



SOLID WASTE REGULATION
PUBLIC DISCUSSION

what we
heard

WINTER 2015

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Message from the Minister

Since the introduction of our first solid waste strategy in 1995, Nova Scotia has been recognized as an innovator and world leader in recycling and waste diversion. This distinction was achieved through the contributions of all Nova Scotians, the municipalities, agencies and private sector companies.

Building on that success, in 2007 we set a progressive solid waste target of no more than 300 kilograms of disposal per person per year by 2015.

In recent years, we have witnessed diversion rates that are starting to plateau. At the same time, innovators are finding new ways to turn solid waste resources into valuable products and creating more opportunities to remove these items from our landfills.

As one of the few provinces without substantial Extended Producer Responsibility regulations to foster product stewardship by producers and set disposal guidelines for end-of-use products, Nova Scotia is missing out on opportunities to offset waste management costs and increase diversion. It became clear that we needed to make some changes and seek out new opportunities to enhance the environmental and economic sustainability of our waste management regulations.

As we work toward reaching our 300 kg target, we can remain proud that Nova Scotia continues to maintain the best (lowest) disposal rate in the country, with many otherwise wasted materials being circulated back into the economy.

I would like to thank all the individuals, organizations, and groups who contributed comments and suggestions for our solid waste management strategy in Nova Scotia. Through public information sessions, webinars, and written comments, we have heard what many Nova Scotians have had to say about solid waste regulations.

We will take the feedback summarized in this report and work diligently to develop new solid waste regulations for the province. A renewed framework and new regulations will create the conditions for Nova Scotia to remain a leader in solid waste management, generate additional jobs in the solid waste sector, and create a more sustainable solid waste resource system.

To all who contributed, your input, time, thoughts, and suggestions are sincerely appreciated. Thank you for helping us develop a more economically and environmentally sustainable solid waste resource management system.

Honourable Randy Delorey
Minister of Environment

Executive Summary

Nova Scotians have strong views on solid waste resource management. They are proud of their recycling accomplishments and appreciate the benefits to the environment and the economy that have resulted. This message was loud and clear in many of the submissions received as part of the solid waste regulatory review consultations.

Consultation began in May 2014 and took the form of written submission, as well as information sessions with municipalities, stakeholder groups, and the public. About 260 written submissions were received.

Stakeholder consultation focused on proposed changes in seven key areas:

- **Product Stewardship** – guiding product stewardship by adding Extended Producer Responsibility regulations for designated products
- **Disposal Bans and Approval Requirements** – adding more items to the disposal ban and strengthening compliance requirements for disposal site operators
- **Used Tire Management Program** – expanding the current regulations to include off-the-road tires
- **Removal of Requirement for Regional Solid Waste Management Plans** – updating regulations to reflect current goals and recognizing that regions will collectively work towards achieving provincial goals
- **Clarity on Rules for Energy from Waste** – revising regulations to ensure materials banned from disposal are also banned from all forms of thermal treatment used to process mixed municipal solid waste.
- **Improved Enforceability of Solid Waste Regulations** – Focusing department enforcement efforts based on risk. Updating definitions and terms to better reflect provincial goals and the Environment Act
- **Beverage Container Deposit-Refund Program** – changing to a deposit/refund with a separate recycling fee, with no immediate change to the fee amount. Any future changes to the recycling fee, if necessary, would be made in an open and transparent way

In general, feedback on proposed amendments to Nova Scotia's solid waste regulations was positive. However, there were also expressions of opposition and concern. Some felt the need for more information and additional details. The loudest concerns were expressed by those individuals and groups who potentially would be most affected by proposed changes

to diversion policies and programs. In other jurisdictions, the use of policy tools, including exemptions, have been successful in addressing the concerns of stakeholders who may be disproportionately affected by proposed changes.

