

ENVIRONMENT AND SUSTAINABILITY STANDING COMMITTEE

SPECIAL MEETING

MINUTES

June 24, 2013

PRESENT: Councillor Barry Dalrymple, Chair
Councillor Jennifer Watts, Vice Chair
Deputy Mayor Reg Rankin
Councillor Lorelei Nicoll
Councillor Darren Fisher
Councillor Bill Karsten
Councillor Steve Craig

ALSO PRESENT: Councillor Gloria McCluskey
Councillor Linda Mosher
Councillor Matt Whitman
Councillor David Hendsbee

STAFF: Mr. Mike Labrecque, Deputy Chief Administrative Officer
Mr. Joshua Judah, Solicitor
Mr. Gord Helm, Manager, Solid Waste Resources
Ms. Laurie Lewis, Diversion Planning Coordinator
Mr. Ted Aubut, Legislative Assistant

TABLE OF CONTENTS

1.	CALL TO ORDER.....	3
2.	SOLID WASTE-RESOURCE MANAGEMENT REGULATION REVIEW (NS)	3
2.1	Staff Presentation	3
i.	Product Stewardship	3
ii.	Disposal Bans	5
iii.	Beverage Container Deposit Refund Program	5
iv.	Used Tire Management Program	6
v.	Regional Solid Waste Management Plans	7
vi.	Regulatory Clarity on Energy from Waste	7
vii.	Improved Enforceability of Solid Waste Regulation.....	7
2.2	Nova Scotia Environment Presentation	7
i.	Product Stewardship	8
ii.	Disposal Bans	9
iii.	Beverage Container Deposit Refund Program	10
iv.	Used Tire Management Program	11
v.	Regional Solid Waste Management Plans	11
vi.	Regulatory Clarity on Energy from Waste	11
vii.	Improved Enforceability of the Solid Waste Regulation.....	12
3.	ADJOURNMENT	12

1. CALL TO ORDER

The Chair called the special meeting to order at 12:24 p.m. in Halifax Hall at 1841 Argyle Street, Halifax.

2. SOLID WASTE-RESOURCE MANAGEMENT REGULATION REVIEW (NS)

2.1 Staff Presentation

A briefing note dated June 24, 2013 was before the Standing Committee.

Mr. Gord Helm, Manager of Solid Waste Resources explained that Nova Scotia Environment (NSE) is exploring changes to the Solid Waste-Resource Management Regulation. The parameters of the review process were set in January 2013. Since that time, HRM has been liaising with the Province by way of the Regional Chairs. NSE, based on feedback collected from industry stakeholders over the winter of 2013, released an updated discussion paper in May. Mr. Helm noted that the goal of his presentation is to highlight the seven areas under review and the implications, both financial and operational, for HRM.

i. Product Stewardship

Mr. Helm explained that the Province would like to expand Extended Producer Responsibility (EPR) programming to ensure that brand owners are accountable for their products through the entire lifecycle, including at end of life. Currently in Nova Scotia, EPR applies to a handful of products, like electronics, paint and tires. He noted that EPR programs are evolving across Canada, citing British Columbia and Manitoba as examples.

Councillor Nicoll arrived at 12:28 pm.

Mr. Helm reminded the Standing Committee that 90% of HRM's waste is collected at the curb. HRM also deals with materials that residents don't voluntarily take to special handling depots.

Mr. Helm noted that EPR is about making producers responsible for end of life management of their products. There are many ways of doing this, including having industry associations charge their members to manage materials at end of life. Whatever the model, EPR will be successful only if funding is delivered to the parties that manage the materials.

To this, Mr. Helm added that producers ought to be encouraged to switch to more environmentally-friendly materials. He noted, for instance, that many forms of plastic packaging are recyclable while styrofoam is not.

The Chair opened the floor to members of the Standing Committee.

Councillor Watts noted that while an integrated collection system is advantageous to the consumer, it presents a number of challenges to waste operators because some materials, like batteries and light bulbs must be source separated. She wished to know if HRM should have separate depots for these types of materials.

