

A large, light blue recycling symbol (three chasing arrows forming a triangle) is centered in the background of the page. The main title text is enclosed in a large, dark blue square bracket shape.

**Revising Our Path Forward:
A public discussion
paper about solid
waste regulation
in Nova Scotia**

**We want your input on
the way solid waste is
regulated in Nova Scotia.**

April 2014

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All Nova Scotians can help to make a cleaner, greener, and more economically sustainable province for the future. The Nova Scotia Government is committed to working towards provincial waste diversion goals. However, government cannot do this alone. We need the help of industry, communities, and all Nova Scotians.

What is Nova Scotia proposing to change?

Nova Scotia Environment is proposing changes to the provincial solid waste regulations to keep the programs efficient and sustainable, to provide a high level of environmental protection, and to create economic opportunities in our province.

The department is proposing to make changes in seven areas:

- Product stewardship
- Disposal bans and approval requirements
- Used tire management program
- Removal of the requirement for regional solid waste management plans
- Clarity on the rules for energy from waste
- Improved enforceability of the solid waste regulation
- Beverage container deposit-refund program

**Today's
strategy
is almost
20 years
old.**

**The status
quo is not
sustainable.**

It is important to note that not all of the proposed changes would be immediate. In some cases, if enacted, they would change the way solid waste is managed by making the rules clearer on energy from waste and how the regulations are enforced. Other changes would be phased in over time, such as a framework for product stewardship that would see some stewarded materials introduced in 2015, with more products coming online in the following years. The details of each plan are explained below.

How did Nova Scotia Environment get here?

Nova Scotia Environment has been working with industry, municipalities, and our stakeholders over a number of years to identify changes that are needed to the Solid Waste-Resource Management Regulation.

Nova Scotia's Solid Waste-Resource Management Regulation and Strategy were released in 1995. In 2007, a new ambitious goal for the province to dispose of no more than 300 kg per person per year by 2015 was set in the Environmental Goals and Sustainable Prosperity Act and the Environment Act. The strategy renewal process that began in 2008 concluded with the release of *Our Path Forward in 2011*. A core deliverable of *Our Path Forward* was to review the regulations.

Seven key areas of the regulations have been identified for potential amendment. These key areas address concerns heard from stakeholders during the entire strategy renewal process and were further refined based upon on-going discussions with stakeholders over the past year.

Why we want your input

The rules regarding solid waste could affect everyone. Several options have been examined that would result in potential changes to the current regulation. These options are presented within this document for your review and feedback.

We encourage written comments about the proposed changes. Please submit your comments to the address or email below.

Nova Scotia Environment will also be meeting with industry, municipalities, and other partners for additional feedback. Once the comment period ends, the department will consider each submission carefully, and all input received will inform and guide any changes to the regulations that will be brought forward for consideration.

Privacy notice: Submissions received will be considered by Nova Scotia Environment as part of the public consultation process. Your submission may be made available to the public with the exception of your personal information, which will only be disclosed in keeping with the privacy provisions of the NS Freedom of Information and Protection of Privacy Act. Should you wish any of the information provided to be held in confidence, please clearly indicate this for consideration.



We
welcome
your
feedback.

Questions?

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Proposed Changes to Nova Scotia's Solid Waste Resource Management Regulations

Product Stewardship/Extended Producer Responsibility (EPR)

Product stewardship has proven to be an effective way to recycle materials and divert them from landfills. Examples of successful stewardship programs include electronics and consumer paint products. That is why Nova Scotia is looking to expand this approach. This approach shifts the responsibility for recycling and disposal costs from the taxpayer to the product producers and consumers.

Many provinces already have product stewardship and Extended Producer Responsibility Regulations (EPR) for products such as electronics, packaging and printed paper, and household hazardous waste. In Nova Scotia, all electronics brand owners must operate a stewardship program for the materials they sell in the province. Ontario, Manitoba, Quebec, Saskatchewan, and British Columbia have similar regulations. British Columbia has the most comprehensive list of products captured under stewardship regulation in Canada.

The British Columbia Packaging and Printed Paper Stewardship Program is expected to result in about \$84 million each year to support the recycling of packaging and printed paper.

