

# TECHNICAL MEMORANDUM



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Capital Regional District.

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RE: **REGULATORY AND COMMUNITY ISSUES**

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## Introduction

The Public and Technical Advisory Committee (PTAC) has discussed the 5Rs of the waste management hierarchy (reduce, reuse, recycle/composting, resource recovery and residuals management). This has provided a fairly comprehensive overview of the technical and programmatic issues and associated options. However, some issues related to waste management do not fit neatly into the 5Rs. These include regulatory and community issues. Some of these topics have been touched on briefly in previous memos (such as the need for more complete data from the private sector and the importance of a sufficient supply of appropriately zoned land to support waste management activities), and will be discussed in more detail in this memo.

Specifically, this memo covers the following regulatory and community issues:

- **Regulation of waste facilities.** The regulation of solid waste management facilities can be through a facility licensing program administered by the CRD, as demonstrated in the Regional District of Nanaimo and the Cowichan Valley Regional District. Alternatively, codes of practice bylaws can be established to specify how various categories of facilities must be operated or facility authorization processes for new facilities can be established.
- **Regulation of waste haulers.** In order to ensure that waste (garbage, organics and recyclables) are delivered to appropriate facilities, regional governments may choose to control the flow of waste by regulating waste haulers directly.
- **Land use planning.** Municipalities have an important role to play in supporting the development of public and private waste management infrastructure, by ensuring an adequate supply of appropriately zoned land. It is important that waste management uses be explicitly permitted in certain zones. For a longer term perspective, official community plans may need to designate some parcels of land for future waste management uses, and the Regional Sustainability Strategy should acknowledge the importance of creating space for waste management facilities.

- **Illegal dumping.** Not just limited to rural areas, illegal dumping also occurs in urban environments when goods are abandoned in public places or worthless goods are delivered to thrift stores. Strategies to address illegal dumping include monitoring, synchronized enforcement, development and delivery of a comprehensive communications plan, funding for community clean up initiatives, working with stakeholder groups to enhance reporting and enforcement, and supporting non-profit organizations that receive unsaleable used goods.

**Regulation of waste facilities and waste haulers** may help to address the following items from the 2012 Issues Memo:

- Challenge 29: Incomplete ICI and C&D Data
- Challenge 30: Lack of Capacity to Track Waste Managed by the Private Sector
- Challenge 31: Lack of Regional Waste Import and Export Data
- Challenge 33: Unsustainable Financial Model

Improved **land use planning** practices may help to address the following issues:

- Challenge 34: public resistance to the siting of waste management facilities
- Challenge 35: community planning for waste management facilities

The options outlined with respect to **illegal dumping** will help to address

- Challenge 28: Tackling Illegal Dumping.

## Regulatory Approaches

The BC *Environmental Management Act* (the Act) grants the authority and responsibility to manage all municipal solid waste and recyclables to the province's regional districts. As part of this authority, under Section 24 of the Act, regional districts are responsible for developing and implementing solid waste management plans (SWMP) that provide long term visions for the management of municipal solid waste, including waste diversion and disposal activities.

For the purposes of implementing an approved SWMP, Section 25 of the Act contains provisions for the licensing of solid waste management facilities and haulers by regional districts. This tool can be used by regional districts, if they so choose, to regulate their local solid waste industry by achieving operational and administrative control over facilities and haulers managing recyclable material and municipal solid waste in their region.

The Act allows regional districts to create bylaws respecting the following:

- The types and quantities of waste materials managed at a site;
- The types and quantities of waste materials transported within the regional district (*haulers*);
- The operation, closure and post-closure of a waste management site;

- The fees and charges applied to waste management activities;
- The recording and submission of waste management information;
- The requirement to hold a license;
- The requirement to comply with a code of practice; and,
- The requirement for operators of sites to obtain risk insurance or provide some form of security.

In particular, the Act allows for the licensing system to establish different prohibitions, conditions, requirements, and exemptions for different classes of sites, operations, activities, waste or recyclables. This means that each license can be case specific.

Licenses can be used to administer and enforce any bylaw developed by a regional district under the Act's authority. The Act provides for two types of licenses that a regional district can issue: a waste stream management license (WSML) issued to the owner or operator of a site that accepts and manages municipal solid waste; and, a hauler license issued to a hauler.

