



THE REGIONAL MUNICIPALITY OF NIAGARA
PUBLIC WORKS COMMITTEE
AGENDA

PWC 1-2025

Tuesday, January 7, 2025

9:30 a.m.

Meeting will be held by electronic participation only

This electronic meeting can be viewed on Niagara Region's Website at:

<https://www.niagararegion.ca/government/council/>

The Council Chamber at Regional Headquarters WILL NOT be open to the public to attend this Committee meeting. Those interested in viewing the meeting, can view the live stream meeting proceedings at: niagararegion.ca/government/council

Pages

1. CALL TO ORDER
2. LAND ACKNOWLEDGEMENT STATEMENT
3. DISCLOSURES OF PECUNIARY INTEREST
4. SELECTION OF COMMITTEE CHAIR AND VICE-CHAIR
 - 4.1 Call for Nominations for Committee Chair
 - 4.2 Motion to Close Nominations for Committee Chair
 - 4.3 Voting for the Position of Committee Chair
 - 4.4 Call for Nominations for Committee Vice-Chair
 - 4.5 Motion to Close Nominations for Committee Vice-Chair
 - 4.6 Voting for the Position of Committee Vice-Chair
5. PRESENTATIONS
6. DELEGATIONS

7. ITEMS FOR CONSIDERATION

- 7.1 PW 1-2024 3 - 9
Request for Additional Funds for 2024 Storm Sewer Asset Management Program
- 7.2 PW 2-2024 10 - 15
Jurisdictional Transfer of Hwy 20 between Hwy 58 and Townline Road, in the City of Thorold

8. CONSENT ITEMS FOR INFORMATION

- 8.1 WMPSC 3-2024 16 - 84
Waste Management Planning Steering Committee Minutes December 9, 2024

9. OTHER BUSINESS

10. NEXT MEETING

The next meeting will be held on Tuesday, February 4, 2025, at 9:30 a.m. in the Council Chamber, Regional Headquarters.

11. ADJOURNMENT

If you require any accommodations for a disability in order to attend or participate in meetings or events, please contact the Accessibility Advisor at 905-980-6000 ext. 3252 (office), 289-929-8376 (cellphone) or accessibility@niagararegion.ca (email).

Subject: Request for Additional Funds for 2024 Storm Sewer Asset Management Program

Report to: Public Works Committee

Report date: Tuesday, January 7, 2025

Recommendations

1. That the gross capital budget for the 2024 Storm Sewer Asset Management Program **BE INCREASED** by \$984,226 and that the increase **BE FUNDED** from the Capital Variance Project – Levy for a total revised project budget of \$1,734,226 to allow for the award of 2024-RFP-97 Stormwater CCTV Inspection and Services.

Key Facts

- This report seeks Council’s approval to increase the gross capital budget for project 20001924 (2024 Storm Sewer Asset Management Program) by \$984,226 to allow for the award of 2024-RFP-97 Stormwater CCTV Inspection and Services following a competitive procurement process.
- The procurement of the Region’s stormwater CCTV inspection, cleaning and condition assessment was undertaken via a competitive procurement process under 2024-RFP-97 Stormwater CCTV Inspection and Services.
- This project aims to collect data on the location and condition of storm sewer assets. This information is crucial for developing a Storm Sewer Asset Management Plan in accordance with the requirements outlined in O.Reg. 588/17.
- The current approved capital budget for this initiative under project 20001924 is \$750,000. Upon approval of the proposed capital budget adjustment of \$984,226, funded from the Capital Variance Project (CVP) – Levy, the total project budget will be \$1,734,226.
- Per the Budget Control By-Law Section 6.5(c)(iii), Council approval is required for Capital Variance requests greater than \$250,000.

Financial Considerations

A capital budget adjustment of \$984,226 funded from CVP - Levy is being requested to award the Storm Sewer CCTV RFP.

- Council initially approved \$500,000 in 2024 under project 20001924 to identify the Region's storm infrastructure and provide condition ratings required to develop a storm sewer asset management plan.
- In March 2024, a capital budget adjustment was approved for an additional \$250,000 to increase the scope of the project and develop a stormwater network model in the Region's enterprise GIS software.
- There are insufficient funds in the capital project budget to award the Storm Sewer CCTV Inspection and Services RFP contract to the highest ranked submission from Civica Infrastructure Inc., at their bid price of \$1,389,335 (including non-recoverable HST). Results of competitive bidding process exceeded the project budget expectations based upon review of available municipal awards and a general increase in post-COVID cost of services.
- It should be noted that from January 1, 2024, to December 10, 2024, Transportation Services division has returned \$1,916,693 to CVP – Levy and requested \$896,452 from CVP - Levy resulting in a net return of \$1,020,241 to the CVP - Levy. On December 11, 2024, the CVP - Levy has an uncommitted balance of \$1,652,020.
- The total spent and committed on this project as of November 30, 2024, is \$294,891. A full budget breakdown can be found in Appendix 1 to Report PW 1-2025 Total Estimated Project Cost.

Analysis

The Region requires storm sewer asset data that accurately identifies asset ownership, location, and condition.

Storm sewer asset data has been collected from a mix of historical records predating the establishment of the Region, paper-based engineering drawings, and external records that have not been validated. As a result, there is reduced confidence in the accuracy of asset data and condition of the storm sewer infrastructure. A map of the storm sewer network is attached as Appendix 2.

The award of the Storm Sewer CCTV Inspection and Services RFP is necessary to obtain the data needed to develop a robust Stormwater Asset Management program.

Complete and accurate data means the Region can:

- Develop a reliable and cohesive Stormwater Asset Management program based on valid asset data, with a confident 10-year capital and operating forecasts as per O.Reg. 588/17.
- Comply with the inspection and maintenance requirements of the Consolidated Linear Infrastructure - Environmental Compliance Approval issued under Section 53 of the Ontario Water Resources Act.
- Develop a predictive and preventative storm sewer maintenance program according to Asset Management and Reliability-Centered Maintenance (RCM) best practices.

Alternatives Reviewed

Approve Increase of Funds to allow for the Award of the Competitive RFP
(Recommended)

This will provide the Region with the necessary data to develop asset management plans that fully meet our obligations under O.Reg. 588/17 Asset Management Planning for Municipal Infrastructure and the requirements of the Ontario Environmental Protection Act R.S.O. 1990, c. E. 19 (EPA).

Do not approve the increase in funds resulting in the cancellation of the RFP
(Not Recommended)

Transportation Services lacks the comprehensive data needed to develop an effective storm sewer asset management plan. As a result, operational costs will continue to rise due to the absence of a preventive maintenance plan, leading to increased reactive maintenance for repairing aging infrastructure.

Approve a reduced scope to stay within the approved budget
(Not Recommended)

Due to the necessity of storm sewer condition assessment to comply with O.Reg. 588/17 Asset Management Planning for Municipal Infrastructure, this option would not allow for the timely collection of the required data, leaving the Region in a non-compliant position.

Relationship to Council Strategic Priorities

Funding to advance the award of RFP-2024-97 will provide the required data to develop a robust Stormwater Asset Management program in support of the following Council priorities.

Council Priority: Green and Resilient Region

(<https://www.niagararegion.ca/priorities/default.aspx>) requires Transportation Services to build resiliency into our storm sewer infrastructure to support growth and prepare for the impacts of climate change.

Council Priority: Effective Region

(<https://www.niagararegion.ca/priorities/default.aspx>) requires Transportation Service to (1) deliver fiscally responsible and sustainable core services and (2) explore and implement improvement opportunities through Shared Service agreements.

Other Pertinent Reports

Not applicable.

Prepared by:

Dave Salter, MA, MPA, PMP, CAMP, CAMA
Manager, Transportation Asset
Management
Public Works Department

Recommended by:

Terry Ricketts, P.Eng.
Commissioner of Public Works
Public Works Department

Submitted by:

Ron Tripp, P.Eng.
Chief Administrative Officer

This report was prepared in consultation with Brian McMahon, Program Financial Specialist; Sabrina Mills, Project Manager; and reviewed by Richard Daniel, Associate Director Transportation Services, and Frank Tassone, Director Transportation Services.

Appendices

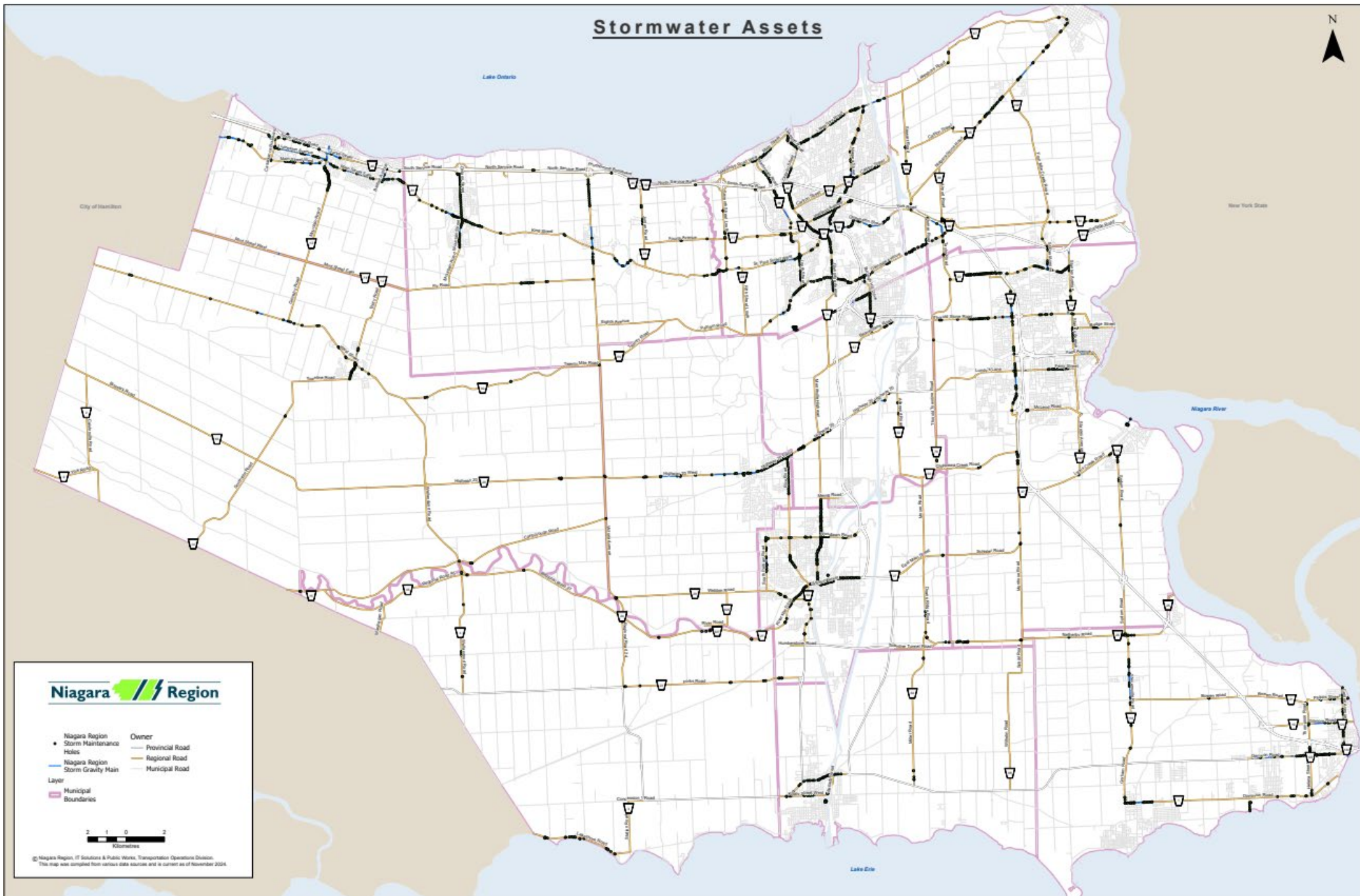
Appendix 1	Total Estimated Project Cost
Appendix 2	Niagara Region Stormwater Extent

**PW 1-2024 Appendix 1 - Total Estimated Project Cost
2024 Storm Sewer Asset Management Program**

Total Estimated Project Cost (20001924)*	Council Approved Budget	Budget Increase/ Reallocation	Revised Council Approved Budget	Expended & Committed as of 11/30/24	Contract Award/ Forecast	Budget Remaining
	(A)	(B)	(C) = (A) + (B)	(D)	(E)	(F) = (C)-(D)-(E)
Project Element						
(a) Planning	750,000	674,226	1,424,226	32,241	1,391,985	-
(b) Project Contingency	-	35,000	35,000	-	35,000	-
(c) Project Management (In-House) and Operations	-	10,000	10,000	-	10,000	-
(d) Equipment	-	265,000	265,000	262,650	2,350	-
Total Estimated Project Cost	750,000	984,226	1,734,226	294,891	1,439,335	-
Project Funding Sources						
Regional Reserves	750,000	984,226	1,734,226	750,000	984,226	-
Total Project Funding Sources	750,000	984,226	1,734,226	750,000	984,226	-

*All costs include 1.76% non-recoverable HST

PW 1-2025 Appendix 2 Niagara Region Stormwater Extent



Subject: Jurisdictional Transfer of Hwy 20 between Hwy 58 and Townline Road, in the City of Thorold

Report to: Public Works Committee

Report date: Tuesday, January 7, 2025

Recommendations

1. That Council **DIRECT** staff to enter into negotiations with the Ministry of Transportation (MTO) regarding the potential transfer of jurisdiction of Highway 20 between Highway 58 and Townline Road, in the City of Thorold from MTO to Niagara Region.

Key Facts

- This report seeks Council's direction to enter negotiations with the MTO related to the potential transfer of jurisdiction of a section of Highway 20 from the MTO to the Region.
- The MTO currently owns the section of Highway 20 between Highway 58 and Townline Road in the City of Thorold.
- Niagara Region currently owns Regional Road 20 east and west of the road segment under Provincial ownership.
- Niagara Region currently maintains the provincial segment with funding from the Province to cover those costs, pursuant to an agreement in place with the Province.
- Regional Road 20 is a key strategic connection that has generated significant investment interest in housing and employment opportunities in the City of Thorold; the proposed transfer of jurisdiction is necessary to allow for timely development along this corridor. The City supports the transfer of the road to the Region.

Financial Considerations

Niagara Region currently manages maintenance activities on behalf of the province with cost recovery.

Hwy 20 between Hwy 58 and Townline Road is currently owned by the MTO. Niagara Region maintains the road section for the MTO pursuant to an agreement with the

Province. The length of this road section is approximately five (5) lane kilometers, and it is maintained to Regional maintenance standards.

At present, the compensation from the Ministry for undertaking this work is approximately \$13,800 per lane kilometer. In addition, this payment increases by the CPI annually.

The compensation includes all costs for the maintenance of the road including overhead and administrative costs.

Should the Region take ownership of the Provincial Road segment, operation and maintenance cost would become the responsibility of the Region.

Although unknown at this time, staff expect that upon transfer of the road segment current contribution from the Ministry will cease. This would place an additional \$69,000 in operating pressure on the Transportation Services annual Operating Budget.

Staff would look to submit an Operating business case at such time, through the annual Operating Budget deliberations, to offset that expense.

Analysis

Highway 20 presents a strategic opportunity for economic development

The City of Thorold is launching a new economic development program designed to drive future growth and prosperity, leveraging strategic partnerships with the Niagara Region. Highway 20, initially created in 1930 as a bypass to the congested Highway 8, is now at the center of proposed investments in housing and employment opportunities along its corridor within the City. This key stretch of highway is strategically located between Highway 406, which connects both North and South Niagara, and has already attracted significant investment interest. Recognized as a strategic development corridor, it aligns with Niagara Region's Strategic Plan for a more prosperous and effective region, as well as the goals of the Region's 10-Year Economic Development Strategy. The proposed transfer of ownership will unlock the full potential of these lands.

A portion of Hwy 20 was not transferred when the Region was established.

Hwy 20 west of Hwy 58 to the western boundary of the Region crosses through several municipalities (Thorold, Pelham, West Lincoln) and was transferred to the Region from the Ministry between 1998 and 2001. Hwy 20 from Townline Road to Portage Road in

the City of Niagara Falls was transferred from the Province to the City, and ultimately to the Region in 1999.

The segment in between the two segments listed above remains in Provincial ownership. The road section plays an integral role in the movement of local goods and services in an east-west direction across the Niagara Region and meets the criteria for an arterial road.

Hwy 20 Between Hwy 58 and Townline Road no longer suits its original design as a rural, controlled-access highway.

The City of Thorold is experiencing unprecedented growth in the Rolling Meadows community and is planning to exceed its growth targets for the next couple of years. In preparation to manage the impacts of new development further infrastructure must be implemented. This will include sanitary sewer and watermain to service the adjacent lands.

The implementation of such infrastructure along a controlled access Highway is restrictive. This is an important consideration as these restrictions make effective infrastructure installation extremely expensive and, in some cases, reduces the availability of connections within the controlled access corridor. This has the potential to stunt the City's ability to implement infrastructure in a timely manner, ultimately affecting housing targets.

The City of Thorold is supportive of the Region taking ownership of this road segment to stimulate development along the corridor.

The City of Thorold has verbally appealed to the Province to transfer ownership of this road segment to the Region at no cost in order to facilitate the necessary growth within the community. Attached in Appendix 1 is a letter of support from the City, indicating their desire to see Niagara Region take on this corridor to allow for cost effective collaboration.

Should staff be successful in negotiating a reasonable transfer with the Ministry final approval will be sought via a future report.

The purpose of this report is to seek Council permission to negotiate with the Province to transfer Regional Road 20 into Regional jurisdiction. Staff will target a transfer with neutral cost impact on the physical asset. There will be no immediate capital improvement cost associated with the transfer of this asset due to recent rehabilitation

undertaken by the Ministry. Staff will return with a second report for Council's review and approval in future should an agreement in principle be reached.

Should negotiations fail, no further approval is required, and Council will be notified via Council Weekly Correspondence Distribution.

Alternatives Reviewed

Enter negotiations with the Ministry (Recommended)

This will allow the Region to investigate jurisdictional transfer of Regional Road 20 with the Province, and to work with the City of Thorold to explore the growth potential of the lands surrounding the corridor.

Do nothing (Not Recommended)

This alternative would maintain the corridor as a controlled access corridor under Provincial jurisdiction. This option would limit the Region and City of Thorold's ability to control and implement a growth plan that is cost-effective.

Relationship to Council Strategic Priorities

Effective Region

Supporting this report and staff in the negotiation process with the Ministry will ultimately align with Council's strategic goal of effective Region. The future download of this road section will act as a catalyst for economic growth along the corridor.

Prosperous Region

Unlocking future growth opportunities will serve to further Council's strategic goal of Prosperous Region. Allowing for future growth opportunities along one of the Region's heavily traveled corridors will make the area more attractive to developers and assist the Region and City in implementing a vision for the corridor that is in line with Region and City values and priorities.

Other Pertinent Reports

Not applicable.

Prepared by:

Frank Tassone, C.E.T.
Director, Transportation Services
Public Works Department

Recommended by:

Terry Ricketts, P.Eng.
Commissioner of Public Works
Public Works Department

Submitted by:

Ron Tripp, P.Eng.
Chief Administrative Officer

This report was prepared in consultation with Diana Morreale, Director Growth Management and Planning, Marco Marino, Associate Director Economic Development and reviewed by Donna Gibbs, Director Legal and Court Services.

Appendices

Appendix 1 Letter from the City of Thorold



PW 2-2025 Appendix 1

Office of the Director of Public Works & Community Services

Geoff Holman, CET
905-227-6613 ext. 289
Geoff.Holman@Thorold.ca

City of Thorold

3540 Schmon Parkway P.O. Box. 1044
Thorold, ON L2V 4A7

June 10, 2024

Niagara Region
1815 Sir Isaac Brock Way,
Thorold, ON
L2V 4T7

Attention: Mr. Frank Tassone
Director of Transportation Services

Dear Frank:

**Re: Proposed Transfer of Roadway Jurisdiction by the Ministry of
Transportation to the Niagara Region – Hwy. 20 from Hwy. 58 to Thorold
Townline Rd. in the City of Thorold**

The City of Thorold is experiencing unprecedented growth in the Rolling Meadows community and is planning to exceed its growth targets for the next couple of years. In our preparation to manage the impacts of new development we look forward to working with the Niagara Region to ensure that key initiatives like active transportation, transit route expansion and *Complete Street* design criteria are strategically used to shape individual development projects.

The section of Hwy. 20 (from Hwy. 58 to Thorold Townline Road) plays an integral role in the movement of local goods and services in an east-west direction across the Niagara Region and functions well as an arterial road. Its connectivity to NR 20 (east of Hwy.58) and NR 20 (west of Thorold Townline Rd. at Lundy's Lane in the City of Niagara Falls) no longer suits its original design as a rural, controlled-access highway.

The transfer of this section of roadway jurisdiction to the Niagara Region, at no cost, will allow the City of Thorold and the Niagara Region to cost effectively plan, construct and service this corridor in a coordinated and collaborative way.

Please share the City of Thorold's support for this undertaking in your discussions with the Ministry of Transportation and keep us apprised of the status of this important initiative.

Yours truly,

Geoff Holman
Signed with ConsignO Cloud (2024/06/10)
Verify with verifio.com or Adobe Reader.



Geoff Holman,
Director of Public Works and Community Services

cc. Terry Ugolini, Mayor
Manoj Dilwaria, CAO

**THE REGIONAL MUNICIPALITY OF NIAGARA
WASTE MANAGEMENT PLANNING STEERING COMMITTEE
MINUTES**

**WMPSC 3-2024
Monday, December 9, 2024
Committee Room 4
Niagara Region Headquarters
1815 Sir Isaac Brock Way, Thorold ON**

Committee: Bradley (Regional Chair)*, Diodati*, Foster (Committee Vice-Chair), Morocco*, Rigby, Ugulini (Committee Chair), Witteveen; H. Washuta, B. Whitelaw

Other Councillors: Craitor*

Staff: C. Habermehl, Director, Waste Management Services, H. Levitzky, Advisor, Waste Management Services*, L. McGovern, Program Manager, Waste Management Services*, E. Prpic, Associate Director, Waste Disposal Operations & Engineering, M. Singzon, Manager, Waste Collection and Diversion, J. Spratt, Legislative Coordinator, D. Yousif, Manager, Waste Policy and Planning

* indicates participants who attended the meeting electronically, all others participated in person

1. CALL TO ORDER

Committee Chair Ugulini called the meeting to order at 9:01 a.m.

2. DISCLOSURES OF PECUNIARY INTEREST

There were no disclosures of pecuniary interest.

3. PRESENTATIONS

There were no presentations.

4. DELEGATIONS

There were no delegations.

5. ITEMS FOR CONSIDERATION

5.1 WMPSC-C 15-2024

2025 Waste Management Steering Committee Meeting Dates

Moved by Councillor Rigby
Seconded by Councillor Foster

That the Waste Management Planning Steering Committee meetings **BE HELD** on Mondays at 9:00 a.m. on the following dates in 2025:

February 24, April 28, June 23, October 20, and December 8.

Carried

Councillor Information Request(s):

Provide additional options for an August meeting date, due to scheduling conflicts of Committee members. Committee Chair Ugulini.

6. CONSENT ITEMS FOR INFORMATION

6.1 WMPSC-C 14-2024

Niagara Region Comments on Proposed Amendments to Producer Responsibility Regulations for Tires, Batteries, Electronics, and Hazardous Products

Dave Yousif, Manager, Waste Policy and Planning, provided information respecting Niagara Region Comments on Proposed Amendments to Producer Responsibility Regulations for Tires, Batteries, Electronics, and Hazardous Products. Topics of the presentation included:

- Background
- Producer Funding/coverage
- Key Proposed Changes
- Niagara Region Comments
- Next Steps

Moved by Councillor Morocco
Seconded by Member B. Whitelaw

That Correspondence Item WMPSC-C 14-2024, being a memorandum from D. Yousif, Manager, Waste Policy and Planning, dated December 9, 2024, respecting Niagara Region Comments on Proposed Amendments to Producer Responsibility Regulations for Tires, Batteries, Electronics, and Hazardous Products, **BE RECEIVED** for information.

Carried

Councillor Information Request(s):

Consider providing a detailed list of items collected through Niagara Region Waste Management programs following changes to provincial regulation. Councillor Rigby.

Provide the current balances of the Waste Management Reserve Funds. Councillor Foster.

6.2 WMPSC-C 13-2024

Councillor Information Request

Moved by Councillor Foster
Seconded by Member H. Washuta

That Correspondence Item WMPSC-C 13-2024, being a memorandum from C. Habermehl, Director, Waste Management Services, dated December 9, 2024, respecting Councillor Information Request, **BE RECEIVED** for information.

Carried

6.3 WMPSC-C 16-2024

Niagara Region Response ERO 019-9196 - Enabling Beneficial Reuse of Excess Soil

Moved by Councillor Diodati
Seconded by Regional Chair Bradley

That Correspondence Item WMPSC-C 16-2024, being a memorandum from E. Prpic, Associate Director, Waste Disposal Operations & Engineering, dated December 9, 2024, respecting Niagara Region Response ERO 019-9196 - Enabling Beneficial Reuse of Excess Soil, **BE RECEIVED** for information.

Carried

6.4 NR12 CLC Meeting Notes

Citizen Liaison Committee – Niagara Road 12 Meeting Notes - September 19, 2024

Moved by Councillor Rigby
Seconded by Councillor Foster

That the Citizen Liaison Committee – Niagara Road 12 Meeting Notes dated September 19, 2024, **BE RECEIVED** for information.

Carried

7. OTHER BUSINESS

7.1 Recycling Collection Options for Non-Eligible Sources Update

Catherine Habermehl, Director, Waste Management Services, provided an update respecting the recycling collection options for non-eligible sources including future outreach activities and advised that a recommendation report will be brought forward in 2025.

8. NEXT MEETING

The next meeting will be held on February 24, 2025, at 9:00 a.m. in Committee Room 4.

9. ADJOURNMENT

There being no further business, the meeting adjourned at 10:01 a.m.

Councillor Ugolini
Committee Chair

Jenna Spratt
Legislative Coordinator

Ann-Marie Norio
Regional Clerk

Memorandum

WMPSC-C 15-2024

Subject: 2025 Waste Management Planning Steering Committee Meeting Dates

Date: December 9, 2024

To: Waste Management Planning Steering Committee

From: Ann-Marie Norio, Regional Clerk

The following is a list of proposed dates in 2025 that have been identified to hold meetings of the Waste Management Planning Steering Committee:

- February 24, 2025
- April 28, 2025
- June 23, 2025
- August 25, 2025
- October 20, 2025
- December 8, 2025

A resolution of Committee is required to approve the meeting dates. Suggested wording is as follows:

That the Waste Management Planning Steering Committee meetings **BE HELD** on Mondays at 9:00 a.m. on the following dates in 2025:

February 24, April 28, June 23, August 25, October 20, December 8.

Respectfully submitted and signed by

Ann-Marie Norio
Regional Clerk

Proposed Amendments to Tires, Batteries, Electrical and Electronic Equipment, and Hazardous and Special Products Regulations

Waste Management Steering Planning Committee
December 9, 2024

Dave Yousif, Manager Waste Policy and Planning

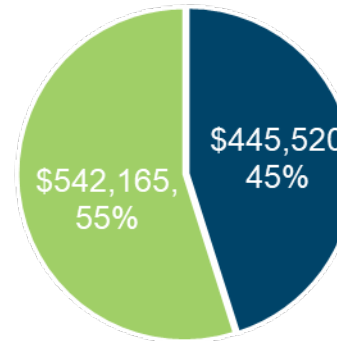
Background

- MECP is proposing 23 changes to four producer responsibility regulations:
 - Tires Regulation
 - Batteries Regulation
 - Electrical and Electronic Equipment (EEE) Regulation
 - Hazardous and Special Products (HSP) Regulation
- Province's goal is to enhance flexibility, reduce administrative burdens, and simplify compliance for producers
- Commenting period was open until October 20, 2024

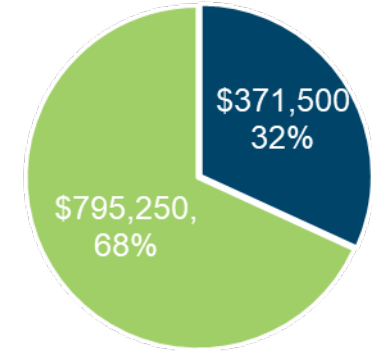
Producer Funding/Coverage

- **HSP:** Funding less than 50% of the total cost
- **Tires:** Number of tires managed at sites has more than doubled since 2017 (9,998 to 20,426 tires); no funding provided
- **EEE:** Funding is limited; does not cover other types of electronic waste managed by Region
- **Batteries:** Funding covers costs of the current program. If expanded, e.g. curbside collection, funding will not fully cover costs

2023 Actuals - \$987,685
Cost vs. Funding



Estimated Cost based on
PCA Proposed Funding vs
2024 Budget - \$1,165,600



- Producer Responsibility Funding Programs
- MHSW Depot Operations

Key Proposed Changes

- **Collection:**
 - Geographic offsetting for collection site
 - Allowing temporary collection events instead of traditional sites
- **Burden Reduction:**
 - Removing RER requirements
 - Adjusting small producer exemptions
 - Streamlining record-keeping, including eliminating tire collector registration and easing tire hauler reporting

Key Proposed Changes

- **Regulation-Specific Changes:**
 - Adjusting the Tires Regulation's collection target
 - Extending the Batteries Regulation target deadline to 2030
 - Revising reporting requirements under EEE and HSP regulations

Niagara Region Comments

- 1. Performance Decline:** Collection and recycling rates have dropped since implementing EPR regulations, suggesting a need for a review to address regulatory gaps that hinder waste diversion
- 2. Lack of Information:** Proposed amendments lack details. Niagara Region urges an opportunity to review and comment on the draft legal language before finalization
- 3. Missed Targets and Delays:** Extending targets for materials risks stalling waste reduction progress, potentially weakening the legislation's environmental goals

Niagara Region Comments

- 4. Collection Infrastructure:** Allowing temporary events in place of permanent sites could reduce service accessibility, especially in rural areas, leading to lower diversion rates
- 5. Accountability Concerns:** Reducing producer reporting requirements risks weakening oversight. Niagara Region recommends retaining end market reporting for accountability
- 6. Expansion of Materials:** Expanding producer responsibility should include all material streams to boost diversion rates across the board

Niagara Region Comments

- 7. Drop-off Site Accessibility:** Discrepancies between listed and actual collection sites and flexible accessibility targets may worsen service gaps
- 8. Geographic Offsetting:** Permitting collection sites in adjacent municipalities rather than Niagara only could limit service accessibility for local residents

Next Steps

- Staff recommend that the Ministry conduct a more detailed review and analysis before finalizing the amendments
- Staff will continue collaborating with municipalities and key stakeholders to advocate for changes that strengthen waste diversion efforts. Coordinated advocacy will emphasize:
 - Maintaining robust collection targets
 - Enhancing accessibility
 - Ensuring producer accountability through transparent reporting

Thank You

Memorandum

WMPSC-C 14-2024

Subject: Niagara Region Comments on Proposed Amendments to Producer Responsibility Regulations for Tires, Batteries, Electronics, and Hazardous Products

Date: December 9, 2024

To: Waste Management Planning Steering Committee

From: Dave Yousif, Manager, Waste Policy and Planning

Purpose

The purpose of this memorandum is to inform Committee about [proposed amendments](https://ero.ontario.ca/index.php/notice/019-8866) (<https://ero.ontario.ca/index.php/notice/019-8866>) to four producer responsibility regulations concerning tires, batteries, electrical and electronic equipment, and hazardous and special products.

These proposed amendments, introduced by the Ministry of the Environment, Conservation and Parks (MECP), aim to enhance flexibility, reduce administrative burdens and simplify compliance for producers, while maintaining waste reduction and diversion goals. However, there is risk that the proposed changes may undermine waste diversion efforts and reduce service accessibility for Niagara Region residents. This could result in divertible materials being sent to landfills; potentially shortening the Region's landfill lifespan and impacting environmental compliance.

Proposed Amendments

Ontario is proposing 23 changes to four producer responsibility regulations under the Resource Recovery and Circular Economy Act, 2016 (RRCEA): the Tires Regulation, Batteries Regulation, Electrical and Electronic Equipment (EEE) Regulation, and Hazardous and Special Products (HSP) Regulation. A detailed list of proposed changes can be found in Appendix 1.

Key proposals are summarized below into the following categories:

- **Collection:** Changes are being proposed to make it easier for producers to meet collection targets. For example, they could set up temporary collection events

instead of permanent sites, allow collection sites in one community to serve neighbouring municipalities, work with municipalities to use existing services and apply the same rules for population coverage across all four regulations to improve access.

- **Burden Reduction:** The government is proposing to simplify the rules for producers. This includes removing certain requirements like tracking how efficiently materials are recycled, making it easier for small producers to be exempt, and streamlining record-keeping, including eliminating certain reporting requirements.
- **Regulation-Specific Changes:** Some changes are unique to specific programs, like lowering collection target for tires, giving producers more time to meet battery recycling targets and revising reporting requirements for electronics and hazardous materials.

Niagara Region Staff's Responses:

Staff have reviewed the proposed changes and identified areas that could negatively impact the Region. These key impacts include:

- Reduced accessibility and convenience for Niagara residents
- Increased volumes of materials entering landfills or being improperly disposed of
- Continued responsibility for service gaps, associated costs increases and decreased revenues

The following summarizes staff comments on the proposed amendments (see Appendix 2 for the full submission). The MECP commenting period on the proposed amendments was open until October 20, 2024.

1. **Performance Decline:** Since the introduction of producer responsibility regulations, recycling rates have declined for products such as batteries, electrical and electronic equipment, and hazardous special products. Staff recommended that the Province undertake a thorough review to identify the root causes of these declines, and that tactics to improve diversion be included in the proposed amendments.
2. **Lack of Information:** The proposed changes lack detail necessary to evaluate their impact on Niagara. For example, they do not provide exact regulatory wording to clarify producers' obligations for service levels, creating uncertainty about the extent of their responsibilities and impact on Niagara. Staff requested that interested parties

be given the opportunity to review and comment on the draft legal language of the amendments before they are finalized.

3. **Missed Targets and Delays:** The proposed extension of deadlines for achieving key management targets, particularly for batteries and other regulated materials, could slow progress toward waste reduction and recycling goals. For example, extending the timeline for battery recycling targets means producers would have more time before being required to meet collection and recycling standards. This could lead to higher rates of improper disposal, reduced revenue and increased handling costs for the Region. Delays in setting these targets risk undermining the intent of the legislation and its environmental objectives.
4. **Collection Infrastructure:** The proposed amendments would allow producers to meet collection site requirements by organizing temporary events instead of maintaining permanent collection locations. This could reduce access to collection services, particularly in underserved and rural areas, where residents rely on consistent, permanent options.
5. **Accountability Concerns:** Reducing reporting requirements for producers, such as the removal of recycling efficiency reporting requirements, could weaken oversight and make it difficult to ensure that producers are meeting their waste diversion obligations. For instance, without efficiency reporting, it may become unclear whether collected materials are being properly recycled or simply disposed of, undermining the intent of the program. Niagara Region recommends maintaining some form of streamlined end market reporting to ensure accountability.
6. **Expansion of Materials:** The consultation focuses on expanding the list of materials under the EEE program but should also explore expanding obligations for tires, batteries, and hazardous materials. Broadening the scope of producer responsibility would enhance waste diversion efforts and help mitigate or avoid current costs incurred by municipalities associated with managing non-obligated materials.
7. **Drop-off Site Accessibility:** There are inconsistencies between the sites listed by the Resource Recovery and Productivity Authority and those that actually accept materials. Reducing collection targets and allowing more flexibility in providing accessibility could further exacerbate these gaps in service.
8. **Geographic Offsetting:** Niagara Region is concerned that allowing producers to establish collection sites in adjacent municipalities instead of only within Niagara

region boundaries could negatively affect residents' ability to access these services in Niagara.

Conclusion and Next Steps

The Ministry asserts that the proposed amendments will not impact the intended outcomes of waste reduction and diversion. However, the AMO 2023 Ontario Waste and Recycling report highlights a decline in material collection and recycling rates across the province since the introduction of the producer responsibility framework. For example, the collection of EEE dropped by approximately 40% from a peak in 2013 to 2021, and HSP collection fell by around 25% between 2019 and 2021. Battery recycling performance declined significantly in 2021, with producers managing only 12% of the calculated supply for single-use batteries and 13% for rechargeable batteries. This trend raises concerns about the effectiveness of the current program and the impacts of proposed changes.

Although the government's goal is to simplify compliance, staff believe that these amendments could undermine the legislation's waste diversion objectives and reduce service accessibility for residents; all while municipalities continue to bear the financial burden.

Given these concerns, staff recommended that the Ministry undertake a more detailed review and analysis before finalizing the amendments. Additionally, staff plan to continue to collaborate with other municipalities and key interested parties to advocate for changes that will strengthen waste diversion efforts and ensure the long-term sustainability of producer responsibility programs. This coordinated advocacy will emphasize the need for maintaining robust collection targets, enhancing accessibility, and ensuring producer accountability through transparent reporting.

Respectfully submitted and signed by

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Manager, Waste Policy and Planning

Appendices

Appendix 1 MECP Plain Language Description of Proposed Regulatory Amendments

Appendix 2 Niagara Region Detailed Comments Submitted to MECP

PROPOSED AMENDMENTS TO FOUR PRODUCER RESPONSIBILITY REGULATIONS FOR TIRES, BATTERIES, ELECTRICAL AND ELECTRONIC EQUIPMENT, AND HAZARDOUS AND SPECIAL PRODUCTS

PREAMBLE

Ontario is proposing changes to the following four producer responsibility regulations under the Resource Recovery and Circular Economy Act, 2016 (RRCEA):

- the Tires Regulation (O. Reg. 225/18)
- the Batteries Regulation (O. Reg. 30/20)
- the Electrical and Electronic Equipment (EEE) Regulation (O. Reg. 522/20)
- the Hazardous and Special Products (HSP) Regulation (O. Reg. 449/21)

The proposed changes to Ontario's producer responsibility framework aim to increase flexibility, reduce administrative burden, and simplify compliance requirements for producers of specified materials. These adjustments are not expected to impact the intended outcomes of the regulations, which are to reduce and divert waste.

Some of the proposed changes address common issues among regulations related to collection networks and burden reduction and are presented together under 'Collection' and 'Burden Reduction' headings. These changes may affect a single regulation or more than one regulation. Other proposed changes affect only one regulation and are categorized as 'Regulation-specific Changes'.

COLLECTION

The following amendments aim to increase flexibility for producers in meeting their collection network requirements while still ensuring that Ontarians have access to a convenient collection network.

All proposed collection network changes described in this section would come into effect for the 2025 performance year.

ITEM 1: Add geographic offsetting – Tires, Batteries, EEE and HSP Regulations

Current Requirement:

Section 20 of the HSP Regulation currently allows producers to establish and operate a specified amount of collection sites in alternative locations within the upper-tier municipality in which they are required. An alternative location for a collection site is an established collection site in a lower-tier municipality that is excess to the collection site requirements for that lower-tier municipality. Producers can use an excess collection site in one lower-tier municipality to satisfy collection site requirements for a different lower-tier municipality, as long as both lower-tier municipalities are located within the same upper-tier municipality.

For producers of paints and coatings, up to 17 per cent of the required number of collection sites across Ontario can be established and operated in alternative locations within the upper-tier municipality in which they are required.

For producers of other types of HSP (e.g. antifreeze, oil containers, oil filters, non-refillable pressurized containers, pesticides and solvents), up to 5 per cent of the required number of collection sites across Ontario can be established and operated in alternative locations within the upper-tier municipality in which they are required.

The Tires, Batteries and EEE Regulations do not currently include any geographic offsetting provisions.

Proposed Change:

The ministry is proposing to introduce new provisions in the Tires, Batteries, EEE and HSP Regulations to provide geographic offsetting of collection sites between adjacent local municipalities (that is, lower-tier or single-tier municipalities), irrespective of whether those municipalities are located in the same upper-tier municipality.

The proposal is to allow up to 10 per cent of the required number of collection sites across Ontario to be established and operated in alternative locations in adjacent local municipalities. For clarity, this proposal would apply to any adjacent local municipalities regardless of whether one or both of them were located within Territorial Districts.

To maintain accessibility, producers would also be required to ensure that collection sites located in alternative locations in adjacent local municipalities could accept the same materials returned by residents of the municipality in which the collection site was originally required.

The proposal would provide producers with flexibility to comply with their collection site requirements by allowing them to establish and operate a limited number of collection sites in alternative locations in adjacent local municipalities, instead of in the municipality in which they are required. The total number of collection sites required would not be reduced because the site that is being created in the adjacent municipality is above and beyond what was required in that municipality originally – i.e. in order to create the offset, the producer is creating an extra collection site in the adjacent municipality, resulting from one fewer site in the municipality where it was originally required. This provides flexibility because this new extra site can be located in a place that makes more sense for a producer's collection network and for accessibility for Ontarians. The proposal therefore maintains the same number of required collection sites.

The ministry is seeking feedback on how this proposal could potentially impact collection site accessibility in rural and northern municipalities.

Further, the ministry is seeking feedback on whether the current upper/lower-tier offsetting provisions should remain in the HSP Regulation or if they should be replaced with the proposed general geographic offsetting between adjacent local municipalities.

ITEM 2: Add or increase collection events – Tires, EEE and HSP Regulations**Current Requirement:**

Subsection 11(5) of the Batteries Regulation and subsection 12(5) of the EEE Regulation currently allow producers to replace up to 25 per cent of required collection sites with public collection events.

Subsections 19(3-5) of the HSP Regulation currently allow producers of all types of HSP that are required to establish collection sites to replace up to 25 per cent of required collection sites with public collection events. However, the HSP Regulation does not currently allow the public-facing collection sites required for automotive types of the HSP to be replaced with events.

The Tires Regulation does not currently allow producers to replace any portion of required tire collection sites with public collection events.

Proposed Change:

In the Tires Regulation, the ministry is proposing to add a provision to allow producers to replace up to 25 per cent of required collection sites with public collection events.

In the EEE Regulation for the lighting category, the ministry is proposing to increase the proportion of required collection sites that could be replaced with public collection events from up to 25 per cent of required collection sites to up to 35 per cent of required collection sites.

In the HSP Regulation, for all types of HSP that are required to establish collection sites, the ministry is proposing to increase the proportion of required collection sites that could be replaced with public collection events from up to 25 per cent of required collection sites to up to 35 per cent of required collection sites.

Also in the HSP Regulation, for public-facing collection sites required for automotive types of the HSP, the ministry is proposing to add a provision to allow producers to replace up to 35 per cent of required collection sites with public collection events.

The ministry is not proposing changes to events allowed under the Batteries Regulation or to events allowed for information technology, telecommunications, and audio visual (ITT/AV) equipment under the EEE Regulation.

The proposals related to events for tires, lighting and HSP would provide producers with increased flexibility to comply with their collection site requirements, while maintaining current levels of public accessibility, by adding or increasing the proportion of allowed collection events.

ITEM 3: Allow all municipal collection sites to count as permanent sites – Tires, Batteries, EEE and HSP Regulations

Current Requirement:

Section 10 of the Tires Regulation, subsection 11(1) of the Batteries Regulation, subsection 12(1) of the EEE Regulation and subsection 22(1) of the HSP Regulation currently require collection sites to be open during normal business hours throughout the calendar year. As a result, not all types of municipal collection sites can be considered as collection sites under these regulations. Municipal collection sites and/or municipal mobile collection depots that are open for a limited number of days per week throughout the year or that are open on a seasonal basis currently cannot be considered as collection sites under these regulations. Instead, these types of municipal collection sites must be counted as public collection events.

Proposed Change:

The ministry is proposing to amend existing provisions in the Tires, Batteries, EEE and HSP regulations to allow all municipal collection sites and mobile depots, including those that are open for a limited number of days per week throughout the year or that are open on a seasonal basis to be considered as collection sites.

This proposal would provide producers with increased flexibility to comply with their collection site requirements, while maintaining current levels of public accessibility, by allowing all municipal collection sites and depots to be considered as collection sites.

ITEM 4: Adjust timeline for new census data – Tires, Batteries, EEE and HSP Regulations

Current Requirements:

Part III of the Tires Regulation, sections 6 and 8 of the Batteries Regulation, and Part III of the EEE Regulation currently require producers to establish and operate collection systems according to requirements aligned with the populations of municipalities or territorial districts as reported by Statistics Canada in the most recent official census.

Section 12 of the HSP Regulation currently requires producers to establish and operate collection systems according to requirements aligned with the populations of municipalities or territorial districts as reported by Statistics Canada in the most recent official census published prior to the calendar year in which the collection obligation applies.

Proposed Change:

The ministry is proposing to amend the Tires, Batteries, EEE and HSP Regulations to give producers a sufficient period of time (for example, one or two years) after population data from the official census is reported by Statistics Canada to adjust the number of collection sites they are required to establish and operate in order to align with the updated populations of municipalities or territorial districts.

This proposed change would provide producers with a time limited transition period after census population data is reported by Statistics Canada. No impacts on public accessibility are anticipated. It also maintains a low burden approach as there is only a need to potentially adjust the number of sites every five years as new census data is released.

ITEM 5: Align population density provision across all regulations – Tires Regulation

Current Requirement:

Under sections 6 and 8 of the Tires Regulation, large tire producers may choose to establish their collection network by meeting a population-based formula or by establishing sites based on the number of retail locations that supply their tires. Tire producers without retail locations that supply their tires into Ontario must meet the population-based requirements.

The population-based formula requires one site for every 3,000 people or portion thereof in local municipalities of 1,000 or more.

Proposed Change:

The ministry is proposing to amend how population-based collection site requirements are calculated for larger municipalities. The ministry proposes to maintain the current population-based formula for populations up to 500,000 but reduce the number of collection sites required once the municipal population is more than 500,000, based on the following metrics:

- In each local municipality with a population of more than 500,000, producers must establish and operate:
 - at least 167 tire collection sites for the first 500,000 people as per the current population-based formula, and
 - at least one tire collection site for every 6,000 people or portion thereof for the portion that surpasses 500,000.

This provision would apply to large producers and producers without retail locations and would recognize that fewer collection sites are needed on a per capita basis because population density is greater in larger municipalities.

This provision would also align collection site requirements in the Tires Regulation with those currently in the Batteries, EEE and HSP Regulations.

ITEM 6: Align “take-back” provisions – HSP Regulation

Current Requirement:

Part IV of the HSP Regulation sets out requirements for the distribution of HSP collection sites. This Part does not currently include any flexibility related to “take-back” collection networks.

Subsection 11(4) of the Batteries Regulation and subsection 12(4) of the EEE Regulation include an option that allows producers to reduce the number of required collection sites in proportion to the amounts of batteries or EEE that are collected via programs that allow consumers to return the batteries or EEE at no charge and in a manner that is equivalent to the manner in which the batteries or EEE were supplied (i.e. “take-back” programs). Producers are also required to provide consumers with the packaging or shipping materials required to return the batteries or EEE free of charge. However, regardless of any site reductions, the regulations include a floor to the reductions such that producers must maintain at least one site in every municipality where their product is supplied at a retail location.

Proposed Change:

The ministry is proposing to include a “take-back” or consumer return option in the HSP Regulation that is similar to current consumer return options in other producer responsibility regulations.

The proposed “take-back” or consumer return option would allow consumers to return the HSP at no charge and in a manner that is equivalent to the manner in which the HSP were supplied. Producers would also be required to provide consumers with the packaging or shipping materials required to return the HSP free of charge, where appropriate.

Producers would be allowed to reduce the number of collection sites required using the population-based formula by the percentage of their HSP materials managed through a take-back/closed loop system. The reduction in sites would apply at the municipal level where the take-back system is in place (e.g. if 50 per cent of the material is collected in a take-back system, then the number of sites in that municipality can be reduced by 50 per cent).

In a circumstance where 100 per cent of a producer's materials are managed by a take-back/closed loop system, they would not be required to establish a separate collection network.

It is not proposed that there be a floor in the HSP Regulation to require at least one site in every community, but the ministry is seeking feedback on this point.

In addition, the HSP consumer return option would require producers to demonstrate that their "take-back" system is operating as efficiently as the population-based collection network. If this condition is not satisfied, then HSP producers could not utilize the take-back option.

This is an important condition to include in the HSP Regulation because the HSP Regulation does not include management targets, therefore it is critical to ensure that producers who use this flexibility option are responsible for collecting their share of the supplied HSP.

The policy intent of this provision is to recognize that some HSP materials – such as automotive solvents – may be managed in essentially closed loop systems where the material is put into vehicles and removed at service stations at end of life, and can be managed by the service station.

The ministry is seeking feedback on whether this provision should apply to all types of HSP or just those that are typically managed in take-back/closed loop systems (e.g. automotive solvents).

ITEM 7: Give new option for HSP producers to meet collection requirements based on the existing municipal collection network – HSP Regulation

Current Requirement:

The total number of collection sites that producers of pesticides, solvents and non-refillable pressurized containers are currently required to establish and operate is principally based on the size of municipal populations. The total number of collection sites required is calculated using population-based formulas set out in Part IV of the HSP Regulation. This is also the case for the number of public-facing collection sites that producers of automotive types of HSP (e.g. antifreeze, oil containers and oil filters) are required to establish and operate.

Proposed Change:

The ministry is proposing to introduce new provisions in the HSP Regulation to provide producers of pesticides, solvents, non-refillable pressurized containers and automotive HSP with flexibility to comply with their collection site requirements by allowing them to choose between meeting their collection site requirements by:

- Establishing and operating a number of collection sites based on the size of municipal populations; or
- Establishing and operating the same number of collection sites and events that were operated by all municipalities across Ontario in the previous year.

This flexibility would apply to all collection site requirements for producers of pesticides, solvents and non-refillable pressurized containers, but only to the public-facing sites that producers of automotive HSP are required to establish and operate. This option would not apply to the broader population-based site requirements for automotive HSP.

The proposal would provide producers with flexibility regarding how they are to comply with their collection site requirements but is not expected to alter current levels of public

accessibility as the specified types of HSP are primarily collected through municipal venues which are equipped and approved to handle these materials.

The producer would have to work with municipalities to establish the same number of municipal sites and events as were established by all municipalities across Ontario in the previous year. This means that producers could not choose to apply this flexibility mechanism in just one municipality but would instead be required to create a province-wide network that matches the number of collection sites and events established by all municipalities.

It is the policy intent of this change to encourage and support producers to partner with municipalities in using municipal sites for the purposes of meeting accessibility requirements. Municipal depots are approved to handle these materials and have high visibility to the public as a place to drop-off these materials and other hazardous household products that are not covered by the regulation. It is expected that producers would negotiate with municipalities on fair terms and compensation for the access to the municipal sites. The ministry is interested in any feedback on provisions that could further strengthen this collaboration.

ITEM 8: Add new performance requirement for large producers of automotive HSP when creating alternative collection networks – HSP Regulation

Current Requirement:

Part IV of the HSP Regulation currently provides large producers of automotive HSP with two options to determine their required number of collection sites, as described below:

- Using a population-based formula that is principally based on the size of municipal or territorial district populations to calculate the total number of collection sites required; or
- Establishing the required number of collection sites based on the number of retail locations that supply their HSP. The number of collection sites established must

be equal to or greater than 75 per cent of the number of retail locations that supply the producer's product.

Proposed Change:

The ministry is proposing to add a new requirement for large producers of automotive HSP that choose to establish the required number of collection sites based on the number of retail locations that supply their HSP.

This additional requirement would be for large producers of automotive HSP to demonstrate that a collection network based on the number of retail locations that supply their HSP collects the same or better proportion of that producer's supplied HSP as is collected via the population-based collection network. If this condition is not satisfied, then HSP producers could not utilize the collection network option based on the number of retail locations that supply their HSP.

This new requirement would ensure a level playing field by ensuring that large producers of automotive HSP that choose to establish a collection network based on the number of retail locations continue to be responsible for collecting a fair and proportionate share of the supplied HSP.

The ministry is seeking feedback on whether any other requirements should be considered for large producers of automotive HSP that choose the collection network option based on the number of retail locations that supply their HSP.

BURDEN REDUCTION

We are proposing the following amendments to reduce administrative burden for producers in meeting their obligations under producer responsibility regulations.

ITEM 1: Remove recycling efficiency rate (RER) requirements – Batteries, EEE and HSP Regulations

If all requirements related to recycling efficiency rates (RER) are removed from the regulations, the ministry is proposing the change would come into effect for the 2025

performance year for materials with management targets. For HSP materials without targets, the new requirement for PROs or producers to ensure a minimum amount of collected materials is managed would come into effect for the 2026 performance year.

Current Requirement:

Subsection 16(3) of the Batteries Regulation, subsection 17(4) of the EEE Regulation and section 30 of the HSP Regulation require that producers who use processing activities to meet their management requirements must use processors that meet specified RERs.

The regulations require that the data used by each processor to calculate their RER must be verified in accordance with the Resource Productivity and Recovery Authority's (RPRA's) Verification and Audit Procedures.

Proposed Change:

The ministry is proposing to remove the requirements for individual processors to report on and verify their RERs and for producers to use processors that meet prescribed RERs. Instead, for materials with management targets, the ministry is proposing to rely on those targets to ensure producers and their service providers are recycling collected materials at an efficient rate.

For materials without management targets (e.g. most HSP materials), the ministry is proposing to require that producers or producer responsibility organizations (PROs) manage all of the material they collect at a rate equivalent to the existing RER for each regulated material. This proposed change would shift the obligation for achieving recycling efficiencies from individual processors to producers and PROs. In other words, the recycling efficiency calculation would be applied across all material collected for recycling, not against each processor of the collected material.

Removing the RER will significantly reduce administrative burden for processors who will no longer have to report on and verify their RERs. This approach would also simplify

the model and allow PROs to use any processor without a set minimum RER threshold for each individual processor.

The ministry is proposing to remove RER requirements in the way outlined above because we feel it is the simplest way to reduce burden while maintaining environmental outcomes. However, we have heard there may be some benefit in maintaining RER requirements to ensure a level playing field among processors, but that there should be a simplified verification procedure. As such, we are also seeking feedback on an alternative approach to maintain a numeric RER requirement for each processor in the regulations but simplify the verification process.

This could include: a) verification of only the initial processor and/or potentially their immediate downstream partner processors but no verification further down the processing chain, or b) reducing the frequency of required verification. If this path were pursued, the ministry would also want feedback on whether this simplified verification process should be codified in regulation or specified in a RPRA verification procedure. The ministry would also welcome feedback on an appropriate RER number for different materials.

ITEM 2: Adjust small producer exemptions – Tires, Batteries and EEE Regulations

The proposed change would come into effect for reporting requirements in 2025, meaning that producers would use the new approach on supply data they report to RPRA in 2025 which would be used to determine exemptions for 2026 obligations.

Current Requirement:

Currently, producers of tires, batteries and electrical and electronic equipment are required to create a registry account, register and submit their supply data to RPRA to determine if they meet the applicable small producer exemptions.

Under the Tires Regulation, the small producer exemption is based on the calculation of a producer's collection requirement; subsection 4(7) of the regulation establishes that producers with a collection requirement of 1,000 kilograms or less are exempt.

Pursuant to section 7 of the Batteries Regulation, producers with a management requirement of less than 1.25 tonnes of rechargeable batteries or 2.5 tonnes of primary batteries are exempt.

Section 8 of the EEE Regulation exempts producers with a management requirement of less than 3.5 tonnes of ITT/AV equipment and less than 350 kilograms of lighting.

The HSP Regulation uses a supply data threshold to determine the small producer exemption.

Proposed Change:

The ministry is proposing to modify the small producer exemption for the Tires, Batteries and EEE Regulations to be based on supply tonnage instead of the producer's collection or management requirement. The ministry is proposing the following supply data thresholds which align with the current threshold of the collection target in the Tires Regulation and the highest management targets in the Batteries and EEE Regulations:

- 1,175 kilograms of tires
- 2.5 tonnes of rechargeable batteries
- 5.0 tonnes of primary batteries
- 5.0 tonnes of ITT/AV equipment
- 500 kg of lighting

This approach would reduce administrative burden by allowing producers to determine if they are exempt by looking at their supply data and they will therefore no longer be required to create a registry account or submit data to RPRA if they are below the applicable threshold. The proposed change would not substantially change the number of producers that have obligations.

ITEM 3: Revise collection site record keeping – Tires, Batteries, EEE and HSP Regulations

The proposed change would come into effect for the 2025 performance year.

Current Requirement:

Section 10 of the Tires Regulation, section 11 and subsection 30(2) of the Batteries Regulation, section 12 and subsection 31(2) of the EEE Regulation, and subsections 22(1) and 55(1) of the HSP Regulation require that collection sites that accept large amounts of material (as specified under each regulation) must keep records related to the weight of the material and the person dropping the material off.

Proposed Change:

The ministry is proposing to revise the record keeping requirements for all four regulations and to implement a two-tier requirement for collectors to keep records related to large amounts of materials dropped off:

- Remove requirement for collection sites where PROs are paying a flat fee or for municipal sites.
- Keep the requirement where PROs pay the collection sites on a per unit or weight basis.

Removing the record keeping for some sites will reduce administrative burden, while keeping for other sites that are paid on a weight or per unit basis ensures that there is no motivation to collect additional out-of-province material for the purposes of charging higher fees.

ITEM 4: Remove registration and reporting for tire collectors

The proposed change would come into effect for the 2025 performance year.

Current Requirement:

Sections 17 and 20 of the Tires Regulation set out the registration and reporting requirements for tire collectors. The sections require that tire collectors register with RPRA by submitting specified information when they collect 1,000 kilograms or more of tires. Tire collectors are also required to provide annual reports about collection activities to RPRA.

Proposed Change:

The ministry is proposing to remove the registration and reporting requirements for tire collectors. This change would be consistent with what is required for collectors of other materials regulated under the RRCEA.

The proposed change would have the effect of reducing administrative burden for tire collectors, but oversight would not be affected since tire producers and PROs will still have to report on collection activities and RPRA would maintain the ability to inspect and request information from tire collectors as needed.

ITEM 5: Reduce tire hauler reporting

The proposed change would come into effect for the 2025 performance year.

Current Requirement:

Section 21 of the Tires Regulation requires that tire haulers must report annually on four types of tires:

1. large tires
2. medium truck tires
3. off the road tires, except for large tires that are off the road tires
4. passenger and light truck tires

Proposed Change:

The ministry is proposing to simplify the reporting requirement for tire haulers and only require reporting on two tire types:

1. large tires (over 700 kg)
2. other tires (under 700 kg)

The proposed change would have the effect of reducing administrative burden for tire haulers, and better align with RPRA's registry which is currently set to accept reporting for two types of tires.

The ministry is seeking feedback on whether this change should apply to others in chain of custody as well, such as processors and retreaders.

REGULATION-SPECIFIC CHANGES

TIRES

ITEM 1: Adjust performance target

The proposed change would apply starting in the 2025 performance year.

Current Requirement:

The Tires Regulation currently requires that tire producers collect a minimum weight of tires each year. The minimum weight is based on the average weight of tires that the producer historically supplied into Ontario, multiplied by 85 per cent and is referred to as a collection target (set out in section 4). In addition, producers must manage (e.g. reuse, retread or recycle) at least 85 per cent of the weight of the tires they collect; this requirement is referred to as the management target (set out in section 11).

Proposed Change:

The ministry is proposing to remove the collection target and revise how the management target is calculated. This would align with the approach used in the other regulations under the RRCEA.

The following requirements would be unchanged:

- 85 per cent collection target for the 2019-2024 calendar years; and
- 85 per cent management target for the 2019-2024 calendar years.

The following proposed management targets would be introduced:

- 65 per cent for the 2025 to 2029 calendar years; and
- 70 per cent for the 2030 calendar year and for every subsequent calendar year

Beginning in 2025, these management targets would be based on the average weight of tires the producer historically supplied into Ontario. This new requirement would account for both the amount of tires available for collection and the rate at which tires can be managed.

The proposed change would align with the results that have been achieved to date. It would also reduce the administrative burden associated with calculating and reporting on two separate targets.

The proposal does not include a reduction in the number of collection sites tire producers are required to operate throughout Ontario.

ITEM 2: Increase threshold for regulated tires

The proposed change would come into effect for reporting requirements in 2025, meaning that producers would report on tires that weigh 5 kilograms or more (rather than 1 kilogram or more) in 2025 which would be used to determine their 2026 obligations.

Current Requirement:

Section 1 of the Tires Regulation defines a “tire” to mean “a component that is designed to surround the rim of a vehicle’s wheel and has an actual weight of one kilogram or more”. This means that tires that weigh one kilogram or more are a designated material and producers that supply those tires have regulatory requirements for collection, management, registration, reporting, auditing and record keeping.

Proposed Change:

The ministry is proposing to change the weight threshold that defines a designated tire from one kilogram to five kilograms. Automobile tires are generally above this threshold. This change would mean that tire producers would no longer have to report on supply weight of tires that weigh less than five kilograms, and would not have obligations related to that supply weight.

However, the proposal is to require that producers (or their service providers) must accept and manage tires that weigh less than five kilograms that are returned to public collection networks. This approach is similar to the one proposed for the EEE Regulation for replacement parts.

The proposed change would reduce administrative burden for producers of small tires but would not have a negative impact on environmental outcomes as producers’ collection networks would still have to collect and manage tires that weigh less than five kilograms.

BATTERIES

ITEM 1: Extend management target

The proposed change would provide producers with additional time to build out the system and achieve the 50 per cent management target. This proposed change would not constrain producers’ ability to achieve or exceed the 50 per cent management target before 2030.

Current Requirement:

Part IV of the Batteries Regulation currently requires battery producers to manage (that is, recycle, reuse or refurbish) minimum amounts of batteries. Only primary (single-use) and rechargeable batteries that weigh five kilograms or less are required to be managed.

The minimum amounts of batteries required to be managed in a year are calculated based on the average weight of batteries that were supplied into Ontario by a producer in previous years multiplied by the management target for that year.

The minimum amounts of batteries required to be managed gradually increase due to increases in management targets. Currently, management targets for both primary and rechargeable batteries are:

- 40 per cent for the 2020-2021, 2022 and 2023 calendar years;
- 45 per cent for the 2024 calendar year; and
- 50 per cent for the 2025 calendar year and for every subsequent calendar year.

Proposed Change:

The ministry is proposing to delay the increase of the management target to 50 per cent by five years, from 2025 to 2030. This change would result in revised management targets, as set out below.

The following management targets would be unchanged:

- 40 per cent for the 2020-2021, 2022 and 2023 calendar years; and
- 45 per cent for the 2024 calendar year.

The following proposed revised management targets would be introduced:

- 45 per cent for the 2025 to 2029 calendar years; and

- 50 per cent for the 2030 calendar year and for every subsequent calendar year.

ELECTRICAL AND ELECTRONIC EQUIPMENT

ITEM 1: Change requirements for ITT/AV replacements parts

The proposed change would come into effect for reporting requirements in 2025, meaning that producers would not report on the weight of replacement parts in 2025 and that weight would not be used to determine 2026 obligations.

Current Requirement:

There are two categories of electrical and electronic equipment under the EEE Regulation:

- information technology, telecommunications, and audio visual (ITT/AV) equipment, and
- lighting.

Section 1 of the EEE Regulation sets out the definition for ITT/AV equipment, while subsection 3(3) references “all components, parts and peripherals”. Schedule 1 includes “parts of information technology, telecommunications and audio visual equipment sold separately, such as hard drives” as examples of ITT/AV equipment.

Proposed Change:

The ministry is proposing to remove reporting requirements for replacement parts from ITT/AV equipment. Replacement parts would generally include components that are designed to replace existing components in ITT/AV equipment, that when assembled, enable the equipment to work properly.

Removing reporting requirements for replacement parts would mean that producers of ITT/AV equipment would no longer have to report on supply weight of those parts, and would not have obligations related to that supply weight.

However, the proposal is to require that producers (or their service providers) must continue to accept and manage replacement parts for ITT/AV that are returned to public collection networks. This approach is similar to the one proposed for the Tires Regulation for tires that weigh five kilograms or less.

The proposed change would reduce administrative burden for producers of replacement parts for ITT/AV equipment but would not have a negative impact on environmental outcomes as producers' collection networks would still have to collect and manage these parts.

ITEM 2: Revise allowable reuse

The proposed change would come into effect for the 2025 performance year.

Current Requirement:

Subsection 17(1) of the EEE Regulation allows producers that use an Ontario-based refurbisher to count two times the actual weight of the material reused or refurbished when calculating performance towards meeting management requirements.

Proposed Change:

The ministry is proposing to remove the ability for producers to count two times the actual weight for EEE managed by an Ontario-based refurbisher. Instead, the weight of EEE reused or refurbished in Ontario would count at its actual weight for the purposes of meeting a producer's management requirement.

The proposed change would simplify the framework for what management activities are allowed to count toward management requirements and would better reflect the actual tonnes being managed each year.

ITEM 3: Remove waste reduction incentives

The proposed change would come into effect for reporting requirements in 2025, meaning that producers would not report on deductions as part of the supply data they report in 2025 which would be used to determine 2026 obligations.

Current Requirement:

Section 18 of the EEE Regulation allows producers to reduce their management requirements for a calendar year, up to a maximum of 50 per cent, if they undertake specified waste reduction activities.

For ITT/AV equipment, waste reduction incentives apply to the following in relation to new products that are supplied into Ontario:

- Use of post-consumer recycled glass or plastic content
- Offer of warranties that are more than one year
- Availability of information, tools or parts repair the ITT/AV at no charge or on a cost recovery basis

For lighting, waste reduction incentives apply only for use of post-consumer recycled glass or plastic content in new lighting supplied into Ontario.

Proposed Change:

The ministry is proposing to remove the provisions that allow producers to reduce their management requirements from the EEE Regulation. Under the proposed change, EEE producers would no longer be able to reduce their annual management requirements.

The proposed change would simplify the framework for how producers determine their management requirements and would result in management targets being established based on all tonnes of EEE being supplied into Ontario.

ITEM 4: Extend management target for ITT/AV equipment

This proposed change would provide ITT/AV producers additional time to build out the system and achieve the 70 per cent management target. This proposed change would not constrain producers' ability to achieve or exceed the 70 per cent management target before 2030.

Current Requirement:

Part IV of the EEE Regulation currently requires ITT/AV producers to meet management targets of:

- 55 per cent for the 2021 and 2022 calendar years (at best efforts);
- 60 per cent for the 2023 calendar year;
- 65 per cent for the 2024 calendar year; and
- 70 per cent for 2025 calendar year and every subsequent calendar year.

Proposed Change:

The ministry is proposing to delay increasing the management targets for ITT/AV equipment to 70 per cent by five years, from 2025 to 2030.

The following management targets would be unchanged:

- 55 per cent for the 2021 and 2022 calendar years (at best efforts);
- 60 per cent for the 2023 calendar year; and
- 65 per cent for the 2024 calendar year.

The following proposed revised management targets would be introduced:

- 65 per cent for the 2025 to 2029 calendar years; and
- 70 per cent for the 2030 calendar year and for every subsequent calendar year.

The proposed change would give ITT/AV producers additional time to adjust to the proposed change that would remove the ability to count two times the actual weight for EEE managed by an Ontario-based refurbisher.

ITEM 5: Consult on expanding types of regulated EEE

In addition to these three changes to the EEE Regulation, the ministry is also seeking feedback on the potential to expand collection and management obligations to additional types of EEE as a way to reduce the fire hazard potential of batteries contained in those products.

This is an opportunity to provide initial feedback and data to the ministry; if the ministry decides to expand EEE materials, there would be additional consultation opportunities where the ministry would provide additional details about what materials are being proposed for expansion, what obligations would be proposed and timing to implement.

HAZARDOUS AND SPECIAL PRODUCTS

ITEM 1: Revise producer hierarchy for antifreeze and oil filters

The proposed change would require producers of antifreeze or oil filters supplied in new vehicles to register and report on supply data in 2025, with their collection and management obligations starting on January 1, 2026.

Current Requirement:

Section 4 of the HSP Regulation sets out which brand holders, importers or marketers of antifreeze and oil filters must collect and manage (e.g. reuse, recycle) these products. These collection and management responsibilities include responsibility for collecting and managing antifreeze and oil filters supplied in new vehicles.

Proposed Change:

The ministry is proposing to modify this framework. Brand holders, importers or marketers of new vehicles would become the obligated producer of the antifreeze and

oil filters included in their vehicles. This would be similar to the Tires Regulation, in which the brand holders, importers and marketers of new vehicles are responsible for collecting and managing the new tires supplied on their vehicles.

This change would not impact environmental outcomes as the obligation for regulated materials will only be switched between parties. It would also result in more accurate supply data being reported.

Brand holders, importers or marketers of antifreeze and oil filters that are supplied directly to consumers would continue to be responsible for the collection and management of these products.

ITEM 2: Revise requirements for refillable pressurized containers

The proposed change would come into effect for the 2025 performance year.

Current Requirement:

Section 1 of the HSP Regulation defines “refillable pressurized containers” as an obligated type of HSP. This type is defined to not include refillable pressurized containers for propane. “Refillable propane containers” is a separate type of material under the HSP Regulation.

Currently, the obligations for refillable pressurized containers and refillable propane containers are different. The collection obligation for large producers of refillable pressurized containers is to collect containers from a municipality, territorial district, reserve or Crown site when they receive a request from one of these entities. Small producers of refillable pressurized containers do not have a collection obligation. In contrast, the collection obligation for all producers of refillable propane containers is to collect their containers from a municipality, territorial district, reserve or Crown site when they receive a request from one of these entities.

For both refillable pressurized containers and refillable propane containers, producers must send all collected containers to processors for management.

In addition, producers of refillable pressurized must submit annual reports, satisfy promotion and education obligations, and audit their management activities every three years. Producers of refillable propane containers do not have these obligations.

Proposed Change:

The ministry is proposing that producers of refillable pressurized containers have the same obligations as producers of refillable propane containers.

The ministry proposes to do this by re-classifying refillable pressurized containers. In the HSP regulation there are currently five different categories of materials. Currently refillable pressurized materials are in Category B. The ministry proposes that it be moved to Category E, the same category as refillable propane containers.

For clarity, both refillable pressurized containers and refillable propane containers would have the same requirements, including a collection obligation for all producers (large and small) to collect their containers from a municipality, territorial district, reserve or Crown site when they receive a request from one of these entities. Producers of both types of pressurized containers would not be required to submit annual reports, meet promotion and education obligations or audit their management activities.

The proposed change would create a level playing field between producers of refillable pressurized containers and refillable propane containers. It would reduce administrative burden for producers of refillable propane containers but would not have a negative impact on environmental outcomes as processors and PROs of these containers will continue to report on collection and management activities.

October 18, 2024

Krista Friesen
Manager, Resource Recovery Policy Branch
Ministry of the Environment, Conservation and Parks
40 St. Clair Avenue West, 8th Floor
Toronto, ON M4V 1M2

Dear Ms. Friesen:

**RE: ERO 019-8866 Amendments to Four Producer Responsibility Regulations:
Niagara Region Comments**

Niagara Region is submitting the comments below in response to ERO 019-8866. We thank you for the opportunity to share our municipal perspective and look forward to engagement with the Province on this notice.

Regards,



Catherine Habermehl
Director, Waste Management Services

Niagara Region Comments: “Amendments to four producer responsibility regulations for tires, batteries, electrical and electronic equipment, and hazardous and special products”

While the Ministry claims that the proposed amendments to four producer responsibility regulations for tires, batteries, electrical and electronic equipment, and hazardous and special products will not impact the intended outcomes of reducing and diverting waste, the proposed changes could, in fact, have a significant impact. Below are several concerns that highlight why:

1. **Performance Decline Since Inception of Programs:** Since the introduction of the new diversion programs and subsequent amendments, we have seen a dramatic decrease in performance; specifically, lower rates of material collection and recycling. These trends suggest that the amendments and evolving framework may not be supporting the intended goals of increasing waste diversion, and a review is necessary to identify and address the root causes of these declines.
2. **Insufficient Information:** There is a general lack of detailed information to properly evaluate the merits of these new proposed changes. Stakeholders should be able to review and comment on the specific draft legal language of the amendments prior to adoption.
3. **Delays and Missed Opportunities in Setting Management Targets:** Pushing back key management targets gives producers more time to comply. However, this delay could result in slower progress towards waste reduction and recycling goals, undermining the original intent of the legislation and regulations. Furthermore, the MECP has missed a critical opportunity to establish targets for designated materials under the HSP program, further weakening the program’s effectiveness and limiting its potential to increase waste diversion outcomes across the HSP stream.
4. **Reduced Collection Infrastructure:** Allowing producers to geographically offset collection sites or replace permanent locations with temporary events could reduce the accessibility of waste diversion services, especially in underserved or rural areas. This may lead to lower collection rates and, ultimately, less material diverted from landfills.
5. **Lower Accountability:** Reducing administrative burdens, such as removing certain reporting or verification requirements (e.g., recycling efficiency rates), could weaken oversight. Without sufficient reporting, it will become more difficult

to ensure producers are fulfilling their responsibilities to reduce and divert waste effectively.

6. **Expansion of Materials Under All Programs:** While the government is consulting on expanding the list of materials under the Electrical and Electronic Equipment (EEE) program, it should also explore expanding producer obligations to cover additional materials under the other diversion programs (such as tires, batteries, and hazardous and special products). A broader scope would enhance waste diversion efforts across all material streams.
7. **Reduced Accessibility to Drop-off Sites:** Many locations identified by Resource Productivity and Recovery Authority (RPRA) as drop-off sites for used materials do not actually accept the items they are listed as handling. If the government is recommending a reduction in collection targets and more flexibility in how accessibility is provided, these changes, combined with the current gaps in the system, will lead to further inaccessibility for Ontario residents.

In summary, while the government aims to simplify compliance, these proposed changes risk undermining the waste reduction and diversion goals set by the legislation and regulations. Less stringent requirements and extended timelines are likely to result in fewer materials being diverted from landfills, particularly in the short to medium term. The Region's specific comments to each of the proposed items are noted below.

Collection

1. Geographic Offsetting (Tires, Batteries, EEE, HSP Regulations)

While the proposed flexibility for producers to establish collection sites in adjacent municipalities may benefit some regions, it could negatively impact service accessibility in others, such as Niagara. Currently, Environmental Compliance Approvals (ECA) restrict the Region to accepting materials generated within Niagara. If neighbouring municipalities are permitted to accept Niagara's materials, it may limit our residents' access to proper waste diversion services. To address this issue, broad amendments to ECAs will need be considered to modify boundaries for hazardous and special products (HSP), batteries, and other regulated materials. This may be problematic if communities and their residents are opposed to the change. Furthermore, if a neighbouring site (e.g., in Hamilton) is expected to serve Niagara communities, a reasonable distance requirement should be enforced to maintain convenience for residents.

While the general rationale for this amendment is understood, ultimately there is insufficient information to fully assess its impact across various designated materials. Additionally, the reasoning behind the 10% offset allowance remains unclear, making it difficult to provide support without a more detailed analysis.

2. Increase in Collection Events (Tires, EEE, HSP Regulations)

We do not support the proposed increase in collection events replacing permanent sites, as no clear rationale has been provided for this change. Reducing the number of permanent collection sites could result in less material being diverted and decrease year-round accessibility for residents and ultimately decreased funding to municipalities to an already under-funded program. Permanent sites are known to achieve higher recovery rates compared to temporary, one-day events, so replacing them with short-term events could weaken the overall effectiveness of waste diversion programs. An additional potential implication with decreased accessibility and convenience is an increase in illegal dumping or improper disposal. Given the lack of clarity on the necessity and potential impact of this change, we cannot support it in its current form.

3. Municipal Collection Sites as Permanent Sites

We view this as a positive change, as it acknowledges that some municipal sites do not operate year-round or during regular business hours. However, to prevent a reduction in the availability of services, the government should limit the number of sites permitted to operate with reduced hours. This would help ensure producers provide adequate funding to maintain full operations rather than relying on reduced schedules. Ultimate support for this change is condition on a review of draft regulatory language.

4. Adjustment of Census Data Timeline

We do not support a prolonged extension (anything in excess of 12 months) of the timeline for producers to adjust their collection site obligations based on updated census data. Delaying these adjustments could lead to communities being underserved for extended periods, potentially up to five years. Since census data is updated every five years, this delay could create significant discrepancies in service levels, particularly in rapidly growing areas. It is essential that updates to service obligations happen in a timely manner to keep pace with population growth and community needs.

5. Population Density Alignment (Tires Regulation)

We are not in favour of the proposed reduction in the number of tire collection sites for municipalities with populations over 500,000. Reducing the number of sites by half may disproportionately affect larger communities that rely on accessible collection points for proper tire disposal. In addition, widespread illegal dumping of tires continues, and a further reduction of collection sites will only exacerbate this problem. This adjustment could limit access and undermine the effectiveness of tire recycling efforts in urban areas.

6. Alignment of "Take-Back" Provisions (HSP Regulation)

The proposal to reduce collection site requirements through take-back programs raises concerns about equitable access to hazardous product disposal. Without a minimum

requirement of at least one site in every community, residents may struggle to find accessible disposal options. Moreover, certain materials, such as auto solvents generated at home, may not be covered by take-back systems, increasing the risk of improper disposal and environmental harm.

7. Option for HSP Producers to Use Existing Municipal Collection Networks

We do not support this proposal, as it shifts responsibility onto municipalities rather than ensuring that collection services meet population needs. Relying on matching the number of collection sites and events from the previous year does not account for changing or growing community requirements. Additionally, there is a lack of clarity on how this approach would be implemented, particularly regarding the tracking and collection of data on municipal sites and events. Without a thorough analysis of the implications, this proposal raises significant concerns about equitable service delivery.

8. New Performance Requirement for Large Producers of Automotive HSP

There is not enough information provided to fully assess this proposed change. More clarity is needed on how this new performance requirement will be implemented and how its effectiveness will be measured.

Burden Reduction

1. Removal of Recycling Efficiency Rate (RER) Requirements (Batteries, EEE, HSP Regulations)

We do not support the removal of Recycling Efficiency Rate (RER) reporting requirements for individual processors. While reducing administrative burden is important, there is no guarantee that materials collected will be managed properly without the oversight provided by RERs. We have seen issues in other programs, such as tire recycling, where collected materials were not effectively managed. Eliminating RERs could lead to similar problems by weakening the accountability of processors. Instead of removing RERs entirely, we recommend simplifying the reporting process or introducing a streamlined verification system. This would reduce the administrative burden while still ensuring that materials are properly recycled and environmental goals are met.

2. Adjustment to Small Producer Exemptions (Tires, Batteries, EEE Regulations)

We are unable to support or oppose the adjustment to small producer exemptions at this time due to insufficient information on how this change will impact the system, particularly for municipalities. Reducing the number of obligated producers will likely result in less funding within the system, which could affect the ability of municipalities to

manage tires, batteries, and EEE effectively. Without a clear understanding of the financial implications and how this change will affect municipal programs, we cannot fully assess its potential consequences. A more detailed analysis is needed to evaluate the impact before any decision can be made.

3. Revised Record Keeping for Collection Sites

No concerns pending review of draft regulatory language.

4. Removal of Registration and Reporting for Tire Collectors

No concerns pending review of draft regulatory language.

5. Reduced Tire Hauler Reporting

No concerns pending review of draft regulatory language.

Regulation Specific Changes

Tires

1. Adjust Performance Target

We do not support reducing the management target from 85% to 65% for 2025-2029 and 70% from 2030 onward. It is unclear why this reduction is necessary, especially since municipalities continue to manage increasing amounts of tire waste without receiving compensation. In Niagara for example, the number of tires managed at our sites has more than doubled since 2017 (from 9,998 to 20,426 tires), yet no funding or compensation has been provided by producers for this work. Ultimately, the proposal lacks sufficient justification and does not provide a clear methodology for determining the lower target.

2. Increase Threshold for Regulated Tires

We oppose the proposed increase in the threshold from one kilogram to five kilograms for regulated tires. This change will reduce the number of tire producers contributing to the program, resulting in less funding for tire management. Since municipalities currently receive no compensation for tire disposal, reducing the number of obligated producers will further weaken the financial model. Additionally, with the increasing use of e-bikes and scooters, small tires will likely become more common. This raises concerns about who will cover the processing costs for these tires. More consideration is needed, particularly regarding whether these smaller tires are produced by different manufacturers.

Batteries

1. Extend Management Target Timeline

We are not in favour of delaying the 50% management target for batteries from 2025 to 2030. No valid reason has been provided for the extension, especially for a target that should be achievable. Battery recycling has been in place for over 15 years, and the target was established long before the regulation's implementation in July 2020. The delay seems to be a result of conflicts between industry players, which should not justify postponing these targets.

Additionally, as highlighted in the 2023 AMO Ontario Baseline Waste & Recycling Report, battery recycling rates have steadily declined over the past decade, and municipalities have raised concerns about compliance issues. Delaying the management target only rewards poor performance by producers and undermines the government's economic and environmental goals. In addition, this proposed change runs counter to the need to address growing concerns over battery-related fire hazards in the waste stream.

Electrical and Electronic Equipment (EEE)

1. Change in ITT/AV Replacement Parts Requirements

We are concerned that removing reporting requirements for ITT/AV replacement parts may reduce overall target amounts. By eliminating the weight of these parts from management performance calculations, this change could lower expectations for recycling performance and decrease the effectiveness of the program.

2. Revision of Allowable Reuse

We oppose the removal of the incentive that allows producers to count reused or refurbished EEE at double the weight. Reuse is a more desirable outcome than recycling, and there should be an incentive to encourage it while tracking tonnage accurately. Instead of removing the incentive, the management targets should be adjusted to reflect actual tonnage, ensuring that cost-efficiency drives reuse over recycling when appropriate.

3. Removal of Waste Reduction Incentives

We oppose the removal of waste reduction incentives, which encourage the use of recycled content or extended warranties. These incentives promote more sustainable waste reduction strategies that go beyond simple recycling. Rather than eliminating

them, we suggest finding a solution to simplify and retain these incentives within the regulatory framework.

4. Extension of Management Target Timeline for ITT/AV

We do not support delaying the 70% management target for ITT/AV from 2025 to 2030. The targets appear to have been set too low, and giving more time seems unnecessary, given the extensive collection opportunities already available. Although northern Ontario may face specific challenges, this delay ultimately rewards processors for not taking the regulations seriously.

Furthermore, as noted in the 2023 AMO Ontario Baseline Waste & Recycling Report, recycling rates for electrical and electronic equipment have dropped significantly since 2013, despite an increase in the supply of these materials. Delaying the increase in the management target rewards poor performance and fails to address growing concerns over battery-related fire hazards in the waste stream.

5. Consultation on Expanding Regulated EEE

We fully support expanding the list of designated EEE to include more than just products with embedded batteries. Ontario lags other provinces in this area, and we recommend adding items with power cords, such as small appliances and power tools, to the designated list. Expanding the regulation to cover more items, including hazardous and special products (HSP), will improve waste diversion outcomes.

While municipal governments are supportive of expanding the scope of regulated materials, it is unclear why more consultation is necessary. Expanding the list of covered electronics and electrical equipment has been included in several previous provincial consultations, and this expansion was a commitment made in the Province's strategy. We urge the Province to move forward with implementation.

Hazardous and Special Products

1. Revise Producer Hierarchy for Antifreeze and Oil Filters

No concerns pending review of draft regulatory language.

2. Revision of Refillable Pressurized Container Requirements

Refillable pressurized cylinders (both propane and other gases) are frequently dropped off at municipal depots without funding or compensation provided by producers. This raises the question of why municipalities should continue to accept these items. While the proposed changes may create a level playing field for producers, they do not

address the need for fair (or any) compensation to municipalities for this material category.

Memorandum

WMPSC-C 13-2024

Subject: Councillor Information Request

Date: December 9, 2024

To: Waste Management Planning Steering Committee

From: Catherine Habermebl, Director, Waste Management Services

This memorandum is intended to provide Committee members with an update on the outstanding Councillor Requests from previous meetings.

Waste Management Planning Steering Committee

Meeting Date: August 27, 2024

Minute Item #3.1: Councillor Witteveen requested to revisit proposed tip fee rate for contaminated soil deposits in landfills and consider implications of charging at the proposed general waste tip fee rate.

Follow-up Action: Rate adjusted and has been submitted as part of the User Fee By-Law which will be considered Council on December 12, 2024.

Status: Complete

Minute Item #3.1: Councillor Foster requested to revisit the proposed minimum tip fee rate and the implications of increasing this rate further to better reflect costs.

Follow-up Action: Rate adjusted and has been submitted as part of the User Fee By-Law which will be considered by Council on December 12, 2024.

Status: Complete

Public Works Committee

Meeting Date: September 10, 2024

Minute Item #4.1: Councillor Huson requested staff consider funding options that are available for waste management through the Green Municipal Fund.

Follow-up Action: Green Municipal funding will be explored during the Waste Management Strategic Plan process.

Status: In Progress

Minute Item #8.1: Councillor Bateman requested information respecting ways to expedite cleanup of waste materials and receptacles left at the curb following collection and options to manage repeat offenders.

Follow-up Action: Waste Management By-Law Enforcement memo submitted to Council Weekly Correspondence Distribution on October 44, 2024. (CWCD 2024-168)

Status: Complete

Meeting Date: January 11, 2022

Minute Item #5.2: Councillor Heit requested information respecting the Regional Public Works Commissioners of Ontario Committee strategic plan regarding waste management information sharing between municipalities.

Follow-up Action: The Regional Public Works Commissioner of Ontario Committee is updating their strategic plan in 2025. Once this plan is available publicly, a copy will be provided to Councillors.

Status: In Progress

Budget Review Committee of the Whole

No outstanding waste management related items at this time.

Committee of the Whole

No outstanding waste management related items at this time.

Council

No outstanding waste management related items at this time.

Completed Items

Waste Management Planning Steering Committee

Meeting Date: December 11, 2023

Minute Item #3.1: Councillor Morocco requested information about including a sticker with the promotional materials that indicates organic items that can be discarded in green bins.

Status: Complete

Minute Item #3.2: Councillor Morocco requested information about costs associated with illegal dumping.

Status: Complete

Meeting Date: October 23, 2023

Minute Item #7.2: Committee requested information about the cost of implementing a mandatory organics collection program for high-rise apartment complexes.

Status: Complete

Meeting Date: October 23, 2023

Minute Item #7.1: Councillor Rigby requested an update on utilizing alternative technology from waste.

Status: Complete

Public Works Committee

Meeting Date: June 11, 2024 Closed Session

Minute Item #1.1: Councillor Bateman requested the circulation of the letter distributed by Chair Bradley respecting Producer Responsibility

Status: Complete

Minute Item #1.1: Councillor Witteveen requested the number of Municipalities that have chosen to provide recycling collection to non-eligible sources.

Status: Complete

Meeting Date: September 12, 2023

Minute Item #9.1:

Committee requested the following information respecting Recycling Collection from Non-Eligible Sources under Blue Box Regulation (O. Reg 391/21):

- Provide options for the recycling collection program within the next six (6) months
- Provide information on a communication plan for the upcoming changes and implementation guidelines in order to inform the public respecting changes to the recycling collection program.
- Request the Regional Chair send a letter to the Premier of Ontario, Ministry of the Environment, Conservation and Parks, and Local Members of Provincial Parliament, expressing concerns with the changes to the recycling collection program.
- Provide information on how other provinces are managing Blue Box EPR programs and how businesses are managed within these regulations.
- Determine how many non-eligible sources are using private recycling collection services and if the private sector had capacity to manage the non-eligible sources going forward.

Status: Complete

Respectfully submitted and signed by

Catherine Habermebl
Director, Waste Management Services, Public Works

Memorandum

WMPSC-C 16-2024

Subject: Niagara Region Response ERO 019-9196 - Enabling Beneficial Reuse of Excess Soil

Date: December 9, 2024

To: Waste Management Planning Steering Committee

From: Emil Prpic, Associate Director Waste Disposal Operations and Engineering

This memorandum serves to update the Waste Management Planning Steering Committee on a recent submission by Niagara Region in response to ERO-019-9196, titled Enabling Beneficial Reuse of Excess Soil, which proposes amendments to O. Reg. 406/19, On-Site and Excess Soil Management. The commenting period was open until November 21, 2024.

Niagara Region's submission to the Ministry of Environment, Conservation and Parks is attached as Appendix I.

Respectfully submitted and signed by

Emil Prpic

Associate Director Waste Disposal Operations and Engineering

Public Works

1815 Sir Isaac Brock Way, PO Box 1042, Thorold, ON L2V 4T7
Tel: 905-980-6000 Toll-free: 1-800-263-7215 Fax: 905-685-0013
niagararegion.ca

November 20, 2024

Reema Kureishy
Environmental Policy Branch
Ministry of the Environment, Conservation and Parks
40 St. Clair Avenue West, 10th Floor
Toronto, ON M4V 1M2

Dear Ms. Kureishy:

RE: ERO 019-9196 Enabling greater beneficial reuse of excess soil: Niagara Region Comments

Niagara Region is submitting the comments below in response to ERO 019-9196. We thank you for the opportunity to share our municipal perspective and look forward to engagement with the Province on this notice.

Regards,



Catherine Habermehl
Director, Waste Management Services

Niagara Region Comments: “Enabling greater beneficial reuse of excess soils”

The purpose of ERO 019-9196 is to describe proposed amendments to O. Reg. 406/19, On-Site and Excess Soil Management. O. Reg. 406/19 (the Regulation) is scheduled to be in full effect as of January 1, 2025. Niagara Region (Region) provides the following comments on the proposed amendments:

1) Change the coming into force date of the landfilling restriction for excess soil meeting Table 2.1 residential standards (Section 22 of the Regulation)

The Region agrees with the proposed amendment which clarifies that soil meeting Table 2.1 residential standards will now be referenced in Section 22, as the current wording of Section 22(1) is difficult to interpret.

The reason for the two-year delay in the Regulation's implementation is unclear. Since the Regulation was introduced in 2019, this delay would result in an approximately eight-year implementation period, which seems excessive. To maintain focus on the importance of excess soil management, the Region recommends that the Ministry of Environment, Conservation and Parks (MECP) set the enforcement date to January 1, 2026, extending it by only one year.

Further clarification is needed regarding subsection 22(3), which permits landfilling of excess soil if a qualified person believes it would be “unsafe to finally place the excess soil at a reuse site.” If there are no associated quality standards, it is unclear why this would result in an adverse effect, as the soil quality standards are intended to prevent such impacts. Additionally, it should be specified that, even if a qualified person determines that excess soil must be landfilled, it must still meet the landfill's Environmental Compliance Approval acceptance criteria before being accepted. The Region recommends that the MECP provide specific examples to help clarify the intent of this proposed amendment.

2) Exempt specified excess soil management sites from a waste environmental compliance approval (ECA) subject to rules

Aggregate Reuse Depots

Will the aggregate reuse sites require registration on the RPRA web site?

Small Liquid Soil Depots

Why is the allowable storage time limited to six (6) months instead of twelve (12)?

3) Enhanced reuse opportunities for aggregate and stormwater management pond (SWMP) sediment

No comment.

4) Allow greater reuse of soil to be coordinated between similar infrastructure projects

No comment.

5) Reduce reuse planning requirements for excess soil moved between infrastructure projects

No comment.

6) Allow in-situ sampling for stormwater management pond (SWMP) sediment

The Region is in agreement with the proposed revision as this will provide the owner the flexibility to carry-out in-situ sampling, and to determine depth of the dredging requirement which will be beneficial in determining soil volume.

7) Regional mapping of naturally occurring local background concentrations

The Region is fully supportive of this initiative and agrees that further discussion is necessary to gain a clearer understanding of how regional mapping would operate in practice. The primary challenge in creating soil mapping at a regional scale involves considerable financial costs and the specialized expertise needed to carry it out. The Region recommends that the MECP consider funding these mapping efforts, either in full or in part.

8) Other clarifications and corrections

The Region generally agrees with the other proposals under item 8. It seems reasonable and would likely be beneficial to locate multiple types of depots on the same property or on adjacent properties as described in 8(vi).

WASTE MANAGEMENT SERVICES DIVISION
CITIZENS LIAISON COMMITTEE (CLC) – NIAGARA ROAD 12
LANDFILL SITE

Meeting Notes from the Niagara Road 12 Landfill Citizens Liaison Committee held via Zoom and in person on Sep 19, 2024, commencing at 7:00 p.m.

Landfill Site tour 6pm-7pm attendees Kate Ashbridge, Ken Durham, John Ganann

ATTENDANCE

Committee: Ken Durham – Resident Member (Chair)
Robert Lee – Resident Member
Councillor Bob Hildebrandt, Town of Pelham
Councillor Greg Reimer, Town of Lincoln
Councillor Jacob Baradziej, Town of Grimsby

Regrets:
Councillor Don Howe, Town of Grimsby
Councillor Mike Rehner, Town of West Lincoln

Guest: John Ganann

Staff: Andrew Winters, Program Manager, Waste Disposal Operations
Kate Ashbridge, Supervisor, Waste Disposal Operations
Emil Prpic, Associate Director, Waste Disposal Operations & Engineering
Sandy Sawatzky, Waste Management Clerk/Program Administrator

1. Distributed at meeting:

Agenda

Meeting Notes for May 9, 2024, meeting

2. Approval of Agenda:

The agenda was approved and accepted by the Committee, and the meeting was called to order at 7:02 p.m.

3. Approval of Meeting Notes from May 9, 2024:

Moved by: Councillor Bob Hildebrandt

Seconded by: Councillor Greg Reimer

Carried.

4. Business arising from previous meeting:

Action item – Impact of every other week garbage collection on Waste coming into the NR12 Landfill, spreadsheet attached (Cube Report MW EOW comparison).

5. Update on Projects at NR12 for 2024:

- a) Office building improvements
- b) Complete
- c) Committee members agree NR12 house renovations are well done.
- d) Drop-off Depot improvements
- e) Complete
- f) Compost Pad improvements.
- g) Project completed including repairs and the paving of 70% of the compost pad area.
- h) Marz Homes – soil removal update
- i) Delays in Marz Homes phase 2 development in Smithville has resulted in a delay in the haulage of the second stockpile at the NR12 site.
- j) Marz Homes is still planning to remove the soil at their cost with work expected to resume in the fall.
- k) Committee member asked if “Other builders may be interested”? Currently, no other builders have approached Niagara Region.
- l) Issuance of the Landfill Operation Tender
- m) Current contract ends on August 31, 2025
- n) Require one (1) year lead time to secure equipment.
- o) The current contractor has been operating at NR12 since 2012 with the first contract, and they were also the successful bidder for the current contract, which began in 2018. This contract is for five years with a two-year extension option, totalling seven years.
- p) Future Waste is the successful bidder and will begin operating in September 2025.
- q) Future Waste also operates other Landfills in Ontario including the Humberstone Landfill in Welland.

6. Update on NR12 Operations – Tonnage review- Kate Ashbridge:

- Tonnage spreadsheets – Inbound and Outbound (attached)
- Committee Member asks – if there are measures on volume i.e. heavy items vs light items and corresponding space requirements?
- Staff Response
 - No such measurements yet
 - Need to assess a value to air space which will be reviewed in the future.

Action: Send slides to the committee, Sandy to include with Meeting Notes

[CLC Tonnage Data NR12 2024.pptx](#)

- Discussion regarding sharing of meeting information with Municipalities prior to approval of Meeting Notes.
 - Staff response – outlines the process of Meeting Notes approval
 - Meeting Notes approved by committee >WMPSC > Public Works Committee > Council for final approval.
 - Staff will look at the possibility of approving the Meeting Notes electronically shortly after CLC members review the draft Meeting Notes (sent out via email) from the meeting instead of waiting for the next meeting which is 3 to 4 months later.

Action: Staff to contact the Clerk's office regarding the process of finalizing Meeting Notes and getting information to CLC members more quickly for CLC members to share with their respective Municipal Councils. (Sandy)

7. Other Business:

- Waste Management Division has started working on Long Term Strategy
 - 25-year plan Strategic Plan
 - At input stage and public open houses
 - Discussions on alternative technology and not necessarily specific to incineration
 - Online surveys – approximately 1000 responses from first phase. Second online survey open until September 30, members were encouraged to participate and share with their networks.
 - Consultant presented info at the Waste Management Planning Steering Committee August 27, 2024, and at Public Works Committee on September 10, 2024
 - WMPSC-C 7-2024 (attached)
 - 25-year plan - regular update of plan and regularly updated i.e. changes to regulations

- **Action:** Are we able to get a breakdown of responses i.e. by the municipality?

[Waste Management Strategic Plan - Niagara Region Ontario](#), Subscribe to the Waste Management Strategic Plan quarterly newsletter for information on public engagement, project status and updates.

- Discussion about Reuse Building
 - Salvation Army is the current non-profit organization operating the Reuse depot. It is a 5-year agreement that ends on December 31, 2026.
 - Annually, 40 - 50 tons of material are diverted from landfill.
 - Residents drop off, Salvation Army attendants determine material that is acceptable based on their criteria.
 - When Salvation Army picks up the reusable items it is weighed over the scales on site.

Action: Provide Report on diversion from Reuse (Sandy)

Net WT TONNES Material	Year				
	2020	2021	2022	2023	2024
20 Reuse Centre Materials	9.42	72.38	26.03	40.30	48.23

8. Next Meeting

January 30, 2025 - in person and/or Zoom.

9. ADJOURNMENT: 7:45 pm

Moved by: Councillor Greg Reimer