Individuals, municipalities, and industry were united in their call for a regulatory framework and amendments to solid waste regulations that

- are flexible, fair and focused on clear definitions and targets
- are harmonized between jurisdictions
- create cost effective and efficient programs
- provide transparency and accountability

The feedback received through this process will help to guide the development of a new strategy and regulations for managing solid waste in Nova Scotia.

Introduction

“(The) challenges we now face in Nova Scotia ... demand new vision, innovative approaches, greater collaboration and a greater willingness to take on the risks associated with economic change and progress.”

– Ivany Report

In 1995, Nova Scotia took its first step to becoming a world leader in recycling and composting. We have made substantial progress in solid waste resource management since that time; however, the percentage of materials diverted has reached a plateau with significant quantities of valuable resources—such as organics, paper, plastics, textiles, and construction/demolition debris—still ending up in landfills. This represents lost opportunities for resource recovery and has broader environmental and economic impacts.

In 2011 Nova Scotia Environment consulted with stakeholders on how to meet the legislated waste disposal target of no greater than 300 kilograms per person per year by 2015. The outcome of this consultation resulted in the publication of *Our Path Forward*. This document, in addition to research and ongoing informal discussions with municipalities and the private sector, led to the development of the proposals outlined in the current solid waste regulatory review. The objectives of this review are aligned with the Ivany Report and include:

- The creation of green businesses and jobs
- Environmental and economic sustainability; and
- Fairness - Striving for consistent participation amongst stakeholders

Consultation on the proposed changes began in May 2014. With the process complete, this document captures what we heard.

How We Consulted

Approach

Throughout the past summer, the public and other stakeholders were encouraged to review the public discussion paper and share comments on the proposed changes. Comments on the proposed amendments were accepted from early May until August 1, 2014, for the public and industry and until September 30, 2014, for municipalities.

The content of the discussion paper was developed with input by early consultations, conversations, and meetings with Nova Scotia's 54 municipalities and private sector partners who manage most of the solid waste resources in the province. Stakeholder groups involved over the last number of years include academics, NGOs, residents, producers, and generators.

The department invited participants to the Nova Scotia Environment website where a video featuring Environment Minister Randy Delorey explained the vision and goals of the consultation. There was an online form available for comment. Submissions were also accepted by email, by mail, and through discussions with department staff.

Stakeholder Engagement

The department received about 260 written submissions. The majority of responses came from across Nova Scotia, as well as a few from the United States and Europe. In addition, staff from the department travelled across the province to meet with industry, municipalities, and other partners for feedback.

During May and June 2014, municipal and stakeholder sessions were held throughout Nova Scotia at the following locations:

- Yarmouth..... May 28, 2014
- Halifax..... May 30, 2014
- Dartmouth..... May 30, 2014
- Sydney..... June 9, 2014
- Truro June 17, 2014
- Halifax..... June 18, 2014 (2 sessions)
- Halifax..... June 20, 2014 (2 sessions)
- Webinar..... June 23, 2014 (for those that could not participate in other sessions/in person)

The province also hosted a printed paper and packaging summit in the spring of 2014, which provided a forum for communicating with municipal stakeholders. Additional meetings were held with stakeholder groups, representing:

- Industry and associations (e.g. Canadian Federation of Independent Business, Canadian Stewardship Services Alliance, and others)
- CAOs and municipal staff
- Municipal councilors and regional solid waste staff (Regional Chairs)
- Union of Nova Scotia Municipalities
- NGOs

Scope

This report summarizes comments into the seven key areas of focus:

- Product Stewardship
- Disposal Bans and Approval Requirements
- Used Tire Management Program
- Removal of Requirement for Regional Solid Waste Management Plans
- Clarity on Rules for Energy from Waste
- Improved Enforceability of the Solid Waste Regulations
- Beverage Container Deposit-Refund Program

While opinions varied, it was evident that Nova Scotians have strong feelings about the solid waste system and are proud of the progress we have made with recycling and reducing the amount of materials going into landfills.

The department is committed to continuing its conversations with industry, municipalities, academics, NGOs, and others as it proposes changes to the solid waste management regulations. We recognize it will be important to consult with affected stakeholders as we move forward with the regulatory amendment process.

