



P.O. Box 1749
Halifax, Nova Scotia
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Item No. 7.3.1
Halifax Regional Council
April 2, 2020

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed

SUBMITTED BY: _____
For Shawn Cleary, Chair, Environment & Sustainability Standing Committee

DATE: March 6, 2020

SUBJECT: Penalties for Illegal Dumping

ORIGIN

March 5, 2020 meeting of the Environment & Sustainability Standing Committee, Item 12.1.1.

LEGISLATIVE AUTHORITY

Administrative Order One, Schedule 5, clause 3, as follows:

3. The Environment and Sustainability Standing Committee shall:
- (a) advise the Council on matters respecting solid waste management, including the responsibility to receive reports and to keep the Council informed respecting all matters related to the solid waste management program in the municipality; and
 - (b) appoint a Member of the Standing Committee as the Municipality's representative on the Provincial Solid Waste Chairs Committee.

RECOMMENDATION

It is recommended that Halifax Regional Council direct the CAO to:

1. Prepare amendments to the Solid Waste By-Law (S-600) for Council's consideration to address illegal dumping and litter abatement; and
2. Assess staffing requirements to support the implementation of the proposed by-law amendments.

BACKGROUND

The Environment & Sustainability Standing Committee received a staff recommendation report dated January 29, 2020, at their March 5, 2020 meeting respecting Penalties for Illegal Dumping.

For further information on the background of this item, refer to the staff report dated January 29, 2020.

DISCUSSION

The Environment & Sustainability Standing Committee reviewed the January 29, 2020 staff report at their March 5, 2020 meeting. Following a discussion of the item, the Standing Committee approved the recommendation as outlined in the "Recommendation" portion of this report.

The Environment & Sustainability Standing Committee approved the staff recommendation as outlined above.

For further discussion on this item, refer to the staff report dated January 29, 2020.

FINANCIAL IMPLICATIONS

Refer to the staff report dated January 29, 2020.

RISK CONSIDERATION

Refer to the staff report dated January 29, 2020.

COMMUNITY ENGAGEMENT

Meetings of the Environment & Sustainability Standing Committee are open to public attendance and members of the public are invited to address the Standing Committee for up to five (5) minutes during the Public Participation portion of the meeting. Meetings are live webcast on Halifax.ca. The agenda, reports, video, and minutes of the Environment & Sustainability Standing Committee are posted on Halifax.ca.

For further information on Community Engagement as it relates to this item, refer to the staff report dated January 29, 2020.

ENVIRONMENTAL IMPLICATIONS

Refer to the staff report dated January 29, 2020.

ALTERNATIVES

The Standing Committee did not discuss alternatives. Refer to the staff report dated January 29, 2020.

ATTACHMENTS

Attachment 1 – Staff Recommendation Report dated January 29, 2020

If the report is released to the public, a copy can be obtained by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Simon Ross-Siegel, Legislative Assistant, Office of the Municipal Clerk, 902.490.6519



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Attachment 1
Environment and Sustainability Standing Committee
March 5, 2020

TO: Chair and Members of Environment and Sustainability Standing Committee

-Original Signed-

SUBMITTED BY:

Brad Anguish, Director, Transportation and Public Works

-Original Signed-

Jacques Dubé, Chief Administrative Officer

DATE: January 29, 2020

SUBJECT: Penalties for Illegal Dumping

ORIGIN

At the December 6, 2018 meeting of the Environment and Sustainability Standing Committee it was requested that staff prepare a report to amend By-Law S-600 respecting Solid Waste Resource Collection and Disposal to include a section defining illegal dumping and providing the tools for the enforcement of harsher penalties including a reverse onus clause.

LEGISLATIVE AUTHORITY

The Halifax Regional Municipality Charter, Part XIII Solid Waste Management, Section 335 (a - j) provides Halifax Regional Council with the authority to make by-laws respecting Solid Waste Resource Management.

Administrative Order 2017-002-ADM Charter of Governing Principles for Regulation

RECOMMENDATION

It is recommended that the Environment and Sustainability Standing Committee recommend that Halifax Regional Council direct the CAO to:

1. Prepare amendments to the Solid Waste By-Law (S-600) for Council's consideration to address illegal dumping and litter abatement; and
2. Assess staffing requirements to support the implementation of the proposed by-law amendments.

BACKGROUND

Illegal dumping has been described as the abandonment of materials in an unpermitted area. Items found at illegal dumpsites usually include construction and demolition debris, large and/or bulky items such as appliances and furniture, household chemicals and paints, and bags of unsorted residential and commercial waste. Illegal dumping affects all communities throughout Nova Scotia and continues to be a public concern in municipal jurisdictions. Illegal dumping raises concerns regarding public health and safety, property values, and quality of life. Illegal dumpsites can attract additional dumping and other criminal activities.

The issue of illegal dumping has been a concern of Regional Council over the years dating back to 2003 working together with the province to develop an Illegal Dumping Strategy. At the December 2016 ESSC meeting, staff was asked to provide an information report that outlined options to address illegal dumping with a focus on community clean up and a heightened awareness of the impact litter and illegal dumping have on community. The staff report prepared in 2017 is included as Attachment A.

Staff has undertaken ongoing litter awareness campaigns to engage community in litter clean ups. Halifax Solid Waste and Road Operations and Construction (ROC) have coordinated key aspects of the Great NS Pick Me Up and Adopt a Highway programs in 2019. This has included assembly of clean-up kits, distribution of kits/safety supplies, and pick-up/disposal of bagged waste. Clean-up kits include clear garbage bags, blue recycling bags, and nitrile gloves. ROC also can supply safety vests and pick-sticks to groups conducting roadside cleanups.

In 2019 to date approximately 170 groups have registered an event and picked up kits from one of HRM's Customer Service Storefronts. Of these, 100 community groups requested TPW Road Operations Centre (ROC) assistance with collection of bagged litter by calling 311.

DISCUSSION

The Regional Chairs Solid Waste Management Committee consists of elected officials and staff representing NS municipalities organized into seven solid waste regions. At Regional Chairs, best practices in policy and program delivery are shared among elected officials. Cape Breton Regional Municipality (CBRM) amended its Solid Waste By-Law in February 2018 to enable the municipality to hold a generator accountable for illegal dumping should the generator be successfully identified through searching the illegally dumped materials (referred to as 'reverse onus'). As this approach has demonstrated success, this municipality's by-law is considered a model for HRM to consider.

The following sections provide an overview of provincial and municipal legislation, followed by a detailed review of the amendments undertaken in CBRM with respect to illegal dumping and litter.

Provincial Legislation

The Province retains primary responsibility for illegal dumping and litter governed within the Environment Act, Section 99(2) and 127 Litter.

The relevant provincial legislation is provided below:

NS Environment Act

(area) "litter" means any material left or abandoned in a place other than a receptacle or place intended or approved for receiving such material.

