



WASTE STREAM MANAGEMENT LICENCING BYLAW

RECOMMENDATION

That “Waste Stream Management Licensing Bylaw No. 1803, 2021” be introduced, read three times, and forwarded to the Ministry of Environment and Climate Change Strategy for approval.

BACKGROUND

Regional District of Nanaimo Waste Stream Management Licensing Bylaw No. 1386, 2004 (Bylaw No. 1386) has not been revised since 2004 and requires revisions to improve clarity, enforceability and revise definitions so they are consistent with those contained in the *Environment Management Act* (EMA). Authority for this Bylaw is granted through provincial approval of the Solid Waste Management Plan (SWMP), and therefore bylaw revisions must be approved by the Minister of Environment and Climate Change Strategy (MOECCS).

Bylaw No. 1386 regulates the management of municipal solid waste and recyclable material at private sector facilities with the objective of mitigating nuisance as well as allowing the tracking and reporting of waste and recyclable material quantities. This is done through the issuance of Waste Stream Management Licenses to site specific facilities. Currently there are 14 facilities that hold licenses in the Regional District of Nanaimo (RDN).

Consultation has been carried out on the draft Waste Stream Management Licensing Bylaw No. 1803, 2021 (Bylaw No. 1803) (Attachment 1). Consultation included introduction of the draft bylaw at the Solid Waste Select Committee on June 23, 2020, advertisement in the local papers, posting on the RDN website and Get Involved page and the hosting of a webinar. The goal of the consultation was to inform, consult and involve stakeholders and community members on Bylaw No. 1803 in accordance with the Environmental Management Act. Revisions to the bylaw aim to provide clarity, reduce the regulatory burden on licensees and allow for improved enforceability.

Consultation took place from June 2020 – February 2021; an engagement summary can be found in Attachment 2. Significant outreach and communication took place. All direct feedback that was received supported the updates to draft Bylaw No. 1803.

Draft Bylaw No. 1803 was updated with advice from legal counsel and comments received from stakeholders during the consultation period. Although most revisions made are minor, 2 areas of the bylaw where proposed changes are material and are presented below:

1. The following was added under “facilities requiring a license”, “Exclusion”

“an Asphalt and Concrete Reprocessing Facility where reprocessing of used materials is ancillary or secondary to the production of new asphalt or concrete”

The ancillary processing of used materials is consistent with the core activity of asphalt or concrete production which is already regulated by the province.

2. The compliance and enforcement section of the bylaw has been revised to include a more effective ticketing regime. Tickets are more expedient in addressing minor compliance issues and assist with progressive enforcement with the goal of resolving matters without court action being necessary. These changes also align with RDN bylaw enforcement and greater application of the Municipal Ticket Information system (MTI).

Specific changes made to draft Bylaw No. 1803 as a result of consultation and legal review are provided in Attachment 3.

Should the Board approve draft Bylaw No. 1803, it will be submitted to the Minister of Environment and Climate Change for approval which will consider the consultation undertaken by the RDN. Bylaw No. 1803 will not go into force until it has received Minister approval which will also trigger repealing the existing Bylaw No. 1386.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

STRATEGIC PLAN ALIGNMENT

Environmental Stewardship - Achieve the 90% waste diversion target as per the Solid Waste Management Plan.

Changes to the Waste Stream Management Licensing Bylaw as discussed in this report are consistent with the RDN SWMP that promotes waste diversion and encourages private waste innovation.

REVIEWED BY:

P. Preston, A/Manager, Building and Bylaw Services
L. Gardner, Manager, Solid Waste Services
J. Hill, Manager, Legislative Services
R. Alexander, General Manager, Regional and Community Utilities
P. Carlyle, Chief Administrative Officer

ATTACHMENTS

1. Draft Bylaw No. 1803 - A Bylaw Of The Regional District Of Nanaimo To Regulate The Management Of Privately Owned Municipal Solid Waste And Recyclable Material Facilities.
2. Engagement Summary.
3. Draft Bylaw No. 1803 – Revisions.