

NO: R071

COUNCIL DATE: April 12, 2021

---

## REGULAR COUNCIL

TO: **Mayor & Council** DATE: **April 8, 2021**

FROM: **General Manager, Engineering** FILE: **5360-01**  
**General Manager, Corporate Services** XC: **3900-02**

SUBJECT: **Amendments to the Surrey Municipal Ticket Information Utilization and Bylaw Notice Enforcement Bylaws for Waste Contamination**

---

## RECOMMENDATION

The Engineering Department recommends that Council:

1. Receive this report for information; and
2. Authorize the City Clerk to bring forward for the required readings amendments to the *Surrey Bylaw Notice Enforcement Bylaw, 2016, No. 18691*, as amended (Appendix “I”) and *Surrey Municipal Ticket Information Utilization By-law, 1994, No. 12508*, as amended (Appendix “II”) in order permit the issuance of penalties and fines for violations for garbage, recycling and organics contamination.

## INTENT

The purpose of this report is to seek Council approval to introduce fines to support the City’s efforts in reducing contamination, primarily in the recycling stream.

## BACKGROUND

In 2011, the Provincial Government amended the B.C. Recycling Regulation (the “Regulation”) to include Packaging and Paper Products (“PPP”) as a new Extended Producer Responsibility Program (“EPR”) category. The regulation required that producers of PPP be responsible for the life cycle management of their products, which includes collection, processing, and marketing for PPP from residential sources throughout the Province. The program is managed by a non-profit agency, Recycle-BC, who is responsible for the development, implementation, and management of the PPP Stewardship Plan on behalf of private industry.

In 2014, the City entered into an agreement with Recycle-BC where the City became a collector on behalf of Recycle-BC for collection of PPP from residential dwellings. The City receives financial incentives to carry out PPP collection services, which offset the City’s recycling program costs, ensuring the stability of the waste collection utility levy.

Under the agreement, Recycle-BC requires that PPP delivered to processing facilities is not contaminated with unacceptable material. These provisions are standard across all agreements Recycle-BC has with local governments to ensure that only high-quality PPP is collected, processed, and marketed. Loads delivered to processing facilities containing contamination are subject to and enforced through Service Level Failure Credits (“SLFC”) in the form of financial penalties.

## **DISCUSSION**

In 2018, new strict global standards regarding recycling contamination came into effect. The global standards are mainly dictated by commodity markets overseas that receive a significant percentage of processed materials from around the world, including North America. Overseas markets now require that contamination levels be kept very low. Domestic markets are also starting to follow suit, making it more difficult to market and process PPP. As a result, only the highest quality materials can be marketed and there is an increased emphasis on ensuring that recycling material quality is continuously improved.

Cities across Canada and the United States are experiencing more challenges with marketing recyclables. There is greater emphasis required to substantially decrease contamination rates in order to find markets, whether internationally or within North America. As a result of this market shift, Recycle-BC has a renewed focus to ensure that local governments participating in the PPP stewardship program are continuously making improvements to material quality.

### **Recycle-BC Contamination Requirements**

Recycle-BC agreement provisions require that contamination does not exceed 3% by weight which is enforced through an auditing process of material delivered to their facilities. In addition to tighter recycling market’s standards, contamination presents significant operational and financial implications to the Recycle-BC program. Contamination in the PPP program degrades the quality of recyclables, which also reduces its commodity value. Contamination can also present significant health and safety issues for both collection and post-collection workers. If loads are determined to exceed the contamination threshold, Recycle-BC has the option to issue SLFC.

The agreement also requires that all collectors participating in the Recycle-BC program develop a comprehensive contamination remediation plan to address the contamination problem and improve quality of the collected material. The plan must include a detailed promotion and education strategy to proactively communicate collection program requirements to residents. In addition, it must also include enforcement strategies and a plan to monitor recycling carts prior to collection.

### **Surrey’s Contamination**

Surrey’s contamination rate has been fluctuating over the past five years between 10% - 15%, which is similar to other single-stream programs in the Province like Surrey. The contamination is more than other municipalities which have multi-stream service; the City’s target rate is 1-3%. Approximately 15% of recycling carts are found to contain contamination.

