WHEREAS:

A. Greater Vancouver Sewerage and Drainage District and the Province of British Columbia are jointly committed to the regulation and management within the area of Greater Vancouver Regional District of Municipal Solid Waste and Recyclable Material so as to encourage waste reduction and recycling and ensure that residual materials are disposed of in a manner consistent with the Solid Waste Management Plan approved by the Minister of Environment, Lands and Parks;

B. Greater Vancouver Sewerage and Drainage District is authorized, inter alia, to regulate with respect to Municipal Solid Waste and Recyclable Material;

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

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

ARTICLE 1

1. INTERPRETATION

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

“Asphalt Facility” means any land or buildings and related improvements used to receive exclusively asphalt, concrete or both for the purposes of reprocessing, resale or reuse;

“Board” means the Administration Board of the District;

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

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

“Construction and Demolition Waste” means refuse that originates from demolition or construction sources that has not been managed with waste from other sources;

“Digesting Facility” means any land or buildings and related improvements where, in the course of conducting an industry, trade or business, source separated organic material is biologically decomposed, whether aerobically or anaerobically;

“Disposal Facility” means any land or buildings and related improvements used for the landfilling or destruction of Municipal Solid Waste;

“District” means Greater Vancouver Sewerage and Drainage District;

“Drop-off Depot” means a facility that exclusively receives Recyclable Material from hand-unloaded vehicles from residents and small business for cleaning, sorting, baling, compacting or packaging for the purpose of recycling;

“Environmental Management Act” means the Environmental Management Act S.B.C. 2003, c. 53, as amended or replaced and any successor legislation, and any regulations thereunder;

“Existing Facility” means any Facility which exists and is operating on the date of adoption of this Bylaw or, in the case of a Disposal, including an Asphalt Facility, has on the date of adoption of this Bylaw a valid and subsisting permit or operational certificate under the Waste Management Act and is in compliance with that permit or operational certificate; Digesting Facility or Limited Brokering Facility, lawfully operating without a License prior to July 1, 2017;

“Facility” means any or all of lands, buildings, machinery, equipment or systems used for managing Municipal Solid Waste, Recyclable Material, or both, and includes, but is not limited to, an Asphalt Facility, a Brokering Facility, a Digesting Facility, a Disposal Facility, a Composting Facility, a Limited Brokering Facility, a Material Recovery Facility, a Mixed Waste Facility, a Storage Facility, and a Transfer Station;

“Licensee” means a Licensee issued by the Solid Waste Manager under section 4.1;

"Licensed Disposal Facility" means a Disposal Facility in respect of which

“Licensee” means the person to whom a valid and subsisting Licensee has been issued;

“Limited Brokering Facility” means a Brokering Facility that receives exclusively Source Separated Recyclable Material where the owner or operator purchases or otherwise pays valuable
consideration for all Recyclable Material received, cleaned, sorted, baled or packaged at the Brokering Facility;

“Material Recovery Facility” means any land or buildings and related improvements used for receiving Municipal Solid Waste or Recyclable Material and at which materials are separated manually or mechanically for the purpose of recycling;

“Mixed Waste Facility” means any Facility that manages or co-manages Mixed Municipal Solid Waste, and may include, but is not limited to, a Disposal Facility, Material Recovery Facility, Storage Facility or Transfer Station;

“Mixed Municipal Solid Waste” means refuse that originates from residential, commercial, or institutional sources, or any combination of waste or refuse from these sources and other sources, but does not include Source Separated Recyclable Material or Construction and Demolition Waste;

“Municipal Liquid Waste” has the same meaning as in the Environmental Management Act, and for clarity includes fats, oils and grease diverted from municipal and District liquid waste infrastructure pursuant to the GVS&DD Sewer Use Bylaw No. 299, 2007.

