

# Waste Stream Licensing

Regulating and Supporting Diversion  
Facilities





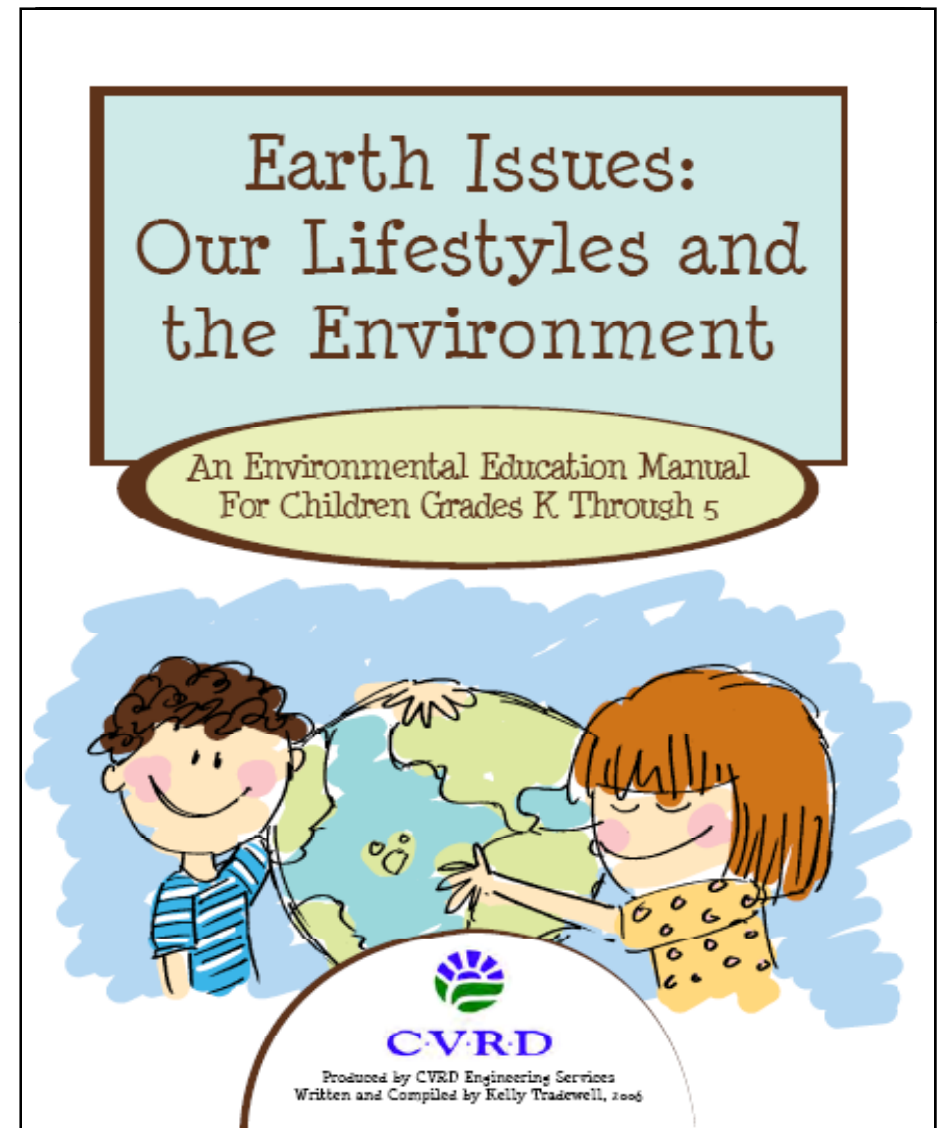
# Presentation Outline

- Zero waste context
- Common practices & regulatory void
- Intent and highlights of Bylaw 2570
- Implementation & enforcement
- First trial in court



# Zero Waste Context

- Zero Waste - policies, plans, regulations and bans at best divert material elsewhere