This approach encourages producers to design their products with the environment in mind, helps to reduce unnecessary packaging, supports local solid waste programs, and creates economic opportunities.

What we suggest: *Add a section in the solid waste regulation that will guide product stewardship in a consistent manner across designated products.*

A product stewardship framework would require each brand owner of a designated product to submit a plan to the Minister of Nova Scotia Environment detailing how they would ensure products are recycled instead of going to landfills. Products would be designated according to a schedule, and brand owners would have to meet performance targets. The details of how products are managed at the end of life are to be proposed by the brand owners, in consultation with stakeholders and following the criteria and outcomes outlined in the regulation and policies set by government.

The list of products that Nova Scotia Environment recommends to be covered in a framework for product stewardship is as follows:

- ▶ Packaging
- ▶ Printed paper
- ▶ Products containing mercury
- ▶ Batteries
- ▶ Vehicle fluid products and the containers
- ▶ Oil, oil filters, oil containers
- ▶ Paint and coating products (as currently regulated) and their containers
- ▶ Paint thinners and their containers
- ▶ Single-use pressurized containers
- ▶ Safety flares
- ▶ Pharmaceuticals and sharps, including syringes
- ▶ Domestic pesticides and their containers
- ▶ Small quantity fuels and their containers—camping oil, lighter fluids, etc.
- ▶ Tar and roofing patch and their containers
- ▶ Adhesives (in containers greater than one litre)
- ▶ Electronic waste (as currently regulated)
- ▶ Microwaves
- ▶ Floor model printers
- ▶ Photocopiers
- ▶ Mattresses and box springs
- ▶ Carpet and plastic and synthetic flooring
- ▶ Pressure treated timbers
- ▶ Limited EPR for the following items:
 - Engineered and composite wood
 - Drywall and wallboard
 - Asphalt shingles

Costs associated with the recycling and/or disposal of these materials are currently covered through municipal taxes. Product stewardship aims to shift the responsibility for managing these designated products to brand owners or consumers or both. Limited EPR refers to an approach where producers would be required to partner with construction and demolition processors in Nova Scotia to divert more of these products from disposal.

If this change happens, Nova Scotians will be able to place more materials at the curb for recycling; other products may need to go to collection depots. Some products may have a fee at the time of purchase to cover recycling costs, while some brand owners may absorb the cost. The benefit is that these products will be safely and responsibly recycled rather than going to a landfill.

**Responsibility
shifts from
municipal
taxpayers to
brand owners.**

Disposal Bans and Approval Requirements

Many construction and demolition (C&D) materials are reused in the marketplace. For those that are typically not reused, research and experimental markets have demonstrated many valuable options. For example, gypsum in wallboard, combined with waste wood, can be used to make animal bedding, while asphalt shingles can be used to create multi-use trails or new pavement, or used as an alternative fuel.

Several other materials are already being successfully diverted from landfill through recycling or diversion programs across Nova Scotia.

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

**Certain
items
shouldn't
go to the
landfill.**

The goal is to increase the diversion of these designated materials from landfills and support the creation of value-added products from C&D debris. Also, because of its weight, diverting C&D material will play a major role in the province reaching its disposal goal of no more than 300 kg per person per year. This will also encourage new and more efficient methods of managing C&D debris from the point of generation to the site of processing, and lead to more businesses opportunities and processing jobs in Nova Scotia.

Strengthening the requirements for all disposal sites to build awareness and identify banned materials, conduct random inspections, and carry out follow-up procedures to ensure these materials are not disposed of in their sites will aid in the diversion of materials from landfill. To foster this requirement, the department

proposes to work together with disposal sites to identify appropriate standards and methods that will enable a smooth transition to implementing and adhering to disposal bans.

The department proposes to ban the following materials from disposal in landfills. These would be phased in over time, and for the products that fall within the product stewardship framework, the bans will become effective as stewardship programs come into place.