Litter prevention

99(2) *No person shall release or permit the release of litter into the environment, except as authorized by this Act or the regulations.*

Litter-control order

127 The Minister, an administrator or an inspector may issue an order to clean up any litter that has been disposed of contrary to this Act.

Provincial regulations pursuant to Section 102 of the Environment Act, Division I, Part III “NS Solid Waste-Resource Regulations” also prescribe requirements for the prevention and management of litter, including, but not limited to, the owners of a commercial establishment where food or beverages are sold in containers (take out quick service outlets) must provide litter receptacles and clean up, within 15 metres of the boundary of their property as included in section 19-23, Part III- Litter Abatement as outlined below:

Part III – NS Solid Waste Management Regulations - Litter Abatement

Prohibition against littering

19 No person shall release or cause litter to be released into the environment unless

- (a) the litter is placed in a litter receptacle;
- (b) the litter is disposed of at a disposal site for municipal solid waste or an area designated by a municipality having jurisdiction for the disposal of litter; or
- (c) the litter is deposited in a location designated for that purpose by a municipality having jurisdiction during special clean-up days.

Littering from buildings/structures

20 (1) No owner, operator or person in care, management or control of a commercial outlet, service outlet, plant, building, facility or thing shall permit the release of litter from the commercial outlet, service outlet, plant, building, facility or thing into the environment.

(2) A person described in subsection (1) shall clean up any litter discharged or released into the environment.

Construction sites

21 (1) No owner, operator, contractor or person in care, management or control of the construction, repair or demolition of a plant, building, facility, or thing shall permit the release of litter from the plant, building, facility, or thing into the environment.

(2) A person described in subsection (1) shall clean up any discharged litter released into the environment.

Convenience stores, fast food and vending outlets

22 (1) An owner, operator, or person in care, management or control of a business or operation

- (a) where food or beverages are sold in cartons, containers, foils or papers; and
- (b) where cartons, utensils, containers, foils or paper are discarded in the vicinity by the patrons of the business or operation, shall provide receptacles for litter and receptacles for recyclable materials in appropriate and easily accessible locations, and shall service, maintain and empty the receptacles.

(2) An owner, operator, or person in care, management or control of a business or operation shall keep the property and all public or private lands, streets, lanes, passageways, beaches or docks within 15 m of any boundary of their property free of all litter unless the landowner or operator denies access to their lands for this purpose.

(3) A person described in subsections (1) and (2) shall ensure that the discarded materials are collected and disposed of as prescribed in these regulations.

Public and private events

23 (1) A person who organizes or is responsible for a public or private event shall

- (a) provide an adequate number of receptacles for litter and receptacles for recyclable materials in appropriate and easily accessible locations; and
- (b) service, maintain and empty the receptacles as required.

(2) Every person who organizes or is responsible for a public or private event shall ensure that the property where the event takes place and all public or private lands, streets, lanes, passageways, beaches or docks within 15 m of the boundary of the property are free from all litter within 24 hours after the conclusion of the event, unless the land owner or operator denies access to their lands for this purpose.

Municipal By-Laws

The HRM Charter does not include Illegal Dumping as a specific section. Reports of illegal dumping are investigated by Municipal Compliance By-Law Standards. Compliance Officers with Municipal Compliance respond to property related public safety and quality-of-life issues by way of site inspection, evidence gathering and remedy.

Illegal dumping complaints received by Municipal Compliance are investigated under the Environment Act part 99 (2). If there is evidence to support a charge, the charge is laid under the Environment Act. Currently, Halifax Regional Police/RCMP are the enforcement team that lay a charge under the Environment Act and they would assist Municipal Compliance with the file.

If there is no evidence to support a charge, the matter is addressed through the Halifax Charter Part XV, Dangerous or Unightly Premises and the property owner is held responsible for removal of the items. In other NS municipalities, illegal dumping is a section of municipal solid waste management by-laws. Generally, accountability for the illegal dumping rests with the landowner unless there is evidence to identify the person or vehicle conducting the illegal dumping. An alternative approach to assigning accountability is reverse onus, where a name or address of a person is found in waste illegally dumped and is deemed to be the generator and owner of the waste. The burden of proof rests with the generator to prove they did not cause the illegal dump occurrence.

Solid Waste and Legal Services staff met to review provisions of HRM By-Law *S-600 respecting Solid Waste Resource Collection and Disposal*, this governs the requirement to separate waste and provisions for placement, containment, and collection of waste. Legal staff agreed that while there was no clear intent nor defined sections specifically intended to address illegal dumping, Section 9(b) "Placement of Waste" could be considered. In this section, failing to place collectible waste for municipal collection in front of eligible premises from which they have accumulated is an offence. The interpretation is that material accumulation otherwise can be interpreted as unlawful illegal dumping and a property owner is held accountable. Legal staff noted that illegal dumping was not the intent or intended consequence for this provision.

Cape Breton Regional Municipality (CBRM)

CBRM recently amended its solid waste by-law to better address illegal dumping and litter and implemented new enforcement measures in 2018. The new measures have been identified as a model with successful prosecutions to deter illegal dumping activity. The by-law was amended to include sections to define illegal dumping, duty to name person(s) responsible for dumping, the proper management of litter, and increasing penalties for infractions.

CBRM's solid waste by-law includes provisions to ensure generators are held accountable for proper waste disposal and imposing consequences for these illegal dumping activities. Fines associated with illegal dumping have increased significantly from \$150.00 to a minimum fine of \$697.50. These have been effective tools for enforcement undertaken by a full-time police constable assigned to the Solid Waste Department to investigate illegal dumping. A police constable has the authority to issue tickets and prosecute all provincial statutes and the officer is a member of police services, however, operates in the Solid Waste Department and has been an essential resource to success in CBRM. The position was transitioned from a duty to accommodate with police services funding to now fully funded by the Solid Waste Department along with provision of a police vehicle, equipment, and expenses.

Section 21 of CBRM's Solid Waste Resource Management By-Law (S-300), "Duty to Name Person Responsible", identifies the waste generator of the illegally dumped material as the owner responsible. This section states that the owner of the waste is provided 48 hours to supply the name of the person responsible for dumping or be liable for the waste which has been illegally dumped. Penalties for infractions are a minimum of \$697.50 and up to a maximum of \$5,000.

CBRM By-Law S-300 also includes Part III – Litter Abatement section of provincial legislation, integrated within it's by-law requiring commercial and industrial business sector to comply with these provisions as part of a waste management plan including quick service establishments responsible for litter receptacles and collection.

The CBRM by-law is similar to HRM S-600 "Solid Waste Resource Collection and Disposal By-Law" as a framework, with exception to Section 12 "Illegal Dumping/Litter", Section 13 ICI Waste, and Section 21 "Duty to Name Person Responsible". Attachment B provides an outline of these sections and identifies components that could be included in a possible amendment of HRM By-Law S-600.

