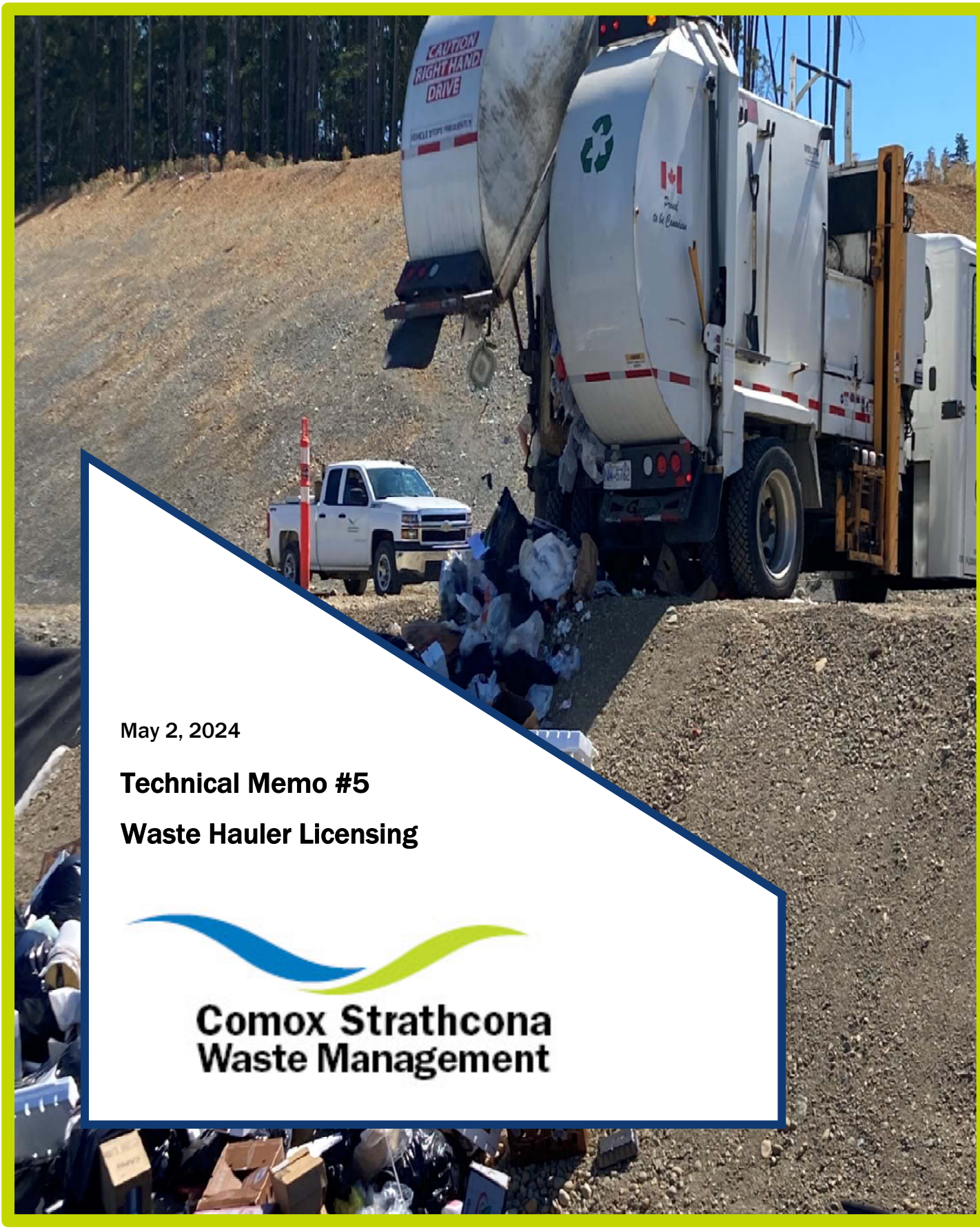


May 2, 2024

Technical Memo #5

Waste Hauler Licensing

Comox Strathcona
Waste Management

Comox Strathcona Waste Management

Technical Memo #5
Waste Hauler Licensing

TO:	Regional Solid Waste Advisory Committee (RSWAC)	TO RSWAC:	May 2, 2024
FROM:	Larry Gardner, AScT	TO BOARD:	To be presented at a future CSWM Board Meeting (June 20, 2024)
COMPANY:	Sole Proprieter Environmental Consultant	FILE:	5360-30 SWMP

Strategy Description

This Technical Memo discusses the concept of licensing private waste haulers with the objective of growing the waste industry to provide more and better services around waste diversion. This concept is not in place anywhere in British Columbia and is believed to be a new approach to promoting diversion in the solid waste industry.

Applicable Guiding Principles

- ✓ *Support polluter and user-pay approaches and manage incentives to maximize behaviour outcomes.*
- ✓ *Prevent organics and recyclables from going into the garbage.*
- ✓ *Strive for equity within regions for private and public solid waste.*

The Regional District of Nanaimo (RDN) invested considerable time in developing the concept following their 2018 Solid Waste Management Plan (SWMP) and are awaiting provincial approval of the bylaw that will make the concept a reality. The RDN is of the opinion that a decision by the Province will be rendered imminently. This memorandum goes into detail to explain the RDN concept which is later presented as Strategy 1. A second strategy is also discussed which does not involve formal licensing but attempts to achieve some of the same objectives through a voluntary process.

The purpose of business is to organize some sort of economic production of goods or services, and in the case of a for-profit enterprise, the objective is to maximize benefit for the owner or shareholder. On this premise, it should be expected that businesses will usually make decisions that maximize profit. Even in the case where a more expensive social or environmental decision is made, the backbone of the decision can often be traced to profit through improved social

license to operate, increased market share, and/or attracting investors or employees, for example.

In the case of waste management, waste diversion is typically costlier for the generator. Unless the social/environmental responsibility can positively affect the bottom line, a business is unlikely to participate in diversion. In cases where the profit/cost paradigm shifts, hauling businesses will naturally move into the field to profitably manage divertible material. The model of Waste Hauler Licensing is intended to create this paradigm shift, where generators and the hauling industry are motivated to participate in diversion. Rather than seeking low-cost disposal, hauling businesses are expected to seek out diversion opportunities as there would be more opportunity for profit.

The first objective of Waste Hauler Licensing is to influence the flow of waste. Within the RDN, this is proposed to be achieved by giving licensed haulers a discounted tipping fee at the RDN landfill and transfer station ($45/tonne less). Currently, a waste hauler must charge a generator more than the landfill tipping fee to cover their handling costs, as well as the disposal costs. If their disposal cost is reduced, the licensed hauler can reduce charges to customers which allows them to attract customers to their business through competitive pricing (i.e. other customers of the landfill are not eligible for the discount and pay the higher base rate tip fee)

The RDN plans to adopt both the Waste Hauler License Bylaw and their Mandatory Source Separation Bylaw (that requires all waste generators to have separate bins for garbage, recyclables and organics) at the same time. The concept is that waste generators will have separate containers allowing them to source separate, and that haulers will respond with competitive pricing to motivate the diversion of source separated material. Both strategies are intended to work together to make both parties, waste generators and waste haulers, active participants in achieving high levels of diversion.

