

February 20, 2024



MANDATORY WASTE SOURCE SEPARATION ESTABLISHING BYLAW

RECOMMENDATION

That the “Regional District of Nanaimo Separate Waste Container Requirement Service Establishment Bylaw No. 1908, 2024” be introduced, read three times, and forwarded to the Inspector of Municipalities, for approval.

BACKGROUND

The Regional District of Nanaimo’s (RDN) Solid Waste Management Plan (‘the Plan’) identifies two key initiatives to achieve the Plan’s waste diversion goal of 90%; the Waste Hauler Licencing (WHL) Bylaw No. 1813, and the Mandatory Waste Source Separation (MWSS) Bylaw No. 1812.

The intention of the Mandatory Waste Source Separation Bylaw (MWSS) is to require that all businesses, multi-family dwellings, and institutions have separate bins for garbage, food waste, and recycling, or a contract for post-collection sorting. This is essentially the same as the 3-stream collection approach currently used with the Regional District of Nanaimo (RDN’s) single-family curbside program which has very high levels of participation in waste source separation. When the Plan was approved the RDN did not have the authority to require source separation of waste and a regulation from the province was required to do so.

On May 8, 2023, the Provincial Cabinet approved the following:

“the Nanaimo Regional District is granted the additional power to, by bylaw, require owners or occupiers of real property to have separate containers for different types of solid waste and recyclable material.”

See Attachment 1 for the Order in Council and Attachment 2 for the letter from the Minister of Municipal Affairs.

As a result, the RDN may now move forward with the process to implement Mandatory Waste Source Separation. The RDN must first create a service establishing bylaw (Attachment 3), that once has been read three times will require approval from the Inspector of Municipalities, before being adopted by the board.

After that, a regulatory bylaw will be brought before the Board for approval and adoption, after which the implementation of Mandatory Waste Source Separation can begin.

FINANCIAL IMPLICATIONS

The Solid Waste Services tax requisition, found within the Solid Waste Services annual budget, the approved Solid Waste Financial and Asset Management Plan, and the 2024-2028 Financial Plan, is also identified in the approved

Solid Waste Management Plan. The tax requisition ensures the cost to develop, implement, and maintain the Waste Hauler Licensing and Mandatory Waste Source Separation programs are accurately and equitably provided for over the life of the plan.

The 2024-2028 Financial Plan identifies the Solid Waste Services Tax Requisition is as follows:

2024	2025	2026	2027	2028
\$1,744,591	\$2,093,540	\$2,407,571	\$2,889,085	\$3,466,902

The Solid Waste Services tax requisition is reviewed annually for accuracy.

STRATEGIC PLAN ALIGNMENT

Managing Impacts of Climate Change - Advance priority actions that are identified within RDN Board-approved plans and initiatives.

Mandatory Waste Source Separation is a key initiative identified in the Board approved Solid Waste Management Plan.

REVIEWED BY:

- J. Hill, Manager, Legislative Services
- B. Routledge, Manager, Solid Waste Services
- T. Moore, Chief Financial Officer
- M. Walters, Acting General Manager, Regional and Community Utilities
- D. Holmes, Chief Administrative Officer

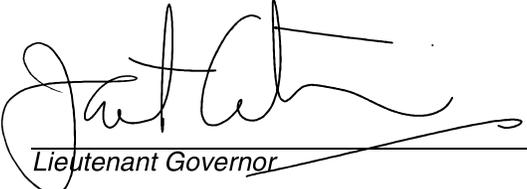
ATTACHMENT

1. Order In Council
2. Letter from the Minister of Municipal Affairs
3. Establishing Bylaw 1908

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 287

, Approved and Ordered May 8, 2023



Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that the Nanaimo Regional District Regulation, B.C. Reg. 194/91, is amended by adding the following section:

Separate containers for waste

- 10** The Nanaimo Regional District is granted the additional power to, by bylaw, require owners or occupiers of real property to have separate containers for different types of solid waste and recyclable material.