“Municipal Solid Waste” means refuse that originates from residential, commercial, institutional, demolition, land clearing or construction sources, but expressly excludes Municipal Liquid Waste;

“New Facility” means any Facility other than an Existing Facility;

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

“Recyclable Material” means a product or substance no longer usable in its current state that can has been diverted or recovered from municipal solid waste disposal and used in satisfies at least one of the processing or manufacture of a new product; following criteria:

(a) is organic material from residential, commercial or institutional sources and is capable of being composted, or is being composted, at a site;

(b) is managed as a marketable commodity with an established market by the owner or operator of a site;

(c) is being used in the manufacture of a new product that has an established market or is being processed as an intermediate stage of an existing manufacturing process;

(d) has been identified as a Recyclable Material in a waste management plan;

(e) is any other material prescribed by the Lieutenant Governor in Council, or the Minister of the Environment pursuant to the Environmental Management Act;

“recycle” or “recycling” means any process by which Municipal Solid Waste and Recyclable Material is transformed into new products;
“Regional Facility” means any facility owned or operated by the GVS&DD or the City of Vancouver, including any of the facilities listed in Schedule “C”;

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

“Source Separated Recyclable Material” means Recyclable Material that has been separated from Municipal Solid Waste by the waste generator at the point of generation for the purposes of recycling;

“Storage Facility” means any land or buildings and related improvements where Municipal Solid Waste or Recyclable Material is accumulated and held and in respect of which there is no clear and convincing evidence that all the Municipal Solid Waste or Recyclable Material will be recycled in the near future;

“Transfer Station” means any land or buildings and related improvements at which Municipal Solid Waste from collection vehicles is received, compacted or rearranged for subsequent transport;

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

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

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

Schedule “A” – Fees
Schedule “B” – Exemptions from Licensing Requirements
Schedule “C” – Regional Facilities.

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

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

ARTICLE 2

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

(a) a Disposal Facility;
(b) a Transfer Station;
(c) a Material Recovery Facility;
(d) a Storage Facility;
(e) a Brokering Facility; or
(f) a Composting Facility; the GVS&DD unless that person has with respect thereto and strictly complies with a valid and subsisting License for that Facility.

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

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

2.3 **Compliance with License Terms and Conditions.** Every person who owns or operates a Facility shall comply with all License terms and conditions for that Facility.

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**ARTICLE 3**

3 **LICENSE APPLICATIONS**

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

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

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

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

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

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

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

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

(a) the potential risk posed to the environment and public health;

(b) the compliance with municipal zoning and land use designations;

(c) any environmental impact assessment and any other investigations, tests, surveys or any other action taken under subsection 8.7(d);

(d) the history of compliance or non-compliance with any current or pre-existing license with respect to the same Facility;

(e) any other information submitted to the Solid Waste Manager under subsection 8.7(e);

(f) any closure plan submitted to the Solid Waste Manager under section 10.1; and

(g) any other matter which the Solid Waste Manager considers relevant.

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

(a) publish a notice in a newspaper that is distributed at least weekly in the area where the Facility is located or is proposed to be located. The notice must include the following information

(i) the civic address of the Facility,

(ii) the name of the owner of the land on which the Facility is located or proposed to be located,
(iii) the full name and address of the operator of the Facility,
(iv) a brief and complete description of the activity to be carried out and the Municipal Solid Waste or Recyclable Material to be handled at the Facility, and
(v) such other information as the Solid Waste Manager considers necessary.

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

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

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

ARTICLE 4

4  LICENSES

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

(a) provide that specified Municipal Solid Waste or Recyclable Material be handled at the Facility in the manner, with the frequency, in the quantity or volume and during the period of time specified by the Solid Waste Manager;

(b) provide that specified Municipal Solid Waste or Recyclable Material not be handled at the Facility;

(c) require the Licensee to recover for the purpose of recycling certain Recyclable Material in accordance with the District’s region-wide policies;

(d) provide specified operating procedures and requirements;

(e) require the Licensee to repair, alter, remove, improve or add to works or to construct new works and to submit plans and specifications specified in the Licensee;
(f) require the Licensee to monitor in the way specified by the Solid Waste Manager the Municipal Solid Waste and Recyclable Material, the method of handling the Municipal Solid Waste and Recyclable Material and the places and things that the Solid Waste Manager considers will be affected by the handling of the Municipal Solid Waste or Recyclable Material;