The table below is a summary of prosecutions undertaken by CBRM Solid Waste for the period of April 1, 2018 to March 31, 2019. CBRM staff have advised there is one charge pending a court date, with all other fines having been paid by the generator. CBRM Solid Waste Staff have reported a high level of public support for the by-law amendments and associated focus on enforcement.

Month Charge was Issued	Charge Issued	Fine Issued
April 2018	Solid Waste Resource Management By-Law: Section 12: 12.8	\$ 697.50
April 2018	Solid Waste Resource Management By-Law: Section 12: 12.8	\$ 697.50
June 2018	Solid Waste Resource Management By-Law Section 12: 12.8	\$ 697.50
August 2018	Solid Waste Resource Management By-Law Section 12: 12.8	\$ 697.50
January 2019	Solid Waste Resource Management By-Law Section 12: 12.8	\$ 697.50
March 2019	Solid Waste Resource Management By-Law Section 12: 12.8	\$ 697.50

Changing the Paradigm & Addressing Gaps in HRM By-Law S-600

In most cases, action on illegal dumping and litter issues are of primary concern at a local municipal government level and may be best administered by municipal authority. As noted above, municipal compliance staff can investigate violations; it is the laying of a charge that must be done by individuals who have the powers under the Provincial Environment Act. Currently, in HRM it is Halifax Regional Police (HRP) that have this authority. Municipalities may also undertake enforcement of any/all provincial regulations as an "Inspector" granted under Memorandum of Understanding (MOU) with Nova Scotia Environment (NSE). Illegal dumping is prosecuted under prohibitions against littering where the landowner is held responsible, unless generally there is a witness to the offence that can support prosecuting another party. Solid Waste staff is not recommending undertaking a MOU at this time, rather is seeking Regional Council direction to shift the paradigm to a model where local government takes on the responsibility for both illegal dumping and littering as municipal areas for administration and enforcement. This approach is beneficial to have clear authority to matters of local concern and streamlines enforcement under one municipal by-law.

CBRM has taken this approach, which includes embedding a Police Constable within the Solid Waste Department. HRP varies from CBRM in it's policing strategy. HRP employ a community policing model where issues of community concern, including illegal dumping can be actioned by the local community office. As such and based on discussions with HRP, embedding a Police Constable within HRM's Solid Waste Business Unit is not deemed necessary. Rather it is envisioned that Solid Waste Diversion Compliance Officers can work with Community Police Constables to respond to complaints with respect to illegal dumping and litter when S-600 is amended.

Solid Waste currently employs two Diversion Planning Officers that undertake 1,200 pro-active inspections per year in the ICI sector for diversion compliance with S-600. Investigation and follow up on illegal dumping would be an additional and new undertaking and reduce the focus on proactive outreach for the commercial sector. Should S-600 be amended, Solid Waste will need to assess resource requirements to support the implementation of the by-law change.

Regulatory Impact Assessment

A regulatory impact assessment was completed to consider the potential impact of amending By-Law S-600 to include provisions for illegal dumping including reverse onus, litter abatement measures and enhanced penalties to waste generators. Over many years, both the business and residential communities have experienced occurrences of illegal dumping on private property, seeking enhanced compliance tools and penalties applied to waste generators. The purpose of the amendments will address a community concern. These regulatory changes would be beneficial to the business community seeking action on illegal dumping and can shift the cost burden away from a landowner to hold a generator responsible. The current regulatory regime is more administratively burdensome, with multiple players (dept and agencies) involved from investigation to laying of a charge under a variety of legislative authorities. These amendments are intended to streamline actionable tools under one by-law administered within the Solid Waste Business Unit.

FINANCIAL IMPLICATIONS

There are no immediate financial implications with the development of by-law amendments to S-600. Staff will present resource requirements/financial impacts with the proposed by-law amendments to Regional Council.

RISK CONSIDERATION

Action to move forward with by-law amendments is considered low risk based on HRM replicating the model in CBRM with a proven track record of success addressing issues of illegal dumping through enforcement penalties. Adequate resources to administer and enforce illegal dumping and littering is required, otherwise the risk is high that the municipality will not be able to action and fulfill Regional Council objectives to support action on illegal dumping and litter abatement.

COMMUNITY ENGAGEMENT

In HRM Citizen Surveys and Shape Your City 2019 engagement for budget planning, the issues of litter, cleanliness and environmental protection and sustainability rank as important community priorities to maintain and improve a healthy and livable community. The business and residential community are engaged and supportive of efforts to prevent and enforce illegal dumping and littering. These issues are in the public interest to foster a healthy and safe community.

ENVIRONMENTAL IMPLICATIONS

This report focuses on measures to address illegal dumping intended to have positive environmental impact/implication.

ALTERNATIVES

The following alternatives are not recommended by staff:

- No change to HRM Solid Waste by-law – Illegal dumping incidents are investigated under the Environment Act to determine a responsible party and whether a charge can be laid. If there is no evidence to lay a charge, the incident remains the property owner’s responsibility and is addressed under HRM Charter (Dangerous and Unightly);
- No change to HRM Solid Waste by-law - Solid Waste can seek to engage in a Memorandum of Understanding with NSE to be granted Inspector status, with solid waste staff having responsibilities for enforcement of Litter Abatement sections under NS Environment Act and Solid Waste-Resource regulations.

ATTACHMENTS

Attachment A – April 6, 2017 ESSC Staff Information Report – Illegal Dumping

Attachment B – Summary of CBRM Solid Resource Management By-Law S-300 Sections 12, 13, and 21

A copy of this report can be obtained online at or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Laurie Lewis, Program Manager, Policy & Outreach, 902.864.6835



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Information Item No. 2
Environment & Sustainability Standing Committee
April 6, 2017

TO: Chair and Members of Environment & Sustainability Standing Committee

Original signed

SUBMITTED BY:

Beverley Audet, A/ Director, Transportation & Public Works

DATE: March 17, 2017

SUBJECT: Illegal Dumping

INFORMATION REPORT

ORIGIN

December 7, 2016 Environment & Sustainability Standing Committee requested a staff report to identify creative solutions to address illegal dumping.

LEGISLATIVE AUTHORITY

The Halifax Regional Municipality Charter, Part XIII Solid Waste Management, Section 335 (a - j) provides Halifax Regional Council with the authority to make by-laws respecting Solid Waste Resource Management.

BACKGROUND

The *Environment Act* prohibits illegal dumping / littering. Section 3(aea) of the *Act* defines "litter" as "any material left or abandoned in a place other than a receptacle or place intended or approved for receiving such material"

Section 99 - Litter Prevention:

(1) The Minister shall encourage litter prevention or reduction by:

...

(c) regulating or prohibiting activities that result or may result in the unlawful disposal of litter or waste including the placement of flyers on vehicles, utility poles, structures or other things;

(d) regulating the disposal of waste or litter on real property or on, into or under water or ice;

(e) generally, providing for any matter that will prevent or reduce litter.

