
To: Liquid Waste Committee

From: Lillian Zaremba, Program Manager, Utility Residuals Management, Liquid Waste Services
Sarah Wellman, Senior Engineer, Solid Waste Operations, Solid Waste Services

Date: October 27, 2021 Meeting Date: November 4, 2021

Subject: **Waste-to-Energy Facility Biosolids Processing System**

RECOMMENDATION

That the Liquid Waste Committee receive for information the report dated October 27, 2021, titled "Waste-to-Energy Facility Biosolids Processing System".

EXECUTIVE SUMMARY

Using the Waste-to-Energy Facility to process up to 25,000 tonnes per year of biosolids will help diversify options for biosolids management as quantities increase with the development and upgrading of regional wastewater treatment plants. Managing biosolids at the Waste-to-Energy Facility will increase its processing capacity and electricity production, and improve operations.

Covanta, the Waste-to-Energy Facility operator, would construct the biosolids system to ensure coordination with facility operations. Covanta would use transparent procurement processes with oversight by Metro Vancouver. The capital and operating cost of processing biosolids will be paid by Liquid Waste Services on a cost recovery basis. The project capital cost, including biosolids management systems along with additional Waste-to-Energy Facility improvements to be completed in parallel, are up to \$22 million. The cost of managing biosolids at the Waste-to-Energy Facility is comparable to other options for biosolids management, and is included in the Liquid Waste and Solid Waste capital and operating financial plans.

PURPOSE

The purpose of this report is to provide information to the Liquid Waste Committee about a planned biosolids processing system at the Waste-to-Energy Facility. The information in this report will be subsequently presented to the Zero Waste Committee at their November 17, 2021 meeting for consideration and recommendation, prior to seeking GVS&DD Board approval to proceed with construction.

BACKGROUND

The *Integrated Liquid Waste and Resource Management Plan* directs Metro Vancouver to use liquid waste as a resource and recover nutrients and energy from biosolids. New options for biosolids management are required because the annual biosolids production in the region is projected to increase from roughly 55,000 tonnes per year currently to 100,000 tonnes per year in the next five years and 150,000 tonnes per year by 2050. Land application of an additional 100,000 tonnes per year of biosolids would be challenging as land application projects are vulnerable to fluctuations in customer markets and public concern. On October 4, 2019, the GVS&DD Board endorsed biosolids

drying as a management option. The report dated September 13, 2019, titled “Biosolids Management Strategic Direction” also noted that Metro Vancouver was exploring the use of the Waste-to-Energy Facility to manage up to 25,000 tonnes per year of biosolids, and that processing of biosolids at the Waste-to-Energy Facility would not impact the business case for the development of a biosolids dryer.

BIOSOLIDS PROCESSING AT THE WASTE-TO-ENERGY FACILITY

Processing of biosolids at the Waste-to-Energy Facility would complement land application of biosolids and the planned regional biosolids drying facility. Land application recovers valuable nutrients, builds healthy soils and sequesters carbon. The biosolids drying facility will recover energy and nutrients, which both fulfill the direction of the *Integrated Liquid Waste and Resource Management Plan*. Processing biosolids at the Waste-to-Energy Facility in Burnaby is slightly better than energy-neutral and has lower transportation emissions than disposal at distant landfills. The intent is to run the biosolids processing system at a minimum one-third capacity (8,500 tonnes per year) and to use the additional capacity of up to 25,000 tonnes per year as a contingency if biosolids land application sites become unavailable. Contingency use of the Waste-to-Energy Facility will avoid landfilling of biosolids, which is not a beneficial use, does not recover energy or nutrients, and results in greenhouse gas emissions.

Over the period 2017 to 2019, Metro Vancouver conducted testing of biosolids processing at the Waste-to-Energy Facility. Testing determined that up to 25,000 tonnes per year of biosolids can be processed at the Waste-to-Energy Facility (an increase of approximately 10% in overall facility capacity) with only minor impacts on waste quantities processed and no impacts on air emissions or ash quality. Results of the testing program were submitted to the Ministry of Environment and Climate Change Strategy, and on March 31, 2021 the Ministry of Environment and Climate Change Strategy approved processing up to 25,000 tonnes per year of biosolids at the Waste-to-Energy Facility.

Process Details

Biosolids processing at the Waste-to-Energy Facility would involve the installation of storage tanks and appropriate pumping and conveyance infrastructure. Feed chute injectors have been installed already as part of replacement of the refuse feed chutes, work previously planned and now complete. With the injection of biosolids directly into the refuse feed chutes, there is no odour potential and facility equipment such as the refuse cranes does not contact the biosolids, minimizing potential worker concerns. A similar system is in place at the waste-to-energy facility in Oahu, Hawaii, and has been operating successfully for a number of years with no odour complaints.

Capital and Operating Costs and Project Development

A third party engineering study estimated the capital costs of developing a biosolids processing system at the Waste-to-Energy Facility at \$19.8 million including contingency and escalation. Of the total cost, approximately \$16.4 million is dedicated equipment for the biosolids processing system and \$3.4 million is combustion air management upgrades that provide co-benefits to overall Waste-to-Energy Facility operations. On top of the \$19.8 million estimate, an additional \$2.2 million is included in the budget as supplemental contingency to ensure that project can be completed within budget.

The incremental operating cost to receive biosolids has been calculated at \$45 per tonne on top of capital costs. This includes labour, lost garbage processing capacity, ash management, and other operating and maintenance costs.

For projects that are integrated into the Waste-to-Energy Facility operations such as the biosolids processing system, Metro Vancouver contracts with Covanta, the facility operator, to construct the project. Covanta undertakes procurement in a similar manner as Metro Vancouver, with opportunities advertised through B.C. Bid and proposals evaluated with the same level of rigor as Metro Vancouver would use. Metro Vancouver also engages third party engineering consultants to review proposed capital and operating costs to ensure they are reasonable.

As per the report dated September 13, 2019, titled “Biosolids Management Strategic Direction”, the cost of managing biosolids through land application and landfilling ranges from \$140 to \$160 per tonne. When the cost of carbon is included according to the *Carbon Price Policy*, those costs rise to \$155 to \$265 per tonne of biosolids. The effective cost of processing biosolids at the Waste-to-Energy Facility will depend on the amount of biosolids received at the facility, given the fixed capital costs. Based on a throughput ranging from 8,500 tonnes per year to 25,000 tonnes per year, the unit cost of processing biosolids is \$195 to \$100 per tonne including the cost of carbon, which is in a similar range as other options.

Benefits

The Waste-to-Energy Facility achieves several benefits from processing biosolids. Adding biosolids increases the overall utilization of the facility because the high moisture content of the biosolids means that five tonnes of added biosolids only reduces garbage processing capacity by one tonne. Recent decreases in the organics content in the municipal solid waste stream, due to the organics disposal ban and proportional relative increases in plastic content, have increased the energy value of the waste stream reducing throughput for the facility. Electricity production at the Waste-to-Energy Facility is estimated to increase by 3% through the addition of biosolids. Pilot trials showed improvements in process controls with the addition of biosolids, as the consistent moisture content of the biosolids improves the overall consistency of the input materials to the facility.

The Waste-to-Energy Facility provides a local, reliable, low risk and cost-effective option for managing biosolids. From a greenhouse gas perspective, the primary benefit of processing biosolids at the Waste-to-Energy Facility is reduced transportation emissions compared to trucking biosolids to distant landfills when disposal is required. For an input stream of up to ten percent biosolids at the Waste-to-Energy Facility, no supplemental natural gas is required to process the biosolids due to the high energy value of the municipal solid waste, resulting in no increase in greenhouse gas emissions at the facility. The 3% increase in electricity production from the addition of biosolids results in limited greenhouse gas benefits, as it is mainly displacing clean hydropower electricity. In the future, once heat recovery for district energy is in place at the Waste-to-Energy Facility, heat generated by the addition of biosolids would help displace natural gas use in district energy systems and reduce greenhouse gas emissions.

ALTERNATIVES

This is an information report. No alternatives are presented.

FINANCIAL IMPLICATIONS

The budget for the biosolids processing system is up to \$22 million. Of the total \$22 million, approximately \$16.4 million would be funded as Liquid Waste Services Capital and \$5.6 million as Solid Waste Services Capital. Since the project would be undertaken by Solid Waste Services, the Liquid Waste Services portion of the cost would be fixed. Funding for this project is included in the 2022-2026 5-Year Financial Plan.

If the biosolids processing system is not implemented, the diversification of options to handle biosolids will be reduced, increasing the potential for landfill disposal of biosolids.

CONCLUSION

Engineering work is complete for a system to process biosolids at the Waste-to-Energy Facility. Implementing the project would provide capacity for up to 25,000 tonnes per year of biosolids to be managed locally and provides benefits to the operation of the Waste-to-Energy Facility. Staff recommend proceeding with implementation of a biosolids processing system at the Waste-to-Energy Facility at a cost of up to \$22 million.

48094486

To: Liquid Waste Committee

From: Tom Sadleir, Community Engagement Manager, External Relations

Date: October 26, 2021 Meeting Date: November 4, 2021

Subject: ***Integrated Liquid Waste and Resource Management Plan - Early Engagement and 2019-2020 Biennial Report Feedback***

RECOMMENDATION

That the Liquid Waste Committee receive for information the report dated October 26, 2021, titled "*Integrated Liquid Waste and Resource Management Plan - Early Engagement and 2019-2020 Biennial Report Feedback*".

EXECUTIVE SUMMARY

This report summarizes the early feedback from Phase 1 engagement on the *Integrated Liquid Waste and Resource Management Plan* (the Plan) review and update, and feedback on the Plan's 2019-2020 Biennial Report.

Staff have been engaging member jurisdictions through presentations to, and discussions with, advisory committees before and since the engagement strategy for the Plan review and update was approved by the Province in March 2021. Early comments received reflect a desire to ensure affordability for wastewater services, protect our local waters, and streamline reporting processes.

Feedback from the email submissions regarding the Plan's 2019-2020 Biennial Report include concern with pollution from the Iona Island Wastewater Treatment Plant, marine contamination from vessels, and a desire for more collaboration with First Nations particularly on opportunities for innovation and revenue generation.

Phase 1 engagement on the Plan includes a review of the 2011 Plan and identifying a vision and guiding principles for a new Plan. Phase 1 findings, including upcoming public and Indigenous Nations engagement, will be reported to the Liquid Waste Committee, GVS&DD Board, and Ministry of Environment and Climate Change in early 2022. Submissions received on the 2019-2020 Biennial Report and Metro Vancouver's responses to the issues raised will be forwarded to the Ministry of Environment and Climate Change Strategy.

PURPOSE

To communicate the early feedback received during Phase 1 engagement on the *Integrated Liquid Waste and Resource Management Plan* review and update, and feedback on the Plan's 2019-2020 Biennial Report.

BACKGROUND

Since mid-2020, staff have been meeting with member jurisdiction staff to identify early priorities for the Plan review and update through a series of presentations and workshops. On March 26, 2021,

the Ministry of Environment and Climate Change Strategy approved the engagement-focused Plan review and update strategy. Following receipt of this approval, staff initiated the first phase of the formal engagement process, which includes a review of the existing Plan, identifying high-level priorities and developing a new vision and guiding principles for a new Plan.

On June 25, 2021, a report titled “*Integrated Liquid Waste and Resource Management Plan: Biennial Reporting for 2019-2020*” was presented to the GVS&DD Board, and staff was directed to arrange for the Liquid Waste Committee to receive public comments on the 2019-2020 Biennial Report.

This report provides the activities and results to date for Phase 1 engagement on the Plan review and update, and for engagement on the existing Plan’s 2019-2020 Biennial Report.

