

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1784**

**A BYLAW TO ESTABLISH TIPPING FEE AND SOLID WASTE DISPOSAL REGULATION AT REGIONAL DISTRICT OF
NANAIMO SOLID WASTE MANAGEMENT FACILITIES**

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

AND WHEREAS the Regional District of Nanaimo is empowered to establish a scale of fees payable for depositing solid waste at Solid Waste Management Facilities;

AND WHEREAS the Regional District of Nanaimo operates Solid Waste Management Facilities for disposal of solid waste, and maintains a system to collect, remove, and dispose of Residual Solid Waste; and

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

1. TITLE

This bylaw may be cited as “Regional District of Nanaimo Tipping Fee and Solid Waste Disposal Regulation Bylaw No. 1784, 2019”.

2. DEFINITIONS

In this bylaw, unless the context otherwise requires:

- | | |
|---------------------------|---|
| “Asbestos” | means waste that falls under one or more of the following categories: <ul style="list-style-type: none">a. Waste containing friable asbestos fibres or asbestos dust as defined in the Hazardous Waste Regulation;b. Gypsum that meets one of the following conditions:<ul style="list-style-type: none">i. manufactured prior to December 31, 1990 and has no analytical results that confirm it is non-Asbestos containing; orii. manufactured on or after January 1, 1991 without one of the following identifiers to qualify as recyclable Gypsum: barcode, date stamp or web address; |
| “Bio Solids” | means stabilized, dewatered treatment plant sludge resulting from the treatment of municipal liquid waste; |
| “Biomedical Waste” | means waste as defined in the Hazardous Waste Regulation as Biomedical Waste; |
| “Bulky Waste” | means items 5 metres in length or 5 cubic metres in volume; |

“Burnt Demolition Waste”	means waste extinguished for 21 days or waste with a letter from a recognized municipal, local or volunteer fire department stating the material is suitably extinguished for Disposal ;
“Clean Soil”	means soil with concentrations of contaminants less than those listed in the Contaminated Sites Regulation and soils not containing other waste materials;
“Contaminated Sites Regulation”	means the Contaminated Sites Regulation, B.C. Regulation 395/96, enacted under the Environmental Management Act ;
“Contaminated Soil”	means soil with concentrations of contaminants greater than those listed in the Contaminated Sites Regulation or soils containing waste material;
“Controlled Waste”	means a material, substance or object listed in Schedule ‘A’ which may create health hazards, nuisances or environmental pollution and may or may not be disposed of through Special Handling ;
“Commercial”	means originating from businesses or institutional facilities, including but not limited to, the following businesses and facilities: 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 facilities with food services, i) other facilities generating compostable organic material, and j) multi-family residences;
“Construction/Demolition Waste”	means waste produced from the construction, renovation, deconstruction and demolition of buildings, and other structures, but does not include Hazardous Waste or Recyclable Material ;
“Corrugated Cardboard”	means Recyclable Paper consisting of 3 or more layers of craft 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 renders the Corrugated Cardboard not marketable;
“Dead Animal”	means the carcass or part of the carcass of an animal that requires Special Handling as per Schedule ‘B’ excluding Hazardous Waste and Specified Risk Material ;

“Disposal”	means leaving solid waste at Solid Waste Management Facilities , for the purpose of landfilling, composting or recycling;
“Drums”	means plastic or Metal barrels larger than 50 litres capacity;
“Dusty Material”	means material that can become airborne when being deposited or managed at Solid Waste Management Facilities , including, but not limited to: sawdust, insulation, foundry dust, ash and soot;
“Environmental Management Act”	means the <i>Environmental Management Act</i> (British Columbia), as amended, and any successor legislation and any regulations thereunder;
“Food Processing Waste”	means pre-consumer food waste that is unsuitable for composting;
“Garden Waste”	means uncontaminated vegetation removed from gardens, lawns, shrubs and trees and includes pruning from shrubs and trees to a maximum diameter of 75 mm and excludes Invasive Plant Species ;
“General Manager”	means a person appointed to the position of General Manager of the Regional District of Nanaimo or designate;
“Grit and Screenings”	means material and debris captured by screens or deposited in the collection or treatment of sewer systems;
“Gypsum”	includes, but is not 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, and excludes any material containing Asbestos ;
“Hazardous Waste”	means any chemical compound, mixture, substance or article defined as Hazardous Waste in the Hazardous Waste Regulation ;
“Hazardous Waste Regulation”	means Hazardous Waste Regulation, BC Reg. 63/88 enacted under the Environmental Management Act ;
“Invasive Plant Species”	means Garden Waste not accepted for composting and which may require Special Handling at the Regional District Landfill;
“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 ;
“Liquid”	means any portion of material that passes through and drops from a paint filter using the Paint Filter Test ;

