



# **GVS&DD SOLID WASTE & RECYCLABLE MATERIAL REGULATORY BYLAW CONSOLIDATED**

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**THIS IS A CONSOLIDATION, FOR REFERENCE PURPOSES, OF:**

- “Municipal Solid Waste and Recyclable Material Regulatory Bylaw No. 181, 1996”  
*(Adopted May 24, 1996)*
- “Municipal Solid Waste and Recyclable Material Regulatory Amending Bylaw No. 183, 1996”  
*(Adopted June 28, 1996)*

As of August 17, 2012

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AND CORPORATE INFORMATION DEPARTMENT  
METRO VANCOUVER

**GREATER VANCOUVER SEWERAGE AND DRAINAGE DISTRICT  
MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIAL  
REGULATORY BYLAW NO. 181, 1996**

**EXPLANATORY NOTE**

The Greater Vancouver Sewerage and Drainage District (the "District") is operating under a Solid Waste Management Plan approved by the Minister of Environment, Lands and Parks in November 1995. The Solid Waste Management Plan is a commitment by the District to manage municipal solid waste and recyclable material so as to protect the environment and public health and to achieve the provincially mandated 3Rs goal.

Included in the Solid Waste Management Plan is a regulatory system for the management of all privately operated municipal solid waste and recyclable material operations. The regulatory system will be implemented by a regional regulatory bylaw and will be enforced through the District's licences. Under the bylaw, licences will be required for all privately operated landfills, transfer stations, material recovery facilities, storage facilities and certain brokers of municipal solid waste and recyclable material. The goal of the new regulatory system is to ensure proper management of privately operated facilities by specifying operating requirements so as to protect the environment and public health, to protect the region's land base in accordance with the host municipality's zoning and land use policies, to ensure that regional and municipal facilities and private facilities operate to equivalent standards and to achieve the objectives of the Solid Waste Management Plan.

Greater Vancouver Sewerage and Drainage District Municipal Solid Waste and Recyclable Material Regulatory Bylaw No. 181, 1996 sets out the terms and conditions for the new regulatory system.

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## GREATER VANCOUVER SEWERAGE AND DRAINAGE DISTRICT

### Municipal Solid Waste and Recyclable Material Regulatory Bylaw No. 181, 1996

#### WHEREAS:

A. Greater Vancouver Sewerage and Drainage District and the Province of British Columbia are jointly committed to the regulation and management within the area of Greater Vancouver Regional District of municipal solid waste and Recyclable Material 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 by the Minister of Environment, Lands and Parks;

B. Greater Vancouver Sewerage and Drainage District is authorized, *inter alia*, to regulate with respect to municipal solid waste and Recyclable Material;

C. Greater Vancouver Sewerage and Drainage District is operating under a Solid Waste Management Plan which defines a regulatory system for the management of all privately operated municipal solid waste and Recyclable Material operations. The goal of the regulatory system is to ensure proper management of privately operated facilities by specifying operating requirements so as to protect the environment and public health, to protect the region's land base in accordance with the host municipality's zoning and land use policies, to ensure that regional and municipal facilities and private facilities operate to equivalent standards and to achieve the objectives of the Solid Waste Management Plan.

NOW THEREFORE the Administration Board of Greater Vancouver Sewerage and Drainage District in open meeting duly assembled enacts as follows:

## ARTICLE 1

### 1 INTERPRETATION

**1.1 Definitions.** In this Bylaw terms defined in the *Waste Management Act* shall have the same meaning for the purpose of this Bylaw unless otherwise defined in this Bylaw and,

"Board" means the Administration Board of the District;

Replaced by  
Bylaw 183, 1996

"Brokering Facility" means any land or buildings and related improvements used for receiving, cleaning, sorting, baling or packaging Recyclable Material for the purpose of recycling, where the residue does not exceed 10% by weight or volume of the material received;

"Commissioner" means the Commissioner of the District;

Added by Bylaw  
183, 1996

"Composting Facility" means any land or buildings and related improvements where municipal solid waste is composted on a commercial basis using composting technology which may include physical turning, windrowing, in-vessel static pile aeration or other mechanical handling of organic matter;

"Disposal Facility" means any land or buildings and related improvements used for the landfilling or destruction of municipal solid waste;

