

STAFF REPORT: ENGINEERING AND PUBLIC WORKS DEPARTMENT



REPORT TO:	Infrastructure and Recreation Committee
MEETING DATE:	September 10th 2013
REPORT NO.:	EPW.13.057
SUBJECT:	Disposal Site Fees By-law
PREPARED BY:	Jeff Fletcher, Manager of Solid Waste and Environmental Initiatives

A. Recommendations

THAT Council receive Staff Report EPW.13.057, "Disposal Site Fees By-law";

AND THAT Council enact a By-law to improve waste diversion, establish tipping fees and penalties and enforce sorting of recyclable, divertible and compostable materials.

B. Background

On March 19, 2013, the Infrastructure and Recreation Committee received a Staff Report EPW.13.023, "Landfill Tipping Fee Increase". This Report recommended Council amend the existing Waste Disposal By-law and fee schedule, increasing the set fee to \$120/tonne from the current \$100/tonne. Associated with the proposed By-law changes, an official public meeting was held at the Council meeting of May 6, 2013. No comments from the public in attendance were received at that meeting. Proposed changes have also been posted in the local newspaper and on the Town website and to date staff has received no comments from the public.

After a Staff review of the 2003 By-law, a new Waste Diversion and Disposal By-law (see Attachment 1) has been written that would replace By-law 2003-97 in its entirety. Since the enactment of the 2003 By-law many definitions have evolved and operations have grown, which has made much of the wording in the 2003 By-law out of date. The new By-law will improve material descriptions and better reflect current policies and waste sorting efforts.

The associated new fee schedule not only increases the base fee but also adjusts fees to encourage desirable materials and activities. For example, chipped brush both residential and commercial would now be free. Chipped brush is essential to the composting operation and as compost activities expand more will be needed. Also delivery of CFC containing appliances would be reduced from \$25 to \$15 to better reflect the per unit service cost.

Town Staff recommend that Council enact the attached draft by-law. The by-law would take effect on the proposed date of November 1, 2013. This will give Town Staff time to notify Site users of the planned change in fees and allow Staff time to amend documents and signage.

C. The Blue Mountains' Strategic Plan

Town's Strategic Plan Goal No. 2 "Addressing the Town's Municipal Infrastructure needs" is in part satisfied by the recommended action.

D. Environmental Impacts

Increasing the waste tipping fee while continuing to allow a half rate for divertible items and a no charge rate for recyclable items will provide financial incentive to sort mixed waste loads and improve diversion performance at the Waste Disposal Site.

E. Financial Impact

Inflation

Tipping fees have remained unchanged since 2005 at \$100/tonne. Assuming a 2.5% rate of inflation increase annually from 2005 to 2013, adjusted for inflation, the tipping fee works out to \$121/tonne. Increasing the tipping fees to \$120/tonne will align the fee schedule with inflationary pressures experienced since 2005.

User Fee Operational Deficit

Landfill operations are funded with taxation and user fees. Currently, the tipping fee of \$100/tonne does not sufficiently cover the cost of disposing waste in the Landfill. Consequently, patrons (residential and commercial customers) of the landfill are subsidized by the ratepayer when disposing of waste. Table 2 summarizes the gross cost per tonne for waste deposited in the Landfill. Material delivered to the Site from curbside collection is outlined separately from waste dropped off by patrons within the table.

Table 2: Summary of Disposal Costs 2010 - 2013

	2010	2011	2012	2013*
Total Landfill Material (Tonnes)	4269	3987	4102	4164
Cost Delivered Material	\$257,557	\$262,386	\$291,904	\$275,438
Cost Curbside Material	\$189,004	\$223,876	\$220,878	\$208,419
Total Cost (operational & capital transfers)	\$446,561	\$486,262	\$512,782	\$483,857
Gross Cost / Tonne**	\$105	\$122	\$125	\$116

*Note: 2013 figures are based on budget estimates

** Does not include full cost recovery for landfill expansion, operational and post-closure costs.

The landfill receives revenue from patrons that deliver a variety of materials to the Site. Some of the waste is deposited into the landfill while other materials (i.e. metal) are diverted. It is estimated that 82% of the received revenue is generated from material that is deposited into the landfill with 18% of revenue generated from fees for accepting diverted materials. Based on this revenue split, one can calculate the annual operating shortfall that is funded using taxation. Table 3 summarizes the annual deficit that the Landfill operation generates from 2010 to 2013.

