

Report to Civic Works Committee

To: Chair and Members
Civic Works Committee

From: Kelly Scherr, P.Eng., MBA, FEC
Deputy City Manager, Environment & Infrastructure

Subject: Municipal Waste & Resource Materials Collection By-law
Amendment

Date: September 21, 2021

Recommendation

That, on the recommendation of the Deputy City Manager, Environment & Infrastructure, the draft amending by-law attached as Appendix A **BE INTRODUCED** at the Municipal Council meeting to be held on October 5, 2021, to amend the Municipal Waste & Resource Collection By-law (WM-12) to establish additional packaging requirements for curbside collection of ceramic toilets to enhance health and safety of the sanitation operators and the public.

Executive Summary

The City, as an employer, has an obligation under the *Occupational Health and Safety Act, 1990* to take necessary precautions to protect its employees. Discussions at joint health and safety meetings in response to previous occurrences (e.g., injuries) identified that the collection of ceramic toilets presents a potential hazard as a broken toilet (i.e., the cracked or broken toilet is set-out at the curb with jagged pieces or falls apart during the process of collection) presents similar safety concerns as with the handling of sharps. Without improved safety precautions in place to collect toilets, the collector is at risk of cuts or lacerations.

One additional step for householders is proposed to be introduced and included in By-law WM-12, being the requirement to place the toilet inside a cardboard box and completely seal before setting to the curb to be collected. Most new toilets purchased come with a box which would be available to package the old toilet. A summary of the toilet preparation and packaging requirements are:

- continue to separate the toilet tank from the bowl for two-piece toilets;
- place the tank and bowl in a sealed cardboard box; and
- clearly label 'caution sharp' for the collectors to identify the materials inside.

The 60% Waste Diversion Action Plan (WDAP) proposes a set of 21 actions to achieve 60% waste diversion of residential waste. Included in the set of actions is the diversion of ceramics (primarily toilets). It is estimated that between 100 and 150 tonnes of ceramics could be diverted through the EnviroDepots. This represents a preferable alternative approach if the householder does not wish to package the toilet in a box.

Starting October 1, 2021, toilets and other ceramics will be accepted at the EnviroDepots without charge. These items will be recycled into a crushed aggregate end-product. Material quality, handling procedures and other parameters will be monitored to determine next steps which could include banning the curbside collection of toilets as recycling markets are finalized. This would be subject of a future report to Civic Works Committee.

Funding for this initiative was approved as part of the 60% Waste Diversion Action Plan. It is estimated that it will cost between \$10,000 and \$15,000 annually (excluding initial minor capital costs at the EnviroDepots). These estimates will be reviewed as part of the ongoing work between October 1, 2021, and Spring 2022 before any further recommendations are made.

Linkage to the Corporate Strategic Plan

Municipal Council continues to recognize the importance of waste management and the need for a more sustainable and resilient city in the development of its 2019-2023 Strategic Plan for the City of London. Specifically, London's efforts in waste management address the three following areas of focus: Building a Sustainable City; Growing our Economy; and Leading in Public Service.

Context

1.0 Background Information

1.1 Purpose

The purpose of this report is to provide Civic Works Committee (CWC) and Municipal Council with amendments to the Municipal Waste & Resource Collection By-law (WM-12) to:

- establish additional packaging requirements for ceramic toilets placed at the curb for curbside collection to enhance health and safety of the sanitation operators and the public; and
- permit the drop-off of toilets and other ceramics, without packaging and fees, at the EnviroDepots for the purpose of recycling these items.

1.2 Previous Reports Related to this Matter

- Updates – 60% Waste Diversion Action Plan Including Green Bin Program (November 17, 2020, meeting of the Civic Works Committee (CWC), Item #2.2)
- Municipal Waste & Resource Materials Collection By-Law Amendment (September 22, 2020, meeting of the CWC, Item # 10)
- Business Case 1 – 60% Waste Diversion Action Plan – 2020-2023 Multi -Year Budget (January 30, 2020, meeting of the Strategic Priorities & Policy Committee (SPPC), Item #4.12a)

2.0 Discussion and Considerations

2.1 London's Curbside Bulky Item Collection

London's waste management system provides bulky item collection as part of regular curbside collection service. Bulky items include most furniture such as couches, mattresses, box springs, carpet and bathroom fixtures (e.g., toilet). There are specific requirements for some items, for example, sharp objects including glass, broken ceramics, mirrors or sharp metal must be fully contained inside a cardboard box and taped shut to be collected. Two-piece toilets must have the tank and bowl separated and the toilet bowl empty of water.