Product Stewardship

Nova Scotia has almost a 20-year history with product stewardship. The beverage container and used tire programs are forms of stewardship. Product stewardship has evolved over time (and around the world) to what is currently called Extended Producer Responsibility (EPR). EPR is extending the responsibility of the producers of a package or product to the end-of-life management of the material. EPR is a form of the polluter pay principle, which helps ensure that those who produce solid waste are directly involved with the end-of-life management of that item as a waste or a resource. EPR supports effective and efficient local solid waste resource programs and creates economic opportunities. The polluter pay principle has been used for many years by governments around the world to improve the environment and the economy and is a cornerstone of the Nova Scotia Environment Act.

What we heard...

Many provinces already have product stewardship and Extended Producer Responsibility Regulations (EPR) for products such as electronics, printed paper and packaging (PPP), and household hazardous waste (HHW). In particular, Ontario, Manitoba, Quebec, Saskatchewan, and British Columbia have moved forward with PPP regulations covering the largest group of stewarded materials. British Columbia has the most comprehensive list of products captured under stewardship regulation in Canada.

Nova Scotia is behind the rest of Canada when it comes to Product Stewardship and EPR.

The Proposal

Add a section in the solid waste regulation that will guide product stewardship in a consistent manner across designated products. The province suggested a number of materials that could be stewarded in the province. For a complete list please see *Revising Our Path Forward: A public discussion paper about solid waste regulation in Nova Scotia*.

What we heard...

“ If Nova Scotia Environment can deliver on incorporating used mattresses and carpets in its EPR framework ... it will be at the cutting edge of waste diversion programming in North America. ”

The Response

Product stewardship received the most feedback through the consultation process with almost every submission including comments. Overwhelmingly, respondents support some form of product stewardship and EPR. From municipalities to companies to associations and the public, there was agreement to require producers, or their representatives, to submit an individual or collective plan detailing how their product will be diverted from disposal. It was also very clear that key stakeholders, particularly municipalities and stewards, want to continue to be engaged as the details of the regulatory and EPR policy tools are developed in order to ensure that the regulations do not have significant financial impacts or administrative burden upon implementation. A small minority either objected to EPR or wanted the province to conduct more study before moving forward. One industry group was very concerned about the administrative burden and costs they believe EPR could mean for small business.

A specific group of citizens —“It’s Not Garbage Coalition”—were notable because of the sheer number of submissions (about 25 per cent of submissions). They underlined a philosophy that, despite any current suggestions, we must always be working toward a fully recyclable future.

Themes that Emerged

A large number of submissions referenced existing programs in other provinces and called for consistency and harmonization with those programs. Many pointed out the lessons to be learned from the negotiation, and execution, of other provincial EPR programs. There were calls to use clear and common definitions to aid national companies in complying with Nova Scotia rules. National and international companies and industry associations said *total* compliance must be assured. Specifically, that for the new recycling regime to work all participants must sign on. According to some, many free riders (obligated producers or brand owners who are not paying into the system) exist in other jurisdictions that simply do not know about, or deliberately avoid, their obligations.

What we heard...

“ there is a pressing need for harmonization among the provincial programs ”

Submissions frequently called for regulations that were not overly prescriptive but more outcome-driven, providing a level playing field with appropriate targets set in consultation with stakeholders.

We also heard repeatedly that Nova Scotia must ensure that regulations and supporting policies

- are flexible, fair and focused on clear definitions and targets
- are harmonized between jurisdictions
- create cost effective and efficient programs
- provide transparency and accountability

The department also heard that recycling programs should remain socially responsible. That is, programs should both help to stimulate the economy and protect human health and safety, and not simply have waste sent for disposal overseas without knowing much about the final destination.

