



**Report of the Clerk
Draft Amended Solid Waste
Management By-law
May 26, 2022**

Purpose:

The purpose of this hearing is to receive verbal and written submissions regarding the Draft amended Solid Waste Management By-law.

Background:

At the January 11, 2022 meeting of Council, Council received a presentation from Stephanie Smits, Municipal Joint Services Board Outreach and Communications Supervisor, regarding compost contamination. Also at the January 11, 2022 meeting of Council, Council received the September 22, 2022 minutes of the Municipal Joint Services Board (MJSB) at which discussion was held regarding the concerns about compost contamination from regularly composted items which have plastic or heavy wax layers, such as fast food packaging, and compostable bio-degradable and oxy-biodegradable bags such as compost liners. At the January 11, 2022 meeting of Council, Council passed the following motion:

THAT Council forward the material provided by Ms. Smits to the Policy and Strategy Committee.

At the March 8, 2022 regular Council meeting, having received a recommendation from the February 28, 2022 meeting of the Policy and Strategy Committee, Council passed the following motion:

THAT Council direct staff to prepare a staff report and a draft amended Solid Waste By-law for the review of Council.

Council received a staff report and draft amended Solid Waste Management By-law and provided first reading of the draft by-law at the April 12, 2022 meeting of Council.

Notification:

Public Hearing:

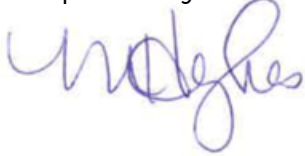
Progress Bulletin May 4th and May 11th
Town website, Town facebook page,
CodeRED: *Communications from Council* and *Community Notices from the Town* message boards May 19

Notice posted at the Post Office,
Mayor's Newsletter May 2022

Submissions Received:

Prior to this hearing, comments were received from David Stephens and Veryan Haysom and forwarded to Council on May 24, 2022.

Respectfully submitted,



Maureen Hughes
Town Clerk & Deputy CAO



Maureen Hughes

From: Dave Stephens [REDACTED] >
Sent: Wednesday, May 4, 2022 1:09 PM
To: Town of Mahone Bay Clerk
Subject: "Compostable" bin liners

CAUTION: This email originated from an external sender.

Good afternoon,

I'm not sure I'll be available for the public hearing on the solid waste bylaw at the end of the month, but I have seen frequent mentions in the monthly newsletter and online imploring us not to use plastic bin liners.

Rest assured that we'll switch back to paper as soon as our current supply of plastic runs out, but it seems to me that this is an issue that ought to be tackled at source. If these bags are being advertised as compostable and they're not, then that's false advertising. I'm not sure what the Town could do about that, but perhaps the provincial government could take action.

The other thing that could be done is encourage retailers not to stock these products, and make sure there's an adequate variety of paper alternatives....there often isn't. Just asking Nick's to stop carrying the plastic liners would probably help our local situation, but again, it's not just a Mahone Bay issue.

Thanks,

Dave Stephens
48 Maple St.

**Submission
to
Mahone Bay Town Council
on
Proposed Solid Waste By-law**

I believe the Solid Waste By-law amendments are problematic in principle and in points of detail.

Problems in Principle

If plastic compost liners are being sold as compostable but really aren't,¹ then the solutions are (i) to penalize manufacturers and retailers for the false advertising and misleading information and (ii) to stop their sale. Have the Council, the Joint Services Board or the Federation of NS Municipalities advised the federal and provincial governments of the problem and asked them to enforce false or misleading advertising and packaging regulations with respect to these products? Have the senior levels of government been requested to ban their manufacture and sale? Have retailers been asked to discontinue their sale?

If poly-coated containers are neither recyclable nor compostable, why not ban them? They are effectively no different from single use plastic shopping bags.

When the Council enacts new by-laws to stream non-recyclable and non-compostable materials into the landfill they are subverting the three Rs of waste management² and adding to the obligations borne by residents, our tax burden and, more important, to the burdens on our natural environment. It would be re-assuring and heartening if Council and our other elected representatives were seen to be resisting the kinds of costly waste making that have led to these amendments rather than enabling them. These amendments complicate municipal waste management for residents in order to accommodate corporate irresponsibility if not malfeasance.