It is anticipated that this will result in better service offerings by haulers because the more waste they can attract, whether divertible or not, the higher the potential for profit. More and better services increase convenience and where the services are associated with recycling, diversion increases. The discounted hauler tipping fee is only a benefit for materials that are properly sorted and truly garbage, as surcharges would be applied to loads containing recyclables which, in turn, further encourages diversion.

There are advantages to encouraging the flow of waste through industry:

- Industry tends to be more innovative and adaptive than government. Encouraging the flow of waste through industry instead of government-run facilities is more likely to develop opportunities for diversion, particularly where profit motivation can be introduced.
- Engaging the industry, particularly where there is motivation for diversion, grows the economy and increases the tax base. In 2013, the Ministry of Environment commissioned the report *Zero Waste Business Case, Draft for Expert Review* by Innes Hood Consulting Inc.[1] The report predicted an increase in waste diversion of 62 per cent versus 81 per cent diversion by 2025 would produce:
    1. between $56 million and $126 million of annual net economic benefit;
    2. add between $27 million and $89 million to the GDP; and,
    3. generate between $755,000 and $2.5 million in annual income tax revenue for BC.
- A 2019 report *Quantifying the Economic Value of Alberta's Recycling Programs*[2] estimated that doubling diversion would increase related jobs by 6,000 and would result in $700 million gross value added (e.g. income of employee, business, and taxes on production but not products).
- The Fraser Institute[3] claims a "general rule of thumb is that it costs government twice as much as a private company in a competitive environment to accomplish the same task."

The second objective of Waste Hauler Licensing is to motivate diversion over disposal which is done through the application of a "disposal levy." The levy is a per tonne charge (i.e. $25/tonne) payable to the Regional District by haulers for any municipal solid waste (MSW) being disposed of. MSW is an industry term for waste from the residential sector, institutional, commercial, and light industrial sources, as well as waste from construction, demolition and renovation activities. MSW does not typically include hazardous, biomedical, or agricultural waste, motor vehicles or components, heavy industry, or contaminated soil. The levy is applied for the disposal of any MSW at disposal sites whether in region, out of region, public or private. The consequence of the levy is that disposal cost is artificially increased and the search for low-cost landfilling options is demotivated and replaced by diversion efforts.

The combination of discounted hauler tipping fee and the disposal levy makes it cheaper to dispose of material that is truly not divertible and more expensive to dispose (rather than

[1] https://www2.gov.bc.ca/assets/gov/environment/waste-management/industrial-waste/industrial-waste/zero_waste_business_case_draft.pdf
[2] https://recycle.ab.ca/wp-content/uploads/2019/07/RCA_Economic_Analysis_Report_Final.pdf
[3] https://www.fraserinstitute.org/article/time-for-governments-to-boldly-reduce-government-spending

divert) material that is divertible. Consequently, the Waste Hauler Licensing changes the paradigm for divertible materials.

There is also a behaviour consideration of having the disposal levy applied and remitted separately. People often make decisions on perceived value which explains why someone will spend more money to travel a great distance to purchase an item on sale, spending more to travel than the cost savings on the item. Even when the value doesn't match what is being paid for a good or service, people tend to be amenable to the cost because there is still something tangible received. However, where there is a charge and no tangible good or service is received (for example, a tax), people are motivated to avoid the charge. It is expected that industry will strive for ways to not pay or reduce the disposal levy for the privilege of disposal because they don't see anything tangible in return for the charge. The line item on a budget sheet for "disposal levy" is expected to motivate business owners to reduce this expense; the way to do so will be through supporting generators to increase diversion.

Regional Districts are mandated to carry out solid waste management planning and typically also provide waste management services. In the case of the CSWM, the solid waste service is funded by approximately 70 per cent landfill tipping fees and 30 per cent taxation. Waste that does not come to CSWM facilities does not contribute to the overall system costs of CSWM. Overall system costs consider landfill closure and construction, transportation of waste, recycling depots, organics diversion, environmental controls, education, and regulatory compliance. Under the model where the disposal levy is applied to any MSW that is ultimately disposed of at any solid waste facility, whether in the CSWM region or out of the region, all waste generators from the CSWM region contribute to the overall waste management service costs. This transfers some of the tax burden where everyone pays, to a higher percentage of the cost being paid by waste generators.

Explanation of RDN Bylaws

The Waste Hauler Licensing strategy is captured in three bylaws:

1. Tipping Fee Bylaw 1784 (Appendix 1)
2. Waste Hauler Licensing Bylaw 1813 (Appendix 2)
3. License Fees Bylaw 1807 (Appendix 3)

Tipping Fee Bylaw

Proposed RDN Tipping Fee Bylaw 1784 of sorted MSW for disposal are $105/tonne for Licensed Waste Haulers and $150/tonne for other customers (note that the hauler rate is not yet in affect as the RDN is awaiting approval of the Waste Licensing Bylaw by the Province). The hauler rate

would apply to municipal garbage, medical facility waste, resource recovery facility waste, roofing material, and construction and demolition waste. No preferential rate is proposed for controlled waste such as asbestos or contaminated soil. Where MSW has greater than 15 per cent contamination of recyclable or prohibited material in a load, the standard tip fee of $150 would apply plus a 20 per cent surcharge. It is likely the 15 per cent contamination rate could be reduced over time as the program matures.

Principal requirements of proposed Waste Hauler Licensing Bylaw 1823 are:

- Anyone transporting waste for profit in the region is required to be licensed except for hauling of:
    - Source separated recyclable material;
    - Waste associated with the clean-up of spilled or illegally dumped material;
    - Municipal solid waste by or on behalf of a municipality or RDN with three-stream source separated collection already;
    - Municipal solid waste under a subsisting Extended Producer Responsibility (EPR) plan; or
    - Hauling refuse generated outside the RDN to:
        - a site or facility in the RDN that holds a Waste Stream Management License (from the RDN);
        - a site or facility in the RDN that holds a site-specific authorization from the Ministry of Environment and Climate Change Strategy; or
        - a location that is outside of the RDN.
- The requirement to submit to the RDN a disposal levy for waste that is deposited at a disposal facility whether in or out of region, or at an out-of-region material recovery facility. The disposal levy is as set out in Bylaw 1807 at $25/tonne. The levy is reduced by 20 per cent for materials sent to material recovery facilities. The reduction can be increased based on demonstrated diversion.
- Annual licensing fee has a range from $500 to $18,000 with the intention of the licensing requirement not being a barrier to small operators.
- Monthly reporting of tonnages of waste disposed and remittance of the disposal levy by licensed waste haulers.

Diversion Impact

The RDN has estimated the diversion impact of a 10 per cent reduction as a consequence of Waste Hauler Licensing and their Waste Generator Source Separation strategy combined (see Technical Memorandum #6 on Waste Generator Source Separation).

