

COUNTY OF OXFORD

BY-LAW NO. 4954-2008

BEING a by-law to authorize the County of Oxford ("County") to establish, maintain and operate facilities to provide for the management transfer and disposal of solid waste and recyclable materials.

WHEREAS the County deems it in the public interest to establish facilities for the disposal of solid waste materials;

WHEREAS the Table to Section 11 and Section 12 of the Municipal Act, 2001, S.O. 2001, Chapter 25, provides that Oxford County has jurisdiction over waste management;

AND WHEREAS the Council of the County has enacted By-law Number 3604-96 to assume the waste management powers of its member municipalities.

NOW THEREFORE the Council of the County of Oxford enacts as follows:

1 SHORT TITLE

1.1 This By-law may be cited as the "Solid Waste Services Facilities By-law".

2 SCOPE OF THE BY-LAW

2.1 All solid waste disposal facilities and transfer facilities owned and/or operated by the County shall be subject to the terms of this By-law.

3 GENERAL PROVISIONS

3.1 The Director of Public Works or his designate is authorized to administer this By-law.

3.2 All terms used in this By-law which have not been defined in this By-law in Schedule "A" shall be given the meanings provided for such terms in the *Environmental Protection Act*, R.S.O. 1990, c. E.19, as amended, and the regulations thereunder, as amended.

3.3 The necessary grammatical changes required to make the provisions in this By-law apply to corporations, partnerships, trusts, and individuals, male or female, and to include the singular or plural meaning where the context so requires, shall in all cases be assumed as though fully expressed.

3.4 The insertion of headings is for convenience of reference only and shall not affect the interpretation of the sections of this By-law to which they relate.

3.5 Where a provision of this By-law conflicts with a provision of another County of Oxford By-law, the provisions that establish the higher standards to protect the environment, and the health, safety and welfare of the general public shall prevail.

3.6 The schedules to this By-law form an integral part of this By-law.

3.7 If any provision of this By-law is declared invalid or inoperative in any respect by a Court of competent jurisdiction, it is intended that such provision shall be severed from the By-law and the remainder of the By-law continues in full force and effect.

4 SITE OPERATIONS

4.1 The Director of Public Works or his designate shall from time to time designate the hours of operation for the solid waste transfer and disposal facilities, which will be posted at the site.

4.2 The County may close transfer and solid waste disposal facilities on the following statutory and County-recognized holidays, or on any other holiday as recognized by the County in the future. Notification of these closures shall be posted at transfer and solid waste disposal facilities.

New Year's Day	Civic Holiday
Family Day	Labour Day
Good Friday	Thanksgiving Day
Victoria Day	Christmas Day
Canada Day	Boxing Day

- 4.3 Public access to solid waste transfer and disposal facilities shall be limited to the designated hours as provided for in Section 4.1.
- 4.4 Signs shall be posted at the solid waste transfer and disposal facilities indicating that every person entering such facilities does so at their own risk, and together with the owner of any waste-hauling vehicle brought into a facility by the person, that it is a condition of being permitted entry that such persons save and hold harmless the County, its contractors, agents and employees from any damage or claims whatsoever to themselves or their property or to any other person or property whatsoever and whether arising from such person's negligence or otherwise.
- 4.5 All speed limits and signs posted on site must be obeyed.
- 4.6 The Director of Public Works or his designate shall utilize the principles of engineering in the landfill site to confine the space to the smallest practical area and to cover the waste with a layer of suitable materials as frequently as may be necessary in order to ensure that nuisances or dangers to human health, public safety or the environment are not created by the unloading or disposing of waste.
- 4.7 Contractors using the disposal facility on a regular basis will be provided with an information package and sign off sheet indicating their understanding and willingness to comply with disposal facility policies and procedures.
- 4.8 Every person depositing material at solid waste transfer and disposal facilities shall ensure that no person other than a person sixteen years of age or older exits from the vehicle at any time.
- 4.9 Every person entering solid waste transfer and disposal facilities shall ensure that no animal exits from the vehicle at any time.
- 4.10 The County may refuse access to a person temporarily or permanently, at the Director's discretion or the discretion of his designate, if in the Director's/designator's opinion:
- a) the person is in default of making any payment to the County pursuant to this By-law;
 - b) the person is transporting material which is unacceptable for deposit at the solid waste transfer and disposal facility;
 - c) the person's vehicle's load is not fully covered and/or secured;
 - d) the person is found to be disposing of material that was generated outside of the geographic boundaries of Oxford County;
 - e) the person's conduct or actions may impede the safe and orderly operation of the solid waste transfer and disposal facility.
- 4.11 All commercial waste haulers must possess a valid Certificate of Approval issued by the Ontario Ministry of Environment (MOE) to haul waste into the County's solid waste transfer and disposal facilities.
- 4.12 Only waste and/or recyclable material that is permitted to be received, deposited and disposed of pursuant to the applicable Certificate of Approval for a County solid waste transfer or disposal facility may be deposited at that facility. The County may require that any person seeking to deposit any waste demonstrate such compliance with the Certificate of Approval to its satisfaction. Any testing required and costs associated therewith shall be the responsibility of the person seeking to deposit the waste.
- 4.13 Further to section 4.12 above, this by-law hereby authorizes the Director of Public Works or his designate to inspect loads, refuse loads, and/or redirect loads to ensure compliance with the applicable Certificate(s) of Approval for a County solid waste transfer or disposal facility. Random spot tests may be conducted from time to time to confirm such compliance.