"District" means Greater Vancouver Sewerage and Drainage District;

"Existing Facility" means any Facility which exists and is operating on the date of adoption of this Bylaw or, in the case of a Disposal Facility, has on the date of adoption of this Bylaw a valid and subsisting permit or operational certificate under the *Waste Management Act* and is in compliance with that permit or operational certificate;

Replaced by  
Bylaw 183, 1996

"Facility" means any or all of a Brokering Facility, a Disposal Facility, a Composting Facility, a Material Recovery Facility, a Storage Facility and a Transfer Station;

"Licence" means a licence issued by the Solid Waste Manager under section 4.1;

Added by Bylaw  
183, 1996

"Licensed Disposal Facility" means a Disposal Facility in respect of which there is a valid and subsisting Licence;

"Licensee" means the person to whom a valid and subsisting Licence has been issued;

Replaced by  
Bylaw 183, 1996

"Material Recovery Facility" means any land or buildings and related improvements used for receiving municipal solid waste or Recyclable Material and at which materials are separated manually or mechanically for the purpose of recycling;

"New Facility" means any Facility other than an Existing Facility;

"Officer" means a person appointed by the Board under section 13.2;

"Recyclable Material" means a product or substance no longer usable in its current state that can be diverted or recovered from municipal solid waste and used in the processing or manufacture of a new product;

"recycle" or "recycling" means any process by which municipal solid waste and Recyclable Material is transformed into new products;

"Solid Waste Manager" means the person appointed by the Board under section 13.1;

"Storage Facility" means any land or buildings and related improvements where municipal solid waste or Recyclable Material is accumulated and held and in respect of which there is no clear and convincing evidence that all the municipal solid waste or Recyclable Material will be recycled in the near future;

"Transfer Station" means any land or buildings and related improvements at which municipal solid waste from collection vehicles is received, compacted or rearranged for subsequent transport;

Replaced by  
Bylaw 183, 1996

"*Waste Management Act*" means the *Waste Management Act* S.B.C. c.40, as amended or replaced and any successor legislation, and any regulations thereunder.

**1.2 Citation.** This Bylaw may be cited for all purposes as "Greater Vancouver Sewerage and Drainage District Municipal Solid Waste and Recyclable Material Regulatory Bylaw No. 181, 1996".

**1.3 Schedules.** The schedules listed below and annexed hereto shall be deemed to be an integral part of this Bylaw,

Schedule "A" - Fees

Schedule "B" - Exemptions from Licensing Requirements.

**1.4 No Conflict with *Waste Management Act*.** Nothing in this Bylaw is intended to conflict with the *Waste Management Act*, but this Bylaw may impose further restrictions or require further conditions than those imposed under the *Waste Management Act*.

**1.5 Compliance with Other Laws.** Except as otherwise specifically provided, nothing in this Bylaw, including, *inter alia*, a Licence excuses any person from complying with all other applicable enactments and laws.

## ARTICLE 2

### 2 FACILITIES REQUIRING LICENCES



**2.1 Prohibition.** Subject to section 2.2, no person shall own or operate within the area of Greater Vancouver Regional District:

- (a) a Disposal Facility;
- (b) a Transfer Station;
- (c) a Material Recovery Facility;
- (d) a Storage Facility;
- (e) a Brokering Facility; or
- (f) a Composting Facility;

unless that person has with respect thereto and strictly complies with a valid and subsisting Licence.

**2.2 Exclusions.** Notwithstanding section 2.1, no Licence shall be required for:

- (a) a Brokering Facility that receives exclusively source separated Recyclable Material where the owner or operator purchases or otherwise pays valuable consideration for all Recyclable Material received, cleaned, sorted, baled or packaged at the Brokering Facility;
- (b) Facilities owned or operated by the District or its member municipalities; and
- (c) those Facilities set out in Schedule "B" to this Bylaw.

### ARTICLE 3

#### 3 LICENCE APPLICATIONS

**3.1 Form of Application.** An application to obtain or amend a Licence under this Bylaw shall be filed at the District's offices in the form prescribed by the Solid Waste Manager.

**3.2 Referral to Municipality.** The Solid Waste Manager shall forward an application to issue a Licence in respect of a Facility to the municipality in which the Facility is located or is proposed to be located.

