



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Report Date: Sept. 3, 2007
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Meeting Date: September 20, 2007

TO: Standing Committee on City Services and Budgets

FROM: General Manager of Engineering Services

SUBJECT: Report Back - Commercial Solid Waste Diversion and Container Enforcement Strategy

RECOMMENDATION

That Council receive this report for INFORMATION.

GENERAL MANAGER'S COMMENTS

The General Manager of Engineering Services recommends approval.

COUNCIL POLICY

In June 2005 Council approved a three step process for enforcing locked commercial waste containers including: (1) education to encourage waste diversion over disposing items of value, (2) a By-law violation warning, (3) a Notice of By-law violation.

In December 2006 Council resolved that the Director of Legal Services be instructed to bring forward the necessary amendment to the Solid Waste By-law to reflect locking of commercial waste containers, on or visible from the street and lane, of over 1 cubic yard in volume, and that prior to the enactment of those amendments the General Manager of Engineering Services report back with information with respect to commercial sector waste diversion options and an enforcement strategy.

In April 2007 Council received for information a report titled "The Next Steps in Waste Diversion", which included comprehensive information on commercial sector waste diversion options and planning.

PURPOSE

This report responds to Council's request for information on waste diversion options for commercial waste container users, and a strategy for enforcing the management of containers stored on streets and lanes. This information is provided concurrent with Legal Services bringing forward a container locking by-law for enactment.

SUMMARY

In December 2006 Council requested information on waste diversion options for commercial waste container users, including options for encouraging or requiring the separate set out of refundable beverage containers and recyclable and reusable materials. At the same time Council requested information on an enforcement strategy for by-law requirements reflecting the locking of commercial waste containers that focus enforcement resources on problem containers, and problem lanes, including a strategy of education prior to enforcement.

In April 2007 staff provided Council with a detailed report on waste diversion options and current planning ("The Next Steps in Waste Diversion" RTS 6466). Highlights of diversion options specific to the commercial sector are included in Appendix 1 enclosed, along with updated information and a discussion of new approaches staff are pursuing. This new work includes the development of specific waste diversion options which are intended to provide a social benefit to the marginalized population who are involved with scavenging waste materials of value. Examples include the establishment of partnerships between businesses and 'binners', and the planning of alternative waste collection services involving the binning community as a service provider.

With respect to enforcement strategies, Engineering Services considers a commercial waste container located on a street or lane as a problem when that container is found to contravene a by-law or the Container License Agreement. The most problematic containers are those that are chronically left open and overflowing beyond the container's capacity. Based on staff's experience, this typically occurs because the container user is not sufficiently motivated to arrange for frequent enough emptying by their contracted waste hauler.

Our strategy for dealing with problem containers involves education and a warning as a first and second step, and then progressive enforcement as subsequent steps. Once a container locking by-law is enacted our strategy for dealing with improperly managed containers will also involve education and then a warning, and then progressive enforcement for subsequent violations. A written order would be issued requiring the container be kept closed and locked when not in use if a container is still not brought into compliance by the user and hauler after they have been warned. Prior to issuing a written order the user will also be provided with basic information on options for diverting reusable and recyclable materials, including refundable beverage containers considered of value to the binning community. If an order does not result in consistent compliance, ticketing and fines will then be pursued since this is considered the ultimate tool for dealing with the most chronically mismanaged containers which cause a strain on our street cleaning resources and can present a risk to public safety. Appendix 2 includes a sample methodology for the enforcement of unlocked and overflowing commercial containers.

BACKGROUND

Commercial waste containers are utilized by the industrial, commercial and institutional (IC&I) sector and the multi-family sector. As it has been reported to Council previously (“The Next Steps in Waste Diversion” RTS 6466), waste diversion planning and promotions for the IC&I sector in Vancouver is the responsibility of Metro Vancouver in accordance with the regional Solid Waste Management Plan (SWMP). Metro Vancouver is also active with waste diversion planning for the multi-family sector, which assists municipal work in this area. Metro Vancouver is currently engaged in a process of reviewing and updating the SWMP under the umbrella of the regional Zero Waste Challenge, with the primary goal of minimizing waste generation and maximizing reuse and recovery in the region.

There are about 2,400 commercial waste containers stored on streets and lanes in Vancouver. Engineering Services controls the use of these containers through a license agreement with commercial waste management companies that own the containers (waste haulers), and through by-laws. As it has previously been reported to Council in greater detail, there are many challenges associated with this work. Unsanitary and messy conditions associated commercial containers are largely a result of:

- inadequate management by container users and owners, such as allowing containers to overflow well beyond their capacity and then not cleaning up around the containers;
- inappropriate behaviours of the general public, including illegal dumping in open containers; and
- a prevailing expectation in areas of the City that ‘someone else will clean up the mess’.