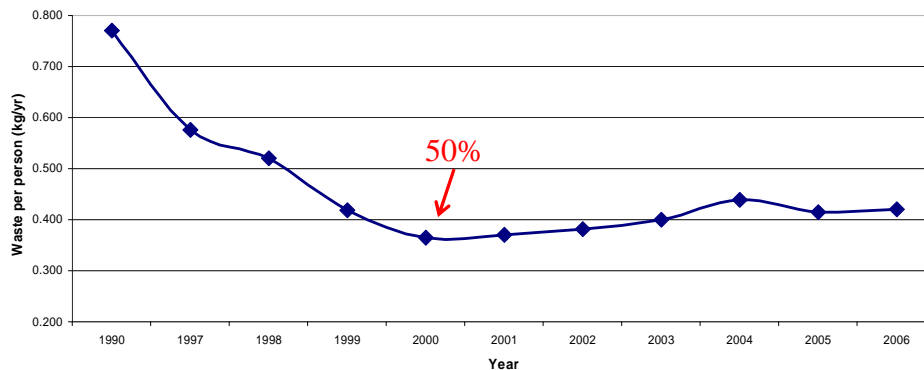




# 'Diversion' Numbers

- Aggressive diversion campaign started 1997
- 36 prohibited items, 25 banned recyclables
- CVRD began 100% waste export in 1999
- 52% diversion, 48% recycling in 2000
- High export costs and bans supported diversion
- CVRD adopted zero waste policy in 2002
- Convenient collection/diversion infrastructure
- 46% diversion, 64% recycling in 2006

CVRD Per Capita Waste Disposal





# 'Diversion' Realities

- Zero Waste is academic if material is not managed properly i.e. 'landfilling ain't so bad'





# Regulatory Void

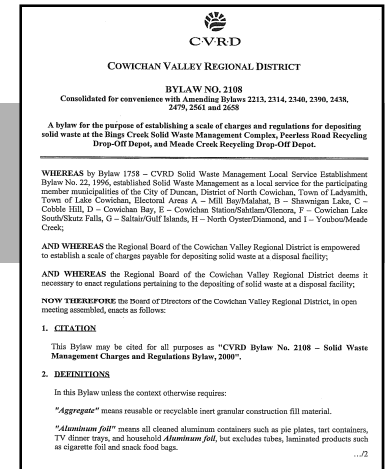
- Void exists between Zero Waste intent and application





# Bylaw Background

- Ministry forced CVRD to regulate industry in 2002 under SWMP & EMA
- GVRD had adopted licensing for flow control/revenue
- CVRD and RDN jointly pursued common bylaw and seamless border
- Two year development and consultation
- Adopted in 2005, enforcement fully applied 2007





# Bylaw Intent

- Applies to all MSW and recycling facilities, no grandfathering, few exemptions
- Intent:
  - 1) To set industry wide proper management standards (environmental and social)
  - 2) Upgrade current infrastructure
  - 3) Direct material to licensed facilities only (ROI)
  - 4) Enforceable






# Bylaw Details

- Site specific application
  - Flexible depending on material/volumes managed
  - Flexible on neighbouring interest/impacts
  - Flexible on timelines
- Requirements
  - Security
  - Detailed Operating Plan
  - Zoning approval
  - Public consultation

14/11/2006



**Public Meeting Notice**

To Whom It May Concern:

Active Industrial Waste Management Ltd. (Active) located at 6271 Bool Rd. Duncan B.C. is currently undergoing an application process to obtain a Waste Stream Management Licence under the Cowichan Valley Regional District's (CVRD) Bylaw 2570. The company is hosting a public meeting to address the facility updates that will be necessary to meet the Bylaw requirements, and to provide a discussion forum to neighbouring residents and business owners. The meeting will be on November 21, 2006 from 7:00 to 10:00 pm at the Travelodge Silver Bridge Inn, 140 Trans Canada Highway, Duncan B.C.

Regards,

Dean Woods  
Owner, Active Industrial Waste Management Ltd.