- ▶ Packaging
- ▶ Printed paper
- ▶ Products containing mercury
- ▶ Batteries
- ▶ Vehicle fluid products and the containers
- ▶ Oil, oil filters, oil containers
- ▶ Paint and coating products (as currently regulated) and their containers
- ▶ Paint thinners and their containers
- ▶ Single-use pressurized containers
- ▶ Safety flares
- ▶ Pharmaceuticals and sharps, including syringes
- ▶ Domestic pesticides and their containers
- ▶ Small quantity fuels and their containers—camping oil, lighter fluids, etc.
- ▶ Tar and roofing patch and their containers
- ▶ Adhesives (in containers greater than one litre)
- ▶ Electronic waste (as currently regulated)
- ▶ Microwaves
- ▶ Floor model printers
- ▶ Photocopiers
- ▶ Mattresses and box springs
- ▶ Carpet and plastic and synthetic flooring
- ▶ Pressure treated timbers
- ▶ Clean wood
- ▶ Drywall and wallboard
- ▶ Asphalt shingles
- ▶ Textiles
- ▶ Non-packaging expanded polystyrene

Many materials such as food waste and newsprint are already banned from the landfill. We will be asking Nova Scotians to recycle these additional banned materials and products the way they do with the bans already in place. By continuing to separate materials before they are sent for disposal, Nova Scotians will help to effectively reduce the volume of materials going to landfills.

Page 9 highlights all of the materials that are currently banned from disposal in Nova Scotia, called Schedule “B” in the regulations. The new materials would be added to this schedule in the regulations.



**Effectively
increase
recycling.**

Questions?

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Schedule “B” - Materials Banned from Landfills and Incinerators

Designated Material	Implementation Date
Beverage containers	April 1, 1996
Corrugated cardboard	April 1, 1996
Newsprint	April 1, 1996
Used tires	April 1, 1996
Lead-acid (automotive) batteries	April 1, 1996
Leaf and yard waste	June 1, 1996
Post-consumer paint products, formerly known as waste paint	April 1, 1997
Ethylene glycol (automotive antifreeze)	April 1, 1997
Compostable organic material	June 1, 1997
Steel/tin food containers	April 1, 1998
Glass food containers	April 1, 1998
Low-density polyethylene bags and packaging	April 1, 1998
High-density polyethylene bags and packaging	April 1, 1998
Televisions	February 1, 2008
Desktop, laptop and notebook computers, including CPUs, keyboards, mice, cables and other components in the computer	February 1, 2008
Computer monitors	February 1, 2008
Computer printers, including printers that have scanning or fax capabilities or both	February 1, 2008
Computer scanners	February 1, 2009
Audio and video playback and recording systems	February 1, 2009
Telephones and fax machines	February 1, 2009
Cell phones and other wireless devices	February 1, 2009

Schedule “B” amended: O.I.C. 2002-94, N.S. Reg. 24/2002; O.I.C. 2007-102, N.S. Reg. 61/2007.

**Since 1996,
Nova Scotia
has enacted
21 different
materials
bans.**

Used Tire Management Program


Quantities of used tires currently go to landfills that could be effectively recycled in Nova Scotia. By adding off-the-road tires for all-terrain vehicles (ATVs), mining equipment, and farm tractors to the regulation, more tires would be diverted from landfill through the existing used tire management program.

What we suggest: *Expand the current definition in the regulation to include off-the-road tires (OTRs).*

A one-time environmental fee is collected on the sale of new passenger tires in Nova Scotia. This fee supports the collection and processing of used tires. Changing the regulation to include more tires within the definition would divert more tires, provide industry with more options for diversion, reduce illegal dumping, and improve the cost effectiveness of the used tire program in Nova Scotia.

Nova Scotia would also be more consistent with other provincial jurisdictions that include these tires in their diversion programs.

Nova Scotians who purchase off-the-road tires would see a modest fee added to the price of their tires at the point of sale. These tires would then be incorporated into the used tire management program with all other tires collected.



**Harmonize
Nova Scotia's
tire program
with other
provinces.**

Regional Solid Waste Management Plans – Regional Requirements

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 to tell the province what actions they would take to 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 300 kg per person per year.

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

The 300 kg per person per year goal is recognized as a province-wide goal, not a regional goal. This reality should be reflected within the regulation. The regions will be encouraged to do regional planning to help support achieving the provincial goals as set under the act, as they do today. The change would mean that developing regional plans would no longer be required by law.