Our strategy for dealing with these challenges involves public education and then a warning as a first and second step, and then progressive enforcement for subsequent violations.

For repeat offenses and in situations where there is an immediate risk to public safety or the container is obstructing access or traffic flow, a more aggressive approach with enforcement is required. This typically involves impounding the container if the container owner or user does not quickly correct the problem. However, this tactic can result in other sanitation problems since the container user is then without their normal means of waste disposal.

Containers located on private property are outside the jurisdiction of Engineering Services. These containers are regulated primarily by Community Services Group - Licenses & Inspections.

DISCUSSION

Approximately 18 months ago staff implemented an improved system to track public complaints regarding commercial waste containers on streets and lanes. Since then over 800 complaints have been received and followed up with. Sixty percent of those complaints involved containers that were left open and overflowing, or were otherwise reported as offensive, a nuisance, noxious, or a hazard to public health or the environment.

In the past, problem containers have been dealt with on a complaint basis. Now, in addition to responding to complaints staff are taking steps to deal with commercial waste

management problems more creatively and proactively. This work includes the development of options for diverting materials of value, such as refundable beverage containers, away from commercial container disposal for the benefit of the binning community. For example we are:

- a) working with United We Can and the University of Victoria to better understand the demographics and socio-economics of Vancouver's binning community. This work is intended to assist us with helping the private sector develop socially integrated commercial waste management systems. For example, these may include the development and promotion of partnerships between businesses and binners, and the integration of binners in emerging "bin-free" waste management systems;
- b) capitalizing on improved interdepartmental collaboration and applying coordinated strategies through forums such as the Clean Streets Task Force;
- c) liaising with commercial waste haulers through their business association (BC Trucking Association Waste Management Division);
- d) assisting Vancouver Business Improvement Associations (BIAs) with the development of "bin-free" options for managing and diverting their solid waste;
- e) applying new enforcement strategies such as remedying various non-compliant container license conditions on a cost recovery basis.

Appendix 1 includes more details on various commercial waste diversion options.

Despite these initiatives, issues involving overflowing and mismanaged commercial waste containers remain significant. A by-law reflecting the locking of commercial containers will provide the City with an additional tool for improving lane conditions. Specifically, it will provide container users with an incentive to have their container hauled frequently enough to prevent them from overflowing and creating a mess on streets and lanes, and will reduce public safety and fire risks.

Engineering Services considers a waste container a problem when that container is found to be non-complaint with City by-laws or the Container License Agreement. Since these regulations and contract requirements pertain to individual container conditions and specific approved locations, not an entire lane, our enforcement strategy is specifically focussed on individual problem containers and not lanes. Nevertheless, a lane is generally considered a problem from a waste management perspective when about 50 percent of the containers in the lane are a problem or when an inordinate amount of street cleaning resources are spent on keeping a particular lane clean.

Based on a review of our container inspection work from the last 18 months, the most common offences pertaining to non-complaint commercial containers are:

- Unpermitted containers stored on street/lane.
- Graffiti tagged containers.
- Containers without required markings showing the address of the container user.
- Overflowing, messy containers.

A strategy for dealing with the first three offences was implemented approximately four months ago and has proven effective. It involves impounding non-permitted containers, and remedying graffiti clean up and non-compliant address labelling issues after providing

sufficient notice to the parties responsible. Costs associated with applying remedies are recovered by charging those costs to the waste hauling company who owns the container.

Once a container locking by-law is enacted our strategy for dealing with unlocked containers that are found to be noxious, offensive, or overflowing onto City street or lanes will follow the process approved by Council in June 2005. This includes:

1. Education to encourage waste diversion over disposing items of value.
2. A warning.
3. Enforcement (e.g. a written Order and then a Notice of By-law Violation).

Appendix 2 includes a detailed sample methodology for dealing with a typical unlocked commercial container that is creating a nuisance and a fire or public safety risk.

FINANCIAL IMPLICATIONS

There are no financial implications.

ENVIRONMENTAL IMPLICATIONS

The options and strategies described in this report reflect the City's waste diversion goals and will result in a cleaner public realm.

SOCIAL IMPLICATIONS

This report provides an overview of positive and creative initiatives and strategies that address the need for socially responsible commercial waste management systems. Enforcing locking of commercial waste containers as a third step, and only if found necessary after education and a warning, mitigates potential negative impacts on individuals who scavenge from unlocked commercial waste containers. Applying a strategy of progressive enforcement for dealing with offensive waste containers is a responsible management approach for addressing an issue that is garnering significant attention by the public and is creating a strain on street cleaning resources.