Waste Collector Incentive Model

As of January 2, 2024, the Capital Regional District (CRD) introduced the Waste Collector Incentive Program. Under this program, Hartland Landfill account customers can receive a $25/tonne rebate on general refuse if they voluntarily self-report waste collection data and promote multi-stream collection. The incentive program aims to shift the flow of waste to industry similar to that of the waste hauler licensing concept. Because the incentive is tied to reporting data and promoting multi-stream collection, the program will promote diversion. If the CRD also adopted standards for achieving diversion with the risk of customers losing the incentive, the model could potentially be more effective.

Generally lowering disposal costs, only increases the amount of material being disposed. Note that the RDN Hauler fee is only for loads having low levels of divertible content. Where there is divertible content, surcharges raise the tipping fee considerably. Further, if the hauler makes the decision to transport waste with divertible content to another location, the disposal levy increases the potentially lower disposal cost at the other disposal location. On the surface, the CRD incentive program appears to lack these attributes that are seen as key to shifting the paradigm so that it is more profitable to divert than dispose. It could also just lead to pushing volumes of unsorted materials to other private facilities for disposal. However, the model has the advantage of minimal resources to implement and can be introduced immediately through the adjustment of tipping fees. Further, the program is in its infancy and no doubt will be monitored for its efficacy.

CSWM Background

There is estimated to be in the range of 30 to 50 waste haulers operating in the CSWM region that would be subject to licensing. Using as an example the annual licensing fee structure the RDN has proposed, a small operator would recover their $500 licensing fee by delivering two full garbage trucks to the landfill. A large operator hauling 10,000 tonnes of waste to the landfill annually would net about a $182,000 cost savings after paying their annual $18,000 licensing fee.

The RDN model for Waste Hauler Licensing does rely on Waste Facility Licensing. If Waste Hauler Licensing was to be introduced without Waste Facility Licensing, further exploration of how such an alternate approach might work would be necessary and is beyond the scope of this memorandum. Further the model relies on waste generators having the equipment to source separate their garbage and is the reasoning behind the Generator Source Separation Bylaw. It will be difficult for haulers to realize the full economic benefit, and for regional districts to benefit from the potential waste diversion gains if the tools are not used together.

Based on the divertible waste in the waste stream (Table 1) affected by this strategy, conceivably 70 per cent of divertible waste could be recovered from the waste stream resulting in an overall 14.6 per cent diversion increase to the total waste stream.

Table 1: Aggregate Diversion Potential for All Sectors (Excluding Single Family Residential)

2017 CSWM Waste Audit Data, Total Waste Stream 61,500 tonnes*			
Percent of Available Material in the Waste Stream Removed	Available Divertible Material Metric Tonnes (MT)	Divertible Material Removed (MT)	% of Diversion Impact to Total Waste Stream
100 % Removed	12,000	12,000	19.5 %
70 % Removed	12,000	9,000	14.6 %
50 % Removed	12,000	6,000	9.8 %
20% Removed	12,000	2,400	3.9 %
10% Removed	12,000	1,200	2.0 %

**values rounded to nearest 1000 tonnes*

The RDN believes a decision from the Minister of Environment and Climate Change Strategy on their Waste Stream Licensing Bylaw will be rendered shortly. The decision will culminate six years of developing the model since first being introduced in their Solid Waste Management Plan in 2018. The long timeframe for implementation has principally been due to provincial timelines for decisions on approvals. If the RDN is successful in receiving approval for Waste Hauler Licensing, any future regional district seeking similar authority will likely have a shortened provincial approval process. A three-year time frame from Solid Waste Management Plan approval to strategy commencement would be a more reasonable expectation.

Options for Implementation – Strategy 1: Waste Hauler Licensing

This strategy would mirror what has been described above as the RDN model.

Operational and Staffing Impacts Anticipated

Set up of the model is very involved, although if the RDN work is used as a template, much of the work has been done. Still, preparation of all documents suitable for the CVRD (e.g. bylaws; forms for application, reporting and remittance of fees), independent legal review and consultation with industry is significant. About one half of one full-time position would be required over a 3-year time frame to undertake consultations, prepare all the documentation that would support a provincial approval of a bylaw, and develop procedures to introduce licensing. The first year of commencing the bylaw is expected to take at least a full-time position to issue licenses and begin the program. Given the economic benefit to the industry there is

expected to be a very high level of compliance with the bylaw and minimal enforcement if any. Ongoing administration of the bylaw would consist of issuing new licenses annually, intaking monthly reporting and remittance of levies and evaluation and outreach to haulers not participating to ensure awareness. Support for the model after launch is estimated at one half of a full-time position.

Estimate of Diversion Impact

If this strategy is introduced along with a strategy to have waste generators source separate, it is conceivable that a 14.6 per cent reduction in the total waste stream could be achieved. Without generator source separation, it will be very challenging for waste haulers/processors to be successful at achieving high levels of diversion; diversion will likely range from three to nine per cent reduction of the total waste stream.

Financial Implications

About $80,000 per year will be required over the first three years to set up and initiate the strategy. After initial startup, costs should be about $50,000 annually. Further work is necessary to determine the lost revenue potential of applying a lower tipping fee to Licensed Waste Haulers, and the potential revenue potential of the disposal levy.

Regulatory Authority Required

The strategy needs to be included in the proposed Solid Waste Management Plan and obtain provincial approval by the Minister of Environment and Climate Change. Subsequent to approval of the SWMP, the bylaw that introduces Waste Hauler Licensing must also be approved by the Minister. Provincial approval timelines can be quite variable but a three-year timeline from approval of the final Solid Waste Management Plan to strategy commencement is a reasonable expectation. If the “service” of regulating waste haulers is not within CSWM establishing bylaw, the establishing bylaw may also need to be amended requiring the Inspector of Municipalities approval. Several months would be a reasonable expectation to undertake an establishing bylaw amendment.

Options for Implementation – Strategy 1: Waste Hauler Licensing

This model would benefit from more feedback from staff at the Capital Regional District and their experience in the first few months of implementation and future plans for program administration. For example, what are the expectations for reporting and promoting a multi-stream collection model to receive and maintain the rebate in tipping fees? This model could

definitely be used as an initial step to promote diversion, with the option of pursuing Waste Hauler Licensing at a later date.

Operational and Staffing Impacts Anticipated

Operational impacts will be minimal to set up and introduce this strategy. Resources for ongoing administration will be minimal if no expectations are set and checked on by CSWM. However, this approach really only reduces the cost of disposal and may not drive diversion and may even increase disposal. However, if disposal standards are to be set and enforced by the CSWM (e.g. is source separation being carried out? What is the quality of the source separated materials? What is the divertible content in the waste being received at the landfill? It would likely take one full-time staff member to drive the enforcement program. Further research on the CRD's plans and experience would aid in determining resource demands and expected outcomes.

Estimate of Diversion Impact

Further details of how the program would be carried out are needed to forecast a diversion outcome. It is probably similar to that of the Waste Hauler Licensing without generator source separation and, therefore, in the range of three to nine per cent reduction of the total waste stream.

Financial Implications

Further details of how the program would be carried out are needed to forecast financial implications. A very rough estimate would be one full time position assuming the regional district undertook regular checks of account holders that they are satisfying standards required for the rebate. Staffing cost and associated resources (e.g. vehicle), are likely to be in the $120,000 range annually. Further work is necessary to determine the lost revenue consequence of applying a lower tipping fee to voluntary self-reporters participating.

