

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1531

(Consolidated for convenience only to include up to 1531.08)

A BYLAW TO PROVIDE FOR THE REGULATION OF SOLID WASTE MANAGEMENT FACILITIES

WHEREAS the Regional District of Nanaimo has, pursuant to Solid Waste Disposal Local Service Establishment Bylaw No. 792, established the disposal of waste and noxious, offensive or unwholesome substances as a service;

AND WHEREAS the Regional District of Nanaimo is empowered to establish a scale of charges payable for depositing Residual Solid Waste at a Solid Waste Management Facility;

AND WHEREAS the Regional District of Nanaimo has, pursuant to *Waste Stream Management Licensing Bylaw No. 1386*, adopted to regulate the management of Municipal Solid Waste within the Regional District of Nanaimo pursuant to Section 25(3) of the *Environmental Management Act*;

AND WHEREAS the District operates Solid Waste Management Facilities for disposal of Residual Solid Waste and maintains a system to collect, remove and dispose of Residual Solid Waste and compels persons to make use of such system and the District wishes to regulate the Solid Waste Management Facilities and to establish a scale of charges payable by persons using the Solid Waste Management Facilities and compelling payment of the charges so fixed.

NOW THEREFORE, the Board of the Regional District of Nanaimo in open meeting assembled enacts as follows:

1. DEFINITIONS

In this bylaw, unless the context otherwise requires:

“Biomedical Waste” means waste as defined in the *Hazardous Waste Regulation* (British Columbia) as biomedical waste;

“Commercial Organic Waste” means compostable organic material including raw and cooked food waste from a commercial premise and includes but is not limited to:

- a) fruits and vegetables
- b) meat, fish, shellfish, poultry and bones thereof
- c) dairy products
- d) bread, pasta and baked goods

- e) tea bags, coffee grounds and filters
- f) soiled paper plates and cups
- g) soiled paper towels and napkins
- h) soiled waxed paper
- i) food soiled cardboard and paper
- j) egg shells

“Commercial Premise” means businesses and institutional facilities including educational and health care facilities described by the North American Industry Classification System, Canada 2002, amended or replaced and any successor Classification System thereunder, that generates commercial organic waste and includes but is not limited to:

- a) food wholesalers/distributors
- b) food and beverage stores
- c) hospitals
- d) nursing and other residential care facilities
- e) community food services
- f) accommodation services with food services
- g) food services and drinking places
- h) educational services with food services
- i) other facilities generating compostable organic material

“Compostable Organic Material” means vegetative matter, food processing waste, garden waste, kitchen scraps, and other organic wastes that can be composted;

“Composting Facility” means a facility that composts organic matter that may include biosolids to produce compost and holds a valid Facility License;

“Controlled Waste” means Solid Waste requiring special handling at the Solid Waste Management Facilities, and includes but is not limited to:

- a) Asbestos, dry or slurry
- b) Large dead animals

- c) Steel cables
- d) Contaminated soil
- e) Wood Waste

Special handling includes extra excavation, trenching, grinding, chipping, lining, extra cover and using extraordinary means to cover with other Solid Waste;

“Construction/Demolition Waste” means waste produced from the construction, renovation, and demolition of buildings, and other structures, but does not include waste containing or contaminated with asbestos, creosote, PCB treatments, any special waste or wood waste;

“Corrugated Cardboard” means recyclable waste from industrial, commercial or institutional sources which includes, but is not limited to containers or materials used in containers consisting of 3 or more layers of kraft paper material and having smooth exterior liners and a corrugated or rippled core, but excluding containers which are impregnated with blood, grease, oil, chemicals, food residue, wax; or have polyethylene, polystyrene, foil or other non-paper liners; or are contaminated with a material which will render the corrugated cardboard not marketable;

“Disposal Area” means those parts of a Solid Waste Management Facility currently involved in the landfilling or deposit of Solid Waste;

“Drop Off Area” means those areas of Solid Waste Management Facilities or Licensed Facilities where bins are provided for deposit of Municipal Solid Waste;

“Environmental Management Act” means the *Environmental Management Act* (British Columbia), as amended or replaced and any successor legislation and any regulations thereunder;

“Facility License” means a facility license issued by the Regional District pursuant to Regional District of Nanaimo *Waste Stream Management Licensing Regulatory Bylaw No. 1386*;