- 4.14 Only contaminated soil meeting the TCLP requirements set out in Ontario Regulation 347/558 will be accepted at the solid waste transfer and disposal facilities at a maximum of three (3) tandem loads per site.
- 4.15 All ashes must be cooled to ambient temperature before depositing at the solid waste transfer and disposal facility. The County may require that any person depositing such material demonstrate such conformity.
- 4.16 Waste and recyclable material delivered to the solid waste transfer and disposal facilities shall be separated and placed in the appropriate area or dedicated bin, as directed by Public Works personnel.
- 4.17 Tipping fees will not be charged on residential garbage bags containing a current Oxford County Bag Tag as long as the residential garbage is not part of a mixed load containing other waste requiring payment of a tipping fee. The weight of the residential garbage bags must not exceed 20 kg (44 pounds). Bag tags are required on all residential garbage collected as part of any municipal garbage collection program.
- 4.18 All loads entering the solid waste transfer and disposal facilities must be covered and securely tied.
- 4.19 All waste or recyclable items properly deposited at any solid waste transfer and disposal facility shall become the property of the County and may be salvaged, reclaimed, recycled, disposed of, or otherwise dealt with by the County as the County may deem fit.
- 4.20 No person shall:
- a) deposit at any solid waste transfer and disposal facility any waste which is dangerous, hazardous, explosive, or not permitted by the facility's Certificate of Approval, including but not limited to the non-acceptable materials listed in Schedule "B";
 - b) deposit at any solid waste transfer and disposal facility any waste or recyclable items from outside the County municipal boundaries;
 - c) deposit at any solid waste transfer and disposal facility any waste banned from disposal from time to time by the Council of the County;
 - d) deposit any burning material or smoldering ashes or set any fire at any solid waste transfer and disposal facility;
 - e) deposit waste or recyclables at the gate or entrance to a solid waste transfer and disposal facility or at any place other than the place designated, by the County, the Director of Public Works or his designate, for its receipt;
 - f) deposit any recyclable items other than those prescribed in Schedule "C" of this By-law and other than at a solid waste transfer and disposal facility designated by the County to receive such material;
 - g) neglect or refuse to provide proof of origin of waste tendered for disposal at a solid waste transfer and disposal facility when such is demanded;
 - h) deposit waste at any solid waste transfer and disposal facility when such deposit has been forbidden by the Director or by the person in charge at the solid waste transfer and disposal facility on the grounds that the deposit would be contrary to this By-law or on the grounds that the origin of the waste has not been satisfactorily proved;
 - i) deposit waste or recyclables at any solid waste transfer and disposal facility if barred from doing so;
 - j) disobey the direction of on-duty Public Works personnel;
 - k) attend at any solid waste transfer and disposal facility operated by the County except for the purposes of depositing waste or recyclables or other lawful business, except with the express permission of the Director of Public Works or his designate.
 - l) drive a packer vehicle with a load or partial load of waste unless the rear end is closed and the open hopper is empty;
 - m) unload any waste in an area not designated by the Director of Public Works or his designate as being suitable for the reception of such waste, and in particular shall not deposit waste at the gate or entrance to the solid waste transfer and disposal facility;

