

**REPORT TO ENVIRONMENTAL SERVICES COMMITTEE
MEETING OF WEDNESDAY, JULY 19, 2023**

SUBJECT Implications of Increasing Fine Rates at Hartland Landfill

ISSUE SUMMARY

To report back on implications of increasing the proposed fines associated with the Hartland Landfill Tipping Fee and Regulation Bylaw No. 3881.

BACKGROUND

On May 10, 2023, the Capital Regional District (CRD) Board endorsed amendments to the Hartland Landfill Tipping Fee and Regulation Bylaw that will see more waste diverted from Hartland Landfill beginning January 1, 2024. At the meeting, staff proposed new fine rates for various offences (Appendix A) and were directed to report back on implications of doubling the proposed fines. The current fine structure for landfill offences, outlined in Schedule 19 of the CRD's Ticket Information Authorization (TIA) Bylaw 1857, was established in 2013. These fines are set for officers and designated officials to enforce bylaws under the Municipal Ticket Information system.

In response to this direction, staff worked with GHD, the material diversion technical advisor retained by the CRD to review fine structures within neighbouring jurisdictions and evaluate implications of increasing rates beyond the proposed fine levels. This analysis is included as Appendix B.

Results of the analysis found that increased fines and enforcement can have both positive and negative social, environmental, economic and administrative implications to the CRD and community. Positive outcomes include higher rates of mandatory source-separated materials, increased revenue to the CRD and reduced occurrence of repeat offenders over time. Negative outcomes include public pushback, claims of unaffordable and unproportioned fines relative to severity of offence, conflict between offenders and the scale house attendants and/or issuing bylaw officer, increased volume of complaints, ticket disputes and associated cost and administrative implications, increased occurrence of illegal dumping, and the potential flow of waste outside of the region. These findings are validated by observations of CRD Bylaw staff.

The CRD's proposed approach to enforcement, including setting fine rates, aims to communicate to the public and industry that there is a high likelihood that non-compliant loads will be detected, and have regulatory responses that sufficiently act as a deterrent, while minimizing the negative outcomes that are compounded as fines increase in cost. If there is significant non-compliance with the initial implementation of the new material stream diversion policy initiatives, increasing fines could be considered as part of any subsequent enhanced compliance strategy.

Within this context, GHD's analysis identified that the initial doubling of the proposed fines per Appendix A could lead to a higher risk of unintended consequences, such as increased illegal dumping, conflict experienced by scales and bylaw staff and increased administrative costs associated with dispute processes – and is not recommended at this time.

CONCLUSION

The consequences of doubling the proposed fines may add to further increasing negative incidences of illegal dumping, public conflict experienced by staff, increased administrative costs for disputing fines and waste flowing out of region. Compliance from the public and industry can be achieved by providing an effective enforcement program. Strategies such as increased fine rates and providing incentives to pay fines early, along with education and awareness, can help the public and industry understand that non-compliant loads will result in consequences. Staff will be returning in the fall 2023 with the revised bylaw for final consideration by the Capital Regional District Board.

RECOMMENDATION

There is no recommendation. This report is for information only.

Submitted by:	Russ Smith, Senior Manager, Environmental Resource Management
Concurrence:	Larisa Hutcheson, P. Eng., General Manager, Parks & Environmental Services
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENTS

- Appendix A: Proposed Fine Rate Schedule
- Appendix B: GHD Enforcement Enhancements Memo – June 26, 2023