



Planning with Bill 151

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Planning with Bill 151 ORW Panel Session

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Moderator

Objectives for the Session

- Explore key elements of Bill 151 so that you - as program operators - can make informed recommendations & decisions as programs transition to the Resource Recovery and Circular Economy Act (RRCEA)
- Offer insights into how events may unfold
- Provide you with the opportunity to direct the conversation

Key Components of the Legislation

- **Bill 151 is enabling legislation** providing the government with power to establish:
 - Waste-Free Ontario strategy;
 - Policy statements to support the provincial interest;
 - Regulations
- **Programs approved under the Waste Diversion Act will continue under the Waste Diversion Transition Act** until they are wound up
- The government will issue **policy statements** - & then municipal official plans, waste management plans, & bylaws must be aligned with these policy statements
- The government's requirements, including designated products & packaging & associated service & performance targets, will be set out in **regulations**
- A Resource Productivity and Recovery Authority will be responsible for **registering obligated persons, acting as a data clearinghouse, monitoring compliance, auditing and enforcing**. The Authority recovers its cost by charging fees

When Packaging & Printed Paper (PPP) is Designated under RRCEA

- A regulation will make brand holders **responsible for collection & management** of the packaging & paper they supply to households.
- Brand holders may be able to meet their regulatory obligations individually or organize themselves into **one or more producer responsibility organizations (PROs)** to meet their obligations.
- Brand holders may be able to a large degree, **decide how they will meet their regulatory obligations**. Their approach to collection & management of PPP may differ from current systems and contractual arrangements.

When PPP Is Transitioned - Will the Regulation ...

- Expand the definition of packaging to include types not currently covered by the BBPP?
- Include material that is currently not obligated but ends up in BB?
- Exempt small brand holders through a regulated de minimis, thereby excluding some portion of the PPP collected?
- Exempt newspaper publishers (as in Saskatchewan), thereby excluding newspapers?
- Include accessibility targets i.e. require that all households currently receiving collection from municipalities continue to receive collection from brand holders?
- Include performance targets? Targets for individual materials or the total BB?

How will Brand Owners Meet Their Obligations to ...

■ **Collect PPP?**

- By continuing the current curbside & MF collection services?
- By standardizing the list of PPP accepted in collection systems? At Curbside? At Depots?
- By providing municipalities with first right of refusal to provide collection services?
- By requiring the use of a collection operating standard?

■ **Manage collected PPP?**

- By using municipally-owned infrastructure to receive PPP from collection vehicles and/or consolidate, transfer and/or process PPP?
- By assuming existing post-collection contracts?
- By issuing an RFP for post-collection services?

What Are the Basis for Payments if Brand Holders Contract with Municipalities for Services?

■ For collection

- A collection incentive?
- Costs incurred if operating to a defined collection operating standard?
- A municipality uses a competitive procurement, then basis is best value? Lowest price?
- A percentage of costs where municipalities provide services beyond those required by brand holders?

■ For post-collection

- If municipality uses a competitive procurement, then payments are based on best value? Lowest price?
- Municipalities issue a reverse RFP to sell collected materials?
- A percentage of costs where municipalities provide services beyond those required by brand holders?
- Who bears the commodity market risk?