**3.3 Report of Municipality.** A municipality to which an application to issue a Licence has been forwarded under section 3.2:

- (a) shall provide the Solid Waste Manager with a report containing its comments and recommendations concerning the application and stating whether the municipality approves or does not approve of the application; and
- (b) shall submit the report required under subsection 3.3(a) to the Solid Waste Manager within 60 days after the date of forwarding of the application under section 3.2.

**3.4 No Report.** If no report is received under subsection 3.3(b) by the Solid Waste Manager within 60 days after the date of forwarding, the Solid Waste Manager will complete the evaluation of the application and may issue a Licence.

**3.5 Municipal Approval Required.** The Solid Waste Manager shall not issue a Licence in respect of an application if, in a report submitted to the Solid Waste Manager within the time specified in subsection 3.3(b), the municipality states that it does not approve of the application.

**3.6 Evaluation by Solid Waste Manager.** Where a municipality provides a report under subsection 3.3 (a) approving an application to issue a Licence, the Solid Waste Manager will complete the evaluation of the application and may issue a Licence.

**3.7 Evaluation of Licence Application.** The Solid Waste Manager, as a result of an application to issue a Licence, may consider the following matters with respect to the Facility proposed in the application:

- (a) the potential risk posed to the environment and public health;
- (b) the compliance with municipal zoning and land use designations;
- (c) any environmental impact assessment and any other investigations, tests, surveys or any other action taken under subsection 8.7(d);
- (d) any other information submitted to the Solid Waste Manager under subsection 8.7(e);
- (e) any closure plan submitted to the Solid Waste Manager under section 10.1; and
- (f) any other matter which the Solid Waste Manager considers relevant.

**3.8 Procedure on Application.** An applicant for a Licence, if required by the Solid Waste Manager, shall, at the applicant's cost:

- (a) publish a notice in a newspaper that is distributed at least weekly in the area where the Facility is located or is proposed to be located. The notice must include the following information
  - (i) the civic address of the Facility,
  - (ii) the name of the owner of the land on which the Facility is located or proposed to be located,
  - (iii) the full name and address of the operator of the Facility,
  - (iv) a brief and complete description of the activity to be carried out and the municipal solid waste or Recyclable Material to be handled at the Facility, and
  - (v) such other information as the Solid Waste Manager considers necessary.

The applicant, within 15 days of the date of publication of the notice, shall provide to the Solid Waste Manager a copy of the full page tear sheet as proof that the application was published;

- (b) post a readable copy of the application in a conspicuous place at all main road entrances to the land on which the Facility is located or proposed to be located within 15 days after the date of the application and keep the copy posted for a period of not less than 30 days; and

- (c) serve a written notice that an application has been filed on any person that the Solid Waste Manager considers affected by the application within 15 days of the filing of the application. The written notice shall contain the information set out in paragraphs (a)(i) to (v) above.

## ARTICLE 4

### 4 LICENCES

**4.1 Terms and Conditions for Licences.** The Solid Waste Manager, as a result of an application, may issue a Licence to a person for a Facility on such terms and conditions and specifying such requirements as the Solid Waste Manager considers necessary and without limiting in any way the generality of the foregoing, the Solid Waste Manager, with respect to the Facility, may in the Licence:

- (a) provide that specified municipal solid waste or Recyclable Material be handled at the Facility in the manner, with the frequency, in the quantity or volume and during the period of time specified by the Solid Waste Manager;
- (b) provide that specified municipal solid waste or Recyclable Material not be handled at the Facility;
- (c) require the Licensee to recover for the purpose of recycling certain Recyclable Material in accordance with the District's region-wide policies;
- (d) provide specified operating procedures and requirements;
- (e) require the Licensee to repair, alter, remove, improve or add to works or to construct new works and to submit plans and specifications specified in the Licence;
- (f) require the Licensee to monitor in the way specified by the Solid Waste Manager the municipal solid waste and Recyclable Material, the method of handling the municipal solid waste and Recyclable Material and the places and things that the Solid Waste Manager considers will be affected by the handling of the municipal solid waste or Recyclable Material;
- (g) require a Licensee to install and maintain in good condition at all times at the Facility, devices or equipment and works to inspect, sample or monitor, in a manner specified by the Solid Waste Manager
  - (i) all or part of the municipal solid waste or Recyclable Material at the Facility, and
  - (ii) the environment which may be affected by the municipal solid waste or Recyclable Material;