Items that have specific collection requirements help to protect collection staff (City staff and contractors) and ensure that the item is successfully removed by collection crews. These safety practices are also helpful for householders as they prevent accidents. If residents do not follow the collection rules the item may be considered a non-collectable and will not be removed by collection staff.

A recent curbside audit in London (July-August 2021) identified 10 toilets at the 4,590 stops checked. This amounts to 0.2% of the stops having a toilet at the curb during this particular audit. Previous estimates suggest that there are between 500 and 600 tonnes of ceramics placed in the garbage annually with toilets being the majority of this amount.

2.2 Enhanced Health & Safety for Collection Staff and the Public

The City, as an employer, has an obligation under the *Occupational Health and Safety Act, 1990* to take necessary precautions to protect its employees. Discussions at joint health and safety meetings in response to previous occurrences (e.g., injuries) identified that the collection of ceramic toilets presents a potential hazard as a broken toilet (i.e., the cracked or broken toilet is set-out at the curb with jagged pieces or falls apart during the process of collection) presents similar safety concerns as with the handling of sharps. Without improved safety precautions in place to collect toilets the collector is at risk of cuts or lacerations.

How other municipalities manage toilets

- Toilet not collected curbside: St. Thomas, Woodstock, Barrie, Guelph, Kingston, Ottawa Valley, Windsor
- Box toilet if broken: Vaughan, Ajax, Pickering
- Separate two-piece toilet for curbside collection: Waterloo Region, Whitby, Halton Region, Niagara Region, Ottawa, Peel Region, Toronto, Markham, Richmond Hill, Aurora, Newmarket
- Separate two-piece toilet for curbside collection by appointment only: Ajax, Pickering
- No Collection Requirements: Oshawa, Peterborough, Simcoe County, Sudbury

What are the changes to the curbside collection of toilets?

One additional step for householders is proposed to be introduced and included in By-law WM-12, being the requirement to place the toilet inside a cardboard box and completely seal before setting to the curb to be collected. Most new toilets purchased come with a box which would be available to package the old toilet. A summary of the toilet preparation and packaging requirements are:

- Continue to separate the toilet tank from the bowl for two-piece toilets;
- Place the tank and bowl in a sealed cardboard box; and
- Clearly label 'caution sharp' for the collectors to identify the materials inside.

This additional packaging requirement may cause a minor inconvenience to residents. A small amount of additional time may be required to package the toilet inside a cardboard box and seal the box shut. The above changes will result in:

- safer handling of bulky items for sanitation operators (City staff and contractors);
- improved handling of toilets for the public setting out to the curbside for garbage collection; and
- reduced risk of shattered toilets resulting in litter on the boulevard and picked up by Londoners without proper safety precautions.

To enact these changes and make them enforceable, an amendment to the Municipal Waste & Resource Collection By-law (WM-12) (Appendix A) is required:

- add "toilets not properly packaged inside a cardboard box and sealed" to the definition of Non-collectable waste; and
- add "toilets" to Section 8.3 – Collector may not collect – municipal waste and/or resource materials.

New service - recycling toilets through the EnviroDepots

The 60% Waste Diversion Action Plan (WDAP) proposes a set of 21 actions to achieve 60% diversion of residential waste. Included in the set of actions is the diversion of ceramics (primarily toilets). It is estimated that between 100 and 150 tonnes of ceramics could be diverted through the EnviroDepots. This represents a preferable alternative approach if the householder does not wish to package the toilet in a box.

Starting October 1, 2021, toilets and other ceramics will be accepted at the EnviroDepots without charge. These items will be recycled into a crushed aggregate end-product. Material quality, handling procedures and other parameters will be

monitored to determine next steps which could include banning the curbside collection of toilets as recycling markets are finalized. This would be subject of a future report to Civic Works Committee.

How will this be change be managed?

The implementation of these changes will be done based on education and awareness as the first priority. The communications campaign, beginning in October, will include:

- 2021/2022 Waste Reduction & Conservation Calendar
- Newspaper ads
- City website information
- Printed materials
- Social media
- Notice left in the mailbox (or other visible location)

During the campaign, London residents who set out toilets not packaged properly (inside a cardboard box and sealed) for collection will be provided with information on how to correctly package a toilet for curbside garbage collection or preferably, encouraged to take it to the EnviroDepot. Emphasis will be on why these changes are necessary and how important it is to take the additional precautions when preparing garbage for collection. Residents who do not initially comply with the new packaging requirements but take steps to correct the issue may receive a courtesy collection, at the discretion of the City, one-time during the communications campaign (between October 1 and November 30, 2021).

