

November 20, 2012

His Worship Rob Ford  
Mayor, City of Toronto  
100 Queen St. W.  
City Hall, Second floor, West  
Toronto, ON M5H 2N2

Dear Sir:

**Re: Solid Waste Management Services – Waste Diversion**

The Canadian Environmental Law Association (CELA) is a non-profit, public interest group established in 1970 to use existing laws to protect the environment and to advocate environmental law reform. CELA is also a Legal Aid clinic representing low-income citizens or citizens' groups in environmental cases.

CELA writes in response to the November 7, 2012 release of the Solid Waste Management 2013 Operating Budget. CELA is concerned with what we see as a missed opportunity for the Budget Committee and the Mayor's office to take progressive steps to manage Toronto's solid waste in a manner that is most cost effective in the long term, better for the environment and supports a local green economy.

According to the 2013 Operating Budget, the outlook for the annual residential waste diversion rate will remain constant at ~50-53% from 2012-2015. This is despite the current goal for waste diversion of 70% by 2015 set by City Council in 2003. According to the budget, holding the diversion rate constant for the next 3 years means that there will be no increase in the operating cost per household. What the budget committee fails to consider is that the cost to the environment, the local economy and to Torontonians is even greater if Toronto continues to employ landfills to dispose of its solid waste.

**Cost to Torontonians**

Municipal waste management services deals with Toronto's garbage by collecting, transporting, processing, composting, and disposing of waste taken to one of seven transfer stations. The garbage is then sent to Green Lane landfill, the city-owned landfill site located outside of London, Ontario. Residents, businesses and institutions, through user fees or taxes, cover the cost of the vast majority of these waste management services. Toronto is responsible for this cost despite not having any control over the composition of the waste that is collected.

According to the 2010/2011 Annual Report of the Environmental Commissioner of Ontario, *Engaging Solutions*, Ontarians generate more than 33,000 tonnes of waste a day.<sup>1</sup> Over the course of a year, this adds up to more than 12 million tonnes, or more than 900 kilograms per person. Sending waste to landfills is problematic, not only because it fills up landfills that must be monitored for the leaching of contaminants, but also because disposal typically uses more energy, resources and virgin materials than reuse and recycling. According to a recent Toronto Environmental Alliance (TEA) report, *Leaping to 80: A Plan for City Hall to Help Torontonians Divert More Waste*,<sup>2</sup> increased waste diversion would extend the life of the Green Lane landfill. At the current rate of diversion, the landfill will be full by 2026. If Toronto were to achieve 70% diversion, the useful life of the Green Lane landfill would be extended to 2034 – nearly a decade. Higher rates of diversion would extend the landfill's life even further.

If Council persists in ignoring the benefits of diversion Toronto will have to find a new landfill site, a prospect that is becoming increasingly difficult and expensive. Communities in both Ontario and the U.S. have made it clear that Toronto's garbage is unwelcome. Even if a suitable site is located, the process for its approval is expensive and time consuming. An Environmental Assessment for a landfill can cost up to \$100 million and last over 10 years without a guarantee for approval at the end of the process.<sup>3</sup> This cost increases when considering the purchase price of a landfill: the Green Lane landfill cost the city over \$220 million. Finally, there are the long-term management costs of retired landfills. Toronto spends \$6 million every year to manage retired landfills. Landfill costs will continue to rise while saddling Toronto with the uncertainty of actually finding and gaining approval for a new landfill.

Currently, waste diversion costs the City more than landfill disposal. According to the Ministry of Environment, waste disposal in landfills is, on average, one-third to one-half the cost of diversion. However, the long-term environmental costs of landfills are seldom considered when establishing and operating a landfill. A major factor in the cost discrepancy is that Torontonians still heavily subsidize the cost of Blue Bin, Green Bin, Yard Waste and other diversion programs. However, the reality is that as waste management policies in Ontario and Canada continue to move toward greater producer accountability for the life cycle of their products, the cost to municipalities for waste diversion will inevitably decrease.

### **Waste Diversion Helps Protect the Environment**

Every week, families sort through a growing cacophony of packaging waste, and do their best to place recyclables into blue bins and organics into green bins. According to the TEA report and

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<sup>1</sup> Environmental Commissioner of Ontario 2010/2011 Annual Report, *Engaging Solutions* (November 29, 2011), online: Environmental Commissioner of Ontario <[http://www.eco.on.ca/uploads/Reports-Annual/2010\\_11/Final-English-Bookmarked-2010-AR.pdf](http://www.eco.on.ca/uploads/Reports-Annual/2010_11/Final-English-Bookmarked-2010-AR.pdf)>.

<sup>2</sup> Toronto Environmental Alliance, *Leaping to 80: A Plan for City Hall to Help Torontonians Divert More Waste* (November 2012), online: Toronto Environmental Alliance <<http://www.torontoenvironment.org/sites/tea/files/TEA%20Leaping%20to%2080%20FINAL.pdf>>.