Table 3: Summary of Annual Revenue and Deficits 2010 - 2014

	2010	2011	2012	2013	Average
Cost Delivered Material	\$257,557	\$262,386	\$291,904	\$275,438	\$271,821
Landfill Revenue	\$233,573	\$211,783	\$247,063	\$215,002	\$226,855
Operational Deficit	\$23,984	\$50,603	\$44,841	\$60,436	\$44,966
Landfill Revenue / Tonne	\$95	\$98	\$106	\$91	\$98
Gross Cost / Tonne	\$105	\$122	\$125	\$116	\$117
Taxation Subsidy (\$/tonne)	\$10	\$24	\$19	\$25	\$20

The fee analyses show that on average, taxation subsidizes landfill patrons in the amount of \$20/tonne. These calculations assume that the collected curbside waste deposited in landfill is funded using taxation. Increasing the tipping fee will reduce or potentially eliminate the subsidy received by landfill patrons from taxation making the waste management system more equitable across the community.

Anticipated Revenue Impact

Increasing the fee by 20% will increase landfill revenues by an estimated \$46,000 annually, based on the 3-year average revenue generated from landfill tipping fees. This estimate is based on tipping fees generated from material deposited in the tipping face, not chargeable divertible materials. This increase assumes that the quantity of waste disposed in the landfill remains constant.

Landfill Expansion

The landfill expansion and mining project has provided insight into the cost of constructing additional landfill capacity. The cost of additional capacity is estimated to be significantly higher than the current landfill costs. Moving forward, incremental tipping fee increases will be necessary to recover costs associated with waste management. Increasing the current fee is the first step of this process of potential incremental increase.

Once the construction and life-cycle costs of the landfill expansion are better known the tipping fee schedule will be revisited and reassessed.

F. In Consultation With

Financial Services
John Metras, Town's solicitor

G. Attached

1. Draft Waste Diversion and Disposal By-law, 2013

Respectfully submitted,

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WASTE DIVERSION AND DISPOSAL BY-LAW

THE CORPORATION OF TOWN OF THE BLUE MOUNTAINS

BY-LAW NO. 2013 -

Being a by-law for improving waste diversion, establishing tipping fees and enforcing the separation and segregation of recyclable, divertible, compostable and refuse material.

WHEREAS the provisions of the Municipal Act, S.O. 2001, c.25, sections 5(3) and 11 permit the Municipality to pass by-laws respecting matters within the sphere of waste management;

WHEREAS Council deems it in the necessary to pass this by-law, which includes a mandatory requirement to separate recyclable and reusable material from other forms of waste, before the delivery of such waste to the Town Solid Waste Disposal Site (Site);

WHEREAS this by-law does require the establishment of fees, incentives, bans and rules for different classes of waste as defined herein; and

WHEREAS Council recognizes that the establishment of sorting incentives and material bans has the intended result of maximizing the life of the Town's landfill by reducing the amount of waste landfilled, a new program will also protect work to environmental health and achieve a cost effective and equitable system of waste management.

NOW THEREFORE BE IT RESOLVED THAT the Municipal Council of the Corporation of Town of The Blue Mountains enacts as follows:

PART I - DEFINITIONS

Unless otherwise defined below, the definitions in the Environmental Protection Act, R.S.O. 1990 and the regulations passed under it, and the Town's Solid Waste Disposal Site Environmental Compliance Approval shall govern. For the purpose of this by-law the term:

"Authorized Waste" shall mean only waste that is:

- (i) not prohibited from disposal at the Town Solid Waste Disposal Site under the provisions of the Environmental Protection Act, R.S.O. 1990 and the conditions of the Town's Solid Waste Disposal Site Environmental Compliance Approval;
- (ii) prepared and delivered to the Site in accordance with the provisions of the Environmental Protection Act, and the conditions of the Town's Solid Waste Disposal Site Environmental Compliance Approval;
- (iii) properly segregated and prepared as provided in this by-law or as directed by the attendant;
- (iv) at ambient temperature;
- (v) municipal waste generated in the Town of The Blue Mountains; and
- (vi) not defined as waste that is Non-acceptable through this by-law or as directed by the attendant.

“Brush” shall mean tree limbs, sticks, woody twigs, logs, tree root mass, in general trees or shrubs and parts thereof.

