

**REPORT TO ENVIRONMENTAL SERVICES COMMITTEE
MEETING OF WEDNESDAY, NOVEMBER 15, 2023**

SUBJECT **Hartland Landfill Policy Changes and Adoption of Bylaw Nos. 4497 and 4567**

ISSUE SUMMARY

To provide an update on implementation of the Hartland Policy Changes endorsed by the Capital Regional District (CRD) Board in May 2023, and to present associated amendments to Bylaw No. 3881, "Hartland Landfill Tipping Fee and Regulation Bylaw No. 6, 2013", and Schedule 19 of Bylaw No. 1857, "Capital Regional District Ticket Information Authorization Bylaw, 1990", for Board consideration.

BACKGROUND

On May 10, 2023, the CRD Board endorsed new policies to come into effect in 2024 to divert materials from Hartland Landfill in alignment with the Solid Waste Management Plan. The 2024 policy changes at Hartland Landfill include new landfill bans on wood waste (clean, treated and salvageable), carpet and underlay and asphalt shingles; modernization of the Hartland Landfill tipping fee schedule; and increasing fine rates for various offences.

Staff were also directed to identify adjusted service levels for the 2024 and future budget years to implement the new waste diversion policies. These adjustments have been made in the 2024 budget that was considered by the Committee of the Whole on October 25, 2023. The May 10, 2023 staff report is included as Appendix A.

Based on the work to date, including feedback received through ongoing procurement of processing and transport of materials that will be banned from landfilling, staff recommend implementing the 2024 Hartland Policy Changes in two phases, as follows:

Phase 1: January 1, 2024

- ban clean wood from landfill (source-separated clean wood will be accepted at Hartland for recycling/energy recovery at a rate of \$80/tonne)
- increase the general refuse tipping fee to \$150/tonne
- introduce new hauler incentive rate (\$125/tonne in 2024) to promote multi-stream collection, incent voluntary self-reported waste collection data sharing and minimize the financial impact of increases to the general refuse tipping fees
- increase international high risk cruise ship waste to \$500 per tonne (directed by the CRD Board July 13, 2022)
- increase fine rates including a \$500 fine for improper disposal of banned materials
- introduce warning system: bylaw staff will issue warning tickets for first two offences, and focus primarily on education, with enforcement where necessary
- introduce 25% discount on some fines paid within 30 days

Phase 2: July 1, 2024

- ban on treated wood, carpet and underlay, asphalt shingles from Hartland Landfill (will still be accepted at Hartland at a rate of \$110/tonne for reuse/recycling/energy recovery)
- ban on salvageable wood (this will be accepted at no charge at Hartland for reuse/recycling/energy recovery)

- introduce new \$300/tonne tipping fee for loads of unsorted renovation and demolition materials that contain mandatory recyclables (including wood waste)
- continued implementation of warning system, increased focus on enforcement by bylaw staff

On May 10, 2023, the CRD Board directed staff to return to the Board in Autumn 2023 with amended bylaws for Board approval. Bylaw amendments for Bylaw No. 3881, (Bylaw No. 4497, “Hartland Landfill Tipping Fee and Regulation Bylaw No. 6, 2013, Amendment Bylaw No. 4, 2023”, attached as Appendix B) and Bylaw No. 1857 (Bylaw No. 4567, “Capital Regional District Ticket Information Authorization Bylaw No. 1990, Amendment Bylaw No. 78, 2023”, attached as Appendix C) have been drafted and are consistent with the direction provided by the Board, except for the following modifications for board consideration:

1. Both bylaw amendments have been drafted to incorporate phased implementation, as discussed above.
2. The bylaw amendment for the Ticket Information Authorization Bylaw does not include a graduated ticket approach.

Appendix D and Appendix E provide a ‘redline’ version of the proposed bylaw amendments.

ALTERNATIVES

Alternative 1

The Environmental Services Committee recommends to the Capital Regional District Board:

1. That Bylaw No. 4497, “Hartland Landfill Tipping Fee and Regulation Bylaw No. 6, 2013, Amendment Bylaw No. 4, 2023”, be read a first, second and third time;
2. That Bylaw No. 4497 be adopted;
3. That Bylaw No. 4567, “Capital Regional District Ticket Information Authorization Bylaw, 1990, Amendment Bylaw No. 78, 2023”, be read a first, second and third time; and
4. That Bylaw No. 4567 be adopted.

Alternative 2

That this report be referred back to staff for additional information.