Mitigating Impacts

Many respondents who mentioned printed paper and packaging (PPP) in particular spoke of the need for exemptions for those they believe are unfairly impacted. They cited a common practice called “de minimus”, a widely utilized policy approach that offers smaller companies a break and the ability to avoid the costs of PPP stewardship. Large businesses worry about the number of small businesses exempted, since they feel it offers those exempt an advantage not available to them. When small businesses are exempted, those costs are picked up by municipalities and their taxpayers or the stewardship associations of larger businesses. Submissions from smaller Nova Scotia businesses requested these exemptions.

National companies made the point that “one size does not fit all” and that the regulations and policies must be different for different materials. A number of industry voices raised the need to ensure a “robust dispute mechanism” be written into the regulations. A number of submitters noted that it would be important that stewardship organizations are prevented from becoming monopolies.

Roles and Responsibilities

Potential stewards (producers and brand owners), for the most part, understood the important role that municipalities have, and continue to play, with respect to waste resource management. At the same time many stewards noted that “if Nova Scotia plans to implement an EPR stewardship framework, stewards should have control of the development of the programs proportionate to their financial responsibility.” In other words, and in particular with respect to printed paper and packaging, “if packaging is to be the financial responsibility of producers and consumers instead of municipal taxpayers, then municipalities will become service providers like any other.” Submitters stressed the importance of reaching the right balance between municipally run services and industry funded programs while maintaining the service delivery model that residents have come to expect.

What we heard...

“ It cannot be overstated how important and critical the consumer role is to the success of recycling programs. ”

“ We (industry) recognize that municipalities and the regional waste districts play a critical role in waste diversion and recycling. ”

“ In order to be able to reap the benefits of greater economies of scale and harmonization that come with EPR, Nova Scotia’s 54 municipalities cannot act independently. ”

Overall, most submissions recommended that all stakeholder groups should have a role in the reinvigorated solid waste resource system. This theme was also raised to point out that stewardship and EPR regulations and policies need to be developed with a shared responsibility model in mind. Manufacturers, brand owners, producers, regulators, distributors, retailers, consumers, residents, taxpayers, municipalities, educators, generators, stewardship agencies, collectors/haulers, receiving sites, processors, and recyclers all have roles to play depending upon the end-of-life package or product being targeted for EPR. It is a comprehensive system that varies depending upon the end-of-life material in question. This was reflected by submission comments recommending that roles and responsibilities vary accordingly.

A few stewards noted that voluntary stewards who do not reside in the province should be able to accept responsibility for reporting or remitting. Submitters noted that the supply and management of industrial, commercial, and institutional sector (IC&I) materials is significantly more complex than the residential stream. As a result, most felt strongly that any future PPP EPR regulation should not include IC&I material.

Some submitters noted that stewards should be responsible for incidental materials that are delivered to non-program drop-off sites or landfills. As an example, when materials such as paint and electronics, are incorporated into the residential garbage stream the cost burden is then shouldered by municipalities.

Timeframes

Some felt 12 months was as an optimum timeframe for program implementation. However, in general, companies and associations suggested a more realistic 2 to 3 year planning period for EPR programs after the regulation is passed.

Additional Comments

Those involved in existing recycling programs like pharmaceuticals, sharps, and electronics felt that those programs should be maintained. They believe some materials should not be targeted if they are already well managed through existing recycling programs.

Generally, many submitters suggested

- including a wider range of electronics and electric devices
- including sugary milk products in the beverage program
- providing consumers with a refund for returning big televisions
- expanding the paint program
- adding fishing ropes and nets, bait boxes, disposable cups, window and windshield glass, and other materials to the list of items under EPR regulations

With the variety of materials currently being diverted, and potential for more to be added, one session participant noted that *"there are already too many different places to drop off different materials."*

Submissions from newspaper industry members consistently express the following:

- the current system of advertising credits to promote recycling was working
- additional costs (financial burden) to the industry would result in less news in Nova Scotia
- EPR for newsprint was not necessary, since it is one of the most recycled materials already and would not increase newspaper recycling
- their product was not a package and newsprint as a product could not be redesigned
- most other jurisdictions have exempted newspapers from EPR programs

Several Nova Scotia non-profit associations raised concerns regarding an expected increase in paperwork and higher costs. They pointed to a recommendation from the Ivany Report to cut red tape and minimize more government rules. Others felt that more study was needed in many areas, including a cost/benefit analysis and an overall environmental system benefit/deficit review.

