

Community Services Committee – December 7, 2020

Comments on the proposed regulation and regulatory amendments to make producers responsible for operating blue box programs as posted on the Environmental Registry (ERO number 019-2579)

That the Community Services Committee recommend to City Council:

Whereas, The City of Oshawa provides municipal waste collection services, which includes the collection of garbage, green bin and yard waste for our residents and parts of the Downtown; and,

Whereas, the Region of Durham is responsible for providing blue box collection; and,

Whereas, on October 19, 2020 the Ministry of Environment, Conservation, and Parks (M.E.C.P.) posted on the Environmental Registry of Ontario a draft regulation under the Resource Productivity and Circular Economy Act, 2016 (R.R.C.E.A.) for a 45 day comment period; and,

Whereas, the proposed regulatory changes would transition the responsibility of the blue box recycling program from municipalities to the producers who are responsible for the waste generated from their products and packaging; and,

Whereas, producers would then be directly responsible for collecting, managing and financing of the blue box program; and,

Whereas, the intent of the proposed regulation is to expand blue box services to more communities across Ontario; the scope of materials collected by adding single-use packaging such as wraps, trays and bags; and collection to include locations not currently collected such as multi-residential buildings, schools, retirement homes, and some public spaces not currently collected by the Region; and,

Whereas, these changes reflect that it is the producers who are in the best position to reduce waste generated from their products, while increasing resource recovery and ensuring a consistent and standardized blue box province wide; and,

Whereas, under the regulatory framework the Region has been identified to transition responsibility to full producer responsibility in 2024; and,

Whereas, in response to the Environmental Registry posting, the Region of Durham has submitted comments as outlined in Report #2020-COW-30 (Attachment 1) dated November 12, 2020 to the Ministry of Environment, Conservation and Parks; and,

Whereas, to meet the 45 day comment period deadline of December 3, 2020 City staff have submitted the attached comments (Attachment 2) to the Ministry of Environment, Conservation and Parks pending Council endorsement;

Therefore be it resolved,

1. That the attached comments to CS-20-71 on the proposed regulatory changes be endorsed; and,
2. That a copy of the comments be sent to the Association Municipalities of Ontario (A.M.O.), the Region of Durham and all Municipalities in the Durham Region.

If this information is required in an accessible format, please contact 1-800-372-1102 ext. 3540.



The Regional Municipality of Durham Report

To: Committee of the Whole
From: Commissioner of Works and Commissioner of Finance
Report: #2020-COW-30
Date: November 12, 2020

Subject:

Environmental Registry of Ontario (ERO) #019-2579 Proposed Blue Box Regulation

Recommendations:

That the Committee of the Whole recommends to Regional Council:

- A) That the attached comments (Attachment #2) be endorsed by Regional Council and submitted to the Ministry of Environment, Conservation and Parks as official comments on the draft Blue Box Regulation under the Resource Recovery and Circular Economy Act, 2016 to make producers responsible for municipal Blue Box programs;
 - B) That staff be authorized to work with the Producer Responsibility Organization(s) when established to develop options for the future collection of Blue Box materials from the local Business Improvement Areas currently receiving municipal Blue Box collection and report back to Regional Council on the available options, if any; and
 - C) That staff be directed to undertake a valuation of the Regional Municipality of Durham's Material Recovery Facility, located at 4590 Garrard Road in the Town of Whitby and options for its future use, after the Regional Municipality of Durham has transitioned its Blue Box program, and report back to Regional Council.
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Report:

1. Purpose

- 1.1 The purpose of this report is to inform Committee of the Whole on the details of the Proposed Blue Box Regulation under the Resource Recovery and Circular

Economy Act, 2016 (RRCEA) to make producers responsible for municipal Blue Box programs and its potential impacts to the Regional Municipality of Durham (Region).