Mr. Helm agreed that some materials can be safely discarded into the blue bin for curbside pick-up while others, like mercury light bulbs, cannot. Part of the solution would be for producers to switch to materials more conducive to the recycling systems in place.

Councillor Nicoll noted that styrofoam is not conducive to HRM's recycling system but is used by producers because it's the least expensive option for take-out boxes and packaging.

Mr. Helm Gord replied that if environmental stewardship is put at the core of decision-making, then producers will find that styrofoam is in fact expensive because of its lifecycle costs.

Councillor McCluskey noted that the annual household hazardous waste drop-off depot took place on June 22, 2013 and was so successful that there was a line-up into the Mic Mac Mall parking lot.

Councillor Craig wished to know how HRM managed spent batteries.

Mr. Helm noted that Call 2 Recycle manages a used battery and cellphone collection program. They have a number of drop-off locations in Halifax and Dartmouth.

Councillor Karsten expressed support for strengthening EPR and looked forward to hearing from the Province about how they intended to do this.

Councillor Mosher noted that Nova Scotians have access to products from all over the world. She was concerned that if the Province's regulations are not in sync with those of other North American jurisdictions, then Nova Scotians may benefit from fewer product options.

Mr. Helm replied that this concern has been raised by producers. Canada's provinces and municipalities do not have a uniform policy in this regard.

Councillor Mosher indicated that part of the solution would be to raise awareness among residents about products that are conducive to HRM's waste system.

ii. Disposal Bans

Mr. Helm indicated that the Province is interested in issuing disposal bans on certain construction and demolition materials. While staff is supportive of adding materials to the disposal list, it is seeking clarification with respect to drywall and wallboard. Currently, HRM uses these materials as landfill cover at Otter Lake. To this, Mr. Helm added that processing sites should not, alone, be responsible for source separation. The onus should also fall on the construction and demolition stakeholders at the point of origin.

Councillor Watts wished to know how the construction industry would respond to such a change.

Mr. Helm noted that source separation adds costs at all levels, including to developers because they would need to plan and manage their materials such that they can be readily recycled. Like developers, haulers also have a role to play because the best way to manage materials before they are unusable is at hauling sites. Building source separation into their licensing agreements is one way to foster accountability.

Deputy Mayor Rankin noted that there needs to be more research on gyp rock as landfill cover, especially whether it is a good way to control odour.

iii. Beverage Container Deposit Refund Program

Mr. Helm reminded Councillors that HRM, following deliberations at the Standing Committee and Council, submitted a letter to the Province on this matter a few months ago. In it, HRM encouraged NSE to explore a number of options while taking into account that:

- The Resource Recovery Fund Board (RRFB) model is unsustainable past 2016
- The current program is a duplication of municipal curbside collection services
- Changes proposed by NSE will result in decreased funding transfers to municipalities

Mr. Helm noted that NSE is proposing that the beverage containers deposit fluctuate based on the recyclability and marketability of the material. Currently, the fee is fixed at 10 cents irrespective of recycling costs. He also confirmed that NSE will be reducing by 42% diversion credits in support of HRM's waste management system. This amounts to a loss of approximately \$1 million in revenue.

The Chair expressed concern over the loss of revenue.

Councillor Watts acknowledged that the RRFB-run deposit program served an important purpose and employs a number of people. However, it no longer reflects the times and, as noted in the Hogg Report, it is unsustainable past 2016. She wished to know if the 42% reduction in diversion credits represented the first in a series of cuts. She also

hoped that the lessons learned at the RRFB would be applied to the EPR program proposed by NSE.

Mr. Helm was of the opinion that the RRFB model is unsustainable unless revenues are increased or the system is significantly changed. He noted that HRM is working to educate Nova Scotia's regions about the cost implications of the fluctuating deposit program proposed by NSE.