Regional Districts may choose to regulate their local solid waste industry for the following reasons:

- To ensure the diversion of recyclable material;
- To prevent abandonment of large quantities of solid waste or recyclable material;
- To track the movement of municipal solid waste and recyclable material;
- To assist in determining success in meeting waste reduction goals;
- To establish minimum administrative and operational requirements for facilities;
- To encourage private sector investment in waste management (through the establishment of a level playing field); and,
- To protect the public interest by managing the flow of municipal solid waste to regional district facilities to ensure financial sustainability.

## Regulatory Approaches for Facility Management

There are 3 approaches currently being used by BC regional districts under the authority of solid waste management plans to regulate solid waste facilities:

- i. Waste stream management licensing
- ii. Facility authorization
- iii. Codes of practice bylaws.

How and where each of these approaches is applied is described in this section.

### Waste Stream Management Licensing

As an example, Metro Vancouver (MV) introduced a regulatory program to ensure proper management of privately operated municipal solid waste and recycling facilities in their 1995 SWMP. These facilities are regulated by the Municipal Solid Waste and Recyclable Material Regulatory Bylaw No. 181 as

amended by Bylaw 183, 1996. The bylaw specifies operating requirements so as to protect the environment and public health, protect the region's land base in accordance with the host municipality's zoning and land use policies, ensure that regional, municipal and private facilities operate to equivalent standards, and to achieve the objectives of the MV Integrated Solid Waste and Resource Management Plan.

Under the Bylaw, licenses are required for the following types of privately owned facilities: disposal facilities; material recovery facilities, transfer stations, composting facilities, storage facilities and certain types of brokering facilities. As of September 2013, 44 facilities are licensed in MV.

In another example, the Regional District of Nanaimo (RDN) and the Cowichan Valley Regional District (CVRD), working in partnership, adopted Waste Stream Management Licensing Bylaws No. 1386 (RDN) and 2570 (CVRD) in 2004. Under these bylaws, the RDN and the CVRD are authorized to license all private or non-government operated municipal solid waste diversion and recycling facilities within their respective regions. The bylaws were established under the authority of both the RDN and CVRD SWMPs and were approved by the Ministry of Environment in 2005. The bylaws are a response to concerns by the recycling industry in both districts regarding competing businesses that operate with low standards. The photograph below shows one example of an undesirable operation competing with legitimate recycling operations prior to the establishment of a licensing system.



*Pile of waste drywall being “stored” on private land in the CVRD*

The bylaws create a level set of standards for the recycling industry that encourages private sector investment in the solid waste management infrastructure, and enhances diversion in the regions. It is also intended to shield taxpayers from the risk and expense related to clean-up of poorly operated and/or abandoned facilities. In both the RDN and the CVRD, the WSML bylaws help improve the quality of data received from private diversion and recycling facilities, as they are required to submit monthly material statements to the districts. Improved data reporting allows both the RDN and CVRD to effectively track progress towards their waste reduction goals.

In the RDN there are currently 14 facilities covered by the licensing system including transfer stations, recycling depots, composting facilities and material recovery facilities. Disposal facilities, including landfills and incinerators, are excluded from licensing requirements and continue to be regulated by the province. Currently, there are 7 licensed facilities in the CVRD.

In the three regional districts discussed above, the license application process includes a 45-day public consultation period for new applications. License applications are reviewed by staff; and if applications are acceptable, staff also issues the license. Any applicant or licensee affected by the staff decision may appeal the decision to the Board. However, in 2012 the CVRD Board deemed it desirable to broaden the scope of the decision-making process and adopted Bylaw 3556 to amend Bylaw 2570 to replace staff approval with approval by the Board. This amendment has not been approved by the Ministry of Environment as submitted.

The three regional districts also operate their respective licensing systems on a self-financing basis, in that license application, amendment and annual administration fees have been designed to pay for the regulatory program. In Metro Vancouver the application fees range from \$500 to \$5,000 depending on the type of facility, with an annual administration fee of \$1,000 for all licensed facilities. In the RDN and CVRD system, license application fees range from \$100 to \$1,000 depending on the type of facility, with an annual administration fee of \$100 - \$500 depending on the type of facility.

