

**REPORT TO PORT RENFREW LOCAL SERVICES COMMITTEE  
MEETING OF 08 JUNE 2006**

**SUBJECT**      **REPLACEMENT OF BYLAW 1805 SOLID WASTE TRANSFER REGULATION BYLAW NO. 1, 1990**

**PURPOSE**

To seek approval from the Port Renfrew Local Services committee to replace the current Bylaw No. 1805, Solid Waste Transfer Regulation Bylaw No. 1, 1990 with a new bylaw.

**BACKGROUND**

Bylaw No. 1805, Solid Waste Transfer Regulation Bylaw No. 1, 1990, was adopted in April 1990. The bylaw regulates the materials, garbage and recyclables, that can be received at the Port Renfrew transfer site for subsequent disposal at Hartland landfill or recycling through the Capital Regional District (CRD) recycling programs. The bylaw was fashioned after the Hartland tipping fee bylaw to ensure that only the wastes that were received at Hartland (except for controlled wastes) and the recyclables being collected through the CRD's recycling programs of the day, were received at the transfer site.

Since 1990, the Hartland tipping fee bylaw has gone through numerous amendments and consolidations to reflect the various bans at Hartland and recycling changes in the CRD programs that have occurred over the years. This has resulted in Bylaw No. 1805 being very out dated and ineffective and must be replaced with a new bylaw to reflect the current practices at Hartland and the CRD's current recycling programs. Staff have prepared a new bylaw, Bylaw No. 3355, for the committee's consideration, a copy of which is attached.

**ALTERNATIVES**

No alternatives were considered as Bylaw No. 1805 is extremely outdated and ineffective and must be replaced with a new bylaw.

**FINANCIAL IMPLICATIONS**

A one time cost of \$200 for advertising the bylaw (Sooke Mirror only).

**OTHER IMPLICATIONS**

If Bylaw No. 1805 is not replaced as recommended most of the garbage from Port Renfrew will be subject to fines for having banned materials. The current bylaw cannot prevent materials that are banned at Hartland from being deposited at the Port Renfrew transfer site.

**SUMMARY/CONCLUSIONS**

Bylaw 1805, Solid Waste Transfer Regulation Bylaw No. 1, 1990, is outdated and thus ineffective to regulate the types of garbage and recyclables received at the transfer site that are acceptable for disposal at Hartland landfill and for recycling through the CRD's programs. Consequently the bylaw must be replaced with a new bylaw.

**RECOMMENDATION**

That the Port Renfrew Local Community Services committee:

1. approve replacing Bylaw No. 1805 with Bylaw No. 3355 (copy attached); and that
2. that, subject to legal counsel review, staff present Bylaw No. 3355 to the Board for consideration and approval.

  
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John Craveiro, ASCT  
Assistant Manager, Solid Waste Division

**COMMENTS**

JC:wd  
Attachments: 1

CAPITAL REGIONAL DISTRICT

BYLAW NO. 3355

\*\*\*\*\*  
A BYLAW TO MAKE RULES FOR THE PROVISION, OPERATION AND ADMINISTRATION OF THE  
LOCAL SERVICES FOR THE REMOVAL AND DISPOSAL OF SOLID WASTE  
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WHEREAS the Capital Regional District may by bylaw under section 796 of the Local Government Act make rules for the provision, operation and administration of a service and for the management and maintenance of property under its control and may set conditions respecting use of that property and access to it.

AND WHEREAS the Capital Regional District may, under section 797.1(4) of the Local Government Act where the Board has established a local service in a service area and has the power to regulate persons or property, exercise such power within each electoral area within the appropriate service area.

AND WHEREAS the Board of the Capital Regional District has deemed it necessary to make rules for the provision, operation and administration of all local services established by it for the removal and disposal of solid waste and noxious, offensive or unwholesome substances including the regulation of persons and their property in relation to such service.

