

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1813**

A BYLAW TO REGULATE WASTE HAULERS

WHEREAS The Regional District of Nanaimo, including municipalities within the District, and the Province of British Columbia are jointly committed to the regulation and management of Municipal Solid Waste and Recyclable Material within the District so as to encourage waste reduction and recycling and ensure that residual materials are disposed of in a manner consistent with the Solid Waste Management Plan approved pursuant to the *Environmental Management Act* by the Minister of Environment and Climate Change Strategy;

AND WHEREAS The Regional District of Nanaimo is authorized, inter alia, pursuant to the *Environmental Management Act* to make bylaws to regulate the management of Municipal Solid Waste and Recyclable Material, including with respect to waste hauler licensing and the setting of terms and conditions for issuing, suspending, amending or cancelling such a license;

AND WHEREAS The Regional District of Nanaimo is operating under a Solid Waste Management Plan which contemplates a regulatory system for the management of licensing of waste haulers to encourage the flow of waste through the private waste industry and incent the waste industry to divert and recycle waste.

AND WHEREAS This bylaw may not be adopted without the prior written approval of the Minister of Environment and Climate Change Strategy, per the *Environmental Management Act*.

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

1. CITATION

This bylaw shall be cited as “Waste Hauler Licensing Bylaw No. 1813, 2022”.

2. DEFINITIONS

Terms, words and phrases used in the bylaw shall have the following meanings, whether appearing in capital or lower-case form:

“Construction and Demolition Waste”	means Refuse that originates from demolition or construction sources that has not been combined with other Refuse.
“Disposal Facility”	A facility where waste is disposed or waste is used as fuel or to produce a fuel, including landfills, incinerators and Refuse Derived Fuel Facilities

<i>“Disposal Levy”</i>	means the fee payable by a Licensee in respect of Mixed Municipal Solid Waste deposited at: <ul style="list-style-type: none"> a) a Material Recovery Facility located out of Region; or b) a Disposal Facility located in or out of Region, based on the tonnage of Refuse deposited multiplied by the applicable rate based on class of facility set by this bylaw.
<i>“District”</i>	means the Regional District of Nanaimo.
<i>“Haul”</i>	means to, on a commercial basis, pick up, deliver, haul or transport Municipal Solid Waste.
<i>“License”</i>	means a valid and subsisting license issued under this bylaw.
<i>“License Fee”</i>	means the fee payable for a License, in the applicable amount established by District bylaw from time to time, and which may differ for Tier 1, Tier 2, Tier 3, Tier 4 and Tier 5 Licenses.
<i>“Licensed Waste Hauler Tipping Fee”</i>	means the fee payable by a Licensee under the Tipping Fee Bylaw to deposit Municipal Solid Waste generated within the Region at RDN Facilities.
<i>“Licensee”</i>	means a person who holds a valid and subsisting License.
<i>“General Manager”</i>	means the person appointed from time to time to the position of General Manager of the Regional District of Nanaimo and includes their designate.
<i>“Material Recovery Facility”</i>	means a site or facility that receives Municipal Solid Waste or Recyclable Material and at which materials are separated manually or mechanically for the purpose of recycling.
<i>“Mixed Municipal Solid Waste”</i>	means Refuse that originates from residential, commercial or institutional sources, but does not include Source Separated Recyclable Material or Construction and Demolition Waste.
<i>“Municipal Solid Waste”</i>	means Refuse that originates from residential, commercial or institutional sources.
<i>“RDN Facilities”</i>	means the District Landfill located at 1105 Cedar Rd, Nanaimo and Church Road Transfer Station located at 860 Church Rd, Parksville and any other Refuse deposit facilities the District may establish and operate from time to time.
<i>“Recyclable Material”</i>	means Refuse that can be managed through existing recycling programs and/or for which a commercial market exists.
<i>“Refuse”</i>	means discarded or abandoned materials, substances or objects.
<i>“Refuse Derived Fuel Facility”</i>	means a facility that is licensed to convert Refuse into fuel by the government authority having jurisdiction to issue such licenses in relation to the facility.
<i>“Region”</i>	means the area within the boundaries of the District.
<i>“Source Separated Recyclable Material”</i>	means Recyclable Material that has been separated from Municipal Solid Waste by the Refuse generator at the point of generation for the purposes of recycling and remains separated from other Municipal Solid Waste.