Details

Definition 4(u) – “non-recyclable paper”

The amendment has replaced the phrase “used paper plates or paper cups” with the phrase “used paper plates or paper cups with a wax or poly-coating”. The effects of this change are not crystal clear.³ More important, some common coated food service items are omitted. If the intent is to remove “items like coffee cups with thin plastic liners”⁴ from the compostable waste stream, you might want to consider varying the proposed

¹ *Mayor's Newsletter*, May 2022 (p.4)

² Reduce, Reuse, Recycle.

³ For example, does “used” qualify “cups”? Why is “used” an essential characteristic in relation to poly coating? Does “wax or poly-coating” apply to plates or only to cups?

⁴ *Mayor's Newsletter*, May 2022 (p.4)

amended provision to read as follows (suggested change in bold): “ ... used paper plates or paper cups, **wax or poly coated foodservice products, including cups, bowls, plates and containers**, damp or soiled newspaper ...”

Definition 4(cc) – “residual waste”

I believe there are two problems here.

(1) The amendment of “residual waste” adds the words “wax coated drink cups, poly-coated paper dishes”. The effect is to exclude poly coated cups and a number of other common coated containers from residual waste. Presumably, this is inadvertent. It might make the defined terms “residual waste” and “non recyclable paper” easier to understand and reconcile if both categories were to use the same terms, i.e., repeat the words “wax or poly coated foodservice products, including cups, bowls, plates and containers” in both provisions.

(2) It is not entirely clear whether poly coated food service items are “residual waste” or “organic materials”. The definition of “organic materials” includes “non-recyclable paper (as defined herein)” but the definition of “non-recyclable paper” includes wax and poly coated food service items. Taken together the definitions of non-recyclable paper and organic materials mean that poly-coated items belong in the compostable waste stream. But the definition of “residual waste”, by including poly-coated items, says that they are landfill, not compostable. This contradiction in terms must be resolved. Given that poly coated items do not break down⁵ I suggest that the definition of “organic materials” in clause 4(w) should be amended to exclude these items as follows: “...non-recyclable paper (as defined herein) **but excluding wax or poly coated foodservice products such as cups, bowls, plates and containers**, ashes or soot, ...”

Section 15

The Mayor’s Newsletter identifies the problem as being “plastic compost liners which are sold as compostable”. The words “liner” and “compostable” do not appear in this new section 15. The syntax is awkward. It seems to be written with a view to the possibility that other types of liner or bag maybe used, but that is not clear.⁶

I understand “compostable” in the context of municipal waste management to impose a higher standard than “biodegradable” and “oxo-degradable”. Context is key. The problem to be addressed is not really whether a bag is biodegradable but whether it is compatible with the municipal composting process, i.e., is organic material that breaks down easily and on a timely basis within the municipal composting cycle without clogging the equipment. To be of any real point section 15 has to address this issue in a way that the average citizen can easily understand and implement. I do not think it does.

⁵ Mayor’s Newsletter May 2022

⁶ It is not clear, for example, whether regular or heavy Kraft paper bags might be used as bin liners and for containing organic waste.

I believe the best approach to the problem would for the waste management facility to identify what liners and bags, if any, are acceptable for their purposes and then to draft the by-law so as to prohibit the use of any liner or bag other than those designated as acceptable by the facility, if any.

Focusing only on the amendment as currently worded, I suggest the Council consider revising section 15 to say:

No person shall place organic material or cause it to be placed out for collection in a green bin or regulation container that is lined with any type of plastic or in a bag made of any type of plastic including, without limitation, a plastic liner or plastic bag that is claimed to be or is sold as degradable, biodegradable, oxo-biodegradable or compostable.

I believe this wording leaves open the possibility of using paper liners and bags, Rather than leaving that for inference, it would be of more help to residents if the issue were specifically addressed one way or another.

Sections 55, 60 and 61

There seem to be problems in the wording of section 55. Should you not add “is being” before “used” in the second line and insert “the owner or occupier shall comply with” in place of “shall be subject to” in line 3?

In section 60 I suggest changing “Be” to “is” at the beginning of clauses (a), (c), (d), (e) and (f) and changing “Comply” to “complies” in sub-clause (b).

In section 61, should the deleted “shall” be replaced with “is”?

Conclusion

This by-law is difficult to read and some provisions seem questionable. I have focused, however, on the proposed amendments. I suggest that the Town set some time aside at some point to review the whole by-law to ensure that it makes plain English sense to the average citizen.

Respectfully submitted,

Veryan Haysom
195 Fairmont Street, Mahone Bay

13 May 2022