NOW THEREFORE the Regional Board of the Capital Regional District in open meeting assembled ENACTS AS FOLLOWS:

**SECTION 1 – DEFINITIONS**

In this Bylaw, unless the context otherwise requires:

**"Aggregate"** means inert granular construction fill material.

**"Asbestos Cement"** means shingles, tiles, siding, board or pipe containing asbestos material tightly bound within a solid matrix not easily crumbled by hand but which is easily crumbled and friable by equipment during landfill disposal.

**"Asphalt"** means recyclable asphaltic concrete originating from roadways, driveways, parking areas and other paved surfaces.

**"Biomedical Waste"** means Human Anatomical Waste, Animal Waste, Microbiology Laboratory Waste, Human Blood and Body Fluid Waste and Waste Sharps as defined in the *CCME Guidelines for the Management of Biomedical Waste in Canada – February 1992*, generated at facilities, including but not limited to: hospitals, nursing homes and extended care facilities, public health units, physicians' offices/clinics, dentists' offices/clinics, veterinarians' offices/clinics, veterinary research, teaching and health care facilities, medical research and teaching establishments, health care teaching establishments, clinical testing or research laboratories, facilities involved in the production or testing of vaccines, mortuaries and funeral homes, coroners' offices, nursing offices, blood banks and blood collection

centres, mobile health care providers, pharmacies and pharmaceutical suppliers, and police, fire and ambulance services.

**"Bulky Waste"** means articles with a volume greater than one and a half (1.5) cubic metres and timbers greater than two and a half (2.5) metres in length.

**"Capital Region"** means the Capital Regional District.

**"Clean Soil"** means soil, sediment or fill material which does not contain the substances in quantities or concentrations greater than those specified in *Schedule 7, Column IV of the Contaminated Sites Regulation*.

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

**"Contaminated Gypsum Board or Wallboard"** means gypsum board or wallboard that is contaminated by oil, paint, tar, fungus, mold, has been burned, had other materials affixed to it, or has otherwise been rendered unmarketable.

**"Contaminated Sites Regulation"** means the *Contaminated Sites Regulation, B.C. Regulation 395/96*, enacted under the *Environmental Management Act*.

**"Contaminated Soil"** means soil or sediment or fill material containing substances in quantities or concentrations equal to or greater than those specified in *Schedule 7, Column IV of the Contaminated Sites Regulation* but which is not a special waste under the *Special Waste Regulation*.

**"Controlled Waste"** means a class of hazardous waste, which may be disposed if special handling and disposal techniques are used to avoid creating health hazards, nuisances or environmental pollution, and includes, but is not limited to:

- (a) condemned or spoiled foods
- (b) contaminated soils
- (c) contaminated gypsum board or wallboard
- (d) a dead animal
- (e) fibre optic cable
- (f) food processing wastes
- (g) health hazard waste
- (h) pumpings containing soil, sand, gravel, other non-hazardous solids, sewage solids, trace levels of petroleum products or grease, including:
  - (i) pumpings from parking lot drainage sumps
  - (ii) pumpings from domestic and municipal sewage treatment plants and sand filters and pump stations
  - (iii) pumpings from septic tanks
  - (iv) pumpings from laundry lint traps
  - (v) pumpings from sumps which collect run-off from vehicle washing facilities, but not from facilities used for maintenance or lubrication of automobile components or where solvents or sandblasting are employed for removal of paint, grease or oil
  - (vi) spent charcoal from water purification plants
- (i) screenings from municipal sewage treatment plants and pump stations
- (j) sharps
- (k) soot
- (l) waste asbestos
- (m) waste sludge from municipal sewage treatment plants and pump stations

**"Corrugated Cardboard"** includes, but is not limited to, containers or materials used in containers consisting of three or more layers of kraft paper materials 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 unmarketable.

**"Dead Animal"** means the carcass or part of the carcass of an animal.

**"Directories"** means paper books containing, but not limited to, alphabetical or classified lists by name, address, telephone number or location, which are used and distributed primarily by telephone companies and real estate boards.