REVIEW AND UPDATE OF THE LIQUID WASTE MANAGEMENT PLAN

Meetings and workshops with key member jurisdiction advisory committees before and during Phase 1 engagement (ongoing) include:

- Regional Engineers and Administrative Advisory Committees: July 22, 2020 and October 22, 2021
- Regional Engineers Advisory Committee - Liquid Waste Subcommittee: March 5, 2020 and July 28, 2021
- Stormwater Interagency Liaison Group: January 14 and July 8, 2021

Other technical advisory committees that have been engaged, or will be engaged in upcoming months, include the Environmental Monitoring Committee, Regional Planning Advisory Committee - Environment Subcommittee and Combined Sewer Overflow Elimination Working Group.

Through these meetings and written submissions, the following themes have emerged for the Plan update:

- Keep rates affordable and fair, and provide value for services
- Accelerate action on wet weather flows, including those originating on private property from inflow and infiltration (I&I), that lead to sewer overflows
- Engage and collaborate with those we serve, and integrate Indigenous perspectives
- Integrate improved performance metrics and streamline progress reporting to focus on key areas of interest and importance to the Ministry of Environment and Climate Change Strategy and the public
- Integrate climate scenarios adaptively
- Centre the next Plan around the draft vision statement, “Healthy Waters: For All. Forever”, while keeping costs fair and affordable

In August 2021, attendees at the Metro Vancouver PNE Exhibit were invited to complete a questionnaire to identify their priorities for wastewater management in the region. These early engagement results indicate a desire for the next plan to prioritize protecting the environment, specifically the ocean, local streams and creeks. Questionnaire results (1,423 total responses):

What's important to you about Liquid Waste Management for the region? (pick a maximum of 3)

- A. Minimizing sewage overflows to local waters – 22%
- B. Improving water quality in streams and creeks – 17.4%
- C. Minimizing greenhouse gas emissions (GHGs) (e.g. using renewable gas to displace natural gas) – 17.2%
- D. Providing advanced sewage treatment – 16.8%
- E. Being resilient to flooding (e.g. prepared for climate change) – 12.7%
- F. Keeping costs low – 9.2%
- G. Minimizing odours – 4.7%

In November 2021, the public will be invited to provide input to help set the direction for the plan update by attending a public webinar and completing an online feedback form. This input will be compiled into an engagement summary report along with comments from member jurisdictions and other levels of government, including Indigenous Nations, and presented to the Liquid Waste Committee, GVS&DD Board and Ministry of Environment and Climate Change Strategy in early 2022.

REVIEW OF THE 2019-2020 BIENNIAL REPORT

The 2019-2020 Biennial Report was posted to Metro Vancouver's website in July 2021. The following notification of opportunities to provide input on the report was provided:

- July 16, 2021 – letters to 35 First Nations, Tribal Councils and Associations
- July 16, 2021 – emails to 950 contacts from the *Integrated Liquid Waste and Resource Management Plan* database
- August 12, 2021 – newspaper advertisements: *Vancouver Sun* and *Province*
- August 31, 2021 – letter to 35 First Nations, Tribal Councils and Associations reminding of deadline for receipt of input

Notifications included a link to the 2019-2020 Biennial Report, invitation to appear as a delegation to the September 9, 2021 Liquid Waste Committee meeting, and invitation to provide written input with a deadline of September 27, 2021.

Feedback

The following email submissions were received:

1. September 8, 2021 – Kayla Phillips, Projects Analyst and Chris Raftis, Major Projects Coordinator, Intergovernmental Affairs, Musqueam Indian Band
2. September 27, 2021 – Anna Barford, Canada Shipping Campaigner, Stand.earth

Feedback from the email submissions included concerns regarding pollution from the Iona Island Wastewater Treatment Plant, marine contamination from vessels, and a desire for more collaboration with First Nations particularly regarding opportunities for innovation and revenue generation. These topics are addressed in the Metro Vancouver *Board Strategic Plan*, which provides direction to understand the impacts of contaminants on the ecosystem and strengthen relationships

with First Nations by exploring new pathways to Reconciliation, such as increased engagement, dialogue, and collaboration between Metro Vancouver and First Nations in the region. These topics will also be addressed in the review and update of the Plan.

The issues raised in the emails and Metro Vancouver's responses to those issues appear in Attachment 1: *Integrated Liquid Waste and Resource Management Plan 2019-2020 Biennial Report Feedback Summary Issue-Response Table*. The emails received appear in Attachment 2: Correspondence.

ALTERNATIVES

This is an information report. No alternatives are presented.

FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

This report summarizes the early feedback from Phase 1 engagement on the *Integrated Liquid Waste and Resource Management Plan* review and update, and feedback on the Plan's 2019-2020 Biennial Report.

Staff have been engaging member jurisdictions through presentations to, and discussions with, advisory committees since the engagement strategy for the Plan review and update was approved by the Province in March 2021. Early comments received reflect a desire to ensure affordability for wastewater services, protect our local waters, and streamline reporting processes.

Feedback from the email submissions regarding the 2011 *Integrated Liquid Waste and Resource Management Plan* include concern with pollution from the Iona Island Wastewater Treatment Plant, marine contamination from vessels, and a desire for more collaboration with First Nations particularly on opportunities for innovation and revenue generation.

Phase 1 engagement on the Plan includes a review of the 2011 Plan and identifying a vision and guiding principles for the Plan update. Phase 1 findings, including upcoming engagement with the public and Indigenous Nations, will be reported to the Liquid Waste Committee, GVS&DD Board, and Ministry of Environment and Climate Change in early 2022. Submissions received on the 2019-2020 Biennial Report and Metro Vancouver's responses to the issues raised will be forwarded to the Ministry of Environment and Climate Change Strategy.

Attachments

1. *Integrated Liquid Waste and Resource Management Plan 2019-2020 Biennial Report Feedback Summary Issue-Response Table*, dated October 6, 2021
2. Correspondence, dated October 6, 2021

October 6, 2021

ILWRMP 2019/2020 Biennial Report Feedback Summary Issue-Response Table

#	Issue/Comment/Question	Metro Vancouver Response
Email submission September 8, 2021 from Musqueam Indian Band		
1	Throughout the Report, collaboration with First Nations is only mentioned in a specific section pertaining to that topic. Musqueam is interested in a more integrative approach where efforts to engage and work with Nations are contained throughout the report, and particularly where opportunities for innovation and revenue generating are concerned.	The 2019-2020 Biennial Report provides an update on specific actions identified in the 2011 Integrated Liquid Waste and Resource Management Plan. These actions are not reflective of the deeper integration of First Nation considerations that we hope to address in the next liquid waste management plan, which is scheduled to be developed over the next three years. During the plan update, we are committed to fostering an environment where a wide range of voices and perspectives are shared. We will work to understand priorities and desired outcomes of Indigenous Nations and peoples across the region for wastewater management.
2	It is outlined in the Report that the Iona WWTP is by far the most polluting facility in the fleet. Is this purely based on size or amount of fuel used? Will reducing this level of pollution be a primary concern in the new design?	The Iona Island Wastewater Treatment Plant is the largest plant in the region based on flows to the plant. It is also a primary treatment plant and as such uses technology and approaches that are now considered outdated. The upgraded plant design concept includes tertiary treatment, as do all options currently being evaluated. Together with a suite of ecological restoration projects, the plant upgrade will improve water quality in the Fraser River estuary and in the Salish Sea.

48101877



Email submission September 27, 2021 from Stand.earth

3	<p>The Integrated Liquid Waste and Resource Management Plan does not address liquid waste from vessels directly, nor does it list a relationship with the Vancouver Fraser Port Authority to accept liquid waste. Including liquid waste from vessels would prevent millions of litres of sewage and greywater from being dumped as pollution off the coast of BC, and instead capture the waste as a resource. The Integrated Liquid Waste and Resource Management Plan is a well placed policy to capture this liquid waste stream and support a healthier Salish Sea.</p>	<p>In general, most port and vessel activities are federally-regulated and are outside of Metro Vancouver's authority and mandate. However, through the review and update of the Integrated Liquid Waste and Resource Management Plan, Metro Vancouver will explore opportunities to work with other levels of government, including those responsible for port and vessel activities, to develop new integrated solutions that better protect and enhance the quality of waters throughout the region.</p>
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From: [Anna Barford](#)
To: [LWMP](#)
Subject: Comment on the Biennial Report 2019-2020: Integrated Liquid Waste and Resource Management Plan
Date: Monday, September 27, 2021 9:44:00 AM
Attachments: [2021_09_27Stand.earth Comment for MetroVancouver \(2\).pdf](#)

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Good morning,

Attached, please find a comment from Stand.earth to the Biennial Report 2019-2020: Integrated Liquid Waste and Resource Management Plan.

Please do not hesitate to reach out if there are any questions, or if I can be of further assistance

Best,

Anna Barford | she/her

Canada Shipping Campaigner O: +1 604 757 7029



Stand.earth challenges corporations and governments to treat people and the environment with respect, because our lives depend on it.



We write today to contribute a comment on the Biennial Report: 2019-2020 Integrated Liquid Waste and Resource Management from MetroVancouver. We wish to draw your attention to a source of liquid waste not included for your consideration.

[Over 1 million cruise passengers came to Vancouver in 2019](#), and we are likely to see that many passengers again to this home port once cruising returns to pre-pandemic levels. Each of those passengers needs to use the toilet, take a shower, and will depend on an operating kitchen for restaurant food, the ship itself may need to change pool or hottub water, all producing liquid waste. The Management Plan for liquid waste does not address liquid waste from vessels directly, nor does it list a relationship with the Vancouver Fraser Port Authority to accept liquid waste.

Currently [Transport Canada allows ships built before 2013 to dump greywater](#), which includes everything that isn't industrial or from the toilet, without treatment straight into the ocean. The US EPA found that greywater from cruise ships had a [higher fecal coliform count than untreated municipal sewage](#), and was also laden with oil and grease and personal care products harmful to species at risk. Our neighbours in Puget Sound and SouthEast Alaska are addressing this by both introducing [strict regulations and requiring ships unable to meet those to offload their waste at port for treatment in facilities](#).

Including liquid waste from vessels would [prevent millions of litres of sewage and greywater from being dumped as pollution off the coast of BC](#), and instead capture the waste as a resource. Waste from industrial processes on ships are particularly likely to be detrimental, such as [exhaust gas cleaning system waste and wash water which is highly acidic and very toxic](#). Liquid waste from vessels may not only be detrimental to the health of the local marine environment and those who use it, but also to our [neighbours who are putting in place strong policies](#) and investing in infrastructure to capture liquid waste from vessels of all sizes.

The Integrated Liquid Waste and Resource Management plan is a well placed policy to capture this liquid waste stream and support a healthier Salish Sea.

Please do not hesitate to reach out to myself for clarification or future discussions about this topic.

Sincerely,
Anna Barford
Canada Shipping Campaigner
Stand.earth
anna@stand.earth, 604-757-7029

From: [Kayla Phillips](#)
To: [LWMP](#); [Tom Sadleir](#)
Cc: [Christopher Raftis](#)
Subject: Metro Vancouver's Integrated Liquid Waste and Resource Management Plan Biennial Report: Reminder to Provide Input
Date: Wednesday, September 8, 2021 10:05:15 AM
Attachments: [2021.09.08 Letter to MV re integrated waste report.docx](#)

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Good morning,
Please find Musqueam's response to Metro Vancouver's Integrated Liquid Waste and Resource Management Plan Biennial Report: Reminder to Provide Input.
Thank you,
Kayla Phillips (she/her)
Projects Analyst, Intergovernmental Affairs
x^wməθk^wəyəm
Musqueam Indian Band
6735 Salish Drive, Vancouver, BC V6N 4C4
kphillips@musqueam.bc.ca, 778-928-8074



MUSQUEAM INDIAN BAND

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FAX: 604 263-4212

September 8, 2021

File: PE-13-01-LW-005

BY EMAIL

Re: Metro Vancouver's Integrated Liquid Waste and Resource Management Plan Biennial Report: Reminder to Provide Input

Dear Tom Sadleir,

I am writing to you on behalf of the Musqueam Indian Band ("Musqueam") in response to your letter on August 31, 2021 seeking comments for the Integrated Liquid Waste and Resource Management Plan.