- (h) require a Licensee to keep records of volumes, weights, types, amounts, quantities and composition and the geographic area of origin of municipal solid waste or Recyclable Material brought onto or removed from the Facility and to submit the records to the Solid Waste Manager or an Officer;
- (i) require a Licensee to prepare and comply with an operating plan approved by the Solid Waste Manager which will contain such matters as may be prescribed by the Solid Waste Manager;
- (j) specify a maximum height (expressed as a geodetic elevation) at the Facility to which any accumulation of municipal solid waste or Recyclable Material (including cover material) may be stored or landfilled and require that the Licensee retain a British Columbia Land Surveyor (and other qualified professionals as appropriate) to prepare and update on a periodic basis a legal survey and a legal elevation control survey, topographic survey or such other survey as the Solid Waste Manager may approve; and
- (k) provide for implementing terms and conditions in phases or varying dates for compliance with terms and conditions.

## ARTICLE 5

### 5 TRANSITION

**5.1 Transition Period for Existing Facilities.** The owner or operator of an Existing Facility will not be in contravention of section 2.1 if the owner or operator completes and files at the District's offices on or before the 30th day after the date of adoption of this Bylaw an application under section 3.1 to obtain a Licence in respect of the Existing Facility.

**5.2 Issuance of Licences to Existing Facilities.** If an owner or operator of an Existing Facility files an application under section 5.1, the Solid Waste Manager will issue a Licence for the Existing Facility on such terms and conditions and specifying such requirements, *inter alia*, as set out in section 4.1 as the Solid Waste Manager considers necessary. Sections 3.3 to 3.6, inclusive, shall not apply to an application filed under section 5.1.

## ARTICLE 6

### 6 AMENDMENTS

**6.1 Amendment of Licence.** The Solid Waste Manager may:

- (a) on his own initiative where he considers it necessary; or
- (b) on application by a Licensee;

amend the terms and conditions of a Licence, either in whole or in part.

**6.2 Procedure on Amendment Application.** Sections 3.2, 3.3, 3.4, 3.5, 3.6 and 3.8 shall apply, *mutatis mutandis*, to an application to amend the terms and conditions of a Licence.

**6.3 Evaluation of Amendment Application.** The Solid Waste Manager may, as a result of an application, amend the terms and conditions of a Licence where he considers it advisable after considering any of the matters set out in section 3.7 which, in the Solid Waste Manager's opinion, are relevant at the time of such application.

## ARTICLE 7

### 7 VARIANCES

**7.1 Issuance of Variance Order.** Where the Commissioner considers that a person should have temporary relief from the requirements of a Licence, he may issue a variance order with respect to that Licence.

**7.2 Terms and Conditions.** Where the Commissioner issues a variance order, he shall:

- (a) specify the requirements in respect of which he grants relief;
- (b) specify the period during which the variance order remains in effect; and
- (c) cause a notice of the variance order to be published in a newspaper that is distributed at least weekly in the area where the Facility is located.

**7.3 Cancellation and Renewal.** The Commissioner may, notwithstanding section 7.2:

- (a) cancel a variance order; and
- (b) renew or extend a variance order.

## ARTICLE 8

### 8 INVESTIGATION, INSPECTION, MONITORING AND RECORDS

**8.1 Investigation.** The Solid Waste Manager or an Officer may at any reasonable time enter any Facility, site or premises and investigate any works, process or activity that is related to, used for or capable of being used for the handling of municipal solid waste or Recyclable Material, but nothing in this section authorizes the entry into any structure used solely as a private residence or any residential accommodation in any other structure.

**8.2 Additional Powers.** The powers of the Solid Waste Manager or an Officer under section 8.1 include the power to:

- (a) examine, take away and make copies of records relating to
  - (i) the causing of pollution,
  - (ii) the handling of municipal solid waste or Recyclable Material, and
  - (iii) the characteristics of the municipal solid waste or Recyclable Material

handled; and

- (b) carry out inspections, observations, measurements, tests and monitoring and to otherwise ascertain whether the terms of this Bylaw or a Licence have been or are being complied with and take away samples of land, articles, substances, municipal solid waste or Recyclable Material as he considers appropriate.