“Garden Waste” means uncontaminated vegetation removed from gardens, lawns, shrubs and trees and includes pruning from shrubs and trees to a maximum diameter of 50 mm.;

“General Manager” means a person appointed to the position of General Manager of the Regional District of Nanaimo;

“Gypsum” includes, but is not necessarily limited to new construction off-cuts or scraps and old wallboard that has been painted, covered in wallpaper, vinyl, ceramic tile, and lath and plaster and is removed during renovation and demolition, but excludes wallboard covered with asbestos;

“Hazardous Waste” means waste as defined in the *Hazardous Waste Regulation* (British Columbia) as hazardous waste except asbestos waste;

“Household Plastic Containers” means empty HDPE and LDPE plastic containers from a residential premise including milk jugs, margarine and yogurt containers and dish soap and laundry detergent bottles. Excluded are containers made of foam plastic such as Styrofoam, containers that held chlorine or ammonia-based products, motor oil containers, metal bottle lids or caps, spray nozzle heads and metal attachments;

“Drums” means plastic or metal barrels larger than 50 litres capacity made for holding liquids;

“Ignitable” means ignitable as defined in the *Hazardous Waste Regulation* (British Columbia);

“Improperly covered or secured load” means that a load that is not properly secured, either with a tarpaulin cover or tie-down apparatus to prevent any of the load escaping, or falling off of the haul vehicle;

“Land Clearing Waste” means stumps, tops, limbs and whole trees generated from the clearing of land and the small scale harvesting of merchantable timber but does not include garden waste;

“Licensed Facility” means a facility holding a Facility License issued by the Regional District;

“Medical Facility Waste” means municipal solid waste originating from a hospital or health care facility that does not contain biomedical waste and does not require special handling;

“Metal” means recyclable ferrous and non-ferrous metallic materials which include, but are not limited to: sheet metal, siding, roofing, rebar, flashings, pipes, window frames, doors, furnaces, duct work, wire, cable, bathtubs, fencing, bicycle frames, automotive parts, machinery, appliances, garbage cans, metal furniture, tire rims and metal cans. It does not include metal that is incorporated into a product or packaging, such as a couch, that does not compose more than 50% of the product weight and that cannot be readily separated from the non-metallic components;

“Municipal Solid Waste” means refuse that originates from residential, commercial or institutional sources;

“Organic Waste” means compostable organic material including raw and cooked food waste from a commercial and residential premise and includes but is not limited to:

- a) fruits and vegetables
- b) meat, fish, shellfish, poultry and bones thereof
- c) dairy products
- d) bread, pasta and baked goods
- e) tea bags, coffee grounds and filters

- f) soiled paper plates and cups
- g) soiled paper towels and napkins
- h) soiled waxed paper
- i) food soiled cardboard and paper
- j) egg shells

“Prohibited Waste” means a waste prohibited from disposal under Schedule ‘C’ hereto;

“Radioactive Waste” means a nuclear substance as defined in the *Nuclear Safety and Control Act* (Canada) in sufficient quantity or concentration to require a license for possession or use under that Act and regulations made under that Act;

“Reactive Waste” means waste which:

- (a) is explosive, oxidizing, or so unstable that it readily undergoes violent change in the presence of air or water;
- (b) generates toxic gases, vapours or fumes by itself or when mixed with water; or
- (c) polymerizes in whole or in part by chemical action and causes damage by generating heat or increasing in volume;

as defined in the Special Waste Regulations of the *Waste Management Act* (British Columbia);

“Recyclable Paper” means recyclable fibers, including: newspapers and inserts, magazines, telephone directories, catalogues, all office papers, envelopes, boxboard, paper bags and junk mail. It does not include: paper contaminated with food or grease, paper napkins, paper towels, tissue paper, composite paper products (e.g. paper adhered to plastic and/or metal such as tetrapaks), gable-top containers (e.g. milk cartons), waxed cardboard, wax paper, photographs and carbon paper;

“Regional District” means the Regional District of Nanaimo;

“Residential Premise” means a single family dwelling unit or a multi-family dwelling unit including townhomes, apartments and mobile homes in mobile home parks;

“Residual Solid Waste” means that portion of Municipal Solid Waste for which no management option exists except disposal at the Solid Waste Management Facilities but does not include Prohibited Waste;

“Roll-off Bin” means an interchangeable container that can be separated from a hauling truck through the use of a mechanism integrated into the frame of the hauling truck;

“Solid Waste Management Facilities” means the Regional Landfill and Church Road Transfer Station, and other facilities the Regional District may establish from time to time;

“Stewardship Materials” means any waste or recyclable materials included in an approved stewardship plan as defined in the Recycling Regulation of the *Environmental Management Act* (British Columbia);

“Tires” means all rubber tires;

“Wood Waste” means wood waste from construction and/or demolition that has been separated from other construction/demolition waste. The wood may be painted, but cannot have tile, gypsum, glue, carpet, dirt or soil or other non-wood materials attached.