Councillor Mosher believed the deposit program was implemented for the right reasons but has outlived its usefulness. She noted that bottle scavengers are a problem in her district, tying up valuable police time.

Councillor Karsten noted that he had been very proud to serve on the RRFB. It has offered an important service but its model is not sustainable. He believed the time was right to explore alternatives.

Deputy Mayor Rankin expressed disappointment that the federal government has not taken steps to coordinate a consistent EPR program across Canada. He hoped Nova Scotia's Minister of the Environment would raise this matter with his federal counterpart. As for the RRFB, he believed it competed with municipal curbside collection programs, the result being that both systems are underutilized. He recognized that jobs would be lost if the RRFB program was eliminated. However, he believed that propping up inefficient infrastructure was a mistake.

Councillor Nicoll noted that the Province and HRM ought to develop an awareness program so residents better understand who is responsible for what.

Councillor Watts noted that the letter HRM submitted to the Province was designed to open a dialogue about the future of the RRFB. She was disappointed by the Province's resistance to explore a variety of change scenarios.

The Chair welcomed a group of students who were touring City Hall.

iv. Used Tire Management Program

Mr. Helm noted that the Province plans to broaden the used tire program so that it includes off-road tires. He welcomed this change, but wondered how it would be rolled out.

Councillor Mosher expressed support for this initiative but noted that incidences of spontaneous combustion at tire storage facilities should be studied. Moreover, instead of transporting used tires out of province, she wondered if they could be used for sidewalks. Research in this area has found that rubber sidewalks are safer for people and trees.

v. Regional Solid Waste Management Plans

Mr. Helm noted that the Province wants each region to meet the waste disposal goal of 300 kg per person by 2015. He felt that devolving this goal to the regional level would put HRM at a disadvantage because its economy is significantly different from that of other regions.

Deputy Mayor Rankin agreed that HRM's economy is very different from that of its neighbours, adding that the municipality is home to 60% of the province's institutional, commercial and industrial sector. This means that HRM produces more garbage than the average Nova Scotian municipality through no fault of its own. He believed that goals should be expressed in terms of diversion rather than by weight per person, and be province-wide instead of region-oriented.

vi. Regulatory Clarity on Energy from Waste

Mr. Helm noted that the Provinces wishes to clarify:

- What qualifies as an incinerator and how jurisdictions can introduce energy from waste into their waste systems; and
- What amount of mixed material processed by an incinerator would count as diversion

While these points of clarification would be helpful, he indicated that diversion through recycling and composting programs should remain priorities.

The Chair noted that many companies have presented waste to energy technologies to the Standing Committees. He wondered if the Province had also met with them.

Mr. Helm indicated that in most cases, the companies approached both levels of government.

vii. Improved Enforceability of Solid Waste Regulation

Finally, Mr. Helm explained that the Province is looking at enforceability issues, and what role the Province and municipalities should play in this regard.

Councillor McCluskey indicated she regularly receives complaints about flyer litter. She believed distributors should be required to pick up after themselves.

2.2 Nova Scotia Environment Presentation

A discussion paper dated May 2013 was before the Standing Committee.

Ms. Virginia Olsen, Policy Analyst with the Solid Waste Unit of Nova Scotia Environment thanked the Standing Committee for the opportunity to present. With her were:

- Mr. Bob Kenney, Recycling Development Officer

- Ms. Nicole Warren, Solid Waste Resource Coordinator
- Ms. Daisy Weeren, Environmental Analyst

She explained that her team has met with 11 stakeholders in the last few weeks to gather input on the Solid Waste-Resource Management Regulation Review. All participating stakeholders, including HRM, are invited to submit written correspondence by June 26, 2013. Feedback received will be incorporated into a report to the Deputy Minister of the Environment.

Mr. Helm clarified that HRM would not be in a position to submit written comment by June 26, 2013. Instead, he asked NSE to take into account the comments raised today. HRM plans to submit formal comments later in the process.

Councillor Watts wished to know what would come after the report to the Deputy Minister.

