

GREATER VANCOUVER SEWERAGE AND DRAINAGE DISTRICT

BYLAW NO. 307, 2017

A Bylaw to License Commercial Waste Haulers

WHEREAS:

- A. Pursuant to the *Greater Vancouver Sewerage and Drainage District Act* (the “**Act**”) the objects of the Greater Vancouver Sewerage and Drainage District (“**GVS&DD**”) include the disposal of all types of waste and the operation and administration of facilities for the disposal of all types of waste;
- B. The GVS&DD is authorized pursuant to section 25(3)(h) and (i) of the *Environmental Management Act* to regulate with respect to municipal solid waste and recyclable material, and to require haulers to hold a hauler licence and to set conditions for the issuance, suspending or cancelling of a hauler licence;
- C. Licensing of waste collection service providers is identified as an initiative in the Integrated Solid Waste and Resource Management Plan; and
- D. In relation to the disposal of solid waste generated within the geographic area of the GVS&DD, section 7B of the Act empowers the GVS&DD to set levies payable by generators of waste or by other persons who use the services of a commercial waste hauler based on the quantity, volume, type or composition of waste generated, and to require haulers to remit that levy to the GVSⅅ

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

1.0 Citation

- 1.1 This bylaw may be cited as the “Greater Vancouver Sewerage and Drainage District Commercial Waste Hauler Licensing Bylaw No. 307, 2017”.

2.0 Definitions

- 2.1 In this Bylaw, terms defined in the *Environmental Management Act* shall have the meaning set out therein for the purpose of this bylaw unless otherwise defined in this bylaw. In this bylaw:

“**Board**” means the board of directors of the Greater Vancouver Sewerage and Drainage District;

“**Client**” means a person, a household, a strata corporation, a business, an institution, or any other generator of waste, who pays a hauler to collect or manage municipal solid waste;

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

“Environmental Management Act” means the *Environmental Management Act* S.B.C. 2003 c. 53;

“Generator Levy” means the levy payable by the generator of municipal solid waste to the GVS&DD pursuant to the Tipping Fee Bylaw in effect from time to time;

“GVS&DD” means the Greater Vancouver Sewerage and Drainage District;

“Hauler Licence” means a valid and subsisting licence issued under this bylaw;

“Licence Holder” means the person who is the holder of a valid and subsisting Hauler Licence;

“Manager” means the person appointed as the Solid Waste Manager pursuant to the *Greater Vancouver Sewerage and Drainage District Municipal Solid Waste and Recyclable Material Regulatory Bylaw No. 181, 1996*, and includes any person appointed or designated to act in his or her place;

“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;

“Non-organic Recyclable Material” means recyclable material as defined in the *Environmental Management Act*, other than Organic Recyclable Material;

“Organic Recyclable Material” includes packaged or unpackaged food waste, green waste, clean wood, recyclable paper that has been soiled by or comingled with food residue, compostable packaging and products, carbon paper, tissue paper, paper napkins or towels or paper that is covered or infused with wax, or any combination thereof and does not contain more than 5% (by wet weight) of any other type of refuse;

“Private Facility” means a facility that handles, manages, accepts or disposes of waste that is not a Regional Facility;

“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 “A”, as attached hereto as Schedule “A” and hereby made part of this bylaw;

“Source Separated Recyclable Material” means:

- (i) Organic Recyclable Material that has been separated from other recyclable material and from municipal solid waste, and
- (ii) Non-organic Recyclable Material that has been separated from municipal solid waste,

by the waste generator at the point of generation for the purposes of recycling; and

“**Tipping Fee Bylaw**” means the Greater Vancouver Sewerage and Drainage District Tipping Fee and Solid Waste Disposal Regulation Bylaw in effect from time to time, or where no such bylaw exists, the bylaw in effect from time to time that establishes tipping fees at Regional Facilities.

3.0 Licence Required

3.1 No person shall haul waste within the geographic area of the GVS&DD unless that person holds a valid and subsisting Hauler Licence authorizing that activity.