"Mattress"	means a large, rectangular pad used as a bed or on a bed frame and include all sizes of mattresses, box-springs or foam sleeping pads;
"Manager"	means the person appointed to the position of Manager, Solid Waste Services within 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 but does not include ozone depleting substances (ODS) containing units unless properly certified as having refrigerants professionally removed or motor vehicle bodies and farm implements;
"Municipal Solid Waste"	means refuse that originates from residential, commercial or institutional sources or refuse specified to be included in the Regional District's Solid Waste Management Plan pursuant to the Environmental Management Act ;
"Netting"	means fishing net, or similar type of netting material;
"Offence"	means the action of violating the Regional District's solid waste management facility bylaw or solid waste management plan, as amended from time to time;
"Offensive Behaviour"	means aggressive, abusive, harassing, belligerent, threatening behavior, use of foul language or not following directions of Regional District staff directions;
"Organic Waste"	means compostable organic material including raw and cooked food waste from a Commercial or 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, and k) waxed cardboard;

“Out of Region Waste”	means Municipal Solid Waste that originates outside the administrative boundaries of the Regional District unless otherwise specified in this bylaw;
“Paint Filter Test”	means the SW-846 Test Method 9095B: Paint Filter Liquids Test as outlined by the US Environmental Protection Agency;
“Prohibited Waste”	means a waste prohibited from Disposal under Schedule ‘C’;
“Pumpings”	means dewatered Liquid and semi-solid materials collected by a vector truck or pump and transported by vector truck, tanker truck or other container to the solid waste facility;
“Recyclable Material”	means materials that can be managed through existing recycling programs and for which a commercial market exists;
“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;
“Recyclable Plastic Containers”	means empty HDPE and LDPE plastic containers 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 motor oil, Metal bottle lids or caps, and Metal attachments;
“Recycling Regulation”	means the Recycling Waste Regulation BC 449/2004 enacted under the Environmental Management Act ;
“Regional District”	means the Regional District of Nanaimo;
“Residual Solid Waste”	means that portion of Municipal Solid Waste for which no management option exists except landfilling at a Solid Waste Management Facilities but does not include Prohibited Waste under Schedule ‘C’;
“Resource Recovery Facility Waste”	means Residual Solid Waste from a Resource Recovery Facility having a Waste Stream Management License or is otherwise authorized in writing by the General Manager ;
“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;

<i>“Roofing Material”</i>	means asphalt singles, tar and gravel, torch-on and felts used in roofing construction;
<i>“Solid Waste Management Facilities”</i>	means the <i>Regional District</i> Landfill and Church Road Transfer Station, and other facilities the <i>Regional District</i> may establish from time to time. Solid Waste Management Facilities includes both the singular and plural;
<i>“Special Handling”</i>	means material handling that includes but is not limited to unloading assistance, review of test results, extra excavation, trenching, grinding, chipping, lining, extra cover or materials that pose an increased exposure risk;
<i>“Specified Risk Material”</i>	means any waste containing the Specified Risk Material as defined in the federal Fertilizers Regulations (C.R.C., c. 666), as amended from time to time, including material from the skull, brain, trigeminal ganglia, eyes, tonsils, spinal cord and dorsal root ganglia of cattle aged 30 months or older, or material from the distal ileum of cattle of all ages;
<i>“Stewardship Materials”</i>	means any waste or recyclable materials included and defined in an approved stewardship plan as defined in the <i>Recycling Regulation</i> ;
<i>“Superintendent”</i>	means the person appointed to the position of Superintendent, Scale and Transfer Services in the <i>Regional District</i> ;
<i>“Surcharge”</i>	means the amount charged by the <i>Regional District</i> , in addition to the applicable Tipping Fee;
<i>“Tires”</i>	means all rubber tires excluding bicycle tires;
<i>“Treasurer”</i>	means the Director of Finance of the <i>Regional District</i> or her or his authorized agent;
<i>“Wood Waste”</i>	means wood products such as dimensional lumber, plywood, particle board, fibre board, oriented strand board, pallets, crating, wood fencing, wood shingles or wooden doors and may be contaminated with coatings or other materials that has been separated from other <i>Construction/Demolition Waste</i> ;
<i>“Unsecured Load”</i>	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.