What we heard...

“ the province’s solid waste future must be viewed through a lens of *resource management*, not waste management. ”

“ set aside these proposed solid waste regulation amendments until a full economic and fiscal analysis is completed. ”

Many Nova Scotia businesses reminded the government to support the private sector in its efforts to help recycle new materials.

Complexity Moving Forward

It is evident from the responses that the proposals have a lot of support yet face a lot of challenges in the development of a comprehensive model that works for all Nova Scotians. However, stakeholders conveyed the conviction that the province is a proud recycling and composting jurisdiction—we were leaders once, and it is time to be leaders again.

Disposal Bans and Approval Requirements

Disposal bans were central to the province's existing solid waste diversion strategy and contributed much to its success. The bans helped to drive innovation and job creation while ensuring that recyclers have an adequate supply of input materials. At the same time, the province recognizes the unique challenges that come with a level playing field for compliance with the bans.

The Proposal

Add more materials to the list of items banned from disposal, and strengthen requirements for disposal site operators to adhere to bans.

The new proposals include introducing new bans on stewarded materials, textiles, and construction and demolition (C&D) debris (which is partially stewarded). Until now, municipalities (residents) and private sector solid waste generators bore the increased cost to implement the disposal bans. New bans could have a particular financial impact on the C&D debris generators and disposal sites. Many haulers, processors, and end-use recyclers would benefit from increased diversion business or lower input costs.

Many C&D materials are being diverted from landfills. Research and experimental markets have demonstrated that new local options exist. For example, gypsum in wallboard is being combined with waste wood to make animal bedding or added to compost. Asphalt shingles are being used to improve multi-use trails in a number of areas across the province as well as gravel roads at landfills. They are also being used in new pavement and as an alternative fuel.

The Response:

This proposal received the second-most feedback after Stewardship, with about 30 per cent of respondents providing comment. Overall, there was tremendous support for adding bans from both residents and most industry submissions. Many saw bans as an important tool that helped the province achieve its disposal goals, protect the environment, and stimulate creative innovation and economic opportunities for businesses and recycling workers.

What we heard...

Landfills represent lost resources and feedstock into new industries. Getting the resources back into the economy creates innovation and new business.

Most municipal disposal sites were either opposed to increased bans or wanted an impact analysis to demonstrate the financial impact to their operations. *“We do not support increasing the number of items on the disposal ban list until there are sustainable and accessible markets for the items being banned.”*

Separation challenges remain an issue, and disposal is less costly to the generators and receiving sites compared to diversion.

It was noted, particularly by municipalities with disposal sites, that “disposal bans have to be realistic, not just idealistic.” A small minority of landfill owners supported the ban with the proviso that the ban must be implemented in a practical, fair, and transparent manner that ensures a level playing field for compliance for both private and public disposal sites.

There was a noted lack of submissions from private sector construction and demolition debris disposal site owners/operators. Conversations with private site operators during the consultation period indicated that many were ready to innovate if there was level playing field on ban compliance that was implemented in a fair and transparent manner.

A significant number of submitters commented that compliance with the current bans is lacking as demonstrated by the quantities of banned materials that continue to be disposed in landfills. Various policy tools were suggested to deal with non-compliance, including disposal tax disincentives, standardized waste audits, disposal quantity transparency, and stewardship programs.

What we heard...

A disposal tax can be charged based upon the percentage of banned materials entering the site.

A few submitters noted that glass is a challenge and other diversion options should be acceptable. This could be achieved by removing glass from the definition of solid waste but maintaining the disposal ban. This would allow glass to be used for other beneficial uses.

