

NS Solid Waste-Resource Management (SWRM) Regulation Review

Discussions with solid waste resource management stakeholders

Why is NSE reviewing this regulation?

Our Path Forward: Building on the Success of Nova Scotia's Solid Waste Resource Management Strategy <http://www.gov.ns.ca/nse/waste/docs/Solid.Waste.Strategy-Our.Path.Forward.2011.pdf> (fall 2011), provides direction on how Nova Scotia can increase its success and maintain a leadership position in solid waste management. Building on our experience of the past 16 years, the actions within Our Path Forward set out to strengthen relationships amongst key partners and help achieve the waste disposal target of no more than 300 kilograms per person per year by 2015.

To achieve *Our Path Forward*, the Waste Resource Management (WRM) section of Nova Scotia Environment has been tasked with conducting a review of the NS Solid Waste Resource Management Regulation. The review is intended to find efficiencies within the regulation, explore possible amendments, ensure the regulation continues to achieve a high level of environmental protection and supports the creation of economic opportunities in NS.

How are we reviewing the regulations?

Following on-going discussions with stakeholders and a policy analysis process, Nova Scotia Environment is proposing some changes to the Solid Waste Resource Management Regulations. To further refine these options, meetings will be held with targeted stakeholders in June 2013. This process will assist Nova Scotia Environment in assessing the proposed options.

What information are we looking for?

To date, several options have been examined that would result in potential revisions to the current NS Solid Waste-Resource Management Regulation.

These options are outlined in this discussion paper and will be outlined during the stakeholder meetings. The options being proposed fall under the following categories:

- Product Stewardship
- Disposal Bans and Compliance
- Beverage Container Deposit Refund Program
- Used Tire Management Program
- Regional Solid Waste Management Plans – Regional Requirements
- Regulatory Clarity on Energy from Waste
- Improvements and Changes to the Enforceability of the Solid Waste Regulation

Please note, in addition to these areas, staff will continue to fully review the regulation for efficiencies, opportunities for improvement, omissions and/or gaps.

The targeted stakeholders are encouraged to review and consider the options presented within this discussion paper in advance, to prepare for any questions or clarifications you may have during the upcoming meetings.

Submission of Stakeholder comments and input

The meetings are an opportunity for stakeholders to learn about the proposed changes to the Solid Waste Resource Management regulations, ask questions and discuss the potential impacts. Written comments and input regarding the proposed changes will also be accepted. Please use the form at the end of the discussion paper to submit your comments on the proposed changes to the regulations.

How will your input be used?

The input received from stakeholders will help to inform and guide potential revisions to the regulation.

Questions?

Please contact: Nova Scotia Environment Solid Waste Unit

902 424-4300

policy@gov.ns.ca

Proposed Changes to Nova Scotia's Solid Waste Resource Management Regulations

A Framework Regulation for Product Stewardship

1. Amend the regulation to add a Product Stewardship Framework clause.

A Product Stewardship Framework would require brand owners of designated materials to submit a plan to the Minister of NS Environment detailing how they will ensure that their products are managed at the end of life. The framework would identify materials to be designated according to a schedule and set performance targets that the brand owners must meet. The details of how products are managed at the end of life are to be proposed by the brand owners, in consultation with stakeholders and following the criteria and outcomes outlined in the framework.

Some of the details of the framework could include:

Brand owners may be required to work collaboratively via product sector organizations or industry associations to develop a single stewardship program plan for consideration by the Minister.

Definitions within the framework would largely align with CCME's Canada-wide Action Plan for EPR, best practices taken from NS's electronic product stewardship regulations and other jurisdictions. Regulation will include definitions for:

- (a) Brand owner
- (b) Designated product
- (c) Product stewardship program
- (d) Pollution prevention hierarchy
- (e) Post-consumer product
- (f) Retailer
- (g) Return collection facility
- (h) Vendor qualification standards

Some of the components of a required product stewardship program plan may be:

1. Detailed information on how the sector will achieve recovery targets set out in regulation.
2. Brand owners may be required to designate a third party (industry association) to operate a product stewardship program on their behalf.
3. Detailed information on how the brand owner will provide for collecting and paying the costs of collecting and managing post-consumer products within the designated product categories, including vendor qualifications. Information stating that access by consumers to collection facilities and services will be free and reasonable
4. Detailed information on consultation by the brand owner with stakeholders prior to submitting the plan for authorization and details on how the brand owner will provide opportunity for stakeholder input into the implementation and operation of the product stewardship plan.
5. An analysis of how the proposed plan will support or impact existing waste management infrastructure, such as operated by municipalities, RRFB and/or the private sector. This will include direction on stewarded products that are incidentally received at municipal facilities.
6. A description of opportunities explored to work with existing EPR program organizations and for regional cooperation within the Maritime or Atlantic region.
7. A product stewardship plan for the designated product categories of packaging and printed paper must demonstrate that the plan adequately provides for the collection of the product by the brand owner from residential premises;
8. Provision of funding to support the RRFB for:
 - a. Development of province wide education, outreach, and social marketing for all designated products captured in the stewardship program.
 - b. Innovation and adoption of best management practices for industry stewards.

