



**THE ISLAND REGULATORY AND  
APPEALS COMMISSION**  
Prince Edward Island  
Île-du-Prince-Édouard  
CANADA

Docket  
WM01302  
Order WM09-01

**IN THE MATTER** of an  
application by the Island Waste Management  
Corporation for an increase in its rates and  
charges for waste management services.

**BEFORE THE  
COMMISSION**

on Wednesday, the 16th day of December, 2009.

Maurice Rodgerson, Chair  
John Broderick, Commissioner  
Anne Petley, Commissioner  
Ernest Arsenault, Commissioner

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# Order

Compared and Certified a True Copy

(Sgd) *Mark Lanigan*

Technical and Regulatory Services

**IN THE MATTER** of an application by the Island Waste Management Corporation for an increase in its rates and charges for waste management services.

# Order

**WHEREAS**, by application filed with the Commission on the 3<sup>rd</sup> day of November, 2009, the Island Waste Management Corporation (“Corporation” or “IWMC”) applied to the Commission for approval to increase its rates and charges for waste management services;

**AND WHEREAS**, IWMC seeks the following fee additions and increases:

Household Annual Fee	\$195/household	\$199.85/household
Cottage Annual Fee	\$85/cottage	\$89.85/cottage
Cottage Extended Fee	\$110/cottage	\$114.85/cottage
Commercial Tip Rate	\$99/tonne	\$100/tonne
Asphalt Shingles	\$30/tonne	\$40/tonne
Contaminated Soil Residential	\$20/tonne	\$35/tonne
Confidential Material	\$110/tonne	\$125/tonne
Contaminated Material	\$140/tonne	\$155/tonne
Oil Saturated Waste	\$150/tonne	\$165/tonne
Mixed Waste	\$215/tonne	\$230/tonne
Asbestos	\$145/tonne	\$160/tonne
Landlord Material	nil	\$5-\$20/load
Residential Material	\$5-\$15/load	\$5-\$20/load
OOP Contaminated material	nil	\$230/tonne
OOP Confidential Material	nil	\$200/tonne
OOP Oil-Saturated Material	nil	\$240/tonne

**AND WHEREAS**, in addition to the above fee additions and increases, IWMC seeks permission to increase fees, if required, at a rate less than or equal to the accumulated change in the Canadian Price Index (“CPI”) without prior Commission approval;

**AND WHEREAS**, pursuant to subsection 18.1(3) of the *Environmental Protection Act*, R.S.P.E.I. 1988, Cap. E-9 as amended (the "*Act*"), the Commission has caused notice of the Corporation's application or submission to be published inviting written submissions from the public;

**AND WHEREAS**, the Commission subsequently received three written submissions in response to the public notice in which:

- one respondent suggested that, although the fee increase requested was not large, the Commission review the financial information to ensure costs are kept to a minimum; and
- two landlords expressed concern over the application of drop off disposal fees to landlords for unsorted tenant waste;

**AND WHEREAS**, pursuant to subsection 18.1(3) of the *Act*, the Commission has reviewed the application or submission of the Corporation as well as the written submissions of the public;

**AND WHEREAS**, the Commission has, based on a review of the application, concluded that:

- operational expenses have increased since the last rate review and the increased expenditure level appears reasonable;
- the CPI automatic adjustment request is not consistent with the legislative provisions requiring Commission review and approval of rate changes; and
- IWMC and the residential landlord community require further consultation before Commission decision of drop off disposal fees for unsorted waste;

**AND WHEREAS**, within powers given to it under the *Act*, the Commission has concluded that the requested increase is necessary to recover the Corporation's costs;

**NOW THEREFORE**, pursuant to the *Island Regulatory and Appeals Commission Act* and the *Environmental Protection Act*,

**IT IS ORDERED THAT**

1. the existing tariff fee schedule for IWMC services is revoked and the tariff fee schedule appended to, and forming part of, this Order is substituted therefore;
2. the appended tariff is approved and declared effective on January 1, 2010 and shall remain in effect until otherwise ordered by the Commission; and
3. the drop off disposal fee for unsorted tenant waste proposed for landlords be deferred until IWMC consults with the residential landlord community and provides a report to the Commission by July 1, 2010 outlining options for resolution of the issues associated with landlord-tenant waste watch compliance.

**DATED** at Charlottetown, Prince Edward Island, this 16th day of December, 2009.

**BY THE COMMISSION:**

(Sgd) Maurice Rodgerson

Maurice Rodgerson, Chair

(Sgd) John Broderick

John Broderick, Commissioner

(Sgd) Anne Petley

Anne Petley, Commissioner

(Sgd) Ernest Arsenaault

Ernest Arsenaault, Commissioner

## NOTICE

Section 12 of the *Island Regulatory and Appeals Commission Act* reads as follows:

*12. The Commission may, in its absolute discretion, review, rescind or vary any order or decision made by it or rehear any application before deciding it.*

Parties to this proceeding seeking a review of the Commission's decision or order in this matter may do so by filing with the Commission, at the earliest date, a written Request for Review, which clearly states the reasons for the review and the nature of the relief sought.

Sections 13.(1), 13(2), 13(3), and 13(4) of the *Act* provide as follows:

*13.(1) An appeal lies from a decision or order of the Commission to the Court of Appeal upon a question of law or jurisdiction.*

*(2) The appeal shall be made by filing a notice of appeal in the Court of Appeal within twenty days after the decision or order appealed from and the rules of court respecting appeals apply with the necessary changes.*

*(3) The Commission shall be deemed to be a party to the appeal.*

*(4) No costs shall be payable by any party to an appeal under this section unless the Court of Appeal, in its discretion, for special reasons, so orders.*

IRAC140A(04/07)

**NOTE:** In accordance with IRAC's *Records Retention and Disposition Schedule*, the material contained in the official file regarding this matter will be retained by the Commission for a period of 5 years.