Overall, some of the concerns collected from responses include:

Ideas and Supportive Responses	Concerns Expressed
A number of landfill operators (private and public) were supportive of the bans if implemented appropriately and in consultation with landfill stakeholders.	Many municipal landfill operators were also concerned about increased compliance and diversion costs.
One participant suggested the province amend its C&D Debris Disposal Site Guidelines to something more along the lines of a C&D Debris Management Guidelines.	Obligation should be at the point of generation, not at the receiving or disposal sites
An opt-out clause is necessary for extenuating circumstances and ban compliance standards need to be developed for clarity and to create a level playing field amongst competitors.	General concerns included <ul style="list-style-type: none"> • sustainable/viable markets • level playing field • compliance • cost prohibitive • illegal dumping
Many online citizen submissions suggested adding many other materials to be banned from disposal.	Industry producers, manufacturers and associations were split on their support for the ban on expanded and extruded polystyrene products.
	Some respondents wanted the department to stop allowing C&D debris as daily cover for landfills.

What we heard...

Done well, disposal bans can support a dramatic increase in diversion, create innovation, and jobs.

Used Tire Management Program

Off-the-road tires are not part of the current used tire management program. By adding off-the-road tires for all-terrain and other vehicles including large industrial vehicle tires, more would be diverted from landfill through the existing used tire management program.

The Proposal

Expand the current definition in the regulation to include off-the-road tires (OTRs).

The Response

While less than a quarter of respondents commented on this section of the proposal, the response was quite favorable. Since an existing tire recycling system is already operating, this proposal was seen by respondents as fairly simple to implement.

Suggestions:

- all tires be considered for fuel feedstock
- fees should be reviewed every 3 years
- tire fees should be based upon the actual cost to manage specific categories of tires and cross subsidization must be avoided

What we heard...



Re-evaluate the province's used tire management program to consider processing used tires.



Concerns:

- how the fee would be determined and the level of fees for larger tires
- one submission disagreed with the proposal, arguing that other alternatives should be explored first
- current use of processed tires was not working well and should be fixed before adding more tires to the program
- this proposal further burdens consumers with fees

Removal of Requirement for Regional Solid Waste Management Plans

In 1997 the province established solid waste management regions to support achieving 50 per cent solid waste diversion by the year 2000. Each region was asked to prepare a solid waste management plan outlining the actions they would take to help achieve this goal. Since that time, the province has revised the solid waste goals under the Environment Act and the Environmental Goals and Sustainable Prosperity Act to achieve a disposal rate of 300 kg per person per year.

The Proposal

Revise the regulation to update geographic regions as they are operating today, and to reflect that regions will collectively support achieving the provincial goals set under the act.

The Response

Less than 15 per cent of respondents spoke on this proposal. Of those that did, the responses were split in support for and against the proposal.

Municipalities were strongly supportive of updating the geographical regions and removing the requirement for regional solid waste management plans. However, most of the It's Not Garbage Coalition submissions were opposed to this proposal. They felt that the exercise of planning would help ensure that municipalities met their diversion obligations.

What we heard...

We do not support dropping the requirement that municipalities develop regional plans. The provincial waste target disposal target of 300 kg waste/per person requires regional coordination and effort by both levels of government, and simply providing for regional planning to be optional is an inadequate basis for moving forward in this regard.

Other comments included:

- There needs to be a 2020 goal.
- Planning is essential and the provincial government can't do it alone.
- Require a clear bag program.

Clarity on Rules for Energy from Waste

Some emerging technologies for the thermal treatment of municipal waste with energy recovery were not around when the regulations were first drafted in 1997. With effective environmental protection in place, today's thermal technologies may present an opportunity when applied to the solid waste stream.

The Proposal

Consider revising the definition of "incinerator" in the regulations. More specifically, to clarify the rules on assessing new and emerging solid waste thermal technologies and to ensure that disposal bans apply to these technologies when they are used for mixed municipal solid waste.

