

Member's inquiry – Enforcement of waste collection by-laws

On October 10, 2012 we asked:

“Our good friends at the City of Sarnia are looking for advice on the enforcement of waste collection

Does your municipality check waste that has been dumped on other properties (municipal or commercial) to see if you can find a name or address on where the waste originated? If your municipality does these checks, do you have protocols in place for examining the waste? If you do, please contact me at 519-332-0330 ext. 266.

Does your municipality check the waste to see if your residents are diverting all their recyclables to the recycling stream?”

Replies:

Pauline de la Cruz, The City of Calgary- paulina.delacruz@calgary.ca

The City of Calgary bylaw officers do not check waste for names or addresses. Our bylaw officers do not belong to the business unit but are employed by another that enforces the bylaws for the whole city. The property owners are held accountable for the removal of the waste at this point. We are currently researching regulatory measures that we may implement in the future which would require different infrastructure but this is how it works right now. Thank you.

Brad Whitelaw, Region of Niagara- brad.whitelaw@niagararegion.ca

Yes, a By-law Officer would inspect and investigate illegal dumping of garbage on public roadway or public property for evidence. We do not pursue illegal dumping on private or ICI property. If evidence containing names or addresses are found, a warning letter would be sent. If further evidence exists, such as an eye witness, charges may be pursued.

No specific protocols are in place. Staff is aware of inherent hazards such as glass, sharps/needles and other hazardous material that may be in garbage. Extra care is taken when opening not to contact any hazardous material and the appropriate PPE (gloves) is worn during inspection. The bags are not sorted by hand. Generally a stick or other tool would be used to move material around to avoid contact with hazards when looking for evidence.

Glenn Phenix, Town of Richmond Hill- glenn.phenix@richmondhill.ca

In answer to your question about illegal dumping. Yes we do try to find out the owner and then charge that person. According to our bylaws, there is a \$485 fine for illegal dumping. However, it is difficult to prove that the person's waste that we found was dumped by that person or someone else. Therefore, we usually send them a threatening letter to cease and desist. Nine times out of ten, there is nothing in the bag to identify the person.

Michelle Whitbread, City of Oshawa- mwhitbread@oshawa.ca

Our By-law folks typically will put the onus on the property owner and are not in the practice of going through the garbage.

John Giles, City of Kingston- jgiles@cityofkingston.ca

By-law enforcement officers check waste that is illegally dumped on municipal property or in front of private property on a complaint basis. I don't know their protocols for examining the waste. Possibly Kim Leonard can help in this regard (see next reply)

Kim Leonard, City of Kingston- kleonard@cityofkingston.ca

When we receive a call for illegal dumping, before attempting to open the bags staff put gloves on. They open the bag, whether by tearing it open or untying the knot. Staff do a visual inspection, to see if it is debris that can be searched, i.e. papers and household debris v.s. cat litter or food waste.

Staff attempts to transfer as much debris as is possible into another bag so that they can see whether or not there is anything in the bag that is identifiable. Staff never grab handfuls of items, only single items to minimize any risk of being poked by unseen items. Staff attempts to go through garbage on-site so that if anybody in the vicinity is the culprit, they realize that we do actually inspect and it acts as a deterrent.

The optimal situation would be to dump the bag on a surface and spread it out entirely in order to do a visual inspection first, but we do not have an area where we could perform that type of inspection.

Dylinna Brock, Township of Wollaston- dylinna@bellnet.ca

The protocol we have in place is same for picking up any unidentified waste. Heavy non-puncture gloves and safety glasses are to be worn. If waste is extremely odorous, or extremely wet we usually don't investigate any further for obvious reasons. Any other bags of waste are opened to look for a name or address. If a name is found it is forwarded to the manager along with the time date location and quantity of waste that was found. Then a letter is sent with the section of the bylaw that has been contravened. To date we have not fully prosecuted any one under our bylaw as we have not been able to identify any repeat offenders.