**FACILITY LICENSE APPLICATION NOTICE**

This is to notify all concerned parties that CENTRAL LANDSCAPE SUPPLIES LTD. is applying for a licence under CVRD Bylaw 2570 - Solid Waste Management Licensing bylaw. The following information is provided for public notification and solicitation of comments and concerns related to the application.

**CONTACT INFORMATION:**  
Civic address of facility:  
1345 Fisher Road, Cobble Hill, B.C.  
Landowner: Gordon Truswell, 1855 Thain Road, Cobble Hill, B.C.  
Operator: Central Landscape Supplies Ltd., 1345 Fisher Road

**MATERIALS MANAGED:** (Maximum tonnes stored on site at any time)  
Yard and garden trimmings, raw & ground: 100 tonne; Curing compost: 300 tonne; non-compostable residuals: 10 tonne; aged manure for topsoil blending (fruit compost): 15 tonne; Cured Class A Compost: 400 tonne

**PROCESSING/OPERATIONS:**  
Maximum hours of operation: Monday to Saturday 0700 to 1700; Sunday 1000 to 1600. Maximum hours of machine operation (grinding and windrow turning) will be 0700 to 1700 Monday to Saturday.

The entire compost processing area will be paved. All composting materials will be stored on pavement. All leachate will be collected in a concrete tank and recycled within the site. There will be no leachate discharge to the environment. Materials will be ground with a tub grinder and composted in windrows to produce Class A compost. The Class A compost will be blended with other materials (soil, aged manure, sand) outside the compost area on an unpaved surface to make topsoil or sold as finished compost. There will be on average two bulk truckloads and twenty passenger vehicles depositing feedstock per day. This facility will be designed to meet the Organic Matter Recycling Regulation and the CVRD Bylaw 2570. All leachate containment, pavement and site upgrades will be completed by May 1, 2006.

If you wish to obtain additional information or provide written comments or concerns, please contact the CVRD (749-2530) prior to December 13, 2006, 45 days from the date of first publication on October 28, 2006.



# Bylaw Implementation

- 6 Licensed Facilities, 2-3 applications pending / expected
- Awkward group start-up
- 1 FTE dedicated to over 1 - 2 years

*Before*



*After*





# First Test in Court


- Unlicensed facility
- Reported by industry
- ~1000 tonnes of material
- Common on farm practice
- significant time spent on court preparation





# First Test in Court

- Pursued 3 separate charges against land owner
- Voluntary testimony by industry witness
- Out of court settlement reached
- Convicted on 2 of 3 counts

Citation:  File No: 28787 Date: 28/07/2006  
Registry: Duncan District

IN THE PROVINCIAL COURT OF BRITISH COLUMBIA  
CRIMINAL COURT

BETWEEN  
THE COWICHAN VALLEY REGIONAL DISTRICT

AND:  
HOWARD ALFRED DAVIS

REASONS FOR JUDGMENT  
OF THE  
HONOURABLE JUDGE MACFARLANE

Counsel for the C.V.R.D.  
Counsel for Howard Davis

Place of Hearing:  
Date of Hearing:  
Date of Judgment:

Bruce Jordan, Esq.  
Donald Taylor, QC  
Duncan, B.C.  
January 21<sup>st</sup>, 2006  
January 20<sup>th</sup>, 2006

Cowichan Valley Regional Dist. v Davis Page 2

[3] The Regional District has charged Howard Alfred Davis on an information with three breaches of the said Bylaw. For completeness I will set forth the charges in their entirety:

Count 1:  
HOWARD ALFRED DAVIS, being the owner of property municipally described as 13211 Cedar Road, Nanaimo, B.C. and legally described as Parcel Identifier No.: 002-388-161, Lot A, District Lot 20, Oyster District, Plan 26658 except parts in Plans 43649 and VIP50862, between February 9, 2007 and March 12, 2007, did, as a responsible person, deliver, deposit, store, or abandon, cause or allow to be delivered, deposited, stored or abandoned, municipal solid waste or recyclable material on or within the said property without a valid and subsisting facility license for such purposes,  
CONTRARY TO SECTION 8.2 OF THE CVRD BYLAW NO. 2570, WASTE STREAM MANAGEMENT LICENSING BYLAW, 2004.