Musqueam Comments on the Report:

Comments on the report are minimal and are divided into one general comment and one specific question:

1. Throughout the Report, collaboration with First Nations is only mentioned in a specific section pertaining to that topic. Musqueam is interested in a more integrative approach where efforts to engage and work with Nations are contained throughout the report, and particularly where opportunities for innovation and revenue generating are concerned.
2. It is outlined in the Report that the Iona WWTP is by far the most polluting facility in the fleet. Is this purely based on size or amount of fuel used? Will reducing this level of pollution be a primary concern in the new design?

Thank you,

Kayla Phillips, Projects Analyst, Intergovernmental Affairs
Chris Raftis, Major Projects Coordinator, Intergovernmental Affairs

To: Zero Waste Committee

From: Maria Lo, Project Engineer, Solid Waste Services

Date: November 9, 2021 Meeting Date: November 17, 2021

Subject: **2020 Solid Waste and Recycling Annual Report**

RECOMMENDATION

That the Zero Waste Committee receive for information the report dated November 9, 2021, titled “2020 Solid Waste and Recycling Annual Report”.

EXECUTIVE SUMMARY

In 2020, Metro Vancouver’s solid waste system experienced a shift in waste and recycling from the commercial/institutional sector to the residential sector. These impacts are likely associated with the temporary closure of some businesses and institutions, the shift to online work and learning, and more time spent at home during the COVID-19 pandemic. In 2020 the region’s recycling rate increased 1% from 63% to 64%, while the per capita disposal rate decreased by 0.03 tonnes from 2019 to 0.45 tonnes per capita. The recycling rate rise was primarily due to increased recycling in the residential sector and decreased disposal in the commercial/institutional and construction and demolition sectors.

The COVID-19 pandemic may have also led to an increased use of single-use items including packaging, and plastic products. Recycled tonnages for the material types associated with packaging and paper products increased. Increased quantities of recycled packaging and other single-use products highlight the importance of waste reduction initiatives such as the Superhabits campaign, promoting single-use item reduction, and the Create Memories, Not Garbage campaign.

PURPOSE

The purpose of this report is to update the Zero Waste Committee on progress towards the waste reduction and recycling goals outlined in the *Integrated Solid Waste and Resource Management Plan* for the calendar year 2020.

BACKGROUND

Metro Vancouver is responsible for waste reduction, recycling planning, and the operation of a series of solid waste facilities in the region. Planning for less waste, improving reuse and recycling systems, and managing the remaining waste reflects the public’s expectations of high environmental stewardship and affordable and accessible waste management. Municipal solid waste includes waste generated by residents, commercial/institutional businesses, and construction and demolition activity. It excludes industrial and agricultural waste. Annual reporting allows Metro Vancouver to track progress towards its waste reduction and recycling goals. The report is typically provided at the end of the year for the previous year’s performance because data sources are not available until late in the next year.

ANNUAL SUMMARY

The primary objectives of the *Integrated Solid Waste and Resource Management Plan* are avoiding waste through waste reduction campaigns, programs and policies, and recovering materials and energy from waste that remains. The target for waste reduction is reducing the per capita waste generation rate to 90% or less of 2010 levels by 2020. The diversion (recycling) rate target is 80% by 2020, calculated as the portion of waste recycled as a fraction of the total waste generated. In 2020, the per capita waste generation rate was 89% of 2010 levels, exceeding targets. The recycling rate in 2020 was 64%, a 1% increase from 2019. The table below provides a summary of waste disposed, recycled, and generated, by sector. The full report will be posted on Metro Vancouver's website at: <http://www.metrovancouver.org/services/solid-waste/about/reports-resources/Pages/default.aspx>

WASTE SECTOR		DISPOSED (tonnes)		RECYCLED (tonnes)		GENERATED (tonnes)		RECYCLING RATE (%)	
		2019	2020	2019	2020	2019	2020	2019	2020
Residential	tonnes	488,218	509,038	571,961	631,627	1,060,179	1,140,665	54%	56%
	tonnes/capita	0.18	0.18	0.21	0.23	0.40	0.41		
Single Family	tonnes	254,516	269,485	439,730	485,419	694,246	754,903	63%	64%
Multi-Family	tonnes	233,702	239,554	132,231	146,208	365,933	385,762	36%	38%
Commercial/ Institutional	tonnes	385,073	354,268	289,764	278,507	674,837	632,776	43%	44%
	tonnes/capita	0.14	0.13	0.11	0.10	0.25	0.23		
Construction & Demolition	tonnes	425,713	382,007	1,329,696	1,350,904	1,755,409	1,732,911	76%	78%
	tonnes/capita	0.16	0.14	0.50	0.49	0.65	0.63		
Total	tonnes	1,299,005	1,245,314	2,191,421	2,261,038	3,490,425	3,506,352	63%	64%
	tonnes/capita	0.48	0.45	0.82	0.82	1.30	1.27		
	tonnes/ household	1.27	1.16	2.15	2.10	3.42	3.26		

Waste Reduction

The *Integrated Solid Waste and Resource Management Plan* quantifies waste reduction by estimating the change in waste generation over time. Waste generated is the total of the waste disposed and recycled in the region. The total waste generated in 2020 was approximately 3.5 million tonnes or 1.27 tonnes per capita, a 3% drop in per capita generation from 2019. The COVID-19 pandemic affected many aspects of how the region worked, learned, and socialized starting in March 2020. Some businesses closed or scaled back significantly, while others shifted to home-based work and learning. This change shifted some of the waste typically generated in the commercial/institutional sector to the residential sector. The residential waste generation rate increased 0.01 tonnes per capita, while the commercial/institutional waste generation rate decreased 0.02 tonnes per capita.

Reuse

In 2017, Metro Vancouver added the reuse metric, which estimates the amount of material reused rather than recycled or disposed. The data used to estimate reuse include registered charities' financial statements, extended producer responsibility program annual reports, statistical information, reuse program web pages, and communication with key organizations in the second-hand clothing industry, hospitality sector, food rescue agencies, online marketplace, etc. The COVID-

19 pandemic may have had a substantial impact on the reuse industry, especially in the category of clothing and fashion accessories, which made up the majority of the reuse tonnage in previous years. Starting in March 2020, many charities suspended acceptance of clothing and household item donations while others did not collect or have confident data to report. Conversely, the pandemic may have highlighted the issue of food insecurity, and accelerated the growth of the food reuse sector. The increase in food reuse correlates with Food Banks Canada's HungerCount 2021 report showing a 20% climb in visits to the food bank. The overall reuse quantities decreased to 61,600 tonnes of material in 2020 compared to 87,500 tonnes in 2019. Reuse tonnage is reported separately from the generation rate and recycling rate calculations, and the methodology used to estimate reuse continues to be refined year after year.

Recycling

Despite the challenges brought on by COVID-19, our region achieved a recycling rate of 64% and recycled approximately 2.3 million tonnes (0.82 tonnes per capita) in 2020, compared to 2.2 million tonnes (0.82 tonnes per capita) in 2019. Materials with the highest recycling quantities were concrete, yard and food, and paper/paper products. The drop in commercial activity correlates with an 11,000 tonne decrease in overall recycling in the commercial/institutional sector. The residential sector experienced an increase of 60,000 tonnes in recyclable material between 2019 and 2020, particularly in material categories associated with single-use items and packaging. This observation echoes that of Recycle BC, the extended producer responsibility program that collects residential packaging and paper products. The COVID-19 pandemic may have also led to an increased use of single-use items and packaging. This data highlights the importance of waste reduction initiatives such as the Superhabits campaign, a behavior change initiative to encourage single-use item reduction, and the Create Memories, Not Garbage campaign.

Concrete recycling decreased and asphalt recycling increased. Data for concrete and asphalt recycling is challenging to collect as facilities voluntarily report the data. The data therefore has more uncertainty than other data collected either through licensed facilities or extended producer responsibility programs. To improve data transparency, Metro Vancouver proposed regulating these facilities as part of an update to the Metro Vancouver's *Municipal Solid Waste and Recyclable Material Regulatory Bylaw No. 181, 1996*. The proposed updates to Bylaw 181 were deferred by the Minister of Environment and Climate Change Strategy.

The table below summarizes the recycled material quantities. Additional materials and quantities are included in the detailed report on Metro Vancouver's website

MATERIAL TYPE RECYCLED	2019 (tonnes)	2020 (tonnes)
Asphalt	239,711	295,300
Concrete	825,896	802,701
Paper/Paper Products	255,263	313,830
Metal	55,708	73,636
Plastic	38,275	44,587
Wood	161,420	152,487
Yard & Food	412,556	389,732
All Other Materials	202,592	188,765
TOTAL	2,191,421	2,261,038

Disposal

The Vancouver Landfill, Metro Vancouver Waste-to-Energy Facility, and two remote landfills under contract to Metro Vancouver, accept municipal solid waste from residential and commercial/institutional sources. Construction and demolition waste is disposed of at the Vancouver Landfill and private facilities. In 2020, Metro Vancouver disposed of an estimated 1.2 million tonnes of waste or 0.45 tonnes per capita, which is 0.03 tonnes per capita lower than in 2019. While the overall per capita disposal rate decreased, the region experienced an increase in waste disposed by residents at home. This correlates to the slowing economy in 2020 and more time spent at home.

SOLID WASTE MANAGEMENT PLAN UPDATE

Metro Vancouver has initiated a multi-year process to update the solid waste management plan to accelerate waste reduction and diversion, while reducing greenhouse gases and promoting a circular economy that maximizes local benefit. Annual reporting combined with waste composition data provides key information to support decision-making and planning required for the updated solid waste management plan.

ALTERNATIVES

This is an information report. No alternatives are presented.

FINANCIAL IMPLICATIONS

Metro Vancouver's waste reduction and recycling initiatives are implemented within the annual budget for the Solid Waste Services department.

CONCLUSION

While the COVID-19 pandemic affected the way Metro Vancouver residents and businesses work, learn, and live, the region continued to make progress towards its waste reduction and recycling goals. In 2020, the waste generation rate was 1.27 tonnes per capita, while the recycling rate was 64%. Residents, commercial/institutional businesses, and construction and demolition activity generated approximately 3.5 million tonnes of waste, from which 2.3 million tonnes went to recycling, and the remaining 1.2 million tonnes went to disposal. The most significant change in 2020 was the shift of garbage and recycling from the commercial/institutional sector to the residential sector as residents spent more time at home during the pandemic. Metro Vancouver also continued the process of updating the solid waste management plan, which will provide an opportunity to explore new programs to further advance waste reduction and recycling in our region.

47645265

To: Zero Waste Committee

From: Terry Fulton, Senior Project Engineer, Solid Waste Services

Date: November 9, 2021 Meeting Date: November 17, 2021

Subject: **Ecowaste Landfill Agricultural Land Commission Application**

RECOMMENDATION

That the Zero Waste Committee receive for information the report dated November 9, 2021, titled "Ecowaste Landfill Agricultural Land Commission Application".

EXECUTIVE SUMMARY

Ecowaste Industries Ltd. (Ecowaste) operates a landfill within the Agricultural Land Reserve (ALR) under a non-farm use authorization issued by the Agricultural Land Commission (ALC). Ecowaste is the primary in-region construction and demolition waste disposal facility and is currently permitted to operate within the ALR until 2035. The ALC denied Ecowaste's application to extend landfill operations to 2055 due to the recent approval of the *Agricultural Land Reserve Use Regulation* prohibiting construction and demolition waste fill within the ALR. The City of Richmond requested a reconsideration of the ALC decision, but that request was denied.

Ecowaste has asked the Ministry of Agriculture to exempt existing permitted landfills from the requirements of the new regulation, and has requested Metro Vancouver support that request. Although the Agricultural Land Reserve (ALR) protects agricultural lands, a goal supported through *Metro 2040*, the regional growth strategy, Metro Vancouver has no authority with respect to ALC decisions, and as such staff recommend that Metro Vancouver take no position with respect to Ecowaste's request to the Ministry of Agriculture.