**"Dispose"; "Disposal"** means leaving solid waste at the transfer site for the purpose of landfilling, composting or recycling.

**"Environmental Management Act"** means the *Environmental Management Act* of the Province of British Columbia or any legislation that replaces the *Environmental Management Act*.

**"Fibre Optic Cable"** means a cable consisting of a bundle of glass or plastic threadlike fibres used for the transmission of information by light impulses wrapped in layers of treated paper and plastic or metal cladding.

**"Garden Waste" "Garden Waste Area"** means an area or areas at the disposal site designated by the manager for the disposal of yard and garden waste or wood waste.

**"Gypsum Board or Wallboard"** means any material containing any amount of gypsum board or wallboard or drywall excluding gypsum board, wallboard or drywall containing asbestos.

**"Hazardous Waste"** means a gaseous, liquid or solid material, substance or object which, because of its inherent nature and quantity, creates a health hazard, is a nuisance or may cause environmental pollution and includes, but is not limited to: toxins or poisons, corrosives, irritants, strong sensitizers, flammables (excluding plastics, paper and paper products), explosives, infectious wastes and condemned or spoiled foods.

**"Health Hazard Waste"** means a gaseous, liquid or solid material, substance or object which, because of its inherent nature and quantity, may be a health hazard and includes, but is not limited to: animal faeces from domestic sources and infectious wastes that originate from foreign countries, including, without limiting the generality of the foregoing, waste confiscated at customs stations or received from ships or planes and which is not a biomedical waste.

**"Ignitable"** means substances liable to spontaneous combustion or substances that on contact with water emit flammable gases having the properties of:

- (a) flammable gas;
- (b) flammable liquid; or
- (c) flammable solids,

and as defined in the *Special Waste Regulation*.

**"Lead Acid Battery"** means an electro-chemical cell contained in a plastic case consisting of lead and lead oxide plates and containing a mixture of acids which is used to supply an electric power source for motor vehicles.

**"Load"** means solid waste which arrives at the transfer site in a vehicle.

**"Local Service Area"** means a Local Service Area created by a bylaw of the Regional Board for the purpose of removal and disposal of solid waste.

**"Manager"** means the General Manager of the Environmental Services department of the Capital Region or his authorized agent.

**"Marketable"** means recyclable waste which can be disposed of through an existing Capital Region program for recycling or a commercial market.

**"Paper Fibres"** include, but are not limited to, newspaper and inserts; office paper, including white and coloured ledger paper, computer paper, photocopy paper, writing pads, business forms, phone message notes, file folders, reports, envelopes, non-thermal fax paper, no carbon required (NRC) paper, calculator tape, 'post-it' type notes, business cards, paper index cards; boxboard, including paper egg cartons, laundry and cereal boxes; junk mail; gift wrapping and packing paper; magazines; catalogues; calendars; postcards; shredded paper; paperback and hardcover books; but excluding waxed paper; carbon paper; and other paper which are impregnated with blood, grease, oil, chemicals, food residue or have polyethylene, polystyrene, foil or other non-paper liners or attachments or are contaminated with a material which will render the paper fibres unmarketable.

**"PCB"** means any monochlorinated, dichlorinated or polychlorinated biphenyl or any mixture that contains one or more of these.

**"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 a gaseous, liquid or solid material, substance or object which is not acceptable for disposal at the disposal site, including, but not limited to:

- (a) aggregate
- (b) asphalt
- (c) biomedical waste
- (d) clean soil
- (e) concrete
- (f) controlled waste
- (g) corrugated cardboard, directories, lead acid batteries, paper fibres, propane tanks, scrap metal, tires, used oil filters, white goods, unless they are a source-separated recyclable waste
- (h) demolition refuse from the destruction of buildings and other structures, including pipe, concrete, lumber, plastic, and wire
- (i) empty waste containers, unless they are crushed, shredded or similarly reduced in volume to the maximum practical extent
- (j) gypsum board or wallboard
- (k) hazardous waste
- (l) health hazard waste
- (m) ignitable wastes
- (n) liquids
- (o) motor vehicle bodies and farm implements
- (p) PCB's
- (q) radioactive waste
- (r) reactive wastes
- (s) rubble
- (t) sharps
- (u) solid waste that is on fire or smouldering
- (v) special waste
- (w) yard and garden waste unless it is source separated

**"Propane Tank"** means a refillable or non-refillable metal container rated at a capacity of less than 46 kg (100 lbs) which is used to contain flammable hydrocarbon gases used as fuel.