<i>“Tier 1 License”</i>	means a License for haulers who anticipate depositing a maximum of 100 tonnes of Municipal Solid Waste generated within the Region at RDN Facilities during the term of the License. For clarity, under the Tipping Fee Bylaw, the holder of such a License is eligible to receive the Licensed Waste Hauler Tipping Fee rate for this License Tier, but the deposit of materials in excess of the License Tier maximum is subject to standard tipping rates.
<i>“Tier 2 License”</i>	means a License for haulers who anticipate depositing between 101 – 1,000 tonnes of Municipal Solid Waste generated within the Region at RDN Facilities during the term of the License. For clarity, under the Tipping Fee Bylaw the holder of such a License is eligible to receive the Licensed Waste Hauler Tipping Fee rate for this License Tier, but the deposit of materials in excess of the License Tier maximum is subject to standard tipping rates.
<i>“Tier 3 License”</i>	means a License for haulers who anticipate depositing between 1,001 – 3,500 tonnes of Municipal Solid Waste generated within the Region at RDN Facilities during the term of the License. For clarity, under the Tipping Fee Bylaw the holder of such a License is eligible to receive the Licensed Waste Hauler Tipping Fee rate for this License Tier, but the deposit of materials in excess of the License Tier maximum is subject to standard tipping rates.
<i>“Tier 4 License”</i>	means a License for haulers who anticipate depositing between 3,501 – 6,000 tonnes of Municipal Solid Waste generated within the Region at RDN Facilities during the License term of the License. For clarity, under the Tipping Fee Bylaw the deposit of materials in excess of the License Tier maximum is subject to standard tipping rates.
<i>“Tier 5 License”</i>	means a License for haulers who anticipate depositing more than 6,000 tonnes of Municipal Solid Waste generated within the Region at RDN Facilities during the term of the License. For clarity, under the Tipping Fee Bylaw, the holder of such a License is eligible to receive the Licensed Waste Hauler Tipping Fee rate for this License Tier, but the deposit of materials in excess of the License Tier maximum is subject to standard tipping rates.
<i>“Tipping Fee Bylaw”</i>	means Tipping Fee and Solid Waste Disposal Regulation Bylaw No. 1784.
<i>“Waste Stream Management License”</i>	means a waste stream management license under Regional District of Nanaimo Waste Stream Management Licensing Bylaw No. 1386, 2004.

GENERAL

- 2.2 Purpose of Bylaw.** This bylaw is enacted for the purpose of providing for the licensing of waste haulers. The licensing will apply to any business transporting another person's waste for profit where the waste originates within the Region. The intent is to promote the 'business of diversion' and foster industry innovation to achieve the lowest system cost with the highest waste diversion.
- 2.3 Additional Municipal Requirements.** The requirements under this bylaw are distinct and separate from the requirements of a municipality. Municipalities may impose further restrictions and conditions than those imposed under this bylaw.
- 2.4 Compliance with other Laws.** Nothing in this bylaw, including, *inter alia*, a License, relieves any person from complying with all other applicable enactments and laws.
- 2.5 Waste Stream Management Licensed Facilities.** For the purpose of this bylaw, Municipal Solid Waste generated within the Region includes refuse from Waste Stream Management Licensed facilities.

3. HAULER LICENSE REQUIREMENTS

- 3.1 Prohibition.** No person shall haul Municipal Solid Waste within the Region unless that person holds a License.
- 3.2 Exclusions.** Despite section 3.1, a person is not required to hold a License for the following activities:
- a) to haul Source Separated Recyclable Material;
 - b) to haul Refuse associated with the cleanup of spilled or illegally dumped material;
 - c) the hauling of Municipal Solid Waste by or on behalf of a Municipality or the District;
 - d) to haul Municipal Solid Waste under a subsisting Extended Producer Responsibility Plan prepared and approved under the *Environmental Management Act* Recycling Regulation; or
 - e) to haul Refuse generated outside the Region to:
 - I. a site or facility in the Region that holds a valid and subsisting Waste Stream Management License;
 - II. a site or facility in the Region that holds a valid and subsisting site specific authorization that specifically authorizes the management of Municipal Solid Waste at the site or facility issued by the Ministry of Environment and Climate Change Strategy; or
 - III. a location that is outside of the Region