3. CONDITIONS OF USE

- 3.1. No person shall deposit **Municipal Solid Waste** at **Solid Waste Management Facilities**, except in accordance with this bylaw.
- 3.2. No person shall deposit **Prohibited Waste** at **Solid Waste Management Facilities**.
- 3.3. All persons must adhere to **Special Handling** procedures as listed in Schedule 'B' prior to **Disposal** of **Controlled Waste** at **Solid Waste Management Facilities**.
- 3.4. Any load containing **Dusty Material** must be securely bagged prior to **Disposal**.
- 3.5. No person shall salvage or remove material deposited at **Solid Waste Management Facilities**.
- 3.6. No person shall leave their vehicle unattended at **Solid Waste Management Facilities** unless approved by the **Superintendent** or **Manager**.
- 3.7. Any person arriving at **Solid Waste Management Facilities** for **Disposal** shall proceed directly to the weigh scale and then leave the **Solid Waste Management Facilities** without delay after unloading.
- 3.8. Persons entering **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**.
- 3.9. Children under 13 years of age, and pets shall not be permitted at the **Solid Waste Management Facilities** except inside a vehicle.
- 3.10. No person shall deposit **Out of Region Waste** at a **Solid Waste Management Facilities**.
- 3.11. Despite Section 3.10, the Board may authorize deposit of **Municipal Solid Waste** from another regional district upon request from their regional district Board of Directors.
- 3.12. **Disposal** of waste in the active face area or designated areas at **Solid Waste Management Facilities** requires all persons, with exception of the self-haul drop-off areas, to comply with Work Safe BC Occupational Health and Safety Regulation, Policy and Guidelines, Part 8 Personal Protective Clothing and Equipment.
- 3.13. **Offensive Behaviour** is not permitted at **Solid Waste Management Facilities** and may result in removal and future expulsion from the sites.

4. SCHEDULES

For the purpose of this bylaw, Schedule 'A' through Schedule 'E' are attached to and form part of this bylaw.

5. FEES AND VIOLATIONS

- 5.1. Any person depositing **Municipal Solid Waste** at **Solid Waste Management Facilities** shall pay to the **Regional District** the applicable fees set out in Schedule 'A' and Schedule 'E'.
- 5.2. No person shall do any act or suffer or permit any act or thing to be done in contravention of this bylaw.
- 5.3. Any 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 TWO THOUSAND DOLLARS (\$2,000.00). A separate **Offence** shall be deemed to be committed upon each day during and in which the contravention occurs or continues.
- 5.4. The **General Manager** and/or **Manager** may prohibit a person who contravenes this bylaw from depositing **Municipal Solid Waste** at **Solid Waste Management Facilities**.
- 5.5. Any waste received in contravention of this bylaw or instructions provided by the **Regional District** at the **Solid Waste Management Facilities** may be subject to a cost recovery fees for contamination cleanup, **Special Handling** and/or **Disposal**.

6. REPEAL

"Regional District of Nanaimo Solid Waste Management Bylaw No. 1531, 2007" and any amendments thereto are hereby repealed.

7. EFFECTIVE DATE

Introduced and read three times this ____ day of _____ 2019.

Adopted this ____ day of _____ 2019.

CHAIR

CORPORATE OFFICER

Schedule 'A' to accompany "Regional District of Nanaimo Tipping Fee and Solid Waste Disposal Regulation Bylaw No. 1784, 2019"

Chair

Corporate Officer

Schedule 'A'

Fees and Procedures for use of **Solid Waste Management Facilities** effective July 1, 2019.