Count 2:  
HOWARD ALFRED [sic] DAVIS, being the owner of property municipally described as 13211 Cedar Road, Nanaimo, B.C. and legally described as Parcel Identifier No.: 002-388-161, Lot A, District Lot 20, Oyster District, Plan 26658 except parts in Plans 43649 and VIP50862, between February 9, 2007 and March 12, 2007, did own or operate on said property a facility or premises where municipal solid waste or recyclable material was managed without holding a valid and subsisting facility license,  
CONTRARY TO SECTION 4.1 OF THE CVRD BYLAW NO. 2570, WASTE STREAM MANAGEMENT LICENSING BYLAW, 2004.

Count 3:  
HOWARD ALFRED DAVIS, being the owner of property municipally described as 13211 Cedar Road, Nanaimo, B.C. and legally described as Parcel Identifier No.: 002-388-161, Lot A, District Lot 20, Oyster District, Plan 26658 except parts in Plans 43649 and VIP50862, on or about March

## First test of CVRD waste bylaw 2570

A new Cowichan Valley Regional District bylaw dealing with waste management facilities has now been tested in court and has resulted in the conviction of a local man on two counts of violating the bylaw, announced CVRD Chair Jack Peake Thursday afternoon.

"It's rewarding to see years of effort trying to regulate this industry finally pay off," said Peake. "This region has seen too many questionable operators simply ignore provincial legislation with very little recourse, and when the CVRD began developing its own regulatory bylaw to stop this tide, many expected the same result. This conviction should serve as a wake up call to those players still giving the rest of the industry a bad rap."

In a January 28, 2008 judgment of the Provincial Court of British Columbia

in Duncan, a Cedar area man was convicted of two counts of violating CVRD Waste Stream Management Licensing Bylaw No. 2570.

Basically, the offences involved him accepting and managing sizable quantities of municipal waste, such as demolition waste, tires, furniture, fiberglass items, etc., on his property without a facility license as required by the bylaw. This waste was subsequently burned on the property.

As of January 1, 2007, all facilities in the CVRD were required to obtain such a licence.

Six licences have been issued to date. Each site or licence has specific operating terms and conditions attached that protect the environment and respect social interests such as noise, dust, etc. The Regional District of Nanaimo is also imple-

menting a similar bylaw on a deferred timeframe.

"The beauty of this local bylaw is that when neighbours and others in the waste management industry complained to the CVRD, their concerns were acted upon," said Peake.

"With the legitimate operators committing to hundreds of thousands of dollars in upgrades to their facilities, and putting up security to ensure the public is not left with a clean-up tab, there is now a strong self-policing incentive built into the industry."

Sentencing in this case is expected to occur this spring. CVRD Bylaw No. 2570 provides for penalties of up to \$200,000 per offence per day, and can be applied against a waste generator, hauler, landowner or all three. Further bylaw information is available on-line at [www.CVRDrecycles.bc.ca](http://www.CVRDrecycles.bc.ca)



# First Test in Court

- Pursued sentencing for:
  - Profit gained - 90% from disposal fees
  - Penalty for the crime
  - Environmental impact study
  - Potential remediation measures
  - Recovery of legal costs
- \$10,000 fine obtained for crime only
- Lesson learned: bylaw effective deterrent and legally sound, but needs comprehensive legal approach



# Contacts

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[www.cvrdreycles.bc.ca](http://www.cvrdreycles.bc.ca)

See: Backgrounder, Bylaw, Application Package and Information, and Compliance Status

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Cowichan Valley Regional District  
175 Ingram Street  
Duncan, BC V9L 1N8

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