2. Background

- 2.1 In 2016, the Province of Ontario signalled its intent to transition several products and packaging waste diversion programs to Extended Producer Responsibility (EPR) by passing the RRCEA and creating the Resource Productivity and Recovery Authority (RPRA) which acts as Registrar and oversees reporting and compliance of programs governed by the RRCEA.
- 2.2 The RRCEA provides the framework for regulations that designate materials for EPR and establishes requirements for producers to manage the designated materials at the end of their useful life.
- 2.3 Under the RRCEA, regulations have already been established for used tires, batteries and electronics. The Regional Municipality of Durham (Region) has successfully transferred its programs for tires and batteries to full EPR and will transition electronics to full EPR on January 1, 2021. The Municipal Hazardous and Special Waste (MHSW) Program is scheduled to transition to full EPR on July 1, 2021. Since the Region's collection methodology for these programs is unchanged under EPR, the transition for these materials is seamless to residents.
- 2.4 The Blue Box is the last diversion program to transition to EPR and will be the most visible program change to residents. Staff has participated in multiple consultation sessions regarding EPR for the Blue Box Program including efforts by Stewardship Ontario to develop an Amended Blue Box Program Plan as an interim step to EPR and the David Lindsey report completed in Summer 2019 outlining key recommendations for the transition of the Blue Box program and the development of a Blue Box regulation.

3. Previous Reports and Decisions

- 3.1 2020-COW-15 Council Resolution – Blue Box Transition Date
 - a. This report provides background and considerations for requesting a July 1, 2023 transition date for the Region's Blue Box Program. Regional Council passed a non-binding resolution requesting this transition date that was forwarded to the Minister of Environment, Conservation and Parks and the Association of Municipalities of Ontario.

3.2 2018-INFO-75 Update on the Status of Transition to Full Extended Producer Responsibility for the Blue Box Program and Impacts of China's National Sword Campaign on the Blue Box Program

- a. This report updated Regional Council on the failed Stewardship Ontario efforts to develop an Amended Blue Box Program Plan as a transition step to full EPR for the Blue Box Program. Details were also provided on the financial impacts of China's National Sword Campaign on the Region's Blue Box material revenues.

3.3 2017-COW-178 Update on the Regional Municipality of Durham's Participation and Opportunities to Influence the Implementation of the *Waste Diversion Transition Act, 2016*, the *Resource Recovery and Circular Economy Act, 2016 (RRCEA)*, and the Ministry of the Environment and Climate Change Strategy for a Waste-Free Ontario: Building the Circular Economy

- a. This report provides detail on the 2016 RRCEA under which the proposed Blue Box regulation will fall. Regional Council authorized staff to participate in various stakeholder groups to provide input in the regulation development process.

4. Draft Blue Box Regulation Requirements

4.1 The draft Blue Box Regulation under the RRCEA was released for comment on October 19, 2020 with a comment deadline of December 3, 2020. The regulation establishes the requirements for producer responsibility and designated Blue Box materials.

4.2 Priorities under the draft regulation are to expand the scope of Blue Box materials collected; establish a common curbside collection system across Ontario that includes a common list of acceptable materials; and expand Blue Box services to additional communities and sources of materials including multi-unit residential buildings, schools, retirement and long term care homes and some public spaces. Eligible sources of Blue Box material under the regulation are residences, facilities (multi-residential buildings, long-term care homes, retirement homes and public or private schools) and public space as defined in the regulation.

4.3 The existing deposit return system for alcohol beverage containers is not impacted by the draft regulations. The Industrial, Commercial, Institutional sectors are also not included other than the facilities included as eligible sources as detailed above.

- 4.4 Designated materials under the draft regulation include paper, metal, glass, plastic or any combination of these materials including packaging, printed paper, unprinted paper, non-alcoholic beverage containers, single-use packaging-like products and single use items. Compostable packaging is also a designated material. However, at this time, producers are only obligated to report on the quantity of this packaging supplied in Ontario for data gathering and monitoring purposes. There is no collection or diversion obligation for compostable packaging.
- 4.5 Collection requirements would be expanded to include items commonly placed in the Blue Box by residents, but not currently obligated under the existing program. These items include unprinted paper, single-use packaging like products such as foils, trays and boxes and single-use items supplied with food and beverage products such as straws, cutlery, plates and stir sticks.
- 4.6 The proposed regulation requires producers to meet weight-based recovery targets based on the quantity of material supplied into Ontario. Recovery targets are established for paper, glass, metal, rigid plastic, flexible plastic and non-alcoholic beverage containers and are intended to increase over time to enhance diversion. It also includes recycled content provisions for new products.
- 4.7 To meet the diversion targets, producers or their contracted Producer Responsibility Organizations (PROs) must establish a common collection system for Ontario. The common collection system includes curbside collection for all residences currently receiving this type of collection and depot collection for residences currently serviced by depots.
- 4.8 Under the proposed regulation, municipalities must register with RPRA by April 15, 2021 and provide details on the type of collection services currently being provided including number and location of residences serviced, multi-residential residences serviced and number of Blue Box collection depots. Only eligible sources receiving municipal service as of August 15, 2019 will initially be transitioned to EPR. Eligible sources added due to municipal growth after August 15, 2019 will also transition to EPR. In 2026, expansion of services to other multi-residential buildings, schools, long term care or retirement homes not already receiving Blue Box collection from municipalities can register and request producer provided Blue Box collection services.
- 4.9 The draft regulation establishes minimum servicing requirements for producers. These include Blue Box collection at least once every other week, provision of containers for the storage of Blue Box materials between collection days and

provision of a replacement Blue Box container within one week of request and at least once per year.