A review of contamination audit results demonstrates that contamination occurs in different communities throughout the City. These areas are now being targeted for improvement. Based on contamination data analysis and feedback received from residents, it was determined that challenges are two-fold:

1. Residents are placing items such as books, clothing, pots and pans, electronics, and batteries in the recycling cart. While these items are recyclable through other EPR programs or regional disposal facilities, they should not be placed in curbside recycling carts, as they are not accepted in Recycle-BC's program. In these cases, residents are either trying to recycle as much as possible with good intentions ("wish-cycling") or they are unaware these items cannot be included in the curbside program.
2. Some households are deliberately and/or consistently placing contamination in their recycling carts, including renovation material, garbage, personal hygiene items, hazardous waste, propane canisters, scrap metal, and appliances. These are items that are not accepted in curbside recycling carts and should depending on the item be either recycled through EPR programs or other regional disposal facilities or placed in the garbage cart.

In addition to contractual obligations, feedback provided by Surrey residents encourages the City to take action on reducing contamination. A survey carried out by staff indicates that 95% of respondents view that it is important to keep recycling free of unacceptable items. For reference, Appendix "III" outlines which items can be placed in the recycling carts.

### **Remediation Plan**

To address the contamination problem, in 2019, staff carried out a remediation pilot program in hotspot locations throughout the City. The purpose of the pilot program was to determine the best practice model in reducing contamination specific to Surrey, prior to launching it City-wide. The elements of the plan included an education and awareness campaign, and curbside recycling cart monitoring and enforcement.

The pilot was very successful, resulting in a 50% reduction in contamination levels. This achievement was recognized by Recycle-BC and the City was featured in their annual report for effectively decreasing contamination.

Based on the success of the pilot program, staff have enhanced the 2021 remediation plan which is aimed at reaching a greater number of households to significantly progress the goal to reduce contamination City-wide. The plan will also focus on advancing the education and outreach campaign through simplifying recycling communications to help residents develop a basic level of understanding of recycling rules. Staff will be using various communications channels to deliver key messaging including social media, newsletters, transit shelter advertisements, digital boards, direct mailouts, and media promotion including radio and television. "How to recycle right" videos and cart labels will be developed and shared to educate Surrey residents.

### **Introduction of Fines**

As mentioned above, the first step toward reducing contamination will focus on increasing education and awareness, which has been effective in the past. However, staff continue to experience challenges with some households that continue to be non-compliant with municipal Bylaw provisions, despite the City's outreach efforts. There is approximately 5% to 7% of households repeating the non-compliant activity.

On this basis, the Engineering Department recommends amendments to the *Surrey Bylaw Notice Enforcement Bylaw, 2016, No. 18691* and the *Surrey Municipal Ticket Information Utilization By-law, 1994, No. 12508*, to permit the issuance of fines for contamination in the amount of \$150 per incident. A recent survey indicates that 85% of residents support introducing fines for contamination. Fines provide leverage and incentivizes behaviour change helping to ensure that households adhere to the recycling program's requirements and Bylaw provisions. Several other regional municipalities have successfully implemented and utilized fines, which range from \$100 to \$300 per incident.

Staff have started to implement the various tactics of 2021 Remediation Plan, including monitoring curbside recycling carts and enforcing the contamination provisions. This process includes inspecting recycling carts for contamination and leaving education material for residents advising of incorrect material placed in their carts or not collecting recycling carts if it is deemed that the contamination is deliberate. Upon Council approval, staff intend to supplement the monitoring and enforcement approach with fines where households are continuously not compliant with the City's recycling requirements despite the City's education and outreach efforts. The City's public outreach and education efforts will be expanded to ensure that residents are well aware of the fines for contaminating the recycling stream.

### **Organics and Garbage Contamination**

The fines will also be applicable for contamination in the organics and garbage streams. While contamination in these streams is less of an issue, it will support the City's zero waste goals by keeping organics and recycling out of the landfill. In addition, it will also help reduce biodegradable plastic contamination in the organics stream, ensuring high quality compost and natural gas produced by Surrey's Biofuel Facility.

### **Legal Services Review**

Legal Services has reviewed this report and Bylaw amendments and have no concerns.