“Chipped Brush” shall mean any trees or shrubs or parts thereof that have been reduced mechanically to a dimension less than 76 millimetres (3 inches).

“Construction and Demolition Waste” shall mean discarded building materials and all other refuse matter resulting from the erection, repair, demolition of buildings, structures or other improvements of property;

“Contaminated Soil” shall mean soil that meets the Leachate Quality Criteria from the Environmental Protection Act, Schedule 4 of Regulation 347. Soils that exceed the criteria of Schedule 4 are classified as Hazardous Waste and shall not be accepted at the Town Site and must be disposed of at a site licensed to receive hazardous waste.

“Commercial” for the purpose of this by-law and fee structure shall mean waste materials of any type that are generated from a commercial, institutional or industrial location or activity or are delivered to the Site by a commercial enterprise regardless of the point of generation.

“Compostable Waste” shall mean: Yard Waste, fruit and Fruit Processing Waste, Brush and Chipped Brush.

“Divertible Waste” shall mean and be separated into:

- (vii) scrap metal - all items with the majority being some type of metal and white goods;
- (viii) clean wood waste - untreated and unpainted, dimensional lumber not contaminated with chromated copper arsenate, ammoniacal copper arsenate, pentachlorophenol or creosote and with hardware and fittings removed. The wood must not be upholstered or have a rigid surface treatment affixed or adhered, unless the rigid treatment is predominantly wood or cellulose. The definition includes but is not limited to pallets, skids, ply-wood, fibre board and chip board.
- (ix) concrete – solid material consisting primarily (95%) of a blend of Portland cement and stone aggregate, including bricks, blocks and pavers;
- (x) asphalt – solid material consisting primarily (95%) of a blend of the petroleum product bitumen and stone aggregate; and
- (xi) soil and stone.

“Fruit Processing Waste” shall mean any plant matter that is associated with food processing or preparation.

“Municipal Hazardous or Special Waste (MHSW)” shall mean domestic or Residentially generated hazardous or toxic products and as defined by the Ontario Waste Diversion Act, 2002, Regulation 542/06 and as amended or replaced;

“Non-acceptable” shall mean:

- (i) asbestos or asbestos containing material;
- (ii) hazardous waste as defined by the Environmental Protection Act, in Regulation 347/90, as amended;
- (iii) Municipal Hazardous or Special Waste and Small Quantity Commercial Hazardous or Special Waste, except – when separated and placed at the hazardous waste depot during hours of operation.
- (iv) liquid industrial waste or gaseous waste;

- (v) any load or container that has Recyclable Waste, Divertible Waste, Contaminated Soil and/or Compostable Waste mixed with each other and/or waste garbage and/or Non-acceptable waste;
- (vi) liquid or semi-liquid waste (any material that does not pass the EPA, Schedule 5 Slump Test);
- (vii) hay, straw and manure;
- (viii) agricultural deadstock;
- (ix) carcasses or parts of any animal or fowl from an abattoir with the exception of bonafide kitchen waste;
- (x) human or animal excrement;
- (xi) industrial, manufacturers or trade waste including abandoned, condemned or rejected product and the stock of any wholesale or retail merchant;
- (xii) automobiles, vehicles or any parts thereof;
- (xiii) fences, fence posts, fence wire – except when wood is separated and placed in the designated clean wood waste area and metal fencing is bundled or contained, separated and placed in the scrap metal area;
- (xiv) biomedical and pathological waste;
- (xv) any explosive or highly combustible material of any nature whatsoever; and
- (xvi) tree stumps of any significant quantity as defined by landfill operator.

“Recyclable Waste” shall mean and shall be separated into:

- (i) any waste included in the Town’s current recycling program and shall include all material defined as recyclable material in the Town Solid Waste Collection By-law # 16/03 and as updated from time to time;
- (ii) tires – passenger and light truck tires (PLT) and off the road tires (OTR) as defined by the Ontario Tire Stewardship program;
- (iii) electronic waste – as defined by the Ontario Electronic Stewardship program; and
- (iv) Municipal Hazardous or Special Waste – as defined by the Ontario Waste Diversion Act, 2002, Regulation 542/06 and as amended or replaced.

“Residential” for the purpose of the by-law and fee structure shall mean waste materials of any type that are generated from a Residential property and delivered to the disposal site by the resident.