- 4.10 Finally, the draft regulation includes a transition schedule that establishes the date each municipality in Ontario will transition to full EPR for the Blue Box. The transition schedule attempts to balance population, geography, costs and volume of Blue Box material collected such that one third of the programs are transitioned annually between 2023 and 2025. Regional Council passed a resolution in May requesting a July 1, 2023 transition date. The draft regulation indicates the Region will transition in 2024. The specific date in 2024 will be established in consultation with the Region and be included in the final regulation.

5. Potential Impacts to Durham Region

- 5.1 The Region has advocated for full EPR for the Blue Box for many years and through multiple iterations of proposed EPR legislation. This regulation is the culmination of many years work by municipalities and the Ministry of Environment, Conservation and Parks (MECP) to improve Ontario's residential recycling rate by transferring Blue Box responsibility fully to producers.

Blue Box Material Collection and Processing

- 5.2 Upon completion of the three-year transition period, residents will benefit from a common list of materials collected in the Blue Box across all Ontario municipalities and common collection methodologies. This consistency will reduce resident confusion on acceptable materials and address resident concerns about differences in collection methods among municipalities.
- 5.3 Starting in 2026, when the three-year transition period ends, producers may change collection containers, collection frequency and curbside sorting requirements for the Blue Box program while meeting the minimum service requirements and increasing diversion targets. Future producer determined Blue Box service levels may impact the resident experience with the Blue Box program.
- 5.4 Recyclable materials are sorted at the Material Recovery Facility (MRF) located at 4590 Garrard Road, in the Town of Whitby. Operations of this facility result in approximately 3,000 tonnes of residual waste annually. This material is currently managed at the Durham York Energy Centre (DYEC). After transition, this residual will be the responsibility of producers and will no longer be processed at

the DYEC, resulting in additional disposal capacity for residential garbage at the DYEC.

- 5.5 Transitioning out of the Blue Box program impacts the future of the Region's MRF. Further implications for the MRF will be evaluated as transition to Blue Box EPR progresses and staff will report back to Council regarding potential impacts to this Regional asset and its future options.

Transition Date

- 5.6 As indicated in 4.10, the Region requested a July 1, 2023 transition date for collection and processing of Blue Box materials. Contracts are aligned to expire in 2023, with provisions for extensions for transition in 2024 or 2025. Transition timing remains open for consultation with the MECP and a request to maintain the Region's preferred transition date is included in the attached comment letter.

Business Improvement Areas

- 5.7 The Region currently provides Blue Box, garbage and Green Bin collection services to businesses located in designated Business Improvement Areas (BIAs) in each local area municipality.
- 5.8 Staff advocated extensively for the inclusion of BIAs in the list of eligible sources for Blue Box collection. Businesses in BIAs typically have apartments located above. The apartments are eligible for blue box collection under the proposed regulation, but it is unclear at the writing of this report if the small businesses beneath them are also eligible under the public space definition in the draft regulation.
- 5.9 The proposed regulation includes BIAs in the definition of public spaces currently receiving municipal garbage collection. However, there is lack of clarity in the definition if the regulation refers only to the public space, curbside receptacles in BIAs or if it also refers to the small businesses in the BIAs. Staff is seeking confirmation on this understanding from the MECP.

Multi-Residential Buildings

- 5.10 Multi-residential buildings currently receiving municipal garbage collection are also included in the list of eligible sources for Blue Box collection in a producer-run system. Additional clarity is required around service frequency for eligible multi-residential buildings as these buildings typically receive garbage and Blue

Box collection more frequently than single family homes receiving curbside service and they are serviced with larger containers than blue boxes.

- 5.11 Multi-residential buildings not currently receiving Regional waste services will have the option to request Blue Box collection from producers starting in 2026 after the municipal transition is complete. Blue Box service will be independent of municipal garbage collection services for the multi-residential building and be at the discretion of the producers operating the common collection system.