PURPOSE

The purpose of this report is to provide more information regarding the Ecowaste application for a 20-year extension of landfill operations within the ALR, which was denied by the ALC.

BACKGROUND

At the July 16, 2021 Zero Waste Committee meeting, a delegation from Ecowaste requested Metro Vancouver express support for their request to the Ministry of Agriculture to exempt permitted landfills from a restriction on depositing construction and demolition waste on lands in the ALR. Staff was requested to report back with more information, including Metro Vancouver's jurisdiction.

CONSTRUCTION AND DEMOLITION WASTE

Construction and demolition material is generated at construction sites throughout the region and is typically managed by private facilities; however, management of construction and demolition waste is a shared regional responsibility. Strategy 4.2 of Metro Vancouver's *Integrated Solid Waste and Resource Management Plan* is to "Ensure a disposal site is available for [Construction and demolition] waste" and includes action 4.2.1 stating Metro Vancouver will "Assess long-term disposal of

demolition, landclearing, and construction waste remaining after recycling in collaboration with the private sector, neighbouring regional districts and First Nations communities.” Of the 1.8 million tonnes of construction and demolition material generated in 2019, 79% was recycled.

Agricultural Land Reserve and Metro 2040

The purpose of the ALR is to protect agricultural land for agricultural purposes as defined in the *Agricultural Land Commission Act* and associated regulations. Metro Vancouver’s vision for managing growth to the region, *Metro 2040*, strives to protect the region’s agricultural land base, while recognizing that the ALC has the authority to determine appropriate farm uses.

Ecowaste Landfill

The Ecowaste Landfill is a privately owned construction and demolition landfill located in southeastern Richmond. Ecowaste accepts construction and demolition material including residual material from private transfer stations. Most material received is landfilled; however, Ecowaste has begun to invest in material recycling facilities to recover an increasing fraction of commodities such as clean wood. This investment in recycling infrastructure helps to improve Metro Vancouver’s recycling rate and extends regional landfill capacity, as less material is required to be disposed annually. According to Ecowaste, the business case for these facilities depends on using the landfill for disposal of residual material, typically 20-60% of incoming material, as well as a sufficient operating timespan to reach the project’s payback period.

Ecowaste has operated a portion of its landfill in the ALR since 1993 under the condition that the site ultimately be returned to agricultural use. An application was approved by the ALC in 2015 that allowed for continued operation in the ALR until 2035. According to Ecowaste, due to higher than expected construction and demolition disposal over the past decade, the landfill has less than five years’ capacity remaining.

Agricultural Land Commission Application

On May 10, 2019, Ecowaste submitted an application to the City of Richmond that included a request to extend landfill operations in the ALR from 2035 to 2055. By operating several onsite material recycling facilities to decrease disposal and increase recycling, Ecowaste advises it would be able to maintain compliance with the conditions outlined in their landfill closure plan, approved by the Ministry of Environment and Climate Change Strategy. The City of Richmond endorsed the request and forwarded it to the ALC for a final decision.

On February 22, 2019, the BC Legislature approved the *Agricultural Land Reserve Use Regulation*, which prohibits the use of construction and demolition material as fill within the ALR (Attachment 1). Given Ecowaste’s application for an extension of the non-farm use authorization from 2035 to 2055 was inconsistent with this new regulation, their application was denied by the ALC (Attachment 2). Ecowaste has written to the Ministry of Agriculture suggesting an exemption be granted for operating permitted landfills located in the ALR. Ecowaste is seeking letters of support to include in their correspondence with the Ministry of Agriculture, including from Metro Vancouver.

As an Affected Party as defined in the *Agricultural Land Commission Act*, The City of Richmond submitted a Request for Reconsideration of the ALC's decision in March 2021. Their request was denied in October 2021 (Attachment 3).

Ecowaste has also submitted an application to exclude the landfill site from the ALR to the City of Richmond and the ALC on September 28, 2020. This application is currently under staff review and has not yet been presented to Richmond City Council for consideration. Richmond City Council must consider this application before it would be sent to the ALC for their consideration. If the application is not endorsed by Richmond City Council, it would not be forwarded to the ALC for their consideration.

Jurisdiction

Local governments must consider non-farm use applications originating from within their communities before they are reviewed by the ALC. If the ALC decision is to deny the non-farm use, a Request for Reconsideration can be submitted by an affected party within one year of the decision. Metro Vancouver, unlike municipalities, has no authority with respect to ALC decisions except within electoral areas, where Metro Vancouver takes on the local government role.

ALTERNATIVES

This is an information report. No alternatives are presented.

FINANCIAL IMPLICATIONS

If Ecowaste's request to extend the landfill life until 2055 is not granted, Ecowaste advises it may need to begin landfill closure or limit the tonnage of construction and demolition material accepted to preserve capacity. This may result in increased costs for construction and demolition material generators and other Ecowaste landfill users in the region.

CONCLUSION

Ecowaste applied for an extension of landfill operations within the ALR to 2055. The ALC denied the request based on a recently enacted prohibition on construction and demolition waste fill within the ALR. Ecowaste has written to the Ministry of Agriculture to request approved landfills be exempt from the *Agricultural Land Reserve Use Regulation's* prohibition on construction and demolition waste fill, and is seeking support from Metro Vancouver in this endeavor. The City of Richmond submitted a request for reconsideration of the ALC's decision; however, the request was denied. Metro Vancouver has no authority with respect to ALC decisions and, as such, staff recommend that the GVS&DD Board take no position on Ecowaste's request.

Attachments (*Orbit #48752486*)

1. Information Bulletin 07 – Soil or Fill Uses in the ALR, dated March 22, 2019
2. Ecowaste Non-Farm Use Decision Package, dated October 19, 2020
3. Reconsideration Request, dated October 1, 2021



INFORMATION BULLETIN 07

SOIL OR FILL USES IN THE ALR

March 22, 2019

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1. SCOPE OF THIS INFORMATION BULLETIN

This information bulletin provides guidance to assist in interpreting the *Agricultural Land Commission Act*, S.B.C. 2002, c. 36 (**ALCA**), the Agricultural Land Reserve General Regulation (the **ALR General Regulation**) and the Agricultural Land Reserve Use Regulation (the **ALR Use Regulation**), in relation to fill placement or soil or aggregate removal in the agricultural land reserve (**ALR**). The ALCA, the ALR General Regulation and the ALR Use Regulation will govern if inconsistent with this bulletin.

This information bulletin is directed only to interpretation of the ALCA, the ALR General Regulation and the ALR Use Regulation. All other applicable provincial and federal laws and regulations, as well as applicable local government bylaws, must also be complied with.

2. RECENT CHANGES TO STATUTE AND REGULATIONS

Effective February 22, 2019, the ALCA has been amended and the ALR Use Regulation has been created. Though many concepts contained in the ALCA and its regulations are unchanged from the past, there have been significant changes in relation to fill placement, soil removal, and aggregate removal. All references in this information bulletin to the ALCA and its regulations are as of February 22, 2019, unless otherwise stated.

The following is a summary of key fill placement, soil removal, and aggregate removal changes to the ALCA and ALR Use Regulation:

- Farm use is no longer defined in any circumstance to include soil removal or fill placement.
- Non-farm use is no longer defined in any circumstance to include soil removal or fill placement.
- Only in very limited circumstances, which are expressly identified in the ALR Use Regulation, can fill placement or removal of soil or aggregate be undertaken without interaction with the Agricultural Land Commission (ALC) via a *Notice of Intent* or a *Soil or Fill Use Application* as outlined in this bulletin.
- Prohibited fill has been defined.

The changes to the ALCA and the regulations mean that previous ALC bylaws, policies and information bulletins in relation to fill placement, soil removal and aggregate removal are superseded.

Anyone who intends to place fill on land in the ALR or to remove soil or aggregate from land in the ALR must comply with the ALCA and its regulations.

3. PLACEMENT OF FILL OR REMOVAL OF SOIL IN THE ALR

A. Fill Placement or Soil Removal That May Occur Without Authorization

See Section 4 of this bulletin for information on Aggregate Removal.

The following fill placement or soil removal activities are permitted uses and are considered “**Exempted Activities**” or an “**Exempted Activity**” and do not require authorization from the ALC:

- constructing or maintaining a structure for farm use OR for a principal residence if both of the following conditions are met:
 - (i) the total area from which soil is removed, or on which fill is placed, is 1,000 m² or less; AND
 - (ii) if the area from which the soil is removed, or on which the fill is placed, is in a floodplain, the resulting elevation level is consistent with the minimum elevation level established under all applicable local government enactments and first nation government laws, if any, respecting flood protection in the floodplain;

See the Section 9 “Glossary”, found at the end of this bulletin, for the definition of “**structure for farm use**” and “**principal residence**”.

- constructing or maintaining berms for producing cranberries, if any fill placed on the area is (i) no higher than 2 m above the natural grade, and (ii) no wider than 10 m at the base;
- constructing or maintaining flood protection dikes, drainage, irrigation and livestock watering works for farm use, if the total annual volume of soil removed or fill placed is 320 m³/16 ha or less;
- maintaining an existing farm road, if the total annual volume of soil removed or fill placed is 50 m³ or less;
- using clean sand as a top-dress for berry production, if the total annual volume of soil removed or fill placed is 100 m³/ha or less;
- applying soil amendments, if incorporated into the soil to a depth of 30 cm or less. “Soil amendment” means compost, fertilizer, manure, mulch and soil conditioners;
- conducting soil research and testing, if the soil removed or fill placed is limited to the amount necessary for the research or testing.

For any of the above purposes, fill must not include any of the following, which are defined as **Prohibited Fill** in the ALR Use Regulation:

- (a) construction or demolition waste, including masonry rubble, concrete, cement, rebar, drywall and wood waste;
- (b) asphalt;
- (c) glass;

- (d) synthetic polymers (e.g., plastic drainage pipe);
- (e) treated wood;
- (f) unchipped lumber.

B. Fill Placement or Soil Removal That Requires Authorization

Other than those fill placement and soil removal activities described as Exempted Activities, a person must not place fill on, or remove soil from, land in the ALR without successfully completing one of the following processes:

- **Notice of Intent** – A landowner who wishes to place fill or remove soil in the ALR must submit a *Notice of Intent* to the CEO of the Commission in accordance with the process set out in this bulletin in Section 5.
- **Soil or Fill Use Application** - A landowner is always at liberty to make an application for fill placement or soil removal to be decided by the Commission under s. 25 of the ALCA. If the Commission approves the *Soil or Fill Use Application*, the landowner may proceed with the approved use on the terms of that approval.

If a landowner is unsure as to which type of authorization they should seek, they should contact the Commission staff for guidance at ALC.Soil@gov.bc.ca.

A person who places fill or removes soil from land in the ALR without successfully having completed one of these processes, may be subject to a penalty or order to remediate the land or remove the unauthorized fill.

4. REMOVAL OF AGGREGATE

C. Aggregate Removal That May Occur Without Authorization

If a person engages in aggregate removal within the following parameters, a *Notice of Intent* is not required and the removal will not breach the ALCA (ALR Use Regulation, s. 26) (a “**Section 26 Aggregate Removal**”) if:

- the total volume of aggregate removed from any single parcel is less than 500 m³; and,
- regardless of the volume of aggregate removed, the disturbed area is rehabilitated in accordance with good agricultural practice as soon as reasonably practicable after (i) aggregate removal is complete, if the aggregate is removed as part of a single continuous operation, or (ii) each stage of aggregate removal is complete, if subparagraph (i) does not apply; and,
- the cultivable surface layer of soil is salvaged, stored on the parcel and available for rehabilitation in accordance with the bullet point above.

