management capital infrastructure. There are numerous options to accomplish this through flexible negotiations with the municipalities; however failure to provide this necessary compensation runs the risk of leaving Ontario’s municipalities with a massive stranded debt.</p> <p>Industry comments referred to in the report as focusing on recycling the “next least cost tonne” are inconsistent with the concept of “full EPR”.</p> <p>Industry comments referred to in the report declining to accept responsibility for garbage and litter, as well as communications with residential generators are inconsistent with “full EPR”.</p>

Table 2 – Section 6 Draft Recommendations

<i>Draft Recommendation</i>		<i>Supplementary Comments</i>
<i>No.</i>	<i>Heading</i>	
Program Performance		
#1	Performance targets	<p>The need for performance targets is strongly supported.</p> <p>Targets should have the force of regulation and should be subject to continual improvements including a multi-stakeholder process for frequent reassessment.</p> <p>Overall targets should not be able to reduce or diminish material specific targets.</p> <p>Measurements should be taken on a disposal/household or disposal/capita basis rather than percentage diverted.</p>

		Consistent with the 4Rs hierarchy, a maximum percentage target for energy recovery should not be established. The appropriate concept is that energy recovery should be maximized for the materials remaining after the preceding targets are met, while disposal to landfill is minimized.
#2	Improve calculations for collected materials	Include retail take back and 3 rd party drop-offs.
#3	Modify calculations to quantify BB materials recycled	Agree
#4	Increase transparency of program operation	Agree
Material Specific Performance		
#5	Material specific targets	Generally agree subject to the following: Clarification should be provided on how the targets were determined to ensure consistency and compatibility with whatever material recycling system approach is identified as the preferred option going forward. Reevaluate targets to ensure all are attainable while also being ambitious.
#6	Financial penalty for specific targets	Generally agree – clarify that penalties apply to stewards and where the fees are used.
Consistency Across Municipalities		
#7	Establish process to select BB list across municipalities and to determine current variations	Agree with the condition that once “full EPR” (as defined in the comments above) funding is in place and variations across the province are determined, the stewards will fund standardization of service levels across municipalities. Ensure that standardization does not reduce the materials currently captured. Consistency across municipalities would be better accomplished if there were consistent labeling on packaging across Ontario. In a Provincially standardized system, product label icons such as the blue box symbol would be easier to identify and less confusing than reliance on the current resin number.
Problematic Wastes		
#8	Advisory board to determine BB Compatibility	Under any potential material recycling system going forward in Ontario, compatibility reviews for products and packaging should be mandatory as a condition of access to Ontario markets. This matter should be raised to the Federal level if necessary to ensure implementation in Ontario. The advisory board should have the power and

		<p>authorization to reject packaging materials that are not compatible with the materials recycling program.</p> <p>The advisory board should require a minimum environmental standard established for producers to design packaging that is easily recycled and fits an environmentally sustainable life-cycle assessment framework.</p>
#9	WDO to address the management of problematic wastes with stewards	Agree with this recommendation and would also like to strongly recommend that the WDO advocate to the Ministry of the Environment and the Federal government to work together to implement packaging regulations and enforcement of standards so that problematic packaging does not enter the system.
Environmentally Responsible Management		
#10	Implementing tracking system and promoting Ontario processing and end markets	<p>To ensure cost-effectiveness and due diligence, on behalf of the stewards WDO should lead the establishment of an environmental and social responsibility code and certification process for receivers and processors of recyclable materials. WDO should then require certification for all receivers of recycled materials from Ontario, as a pre-condition of eligibility for inclusion in diversion calculations. WDO should also implement a system of inspections and spot-checks of the certified receivers and processors.</p> <p>The decision on whether to process or send to end markets in Ontario versus outside of Ontario should consider a full-cost assessment. This would include all aspects of shipping a material outside of Ontario including carbon footprint, transportation, as well as demonstrating due diligence that end markets are handling materials in a humanitarian fashion not involving child labour or improper handling practices.</p>
Stewardship Fees		
#11	Modify fee structure to incorporate penalties and costs for 'dirty MRFs'	Revise "production of fuel" to read "energy recovery"
EPR Funding		
#12	Minister to establish clear policy framework for full EPR	<p>Generally agree, subject to the following:</p> <ul style="list-style-type: none"> - Establishment of a definition of "full EPR" consistent with the preceding comments. - Inclusion of a broad-based municipal role balanced and in collaboration with other stakeholders, to steer and contribute to the development and decision-making on all elements of the policy framework including operational objectives and service levels. - Policy framework should be developed with the concept of continuous improvement, specifically operational

