

BYLAW 20363

A Bylaw to Replace Bylaw 18590, the City of Edmonton Waste Services Bylaw

RECOMMENDATION

That Utility Committee recommend to City Council:

That Bylaw 20363 be given the appropriate readings.

Purpose

To replace Waste Services Bylaw 18590 with an updated Waste Services Bylaw.

Readings

Bylaw 20363 is ready for three readings.

A majority vote of City Council on all three readings is required for passage.

If Council wishes to give three readings during a single meeting, then prior to moving third reading, Council must unanimously agree “That Bylaw 20363 be considered for third reading.”

Position of Administration

Administration supports this Bylaw.

Report Summary

Bylaw 20363 is the revised version of the Waste Services Bylaw 18590. The new bylaw includes updates to facilitate the program changes for the source separation of waste for residential households receiving communal collection. The bylaw is also revised to focus on the terms of service applicable to waste utility customers and the use of City Waste Facilities. Administration expects this narrower focus will clarify obligations when disposing of residential waste. Additionally, Biodegradable Products Institute (BPI) or Bureau de normalisation du Québec (BNQ) certified compostable bags will not be required for the organics cart; any paper or plastic bag can be used in the organics cart once the bylaw is passed.

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The revised bylaw no longer includes fines. Other bylaws governing community standards will address issues of improper waste disposal such as littering, dumping and disposal in improper containers used by the waste utility.

No changes have been made to the waste utility rates. The new bylaw adopts the rates for 2023 and 2024 that were approved by Council in December 2022 as part of the 2023-2026 budget deliberations (Council report CO01528).

REPORT

Waste Services Bylaw 18590 was rewritten to include the program changes for residential households receiving communal collection and revised into a terms of service format that is more user-friendly and easy to understand. The fines have also been removed. The proposed bylaw is included as Attachment 1. All changes that are proposed to the current bylaw are shown in a side-by-side comparison for ease of reference in Attachment 2.

Program Changes for Homes Receiving Communal Collection

Sections were added to the bylaw requiring mandatory three-stream communal collection (garbage, recycling and organics). This program change was approved by City Council on April 4, 2022 (Council report CO00581rev). An element of this program change are bylaw provisions requiring mandatory co-location at all disposal sites for homes receiving communal collection. The purpose of mandatory co-location is to ensure residents will be able to easily dispose of their waste in designated containers at a single location.

Bylaw Format Update

The bylaw was rewritten to focus on the terms of service specific to waste utilities requirements. Examples include the set-out area being free of obstructions, spacing requirements for containers, and disposing of waste in the appropriate container. If the terms of service are not met by a resident, waste will not be collected. This change will make it easier for residents to understand what is expected of them and help to ensure their waste is collected. As Waste Services is responsible for collecting and processing waste from approximately 417,000 residential customers in Edmonton, compliance with the bylaw is key for safe and efficient service delivery and achieving the environmental goals of the 25-year Waste Strategy.

Other Program Changes

The requirement of BPI/BNQ certified compostable bags has been removed from the new bylaw. Residents will be able to use any plastic or paper bag for food scraps in the organics cart. The reason for this change is that BPI/BNQ certified compostable bags do not break down sufficiently during the composting process in the City's facilities and end up creating GHG emissions in landfills. BPI/BNQ plastic bags are removed during the pre-screening process, so the decision was made to allow any paper or plastic bags to be used.

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Enforcement

The ticketing and fines sections have been removed from the bylaw as other City bylaws, such as the Community Standards Bylaw, have provisions to issue fines and tickets for items that were covered in the previous bylaw in relation to improper waste disposal. This change will avoid the potential for inconsistencies between the Waste Services bylaw and Community Standards bylaws that address improper waste disposal. Additionally, Bylaw Enforcement issues fines and tickets on behalf of Waste Services.

RISK ASSESSMENT

Risk Category	Risk Description	Likelihood	Impact	Risk Score (with current mitigations)	Current Mitigations	Potential Future Mitigations
If recommendation is not approved						
The Public Sphere	Failure to implement the updated bylaw erodes public confidence in the City's commitment to source separate waste at the residential level and will negatively impact the City's ability to reach its environmental goals	5 - almost certain	3 - major	15 - high	Recommendation to approve the bylaw	If bylaw is not approved, Administration can look into launching voluntary programs not regulated by bylaws
The Public Sphere	Failure to implement the updated bylaw will create an inequity in the program offerings for residents living in single unit and multi-unit homes	5 - almost certain	3 - major	15 - high	Recommendation to approve the bylaw	If bylaw is not approved, Administration can look into launching voluntary programs not regulated by bylaws

COMMUNITY INSIGHT

Engagement for the Multi-unit Strategy took place in 2020 and 2021 (as noted in the June 25, 2021 Council report CO00581). Stakeholders included property managers, developers, haulers, processors, condo board members and residents, and encouraged participation reflective of Edmonton's diverse population. The engagement provided a clear picture of how to make the program successful for both residents and property managers, who had similar concerns about space, accessibility and odour. The results of the engagement were also used to develop the implementation plan, including the proposed bylaw that includes provisions for communal collection, and education programs to address specific issues that were raised by participants.

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Legal Implications

Bylaw 20363 is authorized under the *Municipal Government Act* RSA 2000 Chapter M-26.

ATTACHMENTS

1. Bylaw 20363 - Waste Services Bylaw
2. Side-by-Side Comparison

OTHERS REVIEWING THIS REPORT

- M. Plouffe, City Solicitor