All three regulatory schemes require staff time to review applications, inspect facilities and enforce license requirements. For the RDN in particular, staff time dedicated to the WSML bylaw, at 1 Full-time Equivalent (FTE) annually, exceeds the revenue generated by the system. However, the RDN reports that the documented diversion attributed to the WSML system has been worth the expense.

Nevertheless, as part of their SWMP Review, the RDN will be reviewing the fee structure contained in their WSML, to determine whether the fees should be adjusted to more accurately reflect costs.

### Facility Authorization

The Fraser Valley Regional District (FVRD) has implemented an alternative process for regulating their solid waste disposal and recycling industry. Instead of licensing facilities under the authority of a bylaw, the FVRD requires that any facility in, or proposed to be involved in the handling of municipal solid waste, be it processing or disposal, is required to seek authorization under the FVRD SWMP. Being *authorized* means that the facility meets the environmental, public health, zoning and aesthetics standards of the municipality where it is located, as well as those of the BC Ministry of Environment (MoE).

Similar to the requirements for facility licensing in MV, the RDN and the CVRD, applicants must submit an operating plan and proof of approval from the host municipality. However, unlike the licensing systems outlined above, in this approval process the FVRD also requires a letter from the MoE regional waste manager. Applications are then submitted to the Board for approval to continue the application process. If approved, the application is then reviewed by staff. Once approved by staff, public

consultation is required. After consultation, staff complete a technical review to determine if the facility is feasible and that all issues can be addressed. The Board has final approval of the application for inclusion in the SWMP.

The FVRD facility authorization process is cumbersome, but provides some level of control over new solid waste facilities. All authorized facilities must report to the FVRD the annual tonnage of material handled and its origin as part of its operations. This assists the FVRD in tracking the effectiveness of their SWMP. The Squamish Lillooet Regional District has also adopted a similar approach.

Nevertheless the FVRD is currently undertaking a review of its SWMP and may implement a licencing or permit program for some or all facilities that are involved in the handling of municipal solid waste (which includes recycling). If the licensing bylaw is pursued, it would replace the Authorization Process outlined above.

### **Codes of Practice Bylaws**

The third approach to facility regulation is similar to waste stream management licensing, but instead of licensing all solid waste management facilities, code of practice bylaws seek to establish operating standard for a specific type of solid waste facility. This is the approach the CRD has undertaken with the development of the Composting Facilities bylaw and the Salt Spring Island Transfer Station bylaw. This approach to facility regulation limits the authority to only those types of facilities that the CRD has deemed necessary to assert some level of operating standards. However, because of the limited application of this authority, this approach does not resolve the issue of the lack of reporting of operating data and information on private sector waste management activities.

### ***Composting Facilities Regulation***

Although the CRD has not introduced a regulatory program on all privately operated municipal solid waste and recycling facilities in the region, in 2004, it developed Composting Facilities Regulation Bylaw 2736 to regulate the operation of composting facilities in the region. The purpose of the CRD composting bylaw is to supplement existing provincial regulations under the Organic Matter Recycling Regulation (OMRR), in particular to require leachate, nuisance odour, vector litter and dust management plans. The Bylaw was added as an amendment to the SWMP and approved by the Minister of Environment.

Under the Bylaw all composting operations within the CRD that are subject to OMRR are also subject to the requirement of the CRD Bylaw except for agricultural composting, backyard composting, topsoil producers, or the composting of general organic matter which originates at the site of the composting operation. The licensing requirements under the Bylaw are similar to those in the Metro Vancouver, RDN and CVRD systems in that all licensed facilities require operating plans, compliance with storage requirements, and approvals from the local municipality or electoral area with respect to land use and zoning prior to a CRD license being issued. The CRD Bylaw also

requires security to ensure that there are funds available to clean up a site in the case of abandonment.