Ms. Olsen replied that there are a number of scenarios, including the release of a discussion paper and the launch of a public consultation process.

Ms. Olsen outlined the process to date, noting that consultations were launched as early as 2008 to find out which aspects of the regulation are working, and which need improvement. Once feedback was collected, departmental staff conducted an analysis, which led to the proposed regulation amendments before the Committee. She then presented the seven proposed amendments, asking for input on each.

i. Product Stewardship

Mr. Olsen indicated the Extended Producer Responsibility (EPR) is about shifting responsibility from the tax base to producers. In doing so, producers would contribute to recycling costs currently absorbed by municipalities. She cited, as an example, the case of Ontario where 50% of blue box costs are borne by producers.

She noted that NSE studied EPR best practices and is proposing a framework regulation that would cover many different categories. Definitions would largely align with the Canada-wide Action Plan as endorsed by the Canadian Council of Ministers of the Environment.

Councillor Fisher agreed that EPR passes the cost to producers, but they, in turn, pass it to consumers.

Ms. Olsen replied that EPR is based on the polluter pays principle. A local or foreign producer who sells a product in Nova Scotia is responsible for the end of life management of that product.

Councillor Watts wished to know how the EPR model fits with existing curb collection services.

Ms. Olsen replied that some products may have to go to a special depot, but many would not: producers could contract HRM to pick up materials at curbside. Producers would be obliged to submit an EPR plan to the Province which would provide detailed information about how it intended to collect, manage and pay for end of life materials.

Councillor Watts asked that municipalities play an active role in this process. She did not want EPR to be founded on an exclusive relationship between the Province and producers. The framework ought to recognize the important role played by municipalities, including its role in transporting materials from the curb to designated facilities.

Ms. Olsen indicated that industry will be required to show how they will utilize existing infrastructure, including municipal infrastructure.

Deputy Mayor Rankin wondered if a national EPR program would be more effective in curbing the behaviour of national and multi-national firms.

Councillor Watts noted that EPR is written into Nova Scotia's *Environment Act*.

Ms. Olsen noted that the goal of EPR is to shift the financial liability of recycling from municipalities to producers. She believed this would encourage producers to switch to environmentally-friendly packaging.

Councillor Watts indicated that the existing curbside collection system is a priority. She asked that this be clear in the EPR framework.

Councillor Karsten asked NSE to comment on the logistics of the EPR model.

Mr. Bob Kenney, Recycling Development Officer, noted that EPR can be complex which is why brand owners often team up on end of life management programs. He then clarified that in many jurisdictions, EPR applies to producers above a certain threshold. Small producers are not part of the system.

Mr. Helm added that EPR is about knowing how much is produced and how much is sold. Once this information is captured, then system becomes less complicated and cumbersome.

Ms. Olsen indicated that, in many respects, Nova Scotia is at an advantage because it can learn from mistakes made in other jurisdictions.

ii. Disposal Bans

Ms. Olsen indicated that NSE is proposing to add materials to the disposal ban list, including asphalt shingles and construction and demolition materials. It also intends to strengthen disposal ban compliance.

Councillor Hendsbee observed that drywall is one of the materials NSE intends to add to the list. He doubted that drywall debris from home renovation projects would be dropped off at a depot. Instead, it would like be dumped illegally.

Mr. Kenney replied that one possible solution would be to have more drop-off sites across Nova Scotia.

Councillor Mosher was of the opinion that construction and demolition depots worked well. She asked for clarification on the proposed wood products ban.

Ms. Olsen replied that the ban on wood free of additives, coatings and glue is designed to divert lumber from the landfill.

iii. Beverage Container Deposit Refund Program

Ms. Olsen indicated that under the current program, a fixed fee is set for all beverage containers. This has proved problematic because the cost of recycling varies by material. For instance, the cost of recycling an aluminum can is not the same as recycling a glass container. Given this, NSE is proposing a floating fee that takes into account these variances.