- n) deposit or abandon any derelict or inoperative motor vehicle in any area of the solid waste transfer and disposal facility;
- o) unload or dispose of waste in any part other than in the designated landfill;
- p) unless authorized by the Director of Public Works or his designate, pick over, scavenge, salvage, incinerate, remove, burn or scatter any waste in any area of the solid waste transfer and disposal facility;
- q) enter by vehicle or on foot during those hours when the solid waste transfer and disposal facility is not open to the public; or
- r) enter for the purpose of unloading or disposing of any materials without first having the vehicle weighed on the weigh scales of the solid waste transfer and disposal facility, as directed by the scale attendant, and paying the required fee as in Section Nine (9) of this by-law.
- s) Violations of posted solid waste transfer and disposal facilities practices and procedure rules or of this By-law may result in the surcharge of the load of material for disposal as outlined in Schedule "D". Offenders may be charged with violating this By-law or refused entry to solid waste transfer and disposal facilities for a period of time as prescribed by the Director.
- t) Due to the presence of low-level explosive gases, solid waste disposal facilities are designated as a "No Smoking" and "No Open Flame" area.
- u) No person shall trespass on an existing or former landfill site or solid waste transfer and disposal facility.

5 WASTE MATERIALS TO BE RECYCLED AND/OR DISPOSED AT AN ALTERNATIVE FACILITY

- 5.1.1 Materials designated as recyclable or prohibited waste material in Schedule "C" delivered to the solid waste transfer and disposal facility for landfilling shall be subject to load surcharges for disposal as outlined in Schedule "D".
- 5.1.2 Materials designated as Recyclable Items in Schedule "C" delivered to the solid waste transfer and disposal facilities, shall be separated and disposed of in the dedicated bin or appropriate area, as directed by Public Works personnel.

6 HOUSEHOLD HAZARDOUS WASTE

- 6.1 Materials designated as household hazardous wastes as defined by provincial Municipal Hazardous or Special (MHSW) Program and Ontario Regulation 542/06 delivered to the solid waste transfer and disposal facilities, shall be separated and disposed of in the dedicated bin, appropriate tank or area, as directed by Solid Waste Services personnel.
- 6.2 Generators of these materials shall be required to provide their name, address, and other pertinent information to Solid Waste Services personnel prior to disposal of this material.
- 6.3 Where no dedicated bin, appropriate tank or area is available for household hazardous waste, this material will not be accepted unless or until the County operates a household hazardous waste event day for that material.
- 6.4 Quantities of household hazardous wastes delivered to approved facilities or event days shall not exceed five (5) kilograms or twenty-five (25) litres from any person on any one day.
- 6.5 Notwithstanding any other provision of this By-law, hazardous waste materials generated by industrial/commercial/institutional premises shall be managed by these generators at their own expense unless they meet the small quantity generator requirements set out in Ontario Regulation 347, as amended.
- 6.6 Industrial/commercial and institutional premises may incur a disposal fee for the handling and disposal of small quantities of hazardous waste.

7 NON-ACCEPTABLE WASTE

- 7.1 No person shall dump or deposit waste, recyclable items or other material at the solid

waste transfer and disposal facilities which was generated from any source located outside of the municipal boundaries of the County of Oxford.

- 7.2 Any loads of waste or recyclable items entering the site which contain materials not accepted (Refer to Schedule B) for disposal or recycling shall be refused entry at the solid waste transfer and disposal facilities.
- 7.3 If a load of waste or recyclable items deposited at the site is found to contain material that is non- acceptable, the carrier of the waste or recyclables will be required to remove the subject load of waste at his own expense and may be subject to a surcharge as outlined in Schedule D.

8 WASTE REQUIRING SPECIAL HANDLING

- 8.1 No person shall fail to contact the landfill operator twenty-four (24) hours prior to delivery of any waste requiring special handling to the solid waste disposal facility to ensure that the material will be properly handled, packaged and allow for preparation of the disposal location.
- 8.2 The unloading of the waste requiring special handling shall be the responsibility of the contractor and shall not be done by landfill facility operators.
- 8.3 The waste shall be placed directly in the designated area which has been prepared by the landfill operator.
- 8.4 Waste requiring special handling is only accepted Monday to Friday between the hours of 8:30 a.m. and 2:00 p.m.