Operating During Transition

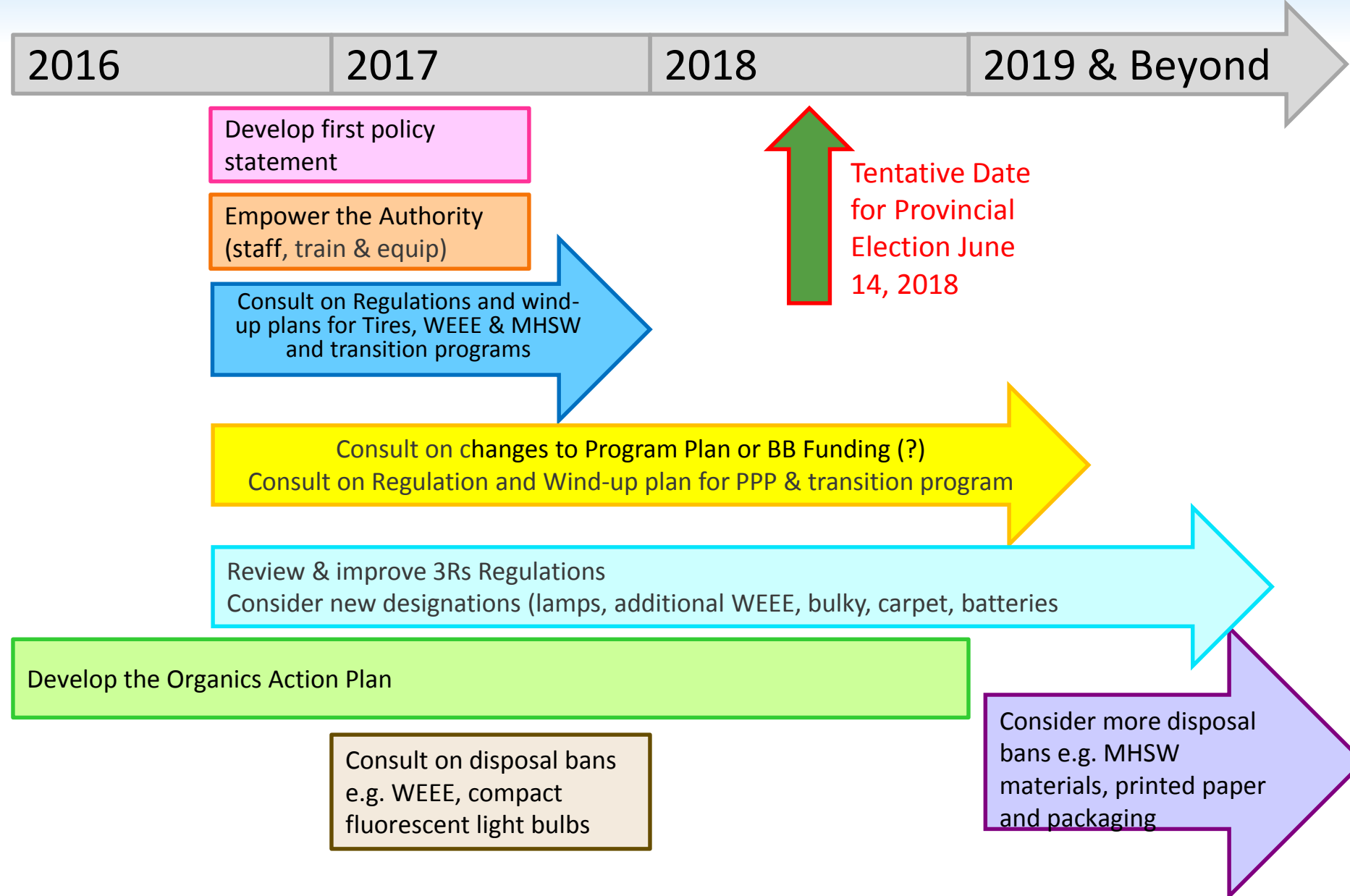
- Data – know your program to be ready for discussions with brand holders, ...
- Costs – minimize your costs to be best positioned ...
- Contracting – whether new or renewals, maximum flexibility ...
- Materials – maximum flexibility to add/remove ...
- Service levels – maximum flexibility to modify frequency of pick-up ...
- MRFs – own and operate, own & contract management, exit ...
- Asset management & capital investment ...
- Possible new requirements from the Authority ...

Opening Questions for the Panel

1. What is the **timing** of the PPP Regulation & other related components?
2. What are the **key elements** that should be considered in developing a PPP regulation to ensure it is effective?
3. Decisions for **municipalities**
 - If municipalities have **collection contracts** that expire in the next 2 years, should they extend or retender? Modify?
 - How should municipalities with post-collection infrastructure approach **routine repairs & maintenance** as well as minor and major **capital investments**?
4. How should brand owners:
 - Meet their obligation to **collect PPP**?
 - Meet their obligation to **manage PPP** (post-collection)?
5. What do stakeholders need to do to **prepare for a PPP regulation** under RRCEA?
 - How should municipal collection, processing, depots & program development be managed in the interim?

Potential Timeline

(Based on Act coming into force in September & current draft Strategy)



Other Questions for the Panel?

Opportunities to ask questions
from the floor & online



CONTINUOUS
IMPROVEMENT FUND

Session Wrap-up

- Mike Birett, CIF, Mbirett@wdo.ca
- Rick Findlay, RFCL Innovations Inc., RFindlay@RFCLInnovations.com
- Dave Gordon, AMO/York Region, DGordon@AMO.on.ca
- Peter Hargreave, Ontario Waste Management Association, PHargreave@OWMA.org
- Glenda Gies, Glenda Gies & Associates Inc., glendagies@ggies.ca