**8.3 Return of Documents.** Where the Solid Waste Manager or an Officer has taken away original records from a Facility, site or premises under subsection 8.2(a), the Solid Waste Manager or Officer, upon written request from the owner or operator of the Facility, will return copies of the records to the owner or operator within 24 hours of the inspection or if that is not possible, as soon thereafter as is practicable.

**8.4 Assistance.** The Solid Waste Manager or an Officer may take with him on to any Facility, site or premises such other persons or equipment as may be necessary.

**8.5 Safety Equipment.** The Solid Waste Manager or an Officer entering a Facility, site or premises for the purposes of inspection shall make use of appropriate safety equipment.

**8.6 Identification.** The Solid Waste Manager or an Officer shall, forthwith upon arrival at a Facility, site or premises, provide proof of identity to a person present at the Facility.

**8.7 Assessments.** The Solid Waste Manager, where he deems it necessary in the circumstances, may require:

- (a) a person who applies for a Licence;
- (b) a Licensee; or
- (c) a person who handles or proposes to handle municipal solid waste or Recyclable Material;

at that person's expense

- (d) to undertake an environmental impact assessment and other investigations, tests, surveys and any other action, in accordance with methods and procedures approved by the Solid Waste Manager; and
- (e) to provide to the Solid Waste Manager such information as he deems necessary to
  - (i) assess a Licence application, or
  - (ii) determine whether such person is in compliance with the provisions of this Bylaw or any Licence.

**8.8 Assessment by Third Party.** The Solid Waste Manager may require that all or some of the environmental impact assessment or other investigations, tests, surveys and other actions required under section 8.7 be undertaken by an independent third party acceptable to the Solid Waste Manager.

**8.9 Records.** Notwithstanding section 2.2, the Solid Waste Manager may require the owner or operator of a Facility, site or premises at which municipal solid waste or Recyclable Material is handled to keep records of volumes, weights, types, amounts, quantities and composition of municipal solid waste or Recyclable Material originating from within the Greater Vancouver Regional District that is brought onto or removed from the Facility, site or premises and to submit, on request annually, the records to the Solid Waste Manager or an Officer.

## ARTICLE 9

### 9 SECURITY

**9.1 Requirement for Security.** The Solid Waste Manager, as a condition of issuing or in a Licence, may require an applicant or a Licensee to post a bond or provide other security to the District in such form and amount, as deemed by the Solid Waste Manager acting reasonably, as necessary to ensure compliance with the provisions of a Licence.

## ARTICLE 10

### 10 CLOSURE

**10.1 Closure Requirements.** The Solid Waste Manager in a Licence may:

- (a) set standards and requirements relating to the closure of a Facility; and
- (b) require that a closure plan satisfactory to the Solid Waste Manager be prepared and submitted to the Solid Waste Manager within a specified time.

## ARTICLE 11

### 11 WEIGH SCALES AT DISPOSAL FACILITIES

**11.1 Installation of Weigh Scales.** Every Licensee who operates a Disposal Facility shall have installed by December 31, 1996 at least one weigh scale to measure the quantity of municipal solid waste and Recyclable Material received at that Disposal Facility.

**11.2 Weigh Scale Data.** Every Licensee that has installed one or more weigh scales under section 11.1 shall weigh on such weigh scales the quantity of municipal solid waste and Recyclable Material received at the Disposal Facility to provide measurements for the monthly written statements referred to in section 12.5.

**11.3 Certification of Weigh Scales.** Every Licensee who operates a Disposal Facility shall ensure that every weigh scale used to provide measurements for the monthly written statements referred to in section 12.5 shall satisfy the requirements of the *Weights and Measures Act* and the regulations and shall be regularly certified to be in proper working order thereunder.

**11.4 Exemption.** Section 11.1 shall not apply in respect of Disposal Facilities which are scheduled for closure within 6 months after December 31, 1996 in accordance with a closure plan approved by the Solid Waste Manager.