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

**"Reactive"** means a gaseous, liquid or solid material, substance or object 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; or
- (c) polymerized in whole or in part by chemical action and causes damage by generating heat or increasing in volume,

and as defined in the *Special Waste Regulation*.

**"Recyclable Waste"** means a marketable material, substance or object including, but not limited to:

- (a) a small load of paper fibres,
- (b) a small load of directories,
- (c) a small load of corrugated cardboard,
- (d) a small load of glass, metal and plastic containers,
- (e) a small load of two or less white goods,
- (f) a small load of two or less lead acid batteries,
- (g) a small load of two or less propane tanks,
- (h) a small load of five or less tires,
- (i) a small load of five or less used oil filters or containers,
- (j) a small load of scrap metal,
- (k) a small load of 5 kgs or less of dry cell chargeable or non-chargeable batteries.

**"Recycling Area"** means that area of the transfer site which has been designated by the manager for the disposal of recyclable waste.

**"Refuse"** means discarded or abandoned materials, substances or objects, including, but not limited to, unmarketable food wastes; market wastes such as fruit and vegetables; combustibles such as leather, wood and unmarketable paper; non-combustibles such as crockery, unmarketable glass; dirt; ashes from fireplaces and on-site incinerators; street sweepings; bulky wastes, furniture; construction and demolition refuse such as non-metal pipe, plastics and lumber; gypsum board or wallboard in loads less than 100 kg; all arising from domestic, commercial, institutional or municipal activities.

**"Regional Board"** means the Board of the Capital Regional District.

**"Regional District"** means the Capital Regional District.

**"Rubble"** means a mixture of gravel, brick, concrete block, road asphalt and rock originating from demolition or construction sites.

**"Scrap Metal"** means ferrous and non-ferrous metallic materials, including, but not limited to, sheet metal, siding, roofing, rebar, flashings, pipes, window frames, doors, furnaces, duct work, wire, cable, bathtubs, fencing, bicycle frames, automotive body parts, machinery, garbage cans, metal furniture, tire rims.

**"Sharps"** means needles and syringes, from domestic sources.

**"Site Regulations"** means regulations as to the use of the transfer site imposed by the Regional District.

**"Small Load"** means solid waste to be disposed of at the transfer site brought onto the transfer site in a vehicle which, with the solid waste, has a Gross Vehicle Weight of no more than 5,500 kilograms.

**"Solid Waste"** means refuse, recyclable waste, yard and garden waste, wood waste and controlled waste but excludes prohibited waste.

**"Soot"** means black carbonaceous residue of wood, coal, oil and other fossil fuels originating in chimney linings, boilers, furnaces and other burners.

**"Source-separated"** means controlled waste, yard and garden waste, recyclable waste or wood waste which is separated by means of a barrier or placement in containers into clearly distinguishable accumulations of different types of materials, substances or objects belonging in the particular class of waste being disposed of.

**"Special Waste"** means any chemical compound, mixture, substance or article which is defined as a special waste in the *Special Waste Regulation*.

**"Special Waste Regulation"** means the *Special Waste Regulation, BC Regulation 63/88* enacted under the *Environmental Management Act*.

**"Tires"** means the outer pneumatic rubber covering of wheels of passenger vehicles, light service trucks and motorcycles with an inner diameter of less than 42 centimetres.

**"Transfer Site"** means the solid waste removal facility within the Local Service Area provided by the Regional District.