The Response

About 20 per cent of respondents commented on this proposal. A number of respondents including some of the numerous It's Not Garbage Coalition submissions favoured the clarity suggested. However, many of the respondents opposed incineration in general.

What we heard...



allowing energy-from-waste would be a paradigm shift



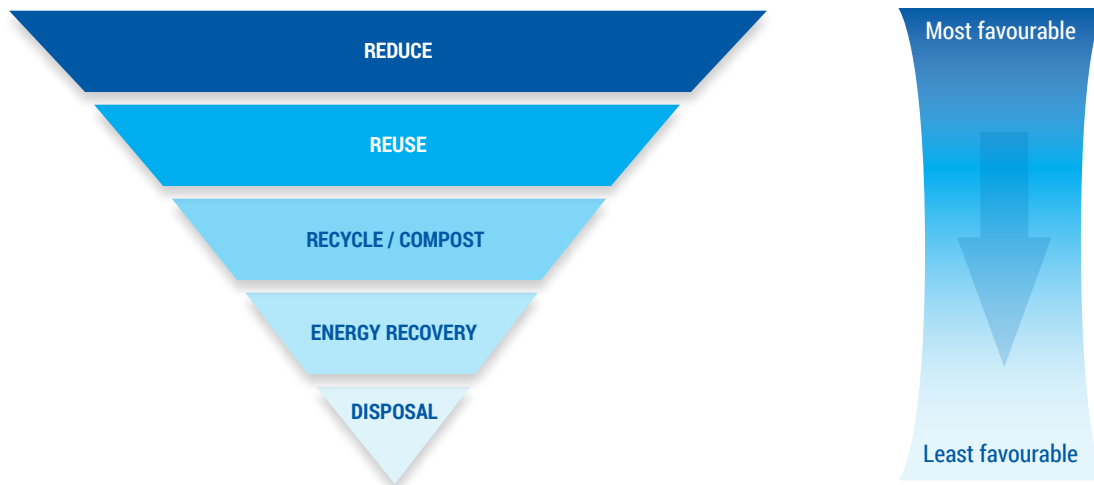
Many expressed their support or opposition to energy-from-waste in general. There were significant differences in opinion on the issue amongst and between residents,

municipalities, and NGOs. Most industry comments reflected the need to be open to the option of energy-from-waste.

Other comments included:

- energy-from-waste destroys resources and should not be acceptable in Nova Scotia
- incineration should only be considered after EPR is introduced
- feedstock for a facility would be limited because of the province's small size
- incineration runs counter to Nova Scotia's recycling pride
- source separated materials should be considered as a fuel alternative
- energy-from-waste should be considered only after determining there is a reasonable cost for the process and that it is technically sound, argued a national industry association

Many submissions noted that it was necessary to consider waste to energy, or "recovery", within a waste hierarchy framework. It was understood by many that it takes too much energy to divert some materials from landfills and that there should be a place for energy recovery if determined effective and efficient by those responsible for the end-of-life management of packaging and products.



Respondents suggested that energy recovery be considered within a waste hierarchy framework similar to other jurisdictions.

A number of participants suggested including the energy created from energy-from-waste facilities as diversion. With approval, some source-separated solid waste (such as wood and asphalt shingles) are already being diverted and used as an alternative fuel in boilers.



Improved Enforceability of the Solid Waste Regulations

Nova Scotia Environment is responsible for delivering effective and efficient regulatory management for the protection of our environment. Some sections of the solid waste regulations are outdated or inconsistent with other regulations, making them confusing for stakeholders.

The Proposal

Update the solid waste management regulations so the definitions are up to date and consistent with other regulations under the Environment Act. Update sections pertaining to litter abatement and the open burning of municipal solid waste to focus the department's activities on risk.

What we heard...

 We agree with the proposed updates. This will constitute a better use of limited resources. 

The Response

This proposal received very little attention from submitters with the exception of municipalities. About 15 per cent of respondents commented on this proposal.

