**qathet REGIONAL DISTRICT**

**BYLAW NO. 532**

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A bylaw to provide for the regulation of solid waste disposal and tipping fees at the waste transfer stations

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**WHEREAS** pursuant to supplementary letters patent issued on November 23, 1970, as amended, the qathet Regional District is authorized to provide for the disposal of garbage and waste and to establish and impose charges for this purpose;

**AND WHEREAS** the qathet Regional District has, pursuant to "Waste Management Conversion and Service Establishment Bylaw No. 532, 2018" established the function of solid waste management as a service;

**AND WHEREAS** the qathet Regional District is empowered to establish a scale of charges payable for depositing solid waste at a transfer station,

**AND WHEREAS** the qathet Regional District has an approved Solid Waste Management Plan under section 24(5) of the Environmental Management Act which authorizes the qathet Regional District to manage municipal solid waste and recyclable materials in accordance with the plan,

**AND WHEREAS** the qathet Regional District has entered into agreements with private companies to operate a waste transfer station to receive solid waste from within the regional district and transport solid waste from the transfer station to an out-of-region landfill for disposal;

**AND WHEREAS** the Regional Board wishes to enact regulations pertaining to the operation of the waste transfer stations and to establish and maintain tipping fees to cover the costs of handling and disposing of solid waste under these agreements;

The Board of the qathet Regional District (qRD) in open meeting assembled, enacts as follows:

## 1. DEFINITIONS

In this bylaw unless the context otherwise requires:

> **"Agricultural Waste"** means solid waste that is discarded from agricultural operations, including, but not limited to: dead animals, slaughter waste, waste from crops, spoiled crops, manure and large quantities of film plastics, twine, and plastic containers used in agricultural operations.

**"Asbestos Containing Material"** means an article or material that would be determined to contain, using a method specified in Section 40 (1) of the provincial Hazardous Waste Regulation (BC Reg. 63/88) at least 0.5% Friable or non-Friable asbestos;

**"Asbestos - Friable"** means any material containing Asbestos that when dry, can be easily crumbled or pulverized to powder by hand, which may include, but is not limited to: acoustic ceilings and tiles, types of plasters, wallboard, joint compound and thermal insulation for water heaters and pipes.

**"Asbestos- Non-Friable"** means any material containing Asbestos fibres that are bound or locked into the product matrix, so that the fibres are not readily released, which may include, but is not limited to: vinyl asbestos floor tiles, acoustic ceiling tiles, and asbestos cement products.

**"Asphalt"** means a petroleum by-product, mixed with gravel, crushed rock etc.; used for paving roadways, driveways, parking areas etc.

**"Asphalt Roofing"** means asphalt-based roofing materials including: duroid roofing shingles, tarpaper, and tar and gravel roofing, but does not include torch-on membrane roofing and shingle wrap paper.

**"Biomedical Waste"** means waste defined as such in the *Environmental Management Act,* Hazardous Waste Regulation (B.C. Reg. 63/2009).

**"Clean Wood Waste"** means wood waste typically originating from construction, renovation or demolition that is not painted, treated with preservatives, or contains adhesives or filler. No nails or metals.

**"Concrete"** means a hardened mixture of cement with sand and gravel

**"Construction, Renovation and Demolition Waste"** means waste produced from the construction, renovation, and demolition of buildings, and other structures and may include, but is not limited to asphalt, bricks, concrete and other masonry materials, roofing materials, wood, wood products, wall coverings, plaster, gypsum board and wallboard, plumbing components and fixtures, electrical fixtures, electrical wiring, electrical components, all of which shall not contain waste containing or contaminated with asbestos, creosote, PCB treatments, special wastes, qRD MSW, Prohibited Waste, Recyclable Materials and Stewardship Materials.

**"Creosote Treated Wood"** means wood that has been preserved by a pressure treatment with an anti-microbial pesticide product containing creosote, which may include, but is not limited to: railway ties, telephone poles, and dock pilings.