Chris Wood, City of Brockville- cwood@brockville.com

1. Brockville does go through waste to attempt to determine the source, in cases of illegal dumping or improper set-out (i.e. no tag, out early, etc.).
2. I always ensure that I take photographs of the bags in place to associate them with the location for evidence purposes. I also tend to take photos as I am going through the materials to show the contents of the bags, particularly with respect to finding addressed mail, or other waste that is indicative of the source. Once the waste source is identified, I generally attempt to contact the resident to offer the option of dealing with it themselves. If I am unable to contact them, or if removal is of an urgent nature (i.e. blocking a sidewalk, or potential danger to the public). I will remove it immediately, or have it removed by the contractor, or municipal forces, depending on location of the waste. I will usually write a letter outlining the details to the property owner and tenant (if not the same). In the case of illegal dumping, I usually will issue a ticket the first time, but improper set-out I usually just issue the letter the first time, but indicate that repeated infractions may result in fines and cost recovery for municipal costs (in addition to the fine – Provincial Offence). I also document every detail, in the event that I need to attend court.

Background:

I have been working with Brockville only a little over three months and my experience with by-law enforcement is relatively small as I have not done this previously in my 30 years with the City of Ottawa (22 years in Solid Waste). I have attempted to serve 4 tickets in this time (3 for illegal dumping and one for scavenging from the blue box). Of the 3 for illegal dumping one has been appealed and the court date is November 21st. One has been paid, and one could not be served due to the inability to reach the offender in person. The contested ticket was issued to the owner of a business and the source was determined by the nature of the waste contained in the bags as well as a receipt from said business. I am not certain at this point whether the Offence notice will be upheld as the owner denies placing the waste at the location it was found, but I can advise of the outcome, if required after the hearing.

Should you require further information, please do not hesitate to contact me.

Greg Preston, City of Orillia- gpreston@orillia.ca

In Orillia, City staff only sort through illegally dumped waste or untagged waste that is on City property. Illegal dumping on private property is handled by the OPP. We have a special waste sort form that is to be completed noting when the issue was reported to us, the number of bags picked up and sorted, the ID (address) found in each bag, etc. We then send a warning letter or follow-up with a fine or invoice. We track the addresses where we have had issues. Thanks.

Margaret Bellisan, Peel Region- margaret.bellisan@peelregion.ca

The Region of Peel's By-law Enforcement Officers do act on illegally dumped waste on city and private properties. When a name and address is found the Officer will follow up to locate the person. An Offence Notice for \$300.00 plus surcharges and \$177.98 clean up costs may be charged to the offender.

Attached is our policy on investigations of illegal dumping and safety procedures for examining the waste.

If you have any further questions please feel free to contact me.

<p>SUBJECT: Illegal Dumping Investigation and Work Safety Procedures DEPARTMENT: Waste Management – Waste Collection PAGES: 1 of 4 POLICY REFERENCE NO.: C4 100 -1 LATEST REVISION: April 2012</p>

At all times, staff must wear safety shoes and have access to the following personal protective equipment in their vehicle subject to monthly safety audits:

1. Mask, leather and rubber gloves, reflective safety vest, safety glasses and hard hat.
2. Emergency kits such as first aid and spill response.
3. Shovel, tong, broom, rake, litter picker, garbage bags, weighing scale and plastic syringe disposal container.

4. Fire extinguisher, orange pylons, and adjustable truck net to hold materials securely in the back of the pick up truck.

The above items are required as part of the daily vehicle inspection report and circle checks. The Daily Vehicle Inspection Report booklet must be filled out and submitted to the Waste Collection Supervisor once completed.

Dispatching a service request

1. On-road waste management staff will monitor boulevards, ditches and roadside litter containers for illegally dumped household garbage.
2. On-road staff will investigate complaints dispatched from Hansen Service Request, Waste Collection Supervisor, Team Leads, Specialists and/or Waste Call Dispatch.
3. Verify map guide for zone and street location of reported waste collection complaint and/or illegal dumping as stated in the service request.
4. Proceed to location of the service request.
5. Park vehicle in a safe location without impeding traffic. Turn on light flashers.
6. Determine the nature of service request following written procedures for investigating waste collection complaints.