IMPLICATIONS

Service Delivery Implications

To support the execution of the material stream diversion strategy, staff have initiated procurement for the design, build and five-year operation of a material diversion transfer station located at Hartland Landfill, which will pre-process and transfer to end markets (reuse, recycle or energy recovery) diverted materials including wood waste (clean, treated and salvageable), carpet and underlay and asphalt shingles. Early indications from vendors indicate that due to supply chain constraints, equipment lead time, seasonal availability of some construction contracts, including asphalt paving, and negotiations with end markets, the Material Diversion Transfer Station is not expected to be operational until mid-2024. The Request for Proposals results will come to the CRD Board for consideration in Quarter 1, 2024. Staff have identified an opportunity to expand a pilot on diversion of clean wood waste that is currently underway at Hartland Landfill. This allows for a ban on clean wood waste to come into effect January 1, 2024, in advance of the construction of the Material Diversion Transfer Station.

Following the July 19, 2023 Environmental Services Committee meeting, staff obtained a legal opinion on the proposed fine payment model, which identified there is uncertain legislative authority to apply increased fines for second and subsequent bylaw offences in BC. To avoid that uncertainty, staff have removed the graduated system of fines for repeat offenders from the

proposed Bylaw No. 4567 (Appendix C) and replaced the associated fines with the highest fine level of \$500/infracton. Operationally, CRD Bylaw staff will use their discretion as peace officers to utilize a warning system, whereby, depending on severity, the first two infractions will result in a \$0 penalty, creating a similar ‘graduated’ outcome for the offenders. The 2024 implementation will focus primarily on education, with enforcement where necessary. This will have the same impact as a graduated fine amount. Officers retain discretion to issue a fine on a first offence.

Staff have developed a communications plan and approach to support the roll out of the new policies. Communications and outreach will include an update to the CRD Hartland and Rethink Waste webpages, info sheets, new signage at Hartland, digital and print advertising, social media campaigns, targeted outreach to Hartland customers including webinar, hand-outs included in invoices and a refresh of the Hartland education program and tours content.

Staff will return to the Environmental Services Committee on a regular basis with an implementation update, and recommend any adjustments, as necessary.

Financial Implications

Detailed implications were presented at the May 10, 2023 Board meeting. Staff have incorporated the financial implications of the revised material diversion policies into the 2024-2028 budget process. The Environmental Resource Management (ERM) budget remains balanced for each of the years in the next five-year cycle. At the September 27, 2023 Environmental Services Committee meeting, staff presented the ERM 2024 Operating and Capital Budget. The implementation of the new material stream diversion policy will increase the operations required to support the diversion services on site. Additionally, capital funding has increased to support the Solid Waste Management Plan diversion project to construct a new diversion transfer station.

CONCLUSION

On May 10, 2023, the Capital Regional District (CRD) Board endorsed new policies to come into effect in 2024 to divert materials from Hartland Landfill, in alignment with the Solid Waste Management Plan. Based on market feedback, staff recommend implementing these policies in a two-phase approach. If the bylaw amendments are passed by the CRD Board, policy changes at Hartland Landfill in 2024 will include new landfill bans on wood waste (clean, treated and salvageable), carpet and underlay and asphalt shingles; modernization of the Hartland Landfill tipping fee schedule, and increasing fine rates for various offences. Staff will return to the Environmental Services Committee on a regular basis with an implementation update, and recommend any adjustments, as necessary.

RECOMMENDATION

The Environmental Services Committee recommends to the Capital Regional District Board:

1. That Bylaw No. 4497, “Hartland Landfill Tipping Fee and Regulation Bylaw No. 6, 2013, Amendment Bylaw No. 4, 2023”, be read a first, second and third time;
2. That Bylaw No. 4497 be adopted;
3. That Bylaw No. 4567, “Capital Regional District Ticket Information Authorization Bylaw, 1990, Amendment Bylaw No. 78, 2023”, be read a first, second and third time; and
4. That Bylaw No. 4567 be adopted.

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

ATTACHMENTS

- Appendix A: Staff Report: Proposed Hartland Bylaw Amendments – Material Stream Diversion – May 10, 2023 CRD Board Meeting
- Appendix B: Bylaw No. 4497, Hartland Landfill Tipping Fee and Regulation Bylaw No. 6, 2013, Amendment Bylaw No. 4, 2023
- Appendix C: Bylaw No. 4567, Capital Regional District Ticket Information Authorization Bylaw, Amendment Bylaw No. 78, 2023
- Appendix D: Bylaw No. 3881 Hartland Tipping Fee and Regulation Bylaw No. 6, 2023 (Red-lined)
- Appendix E: Bylaw No. 1857 Capital Regional District Ticket Information Authorization Bylaw, 1990 (Schedule 19 Red-lined)