### *Salt Spring Island Transfer Station Regulation*

Salt Spring Island Transfer Station Regulation Bylaw 2810 was adopted by the CRD in 2002 and amended in 2009 to address the issue of wood waste. The purpose of the bylaw is to regulate and license the operation of facilities that are used for the management of municipal solid waste or recyclable material on Salt Spring Island (SSI). Under this bylaw, transfer stations must not contaminate ground or surface water or generate unacceptable levels of odour, vectors, litter or dust. This bylaw also requires performance security. A request by the Islands Trust for a similar bylaw for North Pender Island has also been made.

The bylaw was put in place to address the development of private sector transfer stations on Salt Spring Island to ensure that they met minimum desired operating standards. In June 2013, the SSI Solid Waste Advisory Committee recommended that CRD staff conduct a review of Bylaw 2810 in an effort to move towards a level playing field. A review of the bylaw is recommended prior to mirroring this bylaw for other areas such as North Pender Island.

In summary, adoption of a waste stream management licensing or facility authorization bylaws, could provide the CRD with complete data on the quantity of ICI and C&D collected, recycled and disposed in the CRD (Challenge 29) by requiring private sector waste businesses operating in the CRD to track and report their waste flows (Challenge 30). These regulatory approaches would also provide data on waste being imported or exported out the region (Challenge 31), which improves the accuracy of diversion and disposal calculations.

### **Regulation of Waste Flow**

As discussed above, Metro Vancouver (MV) has had a regulatory program to ensure proper management of privately operated municipal solid waste and recycling facilities in place since 1995. However, in May 2012 staff noted that some commercial and multi-family residential waste haulers were by-passing disposal facilities operated by Metro Vancouver and the City of Vancouver and delivering waste to disposal at facilities located out of the region.

This was a concern because these haulers were not subject to disposal bans and prohibitions at MV facilities that were in place to encourage recycling and they were avoiding paying their fair share of the costs to manage the regional waste management system and waste reduction initiatives. This meant that the rest of the waste management system users, including municipalities and residents, were paying more of these costs, which was regarded as not equitable and not financially sustainable.

Consequently, in September 2012 the MV Board initiated a consultation on hauler licensing and requiring residential and commercial garbage to be delivered to MV facilities (waste flow management) as a preferred approach. In March 2013, staff reported on Phase 1 consultation findings, and after

considering industry input the Board removed hauler licensing from further consideration and initiated Phase 2 consultation on waste flow management.

Following Phase 2 consultation, in September 2013, Municipal Solid Waste and Recyclable Material Regulatory Bylaw No. 181, 1996, was repealed and replaced by Municipal Solid Waste and Recyclable Material Bylaw No. 280, 2013. This bylaw requires that all residential and commercial/institutional garbage to be delivered to MV facilities. The bylaw has been forwarded to the Ministry of Environment for review and is awaiting approval.

The issue of waste flow management is also under discussion in the RDN, in response to a recent action by a private hauler to export residual waste out of the RDN. In this instance, the hauler's internalized cost to haul, transfer and dispose of residual waste to its own disposal facility in Oregon was less than the cost of disposal at the RDN landfill at \$120 per tonne. Similar to the situation in Metro Vancouver, the loss of revenue associated with this waste flow out of the RDN would have had a significant impact on the financial sustainability of the RDN solid waste system in that the rest of the waste management system users would have to pay more than their fair share of costs.

In this instance the RDN utilized their WSML bylaw to address the issue. Since the operator of the recycling facility used by the private hauler was neither zoned nor licensed to accept residual waste (i.e., operate a transfer station), all haulers are prohibited from delivering waste to the facility until such time as the current license is amended. Consequently, the practice was stopped by the hauler in question. Nevertheless, given the current and projected costs associated with operating the regional disposal system, the RDN will be considering waste flow management in their SWMP review, to ensure that all users pay their fair share of costs.

In both Metro Vancouver and the RDN, waste flow management is a tool that can support the financial sustainability of the solid waste diversion and disposal systems in those regions (Challenge 33).

## **Community Issues**

This section covers two broad topics: land use planning and illegal dumping. General and CRD-specific background information is provided for each topic, along with descriptions of approaches to solutions that have been implemented elsewhere.

### **Land Use Planning**

The CRD's approach to solid waste management is to regulate, educate and facilitate. Except for Hartland Landfill, the CRD does not currently directly operate facilities that process solid waste. Therefore, municipalities and the private sector are relied upon to provide and operate facilities that divert waste from disposal. These facilities require sites where they can operate and cause minimal disturbance to surrounding users.



