

Consolidated Clause in Works Committee Report 8, which was considered by City Council on September 28, 29, 30 and October 1, 2004.

2

**Prohibition of Materials from
Landfills in Michigan**

City Council on September 28, 29, 30 and October 1, 2004, amended this Clause:

- (1) *in accordance with the following staff recommendations contained in the Recommendations Section of the supplementary report (September 29, 2004) from the Acting Commissioner of Works and Emergency Services:*

“It is recommended that City Council:

- (1) *amend Municipal Code Chapter 844, Waste Collection, Residential Properties, to prohibit collection of tires, as specified in the attached proposed Bill (Appendix A);*
 - (2) *adopt a new City of Toronto Municipal Code Chapter, Waste Transfer Stations, to govern the receipt of materials at the City’s transfer stations and to amend Chapter 441, Fees, to include fees or charges for services at transfer stations, as specified in the attached proposed Bill (Appendix B); and*
 - (3) *authorize and direct the appropriate City officials to take the necessary action to give effect thereto.”; and*
- (2) *by adding the following:*

“That the communication dated September 27, 2004, from Tony O’Donohue, President, Environmental Probe Ltd., be referred to the Works Committee for consideration.”

This Clause, as amended, was adopted by City Council.

Council also considered additional material which is noted at the end of this Clause.

The Works Committee recommends that City Council adopt the staff recommendations in the Recommendations Section of the report (August 20, 2004) from the Acting Commissioner of Works and Emergency Services.

Purpose:

The purpose of this report is to: (i) provide a summary of recently passed legislation in the U.S. State of Michigan concerning the prohibition of materials from landfills and other associated legislation that may impact the shipment of residual solid waste from the City of Toronto (the "City") to Michigan; (ii) submit recommendations regarding a prohibition on the collection of tires and a corresponding amendment to the City's Residential Collection By-law; and (iii) submit recommendations regarding the prohibition of materials at the City's transfer stations and the creation of a corresponding Transfer Station By-law governing the receipt of materials at transfer stations.

Financial Implications and Impact Statement :

There are no financial implications arising from this report.

Recommendations :

It is recommended that the Acting Commissioner of Works and Emergency Services be directed:

- (1) to add tires to the list of prohibited materials cited in Schedule C of the City of Toronto's Residential Collection By-law and remove tires as a waste eligible for special collection under that By-law;
- (2) to enforce the prohibition of prohibited materials listed in the City of Toronto's Residential and Commercial Collection By-laws at the City's transfers stations, as an operational policy of the City of Toronto;
- (3) in conjunction with the City Solicitor, to submit to City Council a proposed amendment to the Residential Collection By-law to include tires as a prohibited material, and to submit a proposed Transfer Station By-law governing the receipt of materials at City transfer stations; and
- (4) to post notices at all transfer stations of prohibited materials and enforcement measures;

and, it is further recommended that:

- (5) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background :

The City of Toronto initiated solid waste exports to Michigan in 1998 in an effort to extend the operating life of the City's Keele Valley Landfill. With the closure of Keele Valley at the end of 2002, the City became reliant on disposal of its municipal residual solid waste at Republic Services' Carleton Farms Landfill in Michigan. The City is also currently reliant on Republic's Carleton Farms Landfill for the disposal of biosolids, grits and screenings, catch basin debris, and street sweepings.

On March 29, 2004, the Governor of Michigan signed 11 “Public Acts” that amended the Natural Resources and Environmental Protection Act (Act 451 of 1994) of the Michigan Legislature, which introduced new prohibitions on materials entering landfills in Michigan and additional regulatory measures regarding the import and disposal of solid waste into Michigan. These actions on the part of Michigan are in response to the increasing amount of solid waste entering Michigan from Ontario and other U.S. States.

The “package” of Michigan’s solid waste management Public Acts are scheduled to come into force on October 1, 2004. As part of its new regulations, Michigan is requiring all jurisdictions exporting waste to Michigan to submit by September 1, 2004, an Application for Certification of Equivalent Landfill Disposal Prohibitions. The intent of the Certification Application is to require exporting jurisdictions to prohibit from disposal those residual materials that jurisdictions within Michigan are prohibited from disposing of themselves.

Appendix No. 1 of this briefing note provides a summary of the 11 aforementioned Public Acts approved by the Michigan State Governor in March.

Comments:

The U.S. National Solid Wastes Management Association has initiated a court challenge of the Acts and has sought an injunction on the grounds that they are contrary to the inter-state and foreign commerce clauses of the U.S. Constitution. Taking a contrary position is the Sierra Club, which has engaged in the court challenge in support of Michigan. The Federal Court has heard arguments from the parties, however, the matter is still before the Court and a decision has not been given, but is expected before the October 1, 2004 implementation date.