## ARTICLE 12

### 12 FEES

**12.1 Establishment of Fees.** The Board by bylaw may from time to time establish rates or levels of fees to be charged under this Bylaw.

**12.2 Application Fees.** Every person who applies for a Licence or any amendment thereto shall pay to the District, on application, for a Facility set out in Column 1 of Schedule "A" to this Bylaw, the corresponding Existing Facility application fee, New Facility application fee or amendment application fee as set out in Columns 2, 3 or 4, respectively, of Schedule "A" to this Bylaw, as applicable. An application fee shall not be refunded if a Licence is not issued or amended.

**12.3 Annual Administration Fee.** Every Licensee shall pay to the District upon the date of issuance of a Licence and thereafter annually on the anniversary date of such issuance, the annual administration fee set out in Column 5 of Schedule "A" to this Bylaw. The District will provide to all Licensees annual invoices setting out the annual administration fee due and payable in accordance with Schedule "A" to this Bylaw.

**12.4 Disposal Fees.** In addition to the fees payable under sections 12.2 and 12.3, every person, except as exempted under section 2.2, who operates a Disposal Facility, Transfer Station, Material Recovery Facility or Storage Facility shall pay monthly in arrears to the District the applicable disposal fees set out in Column 6 of Schedule "A" to this Bylaw. The disposal fees will be calculated commencing from July 1, 1996 and the first payment will be due and payable within 30 days of the date of the first invoice. The District will provide monthly invoices setting out the disposal fees due and payable based on the statements received under section 12.5 and in accordance with Column 6 of Schedule "A" to this Bylaw.

**12.5 Monthly Statement.** Every person, except as exempted under section 2.2, who operates a Disposal Facility, Transfer Station, Material Recovery Facility or Storage Facility shall deliver to the District a monthly written statement of the quantity in metric tonnes (or, for Facilities which have not installed weigh scales or are exempt under section 11.4 of this Bylaw, in cubic metres) of municipal solid waste and Recyclable Material received at that person's Facility. The statement shall be delivered monthly to the District within seven days after the last day of each month.

**12.6 Annual Audit.** A person who is required to provide a monthly statement under section 12.5, if requested by the Solid Waste Manager, shall at that person's expense provide to the District an audited annual statement of the quantities of municipal solid waste and Recyclable Material received at that person's Facility.

**12.7 Failure to Provide Monthly Statement.** If a person who operates a Disposal Facility, Transfer Station, Material Recovery Facility or Storage Facility does not deliver the monthly statement required under section 12.5 within the specified time, the District may prepare an invoice under section 12.4 based upon the quantity of municipal solid waste and Recyclable Material authorized in a permit, operational certificate or Licence relating to the Disposal Facility, Transfer Station, Material Recovery Facility or Storage Facility or upon



such other basis as the Solid Waste Manager, acting reasonably, determines appropriate.

**12.8 Receipts for Separated Material.** A Licensee who operates a Disposal Facility, Transfer Station, Material Recovery Facility or Storage Facility may deliver to the District receipts from a recycling broker or other person acceptable to the Solid Waste Manager evidencing the quantity in metric tonnes of items recovered from municipal solid waste and Recyclable Material received at the Facility subsequent to July 1, 1996 for the purpose of recycling and the delivery of those items to such recycling broker or other person acceptable to the Solid Waste Manager.

**12.9 Credit for Separated Material.** The quantity set out in any receipts delivered under and in accordance with section 12.8 shall be multiplied by the per tonne disposal fee set out in Column 6 of Schedule "A" to this Bylaw and the result thereof shall be credited against the amount payable by the Licensee under the Licensee's monthly invoice under section 12.4.

**12.10 Receipts for Disposal.** A Licensee who owns or operates a Transfer Station, Material Recovery Facility or Storage Facility may deliver to the District receipts from any Facility owned or operated by the District or any of its member municipalities or any Licensed Disposal Facility evidencing the quantity in metric tonnes of municipal solid waste delivered by the Licensee to such Facilities subsequent to July 1, 1996.

**12.11 Credit for Disposal.** The quantity set out in any receipts delivered under and in accordance with section 12.10 shall be multiplied by the per tonne disposal fee set out in Column 6 of Schedule "A" to this Bylaw and the result thereof shall be credited against the amount payable by the Licensee under the Licensee's monthly invoice under section 12.4.