		<p>objectives (i.e. ISO 14001)</p> <ul style="list-style-type: none"> - Policy framework should also be consistent with the 4Rs hierarchy emphasizing reduction of packaging first before recycling and recovery - Development of tools to reverse existing financial incentive for disposal via equalization fees, landfill tax or other, and dedication of funding generated to support higher level waste hierarchy activities. - Need to ensure that residents who are the ones ultimately impacted by this policy framework are in agreement with the proposed system changes
#13	<p>Full EPR funding in a 5 year planning period with three phases</p>	<p>To move the municipal delivery of Blue Box services towards full EPR funding, first requires:</p> <ul style="list-style-type: none"> - Establishment of an appropriately broad definition of “full EPR” as described in the preceding comments. - Commitment by the stewards of full funding based on the appropriate definition of “full EPR”. <p>Following establishment of these key principles, more detailed consultations with the stakeholders including the municipalities, the public and the stewards could then proceed to address key issues such as the following, as a minimum:</p> <ul style="list-style-type: none"> - Mechanisms for compensation of municipal investment in existing solid waste management capital infrastructure including provision for municipalities to choose to continue to participate as service providers. - Establishment of regulations for performance targets, service levels, monitoring protocols, penalties and enforcement. - Maintain current service levels or better, ensuring that current regulatory requirements (e.g. O. Reg. 101/94) continue to be upheld. - Establish Province-wide best practices for full EPR service delivery encompassing the need to maintain the local communications, promotion and education services.
#14	<p>To inform municipal property tax payers of full EPR funding program</p>	<p>Agree – however, informing residents/tax payers is not enough. Need to engage public through consultation to ensure program is well understood and to attain public agreement with the proposed changes to the blue box materials recycling system.</p> <p>Need to know when will public be informed – should be during the development of implementation strategy to allow adequate time for public input. The consultation process should not be rushed.</p>

Blue Box Wastes from the ICI Sector		
#15	Compile data on ICI sector generation and diversion	Agree, however the proposed recommendation should address the key elements of an IC&I BB plan including target setting and timelines as a minimum. The compilation of data should be completed within a specified time period.
#16	Assess if ICI can be incorporated under BBPP	Agree with the condition that after IC&I are assessed, a plan be developed to establish diversion targets and increase diversion with stronger and ongoing enforcement of Ontario Regulation 103/94.
Blue Box Wastes Collected Outside of the Blue Box		
#17	Increase collection of BB waste through P and E, municipalities and other collection (i.e. take back)	Agree – Increase in collection through Public and Education could be achieved through an improved and consistent labeling system on packaging across Ontario. The cost for municipalities to participate and use tools to help drive diversion should be under the responsibility of the stewards.
#18	Increase recycling of BB waste through ‘dirty MRFs’	Agree
#19	Recovery energy from residual Blue Box wastes	Agree with the condition that all efforts are made to be consistent with the 4Rs hierarchy where recyclables are recovered first for recycling before processing into fuel
#20	Restructure fees to reflect funding of Public and Education, take back and dirty MRFs	Agree
#21	Inform municipal taxpayers of EPR funding for dirty MRFs, P&E and take back programs	Agree
Additional Blue Box Wastes		
#22	Expand BB list and establish process to evaluate through criteria	Agree – However, this should not be used to diminish or reduce additions but to be inclusive
#23	Unacceptable packaging be considered under separate diversion program plan	Agree



Environmental Services
 Promotion and Protection Branch
 Fax: 905-954-4611

January 23, 2009

Mr. Glen Maidment
 Chair, Ontario Tire Stewardship
 Ontario Tire Stewardship
 2000 Argenta Road, Plaza 4, Suite 250
 Mississauga, ON L5N 1W1

Dear Mr. Maidment:

Re: Ontario Tire Stewardship (OTS) Used Tire Program Plan

York Region has developed a highly successful waste diversion program and is pleased to be ranked #1 across all large municipalities based on our 2007 WDO Waste Diversion rate. Through launch of our green bin program in all nine local municipalities, along with our expanded blue box program and other waste diversion efforts, York Region diverted 46 percent of its waste from landfill in 2007. The Region is currently working toward achieving its waste diversion goal of 65 percent diversion by the year 2010.

