

City of Kingston Comments, Considerations and Recommendations on the Waste-Free Ontario Act

1. The City of Kingston supports a long-term provincial vision of a circular economy with zero waste and zero greenhouse gas emissions from the waste sector and where all resources, organic and non-organic, are used and reused productively, maximizing their potential and reintegrating recovered materials back into the economy.
2. The City of Kingston supports a sustainable resource recovery and waste management system that wisely balances environmental responsibilities, financial requirements and is socially acceptable.
3. The City of Kingston supports the legislative intent to move towards producers fully funding the end-of-life costs associated with managing products and packaging rather than relying on the municipal tax base to fund these costs.
4. The City of Kingston supports the increasing role for producer responsibility for the products and packages producers' create. This role includes financial, social and environmental responsibility.
5. The City of Kingston acknowledges that with increasing producer responsibility, producers must be provided a much greater say in how its products and packages are managed. In many cases, the producers are best positioned for the lead role and need to demonstrate the leadership with few constraints.
6. Notwithstanding the statement above, the City of Kingston strongly encourages that the province clarify the role of municipalities with regards to the Resource Recovery and Circular Economy Act, 2015 (RRCEA) and the draft Strategy. The draft Strategy largely ignores the integrated nature of waste (curbside collection of Blue Box materials are integrated with collection schedules for garbage, Green Bin and yard materials); municipal presence and responsibility at the curb and other public properties; existing municipal promotion and awareness; complaint resolution mechanisms; and a successful track record by municipalities in recycling operations, management and logistics dating back over 30 years in Ontario.
7. The City of Kingston recommends that the province review the proposed RRCEA and determine where a legislative role for municipalities should be specifically listed which harnesses the benefits of the current powers assigned to municipalities through the Municipal Act and other legislation, the benefits of local government accountability and transparency to taxpayers and consumers, and the increased legislative requirements proposed for producers. This action would ensure that municipalities continue to operate in a consistent manner and continue to provide a collaborative leadership role in environmental and financial sustainability for all Ontarians and businesses.

8. The City of Kingston strongly encourages that the province make available additional background details, environmental impact (benefit) data and financial data to support the changes contemplated in the draft Strategy. The draft Strategy is light on details that support and provide evidence that these changes will have the intended outcomes at an affordable price for consumers, taxpayers and businesses. The draft Strategy should contain more financial and other impact details to support major changes in direction. Data of this nature is essential to decision-makers and those being impacted. Part of the analysis would be a clear indication of the current waste diversion system costs and the environmental impact (benefit).
9. The City of Kingston strongly encourages the province to provide additional emphasis on how waste diversion will be achieved in the IC&I sector. The province has not addressed what is clearly a major issue; the IC&I sector sends over 80% of its materials to disposal facilities.
10. The City of Kingston recommends that the draft Strategy include information and discussion on the diversion of construction and demolition (C&D) waste materials as designated materials as they represent a significant portion of the waste generated in Ontario.
11. The City of Kingston supports the Waste Diversion Transition Act, 2015 (WDTA) as it reflects both the challenges and opportunities that lie ahead for all parties.
12. The City of Kingston recommends that during the transition period timely reviews and pauses occur to identify and assess the impacts or potential impacts. This could result in a shorter or a longer transition period for designated materials. Fundamental in the transition phase should be the understanding that a new balance of responsibilities and actions could occur that represent an ideal outcome for the province, consumers, taxpayers, businesses, municipalities and the environment. The transition period must be used to gather further evidence and details to ensure that regulations are in the best interest of all parties as successful waste diversion programs have numerous participants.
13. The City of Kingston recommends that the Association of Municipalities of Ontario (AMO), representing over 444 municipalities and the Regional Public Works Commissioners of Ontario (RPWCO) and the Municipal Waste Association (MWA) participate directly in a working group with the province to ensure that the province has timely access to waste diversion information and operational experience.
14. The City of Kingston supports the work being done by AMO to represent the best interest of municipalities and all their taxpayers (e.g., citizens, businesses) and recommends that AMO, supported by municipal staff, have a provincially directed or legislated role with the province and the proposed Authority in upcoming discussions, assessments, program design and implementation.
15. The City of Kingston acknowledges that the success of the proposed RRCEA and the WDTA will depend on the regulations to support them and how these regulations are implemented.

These regulations will need to set rigorous service levels to provide accessibility and convenience for residents to divert designated materials and recycling targets. The province needs to ensure municipalities are fully engaged in this consultation. Currently it is difficult for municipalities to provide more detailed comments as the proposed legislation and draft Strategy are very high level.