**12.12 Invoices.** All invoices rendered by the District shall be due and payable 30 days from the date of the invoice. Late payments will accrue interest computed at the rate of one and one quarter percent (1.25%) per month on the outstanding balance, calculated and compounded monthly, from the date such amounts become due and payable until the date they are paid in full.

**12.13 Municipal Allocation.** The disposal fees established under section 12.4 may include an amount to assist a municipality in which a Facility is located to pay the demonstrated costs of providing for constructing, repairing, maintaining and operating highways and roads and obtaining, operating, repairing and maintaining fire fighting equipment and such other reasonable costs, whether of a capital or operating nature or otherwise, directly attributable to the operation of the Facility within the municipality.

## ARTICLE 13

### 13 SOLID WASTE MANAGER AND OFFICERS

**13.1 Appointment of Solid Waste Manager.** The Board shall appoint by resolution or bylaw a person to be the Solid Waste Manager and a person to be the Deputy Solid Waste Manager who may exercise all the powers given to the Solid Waste Manager under this Bylaw.

**13.2 Appointment of Officers.** The Board may appoint by resolution or bylaw a person or persons to be an Officer or Officers who may exercise all the powers given to an Officer under

this Bylaw.

## ARTICLE 14

### 14 CONTRAVENTIONS

**14.1 Reporting.** Where there is any conduct or activity contrary to any Licence or that is otherwise in contravention of this Bylaw, any person who:

- (a) owns, operates, has charge or control of or manages any Facility or municipal solid waste or Recyclable Material that is affected by or is the subject of such contravention; or
- (b) causes or contributes to the causation of such contravention;

shall, at the first available opportunity after becoming aware of the contravention, verbally report such contravention to the Solid Waste Manager and shall forthwith undertake all remedial action that may be necessary to minimize, counteract, mitigate and remedy the effect of such contravention. The verbal report shall be confirmed as soon as possible thereafter by a written report.

## ARTICLE 15

### 15 SUSPENSION AND CANCELLATION

**15.1 Suspension and Cancellation of Licences.** Without limiting any other provision of this Bylaw, the Solid Waste Manager, after giving reasonable written notice to a Licensee, may suspend or cancel a Licence where:

- (a) the Licensee fails to comply with the terms, conditions or requirements of the Licence;
- (b) the Licensee has made a material misstatement or misrepresentation in the application for the Licence; or
- (c) the Licensee has failed to
  - (i) make payment of fees under Article 12, or
  - (ii) comply with any other provision of this Bylaw.

**15.2 Further Suspension and Cancellation.** The Solid Waste Manager, in addition to his powers under section 15.1, may:

- (a) upon request from a Licensee, suspend a Licence for up to but not longer than the length of time requested; and

- (b) cancel a Licence where
  - (i) the Licensee is an individual who has died,
  - (ii) the Licensee is a corporation that is struck off the register under the *Company Act* or is dissolved,
  - (iii) the Licensee is a partnership that is dissolved, or
  - (iv) the Licensee requests that the Licence be cancelled.

## **ARTICLE 16**

### **16 APPEALS**

**16.1 Definition of "Decision".** For the purpose of this Article 16 "decision" means:

- (a) the exercise of a power;
- (b) the imposition of a standard or requirement;
- (c) the issuance, amendment, suspension, refusal or cancellation of a Licence; and
- (d) the inclusion in any Licence of any term or condition.

**16.2 Appeal to Commissioner.** A person who considers himself aggrieved by a decision of the Solid Waste Manager or the Deputy Solid Waste Manager may appeal to the Commissioner.

**16.3 Appeal Procedure.** An appeal under section 16.2 shall be commenced by giving written notice of intention to appeal to the Solid Waste Manager within 21 days after the decision appealed from is made.

**16.4 Extension of Appeal Period.** The Commissioner may extend the time for commencing an appeal either before or after the time for commencement of the appeal has elapsed.

**16.5 Decision of Commissioner.** On considering an appeal, the Commissioner may:

- (a) confirm, reverse or vary the decision appealed from;
- (b) refer the matter back to the Solid Waste Manager or Deputy Solid Waste Manager for reconsideration, as the case may be, with or without directions; or
- (c) make any decision that the Solid Waste Manager or the Deputy Solid Waste Manager could have made and that the Commissioner considers appropriate in the circumstances.