Zoning is a tool used by municipalities to regulate where various activities (land uses) can occur. Zoning bylaws typically identify a range of uses, such as residential, commercial and industrial. Within each broad classification, more detailed sub-types may be identified (e.g. light industrial vs. heavy industrial, or single family residential vs. multi-family residential). Certain land uses are permitted outright within each zone, and other uses may be allowed at the discretion of the municipality. Permitted land uses are defined by zoning, which speaks to current land use. Official Community Plans (OCP) indicate future intended land uses.

A review of OCPs in the Capital Region was conducted as part of Stage 1 for the Integrated Solid Waste and Resource Management Plan (ISWRMP). This review found that while many of the OCPs in the region make reference to waste management, none include mapping to show designated future land uses for solid waste management activities. Most content in OCPs in the Capital Region related to solid waste is limited to general statements of support for recycling and composting, without concrete commitments. The only land use related commitment in a local OCP is a commitment from the District of Sooke OCP to create a local composting facility. Waste management activities (including composting) are permitted in Sooke's Heavy Industrial zone. However, very little land is zoned heavy industrial in Sooke, indicating that a rezoning may be required to meeting the OCP commitment.

It is important that municipal zoning include waste management activities and protect them from rezoning pressures and encroaching development. Municipalities need solid waste facilities in order to achieve their waste management goals, but without adequate zoning protection, existing facilities may be pushed out of the municipality. Furthermore, as new waste diversion programs are introduced and more waste processing capacity is required, it is important to have a sufficiently large land base that is appropriately zoned for waste management activities. Facilities that may be difficult to site without appropriate zoning include bottle depots, recycling plants, and composting facilities. Residents may express "not in my backyard" (NIMBY) sentiments that would prevent the establishment of those facilities, unless that land use is expressly permitted. Issues that give rise to NIMBY statements are usually related to concerns about odour, traffic, clientele and noise.

Zoning is not the only regulatory tool for land use planning. The Agricultural Land Commission regulates the use of land within the Agricultural Land Reserve (ALR). With respect to waste management, some composting activities are allowed on ALR land, under various conditions pertaining to the source of the feedstock and end use of the final product.

The CRD only administers zoning for unincorporated areas (the Electoral Areas). Within incorporated communities, the regulatory body responsible for zoning is the municipality. The CRD therefore has limited ability to directly influence the zoning in much of the region, but can provide municipalities with model bylaw language for consideration.



The need for land use planning that recognizes the need for solid waste management facilities will remain a high priority as BC moves towards greater adoption of extended producer responsibility (EPR). EPR is frequently associated with “take back” programs, which requires the siting of depots. For EPR to be successful, take back depot will need to be sited with users’ interests in mind. Additionally, new initiatives to increase recycling and reuse (such as used building supply stores) will require siting new facilities. It will be important to incorporate these considerations when undertaking long-range planning for major infrastructure and development. Pre-establishing where future facilities will go can help to prevent the emergence of conflicting uses.

### Approaches to Land Use Planning

The following approaches are taken from regional districts and municipalities around BC.

#### *Dedicated zoning*

Some municipalities have dedicated zoning types that are specific to waste management activities. Others have zoning that recognizes waste management facilities as a type of land use within existing zoning types. For example, the District of Saanich Zoning Bylaw<sup>1</sup> includes both a Waste Management Zone which allows

*“buildings or structures for receiving, handling, sorting, landfilling, composting, recycling and processing solid waste and recyclable materials and accessory uses and, without limiting the generality of the foregoing, includes any use of land, buildings, or structures permitted in a Solid Waste Management Plan”*

and an Industrial / Recycling Zone which allows a variety of industrial uses including

*“land, buildings, or structures for collecting, sorting, storing or shipping of paper products, plastics, glass, cans, and nonferrous metals intended for reprocessing”.*

In the City of Nanaimo<sup>2</sup>, recycling depots are allowed in light and heavy industrial zone; recycling plants, compost facilities and transfer stations are allowed in the heavy industrial zone; and refund container recycling depots are allowed in a wide range of commercial, downtown and industrial zones.