Impacts to Other Waste Management Operations

- 5.12 The proposed regulation does not stipulate any regulated role for municipalities. After transition, the Region will no longer be responsible for collecting, processing or marketing Blue Box materials. In addition, municipalities will not be responsible for recycling-related promotion & education or enforcement initiatives.
- 5.13 Approximately 10 per cent of the Waste Management Call Centre call volume consists of questions regarding missed blue box collections or replacement bins. The Region is currently implementing “mydurham311”, a centralized call centre model which may be operational at the time of transition. The Waste Management and Corporate Services – Information Technology Divisions will work collaboratively to prepare for the anticipated significant increase in call volumes leading up to and temporarily after the transition of the Blue Box program.
- 5.14 The proposed regulation requires limited promotion and education to residents on the proper use of the Blue Box and the types of acceptable materials. Producers must provide information to residents a minimum of once per year and on a publicly available website. Staff will evaluate potential needs to continue educating residents about the Blue Box to limit the amount of designated materials being disposed of in the garbage stream as well as minimizing Blue Box litter or dumping of Blue Box materials.
- 5.15 Once the regulation is finalized, the Region’s Waste Management By-law #46-2011 will require revision to reflect the transition of Blue Box services. The regulation will also impact by-law enforcement activities as By-Law Officers will no longer be enforcing Blue Box requirements.

5.16 Staff will discuss future requirements for Blue Box processing as well as promotion and education requirements with PROs once they are established to determine potential impacts on Durham Region in a new Blue Box system. Staff will report back to Council with recommendations on a potential Regional role in the transitioned system and the financial and service implications of such an arrangement.

6. Relationship to Strategic Plan

6.1 This report aligns with/addresses the following strategic goals and priorities in the Durham Region Strategic Plan:

a. Goal 1.2 Increase waste diversion and resource recovery.

7. Conclusion

7.1 Overall, the contents of the proposed Blue Box regulation are consistent with the inputs provided by Municipalities. However, clarity is required on the definition of eligible sources for collection to confirm BIAs and multi-residential buildings are fully included. Additional discussion is also required on the transition date for the Region. These concerns are addressed in the attached comment letter.

7.2 There are still areas of uncertainty regarding the potential use of the Region's MRF and potential services the Region could provide to producers or PROs in the areas of call centre and promotion and education. Staff will discuss these areas with PROs when they are established and return to Regional Council with recommendations at the appropriate time.

7.3 This report has been reviewed by the Corporate Services Department.

7.4 For additional information, contact: Gioseph Anello, Director Waste Management Services, at 905-668-7711, extension 3445.

8. Attachments

Attachment #1: Link to: [ERO #019-2579 - A proposed regulation, and proposed regulatory amendments, to make producers responsible for operating blue box programs.](#)

Attachment #2: Comment letter for submission to MECP as Regional
Council Endorsed Comments

Respectfully submitted,

Original signed by:

Susan Siopis, P.Eng.
Commissioner of Works

Original signed by:

Nancy Taylor, BBA, CPA, CA
Commissioner of Finance

Recommended for Presentation to Committee

Original signed by:

Elaine C. Baxter-Trahair
Chief Administrative Officer



**The Regional
Municipality of
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November 25, 2020

Jamelia Alleyne, Senior Policy Analyst
Waste Diversion
Resource Recovery Policy Branch
Ministry of the Environment, Conservation and Parks
40 St. Clair Avenue West, Floor 8
Toronto, Ontario M4V 1M2

Dear Ms. Alleyne:

**RE: Regional Municipality of Durham Comments – Proposed
Blue Box Regulation ERO #019-2579**

The Regional Municipality of Durham (Durham Region) borders the City of Toronto to the east and includes large urban and rural areas. Durham Region operates a two-stream Blue Box program that collects paper fibres and containers separately from over 200,000 single family residences, over 400 multi-residential buildings, and approximately 2,800 small businesses with apartments above them in local Business Improvement Areas throughout the Region.

Durham Region also owns a Material Recovery Facility that is operated by a third party to process collected paper and packaging for sale to the recycling market.

Durham Region supports the transition of the Blue Box Program to full Extended Producer Responsibility (EPR) and offers the following comments on the draft regulation.