Municipalities were against the changes, viewing them as downloading responsibility. A number of municipalities suggested more funding would be needed if they were required to take on more litter, illegal dumping, or illegal burning compliance.

One online submission noted enforcement of litter rules is key and that perhaps there is a need for bonded, third party inspectors. Some respondents suggested that both levels of government were not taking sufficient action on the issue of litter.

Beverage Container Deposit Refund Program

The Beverage Container Deposit Refund Program is operated by the Resource Recovery Fund Board Nova Scotia (RRFB) and is regulated within the Nova Scotia Solid Waste Resource Management Regulations. The program came into effect on April 1, 1996—18 years ago. Since that time, Nova Scotia has achieved and maintained one of the highest beverage container return rates in North America at nearly 80 per cent in 2013.

To date, the beverage container deposit refund program has helped divert and recycle more than three billion beverage containers from landfills and significantly reduce beverage container litter. Recycling beverage containers has a cost. That cost has continued to rise over the past 18 years, while the deposit that pays for the program has never increased.

The Proposal

Change regulations to a deposit with a refund and a separate recycling fee. No change to the amount of the fee is being proposed.

What we heard...

“The section of the discussion paper regarding the Beverage Container Deposit Refund Program is of concern due to the potential for increased costs to Nova Scotians.”

The Response

Responses to this proposal were also low with only 17 per cent of respondents providing comment. Of those submissions, overall there was support for this proposal.

However, there was some opposition. The industry groups representing most of the beverage container brand owners were opposed. Industry brand owners were generally in favour of significant change to, or elimination of, the RRFB beverage container model system. They seek to increase the program efficiencies and remove what they see as the cross subsidization of other recycling programs.

Several submissions cited the need for the system to be more accountable, and to have more fairness and transparency. A number of submitters thought the province should review the RRFB from an efficiency perspective. Some suggested the RRFB was a duplicate system, creating competition between EnviroDepots and municipal curbside recycling programs. One worry included potential negative cost-pressures on household budgets.

Some municipalities suggested adding 1 cent on to the deposit-refund program to help maintain municipal recycling programs. Other ideas included

- bottles should fall under new printed paper and packaging EPR guidelines and into the blue bag system
- an appeals mechanism should also be considered

Other Comments

A number of comments did not fit into any one category:

- Education, awareness, and research and development are important in making existing and future systems more efficient.
- Governments should require tenders to include recycled content.
- Systems must be convenient to reduce the incidents of illegal dumping.
- Municipal financial pressure with the current waste resource management system could be partially addressed with the addition of fees on disposable packaging.

What we heard...

Seeing materials as a resource and not a waste creates opportunities and financial incentives.

Next Steps

The information we received through this process will go toward developing a new solid waste management strategy and regulations for Nova Scotia. Based on the feedback received through this process, our next steps will be to:

- Move forward, at a minimum, with printed paper and packaging (PPP), used oil/container/filter, mercury-containing products, and other end-of-life Household Hazardous Waste (HHW) EPR.
- Allow for a “de minimus” exemption for Extended Producer Responsibility for PPP to lessen the administrative and financial burden to smaller companies. This practice is widely utilized in other jurisdictions.
- Work collaboratively with municipalities and producers to strike the right balance of responsibility with regard to operating stewardship and/or EPR programs as we draft the new regulations. (In support of this commitment, the province is participating in the Municipal-Provincial Solid Waste Priorities Group developed as a subcommittee of Regional Chairs.)
- Study and report on the financial effects of the seven proposals on four municipalities. This report is expected to be released by early spring of 2015.
- Where appropriate, implement EPR regulations before disposal bans.
- Work together with the RRFB and other stakeholders to further define the role of the RRFB in the administration of future EPR programs.
- Work with industry and municipalities to develop standards, targets, and metrics to guide stewards in the development of their stewardship plans.

Thank you to all those who contributed. We value your feedback and will do our best to incorporate what we heard into the amendments to Nova Scotia’s Solid Waste Resource Regulations.

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