D. Aggregate Removal That Requires Authorization

A person must not remove aggregate from land in the ALR, with the exception of activities related to Section 26 Aggregate Removal, without successfully completing either a *Notice of Intent* or *Soil or Fill Use Application*, as described in this bulletin.

A person who removes aggregate from land in the ALR without successfully having completed one of these processes, may be subject to a penalty or order to remediate the land or remove the unauthorized fill.

5. PROCESS TO REQUEST AUTHORIZATION

If a landowner is unsure as to which type of authorization they should seek, they should contact ALC staff for guidance at ALC.Soil@gov.bc.ca.

A. Notice of Intent Process

If a landowner intends to place fill or remove soil or aggregate for reasons other than an Exempted Activity, the landowner must submit the *Notice of Intent* prior to initiating an activity. The *Notice of Intent* is submitted through the ALC Application Portal along with the prescribed \$150 fee: ALCA s. 20.3(1)(c), ALCA General Regulation, s. 33.1(6). This is the required manner of submission under s. 20.3(1)(c) of the ALCA. Please see www.alc.gov.bc.ca/alc/content/applications-and-decisions on the ALC website for more information.

The purpose of a *Notice of Intent* is to seek authorization prior to lawful placement of fill or removal of soil or aggregate, and not as a mechanism to seek retroactive approval.

I. Receipt of a Complete Notice of Intent

The CEO and employees of the Commission to whom authority is delegated under s. 20.3(6) of the ALCA (together referred to as the CEO as applicable in this bulletin) have certain powers and functions once both the *Notice of Intent* and fee have been received. The CEO will acknowledge the *Notice of Intent* when it has been received in the required form and manner and the fee has been paid. The *Notice of Intent* is not considered to be complete unless it is submitted to the CEO in the required form and manner and the fee has been paid.

The 60 calendar day period for reviewing the *Notice of Intent* does not start running until the *Notice of Intent* has been acknowledged as complete.

II. Additional Information Request from CEO

Upon review of a complete Notice of Intent, the CEO may request additional information from the landowner who submitted the *Notice of Intent*: ALCA s. 20.3(2)(a). The CEO has 60 days from when the *Notice of Intent* (in the form and manner) is found to be complete to request additional information.

Once all of the additional information requested by the CEO is provided, the CEO has 60 days either to:

- approve the placement of fill or the removal of soil or aggregate (either as set out in the *Notice of Intent* or subject to limits and conditions) (the “**CEO Approval**”) or
- issue a written order that the person stop or not engage in placing fill or removing soil or aggregate (the “**CEO Refusal**”): ALCA s. 20.3(2), (4).

The 60 day period for issuing either the CEO Approval or the CEO Refusal does not start running until the CEO has received all of the additional information requested.

If the CEO does not issue either a CEO Approval or a CEO Refusal within the 60 day period from receipt of all the additional information requested, fill placement or removal of soil or aggregate as described in the *Notice of Intent* will not contravene the ALCA or the regulations except if Prohibited Fill is placed on the property.

III. CEO does not request additional information

If the CEO does not request additional information from the person who submitted the *Notice of Intent*, the CEO must within 60 days from receipt of the *Notice of Intent* (in the required form and manner) and fee, either:

- approve the fill placement or soil or aggregate removal activity (either as set out in the notice or subject to limits and conditions)(**CEO Approval**), or
- issue a written order that the person stop or not engage in placing fill or removing soil or aggregate (**CEO Refusal**): ALCA s. 20.3(2), (4).

IV. Compliance with CEO Approval

A landowner who receives a CEO Approval may place fill or remove soil or aggregate in accordance with the terms of that approval. The CEO Approval will indicate terms and conditions of the fill placement or soil or aggregate removal activity.

V. CEO Refusal

If the landowner who receives a CEO Refusal still wishes to place fill or remove soil or aggregate, he or she must submit and have an approved *Soil or Fill Use Application* to the Commission.

B. Soil or Fill Use Application Process

A *Soil or Fill Use Application* is a form of “use application” to be decided by the Commission under s. 25 of the ALCA. A *Soil or Fill Use Application* may be made in any of the following circumstances:

- if a landowner in the ALR wishes to seek Commission approval via a use application rather than going through the *Notice of Intent* process;
- if a landowner in the ALR commences but changes their mind before completion of the *Notice of Intent* process and wishes to seek Commission approval via a use application;
- if at the conclusion of the *Notice of Intent* process, the CEO has issued a CEO Approval and the landowner is not satisfied with the terms and conditions of that approval and wishes to have different terms and conditions; or
- if at the conclusion of the *Notice of Intent* process, the CEO has issued a CEO Refusal.

If a *Notice of Intent* and associated fee have already been submitted, the *Soil or Fill Use Application* fee is \$1,350; otherwise the fee is \$1,500: ALR General Regulation, s. 33(1.1).

The *Soil or Fill Use Application* must be submitted through the ALC Application Portal. Please see www.alc.gov.bc.ca/alc/content/applications-and-decisions on the ALC website for more information. This is the required manner of submission under s. 20.3(5) of the ALCA.

On receiving a *Soil or Fill Use Application*:

- the Commission must reject the application if the fill to be placed includes any form of **Prohibited Fill**; or,
- the Commission must do one of the following:
 - (a) refuse permission for the fill placement or removal of soil or aggregate;
 - (b) grant permission, with or without terms or conditions, for the use applied for, or
 - (c) grant permission for an alternative use, with or without terms or conditions, as applicable: ALCA, s. 25(1)(b).

C. Soil or Fill Use Application Considerations

For examples of general considerations that the Commission may take into account in determining a use application, please see www.alc.gov.bc.ca/alc/content/applications-and-decisions/what-the-commission-considers.

Among the considerations that the Commission is likely to take into account on a *Soil or Fill Use Application* for soil or fill use are the following:

- Will the fill placement or soil removal aid the farm/farming activity?
- Will the fill placement or soil removal reduce the agricultural capability of the land, degrade soils, or limit the range of crops that can be grown on the subject property compared to the current crop suitability of the land?
- Is fill placement or soil removal the only means available to address implementation of standard agricultural best practices?
- Will the fill placement or soil removal aid in the rehabilitation of agricultural lands severely impacted by past fill activities or other activities that have degraded agricultural land, whether permitted or not permitted?
- Will the fill placement foul, obstruct, or impede the flow of any waterway?
- If fill is required for drainage improvements, will the proposed fill height exceed more than 0.5 metres above the maximum height of the water table (as confirmed by a Qualified Registered Professional) which is equivalent to a Class 1 excess water limitation?

- Will the final finished grade of the subject property complement adjacent landforms and provide for a smooth transition between the land contours and drainage channels on adjacent lands and the reclaimed area?
- How long are fill placement activities expected to last? Generally, the Commission will not consider fill placement activities that would extend beyond two years.

If the Commission approves a *Soil or Fill Use Application*, the fill placement or soil or aggregate removal activity may proceed only in accordance with that approval.

A person who places fill or removes soil or aggregate from land in the ALR without successfully having completed a *Notice of Intent* or a *Soil or Fill Use Application* may be subject to a penalty or order to remediate the land or remove the unauthorized fill.

A *Notice of Intent* may NOT be made for a *Soil or Fill Use Application* that was refused by the Commission.

6. ROLE OF LOCAL GOVERNMENT

The role of local government will depend on the whether the landowner has submitted a *Notice of Intent* or a *Soil or Fill Use Application*.

E. Notice of Intent

Local governments are notified when a *Notice of Intent* is submitted; however they do not have a role in processing or evaluating a *Notice of Intent*, unless the CEO requests their input. Local governments are also copied on decisions once the CEO has rendered them.

The local government must NOT approve or permit fill placement or soil or aggregate removal activities unless:

- the fill placement or soil removal is an **Exempted Activity**; or,
- there is a CEO Approval for the fill placement or removal of soil or aggregate.

F. Soil or Fill Use Application

An application to the Commission asking it to approve a soil or fill use may be submitted through the local government.

Local governments that receive a *Soil or Fill Use Application* under section 34 (4) of the ALCA must:

- (a) review the application, and
- (b) forward to the Commission the application together with the comments and recommendations of the local government or the first nation government in respect of the application

The local government must NOT approve or permit fill placement or removal of soil or aggregate until such time that the Commission has approved the *Soil or Fill Use Application* for the subject property.

For more information on the process for making applications to the Commission, please see the Commission's website at www.alc.gov.bc.ca/alc/content/applications-and-decisions.

G. Consistency with Zoning and Other Bylaws

Any portion of a local government bylaw that intends to allow a use of land in the ALR that is not permitted under the ALCA or the ALR Use Regulation, or contemplates a use of land that would impair or impede the intent of the ALCA or the ALR Use Regulation, is inconsistent with the ALCA or the ALR Use Regulation and has no force or effect: ALCA, ss. 46(4), (5).

The placement of fill or removal of soil or aggregate in contravention of the ALCA or the ALR Use Regulation may be subject to compliance and enforcement action even if the use seems to comply with a local government bylaw.

7. LAND DEVELOPMENT WORKS

Farm use of land in the ALR includes "a farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*": ALCA, s. 1. The definition of "farm operation" in the *Farm Practices Act* includes "clearing, draining, irrigating or cultivating land" if "involved in carrying on a farm business". A subset of this category of work is known as "land development works", which includes all of the following:

- (a) levelling and berming agricultural land;
- (b) constructing reservoirs;
- (c) constructing works ancillary to clearing, draining, irrigating, levelling or berming agricultural land and to constructing reservoirs.

Some of these land development works may require fill placement or removal of soil; however, **this does not mean that these activities can occur without authorization of the Commission.** Authorization in the form of a *Notice of Intent* or *Soil or Fill Use Application* **must be obtained** (other than for **Exempted Activities**) before the fill placement or soil or aggregate removal activity associated with land development works is undertaken.

8. RESIDENTIAL CONSTRUCTION

Fill placement or removal of soil or aggregate is permitted for the construction or maintenance of a principal residence if:

- the total area from which soil or aggregate is removed or on which fill is placed is 1,000 m² or less, AND

- the total floor area of the principal residence is 500 m² or less, or the residence has been authorized by a *Non-Adhering Residential Use Application*. See Information Bulletin 05: Residences in the ALR for more information on residential uses.

If the affected area is in a floodplain, an additional condition applies: the resulting elevation level must be consistent with applicable local government or first nation government requirements for flood protection: ALR Use Regulation, s. 35.

Removing soil or aggregate from, or placing fill on, ALR land in connection with other residential uses (such as for the construction of an additional residence, alteration of a residence or where the area affected by a principal residence is greater than 1,000 m²) is not permitted. A landowner seeking to remove soil or aggregate or place fill that exceeds the 1000 m² condition may submit a *Notice of Intent* along with payment of the required fee. The landowner may also apply to the Commission through a *Soil or Fill Use Application* under s. 25 of the ALCA.

Prohibited Fill is not permitted for the construction or maintenance of any residential uses.

9. COMPLIANCE AND ENFORCEMENT

The Commission receives many complaints regarding fill, soil and aggregate-related activities on ALR land. Compliance and enforcement officials of the Commission have a wide range of compliance and enforcement mechanisms available under ss. 49-57 of the ALCA. This includes mechanisms to ensure that the ALCA, regulations and orders are complied with, that land can be rehabilitated where non-compliance occurs, and that violations can be penalized administratively or through the courts.

The purpose of a *Notice of Intent* is to seek authorization prior to lawful placement of fill or removal of soil and aggregate, and not as a mechanism to seek retroactive approval.