(2) No person shall release or permit the release of litter into the environment, except as authorized by this Act or the regulations.

Section 127 Litter-control order:

The Minister, an administrator or an inspector may issue an order to clean up any litter that has been disposed of contrary to this Act. 1994-95, c. 1, s. 127.

Jurisdictional Scan

In Nova Scotia, illegal dumping enforcement and compliance activity is undertaken by both municipal and provincial authorities. The legislation and compliance procedures of the Province, HRM and other Nova Scotia municipalities are provided below:

Jurisdiction	Enforcement/Compliance	
	Legislation	Compliance Procedures
NS Environment – Inspection, Compliance and Enforcement Division (ICE)	Environment Act, Section 99(2) and 127 Litter.	Reports of illegal dumping are investigated. Where material left abandoned in a place other than an approved site, the property owner is responsible for clean-up.
HRM By-Law Compliance	The HRM Charter does not include Illegal Dumping as a specific section. Part XV Dangerous and Unsightly is cited to address illegal dumping complaints. The property owner is held responsible for the condition of the property.	Reports of illegal dumping are investigated by Municipal Compliance By-Law Standards. Municipal Compliance responds to property related public safety and quality-of-life issues by way of site inspection, evidence gathering, and remedy as required.
Municipality of East Hants – Solid Waste By-Law Enforcement	Section 22.1 “Illegal Dumping” By-Law #4-6 Solid Waste Resource Collection and Disposal By-Law.	Reports of illegal dumping are investigated. It is the property owner’s responsibility for clean-up.
Valley Waste Resource Management	Section 3.1 Prohibitions- Illegal Dumping of the Solid Waste Management Resource By-Law	Contact number to report complaints investigated by the Solid Waste By-law officer. Where a name of a person is found in the waste, this is followed up to contact the person to discuss. Where there is no identification the property owner is responsible for the waste.
Municipality of the District of West Hants – By-Law Enforcement	Section 45 Solid Waste Management By-Law	Contact number to report complaints. Reports of illegal dump sites on private or public property are investigated. Where a name or address of a person is found in waste illegally dumped, the person is designated as responsible for clean-up. This is a ‘reverse onus’ clause where the person has to show they did not dump illegally.

A survey of Nova Scotia jurisdictions was completed to determine if access to service or cost of disposal services impacted illegal dumping. In this survey illegal dumping has been identified as occurring even when the drop off of material is free and in areas where waste can be placed curbside or roadside for collection.

Education and Community Partnerships

The Province has taken a lead role to support community group development of strategies to prevent illegal dumping. “Nova Scotia’s Clean Up Guide” (Attachment 1) was produced by NS Environment with support from RRFB NS and input from municipal partners. This resource document provides information on waste prevention and outreach tools and identifies costs, funding mechanisms and safety as a part of developing an illegal dumping strategy.

DISCUSSION

Illegal dumping occurs for various reasons from lack of service, proximity to service, costs, time and effort and many other motivations. Protection of the environment and removal of dangerous and unsightly materials is important to support and maintain a healthy and safe community. HRM's current role is undertaking enforcement and compliance by responding to reports of illegal dumping. Reports are received and followed up by compliance staff. HRM provides on its website public information to direct residents how to report illegal dumping activity as noted below:

Illegal Dumping Reporting

- In Progress - call Police at 490-5020.
- On HRM or Private Property - call 311 or 1(800) 835-6428 to file an incident report if you have information regarding the identity of the dumper.

The Halifax Regional Municipality is not responsible for removing illegally dumped material from private property. This is the responsibility of the property owner.

Illegal Dumping Initiatives

In a review of how other cities address illegal dumping, there are new approaches to reporting complaints. For example, there are online tools allowing residents to upload photos and links to GIS coordinates of the illegal dump sites that are then mapped. The City of Vancouver is an example of where this type of online tool is provided. It has heightened awareness and enabled a more accurate and timely reporting of site locations for follow up.

<http://vancouver.ca/home-property-development/vanconnect-illegal-dumping.aspx>

In some US cities these online options are accompanied by education and awareness campaigns as well as dedicated departments to handle reports of illegal dumping sites. Cities offer rewards for information leading to conviction of illegal dumpers. The State of New Jersey has developed a state wide awareness campaign and included the installation of cameras to allow law officials to monitor areas prone to illegal dumping. Residents were also able to view postings to help identify culprits. Upon conviction, illegal dumper names and faces are posted in an attempt to deter others from such activity.

<http://www.stopdumping.nj.gov/index.htm>.

A tool to support prevention of illegal dumping includes, but is not limited to, installation of surveillance monitoring cameras, neighbourhood watch and ongoing monitoring of sites. Recently staff attended a workshop to discuss enforcement practices and illegal dumping issues with the Province and other Nova Scotian municipalities. During this event a solar powered motion activated security camera was featured. Data and photos captured by the device can be transferred to any mobile phone. This may then provide departments and agencies the ability to follow up with individuals who are disposing of materials illegally. Demonstrations of this unit will be planned in a one year pilot program which is led by the Province's recycling agency, Divert NS, partnering with interested Municipal Solid Waste Regions. One of the challenges with cameras is they would be deployed to known areas where illegal dumping exists. Once someone has been caught, the illegal dump site is likely to move to another location.

Assistance Provided to Community Clean-Ups & Challenges

In NS, municipalities provide financial assistance to community groups conducting clean up events in various forms. In Colchester, commercial tip fees are waived and private haulers donate bins. This is a case by case basis and on each occasion the Waste Compliance Office conducts a prior inspection of the site and approval to waive fees. The municipality does not facilitate the clean-up, and the liability and risk is with the community group organization.

The Municipality of Guysborough and Waste Check Waste Authority administers a \$1200 Community Clean-Up Incentive Program. The clean-up must include at least 1km of road along both shoulders or 1.5 acres of public property such as a beach or park. An application is required to be completed and submitted to the municipality. Approved applicants are required to submit a brief report following the clean-up with details including the kilometer(s) of road or area cleaned of litter, bags of litter collected and number of participants. A complete report triggers the release of \$100 to \$500 in funding dependent on the number of approved clean-ups and total distance or area cleaned of litter. No individual clean-up receives more than \$500. As part of this program, a waiver document is required to be completed by groups to assume full responsibility for all liability, injuries which may occur to all persons engaged. Groups are directed to Clean Foundation for supply and distribution of bags, NSTIR provides supply of vests and additional bags if required. These municipalities also waive fees for larger clean-ups and will sometimes assist with collection of materials.

The Clean Foundation is a resource for community groups providing advice on how to conduct a litter clean up event and supply kits with bags including information on who to contact in the event there is hazardous or dangerous waste and safe handling procedures. Where community clean-ups are along a Provincial Highway, NSTIR along with the Adopt a Highway are involved to provide approval, issue waivers and supply equipment and collection of bags of litter collected.