Appendix 1 - Tipping Fee Bylaw 1784

REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1784.06

A BYLAW TO AMEND REGIONAL DISTRICT OF NANAIMO TIPPING FEE AND SOLID WASTE DISPOSAL REGULATION

WHEREAS the "Regional District of Nanaimo Tipping Fee and Solid Waste Disposal Regulation Bylaw No. 1784, 2019" established a scale of fees payable for the depositing solid waste at Solid Waste Management Facilities within the Regional District of Nanaimo;

AND WHEREAS the Board of the Regional District of Nanaimo wishes to amend Bylaw No. 1784;

THEREFORE BE IT RESOLVED that the Board of the Regional District of Nanaimo in open meeting assembled enacts as follows:

1. **CITATION**

This bylaw may be cited for all purposes as the "Regional District of Nanaimo Tipping Fee and Solid Waste Disposal Regulation Amendment Bylaw No. 1784.06, 2023".

2. **AMENDMENT**

"Regional District of Nanaimo Tipping Fee and Solid Waste Disposal Regulation Bylaw No. 1784, 2019" is amended as follows:

a) By deleting Schedule 'A' in its entirety and replacing it with Schedule 'A' as attached to and forming part of this bylaw.

Introduced and read three times this day of 2023.

Adopted this day of 2023.

CHAIR

CORPORATE OFFICER

Schedule A to accompany "Regional District of Nanaimo Tipping Fee and Solid Waste Disposal Regulation Amendment Bylaw No. 1784.06, 2023".

_____
Chair

_____
Corporate Officer

Schedule 'A'

Fees and Procedures for use of ***Solid Waste Management Facilities*** effective April 1, 2024.

1.	**Solid Waste, excluding Controlled Waste**	**Flat Rate**	**Tipping Fee up to March 31, 2024 (51kg or greater)**	**Tipping Fee April 1, 2024 (51kg or greater)**	**Licensed Waste Hauler Tipping Fee (51kg or greater)**
a.	***Municipal Solid Waste***	$8.00/0-50kg	$145.00/tonne	$150.00/tonne	$105.00/tonne
b.	***Medical Facility Waste***	$8.00/0-50kg	$145.00/tonne	$150.00/tonne	$105.00/tonne
c.	***Resource Recovery Facility Waste***	$8.00/0-50kg	$145.00/tonne	$150.00/tonne	$105.00/tonne
d.	***Roofing Material*** (asphalt/tar/gravel)	$8.00/0-50kg	$145.00/tonne	$150.00/tonne	$105.00/tonne
e.	***Construction/Demolition Waste***	$8.00/0-50kg	$145.00/tonne	$150.00/tonne	$105.00/tonne
f.	Weighing service	$20.00			
g.	***Surcharge*** for ***Unsecured Loads***	$20.00			
h.	***Surcharge*** per ***Mattress and Boxspring***	$20.00/unit			

1.1	**Low Density Materials**	**Flat Rate**	**Volume Rate**
a.	***Low Density Materials***	$8.00 minimum	$100.00/$m^3$

2.	**Recyclables**	**Flat Rate**	**51 kg or greater**
a.	***Organic Waste***	$8.00/0-50kg	$110.00/tonne
b.	***Garden Waste*** "**including Invasive Plant Species**"	$8.00/0-100kg	$55.00/tonne
c.	***Wood Waste***	$8.00/0-50kg	$260.00/tonne
d.	***Gypsum***	$8.00/0-50kg	$260.00/tonne
g.	***Corrugated Cardboard – Commercial***	$20.00/0-50kg	$250.00/tonne

e.	***Metal***, metal appliances with ODS (ozone depleting substance)	$8.00/0-500kg	$55.00/tonne
f.	***Corrugated Cardboard*** – Residential	$8.00/0-50kg	$55.00/tonne
h.	Miscellaneous recyclables including household plastics, metal food and beverage containers and vehicle batteries.	$8.00 flat rate	
i.	***Surcharge*** for ODS containing appliances	$15.00/unit	

3.	**Controlled Waste**	**Flat Rate**	**51 kg or**
a.	***Asbestos***	$30.00/0-50kg	$510.00/tonne
b.	***Bio Solids***	$8.00/0-50 kg	$270.00/tonne
c.	***Bulky Waste*** *requiring special handling - ((Volume in m^3 ÷2) X $260)*	$50.00/0-50kg	$270.00/tonne
d.	***Contaminated Soil***	$8.00/0-50kg	$140.00/tonne
e.	***Controlled Waste*** including large ***Dead Animals***	$8.00/0-50kg	$270.00/tonne
f.	***Food Processing Waste***		$270.00/tonne
g.	***Grit and Screenings***	$8.00/0-50 kg	$270.00/tonne
h.	***International Waste***	$50.00/0-50kg	$310.00/tonne
i.	***Pumpings*** – ***Paint Filter Test*** (Passed)	$8.00/0-50 kg	$140.00/tonne
j.	***Pumpings*** – ***Paint Filter Test*** (Failed)	$8.00/0-50 kg	$270.00/tonne
k.	Steel cable	$25.00/0-50kg	$510.00/tonne

3. Every person who disposes of waste for landfilling at ***Solid Waste Management Facilities*** that contains ***Recyclable Material*** or ***Prohibited Waste*** must pay a penalty as defined in the table below:

Penalties – *Municipal Solid Waste**		**Per Load**
a.	***Municipal Solid Waste*** containing ***Recyclable Materials*** or ***Prohibited Waste*** 0-50kg	$5
b.	***Municipal Solid Waste*** containing ***Recyclable Materials*** or ***Prohibited Waste*** 50kg or greater	20% ***Surcharge***

*Penalties for ***Municipal Solid Waste*** loads are based on visual identification of ***Recyclable Material*** or ***Prohibited Waste*** in excess of 15% of the load.

4. Every person who disposes of waste for landfilling at ***Solid Waste Management*** Facilities that contains ***Recyclable Materials*** must pay a ***Surcharge*** as defined in the table below:

Surcharge – Exceedance of *Contamination Limit**		**Per Load 0-50kg**	**Per Load 51kg or greater**
a.	Schedule A, Section 1 & 2, Except Licensed Waste Haulers	$5.00	+20% ***Surcharge***
b.	***Licensed Waste Haulers***	Revocation of the ***Licensed Waste Hauler Tipping Fee*** and the application of the default tipping fee, plus a 20% ***Surcharge*** less the ***Disposal Levy***	

*The maximum ***Contamination*** for ***Municipal Solid Waste*** loads is 20%

Surcharge – *Controlled and Prohibited Waste ****	**Per Load 0-50kg**	**Per Load 51kg or greater**
Unlicensed Waste Haulers	$5.00	+20% ***Surcharge***
Licensed Waste Haulers	$5.00	+20% ***Surcharge***

*Loads containing undeclared ***Controlled Waste*** and/or ***Prohibited Waste*** will be charged a 20% **Surcharge**, plus any additional costs incurred by the Regional District of Nanaimo to remediate the material(s).