2. CONDITIONS OF USE

- 2.1 No person shall deposit Municipal Solid Waste at a Solid Waste Management Facility, except in accordance with this bylaw.
- 2.2 No person shall deposit a Prohibited Waste at a Solid Waste Management Facility.
- 2.3 At least 24 hours notice must be given to the General Manager prior to disposal of Controlled Waste.
- 2.4 Loads of Gypsum delivered in roll-off bins will not be accepted at the Church Road Transfer Station.
- 2.5 Loads of garden waste delivered in roll-off bins will not be accepted at the Regional Landfill or the Church Road Transfer Station.
- 2.6 Loads of wood waste delivered in roll-off bins will not be accepted at the Regional Landfill or the Church Road Transfer Station.
- 2.7 Loads of corrugated cardboard delivered in roll-off bins will not be accepted at the Regional Landfill or the Church Road Transfer Station.
- 2.8 No person shall salvage or remove material deposited at the Solid Waste Management Facilities.
- 2.9 No person shall loiter at the Solid Waste Management Facilities.
- 2.10 No person shall leave their vehicle unattended at the Solid Waste Management Facilities.
- 2.11 Any person entering the Solid Waste Management Facilities shall proceed directly to the weigh scale and then leave the Solid Waste Management Facilities without delay after unloading.
- 2.12 Persons entering the Solid Waste Management Facilities do so at their own risk. The Regional District accepts no liability whatsoever for damage and/or injury to persons or property at the Solid Waste Management Facilities.

- 2.13 Children under 13 years of age, and pets shall not be permitted at the Solid Waste Management Facilities except inside a vehicle.
- 2.14 No person shall deposit Municipal Solid Waste that does not originate from within the Regional District boundaries at a Solid Waste Management Facility.
- 2.15 Despite section 2.14, the Board may authorize deposit of Municipal Solid Waste from another regional district upon request from a regional district Board of Directors.

3. CHARGES

- 3.1 Every person depositing municipal solid waste at the Solid Waste Management Facilities shall pay to the District the applicable charges set out in Schedule 'A' hereto.
- 3.2 Notwithstanding 3.1, customer charge accounts may be established in accordance with Policies and Procedures in Schedule 'B'.

4. VIOLATIONS AND PENALTIES

- 4.1 No person shall do any act or suffer or permit any act or thing to be done in contravention of this bylaw.
- 4.2 Every person who contravenes this bylaw, by doing any act which the bylaw forbids, or omitting to do any act which the bylaw requires is guilty of an offence and is liable, on summary conviction, to a fine of not less than TWO HUNDRED DOLLARS (\$200.00) and not more than TEN THOUSAND DOLLARS (\$10,000.00). A separate offence shall be deemed to be committed upon each day during and in which the contravention occurs or continues.
- 4.3 The General Manager may prohibit a person who contravenes this bylaw from depositing Municipal Solid Waste at the Solid Waste Management Facilities.
- 4.4 Any waste received in contravention of the bylaw or instructions provided by the RDN at the solid waste facilities may be subject to a cost recovery fee for contamination cleanup or proper disposal.

5. REPEAL

- 5.1 "Regional District of Nanaimo Solid Waste Management Bylaw No. 1428, 2005" is hereby repealed.

6. TITLE

- 6.1 This bylaw may be cited as “Regional District of Nanaimo Solid Waste Management Regulation Bylaw No. 1531, 2007”.

Introduced and read three times this 27th day of November, 2007.

Adopted this 27th day of November, 2007.

CHAIRPERSON

SR. MGR., CORPORATE ADMINISTRATION

Chairperson

Sr. Mgr., Corporate Administration

Schedule 'A'

Charges and Procedures for use of Solid Waste Management Facilities effective April 1, 2016.