### **SUSTAINABILITY CONSIDERATIONS**

The introduction of fines supports the objectives of the City's Sustainability Charter 2.0. In particular, it supports the theme of Infrastructure. Specifically, the Contract supports the following Desired Outcomes ("DO") and Strategic Direction ("SD"):

- Materials and Waste DO19: Residents and businesses are conscious of their consumer choices and reuse existing materials first;
- Materials and Waste DO20: Materials and resources are used efficiently, sourced locally where feasible, and repurposed or recycled at the end of their life cycle;
- Materials and Waste DO21: The City is moving toward a zero-waste target, in line with regional waste diversion goals; and
- Materials and Waste SD13: Work with local businesses and organizations to maximize the recovery and reuse of local materials and waste products as part of the circular economy.

## CONCLUSION

The Engineering Department recommends that Council approve the introduction of fines for contamination to support the City's efforts in reducing contamination primarily in the recycling stream.

Scott Neuman, P.Eng.  
General Manager, Engineering

Rob Costanzo  
General Manager, Corporate Services

RK/cc

Appendix "I" - Proposed Amendments to the *Surrey Bylaw Notice Enforcement Bylaw, 2016, No. 18691*

Appendix "II" - Proposed Amendments to the *Surrey Municipal Ticket Information Utilization By-law, 1994, No. 12508*

Appendix "III" - Rethink Waste Recycling Pamphlet

**APPENDIX “I”**

**Proposed Amendments to *Surrey Bylaw Notice Enforcement Bylaw, 2016, No. 18691, as amended***

<b>Part 8</b>						
<b><u>A1</u></b>	<b><u>A2</u></b>	<b><u>A3</u></b>	<b><u>A4</u></b>	<b><u>A5</u></b>	<b><u>A6</u></b>	<b><u>A7</u></b>
<b><u>Bylaw No.</u></b>	<b><u>Section</u></b>	<b><u>Description</u></b>	<b><u>Penalty</u></b>	<b><u>Early Payment Penalty</u></b>	<b><u>Late Payment Penalty</u></b>	<b><u>Compliance Agreement Available (50% of Penalty)</u></b>
<b>Waste Management Regulations and Charges Bylaw, 2015, No. 18412</b>						
<u>18412</u>	<u>26(a)</u>	<u>Fail to separate waste</u>	<u>\$150.00</u>	<u>\$100.00</u>	<u>\$250.00</u>	<u>Yes</u>
<u>18412</u>	<u>26(a)</u>	<u>Unlawfully contaminate waste</u>	<u>\$150.00</u>	<u>\$100.00</u>	<u>\$250.00</u>	<u>Yes</u>
<u>18412</u>	<u>40(a)</u>	<u>Fail to separate waste</u>	<u>\$150.00</u>	<u>\$100.00</u>	<u>\$250.00</u>	<u>Yes</u>
<u>18412</u>	<u>40(a)</u>	<u>Unlawfully contaminate waste</u>	<u>\$150.00</u>	<u>\$100.00</u>	<u>\$250.00</u>	<u>Yes</u>
<u>18412</u>	<u>48</u>	<u>Unlawfully deposit garbage</u>	<u>\$450.00</u>	<u>\$400.00</u>	<u>\$500.00</u>	<u>Yes</u>
<b>Part 8</b>						
<b><u>A1</u></b>	<b><u>A2</u></b>	<b><u>A3</u></b>	<b><u>A4</u></b>	<b><u>A5</u></b>	<b><u>A6</u></b>	<b><u>A7</u></b>
<b><u>Bylaw No.</u></b>	<b><u>Section</u></b>	<b><u>Description</u></b>	<b><u>Penalty</u></b>	<b><u>Early Payment Penalty</u></b>	<b><u>Late Payment Penalty</u></b>	<b><u>Compliance Agreement Available (50% of Penalty)</u></b>
<b>Waste Management Regulations and Charges Bylaw, 2015, No. 18412</b>						
<u>18412</u>	<u>48</u>	<u>Unlawfully deposit garbage</u>	<u>\$450.00</u>	<u>\$400.00</u>	<u>\$500.00</u>	<u>Yes</u>

