



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 11.3.1
Halifax Regional Council
September 23, 2014

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed

SUBMITTED BY:


Councillor Barry Dalrymple, Chair Environment and Sustainability Standing Committee

DATE: September 12, 2014

SUBJECT: Halifax Input – NS Regulatory Review

ORIGIN

The August 28, 2014 staff report and the September 10, 2014 meeting of the Environment and Sustainability Standing Committee.

LEGISLATIVE AUTHORITY

HRM Charter, Part XIII Solid Waste Management, Section 336 (a-j) refers to the authority to make by-laws respecting Solid Waste Management.

Environment and Sustainability Standing Committee Terms of Reference Section 3.1.1 "To Advise Regional Council on matters respecting solid waste management, including the responsibility to receive reports and to keep Council informed respecting all matters related to the solid waste management program in HRM."

RECOMMENDATION

The Environment and Sustainability Standing Committee recommends Halifax Regional Council approve and forward the Regulation Review input as outlined in Attachment B of the August 28, 2014 staff report with the following amendments to Attachment B:

- Amend #4 of attachment B to include statement indicating that HRM supports a 300kg provincial goal and understands it is a provincial goal.
- Include a statement that HRM supports the Extended Producer Responsibility (EPR) approach of the Province and looks forward to working in partnership on its implementation.
- Exclude statement (ii) "Request full cost benefit analysis and assessment of material ban legislation on municipalities." from item 2 'Material Bans' from attachment B.

BACKGROUND

As per the August 28, 2014 staff report.

DISCUSSION

The Environment and Sustainability met and reviewed the August 28, 2014 staff report at their September 10, 2014 meeting.

The deadline for submission of comments to the Province is September 30, 2014.

FINANCIAL IMPLICATIONS

As per the August 28, 2014 staff report.

COMMUNITY ENGAGEMENT

Standing Committee meetings are open to the public.

ENVIRONMENTAL IMPLICATIONS

As per the August 28, 2014 staff report.

ALTERNATIVES

The Environment and Sustainability Standing Committee did not provide an alternative.

ATTACHMENTS

1. Staff report dated August 28, 2014

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Quentin Hill, Legislative Assistant, 902.490.6732



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Attachment 1

Item No. 9.1.2 Environment & Sustainability Standing Committee September 10, 2014

TO: Chair and Members of Environment & Sustainability Standing Committee

SUBMITTED BY: Original Signed
Kathleen Llewellyn-Thomas, P.Eng, A/ Director, TPW

DATE: August 28, 2014

SUBJECT: Halifax Input – NS Regulatory Review

ORIGIN

June 5, 2014 ESSC Session Information Report: "NSE Solid Waste Regulation Review- Municipal Stakeholder Input". A motion was passed to recommend Regional Council request extension of deadline for input from July 10 to November 7, 2014.

June 28, 2014 Regional Council session motion put and passed. Correspondence sent to Honourable Randy Delorey, Minister of Environment (Attachment A).

July 31, 2014 ESSC Special Session conducted to gather feedback. A draft document was prepared (Attachment B).

August 7, 2014 Letter from Minister of Environment to Mayor Savage concerning extension of feedback deadline (Attachment C).

LEGISLATIVE AUTHORITY

Solid waste regulations fall under provincial legislation. Changes to the legislation and regulations have a direct impact to municipal services costs in terms of administration, education, disposal, materials management, processing and enforcement. HRM Charter, Part XIII Solid Waste Management, Section 336 (a - j) refers to the authority to make by-laws respecting Solid Waste Management.

RECOMMENDATION

It is recommended that the Environment & Sustainability Standing Committee recommend Regional Council approve and forward the Regulation Review input as outlined in Attachment B to the Province of Nova Scotia for review and consideration.

BACKGROUND

On May 1, 2014 ESSC Session- Regional Chairs update, Councillor Watts reports Nova Scotia Environment (NSE) would be commencing consultation with the public and municipal stakeholders on proposed changes to the Solid Waste Regulations.

