

## 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:** July 26, 2022

## 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 August 2, 2022 to amend the Municipal Waste & Resource Collection By-law (WM-12) to remove the additional packaging requirements for curbside collection of ceramic toilets (package inside a cardboard box and sealed) and add broken and cracked toilets as a curbside non-collectible material to enhance health and safety of the sanitation operators and 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) results in safety concerns.

In October 2021, By-law WM-12 was updated to establish additional packaging requirements for curbside collection of ceramic toilets. One additional requirement was added at that time: toilets were to be placed inside a cardboard box and completely sealed for curbside collection. The additional packaging requirement was put in place to enhance the health and safety of the sanitation operators and the public. This additional packaging requirement has been trialed over the past eight months and reviewed at the joint health and safety meetings. These discussions have identified that placing a toilet inside a cardboard box may not fully remove the risk health and safety hazards. Cardboard boxes that become wet or that cannot support the toilet result in the toilet falling through the bottom of the box and risking injury to the collector.

Removing the packaging requirement from the By-law WM-12 is recommended. Additionally, it is recommended that cracked or broken toilets be introduced as a non-collectable in the by-law. The toilet preparation requirements will revert to previous requirements for curbside collection prior to the October 2021 By-law amendment: intact toilets may be placed curbside and the tank must be removed from the bowl for two-piece models. Broken toilets will not be accepted curbside but can be taken to the City's EnviroDepots without charge.

Since October 1, 2021, 45 tonnes of toilets and other ceramics have been accepted at the EnviroDepots without charge. These items have been recycled into a crushed aggregate end-product. Material quality, handling procedures and other parameters will continue to be monitored to determine next steps which could include additional changes to the curbside collection of toilets as recycling markets are finalized. This will be the subject of a future report to Civic Works Committee in early 2023.

Funding for this initiative was approved as part of the 60% Waste Diversion Action Plan. Since the program has begun in October 2021 the cost to recycle the material has been \$6,500. It is estimated that a permanent program will cost between \$10,000 and \$15,000 annually, excluding initial minor capital costs at the EnviroDepots.

## 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) with amendments to the Municipal Waste & Resource Collection By-law (WM-12) to:

- remove the additional packaging requirements (sealed inside a cardboard box) for ceramic toilets placed at the curb for curbside collection;
- categorize a broken or cracked toilet as a non-collectable item for curbside collection to enhance health and safety of the sanitation operators and the public; and,
- provide an update on the EnviroDepot drop-off ceramics recycling program.

#### 1.2 Previous Reports Related to this Matter

- Municipal Waste & Resource Materials Collection By-law Amendment (September 21, 2021, meeting of the Civic Works Committee (CWC), Item #2.2)
- Updates – 60% Waste Diversion Action Plan Including Green Bin Program (November 17, 2020, meeting of the 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, 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 and ensure that the item is successfully removed by collection crews. If residents do not follow the collection rules, the item may be considered a non-collectable and will not be removed.

There are also specific materials that are not collected curbside because they have a local viable diversion alternative or should be kept out of the landfill due to hazardous components. Examples include electronics, scrap metal and construction/renovation material recycling. These materials are kept out of the landfill and are treated as a resource. Ceramics are also an example of a material that has resource characteristics, as it has potential to be used as an aggregate substitute for road construction or cement production.

#### 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. In October 2021, the

Municipal Waste & Resource Materials Collection By-law was amended to establish additional packaging requirements for toilets collected curbside. These changes were intended to enhance the health and safety of the sanitation operators and the public. Residents were required to place toilets inside a cardboard box and completely seal the box before taking it to the curb to be collected.

The additional packaging requirement has now been trialed and reviewed at joint health and safety meetings. It has been identified that placing a toilet inside a cardboard box may not fully remove the health and safety hazard. Collectors have experienced the bottom of the boxes breaking during collection if the bottom of the box becomes wet or if the cardboard is thin and cannot support the weight of the toilet.

Additionally, the collection of cracked or broken ceramic toilets present 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. These discussions have identified that, without improved safety precautions in place to collect toilets, the collector is at risk of cuts or lacerations.

### **What are the changes to the curbside collection of toilets?**

The additional packaging requirement of placing toilets in a cardboard box for unbroken and/or uncracked toilets before setting to the curb will be removed from the By-law. This change will make it easier for residents. The toilet preparation requirements for intact toilets will revert to previous requirements for curbside collection prior to the October 2021 By-law amendment: intact one-piece models can be placed at the curb as-is and intact two-piece models must have the tank separated from the bowl prior to being set at the curb. Toilets that are broken or cracked will no longer be collected at the curbside. This change will require more work for residents, however, the number impacted is small on an annual basis.

The above changes will result in:

- Safer handling of toilets for sanitation operators (City staff and contractors);
- Easier handling of intact toilets for the public setting out to the curbside for collection; and
- Reduced risk of shattered toilets resulting in sharp debris on the boulevard.

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

- Update definition of Non-collectable waste, with respect to toilets, from “toilets not properly packaged inside a cardboard box and sealed” to “broken or cracked toilets”; and
- Update Section 8.3(h) – remove “toilets” from the line that includes “. . . not properly packaged inside cardboard and tape”.

### **Alternative disposal option - recycling toilets through the EnviroDepots**

As of October 1, 2021 toilets and other ceramics have been accepted at the EnviroDepots without charge for recycling. The diversion of ceramics (primarily toilets) is included in the set of actions of the 60% Waste Diversion Action Plan. Ceramics will be recycled into crushed aggregate. This program has diverted 45 tonnes of ceramics from landfill which all has been used as a viable resource. The ceramics have been crushed and used as a roadbuilding product replacing native aggregate materials. The program has been successful in generating a resource and has provided residents a no-charge option to dispose of broken ceramics. With not collecting broken or crushed toilets at the curb it is anticipated that the program will divert more of this resource from landfill. 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.

The EnviroDepot ceramics drop-off recycling program will continue until the end of 2022 as the material quality, handling procedures and end markets are evaluated. The final program details would be subject to a future report to the Civic Works Committee in early 2023. This report would include any final recommendations dealing with all toilets as a waste material (e.g., collected with garbage) versus a resource material (e.g., diverted from landfill to recycling).

### **How will the revised curbside collection program information for toilets 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 2022, will include:

- 2022/2023 Waste Reduction & Conservation Calendar;
- City website information, printed materials and social media; and
- Notice left in the mailbox (or other visible location).

During the campaign, London residents who set out cracked or broken toilets inside a cardboard box that is completely sealed will have it collected and provided with information on the EnviroDepot drop-off recycling option. Emphasis will be on why these changes are necessary to protect collection staff and how important it is to take to an EnviroDepot to be recycled into a resource.

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. Since the recycling program began in October 2021 the cost to recycle this material has been \$6,500. 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 prior to reporting back in early 2023.

## **Conclusion**

The proposed changes and actions in this report are supportive of health and safety for both workers and the public. The banning of cracked and broken toilets from curbside collection is viewed as a minor inconvenience for householders because toilet replacement generally occurs infrequently and those that are cracked or broken is a small amount. With the recycling option opportunity mandatory for broken and cracked toilets the diversion of this resource may increase. The opportunity to divert toilets and other ceramics is part of the 60% Waste Diversion Action Plan including the funding for this initiative.

**Prepared by:** **Jessica Favalaro, B.Sc.**  
**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. 2022

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; broken or cracked toilets; 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, 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 August 2, 2022.

Ed Holder  
Mayor

Michael Schulthess  
City Clerk

First Reading – August 2, 2022  
Second Reading – August 2, 2022  
Third Reading – August 2, 2022