

Action Plan to Minimize Negative Impacts of Waste and Recycling Sites Update

RECOMMENDATION(S):

That the Infrastructure and Planning Committee recommend that Council direct Administration to bring amendments to the Business Licence Bylaw 32M98 to address concerns around public health, safety, and environmental impacts from the operations of waste and recycling sites in Calgary by no later than Q2 2024.

HIGHLIGHTS

- On 2021 March 1, Council directed Administration to address and prevent the negative impacts caused by poorly managed operational practices at waste and recycling sites (PFC2021-0222).
- *Why does it matter?* Private waste and recycling businesses play an important role in Calgary's waste management ecosystem, increasing the efficiency of collections and reducing volume in landfills. Operating practices at certain types of waste and recycling sites are largely unregulated by The Province of Alberta or The City of Calgary. The City of Calgary must provide clear regulations to ensure waste and recycling businesses can operate successfully, while adhering to standards that prevent negative impacts to neighbours.
- *What does this mean to Calgarians?* Improved operating practices will help prevent unintentional public health and safety impacts; and will improve enforcement to resolve impacts more effectively, thus directly benefiting neighbouring businesses and residents.
- In 2021 July, as per Council direction, Administration appointed a temporary Waste Officer who advanced many actions to address improper operations of waste and recycling sites. Administration is in the process of creating a permanent Waste Officer position to continue with pending actions and to ensure ongoing cross-corporate coordination.
- Administration identified that amendments to the Business Licence Bylaw 32M98 are needed to regulate certain operational practices of waste and recycling sites. Support for new regulations was demonstrated through a 2022 survey of waste and recycling businesses and neighbouring properties, and additional dialogue on proposed regulation needs to be undertaken. Bringing amendments to the Business Licence Bylaw no later than Q2 2024 will allow this dialogue to take place and will ensure that we address concerns around public health, safety, and environmental impacts of these sites and avoid unintended consequences to the business community.
- Background and Previous Council Direction is included as Attachment 1.

DISCUSSION

Background

Provincial environmental legislation that applies specifically to the operation of waste and recycling sites is limited and varies by activities performed at sites. Municipal oversight is limited to land use approvals, development permits, business licensing and enforcement of the Alberta Fire Code. These processes are not always coordinated, which creates confusion as to which regulations apply to specific types of businesses.

Improper operations of some waste and recycling sites have become an increasing concern for The City of Calgary, as Councillors and Administration receive complaints about these issues

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from nearby businesses and residents. To respond to these concerns, Council directed Administration, through a Notice of Motion (PFC2021-0222) on 2021 March 1, to appoint an internal Waste Officer to lead an inter-departmental working group and develop a strategy to address poor operational practices of waste and recycling sites and prevent potential negative impacts.

2023 Action Plan to Minimize Negative Impacts of Waste and Recycling Sites

Actions Administration has completed or is taking to address concerns around operating practices at waste and recycling sites and their consequent negative impacts are summarized below. More details are provided in the 2023 Action Plan to Minimize the Negative Impacts of Waste and Recycling Sites (Attachment 2).

Actions completed to-date include:

- Hired a temporary Waste Officer (up to 24 months) who initiated an inter-departmental working group (UCS2021-0903).
- Improved inter-departmental coordination of enforcement strategies that has led to nuisance issues being resolved on six out of the nine sites identified (PFC2021-0222).
- Examined financial and environmental liabilities and found no precedent for The City to have liability in circumstances where private companies abandon sites.
- Highlighted regulatory gaps for waste and recycling businesses.
- Created an informational booklet for residents and businesses that describes the role of private waste and recycling sites in Calgary's waste management ecosystem and highlights Administration's current and ongoing actions to address unregulated operating practices (Attachment 3).
- Addressed gaps in regulation through Land Use Bylaw amendments (IP2022-0503).

Administration will continue to work on the following actions:

- Fill the Waste Officer with a permanent position that will advance Administration's ongoing actions and ensure continued cross-corporate coordination.
- Conduct further assessment and dialogue with interested parties on the proposed Business Licence Bylaw amendments to address concerns around public health, safety, and environmental impacts of these sites and avoid unintended consequences to the business community.
- Continue advocacy efforts with Province of Alberta and coordinate regulations with regional municipal partners.
- Improve compliance of operations by preparing a guide for operators that explains all applicable provincial and municipal oversight.