**"Corrugated Cardboard"** means containers or materials used in containers consisting of three or more layers of kraft paper material and having smooth exterior liners and a corrugated or rippled core, but excludes 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 containers or materials non-marketable.

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

**"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 any material defined as such in the Hazardous Waste Regulation (B.C Reg. 63/2009), which includes, but is not limited to: toxins, poisons, corrosives, irritants, strong sensitizers, flammables, and ignitables

**"Industrial Waste"** means any waste originating from an industrial operation including but not limited to: forestry, pulp and paper, mining or fisheries.

**"Ignitable"** means having the properties of:

a) Flammable gas
b) Flammable liquid, or
c) Flammable solids, substance liable to spontaneous combustion or substances that on contact with water emit flammable gases.

"**Invasive Plants"** means plants that pose a risk to human health, or are difficult to manage through the regular **Yard and Garden Waste** process. **Invasive Plants** includes but may not be limited to Giant Hogweed, Knotwood Species, Poison Hemlock, Surge Laurel and Scotch Broom.

**"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;

**"Manager"** means a person appointed to the position of Manager by the qRD and includes any person appointed or designated to act in his or her place.

**"Marketable"** means materials that can be managed through existing recycling programs and for which commercial markets exist.

**"Municipal Solid Waste (MSW)"** means refuse that originates from residential, commercial, institutional, demolition, land clearing or construction sources (EMA);

**"Person"** means an individual, a body corporate, a firm partnership, association or any other legal entity or an employee or agent thereof.

**"Prohibited Waste"** means gaseous, liquid or solid waste prohibited from disposal as qRD MSW under Schedule C attached to and forming part of this bylaw;

**"qRD MSW"** means refuse that originates from residential, commercial and institutional sources but does not include Construction, Renovation and Demolition Waste, Prohibited Waste, Recyclable Materials or Stewardship Materials.

**"Radioactive Waste"** means waste containing a prescribed substance as defined in the Atomic Energy Control Act in sufficient quantity or concentration to require a license for possession or use under the Act and regulations made under that Act

**"Reactive Waste"** means waste which is;

a) 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; and
c) polymerizes in whole or in part by chemical action and causes damage by generating heat or increasing volume; as defined in the Special Waste Regulations of the Environmental Management Act;

**"Recyclable Materials"** means **Marketable, Source-separated Waste** as described in Schedule D attached to and forming part of this bylaw;

**"Recyclable Paper"** means recyclable fibers, including: newspapers and inserts, magazines, telephone directories, catalogues, all office papers, envelopes (with plastic windows removed), boxboard, paper bags and junk mail. It does not include: paper contaminated with food or grease, paper napkins, paper towels, facial tissues, 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;

**"Refuse"** means discarded or abandoned materials, substances or objects;

**"Regional District"** means the qathet Regional District;

**"Scrap Metal"** means **Recyclable Material** which contains ferrous and/or non-ferrous metals, including, but not limited to: sheet metal, siding, roofing, rebar, flashings, pipes, window frames, doors, furnaces, duct work, empty tanks, wire, cable, bathtubs, fencing, bicycle frames, automotive body parts, machinery, garbage cans, metal furniture, tire rims, but does not include **Stewardship Materials**

**"Scrap Vehicles"** means a vehicle that is no longer used for transportation purposes and/or is not registered.

**"Source-separated Waste"** means MSW that arrives at the Transfer Station and which is separated by means for barriers or placement in containers into clearly distinguishable accumulation of individual **Recyclable Materials**.

**"Special Waste"** means any chemical, compound, mixture, substance or article which is defined as such in the Special Waste Regulation of the BC Environmental Management Act

**"Stewardship Materials"** means any waste or recyclable materials in an approved stewardship plan as defined in the Recycling Regulation of the EMA (B.C. Reg. 284/2016) as listed in Schedule E attached to and forming part of this bylaw.