(g) require a Licensee to install and maintain in good condition at all times at the Facility, devices or equipment and works to inspect, sample or monitor, in a manner specified by the Solid Waste Manager;

(i) all or part of the Municipal Solid Waste or Recyclable Material at the Facility, and

(ii) the environment which may be affected by the Municipal Solid Waste or Recyclable Material;

(h) require a Licensee to keep records of volumes, weights, types, amounts, quantities and composition and the geographic area of origin of Municipal Solid Waste or Recyclable Material brought onto or removed from the Facility and to submit the records to the Solid Waste Manager or an Officer;

(i) require a Licensee to keep records of all samples or monitoring data obtained in relation to the Facility and to submit the records to the Solid Waste Manager or an Officer;

(j) require a Licensee to prepare and comply with an operating plan approved by the Solid Waste Manager which will contain such matters as may be prescribed by the Solid Waste Manager;

(k) specify a maximum height (expressed as a geodetic elevation) at the Facility to which any accumulation of Municipal Solid Waste or Recyclable Material (including cover material) may be stored or landfilled and require that the Licensee retain a British Columbia Land Surveyor (and other qualified professionals as appropriate) to prepare and update on a periodic basis a legal survey and a legal elevation control survey, topographic survey or such other survey as the Solid Waste Manager may approve; and

(l) provide for implementing terms and conditions in phases or varying dates for compliance with terms and conditions.

4.2 License Term. The term of every License, including any License renewal, shall be 10 years, or a lesser time if specified in the application.

4.3 Term of Existing License. The term of a valid and subsisting License that was issued prior to the adoption of “Greater Vancouver Sewerage and Drainage District Municipal Solid Waste and Recyclable Material Regulatory Amendment Bylaw No. 309, 2017” shall expire, if not renewed, on December 31, 2028, unless a fixed term exceeding December 31, 2028 is expressly stated in the License, in which case it will expire on the date stated in the License.
4.4 **Renewals.** Every Licensed Facility is entitled to apply for a renewal of an existing License on a form prescribed by the Solid Waste Manager, provided that the application for renewal of the License is made no less than one year before the License term has expired.

4.5 For clarity, the following provisions of this bylaw apply to the Solid Waste Manager’s authority to renew a License without amendment: 3.7, 4.1, 4.2 and 4.4.

**Requirements for Specific Facilities**

4.6 **Mixed Waste Facilities.** In addition to any terms and conditions imposed by the Solid Waste Manager, every Mixed Waste Facility shall reduce the total weight of Mixed Municipal Solid Waste received by at least 25% by means of:

a) recycling;

b) energy recovery at the Facility; or

c) other lawful means at the Facility,

such that no more than 75% of the Mixed Municipal Solid Waste received at the Mixed Waste Facility is removed from the Facility.

4.7 For the purposes of section 4.6 any refuse, waste, products, or residuals managed or otherwise delivered to a landfill shall be included in the measurement of waste disposed of, including material used as alternate daily cover or road material.

4.8 **Limited Brokering Facilities and Asphalt Facilities.** Despite section 4.1, the only terms and conditions that may be imposed on a Limited Brokering Facility or an Asphalt Facility are terms and conditions related to:

(a) compliance as a Limited Brokering Facility or Asphalt Facility;

(b) collecting, recording and maintaining records of the type and quantity (by volume or weight) of waste received by the Facility on a daily basis; and

(c) providing quarterly reports to the District stating the type and quantity of waste received by the Facility in that quarter.

**ARTICLE 5**

5 **TRANSITION**

5.1 **Transition Period for Existing Facilities.** The owner or operator of an Existing Facility who does not hold a valid License will not be in contravention of section 2.1 if the owner or operator completes and files at the District’s offices on or before the 30th day after the date of adoption of this “Greater Vancouver Sewerage and Drainage District Municipal Solid Waste and..."
Recyclable Material Regulatory Amendment Bylaw No. 309, 2017” Bylaw, an application under section 3.1 to obtain a Licensee in respect of the Existing Facility.