1.	Solid Waste, excluding Controlled Waste	Flat Rate	51 kg or greater
a.	Municipal solid waste, construction/demolition waste, roofing waste (asphalt/tar/gravel), medical facility waste, or material recovery facility waste	\$6.00/0-50kg	\$125.00/tonne
b.	Municipal solid waste (containing recyclables) with offence	\$6.00/0-50kg	\$250.00/tonne
c.	Construction/Demolition waste (containing recyclables) with offence	\$6.00/0-50kg	\$360.00
d.	Weighing service	\$20.00 flat rate	
e.	Surcharge for improperly covered or secured loads	\$20.00 flat rate	
f.	Surcharge for mattresses and hide-a-beds	\$10.00 flat rate	

2.	Recyclables	Flat Rate	51 kg or greater
a.	Organic waste	\$6.00/0-50kg	\$110.00/tonne
b.	Organic waste (containing mixed solid waste or recyclables) with offence	\$6.00/0-50kg	\$250.00/tonne
c.	Garden waste	\$6.00/0-100kg	\$55.00/tonne
d.	Wood waste including wood roofing	\$6.00/0-50kg	\$250.00/tonne
e.	Gypsum (Church Road Transfer Station only)	\$6.00/0-50kg	\$250.00/tonne
f.	Metal recycling, metal appliances with ODS (ozone depleting substance)	\$6.00/0-500kg	\$55.00/tonne
g.	Corrugated cardboard	\$6.00/0-50kg	\$55.00/tonne
h.	Miscellaneous recyclables including: household plastics, metal food and beverage containers, vehicle batteries and oil filters	\$6.00 flat rate	
i.	Surcharge for ODS containing appliances	\$15.00 flat rate	

3.	Controlled Waste	Flat Rate	51 kg or greater
a.	Contaminated soil, grit and screenings and bio-solids	\$6.00/0-50 kg	\$125.00/tonne
b.	Controlled waste (misc.) including large dead animals	\$6.00/0-50 kg	\$250.00/tonne
c.	Food processing waste and treatment works		\$250.00/tonne
d.	Steel cable		\$500.00/tonne
e.	Asbestos waste	\$30.00/0-50 kg	\$500.00/tonne

4. Any load containing Prohibited Waste will be charged all costs associated with any special handling or removal of the Prohibited Waste in addition to the volume rates above.
5. Where the charge is based on weight, it shall be based on the difference in weight between loaded weight and the empty weight of the vehicle.
6. In the event that the scales provided are not operational, weight shall be estimated by the Scale Clerk employed by the Regional District of Nanaimo.
7. All charges payable under this bylaw shall be paid prior to leaving the site.
8. Surcharges are in addition to the per tonne rate posted for the material type.

Chairperson

Sr. Mgr., Corporate Administration

Schedule 'B'

POLICIES AND PROCEDURES

Customer Charge Accounts and Collections

PURPOSE: To establish guidelines for the granting of customer credit and for the collection of customer accounts.

POLICY: Customer accounts will be established only in circumstances where the customer will be a regular user of Regional District services. All other requests for products and or services must be prepaid.

PROCEDURES:

- (1) Any individual or organization wishing to establish a charge account with the Regional District of Nanaimo shall complete an **Application for Credit** as provided by the Regional District.
- (2) Exemptions from (1) above will be limited to:
 - Province of British Columbia, departments or agencies clearly identified.
 - Government of Canada, departments or agencies clearly identified.
 - Other Municipalities, Regional Districts, Towns and Villages.
- (3) Completed **Applications for Credit** will be forwarded to the originating department for recommendation and then to the accounts receivable department for verification of references and credit history.
- (4) Verified **Applications** may be approved by either the General Manager, Finance & Information Services or Deputy Treasurer. The originating department and the customer will be advised of the approval date, and charges may be accepted immediately after the approval date.
- (5) Customer invoices will be generated monthly, and will be payable upon receipt by the customer.
- (6) Customers with accounts in arrears after 30 days will be contacted requesting payment within seven working days. Failure to remit within seven days will result in a rescinding of credit and the account will be C.O.D. only.
- (7) Upon full payment of all outstanding balances a customer account may be reinstated at the discretion of the General Manager, Finance & Information Services or Deputy Treasurer.
- (8) Any customer account falling 30 days past due a second time and which is not fully paid immediately (7 working days) upon request, will be placed on C.O. D. permanently.
- (9) Any variations or exceptions to the above noted policies and procedures must have the written approval of the General Manager, Finance & Information Services or Deputy Treasurer.
- (10) At the discretion of the General Manager, Finance & Information Services, customers with accounts in arrears after 60 days will be contacted and advised that they will not deposit any further solid waste on or at the Solid Waste Management Facilities until the charge and interest owing thereon is paid in full.