With the regulation of illegal dumping being the primary responsibility of the Province, HRM has not identified staff or other resources to develop and implement tools that can become part of a broader HRM illegal dumping strategy. In addition because the Province retains primary responsibility on this matter, internal HRM department responsibility has not been aligned to any single department. The HRP/RCMP enforce the Environment Act and By-Laws, By-Law Services enforce HRM By-Laws, Solid Waste manages curbside collected material and all processing facilities, Energy and Environment leads sustainability and environmental policy for HRM. If there is a desire to move forward on any of the above innovative ideas, or others, further investigation should be completed. This will require resources not currently budgeted.

FINANCIAL IMPLICATIONS

This is a report for information purposes only and there are no financial implications at this time.

COMMUNITY ENGAGEMENT

N/A

ATTACHMENTS

1. Nova Scotia's Clean Up Guide – Province of NS Dept. of Environment

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Laurie Lewis, Program Manager – Policy and Outreach, Solid Waste Resources
902-490-7176

Report Approved by: Original signed
Matt Keliher, Manager of Solid Waste, 902-490-6606



Nova Scotia's **ILLEGAL DUMPING** Cleanup Guide

A guide to understanding illegal dumps, and the steps and resources to a successful cleanup program.

Illegal Dumping Background	01
Responsibilities Who and When	02
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09 Monitoring and Compliance Programs
10 Education and Prevention

Illegal dumping is a major problem that impacts all municipalities in Nova Scotia. It is defined as the disposal/abandonment of materials in an unauthorized area. Illegal dumpsites can vary in size and contain a combination of waste materials. Examples of materials typically found include: construction and demolition debris (wood, shingles), furniture (sofa, chairs), appliances, household waste and recyclables, and vehicles/vehicle parts.

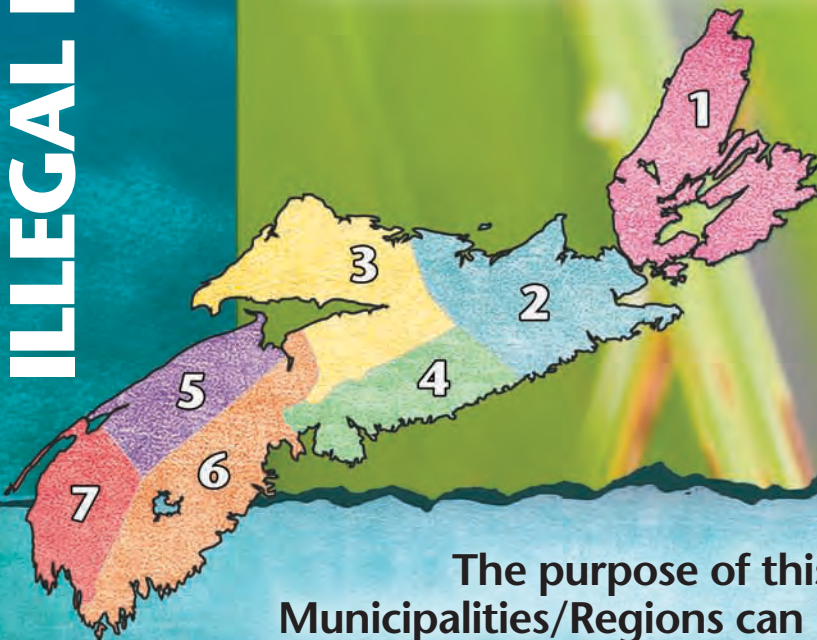
There are few, if any, communities located in the Province that can't identify local illegal dumpsites. These sites raise significant concerns regarding public health and safety, decrease property values, increase property taxes, impact economic development and impact quality of life.



Reasons or excuses for dumping include:

- ▣ Avoiding tipping fee costs
- ▣ Travel distance to landfill site or transfer station
- ▣ Lack of community pride
- ▣ Abandoned or undeveloped land
- ▣ Lack of knowledge relating to proper source-separation requirements
- ▣ Time and effort to properly sort materials for disposal
- ▣ Adding to an existing site

Nova Scotia's Solid Waste Management Regions



- Region 1 - Cape Breton
- Region 2 - Eastern Region
- Region 3 - Northern Region
- Region 4 - Halifax Region
- Region 5 - Valley Region
- Region 6 - South Shore/West Hants
- Region 7 - Western Region

The purpose of this guide is to provide a tool that Municipalities/Regions can use to address illegal dumping.



It is important to be able to document the extent of the dumping problem in a geographic area, develop a time line for the cleanup, involve the community in compiling an inventory of sites and in preventing new dumping after a site has been cleaned up. Community consultation has proven to be most effective in completing these tasks.

It is recommended that at least six months be dedicated to obtaining the most complete inventory possible.

PURPOSE:

To communicate with local individuals and groups that utilize the community and its woodlands. Contact with these groups and associations can provide important information to investigators on site location and initial site description.

CONSULTATION METHODS:

Media
(radio, newspapers)

Static Displays
(located in malls, stores, etc – showing pictures of existing sites)

Door-to-Door Surveys

CONSULTATION WITH:

Municipal Government Departments

- Bylaw Enforcement
- Operational Services / Waste Management
- Engineering
- Planning / Development
- Council

Provincial Government Departments

- Environment
- Natural Resources
- Infrastructure and Renewal

Community Groups/Associations

- ATV/Snowmobiling Clubs
- Fish and Wildlife Associations
- Private Road Associations

Consultation with the broader community is effective. Community residents are knowledgeable about illegal dumping sites and often welcome the opportunity to provide input and assistance. These consultations will fill in gaps and validate site inventory.

Some illegal dumping cases require an enforcement approach. Here are a few common enforcement principles and procedures that municipal staff can use as a guideline.

Bylaw Provisions: A municipal bylaw should be created/amended and have enforceable illegal dumping provisions.

Receiving a Complaint by Phone: All information about an illegal dump site should be recorded in an Incident Report form and a file started.



- ▣ Ask systematic questions and get as much information as possible (Who? What? When? Where? Why?)
- ▣ Date and time of the alleged offence
- ▣ Exact location (civic address, distance from nearest intersection, nearby geographic features)
- ▣ Names and contact information for complainant, witnesses, suspected dumper
- ▣ Vehicle description and plate number
- ▣ Description of dumped materials and size of dump

Field Investigation

The following are specific procedures for staff conducting the investigation component of an illegal dump site assessment.

- ▣ Validate and refine complaint and information
- ▣ Wear proper protective clothing
- ▣ Take photographs
- ▣ Gather material evidence. Significant items such as: paper documents, prescription containers, delivery boxes, etc.
- ▣ Secure the evidence and handle evidence carefully to protect it from damage or contamination (e.g. place in re-sealable bags).
- ▣ Label evidence with date and location
- ▣ Preserve continuity of evidence at your office by keeping it secure under lock and key
- ▣ Use evidence to locate violator and witnesses
- ▣ Interview complainant and witnesses and obtain statements

If Perpetrator IS Identified: No Punitive Action - Persuade person verbally or by letter to clean up the dumpsite. (This approach works in a large majority of cases.)

