




**CITY OF HAMILTON**  
**PUBLIC WORKS**  
**Environmental Services Division**

<b>TO:</b>	Chair and Members Public Works Committee
<b>COMMITTEE DATE:</b>	October 19, 2020
<b>SUBJECT/REPORT NO:</b>	Solid Waste Management By-law Update (PW20066) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Ryan Kent (905) 546-2424 Ext. 7686
<b>SUBMITTED BY:</b>	Craig Murdoch Director, Environmental Services Public Works Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That City of Hamilton By-law 09-067, being a by-law to provide for and regulate a waste management system for the City of Hamilton, be repealed, and that Appendix "A" attached to Report PW20066 replace By-law 09-067 as the new Solid Waste Management By-law, and;
- (b) That the General Manager of Public Works or designate(s) be granted the authority to amend or replace, in whole or in part, the schedules of this Solid Waste Management By-law, attached hereto as Appendix "A".

**EXECUTIVE SUMMARY**

The City of Hamilton (City) owns and operates a waste management system to service residents and businesses within its borders. This system includes collecting and processing multiple waste streams including garbage, recycling (blue box), organics (green bin) and yard waste. To properly regulate this system, the City has a Solid Waste Management By-law (By-law 09-067).

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The purpose of this report is to replace the current Solid Waste Management By-law (Waste By-law), which is 11 years old, with a new by-law that reflects current practices, eliminates out of date language and include increased flexibility by granting the General Manager of Public Works the authority to amend the schedules within (not the body of) the Waste By-law. The schedules that will be able to be amended include the lists of acceptable material and acceptable containers. For this by-law to maintain its effectiveness, it is important that it is easily adaptable to changes in the waste industry, reflects current City practices and does not conflict with other by-laws of the City.

The revised Waste By-law does not include any increases or decreases to service levels currently received by residents including how often waste is collected or how much material can be set out for collection. The revised Waste By-law also maintains previous powers and duties of the General Manager of Public Works including the ability to execute agreements for on-site service to allow City forces (or contracted forces) to collect waste from private property.

**Alternatives for Consideration – See Page 6**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: There are no financial implications associated with the recommendations in this report.

Staffing: There are no staffing implications associated with the recommendations in this report.

Legal: The legal implications are articulated in the Analysis and Rationale for Recommendation(s) section.

**HISTORICAL BACKGROUND**

The City last updated its Solid Waste By-law in 2009. There have been many changes to collection and processing practices as well as procedures in the past 11 years that have rendered parts of the Solid Waste By-law outdated.

Recently, the City has been forced to adapt to volatility in end markets for blue box materials and challenges with processing organic waste. Over the last several years, the end markets for blue box materials have been problematic due to foreign markets such as China and India requiring blue box materials to meet contamination rates that are unattainable by the City, or refusing certain blue box materials. This includes materials such as black plastics used in single-use packaging of food and polystyrene.

On June 24, 2018, the City's Central Composting Facility (CCF) was closed due to odour issues. The plan to reopen the CCF included banning grass and leaf and yard waste from the green bin. Upon approval of a plan by the Ministry of the Environment, Conservation and Parks (MECP), the CCF was reopened on February 4, 2019 with the temporary planned material bans in place. Starting on April 1, 2019, City staff began stickering and leaving behind green bins that contained this material. The Waste By-law was officially changed to reflect these changes on May 9, 2019 when Council approved the minutes of the April 30, 2019 Public Works Committee meeting including Report PW19030. This delay in obtaining Council approval created a gap where the by-law did not reflect actual City practices.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

The City is required to have and maintain a by-law to regulate the waste management system it has control over. The recommendations in this report support this requirement.

## **RELEVANT CONSULTATION**

The following groups have been consulted and are supportive of the recommendations:

Corporate Services Department - Legal and Risk Management Services Division and Financial Planning, Administration and Policy Division  
Public Works Department - Environmental Services Division (Waste Collection Section and Recycling & Waste Disposal Section)  
Waste Management Advisory Committee

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)**

Schedules and Authority of the General Manager

Recommendation (b) of Report PW20066 permits the General Manager of Public Works to change schedules within (not the body of) the Waste By-law, similar to processes in other City by-laws, including the City's by-law to Regulate Trees on Public Property, By-law No. 15-125. Section 36(1) of that by-law grants the Director of Environmental Services the authority to issue policies respecting trees on public property. This authority has created a more streamlined process for staff in carrying out work under By-law 15-125, making the City a more efficient organization. In greater detail the two key procedural changes proposed in the revised waste by-law are as follows:

- 1) Acceptable materials and containers for the blue box, green bin and yard waste programs have been removed from the body of the by-law and included in schedules.

- 2) The General Manager of Public Works is granted the authority to amend the schedules within (not the body of) the Waste By-law.