Proposed amendments to the Business Licence Bylaw:

Amendments to the Business Licence Bylaw 32M98 will close current gaps in oversight that are sometimes exploited, resulting in public health, safety, and environmental impacts. Proposed amendments will seek to introduce a new Business Licence type that would apply to businesses operating as Storage Sites, as defined in the Waste Control Regulation, AR 192/96. These types of businesses are commonly licenced as a Salvage Yard/Auto Wrecker, which do not require a provincial licence or approval. This new licence type will allow for greater oversight by The City and allow The City to add requirements specific to these types of businesses. Administration has drafted proposed amendments that require further review with internal

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partners and additional dialogue with waste and recycling operators. Returning with proposed amendments to the Business Licence Bylaw no later than Q2 2024 will provide Administration time to undertake this important work of confirming proposed amendments and developing a comprehensive implementation plan to bring the new regulations in-force.

EXTERNAL ENGAGEMENT AND COMMUNICATION

- | | |
|--|---|
| <input type="checkbox"/> Public engagement was undertaken | <input checked="" type="checkbox"/> Dialogue with interested parties was undertaken |
| <input type="checkbox"/> Public/interested parties were informed | <input checked="" type="checkbox"/> Public communication or engagement was not required |

Initial feedback from interested parties, including haulers, landfill and storage site operators, industry experts and neighbours was provided through an online survey launched in April 2022. Respondents were asked about their typical interactions with waste and recycling sites and their solutions to encourage healthy business practices at these sites. Responses showed the following major findings:

- Concerns were raised that a small number of operators give the entire industry a negative image.
- Desire to ensure businesses with stricter operating standards are not put at a competitive disadvantage was demonstrated, as operators who forego reporting activities and do not have operations or mitigation plans are able to offer more competitive rates.
- The potential for new regulations introduced by The City of Calgary to ensure stricter standards for all operators was supported by both neighbouring properties affected by impacts, and private waste and recycling businesses.

IMPLICATIONS

Social

Properly addressing poorly managed operations at waste and recycling sites will improve quality of life and reduce public health and safety risks for Calgarians by reducing the prevalence of odours and materials escaping sites. Preventing the stockpiling of waste and recycling materials will prevent these sites from becoming safety and environmental hazards.

Environmental

Properly addressing poorly managed operations at waste and recycling sites will reduce the prevalence of odours and materials escaping sites and prevent the stockpiling of waste and recycling materials from becoming safety and environmental hazards. Clear expectations and requirements will enable waste and recycling businesses to operate successfully and help The City achieve its waste diversion goals.

Economic

Poorly managed operations at waste and recycling sites can potentially affect the business activities of neighbouring properties, posing economic risks and financial liabilities. Clear expectations and requirements will improve operating standards and prevent unintended negative impacts, enabling the continued growth of the waste and recycling industry.

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Service and Financial Implications

No anticipated financial impact

RISK

Failing to prevent or reduce the negative effects generated by poorly managed and unregulated operating practices risks continued exposure to public health and safety and environmental hazards. Administration’s actions to improve enforcement and update regulations mitigate this risk.

The City of Calgary’s Waste & Recycling Services team occupies a complex space within the waste and recycling industry, playing three important roles: industry regulator, service provider, and industry player/competitor. Increasing municipal oversight of private operators could be perceived as giving preference to The City over the private sector. Ensuring oversight is focused on a level playing field for businesses, regulatory compliance, reducing nuisances and environmental impacts is key to mitigating this perception. It is essential that additional regulation be transparent to the businesses community and be communicated with a detailed and intentional communications plan.

Moving forward with proposed amendments to the Business Licence Bylaw without further internal review and dialogue with the business community could expose The City to reputational risks and could result in inadequate implementation. Bringing Business Licence Bylaw amendments by no later than Q2 2024 will allow The City to conduct further communication with impacted parties, address risks identified above and develop an implementation strategy.

ATTACHMENT(S)

1. Background and Previous Council Direction
2. 2023 Action Plan to Minimize Negative Impacts of Waste and Recycling Sites
3. Informational Booklet: Minimizing Negative Impacts of Waste and Recycling Sites
4. Presentation-IP2023-0501

Department Circulation

General Manager/Director	Department	Approve/Consult/Inform
Stuart Dalgleish	Planning and Development Services	Approve
David Mercer	Law	Inform
Brenda Desjardins	Development Business and Building Services	Inform
Kelly Cote	Government Relations	Inform
Julie Radke	Waste & Recycling Services	Inform