1.	Solid Waste, excluding <i>Controlled Waste</i>	Flat Rate	51 kg or greater
a.	Municipal Solid Waste	\$8.00/0-50kg	\$130.00/tonne
b.	Medical Facility Waste	\$8.00/0-50kg	\$130.00/tonne
c.	Resource Recovery Facility Waste	\$8.00/0-50kg	\$130.00/tonne
d.	Roofing Material (asphalt/tar/gravel)	\$8.00/0-50kg	\$130.00/tonne
e.	Construction/Demolition Waste	\$8.00/0-50kg	\$130.00/tonne
f.	Weighing service	\$20.00	
g.	Surcharge for Unsecured Loads	\$20.00	
h.	Surcharge per Mattress	\$15.00/unit	

2.	Recyclables	Flat Rate	51 kg or greater
a.	Organic Waste	\$8.00/0-50kg	\$110.00/tonne
b.	Garden Waste	\$8.00/0-100kg	\$55.00/tonne
c.	Wood Waste	\$8.00/0-50kg	\$260.00/tonne
d.	Gypsum	\$8.00/0-50kg	\$260.00/tonne
e.	Metal , metal appliances with ODS (ozone depleting substance)	\$8.00/0-500kg	\$55.00/tonne
f.	Corrugated Cardboard – Residential	\$8.00/0-50kg	\$55.00/tonne
g.	Corrugated Cardboard – Commercial	\$20.00/0-50kg	\$250.00/tonne
h.	Miscellaneous recyclables including: household plastics, metal food and beverage containers and vehicle batteries.	\$8.00 flat rate	
i.	Surcharge for ODS containing appliances	\$15.00/unit	

3.	Controlled Waste	Flat Rate	51 kg or greater
a.	Contaminated Soil	\$8.00/0-50kg	\$130.00/tonne
b.	Controlled Waste including large Dead Animals	\$8.00/0-50kg	\$260.00/tonne
c.	Food Processing Waste		\$260.00/tonne
d.	Steel cable	\$25.00/0-50kg	\$500.00/tonne
e.	Asbestos	\$30.00/0-50kg	\$500.00/tonne
f.	Grit and Screenings	\$8.00/0-50 kg	\$260.00/tonne
g.	Bio Solids	\$8.00/0-50 kg	\$260.00/tonne
h.	Pumpings – Paint Filter Test (Passed)	\$8.00/0-50 kg	\$130.00/tonne
i.	Pumpings – Paint Filter Test (Failed)	\$8.00/0-50 kg	\$260.00/tonne

4. Every person who disposes of waste for landfilling at **Solid Waste Management Facilities** that contains **Recyclable Material** or **Prohibited Waste** must pay a penalty as defined in the table below:

Penalties – Municipal Solid Waste *		Per Load
a.	Municipal Solid Waste containing Recyclable Materials or Prohibited Waste 0-50kg	\$5
b.	Municipal Solid Waste containing Recyclable Materials or Prohibited Waste 50kg or greater	20% Surcharge

*Penalties for **Municipal Solid Waste** loads are based on visual identification of **Recyclable Material** or **Prohibited Waste** in excess of 15% of the load.

5. Every person who disposes of **Organic Waste** at **Solid Waste Management Facilities** that contains non-organic material must pay a penalty as defined in the table below:

Penalties – Organic Waste		Per Load
a.	Organic Waste containing non-organic material 0-50kg	\$5
b.	Organic Waste containing Municipal Solid Waste , recyclables or Prohibited Waste 50kg or greater	20% Surcharge

6. Any load containing **Prohibited Waste** will be charged all costs and expenses associated with any removal and/or clean-up of the **Prohibited Waste** in addition to the tipping fees and any applicable penalty.
7. Penalties are in addition to the per tonne rate posted for the material type.
8. Where the fee is based on weight, it shall be based on the difference in weight between loaded weight and the empty weight of the vehicle.
9. All fees payable under this Bylaw shall be paid to the **Regional District** in cash, debit or credit card prior to leaving the **Solid Waste Management Facilities**.
10. Notwithstanding Section 9 of this Schedule, any person disposing of **Municipal Solid Waste** at **Solid Waste Management Facilities** on a regular basis may apply in writing to the **Regional District** for credit and if the **Treasurer** is satisfied of the credit worthiness of the person, he or she may grant credit to that person, in which case payment of fees shall be made and the credit extended on the conditions of the application;
11. In addition to Section 10 of this Schedule, any amount outstanding thirty (30) days after the invoice date shall bear interest at the rate of one and one-quarter percent (1.25%) per month.