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

**ARTICLE 6**

6 **AMENDMENTS**

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

(a) on his or her own initiative where he or she considers it necessary; or due to:

(i) the Licensee failing to comply with the terms and conditions of the License or the Bylaw,

(ii) the Licensee making a material misstatement or misrepresentation in the application for the License or reporting, or

(iii) the Licensee failing to make payment of fees under Article 12, or comply with any other provision of this Bylaw;

or

(b) on application by a Licensee;

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

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

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

**ARTICLE 7**

7 **VARIANCES**

7.1 **Issuance of Variance Order.** Where the Commissioner or the Solid Waste Manager considers that a person should have temporary relief from the requirements of a License, he or she may issue a variance order with respect to that License.
7.2 **Terms and Conditions.** Where the Commissioner or the Solid Waste Manager issues a variance order, he or she shall:

(a) specify the requirements in respect of which he grants relief;

(b) specify the period during which the variance order remains in effect; and

(c) cause a notice of the variance order to be published in a newspaper that is distributed at least weekly in the area where the Facility is located.

7.3 **Cancellation and Renewal.** The Commissioner or the Solid Waste Manager may, notwithstanding section 7.2:

(a) cancel a variance order; and

(b) renew or extend a variance order.

**ARTICLE 8**

8 **INVESTIGATION, INSPECTION, MONITORING AND RECORDS**

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

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

(a) examine, take away and make copies of records relating to

   (i) the causing of pollution,

   (ii) the handling of Municipal Solid Waste or Recyclable Material, and

   (iii) the characteristics of the Municipal Solid Waste or Recyclable Material handled; and

(b) inspect contents of a vehicle; and

(b)(c) carry out inspections, observations, measurements, tests and monitoring and to otherwise ascertain whether the terms and conditions of this Bylaw or a Licensee have been or are being complied with and take away samples of land, articles, substances, Municipal Solid Waste or Recyclable Material as he considers appropriate.
8.3 **Return of Documents.** Where the Solid Waste Manager or an Officer has taken away original records from a Facility, site or premises under subsection 8.2(a), the Solid Waste Manager or Officer, upon written request from the owner or operator of the Facility, will return copies of the records to the owner or operator within 24 hours of the inspection or if that is not possible, as soon thereafter as is practicable.

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

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

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

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

(a) a person who applies for a Licensee;

(b) a Licensee; or

(c) a person who handles or proposes to handle Municipal Solid Waste or Recyclable Material;

at that person’s expense

(d) to undertake an environmental impact assessment and other investigations, tests, surveys and any other action, in accordance with methods and procedures approved by the Solid Waste Manager; and

(e) to provide to the Solid Waste Manager such information as he deems necessary to

   (i) assess a Licensee application; or

   (ii) determine whether such person is in compliance with the provisions of this Bylaw or any Licensee.

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

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

ARTICLE 9

9 SECURITY

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

ARTICLE 10

10 CLOSURE

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

(a) set standards and requirements relating to the closure of a Facility; and

(b) require that a closure plan satisfactory to the Solid Waste Manager be prepared and submitted to the Solid Waste Manager within a specified time.

ARTICLE 11

11 WEIGH SCALES AT DISPOSAL FACILITIES

11.1 Installation of Weigh Scales. Every Licensee who operates a Disposal Facility or Mixed Waste Facility shall have installed by December 31, 1996 at least one weigh scale to measure the quantity of Municipal Solid Waste and Recyclable Material received at that Disposal Facility.

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

11.3 Certification of Weigh Scales. Every Licensee who operates a Disposal Facility or Mixed Waste Facility shall ensure that every weigh scale used to provide measurements for the monthly written statements referred to in section 12.5 shall satisfy the requirements of the Weights and Measures Act and the regulations and shall be regularly certified to be in proper working order thereunder.
11.4 Exemption. Section 11.1 shall not apply in respect of Disposal Facilities which are scheduled for closure within 6 months after December 31, 1996 in accordance with a closure plan approved by the Solid Waste Manager.