Securing waste items and illegally dumped materials

1. At all times, waste collection staff must wear personal protective equipment such as mask, leather gloves, reflective safety vest, safety glasses and safety shoes when attempting to secure illegally dumped waste materials and/or open a garbage bag/container for investigation.
2. It is very important to exercise extreme caution when securing illegally dumped waste materials and investigating garbage bags/containers because leather gloves will not stop sharps from penetrating.

3. If necessary, waste collection staff will take a photograph of the illegally dumped materials on location for evidence. Where applicable, staff will remove the illegally dumped items and proceed to a secured location, away from public view, for inspection to determine origin of illegally dumped waste materials.
4. By inspection, determine if illegally dumped items are household garbage.
5. Illegally dumped materials not related to the Region's Waste Collection Program such as debris, rubbish, construction materials and oversized tree cuttings shall be reported to the individual area municipalities (listed below) by the Region of Peel Municipal Law Enforcement Officers.

City of Mississauga Transportation & Works

Monday to Friday: 7 a.m. to 7 p.m. 905-615-4311

After-hours Dispatch 905-615-3000

Monday to Friday: 7 p.m. to 7 a.m.

Weekends and Holidays: 24 hours

City of Brampton Works & Transportation 905-874-2500

Town of Caledon Public Works 905-584-2272 ext. 4238

After-hours Emergencies 1-800-563-7881

6. For illegally dumped materials found at the curb in residential areas that contain hazardous materials including syringes and needles waste collection road staff must secure the location to restrict public access and address the situation in accordance with the established Region of Peel Work Health and Safety Guidelines. Waste collection staff will refer to the attached procedures (SHARPS) for reference in dealing with syringes and needles.
7. Staff must notify the Region of Peel Supervisor and or/ Team Lead before taking any action. The waste collection Team Lead will contact Environmental Control Spill Coordinator at extension 3101 or waste operations for handling and disposal instructions. If the material is small in quantity and generated from a household, staff

must coordinate with the Region of Peel Household Hazardous Waste Coordinator at extension 3966/cell: 647-226-6400 for handling and disposal instructions.

8. Illegally dumped materials requiring re-bagging or collection into a bag must be collected using mechanical means such as tongs, shovel and broom. Hand collection of garbage bags with the use of puncture proof gloves can be used as a last resort when the material is clearly identified and poses no obvious threat such as cuts from sharp objects.
9. Where applicable, the suspected hazardous material must be contained to restrict public access and prevent any airborne contaminant from becoming windblown.
10. Sharps, syringes and needles must be placed inside the rigid sharps container and sealed for transportation to the household hazardous waste depot for proper disposal.
11. For illegally dumped materials found in open spaces and public grounds that contain hazardous materials including syringes and needles, waste collection road staff must secure the location to restrict public access. Waste collection staff will not physically handle sharps and needles unless necessary and in a safe manner as outlined in section 3 of the Region's Health and Safety Program Guidelines for SHARPS safety (Appendix 1). If the sharps cannot be handled safely, staff will contact the following to report the matter and help secure the area and coordinate clean up and disposal as outlined in section 2 of Appendix 1.
 - a. In Mississauga and Brampton, Peel Regional Police Communication or Dispatch by calling 905-453-3311.

Or:

- b. In Caledon, the OPP Caledon Detachment by calling 905-584-2241 or 1-888-310-1122.

And:

- c. The Region of Peel Public Health Needle Exchange program – 647-225-1623 (Small to Medium Scale)

Or:

- d. The Region of Peel Environmental Control Spill Coordinator – 905-791-7800 extension 3101 (Large Scale).