10. GLOSSARY

The following key definitions are relevant to this information bulletin:

“aggregate” means sand, gravel, crushed stone, quarry rock and similar materials used in the construction and maintenance of civil and structural projects

“ALCA” means the *Agricultural Land Commission Act*

“ALR” means the Agricultural Land Reserve

“ALR General Regulation” means the Agricultural Land Reserve General Regulation

“ALR Use Regulation” means the Agricultural Land Reserve Use Regulation

“berming” means the construction of dykes;

“CEO” means the Chief Executive Officer of the Commission and, as applicable, such employees to whom powers and duties are delegated under s. 20.3(6) of the ALCA

“clearing” means tree and stump removal undertaken to prepare land for cultivation

“Farm Practices Act” means the *Farm Practices Protection (Right to Farm) Act*

“structure for farm use” means structures used in a farm operation for the growing, producing, raising, or keeping of farm animals or plants, including mushrooms and aquaculture facilities, and the primary products of those plants and animals

“farm use” (a) means an occupation or use of agricultural land for (i) farming land, plants, mushrooms, truffles or animals, (ii) a farm operation as defined in the *Farm Practices Protection (Right to Farm) Act* or (iii) a purpose designated as a farm use by regulation, and (b) does not include a residential use or a soil or fill use: ALCA, s. 1

“fill” means “any material brought onto agricultural land other than materials exempted by regulation”: ALCA, s. 1

“flood protection requirements” means the elevation level as established by local government bylaws for flood protection within a defined floodplain

“levelling” means reshaping the soil surface within a field or parcel of land to eliminate high and low areas and resulting in a uniform field level (that is, cutting high spots and filling in low spots);

“non-farm use” means “a use of agricultural land other than a farm use, a residential use or a soil or fill use”: ALCA, s. 1

“Notice of Intent” means a notice of intent submitted to the CEO under s. 20.3(1)(c)(ii) of the ALCA, in the form and manner that the CEO requires

“placement” of fill, or **“fill placement”**, means to deposit, place, store, or stockpile directly or indirectly, fill on any land in the ALR, where that fill did not previously exist

“principal residence” means the residence permitted under section 20.1(1)(a) of the ALCA

“Prohibited Fill” means (a) construction or demolition waste, including masonry rubble, concrete, cement, rebar, drywall and wood waste; (b) asphalt; (c) glass; (d) synthetic polymers; (e) treated wood; (f) unchipped lumber: ALR Use Regulation, s. 36.

“Qualified Registered Professional” means a person registered with a professional association including the Association of Professional Engineers and Geoscientists of BC, the Corporation of the Province of British Columbia Land Surveyors, British Columbia Institute of Agrologists or another person who is qualified because of knowledge, training and experience to organize, supervise and perform the relevant services

“remove” or **“removal”** means the act of removing soil or aggregate from any land in the ALR, where it existed or stood, which place or location shall include a stockpile or other storage facility

“reservoir” means a water impoundment that is used for agricultural water supply.

“soil” includes the entire mantle of unconsolidated material above bedrock other than minerals as defined in the *Mineral Tenure Act*: ALCA, s. 1

“soil amendment” means compost, fertilizer, manure, mulch and soil conditioners: ALR Use Regulation, s. 1

“soil conditioner” means organic or inorganic matter that has beneficial effects on the biological, chemical, or physical properties of soil

“soil or fill use” means (a) the removal of soil from, or the placement of fill on, agricultural land, and (b) does not include a farm use or a residential use: ALCA, s. 1

“Soil or Fill Use Application” means an application for permission made for a soil or fill

“stockpile” means a man-made accumulation of soil, fill, or organic materials held in reserve for future use, distribution or removal.

“use application” means an application for permission made under any of the following: (a) s. 20(2) of the ALCA for a non-farm use; (b) s. 20.1(2)(a) for a non-adhering residential use; (c) section 20.3 (5) for a soil or fill use: ALCA, s. 1

“wood residue” as defined by the Code of Practice for Agricultural Environmental Management means wood or a wood product that (a) is chipped or ground, (b) originates from (i) wood processing, (ii) the clearing of land, if the majority of the greenery is removed and no soil is present, or (iii) trimming or pruning activities, (c) has not been treated or coated with chemicals, including preservatives, glues, paints, varnishes, oils or finishing materials, (d) does not contain a foreign substance harmful to humans, animals, or plants when combusted, (e) has not been exposed to salt water, and (f) has not been used for or recovered from construction or demolition activities

“wood waste” includes wood residue, hog fuel, mill ends, bark, and sawdust, but does not include demolition waste, construction waste, tree stumps, branches, logs or log ends, or log yard waste



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 201 – 4940 Canada Way
 Burnaby, British Columbia V5G 4K6
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 Fax: 604 660-7033
www.alc.gov.bc.ca

October 19, 2020

ALC File: 59139

John Moonen
John Moonen & Associates Ltd.
DELIVERED ELECTRONICALLY

Dear John Moonen:

Re: Reasons for Decision - ALC Application 59139

Please find attached the Reasons for Decision of the South Coast Panel for the above noted application (Resolution #504/2020). As agent, it is your responsibility to notify the applicant accordingly.

Under section 33.1 of the *Agricultural Land Commission Act* (ALCA), the Chair of the Agricultural Land Commission (the "Commission") has 60 days to review this decision and determine if it should be reconsidered by the Executive Committee in accordance with the ALCA. You will be notified in writing if the Chair directs the reconsideration of this decision. The Commission therefore advises that you consider this 60 day review period prior to acting upon this decision.

Under section 33 of the *Agricultural Land Commission Act* (ALCA), a person affected by a decision (e.g. the applicant) may submit a request for reconsideration. Please be advised however that on March 12th, 2020 the ALC Amendment Act (Bill 15 – 2019) was brought into force and effect, changing the reconsideration process.

A request to reconsider must now meet the following criteria:

- No previous request by an affected person has been made, and
- The request provides evidence not available at the time of the original decision that has become available, and that could not have been available at the time of the original decision had the applicant exercised due diligence, or
- The request provides evidence that all or part of the original decision was based on evidence that was in error or was false.

The amendments also propose a change to limit the time period for requesting a reconsideration to 90 days from the date of this decision – this change has not been brought into force and effect yet. As a result, a person affected by this decision will have one year from the date of this decision's release as per ALC Policy P-08: Request for Reconsideration to request reconsideration of the decision or 90 days from the date the legislative change takes effect (date unknown at this time), whichever comes sooner.

Please refer to the ALC's Information Bulletin 08 – Request for Reconsideration for more information.

Please direct further correspondence with respect to this application to
ALC.SouthCoast@gov.bc.ca

Yours truly,

A handwritten signature in black ink, appearing to read 'Nicole Mak', written in a cursive style.

Nicole Mak, Land Use Planner

Enclosure: Reasons for Decision (Resolution #504/2020) .
 Schedule A: Decision Map

cc: City of Richmond (File: AG-19-963866) Attention: Steven De Sousa
59139d1



AGRICULTURAL LAND COMMISSION FILE 59139
REASONS FOR DECISION OF THE SOUTH COAST PANEL

Non-Farm Use Application Submitted Under s. 20(2) of the *Agricultural Land Commission Act*

Applicants: Ecowaste Industries Ltd., Inc. No. BC0556788

Agent: John Moonen, John Moonen & Associates Ltd.

Property: **Property 1:**
Parcel Identifier: 024-397-423
Legal Description: Lot 2 Section 15 Block 4 North
Range 5 West New Westminster District Plan
LMP40687
Civic: Northeast of 7011 No. 7 Road, Richmond, BC
Area: 7.1 ha

Property 2:
Parcel Identifier: 024-397-407
Legal Description: Lot 1 Section 15 Block 4 North
Range 5 west New Westminster District Plan
LMP40687
Civic: 7011 No. 7 Road, Richmond, BC
Area: 53.7 ha

Panel: Ione Smith, South Coast Panel Chair
Satwinder Bains
Susan Gimse

OVERVIEW

- [1] The Properties are located within the Agricultural Land Reserve (ALR) as defined in s. 1 of the *Agricultural Land Commission Act* (ALCA).
- [2] In 2015, Applications 54043 and 54044 were submitted to the Agricultural Land Commission (the "Commission"). By Resolution #384/2015 and #385/2015, the Commission conditionally approved the proposal to locate four Materials Recovery Facility (MRF) operations (Tervita, Quantum Murray, Yardworks-Arrow, and Urban Wood Recyclers) related to the existing land fill on the Property and to continue the operation of the existing landfill activities (Resolution #173/93) for a period of 20 years until 2035.
- [3] There are four MRF operations located on Property 2 corresponding to the four operations allowed by Resolution #384/2015 and Resolution #385/2015. The MRFs primarily accept materials that originate from demolition, land clearing, and construction activities. The materials consist mainly of wood products (including composite, dimensional lumber, flooring, shakes, shingles, pallets, and saw dust); asphalt; building materials; rubble; plastics, and other materials (including land clearing debris, metal, textiles, soil, paper, carpet, various types of roofing, rubber, aggregate, masonry, concrete, and insulation).
- [4] Pursuant to s. 20(2) of the ALCA, the Applicant is applying to the Agricultural Land Commission (the "Commission") to:
 - a. Replace "Urban Wood Recyclers" with "Ecowaste Industries Ltd." as the operator of MRF#4; and
 - b. To increase the footprint of MRF #4 from 1.3 ha to 3.3 ha;
 - c. To operate two additional MRFs (MRF #5 and MRF #6), in addition to the four already approved by Resolution #384/2015 and #385/2015; and
 - d. To extend the terms of approval in Resolution #384/2015 and #385/2015 by 20 years to 2055 (collectively referred to as the "Proposal" in this Decision).
- [5] The first issue the Panel considered is whether the replacement of Urban Wood Recyclers with Ecowaste Industries Ltd. as the operator of MRF #4 is substantially compliant with Resolution #384/2015 and Resolution #385/2015.

- [6] The second issue the Panel considered is whether the increase in size of MRF #4 and increase in processing (MRF #5 and MRF #6) would present any additional impacts on agriculture.
- [7] The third issue the Panel considered is whether the Panel can extend the terms of approval in Resolution #384/2015 and #385/2015 by 20 years.
- [8] The Proposal was considered in the context of the purposes of the Commission set out in s. 6 of the ALCA:
- 6 (1) The following are the purposes of the commission:
- (a) to preserve the agricultural land reserve;
 - (b) to encourage farming of land within the agricultural land reserve in collaboration with other communities of interest; and,
 - (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of land within the agricultural land reserve and uses compatible with agriculture in their plans, bylaws and policies.
- (2) The commission, to fulfill its purposes under subsection (1), must give priority to protecting and enhancing all of the following in exercising its powers and performing its duties under this Act:
- (a) the size, integrity and continuity of the land base of the agricultural land reserve;
 - (b) the use of the agricultural land reserve for farm use,

EVIDENTIARY RECORD

- [9] The Proposal along with related documentation from the Applicants, Agent, local government, and Commission is collectively referred to as the "Application". All documentation in the Application was disclosed to the Agent in advance of this decision.
- [10] A representative of the Panel conducted a walk-around site visit on August 26, 2020 in accordance with the *ALC Policy Regarding Site Visits in Applications*, (the "Site Visit"). A site visit report was prepared in accordance with the *Policy Regarding Site Visits in*

Applications. The site visit report was certified as accurately reflecting the observations and discussions of the Site Visit by the Agent on September 8, 2020 (the “Site Visit Report”).

BACKGROUND

- [11] In 1992, Application 995 was submitted to the Commission to conduct a comprehensive reclamation of the Properties. The proposal involved the extraction of the remaining peat material and then filling the site with inert industrial wastes such as construction demolition, natural land clearing materials, concrete, brick, wood, plastic and other similar materials. The fill would then be capped to an agricultural standard. The Commission conditionally approved the application by Resolution #173/93 for a period of 5 years.
- [12] Subsequently, in 1998, the Commission granted a 10-year extension to Resolution #173/93.
- [13] In 2015, Applications 54043 and 54044 were submitted to the Commission to locate four operations (Tervita, Quantum Murray, Yardworks-Arrow, and Urban Wood Recyclers) related to the existing land fill on Property 2 (Application 54043) and to continue the operation of the existing landfill activities for a period of 20 years (ending in 2035) which will increase the final elevation of the landfill to 18 m (Application 54044). The Commission conditionally approved the applications by Resolution #384/2015 and Resolution #385/2015, respectively.