16. The City of Kingston notes that RRCEA, WDTA and the draft Strategy have numerous positive aspects. It is imperative that further discussion examine the costs and benefits of key actions. Consequences and unintended consequences must be better understood. At the same time, this must not be used as an excuse for not moving to more sustainable, cost effective and environmentally sound approaches of waste diversion and waste management.
17. The City of Kingston notes that municipalities across Ontario have demonstrated their commitment to waste diversion with impressive waste diversion rates. This has been achieved from a tremendous amount of work with our citizens, contractors, the province and producers. This operational know how and proven experience must be tapped into by the province for both the future residential diversion system and advancing the low diversion rate of 12 per cent in the IC&I sector.
18. The City of Kingston supports the development of an Organics Action Plan. However, the province must ensure that the Organics Action Plan doesn't impact (i.e., designating materials that are not compatible with existing processing systems) existing programs that have been successfully, voluntarily operating for many years.
19. The City of Kingston recommends early in the transition period, the province produce peer reviewed assessments of extended producer responsibility programs (EPR) in other jurisdictions from an operational perspective. The peer review must include programs that have performed well, lessons learned, as well as programs that have not attained the outcomes that the province is hoping to achieve.
20. The City of Kingston recommends that the province increase its activities and investment in waste diversion and waste management research and pilot projects. The actions required to make the draft Strategy a reality require more programs, facilities and technologies, some of which are not proven on the scale being contemplated.
21. The City of Kingston recommends that the province take an independent look at waste conversion technologies (e.g., gasification, pyrolysis, gas phase reduction, other mechanical-biological treatment, etc.) to determine where advanced technologies have a place in greenhouse gas reduction and waste diversion. These technologies do not 'burn' materials and must not be classified with incineration.
22. The City of Kingston recommends that the province consider all energy extraction / recycling methods being treated equally, and the beneficial use of energy-from-waste residuals (ash and metal) should be encouraged for use in production processes to replace elements in new products and that the definition of diversion include all energy recovery solutions.

23. The City of Kingston recommends that the province use the Blue Box Cost Arbitration decision for 2014 as the basis for 2015 payments and the starting point for the discussion as part of the WDTA. Based on all the resource time, financial payments and legal participation, the Arbitrator's decision was a very accountable and transparent process. It is imperative that this rigorous analysis of Blue Box recycling costs be used again rather than spending time and resources for another arbitration.
24. The City of Kingston recommends that the province establish in the WDTA specific percentages for Blue Box payments directly to municipalities. For example, 2016 (50% payment of actual total net recycling costs) with subsequent years including defined percentages. During this period municipalities and their contractors would continue to use and implement best practices for recycling.
25. The City of Kingston recommends that the province establish a financial policy that addresses the residual value of unused (redundant or stranded) municipal waste diversion infrastructure that may not be utilized in the future by responsible producers, but that was originally built/purchased to ensure municipalities met the requirements of regulations imposed by the province.
26. The City of Kingston recommends the province require that producer responsibility be extended to designated materials that are not diverted or reduced, to include the designated products and packaging that are landfilled, become litter, or end up in the organics stream (e.g. green bin program) and that municipalities be compensated for these services. Furthermore, the province establish a mechanism or methodology (i.e., waste audits) that the producers must follow to determine the weight and percentage of designated materials that end up in streams that are continued to be managed by municipalities to ensure that they remain responsible for their products and packaging.
27. The City of Kingston recommends that the province establish a financial policy that directs a portion of the fines imposed on producers for missing targets to municipalities as the impact of missing a target will impact local waste management programs. Currently municipalities are not entitled to unredeemed deposits on alcohol beverage containers that end up in the recycling system.
28. The City of Kingston recommends that the province ensures that Ontario's Cap & Trade Program links directly to waste diversion and resource recovery efforts by recognizing and encouraging activities in the waste management sector that drive emission reductions.
29. The City of Kingston recommends the early development of provincial policy statements to promote markets for secondary raw materials in Ontario, including compost and digestate. Expanded and new end markets for recovered materials are essential and little attention has been paid to date. In fact, many end markets have been actively discouraged due to restrictive 'waste' definitions in O. Regulation 347.



City of Kingston, 216 Ontario St., Kingston ON K7L 2Z3

Kingston Area Grocers and Butcher Retailers

Subject: Removal of Coloured Styrofoam from the City of Kingston's recycling program

Date: **TBD**

Dear Local Grocer or Butcher Retailer,

On April 12, 2016 City staff from the Solid Waste Division informed City Council that coloured Styrofoam will no longer be accepted in the City's recycling program, specifically the blue box stream. Furthermore, City Council has endorsed this letter.

At this time the City is unable to find a buyer/market for coloured Styrofoam. The majority, if not all of the coloured Styrofoam consists of coloured meat trays. Although the coloured meat trays represent a very minor portion (by weight) of the recyclables that the City collects this change will result in these items going to landfill.