Investigation of Illegally dumped bags of household garbage

1. Staff will remove illegally dumped household garbage for investigation away from public view.
2. Using personal protective equipment, staff will sort through illegally dumped household garbage bags using tongs to search for evidence that will establish origin (i.e. bills, receipts, mail, bank transaction records) of item.
3. It is very important to exercise extreme caution when securing illegally dumped waste materials and /or investigating garbage bags/ containers because leather gloves will not stop sharps from penetrating.
4. Any evidence obtained that will establish origin of illegally dumped waste items will be secured in an impervious clear plastic bag and marked with the date, time and location that evidence was secured and documented in Hansen.
5. Waste collection staff will collect and take the illegally dumped waste materials for proper disposal.
6. For illegal dumping on public or private property, roadside ditches and roadside litter containers, the By-law Enforcement Officer will automatically issue a Part 1 Certificate of Offence Notice and a set fine to the person in contravention of the waste collection by-law for set out of waste in an improper location.
7. For illegal dumping on neighbour's property, the person in contravention of the Region's Waste Collection Policies will be issued a verbal warning and a written notice regarding the violation.

APPENDIX 1- Region of Peel Health and Safety Program Guidelines for SHARPS Safety

Employees

1. Exercise caution to ensure that there are no sharps/syringes present before starting work.

2. If sharps/syringes are found on a worksite and cannot be handled safely:

(a) Secure the area to minimize the risk of injury to other employees and the public;

(b) Immediately notify your supervisor.

(c) Contact the following for the pick up and disposal of the sharps/syringe(s)

i) In the Mississauga/Brampton area - notify Peel Regional Police at 905-453-3311.

or:

ii) In the Caledon area - notify the O.P.P. at the Caledon East Headquarters at 905-584-2241 or 1-888-310-1122.

and:

iii) The Region of Peel Public Health Needle Exchange program – Community Development Worker, Communicable Diseases, 905-791-7800 extension 2864, cell: 647-225-1623 (Small to Medium Scale)

or:

iv) The Region of Peel Environmental Control Spill Coordinator – 905-791-7800 extension 3101 (Large Scale).

3. If sharps/syringes are found on a worksite and must be handled, then the following precautions must be followed:

(a) Secure the area to minimize the risk of injury to other employees and the public;

(b) Immediately notify your supervisor.

(c) Bare hands shall not be used. Use nitrile or vinyl gloves and handle these objects with extreme caution. Tongs, pliers, shovels, garbage collectors or other such tools should be used to avoid direct contact.

(d) Used sharp items (e.g. used needles) should be handled carefully and disposed of immediately in the designated puncture-resistance biohazard containers and brought to one of the Region's Community Recycling Centres for safe disposal.

4. If you receive an injury from a syringe:

(a) Allow the wound to bleed, then wash the affected area with soap and water.

(b) Immediately notify your supervisor and proceed to the nearest hospital emergency department for treatment.

(c) Tell emergency department personnel that it is a workplace injury.

(d) Your supervisor will contact the police to arrange for pick up and disposal of syringes.

4. All accidents must be documented by filling out an Incident Report Form to provide all necessary details.

Supervisors

1. When an employee reports syringes on a worksite that cannot be managed safely, immediately contact the police to arrange for pick up and disposal of syringes.

NOTE: A trained supervisor may remove the syringes and take them to the nearest Peel Regional Police Division for disposal.

2. Ensure that no other employees or members of the public enter the worksite until the syringes are removed.

3. If an employee receives an injury from a syringe on the worksite:

(a) Ensure that the employee seeks immediate medical treatment at the nearest hospital Emergency department;

(b) Immediately contact the Occupational Health and Safety Officer at extension 4357, and the representative of the Joint Health and Safety Committee at extension 4705, as identified on notice boards throughout the Region;

(c) Complete Worker's Compensation Board Form 7 and an Incident/Accident Report Form;

(d) Distribute the Form 7 and Incident/Accident Report, as required.

Occupational Health and Safety Officer

1. If an Employee receives an injury from a syringe on the worksite:

(a) Ensure that the proper accident investigation is undertaken;

(b) Assist in the preparation of the required reports;

(c) Arrange for, and coordinate, the appropriate counselling and testing.

2. Arrange for the training of supervisors in the safe handling and disposal of syringes.