**Disposal Rates 2010**  
**Household Collection Fee \$199.85 per year**  
**Cottage Collection Fee \$89.85 June 1 – Sept 30**  
**Extended Cottage Collection Fee \$114.85 May 15 – Oct 31**

Material Type	UOM	WWDC			EPWMF			PEI ES			CCF		
		Rate	Min	Max	Rate	Min	Max	Rate	Min	Max	Rate	Min	Max
<b>Residential Waste</b>	TN	115	5	<b>20</b>	<b>100</b>	5	<b>20</b>	<b>100</b>	5	<b>20</b>	N/A		
<b>Commercial Waste</b>	TN	115	5		100	5		100	5		N/A		
<b>Residential Compost</b>	TN	115	5	<b>20</b>	115	5	<b>20</b>	N/A			<b>100</b>	5	
<b>Commercial Compost</b>	TN	115	5		115	5					<b>100</b>	5	
<b>Construction Demolition</b>	TN	115	5		<b>100</b>	5		<b>100</b>	5		N/A		
<b>Yard Trim - Residential</b>	TN	115	5	<b>20</b>	115	5	<b>20</b>	N/A			<b>100</b>	5	
Yard Trim - Commercial	TN	115	5		115	5		N/A			<b>100</b>	5	
<b>Cont. Soil - Commercial</b>	TN	100	<b>15</b>		85	<b>15</b>		N/A			N/A		
<b>Cont. Soil - Residential</b>	TN	<b>35</b>	<b>15</b>		<b>35</b>	<b>15</b>		N/A			N/A		
<b>Contaminated Material</b>	TN	<b>155</b>	15		<b>155</b>	15		<b>155</b>	15		N/A		
<b>Confidential Material</b>	TN	N/A			<b>125</b>	15		<b>125</b>	15		N/A		
Household Haz. Waste	EA	Nil			Nil			N/A			N/A		
Sludge	TN	N/A			115	5		N/A			115	5	
<b>Mixed Waste</b>	TN	<b>230</b>	<b>50</b>		<b>230</b>	<b>50</b>		<b>230</b>	<b>50</b>		<b>230</b>	<b>50</b>	
Silage Wrap - Recyclable	TN	30	5		30	5		N/A			N/A		
Silage Wrap - Waste	TN	115	5		100	5		100	5		N/A		
Recyc. Residuals - Waste	TN	N/A			<b>100</b>	5		<b>100</b>	5		N/A		
Recycl. Residuals - Compost	TN	N/A			N/A			N/A			<b>100</b>	5	
Appliances - White Goods	TN	Nil			Nil			Nil			N/A		
Tires - Inbound	TN	Nil			Nil			N/A			N/A		
Metals	TN	110	5		110	5		N/A			N/A		
Blended Rate	TN	115	5		115	5		N/A			N/A		
<b>Asbestos</b>	TN	N/A			<b>160</b>	<b>30</b>		N/A			N/A		
Bio-Medical - Residential	TN	Nil			Nil			Nil			N/A		
Recyclables	TN	45	3		45	3		N/A			N/A		
Oil Tank	EA	25	25		25	25		N/A			N/A		
Illicit Material	TN	66	5		50	5		50	5		50	5	
International Waste	TN	N/A			N/A			350	95		N/A		
Pollution Grit	TN	115	5		N/A			N/A			N/A		
45 Gallon Drum	EA	5	5		5	5		N/A			N/A		
Pharmaceuticals	TN	Nil			Nil			N/A			N/A		
INTLWaste DND	TN	N/A			N/A			400	95		N/A		
<b>Oil Saturated Waste</b>	TN	N/A			N/A			<b>165</b>	15		N/A		
Residential Bulk Material	TN	Nil			Nil			N/A			N/A		
<b>Asphalt Shingles</b>	TN	<b>40</b>	5		<b>40</b>	5		<b>40</b>	5		N/A		
Mini Bins	EA	7.50	7.50		7.50	7.50		N/A			N/A		
Public Scale	EA	5	5		5	5		5	5		5	5	
Fryer/Cooking Oil	TN	Nil	Nil	Nil	Nil	Nil	Nil	N/A			N/A		
Blue/Black Bags	EA	NA			15	15		15	15		15	15	
<b>OOP Contaminated</b>	TN	<b>NA</b>			<b>NA</b>			<b>230</b>	<b>15</b>		<b>NA</b>		
<b>OOP Confidential Material</b>	TN	<b>NA</b>			<b>NA</b>			<b>200</b>	<b>15</b>		<b>NA</b>		
<b>OOP Oil Saturated Waste</b>	TN	<b>NA</b>			<b>NA</b>			<b>240</b>	<b>15</b>		<b>NA</b>		

UOM= (Unit of Measure)  
 TN=(Tonne)  
 EA=(Each)  
 N/A=(Not Applicable)  
 Nil=(No Charge or Fee)

WWDC=(Waste Drop Off Center)  
 EPWMF=(East Prince Waste Management Facility)  
 PEI ES=(PEI Energy Systems)  
 CCF=(Central Compost Facility)  
 OOP=(Out of Province)

**Note: Bold indicates change to rates**