EVIDENCE AND FINDINGS

- [14] The Application was submitted on May 10, 2019 and was forwarded to the Commission by the City of Richmond on February 27, 2020. Subsequently, on March 12, 2020, the ALCA was amended and changes were made to its regulations. The Applicant was given an opportunity to make written submissions relating to the amendment of the ALCA and changes to its regulations as it relates to this application. The Agent provided additional submissions on March 25, 2020. While the Application was submitted in the context of the former s. 6 of the ALCA, the Panel must consider it under s. 6(1) and s. 6(2) of the ALCA as amended by Bill 15.

Issue 1: Whether the replacement of Urban Wood Recyclers with Ecowaste Industries Ltd. as the operator of MRF #4 is substantially compliant with Resolution #384/2015 and Resolution #385/2015.

[15] In Resolution #384/2015 and Resolution #385/2015, Urban Wood Recyclers was proposed to be the operator of MRF #4, MRF #4 was to be used for the processing of wood waste and non-wood waste. However, after 2015, Urban Wood Recyclers was purchased by Ecowaste Industries Ltd. As Resolution #384/2015 and Resolution #385/2015 specifically names Urban Wood Recyclers as the operator of MRF #4, the Applicant is requesting the Panel allow Ecowaste Industries Ltd. to replace Urban wood Recyclers as the operator of MRF #4. Ecowaste Industries Ltd. proposes to expand the operation by recycling more wood waste and more non-wood waste materials with a focus of producing ground wood for bio-energy users and developing alternate uses for non-wood products. The Panel considered that the materials processed in MRF #4 remain unchanged and that Ecowaste Industries Ltd. owns the Properties, therefore, the Panel finds that replacing Urban Wood Recyclers with Ecowaste Industries Ltd. as the operator of MRF #4 is substantially compliant with Resolution #384/2015 and Resolution #385/2015.

Issue 2: Whether increasing the size of MRF #4 and increasing processing (MRF #5 and MRF #6) would present any additional impacts on agriculture.

[16] As operators of MRF #4, Ecowaste Industries Ltd. wishes to expand the 1.3 ha area that was previously approved by Resolution #384/2015 and Resolution #385/2015 to 3.3 ha. Under Resolution #384/2015 and Resolution #385/2015, MRF #4 was conditionally approved to occupy 1.3 ha and include a 12 m tall building, 0.3 ha for a works yard and 0.3 ha for storage. The Application states that "MRF #4 would extract waste products of value like dimensional lumber, plastics, carpet, various types of roofing and aggregates" in addition to processing waste plastics into pellets. There are currently no structures in the area designated for MRF #4. The Application proposes expanding MRF #4 to 3.3 ha which will accommodate a 17 m tall building, a 1.2 ha paved area for a works yard, and a 1.14 ha area for outdoor storage. The Application submits that the MRFs (including the

buildings) are temporary and will be removed upon completion of landfilling activities. Further, the Application states that the Properties will be rehabilitated for agriculture upon the completion of landfilling.

- [17] MRF #5 is proposed to be located on the northwestern corner of Property 2, while MRF #6 is proposed to be located on the southwestern portion of Property 2. The Application submits that MRF #5 and MRF #6 will be used to recycle and recover additional materials that would have been used as fill in the landfill prior to the establishment of MRF #5 and MRF #6. The Application states that no additional materials will be received as a result of the operation of MRF #5 and MRF #6. The additional MRFs will serve to reduce the amount of fill that will be buried in the landfill, resulting in 70-80% reduction in the fill rate of the landfill. At this time, operators have not been identified as the Proposal has not been approved; however, the Applicant submits that MRF #5 and MRF #6 will address the recycling and recovery of wood and construction materials related to deconstruction, plastic grindings, and specialty aggregates. As with MRF #4, any facilities required for MRF #5 and MRF #6 will be temporary and will be removed upon completion of landfilling activities. Further, the Application states that the Properties will be rehabilitated for agriculture upon the completion of landfilling.
- [18] Based on the historic and present use of the Properties, and the temporary nature of the proposed facilities, the Panel finds that the expansion of MRF #4 to 3.3 ha and the operation of MRF #5 and MRF #6 would not present any additional impacts on agriculture. Further, the Panel finds that the additional MRFs will divert more materials from the landfill and could serve to reduce illegal fill placement in the ALR.
- [19] Although the Commission has previously supported and continues to support reclamation of the Properties for agricultural purposes through previous approvals and conditions, as in Resolution #384/2015 and Resolution #385/2015, the Panel discussed, from a planning perspective, whether the most effective end use of the Properties is agriculture. The Panel considered the landfill use began in 1993 and is approved until 2035 (42 years), the Panel discussed whether the use of the Properties as a long-term landfill site is an appropriate use in the ALR. The Panel made no determinative decision in this regard, but, as in Resolution #384/2015 and Resolution #385/2015, encourages the Applicant along with

the City of Richmond, to consider whether the Properties might be more suited for alternative uses, such as industrial, which may relieve pressure on other lands within the ALR.

Issue 3: Whether the Panel can extend the terms of approval in Resolution #384/2015 and #385/2015 by 20 years.

- [20] The Application submits that the operation of additional MRFs will increase materials recycling and recovery, in turn, this will reduce the amount of material used as fill in the landfilling operation. As such, the Application requests an extension of the terms of approval to allow fill to be continued to be placed on the Properties until 2055 (the "Extension"). The Application states that there will be no change in the final height (18 m) of the landfill. The Panel considered that legislation surrounding fill placement has changed as of February 22, 2019, specifically, the definition of prohibited fill in the Agricultural Land Reserve Use Regulation (the "ALR Use Regulation") and the requirement in section 23 of the Agricultural Land Reserve General Regulation that the Commission reject an application for permission to place fill on land in the ALR if the fill to be placed includes prohibited fill materials as defined in the ALR Use Regulation.
- [21] The Application states that the materials primarily accepted at the MRFs originate from demolition, land clearing, and construction activities. The materials consist of wood products (including composite, dimensional lumber, flooring, shakes, shingles, pallets, and saw dust); asphalt; building materials; rubble; plastic and other materials (including land clearing debris, metal, textiles, soil, paper, carpet, various types of roofing, rubber, aggregate, masonry, concrete, and insulation). The Application clarified that "of the materials received at the landfill, some will be processed in the MRFs and some will be used for fill as part of the landfilling activities". The Application states that approximately 80% of the materials received at the Properties are recycled and/or recovered to be sold off the Properties, while less than 20% will be used as fill in the landfill. Further, the Application explained that some of the materials received on the Properties including concrete, yard waste, glass, tile, asphalt millings, and asphalt shingles are used on site as sub-base material and for building of temporary driving surfaces in support of the landfilling operation. During the Site Visit, Tom Land (president of Ecowaste Industries

Ltd.) stated that no clean concrete is landfilled, however, 'dirty concrete' which has insulation embedded/attached to it is more difficult to resell and is, therefore, landfilled. He further explained that plastics and carpet from demolition materials are also disposed of in the landfill.

[22] The Panel considered the definition of fill in s. 1 of the *Agricultural Land Commission Act*:

"fill" means any material brought onto agricultural land other than materials exempted by regulation;

[23] The Panel finds that some of the materials received on the Properties are retained on the Properties for the purpose of raising land as part of the landfill operation. The Panel finds that this meets the definition of fill in the *Agricultural Land Commission Act*.

[24] The Panel then considered s. 36(1) of the ALR Use Regulation:

Prohibited fill

36(1) Except as permitted under subsection (2), the following must not be used as fill on agricultural land:

- (a) construction or demolition waste, including masonry rubble, concrete, cement, rebar, drywall and wood waste;*
- (b) asphalt;*
- (c) glass;*
- (d) synthetic polymers;*
- (e) treated wood;*
- (f) unchipped lumber.*

[25] The Panel finds that, although some materials received at the Properties are removed from the Properties after recycling/recovery, some materials remaining on the Property and used as fill in the landfill such as 'dirty concrete', plastics, and carpeting are considered to be prohibited fill materials as defined in s. 36(1) of the ALR Use Regulation.

[26] Finally, the Panel considered s. 23(1) of the Agricultural Land Reserve General Regulation:

23(1) Subject to subsection (2), the Commission must reject an application for permission to place fill on agricultural land if the fill to be placed includes any of the materials referred to in section 36 of the Agricultural Land Reserve Use Regulation.

[27] The Panel finds that the requested Extension involves the placement of prohibited fill materials as defined in s.36 of the ALR Use Regulation and that the Panel must therefore reject the request for Extension.

DECISION

[28] While the Panel must reject the request to extend the terms of approval in Resolution #384/2015 and Resolution #385/2015 to 2055 for the placement of prohibited fill material in the ALR, the Panel finds it has jurisdiction to approve the replacement of "Urban Wood Recyclers" with "Ecowaste Industries Ltd." as the operator of MRF #4, the increase in the footprint of MRF #4 from 1.3 ha to 3.3 ha, and the operation of two additional MRFs (MRF #5 and MRF #6), in addition to the four already approved by Resolution #384/2015 and #385/2015, subject to the following conditions:

- (a) The placement of MRF #4, MRF #5, and MRF #6 must be in compliance with Schedule A of this decision;
- (b) Any and all structures and buildings associated with MRF #4, MRF #5, and MRF #6 must not be constructed on a permanent foundation and must be removed upon expiry of the term of approval in Resolution #384/2015 and Resolution #385/2015;
- (c) The operation of MRF #4, MRF #5, and MRF #6 must be in compliance with the Design, Operations and Closure Plan Update (December 2018); and
- (d) The landfilling on the Properties must continue to be in compliance with the conditions outlined in Resolution #384/2015 and Resolution #385 /2015 with the exception of the replacement of Urban Wood Recyclers by Ecowaste Industries Ltd. as one of the four operations.

[29] This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

[30] These are the unanimous reasons of the Panel.

[31] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(3) of the ALCA.