ARTICLE 12

12 FEES

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

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

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

12.4 Disposal Fees.

(a) Subject to subsection (b), the fees payable under sections 12.2 and 12.3, every person, except as exempted under section 2.2, who operates a Disposal Facility, owner or operator of a Mixed Waste Facility, Transfer Station, Material Recovery Facility or Storage Facility other than those persons exemptions under section 2.2, shall pay monthly in arrears to the District the applicable disposal fees set out in Column 6 of Schedule “A” to this Bylaw. The disposal fees will be calculated commencing for material that is removed from July 1, 1996 and the first payment will be due and payable within 30 days of the date of the first invoice such Mixed Waste Facility, Transfer Station, Material Recovery Facility or Storage Facility and delivered to a site that is not

(i) a Disposal Facility for which a License has been issued, or

(ii) a Regional Facility.

(b) Subsection (a) does not apply to Source Separated Recyclable Material that is managed as Recyclable Material.

12.5 Disposal Fees for Disposal Facility. The owner or operator of a Disposal Facility shall pay the disposal fee set out in Column 6 of Schedule “A” per metric tonne of Municipal Solid Waste or Recyclable Material received at that Disposal Facility.
12.6 Receipts for Separated Material for Disposal Facility. The owner or operator of a Disposal Facility may deliver to the District will provide monthly invoices setting out the receipts issued by a Brokering Facility or other Facility that manages Recyclable Material showing the quantity in metric tonnes of material that has been managed as Recyclable Material and has not been disposed.

12.7 Credit for Separated Material for Disposal Facility. The quantity of Recyclable Material that has been transferred for management other than disposal fees due and payable based on the statements received as verified in receipts provided under section 12.5 shall be multiplied by the disposal fee set out in accordance with Column 6 of Schedule “A” to this Bylaw and that amount shall be applied as a credit toward the Disposal Facility’s disposal fee invoice.

12.8 Monthly Statement. Every person, except as exempted under section 2.2, who operates a Disposal Facility, Mixed Waste Facility, Transfer Station, Material Recovery Facility or Storage Facility shall deliver to the District a monthly written statement of the quantity in metric tonnes (or, for Facilities which have not installed weigh scales or are exempt under section 11.4 of this Bylaw, in cubic metres) each load of Municipal Solid Waste and Recyclable Material received at that person’s Facility and the quantities of each load of Municipal Solid Waste and Recyclable Material removed from the Facility and delivered to each of:

(a) a Disposal Facility that is licensed under this Bylaw;
(b) a Regional Facility;
(c) a Brokering Facility or other Facility that manages Recyclable Material; or
(d) any other location.

The statement shall be delivered monthly to the District within seven days after the last day of each month.

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

12.10 Failure to Provide Monthly Statement. If a person who operates a Disposal Facility, Mixed Waste Facility, Transfer Station, Material Recovery Facility or Storage Facility does not deliver the monthly statement required under section 12.5 within the specified time, the District may prepare an invoice under section 12.4 or 12.5 based upon the quantity of Municipal Solid Waste and Recyclable Material authorized in a permit, operational certificate or License relating to the Mixed Waste Facility, Disposal Facility, Transfer Station, Material Recovery Facility or Storage Facility or upon such other basis as the Solid Waste Manager, acting reasonably, determines appropriate.
12.8 12.11 12.8 — Receipts for Separated Material. A Licensee who operates a Disposal Mixed Waste Facility, Transfer Station, Material Recovery Facility or Storage Facility may deliver to the District on monthly basis receipts from a recycling broker Brokering Facility or other person acceptable to the Solid Waste Manager evidencing the quantity in metric tonnes of items recovered from Municipal Solid Waste and Recyclable Material received at the Facility subsequent to July 1, 1996 for the purpose of July 1, 2018 for the purpose of recycling and the delivery of those items to such Brokering Facility or other person acceptable to the Solid Waste Manager.

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

12.10 12.12 — Receipts for Disposal. A Licensee who owns or operates a Mixed Waste Facility, Transfer Station, Material Recovery Facility or Storage Facility may deliver to the District on a monthly basis receipts from any Regional Facility owned or operated by the District or any of its member municipalities or any Licensed Disposal Facility evidencing the quantity in metric tonnes of Municipal Solid Waste delivered by the Licensee to such Facilities subsequent to July 1, 1996 July 1, 2018.