Schedule 'B' to accompany "Regional District of Nanaimo Tipping Fee and Solid Waste Disposal Regulation Bylaw No. 1784, 2019"

Chair

Corporate Officer

Schedule 'B'

Solid waste acceptable for **Disposal**, which may require **Special Handling** includes but is not limited to:

Material	Specifications
Asbestos	- 24 hour notice required for appointments. - Asbestos must be placed in a 6-mil plastic bag, sealed and placed in a second 6 mil plastic bag and sealed.
Bio Solids	- Must be dewatered.
Bulky Waste	- Not permitted for Disposal at Church Road Transfer Station without approval from Superintendent.
Burnt Demolition Waste	- Waste extinguished for 21 days or with letter from recognized municipal, local or volunteer fire department stating material is suitably extinguished for Disposal.
Contaminated Soil	- Pre-approval required. - Site restrictions apply.
Creosote Wood Waste	- Pieces to be no longer than 8-feet. - 24 hour notice required.
Dead Animals	- 24 hour notice required for large animals.
Drums – Plastic	- Lids must be off. - 45 gallon Drums to be cut in half. - Must be crushed, shredded or similarly reduced in volume to the maximum practical extent.
Dusty Material	- Only acceptable if securely bagged.
Food Processing Waste	- Call Landfill in advance for approval.
Grit and Screenings	- Must be dewatered.
Invasive Plant Species	- Follow Disposal procedures as per BC Inter-Ministry Invasive Species Working Group.
Lead Painted Wood Waste	- Hazardous Waste screening and approval required for Commercial haulers and/or large quantities.
Mattress or Hide-A-Bed	- Surcharge in addition to tipping fee.
Netting	- Notify scale house, special Disposal required.
Pumpings	- Must be dewatered.
Steel Cables	- Must be 2 metre lengths or shorter.

Schedule 'C' to accompany "Regional District of Nanaimo Tipping Fee and Solid Waste Disposal Regulation Bylaw No. 1784, 2019"

Chair

Corporate Officer

Schedule 'C'

Materials denoted by an X in the table below are not accepted at the following ***Solid Waste Management Facilities***:

<i>Prohibited Waste</i>	<i>Regional District Landfill</i>	<i>Church Road Transfer Station</i>
<i>Biomedical Waste</i>	X	X
<i>Bulky Waste</i>		X
<i>Burnt Demolition Waste</i>		X
<i>Clean Soil</i>	X	X
Concrete or asphalt pieces, or rocks greater than 0.03m or 70kg	X	X
<i>Contaminated Soil</i>		X
Creosote <i>Wood Waste</i>		X
<i>Dead Animals</i>		X
<i>Gypsum</i>	X	
<i>Hazardous Waste</i>	X	X
<i>Land Clearing Waste</i>	X	X
<i>Liquids</i>	X	X
Motor vehicle bodies and farm implements	X	X
<i>Municipal Solid Waste</i> that is on fire or smoldering	X	X
<i>Organic Waste</i>	X	
<i>Recyclable Material</i> delivered in <i>Roll-Off Bins</i> or volume greater than 3 cubic meters	X	X

Schedule 'D' to accompany "Regional District of Nanaimo Tipping Fee and Solid Waste Disposal Regulation Bylaw No. 1784, 2019"

Chair

Corporate Officer

Schedule 'D'

The following ***Recyclable Materials*** are not accepted for landfilling at a ***Solid Waste Management Facilities*** and includes but is not limited to:

Commercial Organic Waste

Compressed Gas Containers

Corrugated Cardboard

Garden Waste

Gypsum

Metal

Recyclable Paper

Recyclable Plastic Containers

Stewardship Materials

Wood Waste

Tires

Schedule 'E' to accompany "Regional District of Nanaimo Tipping Fee and Solid Waste Disposal Regulation Bylaw No. 1784, 2019"

Chair

Corporate Officer

Schedule 'E'

Fees and procedures for use of the **Regional District** Landfill for disposing of **Municipal Solid Waste** and **Controlled Waste** which originates from the Cowichan Valley Regional District, are:

1.	Controlled Waste originating from the Cowichan Valley Regional District	Flat rate 0-50kg	51 kg or greater
a.	Asbestos	\$30.00	\$600.00/tonne
b.	Dead Animals	\$20.00	\$300.00/tonne
c.	Invasive Plant Species	\$20.00	\$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% Surcharge over the current Schedule 'A' rate

*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.