While the court challenge may be successful, Solid Waste Management Services is taking steps in order to demonstrate compliance with the package of new solid waste regulations, including submitting a Certification Application to Michigan’s Department of Environmental Quality by the September 1, 2004 submission date. Solid Waste Management Services will also assist in the co-ordination of consolidated Certification Applications from all impacted City operating divisions.

Michigan has included in its legislation the recognition that despite best efforts to exclude some non-hazardous prohibited materials, small quantities, known as “de minimis” amounts, may still be present. The State has defined “de minimis” as “incidental disposal of small amounts of materials that are commingled with other solid waste.”

Due to the sizeable volumes of residual solid waste collected by the City and the use of opaque plastic bags for curbside set-out, some prohibited materials, such as yard clippings and beverage containers, may still be present despite bans and curbside recycling programs. We believe that such quantities would be found to be de minimis. However, additional steps may be required to ensure compliance if prohibited materials exceed de minimis quantities on a recurring basis.

Currently the City, through its prohibitions on the collection and receipt of certain materials or through mandatory recycling programs, addresses all of the materials prohibited from disposal by Michigan, aside from tires from residential sources. (The Commercial Properties Waste

Collection By-law already prohibits tires). This report's recommendations include banning tires as a prohibited material throughout the City's waste management system.

City Legal staff have been consulted in the preparation of this report.

Transboundary Agreement

Michigan has a history, dating back to 1988, of trying to attain State-level flow control powers to govern inter-state movements of solid waste and the import of solid waste from foreign jurisdictions.

To date, Michigan has not received the flow control powers it has been seeking because Federal courts have upheld the commerce clause of the U.S. Constitution, which governs and regulates inter-state commerce. Solid waste from Canada is permitted entry into the U.S. under the North American Free Trade Agreement ("NAFTA"), as a "commodity".

Michigan continues to press for State-level flow control powers and has successfully lobbied the U.S. Senate to empower and provide funding to the U.S. Environmental Protection Agency ("EPA") to proceed with the enforcement of the Agreement Between the U.S. and Canada Concerning the Transboundary Movement of Hazardous Waste (the "Transboundary Agreement").

The Transboundary Agreement was signed in 1986. It originally applied only to hazardous waste, but in 1992 it was extended to include solid waste. The agreement imposes a general obligation on both countries to permit the import and export of waste for treatment, storage and disposal. The exporting country must give the importing country written notice of a proposed shipment. The notice may cover a single shipment or a series of shipments over a 12-month period. Each country's "designated authority" (EPA in the U.S., Environment Canada in Canada) may "consent" or "object" to the proposed shipment based on technical considerations such as the capability of the receiving facility to safely manage the waste.

To date, the Transboundary Agreement for non-hazardous waste has not been enforced as both countries must develop and promulgate regulations. However, both Federal governments are taking steps to develop the necessary tools to enforce the Agreement through their respective designated authority. SWMS will continue to monitor the implementation of the Transboundary Agreement and report to Works Committee on the implications for Toronto's management of residual solid waste.

Michigan Senate and House Resolutions

Michigan has also taken a number of steps regarding the management of landfills in Michigan in addition to the passage of the 11 Public Acts. For example, Michigan has passed the following resolutions urging action:

- in 2003, the Michigan Senate passed a resolution urging Toronto officials to go forward with their efforts to develop an alternative to sending solid waste to landfills in Michigan

and to work with Michigan officials to promote a Great Lakes basin-wide response to solid waste issues; and

- on June 22, 2004, the Michigan House of Representatives adopted a “House Resolution” urging the Ontario Minister of the Environment to establish new landfills and landfill expansions in Ontario.

Conclusions:

In order to address Michigan’s package of new solid waste management regulations, Solid Waste Management Services will:

- further develop documentation and refine procedures, where necessary, to demonstrate compliance with Public Act 40 (restrictions on disposal) of the Michigan State Legislature, prior to the October 1, 2004 implementation date;
- submit to Michigan’s Department of Environmental Quality an Application for Certification of Equivalent Landfill Disposal Prohibitions, by the September 1, 2004 deadline;
- assist in the co-ordination of a consolidated Certification Application from all impacted City operating divisions;
- proceed, with Council authority, to prohibit the collection of tires and in conjunction with the City Solicitor submit a proposed amendment to the Residential Collection By-law to include tires as a prohibited material;
- further proceed, with Council authority, to prohibit from the City’s transfer stations those materials listed as prohibited in the City’s Residential and Commercial Collection By-laws and in conjunction with the City Solicitor submit a proposed Transfer Station By-law governing the receipt of materials at City transfer stations; and
- post notices at all transfer stations of prohibited materials and enforcement measures.