4. HAULER LICENSE APPLICATIONS

- 4.1 Form of Application.** An application for a License shall be made to the District on the application form prescribed by the General Manager.
- 4.2 Annual License Application.** A hauler may apply to the District for a License by submitting a completed application to the District on the prescribed form and including the following in or with the application form:
- a) signature of hauler or, if the hauler is a corporation, an authorized signatory;

- b) hauler name, contact information and civic address;
- c) License type (Tier 1, Tier 2, Tier 3, Tier 4 or Tier 5);
- d) payment of all applicable License Fees; and
- e) the amount of Municipal Solid Waste generated within the Region the hauler anticipates it will haul to Disposal Facilities including Material Recovery Facilities during the License term and the amount of Municipal Solid Waste generated within the Region the hauler anticipates it will deposit at RDN Facilities during the License term.

4.3 License Fees. All fees must be paid before an application will be processed. If a hauler submits a completed application to the District, but the General Manager does not issue a License to the hauler because the hauler does not meet the requirements for a License, the License fee will be refunded, less an administration fee of 10% or \$100, whichever is greater, up to a maximum administrative fee of \$500.

4.4 License Tier Increase. A Licensee may at any time apply to the District for a modification to their License to change their License Tier to a higher Tier by submitting to the District a completed modification application form in the form prescribed by the General Manager and payment of all applicable fees and the License fee applicable to the new License Tier. On issuance of a new License at a higher Tier, the new License is valid for one year as indicated in the new License and the previous license is automatically cancelled.

4.5 Application following Cancellation. If a Licensee's License is cancelled, any application for a new License made by the Licensee within twelve months of such cancellation may only be for a higher Tier License than the Tier of the cancelled License or for a Tier 5 License if the cancelled License is a Tier 5 License.

4.6 License Renewal. A Licensee may apply to the District to renew a License, including at a different License Tier than in the expiring License, by submitting to the District, at least 60 days before, but no earlier than 120 days before, License expiry, a completed renewal application form in the form prescribed by the General Manager and payment of all applicable fees, including the applicable License Fee.

4.7 License Not Assignable. A License is personal to the Licensee and may not be assigned.

5. HAULER LICENSE ISSUANCE AND REFUSAL

5.1 License Issuance. On receipt of a complete application for a License and payment of all applicable fees, including the applicable License Fee, the General Manager will issue a Tier 1, Tier 2, Tier 3, Tier 4 or Tier 5 License.

5.2 Term for License. The term of every License will be one year from the date of issuance of the License as indicated in the License.

5.3 Issue of Renewal. On receipt of a completed application form for a License renewal and payment of all applicable fees, including the applicable License Fee, the General Manager shall issue a renewal of the applicable License and the term of the renewed License will be one year from the date of expiry of the previous License.

5.4 Issue of Modification. On receipt of a completed application form for a License modification and payment of all applicable fees, including the License Fee for the new License Tier, the General Manager shall issue a modification of the applicable License and, for clarity, a License

modification shall not extend or otherwise modify the term of the modified License.

- 5.5 Refusal.** Despite any other provision of this bylaw, the General Manager may refuse to issue a License, License renewal or License modification to a Licensee who is in contravention of any provision of this bylaw or has failed to pay to the District any fees of any kind payable to the District, including any License Fees, Disposal Levy, Licensed Waste Hauler Tipping Fees or any other fee payable under this bylaw, the Tipping Fee Bylaw or other District bylaw, and including any interest and penalties.
- 5.6 License Terms.** The requirements of sections 6, 10, 11.3 and 12.1 shall be terms of every License, whether or not expressly referred to or identified in a License.