5. Penalties are in addition to the per tonne rate posted for the material type.

6. Where the fee is based on weight, it shall be based on the difference in weight between loaded weight and the empty weight of the vehicle.

7. All fees payable under this Bylaw shall be paid to the ***Regional District*** in cash, debit or credit card prior to leaving the ***Solid Waste Management Facilities***.

8. Any person disposing of ***Municipal Solid Waste*** at ***Solid Waste Management Facilities*** on a regular basis may apply in writing to the ***Regional District*** for credit and if the ***Treasurer*** is satisfied of the credit worthiness of the person, he or she may grant credit to that person, in which case payment of fees shall be made and the credit extended on the conditions of the application.

COPY
CERTIFIED CORRECT AT
THIRD READING

Corporate Officer

REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1813

A BYLAW TO REGULATE WASTE HAULERS

WHEREAS The Regional District of Nanaimo, including municipalities within the District, and the Province of British Columbia are jointly committed to the regulation and management of Municipal Solid Waste and Recyclable Material within the District 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 pursuant to the *Environmental Management Act* by the Minister of Environment and Climate Change Strategy;

AND WHEREAS The Regional District of Nanaimo is authorized, inter alia, pursuant to the *Environmental Management Act* to make bylaws to regulate the management of Municipal Solid Waste and Recyclable Material, including with respect to waste hauler licensing and the setting of terms and conditions for issuing, suspending, amending or cancelling such a license;

AND WHEREAS The Regional District of Nanaimo is operating under a Solid Waste Management Plan which contemplates a regulatory system for the management of licensing of waste haulers to encourage the flow of waste through the private waste industry and incent the waste industry to divert and recycle waste.

AND WHEREAS This bylaw may not be adopted without the prior written approval of the Minister of Environment and Climate Change Strategy, per the *Environmental Management Act*.

NOW THEREFORE the Board of the Regional District of Nanaimo in open meeting duly assembled enacts as follows:

1. CITATION

This bylaw shall be cited as "Waste Hauler Licensing Bylaw No. 1813, 2022".

2. DEFINITIONS

Terms, words and phrases used in the bylaw shall have the following meanings, whether appearing in capital or lower-case form:

"Construction and Demolition Waste"	means Refuse that originates from demolition or construction sources that has not been combined with other Refuse.
"Disposal Facility"	A facility where waste is disposed or waste is used as fuel or to produce a fuel, including landfills, incinerators and Refuse Derived Fuel Facilities

"Disposal Levy"	means the fee payable by a Licensee in respect of Mixed Municipal Solid Waste deposited at: a) a Material Recovery Facility located out of Region; or b) a Disposal Facility located in or out of Region, based on the tonnage of Refuse deposited multiplied by the applicable rate based on class of facility set by this bylaw.
"District"	means the Regional District of Nanaimo.
"Haul"	means to, on a commercial basis, pick up, deliver, haul or transport Municipal Solid Waste.
"License"	means a valid and subsisting license issued under this bylaw.
"License Fee"	means the fee payable for a License, in the applicable amount established by District bylaw from time to time, and which may differ for Tier 1, Tier 2, Tier 3, Tier 4 and Tier 5 Licenses.
"Licensed Waste Hauler Tipping Fee"	means the fee payable by a Licensee under the Tipping Fee Bylaw to deposit Municipal Solid Waste generated within the Region at RDN Facilities.
"Licensee"	means a person who holds a valid and subsisting License.
"General Manager"	means the person appointed from time to time to the position of General Manager of the Regional District of Nanaimo and includes their designate.
"Material Recovery Facility"	means a site or facility that receives Municipal Solid Waste or Recyclable Material and at which materials are separated manually or mechanically for the purpose of recycling.
"Mixed Municipal Solid Waste"	means Refuse that originates from residential, commercial or institutional sources, but does not include Source Separated Recyclable Material or Construction and Demolition Waste.
"Municipal Solid Waste"	means Refuse that originates from residential, commercial or institutional sources.
"RDN Facilities"	means the District Landfill located at 1105 Cedar Rd, Nanaimo and Church Road Transfer Station located at 860 Church Rd, Parksville and any other Refuse deposit facilities the District may establish and operate from time to time.
"Recyclable Material"	means Refuse that can be managed through existing recycling programs and/or for which a commercial market exists.
"Refuse"	means discarded or abandoned materials, substances or objects.
"Refuse Derived Fuel Facility"	means a facility that is licensed to convert Refuse into fuel by the government authority having jurisdiction to issue such licenses in relation to the facility.
"Region"	means the area within the boundaries of the District.
"Source Separated Recyclable Material"	means Recyclable Material that has been separated from Municipal Solid Waste by the Refuse generator at the point of generation for the purposes of recycling and remains separated from other Municipal Solid Waste.

"Tier 1 License"	means a License for haulers who anticipate depositing a maximum of 100 tonnes of Municipal Solid Waste generated within the Region at RDN Facilities during the term of the License. For clarity, under the Tipping Fee Bylaw, the holder of such a License is eligible to receive the Licensed Waste Hauler Tipping Fee rate for this License Tier, but the deposit of materials in excess of the License Tier maximum is subject to standard tipping rates.
"Tier 2 License"	means a License for haulers who anticipate depositing between 101 – 1,000 tonnes of Municipal Solid Waste generated within the Region at RDN Facilities during the term of the License. For clarity, under the Tipping Fee Bylaw the holder of such a License is eligible to receive the Licensed Waste Hauler Tipping Fee rate for this License Tier, but the deposit of materials in excess of the License Tier maximum is subject to standard tipping rates.
"Tier 3 License"	means a License for haulers who anticipate depositing between 1,001 – 3,500 tonnes of Municipal Solid Waste generated within the Region at RDN Facilities during the term of the License. For clarity, under the Tipping Fee Bylaw the holder of such a License is eligible to receive the Licensed Waste Hauler Tipping Fee rate for this License Tier, but the deposit of materials in excess of the License Tier maximum is subject to standard tipping rates.
"Tier 4 License"	means a License for haulers who anticipate depositing between 3,501 – 6,000 tonnes of Municipal Solid Waste generated within the Region at RDN Facilities during the License term of the License. For clarity, under the Tipping Fee Bylaw the deposit of materials in excess of the License Tier maximum is subject to standard tipping rates.
"Tier 5 License"	means a License for haulers who anticipate depositing more than 6,000 tonnes of Municipal Solid Waste generated within the Region at RDN Facilities during the term of the License. For clarity, under the Tipping Fee Bylaw, the holder of such a License is eligible to receive the Licensed Waste Hauler Tipping Fee rate for this License Tier, but the deposit of materials in excess of the License Tier maximum is subject to standard tipping rates.
"Tipping Fee Bylaw"	means Tipping Fee and Solid Waste Disposal Regulation Bylaw No. 1784.
"Waste Stream Management License"	means a waste stream management license under Regional District of Nanaimo Waste Stream Management Licensing Bylaw No. 1386, 2004.