“Small Quantity Commercial Hazardous or Special Waste” shall include materials defined as Municipal Hazardous or Special Waste and generated from an industrial, Commercial or institutional source or activity. The Small Quantity Generator shall not be required to submit a generator registration report with respect to the waste under Subsection 18(1) of Regulation 347 of the Environmental Protection Act. Also the Small Quantity Generator must not delivery or return more than 100 kilograms per month of MHSW to the Town Site or through the Provincial End of Life program.

“Town” shall mean the Corporation of Town of The Blue Mountains;

“Yard Waste” shall mean grass, leaves, organic garden waste and non-woody plant material.

PART II - GENERAL

- (a) The Town shall operate the Solid Waste Disposal Site at 788090 Grey County Road 13, in the Town of The Blue Mountains.
- (b) No person shall be admitted to the Town Site for the purpose of depositing waste, except the following:
 - (i) ratepayers and residents of the municipality of Town of The Blue Mountains; and
 - (ii) representatives/agents of ratepayers and residents of the municipality of Town of The Blue Mountains.
- (c) The Site attendant may refuse admission to any person if the attendant finds or deems:
 - (i) the apparent source and ownership of the waste as unclear or not satisfactory;
 - (ii) the waste to be Non-acceptable;
 - (iii) any documentation produced to be unclear or not satisfactory; and/or
 - (iv) that a person is scavenging or causing a disruption to Site operations.
- (d) No person shall deposit waste except in accordance with this by-law.
- (e) No person shall scavenge (commit or cause to commit uncontrolled or unpermitted removal of any material from the Site) or cause a disruption to Site operations.
- (f) Only Authorized Waste shall be disposed of at Town of The Blue Mountains Solid Waste Disposal Site.
- (g) No person shall deposit waste contrary to the provisions of the Environmental Protection Act, R.S.O. 1990 and the regulations under it.
- (h) No person shall deposit waste except during the hours of operation of the Site, and only in accordance with the directions of the attendant.
- (i) No person shall deposit any waste except waste collected from residents and/or taxpayers in the municipality of Town of The Blue Mountains.
- (j) No person shall deposit waste unless the requisite fees have been paid.
- (k) Waste not accepted by the attendant shall be deemed to be refused and it remains the property of the person bringing it to the Town Site. No person shall leave waste at the Site that is Non-acceptable or has been refused by the attendant, but shall remove it forthwith.
- (l) All sections of this by-law shall be deemed to be separate and independent and the invalidity of any section or provision hereof shall not affect the remaining sections.

PART III - WASTE SEPARATION

All municipal waste including Construction and Demolition Waste material delivered to the Site must be separated before it arrives at the Site or be organized within a load to allow efficient sorting (by the patron) at the Site and in accordance with the provisions of this by-law or as instructed by the Town.

- (a) Material defined as Non-acceptable, Recyclable Waste, Divertible Waste,

chlorofluorocarbons (CFC) containing devices, and/or Compostable Waste shall not be deposited in the landfill or active tip face.

- (b) All materials defined as Recyclable Waste, Divertible Waste, Municipal Hazardous or Special Waste, CFC containing devices, and/or Compostable Waste must be sorted prior to delivery to the Site and separated and placed in the respective designated areas or as directed by the attendant from time to time.
- (c) Any person or company requesting to dispose Contaminated Soil or suspected Contaminated Soil must conduct required contaminate analysis to the satisfaction of the Town, before delivery. All materials defined as Contaminated Soil must be sorted prior to delivery and be accompanied by approved testing results and placed in the designated area or as directed by the attendant.
- (d) Any person or company requesting to dispose of Fruit Processing Waste for composting must work with the Town to pre-qualify the material, before delivery.