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

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

12.13 — Municipal Allocation. The disposal fees established under section 12.4 and 12.45 may include an amount to assist a municipality in which a Facility is located to pay the demonstrated costs of providing for constructing, repairing, maintaining and operating highways and roads and obtaining, operating, repairing and maintaining fire fighting equipment and such other reasonable costs, whether of a capital or operating nature or otherwise, directly attributable to the operation of the Facility within the municipality.

ARTICLE 13

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

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

**ARTICLE 14**

**CONTRAVENTIONS**

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

(a) owns, operates, has charge or control of or manages any Facility or Municipal Solid Waste or Recyclable Material that is affected by or is the subject of such contravention; or

(b) causes or contributes to the causation of such contravention;

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

**ARTICLE 15**

**SUSPENSION AND CANCELLATION**

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

(a) the Licensee fails to comply with the terms and conditions or requirements of the Licensee or the Bylaw;

(b) the Licensee has made a material misstatement or misrepresentation in the application for the Licensee; or

(c) the Licensee has failed to

   (i) make payment of fees under Article 12, or

   (ii) comply with any other provision of this Bylaw.

15.2 **Further Suspension and Cancellation.** The Solid Waste Manager, in addition to his powers under section 15.1, may:
(a) upon request from a Licensee, suspend a License for up to but not longer than the length of time requested; and

(b) cancel a License where

(i) the Licensee is an individual who has died,

(ii) the Licensee is a corporation that is struck off the register under the Company Act or is dissolved,

(iii) the Licensee is a partnership that is dissolved, or

(iv) the Licensee requests that the License be cancelled.

ARTICLE 16

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

(a) the exercise of a power;

(b) the imposition of a standard or requirement;

(c) the issuance, amendment, suspension, refusal or cancellation of a License; and

(d) the inclusion in any License of any term or condition.

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

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

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

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

(a) confirm, reverse or vary the decision appealed from;

(b) refer the matter back to the Solid Waste Manager or Deputy Solid Waste Manager for reconsideration, as the case may be, with or without directions; or

(c) make any decision that the Solid Waste Manager or the Deputy Solid Waste Manager could have made and that the Commissioner considers appropriate in the circumstances.
16.6 **No Stay during Appeal.** An appeal under this Bylaw does not operate as a stay or suspend the operation of the decision being appealed unless the Commissioner decides otherwise.

16.7 **Participation by Solid Waste Manager.** At the request of the Solid Waste Manager or the Deputy Solid Waste Manager, whose decision is being appealed, the Commissioner shall permit the Solid Waste Manager or the Deputy Solid Waste Manager to have full party status at the appeal.

**ARTICLE 17**

17 **OFFENCES AND PENALTIES**

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

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

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

**ARTICLE 18**

18 **GENERAL**

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

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

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

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

FEES

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

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
<th>Column 4</th>
<th>Column 5</th>
<th>(a)Column 6</th>
</tr>
</thead>
<tbody>
<tr>
<td>Facility</td>
<td>Existing Facility Application Fee</td>
<td>New Facility Application Fee</td>
<td>Amendment Application Fee</td>
<td>Annual Administration Fee</td>
<td>Disposal Fee (per metric tonne)</td>
</tr>
<tr>
<td>Disposal Facility</td>
<td>$1,000</td>
<td>$5,000</td>
<td>$2,500</td>
<td>$1,000</td>
<td>$3</td>
</tr>
<tr>
<td>Mixed Waste Facility</td>
<td>$1000</td>
<td>$5,000</td>
<td>$2,500</td>
<td>$1,000</td>
<td>$3</td>
</tr>
<tr>
<td>Transfer Station</td>
<td>$500</td>
<td>$1,000</td>
<td>$500</td>
<td>$1,000</td>
<td>$3</td>
</tr>
<tr>
<td>Material Recovery Facility</td>
<td>$500</td>
<td>$1,000</td>
<td>$500</td>
<td>$1,000</td>
<td>$3</td>
</tr>
<tr>
<td>Storage Facility</td>
<td>$500</td>
<td>$1,000</td>
<td>$500</td>
<td>$1,000</td>
<td>$3</td>
</tr>
<tr>
<td>Brokering Facility</td>
<td>$500</td>
<td>$1,000</td>
<td>$500</td>
<td>$1,000</td>
<td>N.A.</td>
</tr>
<tr>
<td>Composting Facility</td>
<td>$500</td>
<td>$1,000</td>
<td>$500</td>
<td>$1,000</td>
<td>N.A.</td>
</tr>
<tr>
<td>Digesting Facility</td>
<td>$500</td>
<td>$1,000</td>
<td>$500</td>
<td>$1,000</td>
<td>N.A.</td>
</tr>
<tr>
<td>All Other</td>
<td>$500</td>
<td>$1,000</td>
<td>$500</td>
<td>$1,000</td>
<td>N.A.</td>
</tr>
<tr>
<td>Limited Brokering and Asphalt Facilities</td>
<td>$100</td>
<td>$100</td>
<td>$100</td>
<td>$100</td>
<td>N.A.</td>
</tr>
</tbody>
</table>