Eligible Sources

Multi-residential buildings

Durham Region understands that all residential sources currently receiving Blue Box services will continue to receive service after transition. This includes multi-residential buildings currently receiving Region-provided garbage collection. While this is the Region's understanding, it is not clearly defined in the draft regulation.

The definition for “Residence” currently states that a building with more than one dwelling unit that receives garbage collection on the same frequency as single-unit residential dwellings is included. Due to their size and limited storage space, multi-unit residential buildings often receive garbage collection two or three times per week while single-unit residences receive garbage collection only once every other week. Part b of the definition of “Residence” should be clarified to ensure that any multi-residential building currently receiving municipal garbage collection will also receive Blue Box collection services from producers at the frequency necessary based on the capacity of the Blue Box collection receptacles.

Business Improvement Areas

Clarity is also requested around the collection obligations for public spaces.

Durham Region understands the definition of public space to include curbside Blue Box collection in designated Business Improvement Areas (BIAs). The Region currently collects garbage, Blue Box and Green Bin in BIAs from both the small businesses and the apartment units above them as well as garbage and recycling from the BIA street containers as part of its residential collection program. Durham Region appreciates the inclusion of small businesses in BIAs in the definition of public space to ensure these properties continue to receive blue box collection.

The public space collection obligations in Part IV Section 25 should be clarified to ensure that this section is not interpreted to apply only to municipal parks and streetscapes where municipal garbage receptacles are provided. This section should also stipulate that BIAs, where municipal garbage collection is currently provided, will also receive Blue Box collection services from producers.

Transition

Durham Region appreciates efforts by the Ministry of Environment, Conservation and Parks (MECP) to establish a transition timeline that accommodates municipal preferences and the need to transition only one third of Blue Box Programs annually.

The Region reiterates its preference for a July 1, 2023 transition date as indicated in the Council resolution and accompanying report.

Compostable Packaging

Durham Region is pleased to see compostable packaging designated in the draft regulation. This type of packaging is growing in popularity as producers attempt to address growing concerns with plastic packaging. Given the problematic nature of compostable packaging in many municipal food and organic waste diversion programs,

Durham Region strongly encourages the MECP to ensure that the Blue Box remains the primary diversion outlet for consumer paper and packaging. A single diversion option for packaging will limit consumer confusion on which packaging is compostable or not. It will also ensure that packaging is captured while keeping feedstock for municipal composting or anaerobic digestion facilities as clean as possible to maximize the value of the end products from these systems.

Promotion and Education

Durham Region is concerned that the level of promotion and education required under the draft regulation may not be adequate to ensure Blue Box materials are appropriately separated from the garbage stream. Residents currently receive extensive promotion and communication throughout the year. Durham Region also maintains a waste app that informs subscribers on which materials go in the Blue Box and reminds subscribed residents of their recycling collection days.

Given the limited promotion and education requirements in the proposed regulation, municipalities are likely to continue subsidizing producers by managing Blue Box recyclables that are disposed of in the garbage and as litter. Alternatively, municipalities will likely also be burdened by having to provide supplemental Blue Box promotion to ensure materials are not improperly placed in the waste stream or littered. The promotion provisions of the regulation should be strengthened to require quarterly communication with residents, at minimum, during transition and beyond 2026.

Stranded Assets

Durham Region, like many municipalities, owns a Material Recovery Facility (MRF). Municipalities require information on the processing requirements for producers in order to plan for the appropriate disposition of municipal assets. Clarity is required from producers at the earliest possible date on their intentions for securing adequate Blue Box processing capacity.

Durham Region currently provides two Blue Box containers to every single-family home and Blue Box totes to multi-residential buildings receiving municipal Blue Box collection services. If the collection receptacles are changed by producers after transition, clarity is needed who becomes responsible for the containers currently in use by residents. These containers are recyclable and should be collected by producers for proper management. Obsolete Blue Box containers should not wind up in the garbage stream.

Other Concerns

Durham Region is currently developing a Mixed Waste Pre-sort facility that will remove organic material and recyclables from residential garbage. Post 2026, operations of this type should be eligible to request Blue Box collection service from producers under the definition of facility in the regulation.

Clarification is needed on the obligations for producers to provide Blue Box receptacles to residents. Currently receptacles are provided at no cost to all newly constructed homes and to replace broken receptacles. The regulation should make clear that producers will not charge residents fees for the provision of initial or replacement Blue Box receptacles. Also, if the receptacles provided are not adequate for the volume of Blue Box material generated at a residence, additional receptacles should be made available. Further, the regulation should make clear that producers are obligated for collection and appropriate management of broken receptacles.