GENERAL

2.2 **Purpose of Bylaw.** This bylaw is enacted for the purpose of providing for the licensing of waste haulers. The licensing will apply to any business transporting another person's waste for profit where the waste originates within the Region. The intent is to promote the 'business of diversion' and foster industry innovation to achieve the lowest system cost with the highest waste diversion.

2.3 **Additional Municipal Requirements.** The requirements under this bylaw are distinct and separate from the requirements of a municipality. Municipalities may impose further restrictions and conditions than those imposed under this bylaw.

2.4 **Compliance with other Laws.** Nothing in this bylaw, including, *inter alia,* a License, relieves any person from complying with all other applicable enactments and laws.

2.5 **Waste Stream Management Licensed Facilities.** For the purpose of this bylaw, Municipal Solid Waste generated within the Region includes refuse from Waste Stream Management Licensed facilities.

3. HAULER LICENSE REQUIREMENTS

3.1 **Prohibition.** No person shall haul Municipal Solid Waste within the Region unless that person holds a License.

3.2 **Exclusions.** Despite section 4.1, a person is not required to hold a License for the following activities:

a) to haul Source Separated Recyclable Material;
b) to haul Refuse associated with the cleanup of spilled or illegally dumped material;
c) the hauling of Municipal Solid Waste by or on behalf of a Municipality or the District;
d) to haul Municipal Solid Waste under a subsisting Extended Producer Responsibility Plan prepared and approved under the *Environmental Management Act* Recycling Regulation; or
e) to haul Refuse generated outside the Region to:
    I. a site or facility in the Region that holds a valid and subsisting Waste Stream Management License;
    II. a site or facility in the Region that holds a valid and subsisting site specific authorization that specifically authorizes the management of Municipal Solid Waste at the site or facility issued by the Ministry of Environment and Climate Change Strategy; or
    III. a location that is outside of the Region

4. HAULER LICENSE APPLICATIONS

4.1 **Form of Application.** An application for a License shall be made to the District on the application form prescribed by the General Manager.

4.2 **Annual License Application.** A hauler may apply to the District for a License by submitting a completed application to the District on the prescribed form and including the following in or with the application form:

a) signature of hauler or, if the hauler is a corporation, an authorized signatory;

b) hauler name, contact information and civic address;
c) License type (Tier 1, Tier 2, Tier 3, Tier 4 or Tier 5);
d) payment of all applicable License Fees; and
e) the amount of Municipal Solid Waste generated within the Region the hauler anticipates it will haul to Disposal Facilities including Material Recovery Facilities during the License term and the amount of Municipal Solid Waste generated within the Region the hauler anticipates it will deposit at RDN Facilities during the License term.

4.3 **License Fees.** All fees must be paid before an application will be processed. If a hauler submits a completed application to the District, but the General Manager does not issue a License to the hauler because the hauler does not meet the requirements for a License, the License fee will be refunded, less an administration fee of 10% or $100, whichever is greater, up to a maximum administrative fee of $500.

4.4 **License Tier Increase.** A Licensee may at any time apply to the District for a modification to their License to change their License Tier to a higher Tier by submitting to the District a completed modification application form in the form prescribed by the General Manager and payment of all applicable fees and the License fee applicable to the new License Tier. On issuance of a new License at a higher Tier, the new License is valid for one year as indicated in the new License and the previous license is automatically cancelled.

4.5 **Application following Cancellation.** If a Licensee's License is cancelled, any application for a new License made by the Licensee within twelve months of such cancellation may only be for a higher Tier License than the Tier of the cancelled License or for a Tier 5 License if the cancelled License is a Tier 5 License.

4.6 **License Renewal.** A Licensee may apply to the District to renew a License, including at a different License Tier than in the expiring License, by submitting to the District, at least 60 days before, but no earlier than 120 days before, License expiry, a completed renewal application form in the form prescribed by the General Manager and payment of all applicable fees, including the applicable License Fee.

4.7 **License Not Assignable**. A License is personal to the Licensee and may not be assigned.

5. HAULER LICENSE ISSUANCE AND REFUSAL

5.1 **License Issuance.** On receipt of a complete application for a License and payment of all applicable fees, including the applicable License Fee, the General Manager will issue a Tier 1, Tier 2, Tier 3, Tier 4 or Tier 5 License.

5.2 **Term for License.** The term of every License will be one year from the date of issuance of the License as indicated in the License.

5.3 **Issue of Renewal.** On receipt of a completed application form for a License renewal and payment of all applicable fees, including the applicable License Fee, the General Manager shall issue a renewal of the applicable License and the term of the renewed License will be one year from the date of expiry of the previous License.

5.4 **Issue of Modification.** On receipt of a completed application form for a License modification and payment of all applicable fees, including the License Fee for the new License Tier, the General Manager shall issue a modification of the applicable License and, for clarity, a License

modification shall not extend or otherwise modify the term of the modified License.

5.5 **Refusal.** Despite any other provision of this bylaw, the General Manager may refuse to issue a License, License renewal or License modification to a Licensee who is in contravention of any provision of this bylaw or has failed to pay to the District any fees of any kind payable to the District, including any License Fees, Disposal Levy, Licensed Waste Hauler Tipping Fees or any other fee payable under this bylaw, the Tipping Fee Bylaw or other District bylaw, and including any interest and penalties.

5.6 **License Terms.** The requirements of sections 7, 11, 12.3 and 13.1 shall be terms of every License, whether or not expressly referred to or identified in a License.

6. LICENSEE REPORTING

6.1 **Monthly Report.** A Licensee shall, within 60 days of the end of each calendar month, submit a report to the General Manager containing the following information in respect of such ended calendar month:

a) total tonnage of Mixed Municipal Solid Waste deposited at RDN Facilities and,
b) total tonnage of Mixed Municipal Solid Waste deposited at non-RDN Facilities including destination details which shall include the following:
    i) the name and address of any Disposal Facility;
    ii) the name and address of any Refuse Derived Fuel Facility;
    iii) the name and address of any Material Recovery Facility;
    iv) the total tonnage of Mixed Municipal Solid Waste deposited at each facility identified in paragraphs i), ii) and iii) of this section; and
    v) the amount of the Disposal Levy owed to the District for the calendar month covered by the monthly report.

6.2 **Report Submission.** A Licensee report under section 7.1 shall be submitted electronically in a form and to a location established from time to time by the General Manager.

6.3 **Audit**. Following a request by the General Manager, a Licensee shall provide to the General Manager an audited statement respecting on or more monthly reports provided by the Licensee under section 7.1, prepared by a chartered accountant or a certified general accountant in accordance with generally accepted accounting principles, for the purpose of determining compliance with this bylaw.

7. FEES

7.1 For clarity, in accordance with its authority to establish fees under the *Local Government Act* and the *Environmental Management Act*, the District may, by bylaw, establish fees in relation or referred to in this bylaw, including License Fees, Disposal Levies and Licensed Waste Hauler Tipping Fees.

8. TRANSITION

8.1 **Transition Period for Hauler Licenses.** Section 4.1 does not apply until 90 days after adoption of this bylaw.