6. LICENSEE REPORTING

- 6.1 Monthly Report.** A Licensee shall, within 60 days of the end of each calendar month, submit a report to the General Manager containing the following information in respect of such ended calendar month:
- a) total tonnage of Mixed Municipal Solid Waste deposited at RDN Facilities and,
 - b) total tonnage of Mixed Municipal Solid Waste deposited at non-RDN Facilities including destination details which shall include the following:
 - i) the name and address of any Disposal Facility;
 - ii) the name and address of any Refuse Derived Fuel Facility;
 - iii) the name and address of any Material Recovery Facility;
 - iv) the total tonnage of Mixed Municipal Solid Waste deposited at each facility identified in paragraphs i), ii) and iii) of this section; and
 - v) the amount of the Disposal Levy owed to the District for the calendar month covered by the monthly report.

- 6.2 Report Submission.** A Licensee report under section 6.1 shall be submitted electronically in a form and to a location established from time to time by the General Manager.

- 6.3 Audit.** Following a request by the General Manager, a Licensee shall provide to the General Manager an audited statement respecting on or more monthly reports provided by the Licensee under section 6.1, prepared by a chartered accountant or a certified general accountant in accordance with generally accepted accounting principles, for the purpose of determining compliance with this bylaw.

7. FEES

- 7.1** For clarity, in accordance with its authority to establish fees under the *Local Government Act* and the *Environmental Management Act*, the District may, by bylaw, establish fees in relation or referred to in this bylaw, including License Fees, Disposal Levies and Licensed Waste Hauler Tipping Fees.

8. TRANSITION

- 8.1 Transition Period for Hauler Licenses.** Section 3.1 does not apply until 90 days after adoption of this bylaw.

9. INSPECTION

9.1 Vehicle and Site Inspection. For the purpose of enforcing this bylaw, the General Manager and District bylaw enforcement officers may inspect the contents of any vehicle in accordance with section 111(2) of the *Environmental Management Act* and may enter any site or facility in accordance with section 109 of the *Environmental Management Act*, and may exercise all power provided under those sections of the *Environmental Management Act* including under sections 109(4) and (5) in relation site or facility entry and section 111(2.2) in relation to the inspection of a vehicle.

10. RECORDS.

10.1 Record of Loads. A Licensee shall record volumes, weights, types, amounts, quantities, composition, date and geographic area of origin and destination of Municipal Solid Waste and Recyclable Material hauled and make them available for the purpose of an audit under Section 6.3 and for inspection by District employees and others authorized by the District.

10.2 Maintaining Records. A Licensee shall maintain records required under this section for a period of 5 years including if the Licensee's License is cancelled or expires without renewal.

11. DISPOSAL LEVY

11.1 Disposal Levy. Every Licensee shall pay to the District a Disposal Levy calculated as follows:

$$(a \times i) + (b \times i) = \text{Disposal Levy}$$

Where:

a = [100% – Diversion Percentage provided for in section 11.2] x [the tonnage of Mixed Municipal Solid Waste generated within the Region that the Licensee deposits at Material Recovery Facilities located outside the Region]

b = [the tonnage of Mixed Municipal Solid Waste generated within the Region that the Licensee deposits at Disposal Facilities]

i = the rate set by bylaw, which may vary based on the class of facility receiving Mixed Municipal Solid Waste

For clarity, the calculation of the portion of Disposal Levy shall be made separately for each Disposal Facility and Material Recovery Facility based on the applicable facility class and, for Material Recovery Facilities, the applicable Diversion Percentage, and the Disposal Levy payable by a Licensee shall be the total of those separately calculated amounts.

11.2 Base Diversion Percentage & Applications for Higher Diversion Percentage. For the purpose of section 11.1, the "Diversion Percentage" shall be 20%, representing a default amount of Recyclables recovered from Mixed Municipal Solid Waste deposited at a Material Recovery Facility. A Licensee may apply to the General Manager for approval of a higher Diversion Percentage in respect of a Material Recovery Facility by:

- a) completing and submitting to the General Manager an application in a form prescribed by the General Manager;
- b) submitting to the General Manager a written recommended Diversion Percentage for the Material Recovery Facility based on current Recyclable recovery at the Facility prepared

- under seal by a professional engineer who is a member of the Association of Engineers and Geoscientists of British Columbia practicing in the consulting engineering industry experienced in assessing the extent of waste diversion at Material Recovery Facilities; and
- c) paying to the District any application fees.