**"Treasurer"** means the Director of Finance of the Capital Region or her or his authorized agent.

**"Unmarketable"** means materials which cannot be disposed of through an existing Capital Region recycling program or a commercial market.

**"Used Oil Filter"** means a spent cylindrical metal container housing a filter element which is used on a motor vehicle to remove impurities from its engine lubricating oil.

**"Vehicle"** means a vehicle, as defined in the *Motor Vehicle Act, R.S.B.C. 1996, c.318*.

**"Visitor"** means a person who arrives at the disposal site for purposes other than to dispose of solid waste.

**"White Goods"** means metal appliances such as refrigerators, freezers, clothes washers, dishwashers, clothes dryers, ranges, stoves, air conditioners and hot water tanks.

**"Wood Waste"** means wood material, substances or objects which have not been processed or manufactured and includes stumps, tree trunks and limbs greater than 75 mm (3 in.) in diameter.

**"Yard and Garden Waste"** means organic materials, substances or objects including, but not necessarily limited to, grass, lawn and hedge clippings, grass sod, flowers, weeds, leaves, vegetable stalks, shrubs, and shrub and tree branches less than 75 mm (3 inches) in diameter, but does not include:

- (a) invasive species plants set out in the *Schedule to the Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation, B.C. Reg. 144/2004*;
- (b) morning glory, blackberry, wild mustard, ox-eye daisy, wild carrot, couch grass and poison hemlock;
- (c) plants or growing media that may have been identified by the *Canadian Food Inspection Agency* from time to time as infectious or potentially infectious and of which notice has been sent to the Capital Regional District or publicized by the Canadian Food Inspection Agency; or
- (d) plant or tree material in municipal street sweepings.



**SECTION 2 – CONDITIONS**

- 2.1 No person shall dispose of solid waste at the transfer site except in accordance with this Bylaw and the site regulations.
- 2.2 No person shall dispose of solid waste at the transfer site which originated outside the boundaries of the Local Service Area without the written consent of the Manager.
- 2.3 No person shall dispose of a prohibited waste at the transfer site.
- 2.6 No person shall dispose of recyclable waste at the transfer site other than in the recycling area and provided that it is in a small load and source separated.
- 2.7 No person shall dispose of yard and garden waste at the transfer site other than in the garden waste area and provided that it is a small load and is source separated.
- 2.8 No person shall dispose of refuse at the transfer site other than at the bin area provided it is in a small load.

**SECTION 3 – VIOLATION AND PENALTIES**

- 3.1 No person shall do any act or suffer or permit any act or thing to be done in contravention of this Bylaw.
- 3.2 Every person who contravenes this Bylaw, by doing any act which the Bylaw forbids or omits to do any act which the Bylaw requires to be done:
- (a) commits an offence and is liable, upon conviction, to penalties prescribed by the *Offence Act*; and
  - (b) may be prohibited from depositing solid waste at the disposal site.
- 3.3 The penalties imposed under Section 3.2 shall be in addition to and not in substitution for any other penalty or remedy imposed by this Bylaw or any other statute, law or regulation.
- 3.4 A separate offence shall be deemed to be committed upon each day during and in which the contravention occurs or continues.

**SECTION 4 – SEVERANCE**

If a section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to invalid by the decision of a Court in competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

**SECTION 5 - REPEAL**

Bylaw No. 1805 is repealed insofar as it repeals any other bylaw.

**SECTION 6 – TITLE**

This Bylaw may be cited as "Solid Waste Transfer Regulations Bylaw No. 2, 2006".

READ A FIRST TIME THIS	__ <sup>th</sup>	day of	___	2006
READ A SECOND TIME THIS	__ <sup>th</sup>	day of	___	2006
READ A THIRD TIME THIS	__ <sup>th</sup>	day of	___	2006
RECONSIDERED AND FINALLY ADOPTED THIS	__ <sup>th</sup>	day of	___	2006

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
SECRETARY