Mr. Kenney added that the proposal does not apply to the refillable bottle program.

Deputy Mayor Rankin described this as a Band-Aid solution which does not address the core problem: the inefficiencies of the RRFB.

Councillor Karsten did not think this was a sustainable model. The province was simply prolonging the inevitable death of the RRFB.

Councillor Hendsbee wished to know if the deposit program was in conflict with EPR.

Ms. Olsen replied that EPR would not affect current recycling programs.

Councillor Mosher did not believe a fluctuating fee structure solved the core problem. She described the proposal as a step backwards.

Mr. Kenney noted that the deposit refund program is a stewardship model that originated as a result of litter complaints.

Councillor Watts reminded members that in the letter submitted to the Province on this matter, HRM had asked the Minister to explore options to change, rather than modify the RRFB. She did not feel that the proposal before them did that.

Ms. Nicole Warren disagreed, noting that the proposal is a viable way to boost RRFB's revenue.

Deputy Mayor Rankin explained that the core problem is service duplication. The RRFB has many mandates and should focus on those that do not compete with services already offered by municipalities.

Ms. Warren noted that recovery rates are high because of the RRFB deposit refund program.

Councillor Karsten wished to know how much revenue would be generated from the fluctuating fee.

Ms. Warren indicated that the information is not publicly available at this time.

Councillor Karsten described the increased fee as a direct hit on the consumer without any value added.

iv. Used Tire Management Program

Ms. Olsen indicated that NSE is proposing to include off-road tires to the used tire management program.

Councillor Hendsbee recommended that all tires be added to the program.

Councillors Mosher and McCluskey left the meeting at 2:20 pm.

Ms. Warren indicated that including all tires in the program would come at a cost.

v. Regional Solid Waste Management Plans

Ms. Olsen indicated that many of the proposed changes in this section are housekeeping matters to better reflect what is happening in the province.

Deputy Mayor Rankin asked that the specificity of HRM be taken into account in the regulation. He did not want HRM to be penalized by regional goal-setting.

Councillor Watts indicated that the 300 kg per person is a provincial goal; it is not a regional goal.

vi. Regulatory Clarity on Energy from Waste

Ms. Olsen explained that the goal, here, is to clarify what is meant by incinerator and incineration. NSE wants to be clear that thermal treatment is incineration and therefore not allowed. Moreover, it is proposing that mixed solid waste count as diversion only if other existing options have been exhausted.

Deputy Mayor Rankin noted that he is not an advocate of incineration. However, he did not want the regulation to limit stakeholders from using emerging technologies that can capture energy from waste.

Councillor Karsten left the meeting at 2:28 pm.

Mr. Kenney replied that energy output is considered diversion and therefore will be awarded diversion credits. The value of credits depends on efficiency outcomes.

Councillor Hendsbee wished to know if the province would consider allowing the incineration of small amounts of scrap tires.

Mr. Kenney replied that there is currently no legislation banning the incineration of scrap tires. This means that a company, like Lafarge, can apply at any time for a permit to do so.

Councillor Nicoll asked for clarity on the incineration policy. It was her understanding that incineration was not allowed.

Mr. Kenney explained that incinerators are allowed so long as they undergo an environmental assessment.

vii. Improved Enforceability of the Solid Waste Regulation

Ms. Olsen indicated that the proposed amendments would make the property owner responsible for open burning, illegal dumping and littering on their property. The remaining amendments are housekeeping matters.

Councillor Hendsbee wished to know what would happen if the property owner was not responsible - if, say, a trespasser committed the offence. In this scenario, he wished to know who would be prosecuted.

Mr. Helm, speaking to the litter issue, noted that the person who creates the flyer should be responsible for its litter, rather than the homeowner.

Councillor Watts asked that NSE place greater emphasis on resource recovery for construction and demolition materials.

The Chair thanked NSE for their presentation.

3. ADJOURNMENT

The meeting adjourned at 2:38 pm.

Ted Aubut
Legislative Assistant