



Hamilton

# INFORMATION REPORT

<b>TO:</b>	Chair and Members Public Works Committee
<b>COMMITTEE DATE:</b>	February 29, 2016
<b>SUBJECT/REPORT NO:</b>	Waste Free Ontario Act, Bill 151 (PW16007) - (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Dawn Kim (905) 546-2424 Extension 3297
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<b>SIGNATURE:</b>	

### Council Direction:

Not Applicable

### Information:

This Information Report provides a summary of the newly proposed *Waste Free Ontario Act*, Bill 151 (Act) introduced by Ontario’s Ministry of the Environment and Climate Change (MOECC) on November 26, 2015.

The proposed Act will replace the current *Waste Diversion Act, 2002*. Under the proposed Act, producers will be required to take full responsibility for their products and packaging.

The goal of the proposed Act is to move towards zero waste, zero greenhouse gas emissions from the waste sector, transition to new producer responsibility, divert more waste from disposal and create conditions to support sustainable markets.

The newly proposed Act has been posted on the Province’s Environmental Registry (EBR #012-5832) for comments.

### Key features of the proposed Act

- The Province would identify responsible persons for products and packaging – could be a brand holder/owner/person with a commercial connection to a product or packaging supplier. The responsible persons would be responsible for their products and packaging and be accountable for recovering resources and reducing waste associated with these materials.
- The Province would lead the overall transition process. It is anticipated that the existing waste diversion programs for Blue Box, used tires, waste electronics, and municipal hazardous special waste would be continued until transitioned under this Act.

- No new programs, Industry Funding Organizations (IFO), or Industry Stewardship Plans (ISPs) would be allowed. IFOs are independent industry organizations created by Waste Diversion Ontario (WDO) to develop, fund and manage Ontario's recycling programs. These organizations do not receive funding from government or taxpayers, and they are accountable to WDO. The IFOs collect fees from the industry sector.
- The proposed Act would require the relevant IFOs to prepare a wind up plan.
- The proposed Act would overhaul WDO to become the Resource Productivity and Recovery Authority (Authority); a non-crown and not for profit organization. The Authority would be responsible for:
  - Overseeing the new producer responsibility and the transition of the existing waste diversion programs to the new framework,
  - Conducting compliance and enforcement activities and would issue administrative penalties for non-compliance.
- The Province would have the ability through the Act to increase producers' funding of the Blue Box program beyond the current 50% funding cap during the transition process.

*Strategy for a Waste Free Ontario: Building Waste Free the Circular Economy*

Along with the proposed legislation, the Province has also posted on the Environmental Registry its draft *Strategy for a Waste Free Ontario: Building Waste Free the Circular Economy*. The purpose of the Strategy is to develop the action plan and tools for performance measurement to meet the goals of zero waste in the province and zero greenhouse gas emission from the waste sector. The Strategy sets out an action plan that prioritizes the following actions:

- Expand producer responsibility by placing full responsibility on producers to be accountable for their products and packaging at end of life. This producer responsibility framework would include recovery targets, standards and reporting requirements applicable to all producers, but would provide producers with the flexibility to decide how to meet the requirements, whether individually or collectively by pooling efforts intra- and inter-provincially; however, producers would not be able to transfer their liability.
- Divert more waste from disposal by collecting data, developing better metrics and putting performance measures in place, targeting areas for greater diversion through regulations designating new products and packaging, enhancing requirements for waste generators and service providers, developing an Organics Action Plan to reduce the volume of organic material going to landfill, and implementing disposal bans and additional plans for landfill use and management.

- Assist Ontarians to reduce, reuse and recycle by increasing awareness and participation in diversion activities through promotion and education. Stimulate markets for recovered materials by implementing modern environmental standards and promoting best practices in green procurement.

The Strategy is also posted on the Province's Environmental Registry (EBR #012-5834). Comments are due by February 29, 2016 for both postings. A request for extension is pending from the Regional Public Works Commissioners of Ontario (RPWCO). MOECC has scheduled public consultation sessions throughout January to solicit feedback. Staff will be attending to obtain further information. Staff are also attending RPWCO meetings to work with other municipalities, Association of Municipalities in Ontario (AMO) and Ontario Waste Management Association to discuss potential repercussions to municipalities.

Staff will examine the potential impacts the new Act and Strategy may have on the City's operations and will co-ordinate a response, if feasible, with the RPWCO. If the EBR deadline for comments is not extended the City may be a position that there will be insufficient time for pre submission consultations with Council. Updates as to the City's submission will be provided to Council. Should the Act and Strategy be approved it will be critical to continue analysis and responses to EBR postings for the corresponding Regulations which will outline in more detail potential impacts to the City's Waste Management operations.