8.5 ASBESTOS PREPARATION

- 8.5.1 No person shall unload or dispose of asbestos, unless such unloading or disposal is in accordance with the following conditions:
 - a. All haulers of asbestos waste shall meet the requirements of Regulation 347 for the packaging, transporting, handling and unloading of asbestos waste, including the supply of personal protective clothing and training to their personnel on the proper handling of asbestos waste.
 - b. Total asbestos disposal limit per day for the disposal facility is two (2) forty (40) yard bins, subject to the review and approval of the landfill site supervisor.
 - c. Loads of less than twenty-five (25) bags (1 bag weighing less than 20kg) will be disposed of by the heavy equipment operator;
 - d. Larger loads greater than twenty-five (25) bags (1 bag weighing less than 20kg) will require an excavator. The contractor may supply their own excavator or the County of Oxford will supply an excavator at the contractor's cost;
 - e. During unloading, the packaged asbestos waste materials shall be handled individually and care taken to place the package in the designated area to avoid spillage;
 - f. The unloading shall only be done in the presence of a landfill facility operator to ensure that no loose asbestos or broken containers are unloaded and that no airborne particulate is generated;
 - g. In the event that loose asbestos or broken containers are found, the haulage vehicle operator shall repackage the material with additional containers or bags provided on his vehicle;
 - h. The containers shall be placed directly in the designated area which has been prepared by the landfill facility operator and immediately after unloading, the containers shall be covered by the operator; and,
 - i. The solid waste disposal facility shall be contacted twenty-four (24) hours prior to delivery to allow for preparation of the location.

9 DISPOSAL FEES AND SURCHARGES

- 9.1 The County may from time to time establish rates or fees for the use of the waste disposal

transfer and facilities by By-law, and may inform users of the facilities of any changes to the disposal fees by posting notice at the solid waste transfer and disposal facilities.

- 9.2 Disposal surcharges outlined in Schedule "D" for the landfill of Prohibited Waste Materials and Recyclable Items will be applied to loads which contain the materials and items as outlined in Schedule "B" in excess of 10% of the load as identified by the County, the Director and/or by the person in charge of the facility.
- 9.3 Disposal surcharges outlined in Schedule "D" for the landfill of Prohibited Waste Materials and Recyclable Items will be applied to loads which contain the materials and items outlined in Schedule "C" in excess of 10% of the load as identified by the County, the Director of Public Works or his designate.
- 9.4 Disposal fees established by the County shall be applicable to all persons authorized to use the solid waste disposal facilities. These fees will be clearly posted at the facility.
- 9.5 Every person shall pay disposal fees and surcharges in full by cash or certified cheque to the County before leaving the facility unless a charge account has been approved in accordance with County policy.
- 9.6 Any person applying disposal fees or surcharges to a charge account in good standing will be required to provide the vehicle license plate to the Public Works personnel for proper processing of said account.
- 9.7 No person shall by-pass the weigh scales, the scale house, or Public Works personnel, or attempt weight manipulation, or by any other means attempt to avoid assessment of disposal fees or surcharges.

10 OFFENCES

- 10.1 Every person who:
 - a) contravenes any provision of this By-law;
 - b) maliciously, willfully or negligently tampers with any facility, structure, or equipment used in the disposal of waste or recyclables pursuant to this By-law; or
 - c) obstructs, hinders, causes to be obstructed or hampers any employee of the County or its Contractor(s) in the performance of any work duty or the exercise of any power in relation to this By-law is guilty of an offence, and upon summary conviction, pursuant to the Provincial Offences Act, shall be liable to a fine of not more than \$5,000.00 for a first offence and not more than \$25,000.00 for any subsequent offence.
- 10.2 Each day on which an offence occurs or continues under this By-law shall constitute a separate offence.
- 10.3 Any person who contravenes any provision of this By-law may be barred access to solid waste transfer and disposal facilities for a period determined by the Director.

11 ENFORCEMENT

- 11.1 This By-law may be enforced by one or more Municipal Enforcement Officers as designated by the County of Oxford, a Provincial Officer or a Police Officer.