<sup>1</sup> <http://www.saanich.ca/living/pdf/zone8200.pdf>

<sup>2</sup> <http://www.nanaimo.ca/UploadedFilePath/Bylaws/BylawNo4500.pdf>

Preservation of industrial land is a key issue that many local governments are struggling with in the light of development pressures for commercial and residential uses. Establishing and maintaining a strong industrial land base is critical to the economic health of a municipality and will be critical for the successful siting of the waste management services required to meet the CRD's long-range waste management goals.

### *Long-Range Planning*

Through municipal and regional long range planning processes, solid waste management infrastructure needs can be articulated and appropriate locations can be identified. A regional example of this type of process is the CRD's Regional Sustainability Strategy (RSS), which is currently under development. One of the strategic areas of the RSS is Infrastructure and Utilities, and draft policies are now being created that will reflect the CRD's and municipalities' roles in planning for and providing space for waste management. Integration of the ISWRMP with other strategies and plans will be discussed at a later point during Stage 2.

The importance of long range planning is also illustrated through the example of "eco-industrial parks" or "resource recovery parks". These types of industrial developments co-locate businesses that can use each other's waste products and energy as inputs, minimizing the amount of waste sent off site.

In contrast to OCPs in the Capital Region, the City of Campbell River's Sustainable Official Community Plan (SOCP)<sup>3</sup> has the same regulatory power as standard OCP, but includes specific and concrete actions related to solid waste management, such as creating a one-stop-drop recycling centre for the residential and commercial sectors. Likewise, the Whistler OCP<sup>4</sup> addresses the need to facilitate the development in EPR facilities in land use decisions, the need to require space for minimizing and diverting solid waste in developments, and the importance of providing waste diversion options for people who use preferred modes of transport (i.e. depots should be accessible by transit, walking and or/bicycles, not just private vehicles). The Whistler OCP also identifies specific locations for recycling, composting and waste facilities on a map<sup>5</sup>.

### *Integration with Other Planning Processes*

Finally, medium and long term planning for waste management activities can be integrated with other planning processes. This helps to increase the profile of waste management and help waste be recognized as a resource. For example, the development of municipal/regional policies that support a "green economy" through local resource recovery & reuse could be part of a local

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<sup>3</sup> [http://www.campbellriver.ca/docs/default-source/Document-Library/bylaws/sustainable-official-community-plan-\(schedule-a-to-bylaw-3475-2012\).pdf?sfvrsn=4](http://www.campbellriver.ca/docs/default-source/Document-Library/bylaws/sustainable-official-community-plan-(schedule-a-to-bylaw-3475-2012).pdf?sfvrsn=4)

<sup>4</sup> Objective 9.6.1 contains these and other policies

[http://www.whistler.ca/sites/default/files/related/1983\\_official\\_community\\_plan\\_adoption\\_bylaw\\_no.1983\\_2011\\_pg1-141.pdf](http://www.whistler.ca/sites/default/files/related/1983_official_community_plan_adoption_bylaw_no.1983_2011_pg1-141.pdf)

<sup>5</sup> [http://www.whistler.ca/sites/default/files/related/schedule\\_b.pdf](http://www.whistler.ca/sites/default/files/related/schedule_b.pdf)

economic development plan. Nova Scotia has integrated a detailed evaluation of economic opportunities stemming from solid waste management into its Solid Waste and Resource Management Strategy.<sup>6</sup>

In summary the options for consideration to address land use planning issues in the ISWRMP are:

- Establish dedicated zoning (municipalities and CRD electoral areas)
- Provide sample zoning language to municipalities
- Integrate consideration of waste management facility needs into long range planning/OCPs
- Include potential role of waste management facilities in regional economic development plans and other long term plans

## Illegal Dumping

The term “illegal dumping” refers to a range of activities where waste materials have been intentionally disposed in an unauthorized location; this includes:

- Abandonment of used goods on sidewalks, in alleyways and other public spaces. This is typically large items such as furniture, mattresses and electronics.
- Dumping of waste on logging roads, in power line corridors and other rural spaces. This is often renovation debris, yard waste or large items.
- Deposition of valueless used goods at charity organizations’ stores and drop-off bins. This is typically smaller items such as stained clothing, broken electronics and partially used paints and cleaners.