The Region currently operates a tire collection program at the Georgina Waste Transfer Station. In 2008, over 100 tonnes of passenger, light truck, heavy truck and farm tractor tires (both on and off rim) were accepted for recycling. To cover handling, storage and haulage of tires collected through this program, the Region charges tire disposal fees.

Our Georgina Waste Transfer Station currently charges residents and businesses to accept passenger/light truck and heavy truck and farm tractor tires as follows:

Summary of Tire Disposal Fees

Accepted Material (Tires)	Delivered by Residents	Delivered by Industrial, Commercial & Institutional Sector
car & light truck (off rim)	\$3.50 each	\$4.00 each
heavy truck (off rim)	\$25.00 each	\$25.00 each
heavy truck (on rim)	\$30.00 each	\$30.00 each
farm tractor (off rim)	\$350.00 per tonne	\$350.00 per tonne
farm tractor drained (on rim)	\$400.00 per tonne	\$400.00 per tonne

The Proposed Program Plan, while improving environmental sustainability by potentially increasing diversion of tires from landfill, will impact the Region's current tire collection system and costs. This assessment is based on an anticipated large increase in tire quantities received due to accepting off rim tires free of charge and storage requirements.

York Region is pleased to provide the following staff comments on Ontario Tire Stewardship's (OTS) Used Tire Program Plan. Due to time limitations in responding to the Program Plan, the Region will provide an official update to OTS concerning any additional feedback that its Council may have at a later date.

1. Potential Implications on Current and Future Facilities and Programs

- If the Region decides to opt in to the Program Plan, it is anticipated that additional quantities of tires would be received at the Georgina Transfer Station, as well as its new Community Environmental Centre in Vaughan (due to open Spring, 2009). Additional tire quantities would likely cause operational challenges vis-à-vis limited storage capacities and have impacts on collection schedules at the facilities.

2. Limited Storage Area for Bins to Store Tires

- Regional staff would be required to store used tires such that they are secure, free of water and debris, and accessible to the hauler. Currently, the Region stores tires in an open area within our Transfer Station. While the Region is planning to store tires in roll-off bins both at our Transfer Station once it is redesigned as well as at our Community Environmental Centre in Vaughan, there is concern about the number of bins required to store tires given the limited storage area and capacity for bins to hold tires, particularly large agricultural and industrial tires. This could necessitate a large number of bins to be provided in a limited storage area. The cost for tire handling and storage may not be adequately included in the proposed \$0.60/tire rate.

3. Negotiation of Fair Revenue Sharing Arrangement to Accept On Rim Tires

- Regional staff acknowledges that the Program Plan focuses on funding tires that have been removed from the rim. We understand that collectors and haulers are free to negotiate an extra fee to accept tires on rims that would be shared with the hauler. Therefore, our financial analysis can only assume a revenue split in the absence of negotiations between the municipality and the hauler. Please note that the Region has successfully accepted on-rim tires at the Georgina Transfer Station for many years. Regional staff assumes that under the Plan, the hauler is willing to handle on rim tires and the Region would be able to successfully negotiate a fair revenue sharing arrangement.

January 23, 2009

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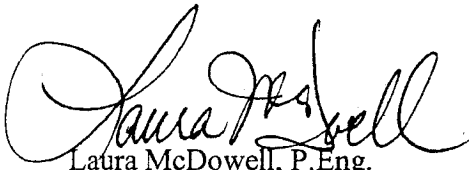
Ontario Tire Stewardship Used Tire Program Plan

Regional staff outlines the following question for clarification:

- Assuming that the Region opts into the program, would it have the right to limit the size of tire (e.g. up to 48 inch diameter) that we would accept or are we bound to receive all types of tires as indicated in the list provided in the Plan with no exceptions? Communication with OTS Plan representatives have indicated that collectors will be permitted to specify which types of tires they will receive. This point needs to be made explicit within the Plan.

Based on our preliminary review of the Program Plan and pending clarification of some key points outlined in this letter, we support the Ontario Tire Stewardship (OTS) Used Tire Program Plan and look forward to providing further input into the plan.