The draft regulation is silent on the enforcement measures producers may take in the event Blue Box materials are improperly sorted or prepared for collection. Are producers permitted to skip collection or issue fines to residents? Enforcement measures taken by producers may have unintended consequences on Blue Box materials being placed in the garbage for which municipalities become responsible. Enforcement matters and associated costs should be clarified in the final regulation.

Thank you for the opportunity to comment on the proposed Blue Box regulation. Durham Region remains committed to working with MECP and producers of paper and packaging to maximize diversion of these items via the Blue Box.

Sincerely,

Pending Regional Council Approval

Susan Siopis, P.Eng.
Commissioner, Works

- c. G. Anello, M.Eng., P.Eng., PMP, Director, Waste Management Services,
Durham Region

Proposed Regulation and Proposed Amendments to make producers responsible for operating blue box programs

ERO number: 019-2579

Act: Resource Recovery and Circular Economy Act, 2016

Posted: Ministry of Environment, Conservation and Parks

Comment Period: October 19, 2020 to December 3, 2020 (45 days)

The City of Oshawa provides municipal waste collection services, which includes the collection of garbage, green bin and yard waste for residents as well as parts of the downtown. The City's collection program operates in cooperation with the Region of Durham. The Region of Durham is responsible for providing blue box collection services and for the overall management of waste, including disposal and processing.

In addition to providing waste collection services, the City is also responsible for managing and maintaining parks, playgrounds and public spaces across the City. This responsibility includes the management of litter through clean-up activities and regular litterbin collection.

The City of Oshawa is supportive of the Province's move to a circular economy and the transition of the blue box program to the producers under the *Resource Productivity and Circular Economy Act, 2016* (RRCEA). Producers are in the best position to reduce waste, increase material recovery and reintroducing the materials back into the economy. Creating a consistent province-wide system with standardized blue box materials will make it easier for residents to understand program requirements. However, it is imperative that the Province ensures proper reporting to allow for transparency as well as consumer awareness. Continuing to provide convenient and inclusive services to our residents will ensure the success of the program.

City of Oshawa Comments:

Based on the draft regulation the City of Oshawa would like to provide the following comments for consideration. Please note that given the short consultation window these comments are pending Council endorsement.

Definitions:

"facility" means,

- (a) a building that contains more than one dwelling unit but that is not a residence,
- (b) a long-term care home licensed under the Long-Term Care Homes Act, 2007,
- (c) a retirement home licensed under the Retirement Homes Act, 2010, or
- (d) a public school or private school under the Education Act;

Comment: The definition should be broadened to include public buildings owned, operated or managed by a municipality where public has access to City services such as recreation complexes, community centres, administrative buildings, libraries, community halls, etc. alternatively this could be incorporated into the definition of “public space” given that the nature of the recyclables is the same. In general, these facilities will result in cleaner stream of blue box materials and should not be excluded given the burden on municipalities and taxpayers to manage.

The definition should also include mixed-use residential/commercial buildings, small businesses, places of worship, not-for-profit organizations located within residential areas and areas within the Business Improvement Areas that are currently receiving municipal waste collection services. Incorporating these into the definition clarifies responsibility while ensuring that current services continue without adding undue financial burden on the municipality or the small businesses and the like who have been participating in the blue box program. The removal of services especially from those that are located within residential areas will result in unnecessary confusion, complaints and ultimately will lead to recyclables in the municipal waste stream.

“public space” means any land in any park, playground, or any outdoor area which is owned by, or made available by, a municipality, and that is located in a business improvement area designated under the Municipal Act, 2001 or by a by-law made under the City of Toronto Act, 2006;

Comment: The definition is unclear and for greater clarity, the definition should include:

- parks, playgrounds, and programmed outdoor facilities including but not limited to picnic and special event areas, sports fields/ball diamonds/courts/ etc. which are owned or made available by the City
- areas where the municipality has or will provide streetscape furniture including litter cans on municipal land whether inside or outside of the Business Improvement Area

“residence” means,

(a) a single-unit residential dwelling, including a seasonal residential dwelling, in an eligible community, or

(b) a building that contains more than one dwelling unit but receives garbage collection at the same frequency as single-unit residential dwellings in an eligible community;

Comment: For greater clarity, the definition under (b) should include the commercial component of those mixed-use residential/commercial buildings, places of worship and the like that are currently receiving the same collection

services as a single-unit residential dwelling. This will limit confusion and the removal of existing services to small businesses. Not incorporating these locations will lead to unnecessary financial burden on small businesses, increased complaints to the municipality and more recyclables in the waste stream.