Provide the person with a detailed cleanup form. This is a form that outlines the type and quantity of material the person has to clean up. The form is to be handed in at the scale house and signed off by the Scale Operator. The person is provided a copy and a copy is sent to the waste management staff. This ensures the material was not only cleaned, but was received at the appropriate disposal location.

If Perpetrator IS Identified: Options for Punitive Action

1. Write a written cleanup order accompanied by an administrative Bylaw Ticket
2. Municipality can clean up the illegal dumpsite and invoice the dumper for costs
3. Prosecution through Summary Offense Ticket (SOT) or Long Form Information

If Perpetrator IS NOT Identified - In All Cases: Municipalities may choose not to clean up the illegal dumpsite. Municipalities can forward the case to NSE for a cleanup order to the property owner under the NS Environment Act.

Conducting a thorough site assessment is not only important, but crucial to the success of the process. These assessments aid in prioritizing sites for clean up, and provide information on how to approach the cleanup.

Initial Steps Before Beginning A Site Assessment:

1. Determine property ownership. This will require research of maps and deed information.
2. Obtain property owner's permission to access property. While this may not always be possible, common sense should be used to determine if there will be resistance to having a site assessed. Generally, sites located in wooded areas away from populated areas should not result in any objection from the owner; if the owner can be located. It is also advisable to determine who has the legal right to venture on these properties, (i.e. Bylaw Enforcement Officer, NS Environment Inspector) and request their presence for the site assessment.

Who Should Conduct a Site Assessment?

While anyone can conduct a site assessment, it is recommended that the lead person have formal training. Hazards to human health, asbestos, sharps and various chemicals can be encountered during a site assessment. Due to the potential hazards, it is essential that a safe work practice for site investigations be written and followed as part of the municipality's Occupational Health and Safety program.

If legal action is required, ensuring proper investigation techniques were used by the lead assessor could be a factor in determining the successful outcome of a court case/trial.

What Should Be Included In The Site Assessment?

Utilizing a global positioning system (GPS) can be helpful when recording information at an illegal dumpsite location. The map of the site location should be accurate and transferable to others who require the information, such as contractors hired to clean up the site. It will also ensure that all property owners impacted by the dumpsite will be identified and notified.

Data should be collected in a methodical way, recording all elements present in the site as well as estimated quantities.

SAFETY FIRST! Equipment should include:

**Rubber Gloves
(cut resistant)**



Safety Vests



Coveralls



**Protective Eyewear
(optional)**



Respirators (optional)



Steel Toe Boots

**Recommended Tetanus
& Hepatitis Shots**



If possible having someone with you when investigating sites (Buddy System) is recommended. Illegal Dumping Sites tend to be on embankments and in isolated areas where an injury could happen. Hunter orange clothing is also recommended during hunting seasons and when working in the woods.

For the purpose of prioritization the following are the classifications to be considered.



Environmental/Health Sensitivities: These sites are chosen based on their threat to environment/health:

- near water or actually immersed in water presenting a clear environmental risk
- contamination containing asbestos or other hazardous wastes
- threat to wildlife
- threat to land and/or air

It's important to note that under the Emergency Spill Regulations for the Province of Nova Scotia, there are reporting requirements regarding the unauthorized release of hazardous substances. (Please refer to **Emergency Spill Regulation for Nova Scotia.**)

Potential for Volunteer Clean Up:

Volunteers can help clean up illegal dumpsites that have a manageable quantity of material with no asbestos or hazardous material. They can clean up the safe material in the site and leave any hazardous material for trained professionals to remove.

Inaccessible to Volunteers:

Sites that are large in size and contain heavy materials that would be beyond volunteer capability and would need to be removed by heavy equipment. In some cases, only portions of a site need to be categorized as inaccessible to volunteers.

Community Esthetics:

Sites that are in close proximity to residential and business areas, parks, beaches or tourist attractions.

SITE DOCUMENTATION

Photographs:

Documenting site information should include pictures. Photos should be labeled & include the date, time & site location for identification purposes. This type of documentation is an essential tool for creating an effective strategy as well as a useful enforcement tool. Pictures provide concrete and detailed information about sites that may be missed during initial site assessment. Pictures allow for closer examination by people responsible for the cleanup & provide evidence for enforcement.

Maintaining Permanent Records:

No matter what level of data collection is undertaken, it is important to maintain accurate records. Each site should have a separate file for hard copy documentation. These records should be stored in a safe place for use in future work.



A detailed cleanup plan should be developed. The plan should include the cleanup process, removal of materials, & preventative steps to avoid recontamination in the future.



PARTICIPANTS

Selecting Participants:

Who will be involved in the cleanup? Will you use experienced employees, enthusiastic volunteers, or both? You will need to weigh the pros and cons of each. Use the following checklist as a reference to engage local resources and to determine who you will recruit to participate and at what level. Each cleanup should be characterized individually.

In-Kind Participation:

If site conditions are not dangerous recruiting volunteers is a great way to keep budgets down. You may wish to begin with "internal" volunteers, such as the private landowner, his/her family, and local residents of the area, as well as your own organization. To recruit "external" volunteers you should know the resources in the area. Obtain a list of local clubs and organizations with contact information for the surrounding areas.

Size of Illegal Dumpsite:

The size of the site will determine an approximate number of participants required. As you contact people, be sure to add them to your participant checklist and do a running total so as not to end up with too many people with too few tasks.

You may choose to use avenues other than calling or writing to organizations to request assistance. For example, the local newspaper may offer you free advertising space to recruit assistance for your cleanup. A detailed list of options for participants is listed at the bottom of this page.

Preparing a professional Volunteer Application, (which can be filled out at any time) is a great way to keep track of interested volunteers. Having a volunteer database makes it easier to match people with projects depending on their capabilities and time availability.

PARTICIPANTS CHECKLIST

- Private landowners
- Community Groups
- Agencies
- Businesses
- Law Enforcement Officials
- Waste Haulers
- Landfill Operators
- Residents
- Neighborhood Organizations
- Youth Groups
- Governmental Organizations
- Correctional Programs
- Public Works and/or Highway Agencies
- Media
- Other

SERVICES/EQUIPMENT: Determine what services these key people are willing to contribute. This information can be added to your checklist under Level of Involvement. You will need to prepare an Equipment Checklist. Any equipment that has not been provided "in kind" will need to be budgeted.

Equipment needs would have been established after your site assessment was completed. In coordinating the site cleanup you need to ensure funds (i.e. your project budget) will allow for some equipment rentals, should in-kind contributions be unavailable or unable to provide for all the cleanup requirements.



Media Involvement: Local media will often publicise an illegal dumpsite clean up with pictures and a story of community involvement. Reporters often like to print positive stories of community involvement like this, which provides free publicity for a great cause.