If, following review of a completed application, the General Manager is satisfied that a higher Diversion Percentage for the applicable Material Recovery Facility is appropriate, the General Manager may approve of the application and higher Diversion Percentage and, for a period of 2 years following that written approval such higher Diversion Percentage shall apply under the preceding section to Mixed Municipal Solid Waste the Licensee deposits at that Material Recovery Facility during that 2 year period.

- 11.3 Payment of Disposal Levy.** A Licensee shall pay to the District the Disposal Levy in respect of Mixed Municipal Solid Waste the Licensee deposits at Disposal Facilities and applicable Material Recovery Facilities during a calendar month within 60 days following the end of each such calendar month
- 11.4 Disposal Levy Exclusion.** For clarity, a Disposal Levy shall not be payable with respect to Refuse generated outside the Region that a Licensee deposits at a site or facility located outside the Region.

12. LICENSE SUSPENSION AND CANCELLATION

- 12.1 Suspension and Cancellation of Waste Hauler Licenses.** The General Manager, may suspend for any period or cancel a License if any of the following occurs:
- a) the Licensee fails to comply with any terms and conditions of the License;
 - b) the Licensee contravenes or any provision of this bylaw;
 - c) the Licensee provides a report under section 6.1 that contains untrue or misleading information;
 - d) the Licensee creates or maintains a record under section 10.1 that contains untrue or misleading information; or
 - e) the Licensee fails to pay when due any fees payable to the District, including any License Fees, Disposal Levy, Licensed Waste Hauler Tipping Fees or any other fee payable under this bylaw, the Tipping Fee Bylaw or other District bylaw.

If a License is suspended or cancelled by the General Manager, the Licensee is not entitled to a refund of License Fees.

- 12.2 Cancellation by Licensee** – A Licensee may cancel their License at any time by providing written notice to the District and such cancellation takes effect on the date and time that the District receives notice. If a License is canceled by the Licensee without renewal or replacement by a higher Tier license, the Licensee is eligible for a refund of a portion of the License Fee paid for the License based on the following formula:

Refund = A, if A is greater than \$500 (no refund applies for if A is equal to or less than \$500)

Where A = [License Fee – 10% of License Fee] – [tonnage sent to RDN Facilities during

License term x (Municipal Solid Waste tipping fee under Bylaw 1784 - (Licensed Waste Hauler Tipping Fee + Disposal Levy))]

12.3 Suspended or Cancelled License is Not Valid. For clarity, a License that is suspended or cancelled, or the term of which has ended, is not a valid and subsisting License.

13. OFFENCES

13.1 Offences. A person who contravenes a provision of this bylaw commits an offence under this bylaw and is liable on conviction to a fine not exceeding \$250,000.

13.2 Untrue or Misleading Information. A person who knowingly inserts or records untrue or misleading information in a report under section 6.1 or in a record under section 10.1 commits an offence under this bylaw and is liable on conviction to a fine not exceeding \$250,000.

13.3 Corporations. If a corporation commits an offence under this bylaw, an employee, officer, director or agent of the corporation who authorized, permitted or acquiesced in the offence also commits the offence.

13.4 Separate Offences. Each day that a violation of this bylaw continues constitutes a separate offence.

13.5 Remedies Cumulative. The rights and remedies available to the District under this bylaw shall be cumulative and not alternative and each such right and remedy shall be in addition to and not a limitation of any other rights and remedies under this bylaw or otherwise be available to the District at law.

14. EXPIRY

14.1 Expiry Date. Pursuant to section 137(2) of the *Community Charter*, this bylaw shall be automatically repealed as of the end of December 31, 2029, except that sections 6, 10, 11 and 13 shall continue in force and to apply in relation to the period prior to such repeal.

Introduced and read three times this 8th day of February, 2022

Rescinded third reading this 30th day of January, 2024.

Read a third time, as amended, this 30th day of January, 2024.

Approved by the Minister of Environment and Climate Change Strategy this 29th day of April, 2024.

Adopted this 22nd day of October, 2024.

CHAIR

CORPORATE OFFICER