Sincerely,



Laura McDowell, P.Eng.

Director of Environmental Promotion and Protection

JS/js

Copy to: Michele Maitre, Manager of Regulatory Compliance & Policy
Neil MacDonald, Manager, Solid Waste Management
Inter-Municipal Waste Diversion Committee

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Environmental Services
 Promotion and Protection Branch
 Fax: 905-954-4566

January 23, 2009

Ms. Glenda Gies
 Executive Director
 Waste Diversion Ontario
 45 Sheppard Avenue East, Suite 920
 Toronto, ON M2N 5W9

Dear Ms.Gies:

Re: Ontario Tire Stewardship (OTS) Used Tire Program Plan

York Region has developed a highly successful waste diversion program and is pleased to be ranked #1 across all large municipalities based on our 2007 WDO Waste Diversion rate. Through launch of our green bin program in all nine local municipalities, along with our expanded blue box program and other waste diversion efforts, York Region diverted 46 percent of its waste from landfill in 2007. The Region is currently working toward achieving its waste diversion goal of 65 percent diversion by the year 2010.

The Region currently operates a tire collection program at the Georgina Waste Transfer Station. In 2008, over 100 tonnes of passenger, light truck, heavy truck and farm tractor tires (both on and off rim) were accepted for recycling. To cover handling, storage and haulage of tires collected through this program, the Region charges tire disposal fees.

Our Georgina Waste Transfer Station currently charges residents and businesses to accept passenger/light truck and heavy truck and farm tractor tires as follows:

Summary of Tire Disposal Fees

Accepted Material (Tires)	Delivered by Residents	Delivered by Industrial, Commercial & Institutional Sector
car & light truck (off rim)	\$3.50 each	\$4.00 each
heavy truck (off rim)	\$25.00 each	\$25.00 each
heavy truck (on rim)	\$30.00 each	\$30.00 each
farm tractor (off rim)	\$350.00 per tonne	\$350.00 per tonne
farm tractor drained (on rim)	\$400.00 per tonne	\$400.00 per tonne

The Proposed Program Plan, while improving environmental sustainability by potentially increasing diversion of tires from landfill, will impact the Region's current tire collection system and costs. This assessment is based on an anticipated large increase in tire quantities received due to accepting off rim tires free of charge and storage requirements.

York Region is pleased to provide the following staff comments on Ontario Tire Stewardship's (OTS) Used Tire Program Plan. Due to time limitations in responding to the Program Plan, the Region will provide an official update to OTS concerning any additional feedback that its Council may have at a later date.

1. Potential Implications on Current and Future Facilities and Programs

- If the Region decides to opt in to the Program Plan, it is anticipated that additional quantities of tires would be received at the Georgina Transfer Station, as well as its new Community Environmental Centre in Vaughan (due to open Spring, 2009). Additional tire quantities would likely cause operational challenges vis-à-vis limited storage capacities and have impacts on collection schedules at the facilities.

2. Limited Storage Area for Bins to Store Tires

- Regional staff would be required to store used tires such that they are secure, free of water and debris, and accessible to the hauler. Currently, the Region stores tires in an open area within our Transfer Station. While the Region is planning to store tires in roll-off bins both at our Transfer Station once it is redesigned as well as at our Community Environmental Centre in Vaughan, there is concern about the number of bins required to store tires given the limited storage area and capacity for bins to hold tires, particularly large agricultural and industrial tires. This could necessitate a large number of bins to be provided in a limited storage area. The cost for tire handling and storage may not be adequately included in the proposed \$0.60/tire rate.

3. Negotiation of Fair Revenue Sharing Arrangement to Accept On Rim Tires

- Regional staff acknowledges that the Program Plan focuses on funding tires that have been removed from the rim. We understand that collectors and haulers are free to negotiate an extra fee to accept tires on rims that would be shared with the hauler. Therefore, our financial analysis can only assume a revenue split in the absence of negotiations between the municipality and the hauler. Please note that the Region has successfully accepted on-rim tires at the Georgina Transfer Station for many years. Regional staff assumes that under the Plan, the hauler is willing to handle on rim tires and the Region would be able to successfully negotiate a fair revenue sharing arrangement.