9. INSPECTION

9.1 **Vehicle and Site Inspection.** For the purpose of enforcing this bylaw, the General Manager and District bylaw enforcement officers may inspect the contents of any vehicle in accordance with section 111(2) of the *Environmental Management Act* and may enter any site or facility in accordance with section 109 of the *Environmental Management Act*, and may exercise all power provided under those sections of the *Environmental Management Act* including under sections 109(4) and (5) in relation site or facility entry and section 111(2.2) in relation to the inspection of a vehicle.

10. RECORDS.

10.1 **Record of Loads.** A Licensee shall record volumes, weights, types, amounts, quantities, composition, date and geographic area of origin and destination of Municipal Solid Waste and Recyclable Material hauled and make them available for the purpose of an audit under Section 7.3 and for inspection by District employees and others authorized by the District.

10.2 **Maintaining Records.** A Licensee shall maintain records required under this section for a period of 5 years including if the Licensee's License is cancelled or expires without renewal.

11. DISPOSAL LEVY

11.1 **Disposal Levy.** Every Licensee shall pay to the District a Disposal Levy calculated as follows:

(a x i) + (b x i) = Disposal Levy

Where:

a = [100% – Diversion Percentage provided for in section 12.2] x [the tonnage of Mixed Municipal Solid Waste generated within the Region that the Licensee deposits at Material Recovery Facilities located outside the Region]
b = [the tonnage of Mixed Municipal Solid Waste generated within the Region that the Licensee deposits at Disposal Facilities]
i = the rate set by bylaw, which may vary based on the class of facility receiving Mixed Municipal Solid Waste

For clarity, the calculation of the portion of Disposal Levy shall be made separately for each Disposal Facility and Material Recovery Facility based on the applicable facility class and, for Material Recovery Facilities, the applicable Diversion Percentage, and the Disposal Levy payable by a Licensee shall be the total of those separately calculated amounts.

11.2 **Base Diversion Percentage & Applications for Higher Diversion Percentage.** For the purpose of section 12.1, the "Diversion Percentage" shall be 20%, representing a default amount of Recyclables recovered from Mixed Municipal Solid Waste deposited at a Material Recovery Facility. A Licensee may apply to the General Manager for approval of a higher Diversion Percentage in respect of a Material Recovery Facility by:

a) completing and submitting to the General Manager an application in a form prescribed by the General Manager;
b) submitting to the General Manager a written recommended Diversion Percentage for the Material Recovery Facility based on current Recyclable recovery at the Facility prepared

under seal by a professional engineer who is a member of the Association of Engineers and Geoscientists of British Columbia practicing in the consulting engineering industry experienced in assessing the extent of waste diversion at Material Recovery Facilities; and

c) paying to the District any application fees.

If, following review of a completed application, the General Manager is satisfied that a higher Diversion Percentage for the applicable Material Recovery Facility is appropriate, the General Manager may approve of the application and higher Diversion Percentage and, for a period of 2 years following that written approval such higher Diversion Percentage shall apply under the preceding section to Mixed Municipal Solid Waste the Licensee deposits at that Material Recovery Facility during that 2 year period.

11.3 **Payment of Disposal Levy.** A Licensee shall pay to the District the Disposal Levy in respect of Mixed Municipal Solid Waste the Licensee deposits at Disposal Facilities and applicable Material Recovery Facilities during a calendar month within 60 days following the end of each such calendar month

11.4 **Disposal Levy Exclusion.** For clarity, a Disposal Levy shall not be payable with respect to Refuse generated outside the Region that a Licensee deposits at a site or facility located outside the Region.

12. LICENSE SUSPENSION AND CANCELLATION

12.1 **Suspension and Cancellation of Waste Hauler Licenses.** The General Manager, may suspend for any period or cancel a License if any of the following occurs:

a) the Licensee fails to comply with any terms and conditions of the License;
b) the Licensee contravenes or any provision of this bylaw;
c) the Licensee provides a report under section 7.1 that contains untrue or misleading information;
d) the Licensee creates or maintains a record under section 11.1 that contains untrue or misleading information; or
e) the Licensee fails to pay when due any fees payable to the District, including any License Fees, Disposal Levy, Licensed Waste Hauler Tipping Fees or any other fee payable under this bylaw, the Tipping Fee Bylaw or other District bylaw.

If a License is suspended or cancelled by the General Manager, the Licensee is not entitled to a refund of License Fees.

12.2 **Cancellation by Licensee** – A Licensee may cancel their License at any time by providing written notice to the District and such cancellation takes effect on the date and time that the District receives notice. If a License is canceled by the Licensee without renewal or replacement by a higher Tier license, the Licensee is eligible for a refund of a portion of the License Fee paid for the License based on the following formula:

Refund = A, if A is greater than $500 (no refund applies for if A is equal to or less than $500)

Where A = [License Fee – 10% of License Fee] – [tonnage sent to RDN Facilities during

License term x (Municipal Solid Waste tipping fee under Bylaw 1784 - (Licensed Waste Hauler Tipping Fee + Disposal Levy))]

12.3 **Suspended or Cancelled License is Not Valid.** For clarity, a License that is suspended or cancelled, or the term of which has ended, is not a valid and subsisting License.

13. OFFENCES

13.1 **Offences.** A person who contravenes a provision of this bylaw commits an offence under this bylaw and is liable on conviction to a fine not exceeding $250,000.

13.2 **Untrue or Misleading Information.** A person who knowingly inserts or records untrue or misleading information in a report under section 7.1 or in a record under section 11.1 commits an offence under this bylaw and is liable on conviction to a fine not exceeding $250,000.

13.3 **Corporations.** If a corporation commits an offence under this bylaw, an employee, officer, director or agent of the corporation who authorized, permitted or acquiesced in the offence also commits the offence.

13.4 **Separate Offences.** Each day that a violation of this bylaw continues constitutes a separate offence.

13.5 **Remedies Cumulative.** The rights and remedies available to the District under this bylaw shall be cumulative and not alternative and each such right and remedy shall be in addition to and not a limitation of any other rights and remedies under this bylaw or otherwise be available to the District at law.

14. EXPIRY

14.1 **Expiry Date.** Pursuant to section 137(2) of the *Community Charter*, this bylaw shall be automatically repealed as of the end of December 31, 2029, except that sections 7, 11, 12 and 14 shall continue in force and to apply in relation to the period prior to such repeal.

Introduced and read three times this 8th day of February, 2022

Rescinded third reading this 30th day of January, 2024.

Read a third time, as amended, this 30th day of January, 2024.

Approved by the Minister of Environment and Climate Change Strategy this ____ day of _____, _____

Adopted this __ day of _____, _____

CHAIR

CORPORATE OFFICER

REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1784.06

A BYLAW TO AMEND REGIONAL DISTRICT OF NANAIMO TIPPING FEE AND SOLID WASTE DISPOSAL REGULATION

WHEREAS the "Regional District of Nanaimo Tipping Fee and Solid Waste Disposal Regulation Bylaw No. 1784, 2019" established a scale of fees payable for the depositing solid waste at Solid Waste Management Facilities within the Regional District of Nanaimo;

AND WHEREAS the Board of the Regional District of Nanaimo wishes to amend Bylaw No. 1784;

THEREFORE BE IT RESOLVED that the Board of the Regional District of Nanaimo in open meeting assembled enacts as follows:

1. **CITATION**

This bylaw may be cited for all purposes as the "Regional District of Nanaimo Tipping Fee and Solid Waste Disposal Regulation Amendment Bylaw No. 1784.06, 2023".