12 COMING INTO FORCE

12.1 This By-law shall come into force and effect on the date it is passed.

READ a first and second time this 14th day of May, 2008.

READ a third time and finally passed this 14^h day of May, 2008.

"Paul J. Holbrough"
PAUL J. HOLBROUGH, WARDEN

"Kenneth J. Whiteford"
KENNETH J. WHITEFORD, CLERK

**SCHEDULE
DEFINITIONS**

"A"

For the purposes of this By-law, the following terms shall have the corresponding meanings:

- i. **"ashes"** means the residue, including soot, of any fuel or waste after it has been consumed by fire;
- ii. **"bin"** means a storage unit of any size used to hold waste or recyclables of a capacity equal to or greater than one (1) cubic yard;
- iii. **"By-law"** means this By-law and any amendments thereto including any Schedule forming part of this By-law and any amendments thereto, as enacted by County Council from time to time;
- iv. **"clean fill"** means any inert non-waste material without contamination, large boulders or rubble;
- v. **"commercial hauler"** means any person or company in the business of transporting waste or recyclable materials from households or industrial/commercial/institutional premises;
- vi. **"construction or demolition waste"** means any discarded building material, resulting from the erection, demolition, repair, removal or improvement of any building, structure or property, including, but not limited to, concrete, stones, earth from excavations or grading, shingles, lumber, plaster, sawdust and shavings;
- vii. **"Council"** means the Council of the County of Oxford;
- viii. **"County"** means the Corporation of the County of Oxford, or the geographical area within the boundaries of the County of Oxford, as the context allows;
- ix. **"Director"** means the Director, Public Works of the County of Oxford;
- x. **"generator"** means any owner, occupant, tenant, or other person having use, occupation, charge or control of any household, institution, or place of business that produces or stores waste;
- xi. **"industrial/commercial/institutional (IC&I) waste"** means waste material from any one or more industrial or manufacturing processes, any waste produced by or at any commercial premises, or waste from any industrial or institutional premises;
- xii. **"large items"** means any and all heavy or bulky household items such as furniture, appliances, televisions, bathtubs, water tanks, mattresses, carpet, and bicycles;
- xiii. **"manure"** means animal feces from any animal not considered a household pet;
- xiv. **"member municipality"** means a local municipality forming part of the County of Oxford and includes the Corporation of the City of Woodstock, the Town of Ingersoll, the Town of Tillsonburg, the Township of Blandford-Blenheim, the Township of East Zorra-Tavistock, the Township of Norwich, the Township of South-West Oxford, and the Township of Zorra;
- xv. **"Municipal Enforcement Officer"** means a designated employee or officer for the County or any other person authorized by the County to enforce County By-laws;
- xvi. **"municipal hazardous or special waste"** means, subject to subsection (2) of Ontario Regulation 542/06, waste that consists of municipal hazardous waste or municipal special waste, or any combination of them, whether or not the waste is owned, controlled or managed by a municipality;
- xvii. **"non-acceptable waste"** means any waste generated outside of County boundaries, any gaseous, liquid or solid waste that, because of its inherent nature and quality, requires special disposal techniques to avoid creating health hazards, nuisances or environmental pollution including but not limited to items or materials listed in Schedule "B" to this By-law, and any other materials designated by the County from time to time;
- xviii. **"owner"**, when used in relation to property or premises, includes the occupant of real property or premises;
- xix. **"recyclable items"** means recyclable materials that have been identified by the County which can be collected in a program, including, but not limited to, items or material listed in Schedule "C" to this By-law;