Reporting requirements of brand owners may include:

Every brand owner operating a product stewardship program will report on:

- the total quantity of designated product sold in Nova Scotia and the total amount of post-consumer product managed through the product stewardship program
- the types of processes used to reduce, reuse, recycle and/or dispose post-consumer products
- the location of return collection facilities and collection service details
- the location of any long-term containment or final treatment and processing facilities for post-consumer products
- adherence to established vendor qualification standards or provide information demonstrating that post-consumer products collected were managed in a manner that employs environmental and occupational health and safety standards meeting or exceeding applicable federal, provincial, and local regulations
- efforts made to improve the environmental design of the brand owner's products
- copies of the annual financial statements prepared by an independent auditor of the revenues received and the expenditures incurred

Disposal Bans and Compliance Procedures

1. Establish disposal bans on the following materials for implementation in 2014:
 - Drywall/wallboard
 - Asphalt shingles
 - Wood free of adhesives, coatings, glues, etc.

Disposal bans on these construction and demolition materials will increase the diversion of these materials and be a catalyst for the creation of value added products from C&D debris. This will require new and more efficient methods of managing C&D debris from the point of generation to site of processing. This will also lead to more businesses opportunities and processing jobs in Nova Scotia.

2. Impose requirements on all construction and demolition disposal site and municipal solid waste disposal site approval holders to:
 - conduct random inspections of incoming waste.
 - identify banned materials and carry out follow-up procedures to ensure the banned materials are removed from future loads delivered to the site.
 - implement an awareness program related to banned materials and other landfill requirements.

These measures, in addition to the existing terms and conditions for approvals, will increase compliance with the disposal bans and aid in the diversion of these materials from disposal.

Beverage Container Deposit Refund Program Efficiency

1. Change regulation to a deposit with a separate refund and recycling fee.

Shift the current fixed deposit refund system, (where \$0.10 is paid as a deposit, half is refunded upon redemption and the other half funds the operation of the program), to a deposit refund and a separate container recycling fee that could fluctuate dependent upon the recyclability and/or marketability of the material. The deposit/refund portion would not change so the public would continue to get the refund on deposits (for example \$0.05 refund on non-refillable beverage container); the container recycling fee would not be refunded to the consumer.

The ability of a container recycling fee to fluctuate would allow for the flexibility to quickly adapt to changing market conditions or synchronize with other Atlantic provinces. It would also reflect the true costs of recycling the material. The manner in which a container recycling fee would be set, including criteria and process to adjust, will need to be defined.

Hypothetical examples:

PET #1 plastic

Deposit = \$0.05

Fee (for PET #1 plastic) = \$0.05

Consumer pays \$0.10 gets a refund of \$0.05 (equivalent to the deposit paid)

Glass

Deposit = \$0.05

Fee (for glass) = \$0.15 _____

Consumer pays \$0.20 gets a refund of \$0.05 (equivalent to the deposit paid)

2. Remove the container size distinction (500 mL and 1L) for refillable and non-refillable liquor containers.

The regulation currently specifies minimum cash deposits for each; refillable liquor containers less than 1L, refillable liquor containers greater than 1L, non-refillable liquor containers less than 500mL, and non-refillable liquor containers greater than 500mL. This distinction creates the need for additional handling of the materials by the depots. With the evolution of recycling technology there is no longer a need to separate out these particular materials into different streams for final processing. Changing the regulation to reflect one minimum cash deposit for all liquor containers, regardless of size will reduce the number of sorts required to manage the material and therefore the handling costs will decrease. The appropriate minimum cash deposit (or container recycling fee if established as per option 1), will need to be defined based on actual costs to manage the material.

For example:

The current minimum cash deposits for liquor containers vary between \$0.10 and \$0.20. A change to the regulation may set the minimum cash deposit at \$0.20 for all liquor containers regardless of size.

or

If a container recycling fee is established as per option 1, the minimum deposit may be lower because there would be a fluctuating container recycling fee.

PET #1 Plastic Deposit = \$0.05

Fee (for PET #1 plastic) = \$0.05 _____

Consumer pays \$0.10 gets a refund of \$0.05 (equivalent to the deposit paid)

Glass Deposit = \$0.05

Fee (for glass) = \$0.15 _____

Consumer pays \$0.20 gets a refund of \$0.05 (equivalent to the deposit paid)

Used Tire Management Program

Expand the current definition in the regulation to include off the road tires (OTR's).

The regulation currently requires that all distributors and retailers selling on-road passenger tires must have a stewardship agreement with RRFB Nova Scotia, as the Administrator specified in regulation. Distributors and retailers selling on-road passenger tires must collect a one-time environmental fee for each regulated tire sold within the province. These fees are then submitted to RRFB Nova Scotia to support the costs of collecting and processing used tires. The regulation does not currently apply to off the road tires. Amending the regulation to include more tires within the definition would increase the diversion of tires from disposal. It would provide industry with more options for diversion, reduce illegal dumping, improve the cost effectiveness of the used tire program in NS and be more consistent with other provincial jurisdictions.