CONCLUSION

This report responds to Council's request for additional information on waste diversion options for commercial container users, and a strategy for enforcing the management of containers prior to Council's enactment of a by-law to reflect locking of commercial waste containers. The foregoing options and strategies specifically address the City's waste diversion objectives and the need for socially sensitive commercial waste management options. They will lead to reduced negative impacts on human and environmental health and safety, and will result in improvements to livability and public realm aesthetics. The enforcement protocol for dealing with mismanaged commercial containers is strategic, will lead to predictable outcomes, and makes the best use of the City's limited resources.

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Appendix 1

Waste Diversion Options for Commercial Container Users

There are a number of existing opportunities available to commercial container users to divert their waste. There are also various conditions and strategies to motivate the commercial sector to reduce, reuse, and recycle materials they generate as waste. Examples follow:

- In Vancouver refuse and recyclables from the IC&I sector and refuse from the multi-family sector stored in commercial containers is collected by private sector waste management companies. The hauling industry is very competitive with approximately 15 to 20 different companies providing service in Vancouver. These companies offer a range of hauling services for refuse and recyclables. In addition to haulers, there are also many more companies that sort, process, transfer and then remanufacture recyclables into new products. Recyclable materials are considered commodities, and these commodities are bought and sold on the free market similar to other commodities. This economic demand and competition for market share typically results in clean recyclables being more valuable than non-recyclable waste. Depending on market conditions, this often translates to a lower cost for hauling recyclables compared to refuse. This creates a direct incentive for waste generators to separate their recyclables at source and reduce the amount of refuse requiring disposal. Historic strong market conditions for recyclables such as newsprint and office paper has helped create the current high waste diversion rate in our region.
- The collection of recyclables from the multi-family sector in Vancouver is managed by the City through its blue tote apartment recycling program. This program is a mandatory charge program for multi-family buildings. Regardless of whether a building participates or not the cost of the program is billed to all multi-family buildings on a per unit basis through the Solid Waste Utility. This provides an incentive for a high level of participation in the program. The program serves about 150,000 residential units throughout the city.
- Regionally there is a ban on the disposal of various recyclable materials as refuse, including newsprint, office paper, and corrugated cardboard. Loads of refuse delivered to regional disposal facilities, including the Vancouver Landfill, that are found to be in violation of the ban are assessed a surcharge of 50 percent of the tipping rate of \$65 per tonne (i.e. total charge assessed is \$97.50 per tonne).
- The Recycling Council of British Columbia (RCBC) operates a recycling information hotline (604.RECYCLE) and a province wide web-based waste materials exchange program (www.bcimex.ca) that facilitates waste material reuse for the IC&I sector. A Vancouver specific waste materials exchange is available from www.vancouver.reuses.com
- There are various non-profit and charitable organizations that collect reusable items from the residential and commercial sector, thereby diverting these items from disposal.
- There are a number of outreach initiatives at a regional level aimed at increasing waste diversion from commercial container users. For example, *SmartSteps* is a Metro Vancouver Sustainable Business Program that offers no-cost business assistance information, tools and resources to help businesses improve their environmental performance. Metro Vancouver also offers industry specific recycling tip sheets and Business Advisors who provide free assistance to businesses on implementing and improving their waste reduction and recycling programs. City staff recently introduced

the Yaletown and Downtown Vancouver BIAs to *SmartSteps* and Business Advisor programs with the expectation that those outreach services will further assist these BIAs with their planning of new waste management systems, such as the previously noted “bin free” alternative.

- The United We Can bottle depot (UWC), a non-profit organization that aims to establish self-sustaining urban enterprises and create jobs for inner city residents, has formed partnerships with businesses for the collection of their refundable beverage containers. Based on a 2005 University of Victoria study, it is estimated that 74 percent of binners who regularly return refundable beverage containers at UWC have established partnerships for the collection of these containers with businesses and residents.

Additional options for encouraging, or requiring the separate set out of refundable beverage containers and recyclable and reusable materials by commercial container users are being pursued by Metro Vancouver under the regional Zero Waste Challenge and Solid Waste Management Plan review process. For example, Metro Vancouver recently approved enhanced material disposal bans including all materials for which provincially mandated product stewardship programs exist, including refundable beverage containers. This requires individuals and businesses that generate these materials as waste to ensure they are being diverted from disposal, either by returning them for refund, or by setting them out separately as a donation to binners informally or through formal partnership arrangements such as through the previously mentioned bin free system. Additional options are summarized in Table 1 including expected advantages and disadvantages.

Appendix 1 Table 1: Additional Options & Strategies for IC&I Waste Diversion.