**"Tipper Scale"** means the weigh scale at the **Waste Transfer Building** for loads of **qRD MSW** weighing less than 500 kilograms.

**"Truck Scale"** means the scale for **qRD MSW** loads weighing greater than 500 kilograms or loads that exceed the capacity of the **Tipper Scale**.

**"Waste Oil"** means automotive lubricating oil, cutting oil, fuel oil, gear oil, hydraulic oil or any other refined petroleum-based oil or synthetic oil where the oils are in the waste in a total concentration greater than 3% by weight and the oils through use, storage or handling have become unsuitable for their original purpose due to the presence of impurities or loss of original properties;

**"Waste Transfer Building"** means the enclosed building for accepting loads of **qRD MSW** from commercial, municipal and self-haul customers.

**"Waste Transfer Station"** means the **Truck Scale**, **Tipper Scale** and **Waste Transfer Building** designated to receive **qRD MSW**

**"Waste Transfer Station Operator"** means the person or persons appointed from time to time by the Regional District to perform the services of operating and maintaining the Waste Transfer Station or Landfill (Lasqueti Island)

**"Yard and Garden Material"** means uncontaminated organic materials, substances or objects including, but not necessarily limited to, grass, lawn and hedge clippings, grass sod, flowers, leaves, vegetable stalks, shrubs and shrub tree branches less than 2" in diameter, but excluding Invasive Species.

## 2. SCHEDULES

The following schedules are hereby made and declared to be integral parts of this Bylaw are attached to and form part of the Bylaw and are enforceable in the same manner as this Bylaw:

Schedule A Tipping Fees
Schedule B Prohibited Waste
Schedule C Recyclable Materials
Schedule D Stewardship Materials

## 3. CONDITIONS OF USE

3.1. No person shall deposit qRD MSW at the Waste Transfer Station, except in accordance with this bylaw.

3.2. No person shall deposit Prohibited Waste, Recyclable Materials and Stewardship Materials at the Waste Transfer Station.

3.3. No person shall salvage or remove material deposited at the Waste Transfer Station without prior written approval of the Regional District

3.4. No person shall loiter or leave their vehicle unattended at the Waste Transfer Station

3.5. Persons entering the Waste Transfer Station do so at their own risk. The Regional District accepts no liability whatsoever for damage and/or injury to persons or property at the Waste Transfer Station

3.6. Children under 13, and pets shall not be permitted at the Waste Transfer Station except inside a vehicle

3.7. No person shall deposit qRD MSW at the Waste Transfer Station that does not originate from within the regional district

## 4. CHARGES

4.1. Every person depositing qRD MSW at the Waste Transfer Station shall pay to the Regional District the applicable charges set out in Schedule "A" hereto

## 5. VIOLATIONS AND PENALTIES

5.1. No person shall do any act or suffer or permit any act or thing to be done in contravention of this bylaw

5.2. 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.

5.3. The Manager may prohibit a person who contravenes this bylaw from depositing qRD MSW at the Waste Transfer Station

## 6. REPEAL

6.1. "Powell River Regional District Waste Tipping Fee Bylaw No. 402, 2006" is hereby repealed.

## 7. CITATION

7.1. This bylaw may be cited as "qathet Regional District Solid Waste Regulation and Tipping Fee Bylaw No. 532, 2018."

## 8. EFFECTIVE DATE

This bylaw will be deemed to be effective September 1, 2018

| | |
|---|---|
| READ THIS FIRST TIME | this 23rd day of August, 2018. |
| READ A SECOND TIME | this 23rd day of August, 2018. |
| READ A THIRD TIME | this 23rd day of August, 2018. |
| ADOPTED | this 23rd day of August, 2018. |