4.0 Exemptions

4.1 Notwithstanding section 3.0 of this bylaw, the following haulers do not require a Licence:

- (a) Haulers that collect only Source Separated Recyclable Material, Construction and Demolition Waste, or both;
- (b) Municipalities that collect municipal solid waste from multi-family buildings, commercial and institutional sectors, or both, provided that the municipality has a bylaw or policy requiring recycling containers to be provided wherever the municipality collects municipal solid waste;
- (c) A hauler that manages less than 10 tonnes of Mixed Municipal Solid Waste in every month of a calendar year; or
- (d) A hauler that only uses vehicles that are hand unloaded, with no mechanical assistance.

5.0 Licence Applications

5.1 Every application for a Hauler Licence shall be made to the GVS&DD on the application form prescribed by the Manager.

6.0 Application Fee

6.1 At the time of making application for a Hauler Licence under this bylaw, an applicant shall pay to the GVS&DD the non-refundable application fee of \$100.

7.0 Applicants

7.1 Every application for a Hauler Licence shall be made by the owner of the vehicle or vehicles used by the applicant to haul waste, or that person’s authorized signatory.

7.2 If there is more than one owner of the vehicle that is the subject matter of a Licence application, each owner must sign the application or consent to another owner signing the document on their behalf.

8.0 Licence Information Requirements

8.1 All applications for a Hauler Licence shall include the following information:

- (a) Company or owner name and contact information;
- (b) A list of all vehicles used by the hauler to haul Mixed Municipal Solid Waste, including the gross vehicle weight and licence plate number of each vehicle;
- (c) The anticipated monthly amount of Mixed Municipal Solid Waste hauled by the hauler;
- (d) Confirmation that the hauler has provided its clients with containers for each of Organic Recyclable Materials, Non-Organic Recyclable Materials and Mixed Municipal Solid Waste, or an explanation of why those containers are not provided in accordance with sections 12.1 and 12.2 of this bylaw.

9.0 Licence Issuance

9.1 The Manager shall issue a Hauler Licence to the applicant where a complete application for a Hauler Licence under this bylaw has been made indicating compliance with all terms of this bylaw, and the applicant has paid the application fee for the Licence. All future Licences issued to the same hauler may only be issued as a renewal.

10.0 Term of Licence

10.1 The term of every Hauler Licence will be up to one year and shall expire on March 31 of each calendar year.

11.0 Licence Renewal

11.1 A Licence Holder may apply to renew its Hauler Licence annually anytime after December 31 but before March 31 of each calendar year by submitting to the Manager the following:

- (a) A completed renewal application in the form prescribed by the Manager, clearly indicating any changes in licensing information from the previous licence term;
- (b) Where the hauler has only delivered Mixed Municipal Solid Waste to Regional Facilities, and has not delivered any Mixed Municipal Solid Waste to a Private Facility, a declaration in the form prescribed by the Manager; and
- (c) Where the hauler has delivered any Mixed Municipal Solid Waste to a Private Facility, a copy of the hauler's Quarterly Reports as required pursuant to sections 16.1 and 16.2 of this bylaw, and a declaration in the form prescribed by the Manager that all Generator Levy amounts collected by the Hauler up to December 31 of the previous calendar year have been remitted to the GVS&DD in accordance with the Tipping Fee Bylaw.

11.2 The Manager shall issue a renewal of a Hauler Licence where:

- (a) the Hauler Licence is in good standing, all fees are up to date, and all Generator Levy amounts have been remitted pursuant to the Tipping Fee Bylaw;
- (b) all the original Licence information is still valid and applicable to the existing operations, or has been updated in the renewal application;
- (c) the reporting requirements applicable to the hauler under this bylaw or any other enactment have been satisfied; and
- (d) the Licence Holder has paid to the GVS&DD a renewal fee of \$100.

12.0 Separation of Recyclable Materials

12.1 Every hauler shall provide to each of its clients bins of adequate size for the separate collection of each of the following:

- (a) Non-organic Recyclable Material including, at a minimum, paper and paper products, and metal, glass and plastic containers;
- (b) Organic Recyclable Material; and
- (c) Mixed Municipal Solid Waste.