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Attachment:

Appendix A: Acts Passed by Michigan on March 29, 2004 Regarding Prohibition of Materials from Landfill and other Acts regarding Solid Waste Imports

Appendix A

Acts Passed by Michigan on March 29, 2004, Regarding Prohibition of Materials from Landfill and other Acts regarding Solid Waste Imports

Public Act No.	Subject	Act Summary	SWMS Response Plan
34	Promotion of recycling and reuse of materials.	<p>Designed to promote public health and welfare through optimizing recycling and reuse of materials and minimizing landfill disposal through prohibitions.</p> <p>The prohibited materials under Act 34 are: medical waste; beverage containers; tires; yard clippings; used oil; lead acid batteries; low-level radioactive waste; hazardous waste; liquid waste; sewage; PCBs; and asbestos.</p>	<p>The prohibited materials under Act 34 are either already banned from receipt for disposal at our transfer stations or will be subject to new measures to prohibit them or negate their transport to Michigan if they have entered our transfer stations.</p> <p>To ensure compliance with the prohibition on radioactive waste, SWMS has installed radiation detectors at all transfer stations in order to detect any radioactive material before and after the loading of transport trailers. All detected radioactive materials are removed from the waste stream prior to entering the transfer station.</p> <p>Toronto's Blue Box program is designed to capture beverage containers, such as soda pop cans. The Beer Store manages beer containers under a deposit-return system. The City's leaf and yard waste compost program provides residents with the means to manage their leaf and yard waste. Grass clippings are banned from collection and the transfer stations.</p> <p>Additional measures are being taken to identify prohibited materials at point of collection</p>

Public Act No.	Subject	Act Summary	SWMS Response Plan
			and at our transfer stations and re-direct them from disposal.
35	Definitions	Definition clarifications, including “beverage container”.	This amendment is linked to other amendments that include specific material prohibitions.
36	Order restricting or prohibiting solid waste transportation or disposal in Michigan.	Provides the Director of the Department of Environmental Quality with the ability to issue an order restricting or prohibiting the transportation or disposal of solid waste in Michigan originating within or outside of the state (for a maximum of 60 days) if there is a threat to public health or environmental safety and it is deemed that such action will minimize or eliminate the threat.	The enforcement of our regulations regarding prohibited materials at our transfer stations and our radiation detection equipment should negate any possibility that our solid waste poses a threat to public health or environmental safety.
37	Notification Procedures	By October 1, 2004, the DEQ is to notify all generating jurisdictions, including all U.S. States and Canadian Provinces, that landfills will not accept for disposal solid waste that does not comply with Act 40 (cited below).	Notification will be received and responded to, providing our programs for management of prohibited materials.
38	Moratorium on New Landfills	No permits for landfill construction in Michigan to be issued until January 1, 2006.	No action required on part of Toronto.
39	Reporting Requirement for Michigan Landfills	Landfills required to submit annual report containing solid waste received and remaining disposal capacity.	No action required on part of Toronto.
40	Restrictions on Disposal	Effective October 1, 2004, Michigan landfills prohibited from accepting for disposal solid waste generated outside of Michigan, unless the waste has	Toronto will communicate to Michigan our program for removal of prohibited materials and submit a Certification Application by

Public Act No.	Subject	Act Summary	SWMS Response Plan
		been processed to remove prohibited materials or the generating jurisdiction has been included on an approved list.	the September 1, 2004 required submission date.
41	Penalties for violation	Provides mechanism to access fines for violations. Amount set as maximum of US\$10,000 per day, or US\$25,000 per day for second or subsequent violation.	No action required by Toronto at this time.
42	Notification of Prohibited Materials	Requires haulers transporting solid waste to a Michigan landfill to notify its customers of prohibited materials.	No action required by Toronto.
43	Inspection of Haulage Trucks	Provides inspection powers for State officials to determine if the truck is designed, maintained and operated in a manner to prevent littering and operating in compliance with State regulations.	No action required by Toronto.
44	Solid Waste Management Plans	Provides revisions to County solid waste management plans, including acceptance at a landfill of solid waste originating outside of the County.	No action required by Toronto.

Rod Muir, Waste Diversion Toronto, appeared before the Works Committee.