<sup>3</sup> Solid Waste Management Services report to Public Works and Infrastructure Committee, "Responsibilities of Solid Waste Management Services" March 2011, online: Public Works and Infrastructure Committee consideration on March 23, 2011 <<http://www.toronto.ca/legdocs/mmis/2011/pw/bgrd/backgroundfile-36805.pdf>>.

the City of Toronto,<sup>4</sup> Torontonians doubled the residential waste diversion rate from 25 to 49% from 2000 to 2011. The increase in waste diversion has reduced greenhouse gas (GHG) emissions, groundwater contamination from hazardous landfill leachates and disposal of waste through incineration and thermal treatment, all of which have a positive impact on the health and wellbeing of Torontonians. If City Council were to maintain its goal of 70% waste diversion set in 2003, Toronto would reduce its GHG emissions by 155,000 tonnes, the equivalent of taking over 25,000 cars off the road.

### **Waste Diversion Promotes a Green Economy and Creates Jobs**

Waste diversion also has the benefit of creating green jobs in Toronto. According to the same TEA report, there are seven jobs created for every 1,000 tonnes of waste diverted in Ontario versus one job for the same amount of waste disposed in a landfill or incinerator. Notably, Toronto's 2011 diversion of almost 400,000 tonnes of waste created up to 2,800 jobs in Ontario and Toronto.

### **CELA Recommendations**

CELA urges City Council and the Mayor's Office to incorporate evidence-based recommendations in the Solid Waste Management Operating Budget, such as the one compiled by TEA and the 2010/2011 Annual Report of the Environmental Commissioner of Ontario which summarizes the Ministry of Environments identification of Ontario's waste diversion framework. The TEA study and the annual report make a number of progressive and feasible recommendations that suggest that, for a small investment, Toronto would not only be able to reach its goal of 70% waste diversion by 2015, but exceed it.

In support of attaining 70% waste diversion from landfills, CELA endorses the six evidence-based recommendations made by TEA to protect Torontonians, promote a local green economy and protect the environment. These recommendations are:

1. **Ensure all multi-residential buildings in Toronto have access to green bins.** Half of Torontonians live in multi-residential buildings, but less than 20% of the 4500 buildings have access to green bins. Ensuring green bin access to all multi-residential buildings will increase the citywide residential diversion rate by up to 12% and save almost 100,000 tonnes of organic waste from landfills.
2. **Build facilities to divert Toronto's waste.** As green bin access increases for multi-residential buildings and schools, and as enhanced organics collection is offered to the commercial sector, Toronto's organics volume will increase significantly. Toronto should build another 50-75,000 tonnes of organics processing capacity to meet this demand. With additional Reuse Centres, the full volume of recyclables could be collected and diverted, increasing the diversion rate by 1%. Finding new markets to process the potentially recyclable materials could help Toronto achieve another 1%.

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<sup>4</sup> City of Toronto, Residential Waste Diversion Rate, online: City of Toronto <<http://www.toronto.ca/garbage/residential-diversion.htm>>.

3. **Offer adequate waste diversion services to all businesses in Toronto.** Toronto businesses with city waste collection divert an average of 66% of their waste, far higher than the provincial average of approximately 13%. Unfortunately, many small businesses and groups are not eligible for city waste collection. Offering affordable, high quality and wide ranging diversion services to more businesses would not only increase diversion across the city, but support the local economy.
4. **Develop waste diversion bylaws for the industrial, commercial & institutional (IC&I) sector.** Many businesses, institutions and multi-residential buildings are only required to provide minimum recycling services under Provincial legislation. This not only sends too much waste to landfill, but also adds to the confusion of Torontonians faced with different diversion systems at home, work or school. Considering the benefit to the environment, City Council should investigate policies that require waste diversion among all Toronto multi-residential buildings and businesses.
5. **Enforce City of Toronto Residential Collection Bylaw document – Chapter 844 – Article II - Section 844-3 E:**

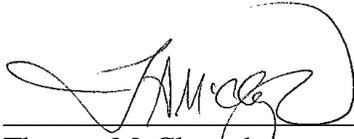
No owner shall be eligible to receive or to continue to receive services unless the owner sets out for collection all waste in respect of which the City provides services to the owner and the owner complies with all relevant requirements contained in this chapter.

Enforcement would help Toronto achieve another 1.25% residential waste diversion, and could be much higher among non-residential customers.

6. **Implement comprehensive Extended Producer Responsibility (EPR) programs that would make product stewards pay the costs of solid waste management.** While Ontario was working on expanding EPR to fund 100% of blue bin material, some organics, durable goods and hazardous waste, in 2010 the program was cancelled by the Ministry of Environment. In 2010, after the sale of recyclable materials, Toronto's Blue Box costs were about \$42.4 million. Despite this expense, product stewards only paid the city \$16.2 million - just over 38% of the net costs. Comprehensive EPR programs would make product stewards pay the full cost of managing the waste produced from their products. For the blue bin program alone, the City would realize another \$26 million in annual revenue. Add the full costs recovered for other EPR programs such as electronic-waste and hazardous materials and the revenue would be even higher. Municipalities need to make the Province aware of how important these programs are.

I hope you find the above information helpful in informing any of the decisions you make regarding solid waste management in Toronto. Please do not hesitate to contact CELA if you are in need of more information, or have further questions or concerns.

Sincerely,  
CANADIAN ENVIRONMENTAL LAW ASSOCIATION



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Theresa McClenaghan  
Executive Director and Counsel



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Student at Law