Collection for Public Spaces:

Section 24. A producer shall collect blue box material from every public space that is assigned to the producer in the annual allocation table, but only where an eligible community provides garbage collection at the public space.

Obligations for public spaces

Section 25. A producer who collects blue box materials from public spaces shall,

(a) ensure that blue box receptacles for the storage of blue box material are placed next to every receptacle for garbage at the public space;

(b) provide for the collection of blue box material which is in a blue box receptacle located next to a receptacle for garbage;

(c) provide blue box receptacles for the storage of blue box material until it is collected, including,

(i) ensuring that each public space has a receptacle before the day on which the producer commences collecting from the public space,

(ii) providing any replacement receptacles requested by the eligible community, within one week of the request, and

(iii) providing receptacles that are appropriate for the public space;

(d) collect blue box material from the public space before the blue box receptacles are full; and

(e) where the public space is a park or playground,

(i) collect blue box material throughout the year, and

(ii) locate receptacles at entry or exit points, and other areas where persons congregate

Comment: Please clarify that the receptacles provided by the producer are public use receptacles for the placement of blue box material and not just for the storage of blue box material for collection. More consideration in this section should be given to blue box material collected as part of a streetscape.

Placement of receptacles and determination of the “appropriate” receptacle must be done in coordination with the municipality who owns, operates and maintains the park or public space. Coordinating with the area municipality will ensure that the receptacle and the placement

considers access, accessibility, visibility, user safety, seasonal variabilities, illegal dumping, and installation requirements.

The Producer will need to consider the variabilities associated with the day-to-day, week-to-week, month-to-month and season-to-season activities of parks and public space users when arranging for the appropriate collection schedule. For example, tournaments and events will require additional level of services including increased frequency and additional receptacles to accommodate increased public use and changing activity.

Ensuring that the receptacles are emptied before they are full and **regularly** is important not only aesthetically but also to limit potential for nuisance, odor and litter while also ensuring the health and safety of the public and surrounding environment. For this reason it is recommended that under item (d) producers **“must” (not shall)** be responsible for collecting **all material from the blue box receptacle** before the blue box receptacles are full **and that where a complaint is received that the collection “must” be undertaken within 24 hours of the complaint.** Although this may be seen as an extra burden on the producer it is imperative that the health and wellbeing of our public spaces as well as the environment are not compromised.

Item (e) (i) should not just be limited to parks and playgrounds as some parks may be closed at certain times thereby not requiring collection year round, however the collection of blue box material from streetscapes is equally important and should be undertaken throughout the year. This Section should further consider the different needs associated with collection of blue box material from streetscapes and where the producer is responsible for providing a receptacle it should be in keeping with streetscape or landscape design criteria this ensures consistency and Accessibility.

Part VII

Verification and Audit Procedure

Comment: The regulatory requirements should include the requirement for producers to undertake regular waste audits or funding should be made available to municipalities to undertake regular waste audits that will evaluate the level of compliance and to determine if changes might be needed to improve the capture or expansion of blue box materials including improved education.

Part VII Promotion and Education

Section 57

Comment: Subsection (4) indicates that the producer is not required to disseminate information about how to prepare, place or sort material ((2) paragraph 2

and 3) after the first year. The producer actually should continue to communicate and disseminate for the purpose of education the information specified in subsection (2) paragraph 2 and 3 but not paragraph 1.

Subsection (5) the paragraphs list in this section should be “must” not shall.

This Section appears to focus on collection from residences and facilities however equally important is the need to provide specific education and awareness information for public space users through signage/decals on the receptacle, which must be accessible and include a direct number to report an issue or to request a receptacle to be emptied. This will alleviate calls to municipal call centres and ensure adequate response time.

In addition to website and print material delivered to each eligible source, education and awareness should also happen at the curb through direct delivery such as sticker or door hanger to advise residents of non-compliance, information on corrective actions and contact information. In addition raising awareness through product labelling and consumer awareness is equally important in the promotion of the program, which has not been addressed.

This section should also consider promotion and education for any future changes that provides adequate period to ensure proper notification of program changes.