On May 13, 2014 NSE announced the formal consultation process. The stakeholder feedback document entitled, "Revising our Path Forward: A Public Discussion Paper About Solid Waste Regulation in Nova Scotia" was issued and contained seven areas of focus as outlined below:

1. Product stewardship
2. Disposal bans and approval requirements
3. Used tire management program
4. Removal of the requirement for regional solid waste management plans
5. Clarity on the rules for energy from waste
6. Improve the enforceability of the solid waste regulation
7. Beverage container deposit-refund program

As part of consultation, NSE conducted information sessions with stakeholders across the province including a session on May 30, 2014 hosted at NSCC Waterfront Campus in Dartmouth. Attendees from ESSC included Councillors Watts and Rankin.

At the June 5, 2014 ESSC session a staff information report was tabled and a motion passed to recommend Council correspond with Minister of Environment to seek an extension to the deadline for input.

On June 24, 2014 Council endorsed ESSC recommendation to request an extension to the deadline for input and a letter was sent from the Mayor to Minister of Environment. The Minister of Environment agreed to extend deadline for input to September 30, 2014 for all municipalities.

A special session of ESSC was convened on July 31, 2014, with invitation to all Councillors to attend and provide input. Solid Waste Resource staff facilitated this session and gathered feedback.

DISCUSSION

Attachment B is the draft document of ESSC's feedback compiled for review and consideration. To meet the extended deadline of September 30, 2014, ESSC may wish to forward feedback onto Council for consideration for its next session on September 23, 2014.

FINANCIAL IMPLICATIONS

There are no clearly defined financial implications identified in the proposed regulation review document. Staff and Councillors have requested NSE consider a review of the financial implications of a change to regulations before any changes occur. This is referenced as feedback in the draft Halifax input document for Council consideration onto NSE.

COMMUNITY ENGAGEMENT

NSE has provided opportunity for municipal input up to September 30, 2014.

ENVIRONMENTAL IMPLICATIONS

Environmental implications support diversion opportunities in this report.

ALTERNATIVES

Not applicable.

ATTACHMENTS

Attachment A: Letter from Mayor Savage to NSE Minister Randy Delorey dated June 24, 2014.

Attachment B: ESSC Feedback Draft Document re: NS Regulatory Review.

Attachment C: Letter from NSE Minister Randy Delorey to Mayor Savage dated August 7, 2014.

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Laurie Lewis, Diversion Planning Coordinator, 902-490-7176

Report Approved by: Original Signed

Matt Keliher, A/ Manager, Solid Waste Resources, 902-490-6606

Original signed

Financial Approval by:

Greg Keefe, Director of Finance & ICT/CFO, 902.490.6308

ATTACHMENT A

Attachment A



Mike Savage
Mayor
Le maire
Me'r

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June 24, 2014

Honourable Randy Delorey
Minister of Environment
Department of Environment
1894 Barrington Street, Suite 1800
PO Box 442
Halifax, NS B3J 2P8

Dear Minister Delorey:

At its meeting held on June 24, 2014, Halifax Regional Council passed the following Motion:

1. That Halifax Regional Council request an extension of the deadline for feedback on proposed regulatory (Nova Scotia Solid Waste Management Regulations) changes from July 10 to November 7, 2014;
2. Request that Halifax Regional Municipality be provided the opportunity to review recommended revisions to the regulations prior to advancement to Cabinet.

The Environment and Sustainability Standing Committee (ESSC) meets monthly. As a result of the Council summer break periods, the ESSC Committee would not normally meet in July. In order to develop consensus feedback by the Committee for Council's review and discussion, the following schedule has been developed in conjunction with Committee and Council schedules to provide feedback to your department by November 7, 2014:

- July 24: ESSC special working group committee session to assess implications of proposed regulatory changes;
- Aug 5- Sept 9: Council breaks - no meetings;
- Sept 11: ESSC meets to review feedback developed from the working group session on the package from July 24 session - issues and options;
- Oct 9: ESSC meets to review and approve staff report for furtherance to Regional Council;
- Oct 28: Council meets to debate ESSC report and approve recommendations for input on regulatory change proposals;
- Nov 7: Council feedback to Minister of Environment.