**16.6 No Stay during Appeal.** An appeal under this Bylaw does not operate as a stay or suspend the operation of the decision being appealed unless the Commissioner decides otherwise.

**16.7 Participation by Solid Waste Manager.** At the request of the Solid Waste Manager or

the Deputy Solid Waste Manager, whose decision is being appealed, the Commissioner shall permit the Solid Waste Manager or the Deputy Solid Waste Manager to have full party status at the appeal.

## ARTICLE 17

### 17 OFFENCES AND PENALTIES

**17.1 Offence.** Any person who contravenes a provision of this Bylaw, a Licence or requirement made or imposed under this Bylaw commits an offence and is liable to a fine not exceeding \$1,000,000 .

**17.2 Separate Offences.** Where there is an offence that continues for more than one day, separate fines, each not exceeding the maximum fine for the offence, may be imposed for each day or part thereof in respect of which the offence occurs or continues.

**17.3 No Limitation.** Nothing in this Bylaw shall limit the District from utilizing any other remedy that would otherwise be available to the District at law.

## ARTICLE 18

### 18 GENERAL

**18.1 No Transfer or Assignment.** A transfer or assignment of a Licence is without effect without the prior written approval of the Solid Waste Manager.

**18.2 Headings.** The headings in this Bylaw are for convenience only and shall not limit, enlarge or affect the scope of any of the provisions in this Bylaw.

**18.3 Gender.** In this Bylaw, gender specific terms include both genders and include corporations.

**18.4 Severability.** If any portion of this Bylaw is deemed *ultra vires*, illegal, invalid or unenforceable in any way in whole or in part by any court of competent jurisdiction, such decision shall not invalidate or void the remainder of this Bylaw, the parts so held to be *ultra vires*, illegal, invalid or unenforceable shall be deemed to have been stricken therefrom with the same force and effect as if such parts had never been included in this Bylaw or revised and reduced in scope so as to be valid and enforceable.

**SCHEDULE "A"**

**FEES**

The application, administration and disposal fees payable to the District under this Bylaw shall be as follows:

**1. Application. Amendment. Annual Administration and Disposal Fees**

Column 1 Facility	Column 2 Existing Facility Application Fee	Column 3 New Facility Application Fee	Column 4 Amendment Application Fee	Column 5 Annual Administration Fee	<sup>(a)</sup> Column 6 Disposal Fee (per metric tonne)
Disposal Facility	\$1,000	\$5,000	\$2,500	\$1,000	\$3
Transfer Station	\$500	\$1,000	\$500	\$1,000	\$3
Material Recovery Facility	\$500	\$1,000	\$500	\$1,000	\$3
Storage Facility	\$500	\$1,000	\$500	\$1,000	\$3
Brokering Facility	\$500	\$1,000	\$500	\$1,000	N.A.
Composting Facility	\$500	\$1,000	\$500	\$1,000	N.A.

<sup>(a)</sup> The disposal fee in Column 6 will apply to municipal solid waste received at the Facility. For Facilities which have not installed weigh scales or are exempt under section 11.4 of the Bylaw the applicable fee shall be \$1.25 per cubic metre of municipal solid waste received at the Facility (measured in the delivery vehicle). For Transfer Stations and Material Recovery Facilities during a transition period ending November 1, 1996 the applicable fee shall be \$0.80 per cubic metre of municipal solid waste received at the Facility (measured in the delivery vehicle).

## **SCHEDULE "B"**

### **EXEMPTIONS FROM LICENSING REQUIREMENTS**

For greater certainty and without limiting the generality of section 2.1 of the Bylaw, the following Facilities shall be exempt from the licensing requirements under section 2.1:

1. any Facility which accepts exclusively asphalt and concrete for the purposes of reprocessing, resale and reuse;
2. any drop-off depot which is owned or operated by a charitable organization, as defined in the *Income Tax Act* (Canada), or a non-profit organization, as referred to in section 149 of the *Income Tax Act* (Canada); and
3. any retail food, grocery, beverage or drug establishment that accepts recyclable products on a return-to-retail basis.