PART IV – FEES AND PENALTIES

- (a) Any person who contravenes the provisions of this by-law may be banned from depositing material at the Town Site.
- (b) Every person who contravenes any provision of this By-law is guilty of an offence and shall be liable to a penalty as provided in the Provincial Offences Act. Each day that a person contravenes any provision shall be deemed to constitute a separate offence.
- (c) Where anything required to be done in accordance with this By-law is not done, the Town may, upon such notice as is deemed suitable, do such thing at the expense of the person required to do it and such expense may be recovered by action or in like manner as municipal taxes.
- (d) Any person delivering a quantity of Recyclable Waste, Chipped Brush (Residential or Commercial), Residential Brush and /or Residential Yard Waste that is sorted and free of un-similar, non-conforming and Non-acceptable waste shall be charged no fee (as per Schedule “1” of By-law #).
- (e) Any person delivering a quantity of Divertible Waste, Commercial Compostable Waste (not including chipped Brush) that is sorted and free of un-similar, non-conforming and Non-acceptable waste shall be charged half of the set tipping fee (as per Schedule “1” of By-law #).
- (f) Any person that has unloaded, in the designated area or non-designated area, a quantity of Recyclable Waste, Divertible Waste, Compostable Waste and/or Contaminated Soil that is contaminated with un-similar, non-conforming and/or Non-acceptable waste shall be charged twice the set tipping fee (as per Schedule “1” of By-law #). Additionally, said person will be instructed to and shall remove contaminating material.
- (g) Any person that has unloaded a quantity of waste material at the active tip face that contains Recyclable Waste, Divertible Waste, Compostable Waste and/or Non-acceptable waste shall be charged twice the set tipping fee (as per Schedule “1” of By-law #). Additionally, said person will be instructed to and shall remove non-conforming waste.
- (h) Any person that has disposed of Contaminated Soils that have been pre-qualified with certified testing results shall be charge a fee as set-out in Schedule “1” of By-law#.
- (i) A certification fee as set-out in Schedule “1” of By-law# will be applied to any person disposing of CFC containing devices - refrigerators, freezers, air conditioners and/or dehumidifiers.
- (j) Unless delivering exclusively Recyclable Waste, Chipped Brush, and/or Residential Brush

or Yard Waste, which are free of charge, a minimum Site use fee will apply in accordance with Schedule "1" of By-law#.

- (k) Any person or company delivering Small Quantity Commercial Hazardous or Special Waste may be charged a cost recovery fee, to be determined, associated with the collection, storage, transportation and processing of the material.

PART V - CHANGE IN FEES

The fees or charges in Schedule "1" of By-law # may be changed, upon approval of Council, without requiring the reading of and passing of a new or amended by-law.

PART VI – EFFECTIVE DATE

The provisions of this by-law shall come into force and take effect on November 01, 2013 upon the final passing thereof.

Read a first and second time this _____ day of _____, 2013.

Read a third time and passed this _____ day of _____, 2013.

Ellen Anderson, Mayor

Corrina Giles, Clerk

SCHEDULE "1" (By-Law #) – TIP FEES

ITEM	DESCRIPTION	FEE OR CHARGE
<i>Authorized Waste</i>	Residential, Commercial, Construction and Demolition	\$120.00/tonne (<i>set fee</i>)
<i>Authorized Waste</i>	Unloaded in the designated area and contaminated with Recyclable Waste, Divertible Waste, Compostable Waste, or Non-acceptable waste	<i>Twice the set fee</i>
<i>Recyclable Waste, Divertible Waste, Compostable Waste, and/or Contaminated Soil</i>	Unloaded in the designated or non-designated area and contaminated with non-conforming material	<i>Twice the set fee</i>
<i>Recyclable Waste</i>	Blue and grey box material, tires, electronic waste, Municipal Hazardous or Special Waste, sorted in the designated areas	<i>Free of charge</i>
<i>Chipped Brush (Residential or Commercial)</i>	Woody plant material less than 76 mm (3 inches) in any direction, sorted in the designated areas	<i>Free of charge</i>
<i>Residential Yard Waste and Brush</i>	Placed in the designated area and free of non-conforming material	<i>Free of charge</i>
<i>Fruit Processing Waste</i>	Material must be pre-approved by Town before delivery	<i>Half the set fee</i>
<i>Divertible Waste and Commercial Compostable Waste</i>	Scrap metal, clean wood waste, concrete material, asphalt, Commercial Yard Waste and Brush and un-Contaminated Soil placed in the designated area and free of non-conforming material	<i>Half the set fee</i>
Contaminated Soil	Owner must provide documentation of certified testing results and obtain Town approval, before delivery	\$150.00/tonne
Asbestos		Not Accepted
Small Quantity Commercial Hazardous or Special Waste	A cost recovery fee may apply	To be Determined
Small Quantities of Waste Material	Residential, Commercial, Construction and Demolition	\$6/visit minimum fee
Refrigerators, Freezers, Air Conditioners and Dehumidifiers	Certification fee	\$15 each