ATTACHMENT A

June 24, 2014
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Council wishes to give the fullness of attention and time to review these matters, in particular where regulatory changes impact municipal costs. Halifax has assessed that to meet established Provincial targets will take approximately 5 years and increase municipal waste management operating costs by an additional \$2 million per year, excluding new capital infrastructure requirements. There are also significant financial implications to regulatory changes transferring responsibilities to the Municipality which need to be fully evaluated. Halifax Council requires until November 7, 2014 to provide input.

Kindest regards,

Original signed


Mayor, Halifax Regional Municipality

cc. Members of Halifax Regional Council

ATTACHMENT B

ATTACHMENT B

Regulation Review Focus Area	Sub Category	Specific Objectives
1. Product Stewardship	1) Funding Models	<ul style="list-style-type: none"> i) Fees and levies must support full cost of the product regardless of the stream. ii) Funding and levies must cover the handling costs not just the processing costs of material. iii) Distribution of funding must recognize Halifax's capital investments. iv) Funding should be delivered directly to municipalities to support collection, processing, administration and education.
	2) Municipal Service Model - Role in Collection and Processing	<ul style="list-style-type: none"> i) Materials easily included in the recycling stream should be dealt with in the existing system with the provision that integration into existing models needs to be negotiated in terms of operational, processing and collection cost implications. ii) A recognition that existing municipal service models exist for the capture and processing of stewarded waste products which can be used.
	3) Residential Accessibility to Recycling/Diversion Programs	<ul style="list-style-type: none"> i) Endorse that curbside programs are the preferred option for collections due to increased accessibility and the higher potential for diversion
	4) Life Cycle Management and Design for Environment	<ul style="list-style-type: none"> i) Waste prevention hierarchy must be a priority principal/standard for the approval of stewardship plans. ii) Stewardship plans should call for incentives for product and packaging manufacturers to focus on waste prevention, re-use and waste minimization. iii) Manufacturers need to focus on waste reduction and re-design to support a zero waste philosophy. iv) Reduction/re-use needs to be a higher priority rather than creating financial mechanisms for consumers to pay for consumption. v) Provincial regulations should guide industry stewardship plans to include design for environment targets
	5) Product List and Priority Ranking	<ul style="list-style-type: none"> i) First priority items must be for materials considered a hazardous/special waste already captured in the special handling waste category, currently regulated and are already identified to pose handling and risk issues at waste handling facilities. ii) First priority items must be for materials where well-established recovery programs exist in other jurisdictions.

ATTACHMENT B

Regulation Review Focus Area	Sub Category	Specific Objectives
	5) Product List and Priority Ranking	<p>iii) All products on the material list for EPR should include validation of material recovery and recycling markets including downstream monitoring oversight of processing and materials end marketing.</p> <p>iv) All materials on the material list should include the role of manufacturers to reduce waste at source in the re-design products and packaging</p>
2 Material Bans		<p>i) Recognition that banning materials has a fiscal impact upon municipalities and costs need to be clearly defined up front</p> <p>ii) Request a full cost benefit analysis and assessment of material ban legislation on municipalities.</p> <p>iii) Municipal processing and diversion program costs should be built into requirements of all stewardship plans.</p> <p>iv) Provide other policy tools that can be effective to execute authority over mis-managed and mis-directed materials that arrive at the landfill.</p> <p>v) Ensure enough lead time and funding is available to provide infrastructure prior to implementation of material bans.</p> <p>vi) Request that there be no barriers for residential program participation for banned material.</p> <p>vii) Access options need to be identified to include a provision for curbside collection and return to retail in stewardship plans</p> <p>viii) Bans currently in place must apply to all residents and businesses.</p> <p>ix) It is believed that the province should encourage opportunities to engage local entrepreneurs for made in Nova Scotia solutions as a component of industry stewardship plans for material management programs where possible.</p>
3 Used tire Management Program		<p>i) Impact analysis for farm equipment users should be made available.</p> <p>ii) Options for recovering and recycling large tractor tires should be made available.</p> <p>iii) Halifax supports expanding definition of off road tires to include racing car tires, bicycle and other off road tires for recycling.</p> <p>iv) Return to retail should continue to be the option as it exists in the current tire recycling program</p>
4. 300 Kg Goal & Regional Plans		<p>i) A review and validation of the 300 kg per capita goals is needed to make it clear the diversion equivalent value both for ICI and residential sector diversion.</p> <p>ii) Ensure there is a level playing field as part of the funding model tool to reach 300 kg target.</p> <p>iii) Funding should be provided to support capital investments in both compost and recycling plant infrastructure required to meet provincial objectives/goals.</p>