Chair

Corporate Officer

## Schedule A

## Tipping Fees

The following fees shall apply as of September 1, 2018:

| | | |
|---|---|---|
| 1. | qRD MSW | $220 per tonne |

1. A minimum charge of $5.00 shall apply to all waste loads less than 25 kg.

1. The weight of waste on which the fees shall be levied shall be determined by the scale provided at the transfer site or the established rate of $5 per bag and $25 per truck load at the Lasqueti Island Landfill

## Schedule B

## Prohibited Waste

The following gaseous, liquid and municipal solid wastes are not acceptable for disposal at the Waste Transfer Station and include, but are not limited to:

a) Asbestos containing materials
b) Agricultural waste
c) Biomedical waste, including hospital "sharps" and body tissue or fluids, pathological or infectious wastes.
d) Contaminated Soil
e) Construction, renovation and demolition waste
f) Creosote treated wood
g) Dead animal and fish parts, including bones, feathers, skins and hair and parts
h) Explosives
i) Gas cylinders, except as permitted in this bylaw
j) Gypsum
k) Hazardous waste or reactive chemicals – solid, liquid or gas
l) Ignitable materials
m) Industrial Waste
n) Land Clearing Waste
o) Liquids or sludges
p) Loads containing materials that are smoldering or on fire
q) Petroleum by-products
r) Radioactive materials
s) Reactive Waste
t) Sewage and sewage by-products, including septic tank waste
u) Special waste
v) Tight head barrels (non-removable tops)
w) Waste oil or petroleum by-products

## Schedule C

## Recyclable Materials

The following **Recyclable Materials** are not acceptable for disposal at the Waste Transfer Station, including but not limited to:

x) Asphalt
y) Asphalt Roofing
z) Clean Wood Waste
aa) Concrete
bb) Corrugated Cardboard not included in a Stewardship Program
cc) Dirt, rocks, soil
dd) Drywall
ee) Land Clearing Waste
ff) Recyclable Paper not included in a Stewardship Program
gg) Rubble, including soil, rocks, concrete bricks and asphalt
hh) Scrap Metal
ii) Scrap Vehicles
jj) Yard and Garden Waste

**Schedule D**

**Stewardship Materials**

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The following Stewardship Materials are not acceptable for disposal at the Waste Transfer Station and include

| Schedule | Product Category | Product Subcategories |
|---|---|---|
| 1 | Beverage Container | a) aluminum cans<br>b) refillable glass bottles<br>c) non-refillable glass bottles<br>d) plastic containers, able to hold 1 litre or less<br>e) drinking boxes<br>f) bag in a box<br>g) bimetal cans<br>h) gable top containers<br>i) stand up pouches<br>j) beverage containers not referred to in paragraphs (a) to (j) |
| 2 | Residual Products | a) solvent and flammable liquids<br>b) pesticides registered under the Pest Controls Act (Canada)<br>c) gasoline<br>d) pharmaceuticals<br>e) lubricating oil<br>f) empty oil containers<br>g) paint<br>h) lead-acid batteries<br>i) antifreeze |

**Schedule D**

**Stewardship Materials**

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| | | |
|---|---|---|
| 3 | Electronic and Electrical Product | a) electronic or electrical information technology devices or equipment<br>b) electronic or electrical audio visual and consumer equipment or media<br>c) electronic or electrical appliances<br>d) electronic or electrical tools other than large-scale stationary industrial tools<br>e) electronic or electrical lighting equipment, parts and bulbs<br>f) electronic or electrical toys<br>g) electronic or electrical biking, diving, running and rowing machines<br>h) electronic or electrical devices for arts, hobbies and crafts<br>i) electronic or electrical monitoring and control instruments<br>j) electronic and electrical appliances that dispense money or products on demand<br>k) electronic or electric medical devices and equipment<br>l) accessories for the use of any products in Schedule 3<br>m) batteries that could be used in products listed in this section |
| 4 | Tires | a) pneumatic or solid tires designed for use on a motor vehicle, farm tractor, trailer or other equipment |
| 5 | Packaging and Printed Paper | a) residential packaging and printed paper but does not include bound books |