Chairperson

Sr. Mgr., Corporate Administration

Schedule 'C'

"Prohibited Waste"

The following gaseous liquids and municipal solid wastes are not acceptable for disposal at a Solid Waste Management Facility and include, but are not limited to:

1. At the Regional Landfill:
 - (i) Biomedical Waste;
 - (ii) Commercial Organic Waste;
 - (iii) Concrete or asphalt pieces, or rocks greater than 0.03m³ or 70 kg;
 - (iv) Corrugated Cardboard;
 - (v) Drums;
 - (vi) Garden Waste;
 - (vii) Gypsum;
 - (viii) Hazardous Waste;
 - (ix) Household Plastic Containers;
 - (x) Ignitable Wastes;
 - (xi) Land Clearing Waste;
 - (xii) Liquids, except as permitted herein;
 - (xiii) Metal;
 - (xiv) Motor vehicle bodies and farm implements;
 - (xv) Municipal Solid Waste that is on fire or smouldering;
 - (xvi) Radioactive Waste;
 - (xvii) Reactive Wastes;
 - (xviii) Recyclable Paper;
 - (xix) Stewardship Materials:
 - (xx) Special waste, as defined in the *Special Waste Regulation* (British Columbia) except asbestos ;
 - (xxi) Tires;
 - (xxii) Wood Waste

2. At Church Road Transfer Station:

- (i) Biomedical Waste;
- (ii) Bulk loads of Demolition Waste 5m³ or greater
- (iii) Burnt Demolition Waste;
- (iv) Commercial Organic Waste;
- (v) Concrete or asphalt pieces, or rocks greater than 0.03m³ or 70 kg;
- (vi) Controlled Waste; except as animal carcasses by a government agency with written authorization from the General Manager;
- (vii) Corrugated Cardboard;
- (vi) Garden Waste;
- (vii) Gypsum;
- (viii) Hazardous Waste;
- (ix) Household Plastic Containers;
- (x) Ignitable Wastes;
- (xi) Land Clearing Waste;
- (xii) Liquids, except as permitted herein;
- (xiii) Metal;
- (xiv) Motor vehicle bodies and farm implements;
- (xv) Municipal Solid Waste that is on fire or smouldering;
- (xvi) Radioactive Waste;
- (xvii) Reactive Wastes;
- (xviii) Recyclable Paper;
- (xix) Special waste, as defined in the *Special Waste Regulation* (British Columbia) except asbestos;
- (xx) Stewardship Materials;
- (xxi) Tires;
- (xxii) Wood Waste.

Chairperson

Sr. Mgr., Corporate Administration

Schedule 'D'

Charges and procedures for use of Regional Landfill for disposing of Controlled Waste and Municipal Solid Waste which originates from the Cowichan Valley Regional District and the Comox Valley Regional District, effective July 1, 2017, are:

1.	Controlled waste originating Cowichan Valley RD	Flat rate	51 kg or greater
a.	Waste asbestos	\$30.00/0-50 kg	\$600.00/tonne
b.	Large dead animals	\$20.00/0-50 kg	\$300.00/tonne
c.	Invasive plant species	\$20.00/0-50 kg	\$300.00/tonne

2.	Solid waste under the direct control of the Cowichan Valley Regional District *	Tonne Rate
a.	Municipal solid waste	Tonne rate includes a 20% premium over the current Schedule 'A' rates

Solid waste acceptance is contingent upon:

- 1) Prior written notice from Cowichan Valley Regional District to the General Manager explaining the reasons for, and the anticipated duration, of contingency landfilling;
- 2) The General Manager's acknowledgement of acceptance; and,
- 3) Any conditions the General Manager may specify with respect to the duration, requirements regarding acceptance or reporting.

3.	Controlled waste originating Comox Valley RD**	Flat rate	51 kg or greater
a.	Waste asbestos	\$30.00/0-50 kg	\$600.00/tonne

**Asbestos waste acceptance is approved until December 31, 2017 with provision to extend the agreement for one year.