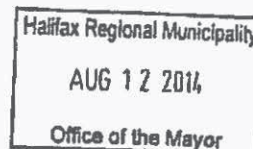
ATTACHMENT B

Regulation Review Focus Area	Sub Category	Specific Objectives
5. Regulation Clarity on Energy from Waste		<ul style="list-style-type: none"> i) A study of the cost/benefits and analysis of alternative technologies should be carried out to fully outline the implications on existing source separation programs and municipal program costs. ii) Waste reduction should be a priority. Energy from waste should only be considered after all other options in the waste management hierarchy are first explored. iii) Greater clarity needs to be provided as to how diversion and disposal rates will be impacted where energy from waste technology may be employed as a waste management option. iv) Halifax supports and encourages the province in exploring all value added opportunities where waste is considered a resource and recognized as diversion.
6. Improvements to Enforcement of Solid Waste Regulations		<ul style="list-style-type: none"> i) A financial review is needed to identify cost implications where enforcement activities are transitioned from provincial to municipal forces. ii) Funding is needed to develop and implement litter abatement programs delivered by the municipality.
7. Beverage Container Deposit Program Efficiency		<ul style="list-style-type: none"> i) Halifax believes there is merit to further exploring other options and opportunities to recycling beverage containers. ii) Prior to making any changes to the existing beverage container model, the province needs to consider program costs and benefits from integration into the municipal curbside program model. iii) Halifax supports a reduction in the consumer fee - deposit - where other options for recovery and recycling already exist in the municipal curbside collection model.
8. Education		<ul style="list-style-type: none"> i) Halifax believes that education is a fundamental component to waste management program delivery. ii) Funding and resources need to be sustained for the municipal delivery of waste education on the ground, in schools, the business, residential and apartment sectors.

ATTACHMENT C



PO Box 442, Halifax, Nova Scotia, Canada B3J 2P8 • www.gov.ns.ca/se



12700-21 MIN

our file number

AUG 07 2014

His Worship Mike Savage
Mayor, Halifax Regional Municipality
1841 Argyle Street
PO Box 1749
Halifax NS B3J 3A5

Dear Mr. Mayor:

Thank you for your letter of June 24, 2014, regarding the submission deadline for comments to Nova Scotia Environment's (NSE) public consultation on the provincial solid waste regulations.

Consultation on the proposed changes to the solid waste-resource management regulations began May 13, 2014. Upon request by the Halifax Regional Municipality and other municipalities, the submission deadline has been extended until September 30, 2014, thereby giving municipalities a total of four and a half months to provide feedback.

NSE appreciates the timelines you outlined in your letter. We have been in consultation with your staff and understand that they are working towards submitting by the September 30 deadline.

I would like to take this opportunity to note that the proposed regulatory changes include significant potential funding and savings of \$14 to \$20 million or more per year to Nova Scotia's municipalities. Implementation of Extended Producer Responsibility (EPR) would shift waste management costs from municipal tax payers to those who generate waste.

We look forward to receiving your views on our proposals.

Sincerely,
Original signed

Randy Delorey, MLA
Minister of Environment