12.2 As a limited exception to section 12.1, where a hauler has verified the provision of any one of the containers required to be provided under section 12.1 by their client or another hauler, that hauler is not required to provide that container to its client.

12.3 Every hauler shall manage Non-organic Recyclable Material, Organic Recyclable Material and Mixed Municipal Solid Waste so as to keep these materials separate from one another at all times.

13.0 Inspection and Weighing of Loads

13.1 Every hauler shall ensure that every load of Mixed Municipal Solid Waste or recyclable material delivered to a Regional Facility or Private Facility is weighed or otherwise quantified and recorded upon receipt at the facility and before mixing with any other loads.

14.0 Record of Loads

14.1 Every hauler shall maintain a record of all loads of Mixed Municipal Solid Waste delivered to a Regional Facility or Private Facility, including the date, time, quantity, facility name, location, and vehicle licence plate number.

15.0 Record Keeping

15.1 A Licence Holder shall maintain accurate and up-to-date records of all Mixed Municipal Solid Waste delivered to every Regional Facility and Private Facility, and make those records available

for inspection by request of the Manager or any officer appointed by the Board for the purpose of enforcing the bylaws of the GVS&DD.

16.0 Quarterly Report

16.1 Every Licence Holder shall prepare a Quarterly Report containing the following:

- (a) the quantity (by weight or volume) of Mixed Municipal Solid Waste collected from generators within the geographic area of the GVS&DD on a load by load basis;
- (b) the quantity (by weight or volume) of Mixed Municipal Solid Waste collected from generators within the within the geographic area of the GVS&DD and delivered to Regional Facilities on a load by load basis; and
- (c) the quantity (by weight or volume) of Mixed Municipal Solid Waste collected from generators within the geographic area of the GVS&DD and delivered to Private Facilities or locations other than Regional Facilities on a load by load basis.

16.2 Every Licence Holder shall submit to the Manager the Quarterly Report prepared pursuant to section 16.0 as follows:

- (a) for January 1 to March 31, by April 15 of each calendar year;
- (b) for April 1 to June 30, by July 15 of each calendar year;
- (c) for July 1 to September 30, by October 15 of each calendar; and
- (d) for October 1 to December 31, by January 15 of the following calendar year.

16.3 Where a Licence Holder has only delivered Mixed Municipal Solid Waste to a Regional Facility in any given quarter, no Quarterly Report is required.

17.0 Powers of Manager

17.1 Without limiting the authority granted to the Manager under this bylaw and other enactments, the Manager has the following powers:

- (a) To prepare and prescribe forms that are to be used for the purposes of this bylaw;
- (b) To determine whether a Licence application or Licence renewal is complete;
- (c) To request additional information from an applicant where the Manager considers that the information provided in relation to a Licence application or Licence renewal is incomplete;
- (d) To refuse a Hauler Licence application or Licence renewal on the basis that the application is incomplete, or where satisfied that the conditions of this bylaw have not been met;

- (e) To suspend or revoke a Hauler Licence in accordance with this Part;
- (f) To impose conditions on a Hauler Licence in accordance with this Part;
- (g) To request information from a Licence Holder in relation to compliance with a Licence or this bylaw; and
- (h) To renew a Hauler Licence in accordance with this bylaw.

18.0 Licence Revocation and Suspension

18.1 The Manager may suspend or revoke a Hauler Licence under this bylaw where the Manager considers that:

- (a) The Licence Holder has contravened this bylaw, or another relevant and applicable bylaw or enactment;
- (b) The Licence Holder has contravened a condition of the Licence;
- (c) The Licence was issued on the basis of information submitted by the Licence Holder in support of the Licence application which was incorrect or misleading in a material way; or
- (d) The Licence Holder has failed or refused to pay a fee or remit a levy required under this bylaw or a related bylaw.