2. **AMENDMENT**

"Regional District of Nanaimo Tipping Fee and Solid Waste Disposal Regulation Bylaw No. 1784, 2019" is amended as follows:

a) By deleting Schedule 'A' in its entirety and replacing it with Schedule 'A' as attached to and forming part of this bylaw.

Introduced and read three times this day of 2023.

Adopted this day of 2023.

CHAIR

CORPORATE OFFICER

Schedule A to accompany "Regional District of Nanaimo Tipping Fee and Solid Waste Disposal Regulation Amendment Bylaw No. 1784.06, 2023".

_____
Chair

_____
Corporate Officer

Schedule 'A'

Fees and Procedures for use of ***Solid Waste Management Facilities*** effective April 1, 2024.

1.	**Solid Waste, excluding Controlled Waste**	**Flat Rate**	**Tipping Fee up to March 31, 2024 (51kg or greater)**	**Tipping Fee April 1, 2024 (51kg or greater)**	**Licensed Waste Hauler Tipping Fee (51kg or greater)**
a.	***Municipal Solid Waste***	$8.00/0-50kg	$145.00/tonne	$150.00/tonne	$105.00/tonne
b.	***Medical Facility Waste***	$8.00/0-50kg	$145.00/tonne	$150.00/tonne	$105.00/tonne
c.	***Resource Recovery Facility Waste***	$8.00/0-50kg	$145.00/tonne	$150.00/tonne	$105.00/tonne
d.	***Roofing Material*** (asphalt/tar/gravel)	$8.00/0-50kg	$145.00/tonne	$150.00/tonne	$105.00/tonne
e.	***Construction/Demolition Waste***	$8.00/0-50kg	$145.00/tonne	$150.00/tonne	$105.00/tonne
f.	Weighing service	$20.00			
g.	***Surcharge*** for ***Unsecured Loads***	$20.00			
h.	***Surcharge*** per ***Mattress and Boxspring***	$20.00/unit			

1.1	**Low Density Materials**	**Flat Rate**	**Volume Rate**
a.	***Low Density Materials***	$8.00 minimum	$100.00/$m^3$

2.	**Recyclables**	**Flat Rate**	**51 kg or greater**
a.	***Organic Waste***	$8.00/0-50kg	$110.00/tonne
b.	***Garden Waste*** "**including Invasive Plant Species**"	$8.00/0-100kg	$55.00/tonne
c.	***Wood Waste***	$8.00/0-50kg	$260.00/tonne
d.	***Gypsum***	$8.00/0-50kg	$260.00/tonne
g.	***Corrugated Cardboard – Commercial***	$20.00/0-50kg	$250.00/tonne

e.	***Metal***, metal appliances with ODS (ozone depleting substance)	$8.00/0-500kg	$55.00/tonne
f.	***Corrugated Cardboard*** – Residential	$8.00/0-50kg	$55.00/tonne
h.	Miscellaneous recyclables including household plastics, metal food and beverage containers and vehicle batteries.	$8.00 flat rate	
i.	***Surcharge*** for ODS containing appliances	$15.00/unit	

3.	**Controlled Waste**	**Flat Rate**	**51 kg or**
a.	***Asbestos***	$30.00/0-50kg	$510.00/tonne
b.	***Bio Solids***	$8.00/0-50 kg	$270.00/tonne
c.	***Bulky Waste*** *requiring special handling - ((Volume in m^3 ÷2) X $260)*	$50.00/0-50kg	$270.00/tonne
d.	***Contaminated Soil***	$8.00/0-50kg	$140.00/tonne
e.	***Controlled Waste*** including large ***Dead Animals***	$8.00/0-50kg	$270.00/tonne
f.	***Food Processing Waste***		$270.00/tonne
g.	***Grit and Screenings***	$8.00/0-50 kg	$270.00/tonne
h.	***International Waste***	$50.00/0-50kg	$310.00/tonne
i.	***Pumpings*** – ***Paint Filter Test*** (Passed)	$8.00/0-50 kg	$140.00/tonne
j.	***Pumpings*** – ***Paint Filter Test*** (Failed)	$8.00/0-50 kg	$270.00/tonne
k.	Steel cable	$25.00/0-50kg	$510.00/tonne

3. Every person who disposes of waste for landfilling at ***Solid Waste Management Facilities*** that contains ***Recyclable Material*** or ***Prohibited Waste*** must pay a penalty as defined in the table below:

Penalties – *Municipal Solid Waste**		**Per Load**
a.	***Municipal Solid Waste*** containing ***Recyclable Materials*** or ***Prohibited Waste*** 0-50kg	$5
b.	***Municipal Solid Waste*** containing ***Recyclable Materials*** or ***Prohibited Waste*** 50kg or greater	20% ***Surcharge***

*Penalties for ***Municipal Solid Waste*** loads are based on visual identification of ***Recyclable Material*** or ***Prohibited Waste*** in excess of 15% of the load.

4. Every person who disposes of waste for landfilling at ***Solid Waste Management*** Facilities that contains ***Recyclable Materials*** must pay a ***Surcharge*** as defined in the table below:

Surcharge – Exceedance of *Contamination Limit**		**Per Load 0-50kg**	**Per Load 51kg or greater**
a.	Schedule A, Section 1 & 2, Except Licensed Waste Haulers	$5.00	+20% ***Surcharge***
b.	***Licensed Waste Haulers***	Revocation of the ***Licensed Waste Hauler Tipping Fee*** and the application of the default tipping fee, plus a 20% ***Surcharge*** less the ***Disposal Levy***	

*The maximum ***Contamination*** for ***Municipal Solid Waste*** loads is 20%

Surcharge – *Controlled and Prohibited Waste ****	**Per Load 0-50kg**	**Per Load 51kg or greater**
Unlicensed Waste Haulers	$5.00	+20% ***Surcharge***
Licensed Waste Haulers	$5.00	+20% ***Surcharge***

*Loads containing undeclared ***Controlled Waste*** and/or ***Prohibited Waste*** will be charged a 20% **Surcharge**, plus any additional costs incurred by the Regional District of Nanaimo to remediate the material(s).

5. Penalties are in addition to the per tonne rate posted for the material type.

6. Where the fee is based on weight, it shall be based on the difference in weight between loaded weight and the empty weight of the vehicle.

7. All fees payable under this Bylaw shall be paid to the ***Regional District*** in cash, debit or credit card prior to leaving the ***Solid Waste Management Facilities***.

8. Any person disposing of ***Municipal Solid Waste*** at ***Solid Waste Management Facilities*** on a regular basis may apply in writing to the ***Regional District*** for credit and if the ***Treasurer*** is satisfied of the credit worthiness of the person, he or she may grant credit to that person, in which case payment of fees shall be made and the credit extended on the conditions of the application.