(a) The disposal fee in Column 6 will apply to Municipal Solid Waste removed from a Facility per Section 12.4(a) or received at a the Facility. For Facilities which have not installed weigh scales or are exempt under section 11.4 of the Bylaw the applicable fee shall be $1.25 per cubic metre of municipal solid waste received at the Disposal Facility per 12.5, (measured in the delivery vehicle). For Transfer Stations and Material Recovery Facilities during a transition period ending November 1, 1996 the applicable fee shall be $0.80 per cubic metre of municipal solid waste received at the Facility (measured in the delivery vehicle).
SCHEDULE “B”

EXEMPTIONS FROM LICENSING REQUIREMENTS

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

1. any Facility which accepts exclusively asphalt and concrete for the purposes of reprocessing, resale and reuse;

2. any drop-off Facilities owned or operated by the District’s member Municipalities that accept only Source Separated Recyclable Material;

3. any Drop-off Depot which is owned or operated by a charitable organization, as defined in the Income Tax Act (Canada), or a non-profit organization, as referred to in section 149 of the Income Tax Act (Canada), and that accepts only Source Separated Recyclable Material;

4. any retail food, grocery, beverage or drug establishment that accepts recyclable products on a return-to-retail basis, and that accepts only Source Separated Recyclable Material;

5. any Drop-off Depot that operates for the sole purpose of receiving Source Separated Recyclable Materials, and that manages products that are defined in section 1 of the Recycling Regulation B.C. Reg. 449/2004;

6. any Facility that operates for the sole purpose of receiving Source Separated Recyclable Materials or Municipal Solid Waste consisting exclusively of products defined in section 1 of the Recycling Regulation B.C. Reg. 449/2004, and which the Facility is responsible for managing under a Provincial Stewardship Program;

7. a Facility handling only industrial, agricultural waste, or Municipal Liquid Waste, or a combination of these wastes, provided that it does not handle any Municipal Solid Waste;

8. a Composting Facility or Digesting Facility owned or operated by a farmer, as that person is defined in the Farm Practices Protection (Right to Farm) Act, R.S.B.C. 1996, c. 131, if that Composting Facility or Digesting Facility uses Municipal Solid Waste and Recyclable Material originating solely from one or more farm businesses as defined in the Farm Practices Protection (Right to Farm) Act; and

9. Facilities that only manage consumer products such as books and clothing for resale to the general public.
SCHEDULE “C”

REGIONAL FACILITIES

- Coquitlam Transfer Station located at 1200 United Boulevard, Coquitlam
- North Shore Transfer Station located at 30 Riverside Drive, North Vancouver
- Surrey Transfer Station located at 9770 192nd Street, Surrey
- Langley Residential Transfer Station located at 1070 272 Street, Langley
- Maple Ridge Residential Transfer Station located at 10092 236 Street, Maple Ridge
- Waste-to-Energy Facility located at 5150 Riverbend Drive, Burnaby
- Vancouver South Transfer Station located at 377 West Kent Avenue North, Vancouver
- Vancouver Landfill located at 5400 72nd Street, Delta