Minister of Municipal Affairs



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: Local Government Act, R.S.B.C. 2015, c. 1, s. 296

Other: OIC 911/91

R10660537



June 15, 2023

Ref: 272597

Vanessa Craig, Chair
and Members of the Board
Regional District of Nanaimo
6300 Hammond Bay Rd
Nanaimo BC V9T 6N2

Dear Chair Craig and Board Members:

I am pleased to share that, following the request from the Regional District of Nanaimo (RDN) Board to be granted the additional power to (by bylaw) require owners or occupiers of real property to have separate containers for different types of solid waste and recyclable material, the RDN Regulation was amended to include the Board's desired additional authority.

I am pleased to continue supporting RDN's 90 percent waste reduction plan after several years of analysis and engagement with the public and provincial agencies. During this work, the Ministry of Municipal Affairs (MUNI) staff liaised with staff from the Ministry of Environment and Climate Change Strategy (MECCS) to ensure alignment with provincial objectives and policies.

It is my understanding that RDN's next step will be to submit a source separation bylaw to MECCS staff for review and approval prior to Board adoption. MUNI's involvement in this work is now complete. Congratulations on receiving your requested additional authority, I wish you well on your waste reduction efforts.

The Order-in-Council (OIC) amending the RDN Regulation was approved on May 8, 2023, by the B.C. Lieutenant Governor in Council. A copy of the OIC has been enclosed, and may also be found online at: https://www.bclaws.gov.bc.ca/civix/document/id/oic/oic_cur/0287_2023.

Sincerely,

Anne Kang
Minister

Enclosure

pc: Honourable George Heyman, Minister of Environment and Climate Change Strategy

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1908**

**A BYLAW TO ESTABLISH THE SERVICE OF REQUIRING OWNERS AND OCCUPIERS TO PROVIDE
SEPARATE CONTAINERS FOR WASTE AND RECYCLABLE MATERIALS**

WHEREAS to advance the goals set out in the Solid Waste Management Plan, the Regional District wishes to maximize the diversion of organic and recyclable materials;

AND WHEREAS The Regional District of Nanaimo, municipalities within the regional district and the Province of British Columbia are jointly committed to the regulation and management of waste and recyclable material within the Regional District of Nanaimo and its member municipalities so as to encourage waste reduction in a manner consistent with the Regional District's Solid Waste Management Plan approved by the Minister of Environment and Climate Change Strategy;

AND WHEREAS pursuant to section 296 of the *Local Government Act* the Lieutenant Governor in Council amended the Nanaimo Regional District Regulation under the *Local Government Act* by adding a new section 10, which provides the Regional District of Nanaimo with the additional power to, by bylaw, require owners and occupiers of real property to have separate containers for different types of solid waste and recyclable material;

AND WHEREAS the Regional District of Nanaimo wishes to establish a regulatory service in order to impose such requirements;

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

1. CITATION

This may be cited as "Regional District of Nanaimo Separate Waste Container Requirement Service Establishment Bylaw No. 1908, 2024".

2. SERVICE

The Regional District of Nanaimo hereby establishes the service of requiring owners and occupiers of real property to have separate containers for different types of solid waste and recyclable material.

3. BOUNDARIES

The boundaries of this service are the boundaries of the Regional District of Nanaimo.

4. PARTICIPATING AREAS

The participating areas for the service are Electoral Areas A, B, C, E, F, G and H, the District of Lantzville, the City of Nanaimo, the City of Parksville and the Town of Qualicum Beach

5. COST RECOVERY METHOD

In accordance with section 378 of the *Local Government Act*, the annual cost of providing the Service may be recovered by one or more of the following:

- (a) property value taxes imposed in accordance with Division 3 of Part 11 of the *Local Government Act*;
- (b) parcel taxes imposed in accordance with Division 3 of Part 11 of the *Local Government Act*;
- (c) fees and charges imposed under section 397 of the *Local Government Act*;
- (d) revenues raised by other means authorized under the *Local Government Act* or another Act;
- (e) revenues received by way of agreement, enterprise, gift, grant or otherwise.

Introduced and read three times this ____ day of _____, _____.

Received the approval of the Inspector of Municipalities this ____ day of _____, _____.

Adopted this ____ day of _____, _____.

CHAIR

CORPORATE OFFICER