**SCHEDULE "A" CONTINUED
DEFINITIONS**

- xx. **"Regulation 347"** - means Regulation 347, R.S.O. 1990, under the Environmental Protection Act, as it may be amended or replaced from time to time;
- xxi. **"Schedule"** means all regulations attached to and forming part of this By-law including any amendments thereto;
- xxii. **"sharps"** means medical or veterinary equipment intended to be sharp for the purpose of cutting, piercing, or shaving, and includes medical needles, scalpels and knives;
- xxiii. **"solid waste disposal facilities"** means an active provincially approved sanitary landfill site owned or operated by the County;
- xxiv. **"Source Separated Organics"** means material that will break down naturally and turn into compost. This includes material such as food scraps. It also includes less obvious items such as diapers, animal waste and soiled paper food containers.
- xxv. **"Toxicity Characteristic Leaching Procedure (TCLP)"** means the Toxicity Characteristic Leaching Procedure, Method 1311, that appears in United States Environmental Protection Agency Publication SW-846 entitled "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", as amended from time to time, or a test method that the Director has approved in writing as equivalent;
- xxvi. **"transfer facilities"** means an active waste transfer station owned or operated by the County;
- xxvii. **"waste"** means any residential, commercial, institutional or industrial waste including ashes, large items, construction debris, demolition debris, and other than recyclable material or non-acceptable wastes or clean fill, accepted at solid waste transfer and disposal facilities by the County;
- xxviii. **"Waste Electrical And Electronic Equipment"** means materials identified in ONTARIO REGULATION 393/04 made under the waste diversion act, 2002;
- xxix. **"waste requiring special handling"** means any waste as identified in Ontario Regulation 347 which requires a TCLP test prior to disposal;
- xxx. **"yard waste"** means any excess organic material generated on a property including, but not limited to, tree trimmings, grass clippings, hedge trimmings, plants, weeds, spring rakings, sod, cones, fruits and vegetables from yard trees and gardens.

SCHEDULE "B"
NON-ACCEPTABLE WASTES

The following materials are not acceptable at non-hazardous solid waste transfer and disposal facilities for landfilling:

- i. Hazardous waste, as defined in Regulation 347, as amended from time to time;
- ii. Household hazardous waste and special waste materials which are corrosive, toxic, reactive, or flammable;
- iii. Biomedical or pathological waste, whether solid or liquid, as designated and regulated in Regulation 347, as amended from time to time;
- iv. Non-anatomical waste infected with a communicable disease;
- v. PCB waste;
- vi. Liquid waste paint;
- vii. Radioactive waste;
- viii. Motor vehicle bodies or parts thereof;
- ix. Live animals or birds, and carcasses or parts thereof of any animal or other creature, save for normal kitchen organic waste, which has been drained of all liquids;
- x. Manure, septic or holding tank pumpings, or raw sewage;
- xi. Materials of any kind or nature that contain hot live coals or fire;
- xii. Explosive, highly combustible, or ignitable waste;
- xiii. Any gaseous, semi-liquid, or liquid waste;
- xiv. A designated substance as prescribed by the Occupational Health and Safety Act, R.S.O. 1990, c.O.1, as amended;
- xv. Sealed metal drums or barrels;
- xvi. Any waste material not generated within the corporate limits of the County of Oxford;
- xvii. Sludge from septic tanks or septage;
- xviii. Hauled sewage (excluding dewatered biosolids, dried incinerated sludge and grits and screenings)
- xix. Sewage, human or animal excrement, with the exception of animal excrement which has been properly packaged in a closed container such as a plastic bag with open ends tied off;
- xx. Appliances including water softeners
- xxi. Other material as designated in the relevant Certificate of Approval for the solid waste transfer and disposal facility; and
- xxii. Other material as designated by the County from time to time.

SCHEDULE "C"

WASTE MATERIALS TO BE RECYCLED AND/OR DISPOSED AT AN ALTERNATIVE FACILITY

The following materials are accepted for the purpose of recycling and/or disposal at alternative facilities, and may be subject to diversion costs.

- i. Scrap Tires;
- ii. Scrap Metal;
- iii. Appliances;
- iv. Old Corrugated Cardboard;
- v. Curbside Blue Box Materials;
- vi. Brush and Leaf and Yard Wastes;
- vii. Source Separated Organics (SSO)
- viii. Waste Electronics and Electrical Equipment;
- ix. Wood and Pallets;
- x. Construction Wastes;
- xi. Bale Wrap; and
- xii. Any other material as designated by the County from time to time.

SCHEDULE "D"
LOAD SURCHARGES

The following are the applicable surcharges to be applied to the load for the landfilling of prohibited waste materials or any other By-law offences:

1. First offence, 2 times the disposal fee for the load;
2. Second offence, 3 times the disposal fee for the load; and,
3. Third offence, 5 times the disposal fee for the load.