The challenge of illegal dumping is an on-going issue in the CRD and was identified in the Stage 1 Issues Memo as one of the challenges to be addressed.

In 2011, the CRD conducted a survey of member municipalities, local recycling depots and non-profit recycling organizations as part of a process to develop an illegal dumping strategy. This survey revealed that the most common materials illegally discarded were furniture and mattresses, and the

<sup>6</sup> <http://www.novascotia.ca/nse/waste/swrmstrategy.asp#economicopps>

most frequent location was on municipal boulevards.

The CRD's existing illegal dumping strategy is multi-faceted to address several aspects of the illegal dumping issue. The strategy is made up of the following:

- On-going surveys of local municipalities, recycling depots and non-profit recycling organizations to understand the current nature and breadth of the illegal dumping problem;
- Monitoring approaches used in other jurisdictions to tackle illegal dumping for potential application in the CRD;
- A communications plan aimed at increasing awareness of illegal dumping as a social and environmental issue, as well as providing information on where and how to dispose of used goods appropriately;
- Funding of community clean up initiatives;
- Supporting non-profit organizations involved in the re-use of goods through:
  - Reduced tipping fees on the disposal of non-salable goods
  - Receiving abandoned household hazardous waste at Hartland Landfill for free
  - Establishing a communications campaign in 2013 that encouraged residents to “donate responsibly”; and
- Working with member municipalities towards a synchronized enforcement approach for the CRD.

As part of the communications plan, this year the CRD implemented a community-based social marketing campaign that focused on the proper disposal method for and the cost implications to tax payers for random dumping of waste on private property, vacant lots or roadsides. The campaign included significant outreach, advertising, social media and corporate partners, including the University of Victoria's Student Society (UVSS), Jack FM and the Time Columnist. Activities in the campaign included:

- Outreach to UVic students
  - The campaign was launched to coincide with the end of term at UVic
  - CRD staffed worked with UVSS on outreach to the student body
  - UVSS reported a 75% reduction in waste abandoned or dumped in student housing;
- Attending over 30 community events across the region promoting the campaign;
- Advertising utilizing print, radio, transit and online advertising. The campaign received extensive media coverage as well;



- The “Junk It Kit”, which included a tarp, bungee cord, information on recycling options and a pencil. Three thousand of the kits were given away as a means to increase awareness; and
- A Social Media Campaign: From April 2nd to June 9th the CRD partnered with Jack FM, and asked listeners to find the community cruiser around town to spot what “Junk is in the Trunk” of the Jack FM 2012 Toyota Prius Community Cruiser. Each week for 10 weeks the CRD placed everyday household items in the cruiser. Listeners found the cruiser at community events around town and tweeted or posted on Facebook the abandoned waste items for that week and were entered to win prizes along with learning how to properly and safely dispose of those items.

### Approaches to Illegal Dumping

The CRD’s approach to the problem of illegal dumping is comprehensive and initial reports indicate that there has been a positive impact, particularly related to awareness. The following two case studies provide some additional elements that could be considered by the CRD for addition to their strategy. These additional elements are enforcement and community surveillance and reporting.

#### *Regional District of Nanaimo*

Illegal dumping on private and public lands in rural areas has been a long-standing concern in the Regional District of Nanaimo. The RDN has been monitoring and measuring illegal dumping for approximately 20 years and has found that although the amount of waste illegally dumped represents only .0002% of the total solid waste generated in the region, illegally dumped material can have serious effects on the environment, wildlife habitat and the ability of others to use and enjoy outdoor recreational areas. As a result, they have also developed a comprehensive approach to tackle the issue. Their program includes:

- Prevention of illegal dumping through education;
- Funding the clean-up of illegal dump sites; and
- Illegal dumping surveillance and enforcement activities.

This case study will focus primarily on their surveillance and enforcement activities.