Timing: You will need to determine when the best time to initiate your cleanup & how that will affect your project budget. August may be the best time to clean up a particular property. However, if you may only access the property in April, (which may be a particularly wet month and cause difficulty accessing the property) you may need additional assistance or equipment.

FACTORS TO CONSIDER:

- Weather conditions
- Hunting season (hunter orange clothing is necessary)
- Time of year
- Public perception/profile of particular site
- Recently used or continually used site
- Accessibility of site
- Hazards/safety concerns
- Quantity of materials
- Availability of funding
- Food/Snacks for staff
- Other (specify)

EQUIPMENT CHECKLIST

- Containers for collection/ segregation of materials (dumpsters, barrels, crates)
- Industrial rakes
- Nifty nibblers or long-handled litter (suitable for lighter materials/objects)
- Garbage bags (size, purpose)
- Hard hats
- Gloves - Chemical resistant nitrile gloves if necessary, standard work gloves, tear resistant gloves for injury prevention due to sharp objects
- Shovels (length should be suited to individuals in order to prevent back injury)
- Chemical resistant suits/ outerwear
- Safety vests
- Safety glasses/goggles
- Heavy equipment needs
- Miscellaneous vehicles
- Coveralls/overalls
- Steel toe boots
- Other (specify)

COSTS

Cleanup costs for illegal dumpsites will vary from site to site. Variables that should be considered when estimating the cost to clean up an illegal dumpsite include:

- site size
- type and size of materials found
- distance to transport materials to licensed disposal sites
- equipment and vehicle rental requirements
- tipping fee rate at licensed disposal sites
- estimated number of truck loads it will take to clean site
- staffing requirement
- number of days it will take
- source separation requirements
- site accessibility may be a factor in determining equipment

The above will assist in estimating costs when applying for funding assistance.



Budget Expenses To Consider:

1. Administration Costs - staff time required to coordinate program, including:
 - Receiving and tracking site details
 - Travel time
 - Site assessment/site audits
 - Coordination of cleanup - with contractor or volunteers
 - Follow-up site visits (installation of signs, updated photos)
 - Reporting and tracking
2. Vehicle and/or Equipment Rental fees
 - Surveillance Equipment/camera
 - GPS
3. Approvals or permits required to conduct the cleanup
4. Environmental Hazards: contaminated soils, hazardous wastes
5. Contractor Costs: labour, equipment and transportation
6. Disposal Costs: tipping fees, source-separation fees
7. Snacks/Lunch for clean up crew

Funding Options:

There are many funding resources available to assist with the clean up of an illegal dumpsite. Three popular funding sources include:

RRFB Nova Scotia - Municipal Approved Programs Funding

www.rrfb.com

Nova Scotia Environment- Youth Conservation Corp

www.gov.ns.ca/nse/youth/

Environment Canada-Community Programs Resource Materials

www.ns.ec.gc.ca/community/



Services/Equipment

Monitoring and compliance should be included in an illegal dumping strategy. It is recommended that the municipality or community develop a monitoring and compliance plan to assist in combating illegal dumping. Once a site has been cleaned up, this strategy can be implemented to make sure the site remains clean.

Reporting Procedure

A consistent reporting procedure should be developed. This information is important in order to keep track of how active the site may be for dumping activities. Steps can be taken to monitor sites that tend to receive the most activity, such as the purchase of wireless motion sensors.

NOTICE

THIS SITE WAS CLEANED UP BY THE PICTOU COUNTY SOLID WASTE MANAGEMENT SYSTEM.

IT WILL NOW BE MONITORED FOR ILLEGAL DUMPING.

COSTS FOR CLEANUP AS WELL AS FINES MAY APPLY TO PERSONS CAUGHT DUMPING.

IF YOU SEE ANYONE DUMPING PLEASE NOTIFY THE LOCAL RCMP OR CALL 396-5062

Provincial & Municipal Law

Regulations in place to support the efforts to prosecute illegal dumping:

- Environment Act
- MGA Part XV - Dangerous and Unightly Premises
- Solid Waste Resource Management Regulations
- Municipal Bylaws (individually created)

Prosecution - Community Support

Prosecution of illegal dumping offenders is only possible when there is evidence to support the claim. A witness who can link an individual to the offense by pictures or video-taping the activity taking place will support the claim. Some municipalities may have Bylaws allowing prosecution based on names found on paper evidence. Public participation is necessary to gather evidence in order to **STOP** the illegal dumping from taking place. "Neighborhood Watch" groups and "Neighborhood Associations" play vital roles. If identification of an illegal dumper is found with a particular dumpsite, continued investigation takes place and the offender is pursued. Proper waste disposal is part of every citizen's responsibility and paying for proper disposal goes hand in hand with that responsibility.



THIS SITE IS BEING MONITORED FOR ILLEGAL DUMPING

Education and communication are important tools when developing an illegal dumping program strategy. Ongoing communication of initiatives being taken and preventative measures being used are significant in addressing illegal dumping activity. The strategy should identify the following:

Prevention

Toll-Free Tip Line
 Rewards for Tips
 Summary Offense Tickets (SOT)
 Surveillance Cameras
 Signage
 Community Watch
 Additional Lighting
 Gating Properties
 Advertising Incidents and Actions

Outreach Tools

Newsletters
 Brochures
 Monthly bulletins
 Community Presentations
 Flyers
 Radio
 Television
 Community Cable TV
 Website
 Signage

Target Audience

Adults
 Children
 Young Adults (Teenagers)
 Community Groups
 Other stakeholders



EDUCATION MESSAGES

The health risks associated with illegal dumping are significant. Illegal dumpsites can be easily accessible to children, who are especially vulnerable to protruding nails, broken glass, sharp edges, harmful fluids, dust, etc. Rodents, insects and other vermin are often attracted to dumpsites and can also pose health risks. In addition, dumpsites can catch fire, either by spontaneous combustion or by human involvement, causing property damage, injury, and forest fires. Dumping can impact water run-off. This runoff may contain chemicals and other materials that may contaminate surface and groundwater. These sites can also negatively impact the habitats of native plants and wildlife. These sites are also an eye sore to the communities and people who live near them.

When developing educational campaigns it is helpful to focus on specific issues of concern that several target audiences can relate to. Key issues associated with illegal dumping include:

1. Dumping is harmful to the environment - water contamination, land-user injuries
2. Decrease of property values
3. Materials dumped are often eligible for curbside collection or have minimal tipping fee

Contact Information, Acknowledgements & Other References

This guide was made possible through the efforts of municipal and provincial representatives, RRFB Nova Scotia, Clean Nova Scotia, and ACAP Cape Breton staff. Each party provided specific contributions and resources.

The provincial Illegal Dumping Clean Up Guide has been prepared as a resource guide for municipalities and was completely funded by RRFB Nova Scotia.