City Council – September 28, 29, 30 and October 1, 2004

Council also considered the following:

Report dated September 29, 2004, from the Acting Commissioner of Works and Emergency Services:

*Subject: Prohibition of Materials from Landfills in Michigan Supplementary Report
All Wards*

Purpose:

This report provides members of Toronto City Council with the proposed Bills in connection with an amendment to the City of Toronto's (the "City") Residential Collection By-law and the establishment of a City Transfer Station By-law as recommended in the Acting Commissioner's report of August 20, 2004 to Works Committee on the subject of prohibition of waste materials from landfills in the State of Michigan.

This report should be read in conjunction with Works Committee Report No. 8, Clause 2, listed on the City Council agenda of September 28, 29 and 30, 2004.

Financial Implications and Impact Statement:

There are no direct financial implications arising from the adoption of the recommendations in this report.

Recommendations:

It is recommended that City Council:

- (1) amend Municipal Code Chapter 844, Waste Collection, Residential Properties, to prohibit collection of tires, as specified in the attached proposed Bill (Appendix A);*
- (2) adopt a new City of Toronto Municipal Code Chapter, Waste Transfer Stations, to govern the receipt of materials at the City's transfer stations and to amend Chapter 441, Fees, to include fees or charges for services at transfer stations, as specified in the attached proposed Bill (Appendix B); and*
- (3) authorize and direct the appropriate City officials to take the necessary action to give effect thereto.*

Background:

At its meeting of September 8, 2004, Works Committee adopted a report from the Acting Commissioner of Works and Emergency Services ("WES"), dated August 20, 2004, which was submitted for the following reasons:

- (i) *to provide a summary of recently passed legislation in the U.S. State of Michigan concerning the prohibition of materials from landfills in Michigan;*
- (ii) *to submit recommendations regarding a prohibition on the collection of tires and a corresponding amendment to the City's Residential Collection By-law; and*
- (iii) *to submit recommendations regarding the prohibition of materials at the City's transfer stations and the creation of a corresponding Transfer Station By-law governing the receipt of materials at transfer stations.*

This report is submitted in response to the recommendation adopted by Works Committee (as contained in the Acting Commissioner's report of August 20, 2004) directing the Acting Commissioner, WES, in conjunction with the City Solicitor, to submit to City Council the proposed Bills in connection to the revisions to the Municipal Code, as cited in the "Recommendations" section of this report.

Comments:

Please see the "Comments" section of the Acting Commissioner's report of August 20, 2004, for a comprehensive review of the legislation adopted by the State of Michigan regarding the prohibition of certain waste materials in landfills located in that State.

Conclusions:

This report is supplementary to the report of August 20, 2004, submitted by the Acting Commissioner, WES, on the subject of prohibition of materials from landfills in Michigan.

Attached to this report are two proposed Bills that, upon their recommended adoption, would: (i) amend Municipal Code Chapter 844, Waste Collection, Residential Properties, to prohibit collection of tires, and (ii) adopt a new City of Toronto Code Chapter, Waste Transfer Stations, to govern the receipt of materials at the City's transfer stations and to amend Chapter 441, Fees, to include fees or charges for services at transfer stations.

The adoption of the attached Bills will assist the City in complying with Michigan's materials prohibition and, in so doing, maintain access to landfill capacity in Michigan.

The City Solicitor has been consulted in the preparation of this report.

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List of Attachments:

Appendix A – Proposed Bill: Amendment to Municipal Code Chapter 844, Waste Collection, Residential Properties.

Appendix B – Proposed Bill: Adoption of a new City of Toronto Municipal Code Chapter, Waste Transfer Stations and to amend Chapter 441, Fees.

Appendix A.

Authority: Works Committee Report No. 8, Clause 2, as adopted by City of Toronto Council on September 28, 29 and 30, 2004

Enacted by Council: , 2004

CITY OF TORONTO

Bill No.

BY-LAW No. -2004

To amend Municipal Code Chapter 844, Waste Collection, Residential Properties, to prohibit collection of tires

WHEREAS amendments to certain Schedules in Municipal Code Chapter 844, Waste Collection, Residential Properties, are desirable in order to meet requirements for acceptance of waste at Michigan landfills:

The Council of the City of Toronto HEREBY ENACTS as follows:

I. The City of Toronto Municipal Code is amended as follows:

A. Schedule A, Special Collection Services, to Chapter 844, is amended as follows:

(1) By deleting Subsection A(11), Tires (maximum of five), from the list of items for which the City shall provide special collection services.

B. Schedule C, Prohibited Waste, to Chapter 844, is amended to add tires to the list of Prohibited Waste, as follows:

(1) By adding Subsection Q.1, Tires, to the list of items deemed to be prohibited waste.