Should compliance not be possible with education and awareness, other enforcement measures are available under the by-law such as removing the non-compliant items and charging a service fee (i.e., City collects at expense of owner).

3.0 Financial Impact/Considerations

Funding for this initiative was approved as part of the 60% Waste Diversion Action Plan. It is estimated that it will cost between \$10,000 and \$15,000 annually (excluding initial minor capital costs at the EnviroDepots). These estimates will be reviewed as part of the ongoing work between October 1, 2021 and spring 2022.

Conclusion

The proposed changes and actions in this report are supportive of health and safety for both workers and the public. The added packaging requirement is viewed as a minor inconvenience for householders because toilet replacement generally occurs infrequently. The opportunity to divert toilet and other ceramics is part of the 60% Waste Diversion Action Plan including the funding for this initiative.

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Manager, Waste Diversion

Prepared by: **Mike Losee, B.Sc.**
Division Manager, Waste Management

Submitted by: **Jay Stanford, M.A., M.P.A.**
Director, Climate Change, Environment & Waste
Management, Environment & Infrastructure

Recommended by: **Kelly Scherr, P.Eng., MBA, FEC**
Deputy City Manager
Environment and Infrastructure

APPENDIX A

A By-law to Amend the Municipal Waste & Resources Collection By-law WM-12

Bill No. 2021

By-law No.

A By-law to amend the Municipal Waste & Resources Collection By-law WM-12

WHEREAS section 5(3) of the *Municipal Act, 2001* S.O. 2001, c.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001* S.O. 2001, c.25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS subsection 10 of the *Municipal Act, 2001* S.O. 2001, c.25, as amended, provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public, and may pass by-laws respecting the economic, social and environmental well-being of the municipality, and the health, safety and well-being of persons;

AND WHEREAS the Municipal Council wishes to amend By-law No. WM-12, being "A by-law to provide for the Collection of Municipal Waste and Resource Materials in the City of London" to identify additional packaging requirements for toilets (inside a cardboard box and sealed) to increase health and safety for both the public and sanitation operators.

NOW THEREFORE the Council of The Corporation of the City of London enacts as follows:

1. By-law WM-12 is hereby further amended in Section 1.1 – Definitions by deleting the definition of Non-collectable Waste and by replacing it with the following new definition:

Non-collectable waste - defined

"non-collectable waste" shall include but not be limited to grass clippings, washers, dryers, refrigerators, stoves, dehumidifiers, freezers and air conditioners, televisions, monitors, computers, computer peripherals, printers, copying and multi-function copying devices, telephones, answering machines, cellular devices, pagers, image devices, audio and video devices; explosives, flammable or volatile substances, liquid or gaseous wastes, caustic substances and acids, poisons, pesticides, herbicides, radioactive materials, septic tank pumpings, industrial process sludge, biohazardous waste, infected materials including dressings and bandages not placed inside a sealed and leak-free bag; personal protective and hygiene products including, surgical and non-surgical masks, gloves, wipes, tissues, napkins, paper towel that may result in the spread of infectious disease, not placed inside a sealed and leak-free bag; sawdust, cigarette ash, fireplace ash and vacuum dust, not placed inside a sealed bag; hay, straw, manure and excreta from farm premises; live animals or birds, carcasses or parts thereof of any animal or bird save for food preparation and consumption wastes; stock of any wholesaler or retailer, trade waste; tree trunks and stumps; Christmas trees; trucks, automobiles or any other vehicle, vehicle parts; tires; construction materials; scrap metals, propane tanks; sharps not packaged and labelled in rigid containers; toilets not properly packaged inside a cardboard box and sealed; organic material which has not been drained of all liquids; and other materials as designated by the City Engineer from time to time.

2. By-law WM-12 is hereby amended by adding Section 8.3 (h):

(h) broken glass, toilets and other sharp objects that are not properly packaged inside cardboard and tape;

3. This by-law shall come into force and effect on the day it is passed.

Passed in Open Council on October 5, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – October 5, 2021
Second Reading – October 5, 2021
Third Reading – October 5, 2021