There are a number of valuable websites and solid waste-resource contacts in Nova Scotia. The following websites will direct you to those resources.

Solid Waste Association of North American - Atlantic Chapter: www.atcanswana.org

Nova Scotia Environment (NSE): www.gov.ns.ca/nse

ACAP Cape Breton: www.acapcb.ns.ca

Clean Nova Scotia: www.clean.ns.ca

RRFB: www.rrfb.com

Dedication

This work has been graciously dedicated in memory of two past committee members, Mike Leblanc (Department of Environment) and Stuart Grue (RRFB Nova Scotia). We hope they would have been proud of this final product.



This document was made possible with the generous support of RRFB Nova Scotia.

Summary of CBRM Solid Resource Management By-Law S-300 Sections 12, 13, and 21

CBRM Solid Waste Resource Management By-Law S-300 Section 12: Illegal Dumping and Littering	Wording of Offence	HRM Existing or Possible Gaps for Amendment
12.1	No owner or occupier of property in the Municipality shall permit the accumulation of solid waste in or around the property to the extent that it is likely to become a nuisance or hazard to the public health.	<p>HRM Existing: Halifax Charter defines Dangerous and Unightly to include waste and can exercise issuance of order to clean up and remedy as per Section 354 Part XV associated with property or a building in disrepair.</p> <p>S-600 Section 13 governs commercial containers to be located not to cause nuisance or health related problem.</p>
12.2	Owners and occupants are responsible to provide for the lawful collection and disposal of all solid waste that is not subject to municipal collection.	HRM Existing: S-600 Section 13 governs owners and occupant's responsibility for collection of waste.
12.3	No person shall place waste for curbside collection on a property other than a property owned and occupied by such person or in respect of which the person has obtained the consent of the owner or occupier for that purpose.	HRM Existing: S-600 Section 9 governs placement of materials for curbside collection.
12.4	No person shall dump, abandon or dispose of waste-resources at any public or private place unless that place is duly licensed to receive and dispose of the particular category of waste-resources.	Possible Gap for Amendment to S-600
12.5	<p>No person shall dispose of or cause the disposal of the following materials at any licensed solid waste-resource management facility, or deposit any such materials in a storage area, storage container or collection container, intended for residual waste disposal in an incinerator or landfill nearby, namely:</p> <p>a. Material banned from disposal by provincial regulations:</p>	Possible Gap for Amendment This could extend and strengthen accountability for separation of waste banned from landfill.
12.6	No person shall dump, dispose of or abandon at or near a Waste-Resource Management Centre or any other facility licensed to receive any category of waste-resources when the Facility is	Possible Gap for Amendment to S-600

	not open or when the operator or staff of the facility refuses to accept waste – resources at that time or from that person.	
12.7	Depositing solid waste materials contrary to the above, where the quantity, volume, weight, nature, kind or character of the solid waste or the location of the deposit, in the opinion of the Solid Waste Manager, causes injury, damage, hazard or potential hazard to persons, property or the environment or requires removal by vehicle transport or environmental clean-up and / or remediation to restore the site to reasonable condition, constitutes “Illegal Dumping” under this By-Law.	Possible Gap for Amendment to S-600
12.8	No person shall illegal dump or cause or allow illegal dumping	Possible Gap for Amendment to S-600
12.9	Each day that illegal dumping materials remain shall constitute a separate offense under this By-Law.	Possible Gap for Amendment to S-600 under Penalties Section or where applicable

CBRM Solid Waste Resource Management By-Law S-300 Section 13 Industrial, Commercial, Institutional Waste	Wording of Offence	HRM Existing or Possible Gaps for Amendment
13.1	The property owner, agent of an owner of an Industrial, Commercial, or Institutional Business shall provide sufficient and adequate, containers for any waste that may accumulate from time to time in or from the business.	HRM Existing S-600 Section 12.2 requires property owners of ICI premises provide containers to accommodate source separated waste.
13.2	The property owner or agent of an owner of an Industrial, Commercial, or Institutional Business shall maintain a Waste Management plan. This plan must identify the solid waste generated and the method for storing, recycling and disposing of the solid waste generated by the business. This plan must also include a litter management section. This plan must comply with the provisions of the Provincial Solid Waste Resource Regulations and this by-law. This plan must be provided to the manager within	Possible Gap for Amendment to S-600

	one business day following a verbal and/or written request.	
13.3	The property owner or agent of an owner of an Industrial, Commercial, or Institutional Business which generate waste shall, either personally or by employees, contractors or agents, and in compliance with all applicable Federal, Provincial and Municipal laws, remove and dispose or recycle such waste in accordance with the waste management plan.	HRM Existing S-600 Section 12.1 includes similar language. Possible gap for amendment: Reference to requirement to be in accordance with a waste management plan.
13.4	No owner or agent of an owner of an Industrial, Commercial, or Institutional Business shall permit the accumulation of waste in or around a premise to the extent that it is likely to become a nuisance or is likely to endanger the public health.	HRM Existing S-600 Sections 13.1(b)(iv) and 13.1(i) (i-iii) governs accumulation of waste and emptying of commercial containers so as not to cause nuisance with litter or debris surrounding container.
13.5	The property owner or agent of an IC&I establishment offering a drive-thru service shall provide sufficient and adequate containers for any waste generated as a result of the said service.	Possible Gap for Amendment to S-600
13.6	The placement of containers required in section 13.5 shall be in such a manner as to provide access to those customers utilizing the drive-thru lane.	Possible Gap for Amendment to S-600
13.7	The person or agent of a person who organizes or is responsible for a public event held in open spaces or in temporary shelters shall maintain a written litter management plan which complies with the provisions of the Provincial Solid Waste Resource Regulations Section III – Litter Abatement.	Possible Gap for Amendment to S-600

CBRM Solid Waste Resource Management By-Law S-300 Section 21: Duty to Name Person Responsible	Wording of Offence	HRM Existing or Possible Gaps for Amendment
21.1	When a person is identified as an owner of any materials dumped or deposited on a premise in violation of this By-Law, the owner of the materials on the request of a peace officer shall, within forty-eight hours of the request, supply the peace officer with the name and address of the person(s) responsible of the illegal dumping of materials. When a materials owner, who refuses, fails, neglects or is unable to supply the name and address of the person(s) responsible for the illegal dumping of materials within forty-eight hours after being requested, shall be liable for the infraction under section 12.0 of this By-Law.	Possible Gap for Amendment to S-600
21.2	Where under this section of the By-Law a motor vehicle is operating in violation of this By-Law, the registered owner of the vehicle on request of any peace officer shall, within forty-eight hours of the request, supply the peace officer with the name of address of the person in charge of the vehicle at the time of such violation. When a motor vehicle register owner, who refuses, fails, neglects or is unable to supply the name and address of the person(s) responsible infraction of this By-Law within forty-eight hours after being requested, shall be liable for the infraction under section 19.0 of this By-Law.	Possible Gap for Amendment to S-600