**APPENDIX "II"**

**Proposed Amendments to *Surrey Municipal Ticket Information Utilization By-law, 1994, No. 12508*, as amended**

**SCHEDULE 11 TO BY-LAW NO. 12508**

**Amendments: By-law 13694, 03/29/99; 16667, 04/20/09; 18413, 09/28/15**

<u>WASTE MANAGEMENT REGULATION AND CHARGES BYLAW, 2015, NO. 18412</u>	<u>SECTION</u>	<u>FINE</u>
<u>1. Fail to separate waste</u>	<u>26(a)</u>	<u>\$150.00</u>
<u>2. Unlawfully contaminate waste</u>	<u>26(a)</u>	<u>\$150.00</u>
<u>3. Fail to separate waste</u>	<u>40(a)</u>	<u>\$150.00</u>
<u>4. Unlawfully contaminate waste</u>	<u>40(a)</u>	<u>\$150.00</u>
<u>5. Unlawfully deposit garbage</u>	<u>48</u>	<u>\$1,000.00</u>
 <u>WASTE MANAGEMNT REGULATIONS AND CHARGES BYLAW, 2015, NO. 18412</u>	 <u>SECTION</u>	 <u>FINE</u>
 Unlawfully deposit garbage	 48	 \$1,000.00

# HOW TO RECYCLE RIGHT

**ReTHINK WASTE**



## PUT THE RIGHT WASTE IN THE RIGHT BIN.

The recycling cart is for paper, plastic packaging, and metal packaging only. Any other items must not be placed in recycling carts, as it significantly impacts the recycling process.

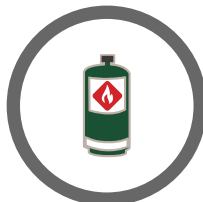
Placing unacceptable materials in your recycling cart pollutes Surrey's recycling stream, increases the amount of loads rejected, creates more risks for workers, and leads to the City incurring financial penalties which may impact annual waste collection utility rates. That's why we are now monitoring individual recycling carts to ensure compliance with program requirements. The City will not be collecting recycling carts that have unacceptable material, so get to know what items should not go in your blue cart and where to dispose of them properly.

Everyone has a part to play to ensure we keep contamination out of the curbside recycling collection program.



**IN THE BLUE CART ITEMS**

+



**NOT IN THE BLUE CART ITEMS**

=



**CONTAMINATED BIN**



# NOT IN THE BLUE CART



## POTS, PANS, ELECTRONICS & SMALL APPLIANCES

### DONATE OR SCHEDULE A LARGE ITEM PICK UP

Depending on the condition of the item, you may donate, take it to a depot for recycling, or bundle the items and schedule a pick up through the Large Item Pick Up Program.



## SHOES, CLOTHES & BOOKS

### DONATE

Clothing and books can be reused. Take them to your nearest donation facility that accepts these items.



## HOUSEHOLD WASTE

### GARBAGE BIN

Broken household items such as hoses, laundry hampers, and non-electronic toys are safe to go in your garbage bin. They should not go in the recycling cart.



## HAZARDOUS ITEMS

### DEPOT OR TRANSFER STATION

Items such as small/large propane tanks, syringes, and pesticide containers compromise the safety of our workers and need to be taken to a designated depot for safe disposal.

For more information on proper waste disposal, visit [surrey.ca/rethinkwaste](http://surrey.ca/rethinkwaste)

# IN THE BLUE CART



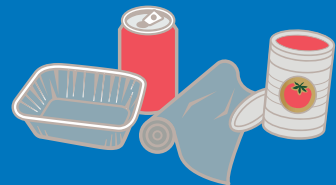
## PAPER PRODUCTS & PACKAGING

Magazines, phone books, newspapers, flyers, coffee cups, paper egg trays, milk cartons, ice cream containers, cardboard, paper, and paper gift wrap.



## PLASTIC PACKAGING

Household product containers, milk jugs, yogurt cups, coffee lids, single-use coffee pods (clean and empty), plastic food jars, plastic plant pots, plastic food trays, plastic pails, and plastic spray bottles and dispensers.



## METAL CONTAINERS & PACKAGING

Aluminum foil, aluminum trays (clean), tin/aluminum cans and lids, and empty aerosol spray cans.