Part of the RDN’s Waste Stream Management Licensing Bylaw includes a section to enforce the proper disposal of waste. The WSML bylaw requires those who generate waste be responsible for its proper disposal. If a generator’s waste is found to be abandoned, the generator can be subject to

a fine of up to \$200,000. The authority to undertake this type of enforcement is also enabled by Section 25 of the Environmental Management Act. This component of the WSML bylaw is the backbone to the RDN's illegal dumping program.

The RDN has a Zero Waste Compliance Officer staff position to carry out illegal dumping prevention and Waste Stream Management License bylaw enforcement and education duties. This position undertakes complaint response, records management, inter-agency/media contacts, establishes the posting of signage in areas subject to illegal dumping activities and conducts historic site monitoring.



In instances where the officer is able to identify the generator, a written warning is issued with a request to clean up the abandoned waste. In most cases this action is sufficient to achieve compliance. In instances where a generator fails to take responsibility, the officer can charge the clean-up costs to the generator and levy a fine. In some cases the RDN will work with the RCMP and/or the Ministry of Environment.

The RDN also works with several organizations that are frequent users of backroads and trails including Vancouver Island University (VIU) woodlot staff, VIU's

Resource Management Officer Technology Program, Island Timberlands security, Emcon Services staff and various recreational groups/users. These organizations have volunteered to observe and report illegal dumping activities and sites to assist the RDN in monitoring activities and enhancing

enforcement. The RDN also maintains a website page where any member of the public can "Observe, Record and Report" illegal dumping that they come across. All complaints, regardless of the source, result in the opening of a file and an investigation.



In 2012, the RDN responded to 115 incident complaints with 43 tonnes of waste cleaned up by RDN contractors or community groups. A total of 18 files resulted in names being located and individuals directed to clean up or warned about their actions. Two individuals were uncooperative and were scheduled for court appearances and were subsequently fined in 2013. Five additional illegal dumping signs were erected in historical illegal dumping areas as well as a problematic RDN park sites (for a total of 60 signs throughout the RDN). All signs are GPS mapped. Community groups were supported in clean-ups with 15 disposal waivers issued. The illegal dumping program is promoted through Shaw Cable, radio, newspaper and Facebook.

### *Metro Portland*

Metro Portland also has an illegal dumping surveillance and reporting program backed up with enforcement capacity; however their context is abandoned waste in urban and suburban areas. The program is referred to as the RID Patrol (Regional Illegal Dumping).

According to Metro Portland's website, "since 1993 Metro's RID Patrol has been tackling the problem of illegal dumping by cleaning up dump sites, investigating evidence found there, issuing citations to guilty parties and working with local law enforcement agencies to educate people and help them reduce dumping in their neighborhoods."

Residents are encouraged to watch for and report illegal dumping. They can call Metro's RID Patrol or report online to report dump sites or identifying information, such as license plates, of people observed abandoning waste items. Metro believes that much of the illegal dumping is conducted by small, private waste haulers and consequently has taken to warning residents about the risk of using "freelance" haulers:

*You could become the victim of con artists who dump your trash illegally. The result could be an environmental eyesore and even a citation and fine for the resident who was only trying to save a few dollars<sup>7</sup>.*

Like the RDN, Metro works with other government agencies and law enforcement to investigate illegal dumping activities. Investigating officers will try to locate the owner of the abandoned waste and, if appropriate, track down the illegal hauler. The RID Patrol has the authority to fine the owners of the waste and the hauler who dumped illegally. Fines are issued to cover the cost of cleaning up, transportation and recycling or disposing of the waste. The Patrol's authority only covers abandoned waste illegal on publicly owned land. However, Metro will assist private property owners with investigation of illegal dumps on private property.

In summary, the following approaches to tackling illegal dumping (Challenge #28) could be considered for the ISWRMP:

- Maintain the CRD's comprehensive approach which includes surveys, communications, funding of community clean-ups, and reduced tipping fees for charitable organizations, as well as the receipt of household hazardous waste dropped off as a "donation" to charitable organizations;
- Establish a bylaw that makes the generator of waste responsible for its proper disposal;
- Establish illegal dumping enforcement capacity within the municipalities and electoral areas; and

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<sup>7</sup> Metro Portland RID webpage



- Work with stakeholder groups to establish a practice of “observe, record and report” that will help identify problem areas for illegal dumping and assist with enforcement.