The City will be communicating this change to the public through various media outlets. Residents will be asked to place coloured meat trays, and any other coloured Styrofoam in the garbage.

White meat trays and other Styrofoam packaging will continue to be accepted in the curbside blue box program.

The Solid Waste Division staff are under the impression that coloured meat trays are used for esthetics only, and don't add any value to the quality of the product. As such, the City is asking that local grocers and butcher retailers consider only using white meat trays to package meat products. The avoidance of coloured meat trays by your store will provide consumers with the option to recycle the packaging and ensure that it stays out of landfill.

Please consider removing coloured meat trays from your operation, where possible to prevent waste to landfill.

If you have any questions or comments, please don't hesitate to contact the undersigned.

Heather Roberts, C.E.T
Manager, Solid Waste Operations
City of Kingston
613-546-4291 ext. 2701
hroberts@cityofkingston.ca

BY- LAW NO. 2016-XXX

A BY-LAW TO AMEND BY-LAW NO. 2010-205 “A BY-LAW TO DEFINE THE MANDATE AND MEETING PROCEDURES FOR COMMITTEES ESTABLISHED BY THE CORPORATION OF THE CITY OF KINGSTON” (To Describe the Terms of Reference of Working Groups of the Kingston Environmental Advisory Forum)

PASSED: XXXXXX

The Council of The Corporation of the City of Kingston hereby enacts as follows:

1. By-Law No. 2010-205 of The Corporation of the City of Kingston entitled, “A By-Law To Define The Mandate And Meeting Procedures For Committees Established By The Corporation Of The City Of Kingston”, as amended, is hereby further amended as follows:
 - 1.1. The Section entitled “Working Groups” is deleted in its entirety and replaced with the following:

Working Groups:

Council may authorize creation of temporary working groups on certain specific subject matters related to duties as approved by Council in association with other municipal committees, other organizations and members of the public. Working group authorizations shall be reviewed annually.

The following four working groups were identified as necessary at the time of this mandate:

1. Climate change and energy use. This working group shall undertake work on behalf of KEAF on matters related to climate change planning and energy use regarding the following:
 - Assessment of planned and in-progress initiatives in Kingston;
 - Maintaining awareness of emerging Federal and Provincial legislation and policy;
 - Maintaining awareness of progress by other communities in managing climate and energy issues, especially with respect to the Carbon Neutral Cities initiative;
 - Advancing the assessment of carbon pricing and potentials for integration into municipal and community decision making and procurement; and

- Consideration of climate change and energy within municipal land use planning instruments such the Official plan, Transportation Master Plan, Zoning By laws, etc.
2. Solid waste reduction. This working group shall undertake work on behalf of KEAF on matters related to solid waste reduction regarding the following:
- Assessment of planned and in-progress initiatives in Kingston;
 - Maintain awareness of emerging Federal and Provincial legislation and policy;
 - Maintain awareness of alternative waste diversion opportunities and other municipalities' best practices;
 - Advise on opportunities for promotion of waste diversion targets and opportunities for integrating best practices locally; and
 - Maintain awareness of City and Council priorities and goals with respect to waste management and be ready to advise on the development of the City's long term waste management plans.
3. Conservation of habitat, natural resources and biodiversity. This working group shall undertake work on behalf of KEAF on matters related to habitat, natural resources and biodiversity regarding the following:
- Assessment of planned and in-progress initiatives in Kingston;
 - Advise in support of Council's "Plan a Livable City" and "Green the City" strategic priority areas and the Sustainable Kingston Plan's "Water" theme;
 - Advise on the use of Green Infrastructure that promotes an approach to resource water management that protects, restores, or mimics the natural environmental processes and cycles;
 - Support the City's target of doubling the tree canopy by 2025;
 - Support consideration of habitat, resources and biodiversity stewardship within the City's infrastructure plans and projects; and
 - Consideration of habitat, resources and biodiversity within municipal land use planning instruments such the Official plan, Zoning By laws, master plans, etc.
4. Active transportation and reducing automobile use. This working group shall undertake work on behalf of KEAF on matters related to reducing automobile use in favour of other, more active modes of transportation regarding the following:

- Assessment of planned and in-progress initiatives in Kingston;
- Consideration of active transportation within municipal land use planning instruments such the Official plan, Zoning By laws, master plans, etc.;
- Support the development of the City's active transportation management plan;
- Assess best practices among Canadian cities with a goal of reducing GHGs through increasing the mode share of active transportation; and
- Support integration of active transportation into City infrastructure planning and projects.

2. This By-Law shall come into force and take effect on the date of its passing.

GIVEN FIRST AND SECOND READING ON

Given all Three Readings and Passed: [Meeting date], 2016

John Bolognone
City Clerk

Bryan Paterson
Mayor