19.0 Imposition of Conditions in Relation to Suspension or Revocation

19.1 Where the Manager suspends a Licence, it may also impose conditions in relation to compliance with this bylaw or related enactments, including conditions that:

- (a) Shorten the term of a suspension upon compliance with a Hauler Licence or this bylaw; or
- (b) Impose additional monitoring or reporting requirements on a Licence Holder.

19.2 All conditions imposed in relation to a Licence suspension become Licence conditions, and are enforceable under this bylaw in the same manner as other Licence conditions.

19.3 An applicant may appeal a determination by the Manager to refuse a Licence application or Licence renewal, to impose conditions on a Licence, or to revoke or suspend a Licence to the Commissioner.

19.4 The decision of the Manager with respect to any of the above matters is immediately effective unless or until varied or reversed by the Commissioner on appeal.

20.0 Appeals to the Commissioner

- 20.1 If the Manager refuses a Hauler Licence application or Hauler Licence renewal, or revokes or suspends a Hauler Licence, the applicant or Licence Holder may appeal this determination to the Commissioner by submitting a written request for an appeal to the Manager within 30 days of the Manager's decision.
- 20.2 The Commissioner may extend the time for commencing an appeal either before or after the time for commencement of the appeal has elapsed.
- 20.3 On an appeal of a decision of the Manager, the Commissioner may consider new information submitted to the Commissioner by the applicant or Licence Holder, the Manager, an affected municipality, or other relevant parties, provided that this information is made available to all interested parties prior to the Commissioner's determination of the appeal.
- 20.4 On considering an appeal, the Commissioner may:
- (a) confirm, reverse or vary the decision appealed from;
 - (b) refer the matter back to the Manager for reconsideration, as the case may be, with or without directions; or
 - (c) make any decision that the Manager could have made and that the Commissioner considers appropriate in the circumstances.
- 20.5 At the request of the Manager whose decision is being appealed, the Commissioner shall permit the Manager to have full party status at the appeal.

21.0 Compliance with Bylaw and Licence

- 21.1 No person shall:
- (a) Fail to comply with the terms of a Hauler Licence issued under this bylaw;
 - (b) Deliver Mixed Municipal Solid Waste to a Regional Facility without a Hauler Licence, unless exempted under section 4.0 of this bylaw;
 - (c) Manage Mixed Municipal Solid Waste, Organic Recyclable Material or Non-Organic Recyclable Material contrary to this bylaw;
 - (d) Prevent or obstruct, or seek or attempt to prevent or obstruct the Manager or another GVS&DD employee administering or enforcing this bylaw; or
 - (e) In relation to an application for a Hauler Licence under this bylaw, intentionally submit false or misleading information.

21.2 The Manager, and every officer appointed by the Board for the purpose of enforcing the bylaws of the GVS&DD, is authorized to enter a site or inspect the contents of a vehicle for the purpose of enforcing this bylaw and, for this purpose, to exercise all the authority set out in sections 109 and 111 (2) of the *Environmental Management Act*.

22.0 Offence

22.1 Every person who commits an act that is prohibited by this bylaw commits an offence under this bylaw is liable on summary conviction to fines of up to \$200,000.

22.2 Each day that a violation of this bylaw continues constitutes a separate offence.

23.0 Compliance with Other Laws

23.1 Nothing in this bylaw, including, a Licence under this bylaw, excuses any person from complying with all other applicable enactments.

24.0 Application

24.1 This bylaw applies to all land located within the geographic area of the GVS&DD.

25.0 Date of Effect

25.1 This bylaw comes into force and effect upon adoption.

READ A FIRST TIME this 24th day of November, 2017.

READ A SECOND TIME this 24th day of November, 2017.

READ A THIRD TIME this 24th day of November, 2017.

APPROVED BY THE MINISTER OF ENVIRONMENT this _____ day of _____, _____.

PASSED AND FINALLY ADOPTED this _____ day of _____, _____.

Greg Moore, Chair

Chris Plagnol, Corporate Officer

SCHEDULE A

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