Description	Advantage(s)	Disadvantage(s)
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Option 1 Binner - Business Matching System

<p>Based on a 2005 University of Victoria study, it is estimated that 74 percent of bidders who regularly return their refundable beverage containers at United We Can (UWC) have established partnerships for the collection of these containers with businesses and residents.</p>	<p>UWC has indicated approximately 40 small businesses currently utilize a refundable beverage container collection service offered by UWC involving a delivery truck. Recently, UWC has started assigning some of their small business customers to an Urban Binning Unit (UBU) user. UBUs are bike trailers designed for beverage container collecting. The binner must collect \$175 worth of beverage containers to pay for their UBU (subsidized rate). The goal is to eventually establish UBU user routes. Building on this program, City staff has approached UWC with the idea of a binner-business matching service. Conceptually this would allow for a business to be connected with a binner through a partnership arrangement.</p>	<ul style="list-style-type: none"> • Promotes binner responsibility, self-esteem and pride through partnerships and employment. • Provides life skills training. • May provide waste collection cost savings to small businesses. • Promotes an inclusive sustainable neighbourhood (social and environmental). • Provides income to bidders through safe means of collection rather than scavenging from commercial waste containers. • Increases the business community's awareness to social issues and helps keep the area around their business clean. • Increases waste diversion through recycling.
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Option 2 Communal Recycling Receptacles

<p>Large, communal recycling receptacles located at block ends and designed to accommodate refundable beverage containers, and potentially other items of value</p>	<ul style="list-style-type: none"> • Promotes waste diversion through recycling of deposit beverage containers. • May lower waste disposal costs for businesses. • Provides a safer environment for bidders to access materials instead of scavenging from commercial containers. • May improve cleanliness around commercial waste containers. • A socially sustainable initiative. 	<ul style="list-style-type: none"> • May increase illegal dumping. • May be relatively ineffective - requires merchants to walk the distance of a block or more to set out their beverage containers. • Requires funding for capital and operating costs. • Requires staff resources to install and maintain. • Contamination and illegal dumping would be an issue. • Challenges with placement (public vs. private property, "not-in-my-backyard" problems). • Aesthetic and traffic impacts. • May result in noise and may generate complaints from neighbouring businesses.
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Description	Advantage(s)	Disadvantage(s)
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Option 3 Mandatory Recycling Targets

Mandatory recycling requirements for the IC&I sector through by-law. Similar to regional disposal bans but targeted at point of waste generation and enforced by by-law.	<ul style="list-style-type: none"> • Increases waste diversion. 	<ul style="list-style-type: none"> • Resource intensive to monitor and enforce (may not be viable). • May increase the number of containers on street/lane.
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Option 4 Mandatory Set out of Refundable Containers for IC&I Sector

Would require all businesses and institutions to set out their used refundable beverage containers for collection.	<ul style="list-style-type: none"> • Increases waste diversion. • Increased opportunities for income for binners. 	<ul style="list-style-type: none"> • Resource intensive to monitor and enforce (may not be viable). • Prevents consumers who want to redeem their deposits from doing so (may not be legally viable for City to impose such regulation).
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Option 5 Lobby Provincial Government to Increase Deposit on Beverage Containers

Involves increasing the deposit fees associated with refundable beverage containers covered by provincial regulation.	<ul style="list-style-type: none"> • Provides an increased incentive to recycle. • May increase waste diversion. 	<ul style="list-style-type: none"> • Increases the cost of products at the point of purchase. • May lead to reduced income potential for binners from fewer consumers setting out their refundable beverage containers for donation. • May lead to increased demand for refundable containers by binners and increased competition amongst binners for trap lines (collection routes), which may then result in social conflict.
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Appendix 2

Sample Enforcement Process for Overflowing, Nuisance Unlocked Commercial Containers

Step 1 EDUCATION

- (a) Information The City informs the container user and the waste hauling company responsible for the container of their responsibilities for keeping the container and area around the container clean. The container user is informed of the need to have the container emptied frequently enough to prevent overflowing or creating a nuisance. The container user is also provided with waste diversion information, including options for material reuse, donation and recycling, and information about business waste reduction outreach services offered by the GVRD. The City requests that the container be brought into compliance.

Step 2 WARNING

- (b) Notice For a second offence involving the same container location a Warning Notice is issued to the user and hauler:
- requesting the container be brought into compliance;
 - informing that failure to do so will result in action by the City and that the situation may be deemed as a default to the Container License with respect the approved container location, and/or a violation of the Solid Waste By-law.

Step 3 ENFORCEMENT

- (c) Written Order - Mandatory Locking Required Order is issued to the user and hauler, notifying them that the container must now be kept securely closed and locked when not in use.
- (d) Notice of License Default, Notice of By-law Violation A Notice is issued to the hauler notifying them (a) of a default to the Container License with respect to the approved location and (b) that a subsequent offence may result in the City exercising its right to cure and/or termination of approved container location, and/or a Notice of By-law Violation is issued to the user.
- (e) Additional Enforcement One or more of the following is pursued:
- Approved container location is terminated and the container is impounded if not removed by the hauler;
 - City exercises right to cure as per license agreement, remedies problem and recovers costs;
 - By-law offence referred to City Prosecutor.