[32] Resolution #504/2020
Released on October 19, 2020

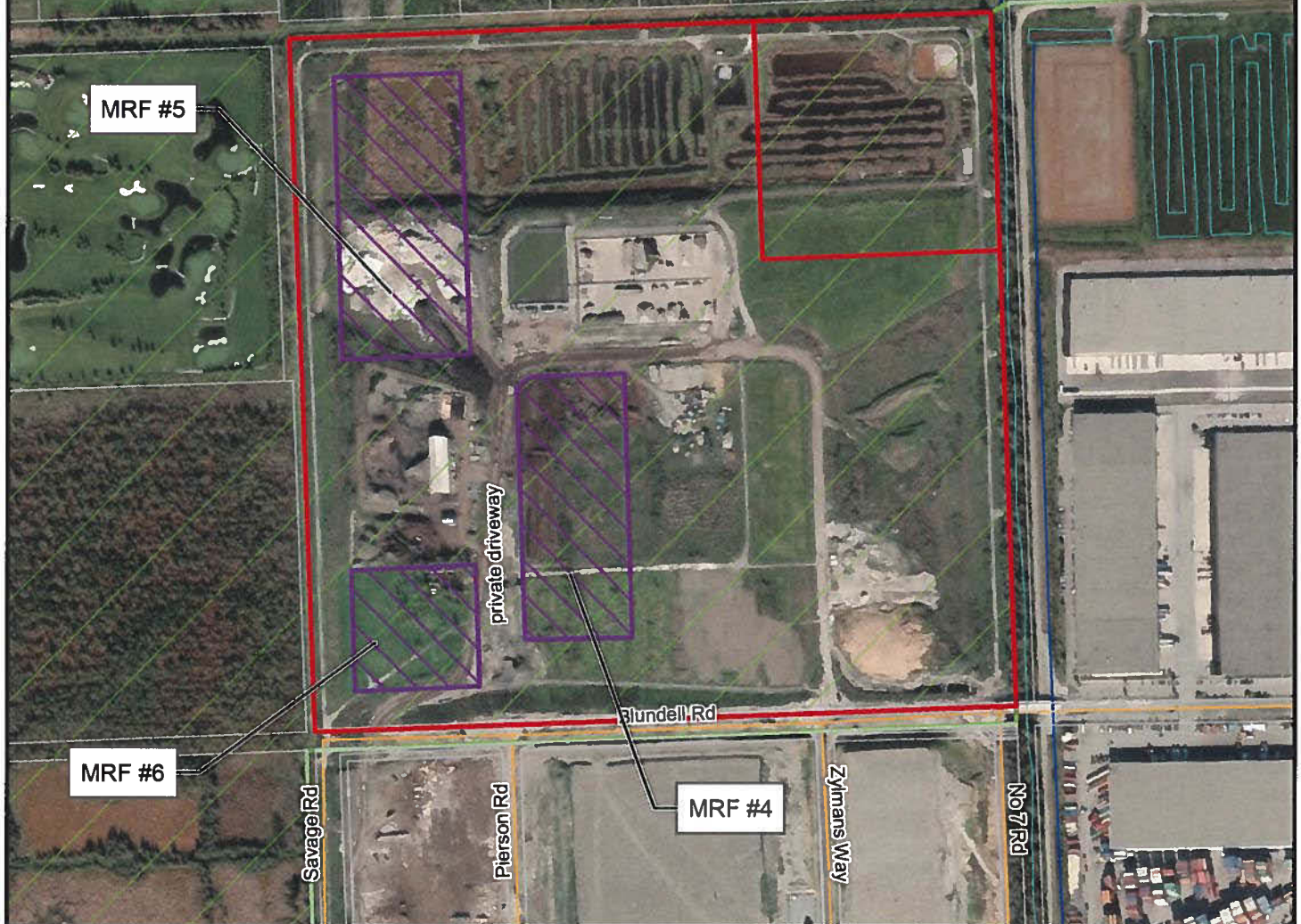
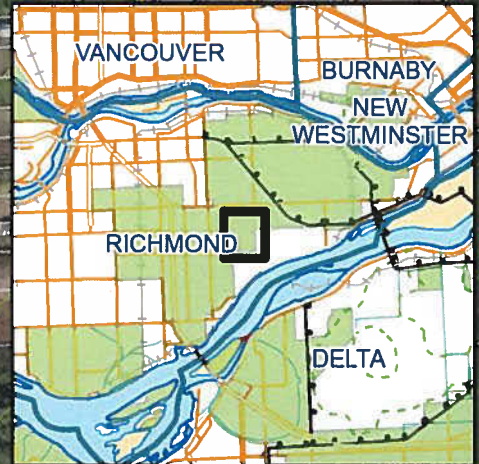
A handwritten signature in black ink, appearing to read "Ione Smith", with a stylized flourish at the end.

Ione Smith, Panel Chair

On behalf of the South Coast Panel

Legend

-  Subject Properties
-  Conditionally approved Materials Recovery Facilities (MRFs)
-  Agricultural Land Reserve



Schedule A: Decision Map

2018 ESRI/DigitalGlobe Orthophoto

Map Scale: 1:7,500

0 60 120 180 240 300

Meters

ALC File #:	59139
Resolution #:	504/2020
Mapsheet #:	92G.015
Map Produced:	October 18, 2020
Regional District:	Metro Vancouver



Agricultural Land Commission
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October 1, 2021

ALC File: 59139

City of Richmond
Attention: Wayne Craig and Steven Desousa
DELIVERED ELECTRONICALLY

Dear City of Richmond:

Re: Reconsideration Request – ALC Resolution #504/2020

In 2015, Applications 54043 and 54044 were submitted to the Agricultural Land Commission (the “Commission” or “ALC”). By Resolution #384/2015 and #385/2015, dated November 16, 2015, the South Coast Panel of the Commission (the “South Coast Panel”) conditionally approved the proposal to locate four Materials Recovery Facility (“MRF”) operations (Tervita, Quantum Murray, Yardworks-Arrow, and Urban Wood Recyclers) related to the existing land fill on the property with PID: 024-397-407 and to continue the operation of the existing landfill activities (Resolution #173/93) for a period of 20 years until 2035 on the Properties (PID: 024-397-407 and PID: 024-397-423).

By Resolution #504/2020 (the “2020 Decision”), dated October 19, 2020, the South Coast Panel conditionally approved the replacement of “Urban Wood Recyclers” with “Ecowaste Industries Ltd.” as operator of MRF #4, the increase in the footprint of MRF #4 from 1.3 ha to 3.3 ha, and the operation of two additional MRFs (MRF #5 and MRF #6), in addition to the four already approved by Resolution #384/2015 and #385/2015. The South Coast Panel found that they must reject the request to extend the terms of approval in Resolution #384/2015 and #385/2015 to 2055 for the placement of prohibited fill material in the Agricultural Land Reserve (the “ALR”).

On March 5, 2021, the Commission received correspondence from the City of Richmond (the “City”) requesting reconsideration of the 2020 Decision (the “Reconsideration Request”).

The City sent a copy of the Reconsideration Request to the Agent on March 5, 2021. The Agent was advised that the Applicant may provide submissions on the City’s Reconsideration Request; however, no submission was received by the Commission.

The Commission may reconsider a decision pursuant to s. 33(2) of the *Agricultural Land Commission Act* (the “ALCA”):

33(2) On the written request of a person affected by a decision, or on a decision maker's own initiative, the decision maker may reconsider the decision maker's decision, and may confirm, reverse or vary the decision, if:

- (b) *no previous request has been made, if reconsideration is on request and not on the decision maker's own initiative, and*
- (c) *the decision maker determines that*
- (i) *evidence has become available that was not available at the time of the original decision and could not have been available had the person affected by the decision exercised due diligence, or*
 - (ii) *all or part of the original decision was based on incorrect or false information.*

The Reconsideration Request provides the submissions summarized in the bulleted points below:

Section 36(1) of the Agricultural Land Reserve Use Regulation

- Section 36(1) of the Agricultural Land Reserve Use Regulation (the “ALR Use Regulation”) should not be applied to the consideration of Application 59139 as Application 59139 was submitted as an “amendment to the previous 2015 ALC approval” to request an extension to the time limit approved in Resolutions #384/2015 and #385/2015. Resolutions #384/2015 and #385/2015 previously approved the existing land fill operation including the deposition of demolition, construction and land clearing waste into the landfill.

Application 59139 was submitted as a non-farm use application in 2019 and forwarded to the Commission by the City in 2020.

Application 59139 was not submitted as a request to reconsider and vary Resolution #384/2015 and #385/2015. If it had been, those seeking reconsideration of Resolution #384/2015 and #385/2015 would have had to satisfy the Commission that the requirements for reconsideration under s. 33 of the ALCA had been met. This was not done.

Over and above that, even if reconsideration under s. 33 of the ALCA had been undertaken, the Commission would have needed to be satisfied that the prior approval should have been varied to extend the time.

Even if the City were correct in suggesting that, in relation to an “amendment”, s. 36 of the ALR Use Regulation (coupled with s. 23 of the ALR General Regulation) as it stood at the time of the 2020 Decision would not have required the Commission to reject the relief sought, the Commission would have had to balance relevant considerations and exercise its discretion on whether or not to extend the time frame. The fact that the fill involved in the extended use would include materials that the ALR Use Regulation has identified as unsuitable for placement in the ALR would at least have been a significant factor in the Commission’s consideration. Subject to exceptional circumstances, in determining whether to reconsider a decision even where all or part of the original decision was based on information that was in error or was false, the Commission will

generally not reconsider unless the error or falsity was significant or material enough such that there would be a reasonable probability that the error or falsity will have a material and determining effect on the original decision. That is not the case here even if an error occurred.

The Landfill Operation

- “The landfill operation plays an important role in the City’s and regional demolition and construction waste and recycling program”. The landfill will soon be the only landfill of any type in the region (anticipated in 2028). The extension would allow recycling and repurposing of more material over the life of the landfill.
- “The landfill operation also contributes to the agricultural community, including producing topsoil for use by farmers”

The South Coast Panel finds that this was information available at the time of the 2020 Decision and, in fact, was found in the material submitted by the Applicant (59139 (Ecowaste Industries Ltd.) Site Visit Report (SVR) and (59139 (Ecowaste Industries Ltd.) SRP)) rather than being new information.

Exclusion Application Concerns

- Failure to consider the extension of the landfill use until 2055 and encouraging exclusion is contrary to purposes of Commission.

In the 2020 Decision, the South Coast Panel found that after s. 23(1) of the ALR General Regulation was made, the Commission was required to reject applications for the use of materials listed in s. 36(1) of the ALR Use Regulation. No transitional provisions for soil and fill were provided for in the 2019 ALCA Amendments. Application 59139 was for, in part, the extension of the landfill use until 2055. The landfill use includes the deposition of demolition and construction waste into the landfill. The South Coast Panel followed the legislative framework.

Further, as discussed above, even if the City were correct to suggest that s. 36 of the ALR Use Regulation was not binding on the South Coast Panel, the fact that the ALR Use Regulation speaks specifically of the fact that relevant materials are not seen to be suitable for land that is in the ALR would necessarily be a significant consideration to weigh.

In paragraph 19 of the 2020 Decision, the South Coast Panel considered that the landfill use began in 1993 and is approved until 2035 (42 years), and discussed whether the use of the Properties as a long-term landfill site is an appropriate use in the ALR. The South Coast Panel made no determinative decision in this regard, but encouraged the Applicant and the City to consider whether the Properties might be more suited for alternative uses, such as industrial, which may relieve pressures on the lands within the ALR.

The South Coast Panel's suggestion that alternative uses be considered was consistent with the suggestion of the South Coast Panel in 2015 (Resolutions #384/2015 and #385/2015). To be clear, the South Coast Panel did not require an exclusion application to be submitted and did not commit to approval of an exclusion application if an application is submitted.

The South Coast Panel notes that there is no exclusion application currently before the South Coast Panel for the Properties. The South Coast Panel is aware that an exclusion application was submitted by the Applicant in the ALC Application Portal before September 30, 2020. The South Coast Panel invites the City to consider whether to forward the application to the Commission.

- Potential exclusion of the Properties would remove current requirements for the Properties to be converted into agricultural production at the end of the landfill term as secured through previous 2015 ALC approval. Exclusion would eliminate any future potential for farming of the Properties.
- There are significant land holdings owned by a number of corporations in the area, exclusion of the Properties would create immediate pressure for these other sites to pursue exclusion.

These submissions relate primarily to what would happen on an exclusion application. In particular, they are arguments against the Commission approving an exclusion application if made to it. However, the Applicant's exclusion application has not yet been submitted to the Commission. Further, under the regime still pertaining to the exclusion application submitted to the City prior to September 30, 2020, the City can determine whether or not to forward it to the Commission. If the exclusion application is forwarded to the Commission, the City has the opportunity to make accompanying recommendations and comments, for the Commission's consideration at that time.

Further, the South Coast Panel notes that, within the current legislative framework, exclusion applications after September 30, 2020 must be submitted by the local government. If the City has a concern about exclusion applications being made, it can determine through appropriate planning and consider as to whether exclusion applications should be made.

- Exclusion is contrary to existing City of Richmond Official Community Plan to maintain ALR boundary and not support loss of ALR land and agricultural land use designation of subject site.

The South Coast Panel appreciates the City's dedication to preserving agricultural land. Again, however, this submission is about what the outcome of an exclusion application should be if it comes before the Commission, which has not yet occurred.

After reviewing the Reconsideration Request and the application material associated with the 2020 Decision, the South Coast Panel has determined that will not be reconsidering the 2020 Decision.

Further correspondence with respect to this application is to be directed to
ALC.SouthCoast@gov.bc.ca

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to read 'Ione Smith', with a stylized flourish at the end.

Ione Smith, South Coast Panel Chair

cc: John Moonen (Agent for Ecowaste Industries Ltd.)

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