Regional Solid Waste Management Plans – Regional Requirements

1. Amend the regulation to update the geographic regions to provide for consistency with the actual operating regions and remove the previous 1997 requirement for regions to prepare a solid waste management plan.
2. Revise the regulation to reflect that the regions will achieve the goals as set under the Act.

The previous *50% solid-waste diversion by the year 2000* goal is no longer valid since the Environment Act was amended to include a province-wide target for waste disposal of 300 kilograms per person per year by 2015. Revising this will ensure that the regulation remains effective if the province amends goals in the future.

Regulatory Clarity on Energy from Waste

1. Change the definition of an “incinerator” to include other similar technologies that thermally process mixed municipal solid waste e.g. pyrolysis, gasification, plasma, etc. The disposal bans would apply to these new technologies.
2. Mixed municipal solid waste or mixed C&D waste processed by an incinerator with energy recovery would only be counted as diversion (and eligible for provincial diversion credits) if all existing reduction, reuse, recycling and composting options have been exhausted.

The amount of mixed material processed by an incinerator that would be counted as diversion would be based on the process efficiency of the facility.

A revised definition will provide clarity on the application of new technologies. Flexible options will be identified to protect the established integrated waste management systems in place in NS, yet still allow for the management of problematic or residual materials that may not be most effectively managed through the current infrastructure.

Improvements to the Enforceability of the Solid Waste Regulation

1. Revise or establish definitions for the following and ensure they align with the Act and other regulations:
 - a. Construction and demolition debris
 - b. Municipal solid waste
 - c. Leaf and yard waste
 - d. Yard waste
 - e. Solid waste
2. Revise “open burning” section to clarify who is to be held responsible.
3. Develop a distinction between illegal dumping and littering and limit provincial regulatory responsibility to illegal dumping.

Stakeholder Comments Form

Please use the form provided to submit your comments on the proposed changes to Nova Scotia's Solid Waste Resource Management Regulations. Send completed form to: policy@gov.ns.ca with "Nova Scotia Environment Solid Waste Unit" in the subject line. You may also send your completed form by mail to: Nova Scotia Environment Solid Waste Unit, 5151 Terminal Road, Halifax NS B3J 2P8.

Your name:

Name and address of your organization:

1. A Framework Regulation for Product Stewardship

In 2009, Nova Scotia endorsed the Canadian Council of Ministers of the Environment (CCME) Canada-wide Action Plan for Extended Producer Responsibility. This action plan facilitates a harmonized approach to EPR policies in Canada. The action plan identifies product and material categories to be captured by EPR. The categories are as follows:

- Packaging
- Printing materials
- Mercury containing lamps
- Other mercury-containing products
- Electronics and electrical products
- Household hazardous and special wastes
- Automotive products
- Construction materials
- Demolition materials
- Furniture
- Textiles and carpet
- Appliances, including ozone-depleting substances

Nova Scotia is using the CCME Canada-wide Action Plan for EPR as a guiding document for the proposed Framework Regulation for Product Stewardship.

1. Do you support the concept of an increasing number of products being captured by product stewardship regulations?
2. To what extent should Nova Scotia's Product Stewardship Framework ensure that existing infrastructure be used to manage newly stewarded materials.
3. What would the impacts be to your organization of brand owners being required to work with a product sector organization or an industry association to develop a single stewardship plan for consideration by the Minister?
4. Would your organization support the requirement of providing funding to the Resource Recovery Fund Board (RRFB) to pay for province –wide education and innovation programs, as described on page 5 of the discussion paper?

Other comments:

2. Disposal Bans and Compliance Procedures

1. What are your thoughts on having disposal bans on drywall/wallboard, asphalt shingles and wood free of adhesives, coatings glues etc.? Are there other materials that should be considered for disposal bans?
2. Should random inspections for materials banned from disposal be done by disposal site operators or an independent 3rd party?
3. What can be done to reduce non-compliance of material disposal bans?
4. What are the appropriate procedures that should be put in place following an incident of non-compliance with material disposal bans?

Other comments:

3. Beverage Container Deposit Refund Program Efficiency

1. How often should the recycling fee be updated to reflect the costs of recycling different types of beverage containers?
2. What do you think of having higher fees for beverage containers that are difficult to recycle and lower fees for beverage containers that are easier to recycle?

Other comments:

4. Used Tire Management Program

1. Are there types of tires that should not be managed by the Used Tire Management Program?

Other comments:

5. Regional Solid Waste Management Plans – Regional Requirements

1. Do you have any comments on the regional approach to solid waste management in Nova Scotia?

Other comments:

6. Regulatory Clarity on Energy from Waste

1. What do you think about municipal solid waste being incinerated (with energy recovery) once all viable recycling, composting and reuse options have been exhausted?

Other comments:

7. Improvements to the Enforceability of the Solid Waste Regulation

1. Should it be a provincial responsibility to regulate open burning of waste on private property, litter and illegal dumping?

Other comments: