



THE REGIONAL MUNICIPALITY OF NIAGARA
PUBLIC WORKS COMMITTEE
FINAL AGENDA

PWC 3-2020

Tuesday, March 10, 2020

9:30 a.m.

Council Chamber

Niagara Region Headquarters, Campbell West

1815 Sir Isaac Brock Way, Thorold, ON

	Pages
1. <u>CALL TO ORDER</u>	
2. <u>DISCLOSURES OF PECUNIARY INTEREST</u>	
3. <u>PRESENTATIONS</u>	
3.1 <u>Update on Provincial Initiatives for Extended Producer Responsibility</u> (Agenda Item 6.5) Jennifer Mazurek, Program Manager, Waste Management	4 - 16
3.2 <u>Consideration of City of Niagara Falls Withdrawing from Regional Waste</u> Management Services (Agenda Item 5.4) Catherine Habermebl, Director, Waste Management Services	17 - 32
4. <u>DELEGATIONS</u>	
5. <u>ITEMS FOR CONSIDERATION</u>	
5.1 <u>PW 2-2020</u> Implementation of Automated Speed Enforcement	33 - 63
5.2 <u>PW 4-2020</u> Vision Zero Road Safety Program: Designation of Community Safety Zones around Schools	64 - 80
5.3 <u>PW 13-2020</u> Pattison Outdoor Advertising Request for Variance to Regional Sign By- law 122-2013	81 - 96

5.4 PW 14-2020 97 - 136
Considerations of City of Niagara Falls Withdrawing from Regional Waste Management Services

5.5 PW 16-2020 137 - 141
Removal of All-Way Stop Control, Intersection of Regional Road 89 (Glendale Avenue) at Bessey Street, City of St. Catharines

6. CONSENT ITEMS FOR INFORMATION

6.1 PW 12-2020 142 - 151
Niagara Regional Transit (NRT) and Niagara Specialized Transit (NST) 2019 Ridership and Revenue Summary

6.2 PWC-C 4-2020 152 - 174
Niagara Water Treatment Plant 2019 Summary Reports

6.3 PWC-C 8-2020 175 - 217
Status Update - Water and Wastewater Quality Management System Internal Audit Findings

6.4 PWC-C 10-2020 218 - 219
Procurement Progress Report Liquid Biosolids and Residual Management

6.5 PWC-C 6-2020 220 - 292
Update on Provincial Initiatives for Extended Producer Responsibility

7. OTHER BUSINESS

8. CLOSED SESSION

8.1 Confidential PW 15-2020
A Matter of Advice that is Subject to Solicitor-client privilege under s. 239(2) of the Municipal Act, 2001 – Letter from City of Niagara Falls concerning Waste Collection

8.2 Confidential PW 17-2020
A Matter of Security of Property of the Municipality - Procurement Process for MRF Opportunity Review – Phase 4

This item has been removed from the agenda and will be brought to a future meeting.

9. BUSINESS ARISING FROM CLOSED SESSION ITEMS

10. NEXT MEETING

The next meeting will be held on Tuesday, April 7, 2020 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).

Update on Transition of the Residential Blue Box Program to Extended Producer Responsibility

Public Works Committee

February 11, 2020

Definitions

- Waste Free Ontario Act (WFO)
 - Resource Recovery and Circular Economy Act, 2016 (RRCEA)
 - Waste Diversion Transition Act (WDTA)
- Extended Producer Responsibility (EPR)
- Resource Productivity and Recovery Authority (RPRA)
- Stewardship Ontario (SO)
- Industry-Funded Organization (IFO)
- Wind-up Plan
- Association of Municipalities of Ontario (AMO)
- Ministry of the Environment, Conservation and Parks (MECP)

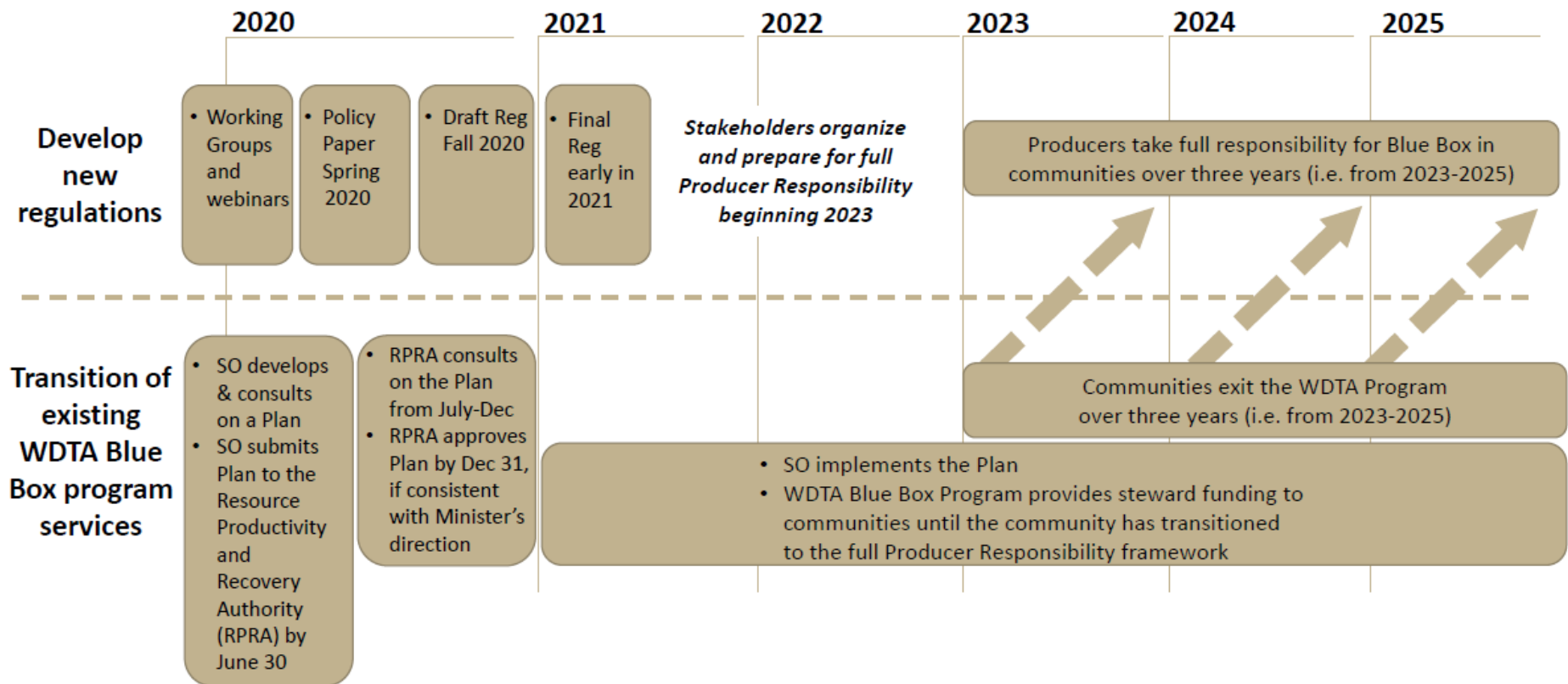
History

- Amended Blue Box Program Plan
- Made-in-Ontario Plan
- Special Advisor's report on Recycling and Plastic Waste
- Direction letter from MECP to SO

Provincial Roadmap

(Excerpted from Provincial Webinar November 27, 2019)

Roadmap to Producer Responsibility for Blue Box



Regulations

MECP will address the following in the new regulation:

1. Definition and scope of designated materials;
2. Collection and accessibility requirements;
3. Management requirements that producers must meet; and
4. Transition approach – criteria to select which communities will transition from the current Blue Box program to the EPR framework under the RRCEA in each of 2023-2025.

Request for Council Resolution

AMO has requested a Council resolution, passed by June 30, 2020, directed to AMO and MECP that specifies:

1. Council's preferred date to transition based on exiting service provision (between January 1, 2023 and December 31, 2025);
2. Rationale for transition date;
3. Whether Council is interested in potentially continuing to provide services (e.g. contract management, collection, haulage processing services etc.) or not; and,
4. Key contacts if there are any follow-up questions.

Blue Box Program Decision Points



1. Timing

What factors influence timing of Niagara's preferred shift date to EPR?

- Method for determining order of transition (dictated to municipalities or self-nomination) and for managing over-subscribed years, in the event that too many municipalities wish to transition at the same time
- Expiration dates of current contracts
- Asset condition and value
- Integrated waste management system
- Potential cost savings with early transition date

What information do we need from the Province?

- Confirmation of method for determining order of transition
- Confirmation of method for determining management of oversubscribed years (if applicable)

2. Niagara Region's Role

What factors influence Niagara Region's decision to bid on collection and haulage, and/or processing of material?

- Existing infrastructure and contracts
- Competition and/or partnerships with the private sector
- Performance standards and targets

What information do we need from the Province?

- Performance standards and targets for collection, haulage and processing

3. Service Levels

What level of service will Niagara Region provide under the new system?

- Some sectors currently serviced by Niagara Region are not expected to be included in the regulations, notably small ICI properties
- Service of any sector not included the regulations would continue to be at full cost to Niagara Region
- There is potential for customer service impact through less tolerance for incorrect set-outs and contamination
- If Niagara Region no longer provides residential Blue Box collection, there may be additional customer impacts (e.g. residential confusion stemming from change in phone numbers/contacts for one material stream).
- Niagara Region will need to decide on the appropriate level of participation with respect to Promotion and Educational material and collection program enforcement

What information do we need from the Province?

- Confirmation of property types to be included in the regulations

Status of RPRA

December 5, 2019: MECP proposed changes to modernize governance, accountability and transparency of Administrative Authorities via the Rebuilding of Consumer Confidence Act

December 29, 2019: MECP approved expansion of RPRA's mandate

January 17, 2020: Article in the Toronto Star regarding loss of RPRA's regulatory powers to investigate industry recycling claims
-no formal announcement forthcoming from RPRA or from the Province to date

MRF Phase 4 Opportunity Review

- Building on Niagara Region's Materials Recovery Facility (MRF) Opportunity Review Phases 1 to 3, the Phase 4 review will develop a recommendation for the preferred ownership structure
- Assessment based on actual market considerations using Negotiated RFP process or another alternative, to determine the best future opportunity for the MRF and minimize the risk of a potentially devalued facility



Questions?

Consideration of City of Niagara Falls' Request to Withdraw from Regional Waste Management Services

March 10, 2020

Niagara Region Public Works Committee Meeting

Agenda

Report - PW 14-2020

- Every-Other-Week (EOW) Garbage Collection
- Increased Contract Prices
- Innovation
- Single Stream and Cart-Based Collection
- Financial and Operational Considerations

NRFP Process and EOW Decision

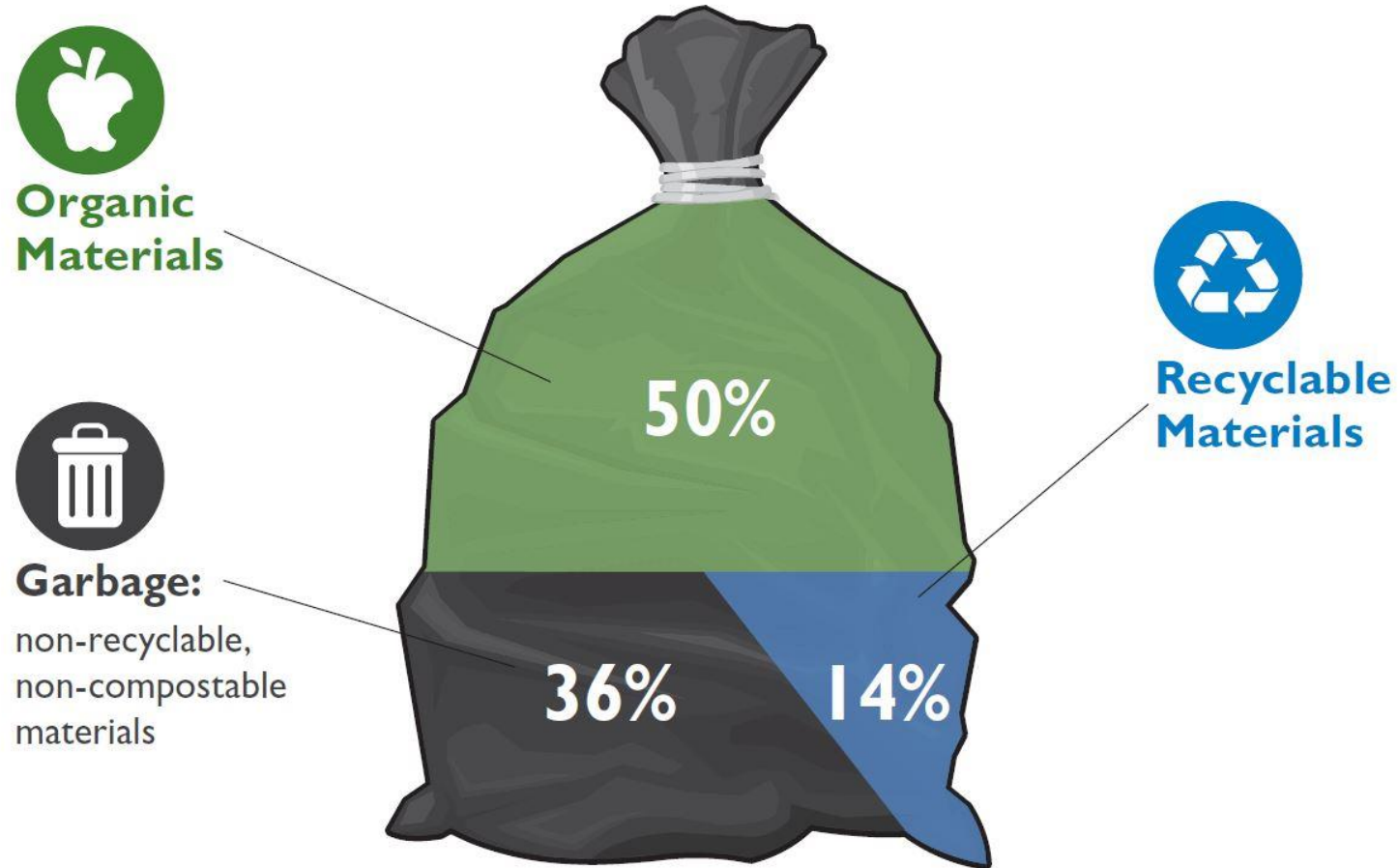
- Following a Negotiated RFP (NRFP) process, on October 17, 2019, Regional Council approved EOW garbage collection.
- Key dates in this process include:

Date	Action
May 2018 – February 2019	Stakeholder consultation with Local Area Municipalities, business organizations, residents
March 19, 2019	Regional Council approved collection service options to be included in the NRFP, including EOW garbage collection
October 17, 2019	Regional Council approved EOW garbage collection as the preferred collection scenario
Q4 2019 to Q1 2020	LAMs select Enhanced Services
January 8 -9 2020	Execution of agreements
October 19, 2020	Commencement date of new contract

EOW Garbage Collection

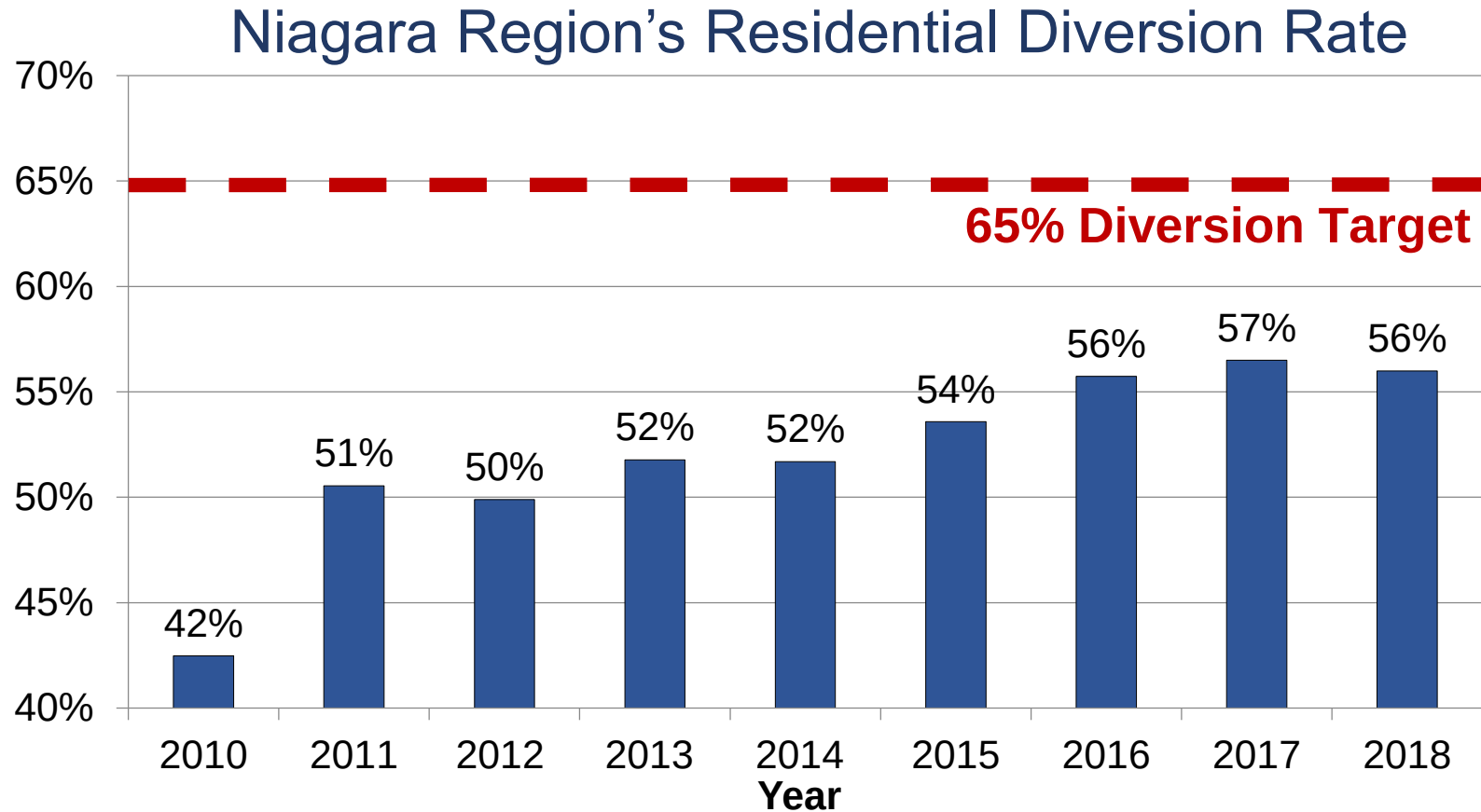
- Only the frequency of collection will change, residents will still be able to set out the same volume of material.
 - For example, residents who currently have a limit of one (1) container (bag/can) per week will be allowed to set out two (2) containers EOW.
 - Garbage tags available for LDR (single dwelling up to 6 units).
- Organics and recycling will continue to be collected weekly.
- Diapers collected weekly.

Typical Garbage Bag in Niagara Region



EOW Benefits

- EOW is a behaviour change motivator to increase diversion.



EOW Benefits (Continued)

- Extended lifespan for open Regional landfills.
- Long term cost reduction related to care and control of landfill sites.
- Reduction of organics being landfilled will result in less methane emissions, reducing the landfill carbon footprint.
- Increased net processing revenue from the sale of more recyclables due to increased volumes.
- Conservation of non-renewable resources.
- Align Niagara Region with impending Provincial ban on the disposal of food and organic waste.

Increased Contract Prices

- Niagara Region has seen an overall increase in the cost of the collection contracts. Similar to other Ontario municipalities, which have experienced increases of 20% to 114%
- Factors that have contributed to this include price increases in:
 - Insurance
 - Vehicle/technology costs
 - Fuel
 - Labour
- Current collection provider was also approximately \$4 million less annually than the next lowest bidder in 2009

Innovation

- The NRFP process for the collection contract incorporated innovation in the following ways:
 - NRFP was not prescriptive, provided flexibility to proponents to put forward innovation
 - Points were awarded for innovation in the evaluation of bids
 - Contained clauses encouraging technological innovation including:
 - a green fleet, use of alternative technologies and fuel sources to reduce GHG emissions and the Region's willingness to participate in technology/service trials.
 - Clause requesting all employees working on the contract earn no less than a living wage as set by the Ontario Living Wage Network

Cart-Based Collection

Key concerns with cart-based service delivery include:

- Significant initial costs for purchase and distribution;
- On-going annual maintenance and replacement costs;
- Storage space requirements for multiple carts; and
- Increased costs for automated collection vehicles.



Single Stream Recycling Collection

Key concerns with single stream recycling include:

- Increased contamination in carts resulting in a decrease in the Region's revenues and difficulty with marketing recyclables;
- Costs associated with retrofitting Niagara Region's Material Recovery Facility from current two-stream operation to a single-stream operation; and
- Increased processing costs for recyclable materials.

With the expected shift of the Blue Box Program to the producer responsibility model, municipalities that undertake program changes at this time are at risk of assuming cost and service level implications.

Considerations

- Decrease in customer convenience and accessibility for Niagara Falls' residents and other users, who will no longer be able to use Regional facilities and services (e.g. landfills, Drop-off Depots, HHW).
- Confusion for residents and service users regarding whom to contact for program information and to report service problems.
- If changes to Niagara Falls' collection (i.e. single stream recycling) occur, inconsistent service across the region may cause:
 - confusion among service users in Niagara Falls and neighbouring municipalities.
 - increased contamination in the Blue Box and organics program.

Considerations

- Duplication of staff to administer, manage and support the development and implementation of waste management services
- The remaining 11 LAMs receiving waste management services from the Region would experience budget increases:
 - Estimated 25% or \$40 per household for 2021 compared to the projected increase of 18.5%; or
 - If Niagara Falls is not required to share in all costs associated with closed landfills and open landfills which have received Niagara Falls' tonnage, increase would be an estimated total of 27% or \$44 per household.

Conclusion

- Based on the legal (see Confidential Report PW 15-2020), financial, operational and customer service considerations identified, it is recommended that Council decline the City of Niagara Falls request to provide waste management services within the City of Niagara Falls.

Questions



Recommendations

- On January 30, 2020, Niagara Region received a formal request from the City of Niagara Falls to allow the City to opt out of Regional waste management services.
- In response, Regional staff are recommending:
 - That Regional Council **DECLINE** the Niagara Falls request to provide waste management services within the City of Niagara Falls and **DIRECT** Niagara Region's Clerk to advise Niagara Falls of the decision of Council;
 - That staff **PROCEED** with the implementation of the contract as approved by Regional Council on October 17, 2019; and
 - That Report PW 14-2020 and Council's resolutions **BE CIRCULATED** to the Local Area Municipalities (LAMs) for their information.

Subject: Implementation of Automated Speed Enforcement

Report to: Public Works Committee

Report date: Tuesday, March 10, 2020

Recommendations

1. That Regional Council **AUTHORIZE** the use of automated speed enforcement (ASE) technology on Regional roads for a five-year contract term with an option to extend for an additional five (5) years;
2. That the Commissioner of Public Works **BE AUTHORIZED** to negotiate, enter into and execute an operating agreement with Her Majesty the Queen in Right of Ontario, as represented by the Ministry of Transportation (the "MTO") of Ontario for the use of ASE technology by Niagara Region including the access and use of license plate registration information subject to successful negotiations with the LAMs with respect to the Niagara Region Courts Inter-Municipal Agreement;
3. That the Commissioner of Public Works **BE AUTHORIZED** to negotiate, enter into and execute an operating agreement with Redflex Traffic Systems (Canada) Limited to provide ASE service for five (5) years from date of award during the second quarter of 2020 to 2024 in the amount of an upset limit of \$950,000 (including 13% HST) with an option to renew on the sole discretion of the Commissioner of Public Works, and subject to budget approval, for one additional term of five (5) years subject to successful negotiations with the LAMs with respect to the Niagara Region Courts Inter-Municipal Agreement;
4. That the Commissioner of Public Works **BE AUTHORIZED** to negotiate, enter into and execute a partnering agreement with the City of Toronto for processing automated speed infractions at the Joint Processing Center subject to successful negotiations with the LAMs with respect to the Niagara Region Courts Inter-Municipal Agreement; and
5. That following implementation of recommendations 1-4, Regional Staff will review the implementation strategy, including technology assessment, safety and educational evaluation, impacts on the Region's Provincial Offences Courts, countermeasures, and budget and revenue to cover the five (5) year period of 2020-2024 and **REPORT BACK** to Council with an update late 2020.

Key Facts

- The Province enacted ASE Regulation #398/19 under the Highway Traffic Act on December 1, 2019, to enable Ontario Municipalities to administer an ASE program in their jurisdictions. Provincial Guidelines are provided to ensure transparency and for the purpose of promoting road safety while maintaining public trust.
- In July 2019, Regional Council authorized Staff to pursue the potential use of ASE 2019 to improve road safety and influence driver behaviour; please refer to PW 35-2019.
- ASE is the methodology which falls under Vision Zero Road Safety Program that was approved by Regional Council on November 14, 2019; please refer to PW 64-2019.
- The costs associated with the implementation of initiatives under the Vision Safety Program, including ASE, was referred for consideration as part of the 2020 Budget Process in accordance with the recommendations in PW 64-2019. Regional Council approved the associated budget, subject to successful negotiations with the LAMs of the Niagara Region Courts Inter-Municipal Agreement to ensure the program is financially sustainable.
- Niagara Region has one of the highest ratios of fatal collisions per 100,000 population among jurisdictions in Southern Ontario based on the latest Provincial statistics.
- Speeding has a direct impact on the consequences of any crash. Speeding also increases the frequency of crashes as the decision stopping distance increases proportionately with the travel speed.
- ASE systems are an important element in speed management and can be a very effective countermeasure to prevent speeding-related crashes.
- Regional staff propose to operate a combination of mobile and semi-fixed ASE units (quantity of four (4)) in school and community safety zones that were determined with maximum speeding violations during 2019.
- Regional staff will communicate the philosophy and strategy behind the ASE program with Niagara residents and tourists through a communication strategy. ASE is a tool which will enhance the capabilities of traffic law enforcement throughout Niagara region and will supplement, rather than replace, traffic stops by law enforcement officers.

- In order to operate ASE, Niagara Region must execute agreements with the Ministry of Transportation of Ontario (MTO), Redflex Traffic Systems (Canada) Limited and City of Toronto to use automated speed enforcement technology.
- Regional staff have been participating in an inter-municipal working group that was initiated by the Ontario Traffic Council (OTC) in an effort to establish common operating principles for ASE across the Province. Some of the issues under discussion include: i) criteria for site selection; ii) fixed location vs. mobile enforcement; iii) days and hours of operations iv) common definitions of school and community safety zone; v) evaluation of the regime; vi) operating guidelines; and vii) expected impacts to court services.
- Niagara Region designated two Community Safety Zones in September 2019 at:
 - Regional Road 81 (York Road) from Queenston Road to Concession 3 Road in the Town of Niagara-on-the-Lake, St. Davids Public School; and
 - Regional Road 24 (Victoria Avenue) from Frederick Avenue to Regional Road 81 (King Street) in the Town of Lincoln, Twenty Valley Public Schools.
- A staff report is coming forward in Q2 2020 to assign additional community safety zones on Regional roads that can receive ASE deployment.
- Staff have begun discussions with the Local Area Municipalities regarding the Niagara Region Court Inter Municipal Agreement with the first meeting taking place on February 21, 2020 with the Local Area Treasurers. At this meeting a combined presentation with Transportation, Public Works and Finance, Corporate Services did receive general support around the Vision Zero Safety program related to the amendments regarding cost sharing between the Region and Municipalities.

Financial Considerations

In order to successfully implement the ASE program, Transportation and Court Services will require increased capacity and resources based on the projected number of charges expected to be issued with the proposed recommendation of four (4) cameras initially. These cameras will be distributed across Regional schools and Community Safety Zones during 2020. Fine revenue is expected to make the ASE program fully cost recoverable, subject to successful amendment of the Niagara Region Courts Inter-Municipal Agreement with the LAMs.

The most significant costs to operate an Automated Speed Enforcement program include:

1. Cost to design, supply, install, operate and maintain the equipment payable to Redflex Traffic Systems (Canada) Limited: The total estimated Vendor cost for an initial five-year contract term is \$856,000 including 1.76% non-refundable HST to operate four (4) ASE units, a combination of mobile and semi-fixed, that will be rotated in school and Community Safety Zones. The annual operating cost associated with the supply of each ASE unit is estimated to be \$33,100 (including 1.76% non-refundable HST), or \$132,400 total for four units. Costs also include one-time capital costs for camera set-up included in the 2020 capital budget.
2. Cost to access MTO vehicle ownership database, payable to MTO: The Province charges a per-transaction fee every time that their vehicle ownership database is accessed by the Joint Processing Centre. These fees are invoiced directly to the municipality on a quarterly basis. The MTO fee will be approximately \$1.06 per transaction; with the total cost varying depending on the number of charges that are issued.
3. Cost to manage the Joint Processing Centre, payable to the City of Toronto: The City of Toronto will operate an Automated Speed Enforcement – Joint Processing Centre on behalf of all participating municipalities. City of Toronto Processing Centre Staff will review the images from each site and determine whether or not a charge can be laid. The City of Toronto will chargeback each municipality on a cost-recovery basis. The chargeback will include both a portion of fixed costs (for the facility, equipment etc.) and a per-transaction cost. The estimated charge per unit fee will be \$12.50.
4. Niagara Region Court costs: To process, prosecute and collect the fines resulting from charges issued pursuant to ASE. The registered owner of the vehicle can choose one of two options on how to proceed with the ASE ticket:
 - In most cases, the registered owner pays the fine with no contest
 - In other cases, the vehicle owner can choose an “early resolution” dispute process or can also request a trial

Records from other Municipalities operating a Red Light Camera (RLC) program prove that 80% of issued tickets will be paid without contest.

To manage the increased ticket volumes for Court Services when the initiatives are fully operational, 12 permanent, full-time FTEs will be required for the Vision Zero Program as a whole (including both RLC and ASE). This includes one prosecution co-ordinator, nine court clerks, and two trial co-ordinators. The costs associated with additional staffing for the Vision Zero Program have been allocated between both RLC and ASE and are dependent on ticket volume for both initiatives. It is anticipated that more staffing support will be required for ASE due to a higher estimated ticket volume than RLC. For the purposes of the approved business case included in the 2020 budget (see Appendix 4), the cost of nine court clerks and one trial co-ordinator have been allocated to the ASE program. The cost of one trial co-ordinator and one prosecution co-ordinator have been allocated to the RLC program.

5. Transportation Services Division: The Division leads the planning and delivery of the program throughout Niagara Region; including the costs associated with program administration responsibilities, implementation, planning, communications, guidelines, consultant evaluation, coordination, and management with all parties and stakeholders. Staffing costs to manage the program include two permanent full-time project managers and one student for the Vision Zero program as a whole. This would include one project manager and one student to oversee the ASE program and one project manager overseeing the RLC program.
6. Business Licensing Unit: Accepting the delivery of Provincial Offences Tickets from the Toronto Joint Processing Center, verifying that the ticket matches the certificate of control and personal delivery of the package to Niagara Region Court.

A detailed breakdown of the program budget was included in the 2020 Operating Budget and endorsed by Regional Council on December 12, 2019.

See Appendix 4 for the program budget breakdown for the Vision Zero Program (including both the RLC and ASE initiatives) as presented and approved in the 2020 Operating Budget.

It is important to note that the Vision Zero Program will not proceed and no costs will be incurred under this program unless an agreement can be reached with the LAMs and the Inter-Municipal Agreement is successfully amended with respect to the share of revenues and operational costs, and therefore, no net revenue from this program has been included in the 2020 operating budget. The business case was prepared on the assumptions the RLC program would be operational for six months in 2020 and the ASE program would be operational for nine months in 2020. Timing of actual operation

of both the RLC and ASE initiatives is dependent on the timing of the successful negotiation of the Intermunicipal Agreement with the LAMs.

Fines Breakdown

The in court fines for speeding in Ontario are prescribed in Section 128(14) of the Highway Traffic Act are as follows:

Every person who contravenes this section or any by-law or regulation made under this section is guilty of an offence and on conviction is liable, where the rate of speed at which the motor vehicle was driven,

- a) is less than 20 kilometres per hour over the speed limit, to a fine of \$3 for each kilometre per hour that the motor vehicle was driven over the speed limit;
- b) is 20 kilometres per hour or more but less than 30 kilometres per hour over the speed limit, to a fine of \$4.50 for each kilometre per hour that the motor vehicle was driven over the speed limit;
- c) is 30 kilometres per hour or more but less than 50 kilometres per hour over the speed limit, to a fine of \$7 for each kilometre per hour that the motor vehicle was driven over the speed limit; and,

Please note that fines in Community Safety Zones and Construction Zones are doubled.

Analysis

The City of Toronto, on behalf of participating municipalities, awarded Redflex Traffic Systems to provide the service of automated speed enforcement to the province of Ontario

In May 2019, the City of Toronto issued a Request for Proposal No. 9148-19-0048 on behalf of all municipalities for the provision of ASE services. The vendor is required to supply, install, operate, maintain and test new ASE systems at various sites identified by the municipalities.

The City of Toronto awarded the contract to Redflex Traffic Systems (Canada) Limited, the highest scoring proponent identified in the evaluation process that met the requirements as set out in the Request for Proposal. Redflex Traffic Systems will be responsible for the supply, installation, operation, maintenance and decommissioning of

an automated speed enforcement system and maintenance of ASE image processing services.

This process ensures the same equipment is used throughout the Province and provides cost savings associated with group purchasing. Award of this Request for Proposal is a crucial step as the specific model of ASE equipment selected is prescribed in the Highway Traffic Act regulation. Niagara Region's participation aligns with co-operative purchasing provisions set out in Niagara Region's Purchasing Bylaw.

To promote safety in high-risk areas along Regional roads and assess impacts on Court system, Regional Staff propose to operate a combination of mobile and semi-fixed units with specified hours of operations to adhere to Niagara Regional Court capacity

Regional staff propose to operate a combination of mobile and semi-fixed units (quantity of four (4)) on Regional roads, during the second quarter of 2020. This will allow staff to quantify the number of charges and rate at which these charges are disputed. This opportunity will also allow Staff to evaluate the technology and service provided by the Vendor. Staff will report preliminary findings to Council late 2020.

Regional staff will rotate the units among school and community safety zones throughout proposed locations during 2020 with additional locations to be identified for 2021. This scenario allows for maximizing coverage across Niagara region and will help create broader awareness of ASE to familiarize motorists with the technology and the system.

Agreements with Ministry of Transportation Ontario, Redflex Traffic Systems and City of Toronto are required to operate an automated speed enforcement program

To operate an ASE program, Niagara Region is required to enter into necessary agreements with the following:

- Ministry of Transportation Ontario - an operational agreement for the use of automated speed enforcement on Regional roads and access to license plate registry information.
- Redflex Traffic Systems (Canada) Limited - for the supply, installation, operation and maintenance of the ASE units within Niagara Region.

- City of Toronto - for the operation and cost-sharing of the joint processing centre, which issues the Certificate of Offence. The City of Toronto will operate an ASE joint processing centre on behalf of partnering municipalities. The ASE joint processing centre will employ Provincial Offences Officers, designated by the province, to issue charges captured by the cameras, as well as additional support staff for site selection, investigation, contract management and record management. Operating costs for the ASE joint processing centre will be cost-shared by partnering municipalities.

As authorized by Regional Council pursuant to PW 64-2019, and the subsequent budget approval for the Vision Zero Road Safety Initiatives (including ASE), staff are in the process of initiating discussions with the LAMs to pursue an amendment to the Niagara Region Courts Inter-Municipal Agreement, which is a necessary first step in order for the program to be financially sustainable. The implementation of the ASE program, as indicated in the recommendations of this report and PW 64-2019, is subject to the successful completion of negotiations with the LAMs with respect to Niagara Region Courts Inter-Municipal Agreement (which will be the subject of a future report to Council to advise as to the outcome of the discussions and seek approval to execute an amendment to the Inter-Municipal Agreement as necessary).

Site Selection Process

The selection of the specific sites is determined using a data-driven approach which involves a thorough analysis of different components including speed, school type, daily volume, percent of sidewalk, boulevard, playground, parks and recreational centres, the number of students walking or crossing Regional roads, and collision data. The criteria for prioritizing and selecting sites was developed through the ASE Municipal Working Group and incorporated best practices as outlined by the National Highway Traffic Safety Administration's (NHTSA) operational guidelines for Speed Enforcement Camera Systems, and lessons learned from other jurisdictions in North America.

Niagara Region site selection methodology was developed using the above criteria in conjunction with Niagara Region's geographic information system (GIS) data, traffic data, and on-site visits by Regional Staff members. Traffic data such as annual average daily traffic (AADT) counts and proposed infractions of speeding violations were provided by a consultant, Pyramid Traffic Incorporation. The Niagara Student Transportation Services provided an approximate number of students travelling to schools from neighbouring area walking or crossing Regional roads.

Appendix 3 includes site locations for the launch and implementation of Automated Speed Enforcement during 2020 based on the criteria outlined above.

An education campaign will be launched to create safety awareness of automated speed enforcement throughout Niagara Region on Regional roads

Regional staff will create a communication plan utilizing different methods to advertise the use of ASE in school and community safety zones on Regional roads. The communication plan will include the following tactics to effectively reach residents and motorists:

- Ontario Traffic Council- Automated Speed Enforcement communications campaign: that includes a site that will act as a “hub” for individuals looking for more information on ASE in Ontario.
- A 90-day warning period in advance of ASE system activation and each new municipal ASE camera deployment that includes advance warning sign as per below detail.
- Social media posts (Facebook, Twitter, Instagram).
- Website content about the program (niagararegion.ca) supported by Local Area Municipalities websites.
- On-Street Regulatory Signage as per below detail.
- Other tactics to be determined as the plan is developed.

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Local Impact

Regional staff have been in dialogue with a number of the LAMs to understand how they can participate in road safety initiatives including ASE and RLC in their jurisdictions. Niagara Region will launch and lead different road safety regimes as part of Vision Zero Road Safety initiatives and consult with the LAMs on possible future implementation of ASE equipments once the program has been operational and evaluated for performance.

Staff report PW 46-2019 recommended that Staff initiate discussions with the LAMs to pursue an amendment to the Intermunicipal Agreement to ensure financial sustainability for the successful operation and durability of the overall Vision Zero Road Safety Program. This operational model will benefit Niagara Region and Local Area Municipalities by ensuring a holistic approach, minimizing cost and allowing for the collection of revenue to offset operating costs.

More recently, the Province has issued guidelines that provide that Municipal revenue, collected under any Municipal ASE program, that exceeds the cost of delivering ASE program is to be used to support local public safety and educational initiatives. Accordingly, Parliamentary Assistant to the Minister of Transportation will be conducting a 180-day review to ensure the ASE program is operating as intended by meeting the objective of transparently improving road safety while maintaining public trust.

The review will be conducted by a specialized consultant on behalf of participating municipalities. The Hospital for Sick Children has been selected jointly to provide:

1. Feedback on the ASE site selection process across the province;
2. Short and long term ASE effectiveness in reducing vehicle speed and improving road safety; and
3. Feedback throughout two years post implementation and program evaluation as requested by the province.

Relevant Consultation

This report has been written in consultation with staff from Legal and Court Services, and Finance.

In addition, Public Health, School Board and Niagara Regional Police Services all are supportive of moving forward with this initiative and all share the same concerns around road safety as presented in this report.

Alternatives Reviewed

In addition, Regional staff have implemented a number of other supporting safety initiatives throughout Niagara Region:

- Installation of flashing beacons and decreasing speed limits in school zones.
- Enhanced pavement markings and signage.
- "Speed Display Trailer" mobile unit that is prioritized among Regional roads to educate motorist on their speed.
- Implementation of PXOs at different Regional road locations.
- In-service road safety reviews to reduce collision frequency and severity.

Relationship to Council Strategic Priorities

Implementing automated speed enforcement supports the 2019 to 2022 Strategic Plan and aligns with Transportation Master Plan TMP Vision 2041

Regional Council adopted Niagara Region Strategic Plan 2019-2022 with the vision statement of striving to achieve a prosperous, safe and inclusive community that embraces our natural spaces and promotes holistic wellbeing and quality of life. This project will address Niagara Region's commitment to the safe system approach, by recommending extensive, proactive and targeted initiatives, informed by data and aimed at eliminating serious injury and fatalities on Niagara Regional roads.

Alignment to Niagara Region Transportation Master Plan

Niagara Region is undergoing significant change and by 2041 will have grown and evolved on economic, demographic, social and technological fronts. This recommendation will support growth and enhance Niagara globally by promoting an integrated network of roads and highways for the safe movement of people and goods.

This recommendation is part of Transportation's Vision Zero Road Safety Program that is critical in building a safe and inclusive community. It is a philosophy of significant

departure from the traditional approach of road safety by providing a transportation network with safer walking, cycling, and motor vehicle routes.

Automated Speed Enforcement (ASE) is a modern system designed to work in tandem with other road safety measures, like engineering and education initiatives, to help improve safety for people of all ages by increasing speed compliance, altering driver behaviour and increasing public awareness about the critical need to slow down. The system is applied evenly and consistently to all motorists and is not biased towards or against any sector of the population to ensure equity and prioritizing vulnerable road users.

Other Pertinent Reports

PW 64-2019, Vision Zero Road Safety Program, November 5, 2019

PW 35-2019, Automated Speed Enforcement – Safer School Zones, July 9, 2019

Prepared by:

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Recommended and Submitted by:

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Commissioner Public Works Department

This report was prepared in consultation with Carolyn Ryall, Director Transportation Services, and reviewed by Donna Gibbs, Director Legal and Court Services and Dan Ane, Manager Program Financial Support.

Appendices

Appendix 1 Provincial Guidelines provided by Ministry of Transportation

Appendix 2	Ontario Regulation 398/19 under Highway Traffic Act Automated Speed Enforcement
Appendix 3	Site locations for the launch and implementation of Automated Speed Enforcement during 2020
Appendix 4	Vision Zero Road Safety Program Costing



Guidelines for the use of Automated Speed Enforcement in Ontario

Prepared by the Ontario Traffic Council
in conjunction with the
ASE Steering Committee
October, 2019

Background

Since the enactment of the Safer School Zones Act, 2017, the Ontario Traffic Council has been working with interested municipalities on the implementation of automated speed enforcement in Ontario. The legislation authorizes the use of automated speed enforcement in school zones and community safety zones. Automated speed enforcement, commonly referred to as ASE, is the use of a prescribed device that consists of a camera, a speed measurement device and technology that operate in combination to result in images of motor vehicles being taken, and data recorded, when a motor vehicle travels on a road way past the device at a rate of speed greater than the posted speed limit. The operation of the device does not require that a human be present or on site.

For over two years, the Ontario Traffic Council and participating municipalities have worked to ensure the effective use of automated speed enforcement as a road safety tool throughout Ontario. Considerable research was undertaken to determine how automated speed enforcement was introduced in other jurisdictions both within Canada and across North America. It is expected that the provisions related to automated speed enforcement will be proclaimed in effect in late 2019. In anticipation of the proclamation, various communication platforms have been developed to inform the public with regard to the automated speed enforcement program in Ontario. One example is the microsite: aseontario.com. The public has the right to expect a fair and transparent automated speed enforcement program that is consistent across Ontario and that generates charges based on the proper use of a prescribed device and the application of other, clear guidelines. Open and transparent communication with the public is viewed as essential to the success of the program.

Given that only sixteen municipalities are expected to use automated speed enforcement in the first year, these guidelines have been prepared to ensure that lessons from and decisions made during the initial implementation phase are documented not only to provide guidance for those municipalities that follow but to provide the public with transparency regarding the operation of automated speed enforcement in their communities. In preparing these guidelines, the implementation group had the benefit, for example, of the National Highway Traffic Safety Administration's Speed Enforcement Program Guidelines and Speed Enforcement Camera Systems Operational Guidelines; Winnipeg's Photo Enforcement Final Report; the Saskatchewan Evaluation of the Photo Speed Enforcement Pilot Program and the Alberta Automated Traffic Enforcement Technology Guidelines. As with the Alberta and other guidelines, these guidelines are intended to promote consistent, fair, effective and transparent use of automated speed enforcement as a road safety tool throughout Ontario.

Guidelines

Objective: To ensure that automated speed enforcement is used as a road safety tool to promote compliance with posted speed limits in school and community safety zones with a resulting improvement in collision and other outcomes. ASE must only be operated as part of a road safety plan to improve speed compliance and reduce collisions.

With this objective in mind, the following are guidelines for or features of a road safety based automated speed enforcement program:

1. **Evaluation:** The operation of automated speed enforcement should be subject to evaluation to ensure that the objective of improved speed compliance is being met in specific sites as well as generally within communities and across municipalities. Evaluation results should be made available to the public.
2. **Site Selection:** To support the objective, automated speed enforcement should only be utilized in school and community safety zones that meet or exceed the criteria for site selection as set out in Appendix A. Individual municipalities may score site selection in a manner that best reflects issues specific to that municipality; however site selection assessments should be reflective of risk; low or poor speed compliance; frequency of collisions and volume of vulnerable road users in or around that site.
3. **Signage:** Automated speed enforcement should only be operated in school and community safety zones that are designated by by-law and signed as required. All sites must have signage indicating the posted speed limit for that site. Neighbourhood or area signage is not sufficient. Advisory signage indicating that drivers are approaching an ASE site should be posted.
4. **Speed Limit:** The speed limit for the site must be posted. Default speed limits cannot be used. Time of day or variable speed limits also cannot be used unless MTO approves signage that permits clear communication of the applicable speed limit.
5. **Devices:** Automated speed enforcement must only be operated in accordance with the applicable regulation made under the *Highway Traffic Act*. This means, for example, that only prescribed automated speed enforcement devices can be used to detect and charge motor vehicles travelling above the posted speed limit. Any use of a device that is not prescribed will result in images not being processed and no charges laid, or if charges are laid the charges will be withdrawn.
6. **Transition Zones:** Automated speed enforcement must not be used to detect motor vehicles travelling above the posted speed limit in so-called transition zones. The definition of transition zone as developed in Alberta applies to the use of ASE in Ontario. A transition zone is the area immediately adjacent to a maximum speed limit sign, when the sign indicates a speed change from a higher speed to a lower speed; or vice versa, in accordance with the Table in Appendix B.
7. **School Zones:** ASE cannot be used in school zones where the lower speed limit is signaled or communicated through the use of flashing beacons as there is no ability to prove whether the flashing lights or beacons were in operation at the time of the

offence. Signage communicating the lower speed limit must be posted through the use of tabs or otherwise.

8. Threshold speeds: Municipalities will operate automated speed enforcement using the threshold speeds as established by the ASE Steering Committee. These thresholds speeds reflect information gained through an extensive literature review of experiences in other jurisdictions; guidelines or recommendations in use in other jurisdictions or from agencies involved in speed or traffic safety enforcement; traditional or police speed enforcement practices in Ontario municipalities and considerations of long term program sustainability. The use of automated speed enforcement should not result in all motor vehicles travelling above the posted speed limit being charged. Such an approach is not sustainable due to overall volume as well as severely diminished acceptance of ASE by the public. As any operation of a motor vehicle above the posted speed limit is speeding, and therefore an offence under section 128 of the *Highway Traffic Act*, threshold speeds are not to be publicized or communicated in any way by participating municipalities or individuals involved in implementing or delivering the program, in order to avoid the appearance or creation of higher speed limits than those posted.
9. Charging Process: All motor vehicles captured by the automated speed enforcement device travelling above the posted speed limit, and for which the alpha numeric characters are clearly ascertainable, shall be charged with speeding. No motor vehicles are exempt from being charged with speeding; however some vehicles, such as emergency vehicles, may claim a statutory exemption, as set out in the *Highway Traffic Act*, and those charges, provided that the incident falls within a listed exemption, may be withdrawn by the prosecutor. Only provincial offences officers, employed by municipalities and designated as such to enforce the *Highway Traffic Act* by the Minister of Transportation, may review images, obtain vehicle plate registration information and complete and sign charging documents. All images or incidents captured by the ASE device must be processed.
10. Required information: Irrespective of whether images are processed by and charges laid by a joint processing centre or a processing centre run by an individual municipality, or group of municipalities, no charges shall be laid unless there is plate registration information for the date of the offence; there is information that the offence took place in a school or community safety zone; that the evidence was obtained using a prescribed device; that the motor vehicle plate alpha numeric characters are clearly identifiable; that the motor vehicle is somehow marked in the image to identify that motor vehicle as the one travelling in excess of the posted speed limit; that the provincial offences officer has viewed the certificate of accuracy for the device issued within 12 months of the offence date and that all guidelines herein have been complied with.

A municipality wanting to use automated speed enforcement must comply with these guidelines and also obtain the approval of their Municipal Council to do so; speak with staff at the Ministry of Transportation; enter into the various required agreements; have a plan to process charges and actively engage in public communication regarding the use of ASE in that municipality. As a local decision, municipalities may, for example, determine their own hours of operation of the ASE devices as well as the duration of

use of ASE; however such decisions must be made in conjunction with the processing centre to best allow for the orderly processing of images within the statutory framework. ASE must not be used as a revenue generating tool. Site selection and other related decisions must be driven by the over-arching objective of road safety.

Appendix A

Recommended Site Selection Criteria and Ranking Process

Much of the following is based upon IBI's prior work and discussions at various committee meetings. The format of the ranking process is based on the City of Sudbury Sidewalk Priority Index Warrant since the rating and weighting scoring is fairly easy to explain whereas other rankings tend to have more complicated calculations and are therefore difficult to explain to those outside of the ASE committees.

- A) **Exposure:** Municipality's candidate ASE locations reflect roadways with low speed limit compliance. In order for ASE to affect the largest population of drivers and benefit the largest number of pedestrians, an exposure index component has been included in the site selection ranking. Exposure includes: vehicle volume, 85th percentile vehicle speed, length of Community Safety Zone / School Zone, School Population and after school hour outdoor use data elements. While ASE may only be used during school hours, the after hour use of the candidate zone is an important exposure factor and is therefore included. Applying the following ratings and weights, candidate zones with the highest exposure will have the highest rankings.

Component	Range	Rating	Weight
Traffic Volume (AADT)	< 1,000 v.p.d	1	3.0
"	1,001 to 3,000 v.p.d	2	
"	3001 to 5,000 v.p.d	3	
"	> 5,000 v.p.d	4	
Travel Speed	85 th percent - posted < 10 km/h	1	4.0
"	85 th percent - posted = 11 to 20 km/h	2	
"	85 th percent - posted = 21 to 30 km/h	3	
"	85 th percent - posted > 31 km/h	4	
Length of Zone	< 100 m	1	1.0
"	101 - 200 m	2	
"	201 - 300 m	3	
"	> 301 m	4	
School Population	<400 students	1	2.0
"	401 - 900 students	2	
"	901 - 1200 students	3	
"	> 1201 students	4	

Component	Range	Rating	Weight
After Hour Use	no	0	1.0
	yes	1	

- B) Prior Collisions: It is recommended that the collision history of candidate ASE locations should be considered. However, not all collisions are considered to have been speed related. In order to include collision history without undertaking a significant collision data verification exercise, it is recommended that pedestrian - motor vehicle collisions only are included in the ranking process. Some collision data verification may be required to determine which historical collisions occurred within the candidate zone and which occurred beyond the candidate zone. Rating only pedestrian - motorist only collisions will equalize local, collector and arterial roadways to some degree as arterial roadways tend to have higher numbers of collisions and more collision types than the lower roadway classifications.

Component	Range	Rating	Weight
Prior 3 years Pedestrian Collisions Only	0	0	4
"	1	2	
"	2	3	
"	3	4	
"	> 3	5	

- C) Zone Environment: The absence of sidewalks, the presence of on-street parking (whether permitted or prohibited), the curvature of the roadway within and immediately adjacent to the candidate zone and the presence of a speed limit transition within one kilometer of the candidate zone are all factors which may impact a pedestrian's comfort and safety when travelling along or crossing each candidate zone. The applied ratings and weights will ensure that the environment of the zone is reflected in the site selection process.

Component	Range	Rating	Weight
Sidewalks	Both Sides	0	2.0
"	One Side Only	1	
"	None	2	
On Street Parking	None	1	1.0
	Present Although Prohibited	2	

Component	Range	Rating	Weight
	Present and Permitted	3	
Roadway Curvature	None	0	2.0
	Present	1	
Speed Transition	None	0	2.0
	Present	1	

D) Traditional Enforcement: Municipalities will likely experience public requests for ASE beyond their available ASE resources. Consequently site selection process should consider if there is an available alternative available, even if only temporarily. While traditional police enforcement may be easiest ASE alternative to deploy, traditional enforcement may have been used previously with no long term impact on travel speeds.

Component	Range	Rating	Weight
Site Conditions Support Traditional Enforcement	Feasible	0	4.0
"	Not Feasible	1	
Prior Police Enforcement	Measurable Impact on Travel Speed	0	3.0
"	No Long Term Impact on Travel Speed	1	

Additional considerations may include other vulnerable road users, the type of school, whether children or other vulnerable road users cross the road, percentage of students being driven to school versus walking, police and public input and whether schools have programs to actively encourage walking.

Prior to finalizing the locations, a site audit should be conducted to ensure there are no physical impediments that may prevent or restrict the full functionality of the ASE equipment, including power supply.

The following criteria should be reviewed at all proposed sites:

- All necessary regulatory signs are in place
- There are no obstructions to the ASE equipment including on-street parking
- There is no road work planned. ASE should not be used if there is road work or construction in the school or community safety zone.
- If the location involves a change in the posted speed limit, the ability to accommodate a sufficient buffer

- There is adequate boulevard space to accommodate the ASE equipment
- There are no sharp curves in the road or extreme grading that may affect the operation of the ASE system
- No speed limit reductions are planned or recently implemented

Appendix B

Speed Change In Kilometres per Hour	Area Adjacent to Speed Change Sign
10 km/hr speed change e.g. from 40 km/hr to 30 km/hr	10m on either side of sign, 20m total
20 km/hr speed change e.g. from 80 km/hr to 60 km/hr	25m on either side of sign, 50m total
30 km/hr or greater speed change e.g. from 80 km/hr to 50 km/hr	100m on either side of sign, 200m total

ONTARIO REGULATION 398/19

made under the

HIGHWAY TRAFFIC ACT

Made: November 28, 2019

Filed: November 29, 2019

Published on e-Laws: December 2, 2019

Printed in *The Ontario Gazette*: December 14, 2019

AUTOMATED SPEED ENFORCEMENT

Definitions

1. (1) For the purposes of Part XIV.1 of the Act,

“photograph” includes any form of image that is recorded and stored electronically and that can be displayed as an image, and includes a copy, reproduction or enlargement of all or part of the image or photograph.

(2) In this Regulation,

“posted speed limit” means the maximum rate of speed prescribed under section 128 of the Act for a highway or portion of a highway.

Automated speed enforcement system

2. (1) For the purposes of Part XIV.1 of the Act, a system is an automated speed enforcement system if it consists of a combination of a camera and speed-measuring equipment that can be used to take a photograph of a motor vehicle and determine and record the rate of speed at which the motor vehicle is travelling at the time the photograph is taken.

(2) An automated speed enforcement system may be permanently or temporarily located on or adjacent to any highway.

Information or data on photograph

3. (1) A photograph taken by an automated speed enforcement system may show or have superimposed upon it any information or data, including:

1. The time and date when the photograph was taken.
2. A description of the location where the photograph was taken, including the names of streets and the direction of travel.
3. The rate of speed at which a motor vehicle shown in the photograph was travelling when the photograph was taken.
4. A mark, line or other indicator to identify the motor vehicle shown in the photograph that was determined to have been speeding.
5. Subject to subsection (2), an indication of the lane in which the motor vehicle was travelling.
6. The posted speed limit on the highway at the time when and the place where the photograph was taken.

(2) For the purposes of paragraph 5 of subsection (1), the lane furthest to the right side of a highway may be identified as lane 1, and each lane to the left of lane 1 may be identified as lane 2, lane 3 and so on.

Photographs as evidence

4. (1) Subject to subsection (2), a photograph obtained through the use of an automated speed enforcement system shall be received in evidence in a proceeding under the *Provincial Offences Act* in respect of an alleged offence under section 128 of the Act.

(2) The photograph must comply with the requirements of this Regulation.

(3) A photograph that purports to be certified by a provincial offences officer as having been obtained through the use of an automated speed enforcement system shall be received in evidence as proof, in the absence of evidence to the contrary, that the photograph was obtained through the use of an automated speed enforcement system.

(4) A provincial offences officer shall not certify a photograph as having been obtained through the use of an automated speed enforcement system unless the automated speed enforcement system was tested and established to be accurate within the 12 months immediately preceding the date of offence.

(5) A photograph of a motor vehicle obtained through the use of an automated speed enforcement system is proof, in the absence of evidence to the contrary, that,

- (a) the automated speed enforcement system was located on or adjacent to a highway and was working properly at the time that the photograph was taken;
- (b) the information or data that is shown or superimposed on the front or the back of the photograph, including any information or data authorized under section 3, is true; and
- (c) the motor vehicle was being operated at a rate of speed in excess of the posted speed limit contrary to section 128 of the Act.

(6) In order to be received in evidence, an enlargement of a photograph must clearly show the number plate of the vehicle that is the subject of the photograph and as much of the rest of the photograph as is necessary to show that the enlargement is of part of that photograph.

(7) An enlargement or reproduction of a photograph or part of a photograph taken by an automated speed enforcement system is not required to show or have superimposed on it any information, if the enlargement or reproduction is tendered in evidence together with the photograph of which it is an enlargement or reproduction.

(8) No person who has entered a plea of not guilty at trial shall be convicted of an offence on the basis of a photograph obtained through the use of an automated speed enforcement system unless the photograph is tendered in evidence at trial.

Statements of officer

5. (1) The certified statements of a provincial offences officer in a certificate of offence are admissible in evidence as proof, in the absence of evidence to the contrary, of the facts stated in the certificate.

(2) A provincial offences officer who prepares a certificate of offence shall, in the certificate,

- (a) state that the system used to take the photograph was an automated speed enforcement system under subsection 2 (1) when the photograph was taken; and
- (b) set out the manufacturer's name and the model number of the automated speed enforcement system used to take the photograph.

(3) The provincial offences officer who used the evidence obtained through the use of an automated speed enforcement system to identify the owner of the motor vehicle involved in the alleged offence, and who issued the certificate of offence and offence notice, shall not be required to give oral evidence at trial unless a summons requiring the officer to attend is issued at trial under section 39 of the *Provincial Offences Act*.

(4) A provincial offences officer who certifies that a photograph was obtained through the use of an automated speed enforcement system shall not be required to give oral evidence at trial unless a summons requiring the officer to attend is issued at trial under section 39 of the *Provincial Offences Act*.

(5) No summons shall be issued to a provincial offences officer referred to in subsection (3) or (4) unless a justice is satisfied that the defendant will not be able to have a fair trial if the officer is not required to give oral evidence.

Evidence of ownership

6. Evidence of ownership of the motor vehicle involved in the alleged offence may be contained in the certificate of offence or it may be set out in a separate document.

Offence notice

7. (1) An offence notice issued in a proceeding based on evidence obtained through the use of an automated speed enforcement system may be served by sending the offence notice by regular prepaid mail or by courier to the person charged at the address that appears on the Ministry's records on the date of the alleged offence within 23 days after the occurrence of the alleged offence.

(2) If the person is charged as the owner of the motor vehicle, the offence notice shall be sent to the address of the holder of the plate portion of the permit for the motor vehicle.

(3) If the provincial offences officer who issued the certificate of offence also mails or couriers the offence notice or causes it to be mailed or couriered, that officer shall certify, on the certificate of offence, the fact that the offence notice was mailed or couriered and the date it was mailed or couriered, and that certified statement shall be received in evidence and is proof of service in the absence of evidence to the contrary.

(4) Where the provincial offences officer who issued the certificate of offence believes that the person charged resides or, in the case of a corporation, has its principal place of business outside Ontario, the address outside Ontario at which the officer believes the person resides or has its principal place of business shall be used, and proof of ownership of the motor vehicle and of the owner's address shall be provided in accordance with section 210.1 of the Act.

(5) Service of an offence notice mailed or couriered in accordance with this Regulation shall be deemed to be effected on the seventh day following the day on which it was mailed or couriered.

Municipal speed camera signs

8. (1) Where an automated speed enforcement system is in use on a part of a highway designated as a school zone under clause 128 (5) (a) of the Act, or designated as a community safety zone under subsection 214.1 (1) of the Act, a sign and, if applicable, an additional sign shall be displayed in accordance with this section.

(2) A sign that meets the following requirements shall be displayed at or immediately before the location at which the automated speed enforcement system is in use:

1. The sign faces approaching traffic and is displayed on the right side of the highway.
2. The sign is not less than 60 centimetres in width and 75 centimetres in height.
3. The sign bears the markings and has the dimensions as illustrated in the following Figure:



(3) In an area designated in the Schedule to the *French Language Services Act*, an additional sign that meets the following requirements shall be displayed at or immediately before the location at which the automated speed enforcement system is in use:

1. The sign faces approaching traffic and is displayed on the right of the sign prescribed in subsection (2).
2. The sign is not less than 60 centimetres in width and 75 centimetres in height.
3. The sign bears the markings and has the dimensions as illustrated in the following Figure:



(4) The sign prescribed in subsection (2) and the additional sign prescribed in subsection (3) shall not be displayed when an automated speed enforcement system is not in use.

(5) Sections 44, 46, 47 and 52 of Regulation 615 of the Revised Regulations of Ontario, 1990 (Signs), made under the Act, apply, with necessary modifications, with respect to the sign prescribed in subsection (2) and the additional sign prescribed in subsection (3).

Commencement

9. This Regulation comes into force on the latest of,

- (a) December 1, 2019;**
- (b) the day that section 5 of the *Safer School Zones Act, 2017* comes into force; and**
- (c) the day this Regulation is filed.**

Français

[Back to top](#)

ASE Site Locations

Legend

Niagara Region

Owner
Provincial
Municipal
Regional
Major Waterbodies
Urban Area Boundaries

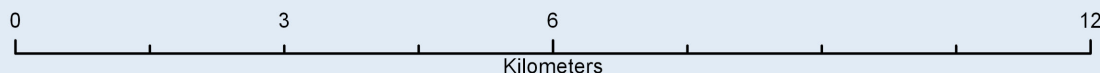
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50 km/h
60 km/h
70 km/h
80 km/h

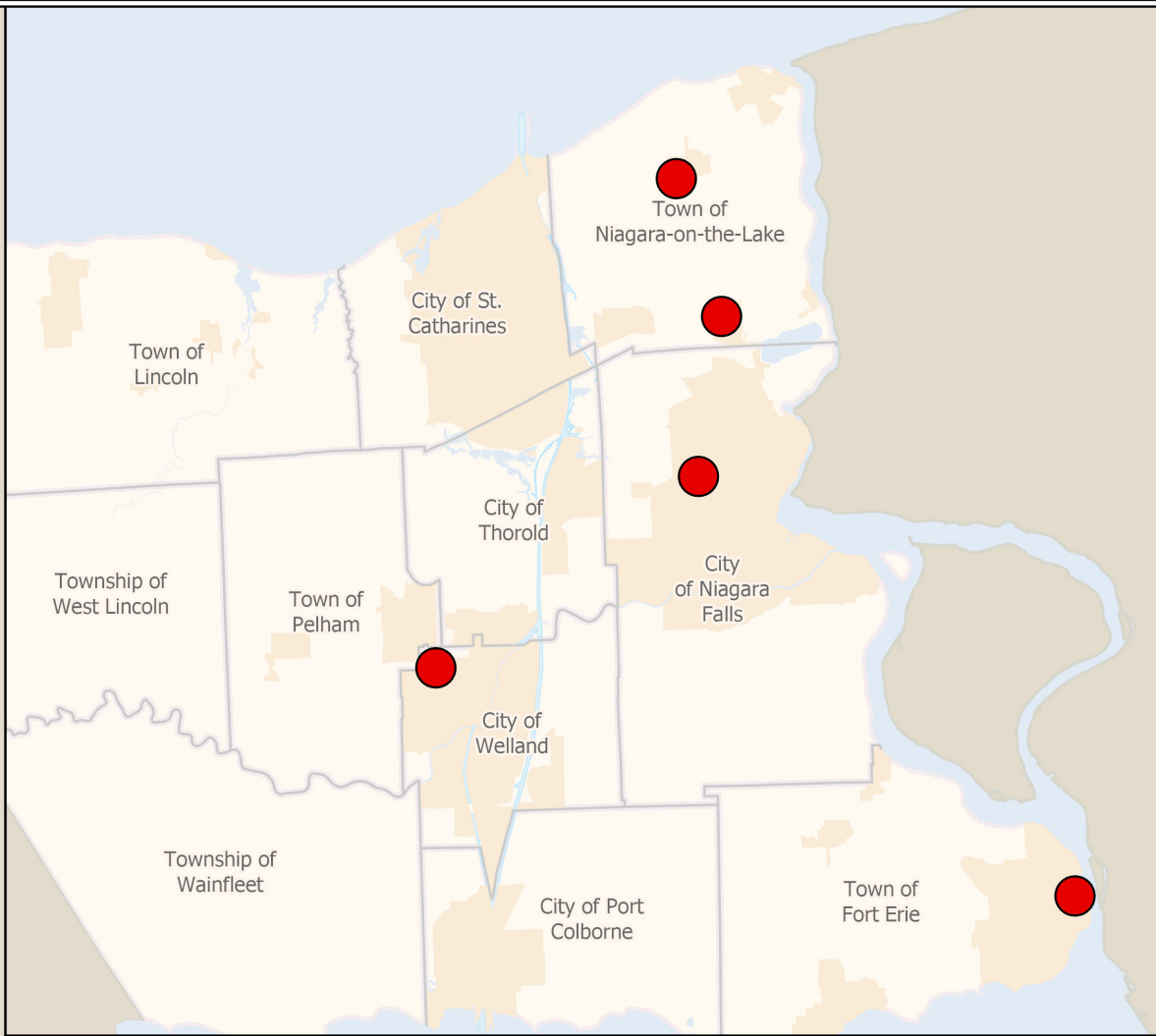
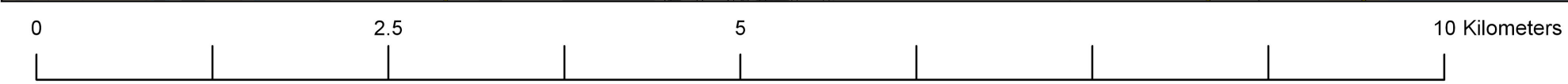
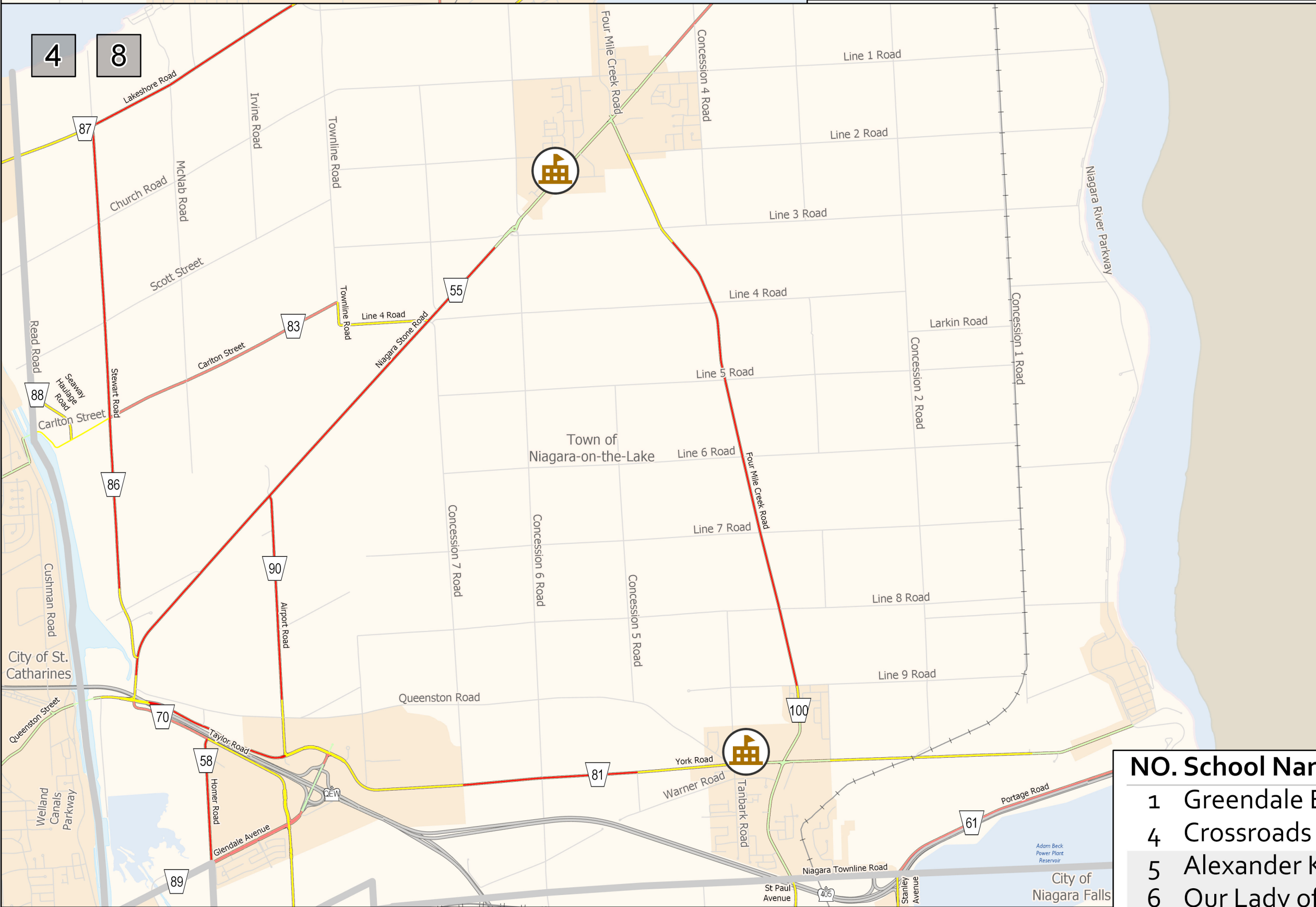
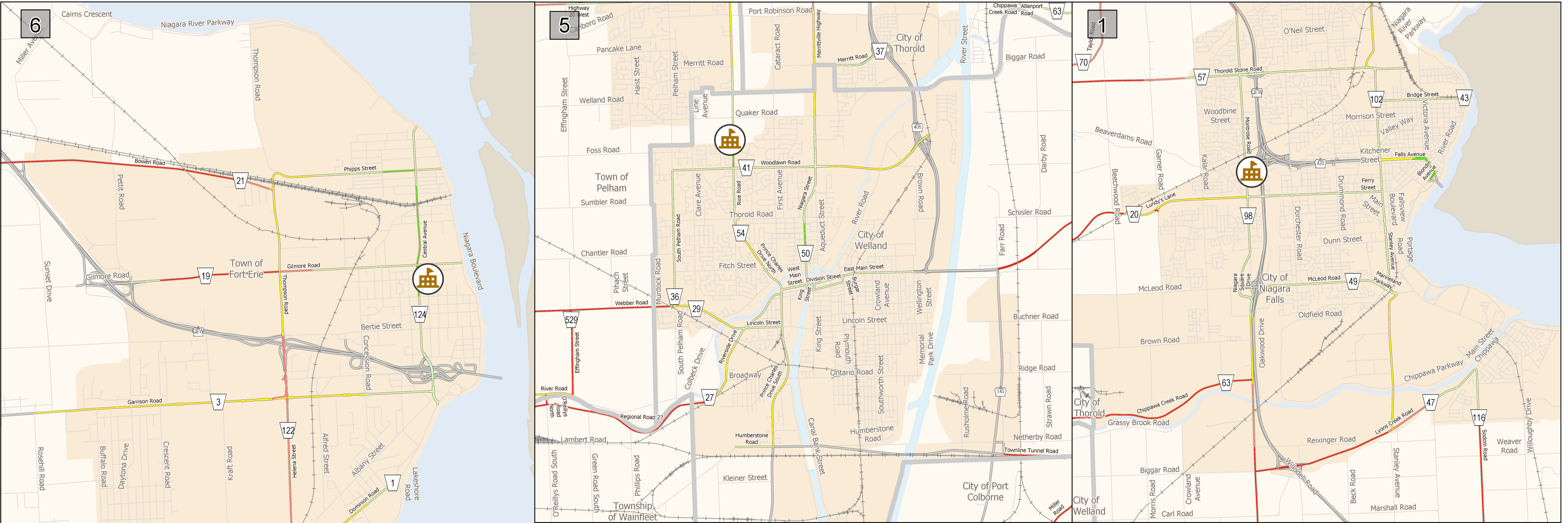
ASE School Location

Map Created by Transportation Integrated Services.
Map projection NAD83, UTM Zone 17N CSRS. Data accurate as of November 2019.



NO.	School Name	Full Address	Regional Road	Municipality
1	Greendale Elementary School	5504 Montrose Rd	98	Niagara Falls
2	Park Elementary School	217 Main Street East	81	Grimsby
3	Blessed Trinity Catholic Secondary School	145 Livingston Avenue	512	Grimsby
4	Crossroads Public Elementary School	1350 Niagara Stone Road	55	Niagara-on-the-Lake
5	Alexander Kuska KSG Catholic Elementary School	333 Rice Road	54	Welland
6	Our Lady of Victory Catholic Elementary School	300 Central Avenue	124	Fort Erie
7	Twenty Valley Elementary School	4057 Victoria Avenue	24	Lincoln
8	St. David's Public Elementary School	1344 York Road	81	Niagara-on-the-Lake
9	John Calvin Elementary School	320 Station Street	14	West Lincoln
10	DSBN Academy Secondary School	130 Louth Street	71	St. Catharines
11	Smithville District Christian Secondary School	6488 Towline Road	14	West Lincoln





ASE Site Locations

Legend

Niagara Region

ASE Schools

Municipal Boundaries

Railways

Posted Speed Zones

Speed Limit

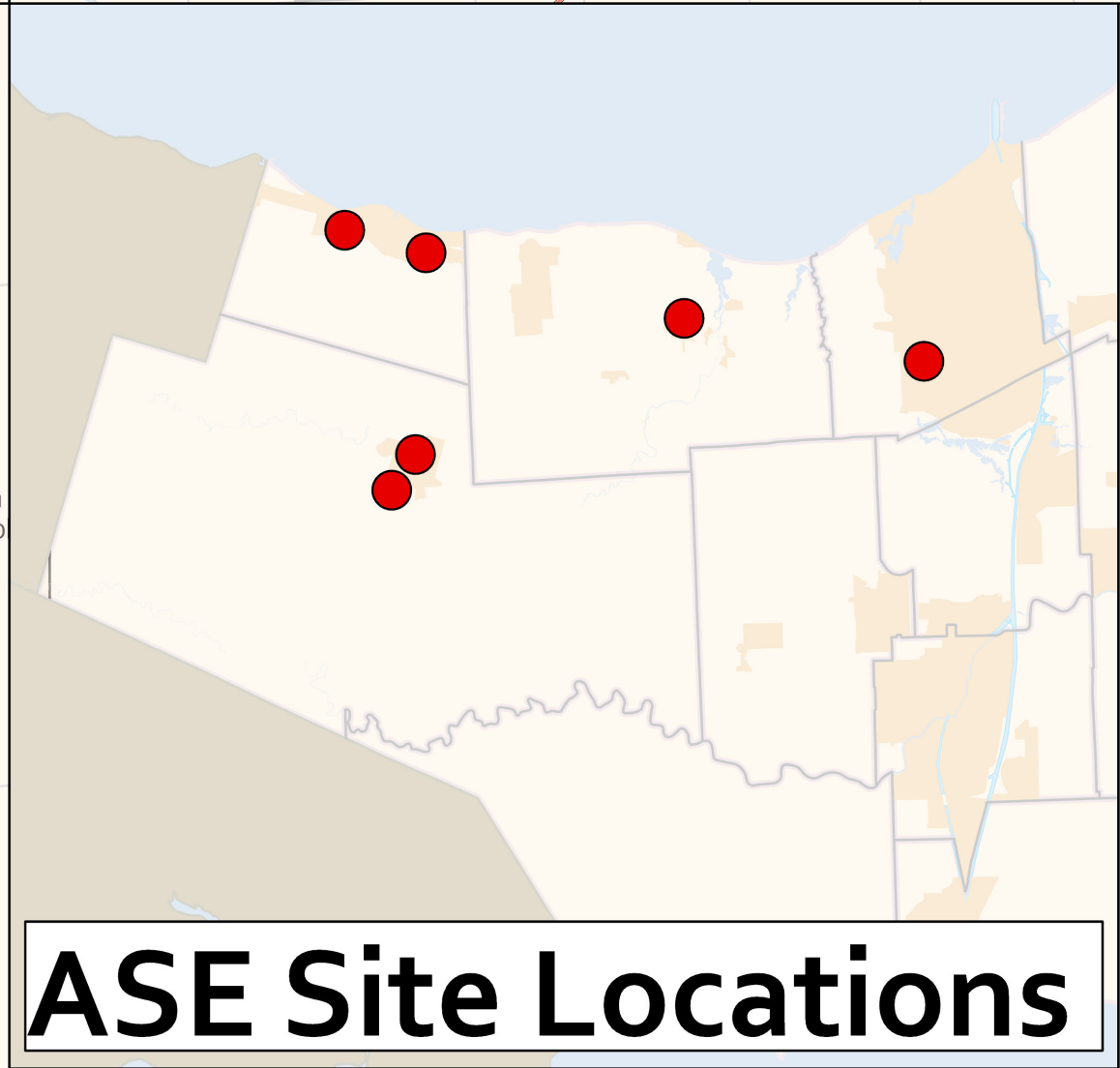
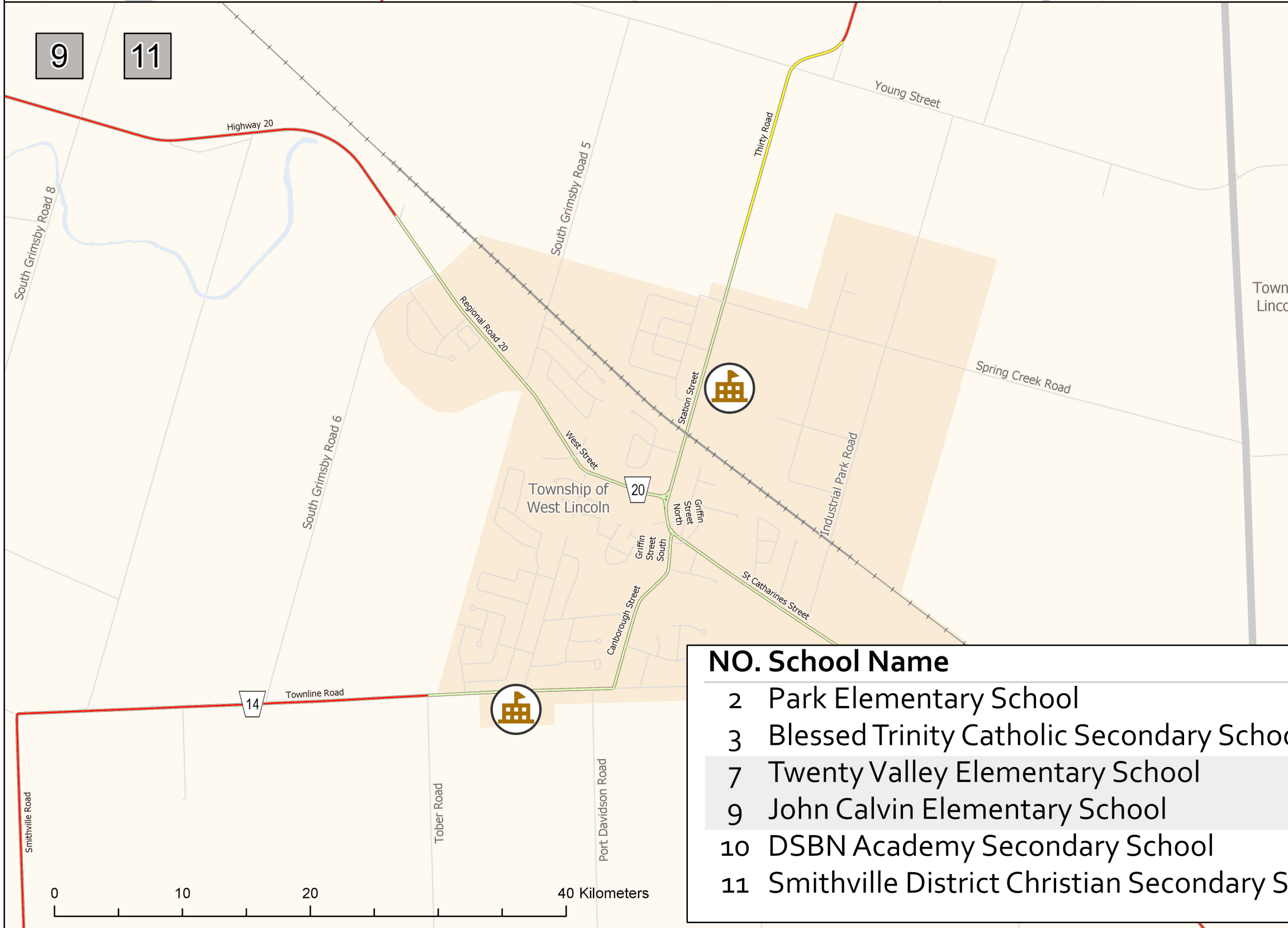
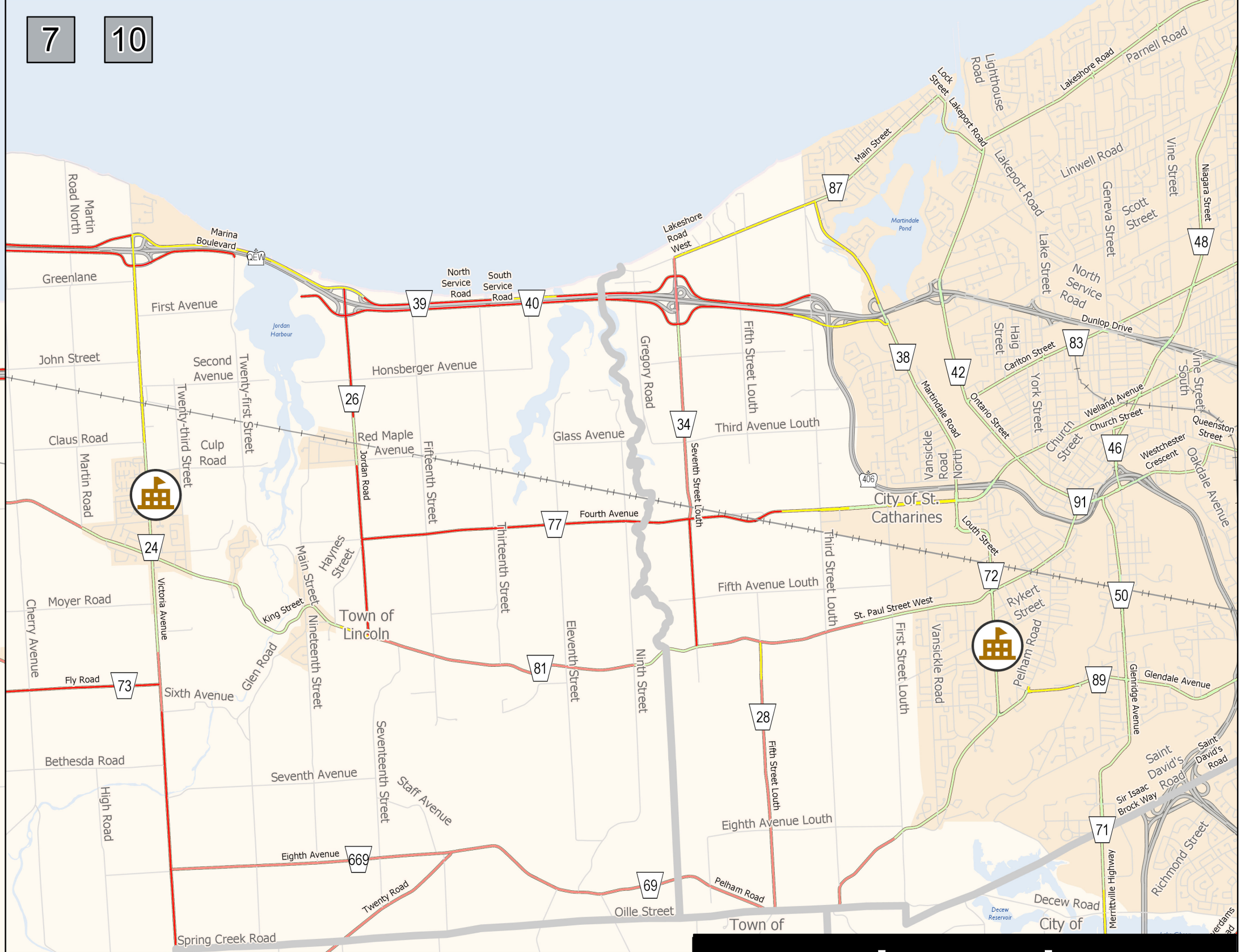
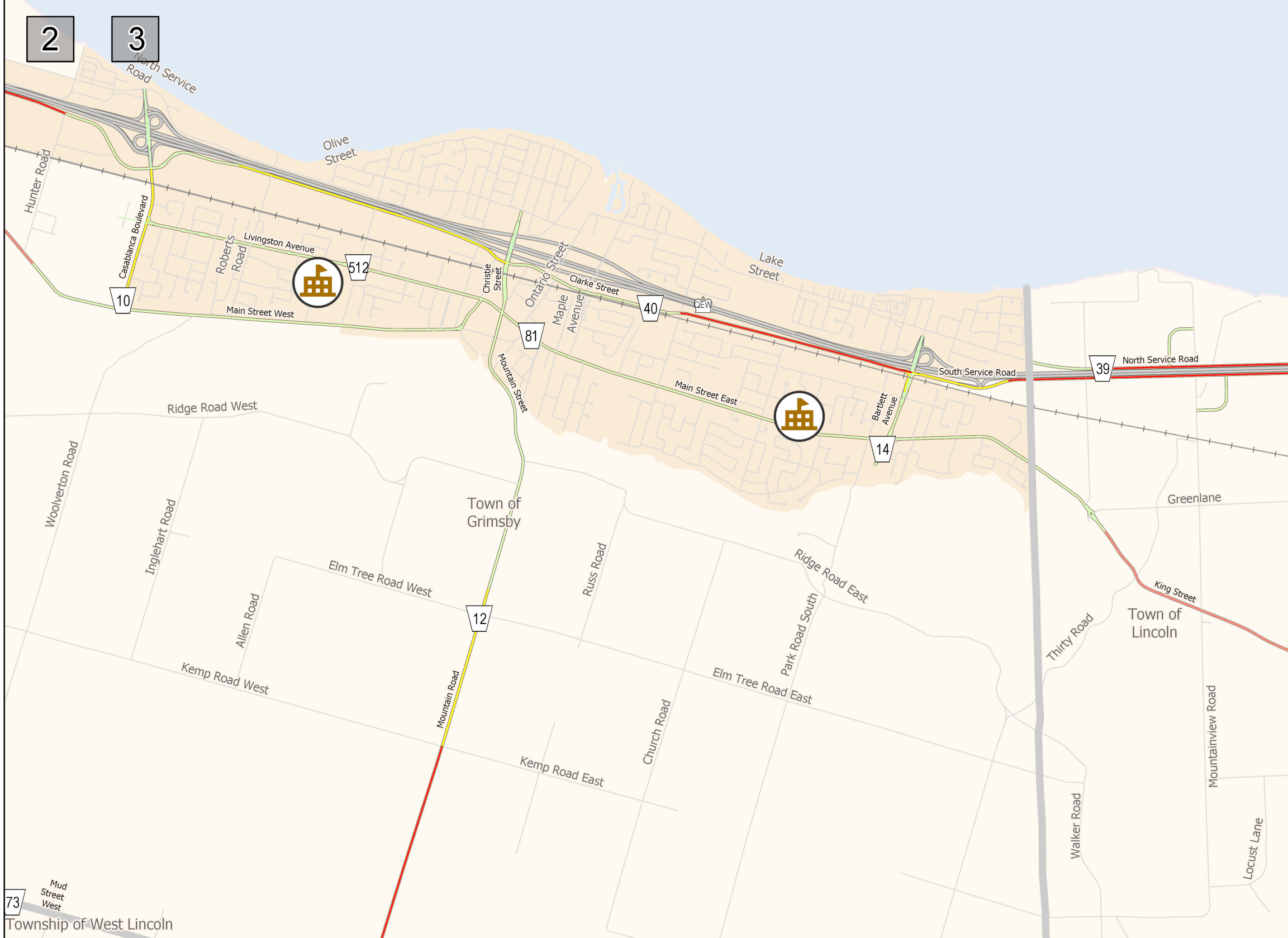
- 40 km/h
- 50 km/h
- 60 km/h
- 70 km/h
- 80 km/h

Roads

- Provincial
- Municipal
- Regional
- Municipal Boundaries

N

NO.	School Name	Address	RR	Municipality
1	Greendale Elementary School	5504 Montrose Rd	98	Niagara Falls
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ASE Site Locations

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11	Smithville District Christian Secondary School	6488 Towline Road	14	West Lincoln

Legend



- ASE Schools
- Municipal Boundaries
- Railways
- Posted Speed Zones
- Speed Limit
 - 40 km/h
 - 50 km/h
 - 60 km/h
 - 70 km/h
 - 80 km/h
- Roads
 - Provincial
 - Municipal
 - Regional
 - Municipal Boundaries



© Map Created by Transportation Integrated Services. Map projection NAD83, UTM Zone 17N CSRS. Data accurate as of November 2019.

Appendix 4 - Vision Zero Road Safety Program Costing

		Total Vision Zero			Red Light Camera (RLC)			Automated Speed Enforcement (ASE)		
		2020	2021	2022	2020	2021	2022	2020	2021	2022
Revenue:										
	Gross Ticket Revenue	\$ 3,546,591	\$ 5,058,960	\$ 5,759,125	\$ 878,977	\$ 1,444,309	\$ 1,052,475	\$ 2,667,615	\$ 3,614,651	\$ 4,706,650
	less: Victim Fine Surcharge expense	(723,710)	(1,057,160)	(1,447,420)	(138,320)	(276,640)	(276,640)	(585,390)	(780,520)	(1,170,780)
	Net Ticket Revenue	\$ 2,822,881	\$ 4,001,800	\$ 4,311,705	\$ 740,657	\$ 1,167,669	\$ 775,835	\$ 2,082,225	\$ 2,834,131	\$ 3,535,870
Expenses:										
Transportation Services	Equipment Costs	\$ 388,292	\$ 714,356	\$ 319,390	\$ 290,978	\$ 581,956	\$ 186,990	\$ 97,314	\$ 132,400	\$ 132,400
	Ticket Processing Costs	601,625	804,250	1,143,250	93,125	126,250	126,250	508,500	678,000	1,017,000
	Staffing	282,899	288,557	294,328	115,098	117,400	119,748	167,801	171,157	174,580
	Other	452,500	475,000	475,000	72,500	95,000	95,000	380,000	380,000	380,000
		1,725,316	2,282,163	2,231,968	571,701	920,606	527,988	1,153,615	1,361,557	1,703,980
Business Licensing	Processing and Delivery Costs	\$ 26,528	\$ 34,089	\$ 34,092	\$ 3,626	\$ 6,193	\$ 6,197	\$ 22,902	\$ 27,896	\$ 27,896
Court Services	Staffing	\$ 650,404	\$ 889,282	\$ 1,178,678	\$ 124,213	\$ 168,637	\$ 169,161	\$ 526,191	\$ 720,645	\$ 1,009,517
	Courtroom Costs	240,300	529,600	532,800	19,700	39,400	39,656	220,600	490,200	493,144
	Ticket Processing Costs	108,000	148,500	216,000	6,750	13,500	13,500	101,250	135,000	202,500
	Other	72,333	118,167	118,167	14,667	19,333	19,333	57,667	98,833	98,833
		1,071,037	1,685,548	2,045,645	165,330	240,870	241,650	905,708	1,444,678	1,803,994
	Total Expenses (excluding Victim Fine Surcharge)	\$ 2,822,881	\$ 4,001,800	\$ 4,311,705	\$ 740,657	\$ 1,167,669	\$ 775,835	\$ 2,082,225	\$ 2,834,131	\$ 3,535,870
Net Revenue (Cost)		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Expenses per above (excluding Victim Fine Surcharge)		\$ 2,822,881	\$ 4,001,800	\$ 4,311,705	\$ 740,657	\$ 1,167,669	\$ 775,835	\$ 2,082,225	\$ 2,834,131	\$ 3,535,870
add: Victim Fine Surcharge Costs		723,710	1,057,160	1,447,420	138,320	276,640	276,640	585,390	780,520	1,170,780
Total Expenses including Victim Fine Surcharge		\$ 3,546,591	\$ 5,058,960	\$ 5,759,125	\$ 878,977	\$ 1,444,309	\$ 1,052,475	\$ 2,667,615	\$ 3,614,651	\$ 4,706,650

Subject: Vision Zero Road Safety Program: Designation of Community Safety Zones around Schools

Report to: Public Works Committee

Report date: Tuesday, March 10, 2020

Recommendations

1. That the designation of Community Safety Zones (CSZs) **BE APPROVED** for schools described in Appendix 1, effective date March 30, 2020;
2. That the necessary By-law **BE PREPARED** and **PRESENTED** to Regional Council for consideration; and,
3. That Regional Staff **REPORT BACK** to Council by the end of 2020, providing an update on the Community Safety Zones; including the new proposed ten (10) locations with the two (2) already in operation since 2019.

Key Facts

- Aggressive driving contributed to 24% of fatal and injury collisions in Niagara region during the last five years (2014-2018).
- Societal cost of collisions represents costs incurred by individuals directly involved in a collision. The calculated societal cost of collisions in Niagara region in 2018 was more than \$400 million.
- In Niagara Region, there is a strong correlation between the peak period of traffic and the number of collisions. Most collisions occur in PM, mid-day and AM peak of traffic (3:00- 6:00 p.m.) PM, around afternoon and (8:00- 9:00 a.m.) AM.
- The adoption of CSZs, in Niagara region, was approved by Regional Council on July 2019.
- Since September 2019, the Niagara Regional Police continue to issue Provincial offences tickets at the two CSZs, in support of the Vision Zero Road Safety Program in partnership with the Niagara Region Transportation Services Division.
- Consistent with other Municipal experience, traditional enforcement has its challenges with enforcing road safety. Consequently, Automated Speed

Enforcement (ASE) Technology was regulated the end of 2019 to supplement, not replace, traditional enforcement operations.

- A plan is in progress, subject to Council approval, to deploy in the future a combination of ASE systems with traditional police enforcement within CSZs. Locations will be assessed related to speeding-related crashes, concentration of vulnerable road users, and in proximity to sensitive community areas (schools).

Financial Considerations

The cost to establish a Community Safety Zone is minimal in terms of signage installation within the limits of each zone. The costs are covered under the approved 2020 Transportation Services Operating Budget.

The community education programs and police enforcement resources have already been discussed with the Niagara Regional Police, Strategic Communications and Public Affairs, Niagara Student Transportation Services and Public Health Staff.

Analysis

Background

As Part of the Vision Zero Road Safety Plan, Regional Council recently approved the creation of Community Safety Zones (CSZs). This is a critical step forward in the Vision Zero Road Safety Program, to help reduce aggressive driving and speeding in areas within the Region that have higher concentrations of vulnerable road users.

Accordingly, this report seeks the approval from Regional Council to amend the necessary by-laws to expand the CSZs program to ten (10) additional elementary and / or secondary schools within the Niagara District School Board (Catholic and Public School Boards). Doing so will make the Zones eligible for automated speed enforcement under the Province's Bill 65, Safer School Zones Act, 2017. The Act was updated and proclaimed to include for the implementation of ASE within CSZs and School Zones on December 1, 2019.

The combination of an automated speed enforcement system, subject to Council approval, and the CSZs will, in future, serve as a two-key tool to help address

aggressive driving behaviours to enable road safety solutions for vulnerable road users in Niagara. This represents the youngest and most vulnerable road user groups.

Moreover, this is the first step in the overall review process being conducted by Transportation Services Staff that will subsequently include a detailed site-by-site review to the five (5) E's of road safety (Engineering, Evaluation, Enforcement, Education and Engagement) with identification of safety measures to be implemented. Further strategies will be brought forward for Council approval during the second quarter of 2020.

Implementation Strategy

Transportation Services Staff have completed a review of 30 additional elementary and / or secondary schools and are recommending initial CSZs; limits from intersection to intersection along the frontage of the schools (Attachments 1-10). The screening methodology consists of the following criteria:

1. Exposure:
 - a. Traffic Volume (Average Annual Daily Traffic)
 - b. Speed Differential (85th percentile – Posted Speed Limit)
 - c. Length of Zone
 - d. Students Walking Along and Crossing Regional Road
 - e. Speed Transition
2. Collisions statistics from 2014 to 2018
3. Zone Environment:
 - a. Sidewalk
 - b. On-street Parking
 - c. Roadway curvature
 - d. Land use
 - e. Illumination

The image below provide details of ranking to each of the addition ten (10) schools:

School Name	Full Address	RR	School Type	Municipality	Weighted Ranking	Direction	Posted Speed
Blessed Trinity Catholic Secondary School	145 Livingston Avenue	512	Secondary	Grimsby	77	WB	50
Smithville District Christian High School	6488 Townline Road	14	Secondary	West Lincoln	66	WB	50
Greendale Elementary School	5504 Montrose Road	98	Elementary	Niagara Falls	63	SB	50
Our Lady Of Victory Catholic Elementary School	300 Central Avenue	124	Elementary	Fort Erie	63	SB	40
Park Elementary School	217 Main Street East	81	Elementary	Grimsby	60	WB	50
Crossroads Public Elementary School	1350 Niagara Stone Rd	55	Elementary	NOTL	58	EB	50
Alexander Kuska KSG Catholic Elementary School	333 Rice Road	54	Elementary	Welland	56	NB	40
DSBN Academy	130 Louth Street	71	Secondary	St. Catharines	45	NB	50
John Calvin School	320 Station Street	14	Elementary	West Lincoln	37	NB	50
St Ann Catholic Elementary School (SC)	218 MAIN ST	81	Elementary	St. Catharines	33	TBD	50

Signage

Each Community Safety Zone will require signage at the beginning and end of each zone as per the Highway Traffic Act. Given the requirements, each school would require a minimum of four (4) signs (i.e. wo (2) per direction) and possibly additional signs mid-block depending on the length of the defined section as seen in the images below.

The signs will be placed at the respective CSZs and be in effect as of March 30, 2020.



Figure 1 - Example of Community Safety Zone signage to be installed

Vision Zero TASK FORCE (VZTF)

The Vision Zero Road Safety Program is a toolkit of traffic safety tools for implementation for a safe systems approach within Niagara region. The successful implementation of a safe systems approach requires collaboration between

Transportation Services, Niagara Regional Police Services, Niagara Public Health, Niagara Student Transportation Services and School Boards; in addition to local Area Municipalities, other community partners and other levels of government.

To help create an understanding and develop a common language and possible framework across the region and among all stakeholders, a Task Force will be established with partners. Invitations will be extended to partners to participate and provide input into coordination, education, evaluation, monitoring, and advise on progress and next steps.

Alternatives Reviewed

Do nothing is not an option as excessive speed is one of the leading factors that contribute to traffic crashes in Niagara region where speeding-related crashes are responsible for an average of \$350 million in economic losses each year in Niagara region.

Other reports will be coming forward to PWC and Council outlining other traffic safety tools for implementation as part of the Vision Zero Road Safety Program.

Relationship to Council Strategic Priorities

Implementing Community Safety Zones (CSZs) supports the 2019 to 2022 Strategic Plan and aligns with the Transportation Master Plan (TMP) Vision 2041

Regional Council adopted Niagara Region's Strategic Plan 2019-2022 with the vision statement of striving to achieve a prosperous, safe and inclusive community that embraces our natural spaces and promotes holistic wellbeing and quality of life. Community Safety Zones will serve to address Niagara Region's commitment to the safe system approach; by recommending extensive, proactive and targeted initiatives, informed by data and aimed at eliminating serious injury and fatalities on Niagara Regional roads.

Alignment to Niagara Region Transportation Master Plan (TMP)

Niagara Region is undergoing significant change and by 2041 will have grown and evolved on economic, demographic, social and technological fronts. This

recommendation will support growth and enhance Niagara globally by promoting an integrated network of roads and highways for the safe movement of people and goods.

This recommendation is part of Transportation's Vision Zero Road Safety Program that is critical to building a safe and inclusive community. It is a philosophy of significant departure from the traditional approach of road safety by providing a transportation network with safer walking, cycling, and motor vehicle routes.

Other Pertinent Reports

PW 64-2019 Vision Zero Road Safety Program, November 5, 2019

PW 38-2019 Community Safety Zones, July 9, 2019

PW 35-2019 Automated Speed Enforcement – Safer School Zones, July 9, 2019

Prepared by:

Sulaf Alkarawi, P.Eng.
Associate Director, Transportation Planning
Public Works Department

Recommended and Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer
Commissioner Public Works Department

This report was prepared in consultation with Carolyn Ryall, Director Transportation Services, and was reviewed by Donna Gibbs, Director Legal and Court Services and Brian McMahon, Program Financial Specialist.

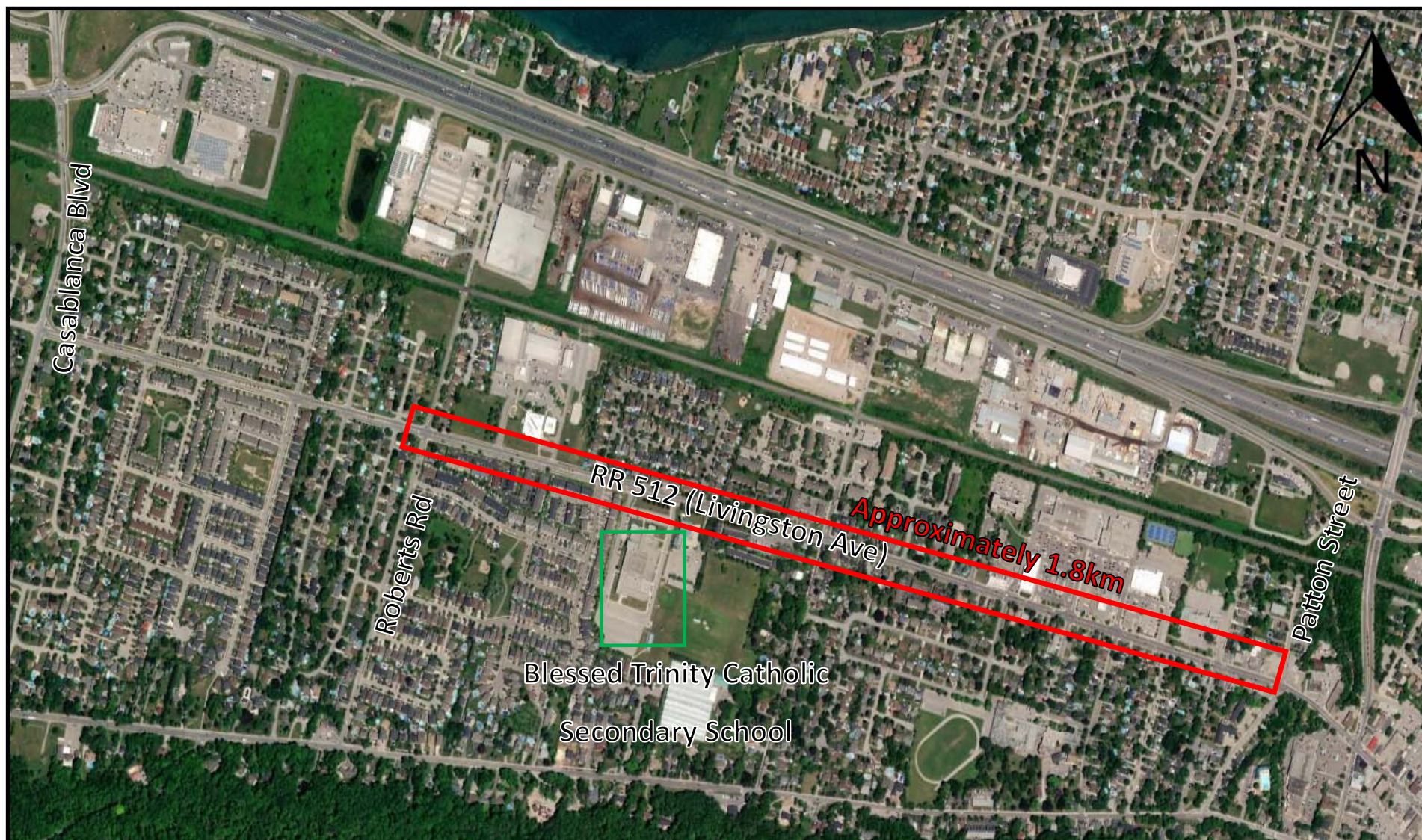
Appendices

- | | |
|------------|--|
| Appendix 1 | List of Designated Community Safety Zones (CSZs) |
| Appendix 2 | Maps of CSZ Locations from 1 – 10 |

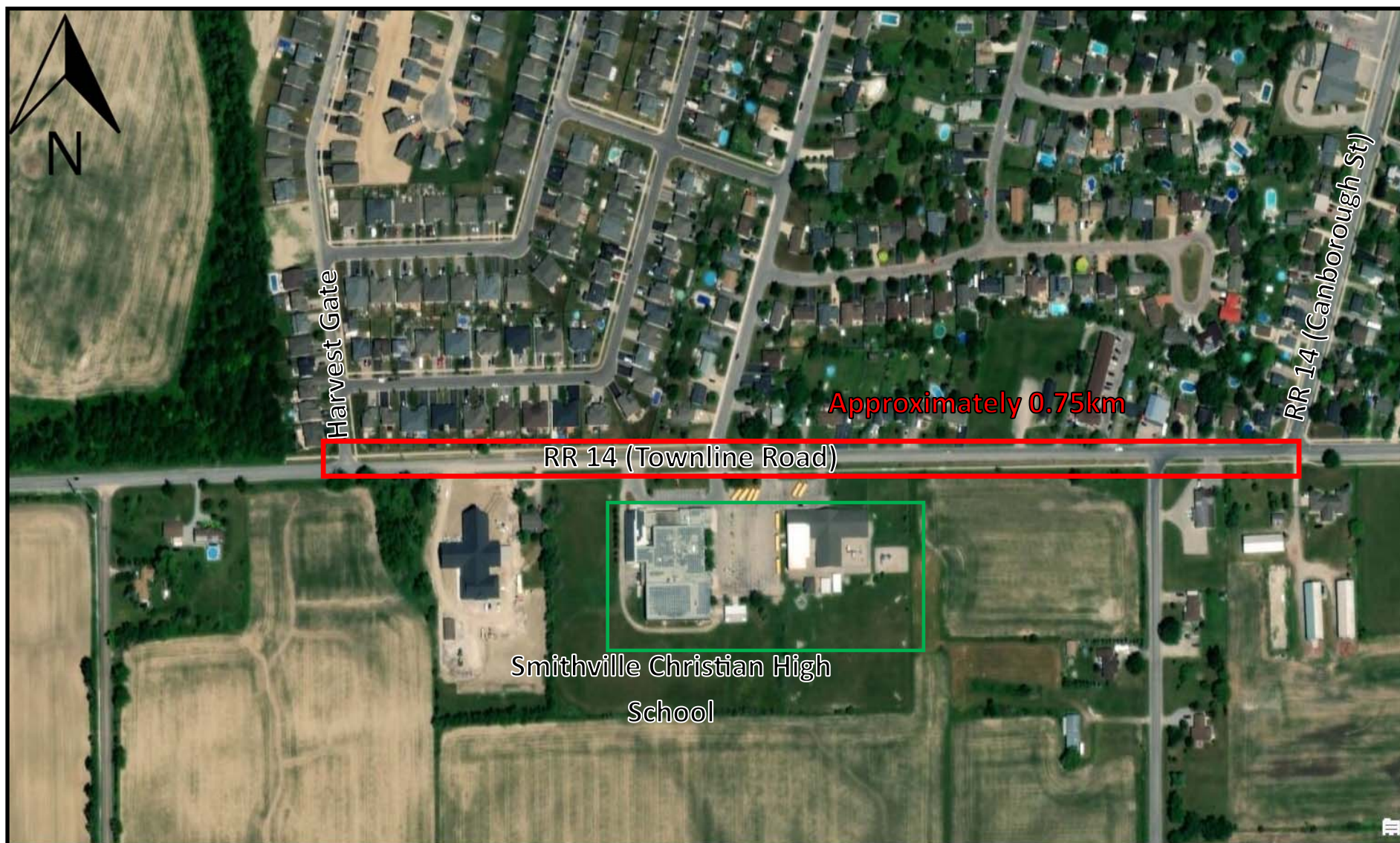
Table 1
Community Safety Zone locations on Regional Roads

Road	Section	Municipality	School	Length of Zone
RR 512 (Livingston Ave)	Roberts Rd to Patton St	Town of Grimsby	Blessed Trinity Catholic Secondary School	1.80km
RR 14 (Townline Rd)	Harvest Gate and Regional Road 14 (Canborough Street)	Township of West Lincoln	Smithville District Christian High School	0.75km
RR 98 (Montrose Rd)	Watson Street and Regional Road 20 (Lundy's Lane)	City of Niagara Falls	Greendale Elementary School	0.80km
RR 124 (Central Ave)	Regional Road 19 (Gilmore Road) and Bertie Street	Town of Fort Erie	Our Lady Of Victory Catholic Elementary School	0.8km
RR 81 (Main St. East)	Nelles Road and Regional Road 14 (Bartlett Avenue)	Town of Grimsby	Park Elementary School	1.80km
RR 55 (Niagara Stone Rd)	Concession 6 Road Roundabout and Regional Road 100 (Four Mile Creek Road)	Town of Niagara On The Lake	Crossroads Public Elementary School	1.50km
RR 54 (Rice Rd)	Quaker Road and Regional Road 41 (Woodlawn Road)	City of Welland	Alexander Kuska KSG Catholic Elementary School	1.00km
RR 72 (Louth St)	Ryker Street and Regional Road 69 (Pelham)	City of St.Catharines	DSBN Academy	1.00km
RR 14 (Station St).	Regional Road 20 (West Street) Street and Spring Creek	Township of West Lincoln	John Calvin School	1.00km
RR 87 (Main St)	Regional Road 38 (Martindale Road) and Johnston Street	City of St.Catharines	Saint Ann Catholic Elementary School	1.10km

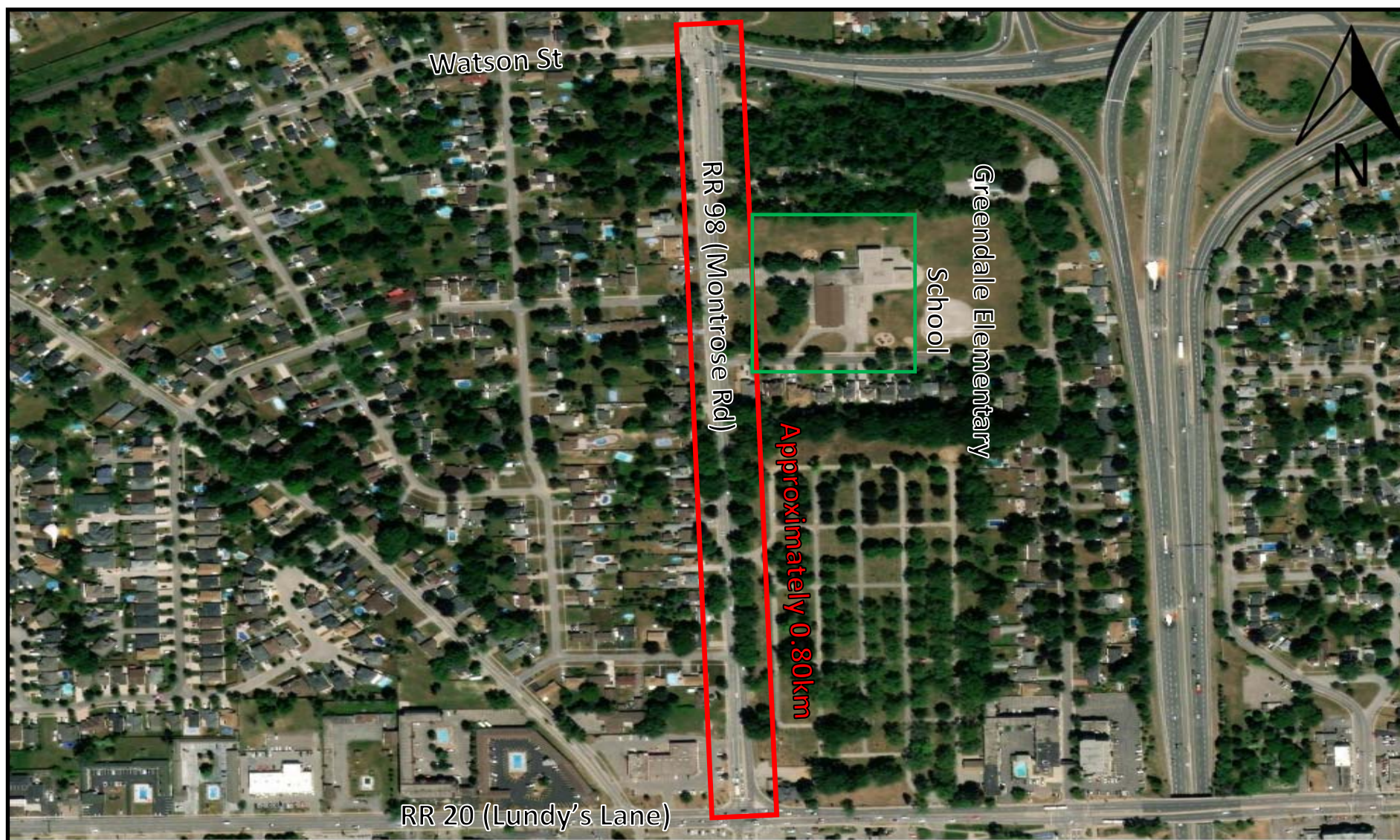
COMMUNITY SAFETY ZONE
REGIONAL ROAD 512 (LIVINGSTON AVENUE)
TOWN OF GRIMSBY



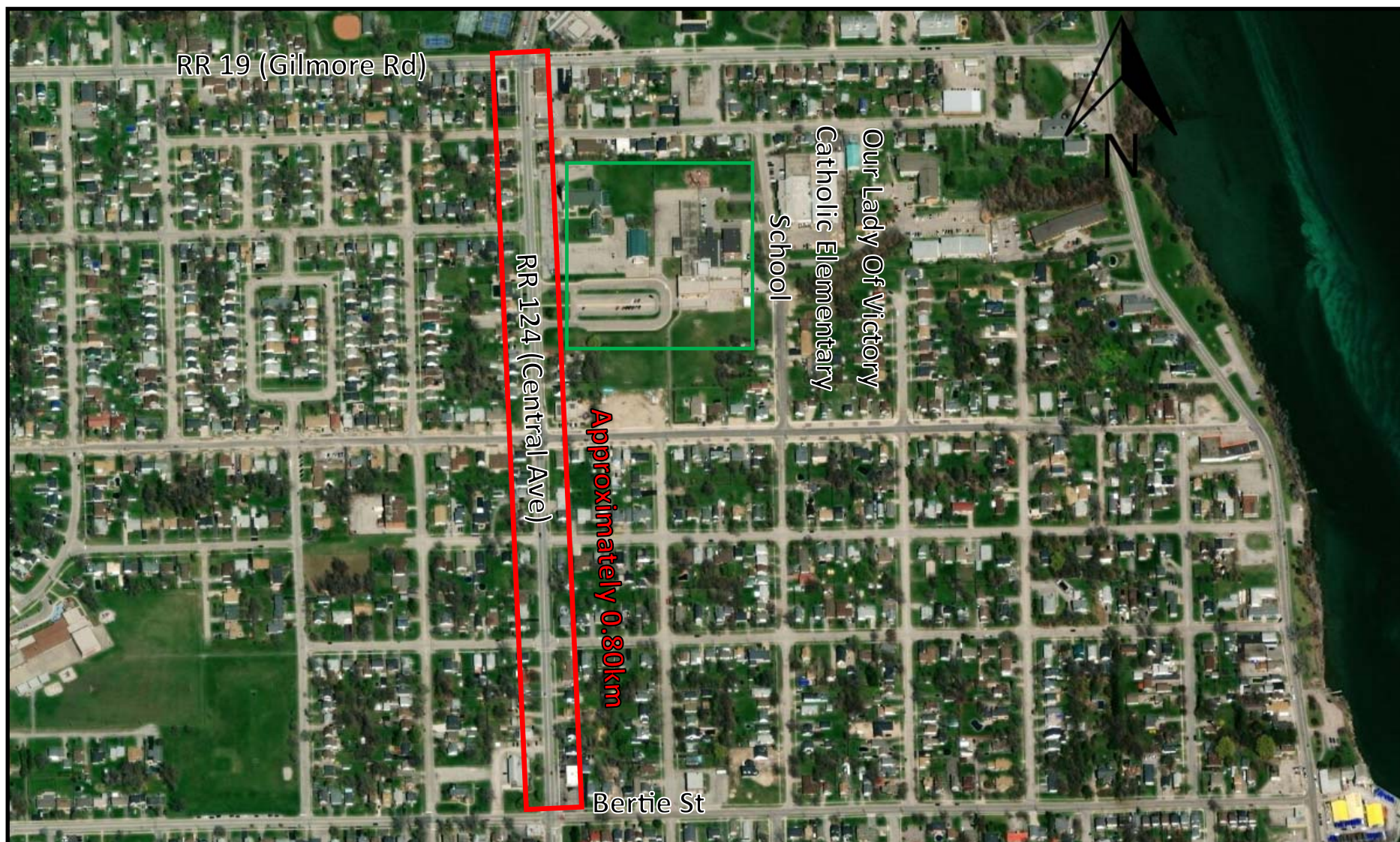
COMMUNITY SAFETY ZONE
REGIONAL ROAD 14 (TOWNLINER ROAD)
TOWNSHIP OF WEST LINCOLN



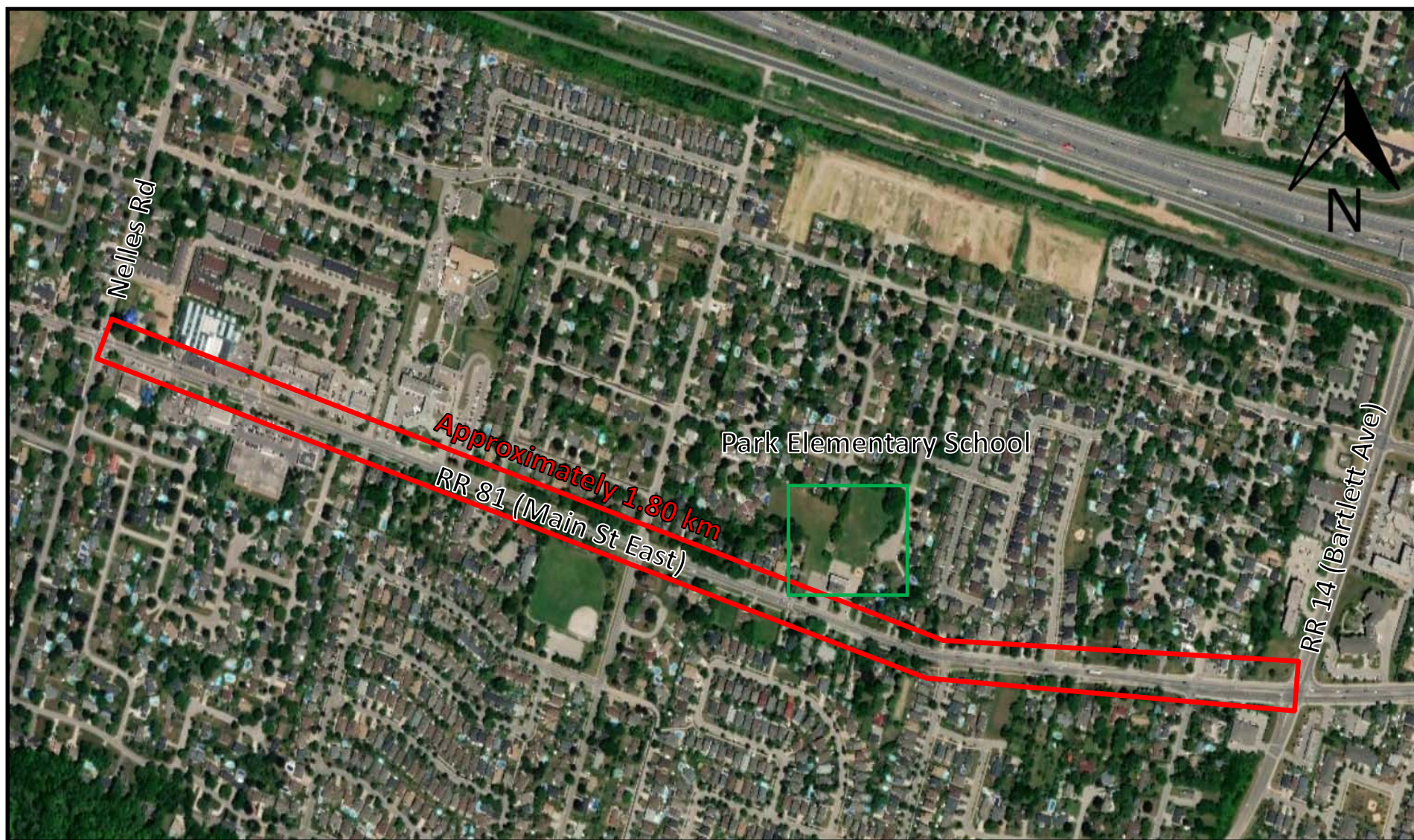
COMMUNITY SAFETY ZONE
REGIONAL ROAD 98 (MONTROSE ROAD)
CITY OF NIAGARA FALLS



COMMUNITY SAFETY ZONE
REGIONAL ROAD 124 (CENTRAL AVENUE)
TOWN OF FORT ERIE



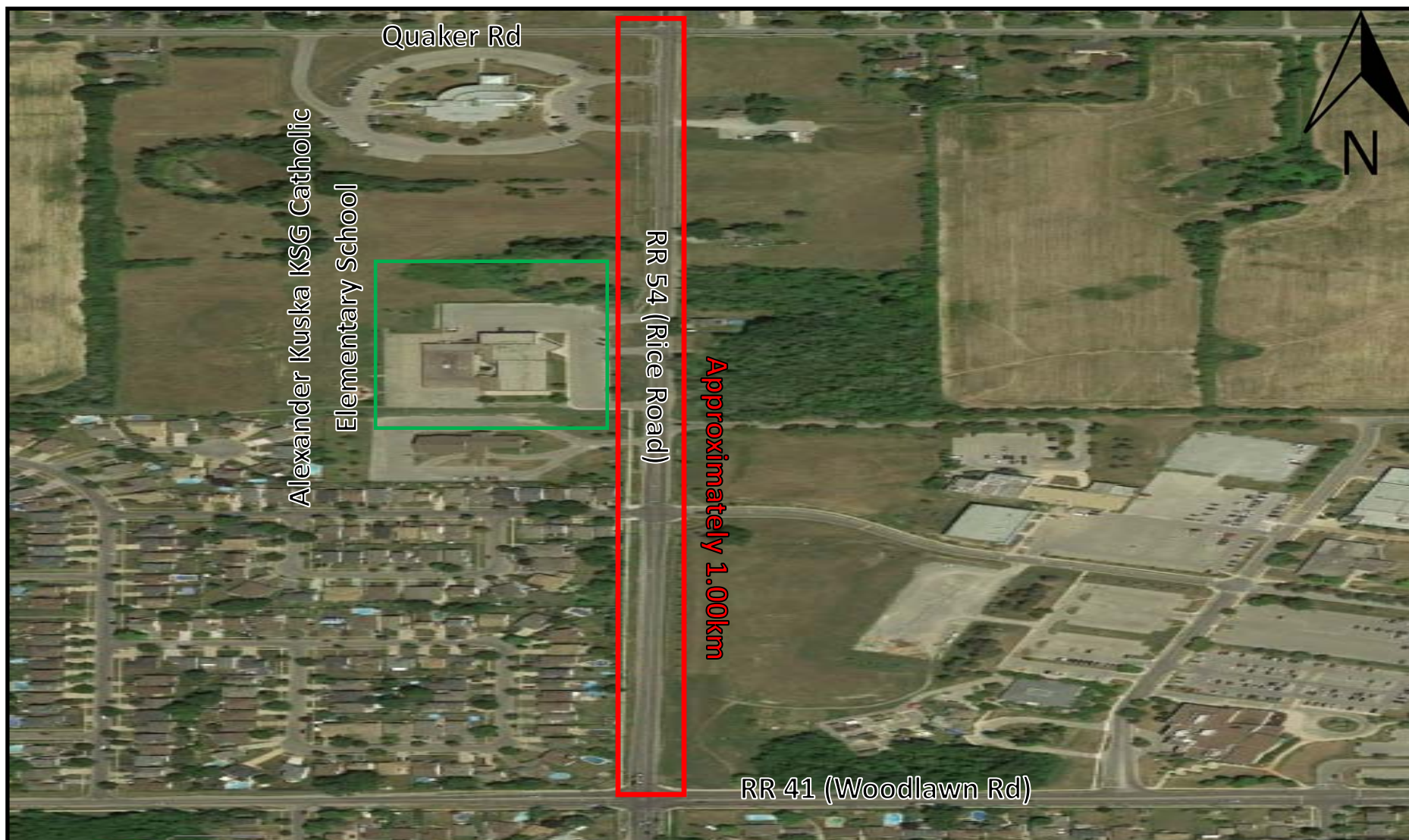
COMMUNITY SAFETY ZONE
REGIONAL ROAD 81 (MAIN STREET)
TOWN OF GRIMSBY



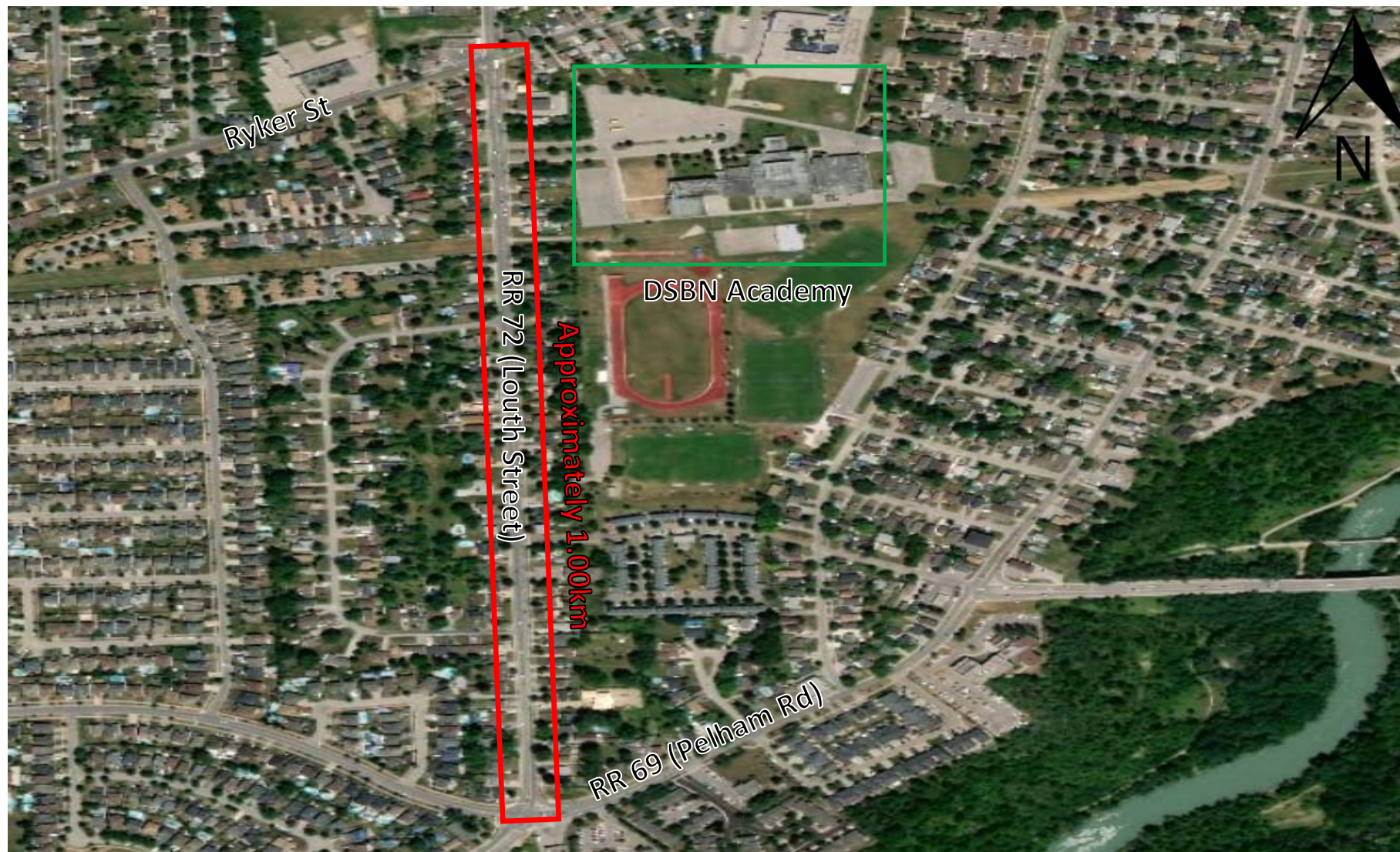
COMMUNITY SAFETY ZONE
REGIONAL ROAD 55(NIAGARA STONE ROAD)
TOWN OF NIAGARA ON THE LAKE



COMMUNITY SAFETY ZONE
REGIONAL ROAD 54 (RICE ROAD)
CITY OF WELLAND



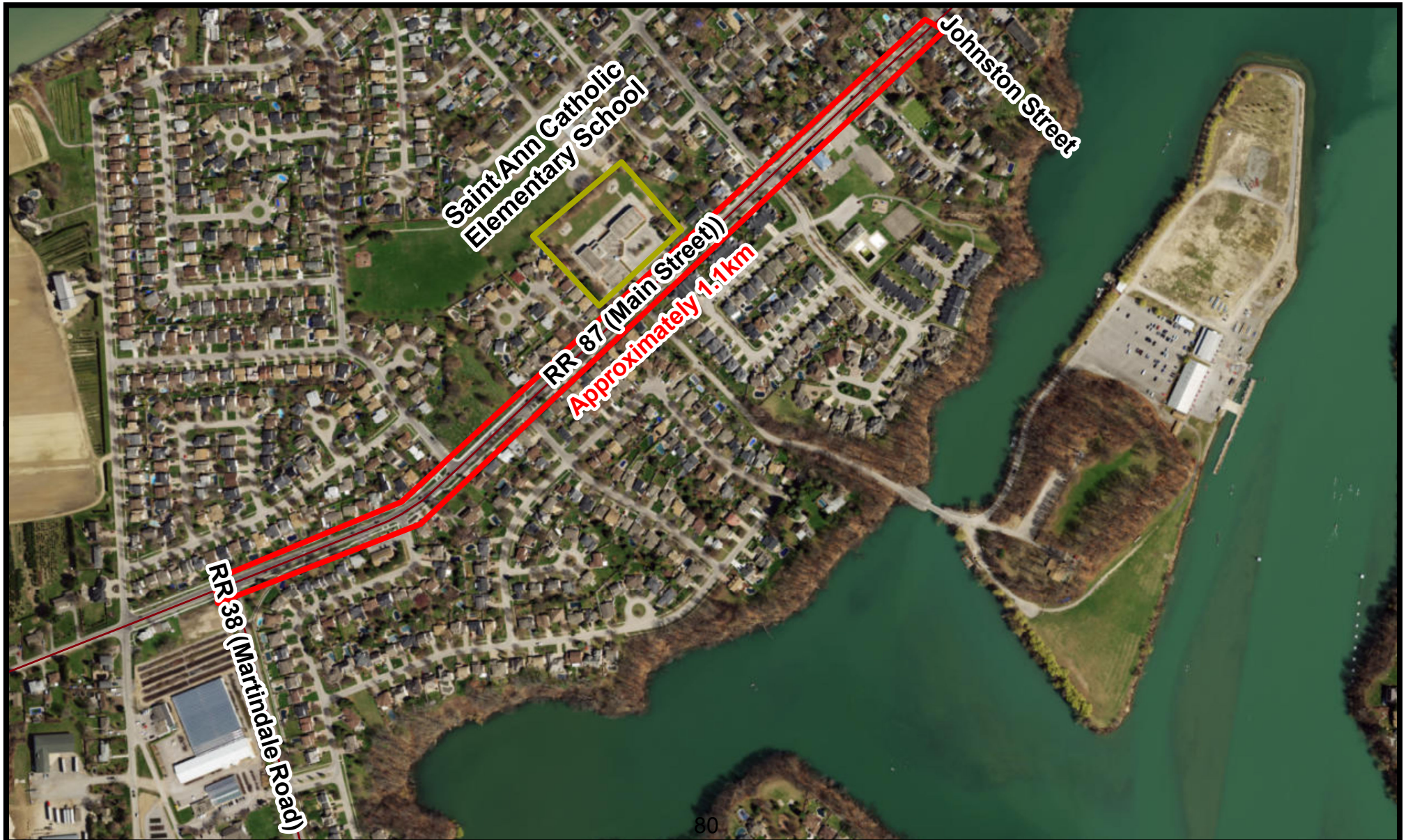
COMMUNITY SAFETY ZONE
REGIONAL ROAD 72 (LOUTH STREET)
CITY OF ST. CATHARINES



COMMUNITY SAFETY ZONE
REGIONAL ROAD 14 (STATION STREET)
TOWNSHIP OF WEST LINCOLN



COMMUNITY SAFETY ZONE
REGIONAL ROAD 87 (MAIN STREET)
CITY OF ST. CATHARINES



Subject: Pattison Outdoor Advertising Request for Variance to Regional Sign By-law 122-2013

Report to: Public Works Committee

Report date: Tuesday, March 10, 2020

Recommendations

1. That Council **GRANT** a minor variance pursuant to section 24 from the requirements of Sign By-law No. 122-2013 to allow Pattison Outdoor Advertising to install a two-panel billboard sign with a digital panel at the property of 652 River Road, City of Welland at a 7m setback from the Woodlawn Road street line, subject to the condition that Pattison Outdoor Advertising agrees to remove and relocate the sign to comply with By-law at its sole cost upon notice from the Region if required in the event of a future road widening or expansion of Woodlawn Road or otherwise for municipal purposes.

Key Facts

- Regional Sign By-Law 122-2013 requires a 10m setback from the edge of the street line to the sign. Pattison Outdoor Advertising is seeking a variance for the installation of a two-panel billboard sign at 652 River Road in the City of Welland with a 7m setback.
- Part IX (Administration and Enforcement) section 24 of Regional Sign By-Law 122-2013 permits Regional Council to authorize a minor variance from the requirements within the By-Law.
- The proposed sign would be more than 22m away from the traveled portion of the roadway but 7m away from the Regional property line/street line of Woodlawn Road.
- The sign facing east will contain a digital method of display with no moving animation, while the sign facing west will be a static paper based sign.
- There is currently no billboard sign at 652 River Road in the City of Welland, however, one did previously exist but was removed by Pattison Outdoor Advertising in April of 2015.

- The property where sign is proposed is zoned as commercial, with no residential properties close by. Prior to 2015 when a billboard owned by Pattison Outdoor Advertising was in place, there is no history of complaints by the general public.

Financial Considerations

There are no financial implications.

Governmental Partners

Pattison Outdoor Advertising will be required to obtain approvals from the City of Welland with regards to section 7.6.2 of the Welland By-Law stipulating setbacks from a property.

Analysis

Section 11.(a) of The Regional Municipality of Niagara By-Law No. 122-2013 permits the Commissioner to issue a sign permit for a billboard sign provided it is placed a minimum distance of 10.0 m from the street line. Section 24 of the By-Law permits Regional Council to authorize a minor variance from the requirements within the By-Law. A copy of the by-law is attached as Appendix 1.

Staff met with Pattison Outdoor Advertising on site to observe the proposed location of the billboard and informed them that the Sign By-Law prohibits any sign structures within a 10m setback from the street line. Pattison Outdoor Advertising is requesting a variance to the by-law due to the inability to move the structure further into private property. A copy of the letter from Pattison Outdoor Advertising requesting the variance is attached as Appendix 2.

Pattison Outdoor Advertising previously installed a double-sided (paper posted) billboard at 652 River Road, however, it was removed in April 2015. They are now requesting a new installation with a 7m setback from the street line, which would still provide a 22m setback from the travelled portion of the roadway, and a 45m setback from the center median.

The current regional property line in this section of roadway stretches 22m from the edge of traveled portion of the roadway, thus removing any potential conflict with the sign. In discussion with Staff, Pattison Outdoor Advertising have indicated that they would be prepared to agree to remove and relocate the sign to comply with the by-law

at their sole cost in future if required for purposes of any future widening or road expansion. Staff are prepared to support their request as a minor variance from the requirements of the By-law subject to this condition.

Alternatives Reviewed

Pattison Outdoor advertising has stated that moving the sign further into private property is not a favourable solution for them.

Relationship to Council Strategic Priorities

This report is being brought forth as a request by Pattison Outdoor Advertising as the proposed sign provides a medium for local and national businesses to promote themselves in a digital manner and support economic development. The recommendation relates to council's strategic plan to provide sustainable and engaging government by promoting an organizational culture that values continuous improvement, collaboration, and innovation.

Prepared by:

Petar Vujic
Road Safety and Permits Program Manager
Public Works Department

Recommended and Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer /
Commissioner Public Works Department

This report was prepared in consultation with Carolyn Ryall, Director Transportation Services.

Appendices

- | | |
|------------|--|
| Appendix 1 | The Region of Niagara Sign By Law No. 122-2013 |
| Appendix 2 | Correspondence from Applicant |

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 122-2013

SIGN BY-LAW

WHEREAS Section 11 of the *Municipal Act*, 2001, S.O. 2001, c. 25, authorizes the Regional Municipality of Niagara to pass by-laws respecting Regional roads;

AND WHEREAS Section 4(7)(i) of *Municipal Act*, 2001, S.O. 2001, c. 25, authorizes the Regional Municipality of Niagara to prohibit or regulate the placement or erection of any sign or advertising device within 400 metres of the limit of a Regional road;

NOW THEREFORE THE COUNCIL OF THE REGIONAL MUNICIPALITY OF NIAGARA ENACTS AS FOLLOWS:

PART I – DEFINITIONS

1. The following terms are defined for the purposes of this By-law:
 - a) “Area municipality” means any one of the municipality or corporation of the Town of Fort Erie, Town of Grimsby, Town of Lincoln, City of Niagara Falls, Town of Niagara-on-the-Lake, Town of Pelham, City of Port Colborne, City of St. Catharines, City of Thorold, Township of Wainfleet, City of Welland, or Township of West Lincoln;
 - b) “Awning” means a light detachable structure with a skin of flexible material, which is entirely supported from a building;
 - c) “Banner sign” means a sign made of cloth, plastic or similar light weight non-rigid material containing copy relating to a charitable, community or municipal matter or event and placed within the limits of a Regional road with the approval of the Commissioner;
 - d) “Billboard sign” means an outdoor sign placed and maintained on a property by a person engaged in the sale or rental of the space on the sign to a client, upon which space is displayed copy that advertises a business, goods, products, or services not necessarily sold or offered or conducted on the property, but does not include a temporary sign;
 - e) “Canopy” means a rigid roof-like structure which is entirely supported from a building;

- f) “Commissioner” means the Commissioner of Public Works or his/her designate;
- g) “Copy” means the wording, letters, numerals, symbols, graphics, images and artwork on a sign;
- h) “Driveway” means that portion of a lot designed to provide vehicles access from the lot to the travelled portion of a Regional road;
- i) “Election sign” means a sign advertising any person or political party participating in an election for public office;
- j) “Electronic sign” means a sign that displays and changes copy by electronic means;
- k) “Facia sign” means a sign attached to or affixed to the wall of a building or structure and includes a sign attached to or affixed to the surface of an awning or canopy;
- l) “Grade” means the elevation of the ground directly beneath a sign;
- m) “Ground sign” means a sign permanently affixed to the ground by structure;
- n) “Interior sign” means a sign placed inside a building or on a lot or building and is not visible from or intended to be visible from the Regional road;
- o) “Lot” means a parcel of land having specific boundaries, which is capable of legal transfer;
- p) “Municipal law enforcement officer” means a by-law enforcement officer appointed by the Region or an area municipality;
- q) “Official sign” means a sign placed:
 - i. By or under the jurisdiction of the Commissioner; or
 - ii. Under the authority of a statute, by-law, or provincial or federal authority to regulate or prohibit the movement of pedestrians, cyclists or vehicles or to warn or guide pedestrians, cyclists, or the drivers of vehicles;
- r) “Owner” means any person described on the sign, or whose name or address or telephone number appears on the sign, or who installed the sign, or who is in lawful control of the sign, or who benefits from the

message on the sign, and for the purposes of this By-law there may be more than one owner of a sign;

- s) “Person” includes but is not limited to an individual, sole proprietorship, partnership, association or corporation;
- t) “Place” when used as a verb means to attach, install, erect, locate, build, construct, reconstruct, move, display, paint, inscribe or affix;
- u) “Premises” means a lot or building;
- v) “Projecting sign” means a sign attached at one end to a building or structure and generally extending perpendicular outward there from, but shall not be a facia sign;
- w) “Region” means The Regional Municipality of Niagara;
- x) “Regional road” means a road under the jurisdiction of the Region;
- y) “Road” includes but is not limited to a common and public highway or street, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;
- z) “Sign” means any device, object or thing that is designed to convey a message that is placed for the purposes of advertising, identifying, announcing, directing or promoting any idea, event, activity, product, service or facility, identifying any business or enterprise, or conveying any other type of message;
- aa) “Street line” means the boundary of a lot dividing the lot from a Regional road or a road under the jurisdiction of an area municipality;
- bb) “Temporary sign” means a sign displayed for a specific limited period of time on the untraveled portion of a Regional road.

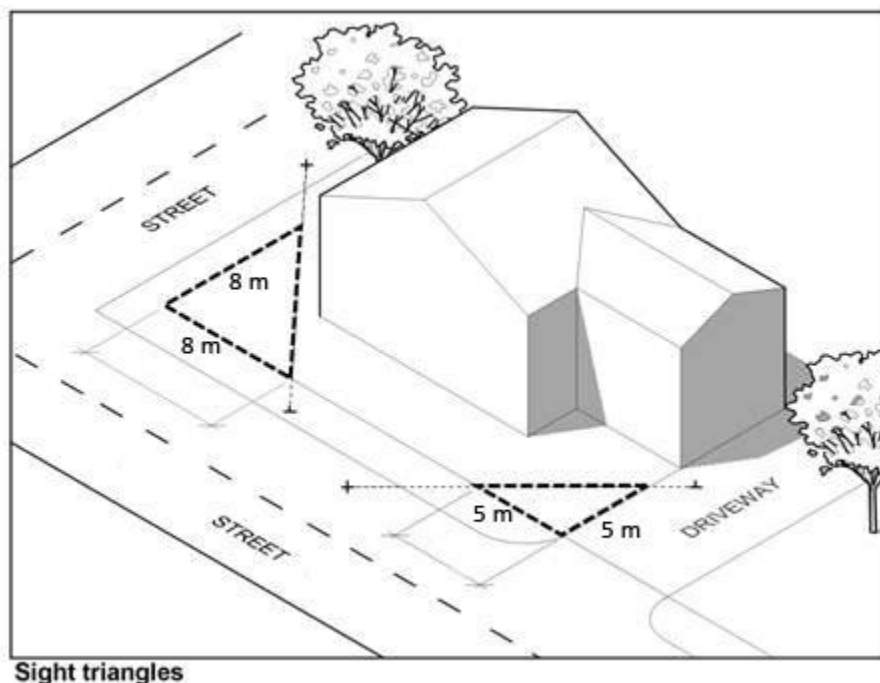
Part II

- 2. No person shall place or permit to be placed on a Regional road a sign other than an official sign or a sign permitted by this By-law.
- 3. No person shall place or permit to be placed on a Regional road a sign that is not an official sign and that:
 - a) Has any part of the sign located within a roadway, shoulder, median, planning bed, drain, ditch or watercourse;

- b) Resembles an official sign or a traffic control signal or device in colour, shape, wording, content, operation, or location;
 - c) Impacts the function of the road by:
 - i. Creating a safety hazard;
 - ii. Impeding or obstructing municipal maintenance or construction operations;
 - iii. Impeding access to or obstructing a fire hydrant;
 - iv. Impeding or obstructing the passage of pedestrians where they are reasonably expected to walk;
 - v. Impairing or obstructing the visibility of vehicular or pedestrian traffic or a railway crossing;
 - vi. Obscuring or detracting from the visibility or effectiveness of an official sign or a traffic control signal;
 - d) Is painted onto, affixed by an adhesive, tape or wire onto:
 - i. A tree, shrub or any other natural object;
 - ii. A utility box, traffic signal control box, bridge, guiderail or any other road structure;
 - iii. A transit shelter or any other piece of street furniture;
 - iv. An official sign;
 - v. The support of a luminaire, official sign, or any other traffic control device.
4. No person shall place or allow an election sign to be placed on a Regional road.
5. On a lot adjacent to a Regional road, no person shall place a ground sign within 1.0 metre of the street line.
6. On a lot adjacent to a Regional road, no person shall place a sign within a visibility triangle determined as follows:
- a) In the case of a driveway, the visibility triangle shall be the area enclosed by a line along the limits of the driveway and the street line measured to a

point 5.0 metres back from the intersection of the street line and the limit of the driveway;

- b) Notwithstanding section 6.(a), a sign that does not exceed 1.2 metres in height may be placed in the visibility triangle provided it is placed a minimum distance of 2.0 metres from the street line;
- c) In the case of an intersection of a road with a Regional road, the visibility triangle shall be the area enclosed by each of the street lines measured to a point 8.0 metres back from the intersection of the street lines.



Part III – Signs Requiring Permits

- 7. Except as provided in Part IV of this By-law, no person shall place a sign on a Regional road or within 20.0 metres of the centre line of a Regional road without first having obtained a permit for the sign from the Commissioner.
- 8. Every application for a permit under this By-law shall be made on the form provided by the Commissioner and shall be accompanied by any plans, drawings and other information as the form may prescribe.
- 9. Every person applying for a permit shall pay the application fee approved by Regional Council.

10. Banner Sign

- a) The Commissioner may issue a permit for a banner sign provided the sign:
 - i. Does not in any way obstruct or adversely affect the visibility or operation of a traffic control device;
 - ii. Is mounted and placed securely in accordance with any requirements and conditions the Commissioner may require.
- b) The Commissioner may issue a permit for a banner sign that contains an expiry date for the permit, after which time the banner must be removed.
- c) The applicant for a permit for a banner sign shall satisfy the insurance and liability requirements of the Region.

11. Billboard Sign

- a) The Commissioner may issue a permit for a billboard provided it is placed a minimum distance of 10.0 metres from the street line.

12. Electronic Sign

- a) The Commissioner may issue a permit for an electronic sign provided:
 - i. The individual copy is displayed by the sign for a minimum of 15 seconds without any change in the copy and the sign displays the copy without any motion, animation or other visual effect that creates the illusion of motion;
 - ii. The sign incorporates a sensor linked to the software controlling the sign's electronic display in order that the brightness of the sign is automatically adjusted in relation to ambient light conditions;
 - iii. The luminance from the sign shall not exceed 0.3 foot candles (3 lux) above the ambient light level as measured when the sign display goes to dark or black.

13. Projecting Sign

- a) The Commissioner may issue a permit for a projecting sign provided:
 - i. The projecting sign maintains a minimum vertical clearance of 2.5 metres from grade to the lowest part of the sign;

- ii. The owner of the sign satisfies the insurance and liability requirements of the Region.

Part IV – Signs Exempt from Permits

14. No person shall require a permit to place the following signs provided all other provisions of this By-law are complied with:
- a) A sign not exceeding 0.2 square metres in area that identifies the name, address and profession of the occupant ;
 - b) An interior sign;
 - c) A fascia sign that does not project more than 45 centimetres into a Regional road;
 - d) A temporary sign placed on a public sidewalk on a Regional road provided the following requirements are satisfied:
 - i. The size of the temporary sign is a maximum height of 0.9 metres and a maximum of 0.6 metres in width;
 - ii. The setback of the building containing the business the temporary sign from the street line is not greater than 0.6 metres;
 - iii. The temporary sign is only placed on the sidewalk in front of the premises where the business it is advertising operates;
 - iv. The temporary sign is placed on the sidewalk only during the actual hours of operation of the business it is advertising;
 - v. The temporary sign is not placed in a manner that restricts the free and safe movement for any pedestrian, vehicle or other conveyance on the sidewalk, or in any manner impedes vision and in no case shall less than 1.2 metres width of unobstructed sidewalk be maintained.
 - e) A sign advertising or providing directions to the on-farm sale of produce or any other thing grown on the farm provided such sign is in compliance with the applicable area municipality's sign by-law and is not placed on the Regional road;
 - f) A sign advertising the sale or lease of premises provided such sign is in compliance with the applicable area municipality's by-law and is not placed on the Regional road.

Part V – Existing Signs

15. Nothing in this by-law applies to an existing sign that is lawfully placed on the day this by-law comes into force, so long as the sign is not in any way altered.
16. The maintenance and repair of the sign or change in copy shall not be deemed to constitute an alteration.

Part VI - Conflicts with Area Municipality By-laws

17. In the event there is a conflict between any provision of this by-law and the provision of any by-law of an area municipality, the provisions of this by-law shall prevail, provided however, that no area municipality shall be prevented in any way from enforcement of those provisions of its by-law which exceed the requirements of this by-law or are more restrictive than the provisions of this by-law.

Part VII – Removal

18. Any person or owner who places or permits to be placed a sign that does not comply with this By-law is required to modify the sign to comply with the By-law or remove the sign forthwith and restore the sign location to a condition satisfactory to the Commissioner.
19. If the person or owner required to modify or remove a sign under section 18 of this By-law fails to do so, then the Commissioner, a municipal law enforcement officer, or a police officer may immediately remove it, without notice or compensation to and at the risk of its owner.
20. If the person or owner required to restore a sign location under section 18 of this By-law fails to do so, then the Commissioner may restore the location.
21. The Region and a local municipality may recover the expense for the removal, transportation and disposal of a sign and for the restoration of the sign location from the owner under section 18 of this By-law by court action or in like manner as municipal taxes.

Part VIII – Penalty

22. Every person or owner who contravenes a provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended.

Part IX – Administration and Enforcement

23. The Commissioner is responsible for the administration of this By-law.

24. Regional Council may authorize a minor variance from the requirements of this By-law.
25. This By-law may be enforced by the Commissioner, a municipal law enforcement officer or a police officer.
26. Nothing in this by-law exempts a person from complying with any other by-law or requirement of a municipality, government or agency having the authority to deal with a matter related to a sign.
27. If any provision of this By-law is declared invalid for any reason by a court of competent jurisdiction, only that invalid portion of the By-law shall be severed and the remainder of this By-law shall be deemed to be separate and independent and shall continue in full force.
28. The short title of this By-law is the "Sign By-law".
29. This By-law shall come into force and effect on the date of passage by Regional Council.
30. By-law Number 2705-80 of the Region shall be repealed effective on the coming into force of this By-law.

THE REGIONAL MUNICIPALITY OF NIAGARA

Original Signed By:

(Gary Burroughs, Regional Chair)

Original Signed By:

(Janet Pilon, Regional Clerk)

Passed: October 10, 2013



November 19, 2019

Public Works Committee
1815 Sir Isaac Brock Way
Thorold ON, L2V 4T7

RE: Sign Variance Application – 652 River Rd., Welland ON

Dear Committee Members,

Please accept this letter as our formal application for a minor variance to the Regional Sign By-law 122-2013. Our application is seeking approval for one new billboard with two sign faces, located at 652 River Road. The sign face directed east will contain a digital method of display, while the sign face directed west will be contain a static (paper posted) method of display. The property is zoned “Gateway Economic Centre” (GEC-14).

The sign will be directed towards traffic travelling along east and west along Woodlawn Road (Regional Road 41), with dimensions of 3.05 metres vertically by 6.1 metres horizontally (or approximately 10 feet by 20 feet). The height will be approximately 8.0 metres (or approximately 26 feet, 3 inches) from grade.

The property currently contains a one-storey building with multiple commercial tenants, as well as a gas station with associated parking spaces. The tenants include a Tim Horton’s, a gym and a convenience store.

We are seeking one variance from Section 11(a) of the By-law: *billboards must maintain a minimum distance from the regional street property line.*

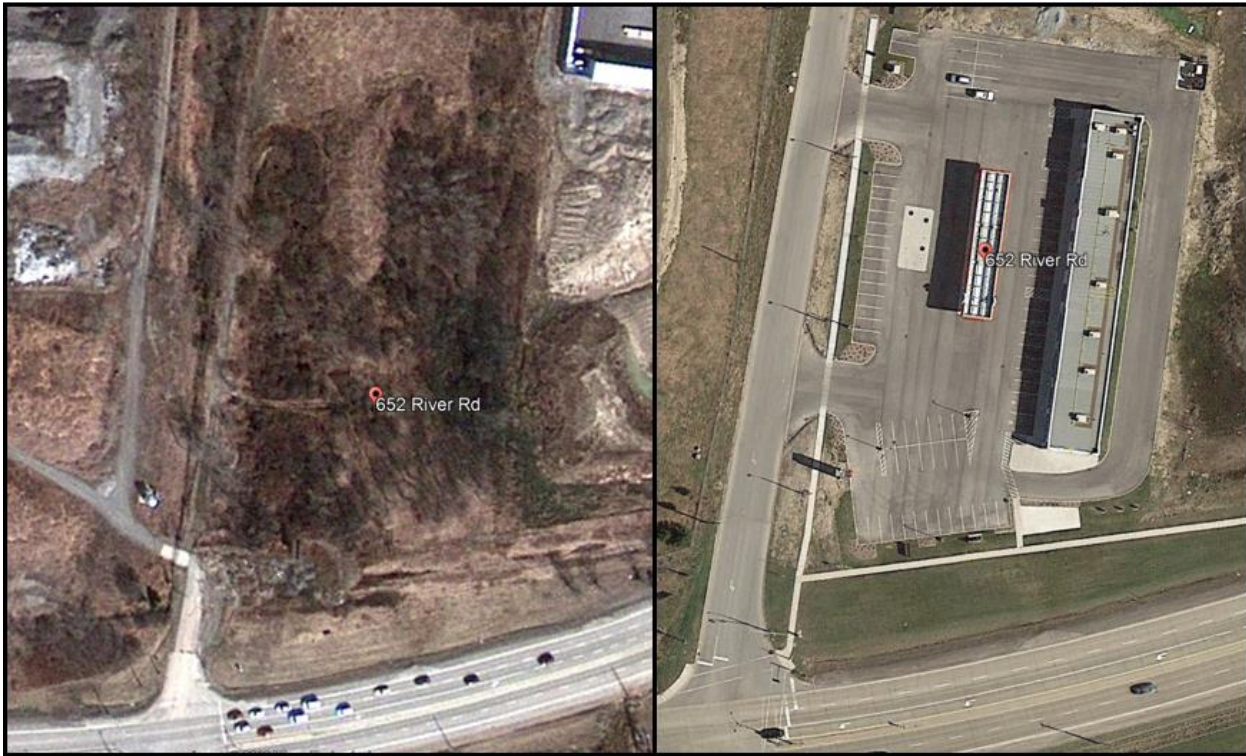
We believe the variance being requested is minor in nature, and can be granted because the proposed sign will have no negative impacts on the streetscape, the property or the surrounding uses. The electronic method of display is an effective communication tool for local and national businesses to promote goods, products and services, and will be managed responsibly to ensure it remains compatible with surrounding uses.

History of the Property

Pattison previously owned and operated a double-sided static (paper posted) billboard at 652 River Road since 1995, until the sign was removed April 30, 2015. Over this 20-year period, Pattison did not receive any complaints from commuters or members of the public. Pattison facilitated the removal of this sign to allow for development of the property, which has now been completed (See Figure 1 on the following page).



Figure 1 – Property in 2010 (left) compared to 2018 (right)



Variance Required for Setback from a Regional Road

Section 11(a) of the Regional Sign By-Law requires a minimum setback from a regional road of 10 metres. We are requesting the proposed sign to have a setback of 7.0 metres from the adjacent regional road (Woodlawn Road).

We believe this variance can be granted because the setback of the proposed sign from the travelled portion of Woodlawn Road of 22 metres. This is much greater than the required 10-metre setback, and based on this distance, we believe that commuters travelling along Woodlawn Road will not be impacted. The 22 metres between the travelled portion of Woodlawn Road and the proposed sign provides ample space to expand Woodlawn Road, further demonstrating that the proposed sign have no negative impacts on the potential future development of Woodlawn Road.



Figure 2 – Setbacks from Woodlawn RD (Regional Rd 42)



As can be seen in Figure 2 above, the setback from the median of Woodlawn Road is approximately 45 metres (or 147 feet). Section 7 of the Regional Sign By-law requires signs to be a minimum of 20 metres (or approximately 65 feet) from the center line of a regional road. The proposed sign is more than double the required setback from the median of Woodlawn Road.

Another factor that does not allow for the proposed sign to meet the required setback of 10 metres is the recent development of the property. The new parking area is approximately 7.5 metres from the property line. Placing the proposed sign at 10 metres from the property line would locate the supporting pole in the parking area. This would represent a potential safety hazard for visitors and we believe this is another reason that the requested variance can be granted.

The proposed sign will comply with every other requirement set out in the Regional Sign By-Law, including the illumination provisions for electronic signs set out in Section 12(a)(i). The proposed sign will be monitored 24-7 by video camera.



The proposed sign will provide a medium for local and national businesses to promote themselves and advertise their goods and services, contributing to future economic growth. We note that there are no sensitive land uses at the property or within the surrounding area.

In summary, we truly believe that the proposed sign conforms to the general intent and purpose of the Regional Sign By-Law, and that the requested variances can be granted as they are minor in nature. Thank you for your time and consideration of this application. Please do not hesitate to contact me if you have any questions or comments about our proposal.

Regards,

Brandon Lincz
Leasing Representative, Pattison Outdoor
Direct: 905 282 6935
blincz@pattisonoutdoor.com

Subject: Considerations of City of Niagara Falls Withdrawing from Regional Waste Management Services

Report to: Public Works Committee

Report date: Tuesday, March 10, 2020

Recommendations

1. That Council **DECLINE** the Niagara Falls request to provide waste management services within the City of Niagara Falls and **DIRECT** Niagara Region's Clerk to advise Niagara Falls of the decision of Council;
2. That staff **PROCEED** with the implementation of the contract as approved by Regional Council on October 17, 2019; and
3. That Report PW 14-2020 and Council's resolutions **BE CIRCULATED** to the Local Area Municipalities (LAMs) for their information.

Key Facts

- The purpose of this report is to provide Regional Council with relevant background information on the Negotiated Request for Proposal (NRFP) process leading up to the commencement of the new waste collection contracts, and to identify the key considerations of Niagara Falls opting out of Regional waste management services, as well as address information that has been published recently in the media.
- A formal request for assumption of waste management services from the City of Niagara Falls was received by Niagara Region on Thursday, January 30, 2020 (Appendix 1).
- If the City of Niagara Falls were to withdraw from Regional waste management services there would be operational, legal, financial and customer service impacts. The legal implications are the subject of a separate closed session report (Confidential PW 15-2020).
- If the City of Niagara Falls were to withdraw from all Regional waste management services, staff recommends that as a pre-condition of such approval, Niagara Falls be allocated a portion of the costs associated with those programs that they participate in, as well as closed landfill and a subset of open landfill operating costs. Under this scenario and based on the current funding methodology for allocation of

waste management costs, the remaining 11 LAMs receiving waste management services from the Region would experience an estimated budget increase of 25% for 2021 compared to the projected increase of 18.5% as a result of increased collection contract costs. If Niagara Falls is not required to pay their estimated share of closed landfill related costs in addition to monitoring and leachate processing costs associated with open landfills which have received Niagara Falls tonnage, the 11 LAMs would have to absorb those costs, resulting in a further increase to the 2021 budget to an estimated total of 27%.

- Notwithstanding the above, a review and potential amendment to the waste management system financing methodology, which was approved in 2011, may be required to ensure fair allocation of costs to the remaining 11 LAMs.
- There would be a duplication of staff to administer, manage and support the development and implementation of waste management services.
- The proposed withdrawal would be detrimental to the ability of the Region to achieve its goals of maximizing waste diversion.
- The procurement process undertaken by the Region for the waste collection contracts embraced and encouraged innovation in a number of respects; and specifically regarding single stream and cart-based recycling, staff noted a number of operational and financial challenges to such systems including the risk presented by the transition of the province's Blue Box Program to producer responsibility in which municipalities that undertake program changes at this time are at risk of assuming cost and service level implications.

Background

Niagara Region will commence new waste collection contracts on October 19, 2020 with Green for Life (GFL) Environmental Inc. servicing Collection Area One (1) and Miller Waste Systems Inc. servicing Collection Area Two (2).

- **Collection Area One** (the Town of Grimsby, the Town of Lincoln, the Town of Pelham, the City of Thorold, the Township of Wainfleet and the Township of West Lincoln); and
- **Collection Area Two** (the Town of Fort Erie, the City of Niagara Falls, the Town of Niagara-on-the-Lake, the City of Port Colborne, the City of St. Catharines, and the City of Welland).

Preparation for these new waste collection contracts began in April 2018 when Council approved the proposed service levels to be included in stakeholder consultation. Consultation with LAMs, business groups and residents started in May 2018 and continued into February 2019. In March 2019, Council approved the collection service options to be included in the Negotiated Request for Proposal (NRFP), including every-other-week (EOW) garbage collection. The NRFP for waste collection services was released on August 1, 2019 and closed on September 17, 2019. Council approved EOW garbage collection on October 17, 2019 as the chosen collection scenario. A detailed timeline of events in the RFP process can be found in Table 1.

Table 1 Key Dates in the RFP Process

Date	Action
April 12, 2018	Regional Council approved the proposed levels for stakeholder consultation
May 2018 to February 2019	Consultation with Local Area Municipalities, business organizations, residents
January 9, 2019	Staff recommended service level options to Public Works Committee (PWC) for inclusion in the NRFP, including EOW garbage collection
March 19, 2019	Regional Council approved collection service options to be included in the NRFP, including EOW garbage collection Regional Council approved the inclusion of a living wage clause in the NRFP and to not proceed with a managed competition bid process (in-house bid)
August 1, 2019	NRFP released
September 17, 2019	NRFP closed
September 18 to 30, 2019	Technical evaluation of NRFP
October 17, 2019	Regional Council approved EOW garbage collection as the preferred collection scenario
October 25, 2019	Best and Final Offer (BAFO) pricing submitted by short-listed proponents
October 31 to November 6, 2019	Negotiation period
November 14, 2019	Regional Council approved optional services
December 12, 2019	Regional Council approved the 2020 budget on the basis

Date	Action
	of EOW and with mitigation from reserves for 3 year budget increases of 9.9%
Q4 2019 to Q1 2020	LAMs select Enhanced Services
January 8 to 9, 2020	Execution of agreements
October 19, 2020	Commencement date of new contract

It is Niagara Region's understanding that, due to the perception of a reduced level of service in regards to EOW garbage collection, increased contract costs, and concerns over a perceived lack of innovation, the City of Niagara Falls would like to opt out of Niagara Region's waste management services, and assume these services for the City of Niagara Falls. A formal request for assumption of waste management services from the City of Niagara Falls was received by Niagara Region on Thursday January 30, 2020, and can be found in Appendix 1.

Financial Considerations

Base collection services, as determined by Regional Council, are provided to all municipalities and the costs for these services, along with all processing, disposal and planning and administrative net costs, are apportioned to the municipalities through the waste management requisition based on the number of residential units as per the prior year's MPAC data. For the enhanced services, each municipality determines the services they wish to provide to their residents and the costs associated with those particular services are added to their specific municipal requisition. The cost that is requisitioned for enhanced services includes both the collection cost charged by the contracted service provider and an estimate of the portion of disposal costs that are related to the enhanced services based on sample weights that are taken twice per year as representative of the tonnage that is typically collected.

The City of Niagara Falls' resolution includes a request to opt out of any or all of the waste management services provided by Niagara Region and assume those services, with the exception of property matters such as the open or closed landfills. If approved, it is recommended that Niagara Falls as a pre-condition of such approval, be allocated a portion of the costs associated with those programs that they participate in, as well as landfill operating and monitoring costs. An allocation of landfill costs has been included in staff's analysis because Niagara Falls has contributed to the tonnage that has gone into the landfills, which leads to the on-going environmental monitoring and leachate processing costs. The remaining net waste management costs will be apportioned to

the remaining 11 LAMs. If Niagara Falls is not required to pay their estimated share of landfill costs, the 11 LAMs would have to absorb those costs as well.

Based on multi-year estimates, the overall net waste management budget increase for 2021 is anticipated to be 18.5%, without any reserve mitigation. This increase is mainly due to the increased collection contract costs. With the new collection contract anticipated to start October 2020, the approved 2020 budget included an estimate of anticipated collection costs under the new contract for the last three (3) months of the year only. The full impact of the new collection contract is included in the 2021 multi-year budget estimate. For the 2020 operating budget, Niagara Falls was apportioned approximately 19.1% of the base waste management net program costs of \$37.1 million.

The Region's 2020 waste management operating budget was approved by Council in December 2019. If a change were to be required in 2020 due to Niagara Falls opting out, the following processes would be affected:

- An in-year budget amendment (including a revised by-law) would be required to adjust the Council-approved 2020 budget.
- The municipal requisitions for all municipalities would be impacted and require amendment.
- Waste Management tax rates would have to be amended prior to final 2020 tax billing to residents which generally occurs at the beginning of June for the June 30 due date.
- This would necessitate the above processes being complete by the end of May at the latest to facilitate the LAM tax billing process.
- Due to these time constraints, approximately 11 weeks, it may not be possible for the City of Niagara Falls to opt out without leaving the Region responsible for a portion of the costs attributable to Niagara Falls waste management services.

It is estimated that if Niagara Falls is allowed to opt out of all Regional waste management services, with the exception of the landfills, the remaining 11 LAMs receiving services from the Region would see an estimated 2021 budget increase over 2020 of 25%, or approximately \$40 per household. The original multi-year budget estimate for 2021, without any reserve mitigation, projected an increase of 18.5%, or approximately \$29 per household, which includes service for the City of Niagara Falls. This additional increase of 6.5%, or \$11 per household, is attributable to the sharing of Niagara Falls' portion of costs in the amount of approximately \$2.1 million for the Region's waste management programs and services, including diversion programs and

administrative program delivery costs amongst the 11 LAMs. If Niagara Falls is not required to share in all closed landfill related costs in addition to monitoring and leachate processing costs associated with open landfills which have received Niagara Falls's tonnage, the remaining 11 LAMs would also have to absorb these costs of an estimated \$800,000, bringing the estimated budget increase for 2021 to 27%, or \$44 per household. The analysis and assumptions made with respect to the budget impacts are based on the current allocation methodology in place to allocate waste management costs amongst the municipalities.

The anticipated budget and requisition changes are based on the following assumptions and estimates:

- Estimates of collection contract cost reductions related to Niagara Falls have been based on the current cost per household based on the current collection contract cost including all 12 municipalities. This assumption is dependant on renegotiation of contracts to exclude one municipality and actual results may vary.
- Budget reductions associated with the removal of Niagara Falls from all waste management services, including the cost to process organic material and disposal costs for processing of waste at Walker's landfill.
- Reduced revenue from the sale of recyclable material and a reduction of garbage bag tag revenue.
- A review of resources required to operate the Region's waste management programs and services with the elimination of Niagara Falls would occur; however, savings have not been factored in, as it is not anticipated that there would be significant opportunities for reductions and related savings, as the resources will still be needed to support the programs for the remaining LAMs.
- A review and potential amendment to the waste management system financing methodology, which was approved in 2011, may be required to ensure fair allocation of costs to the remaining 11 LAMs and may affect the anticipated municipal requisitions.

Through the 2020 operating budget process in CSD 70-2019, staff recommended a mitigation plan to assist in phasing in the increased costs of the new collection contract, which includes significant use of Waste Management Stabilization reserve funding over a 2020, 2021 and 2022. The intent of the reserve funding was to limit the annual increase to 9.8% over the next three years, adjusted to 9.9% for 2020 and 10.2% for 2021 with the inclusion of weekly diaper and medical waste collection service. This recommendation would be subject to the availability of future year reserves and approval of Council for each of 2021 and 2022.

However, the balance of the Stabilization reserve is insufficient to mitigate the full increase for the 11 LAMs, and the increase to the LAMs would be greater than the 10.2% previously recommended for 2021 and 2022. Also, if direction is given to use the Stabilization reserve funds to offset any impact to the 11 LAMs of Niagara Falls opting out of the Region's services in 2020, this would further impact the ability to mitigate increases in future years.

Analysis

EOW Garbage Collection

One of the key decisions made during the NRFP process was Council's approval of EOW garbage collection. Although it has been perceived by some as a decrease in service, residents can still set out the same volume of material. For example, residents who currently have a limit of one (1) container (bag/can) per week will be allowed to set out two (2) containers (bags/cans) EOW, with organics and recycling collected weekly. Only the frequency of garbage collection changes, not the limit. Experience in comparator municipalities shows that EOW garbage collection is a more important driver of diversion than very restrictive garbage limits. Niagara Region's one (1) bag/container per week residential garbage container limit is already one of the more stringent among comparator municipalities. However, Niagara Region's diversion rate is stagnant.

Currently, a typical low-density residential (LDR) garbage bag in Niagara region contains nearly 50% organic waste and 14% recyclable material. Additionally, only 48% of Niagara region's LDR households are using the Green Bin program. Reducing the frequency of garbage collection will motivate residents to recycle and use the Green Bin, as unlimited, weekly Blue/Grey Box and Green Bin collection will continue. By utilizing all diversion programs, residents will reduce the amount of garbage placed at the curb, and increase waste diversion.

Placing organics in the Green Bin for weekly collection also ensures that material that can attract pests and rodents is secured in a solid container with a locking lid. Experience from other municipalities has shown that switching to EOW garbage collection did not result in any increases in rodents, provided residents use their Green Bin and store waste properly. Peel Region reported a decrease in rodent complaints after switching to EOW garbage collection.

Niagara Region has received limited direct public response to Council's resolution to approve EOW garbage collection. Overall, staff have received only 23 calls since October 2019 related to EOW collection. Four (4) calls were from residents that expressed support of the decision and nineteen (19) calls were from residents expressing concern.

Benefits of EOW Garbage Collection

The following environmental and financial benefits are expected with an increase in waste diversion resulting from EOW garbage collection:

- Conservation of non-renewable resources;
- Reductions in energy consumption and pollution (both water and air). The extraction, processing and manufacturing of raw materials requires more energy and consumption of fossil fuels than recycled materials;
- Net reduction in Greenhouse Gas (GHG) emissions through increased composting and recycling, and from fewer collection vehicles on the road;
- A reduction in the amount of organics being landfilled will result in less methane emissions and improved leachate quality, which lessens the potential for environmental impact;
- Long-term cost reduction in the care and control of landfill sites, due to improved leachate quality;
- Increased net processing revenue from the sale of more recyclables due to increased volumes; and
- Extended site life for open Regional landfills, resulting in deferred capital costs for new disposal infrastructure.

Additionally, EOW garbage collection will help Niagara Region align with impending Provincial legislation and regulations. On April 30, 2018, the Ministry of the Environment, Conservation and Parks (MECP) released their Food and Organic Waste Framework, which is comprised of two (2) complementary components: Part A: Food and Organic Waste Action Plan; and Part B: Food and Organic Waste Policy Statement. The Action Plan outlines strategic commitments to be taken by the province to address food and organic waste. Municipalities are responsible for several actions within the framework, including Action 9: Province to ban food and organic waste from ending up in disposal sites (phased-in beginning 2022).

Increased Pricing

Niagara Region has seen an overall increase in the cost of the collection contract compared to the current contract. It should be noted that the pricing from the current collection provider was approximately \$4 million less annually than the next lowest bidder. There have also been significant price increases over the last decade that have affected contract costs. Municipalities across Ontario have experienced increases in collection contracts ranging from 20% to 114%. Key areas where rising costs have affected contract pricing include:

- Labour;
- Insurance;
- Fuel; and
- Vehicle/technology costs.

Although overall contract costs have increased as a result of these factors, moving to EOW garbage collection has provided opportunities for cost-avoidance. Based on the bids from proponents in the NRFP process, the selection of EOW collection provides an estimated annual contract cost avoidance in the range of \$1.1 million, based on comparing the average prices of weekly and EOW to the final prices for EOW, submitted as part of the BAFO. This is in addition to the cost-avoidance associated with increases in diversion.

As previously noted, the extended site life for open Regional landfills resulting from increased diversion defers capital costs for new disposal infrastructure. As a point of reference, the Humberstone Landfill site vertical expansion will have a total cost of approximately \$11.2 million. The total cost to construct the Durham-York Energy from Waste facility was \$295 million and in 2018, the facility received 140,780 tonnes of waste at a net operating cost of approximately \$9.2 million.

Increased diversion also reduces long-term costs for the care and control of landfill sites, due to improved leachate quality. Based on the Region's Landfill Liability Model, the contamination life and monitoring would be reduced by approximately five (5) years, and thus produce an estimated cost avoidance for the two (2) Regional landfill sites of \$1.3 million.

There is also a potential cost avoidance/cost reduction in the landfill contract with Walker Environmental due to an increase in the diversion of waste from disposal. This

may be offset by increased tonnages of food and organic waste collected at the curb and increased processing contract costs, unless the tonnages are reduced through food waste avoidance and other reduction initiatives

Innovation

NRFP Clauses

The City of Niagara Falls has expressed concern that the Region did not include innovation as part of the NRFP. Overall, the NRFP provided flexibility to proponents to put forward innovation by not being prescriptive (i.e. defining vehicle type and specifications). In addition, during the evaluation process, points were awarded for innovation. Clauses existed in the NRFP for a green fleet, the Region's willingness to participate in technology/service trials (i.e. trials of new collection equipment, or methods for collection and haulage that would improve service or reduce costs), and encouraging the use of alternative technologies and fuel sources to reduce GHG emissions. The clauses above relate to technological innovation, and Niagara Region also included additional innovative requests such as paying all workers (permanent and temporary) providing work on the contracts, not less than a living wage, as set by the Ontario Living Wage Network.

Best Practices

EOW garbage collection is a method of service delivery used to maximize existing landfill capacity, and is considered best practice in encourage participation in the Blue/Grey Box and Green Bin programs. Of Niagara Region's municipal comparators, 70 per cent (70%) provide EOW garbage collection. Weekly garbage collection provides little incentive for residents to utilize all three (3) waste streams, knowing all waste is collected weekly.

Procurement Process

The procurement process for the new waste collection contracts was innovative and a first for Niagara Region. Releasing a NRFP allowed Niagara Region to secure the best price for the services to be provided. As per resolutions previously approved by Council through Confidential Report PW 43-2019, Niagara Region used a multi-stage process to conduct the evaluation, selection and negotiation process for the NRFP. In the first stage, proposals were evaluated based on rated criteria, including proponent experience, performance history, capability to perform work, implementation plan, staffing plan and work plan, vehicles/equipment, and use of alternative technologies and fuels. Proposals were evaluated and scored separately for each collection area and collection scenario. Pricing for each collection area and collection scenario was scored

separately. The rated criteria was worth 70% of the total score, and pricing was worth 30% of the total score. In the next stage, with direction from Council on the chosen collection scenario, EOW garbage collection, staff invited all short-listed proponents to submit their best and final offer (BAFO) at less than or equal to their original submitted pricing for Council's chosen scenario. Pursuant to the BAFO process, BAFO submissions were evaluated solely on price, but the Total Final Score for the final ranking of proponents was based on the proponent's BAFO pricing score and proponent's original scores for Part A Criteria and Part B Criteria for the chosen Collection Scenario. Pricing was worth 60% and non-price criteria was worth 40%. The highest-ranking proponent for each Collection Area was invited to enter a final round of negotiations with Niagara Region as per the steps in the procurement process presented in the confidential report PW 62-2019.

Single Stream and Cart-Based Collection

The City of Niagara Falls has cited single stream, cart-based recycling as an innovation not considered by Niagara Region. Dual and single stream cart-based collection was considered as per reports WMPSC-C 11-2019 and PW 3-2019; however, due to the high cost of capital equipment required, this type of service was not recommended. Single stream recycling can be implemented without moving to a cart-based program, however collection efficiencies can only be achieved with automated vehicles. Appendix 2 provides details on single stream and cart-based collection systems based on research and experience in other municipalities.

Cart-Based Collection

Key concerns with cart-based service delivery include:

- Significant initial costs for purchase and distribution;
- On-going annual maintenance and replacement costs associated with carts;
- Reliance on residents to place containers properly at the curb for collection (grab bar facing road, properly spaced);
- Storage space requirements for multiple carts;
- Challenges with wheeling carts down long driveways or in snowy/icy conditions;
- Cart-based collection may not be efficient or feasible in certain areas;
- Increased costs for automated collection vehicles and maintenance requirements; and
- Additional staffing and resident education requirements to support the transition to a cart-based system.

Single Stream Recycling Collection

Key concerns with single stream recycling collection include:

- Increased contamination in carts resulting in a decrease in the Region's revenues and difficulty with marketing recyclables;
- Costs associated with retrofitting Niagara Region's Material Recovery Facility (MRF) from the current two-stream operation to a single-stream operation; and
- Increased processing costs for recyclable materials.

With recent declines in commodity prices and stricter end market standards, moving to a single stream recycling system could further decrease revenue, as single stream contamination rates have shown to be higher. The CIF reports that the 2019 Ontario average residual rate for single stream recycling is 30.3 per cent and the multi-stream residual rate is 9.5 per cent.

Blue Box Program Transition to Producer Responsibility

Under the Province's Made in Ontario Environmental Plan, waste diversion programs, including the Blue Box Program, are expected to shift to the producer responsibility model. Under this model, Niagara Region would no longer be responsible for providing collection and processing of Blue Box materials. This would be the responsibility of the producers. Therefore, staff have not considered it advisable to invest in and implement major program changes.

A Special Advisor's report on Recycling and Plastic Waste was released on August 6, 2019, providing recommendations for the province about timelines for transition, materials, targets, and collection requirements. The report stated that producers should provide curbside collection in municipalities in which the service exists, as of a specified date. The producers will be required to assume responsibility for collection services of Blue Box materials for every residence that received municipal Blue Box services prior to transition. The Resource Productivity and Recovery Authority's (RPRA) Datacall, which is the source of data for determining the net Blue Box system cost and for allocating funding under the Blue Box Program Plan, will be locked down at some point (date unknown) to form the basis for the system in transition. On November 27, 2019, the Ministry of Environment and Climate Protection (MECP) hosted a webinar informing stakeholders about the Province's next steps, confirming that municipalities will transition between 2023 and 2025. As discussions related to development of regulations

are currently underway with stakeholders, municipalities that undertake program changes at this time are at risk of assuming cost and service level implications.

Operational Considerations of Niagara Falls Assuming Waste Management Services

As a result of the City of Niagara Falls assuming the City's waste management services there will be a duplication of staff to administer, manage and support the development and implementation of waste management programs and initiatives which already exist at the Regional level.

There are significant operational considerations for the City of Niagara Falls assuming the City's waste management services, including, but not limited to:

- The procurement of a collection contractor;
- The procurement of contracts for the disposal of garbage, and processing of recycling, organics and Household Hazardous Waste (HHW); Building and operating a HHW depot will require approvals from MECP
- If the Blue Box program shifts to single stream, the closest single stream processing MRFs are in Burlington and the United States.
 - The development of promotional and educational material and management of customer service calls, online inquiries, etc.;
 - The sale and distribution of collection containers and garbage tags;
 - The development and enforcement of a waste management by-law; and
 - Mandatory reporting (i.e. RPRA Datacall).

Potential impacts for residents and businesses include:

- Decrease in customer convenience and accessibility for Niagara Falls residents and other users, who will not longer be able to use Regional facilities and services including the HHW program, Reusable Goods Drop-Offs, landfills and Drop-Off Depots;
- If changes to Niagara Falls' diversion programs (i.e. single stream recycling) or other service level changes occur, inconsistent service across the region may cause confusion among service users in Niagara Falls and neighbouring municipalities. Also, improper sorting of materials related to inconsistent services may lead to increased contamination rates in the Blue Box and organics programs.
- Challenges arising from resident and other service user confusion regarding whom to contact for program information and to report service problems.

A backgrounder has been provided in Appendix 3 that includes an inventory of Waste Management programs and services provided by Niagara Region and the operational considerations of the City of Niagara Falls assuming these services.

Legal Considerations

The potential legal considerations associated with a decision by the City of Niagara Falls to withdraw from Regional Waste Management Services are provided in Confidential Report PW 15-2020.

Alternatives Reviewed

If Council does not support the staff recommendation, further information on the legal considerations can be found in Confidential Report PW 15-2020.

Relationship to Council Strategic Priorities

The considerations of the City of Niagara Falls withdrawing from Regional Waste Management Services relates Council's Objective 3.2: Environmental Sustainability and Stewardship.

Other Pertinent Reports

- WMPSC-C 28-2018 Ontario's Food and Organic Waste Framework Action Plan
- PW 3-2019 Proposed Base Services for Next Collection Contract
- WMPSC-C 5-2019 Stakeholder Engagement Results on Proposed Collection Service Changes
- PW 20-2019 Base and Enhanced Services for Next Collection Contract
- PW 43-2019 Confidential A Matter of Advice that is Subject to Solicitor-Client Privilege under s. 239(2) of the Municipal Act, 2001 – 2019 Waste Collection RFP – Next Steps
- PW 61-2019 Base Level Service for Waste Management Collection Contract
- PW 62-2019 Confidential Financial Information Supporting Waste Management Collection Contract Procurement Process

Prepared by:

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Prepared by:

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Waste Management Services

Recommended and Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with Sara Mota, Program Financial Specialist, Brad Whitelaw, Program Manager, Policy and Planning, and reviewed by Lydia Torbicki, Manager, Waste Policy and Planning and Catherine Habermehl, Director, Waste Management Services.

Appendices

- Appendix 1 City of Niagara Falls Request for Assumption of Waste Management Services
- Appendix 2 Single Stream and Cart-Based Collection
- Appendix 3 Overview of Niagara Region's Waste Management System and Associated Considerations for the City of Niagara Falls



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January 30, 2020

Ann-Marie Norio, Regional Clerk
Regional Municipality of Niagara
1815 Sir Isaac Brock Way
P.O. Box 1042
Thorold, ON L2V 4T7

By email to: ann-marie.norio@niagararegion.ca

Dear Ms. Norio:

**Re: City of Niagara Falls Request for Assumption of
Waste Management Services**

On November 28, 2020, the Council of the City of Niagara Falls passed the following resolution:

That Council formally request that the Regional Municipality of Niagara allow the City to opt out of waste management services being offered by the Region, allowing the City the opportunity to directly provide waste management services to the City of Niagara Falls.

Pursuant to that resolution and on behalf of the Council of the City of Niagara Falls, it is requested that Regional Council approve the City providing its own waste management services and the Region undertake the appropriate negotiations and processes to transfer the power to provide waste management services to the City. In particular, it is requested that the Region pass a by-law in accordance with section 150(2) of the *Regional Municipalities Act* (repealed) pursuant to the Region's authority under section 12 of the *Municipal Act* to exempt the City of Niagara Falls from the by-law passed by the Region assuming the waste management powers of the City under section 150 (1) of the *Regional Municipalities Act*.

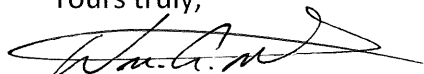
For the purpose of this request, the term "waste management services" may include, but is not limited to:

- Collection and disposal of garbage, recycling, organics and yard waste
- Household hazardous waste collection and disposal
- Large household item collection and disposal
- Recycling and green bin replacements
- Administration, education and customer service
- Sale of bag tags
- Regulation and enforcement of Illegal dumping

but does not include property matters such as the assumption of ownership and management of open or closed landfills.

Given that time is of the essence to resolve this issue, please add this request to the agenda for the next meeting of Regional Council.

Yours truly,



William G. Matson, City Clerk

c.c. Mayor & Council
Ken Todd, CAO
Erik Nickel, Director Municipal Works
Ron Tripp, Regional CAO

Single Stream and Cart-Based Collection

Introduction

This document reviews the key considerations involved in moving to single stream and cart based collection programs. Drawing on research and the experience of other municipalities it provides an overview of the potential financial, operational and service implications of switching to single stream, cart-based.

Taken together, a review of these implications indicates that moving to a cart collection system would result in significant investment at a time of uncertainty. The Province may be moving to the producer responsibility model. As a result, Niagara Region would no longer be responsible for providing collection and processing of Blue Box materials. This would be the responsibility of the Blue Box industry stewards. Major program changes at this time would be considered a risk.

Additionally, with recent declines in commodity prices and stricter end market standards, moving to a single stream recycling system could further decrease revenue, as single stream contamination rates have shown to be higher.

Finally, the experience for residents should also be taken into consideration. While, carts do offer greater capacity for materials, their large size requires significant storage space. There can also be challenges with wheeling and properly setting out carts in snowy and icy conditions. Residents with long driveways may find large carts difficult to manage.

Costs

Initial Cost and Annual Maintenance/Replacement

- Peel Region implemented a three (3)-stream cart collection program in 2016. The final cost for purchase and distribution of the carts was \$35 million, with an estimated annual maintenance and replacement cost of \$1 to \$3 million. This is an initial cost of \$109/household, plus an annual maintenance and replacement of \$3 to \$9/household. The carts were given to households free of charge.
- The City of Guelph phased in a cart-based collection program over three years, starting in 2012. The total cost for implementing the program was approximately \$9,298,530 for a population of 120,000. The total cost per household was \$156. The portion of the cost for purchase and distribution of the carts was \$4,677,839, approximately 50% of the final cost (City of Guelph, Automated Collection System, 2016).

- A CIF Report surveyed municipalities with cart collection and found that the capital costs for the larger carts (360L) are in the range of \$50 to \$60 each, with some of the smaller carts (120 litre) ranging \$30-40 each. In the case of Sault Ste. Marie, each dual/two cart cost about \$75 each. The carts usually come with a ten (10)-year warranty (one municipality reported 13 years) and typically last ten (10) years. Among those municipalities that have purchased the carts, a 'rule of thumb' applied is that the carts are typically amortized over a ten (10)-year period and require a replacement/reserve fund of \$7 per household per year (*CIF Project 888*, Jan. 2016).

Material Recovery Facility (MRF) Retrofit

- Municipalities moving to a single stream, cart-based system require a MRF that is set-up to process the unsorted recyclables arriving at the facility. Niagara Region's current MRF operates for dual stream recycling collection. Switching to a single stream, cart based system would require modification to this facility.
- In 2007, Niagara Region engaged a consultant to review various collection methods, including cart-based collection for all stream. The estimated ten (10) year cost was approximately \$4.6 million higher than under a system without carts (i.e. Blue/Grey Box, Green Bin, kraft bags for leaves, bags/cans for garbage). This reflects a cost of \$1 million (2007 estimate) associated with retrofitting Niagara Region's MRF from the current two-stream operation to a single-stream operation.

Collection Costs

- According to the CIF Project 888 report, the cost of co-collection automated cart collection vehicles is in the range of \$325,000 to \$350,000. In contrast, co-collection manual side loaders can cost \$215,000 to \$255,000.
- In the report, surveyed municipalities suggested the incremental cost per truck for automation ranged between approximately \$60,000/truck to \$73,000/truck.
- Ontario municipalities reporting cart and non-cart based collection costs between the years 2010 to 2014 were compared, as shown in Figure 1 from the CIF Project 888 report (note: costs do not include depot/transfer costs but do include annual capital costs). All of these municipalities had single stream recycling programs (CIF Project 888, Jan. 2016).

Ontario Single Stream Municipalities 2010-2014 (5 years as applicable)	Average Collection Costs per Marketed Tonne	Low (WDO group)	High (WDO group)
Carts - 5 Municipalities	\$235.28	\$156.38 (group 3)	\$311.28 (group 6)
Non-Cart – 12 Municipalities	\$272.08	\$117.72 (group 1)	\$723.21 (group 6)

Figure 1: Comparison of Collection Costs of Cart versus Non-Cart Programs (Table from *CIF Project 888*, 2016)

Processing Costs

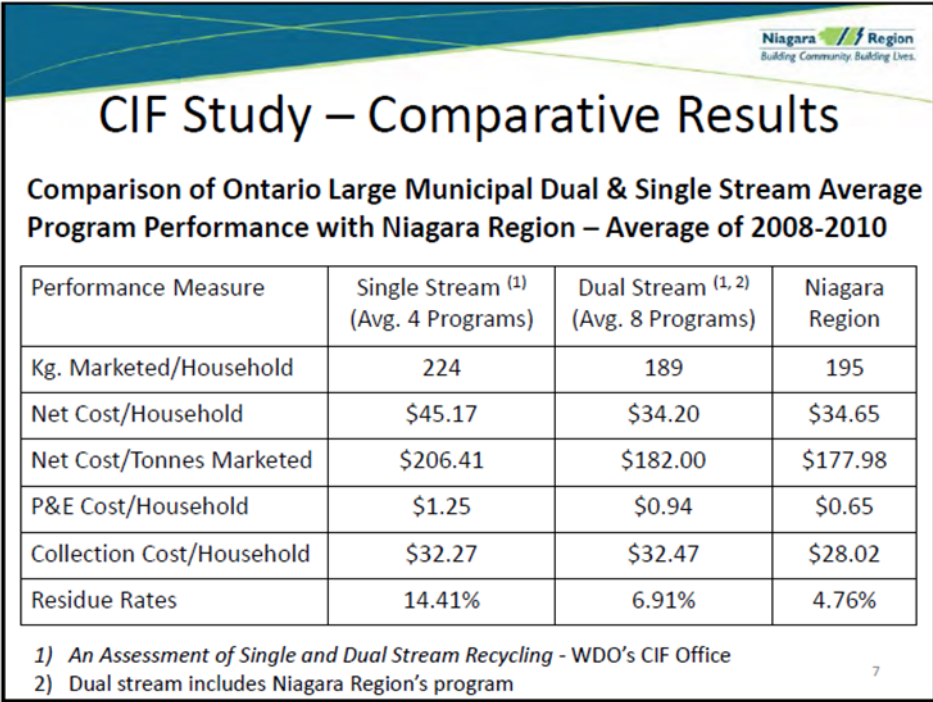
- According to the CIF Project 888 Report, processing costs for cart-based programs are higher than for non-cart based programs. In a comparison of 5 cart-based municipal programs with nine non-cart based municipal programs, the cart-based municipalities have an average cost per marketed tonne of processed recyclables that is roughly 27% higher (\$30.36/tonne) compared to the non-cart based municipal programs. (CIF Project 888, Jan. 2016). Figure 2 below shows average processing costs per marketed tonne for cart and non-cart programs. All programs compared are single-stream.

Ontario Single Stream Municipalities 2010-2014 (5 years as applicable)	Average Processing Costs per marketed tonne	Low (WDO group)	High (WDO group)
Carts - 5 Municipalities	\$142.58	\$85.17 (group 6)	\$254.88 (group 3)
Non-Cart – 9 Municipalities	\$112.12	\$60.66 (group 7)	\$296.22 (group 7)

Figure 2: Comparison of Processing Costs of Cart vs Non-Cart Programs (Table from *CIF Project 888*, 2016)

- Capital and operating costs for single stream processing are generally higher than for dual stream processing. Higher capital investment is required for equipment to separate the co-mingled fibre and container streams at the front end of the plant and for the mechanical and optical sorters required to separate on the processing lines. There are also higher operational costs associated with running this equipment and additional labour required to facilitate sorting.

- A 2015 study of Ontario recycling systems found that single stream recycling, on average, was 28.5% more expensive than multi-stream recycling. While single stream MRFs are capable of processing more tonnes relative to multi-stream MRFs, the difference in processing capacity is insufficient at offsetting additional costs from investments in sorting technology (C. Lakhan, 2015, Comparison of Single and Multi-Stream Recycling Systems in Ontario, Canada).
- An assessment of single and dual stream recycling for Waste Diversion Ontario (WDO), reported that based on the gross processing cost per tonne marketed for large Ontario blue box programs from 2008 to 2010, the cost of dual stream processing is in the order of 14 to 15% lower than the cost of single stream processing (An Assessment of Single and Dual Stream Recycling Including Current Program Performance in Large Ontario Municipalities, 2013). Refer to Figure 3 below for cost comparison.



Performance Measure	Single Stream ⁽¹⁾ (Avg. 4 Programs)	Dual Stream ^(1, 2) (Avg. 8 Programs)	Niagara Region
Kg. Marketed/Household	224	189	195
Net Cost/Household	\$45.17	\$34.20	\$34.65
Net Cost/Tonnes Marketed	\$206.41	\$182.00	\$177.98
P&E Cost/Household	\$1.25	\$0.94	\$0.65
Collection Cost/Household	\$32.27	\$32.47	\$28.02
Residue Rates	14.41%	6.91%	4.76%

1) An Assessment of Single and Dual Stream Recycling - WDO's CIF Office
2) Dual stream includes Niagara Region's program

Figure 3: Comparison of Ontario Large Municipal Dual and Single Stream Average Program Performance 2008-2010 (Data from *An Assessment of Single and Dual Stream Recycling*, WDO-CIF)

- Some municipalities are transitioning to two stream collection for cost savings. The Township of Drummond-North Elmsley is transitioning to dual stream recycling with an expected 25% reduction in processing costs compared to the price increase

proposed by the processing contractor to maintain single stream collection
(<https://thecif.ca/two-stream-collection-as-a-solution-to-troublesome-fiber-markets/>)

Staffing Costs

- Rolling out a cart-based collection program requires additional staff to assist with the transition. Conversion to automated carts is a major program overhaul requiring many months of preparation. The reported range is ten (10) months to five (5) years, with the general trend to be in the realm of years, not months. This includes lead-in, P&E, phone centre training and support, and post-distribution follow-up (CIF Project 888, Jan. 2016).
- For the 2016 rollout of their cart program, Peel Region aimed to hire 21 curbside representatives for delivery support, curbside checks, and field education activities (roughly 1 staff per 15,000 households).

Contamination

- Single stream is a recycling collection method in which all unsorted or commingled recyclable materials are collected in one container at the curb and placed in the collection vehicle in a commingled state until processed at a MRF specially designed for sorting & processing mixed loads of recyclables. In dual or multi-stream recycling, the resident sorts their recyclable materials and places them in different containers (i.e. blue/grey boxes) before they are collected and taken to a MRF. Cart collection systems are predominantly single stream. The CIF Project 888 report recommends single stream for cart collection systems, since providing two carts approximately doubles costs compared to single stream. In addition, alternating weeks for carts can confuse residents.
- Single stream carts have higher residue rates (percentage of rejected material during processing). The higher contamination of materials in single stream carts results in more material being sent to landfills, a decreased value of commodities and difficulties finding end markets (C. Lakhan, 2015, Comparison of Single and Multi-Stream Recycling Systems in Ontario, Canada).
- The Continuous Improvement Fund (CIF) has reported that the average single stream residue rate for Ontario municipalities in 2019 was 30.3%. The average multi-stream residue rate in 2019 was 9.5%, as shown in Figure 4.

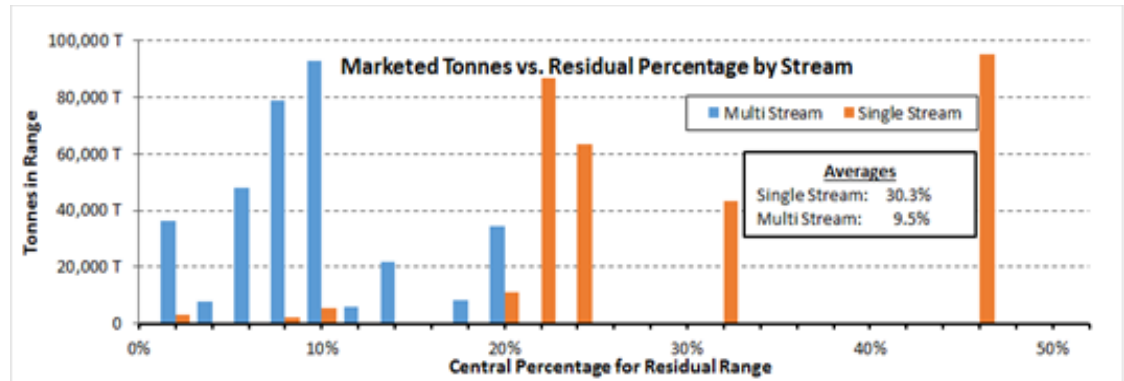


Figure 4: Comparison of Marketed Tonnes vs. Residual Percentage by Stream (CIF, 2019)

- Glass can be particularly problematic, as it is more prone to breakage in single stream systems. Dual stream recycling processing has higher glass recovery rates (WMAC presentation, March 26 2013).
- Paper is also vulnerable to contamination. A study cited An Assessment of Single and Dual Stream Recycling (2013) reported that single-stream material has eight times the yield loss of curbside-sorted material.
- In Peel Region, prior to the implementation of cart-based collection, recycling contamination was over 10% and organics contamination was approximately 3%. After implementation of the cart-based system, contamination rates in curbside recycling carts is over 20% and the contamination in organics carts is over 6%. These contamination rates are comparable to the contamination experienced in other municipalities with cart-based collection systems. (Region of Peel Council Report May 7, 2018)
- In addition to higher annual residue rates, Peel reported the following results after the first quarter of 2016, the first year of transitioning to cart-based collection
 - Residue rates increased by ~2,600 tonnes in Q1 2016 over Q1 2015, with a 22% increase in residue shipped from the MRF
 - Scrap metal increased 76.9%
 - MRF downtime increased to an estimated 380 hours (26 days) of processing to remove non-recyclable materials
 - MRF stoppages increased from 11 per day (pre-carts) to 21 per day, largely to remove home health care waste

- Based on this, by the end of the year Peel would have incurred an additional ~\$490,000 to landfill residue, manage scrap metal and cover processing fee adjustments for increased inbound non-recyclable contamination tonnage.
(<https://thecif.ca/automated-cart-collection-what-we-have-learned/>)
- Managing the contamination will require a multi-pronged approach. Peel Region plans to use communications, enforcement and the development of a mixed waste processing facility. The mixed waste processing facility will mitigate the impacts of recycling and organics incorrectly placed in the garbage, but not the contamination in the recycling and organics programs. A 6-month resident awareness campaign is being implemented at an estimated cost of \$375,000 (May 7, 2018 Region of Peel Council Report)

Other Potential Impacts of Cart-Based Collection

Windblown Litter

- In Peel Region, based on feedback from Regional and Local Municipal staff and residents, there has been a reduction in windblown litter and improved streetscape aesthetics. (Region of Peel Report WMSAC - 3/2017)

Reduced Worker Injuries

- In Peel Region, in 2015, prior to the cart collection program, 25 injuries were reported by the collection contractor. In 2016, the collection contractors reported 10 injuries. (Region of Peel Report WMSAC -3/2017).
- Safety issues that are reduced through automated systems include:
 - Repetitive strain injuries
 - Exposure to sharps
 - Physical fatigue
 - Direct exposure and risk of injury from unfavourable weather
 - Exposure to traffic risks while working at side and rear of collection vehicles

Resident Experience

- Some potential considerations of cart collection systems include:
 - Convenience
 - Wheeled cart can be easier for some residents to maneuver compared to carrying boxes
 - Long Driveways

- Long Driveways may pose a challenge for some residents.
- Storage Space and Capacity
 - Carts can offer additional storage capacity, which can contribute to increased participation in recycling programs.
 - There may be potential issues for residents with limited space to store carts.
- Street Parking
 - Parked cars can be problematic for cart collection. Some municipalities have areas that cannot be serviced by fully automated cart collection vehicles.
- Narrow Streets and Lanes
 - Narrow streets impact the ability of automated collection vehicles to access carts.
- Weather
 - Snow and ice can create difficulty for wheeling carts as well as create issues with cart placement.
- Excess Waste
 - A system must be in place to manage excess waste that does not fit inside the cart (i.e. collection of extra bags)

Overview of Niagara Region's Waste Management System and Associated Considerations for the City of Niagara Falls

An overview of Niagara Region's waste management system is highlighted below, with a summary of considerations if the City of Niagara Falls was to assume management and delivery of these services.

1. Curbside Collection Contract

1.1 Base Services

Waste Stream	Service	Low Density Residential Properties	Multi-Residential Buildings (high-rise) with 7 or more units	Mixed-Use Properties	IC&I Properties	Multi-Purpose Properties
Garbage	Current	Weekly collection. One (1) container (bag/can) limit per unit per property. Garbage tags for additional bag/can. Amnesty week and exemptions.	Weekly collection. One (1) container limit per unit weekly, to a max. of twelve (12) containers per building. No garbage tags. Amnesty week.	<u>Inside DBAs</u> Weekly collection. Seven (7) container limit per property. No garbage tags. Amnesty week. <u>Outside DBAs</u> Weekly collection. Six (6) container limit, per property, weekly. No garbage tags. Amnesty week.	<u>Inside DBAs</u> Weekly collection. Seven (7) container limit. No garbage tags. <u>Outside DBAs</u> Weekly collection. Four (4) container limit. No garbage tags.	At Niagara Region's discretion, each individual property type on the overall property is subject to their respective eligibility requirements and collection limit.
	As of Oct.19, 2020	Every other week Curbside or On-Site collection 2 bag/can limit per unit Garbage tags for additional bags/cans Amnesty Week and Exemptions	Every other week Curbside or On-site collection 2 bag/can limit per unit, to a max. of 24 per building. No garbage tags.	<u>Inside DBAs</u> Weekly Curbside or On-Site collection 4 bag/can limit per property <u>Outside DBAs</u> Every other week Curbside or On-Site collection	<u>Inside DBAs</u> Weekly Curbside or On-Site collection 4 bag/can limit per property <u>Outside DBAs</u> Every other week Curbside or On-Site collection	At Niagara Region's discretion, each individual property type on the overall property is subject to their respective eligibility requirements and collection limit.

Waste Stream	Service	Low Density Residential Properties	Multi-Residential Buildings (high-rise) with 7 or more units	Mixed-Use Properties	IC&I Properties	Multi-Purpose Properties
			Amnesty Week and Exemptions	8 bag/can limit per property	8 bag/can limit per property	
Bulky and White Goods	Current	Unlimited collection of both bulky and white goods. Call-in service or online booking year round.	No service	No service	No service	At Niagara Region's discretion, each individual property type on the overall property is subject to their respective eligibility requirements and collection limit.
	As of Oct.19, 2020	Four (4) Bulky Item limit per residential unit, per collection. White goods collection discontinued. Call-in service or online booking year round for Bulky Items.	No service	No service	No service	At Niagara Region's discretion, each individual property type on the overall property is subject to their respective eligibility requirements and collection limit.

Waste Stream	Service	Low Density Residential Properties	Multi-Residential Buildings (high-rise) with 7 or more units	Mixed-Use Properties	IC&I Properties	Multi-Purpose Properties
Recycling	Current	Weekly Curbside or On-Site collection Unlimited Blue/Grey Boxes/Carts	Weekly Curbside or On-Site collection Unlimited Blue/Grey Boxes or Carts	<u>Inside DBAs</u> Weekly Curbside or On-Site collection Unlimited Blue/Grey Boxes or Carts <u>Outside DBAs</u> Weekly Curbside or On-Site collection Unlimited Blue/Grey Boxes or Carts	<u>Inside DBAs</u> Weekly Curbside or On-Site collection Unlimited Blue/Grey Boxes or Carts <u>Outside DBAs</u> Weekly Curbside or On-Site collection Unlimited Blue/Grey Boxes or Carts	At Niagara Region's discretion, each individual property type on the overall property is subject to their respective eligibility requirements and collection limit.
	As of Oct.19, 2020	Weekly Curbside or On-Site collection Unlimited Blue/Grey Boxes/Carts	Weekly Curbside or On-Site collection Unlimited Blue/Grey Boxes or Carts	<u>Inside DBAs</u> Weekly Curbside or On-Site collection Unlimited Blue/Grey Boxes or Carts <u>Outside DBAs</u> Weekly Curbside or On-Site collection Unlimited Blue/Grey Boxes or Carts	<u>Inside DBAs</u> Weekly Curbside or On-Site collection Unlimited Blue/Grey Boxes or Carts <u>Outside DBAs</u> Weekly Curbside or On-Site collection Max. 8 Blue/Grey Carts/Equivalent Boxes	At Niagara Region's discretion, each individual property type on the overall property is subject to their respective eligibility requirements and collection limit.

Waste Stream	Service	Low Density Residential Properties	Multi-Residential Buildings (high-rise) with 7 or more units	Mixed-Use Properties	IC&I Properties	Multi-Purpose Properties
Organics	Current	Weekly Curbside or On-Site collection Unlimited Green Bins/Carts No collection of grass clippings	Weekly Curbside or On-Site collection Maximum 4 Green Bins (Curbside) or unlimited Green Carts (request basis only) No collection of grass clippings	<u>Inside DBAs</u> Weekly Curbside or On-Site collection Unlimited Green Bins/Carts No collection of grass clippings <u>Outside DBAs</u> Weekly Curbside or On-Site collection Unlimited Green Bins/Carts No collection of grass clippings	<u>Inside DBAs</u> Weekly Curbside or On-Site collection Unlimited Green Bins/Carts No collection of grass clippings <u>Outside DBAs</u> Weekly Curbside or On-Site collection Unlimited Green Bins/Carts No collection of grass clippings	At Niagara Region's discretion, each individual property type on the overall property is subject to their respective eligibility requirements and collection limit.
	As of Oct.19, 2020	Weekly Curbside or On-Site collection Unlimited Green Bins/Carts No collection of grass clippings	Weekly Curbside or On-Site collection Maximum 4 Green Bins (Curbside) or unlimited Green Carts (request basis only) No collection of grass clippings	<u>Inside DBAs</u> Weekly Curbside or On-Site collection Unlimited Green Bins/Carts No collection of grass clippings <u>Outside DBAs</u> Weekly Curbside or On-Site collection Unlimited Green Bins/Carts No collection of grass clippings	<u>Inside DBAs</u> Weekly Curbside or On-Site collection Unlimited Green Bins/Carts No collection of grass clippings <u>Outside DBAs</u> Weekly Curbside or On-Site collection Max. 8 Green Carts/Bins No collection of grass clippings	At Niagara Region's discretion, each individual property type on the overall property is subject to their respective eligibility requirements and collection limit.

Waste Stream	Service	Low Density Residential Properties	Multi-Residential Buildings (high-rise) with 7 or more units	Mixed-Use Properties	IC&I Properties	Multi-Purpose Properties
Leaf and Yard Waste	Current	Weekly Curbside or On-Site collection Unlimited No collection of grass clippings	No service	No service	No service	At Niagara Region's discretion, each individual property type on the overall property is subject to their respective eligibility requirements and collection limit.
	As of October 19, 2020	Weekly Curbside or On-Site collection Unlimited No collection of grass clippings	No service	No service	No service	At Niagara Region's discretion, each individual property type on the overall property is subject to their respective eligibility requirements and collection limit.
Brush	Current	Curbside or On-Site collection 8 weeks per year – four (4) weeks in the spring and four (4) weeks in the fall, on regular Collection Day	No service	No service	No service	At Niagara Region's discretion, each individual property type on the overall property is subject to their respective eligibility requirements and collection limit.

Waste Stream	Service	Low Density Residential Properties	Multi-Residential Buildings (high-rise) with 7 or more units	Mixed-Use Properties	IC&I Properties	Multi-Purpose Properties
	As of Oct.19, 2020	Curbside or On-Site collection 8 weeks per year – four (4) weeks in the spring and four (4) weeks in the fall, on regular Collection Day	No service	No service	No service	At Niagara Region's discretion, each individual property type on the overall property is subject to their respective eligibility requirements and collection limit.
Christmas Trees	Current	Curbside or On-Site collection One (1) week per year on resident's Collection Day	No service	No service	No service	At Niagara Region's discretion, each individual property type on the overall property is subject to their respective eligibility requirements and collection limit.
	As of Oct.19, 2020	Curbside or On-Site collection One (1) week per year on resident's Collection Day	No service	No service	No service	At Niagara Region's discretion, each individual property type on the overall property is subject to their respective eligibility requirements and collection limit.

Waste Stream	Service	Low Density Residential Properties	Multi-Residential Buildings (high-rise) with 7 or more units	Mixed-Use Properties	IC&I Properties	Multi-Purpose Properties
Batteries *Pending Council approval	Current	Curbside or On-Site collection One (1) week per year on resident's Collection Day (usually during Earth Week)	No service	No service	No service	At Niagara Region's discretion, each individual property type on the overall property is subject to their respective eligibility requirements and collection limit.
	As of Oct.19, 2020	Curbside or On-Site collection One (1) week per year on resident's Collection Day (usually during Earth Week)	No service	No service	No service	At Niagara Region's discretion, each individual property type on the overall property is subject to their respective eligibility requirements and collection limit.

1.1.1 Special Exemptions

- Diaper exemption collection provided for eligible LDR properties (i.e. two (2) or more children, under the age of four, in diapers, or daycares). Diapers must be placed inside a clear bag (i.e. one (1) clear bag for LDR properties with two (2) children, and (2) clear bags for LDR properties three (3) or more children).
- Weekly collection provided, as part of Emterra and Miller contracts.
- Medical waste exemption collection provided for individuals living with a medical condition, group homes (i.e. provided with 52 free medical waste tags each year).
- Weekly collection provided, as part of Emterra and Miller contracts.
- Additional information on the diaper and medical waste exemption programs can be found at: <https://www.niagararegion.ca/waste/collection/exemptions/default.aspx>
- Amnesty week collection (i.e. double weekly or EOW garbage limits) is provided during the five (5) collection days immediately following Christmas for LDR and MR properties only, with Emterra and Miller contracts.
- No garbage tags are required for these additional garbage containers during this week only.

1.2 Enhanced Services

1.2.1 Additional Garbage Collection

- Weekly garbage collection, with a maximum seven (7) container limit, for IC&I and MU properties inside Niagara Falls DBAs, with Emterra and Miller contracts. No garbage tags allowed for additional containers.
- Eight (8) additional garbage containers per collection between Victoria Day and Thanksgiving Day, for those food and lodging properties located inside the Lundy's Lane, Clifton Hill/Victoria Ave, Main Street, and Queen Street DBAs only, with Emterra and Miller contracts.
- **Beginning October 19, 2020**, Every other week garbage collection, with a maximum twelve (12) container limit, instead of eight (8) containers, for MU properties outside the DBAs, as part of the Miller contract. No garbage tags allowed for additional containers.
- Containerized (i.e. front-end) garbage collection at designated Niagara Falls MR and MU properties (collection frequency varies by location), with Emterra and Miller contracts.

1.2.2 Litter Bin Collection

- Once-per-week collection of public space litter bins at various locations inside and outside Niagara Falls DBAs. Collection is provided seven (7) days-per-week inside the Lundy's Lane, Clifton Hill, and Victoria Avenue DBAs (i.e. Mainline), on a year-round basis, with Emterra.
- **Beginning October 19, 2020**, Once-per-week collection of public space litter bins at various locations inside and outside Niagara Falls DBAs. Collection is provided seven (7) days-per-week inside the Lundy's Lane, Clifton Hill, and Victoria Avenue DBAs (i.e. Mainline DBAs), from mid-May to mid-October only, as part of the Miller contract.
- **Beginning October 19, 2020**, Weekly garbage collection, with a maximum six (6) container limit, for MU properties outside DBAs, as part of the Miller contract. No garbage tags allowed for additional containers.

1.2.3 Public Space Recycling (PSR)

- Once-per-week collection of public space recycling bins located inside and outside Niagara Falls DBAs, with Emterra.
- Beginning October 19, 2020, once-per-week PSR collection provided at various locations inside and outside the Niagara Falls DBAs. Collection is provided seven (7) days-per-week inside the Lundy’s Lane, Clifton Hill, and Victoria Avenue DBAs (i.e. Mainline DBA), from mid-May to mid-October only, with Miller contract.

1.3 Considerations for the City of Niagara Falls

Considerations and Actions to be Taken
Transition of the Blue Box program to extended producer responsibility is anticipated between 2023 and 2025 and municipalities would no longer be responsible for the recycling collection (unless Niagara Falls decides not to transition, but in that case, there will be added tax burden). City actions: 1. Procure a collection contractor; 2. Develop and maintain system(s) for identification of collection service/limits for each property type, bulky goods bookings, garbage tags, special set-out service, diaper and medical exemptions; 3. Manage customer service calls, online inquiries, etc.; and 4. Develop new program communication and promotion for distribution.

2. Disposal and Processing

2.1 Household Hazardous Waste (HHW) Program

- Regional HHW depots are located at
 - Thorold Yard;
 - Niagara Road 12 Landfill, West Lincoln;
 - Humberstone Landfill, Welland; and
 - Bridge Street Drop-off Depot, Fort Erie (receives a subset of HHW material e.g. batteries, oil, propane tanks and cans of paint).
- A list of acceptable materials at HHW depots can be found on Niagara Region’s website:
<https://niagararegion.ca/waste/disposal/default.aspx?c=Household+Hazardous+Waste>

Considerations and Actions to be Taken
Niagara Falls residents would no longer be able to use Regional HHW depots. City actions: 1. Procure new HHW service provider(s) to operate depot(s) and to process collected materials, as well as, locate a new depot(s) location. 2. Development of new program communication, promotion, and distribution. 3. Manage customer service calls, online inquiries, etc.

2.2 Drop-Off Depots

- Regional drop-off depots are located at:
 - Niagara Road 12, West Lincoln (Grimsby, Lincoln, Pelham and West Lincoln residents only);
 - Humberstone Landfill, Welland;

- Bridge Street, Fort Erie; and
- The Recycling Centre, Niagara Falls (receives only a subset of material e.g. Blue Box recyclables, large hard plastics, electronics, grease, fats and oils, bicycles, textiles)
- Walker’s drop-off depot is located at 2800 Thorold Townline Road, Thorold.
- Reuse centres are located at Humberstone Landfill, Welland, and Niagara Road 12, West Lincoln.
- In addition to receiving the garbage waste stream (with the exception of the Recycling Centre), materials accepted for diversion at drop-off depots include the following:
 - Blue Box recyclables;
 - Leaf & yard, grass clippings, and brush material;
 - Drywall*;
 - Tires;
 - Asphalt & shingles;
 - Electronics;
 - Mattresses/box springs*;
 - Fats/Oils/Grease;
 - Wood waste*;
 - Porcelain*;
 - Bicycles;
 - Large hard plastics;
 - Textiles;
 - Scrap metal; and
 - Styrofoam.

*Excluding Walker’s depot

- Disposal fees for materials can be found on Niagara Region’s website:
<https://www.niagararegion.ca/waste/landfills/default.aspx>.

Considerations and Actions to be Taken
Niagara Falls residents and IC&I sector would no longer be able to use Regional drop-off depots, but could continue to utilize Walker’s depot. Niagara Region has secured a cost for residents of Niagara region at Walker’s drop-off depot that may not be applicable to Niagara Falls residents. There are some minor differences between the disposal tipping fees charged at Niagara Region depots and Walker’s depot, including: • Walker’s depot charges H.S.T., which Niagara Region’s depots are exempt from charging; and • Clean soils are free at Niagara Region depots, but charged the waste tipping fee rate for residents at Walker’s depot. Any non-profits located within the City of Niagara Falls would no longer be eligible for Niagara Region’s tipping fee exemption. City actions: 1. Determine if Walker’s requires a contract for Niagara Falls residential and IC&I use of drop-off depot. 2. Development of new program communication, promotion and distribution. 3. Manage customer service calls, online inquiries, etc.

2.3 Landfill Sites

2.3.1 Open Sites

- In addition to the above Regional drop-off depots, Niagara Region is responsible for the operation of two (2) open landfill sites located at Humberstone Landfill, Welland, and Niagara Road 12, West Lincoln.
- Responsibilities include landfilling operations, leachate and methane collection system monitoring and maintenance, site maintenance, scale operations, etc.

Considerations and Actions to be Taken
Potential financial considerations for current and long-term costs related to tonnage of Niagara Falls’ garbage disposal at Humberstone landfill site. City actions: 1. Procure disposal contract with Walker’s or another disposal site; 2. Development of new program communication, promotion and distribution 3. Manage customer service calls, online inquiries, etc.

2.3.2 Closed Sites

- Niagara Region is responsible for the ongoing maintenance and post-closure landfill liability of all 12 closed landfill sites, including the Mountain Road landfill in Niagara Falls, until their contaminating lifespan is reached.
- Responsibilities include operation, maintenance and replacement of infrastructure to keep human health and the environment safe.
 - The total landfill liability cost for all 12 closed landfill sites is approximately \$61 million, of which Mountain Road accounts for \$15.5 million (based on 2019 Landfill Liability Model).
 - Mountain Road landfill specific considerations include:
 - 2019 operating expenditures related to the Mountain Road landfill site’s leachate treatment, monitoring and maintenance costs was approximately \$400K.
 - Capital expenditure related to the Mountain Road landfill site was approximately \$2.1 million, from its date of acquisition to 2019.
 - Stormwater management pond and SCADA upgrades are planned for 2020, at a total cost of approximately \$630K.
 - Aging leachate collection system that will require retrofits, at a projected cost of \$1.85 million (2021-22), as well as converting the site for end-use of \$1 million (2022).

Considerations and Actions to be Taken
Although the City does not wish to own/manage closed landfill sites, there are financial considerations if Mountain Road landfill is assumed by the City. Potential financial considerations for long-term costs related to use of Humberstone and Bridge Street landfill sites for disposal of Niagara Falls’ garbage City actions: 1. Procure contracts for Mountain Road landfill site monitoring and other program/service and site requirements.

2.4 Composting Operations

- Niagara Region provides leaf and yard waste composting operations at two (2) landfill sites located at:
 - Bridge Street Landfill, Fort Erie; and
 - Niagara Road 12, West Lincoln.
- Food waste organics are also accepted for drop-off at:
 - Humberstone Landfill, Welland; and

- Niagara Road 12, West Lincoln.
- Walker’s provides composting processing operations, on contract with Niagara Region and food waste organics are accepted for drop-off.
- Acceptable organic materials for drop-off at all locations include leaf & yard waste, including grass clippings, and brush materials.

Considerations and Actions to be Taken
Niagara Falls residents and IC&I sector would no longer be able to use Regional drop-off depots but can continue to utilize Walker’s depot. City actions: 1. Procure a compost-processing contract with Walker or another processor. 2. Development of new program communication, promotion and distribution. 3. Manage customer service calls, online inquiries, etc.

2.5 Recycling Processing

- Niagara Region provides dual stream (i.e. Blue and Grey Box) recycling processing and marketing of all curbside, depot and IC&I collected materials, including the City of Niagara Falls, at its Niagara Recycling facility in Niagara Falls.

Considerations and Actions to be Taken
Transition of the Blue Box program to extended producer responsibility is anticipated between 2023 and 2025 and municipalities would no longer be responsible for recycling processing and marketing (unless Niagara Falls decides not to transition, but in that case, there will be added tax burden). City actions: 1. Negotiate contract with Niagara Recycling for processing of recyclables if dual-stream collection program is maintained, or procure a new processor. 2. Development of new program communication, promotion and distribution. 3. Manage customer service calls, online inquiries, etc.

3. Program Support and Related Functions

3.1 Public Outreach and Education

- Niagara Region is responsible for providing the following public outreach and education activities related to waste management services:
 - Programs aimed at increasing waste diversion at landfill sites (i.e. Broken Spoke, Rigid plastic recycling, textiles etc.).
 - Programs aimed at increasing waste diversion in MR buildings (i.e. Eco-Ambassador, Green Cart and Textile recycling programs).
 - Programs aimed at increasing waste diversion in the IC&I sector (i.e. Rethink your Waste at the Workplace).
 - Targeted campaigns based on Niagara region trends/audits at the Recycling Centre.
 - Ability to report illegal dumping on public property for investigation.
 - Access to Special Events Recycling and Organics service for public events.
 - Curriculum linked presentations to educate schools on the Region’s programs and services and the importance of reducing and diverting waste.

- Interactive presentations to educate community groups on the Region’s programs and services and the importance of reducing and diverting waste.
- Summer camp program designed to engage children in learning about the importance of reducing and diverting waste.
- Information booths at community events and participation in community parades designed to engage with the public to educate them about the Region’s programs and services.
- Tours of the Region’s Recycling Centre to educate schools and the public on the innovative technology used to sort and process Blue/Grey Box material.
- Multi-tiered approach to promotion/education of diversion programs (i.e. newspaper advertising, social media, specialty advertising, radio etc.).
- Development and distribution of promotion and education material (i.e. Collection Guide, Green Scene newsletters).
- Promotional material used at information booth and presentations to promote waste diversion (i.e. recycled pencils, recycled Frisbees, recycled rulers etc.).
- Print materials to support diversion programs (i.e. non-compliance stickers, brochures, flyers, posters, door hangers etc.) and other waste management print materials (i.e. garbage tags).
- Creative development and design of promotion and education material
- Waste management web/mobile application designed to administer waste collection reminders and service interruption notifications to residents.
- Team of waste management interns who assist in the distribution of promotion and education material and administer our public outreach program (i.e. presentations, summer camps, Special Events Recycling and Organics program etc.).

Considerations and Actions to be Taken
Niagara Falls residents and IC&I sector would no longer receive Niagara Region's promotional materials, including Collection Guide, Green Scene newsletter, etc. or access to Niagara Region’s various outreach programs. City actions: 1. Develop and distribute collection guide and other program support material. 2. Deliver public outreach and education to Niagara Falls residents and IC&I sector. 3. Manage customer service calls, online inquiries, etc.

3.2 Container Sales and Distribution

- New homeowners and new renters are entitled to obtain **one (1)** of each of the curbside waste diversion containers (i.e. Blue Box, Grey Box, Kitchen Catcher and Green Bin), for free, if they do not have them already.
- Broken curbside waste diversion containers will be replaced, free-of-charge.
- Residents can purchase curbside waste diversion containers and backyard composters, at a subsidized price by Niagara Region.
- Residents can bring their broken curbside waste diversion containers, or purchase a new one, at the following locations:
<https://www.niagararegion.ca/waste/containers/container-locations.aspx>

- Recycling and organics carts are available for purchase, at a subsidized price by Niagara Region, to IC&I, MU, and MR properties (with seven (7) or more units). These carts can be ordered online:
<https://www.niagararegion.ca/waste/containers/cart-order-form.aspx>

Considerations and Actions to be Taken
Niagara Falls residents, MR, MU and IC&I sectors would no longer be able to purchase waste diversion containers, at a subsidized price, from Niagara Region locations. City actions: - Procure its own waste diversion containers - Manage the distribution of these waste diversion containers - Manage customer service calls, online inquiries, etc.

3.3 By-law Enforcement/Contract Supervision

- Waste Management contract supervisors and advisors are responsible for administering waste collection contracts, providing on-road supervision, ensuring compliance with municipal by-laws, responding to escalated complaints, and conducting investigations of residential and IC&I properties.
- The Waste Management By-law 2017-56 can be found on Niagara Region’s website: <https://www.niagararegion.ca/government/bylaws/most-requested-by-laws.aspx>

Considerations and Actions to be Taken
Currently, Niagara Region’s Planning & Development staff, along with Waste Management staff, review all planning applications and provide comments as they pertain to waste collection eligibility for new developments. This would no longer be provided for Niagara Falls applications, if collection service were no longer provided by Niagara Region. City actions: - Manage the contract through enforcement, on-road supervision, and review planning applications, etc. - Manage customer service calls, online inquiries, etc.

3.4 Illegal Dumping Program

- Niagara Region works, in partnership with all LAMs and Crime Stoppers, to address any issues of illegally-dumped material in non-designated areas, such as public roads, ditches, public property, rural areas, vacant lots, and in public litter receptacles.
- Niagara Region has implemented a rewards program for reporting incidents of illegal dumping: <https://www.niagararegion.ca/waste/contact/dumping/default.aspx>.
- A monetary reward is given to any person whose report of illegal dumping results in an **act of compliance** (i.e. the person who was reported illegally dumping, returned to the site and removed the dumped materials), or to any person whose report of illegal dumping leads to a **conviction**.

Considerations and Actions to be Taken
City actions: - Investigate any issues of illegally dumped materials. - Develop illegal dumping program.

Considerations and Actions to be Taken
3. Manage customer service calls, online inquiries, etc.

3.5 Customer Service and Complaint Management

- Niagara Region’s Waste Management Customer Service Representatives and staff provide information and responses to inquiries from Niagara residents, businesses, LAMs, other government agencies, etc. on all waste management-related programs and services, including collection, diversion, disposal, etc.
- The Waste Info-Line (905-356-4141 or 1-800-594-5542) is operated Monday to Friday, from 8:00 a.m. to 5:00 p.m. or online: www.niagararegion.ca/waste

Considerations and Actions to be Taken
City actions: 1. Manage customer service calls, online inquiries, etc.

3.6 Mandatory Reporting – Resource Productivity & Recovery Authority (RPR) Datacall

- The RPR Datacall is the source of data for determining the net Blue Box system cost and for allocating funding to Ontario municipal programs under the Blue Box Program Plan.
- Each year, Ontario municipal programs providing recycling services must complete the Datacall to be eligible to receive this Blue Box funding.
- An Ontario municipal program must complete the Datacall if it provided Blue Box collection (i.e. curbside or depot) and/or processing services to its residents in the previous year, and if all the tonnes, costs and revenue associated with these services are not reported by another program.
- Ontario municipal programs need to also report the following municipally-managed residential solid waste management services (if applicable) in the Datacall:
 - Other (i.e. non-Blue Box) recyclable materials collection and/or processing
 - Organic collection and/or processing
 - Municipal hazardous or special waste collection
 - Waste electrical and electronic equipment collection
 - Garbage collection and/or disposal

Considerations and Actions to be Taken
Currently, Niagara Region is responsible for completing the RPR Datacall, on behalf of all 12 LAMs, including Niagara Falls. City actions: 1. Track program data and tonnages 2. Complete annual RPR Datacall submission for City’s waste management program

Subject: Removal of All-Way Stop Control, Intersection of Regional Road 89 (Glendale Avenue) at Bessey Street, City of St. Catharines

Report to: Public Works Committee

Report date: Tuesday, March 10, 2020

Recommendations

1. That the removal of the all-way stop control for the eastbound and westbound traffic at the intersection of Regional Road 89 (Glendale Avenue) and Bessey Street, in the City of St. Catharines **BE APPROVED**; and
2. That the necessary by-law **BE PREPARED** and **PRESENTED** to Regional Council for consideration.

Key Facts

- The purpose of this report is to seek Council's approval in the removal of the all-way stop control at the intersection of Glendale Avenue and Bessey Street.
- The all-way stop control is not justified, based on the warrants of the Ontario Traffic Manual Book 5 Regulatory Signs.
- Staff have received a formal request to consider removing the all-way stop control.
- Regional staff have had discussions with the City of St. Catharines staff, who are supportive of the recommendation.

Financial Considerations

The costs to introduce the recommended changes are minimal and will be accommodated within the 2020 Transportation Services operating budget.

Analysis

In 2006, Regional Road 89 (Glendale Avenue) was reconstructed, which included the realignment of Glendale Avenue from Mountain Street to Merritt Street and from Merritt Street to the CN Railway. The realignment of Glendale Avenue resulted in a new signalized 4-legged intersection with Merritt Street allowing for a straight through east/west movement. Prior to the reconstruction, a Class Environmental Assessment was undertaken in 2003 and 2004. The EA process recommended the removal of the

east and west stop controls on Glendale Avenue at Bessey Street. PWA 78-2007 report recommending the approval of the all-way stop control was not adopted by Council in 2007, as the residents presented a petition requesting a controlled crosswalk if the stop controls were removed for the eastbound and westbound direction. At that time, a controlled pedestrian crossing was not warranted and not recommended.

Staff have received a formal request from residents through a Regional Councillor requesting that consideration be given for the removal of the all-way stop control at the intersection of Glendale Avenue and Bessey Street. Staff followed the procedures and warrants of Ontario Traffic Manual Book 5-Regulatory Signs when determining if an all-way stop control is justified. The collected data traffic volumes and collisions were applied to the warrants and results indicate that an all-way stop control is not warranted at this location. The volume splits between Glendale (major road) and Bessey (minor road) also exceed the maximum threshold of 75/25%. This results in major queue lengths for both the eastbound and westbound direction. It should also be noted that this intersection is only 215 metres away from the signalized intersection of Glendale Avenue and Merritt Street. Staff have observed as many as 20+ vehicles in queue at the stop control in either the eastbound or westbound direction and none at the stop controls for the northbound or southbound direction. This also leads to a metering affect for westbound vehicles leaving the intersection creating inadequate gaps for eastbound left turning vehicles at the signalized intersection of Glendale Avenue and Merritt Street. The queue lengths in the westbound direction get much worse when vehicles are stopped for the CN rail crossing which is further to the west.

The number of pedestrians recorded crossing Glendale Avenue during the study was 11 in an eight-hour period. This number is below the threshold required for staff to recommend the installation of a Pedestrian Crossover. If the all-way stop is removed, staff can continue to monitor the pedestrian activity and recommend the installation of a Pedestrian Crossover if warranted.

During the site visit with City of St. Catharines staff, it was concluded that the removal of the eastbound and westbound stop controls could have a positive effect in reducing any cut through traffic presently using Bessey Street.

Based on the warrants for an all-way stop control not being justified and the major delays for eastbound and westbound motorists, staff are recommending that the all-way stop control be removed. If approved, staff will follow the guidelines and procedures of the Ontario Traffic Manual for the removal of an all-way stop control.

Alternatives Reviewed

A do nothing scenario was considered, however, it does not address the congestion concerns and the queue lengths.

Relationship to Council Strategic Priorities

The removal of the all-way stop control will provide efficient movement of people and goods within the Niagara Region transportation system that currently is experiencing congestion and delays.

A planned and implemented efficient transportation system supports the Council's 2019-2022 Strategic Priority - Responsible Growth and Infrastructure Planning:

- Facilitating Movement of People and Goods

Other Pertinent Reports

PWA 78-2007, May 16, 2007, Removal of All-Way Stop at the Intersection of Regional Road 89 (Glendale Avenue) and Bessey Street, St.Catharines

Prepared by:

Petar Vujic
Road Safety and Permits Program Manager
Public Works Department

Recommended and Submitted by:

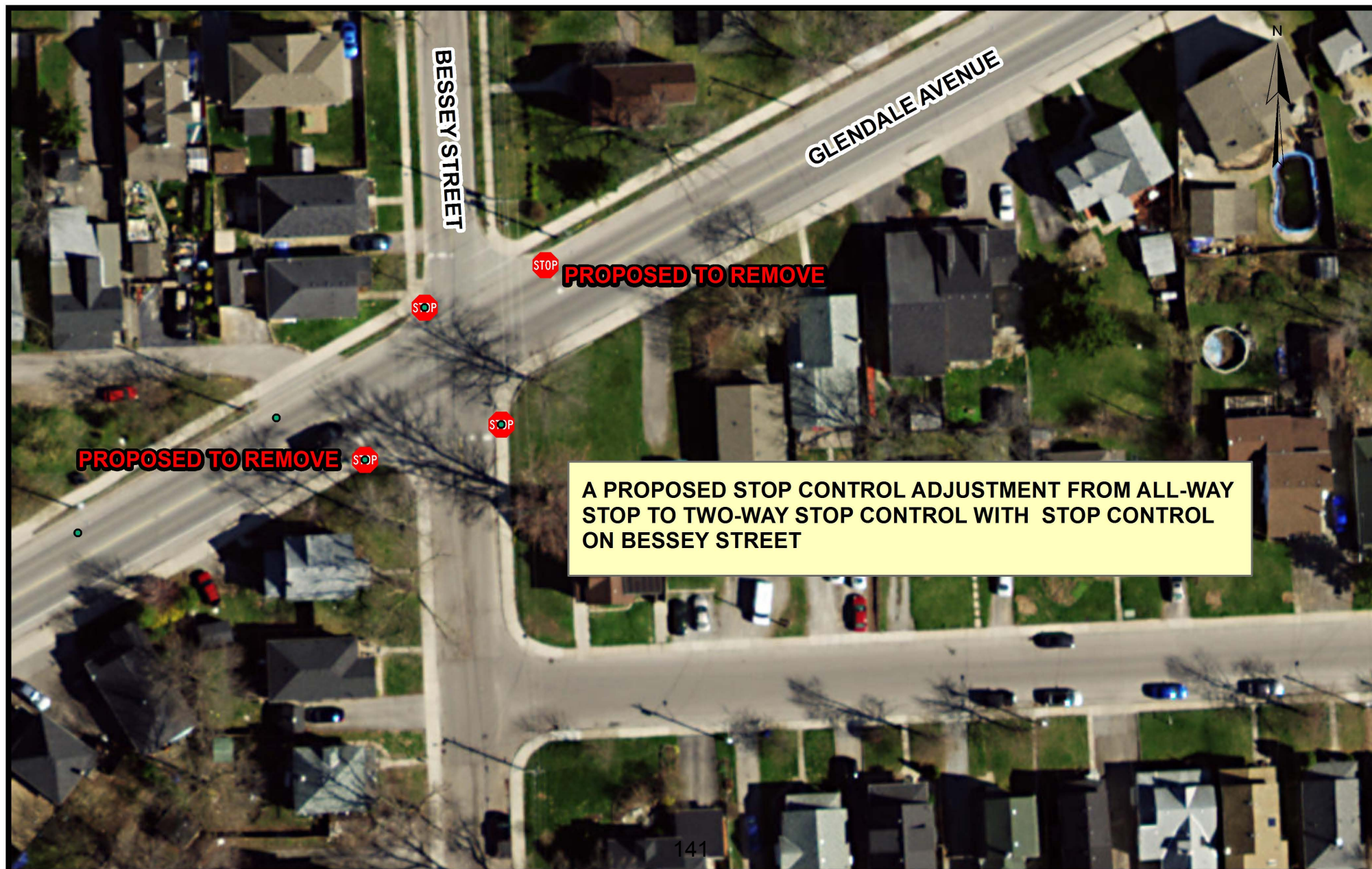
Ron Tripp, P.Eng.
Acting Chief Administrative Officer /
Commissioner Public Works Department

This report was prepared in consultation with Carolyn Ryall, Director Transportation Services.

Appendices

Appendix 1	Proposed Stop Control Adjustment	5
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REGIONAL ROAD 89 (GLENDALE AVENUE) PROPOSED STOP CONTROL ADJUSTMENT CITY OF ST. CATHARINES



Subject: NRT and NST 2019 Ridership and Revenue Summary**Report to:** Public Works Committee**Report date:** Tuesday, March 10, 2020

Recommendations

That this report **BE RECEIVED** for information.

Key Facts

- The purpose of this report is to summarize the 2019 ridership and revenue for Niagara Region Transit (NRT) and Niagara Specialized Transit (NST).
- 2019 NRT ridership grew from 692,021 in 2018 to 1,065,933 in 2019 (54% growth).
- The 2019 NRT net expense finished under budget by approximately 45% due to the delayed implementation of services and planned increases in revenue from renegotiated U-Pass contracts part of a multi-year move to reduce levy subsidy.
- NRT ridership growth is largely due to a significant investment in service hours on the majority of mainline NRT routes, implementation of express routes, the uploading of the Port Colborne and Fort Erie Link routes, and an added connection point in Pelham.
- The 2019 NST ridership was approximately 5% lower than in 2018 with the net expense finishing approximately 10% under budget due to implementation of staff's revised budget containment strategies resulting from a renegotiation of the service delivery contract.

Financial Considerations

Niagara Region Transit (NRT)

The 2019 NRT operating budget included \$10,601,706 in operator payments, \$0 in maintenance costs and \$3,660,213 in fare revenue for a net expense of \$6,941,493. The 2019 NRT actual operator payments totaled \$8,699,776 plus \$10,285 in maintenance costs with \$4,894,838 in fare revenue for a net expense of \$3,815,223. This resulted in a favourable variance of approximately \$3,126,270 (45%). The lower than budgeted actual operator payments are a result of delayed expansion of service hours and the deferred implementation of new service in west Niagara. Additional commentary is provided in the analysis section of the report.

The lower than budgeted actual operator payments are a result of two main factors. The first is the delayed expansion of service on Sundays and Holidays due to insufficient operator staffing at the local transit properties to execute the increase. This operator staffing challenge was exacerbated by the significant expansion of service hours by NRT over the last two years. The second factor is the delayed implementation of on-demand transit service in West Niagara. The deployment of this new service was strategically deferred until Q2 2020 when it was determined in year that interested local area municipalities should be given the opportunity to incorporate funding into their 2020 Operating Budgets. This resulted favourably in the Town of Pelham, Town of Lincoln and Town of Grimsby all opting into the on-demand deployment partnership for west Niagara.

In 2019, the Region's share of revenue for NRT grew to \$4,894,838. This is an increase of 156% over 2018 and is driven predominantly by the U-pass (post-secondary) portion of revenue. Table 1 below summarizes the variance between the operating budget and the actual operating costs. This planned, negotiated increase is part of a multi-year plan to reduce the continued levy-based subsidy of the post-secondary student U-Pass rates. The increase was not included in the 2019 budget as a result of the rates not having been negotiated or finalized at the time the 2019 budget was approved.

Table 1 – NRT Operating Budget vs. Operating Costs

Details	2019 Budget	2019 Actual	2018 Actual	Var \$ 2019A vs 2019B FAV/(UNFAV)	Var % 2019A vs 2019B FAV/(UNFAV)	Explanation
Operator Payments	\$10,601,706	\$8,699,776	\$4,969,963	\$1,901,930	18%	Delayed Niagara West Pilot & Deferred Sunday and Holiday service
Maintenance Costs	-	\$10,285	\$231,666	\$(10,285)	N/A	Moved to capitalize repairs
Revenue	\$(3,660,213)	\$(4,894,838)	\$(1,912,765)	\$1,234,625	34%	Increased U-Pass contribution due to route consolidation & service expansion
Net Expense	\$6,941,493	\$3,815,223	\$3,288,864	\$3,126,270	45%	

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Niagara Specialized Transit (NST)

The NST budget included \$2,212,918 in operator payments and \$132,600 in fare revenue for a net expense of \$2,080,318. The 2019 actuals included \$1,987,695 in operator payments and \$120,670 in fare revenue for a net expense of \$1,867,024. This resulted in a favourable variance of \$213,294 (10%). This variance was primarily driven by the cost containment measures introduced by staff through contract negotiations with the service delivery provider.

Table 2 below summarizes the operating budget and the actual operating costs for NST.

Table 2 – NST Operating Budget vs. Operating Costs

Details	2019 Budget	2019 Actual	2018 Actual	Var \$ 2019A vs 2019B FAV/(UNFAV)	Var % 2019A vs 2019B FAV/(UNFAV)	Explanation
# of Trips	31,200	28,680	30,057	(2,520)	(8%)	Renegotiated contract terms
Operator Payments*	\$2,212,918	\$1,987,695	\$2,627,753	\$225,223	10%	
Fare Revenue	\$(132,600)	\$(120,670)	\$(151,123)	\$(11,930)	(9%)	
Net Expense	\$2,080,318	\$1,867,024	\$2,476,630	\$213,294	10%	

**Includes payments to Service Provider for late trip cancellations, payment handling charges and 1.76% non-refundable HST*

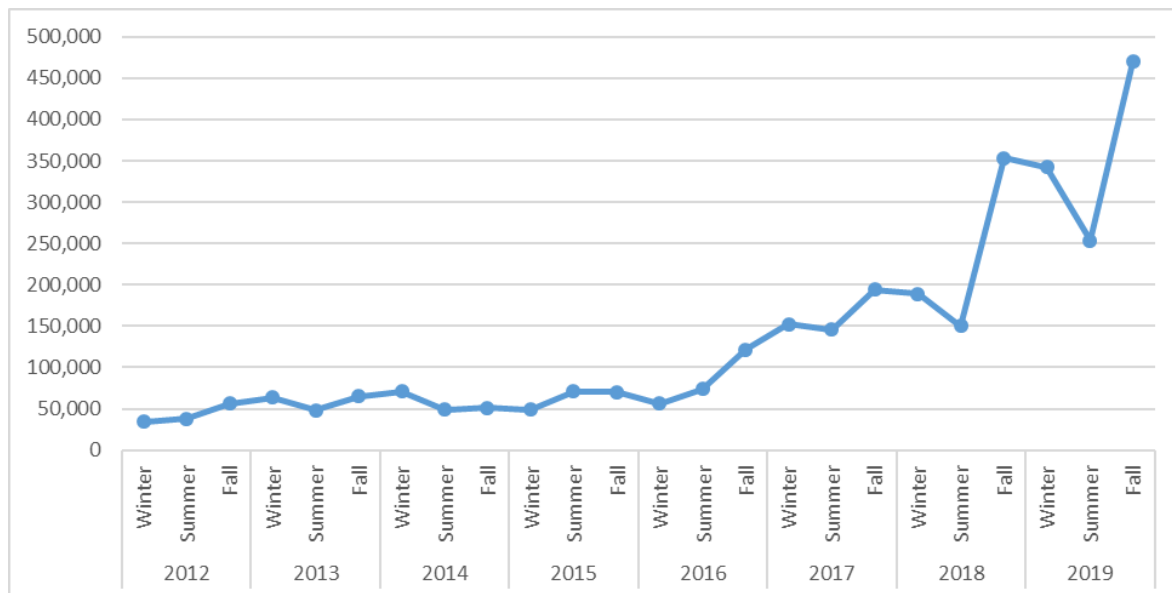
Staff are confident that the current NST Service Agreement is structured in a way which will ensure that the 2020 net expense will be contained within the forecasted operating budget.

Analysis

Niagara Region Transit (NRT)

The NRT service has continued to see annual growth in its ridership. From 2018 to 2019, the ridership grew approximately 54%. Figure 1 below illustrates the ridership trend since 2012.

Figure 1 – NRT Ridership 2012-2019

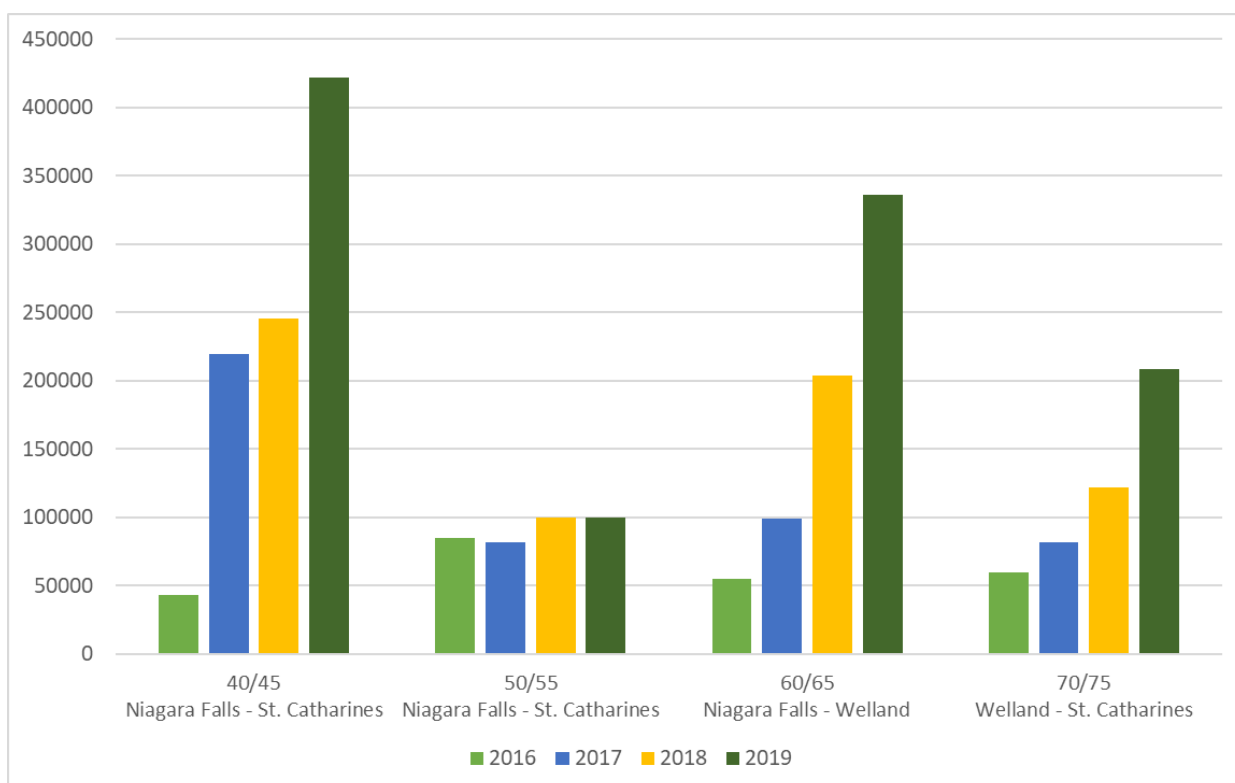


The primary driver behind the substantial growth in NRT ridership was due to the completion of the multi-year route rationalization and consolidation process being undertaken by the Inter-municipal Working Group (IMTWG) and approved in LNTC C-21 2018. The route rationalization resulted in a transfer of existing ridership from previously chartered post-secondary routes to enhanced services on public NRT routes.

In addition to the transferred ridership, NRT also experienced incremental ridership growth through the significant enrollment increase at Niagara College. This was exacerbated by a larger than typical proportion of transit-dependent students in the enrollment cohort with the majority of these students residing in Niagara Falls. While this unexpected demand overwhelmed the existing NRT system in September of 2018, by January of 2019, staff had been able to work with our municipal partners to successfully redeploy NRT and local resources to implement express route services to accommodate the demand.

Each route experienced an increase in overall ridership from 2018 to 2019 as is illustrated by Figure 2 below.

Figure 2 – NRT Total Ridership by Route

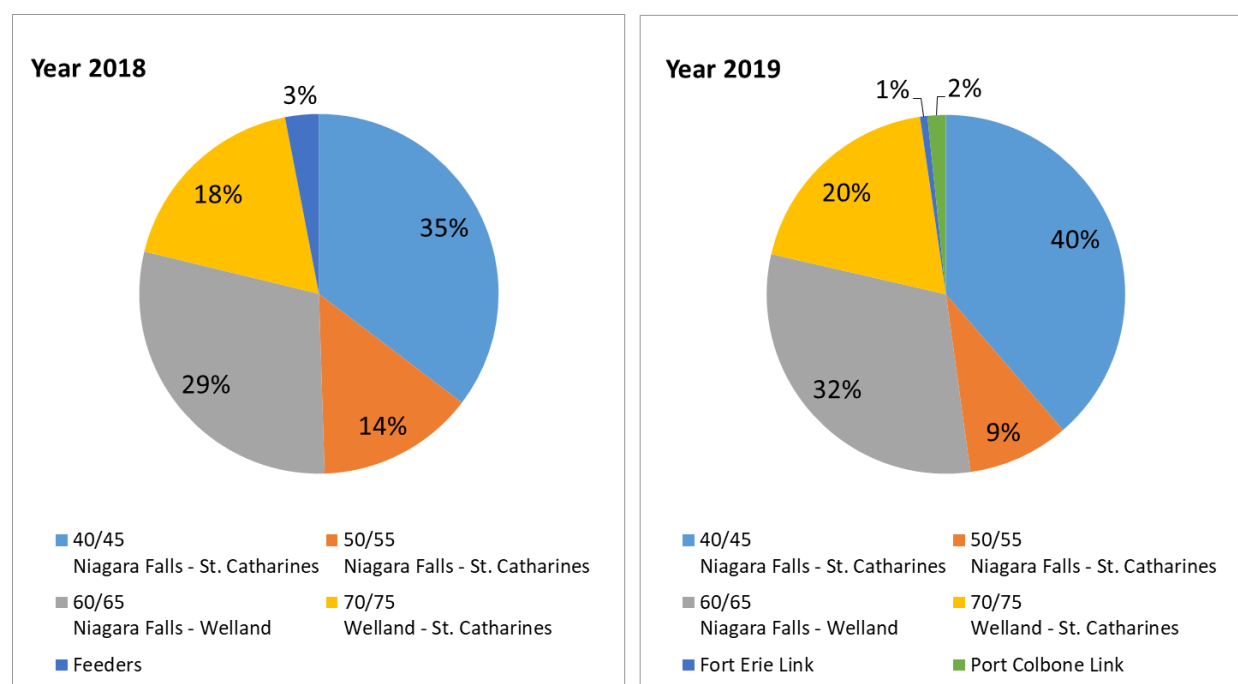


In 2019, the IMTWG was able to make a number of changes so that Niagara Region became the singular provider of inter-municipal transit services. These changes include:

- Upload of the previously chartered Niagara College Route 26 which travels between the St. Catharines Bus Terminal and the Niagara-on-the-Lake Campus. The upload was completed in September 2019 with the route being renamed to 40A/45B to remain consistent with other NRT routes.
- Upload of the Route 22 (Fort Erie Link) as of January 1, 2019
- Upload of the Route 25 (Port Colborne Link) as of January 1, 2019
- Consolidation of the Niagara-on-the-Lake Link which was previously chartered by Niagara College. As of September 2019, this ridership is now reflected on routes 40/45, 60/65 and 70/75.
- Consolidation of the Brock Link which was previously chartered by Niagara College and establishment of a new express route 70A/75A which includes a stop at the Meridian Community Centre in Pelham. As of September 2019, this ridership is now reflected on routes 70/75.

The preceding changes resulted in the transfer of ridership to the existing Niagara Region Transit route network as evidenced by the shifts in ridership distribution illustrated below in Figure 3.

Figure 3 – NRT Trip Distribution Percentage by Route



Niagara Specialized Transit (NST)

The following contractual metrics of the 2019-2020 NST Service Agreement are provided for ease of reference:

- Maximum Trips per year (31,200) – this metric is new to the 2019-2020 NST Service Agreement
- On-Time Performance (95%) - defined as the vehicle arriving +/- 15 minutes from the confirmed pickup time
- Maximum Time on Board (75 minutes) – there is no allowable tolerance for exceeding this metric

Table 3 summarizes some of the key metrics of the NST service for 2018 and 2019.

Table 3 – NST Key Service Metrics

Service Metrics	2018	2019
Total Trips	30272	28680
Number of Clients Served	889	926
Average KM Per Request	24.79	23.9
Number of Trips Exceeding Maximum Time Aboard	715	1012
On-Time Performance	85%	86%

**On-Time Performance metric:*

- 2018: based on a 25 minute pick-up window.
- 2019: based on a 25 minute (Jan. - Aug.) and 30 minute (Sept. - Dec.) pick-up window.

The NST service experienced a decrease of approximately 5% in its annual ridership from 2018 to 2019. It is important to note that this is not a result of lowered demand, but rather is primarily due to new contractual controls placed on service delivery which do not allow for unlimited trip accommodations experienced in the preceding years which resulted in significant program budget deficits. These changes were necessary to ensure containment of the budget within the approved 2019 envelope. The current NST service agreement leverages an average number of daily trips to ensure the budget is contained while flexibility ensures the trip demand is being met.

An item of concern for the service is the growing number of trips which exceed the maximum allowable time aboard a vehicle. This grew from 715 (2.3%) occurrences in 2018 to 1012 (3.5%) occurrences in 2019. It should be noted that the metric decreased from 90 minutes to 75 minutes when the direct trips to Hamilton were replaced with trips to the transfer hub in Stoney Creek. This may have been an influencing factor in the increased number of occurrences in 2019.

Another element of concern to staff is the On-Time Performance of the service as it remains well below the mandated requirement of 95% despite a change in the acceptable pickup window (from 25 to 30 minutes) which benefits the Service Provider. This metric was changed to 30 minutes to better align with other specialized transit services in Ontario.

In addition, staff completed an Operational Review of NST in 2019 (PW 39-2019) as part of the Specialized Transit in Niagara governance study. That review identified a number of improvement opportunities for the service, some of which are identified in Table 3 above. In working towards improving the areas identified in the Operational Review, staff are continually monitoring the service, regularly communicating with the Service Provider and scheduling meetings with the Service Provider to ensure progress is being made. Thus, staff will continue to work with the Service Provider and the riders to enhance the operation of the service with the goal of ensuring that the contractual terms of the contract are being met. It is also worth noting that the current Service Agreement expires in December 31, 2020.

Trip distribution is not a defined metric of the Service Agreement nor can the Service Provider give any priority to any trips per provincial accessibility legislation. As such, the data in Table 4 and Figure 4 summarize the distribution of trips simply to provide a fulsome picture of where and why the service is being utilized.

Table 4 - Trip Summary by Municipality of Origin

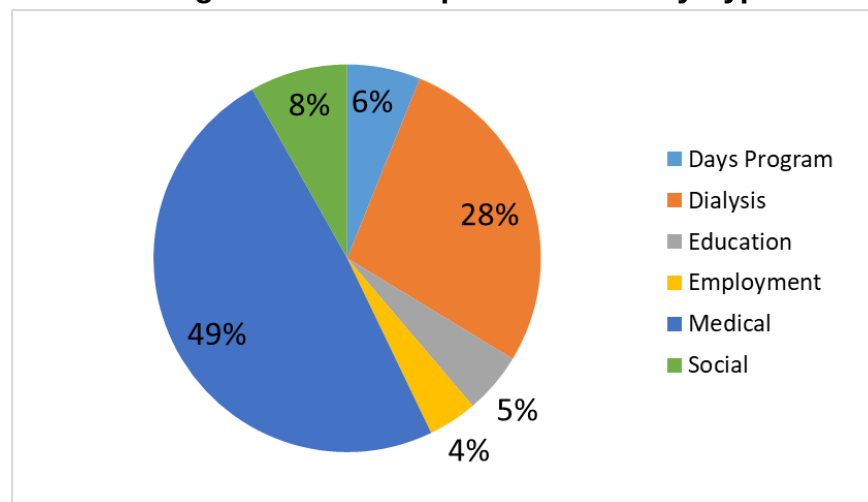
Municipality (Trip Origin)	Trips				Growth
	2016	2017	2018	2019	
Niagara Falls	3,807	6,383	6,977	6,900	-1%
St. Catharines	4,465	6,273	6,783	6,798	0%
Thorold	365	663	1,158	1,146	-1%
Welland	3,083	5,258	5,700	4,970	-13%
Port Colborne	673	1,450	1,695	1,898	12%
Wainfleet	20	104	214	351	64%
Fort Erie	1,958	3,611	3,124	2,773	-11%
Niagara-on-the-Lake	1,088	1,301	1,683	1,431	-15%
Grimsby	290	443	661	492	-26%
Lincoln	622	638	715	487	-32%
West Lincoln	104	115	213	428	101%
Pelham	482	514	497	522	5%
Hamilton	216	505	637	484	-24%
Total	17,173	27,258	30,057	28,680	-5%

It is especially important to note that the majority of trips (77%) are medically related (medical plus dialysis). When rides for community day programs are factored in, this number increases to 83% and highlights the substantial need that this service meets by enabling residents to access health related services. Social trips continue to grow since

their implementation in 2017 to meet AODA standards. Thus, social trips have increased 3% since 2018 and currently attribute 8% of the total trips.

Figure 4 below provides the distribution of the trips delivered in 2019 by their type/purpose.

Figure 4 – NST Trip Distribution by Type



Staff approved 746 new applications in 2019 which represents a 20% increase compared to applications received in 2018. This growing client base is reflective of the changing demographics of the region. The recently completed Specialized Transit in Niagara study, combined with the upcoming Niagara Transit Governance review will provide opportunities to enhance the service through efficiency gains when collaborating with the local transit providers. Despite potential efficiencies, staff cautions that sufficient demand cannot be accommodated in future years without additional financial support for the service.

Alternatives Reviewed

The Specialized Transit in Niagara study is now complete and the recommendations for service levels, operating models, peer comparisons, and customer experience improvements have been referred to the larger transit governance review for incorporation.

Relationship to Council Strategic Priorities

This report is being brought forward to provide an annual update to the Public Works Committee on the status of the Niagara Region Transit and the Niagara Specialized Transit services. Supporting transit is a priority of the current Council under the Responsible Growth and Infrastructure Planning objective, specifically objectives 3.1

Advancing Regional Transit and GO Rail services and 3.4 Facilitating the Movement of People and Goods. These objectives will remain a priority through the consolidation process.

Other Pertinent Reports

PW 39-2019 – Niagara Specialized Transit Operations Review

Prepared by:

Robert, Salewytch
Program Manager Transit Services
Public Works

Recommended and Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer /
Commissioner of Public Works

This report was prepared in consultation with Catherine Lam, Program Financial Analyst; Brian McMahon, Program Financial Specialist; Leah Lane, Transit Planning Analyst, and reviewed by Heather Talbot, Financial and Special Projects Consultant, and Matt Robinson, Director, GO Implementation Office.

MEMORANDUM

PWC-C 4-2020

Subject: Niagara Water Treatment Plant 2019 Summary Reports

Date: March 10, 2020

To: Public Works Committee

From: Jen Croswell, C.Tech., Water Compliance Specialist

A Drinking Water Summary Report (Summary Report), required under the Safe Drinking Water Act, 2002, has been prepared for each of Niagara Region's six drinking water treatment plants for January 1, 2019 through December 31, 2019, inclusive. The 2019 Summary Reports have been provided as appendices and include:

- A description of any failure to meet the requirements of any governing Act, Regulation, Order or Approval that the Drinking Water System operates under, along with the actions the Operating Authority undertook to mitigate any such non-compliance;
- A summary of water flow rates including maximum daily flow rates and instantaneous peak flow rates in comparison with the capacity of the water works identified in the drinking water licence and permit. This information is included for the purpose of allowing the owner (Niagara Region) of the system to assess the capability of the system to meet existing and planned uses of the system.

The intent of the Summary Report is to provide full disclosure and acts as an instrument to ensure Council, senior management, regulatory agencies and the public are made aware of any non-compliance issues which occurred during the last inspection period. The inspection period runs annually (April 1 – March 31) and typically includes a review of information from the previous year.

Inspections were completed for all of Niagara Region's water treatment plants. Four water treatment plants (Decew Falls, Niagara Falls, Port Colborne, and Rosehill) obtained a 100% compliance score on the Ministry of Environment, Conservation and Parks Inspection Rating Report. Two water treatment plants, Grimsby and Welland, were found to be in non-compliance with Ministry Regulations and/or System Licences. Inspection and non-compliance details are included in the tables below.

Facility	Grimsby Water Treatment Plant
Inspection Rating	98.34%
Non-Compliance	Niagara Region was found to be in non-compliance with subsection 6-1.1 (1) of Schedule 6 of O. Reg. 170/03 which specifies that weekly samples are to be taken 5 to 10 days apart.
Event Details	Section 4.0 of schedule C of the Municipal Drinking Water Licence requires weekly sampling of treated process waste water for free chlorine residuals prior to discharge to the environment. Sampling was conducted on a weekly basis during the inspection period except between January 9 and January 21, 2019 where the tests were performed 12 days apart.
Corrective Actions	Internal operating procedures will be updated to ensure all sampling requirements are captured. In addition, affected staff are required to complete introductory quality and compliance training within six months of arrival and once every three years thereafter.

Facility	Welland Water Treatment Plant
Inspection Rating	95.88%
Non-Compliance	Niagara Region was found to be in non-compliance with section 16-6 of schedule 16 of O. Reg. 170/03 which requires immediate notification of adverse water quality incidents to the Medical Officer of Health and the Spills Action Centre.
Event Details	On August 3, 2018, following non-invasive maintenance work within the Bemis Elevated Tank, a two-phase tank disinfection process was initiated in accordance with the Drinking Water Works Permit. Upon completion of the first phase of disinfection, the tank was filled with treated water in order to meet water retention requirements for phase two. During the second phase, a watermain break caused a decrease in system pressure

Facility	Welland Water Treatment Plant
	resulting in a release of approximately 0.193 ML of improperly disinfected water to the distribution system. Following the release, sampling results from Niagara Region and the City of Welland were negative for bacteriological parameters, meeting provincial requirements. The event was not reported to the Medical Officer of Health or the Spills Action Centre. Upon internal review, incident details were provided to Public Health and the Ministry of Environment, Conservation and Parks for review. Public Health was satisfied that the drinking water remained safe during and after the incident. On November 29, 2018, Niagara Region reported to the Spills Action Centre that, on August 3, 2018, a release of approximately 0.193 ML of improperly disinfected water occurred at the Bemis Elevated Tank while the Region was performing the disinfection of the tank.
Corrective Actions	Details of the incident, internal procedures, the disinfection requirements of the Drinking Water Works Permit, and reporting requirements from Section 16-4 were reviewed with pertinent staff. In addition, affected staff are required to complete manager quality and compliance training within six months of arrival and once every three years thereafter.

May this memorandum serve as acknowledgment of receipt of the Summary Reports by the system owner, Council.

In addition to the Summary Reports, staff have produced Annual Water Quality Reports (Annual Reports) for each of Niagara Region's six drinking water treatment plants, as required by the Safe Drinking Water Act, 2002. The [Annual Reports](https://www.niagararegion.ca/living/water/Water-Quality-Reports/default.aspx) have been made available to the public via the Niagara Region website (<https://www.niagararegion.ca/living/water/Water-Quality-Reports/default.aspx>). The

publication of these reports will be advertised in the Region's Public Works Green Scene newsletter in spring 2020.

Respectfully submitted and signed by,

Jen Croswell, C.Tech.
Water Compliance Specialist

Appendices

Appendix 1 – Decew Falls Water Treatment Plant 2019 Summary Report

Appendix 2 – Niagara Falls Water Treatment Plant 2019 Summary Report

Appendix 3 – Rosehill Water Treatment Plant 2019 Summary Report

Appendix 4 – Port Colborne Water Treatment Plant 2019 Summary Report

Appendix 5 – Grimsby Water Treatment Plant 2019 Summary Report

Appendix 6 – Welland Water Treatment Plant 2019 Summary Report



REGIONAL MUNICIPALITY OF NIAGARA
Public Works Department
Water & Wastewater Services Division

DECEW FALLS WATER TREATMENT PLANT

ANNUAL SUMMARY REPORT

(Prepared under Ontario Regulation 170/03)

January 1 to December 31, 2019

Ministry of the Environment, Conservation and Parks

Municipal Drinking Water License # 007-102
Drinking Water Works Permit # 007-202

1. Failure to meet with the requirements of the Act, the regulation, the system's approval:

The Decew Falls Water Treatment Plant was operated in such a way that at no time did it fail to meet or exceed the requirements of the Safe Drinking Water Act, associated regulations, the system's approval or any order that may have been issued for this reporting period.

2. A summary of flows for the reporting period January 1, 2019 – December 31, 2019:

2019	TOTAL FLOW Raw (ML)	TOTAL FLOW Treated (ML)	AVERAGE DAY Raw (ML)	AVERAGE DAY Treated (ML)	MAX. DAY Treated (ML)	MIN. DAY Treated (ML)	MAX. FLOW RATE Treated (ML/d)	MIN. FLOW RATE Treated (ML/d)	WASTE SLUDGE (ML)
Jan	1735.021	1531.421	55.968	49.401	55.623	44.721	76.092	20.658	5.160
Feb	1595.115	1412.763	56.968	50.456	59.060	47.780	103.349	24.362	3.252
Mar	1665.812	1538.403	53.736	49.626	73.436	47.283	73.436	21.968	0.737
Apr	1685.577	1476.536	56.186	49.218	51.210	47.820	72.277	23.349	3.035
May	1744.874	1589.728	56.286	51.386	56.474	47.943	75.842	26.873	6.027
Jun	1936.416	1700.061	64.547	56.669	64.650	51.059	86.721	28.907	2.211
Jul	2344.420	2069.512	75.626	66.758	75.011	58.736	101.124	37.797	0.954
Aug	2175.377	1940.639	70.173	62.601	73.656	55.667	115.876	33.229	3.599
Sep	1909.547	1715.474	63.652	57.182	60.769	52.774	86.699	28.537	5.160
Oct	1741.500	1554.755	56.177	50.153	54.750	45.524	85.326	17.336	3.122
Nov	1607.327	1454.225	53.578	48.474	51.846	44.309	108.257	16.393	0.737
Dec	1609.801	1472.137	51.929	47.488	50.095	40.484	73.370	17.031	0.520
TOTAL	21750.787	19455.654							34.515
MIN						40.484		16.393	0.520
MAX					75.011		115.876		6.027
AVG			59.569	53.284					2.876

* The flow rates are moments in time, and can be affected by various circumstances, such as pump changes or valve position and therefore not unusual to have higher or lower than normal flows.

3. A comparison of actual flows to that of the flow rates set out in the system's approval:

Flow rates as set in:

- Municipal Drinking Water License # 007-102
- Drinking Water Works Permit # 007-202

Maximum daily flow: 227.300 ML

Maximum flow rate: 227.300 ML/day

2019	AVERAGE DAY Treated (ML)	% OF RATED CAPACITY	MAX. DAY Treated (ML)	% OF RATED CAPACITY	MAX. FLOW RATE Treated (ML/d)	% OF RATED CAPACITY
Jan	49.401	21.7%	55.623	24.5%	76.092	33.5%
Feb	50.456	22.2%	59.06	26.0%	103.349	45.5%
Mar	49.626	21.8%	73.436	32.3%	73.436	32.3%
Apr	49.218	21.7%	51.21	22.5%	72.277	31.8%
May	51.386	22.6%	56.474	24.8%	75.842	33.4%
Jun	56.669	24.9%	64.65	28.4%	86.721	38.2%
Jul	66.758	29.4%	75.011	33.0%	101.124	44.5%
Aug	62.601	27.5%	73.656	32.4%	115.876	51.0%
Sep	57.182	25.2%	60.769	26.7%	86.699	38.1%
Oct	50.153	22.1%	54.75	24.1%	85.326	37.5%
Nov	48.474	21.3%	51.846	22.8%	108.257	47.6%
Dec	47.488	20.9%	50.095	22.0%	73.37	32.3%



REGIONAL MUNICIPALITY OF NIAGARA
Public Works Department
Water & Wastewater Services Division

NIAGARA FALLS WATER TREATMENT PLANT

ANNUAL SUMMARY REPORT

(Prepared under Ontario Regulation 170/03)

January 1 to December 31, 2019

Ministry of the Environment, Conservation and Parks

Drinking Water Works Permit # 007-202
Municipal Drinking Water License # 007-102

1. Failure to meet with the requirements of the Act, the regulation, the system's approval:

The Niagara Falls Water Treatment Plant was operated in such a way that at no time did it fail to meet or exceed the requirements of the Safe Drinking Water Act, associated regulations, the system's approval or any order that may have been issued for this reporting period.

2. A summary of flows for the reporting period January 1, 2019 – December 31, 2019

2019	TOTAL FLOW	TOTAL FLOW	AVERAGE DAY	AVERAGE DAY	MAX. DAY	MIN. DAY	MAX. FLOW RATE	MIN. FLOW RATE	WASTE SLUDGE (ML)
	Raw (ML)	Treated (ML)	Raw (ML)	Treated (ML)	Treated (ML)	Treated (ML)	Treated (ML/d)	Treated (ML/d)	
Jan	1306.819	1205.506	42.155	38.887	45.022	34.892	64.500	9.012	1.015
Feb	1204.272	1132.177	43.010	40.435	45.482	36.441	58.134	16.325	0.502
Mar	1367.330	1277.948	44.107	41.224	45.828	36.746	85.608	16.656	0.344
Apr	1368.584	1234.817	45.619	41.161	46.912	36.223	65.802	15.226	6.833
May	1366.246	1302.776	44.072	42.025	47.581	36.503	61.006	15.568	1.659
Jun	1476.388	1402.020	49.213	46.734	58.347	40.056	85.138	21.051	1.131
Jul	1875.394	1804.622	60.497	58.214	71.776	46.995	94.300	27.506	0.440
Aug	1739.880	1667.511	56.125	53.791	63.003	47.674	79.931	26.792	0.283
Sep	1398.047	1334.493	46.602	44.483	48.970	40.402	68.406	5.320	1.119
Oct	1304.357	1226.981	42.076	39.580	44.806	33.206	97.352	15.650	2.333
Nov	1208.534	1119.091	40.284	37.303	43.583	32.306	64.223	11.988	2.056
Dec	1221.081	1132.879	39.390	36.544	42.941	31.752	56.046	9.619	1.806
TOTAL	16,836.932	15,840.821							19.521
MIN						31.752		5.320	0.283
MAX					71.776		97.352		6.833
AVG		1,320.07	46.10	43.37					1.627

*The flow rates are moments in time, and can be affected by various circumstances, such as pump changes or valve position and therefore not unusual to have higher or lower than normal flow.

3. A comparison of actual flows to the flow rates set out in the system's approval:

Flow rates as set in:

- Drinking Water Works Permit # 007-202
- Municipal Drinking Water License # 007-102

Maximum daily flow: 145.500 ML

Maximum flow rate: 145.500 ML/day

2019	AVERAGE DAY Treated (ML)	% OF RATED CAPACITY	MAX. DAY Treated (ML)	% OF RATED CAPACITY	MAX. FLOW RATE Treated (ML/d)	% OF RATED CAPACITY
Jan	38.887	27%	45.022	31%	64.500	44%
Feb	40.435	28%	45.482	31%	58.134	40%
Mar	41.224	28%	45.828	32%	85.608	59%
Apr	41.161	28%	46.912	32%	65.802	45%
May	42.025	29%	47.581	33%	61.006	42%
Jun	46.734	32%	58.347	40%	85.138	59%
Jul	58.214	40%	71.776	49%	94.300	65%
Aug	53.791	37%	63.003	43%	79.931	55%
Sep	44.483	31%	48.970	34%	68.406	47%
Oct	39.580	27%	44.806	31%	97.352	67%
Nov	37.303	26%	43.583	30%	64.223	44%
Dec	36.544	25%	42.941	30%	56.046	39%



REGIONAL MUNICIPALITY OF NIAGARA
Public Works Department
Water & Wastewater Services Division

ROSEHILL WATER TREATMENT PLANT

ANNUAL SUMMARY REPORT

(Prepared under Ontario Regulation 170/03)

January 1 to December 31, 2019

Ministry of the Environment, Conservation and Parks

Drinking Water Works Permit # 007-203
Municipal Drinking Water License # 007-103

1. Failure to meet with the requirements of the Act, the regulation, the system's approval:

The Rosehill Water Treatment Plant was operated in such a way that at no time did it fail to meet or exceed the requirements of the Safe Drinking Water Act, associated regulations, the system's approval or any order that may have been issued for this reporting period.

2. A summary of flows for the reporting period January 1, 2019 – December 31, 2019:

2019	TOTAL FLOW Raw (ML)	TOTAL FLOW Treated (ML)	AVERAGE DAY Raw (ML)	AVERAGE DAY Treated (ML)	MAX DAY Treated (ML)	MIN. DAY Treated (ML)	MAX. FLOW RATE Treated (ML/d)	MIN. FLOW RATE Treated (ML/d)	WASTE SLUDGE (ML)
Jan	396.374	365.684	12.786	11.796	12.725	11.129	17.145	4.154	17.485
Feb	371.194	332.694	13.257	11.882	17.177	11.457	14.642	10.890	16.564
Mar	381.340	353.816	12.301	11.413	12.947	10.001	16.922	3.532	16.064
Apr	338.395	310.125	11.280	10.338	11.297	9.529	25.977	1.594	15.052
May	373.221	323.061	12.039	10.421	12.103	9.116	14.425	3.362	9.845
Jun	402.511	351.593	13.417	11.720	13.755	10.047	25.402	2.193	15.843
Jul	483.770	422.350	15.605	13.624	16.060	10.893	26.693	2.364	18.377
Aug	469.922	415.781	15.159	13.412	16.192	11.428	24.885	6.228	15.278
Sep	380.508	334.449	12.684	11.148	12.750	9.800	21.667	3.843	19.523
Oct	346.349	301.572	11.173	9.728	10.771	8.828	40.949	1.479	18.650
Nov	331.961	285.102	11.065	9.503	11.567	8.804	25.569	1.460	15.747
Dec	338.996	287.254	10.935	9.266	10.180	8.547	17.980	1.143	23.433
TOTAL	4,614.541	4,083.481							201.861
MIN						8.547		1.143	9.845
MAX					17.177		40.949		23.433
AVG			12.642	11.188					16.822

*The flow rates are moments in time, and can be affected by various circumstances, such as pump changes or valve position and therefore not unusual to have higher or lower than normal flows

3. A comparison of actual flows to that of the flow rates set out in the system's approval:

Flow rates as set in:

- Drinking Water Works Permit # 007-203
- Municipal Drinking Water License # 007-103

Maximum daily flow: 50.000 ML
Maximum flow rate: 50.000 ML/day

2019	AVERAGE DAY Treated (ML)	% OF RATED CAPACITY	MAX. DAY Treated (ML)	% OF RATED CAPACITY	MAX. FLOW RATE Treated (ML/d)	% OF RATED CAPACITY
Jan	11.796	24%	12.725	25%	17.145	34%
Feb	11.882	24%	17.177	34%	14.642	29%
Mar	11.413	23%	12.947	26%	16.922	34%
Apr	10.338	21%	11.297	23%	25.977	52%
May	10.421	21%	12.103	24%	14.425	29%
Jun	11.720	23%	13.755	28%	25.402	51%
Jul	13.624	27%	16.060	32%	26.693	53%
Aug	13.412	27%	16.192	32%	24.885	50%
Sep	11.148	22%	12.750	26%	21.667	43%
Oct	9.728	19%	10.771	22%	40.949	82%
Nov	9.503	19%	11.567	23%	25.569	51%
Dec	9.266	19%	10.180	20%	17.980	36%



REGIONAL MUNICIPALITY OF NIAGARA
Public Works Department
Water & Wastewater Services Division

PORT COLBORNE WATER TREATMENT PLANT

ANNUAL SUMMARY REPORT

(Prepared under Ontario Regulation 170/03)

January 1 to December 31, 2019

Ministry of the Environment, Conservation and Parks

Municipal Drinking Water License # 007-102

Drinking Water Works Permit # 007-202

1. Failure to meet with the requirements of the Act, the regulation, the system's approval:

The Port Colborne Water Treatment Plant was operated in such a way that at no time did it fail to meet or exceed the requirements of the Safe Drinking Water Act, associated regulations, the system's approval or any order that may have been issued for this reporting period.

2. A summary of flows for the reporting period January 1, 2019 – December 31, 2019:

2019	TOTAL FLOW Raw (ML)	TOTAL FLOW Treated (ML)	AVERAGE DAY Raw (ML)	AVERAGE DAY Treated (ML)	MAX. DAY Treated (ML)	MIN. DAY Treated (ML)	MAX. FLOW RATE Treated (ML/d)	MIN. FLOW RATE Treated (ML/d)	WASTE SLUDGE (ML)
Jan	256.970	245.010	8.289	7.904	8.790	6.090	17.518	3.282	1.551
Feb	240.000	232.250	8.571	8.295	12.390	6.720	15.487	4.390	1.470
Mar	259.330	249.370	8.365	8.044	9.170	6.700	17.262	4.256	1.660
Apr	242.670	232.550	8.089	7.752	10.340	6.310	38.226**	2.892	1.507
May	232.410	222.120	7.497	7.165	8.420	5.030	16.267	4.390	1.736
Jun	220.650	215.920	7.355	7.197	8.460	5.230	12.759	4.349	2.025
Jul	236.980	235.350	7.645	7.592	10.530	5.047	16.749	3.651	2.010
Aug	221.870	221.410	7.157	7.142	8.420	5.290	16.903	2.456	1.834
Sep	200.450	198.200	6.682	6.607	7.960	4.780	15.415	3.990	1.773
Oct	197.230	194.050	6.362	6.260	7.500	4.560	27.202	3.836	1.975
Nov	199.930	194.460	6.664	6.482	7.810	4.940	16.308	2.061	2.051
Dec	220.430	215.350	7.111	6.947	8.420	5.090	13.477	3.713	1.777
TOTAL	2728.920	2656.040							21.369
MIN						4.560		2.061	1.470
MAX					12.390		38.226		2.051
AVG			7.482	7.282					1.781

*The flow rates are moments in time, and can be affected by various circumstances, such as pump changes or valve position and therefore not unusual to have higher or lower than normal flow.

**A temporary exceedance of the rated capacity or maximum flow rate are permitted for the purposes of fire protection and system maintenance activities.

3. A comparison of actual flows to that of the flow rates set out in the system's approval:

Flow rates as set in:

- Drinking Water Works Permit # 007-201
- Municipal Drinking Water License # 007-101

Maximum daily flow 36.000 ML

Maximum flow rate 36.000 ML/day

2019	AVERAGE DAY Treated (ML)	% OF RATED CAPACITY	MAX. DAY Treated (ML)	% OF RATED CAPACITY	MAX. FLOW RATE Treated (ML/d)	% OF RATED CAPACITY
Jan	7.904	22.0%	8.79	24.4%	17.518	48.7%
Feb	8.295	23.0%	12.39	34.4%	15.487	43.0%
Mar	8.044	22.3%	9.17	25.5%	17.262	48.0%
Apr	7.752	21.5%	10.34	28.7%	38.226*	106.2%*
May	7.165	19.9%	8.42	23.4%	16.267	45.2%
Jun	7.197	20.0%	8.46	23.5%	12.759	35.4%
Jul	7.592	21.1%	10.53	29.3%	16.749	46.5%
Aug	7.142	19.8%	8.42	23.4%	16.903	47.0%
Sep	6.607	18.4%	7.96	22.1%	15.415	42.8%
Oct	6.260	17.4%	7.5	20.8%	27.202	75.6%
Nov	6.482	18.0%	7.81	21.7%	16.308	45.3%
Dec	6.947	19.3%	8.42	23.4%	13.477	37.4%

*A temporary exceedance of the rated capacity or maximum flow rate are permitted for the purposes of fire protection and system maintenance activities.



REGIONAL MUNICIPALITY OF NIAGARA
Public Works Department
Water & Wastewater Services Division

GRIMSBY WATER TREATMENT PLANT

ANNUAL SUMMARY REPORT

(Prepared under Ontario Regulation 170/03)

January 1 to December 31, 2019

Ministry of the Environment, Conservation and Parks

Municipal Drinking Water License # 007-105
Drinking Water Works Permit # 007-205

1. Failure to meet with the requirements of the Act, the regulation, the system's approval:

The Grimsby Water Treatment Plant was found to be in non-compliance with regulations and/or system Licence, as follows:

Inspection Rating	98.34%
Non-Compliance	Niagara Region was found to be in non-compliance with subsection 6-1.1 (1) of Schedule 6 of O. Reg. 170/03 which specifies that weekly samples are to be taken 5 to 10 days apart.
Event Details	Section 4.0 of schedule C of the Municipal Drinking Water Licence requires weekly sampling of treated process waste water for free chlorine residuals prior to discharge to the environment. Sampling was conducted on a weekly basis during the inspection period except between January 9 and January 21, 2019 where the tests were performed 12 days apart.
Corrective Actions	Internal operating procedures will be updated to ensure all sampling requirements are captured. In addition, affected staff are required to complete introductory quality and compliance training within six months of arrival and once every three years thereafter.

2. A summary of flows for the reporting period January 1, 2019 – December 31, 2019:

2019	TOTAL FLOW	TOTAL FLOW	AVERAGE DAY	AVERAGE DAY	MAX. DAY	MIN. DAY	MAX. FLOW RATE	MIN. FLOW RATE	WASTE SLUDGE
	Raw (ML)	Treated (ML)	Raw (ML)	Treated (ML)	Treated (ML)	Treated (ML)	Treated (ML/D)	Treated (ML/D)	(ML)
Jan	404.671	404.464	13.054	13.232	20.014	11.027	15.656	13.597	0.650
Feb	360.032	360.057	12.858	12.859	13.675	11.572	17.109	7.749	0.650
Mar	400.309	399.968	12.913	12.902	14.086	11.892	18.958	7.209	0.694
Apr	383.980	382.635	12.799	12.755	14.655	11.393	18.045	7.010	0.780
May	428.875	422.888	13.835	13.642	15.650	11.456	18.546	8.684	1.951
Jun	460.855	457.213	15.362	15.240	18.333	12.079	21.935	2.472	0.694
Jul	550.331	554.625	17.753	17.891	20.744	15.408	25.175	7.348	0.939
Aug	471.050	491.739	15.195	15.863	19.098	13.009	23.062	9.300	0.911
Sep	409.215	433.978	13.641	14.466	16.323	12.405	19.230	9.429	0.911
Oct	382.356	410.761	12.334	13.250	14.926	12.199	18.051	3.525	2.255
Nov	352.285	392.247	11.743	13.075	14.125	11.903	17.453	8.155	0.477
Dec	357.343	401.711	11.527	12.958	13.959	11.164	17.761	6.985	0.650
TOTAL	4961.302	5112.286							11.562
MIN						11.027		2.472	0.477
MAX					20.744		73.432		2.255
AVG			13.584	14.011					0.963

* The flow rates are moments in time, and can be affected by various circumstances, such as pump changes or valve position and therefore not unusual to have higher or lower than normal flows.

3. A comparison of actual flows to that of the flow rates set out in the system's approval:

Flow rates as set in:

- Municipal Drinking Water License # 007-105
- Drinking Water Works Permit # 007-205

Maximum daily flow: 44.000 ML

Maximum flow rate: 44.000 ML/day

2019	AVERAGE DAY Treated (ML)	% OF RATED CAPACITY	MAX. DAY Treated (ML)	% OF RATED CAPACITY	MAX. FLOW RATE Treated (ML/d)	% OF RATED CAPACITY
Jan	13.232	30.1%	20.014	45.5%	15.656	35.6%
Feb	12.859	29.2%	13.675	31.1%	17.109	38.9%
Mar	12.902	29.3%	14.086	32.0%	18.958	43.1%
Apr	12.755	29.0%	14.655	33.3%	18.045	41.0%
May	13.642	31.0%	15.65	35.6%	18.546	42.2%
Jun	15.240	34.6%	18.333	41.7%	21.935	49.9%
Jul	17.891	40.7%	20.744	47.1%	25.175	57.2%
Aug	15.863	36.1%	19.098	43.4%	23.062	52.4%
Sep	14.466	32.9%	16.323	37.1%	19.23	43.7%
Oct	13.250	30.1%	14.926	33.9%	18.051	41.0%
Nov	13.075	29.7%	14.125	32.1%	17.453	39.7%
Dec	12.958	29.5%	13.959	31.7%	17.761	40.4%



REGIONAL MUNICIPALITY OF NIAGARA
Public Works Department
Water & Wastewater Services Division

WELLAND WATER TREATMENT PLANT

ANNUAL SUMMARY REPORT

(Prepared under Ontario Regulation 170/03)

January 1 to December 31, 2019

Ministry of the Environment, Conservation and Parks

Drinking Water Works Permit # 007-204
Municipal Drinking Water License # 007-104

1. Failure to meet with the requirements of the Act, the regulation, the system's approval:

The Welland Water Treatment Plant was found to be in non-compliance with regulations and/or system Licence, as follows:

Inspection Rating	95.88%
Non-Compliance	Niagara Region was found to be in non-compliance with section 16-6 of schedule 16 of O. Reg. 170/03 which requires immediate notification of adverse water quality incidents to the Medical Officer of Health and the Spills Action Centre.
Event Details	On August 3, 2018, following non-invasive maintenance work within the Bemis Elevated Tank, a two-phase tank disinfection process was initiated in accordance with the Drinking Water Works Permit. Upon completion of the first phase of disinfection, the tank was filled with treated water in order to meet water retention requirements for phase two. During the second phase, a watermain break caused a decrease in system pressure resulting in a release of approximately 0.193 ML of improperly disinfected water to the distribution system. Following the release, sampling results from Niagara Region and the City of Welland were negative for bacteriological parameters, meeting provincial requirements. The event was not reported to the Medical Officer of Health or the Spills Action Centre. Upon internal review, incident details were provided to Public Health and the Ministry of Environment, Conservation and Parks for review. Public Health was satisfied that the drinking water remained safe during and after the incident. On November 29, 2018, Niagara Region reported to the Spills Action Centre that, on August 3, 2018, a release of approximately 0.193 ML of improperly disinfected water occurred at the Bemis Elevated Tank while the Region was performing the disinfection of the tank.
Corrective Actions	Details of the incident, internal procedures, the disinfection requirements of the Drinking Water Works Permit, and reporting requirements from Section 16-4 were reviewed with pertinent staff. In addition, affected staff are required to complete manager quality and compliance training within six months of arrival and once every three years thereafter.

2. A summary of flows for the reporting period January 1, 2019 – December 31, 2019:

2019	TOTAL FLOW Raw (ML)	TOTAL FLOW Treated (ML)	AVERAGE DAY Raw (ML)	AVERAGE DAY Treated (ML)	MAX. DAY Treated (ML)	MIN. DAY Treated (ML)	MAX. FLOW RATE Treated (ML/d)	MIN. FLOW RATE Treated (ML/d)	WASTE SLUDGE (ML)
Jan	663.870	650.530	21.415	21.016	23.954	18.654	41.500	25.644	22.975
Feb	614.750	597.235	21.955	21.363	25.025	18.460	42.794	19.525	27.640
Mar	679.410	667.126	21.916	21.551	25.162	19.000	42.431	20.109	22.781
Apr	640.200	627.266	21.340	20.941	23.448	19.444	42.562	20.062	23.395
May	694.010	669.421	22.387	21.634	24.422	17.556	47.666	23.688	34.338
Jun	713.800	691.059	23.793	23.076	26.331	19.380	43.312	22.341	39.256
Jul	858.750	835.247	27.702	26.987	31.300	22.168	43.744	14.969	40.244
Aug	796.380	787.374	25.690	25.441	28.782	21.886	46.612	14.413	26.939
Sep	703.560	690.526	23.452	23.053	28.480	18.718	46.594	6.095	29.116
Oct	707.110	677.685	22.810	21.888	32.400	12.760	42.031	24.731	18.706
Nov	727.160	649.755	24.239	21.681	24.680	19.806	42.725	6.456	18.796
Dec	713.820	691.082	23.026	22.317	25.614	19.888	42.956	18.276	33.557
TOTAL	8512.820	8234.307							304.186
MIN						12.760		6.095	18.706
MAX					32.400		47.666		304.186
AVG			23.311	22.579					25.349

*The flow rates are moments in time, and can be affected by various circumstances, such as pump changes or valve position and therefore not unusual to have higher or lower than normal flow.

3. A comparison of actual flows to that of the flow rates set out in the system's approval:

Flow rates as set in:

- Drinking Water Works Permit # 007-204
- Municipal Drinking Water License # 007-104

Maximum daily flow 65.000 ML
Maximum flow rate 65.000 ML/day

2019	AVERAGE DAY Treated (ML)	% OF RATED CAPACITY	MAX. DAY Treated (ML)	% OF RATED CAPACITY	MAX. FLOW RATE Treated (ML/d)	% OF RATED CAPACITY
Jan	21.016	32.3%	23.954	36.9%	41.5	63.8%
Feb	21.363	32.9%	25.025	38.5%	42.794	65.8%
Mar	21.551	33.2%	25.162	38.7%	42.431	65.3%
Apr	20.941	32.2%	23.448	36.1%	42.562	65.5%
May	21.634	33.3%	24.422	37.6%	47.666	73.3%
Jun	23.076	35.5%	26.331	40.5%	43.312	66.6%
Jul	26.987	41.5%	31.3	48.2%	43.744	67.3%
Aug	25.441	39.1%	28.782	44.3%	46.612	71.7%
Sep	23.053	35.5%	28.48	43.8%	46.594	71.7%
Oct	21.888	33.7%	32.4	49.8%	42.031	64.7%
Nov	21.681	33.4%	24.68	38.0%	42.725	65.7%
Dec	22.317	34.3%	25.614	39.4%	42.956	66.1%

MEMORANDUM

PWC-C 8-2020

**Subject: Status Update – Water and Wastewater Quality Management System
Internal Audit Findings**

Date: March 10, 2020

To: Public Works Committee

From: Rachel Whyte, Water-Wastewater Quality Management Specialist

Purpose

This memorandum has been prepared in response to the following Councillor Information Request made at Public Works Committee held on December 3, 2019:

Provide information respecting any action taken on the areas of non-conformance to the Public Works Committee at its meeting on March 10, 2020. Councillor Gale.

The memorandum provides an update on the status of corrective actions, preventive actions, best management practices, and opportunities for improvement generated during the 2019 Water and Wastewater Quality Management System (QMS) internal audits.

The internal audit reports were previously provided to Public Works Committee as appendices to Report PW 67-2019.

Background and Context

The Water-Wastewater (W-WW) Services Division conducts annual internal audits of the Water and Wastewater QMS to assess conformance of business processes with Ontario's *Drinking Water Quality Management Standard* and associated documented procedures. Thorough and robust audits are undertaken with the goal of continually improving and refining the quality management systems that are currently in place.

Audit findings can be classified as follows:

- **Conformance:** Implemented processes conform to documented procedures.
- **Non-conformance:** There are gaps in conformance between documented procedures and implemented processes.
- **Areas where improvement is possible (i.e., potential non-conformances, opportunities for improvement, best management practices):** Implemented

processes conform to documented procedures, but there are opportunities to refine or augment existing processes.

Findings – 2019 Water QMS Internal Audit

Table 1 below provides an overview of the status of internal audit findings.

Table 1: Status of Findings – 2019 Water QMS Internal Audit

Finding Type	Total Number Issued	Status		
		Not Initiated	In Progress	Closed
Non-conformance	12	2	3	7
Potential non-conformance	7	1	3	3
Best management practice	22	6	4	12
TOTAL	41	9	10	22
		22%	24%	54%

Table 2 (next page) provides details of individual findings.

Table 2: Detailed Internal Audit Findings – 2019 Water QMS Internal Audit

QMS Element	Finding Type	Details	Status (at Feb 14, 2020)	Finding ID
Document and Records Control	Non-Conformance	<i>Document and Records Control (QMS-WT-ALL-P-050, rev7, 8Feb2017)</i> states that “controlled printed documents that are obsolete are removed from use and replaced with the current printed version”. Several emergency response documents were found to be out of date in controlled hard-copy Emergency Response Plan binders distributed to staff.	In progress. Documents updated. Spot audits planned to ensure that information in printed manuals stays current.	WTCAR-19-001
Document and Records Control	Non-Conformance	<i>Water and Wastewater Emergency Response Plan (ERP-ALL-ALL-P-001, rev 1, 27Jan2017)</i> states “Emergency Response Plan procedures and supporting documents, forms and contact list are updated on an as-needed basis”. The document header in each of the emergency response procedures indicates “to be reviewed annually (reprinted if necessary). No evidence found of documents being reviewed annually.	Closed. Issue has been addressed.	WTCAR-19-002

QMS Element	Finding Type	Details	Status (at Feb 14, 2020)	Finding ID
Document and Records Control	Potential Non-Conformance	Checked <i>Sampling, Testing, and Monitoring Activities – DeCew Falls WTP (QMS-WT-DF-T-160)</i> and followed the links to the standards. Quality target link for sodium has a broken link. Various broken links to external and internal documents.	In progress. Schedule being developed to review and update all sampling, testing, and monitoring tables.	2019-001-Audit Internal
Document and Records Control	Best Management Practice	Completed emergency & debrief reports are stored as records in the division's management system software. Some staff interviewed are not aware on how to access these records. Suggest making these documents easier to find.	Not initiated. W-WW Quality Management Specialist to establish a shared space on the W-WW Division's intranet page where these reports can be posted.	2019-002-Audit Internal
Document and Records Control	Best Management Practice	It may be beneficial to update chain of custody forms used for sample submission to the Niagara Region Environmental Laboratory, and to consider bringing these forms into the document control program.	Not initiated. Administrative exercise; to be addressed by April 30.	2019-003-Audit Internal
Risk Assessment	Best Management Practice	Staff interviewed recommend that Tech. Trades be invited to participate in risk assessments. <i>Risk Assessment (QMS-WT-ALL-P-070, rev. 8)</i> does not list representation by the group as mandatory.	Closed. Procedure has been revised to reflect optional participation by Technical Trades.	2019-004-Audit Internal

QMS Element	Finding Type	Details	Status (at Feb 14, 2020)	Finding ID
Competencies	Non-Conformance	<i>Competencies Table (QMS-WT-ALL-T-100, rev7, 26Jul2018)</i> identifies the Water QMS training course ("This is How We Do It") as mandatory training. A summary of training records obtained from myLearning showed that not all staff have completed this course in the specified time frame.	Closed. This finding has been consolidated with a similar finding from a previous internal audit (WTCAR-18-002). A project is in progress to update and refresh the mandatory training course; completion will be assessed following implementation of the new training materials.	WTCAR-19-003
Competencies	Non-Conformance	<i>Water and Wastewater Emergency Response Plan (ERP-ALL-ALL-P-001, rev 1, 27Jan2017)</i> specifies that new staff are introduced to the Emergency Response Plan through Water and Wastewater New Employee Orientation and quality management e-learning modules. No evidence found that this is being done.	Closed. Issue is resolved.	WTCAR-19-004
Competencies	Non-Conformance	Training records for several auditees who have transferred to W-WW from other divisions within Niagara Region indicate that these staff have not completed W-WW Orientation. These staff were not aware of the mandatory training requirement.	Not initiated. Training to be scheduled for staff as required.	WTCAR-19-005

QMS Element	Finding Type	Details	Status (at Feb 14, 2020)	Finding ID
Competencies	Potential Non-Conformance	The Winter-Spring 2019 edition of the W-WW Learning Calendar identifies the “CMMS/EAM for Operations” course as mandatory training, however, this is not reflected in the <i>Competencies Table</i> (QMS-WT-ALL-T-100, rev7, 26Jul2018). As an opportunity for improvement, some staff interviewed recommended that maintenance management software training be provided annually for Operations and be centered around a particular issue or topic each year.	In progress. <i>Competencies Table</i> is under review and will be completed by end of Q1.	2019-005-Audit Internal
Competencies	Best Management Practice	It may be beneficial to develop training and on-boarding plans for Water Operations & Maintenance staff, and to standardize training for lab testing and plant operation. An informal operator training checklist is used in Area 2; however, the checklist has not been formally adopted in all areas.	Closed. This is related to an existing open finding from a previous internal audit (2016-004-Audit Internal). The findings have been consolidated.	2019-006-Audit Internal
Competencies	Best Management Practice	Staff interviewed recommended that Emergency Response Plan training be included in block safety training.	Closed. Emergency response training addressed elsewhere. No action taken.	2019-007-Audit Internal

QMS Element	Finding Type	Details	Status (at Feb 14, 2020)	Finding ID
Competencies	Best Management Practice	Top management interviewed recommended that self-service reports be developed and made available via myLearning to summarize conformance with mandatory training.	Closed. Issue has been addressed.	2019-008-Audit Internal
Competencies	Best Management Practice	Consider providing formal sampling training as mandatory training for the samplers/operators. It may also be beneficial to standardize training for lab testing and plant operation. An informal operator training checklist is used in Area 2; however, the checklist has not been formally approved and adopted by all areas.	Closed. This is related to an existing open finding from a previous internal audit (2016-004-Audit Internal). The findings have been consolidated.	2019-009-Audit Internal
Personnel Coverage	Best Management Practice	Managers interviewed recommended that additional resources be provided in order to maintain current maintenance service levels, grow existing maintenance programs, and assist with capital programs and planning.	Closed. Resource requirements are reviewed during annual budget activities.	2019-010-Audit Internal
Communications	Best Management Practice	There is an opportunity for Top Management to engage and communicate more directly with front-line staff to build relationships and name recognition.	In progress. This will be addressed as part of employee engagement action planning.	2019-011-Audit Internal

QMS Element	Finding Type	Details	Status (at Feb 14, 2020)	Finding ID
Infrastructure Maintenance, Rehabilitation, and Renewal	Non-Conformance	Preventive maintenance schedule creation is outstanding for assets in the Welland drinking water system following completion of the Phase 1 upgrade.	In progress. Preventive maintenance schedules will be created by end of February 2020. W-WW Engineering is reviewing specifications to clarify contractor responsibility for preventive maintenance schedule creation.	WTCAR-19-006
Infrastructure Maintenance, Rehabilitation, and Renewal	Best Management Practice	It is recommended that the <i>Preventive Maintenance Program Optimization</i> work plan (as proposed to the Divisional Leadership Team in 2017) be implemented and a champion be assigned to carry it forward.	Closed. The W-WW Asset Management Group is developing an asset management plan that will include review and optimization of preventive maintenance activities.	2019-012-Audit Internal
Infrastructure Maintenance, Rehabilitation, and Renewal	Best Management Practice	There is an opportunity for Water Operations to improve record-keeping by assigning preventive maintenance schedule work orders to Operators and having Operators comment directly on work order findings.	Not initiated. This process will be reviewed in Q1 2020.	2019-013-Audit Internal

QMS Element	Finding Type	Details	Status (at Feb 14, 2020)	Finding ID
Infrastructure Maintenance, Rehabilitation, and Renewal	Best Management Practice	There is an opportunity to better define and divide workload between Water Maintenance staff. In some instances, all preventive maintenance schedules are assigned to a System Maintenance Person in the area and not directly assigned to the System Maintenance Assistants.	Not initiated. This process will be reviewed in Q2 2020.	2019-014-Audit Internal
Infrastructure Maintenance, Rehabilitation, and Renewal	Potential Non-Conformance	There may be an opportunity to confirm and document the process for establishing maintenance programs for new assets. There seems to be confusion surrounding the roles and responsibilities of various groups involved in this process (System Maintenance, Group EAM, Engineering, and consultants/ contractors).	Closed. The W-WW Asset Management Group is developing an asset management plan that will include review and optimization of preventive maintenance activities; this finding has been noted as an input to plan development.	2019-015-Audit Internal

QMS Element	Finding Type	Details	Status (at Feb 14, 2020)	Finding ID
Infrastructure Maintenance, Rehabilitation, and Renewal	Potential Non-Conformance	There may be an opportunity to examine the process for work order closure. Staff can only mark a work order as "entire job complete ", regardless of whether or not the preventive maintenance work was done; they must add notes to the work order to indicate whether the work was actually completed. There is a potential for managers to overlook the incomplete status of a work order if they miss the notes in the comments field.	Closed. The W-WW Asset Management Group is developing an asset management plan that will include review and optimization of work order processes; this finding has been noted as an input to plan development.	2019-016-Audit Internal
Infrastructure Maintenance, Rehabilitation, and Renewal	Best Management Practice	It may be beneficial to include the preventive maintenance schedule revision process in a documented and controlled SOP. May consider updating <i>Maintenance (QMS-WT-ALL-P-150, rev5)</i> to include this information.	Closed. The W-WW Asset Management Group is developing an asset management plan that will include review and optimization of preventive maintenance activities; this finding has been noted as an input to plan development.	2019-017-Audit Internal
Infrastructure Maintenance, Rehabilitation, and Renewal	Best Management Practice	Staff interviewed recommend that key performance indicators for maintenance need to be reviewed. Current work order aging report may not be the best measure.	In progress. Selected key performance indicators have been reviewed in recent months; others are pending review.	2019-018-Audit Internal

QMS Element	Finding Type	Details	Status (at Feb 14, 2020)	Finding ID
Sampling, Testing, and Monitoring	Non-Conformance	The auditee in Area 2 water stated that instrument manuals are used as instructions for testing, however, the auditee could not provide the manuals for review.	Closed. Issue has been addressed.	WTCAR-19-007
Sampling, Testing, and Monitoring	Potential Non-Conformance	<i>Sampling, Testing, and Monitoring Activities – DeCew Falls WTP (QMS-WT-DF-T-160)</i> was reviewed and limits/targets compared to those on the log sheets and SCADA alarms. Differences were noted between the settled water limits/targets identified in each source.	Closed. Merged with another related finding (2019-001-Audit Internal).	2019-019-Audit Internal
Sampling, Testing, and Monitoring	Potential Non-Conformance	Sampling bottles received not always matching Chain Of Custody provided by Testmark.	Not initiated.	2019-020-Audit Internal
Emergency Management	Non-Conformance	Reviewed debrief report for watermain break at intersection of Drummond and Gallinger (December 2017). Action items were not assigned in the division's management system software as per <i>Post-Event Debriefing (ADM-ALL-ALL-P-009, rev2, 11Jul2017)</i> .	Not initiated.	WTCAR-19-008

QMS Element	Finding Type	Details	Status (at Feb 14, 2020)	Finding ID
Emergency Management	Non-Conformance	Auditors looked at the list of spill kits noted in the Welland WTP monthly PM (PM10496 - RT900385): it notes a total of seven spill kits, including three kits in trucks. The auditees noted that they have not inspected kits in trucks. Auditees responsible for completing spill kit inspection PMs were not aware that spill kits in trucks needed to be inspected. None of the noted trucks are still assigned to Welland Water Treatment Plant. Area 1 Maintenance vehicles have spill kits, and staff interviewed indicated that they do check these; however, no evidence of these inspections was provided.	In progress. The spill kit inventory at Welland Water Treatment Plant has been confirmed. The inspection process needs to be refined.	WTCAR-19-009
Emergency Management	Potential Non-Conformance	Follow-up items from the Port Colborne Water Treatment Plant break-in were identified in the debrief record and uploaded to EtQ. Auditors reviewed action items and noted that numerous security-related action items remain outstanding after the security incident at the plant two years ago (Apr 2017).	In progress. Many of the action items have been addressed; some longer-term items remain outstanding. One remaining action item requires significant funding and will be included in a future capital project.	2019-021-Audit Internal

QMS Element	Finding Type	Details	Status (at Feb 14, 2020)	Finding ID
Emergency Management	Best Management Practice	Staff interviewed recommend that the Associate Directors be responsible for assigning action items related to emergency debriefs.	Closed. No action required. Associate Directors have reaffirmed delegation of this authority.	2019-022-Audit Internal
Emergency Management	Best Management Practice	It may be beneficial to more clearly define responsibilities for keeping printed emergency response manuals up to date, and to standardize the responsibilities across all work areas.	In progress. Direction received from Associate Directors that Plant Clerks/Administrative Assistants will be assigned this responsibility; relevant procedure to be updated accordingly.	2019-023-Audit Internal
Emergency Management	Best Management Practice	It is recommended that maintenance staff no longer be required to maintain hard copies of the Emergency Response Plan binder. Several maintenance staff stated that they do not use the binder, as they are taking direction from the manager on site. Furthermore, the Emergency Response Plans are high-level and are geared more toward communication, notification, reporting, sampling, supply/service procurement, etc., which are generally responsibilities of the Incident Manager, not front-line staff.	Closed. Issue has been addressed.	2019-024-Audit Internal

QMS Element	Finding Type	Details	Status (at Feb 14, 2020)	Finding ID
Emergency Management	Best Management Practice	It may be beneficial to procure an X2 tablet computer (like those the managers use) for each of the on-call maintenance staff. For maintenance staff who are expected to respond to emergencies, access to various software programs, etc. is necessary, and network connectivity is greatly simplified with the X2 tablet in comparison to the iPad.	In progress. Assessing cost vs. benefit.	2019-025-Audit Internal
Emergency Management	Best Management Practice	It may be beneficial for managers to take some sort of threat management training.	Closed. Training is under development and is scheduled in the W-WW Learning Calendar.	2019-026-Audit Internal
Internal Audit	Non-Conformance	Section 5.6.1 of <i>Internal Auditing (QMS-WT-ALL-P-190, rev7, 26Jul2018)</i> states that internal auditors submit their checklists within 10 working days of completion of the audit. At least one internal auditor submitted checklists on 11Apr, significantly later than the specified 10-day timeline.	Closed. Issue has been addressed.	WTCAR-19-010

QMS Element	Finding Type	Details	Status (at Feb 14, 2020)	Finding ID
Internal Audit	Best Management Practice	A list of trained internal auditors is maintained in myLearning, but the list does not account for auditor experience and frequency of skill use. It may be beneficial to require trained auditors to audit at least once in a specified time frame (e.g., 5 years) in order for them to be considered “qualified”.	Closed. No action required.	2019-027-Audit Internal
Continual Improvement	Non-Conformance	Issues were identified with <i>Corrective Action, Preventive Action, and Best Practices (QMS-WT-ALL-P-210, rev7, 27Jul2018)</i> . Section 5.1.3 specifies that approved best practices are to be entered into EtQ’s “Corrective Action” module, however, best practices stemming from inspections are currently tracked in the “Compliance Obligations” module. Also, Section 5.3 refers to “opportunities for improvement”, while the “Corrective Action” module of the EtQ database uses the terminology “preventive action” and “best practices”, not “opportunities for improvement”.	Closed. Issue has been addressed.	WTCAR-19-011

QMS Element	Finding Type	Details	Status (at Feb 14, 2020)	Finding ID
Continual Improvement	Non-Conformance	Section 5.2.3 of <i>Corrective Action, Preventive Action, and Best Practices (QMS-WT-ALL-P-210, rev7, 27Jul2018)</i> indicates that the QMS Rep works with the Lead Auditor and/or Top Management to identify process owners and assign corrective actions. Most internal audit findings from the 2018 internal audit remain at the “Investigation/ Root Cause” phase and have not been assigned to process owners.	Closed. Issue is resolved.	WTCAR-19-012
Continual Improvement	Best Management Practice	Staff interviewed recommend that a process for prioritizing opportunities for improvement be developed and implemented.	Not initiated. To be considered at next procedure review.	2019-028-Audit Internal
Continual Improvement	Best Management Practice	During internal audits, internal auditors often identify best practices for evaluation. It is recommended that internal audits be included in the SOP as a source of best practices.	Not initiated. To be considered at next procedure review.	2019-029-Audit Internal

Findings – 2019 Wastewater QMS Audit

Table 3 below provides an overview of the status of internal audit findings.

Table 3: Status of Findings – 2019 Wastewater QMS Internal Audit

Finding Type	Total Number Issued	Status		
		Not Initiated	In Progress	Closed
Non-conformance	23	2	8	13
Opportunity for improvement	29	11	6	12
TOTAL	52	13	14	25
		25%	27%	48%

Table 4 provides details of individual findings.

Table 4: Detailed Internal Audit Findings – 2019 Wastewater QMS Internal Audit

QMS Element	Finding Type	Details	Status (at Feb 14, 2020)	Finding ID
QMS Representative	Opportunity for Improvement	Legislative changes are communicated by email and within procedures, but no formal procedure exists to document the communication process. Consider documenting the process as a controlled procedure.	Closed. “Wastewater Regulatory Updates” procedure has been developed and is awaiting final approval.	2019-030-Audit Internal
Document and Records Control	Non-conformance	<i>Document and Records Control (QMS-WW-ALL-P-050, rev1, 30Sep2019)</i> identifies Operator certifications as controlled records and specifies that they are to be posted at “respective wastewater treatment plants”. Auditors observed gaps in posted certificates at Area 2 facilities.	Closed. Issue has been addressed.	WWCAR-19-001
Document and Records Control	Non-conformance	<i>Document Control (QMS-WW-ALL-P-050, rev1, 30Sep2019)</i> specifies that only current documentation should be available for use. There were several outdated documents found at the Baker Road treatment plant, including several contact lists and pump station sheets.	Closed. Not deemed to be a non-conformance. Contact lists are not problematic unless they are contradictory; pump station sheets fall outside the scope of the QMS.	WWCAR-19-002

QMS Element	Finding Type	Details	Status (at Feb 14, 2020)	Finding ID
Document and Records Control	Non-conformance	<i>Document Control (QMS-WW-ALL-P-050, rev1, 30Sep2019)</i> specifies that only current documentation should be available for use. There were several outdated documents found at the Welland and Seaway wastewater treatment plants.	In progress. Outdated documents were removed at time of audit; document currency will be verified at a future audit.	WWCAR-19-003
Document and Records Control	Non-conformance	<i>Bypass, Spill, and Overflow Notification and Reporting (OP-WW-ALL-P-038, rev2, 1Mar2018)</i> outlines the processes in place for addressing, reporting, and communicating bypasses, planned and unplanned spills, and overflows. Deficiencies were identified with the documented procedure, relating primarily to spill reporting and communication.	Closed. Procedure has been updated to address identified gaps; staff training to be addressed under a separate finding (2019-040-Audit Internal).	WWCAR-19-004
Document and Records Control	Non-conformance	The requirements of <i>Clean-Up of Sewage Spills (OP-WW-ALL-P-004, rev4, 13Oct2016)</i> do not align with the requirements outlined in <i>Bypass, Spill, and Overflow Notification and Reporting (OP-WW-ALL-P-038, rev2, 1Mar2018)</i> , and in some cases are contradictory.	In progress. Procedures have been revised to ensure alignment; <i>Clean-Up of Sewage Spills</i> is awaiting final approval.	WWCAR-19-005

QMS Element	Finding Type	Details	Status (at Feb 14, 2020)	Finding ID
Document and Records Control	Non-conformance	<i>Mandatory Training (QMS-WW-ALL-100, rev0, 7Feb2014)</i> identifies the <i>Mandatory Training Table (QMS-WW-ALL-101)</i> as the document that outlines mandatory training for staff. This reference is outdated, as mandatory training requirements for staff affecting wastewater are now included within the <i>Competencies Table (QMS-ALL-ALL-T-100, rev7, 26Jul2018)</i> .	In progress. Procedure has been updated to reflect current practice and is currently being reviewed.	WWCAR-19-006
Document and Records Control	Non-conformance	<i>Essential Supplies and Services (QMS-WW-ALL-130, rev2, 2Mar2015)</i> specifies that “a list of all the essential supplies and services associated with operational functions are listed in...the <i>Essential Supplies & Services Table (QMS-WW-ALL-131)</i> ”. This reference is outdated, as the Essential Supplies and Services Table is now available as an electronic Vine page.	Closed. Procedure has been updated to reflect current practice.	WWCAR-19-007

QMS Element	Finding Type	Details	Status (at Feb 14, 2020)	Finding ID
Document and Records Control	Opportunity for Improvement	Consider removing specific details of spill reporting processes from <i>Trunk Sewer or Forcemain Break Investigation and Repair (OP-WW-ALL-P-017, rev1, 16Dec2016)</i> and instead include a reference out to <i>Bypass, Overflow and Spill Notification and Reporting (OP-WW-ALL-P-038)</i> .	In progress. Procedure is being reviewed and revised.	2019-031-Audit Internal
Document and Records Control	Opportunity for Improvement	An auditee at the Welland Wastewater Treatment Plant noted that there were staffing shortages on 8Sep2019 that required him to assume care and control of the Seaway and Crystal Beach treatment plants and operate all three plants from the Welland plant. A review of logbook entries and access control showed that the auditee does not have access to update the logbooks for Seaway and Crystal Beach. It may be beneficial to ensure that all Operators within each area have access to logbooks for the facilities over which they may be asked to assume care and control.	In progress. User permissions have been manually updated. The division is looking for ways to automate this process.	2019-032-Audit Internal

QMS Element	Finding Type	Details	Status (at Feb 14, 2020)	Finding ID
Document and Records Control	Opportunity for Improvement	An auditee at the Welland Wastewater Treatment Plant stated that details of bypass events are logged in plant logbooks (eRIS) and on the plant log sheet. Relevant information is also entered on a paper-based log titled "Welland WWTP Oct 2019". If this paper log is needed or useful to staff, it may be beneficial to add a more descriptive name to the form so that its purpose and use may be easily identified.	Not initiated. Discussion required with Area Manager to determine need for this paper record.	2019-033-Audit Internal
Document and Records Control	Opportunity for Improvement	Recommendations for improvement were received from auditees relating to controlled QMS document formatting and access, including creating a link to the Essential Supplies and Services page in a more conspicuous location on Vine; including links to relevant Environmental Compliance Approvals on area e-boards; reorganizing the "Contractors" section of the <i>Emergency Contact List (ERP-ALL-ALL-T-002, rev14, 30Sep2019)</i> to more clearly identify the types of services provided by each contractor.	Closed. Improvements have been implemented.	2019-034-Audit Internal

QMS Element	Finding Type	Details	Status (at Feb 14, 2020)	Finding ID
Document and Records Control	Opportunity for Improvement	It is recommended that Operations and Maintenance Managers be advised of where debrief records are stored, how they can be accessed, and what supporting information should be stored with the debrief record. Additionally, it is recommended that Operators be provided with access to spill reports.	Not initiated. Location to be established on Vine for sharing of this information.	2019-035-Audit Internal
Document and Records Control	Opportunity for Improvement	Consider improvements to the process for recording and accessing bypass data (e.g., dates, volumes, etc.). The data is stored in several locations, needs to be transcribed into several systems (which can lead to errors), and staff find the overall process to be confusing.	Not initiated. Longer-term project required to address this issue; priority to be established.	2019-036-Audit Internal
Document and Records Control	Opportunity for Improvement	The Asset Performance Team has several procedures in place to ensure that field work is undertaken consistently. These documents are currently uncontrolled and saved to a Regional network drive. It may be beneficial to include these procedures within the controlled document structure in the division's management system software.	Not initiated. To be discussed; priority to be established.	2019-037-Audit Internal

QMS Element	Finding Type	Details	Status (at Feb 14, 2020)	Finding ID
Risk Assessment	Opportunity for Improvement	<i>Wastewater System Risk Assessment (QMS-WW-ALL-P-070, rev2, 7Feb2019)</i> identifies that the Wastewater Compliance Technologist takes the lead in facilitating risk assessment activities. This responsibility was transferred to the W-WW Quality Management Specialist for the 2019 review. The procedure should be revised to reflect this change in process ownership.	Closed. Procedure has been revised and approved.	2019-038-Audit Internal
Organizational Structure, Roles, Responsibilities, and Authorities	Non-conformance	The <i>Wastewater QMS Operational Plan (QMS-WW-ALL-MAN-010, rev2, 28Mar2019)</i> identifies personnel filling key QMS roles, including the roles of the QMS Representative and Top Management. Numerous auditees were not able to identify the personnel in these positions. There is an opportunity to improve recognition of these key QMS roles.	Closed. Communication provided to staff to clarify role ownership.	WWCAR-19-008

QMS Element	Finding Type	Details	Status (at Feb 14, 2020)	Finding ID
Competencies	Non-conformance	The <i>Competencies Table (QMS-ALL-ALL-T-100, rev7, 26Jul2018)</i> requires that Wastewater QMS training be taken within six months of hire and once every three years on a continual basis. Across all audit areas, most auditees did not have up-to-date Wastewater QMS training.	Closed. This finding has been consolidated with a similar finding from a previous internal audit (WWCAR-17-005). A project is in progress to update and refresh the mandatory training course; completion will be assessed following implementation of the new training materials.	WWCAR-19-009
Competencies	Opportunity for Improvement	Almost all auditees brought up in discussion that onboarding is less than desirable. Procedure retrieval processes are not being captured in onboarding. Audit interviews indicate that new staff are not being introduced to and/or retaining knowledge of basic QMS concepts. New staff are not familiar with mandatory training requirements.	Closed. This finding has been consolidated with a similar finding from a previous internal audit (2016-004-Audit Internal). A project is in progress to develop more robust site-specific Operator training.	2019-039-Audit Internal

QMS Element	Finding Type	Details	Status (at Feb 14, 2020)	Finding ID
Competencies	Opportunity for Improvement	There is an opportunity to provide additional training for Operations staff on key bypass, spill, and overflow concepts, including definitions of key terms (planned/unplanned spill, planned/unplanned bypass, overflow), and the practical differences between these events; the purpose of Public Health notification in spill, bypass, and overflow events; timing of notifications to Public Health (“forthwith”); and reinforcement of reporting protocols.	In progress. Training under development; to be delivered by end of Q1 2020.	2019-040-Audit Internal
Competencies	Opportunity for Improvement	It may be beneficial to establish a routine process for the review of training records to identify outstanding staff whose mandatory training is overdue or outstanding.	Closed. Several processes exist that can be used to flag upcoming or overdue training requirements.	2019-041-Audit Internal
Personnel Coverage	Non-conformance	<i>Call-In and Overtime Management (OP-ALL-ALL-P-003, rev3, 11Jun2019)</i> specifies that additional staff are to be called in by the On-Call Manager. An auditee in Area 3 indicated that he/she has been asked to make call-ins in the past.	Closed. Issue has been addressed.	WWCAR-19-010

QMS Element	Finding Type	Details	Status (at Feb 14, 2020)	Finding ID
Personnel Coverage	Opportunity for Improvement	Operations Management may wish to consider overlapping Operator shifts by 30min to ensure that there is adequate opportunity for proper communication at shift change.	Closed. Shift scheduling will not be changed at this time.	2019-042-Audit Internal
Personnel Coverage	Opportunity for Improvement	<i>Personnel Coverage (QMS-WW-ALL-P-110, rev2, 26Jul2018)</i> states that “Sectional Management reviews personnel coverage semi-annually [and] any staffing-related concerns and recommendations [are] put forward to Top Management as part of the Management Review.” In practice, workforce planning is completed as part of the annual budgeting process.	In progress. Procedure to be revised to reflect current practice; changes have been initiated.	2019-043-Audit Internal
Communications	Non-conformance	<i>Communications (QMS-WW-ALL-P-120, rev1, 25Aug2017)</i> indicates that the Wastewater QMS Policy is to be posted in an accessible location at each wastewater treatment facility. Auditors toured the administration building at the Welland WWTP and did not observe a copy of the Wastewater QMS policy posted at this facility.	Closed. Issue has been resolved.	WWCAR-19-011

QMS Element	Finding Type	Details	Status (at Feb 14, 2020)	Finding ID
Communications	Non-conformance	The Ministry of the Environment, Conservation, and Parks authorized a planned spill of digester gas at the Seaway Wastewater Treatment Plant to begin on or after 25Apr2019; the Ministry authorization included a request that the spill be reported to the Spills Action Centre at time of occurrence. Logbook records for the Seaway plant on Fri, 26Apr2019 note that "[Digester] #2 gas now vented to atmosphere", however, there is no record in the logbook of a call having been placed to notify the Spills Action Centre of the spill.	Closed. A formal spill report was provided to the Ministry at the time of the incident; the report includes notation that the Spills Action Centre was contacted at the time of the incident. The missing logbook comment can be attributed to Operator error. Staff training on this procedure to be addressed under a separate finding (2019-040-Audit Internal).	WWCAR-19-012
Essential Supplies and Services	Non-conformance	The Essential Supplies and Services page identifies the Biosolids Management Agreement as having expired. However, biosolids management is currently under a three-year agreement expiring 31Dec2019, and the Biosolids Manager was unsure who is responsible for updating the updates the Essential Supplies and Services List.	Closed. Required updates are complete, and responsibility for future updates has been appropriately delegated.	WWCAR-19-013

QMS Element	Finding Type	Details	Status (at Feb 14, 2020)	Finding ID
Essential Supplies and Services	Non-conformance	<i>Communications (QMS-WW-ALL-P-120, rev1, 25Aug2017)</i> specifies that “Top Management communicates with essential suppliers to ensure that they are informed of relevant aspects of the Region’s QMS”. Wastewater laboratory benchtop and handheld instrument calibration is identified as an essential service on the Essential Supplies and Services page; this service is secured through sole-source purchase order on an annual basis currently open until 2020. There is no evidence that information about the Region’s QMS was provided to the current vendor.	In progress. Draft procurement documents for the 2020/21 calibration contract include information about the Region’s QMS. This action item will be closed once the procurement process is complete.	WWCAR-19-014
Essential Supplies and Services	Opportunity for Improvement	It may be beneficial to conduct a review of the supplies and services identified on the Essential Supplies and Services page to ensure that the list remains current and relevant, and that additional essential supplies/services are not missing from the list (e.g., vacuum trucks, construction contractors, etc.).	Not initiated. To be considered in 2020.	2019-044-Audit Internal

QMS Element	Finding Type	Details	Status (at Feb 14, 2020)	Finding ID
Infrastructure Maintenance, Rehabilitation, and Renewal	Non-conformance	<i>Trunk Sewer or Forcemain Break Investigation and Repair (OP-WW-ALL-P-017, rev1, 16Dec2016)</i> states that wastewater system failure reports need to be closed within 10 days of discovery of the failure. As of 30Oct2019, 7 failure reports remain open with initiation dates ranging from June 2017 – June 2019.	Not initiated. No change to-date.	WWCAR-19-015
Infrastructure Maintenance, Rehabilitation, and Renewal	Non-conformance	<i>Trunk Sewer or Forcemain Break Investigation and Repair (OP-WW-ALL-P-017, rev1, 16Dec2016)</i> states that "Wastewater System Failure Reports are required as part of wastewater system inspections" and that the reports are opened upon receipt of mapping coordinates from the field. The failure reports are used as an indirect input to capital planning. Records show that a forcemain break in the area of the South Side Low Lift SPS (Niagara Falls) in May 2018 was recorded using a regular work order, and not a Wastewater System Failure Report as required.	Closed. Issue was investigated and was not found to be systemic. Missing failure report was initiated.	WWCAR-19-016

QMS Element	Finding Type	Details	Status (at Feb 14, 2020)	Finding ID
Infrastructure Maintenance, Rehabilitation, and Renewal	Opportunity for Improvement	It may be beneficial to clarify whether a wastewater system failure report (or water system failure report) is required if the break occurs on the property of a water or wastewater facility. The auditors found evidence of two main breaks at regional facilities that were not recorded using a system failure report (w/o #538640, watermain break outside Front St. Sewage Pumping Station; w/o #594592, effluent forcemain break at Port Dalhousie Wastewater Treatment Plant).	Closed. The W-WW Asset Management Group is developing an asset management plan that will include review and optimization of work order processes; this finding has been noted as an input to plan development.	2019-045-Audit Internal
Infrastructure Maintenance, Rehabilitation, and Renewal	Opportunity for Improvement	Where planned spills are required in order to complete maintenance work (e.g., planned spill of digester gas at Seaway Wastewater Treatment Plant), there is an opportunity to streamline recordkeeping by linking associated work order records with the corresponding spill reporting records.	Not initiated. Priority to be established. All records are securely stored and retrievable.	2019-046-Audit Internal

QMS Element	Finding Type	Details	Status (at Feb 14, 2020)	Finding ID
Infrastructure Maintenance, Rehabilitation, and Renewal	Opportunity for Improvement	Work orders initiated by Operations staff are routed to the Operations Manager for approval before being sent to the Maintenance Manager. It may be beneficial to adjust maintenance management software permissions and/or create workflows to define how these work orders can be forwarded in the Operations Manager's absence. At present, the work orders will remain in the Operations Manager's maintenance management software inbox until his return to work.	Closed. The W-WW Asset Management Group is developing an asset management plan that will include review and optimization of work order processes; this finding has been noted as an input to plan development.	2019-047-Audit Internal
Infrastructure Maintenance, Rehabilitation, and Renewal	Opportunity for Improvement	It may be beneficial to clarify the process for introducing new assets and instrumentation into the maintenance management software, including responsibilities for provision of asset information to GroupEAM; asset information and documentation that must be provided; in the case of new instrumentation, any initial calibration reports and indication of the applicable calibration program for the subject asset; mechanisms to ensure that the asset is appropriately inventoried and tagged.	Closed. The W-WW Asset Management Group is developing an asset management plan that will include review and optimization of data collection processes; this finding has been noted as an input to plan development.	2019-048-Audit Internal

QMS Element	Finding Type	Details	Status (at Feb 14, 2020)	Finding ID
Sampling, Testing, and Monitoring	Non-conformance	Area 3 Operations staff indicated that agreements are in place to contact Area Municipalities when wet wells at selected sewage pumping stations reach certain levels; these were not noted in any controlled procedure reviewed by the auditors.	In progress. These communication requirements are being incorporated into wastewater sampling, testing, and monitoring procedures that are currently in development.	WWCAR-19-017
Sampling, Testing, and Monitoring	Opportunity for Improvement	The chain of custody used for bypass sampling at Welland Wastewater Treatment Plant includes notation of samples collected at the end of the bypass event. The auditees stated that they do not collect samples at the end of a bypass, and a review of the relevant Environmental Compliance Approval confirmed that end-of-event sampling is not required. It may be beneficial to remove the end-of-event sampling items from the chain of custody template for this facility.	Closed. End of event sampling is no longer a regulated requirement at Welland WWTP. The chain of custody has been revised accordingly.	2019-049-Audit Internal

QMS Element	Finding Type	Details	Status (at Feb 14, 2020)	Finding ID
Sampling, Testing, and Monitoring	Opportunity for Improvement	All Wastewater Treatment Plants should work toward full implementation of laboratory waste management procedures (<i>Transport, Storage and Disposal of Waste and Dangerous Goods, HS-ALL-ALL-P-037, rev0, 29Oct2018</i>). At the Welland, Seaway, and Baker Road Wastewater Treatment Plants, auditors noted that the provided containers for laboratory waste were found to be unlabelled or not in use, and one auditee noted that a certain type of hazardous waste is routinely thrown directly into the garbage.	In progress. Program was formalized in 2019 and requires additional reinforcement. Wastewater Quality and Compliance group to lead additional implementation efforts.	2019-050-Audit Internal
Sampling, Testing, and Monitoring	Opportunity for Improvement	It may be beneficial for the Wastewater Compliance Technologist to include all in-plant process sampling on the plant-specific compliance sampling schedules. This may help to eliminate confusion over sampling requirements, to designate specific days for sampling as a means of division of labour, and to evaluate sampling frequencies to determine if they can be reduced as appropriate.	Closed. At this time, it is preferred to keep compliance-related schedules separate and distinct in order to ensure that sample collection is not missed.	2019-051-Audit Internal

QMS Element	Finding Type	Details	Status (at Feb 14, 2020)	Finding ID
Sampling, Testing, and Monitoring	Opportunity for Improvement	It may be beneficial to consider the installation of a SCADA alarm at the Port Dalhousie Wastewater Treatment Plant that would alert the Operator if the secondary bypass valve is in the open position while plant influent flows are below plant capacity (100MLD). At present, the secondary bypass valve is manually operated, and there is potential for it to be inadvertently opened and/or left in the open position for longer than required.	In progress. SCADA Manager and Area 3 Operations Manager examining options for alarming and/or other improvements.	2019-052-Audit Internal
Sampling, Testing, and Monitoring	Opportunity for Improvement	It may be beneficial to investigate technologies that could flag for Operators when the dechlorination pumps have failed. Previous investigations indicated that alarming was not possible due to pump age, but there may be alternate technologies (e.g., flow meters, etc.) that can achieve this goal. There is a risk of non-compliance if the pumps fail and chlorinated water is released to the environment.	Not initiated. Priority and feasibility would need to be established on a plant-by-plant basis.	2019-053-Audit Internal

QMS Element	Finding Type	Details	Status (at Feb 14, 2020)	Finding ID
Measurement and Recording Equipment Calibration and Maintenance	Non-conformance	<i>Wastewater Calibration (QMS-WW-ALL-170, rev0, 25Jun2014)</i> specifies that dissolved oxygen meters and oxidation-reduction potential meters are calibrated annually. In practice, auditees indicated that these meters are calibrated as needed.	Closed. This finding has been consolidated with a similar finding from a previous internal audit (WWCAR-17-010). The wastewater calibration program is under review, with changes anticipated.	WWCAR-19-018
Measurement and Recording Equipment Calibration and Maintenance	Non-conformance	Section 5.3 of <i>Determination of pH and Temperature in Wastewater (OP-WW-ALL-P-007, rev3, 11Oct2017)</i> states that "bench-top and/or portable pH meter[s] should be calibrated every day, or as used, before any lab work or sample collection is performed". Auditors in Area 1 WW and Area 3 WW did not see evidence to show that bench-top pH meters are being calibrated daily or on an as-used basis, despite the fact that plant lab sheets regularly include results of bench-top pH testing.	Not initiated. Daily calibration requirement to be reinforced with Operations staff.	WWCAR-19-019
Measurement and Recording Equipment Calibration and Maintenance	Non-conformance	Several issues were identified in the plant laboratory at Welland and Seaway Wastewater Treatment Plants related to asset tagging, accuracy of asset information, and expired chemicals.	In progress. Asset information has been updated in the division's maintenance management software. Chemical clean-up to be completed at each plant.	WWCAR-19-020

QMS Element	Finding Type	Details	Status (at Feb 14, 2020)	Finding ID
Measurement and Recording Equipment Calibration and Maintenance	Opportunity for Improvement	Auditees observed that there is inadequate instrumentation available for monitoring of wastewater remote stations, and that additional flow meters, pressure gauges, etc. would help Operators to be able to identify spills/forcemain breaks more readily.	Not initiated. Long-term approach required to address this finding; the approach will need to consider capital planning, asset management, and calibration needs.	2019-054-Audit Internal
Measurement and Recording Equipment Calibration and Maintenance	Opportunity for Improvement	New chemical oxygen demand reactors were observed in the plant laboratories at both Port Dalhousie and Port Weller Wastewater Treatment Plants. Records indicate that the reactor at Port Dalhousie was purchased 2 months ago, and auditors found an original manufacturer's certificate of calibration; however, the reactor is not tagged with an asset number or a calibration sticker, and it could not be located in the division's maintenance management software.	Not initiated. Follow-up to be completed.	2019-055-Audit Internal

QMS Element	Finding Type	Details	Status (at Feb 14, 2020)	Finding ID
Emergency Management	Non-conformance	<i>Bypass, Overflow, and Spill Notification and Reporting (OP-WW-ALL-P-038, rev2, 1Mar2018)</i> identifies that the Incident Manager can be the Operations Manager (if the spill occurs on the grounds of the main facility) or the Maintenance Manager (if the spill occurs in the collection system). The procedure also specifies that the Incident Manager is required to provide a written report of the spill to federal and provincial authorities. During the audit, auditors observed confusion regarding assignment of the Incident Manager role, including assignment of responsibilities for reporting the spill to the Spills Action Centre and for completing the spill report. As a result, spill reports are not consistently being prepared by the appropriate manager (i.e., Operations or Maintenance, depending on the spill location).	In progress. Relevant documents have been revised to add clarification. Staff training will be completed by the end of Q1 2020.	WWCAR-19-021

QMS Element	Finding Type	Details	Status (at Feb 14, 2020)	Finding ID
Emergency Management	Non-conformance	<i>Post-Event Debriefing (ADM-ALL-ALL-P-009, rev2, 11Jul2017)</i> specifies that the W-WW Incident Manager is responsible for leading debriefs and preparing associated records. In practice, these activities are conducted by the Wastewater Compliance Technologist or the Water-Wastewater Quality Management Specialist. In addition, auditees commented that the significance test outlined in the procedure may be too onerous for wastewater incidents (particularly in relation to forcemain breaks).	Closed. Issue has been addressed.	WWCAR-19-022
Emergency Management	Opportunity for Improvement	There is an opportunity to improve spill protection at Port Dalhousie Wastewater Treatment Plant by making spill mats available in the chemical delivery areas and enforcing their use.	Not initiated. Follow-up to be completed.	2019-056-Audit Internal
Emergency Management	Opportunity for Improvement	It is recommended that staff of the Capital Program Planning group be invited to attend debriefs where an infrastructure improvement may be required to address the root cause of the event.	Closed. Procedure revised to include this recommendation.	2019-057-Audit Internal

QMS Element	Finding Type	Details	Status (at Feb 14, 2020)	Finding ID
Continual Improvement	Non-conformance	Since 2017, 36 corrective actions have been identified through the wastewater internal audit process and entered into the corrective action database. Of the 36 corrective actions, 26 are in “open” status. <i>Wastewater Corrective Action (QMS-WW-ALL-210, rev0, 30Oct2013)</i> states that preliminary corrective action information is entered into the record, and then “the Lead Auditor assigns the corrective action report to the responsible individual and identifies a date for completion of the investigation and root cause analysis”. All open corrective actions in the database are currently assigned to the Lead Auditor and not the “responsible individual” as identified in the procedure.	In progress. Management, resolution, and closure of corrective actions is an ongoing activity. Many of the open action items have now been assigned to the appropriate owners.	WWCAR-19-023

QMS Element	Finding Type	Details	Status (at Feb 14, 2020)	Finding ID
Continual Improvement	Opportunity for Improvement	<i>Post-Event Debriefing (ADM-ALL-ALL-P-009, rev 2, 11Jul2017)</i> states that actions items generated through debrief activities “are to be recorded, assigned, and managed in EtQ as per the Corrective Action Procedure...(QMS-WW-ALL-P-210 for wastewater)”. Consider revising <i>Wastewater Corrective Action (QMS-WW-ALL-210, rev0, 30Oct2013)</i> to include roles and responsibilities for corrective action assignment when non-conformances/action items are identified outside of internal audits.	Not initiated. To be considered at next procedure review.	2019-058-Audit Internal

Next Steps

The status of the Water and Wastewater Quality Management Systems is communicated to Council on an annual basis. The annual update includes an overview of internal audit results. The water and wastewater internal audit programs allow the division to identify and address gaps in current processes; even where gaps do not exist, the audits present additional opportunities to improve and refine processes. The audit programs are an essential component of the Water and Wastewater Services Division's Quality Management Systems

Respectfully submitted and signed by

Rachel Whyte, B.A.Sc.
W-WW Quality Management Specialist

MEMORANDUM

PWC-C 10-2020

Subject: Procurement Progress Report Liquid Biosolids and Residual Management

Date: March 10, 2020

To: Public Works Committee

From: Bart Menage, Director Procurement & Strategic Acquisitions

As requested at February 11, 2020 Public Works Committee, Procurement provides the following Progress Report for the Liquid Biosolids and Residuals Management Program.

Fairness Commissioner: Procurement issued a non-binding Request for Quotation to the Vendors of Record on the Ministry of Government and Consumer Services' Vendors of Record (VOR) Number 7434 for Management Consulting Services, specifically Category 6 – Fairness Commissioner

Timeline details

- a. Issue Date February 27, 2020
- b. Closing Date March 12, 2020
- c. Award Date March 2020

Subject Matter Expert: Procurement issued a non-binding Request for Quotation to a subset of the Niagara Region Roster for Water, Wastewater, Transportation, Waste Management & Facilities Management Consulting Services, specifically category 2 – Water and Wastewater Treatment Facilities

Timeline details

- d. Issue Date March 4, 2020
- e. Closing Date March 19, 2020
- f. Award Date March 2020

Interim Agreement: Staff have negotiated terms and pricing for Biosolids Management Services with the current vendor Thomas Nutrient Solutions for the Period April 1, 2020-August 31, 2020. Staff are presently in the process of executing an agreement with this vendor for the above period. The scope of services negotiated include Liquid Biosolids Haulage, Liquid Biosolids Land Application and Lagoon Management Services. The total estimated value of the pending agreement is \$2,162,250.00. The table below provides a breakdown of these services and estimated costs for the period April 1, 2020-August 31, 2020.

Estimated Agreement Costs for Biosolids Management Services with Thomas Nutrient Solutions April 1-August 31, 2020

SERVICE	TERM	VALUE
Liquid Biosolids Haulage	Apr 1 – Aug 31, 2020	\$ 1,403,000.00
Liquid Biosolids Land Application	Apr 1 – Aug 31, 2020	\$710,250.00
Lagoon Management	Apr 1 – Aug 31, 2020	\$49,000.00
TOTAL		\$2,162,250.00

Respectfully submitted and signed by

Bart Menage, CSCMP, C.P.M., CRM
Director, Procurement & Strategic Acquisitions

MEMORANDUM**PWC-C 6-2020****Subject: Update on Provincial Initiatives for Extended Producer Responsibility****Date: Tuesday, February 11, 2020****To: Public Works Committee****From: Jennifer Mazurek, Program Manager, Policy, Planning & Engagement**

This memorandum provides an update on Provincial Initiatives to support the Waste Free Ontario Act, 2016 (WFO) which is comprised of the Resource Recovery and Circular Economy Act, 2016 (RRCEA) and the Waste Diversion Transition Act (WDTA). Under the RRCEA, the Province is shifting to an Extended Producer Responsibility (EPR) framework for designated material, such as products and packaging (Blue Box material), making producers and brand holders accountable for recovering resources and reducing waste associated with their products. The WDTA allows for the designated materials managed under existing waste diversion programs to be transitioned to the new EPR framework.

Of particular importance, the timing and upcoming decision points that will need to be considered by Council regarding the transition of the residential Blue Box program to EPR are described in this memorandum.

Background

The WFO drives Ontario toward a circular economy, with the aim to eliminate waste throughout the lifecycles of designated materials, and maintain the value of products and materials for as long as possible. This keeps resources within the economy and minimizes waste. EPR is a key part of a circular economy, as design considerations become more important when producers are required to consider end of life management of products and packaging.

Via the WDTA, Resource Productivity and Recovery Authority (RPRA) oversees three waste diversion programs: Blue Box, Municipal Hazardous or Special Waste (MHSW) and Waste Electrical and Electronic Equipment, hereafter referred to as Electrical and Electronic Equipment (EEE). RPRA was established in 2016, with authority under the RRCEA to enforce EPR. Tires have already shifted to an EPR system under the RRCEA, with RPRA as the authority that enforces compliance and manages program-related data. In the case of the residential Blue Box program, the Waste Diversion Act, 2002, established the current 50/50 cost-sharing model for producers and municipalities, under which municipalities are reimbursed for approximately 50% of net costs. Under this cost-sharing model, Stewardship Ontario (SO) manages the funds that producers provide to Ontario municipalities for the operation of the Blue Box program,

and is accountable to RPRA. SO is a not-for profit organization funded and governed by industry stewards, who are the brand owners, first importers or franchisors of the products and packaging materials.

SO also produced a wind-up plan to transition to full EPR for MHSW and will be issuing one for Blue Box, while Ontario Tire Stewardship (OTS), an Industry-Funded Organization (IFO) under SO, was responsible for the wind-up plan for tires. Ontario Electronic Stewardship (OES), another IFO under SO, was responsible for the wind-up plan for EEE and batteries. The wind-up plans are developed for the existing diversion programs, via the WDTA, to ensure there is no disruption to services for residents in the lead up to transition (e.g. continued operation of collection sites, continued compensation for municipalities, etc.), while at the same time ensuring activities associated with the existing programs are wound up properly (e.g. disbursement of excess funds, wrap up of service provider contracts, etc.). Development of the plans and the associated approval by RPRA ensures stakeholder consultation is incorporated, while defining SO's assets, liabilities, rights and obligations in relation to the existing programs.

A key action item in the Province's Made-in-Ontario Plan, released on November 29, 2018, specifically refers to and reinforced the Province's position on EPR: "Make producers responsible for the waste generated from their products and packaging" (<https://prod-environmental-registry.s3.amazonaws.com/2018-11/EnvironmentPlan.pdf>). Committee was informed of this plan in WMPSC-C 9-2019. The plan included a focus on reducing litter and waste and keeping our land and soil clean. A discussion paper titled "Reducing Litter and Waste in Our Communities" was released on March 6, 2019, offering the following commitments:

- Reducing and diverting food and organic waste from households and businesses;
- Reducing plastic waste;
- Reducing litter in our neighbourhoods and parks;
- Increasing opportunities for the people of Ontario to participate in waste reduction efforts.

Blue Box

A transition for the Blue Box program was first proposed in Ontario's Strategy for a Waste-Free Ontario in February 2017, with commencement of the EPR slated for 2023, and for which SO submitted their amended Blue Box Program Plan. This plan was not submitted to or approved by RPRA but did lay groundwork for future discussions. The Province has now defined timelines for the transition of the residential Blue Box program, which are outlined below.

Key Recommendations of Special Advisor's Report on Recycling and Plastic Waste

On June 6, 2019, David Lindsay was appointed Special Advisor on Recycling and Plastic Waste, and designated with the responsibility of producing a report outlining how the Province should transition the residential Blue Box program to EPR. The report was released on August 6, 2019 and provides recommendations about timelines for transition, materials, targets, and collection requirements. The report is discussed in more detail in WMPSC 32-2019 but key recommendations are as follows:

- A six-year transition period from 2019 through 2025 that includes a one to one-and-a-half-year period for consultation and regulation development and a two-year period for producer preparation, followed by a phased three-year period from 2023 to 2025 for transfer of responsibility from municipalities to producers;
- Flexibility for producers through both continuation of Blue Box collection and allowing for collection of some packaging through other methods;
- Establishment of specific targets that progressively increase over time, for different types of printed paper and packaging material;
- As producers assume responsibility, collection must be provided to every low-density residential property and similar location that had previously received municipal Blue Box service. There will be no expansion of services during the transition period and afterward, collection should expand in multi-residential properties, parks and public spaces, but would not include Industrial, Commercial and Institutional (ICI) properties. Rather, the province should modernize the regulatory framework for ICI properties to improve diversion rates and better align with materials recycled through the Blue Box Program.

Provincial Timelines and Actions Related to the Transition of the Blue Box Program

On August 15, 2019, the Ministry of Environment and Climate Protection (MECP) issued a direction letter, instructing SO to develop a plan to outline how the current program will operate during the three-year transition period. This plan is due to RPRA no later than June 30, 2020 and RPRA must approve the plan, if it is consistent with the Minister's transition direction, no later than December 31, 2020.

On November 27, 2019, MECP hosted a webinar, titled "Developing Producer Responsibility Regulation for Blue Box" (Appendix A), to provide stakeholders with information about the Province's next steps. A key next step in the process is the development of the new Blue Box regulations under the RRCEA. Niagara Region is a member of the Municipal Working Group that will be providing input into the regulations. Separate Stakeholder Working Groups also exist for both Producers and a Circular Economy (includes manufacturers of unbranded packaging and products, waste management services providers that haul and process Blue Box materials, and industries that receive processed Blue Box materials and use it for feedstock in new products). The regulations will define outcomes in key areas including:

1. A hierarchy of producers that are responsible for meeting outcomes;
2. Materials to be collected;
3. Collection and management requirements; and
4. Registration and reporting (overseen by RPRA).

Specific timelines were confirmed by the MECP, consistent with those recommended in the Special Advisor's report:

Timelines specific to new regulations:

- 2019 - 2020 – Draft Regulations
- 2021 – Approval of Regulations
- 2021 - 2022 – Stakeholders organize and prepare for EPR
- 2023 - 2025 – Producers take full responsibility from communities

Timelines specific to WDTA Blue Box program services:

- 2020 – SO develops plan for transition and submits to RPRA
- 2020 – RPRA approves plan by Dec 31
- 2021 – 2025 – SO implements plan and each community continues to be funded until transition to EPR complete, with all communities complete by the end of 2025

In the spring of 2020, MECP will post a policy paper that describes the proposed details of the new Blue Box system. In the fall of 2020, the draft EPR regulations and potential regulatory amendments will be released. When developing the regulation, MECP will consider:

1. Definition and scope of the designated materials;
2. Collection and accessibility requirements;
3. Management requirements that producers must meet; and
4. Transition approach – criteria to select which communities will transition from the current Blue Box program to the EPR framework under the RRCEA in each of 2023-2025.

The province will also consider defining the responsible producer, registering, reporting and record-keeping requirements, and audit requirements.

Blue Box Program Decision Points

Niagara Region's input into the transition process continues to be important. As noted above, Niagara Region will participate in the Stakeholder Working Group sessions. In 2020, Niagara Region will need to make several important decisions. While no regulations are currently finalized, staff anticipate that Niagara Region will need to communicate the following to the Province:

1. Timing - When the shift to EPR should occur for Niagara residents
 - Methodology has not yet been defined, but staff anticipate that the order of transition will either be dictated to municipalities (based on contract expiry dates, location, economies of scale, etc. as designed by an expert authority), or,

that municipalities will be able to self-nominate (identify preferred year of transition). Self-nomination is preferred by Niagara Region staff to allow for consideration of local priorities and to evaluate system cost implications.

- When identifying a preferred year for transition, considerations will include expiration dates for current contracts, asset condition and value, prescribed method of handling over-subscribed years, and the balance of the integrated waste management system (i.e. how services that Niagara Region continues to provide will integrate with the new Blue Box system).
 - From 2023 to 2025, municipalities that have not yet transitioned will continue to be responsible for 50% of net costs related to collection and haulage, another key factor that will impact Niagara Region's direction.
2. Role - What role, if any, Niagara Region will occupy moving forward with respect to collection and processing
- While no regulations have been released yet, it is expected that municipalities will have the opportunity to bid on the collection, haulage and processing of residential Blue Box materials. A municipality's decision to bid on one or more aspects of the process will be based on a number of factors, including existing infrastructure and contracts. Municipalities may have the opportunity to bid on the work in partnership with the private sector or as part of a coalition with other municipalities.
 - Municipalities will be competing with the private sector to provide processing services, leading to the risk of a potentially devalued Material Recovery Facility (MRF) in the event that Niagara Region bids but does not secure a processing contract. Additional information about the status of the MRF review is provided below.
 - Municipalities acting on behalf of Producer Responsibility Organizations (PROs) will need to meet prescribed performance standards, yet to be released, which may influence the decision to bid on services.

3. Service levels for Niagara Region

- The Industrial, Commercial and Institutional (ICI) sector is not expected to be included in the regulations. As noted above, the Special Advisor's report recommends that Blue Box services not be expanded to the ICI sector, but instead that the regulations specific to these properties be strengthened. Niagara Region currently provides curbside service to smaller ICI properties and Council will need to decide if service should continue to be provided for this sector, at full cost to Niagara Region.
- Uncertainties remain regarding inclusion of some types of properties that Niagara Region currently services (e.g. parks, schools, and long-term care facilities.) The Special Advisor's report recommended gradual expansion to collection in Multi-Residential buildings, as well as parks and public spaces where municipalities provide waste collection. These examples encompass property types that Niagara Region and other municipalities currently service. Council may need to decide if service should continue for these sectors not included under the new regulations, at full cost to Niagara Region.
- There is the potential for customer service impact, in that there may be less tolerance for incorrect set-outs and contamination. If Niagara Region no longer provides residential Blue Box collection, there may be additional customer impacts (e.g. residential confusion stemming from change in phone numbers/contacts for one material stream).
- Other considerations include provision of Promotion and Educational material (P&E) and collection program enforcement.

In order to make informed recommendations for the Blue Box transition, Niagara Region staff require details about the regulations from the Province, expected to be forthcoming in the first half of 2020. Staff will bring this information forward to allow Council to decide upon preferred transition date, service levels Niagara Region will offer, and what, if any, services Niagara Region will continue to provide or offer on behalf of the PROs.

MRF Phase 4 Opportunity Review

This review will develop a recommendation for the preferred MRF ownership structure, considering the transition of the residential Blue Box program to EPR. An assessment will be based on actual market considerations using the Negotiated Request for Proposal (NRFP) process, among other possible alternatives, to determine the best future opportunity for the MRF and minimize the risk of a potentially devalued facility.

There are a number of potential transactional options and/or ownership structures which may be considered and will be compared to status quo.

These transaction options will be submitted to Waste Management Planning Steering Committee for input and may include the following:

- outright sale of the property;
- lease transaction;
- a joint venture arrangement for the MRF; or
- other arrangements including but not limited to royalty structures and processing contracts.

A Fairness Advisor has been engaged to be involved throughout the review and the project consultant awarded the RFP for this work is MNP LLP. It is anticipated that a recommendation report will be submitted to Council in late May or early June 2020.

AMO Request for Council Resolution by June 30, 2020

On December 18, 2019, the Association of Municipalities Ontario (AMO) sent a letter (Appendix B) to all Municipal Council and municipal waste administrators with responsibilities related to the provision of Blue Box services, including Niagara Region, requesting a Council resolution, passed by June 30, 2020 and directed to AMO and MECP that specifies:

1. Council's preferred date to transition based on exiting service provision (between January 1, 2023 and December 31, 2025);
2. Rationale for transition date;
3. Whether Council is interested in potentially continuing to provide services (e.g. contract management, collection, haulage processing services etc.) or not; and,
4. Key contacts if there are any follow-up questions.

Importantly, AMO notes in the letter that the stated preference may not be the final determination of Niagara Region's transition date, nor is Niagara Region obligated in any way by the date specified in the resolution.

Tires

Used tires were the first material to transition to an EPR regime. On January 1, 2019, producers assumed responsibility. Each producer registered with a PRO to accept the used tires returned in Ontario, and RPRA assumed responsibility for compliance and management of financial and program reporting requirements related to the new system. Although Niagara Region was not being compensated for the collection of used tires, the Region continued to collect tires at the residential drop-off depots as a service for residents. Niagara Region entered into an agreement with YESS, a PRO, to haul all collected tires. For a number of months, YESS experienced issues with picking up and taking away tires for processing, which resulted in a backlog at Niagara Region's drop-off depots. The cause of the delays was due to YESS not being able to secure tire-processing capacity in the Niagara area. A new agreement with e-Tracks was made and

they have been hauling since June with no issues. Niagara Region collected 139 tonnes of tires from residents in 2018 and 220 tonnes in 2019.

MHSW

Niagara Region currently accepts MHSW at permanent depots year round (Niagara Road 12 Landfill, Humberstone Landfill, Thorold Yard Household Hazardous Waste Drop-off Depot and Bridge Street Residential Drop-Off Depot). The new regulation for the designated waste (other than single-use batteries) under MHSW comes into effect July 1, 2021. Following a presentation by RPRA in October of 2019 (Appendix C), Niagara Region submitted comments regarding the proposed wind-up plan for SO (Appendix D). Until the wind-up date, the program will continue to operate without disruption. On December 20, 2019, the Minister of MECP issued a direction letter to SO and RPRA, clarifying that all residual funds remaining upon completion of the program should be returned to stewards. SO will make revisions to its wind-up plan to address this direction, and it is expected that RPRA will approve the revisions no later than February 29, 2020. On January 8, 2020, SO sent notification that RPRA has approved the MHSW wind-up plan, subject to conditions related to deadline date submissions for stewards to submit adjustments to prior reports (to align with RPRA's data submission requirements), completion of the aforementioned changes related to residual funds and any others that arise related to operational and implementation issues, as well as provision of any information required to assist RPRA. The rules defining reporting and payment obligations by stewards for the period of January 1, 2020 until wind-up of the MHSW program were also approved, and SO will now implement the wind-up plan. At this time, there is no further change or decision point required by Council regarding this material stream.

EEE and Batteries

Niagara Region currently accepts EEE, for recycling at permanent residential drop-off depots year round (Recycling Centre, Niagara Road 12 Landfill, Humberstone Landfill and Bridge Street Residential Drop-Off Depot). OES operates the recycling program for EEE in Ontario under contract, and at no cost to Niagara Region, OES also provides collection service to eligible Multi-Residential properties. Additional details about this program are available in WMPSC-C 20-2016. With respect to single-use batteries, since the pilot in 2012, Niagara Region has also offered an annual one-week curbside battery collection period. In 2019, 7,142 kg of batteries were collected curbside between April 22 to April 26 (WMPSC-C 22-2019).

The Province has directed that EEE must transition to EPR by January 1, 2021. The new regulation for batteries, currently handled as part of the MHSW stream, comes into effect July 1, 2020. As EEE and batteries are often used together, the shift for batteries allows for a coordinated policy approach. Niagara Region provided comments on the

proposed regulations on June 21, 2019 (Appendix E). On September 3, 2019, RPRA approved the OES wind-up plan (with conditions).

Until the wind-up date, the current EEE program will continue to operate without disruption. As of the date of this memo, there is no further information regarding the final regulations and staff are awaiting a detailed update from the Province.

RPRA

On October 28, 2019, the Province proposed the following changes in the mandate of RPRA:

1. Change RPRA's mandate to include digital reporting services, fee setting, and cost recovery for other programs beyond producer responsibility;
2. Allow the ministry to set guidance on fee structures for the programs that RPRA will be providing digital reporting services;
3. Other changes –
 - a. Recover ministry costs more efficiently through a Minister's order;
 - b. Amend the WDTA to allow the transfer of residual surplus funds left at the end of transition, from an IFO to RPRA;
 - c. Permit future regulations that could assign additional duties and powers to RPRA.

Niagara Region submitted comments on November 25, 2019 (Appendix F) and is generally supportive of the move to digital reporting as a means of increasing efficiency and accessibility, and reducing paper waste. With respect to specific program changes, Niagara Region recommends consideration of recycling programs for materials such as shingles, mattresses, carpets, porcelain and concrete. Finally, the continued oversight of new and existing programs by the Province is recommended. On December 29, 2019, the decision to change RPRA's mandate to include digital reporting services through its registry for a wider range of waste and resource recovery programs was posted. To change the mandate, the RRCEA, the Environmental Protection Act (EPA) and WDTA were amended.

On December 6, 2019, the Minister of MECP also informed stakeholders of minor changes proposed to the RRCEA that affect RPRA. The following changes were proposed as part of legislative amendments to modernize the governance, accountability and transparency of the Administrative Authorities overseen by the Ministry of Government and Consumer Services (MGCS), via the Rebuilding of Consumer Confidence Act (the Bill):

1. The Minister can appoint a Chair from among the members of the RPRA Board.
2. The Minister can request disclosure of compensation information from among the RPRA board of directors, officers and employees.

3. The requirement to table RPRA's annual report in the Legislative Assembly has been removed, but RPRA must continue to post the report on their website by the annual deadline of June 1.

These changes will come into effect upon Royal Assent of the proposed Bill.

Green Bin

Although not a material regulated under existing SO programs, Ontario's Food and Organic Waste Framework has an associated Action Plan and Policy Statement to support the circular economy. Food and organic waste from residential and ICI sectors is an important material stream to manage and the Province's direction will impact Niagara Region. The Policy statement came into effect on April 30, 2018, and report WMPSC-C 28-2018 offers a thorough overview of strategic commitments to be taken by the Province to address food and organic waste, and how these actions could impact Niagara Region's programming. For example, the Province has included a ban on food and organic waste from ending up in disposal sites, to be phased in beginning in 2022. Staff are currently awaiting further information on how this ban will be implemented and enforced, but preliminary investigations regarding capacity and cost have been completed.

As of the date of this memo, there has been no further information released regarding action items or next steps for municipalities, and staff are awaiting an update from the Province.

Next Steps

Staff will advise Council accordingly if funding models change for any of our current collection programs with the transition to EPR. Staff will also continue to be active participants in future consultations by the Province on related guides and regulations, and to report back to Committee with updates on all programs.

Respectfully submitted and signed by

Jennifer Mazurek,
Acting Waste Management Program Manager

Appendices

Appendix A MECP Webinar Presentation: Developing Producer Responsibility Regulations for Blue Box

Appendix B Letter from AMO to Municipal Councils

- Appendix C RPRA Consultation: Municipal Hazardous or Special Waste (MHSW) Program Wind-Up Plan
- Appendix D Niagara Region Comments on RPRA Consultation on the MHSW Wind-Up Plan
- Appendix E Niagara Region Comments on Regulation for Recycling of Electrical and Electronic Equipment (EEE) and Batteries (EBR Registry Number: 019-0048)
- Appendix F Niagara Region Comments on ERO 019-0671 Changing the Mandate of the Resource Productivity and Recovery Authority

Developing Producer Responsibility Regulations for Blue Box

Webinar Presentation

November 2019

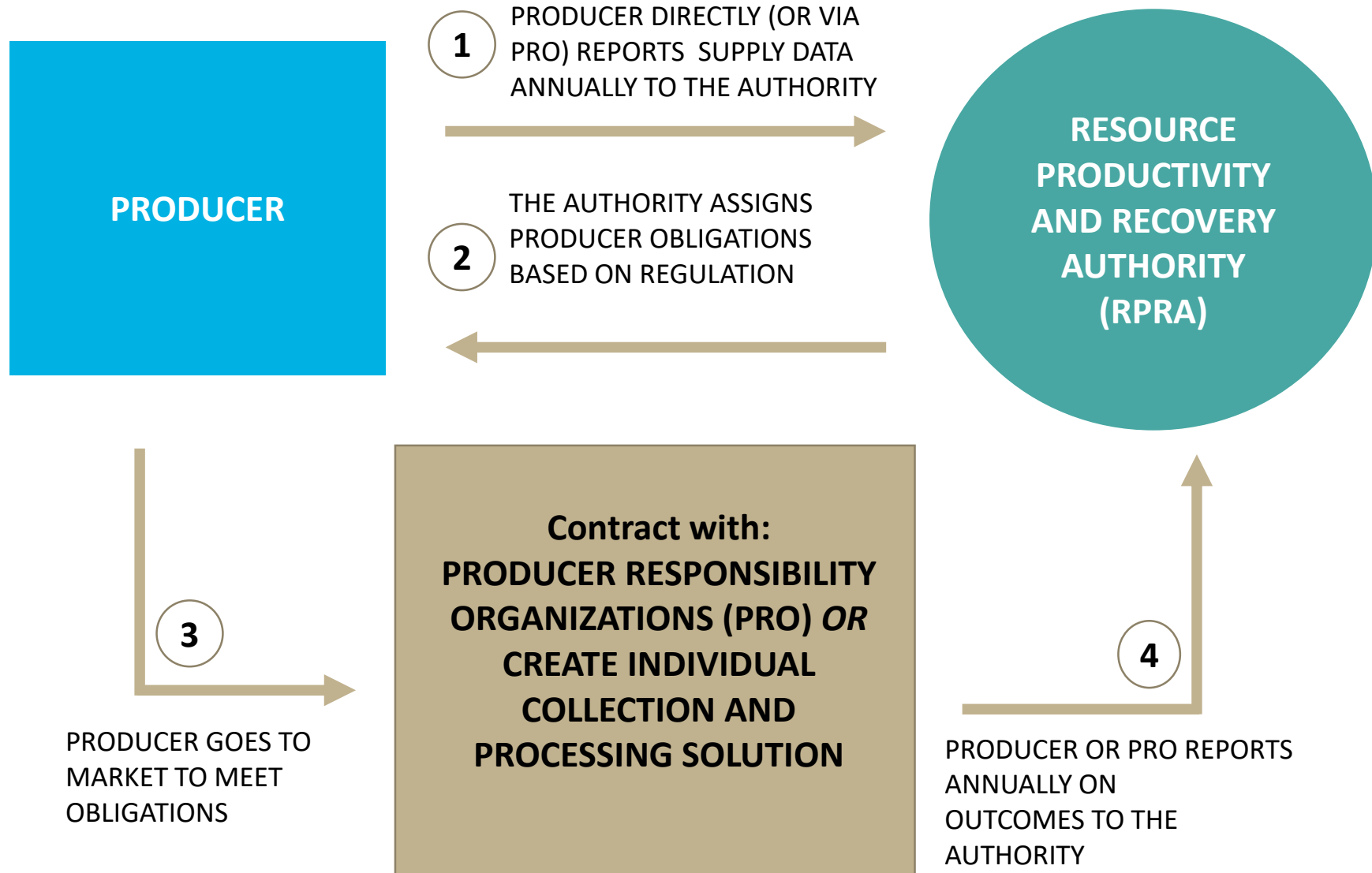
Improving the Blue Box – How Did We Get Here?

- Ontario recognizes the need to improve diversion, reduce plastic waste, and tackle litter.
- The draft Made-in-Ontario Environment Plan commits to transition Ontario's recycling programs to a new Producer Responsibility approach. Key elements include:
 - Outcomes-based regulations to reduce burden
 - Flexibility and innovation to meet requirements in the market
 - Improved oversight to verify diversion outcomes
 - Seamless transition for consumers and citizens
- On June 6, 2019, Mr. David Lindsay was engaged as a Special Advisor to engage with key parties and provide the government with recommendations on how to move forward with producer responsibility for Ontario's Blue Box services.
 - Mr. Lindsay met stakeholders from June-July, and delivered his final report on July 20, 2019.
 - The report outlined recommendations regarding materials, targets, collection requirements – but most critically, timing.

Current Status of the Blue Box

- On August 15, 2019, the Minister directed Stewardship Ontario to develop a plan under section 14 of the *Waste Diversion Transition Act, 2016* (WDTA), that aligns with Mr. Lindsay's recommended timing.
 - SO must consult stakeholders and submit a plan to the Resource Productivity and Recovery Authority by June 30, 2020.
 - The Authority is expected to approve this plan by December 31, 2020, if it is consistent with the Minister's transition direction.
- The next step is to develop new Blue Box regulations under the *Resource Recovery and Circular Economy Act, 2016* (RRCEA).
 - In developing the regulations, the ministry will invite stakeholders to participate in Working Groups. These groups will provide the ministry with a diverse and balanced range of perspectives, including from industry, municipalities and service providers.
 - The contributions of these Working Groups will inform further public consultations on the proposed policy and regulations.

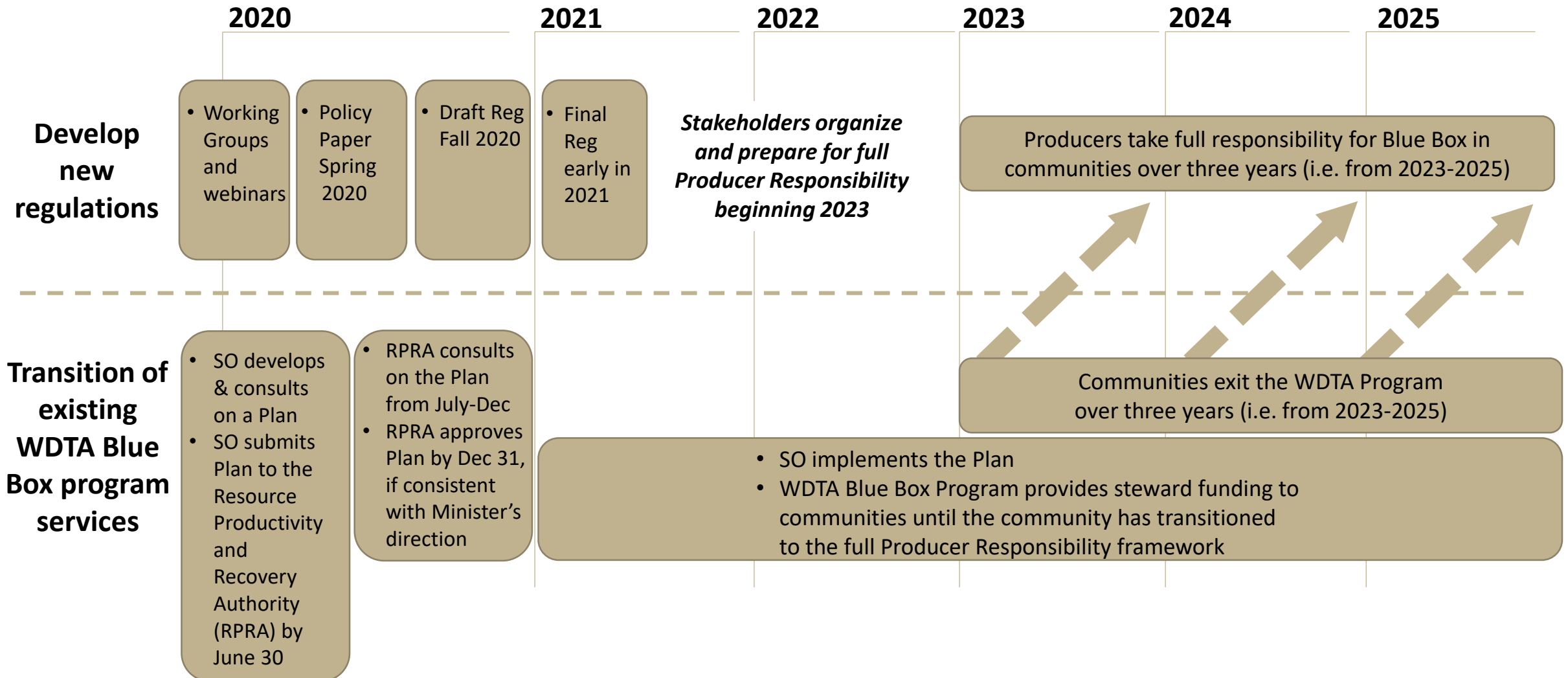
Overview of Ontario's New Approach



Key Elements of an EPR Regulation

- Regulations under the *Resource Recovery and Circular Economy Act* (RRCEA) replace government-approved stewardship plans
- Regulates outcomes in key areas, including:
 1. A hierarchy of producers that are responsible for meeting outcomes
 2. Materials to be collected
 3. Collection and management requirements
 4. Registration and reporting
- Authority provides oversight, compliance and enforcement
- Regulated parties register with the Authority and have some reporting and record-keeping requirements

Roadmap to Producer Responsibility for Blue Box



Stakeholder Working Groups

- The ministry is proposing to establish three Working Groups to accommodate stakeholders' input into the regulations:
 - A **Producer** group including representation from large brand holders and producer associations, and retail, restaurant, grocery sectors.
 - A **Municipal** group including representation from urban, rural, and all geographic regions across Ontario as well as associations for municipalities and managers of multi-residential buildings.
 - A **Circular Economy** group including manufacturers of unbranded packaging and products, waste management service providers which haul and process Blue Box materials, and industries that receive processed Blue Box materials and use it for feedstock in new products.
- Working groups are a forum for participating stakeholders to provide information and technical advice to inform the ministry's initial policy development.
- Membership on the working groups is intended to provide the ministry with input from a broad cross-section of engaged stakeholders while keeping the group sizes manageable.
- The ministry will work also with **First Nations and Indigenous communities** to receive their input and feedback during this process.

Engagement Beyond the Working Groups

- As there is a high level of interest related to Blue Box transition, it is not possible to engage all interested stakeholders via Working Groups, but it is important that all stakeholders have opportunities to provide input to the Ministry.
- Three series of **webinars** will be held at each milestone of regulatory development to allow all stakeholders to provide feedback:
 - **November 27/28, 2019** – at the launch of the regulatory development process
 - **Spring 2020** – with the release of a policy paper that describes the proposed regulatory system
 - **Fall 2020** – with the posting of draft regulations on the Environmental and Regulatory Registries
- Between these webinars, stakeholders who are interested in the Working Groups' discussions should contact their representative associations to receive updates and provide input on the discussion topics.
- The Ministry will post two documents on the Environmental and Regulatory registries for your review and comment:
 - **Spring 2020** – policy paper that will describe the proposed details of the new Blue Box system
 - **Fall 2020** – draft producer responsibility regulations and potential regulatory amendments.

Key Considerations

Development of the regulation for Blue Box materials will be a complex task. To provide the needed information, the ministry will consider four initial key areas as it develops its Blue Box policy:

1. Definition and scope of the designated materials, e.g.:

- What products and/or packaging materials must be managed? (e.g., convenience, transport and primary/secondary packaging; single-use plastic and paper products)?
- How should material categories be set?; Should categories help discern between highly-recyclable and poor performing materials, and should there be a few broad categories or long lists of materials?
- What factors should be considered making changes to designated materials or material categories? What information exists, and how can it be transparently shared, to substantiate any decisions on changes?
- Are there materials which could have obligations outside the Blue Box common collection system? (e.g., compostable packaging, or packaging managed through deposit return, take-back or green bin programs such as coffee pods)

2. Collection and accessibility requirements, e.g.:

- What sources must be collected from?
- What should be the minimum standard level of service in communities?
- What standards should be required for collection bins?

Key Considerations (2)

3. **Management requirements** that producers must meet, e.g.:
 - What would be appropriate targets for highly-recyclable materials and poor-performing materials?
 - What should count towards diversion? (e.g., reuse; recycled and used in making new products; used as aggregate)
 - How to reduce residual materials sent to landfill? (e.g. energy recovery when all other options are exhausted)
 - What recycling standards or other requirements should be required by regulation to ensure recycling facilities can process materials at a satisfactory level?
 - How can the regulation recognize, encourage, or require waste reduction? (e.g., recycled content; recyclability; refillable containers; etc.)
4. **Transition approach** – what criteria should be used to select which communities will transition from the current Blue Box program to the new producer responsibility framework under the RRCEA in each of 2023-2025?
 - In addition to these key areas, the ministry will also consider:
 - Defining the responsible producer
 - Registering, reporting and record-keeping requirements
 - Audit requirements

Next Steps

- The next webinar will be planned for Spring 2020 to coincide with the release of the Blue Box Policy Paper for public comment.
- Further questions can be directed to the Resource Recovery Policy Branch at RRPB.mail@ontario.ca

Appendices

Invited Working Group Members – Producer, Municipal groups

Producers (15 total)

- Amazon Canada
- Canadian Beverage Association
- Canadian Federation of Independent Business
- Canadian Federation of Independent Grocers
- Canadian Tire
- Coca-Cola
- Food and Consumer Products of Canada
- Loblaw
- Magazines Canada
- News Media Canada
- Procter & Gamble
- Restaurants Canada
- Retail Council of Canada
- Unilever Canada
- Wal-Mart

Municipalities (28 total)

- Association of Municipalities of Ontario
- Association of Condominium Managers of Ontario
- City of Cornwall
- City of Hamilton
- City of London
- City of North Bay
- City of Ottawa
- City of Sarnia
- City of Sault Ste. Marie
- City of St. Thomas
- City of Thunder Bay
- City of Toronto
- City of Woodstock
- District Municipality of Muskoka
- Durham Region
- Essex-Windsor Solid Waste Authority
- Federation of Northern Ontario Municipalities
- Halton Region
- Lambton County
- Municipality of Chatham-Kent
- Niagara Region
- Northwestern Ontario Municipal Association
- Oxford County
- Peel Region
- Regional Public Works Commissioners of Ontario
- Rural Ontario Municipal Association
- Simcoe County
- York Region

Invited Working Group Members – Circular Economy group

Circular Economy (13 total)

Waste Management Industry

- Atlantic Packaging
- Emterra
- Green For Life/Canada Fibers
- Miller Waste
- Ontario Waste Management Association
- Owens-Illinois
- ReVital Polymers
- Waste Connections of Canada

Packaging Material Sector

- Canadian Manufacturers and Exporters
- Canadian Plastics Industry Association
- Carton Council of Canada
- Compostables Canada
- Paper and Paperboard Packaging Environmental Council

December 18, 2019

Attachment 1: Background on Transition to Full Producer Responsibility

Municipal governments have been advocating for over a decade for producers to have full fiscal and operational responsibility for end of life management of their packaging, printed paper and paper products. Producers are best positioned to reduce waste, increase the resources that are recovered and reincorporated into the economy and enable a consistent province-wide system that makes recycling easier and more accessible.

In August 2019, Minister Yurek announced that municipal Blue Box programs will be transitioned to full producer responsibility over a three-year period based on the recommendations from the Special Advisor's report titled, "Renewing the Blue Box: Final report on the blue box mediation process." Municipal governments played a key role in helping to develop the recommendations within this report. These recommendations broadly reflected the positions advocated by AMO and there was also a great deal of alignment with producers on how the Blue Box should be transitioned.

The municipal transition is proposed to occur between 2023 and the end of 2025, as shown in the table below:

Date	Description
Sept. 2019 → Dec. 2020	Blue Box wind-up plan developed for Stewardship Ontario
	Development of a Regulation under the <i>Resource Recovery and Circular Economy Act</i> , 2016
Jan. 2021 → Dec. 2022	Producers prepare to assume control and operation of system and work with municipal governments and service providers
Jan. 1, 2023 → Dec. 31, 2025	Transition of individual municipal Blue Box programs to full producer responsibility. Occurs in phases over three years with a rolling total of up to one-third of the Provincial program transitioning annually

The Minister wants to ensure that the transitioned Blue Box system is affordable for producers, workable for the waste processing sector, and effective and accessible for residents. AMO and municipal representatives are involved in the consultation process to develop a new regulation for the Blue Box. The Province's intent is to finalize a Regulation by the end of 2020.

AMO staff held in-person workshops on the Blue Box transition across the Province through October and November 2019 to discuss this topic with municipal waste management staff. Over 165 staff and elected officials attended the sessions in Vaughan, London, Smiths Falls, North Bay and Dryden. The workshops provided an opportunity to engage directly with our sector to build understanding about this transition process and the level of engagement from attendees was excellent.

We also began the discussion about what municipal governments should take into consideration about how to prepare for this change and what factors might be considered as to when a Council might want to transition.

HOW YOUR RESOLUTION WILL HELP INFORM THE DISCUSSION:

The resolutions will be used to map out an ideal transition timeline, and determine whether there are years that are over or under subscribed, as it has been dictated that a rolling total of up to one-third of Blue Box programs can transition each year. This information will also allow AMO and the Province to better understand whether there are conflicts. If there are too many conflicts, the Province may still need to retain a third-party expert to develop a methodology as to how municipal Blue Box programs will transition.

However, rather than deferring to the Province to retain an expert immediately, we think this information would provide a good basis for a more informed decision to be made.

Attachment 2: Sample Resolution

Your Council's stated preference may not be the final determination of your transition date, nor are you obligated in any way by the date that is specified. The resolution will be used to map out an ideal transition timeline, and determine whether there are years that are over or under subscribed, as it has been dictated that a rolling total of up to one-third of Blue Box programs can transition each year. This information will also allow AMO and the Province to better understand whether there are conflicts. If there are too many conflicts, the Province may still need to retain a third-party expert to develop a methodology as to how municipal Blue Box programs will transition.

Resolution on Transition to Full Producer Responsibility

WHEREAS the amount of single-use plastics leaking into our lakes, rivers, waterways is a growing area of public concern;

WHEREAS reducing the waste we generate and reincorporating valuable resources from our waste stream into new goods can reduce GHGs significantly;

WHEREAS the transition to full producer responsibility for packaging, paper and paper products is a critical to reducing waste, improving recycling and driving better economic and environmental outcomes;

WHEREAS the move to a circular economy is a global movement, and that the transition of Blue Box programs would go a long way toward this outcome;

WHEREAS the **Municipality of X** is supportive of a timely, seamless and successful transition of Blue Box programs to full financial and operational responsibility by producers of packaging, paper and paper products;

AND WHEREAS the Association of Municipalities of Ontario has requested municipal governments with Blue Box programs to provide an indication of the best date to transition our Blue Box program to full producer responsibility;

THEREFORE BE IT RESOLVED:

THAT the **Municipality of X** would like to transition their Blue Box program to full producer responsibility [month] [date], [year] (between January 1, 2023 and December 31, 2025).

AND THAT this decision is based on the following rationale:

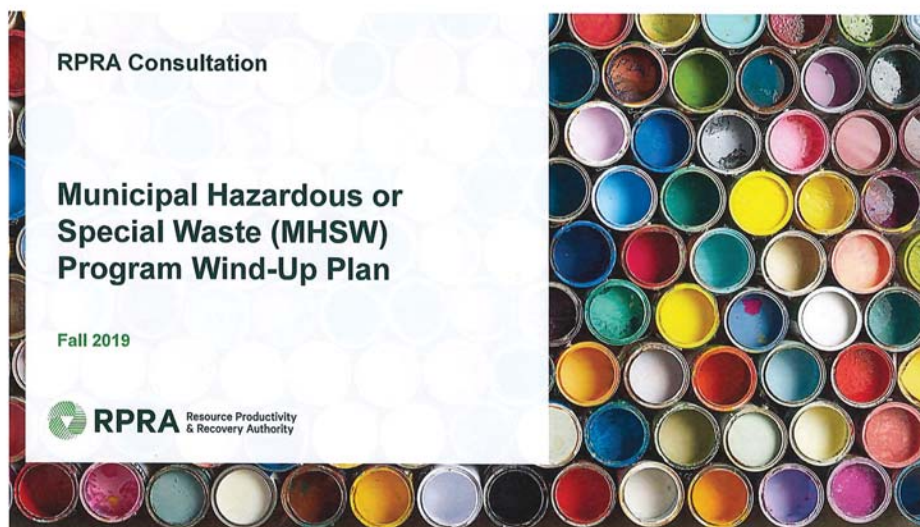
1. **Insert rationale based on analysis of contracts, assets, integrated waste management system or other considerations (e.g., our collection contract for Blue Box material expires December 31, 2024 and our processing contract for Blue Box material also expires December 31, 2024.)**

AND THAT the **Municipality of X** would be interested in providing collection services to Producers should we be able to arrive at mutually agreeable commercial terms.

AND FURTHER THAT any questions regarding this resolution can be directed to Jane Doe, City Manager at xxx-xxx-xxxx or jane.doe@municipalityx.ca

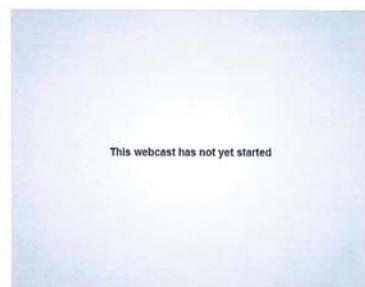
AND FURTHER THAT the resolution be forwarded to the Association of Municipalities of Ontario and the Ontario Ministry of the Environment, Conservation and Parks.

EXAMPLE



Asking Questions

01/29/2018 10:00 AM EST



Questions and Answers

Question: first
Answer: pending

Type a question and press 'Enter'

To ask a question at any time during the presentation or for technical assistance, type your question in the text box and press "Enter".

Agenda

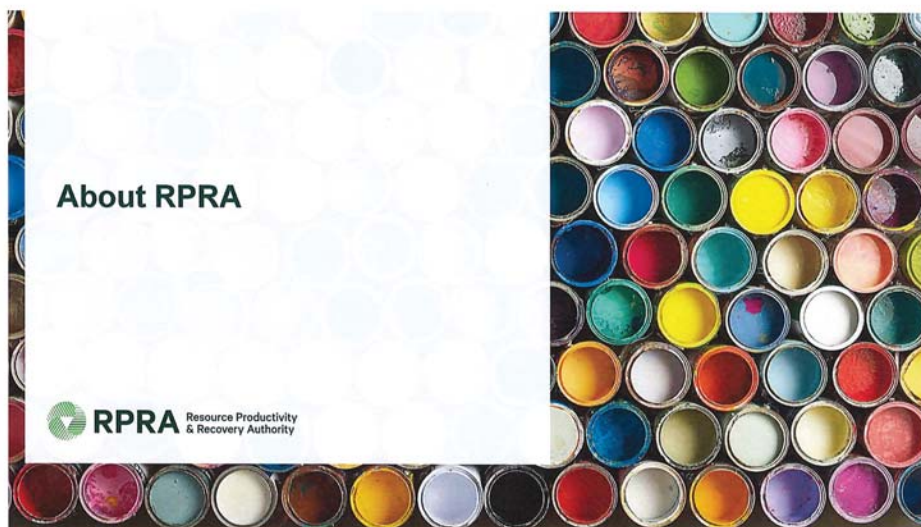
- Purpose of the Consultation
- About RPRA
- Background
- SO's Proposed MHSW Wind-Up Plan
 - Governance and Administration
 - Financial Forecast, Fee Reduction and Residual Funds
 - Operations
 - Promotion and Education



Purpose of the Consultation

- Provide an overview of Stewardship Ontario's proposed Wind-Up Plan for the Municipal Hazardous or Special Waste (MHSW) Program
- Answer questions you have on the wind-up process
 - If there is a question we cannot answer, we will follow up in writing
- Outline key questions we are seeking feedback on during the consultation period
 - You can provide your feedback to RPRA until **November 21, 2019**
 - At the end of the presentation we will explain how you can provide that feedback





The Resource Productivity and Recovery Authority

- Regulatory body created by the Ontario government to oversee Individual Producer Responsibility requirements
 - Compliance and enforcement responsibilities delegated by the province
- Mandated to support the transition to a circular economy and waste-free Ontario
 - Despite efforts, Ontario's diversion rates have stalled
 - New emphasis on Individual Producer Responsibility to drive better economic and environmental outcomes

The RRCEA and WDTA

- RPRA receives its Authority from the *Resource Recovery and Circular Economy Act, 2016* (RRCEA) and the *Waste Diversion Transition Act, 2016* (WDTA)
- RRCEA establishes a new framework where producers are individually responsible and accountable for their products and packaging, recovering resources, and reducing waste
- WDTA allows for the continuation of waste diversion programs and sets out provisions to wind up those programs as directed by the Minister of the Environment, Conservation and Parks



Our Vision

**A circular economy today
for a waste-free tomorrow.**

Our Mission

**Enforce producer responsibility and advocate for
the circular economy to spur innovation and
protect the environment.**

What We Do

Under the **WDTA**, our responsibilities include:

Overseeing existing waste diversion programs and industry funding organizations until wind up

- **Used Tires Program** [Concluded December 31, 2018] operated by Ontario Tire Stewardship
- **Waste Electrical and Electronic Equipment Program** operated by Ontario Electronic Stewardship
- **Municipal Hazardous or Special Waste Program** operated by Stewardship Ontario
- **Blue Box Program** operated by Stewardship Ontario

Approving wind-up plans developed by Industry Funding Organizations

- Monitor the execution of wind-up plans

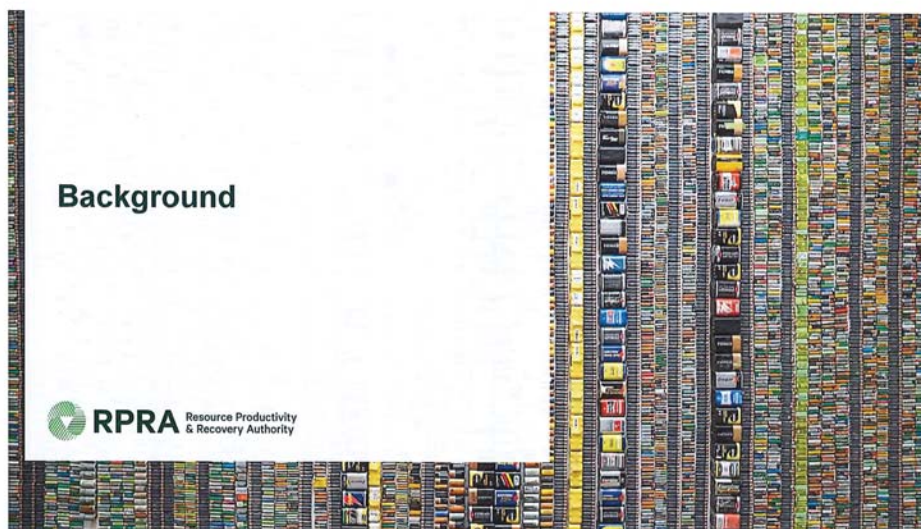


What We Do

Under the **RRCEA** our responsibilities include:

- Developing and operating a registry to register and receive information from obligated parties responsible for materials under the RRCEA
- Managing, analyzing and reporting on the information in the registry
- Carrying out compliance and enforcement activities





MHSW Program

- The Municipal Hazardous or Special Waste (MHSW) Program is operated under the authority of Ontario's *Waste Diversion Transition Act, 2016* (WDTA)
- The program is designed to collect certain hazardous and special wastes and ensure they are managed in an environmentally responsible way at end of life
- MHSW materials include:
 - single-use batteries
 - pressurized containers
 - oil containers
 - oil filters
 - antifreeze
 - paints and coatings
 - pesticides
 - solvents and
 - fertilizers

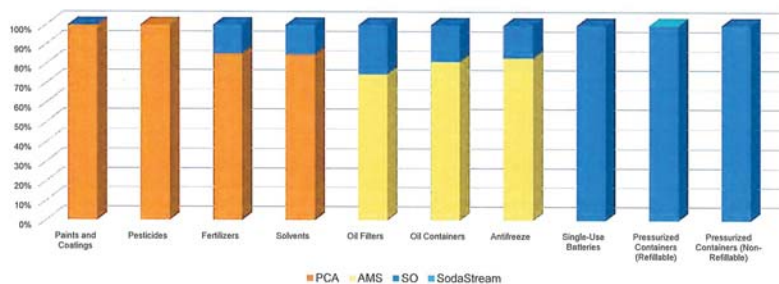
Industry Funding Organization (IFOs) and Industry Stewardship Organizations (ISOs)

- Under the *Waste Diversion Transition Act, 2016* (WDTA), **Stewardship Ontario (SO)** continues to be responsible for operating the MHSW program
- The Act also permits management of such materials by ISOs
 - **Product Care Association (PCA)**: approved to manage paints & coatings in July 2015 and pesticides, solvents and fertilizers (PSF) in April 2016
 - **Automotive Materials Stewardship (AMS)**: approved to manage oil filters, oil containers, antifreeze and antifreeze containers in April 2017
 - **SodaStream**: approved manage their own of proprietary pressurized containers in July 2016
- SO continues to operate battery and pressurized container programs
- SO continues to represent a small number of stewards in some of the other MHSW categories managed by the ISOs



Industry Funding Organization (IFO) and Industry Stewardship Organizations (ISOs)

Percentage of Material Managed by each MHSW Program Operator
(*based on collected tonnes as reported in 2018 Annual Reports)



MHSW Wind-Up Plan (WUP) Development and Approval

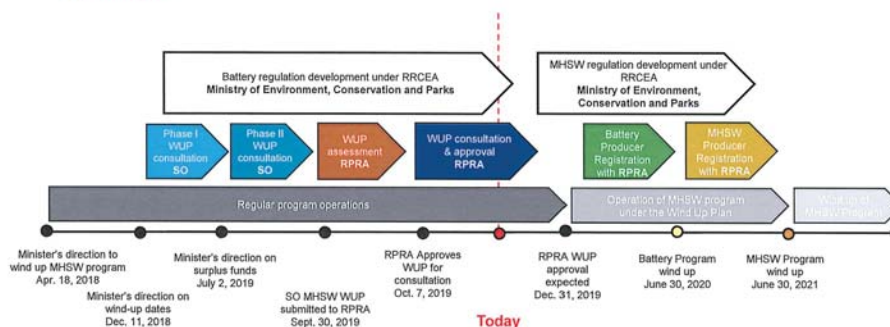
Evaluation Criteria

- Stewardship Ontario's proposed MHSW Wind-Up Plan must be compliant with the WDTA and consistent with the Minister's directions
- The Plan is also assessed against requirements of the Authority's Wind-Up Guide, a non-binding document to provide guidance to IFOs in the development of wind-up plans
- The purpose of the consultation is to get feedback from stakeholders on the plan, and inform the Authority's decision making
- Final approval of the Plan will be made by the Authority



MHSW Wind-Up Plan (WUP) Development and Approval

Timelines



Minister's Direction to Wind Up the MHSW Program

The plan should be consistent with the following principles

- Demonstrate transparent communications and meaningful consultation
- Support competition and prevent conflict of interest
- Demonstrate fairness to stewards and protect consumers
- Maintain and improve program performance



Minister's Direction to Wind Up the MHSW Program

Surplus Funds

- The July 2019 direction to SO required that the wind-up plan include a proposal to return surplus funds to Ontario consumers of municipal hazardous or special material (MHSM)

Material Categories	Ministerial Direction
MHSM categories whose recovery is managed by SO (single-use batteries and pressurized containers)	"(...) direction that the proposal will set out rules governing a fee elimination during the wind-up period. I expect that consumers will benefit from this direction through the elimination of any consumer fees of through reduced product cost."
MHSM categories that are managed through industry stewardship plans (paint and coatings, pesticides, solvents, fertilizers, antifreeze, oil filters and oil containers)	"(...) the proposal include options to return surplus funds to MHSM consumers; for example, through a consumer rebate option."

- SO to include a proposal to deal with any residual funds (remaining) after the proposal to return surplus funds to consumers has been implemented and concluded.



What's Changing?

Going from:

Waste Diversion Transition Act, 2016 (WTDA)

Shared Producer Responsibility
Stewards/producers collectively responsible for the end-of-life management of batteries and MHSW

A system centrally managed by SO and ISPs

To:

Resource Recovery and Circular Economy Act, 2016 (RRCEA)

Individual Producer Responsibility (IPR)
Stewards/producers individually responsible for the end-of-life management of batteries and other MHSW to incent competition and innovation and increase accountability

A system managed by multiple competing producer responsibility organizations (PROs), and/or producers managing their own products



What's Changing?

Going from:

A supply chain operated according to the IFO's Program Plan and Industry Stewardship Plans (ISPs)

IFO and ISPs collect system data and the Authority oversees MHSW program operators (SO, PCA, AMS, SodaStream)

To:

Supply chain operated without an approved Program Plan or Industry Stewardship Plans (ISP)

Supply chain will be managed according to commercial negotiations between producers, PROs and service providers within the parameters of a new regulation

The Authority collects system data through a secure registry to enforce individual producer compliance



Key Questions – About Us and Background

Do you have any questions regarding the role of the Authority?

Do you have any questions or comments regarding the wind-up plan's evaluation criteria, its timelines or the Minister's direction?



Stewardship Ontario's (SO) Wind-Up Plan for the Municipal Hazardous or Special Waste (MHSW) Program





Conflict of Interest Mitigation

Minister directed in wind-up letter that:

- "SO shall take all necessary steps to ensure there is no real, potential or apparent conflict of interest when developing and implementing the plan."

Potential concerns identified:

- Canadian Stewardship Services Alliance (CSSA) administers the SO MHSW Program through a service agreement with SO
- CSSA may have an operational role under the RRCEA after wind up
- SO and CSSA Boards had significant cross representation

Conflict of Interest Mitigation Plan:

- The Authority required that SO develop and implement a Conflict of Interest Mitigation Plan and that this plan be implemented prior to wind up

SO MHSW Conflict of Interest Mitigation Plan

Board Governance

- SO amended Board Code of Conduct by-law to define “overlapping directors”
- SO directors who are also directors of the CSSA or AMS (defined as “overlapping directors”) or whose company has a future expectation of operating as a service provider under the RRCEA with respect to MHSW materials, are not permitted to participate in decisions regarding the MHSW Program or the wind up of the MHSW Program
- Board members are required to disclose any potential conflict of interest related to the Board's review of MHSW Program decisions and will be required to recuse themselves from those decisions



SO MHSW Conflict of Interest Mitigation Plan

MHSW Executive Committee

- In **November 2018**, SO established an MHSW Executive Committee (chaired by an independent director) to:
 - Oversee the development and execution of the MHSW Wind-Up Plan
 - Ensure delivery of MHSW operations during Wind-Up period
 - Provide direction on MHSW financial matters
- The MHSW Executive Committee is comprised of directors whose businesses are not involved in or obligated under the MHSW Program
- SO appointed an MHSW program manager to report directly to the MHSW committee and lead a team of independent consultants (accounting, legal and policy advisors) engaged to work on the wind-up project



SO MHSW Conflict of Interest Mitigation Plan

Administration

- CSSA Executives are not responsible for MHSW wind up decisions as per new reporting structure
- SO and CSSA staff involved in program administration are prohibited from engaging in activity or directly or indirectly benefitting from their position or connections as employees in situations that constitute or have the appearance of a conflict of interest
- SO - CSSA service agreement prohibits the disclosure of confidential information and restricts its usage to that reasonably required to exercise duties under the agreement



SO MHSW Conflict of Interest Mitigation Plan

Since submitting the MHSW WUP, SO has further strengthened their conflict of interest plan in preparation for the wind up of the Blue Box Program by creating the SO Wind-Up Team and has taken or will take the following actions:

- All cross appointments between the SO and CSSA boards have been eliminated; no common directors between the organizations
- CSSA/SO Board Chair has resigned and a new SO Board Chair has been elected
- New SO Executive Director and Board Secretary has been appointed
- MHSW Executive Committee is no longer required and SO Wind-Up Team now reports directly to the SO Executive Director
- Segregated workspace will be constructed for the SO Wind-Up Team, SO staff and CSSA staff providing services to SO



SO MHSW Conflict of Interest Mitigation Plan

Data Management – Steward Access to Data

- Stewards will have access to their historic submission data through the WeRecycle steward reporting web portal until program termination
- Following program termination, steward data will no longer be accessible through the portal
- SO proposes to give MHSW stewards at least 45-days notice regarding the anticipated change in accessibility



SO MHSW Conflict of Interest Mitigation Plan

Data Management – Transfer of Data to RPRA

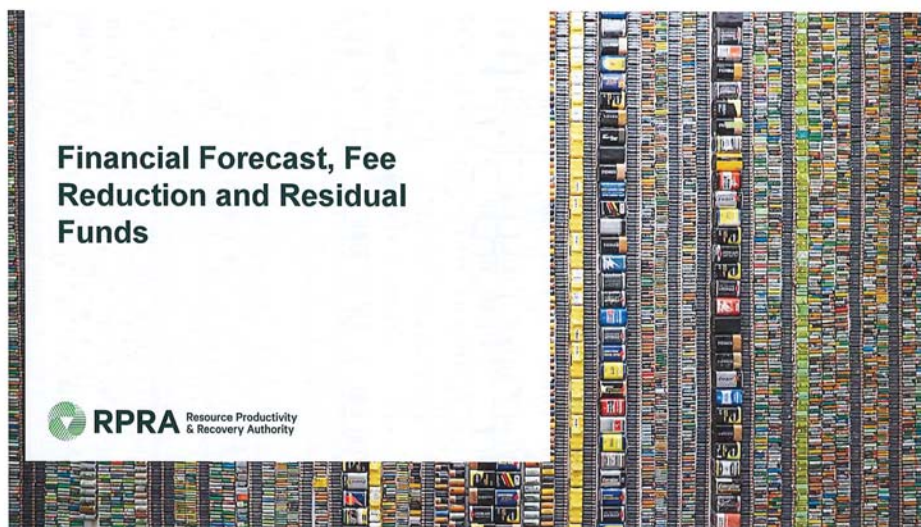
- All MHSW program data will be transferred to the Authority in digital format with measures implemented to maintain data security throughout the transfer process
- Confidential or commercially sensitive information will be identified so that the Authority can take steps to ensure secure data storage and protection of such information
- Historic program data will be in the Authority's possession and future access to this data will be subject to the Authority's Access and Privacy Code
- Only MHSW program data required for tax and legal purposes will be retained until no longer required, at which point the process of destroying the data from active and back-up access points will begin with a final attestation provided to the Authority once the destruction process is complete



Key questions – Governance and administration

Do you have any feedback on the proposed Conflict of Interest Plan contained within SO's MHSW Wind Up Plan? Does it support competition and prevent conflict of interest?

Do you have any feedback on the plan for the management of MHSW program data leading up to and following the wind up?



Background – CRA HST Refund and Impact on Reserves

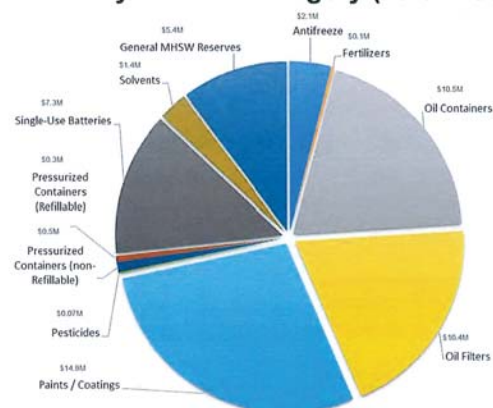
- In April 2018, a CRA judgement related to the ability for SO to claim Input Tax Credits (ITCs) between 2011 to 2017, resulted in a **\$29.4M** HST refund
- The CRA ruling increased SO's reserves for the period ending December 2018 to **\$53.1M**
- Reserves are allocated to specific material categories
- MHSW material category reserves are distributed according to contributions by stewards throughout the course of the MHSW Program



MHSW Reserves by Material Category (as of December 2018)

	Accumulated Operating Surplus (Excluding HST Adjustment)	HST ITC Adjustment	Deferred Revenue (2012)	Total Reserve Estimate December 2018
Antifreeze	\$316	\$1,267	\$527	\$2,110
Fertilizers	\$33	\$94	\$5	\$132
Oil Containers	\$3,668	\$6,111	\$715	\$10,494
Oil Filters	\$1,622	\$6,062	\$2,688	\$10,372
Paints/Coatings	\$4,648	\$7,145	\$3,141	\$14,934
Pesticides	-\$43	\$101	\$11	\$69
Pressurized Containers (Non-Refillable)	-\$413	\$818	\$110	\$515
Pressurized Containers (Refillable)	\$127	\$159	\$2	\$288
Single-Use Batteries	\$419	\$4,974	\$1,903	\$7,296
Solvents	\$734	\$676	\$37	\$1,447
Total Reserves Allocated by Material	\$11,111	\$27,407	\$9,139	\$47,657
MHSW General Unrestricted Reserves	\$1,360	\$1,969	\$0	\$3,329
MHSW Portion of Sustaining Fund	\$2,100	\$0	\$0	\$2,100
Total Unallocated Reserves	\$3,460	\$1,969	\$0	\$5,429
Total MHSW Reserve Estimate	\$14,571	\$29,376	\$9,139	\$53,086

MHSW Reserves by Material Category (as of December 2018)



MHSW WUP Financial Forecast 2019 - 2021 (in \$000)

	2019	2020	2021
Estimated Reserves Beginning of Year	53,086	\$48,728	\$22,035
Estimated Revenue	\$13,758	\$5,086	\$939
Program Operating Expenses			
Direct Material Costs	\$13,110	\$8,773	\$1,792
Administration	\$3,560	\$3,057	\$2,325
Sub-Total	\$16,670	\$11,830	\$4,117
Operating Surplus/Deficit	-\$2,912	-\$6,744	-\$3,178
Estimate MHSW Wind Up Costs	-\$1,446	-\$2,681	-\$3,165
ISP Fee Reduction		-\$17,268	-\$15,319
Estimated Reserves End of Year	\$48,728	\$22,035	\$373
General Reserve Drawdown	\$1,446	\$1,681	\$2,302
Material Reserve Drawdown	\$2,912	\$25,012	\$19,358

Minister's Direction Regarding Surplus Funds

- Due to the large amount held by SO in reserves, the Minister issued a direction to SO to return surplus funds to Ontario consumers of municipal hazardous or special materials (MHSM)
- Furthermore, the materials managed by Stewardship Ontario and the Industry Stewardship Organization (ISOs) received specific directions

Material Categories	Ministerial Direction
MHSM categories whose recovery is managed by SO (single-use batteries and pressurized containers)	"(...) direction that the proposal will set out rules governing a fee elimination during the wind up period. I expect that consumers will benefit from this direction through the elimination of any consumer fees or through reduced product cost."
MHSM categories that are managed through industry stewardship plans (paint and coatings, pesticides, solvents, fertilizers, antifreeze, oil filters and oil containers)	"(...) the proposal include options to return surplus funds to MHSM consumers; for example, through a consumer rebate option."



Options Considered to Manage Surplus Funds

Categories whose recovery is managed by SO (single-use batteries and pressurized containers)

1. **Fee Elimination:** SO reduces MHSW steward fees for single-use batteries and pressurized containers for a specified period of time in each related MHSW category
2. **Fee Reduction:** SO reduces MHSW steward fees over a longer period – exact level of final fee reduction based on final program financial reconciliations and completed steward supply reports

Categories that are managed through ISPs (paint and coatings, pesticides, solvents, fertilizers, antifreeze, oil filters and oil containers)

SO considered and consulted on four options to return surplus funds to consumers:

1. Fee elimination/reduction for ISP materials
2. Rebate consumers that purchase MHSM
3. Rebate consumers that return MHSW materials for recycling
4. Implement a single general MHSW consumer rebate through various awareness initiatives



Proposal – Fee Reduction to SO Stewards and ISO Members

- SO proposes to return surplus funds to MHSM consumers through the implementation of a fee reduction for both SO stewards and ISO members during the wind-up period
- SO believes that this proposal achieves the following objectives:
 - Enables the consistent treatment of all MHSW program participants
 - Represents the most efficient way to ensure that the disbursement of surplus funds will benefit consumers
 - Minimizes the administrative costs associated with disbursement of surplus funds
 - Maximizes the aggregate level of disbursed funds which minimizes the level of residual funds left in the program following termination
 - Flexibility to adjust the amount of the final fee reduction based on most current financial and operational information
- SO asserts that the competitive market dynamic associated with the sale of MHSM materials should result in cost savings being passed onto related consumers



Proposal – Fee Reduction Mechanics

- SO is proposing to apportion surplus funds held in each material specific reserve as a reduction to steward invoices during the final quarters of the program
- The duration of fee reduction (number of quarters) varies based on surplus amount and operating cost associated with the management of each type of material
- SO steward invoices would indicate the amount of the program costs (i.e. what would normally be billed to the steward) and the amount of the fee reduction associated with the reserve drawdown in addition to the amount the steward would be required to pay.
- SO proposes to implement the fee reduction for ISP members through separate service agreements with the ISOs (AMS and PCA) that establish terms for:
 - Data sharing
 - How to document the process
 - How to resolve disputes
 - Require that any fee reductions paid for by SO benefit or are passed onto to ISP members.



Proposal – Fee Reduction Communications

Stakeholders Involved in the Sale of MHSM	Method of Communication	Communication Goal
- SO Stewards - ISO Members - MHSM Wholesalers - MHSM Retailers	- Email Blasts - Website Posts - Targeted Webinar Sessions	Ensure that all stakeholders involved in the sale of MHSM are fully aware of: - The process by which fees will be reduced for SO stewards and ISO Members - The anticipated timing of implementation of the fee reductions and - The estimated level of the fee reduction per MHSW category

Proposal – Residual Funds

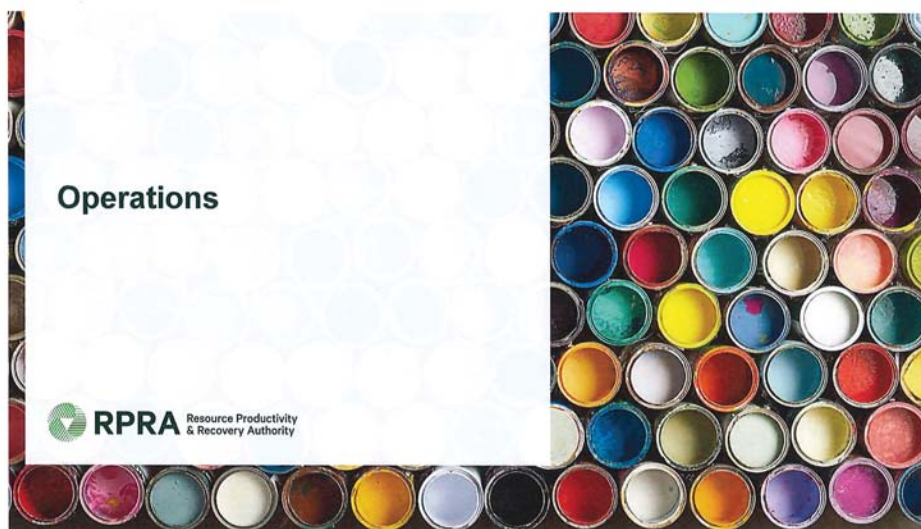
- Any residual funds that remain in the program following the resolution of outstanding program financial obligations, are proposed to be transferred to the Authority to help offset registry-related costs under the RRCEA framework in relation to various MHSW material categories
- Using SO's residual funds to offset the Authority's registry-related expenses will lower registry fees recoverable from producers, thereby reducing the cost that producers pass on to consumers under the RRCEA

MHSW Residual Fund Forecast (\$000)

Antifreeze	\$55
Fertilizers	\$5
Oil Containers	\$87
Oil Filters	\$58
Paints/Coatings	\$53
Pesticides	\$5
Solvents	\$9
Pressurized Containers (Non-Refillable)	\$44
Pressurized Containers (Refillable)	\$33
Single-Use Batteries	\$27
Residual Funds at program Termination	\$376

Key questions – Financial Forecast, Fee Reduction and Residual Funds

- *Do you have any comments or feedback regarding:*
- *The proposal to return surplus funds to MHSM consumers through the implementation of a fee reduction to SO stewards and ISO members?*
- *The proposal to transfer remaining MHSW residual funds to the Authority to offset registry-related expenses and ultimately lower producer registry fees?*





Proposal – Stewardship Ontario Program Operation **Single-Use Batteries and Pressurized Containers**

- No changes to service provider claims procedures, incentive payments or contractual terms prior to the MHSW Program termination date
- No changes to MHSW material definitions
- All MHSW materials will continue to be collected, transported, processed and recycled in accordance with current program standards and performance metrics up until **June 30, 2021** (or **June 30, 2020** in the case of single-use batteries).

Proposal – Municipal Collectors **Single-Use Batteries and Pressurized Containers**

- SO to continue to pay municipalities for depot hours and collection events in relation to single-use batteries until **June 30, 2020** and pay for depot hours and collection events for other MHSW materials until **June 30, 2021**.
- Municipalities would receive payments pursuant to the same payment schedule as they currently receive.
- Municipalities must submit event claims no later than two months after the program termination dates (**August 31, 2020** for single-use batteries and **August 31, 2021** for pressurized containers).
- SO will work with municipalities to amend existing agreements to reflect the different termination dates for single-use batteries and other MHSW materials.



Proposal – Transporters and Processors **Single-Use Batteries and Pressurized Containers**

- SO proposes to continue to provide incentives under the Battery Incentive Program (BIP) for all single-use batteries collected by **June 30, 2020** (program termination date)
- Transporters would have until **July 15, 2020** to collect single-use batteries and from collection sites and until **July 15, 2021** to collect pressurized containers.
- Transporters and processors would have until **August 31, 2020** to submit incentive claims for single-use batteries dropped off by **June 30, 2020** and collected by **July 15, 2020**.
- Transporters and processors would have until **August 31, 2021** to submit claims for pressurized containers dropped off by **June 30, 2021** and collected by **July 15, 2021**.



Summary of Key Dates – Service Providers

Single-use battery cut-off dates	
June 30, 2020	Single-use Battery program termination date: - Materials collected by this date eligible for transportation and processing incentives; - Municipalities eligible for single-use battery related incentives re depot hours and collection events.
July 15, 2020	Deadline for pick-up of single-use batteries collected by June 30
August 31, 2020	Deadline for: - Submission of municipal claims for single-use battery related incentives (final submission); - Submission of service provider claims for battery incentives (final submission);
MHSW cut-off dates	
June 30, 2021	MHSW material program termination date (excluding single-use batteries): - Materials collected by this date eligible for transportation and processing incentives; - Municipalities eligible for incentives re depot hours and collection events
July 15, 2021	Deadline for pick-up of MHSW collected by June 30 (excluding single-use batteries)
August 31, 2021	Deadline for: - Submission of municipal claims for incentives (final submission); - Submission of service provider claims for incentives (final submission);



Proposals – Audit and Review Activities

Service Providers Claims

- SO proposes to continue with current service provider monitoring throughout the wind-up period
- As the wind-up date approaches, SO anticipates that volumes of materials collected and processed may change, which will require the careful monitoring of final service provider claims submissions closely and initiation of review procedures to confirm materials collected are consistent with program standards



Service Providers – Post-Wind Up

All MHSW Materials

- All material collected **AFTER** the MHSW program termination dates (**June 30, 2020** for single-use batteries and **June 30, 2021** for all remaining MHSW materials) would be subject to the requirements of the RRCEA and the associated regulations
- If service providers wish to continue to participate in the MHSW program under the RRCEA, new agreements will need to be established to define terms for collection, transportation and processing of material
- It is anticipated that PROs for Batteries and MHSW materials will register with the Authority in advance of the program wind up



Proposal – ISP Agreements

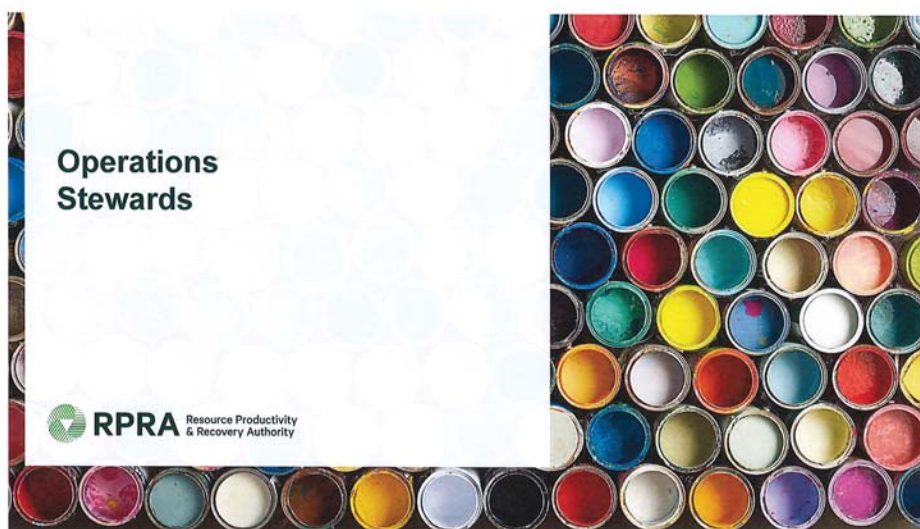
Paint and Coatings, Pesticides, Solvents, Fertilizers, Automotive Materials

MHSW Material	ISO	Program Agreement Amendments
Antifreeze Oil Containers Oil Filters	AMS	• SO to extend its current agreements with each ISO to align with the MHSW Program wind up termination date (June 30, 2021) • SO will follow the current process and arrangements with the ISOs and purchase SO steward's share of quarterly costs in each material category based on estimates of proportionate share of total supplied quantities of MHSW to the Ontario market • SO to follow the existing invoicing and payment process until program termination
Pesticides Solvents Fertilizers	PCA	• SO proposes to explore the possibility of adding paints and coatings to its existing supply agreement with PCA (covering PSF categories) during the wind-up period. • SO will continue to purchase credits on behalf of its registered stewards from PCA until program termination
Paint and Coatings	PCA	• SO proposes to explore the possibility of adding paints and coatings to its existing supply agreement with PCA (covering PSF categories) during the wind-up period. • SO will continue to purchase credits on behalf of its registered stewards from PCA until program termination



Key question – Service Provider Operations

Are the service provider cut-off dates proposed by Stewardship Ontario reasonable?



Proposal – Steward Reporting and Payment Dates **Single-Use Batteries**

- Final adjustment requests for 2019 and earlier will need to be submitted by **May 31, 2020**
- Final supply reports for Q2 2020 data July 1, 2020 will be due by **August 31, 2020**
- Final adjustment requests for 2020 supply data will need to be submitted by **August 31, 2020**
- Battery stewards would receive their last invoice from SO 90 days after the program termination with payment required 30 days after receipt of the invoice (**Oct 31, 2020**)



Proposal – Steward Reporting and Payment Dates **All Other MHSW Materials**

- Final adjustment requests for 2020 and earlier will need to be submitted by **May 31, 2021**
- Final supply reports for Q2 2021 data July 1, 2020 will be due by **August 31, 2021**
- Final adjustment requests for 2021 supply data will need to be submitted by **August 31, 2021**
- MHSW stewards would receive their last invoice from SO 90 days after the program termination with payment required 30 days after receipt of the invoice (**Oct 31, 2021**)



Summary of Key Dates for Stewards

Single-use battery cut-off dates	
May 31, 2020	Deadline for single-use battery stewards to submit 2019 supply report adjustments
June 30, 2020	Single-use Battery program termination date
August 31, 2020	Deadline for: Submission of single-use battery steward supply report adjustments for 2020;
Oct 31, 2020	Deadline for steward payment of final Stewardship Ontario invoice – sent September 30, 2020 Due 30 days after receipt
MHSW cut-off dates	
May 31, 2021	Deadline for other MHSW stewards (excluding single-use batteries) to submit 2019-2020 supply report adjustments
June 30, 2021	MHSW material program termination date (excluding single-use batteries)
August 31, 2021	Deadline for: Submission of steward supply report adjustments for 2021;
Oct 31, 2021	Deadline for steward payment of final Stewardship Ontario invoice – sent September 30, 2021 Due 30 days after receipt



Proposals – Audit and Review Activities

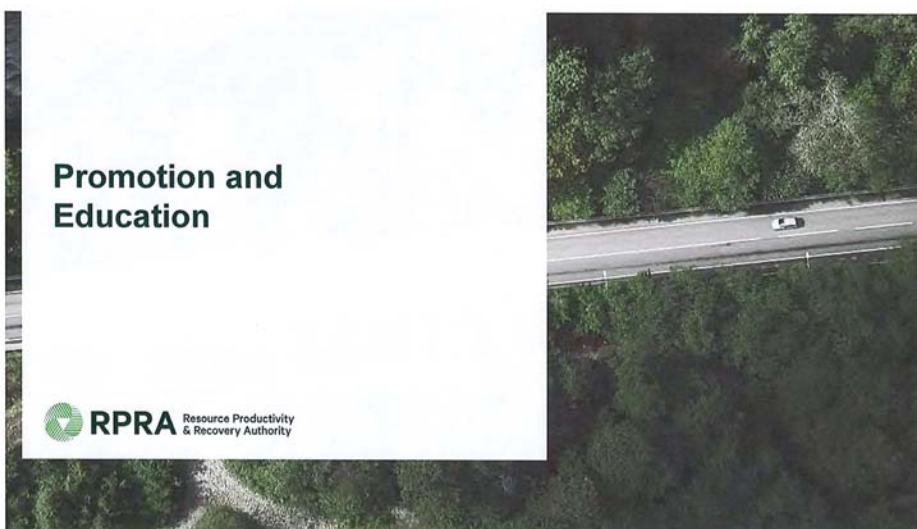
Steward Supply Reports

- SO proposes continue to follow its current steward compliance audit framework for selecting stewards to audit throughout 2019 and 2020
- As program termination dates get closer, SO proposes to limit random steward audits and focus resources on ensuring steward compliance with program termination reporting deadlines and requirements



Key question – Steward operations

Does Stewardship Ontario's proposed final steward reporting schedule and process align with your business operations?



Proposal – Orange Drop Website and Branding

- SO to continue to use Orange Drop branding and website functions as the consumer-facing brand of the MHSW Program throughout the wind-up period
- SO to operate the Orange Drop website for six months after program termination (*this transition period would last for 18 months for single-use batteries)
- During the transition, the Orange Drop website would direct consumers to new sources of information on the proper disposal of MHSW materials
- Following this transition period, SO to transfer the legal title of Orange Drop and its website domain name to the Authority



Proposal – Orange Drop Website and Branding

- SO to continue the current promotion and education awareness programs throughout the wind-up period to ensure that program performance is not adversely affected by a slow down of these activities
- Promotion and education activities represented approximately four per cent of Stewardship Ontario MHSW Program expenses in 2018; a similar level of spending is being proposed for 2019 and 2020
- Promotion and education activities will cease on **June 30, 2021**



Key question – Promotion and Education

Do you support the transfer of the ownership of the Orange Drop website and branding to the Authority?

Would you support the Orange Drop branding being made available to Producer Responsibility Organizations (PROs) and producers?

Do you feel that PROs may need access to the Orange Drop website and branding prior to the wind-up dates?



Key question – General Feedback on the WUP

Is there enough information in the wind-up plan for you to prepare for the wind up of the program?

Please provide any feedback you may have regarding the MHSW Wind Up Plan's efforts to meet the requirements of the various Minister's directions?



Next steps

- You may provide your feedback on SO's MHSW Wind-Up Plan by:
 - Emailing your comments to consultations@rpra.ca
 - You will receive an email from RPRA that includes a link to this presentation, the audio, and a survey on the consultation process
- Stakeholder feedback is due by **November 21, 2019**
- Feedback from the consultation will be summarized in a report that will be available on the Authority's website
- RPRA and SO will provide information on proposed regulations as soon as information becomes available from the Ministry of Environment, Conservation and Parks



Key Questions

Question 1: Do you have any questions regarding the role of the Authority?

Response:

- a. Niagara Region has no concerns at this time provided that the transition of the windup plan submitted by Stewardship Ontario meets the Minister's Directive, the process is transparent and the Resource Productivity and Recovery Authority (Authority) fulfills its mandate as required.
- b. As part of its role following windup plan completion, the Authority needs to ensure the market is fair to all parties and that no single Producer Responsibility Organization (PRO) has a major monopoly of agreements with producers (i.e. no more than XX percent of the market). Niagara experienced this issue during the tire transition during the first half of 2019 i.e. a PRO indicated that one specific tire PRO had agreements with 85% of the market which caused operational issues for Niagara Region resulting in reduced service and tires not being collected.
- c. That all parties involved with the process of MHSW are compensated properly according to the Minister's Direction.

Question 2: Do you have any questions or comments regarding the wind-up plan's evaluation criteria, its timelines or the Minister's direction?

Response:

- a. The timelines seem reasonable
- b. Niagara Region has concerns about the transition occurring in the middle of the summer (busy time of year for MHSW) while the collection sites try to maintain a high level of service for residents. As an example, during the transition of the tire program it took several months for the PROs to have agreements in place and coordination of haulage which would be critical during a busy time of the year such as summer.

Question 3: Do you have any feedback on the proposed Conflict of Interest Plan contained within SO's MHSW Wind Up Plan? Does it support competition and prevent conflict of interest?

Response:

- a. The changes to the various boards appears to have eliminated any potential conflict of interest. That being said, the process must be transparent.

Question 4: Do you have any feedback on the plan for the management of MHSW program data leading up to and following the wind up?

Response:

- a. The management of data is appropriate based on the information provided.

Question 5: The proposal to return surplus funds to MHSM consumers through the implementation of a fee reduction to SO stewards and ISO members?

Response:

- a. The Authority will need to clearly and transparently demonstrate that through this process there is a fee reduction passed down through the stewards and Industry Stewardship Organizations (ISO) members to the consumers. The Authority needs to ensure that stewards do not increase the cost and then reduce the cost by the same amount and claim that consumers are receiving a rebate.
- b. The fee reduction methodology needs to be clearly and easily communicated to consumers so that they are aware of the fee reduction program.

Question 6: The proposal to transfer remaining MHSW residual funds to the Authority to offset registry-related expenses and ultimately lower producer registry fees?

Response:

- a. The process of transferring residual funds needs to be transparent. Similar to response 5 a., the Authority must ensure that any savings are passed onto consumers.

Question 7: Are the service provider cut-off dates proposed by Stewardship Ontario reasonable?

Response:

- a. The timelines seem reasonable.

Question 8: Does Stewardship Ontario's proposed final steward reporting schedule and process align with your business operations?

Response:

- a. It is not anticipated that the reporting schedule will have an impact on our business operations. The Authority has provided sufficient notice in order for Niagara Region to plan and meet requirements in advance of the deadlines.

Question 9: Do you support the transfer of the ownership of the Orange Drop website and branding to the Authority?

Response:

- a. Yes, an independent organization should oversee the Orange Drop site to ensure that the public's interest is maintained.

Question 10: Would you support the Orange Drop branding being made available to Producer Responsibility Organizations (PROs) and producers?

Response:

- a. The PROs and producers should work through the Authority for any changes that are required to the Orange Drop site.

Question 11: Do you feel that PROs may need access to the Orange Drop website and branding prior to the wind-up dates?

Response:

- a. Please see response to Question 10.

June 21, 2019

Krista Friesen
Resource Recovery Policy Branch
40 St. Clair Avenue West, Floor 8
Toronto, ON
M4V 1M2

Dear Ms. Friesen,

**RE: REGULATION FOR RECYCLING OF ELECTRICAL AND ELECTRONIC
EQUIPMENT (EEE) AND BATTERIES (EBR REGISTRY NUMBER: 019-0048)**

Niagara Region appreciates the opportunity to provide comments in response to the EBR posting regarding the Regulations for Recycling of Electrical and Electronic Equipment (EEE) and Batteries under the Resource Recovery and Circular Economy Act, 2016. Please find the Region's comments on each respective section of the regulations below.

Designating Materials

Niagara Region is supportive of inclusive list of designated materials, including appliances, lighting and ballasts, which are included in Schedule I of the EEE regulation, however the list of EEE does not include toys. Toys containing electronic parts and batteries are commonly found at municipal recycling and waste disposal facilities and should be included in the scope of the EEE regulation.

The Region has no concerns with the definition of "large-scaled fixed installations" which excludes large-scale electrical equipment such as elevators, escalators and streetlights.

Niagara Region also supports the inclusion of single use and rechargeable batteries in the battery regulation as it avoids confusion for consumers and ensures more battery capture.

Defining Responsible Producers

The regulations propose responsibility primarily on brand holders who are resident in Canada whose EEE and batteries are marketed and supplied to Ontario consumers, followed by importers and others who market EEE and batteries who are resident in Ontario, and then others who are located out of province but who market and supply EEE and batteries to Ontario consumers through the internet. Niagara Region supports the cascading approach to identify responsibility for EEE and batteries, however if there are two or more brand holders resident in Canada, the regulation states that the brand holder most directly connected to the production of the EEE or the batteries is the producer. This is not defined and should be further clarified as it is vague.

Niagara Region's Response to Consultation Sessions: Proposed Producer Responsibility Framework for WEEE and Batteries

Niagara Region supports the dual hierarchy for batteries to differentiate producers that include batteries in their products and those that do not.

With respect to the producers that are located out of province but who market and supply EEE and batteries to Ontario consumers through the internet, a mechanism should be developed to report on-line sellers (free-riders) that do not pay extended producer responsibility (EPR) fees and do not assume take-back obligations. This would improve enforcement by RPRA.

Collection Requirements

Niagara Region supports the Ministry's approach for ensuring accessibility of EEE and battery collection sites across the Province. While the accessibility requirements increase the reach to consumers throughout the province and applies to municipalities of more than 1,000, this may still leave a segment of Ontario municipalities without disposal options if there is no local retailer. Accessibility of collection sites must be included in all municipalities.

The regulation does not, and should not, require municipalities to collect EEE or batteries, but municipalities should retain the right to collect if they wish to be a service provider.

The EEE regulation suggests collecting each type of EEE material separately. Only in rare cases would categories not mix with other categories or have different requirements (i.e.: lighting ballasts). But for the most part, electronics can be safely collected together. This will enable sites with limited space to effectively offer collection services for a wider range of materials with existing resources.

A significant portion of EEE falls under the categories of large and small equipment, including most appliances, tools and gardening equipment. Therefore producers of large and small equipment should not be exempt from collection requirements. Further, in an effort to maximize capture, producers should be subject to collection requirements in all cases, and should not have reduced obligations even if their management requirement falls below the identified minimum thresholds. The identified management requirement thresholds in the regulations do not support the notion of 100% extended producer responsibility practices.

Management Requirements

Niagara Region is supportive of adding the weight of reuse, refurbishment, or processed EEE to make new products, packaging or *things* to satisfy recovery requirements as this should help incentivize more reuse and refurbishment activity; however, there should be increased checks and enforcement to prevent any producers from falsely calling a product refurbished just to meet their targets. In addition, the term, "things" needs to be defined. It is vague and does little to provide clarification and could have companies looking to achieve targets based on the lowest common denominator.

Niagara Region's Response to Consultation Sessions: Proposed Producer Responsibility Framework for WEEE and Batteries

Waste Reduction Initiatives

Niagara Region is supportive of a reduction of a management requirement to be capped at 50 per cent if: EEE contains post-consumer recycled glass or recycled plastic content; if EEE is subject to a warranty that covers one or more years (with escalating reductions); or if the producer provides information, tools or parts available at no charge or on a cost recovery basis to safely repair the EEE. The process for repairs shall be a relatively simple process to ensure that it does not deter the repair of EEE.

Both regulations should encourage product design where there is less use of toxic materials and rare earth components in the manufacture of EEE and battery products.

An extended warranty, at no additional cost, that provides the same coverage as the original manufacturer's warranty would provide an incentive for manufacturers to design their products with additional longevity. This would drive innovation in the design of their product if their extended, no-charge warranty was three or more years, with the incentive that the producer may reduce the weight of its supply data for each of those years by 10 per cent of the weight supplied with the warranty in each of those years.

A processor and refurbisher guideline will support the required standards that must be met by processors and refurbishers in order for the tonnage processed by those companies to count toward a producer's recovery requirement. The guideline should make a clear distinction between repair and refurbishment. Refurbishing should be clearly defined as a product being put back on the market, versus repair which does not entail a resale of the product. The guideline, as well as increased checks and enforcement, will help support and prevent any producers from falsely calling a product refurbished just to meet their management requirement.

Promotion and Education

Promotion and education should be clear on what types of EEE and batteries can be recycled and which cannot. In addition, the requirements for promotion and education should be expanded to be clear on how repair services, parts and tools are made available to consumers and how producers shall make these tools available and accessible to rural, northern and remote communities.

The regulations should be clear on what types of communication are required (i.e.: radio, television, social media campaigns, etc.) and should also include non-digital media forms such as print to increase accessibility of information to rural, northern and remote communities that may not have access to broadband internet service providers.

Further, the regulations should state that the producer, while responsible for all promotion and education, can delegate or engage with private parties to address these responsibilities to help meet their requirements.

Finally, the regulations do not offer a standard for those who market EEE and batteries in Ontario on visible extra fees related to resource recovery or waste reduction. Rather, the regulations leave it up to

**Niagara Region's Response to Consultation Sessions:
Proposed Producer Responsibility Framework for WEEE and Batteries**

seller whether they identify the charge or not. Niagara Region supports all-in pricing to make it simpler for the consumer.

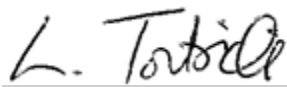
Registration, Record Keeping, Reporting and Auditing

The regulations should require collection sites to register and confirm that they are an active collection site for EEE and batteries. In Niagara, there has been some confusion with respect to the collection of tires as some registered collectors are not actively collecting tires. As such, the regulations should require collection sites to register with confirmation of active collection.

The regulations state that municipalities, acting as collectors, must keep records relating to EEE and batteries at their sites. Specifically, the draft regulations state that if the site receives more than 15 units or 150 kg of EEE, or more than 15 kg of batteries, from a person on a single day, the operator of the site must record the person's name, contact information, any unique identifier assigned by the Registrar and the amount of EEE or batteries accepted. Niagara Region is not supportive of keeping or maintaining these records as it is impractical and unnecessary for municipal collection sites. We support the exclusion of municipal sites from these record keeping requirements as municipal sites manage a wide range of materials from the public to ensure they are properly managed and are extremely busy.

Thank you again for the opportunity to provide comments on the regulation. Niagara Region looks forward to continued engagement with the Ministry, and sharing our unique municipal perspective as we work together to create a circular economy for Ontario.

Regards,



Lydia Torbicki
Director, Waste Management Services (Acting)

cc: Mr. R. Tripp, CAO (Acting)
Ms. C. Habermehl, Commissioner, Public Works Department (Acting)

November 25, 2019

VIA WEBFORM

Jamie Haldenby
Ministry of the Environment, Conservation and Parks,
Program Management Branch – Program Oversight
40 St. Clair Avenue West
4th Floor
Toronto, ON
M4V 1M2

Dear Ms. Haldenby:

RE: ERO 019-0671 Changing the Mandate of the Resource Productivity and Recovery Authority

Niagara Region Waste Management Services is submitting the comments below in response to ERO 019-0671. We thank you for the opportunity to share our municipal perspective and look forward to continued engagement with the province.

In the development of mandate and program changes for the Resource Productivity and Recovery Authority (RPRA), Niagara Region encourages consultation with stakeholders, including municipalities. Niagara Region is generally supportive of the move to digital reporting as a means of increasing efficiency and accessibility as well as reducing paper waste. With respect to specific program changes, Niagara Region recommends consideration of recycling programs for materials such as shingles, mattresses, carpets, porcelain and concrete. Finally, the continued oversight of new and existing programs by the Province is recommended.

We appreciate your consideration of these comments.

Respectfully submitted,



Catherine Habermehl
Director, Waste Management Services

Encl.

**Niagara Region Waste Management Services Response on MECP's Proposal
"Changing the Mandate of the Resource Productivity and Recovery Authority"
ERO number- 019-0671**

Proposed Changes

1. Change RPRA's mandate to include digital reporting services, fee setting, and cost recovery for other programs beyond producer responsibility

1.1 We are proposing to have RPRA collect information for other programs beyond resource recovery and waste reduction. This would include having RPRA carry out registration of programs and overseeing reporting, data management and fee collection for duties related to waste, beyond waste reduction, or resource recovery. This would save all businesses money as a larger group of system users would be sharing common costs.

1.2 RPRA currently sets and collects fees to recover the costs for administering programs under the RRCEA. We are proposing changes to allow RPRA to set and collect fees for the digital reporting services they would be providing for any new programs they take on. The fees would include costs incurred by the ministry for program oversight, compliance and enforcement.

Comments:

Niagara Region is supportive of the move to digital reporting and online processes as a means of increasing efficiency and accessibility as well as reducing paper waste.

In terms of expanding the mandate of RPRA to collect information for programs beyond resource recovery and waste reduction, Niagara Region seeks clarification on the types of programs that potentially fall under this expanded oversight (i.e. municipal organics programs, landfill disposal) and recommends consultation with affected parties, including municipalities. As the mandate is expanded, the Region would like to see a focus on recycling programs for materials such as shingles, mattresses, carpets, porcelain and concrete.

In setting fees for digital reporting services, Niagara Region recommends Provincial guidance in defining parameters and overseeing implementation.

2. Maintain government oversight for the programs that will transition to RPRA. We are proposing to allow the ministry to set guidance on fee structures for the programs that RPRA will be providing digital reporting services.

2.1 Compliance and enforcement for future programs taken on by RPRA will remain the responsibility of the ministry. RPRA would be responsible for operating the digital reporting service to ensure reports are complete and related fees are collected. We are not proposing any changes to the existing ministry oversight of RPRA.

Comments:

Niagara Region supports the continued role of the ministry in providing oversight on all new and existing programs taken on by RPRA as a means of maintaining program consistency, quality and accountability.

3. Make other associated changes

3.1 Currently, the ministry recovers its program costs through an Order in Council. We are proposing to recover all ministry costs more efficiently through a Minister's Order.

3.2 The WDTA sets out RPRA's responsibilities, including its responsibility to oversee the transition of waste diversion programs operated by industry funding organizations (IFOs), to the new extended producer responsibility framework under the RRCEA. We propose to amend the WDTA to allow the transfer of residual surplus funds left at the end of transition, from an IFO to RPRA. While most funds are spent during program transition, some funds may still remain at the end of the transition. This change would allow those residual funds to go to RPRA, where they would be used to reduce fees and financially benefit the regulated community related to the program being transitioned.

3.3 We are also proposing to permit future regulations that could assign additional duties and powers to RPRA. The ministry would consult on any future regulations.

Comments:

As it would be difficult to ensure a net zero sum at the end of transition and to avoid a negative funds scenario, it would be necessary to hold a surplus to ensure sufficient funds are available until the end of the transition period. Niagara Region supports the transfer of these residual funds to RPRA. The Region encourages a fair and equitable process to determine the best application of these funds. The process should be transparent and clearly identify which parties will benefit from the surplus funding.

With respect to Ontario Electronic Stewardship (OES), the Minister, in a letter to RPRA on April 2, 2019, stated that any surplus funds that OES does not need for program operations or wind up costs be used for the benefit of Ontario consumers. As the consumers have paid the environmental handling fees, the Minister stated that the consumers must benefit from the surplus. While the consumer fees were eliminated as

of February 1, 2019 to draw down the surplus, any remaining funds that are being considered for transfer to the RPRA should meet with the Minister's approval.

Proposed program to transition to RPRA

The first digital reporting service we are proposing to transition to RPRA is for the Hazardous Waste program. In 2020, we will be consulting on specific regulatory changes related to Hazardous Waste.

Currently the Hazardous Waste program's digital reporting service is difficult to use resulting in the majority of reports being submitted on paper (e.g. manifests). To make reporting easier, we are proposing to have RPRA develop and deliver a digital reporting service for this program.

Comments:

Niagara Region is supportive of the move to digital reporting and online processes as a means of increasing efficiency and accessibility as well as reducing paper waste.

The stakeholders who will be required to utilize the reporting service, specifically including municipalities, must be involved in the development of this new system.