ENACTED AND PASSED this day of September, 2004.

Deputy Mayor

City Clerk

Appendix B

*Authority: Works Committee Report No. 8, Clause 2, as adopted by City of Toronto Council
on September 28, 29 and 30, 2004*

Enacted by Council:

CITY OF TORONTO

Bill No.

BY-LAW No.

To adopt a new City of Toronto Municipal Code Chapter, Waste Transfer Stations and to amend Chapter 441, Fees, to include fees or charges for services at transfer stations.

WHEREAS subsection 11(1) of the Municipal Act, 2001, S.O. 2001, c.25 (the “Municipal Act”) provides that municipalities may pass by-laws within the sphere of waste management; and

WHEREAS section 130 of the Municipal Act authorizes a municipality to regulate matters not specifically provided for by the Municipal Act or any other act for purposes related to the health, safety and well-being of the inhabitants of the municipality; and

WHEREAS under section 391 of the Municipal Act, 2001 a municipality may pass by-laws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of it;

WHEREAS Council of the City of Toronto adopted, at its meeting held on January 27, 28 and 29, 2004, Clause No. 15 embodied in Report No. 1 of the Policy and Finance Committee, which approved an increase from \$110.00 to \$150.00 per tonne for the deposit of recyclable tires at designated transfer stations;

WHEREAS Council of the City of Toronto adopted, at its meeting held on June 22, 23 and 24, 2004, Consolidated Clause No. 1 embodied in Works Committee Report No. 4, and adopted without amendment the report entitled “Modifications to Fees at City of Toronto Waste Transfer Stations” which approved continued application of a \$95.00 per tonne fee for residual waste effective July 16, 2004 and in subsequent years; and

WHEREAS the former Metropolitan Council adopted, at its meeting on March 8, 1994, Clause No. 1, embodied in Report No. 5 of its joint Management and Works Committee, which

established a fee of \$50.00 per tonne for the deposit of recyclable material and yard waste at transfer stations;

WHEREAS the former Metropolitan Council adopted, at its meeting on April 10, 1996, Clause No. 2 embodied in Report No. 5 of its Environment and Public Space Committee, which established limited exemptions from transfer station fees;

WHEREAS under section 425 of the Municipal Act, a municipality may pass by-laws providing that any person who contravenes any by-law of a municipality passed under the authority of the Municipal Act is guilty of an offence; and

WHEREAS under section 77 of the Municipal Act a municipality may, in a by-law prohibiting or regulating any matter passed under the “waste management” sphere of jurisdiction, provide for fines of up to \$10,000 for individuals and \$50,000 for corporations on a first conviction and \$25,000 for individuals and \$100,000 for corporations on a second conviction.

The Council of the City of Toronto HEREBY ENACTS as follows:

- 1. The City of Toronto Municipal Code is amended by adding the following as a new chapter:*

Chapter 846

WASTE TRANSFER STATIONS

§ 846-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

COMMISSIONER — The Commissioner of the City’s Works and Emergency Services Department and includes his or her designate.

GARBAGE — Waste other than recyclable materials, organic materials, yard waste, and prohibited waste.

ORGANIC MATERIALS — The items, other than recyclable materials and yard waste, listed in Schedule A.

PROHIBITED WASTE — The waste items listed in Schedule B.

RECYCLABLE MATERIALS — The waste items, other than yard waste and organic materials, listed in Schedule A.

RESIDUAL WASTE – Garbage.

TRANSFER STATION — A City-owned and controlled facility used for the purpose of transferring waste from one vehicle to another for transportation to another waste disposal or processing site, including a municipal waste recycling site, a municipal waste recycling depot, and a leaf and yard waste composting site as defined in Ontario Regulation 101/94.

WASTE — Garbage, recyclable materials, organic materials, yard waste and prohibited waste.

YARD WASTE — *The waste items, other than recyclable materials and organic materials, listed in Schedule A.*

§ 846-2. Waste type separation; owner identification.

- A. *The Commissioner shall make available, at each transfer station, the list of prohibited materials attached to this chapter as Schedule B, Prohibited Waste, and copies of regulations or standards referenced in that list.*
- B. *Materials listed in Schedule B, Prohibited Waste, shall not be delivered to transfer stations for disposal purposes.*
- C. *Vehicle operators with loads containing prohibited waste shall identify the owner of the waste.*
- D. *Vehicle operators with loads containing recyclable materials, organic materials, and yard waste shall identify the owner of the material.*
- E. *Vehicle operators shall deposit recyclable materials, yard waste and organic materials in areas designated for such materials and separated from other waste at the transfer station.*

§ 846-3. Weighscale requirements.

- A. *Vehicle operators shall bring their vehicles to a complete stop before driving onto the weighscale.*
- B. *Vehicle operators shall identify the waste material type and source to the weighscale operator.*

§ 846-4. Operations at transfer station sites.

- A. *Vehicle operators entering a transfer station site shall ensure that their loads are fully covered by tarpaulins or alternative coverings acceptable to the Commissioner.*
- B. *Vehicle operators shall not remove the covering on any load except as permitted in an unloading area.*
- C. *Vehicle operators and other users of a transfer station shall:*
 - (1) *obey any directions provided by City staff;*
 - (2) *use only designated entrance and exit routes; and*
 - (3) *obey all speed limits and signs posted on the site.*

§ 846-5. Prohibited activities.

- A. *No person shall knowingly deliver or permit to be delivered to a transfer station any material listed in Schedule B, Prohibited Waste, for disposal purposes.*
- B. *No person shall:*
 - (1) *enter a transfer station site with an unsafe vehicle or load;*
 - (2) *scavenge at a transfer station site; or*
 - (3) *smoke in an unloading area.*

§ 846-6. Operating area restrictions.

All persons using a transfer station shall comply with the following operating area requirements:

- A. *Safety helmets and safety boots or shoes shall be worn at all times;*
- B. *Unloading shall be performed only in authorized areas as designated by City staff;*
- C. *Only the driver shall leave the vehicle while in an unloading area;*
- D. *Unloading doors shall be secured with chains or acceptable alternatives, and all doors shall be closed and secured before departure from the unloading area;*
- E. *Tarpaulins and turnbuckles shall not be removed or released except in an unloading area; and*
- F. *Loose material shall be removed from truck boxes before the vehicle leaves the unloading area.*

§ 846-7. Failure to comply.

Any person who commits three similar violations of the requirements of this chapter may be denied entry to all City transfer stations and may be re-admitted only with written permission from the Commissioner.

§ 846-8. Offences.

Any person who contravenes §§ 846-2B-E, 846-3, 846-4, 846-5, or 846-6 is guilty of an offence and is liable to a fine of not more than \$10,000 for a first conviction and \$25,000 for any subsequent conviction, except that if a corporation is convicted of an offence the maximum penalties shall be \$50,000 for the first conviction and \$100,000 for any subsequent conviction.

2. *Chapter 441, Fees, of the Toronto Municipal Code, is amended by adding the following:*

§ 441-18. Transfer station fees.

- A. *As used in this section, the following terms have the meanings indicated:*

TRANSFER STATION — *A City-owned and controlled facility used for the purpose of transferring waste from one vehicle to another for transportation to another waste disposal or processing site, including a municipal waste recycling site, a municipal waste recycling depot, and a leaf and yard waste composting site as defined in Ontario Regulation 101/94.*

WASTE — *Garbage, recyclable materials, organic materials, yard waste and prohibited waste.*

- B. *The fees and charges set out in Column 2 of the following table shall apply at transfer stations:*

<i>Column 1</i> <i>Material Class/Type</i>	<i>Column 2</i> <i>Fee per Tonne</i>
<i>Garbage</i>	<i>\$95.00</i>
<i>Recyclable materials, yard waste and organic materials (excluding tires)</i>	<i>\$50.00</i>
<i>Dedicated loads of passenger tires (without rims)</i>	<i>\$150.00</i>

- C. *The charges established in subsection B do not include taxes, and any applicable taxes will be added to the fee or charge.*
- D. *All vehicle operators shall drive their vehicles over the inbound scale and, for cash, credit card and debit card transactions, leave a security deposit with the weighscale operator.*
- E. *The security deposit will be determined by the weighscale operator based on transfer station fees set out in Subsection B.*
- F. *An appropriate adjustment will be made on the outbound scale by securing additional funds or refunding the difference from the initial security deposit.*
- G. *In the event that a weighscale is not in service, the charge will be based on vehicle axle rates using the vehicle estimate weight multiplied by the rate standard factor.*

- H. Any person who disposes of waste without paying the appropriate fee may be denied entry to all City transfer stations by the Commissioner at his sole discretion.*
- I. Exemptions from the requirement to pay fees or charges apply for:*
- (1) one load of home improvement waste per year per household, up to a maximum of one tonne net weight, with prior approval;*
 - (2) one load of material, up to a maximum of one tonne net weight per household per year, that is the result of the clean-up of waste illegally dumped on a householder's property, with prior approval;*
 - (3) one load of less than 150 kilograms of recyclable material per day per household at designated transfer stations; and*
 - (4) one load of material, up to a maximum of one tonne net weight per business per year, that is the result of the clean-up of waste illegally dumped on a business owner's property, with prior approval.*
- J. In order to be eligible for an exemption under Subsections I(1), I(2) and I(4), a householder or business owner shall submit an application that is satisfactory to the Commissioner in form and content.*
- K. An application for exemption from transfer station fees under Subsections I(1), I(2) and I(4) shall be made to the Director, Transfer, Processing and Disposal, Solid Waste Management Division, Works and Emergency Services Department, City of Toronto.*
- L. Each applicant for an exemption under Subsections I(1), I(2) and I(4) is subject to an audit and review process to verify the source of the waste.*
- M. Policies providing for exemptions from fees or a reduction in fees may be approved by Council of the City of Toronto from time to time.*

3. *In force date.*

A. *This by-law comes into force on October 1, 2004.*

ENACTED AND PASSED this day of September, 2004.

Mayor

City Clerk

SCHEDULE A TO CH. 846

RECYCLABLE MATERIALS, YARD WASTE, AND ORGANIC MATERIALS

A. *The following items shall be deemed to be recyclable materials for the purposes of this chapter:*

- (1) *Glass bottles and jars;*
- (2) *Metal food and beverage cans;*
- (3) *Plastic bottles and jugs, including beverage containers, made of high density polyethylene (HDPE #2) or polyethyleneteraphthalate (PET #1);*
- (4) *Household paper (including junk mail, writing and computer paper and envelopes);*
- (5) *Paper egg cartons, rolls and bags;*
- (6) *Boxboard;*
- (7) *Newspapers;*
- (8) *Telephone directories;*
- (9) *Magazines and catalogues;*
- (10) *Clean, unwaxed corrugated cardboard;*
- (11) *Aluminium foil trays;*
- (12) *Polycoat milk and juice cartons;*
- (13) *Aseptic drink boxes;*
- (14) *Empty paint cans;*
- (15) *Empty aerosol cans;*
- (16) *Scrap metal, including but not limited to refrigerators, stoves, freezers, air conditioners, dehumidifiers, washing machines, clothes dryers, dishwashers, barbecues, and large metal objects;*
- (17) *Drywall;*
- (18) *Polystyrene;*
- (19) *Passenger tires without rims; and*
- (20) *Any other item designated as a recyclable material by the Commissioner.*

B. *The following items shall be deemed to be yard waste for the purposes of this chapter:*

- (1) *Plant cuttings, roots, weeds and leaves;*
- (2) *Hedge and shrub trimmings, brush cuttings, twigs and branches under 7.5 centimetres in diameter;*
- (3) *Christmas trees; and*
- (4) *Any other item designated as yard waste by the Commissioner.*

C. *The following items shall be deemed to be organic materials for the purposes of this chapter:*

- (1) *All food materials, including fresh, frozen, dried, cooked and prepared foods and leftovers;*
- (2) *Fruit and vegetable scraps;*
- (3) *Pasta, bread and cereal;*
- (4) *Meat and fish products;*
- (5) *Egg shells;*
- (6) *Coffee grinds and filters;*
- (7) *Tea bags;*
- (8) *Houseplants (no pots or baskets);*
- (9) *Soiled paper towels, tissues and wet paper;*
- (10) *Diapers and sanitary products;*
- (11) *Animal waste, litter or bedding; and*
- (12) *Any other item designated as organic materials by the Commissioner.*

SCHEDULE B TO CH. 846

PROHIBITED WASTE

The following items shall be deemed to be prohibited waste for the purposes of this chapter:

- A. *Acute hazardous waste chemical as defined in Revised Regulations of Ontario, 1990, Regulation 347;*
- B. *Biomedical waste, and pathological waste, whether solid or liquid, including but not limited to any animal or human organ or part thereof; bone, muscle or other animal or human tissue or part thereof; used bandages, poultices, dressings, medicines, vitamins, drugs, vaccines, needles, syringes, vials or any other similar material or substance which contains or may contain pathogenic micro-organisms or which may be hazardous or dangerous and anything designated as pathological waste by Revised Regulations of Ontario, 1990, Regulation 347;*
- C. *Hazardous waste chemical as defined in Revised Regulations of Ontario, 1990, Regulation 347;*
- D. *Corrosive waste as defined in Revised Regulations of Ontario, 1990, Regulation 347;*
- E. *Hazardous industrial waste as defined in Revised Regulations of Ontario, 1990, Regulation 347;*
- F. *Ignitable waste as defined in Revised Regulations of Ontario, 1990, Regulation 347;*
- G. *PCB waste as defined in Revised Regulations of Ontario, 1990, Regulation 362;*
- H. *PCB waste as defined by the United States Environmental Protection Agency in 2003 40 CFR 761, in force on October 1, 2004;*
- I. *Radioactive waste as defined in Revised Regulations of Ontario, 1990, Regulation 347;*
- J. *Low-level radioactive waste as defined in section 2 of Michigan's Low-Level Radioactive Waste Authority Act, 1987 PA 204, MCL 333.26202, in force on October 1, 2004;*
- K. *Reactive waste as defined in Revised Regulations of Ontario, 1990, Regulation 347;*
- L. *Severely toxic waste as defined in Revised Regulations of Ontario, 1990, Regulation 347;*
- M. *Leachate toxic waste as defined in Revised Regulations of Ontario, 1990, Regulation 347;*
- N. *Pharmaceutical waste;*
- O. *Any household product, material or item labelled as "corrosive," "toxic," "reactive," "explosive," "oxidizing," "poisonous," "infectious" or "flammable," including but not limited to the following:*
 - (1) *Pool or photographic chemicals;*
 - (2) *Laundry bleach;*
 - (3) *Drain, oven, toilet and carpet cleaning solutions;*
 - (4) *Paint thinner and paint remover;*

- (5) *Rat and mouse poison;*
 - (6) *Flea collars and powders;*
 - (7) *Insect killers;*
 - (8) *Moth balls;*
 - (9) *Weed killers;*
 - (10) *Fungicides;*
 - (11) *Wood preservatives;*
 - (12) *Oil-based and latex paints;*
 - (13) *Engine oil;*
 - (14) *Brake and transmission fluid;*
 - (15) *Antifreeze;*
 - (16) *Automotive batteries (including lead acid batteries);*
 - (17) *Ni-cad rechargeable batteries (including lead acid batteries);*
 - (18) *Propane tanks;*
 - (19) *Other gas tanks, including lighters;*
 - (20) *Aerosol containers; and*
 - (21) *Fire extinguishers.*
- P. *Waste generated as a result of construction, demolition or renovation, including but not limited to soil, drywall, bricks, concrete, concrete or cinder blocks, paving stones, asphalt, wood greater than 1.2 metres (4 feet) in length, scrap metal, and asbestos;*
- Q. *Hay, straw, manure or animal excrement;*
- R. *Any waste in liquid form including but not limited to swill or other organic matter not properly drained and securely wrapped;*
- S. *Sod, grass, grass clippings;*
- T. *Mixed loads of waste and recyclable material or recyclable (Blue Box) materials that have been mixed with garbage;*
- U. *Beverage containers, including aluminum food or beverage cans (including cans made primarily of aluminum), glass bottles and jars for food or beverages, steel food or beverage cans (including cans made primarily of steel), polyethylene terephthalate bottles for food or beverages (including bottles made primarily of polyethylene terephthalate), from all generators of industrial, commercial and institutional waste;*
- V. *Municipal wastewater sewage sludge or any other type of industrial sludge;*
- W. *Catch basin and screening waste;*

- X. *Incinerator ash, red ash and any other type of ash;*
- Y. *Dusty materials;*
- Z. *Contaminated soil;*
- AA *Tires, shredded rubber, and any tire residue;*
- BB. *Drums (plastic or metal drums/uncrushed drums);*
- CC. *Waste logs and trees;*
- DD. *Leaf and yard waste as defined in Ontario Regulation 101/94;*
- EE. *Railway ties, telephone poles and any wood waste greater than 1.2 metres (4 feet) in length;*
- FF. *Clean fill, soil, sand, and aggregates;*
- GG. *Street sweepings;*
- HH. *Animal carcasses, animal by-products, slaughterhouse remains;*
- II. *Alternate daily cover inclusive of de-watered paper fibre, wood chips, road base;*
- JJ. *Discarded commercial chemical products, off-specification species, container residues, and spill residues thereof identified and listed as toxic hazardous wastes under Rule 226 and enumerated in the Michigan Department of Environmental Quality Waste Management Division's Hazardous Waste Management Program Administrative Rules promulgated pursuant to Part 111 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, Rule 299.9226 Table 205c, in force on October 1, 2004; and*
- KK. *Designated materials and other items which have been banned from landfill or for which reasonable alternative disposal methods are available, as determined by the Commissioner.*

Communication (September 27, 2004) from Tony O'Donohue, President, Environmental Probe Ltd.