January 23, 2009

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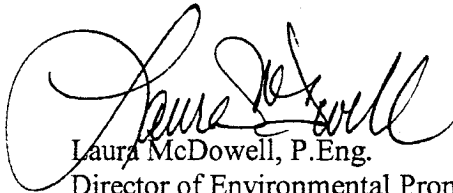
Ontario Tire Stewardship Used Tire Program Plan

Regional staff outlines the following question for clarification:

- Assuming that the Region opts into the program, would it have the right to limit the size of tire (e.g. up to 48 inch diameter) that we would accept or are we bound to receive all types of tires as indicated in the list provided in the Plan with no exceptions? Communication with OTS Plan representatives have indicated that collectors will be permitted to specify which types of tires they will receive. This point needs to be made explicit within the Plan.

Based on our preliminary review of the Program Plan and pending clarification of some key points outlined in this letter, we support the Ontario Tire Stewardship (OTS) Used Tire Program Plan and look forward to providing further input into the plan.

Sincerely,



Laura McDowell, P.Eng.
Director of Environmental Promotion and Protection

JS/js

Copy to: Michele Maitre, Manager of Regulatory Compliance & Policy
Neil MacDonald, Manager, Solid Waste Management
Inter-Municipal Waste Diversion Committee

856987-v1



Environmental Services

February 13, 2009

Ms. Carol Hochu
Executive Director
Ontario Electronic Stewardship
885 Don Mills Road, #301
North York, ON M3C 1V9

Dear Ms. Hochu:

**Re: Review Comments on Ontario Electronic Stewardship's Revised Phase 1 and 2
Waste Electrical & Electronic Equipment Program Plan**

We appreciate the opportunity to provide review comments on Ontario Electronic Stewardship's (OES's) revised phase 1 and 2 Waste Electrical & Electronic Equipment (WEEE) program plan. Please note that due to time limitations imposed by the schedule for consultation on the revised program plan, we have not had the opportunity to present this information to York Regional Council for endorsement or amendment. As such, this letter represents staff comments only and will be presented to Council as soon as possible for consideration and direction on any formal follow-up communication deemed appropriate.

York Region was recently ranked #1 within the category of Large Urban Municipalities in Waste Diversion Ontario's recent release of 2007 diversion rates. As a municipal diversion leader, York Region acknowledges the contributions of Ontario's steward organizations to share in the obligation to divert waste from disposal. We recognize the particular importance of appropriate waste management for waste electronics to prevent metals and other associated contaminants of concern from entering the environment.

The Region currently operates a waste electronics collection program at four municipal hazardous or special waste (MHSW) depots located in East Gwillimbury, Georgina, Markham and Vaughan. In 2008, over 700 tonnes of electronic equipment was accepted for recycling free of charge at the Region's facilities.

As a general observation, while increasing diversion of electronic equipment from disposal, OES's revised proposed program plan will also profoundly impact the Region's current electronics collection system and costs. This assessment is based on an anticipated large increase in overall quantities received which poses a number of specific challenges to York.

The following provides our staff comments on OES's revised WEEE program plan:

1. **OES Funding is Insufficient to Cover Operating and Capital Costs**
The \$165 per tonne reimbursement from OES has been stated to cover not only operating costs but also capital equipment and site related costs. We believe this amount is insufficient to cover all of these cost components. We ask that OES provide a detailed breakdown with supporting justification of the reimbursement fee to more clearly demonstrate what costs are reasonably included and what costs would remain the Region's obligation.
2. **Diversion Tonnage to be Credited to the Region**
Quantities of materials diverted through various mechanisms under the WEEE program, occurring within the Regional boundaries, should be credited to the Region. OES should report this information to the Region on a quarterly basis. Like the LCBO bottle return program, this ensures continued accurate reporting on the progress of diversion efforts.
3. **Support and Payment of Program Advertising Costs**
OES should establish a mechanism to assist and fund municipality-specific advertising and promotional initiatives that support the WEEE program.
4. **Potential Storage Limitation Issue Under New Program**
We are concerned about the practicality of the requirement to package and store electronic equipment in gaylord containers, which would reduce the effective storage capacity of our sites. Some of the Region's depots have little or no additional storage space and would therefore require very frequent collection pick-ups to maintain service levels or would require expansion/relocation. In light of the anticipated increase in material quantities the requirement to use gaylords would increase the costs for operation of the waste electronics program. One possible alternative to alleviate this would be to allow the use of 40 cubic yard bins for storage of electronics, as is the current practice.
5. **Availability of Electronics Collection Under New Program**
We have a concern about the availability of pickups. Given the variety of material that will be accepted, including televisions, we anticipate an increase in the total quantity of material to be received at our facilities. Consequently, timely collection, especially at the commencement of the program, will be necessary. It is likely that York will require frequent collections. On peak weekend days, several pick-ups per day might be required at some of our smaller facilities. It is suggested that OES include requirements to support this requirement in its hauler contracts.
6. **Requirement to Negotiate Separate Agreement for Non-Phase 1 Materials**
The timing of the phased implementation of the program poses challenges to the Region's ability to establish the necessary contracting arrangements given the requirements of our municipal purchasing by-law. The need to retain a contractor to deal with non-phase 1 materials by April 1, 2009, and then revise that contractor's