As described in the Historical Background Section of this report, over the last few years the waste collection practices of the City have had to change faster than the Waste By-law could be amended to reflect these changes. These changes have been proposed to enable the City to react to situations outside of the City's control. In addition to proposing the above changes, staff propose the following process to guide any changes to the schedules of the Waste By-law by the General Manager of Public Works:

- 1) Staff determine appropriate change(s)
- 2) Staff provide changes to Waste Management Advisory Committee (WMAC) for feedback and advice
- 3) An Information Update is provided to Council on change(s)
- 4) General Manager of Public Works or designate(s) authorizes change(s)
- 5) Revised schedules are filed with the City Clerk

The current process for changing items in the Waste By-law includes:

- 1) Staff determine appropriate change(s)
- 2) Changes are presented to the WMAC for feedback and advisement
- 3) Staff generates a Recommendation Report detailing changes and updated By-law
- 4) Staff report on recommended updates to By-law to Public Works Committee for approval
- 5) If approved, Public Works Committee minutes proceed to Council for approval
- 6) If approved by Council, the Waste By-law is updated to reflect change(s)
- 7) New by-law is filed with the City Clerk

The change from the current process detailed above has the potential to save significant time (anywhere from three to five months depending on timing of meetings) while providing transparency to Council on any changes.

### Municipal Scan

Part of the review of Hamilton's Solid Waste Management By-law included comparing it to other municipalities in the Greater Toronto and Hamilton Area (GTHA). This benchmarking reviewed recently revised waste by-laws of Peel Region (revised in 2015) and the cities of Toronto and Richmond Hill (both revised their waste by-laws in 2019) to identify if the proposed changes of moving acceptable materials and containers to schedules and providing the General Manager with the authority to revise these schedules is consistent with their practices. Table 1 displays the results of this benchmarking of municipalities who have recently made changes to their Waste By-law.

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Municipalities such as Halton Region and Niagara Region have not recently updated their Waste By-laws so benchmarking information has not been provided for them.

Table 1: Benchmarking Results of Acceptable Materials and Containers

	<b>Toronto</b>	<b>Peel Region</b>	<b>Richmond Hill</b>
Are Acceptable Materials Defined in Schedules?	Yes	Yes	No
Can Acceptable Materials be Revised by Commissioner/General Manager?	No	Yes	Yes
Are Acceptable Containers Defined in Schedules?	Not applicable*	Not applicable*	Yes
Can Acceptable Containers Revised/Approved by Commissioner/General Manager?	Yes	Yes	Yes

\*Toronto and Peel Region have automated cart service and do not require schedules to define acceptable containers as these are provided by the respective jurisdictions.

As Table 1 demonstrates, the proposed changes to the Waste By-law process is in line with how the benchmarked municipalities operate.

#### Additional Revisions/Items

Aside from the revisions to the Waste By-law that have been described above, below is a list of additional revisions that have been made. These revisions serve to remove inconsistencies and duplication and to fill any gaps that staff identified during the review process:

- Adding a section entitled “Serviceability Requirement” to differentiate between an eligible property (i.e. a property such as a multi-residential property which the City has established services for) and a serviceable property (i.e. a property that has been constructed in a manner that will allow for the City to provide waste collection services).
- Removal of any fees charged at transfer stations, for waste containers, etc. These fees are either already included in the User Fee By-law and this eliminates duplication and potential inconsistencies, or they have been added to the User Fee By-law to simplify the process to update these fees. The User Fee By-law is updated annually.
- Adding the requirement for bulk waste that has or may have been in contact with bed bugs to be wrapped with a plastic cover.

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The revised Waste By-law does not include any increases or decreases to service levels currently received by residents including how often waste is collected or how much material can be set out for collection. The revised Waste By-law also maintains previous powers and duties of the General Manager of Public Works including the ability to execute agreements for on-site service to allow City forces (or contracted forces) to collect waste from private property.

**ALTERNATIVES FOR CONSIDERATION**

Council could decide to not approve Recommendation (b) of Report PW20066 and direct staff to revise Appendix “A” attached to Report PW20066 to remove the authority of the General Manager of Public Works to amend schedules of the Solid Waste Management By-law. This alternative would require staff to revise Appendix “A” attached to Report PW20066, present a new Solid Waste Management By-law to the Waste Management Advisory Committee and then provide this to the Public Works Committee for approval. Staff estimates the earliest time this process would be complete as January 2021 (dates for Public Works Committee meetings in 2021 have not been announced). This alternative would reduce the ability of staff to react in a timely fashion to operational, legislative or other situations that are outside of the City’s control.

Financial: There are no financial implications associated with the alternatives to this report.

Staffing: There are no staffing implications associated with the alternatives to this report.

Legal: There are no legal implications associated with the alternatives to this report.

**ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

**Clean and Green**

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

**Our People and Performance**

Hamiltonians have a high level of trust and confidence in their City government.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PW20066 – Solid Waste Management By-Law