Regulatory Clarity on Energy from Waste

Many technologies available today for the thermal treatment of municipal waste with energy recovery were not in existence, or not viable, when the regulations were first drafted in 1997. Today's innovative thermal technologies may present an opportunity when applied to the solid waste stream. However, it is important to ensure that environmental protection measures are put in place as required. One way to achieve this is to consider all thermal treatments of mixed municipal waste the same under the solid waste resource management regulations.

What we suggest: *Consider revising the definition of “incinerator” in the regulations.*

**Clarify rules
on new and
emerging
technologies.**

A revised definition would provide clarity on how to assess the application of new and emerging technologies when they are used to process mixed municipal solid waste. A change to the definition of an “incinerator” could include other similar technologies that thermally process mixed municipal solid waste (for example, pyrolysis, gasification, plasma) as is done in other jurisdictions.

If such a change to the definition were made, this would ensure that Nova Scotia's disposal bans would apply to all of these new technologies when they are employed to process mixed municipal solid waste.

Improvements to the Enforcement 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.

What we propose: *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 open burning of municipal solid waste to focus the department's activities on risk.*

Definitions that will be revised:

- a. Construction and demolition debris
- b. Municipal solid waste
- c. Leaf and yard waste
- d. Yard waste
- e. Solid waste

Nova Scotia Environment is focusing its efforts on activities with a potential for higher risk to the environment. To that end, greater emphasis will be placed on working collaboratively with the municipalities or non-government organizations on the delivery of litter reduction and abatement programs and responding to open burning issues. Nova Scotia Environment will still respond to more complex and significant illegal dumping issues, but would rely on municipalities and other enforcement agencies to deal with littering issues and open burning situations that may pose a lower risk to the environment. This adjustment will allow department Inspectors to focus on more complex and higher-risk environmental issues.

New definitions will make the regulation more consistent with the other regulations under the Environment Act.

Beverage Container Deposit Refund Program Efficiency

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—nearly 18 years ago. Since that time, Nova Scotia has achieved and maintained one of the highest beverage container return rates in North America at 79.6 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 refund that pays for the program has never increased.

What we suggest: *Change regulations to a deposit with a refund and a separate recycling fee.*

**Maintain the
high-level
service that
makes
Nova Scotians
proud.**

This change will not be seen or felt by consumers in the short term, but rather is an internal system change to allow for flexibility. Currently, upon the purchase of a beverage container, a consumer pays a 10-cent deposit. Half, or 5 cents, is returned to the consumer for refund when the bottle is brought back to an Enviro-Depot, while the other 5 cents pays for collection, transportation, recycling, and marketing of the recycled materials, along with education programs, research and development, and more.

Under proposed changes, consumers would still pay 10 cents upon the purchase of a beverage container and receive as a refund their 5-cent deposit. In this new system, however, the other 5 cents is called a “container recycling fee” that is designated to cover program costs. By making this system change to administration of the beverage container program, the container

recycling fee could be changed in the future based on changing market conditions (if needed) and could synchronize with other Canadian provinces. This flexibility ensures the continued success of the beverage container program. A process would be established to regularly review and set the beverage container recycling fee.

These changes are needed if the beverage container program is to remain sustainable and to maintain the high levels of performance and service delivery that have made Nova Scotians so proud to date.

Your Review and Feedback is Welcome

As you consider the changes proposed in this paper, you are invited to share your comments on the questions below or any other aspects of the solid waste resource management regulations.

1. Does the list of products proposed under a stewardship framework make sense? As the list would be phased in over time, what is a suitable time frame for implementing this policy shift for Nova Scotia?
2. In a product stewardship framework, what should the role of manufacturer/producer, brand owner, distributor, retailer, consumers, municipalities, and private recycling operators be? Should this be different for different products?
3. Should the stewardship framework and material bans apply to all Nova Scotians, residents and businesses alike?
4. What is the appropriate timing for implementing disposal bans on construction and demolition materials like wood, wallboard and drywall, asphalt shingles, and expanded polystyrene? Are there other materials you think should be banned from landfill?
5. The proposed changes present both opportunities and challenges for operators under approval with Nova Scotia Environment. Do you have any specific suggestions for maximizing these opportunities and reducing challenges associated with the regulation?
6. What other actions should be taken to support waste diversion goals for Nova Scotia and foster the sustainability of the recycling system?

Questions?

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