responsibilities upon subsequent roll-out of the Phase 2 program creates additional contracting complexities. It is suggested that arrangements be made to allow the OES collection contractor to pick-up all materials from our depots using an appropriate fee payment basis that can then be adjusted as the subsequent program phases are initiated. By combining pick-ups for designated and non-designated materials, the overall cost effectiveness of both the Region's and OES's program obligations will be improved.

- 7. Duplication of Effort by Requiring Regional Depot Staff to Track Equipment**
The Region requires clarification as to whether it is required to track all pieces of equipment received at its depots. Tracking would involve additional tabulation work by the depot attendant, along with proper sorting of the material increasing the Region's operating costs. OES has indicated that the material would be weighed and counted at the consolidation site with the information provided to the Region. If tracking is not required by the Region, the material would be tracked by labeling each container according to material type.
- 8. Confirmation of Electronics Container Type Required**
The gaylord container available to store the electronic equipment may consist of cardboard, plastic, or metal which has not yet been finalized. This needs to be finalized in order to make an informed decision as to the best approach for incorporation of these containers into our facilities. We oppose the use of cardboard gaylords as we would not be able to protect the containers from exposure to the elements at all of our facilities.
- 9. Clarification of Electronic Equipment Accepted by Registered Collectors**
Under the Program, retailers as well as municipalities will have the freedom to select the types and quantities of electronics items they will accept. This may cause confusion among the public due to varying collector rules and limitations. OES must assist its collectors and the public by providing accurate information listing all collectors and the specific materials that they accept. This information must be kept up-to-date.
- 10. Clarification on Acceptable Levels of Contamination in Loads**
Please provide clarification regarding the allowable levels of contamination in shipments of electronics so that Regional facilities may be operated to avoid penalties.
- 11. Resolution of Different Insurance Coverages**
There is a substantial difference between the insurance coverage that the Region requires for contractors working on its sites and the insurance coverage required by OES of its contractors'. York's risk management staff may require OES to provide specific coverage and/or indemnification clauses to protect the Region from claims. OES should consult closely with municipal risk managers to ensure that insurance coverage is appropriate, coordinated and OES should anticipate the need for flexibility in its contracting processes.

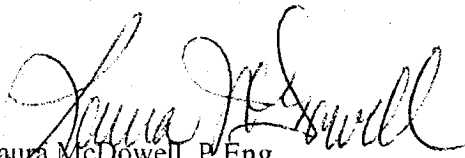
12. Inclusion of Electronic Recycling Standard in Contract

OES has stated that it has an electronic recycling standard which defines the environmental and social responsibility requirements for managing end-of-life (EOL) electronics. This requirement should be stated in the contract between OES and the Region.

Subject to the comments and requests for clarification contained in this letter, based on our preliminary review we generally support the OES Revised Phase 1 and 2 Program Plan and look forward to providing input into the plan as it is developed further.

Should you have any questions or comments on this information please contact Mr. Neil MacDonald, Manager of Solid Waste Management at (905) 830 - 4444 extension 5738.

Sincerely,



Laura McDowell, P.Eng.

Director of Environmental Promotion and Protection

JS/js

Copy to: Ms. Michele Maitre, Manager of Regulatory Compliance & Policy
Mr. Neil MacDonald, Manager, Solid Waste Management
Inter-Municipal Waste Diversion Committee
Ms. Jennifer Russell, Ontario Electronic Stewardship