

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2796, 2018

A bylaw to establish regulations for waste disposal at the Campbell Mountain, Okanagan Falls, Oliver and Keremeos Landfills.

WHEREAS the Regional District operates the “Campbell Mountain Landfill” (CML) located on District Lot 368, SDYD, the “Okanagan Falls Landfill” (OFL) located on a portion of District Lot 2710, SDYD, the “Keremeos Landfill” (KL) located on a portion of District Lot 2821, SDYD; and the “Oliver Landfill” (OL) located on a portion of District Lot 2450s, SDYD.

AND WHEREAS under the *Local Government Act*, the Regional Board may, by bylaw, require persons to use a waste disposal or recycling service and require owners or occupiers of real property to remove trade waste, garbage, rubbish and other matter from their property and take it to a specified place; may operate any service that the board considers necessary or desirable for all or part of the Regional District; may, by bylaw, regulate and prohibit the use of Regional District works and facilities; may, by bylaw, impose a fee or charge payable in respect of a service of the Regional District; and may base the fee or charge on any factor specified in the bylaw;

NOW THEREFORE, the Board of the Regional District of Okanagan-Similkameen, in open meeting assembled, enacts as follows:

1.0 Citation

1.1 This Bylaw may be cited as the **“Waste Management Service Regulatory Bylaw No. 2796, 2018”**.

2.0 Repeal

2.1 “Waste Management Service Regulatory Bylaw No. 2535, 2014” and all amendments thereto are hereby repealed.

3.0 Interpretation

3.1 Words or phrases defined in the *British Columbia Interpretation Act, Community Charter, or Local Government Act* or any successor legislation shall have the same meaning when used in this Bylaw, unless otherwise defined in this Bylaw. Unless otherwise stated, and notwithstanding the case used (upper case or lower case), when words or phrases that are defined in Section 4 of this Bylaw are used in the body or schedules of this Bylaw, they have the meaning ascribed to them as set out in Section 4.

3.2 The headings contained in this Bylaw are for convenience only and are not to be construed as defining, or in any way limiting the scope or the intent of the provisions of this Bylaw.

3.3 Any act or enactment referred to herein is a reference to an enactment of the

Province of British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time, and any bylaw referred to herein (as may be cited by short title or otherwise) is a reference to an enactment of the Regional District, as amended, revised, consolidated or replaced from time to time.

- 3.4 If any provision of this Bylaw is held to be invalid by a court of competent jurisdiction, the provision may be severed from the Bylaw and such invalidity shall not affect the validity of the remaining portions of this Bylaw

4.0 Definitions

- 4.1 In this Bylaw:

ACTIVE FACE means the area of the SITE where the placing, spreading, compacting and covering of REFUSE is currently taking place.

AGRICULTURAL ORGANIC MATERIAL means suitably prepared and separated plant derived crop materials originating from agricultural operations, excluding FRUIT WASTE and FOOD WASTE, that is not CONTAMINATED, and has been suitably prepared for DISPOSAL in a manner acceptable to the MANAGER, including but not limited to orchards, nurseries, vineyards and silviculture operations (see CONTROLLED WASTE).

AGRICULTURAL PLASTIC means plastic used in agricultural applications that are not CONTAMINATED, and have been suitably contained and prepared for DISPOSAL in a manner acceptable to the MANAGER, including but not limited to, ground crop plastic, silage bags, fertilizer bags, baler twine, and greenhouse plastic including containers and structural film (see CONTROLLED WASTE).

ASBESTOS CONTAINING MATERIAL (ACM) means a material as defined in the *OCCUPATIONAL HEALTH AND SAFETY REGULATION*, *ENVIRONMENTAL MANAGEMENT ACT*, and *HAZARDOUS WASTE REGULATION*, and suitably contained for disposal as per the Regulation, RDOS Bylaws and RDOS Policies (see CONTROLLED WASTE).

ASPHALT means a sticky, black and highly viscous liquid or semi-solid form of petroleum based material used primarily in roads (see RECYCLABLE).

ASPHALT SHINGLES are a waterproof roof covering consisting ASPHALT SHINGLES and ASPHALT Roll Roofing and must not be CONTAMINATED with, including, but not limited to; Tar Paper, TAR AND GRAVEL ROOFING, Torch-on or SBS roofing products, organic material and large metal and flashing materials (see RECYCLABLE).

ASSESSED means to evaluate and determine the quality, extent, significance of a SOLID WASTE, which is verified by the required documentation provided by the HAULER, in a manner determined by the MANAGER.

ASSESSED DEMOLITION AND RENOVATION MIXED LOAD means a DEMOLITION AND RENOVATION MIXED LOAD that has been ASSESSED as required by the REGIONAL DISTRICT. Verification of the abatement of all identified HAZARDOUS materials is required. This assessment and verification has been provided in a manner acceptable to the MANAGER (see CONTROLLED

WASTE). A DEMOLITION AND RENOVATION MIXED LOAD arriving at a SITE without appropriate assessment documentation will be determined a NON-ASSESSED DEMOLITION AND RENOVATION MIXED LOAD.

BATTERIES - LEAD-ACID means a product that falls under the 'Lead-acid Battery' product category in the *Recycling Regulation* B.C. Reg. 449/2004 including, but not limited to: Lead-acid batteries for automobiles, motorcycles, recreation vehicles, marine vehicles and locomotives (see RECYCLABLE).

BATTERIES – HOUSEHOLD means batteries that fall under the 'Electronic and Electrical' product category in the *Recycling Regulation* B.C. Reg. 449/2004 including, but not limited to: Nickel Cadmium (NiCad), Lithium Ion (Li-Ion), Nickel Metal Hydride (Ni-MH), Small-Sealed Lead (Pb), or non-chargeable and rechargeable batteries weighing no more than 5 kilograms (11 pounds) each (see RECYCLABLE).

BIOMEDICAL WASTE means waste that is defined as such in the *Hazardous Waste Reg. B.C. 63/88* and in the document "*Guidelines for the Management of Biomedical Waste in Canada*" (CCME, February 1992) (see PROHIBITED WASTE).

BULKY WASTE means waste articles that are too large by reason of their bulk or shape to manage using regular DISPOSAL methods as determined by the MANAGER, including but not limited to those items with materials greater than 2.4 metres (8 feet) in length (see CONTROLLED WASTE).

BURNED MATERIAL means materials damaged by fire, heat, electricity or a caustic agent that have been allowed to entirely cool for no less than a two-week period, and in a manner acceptable to the MANAGER (see CONTROLLED WASTE). BURNED MATERIALS that are hot or smoldering or not entirely cooled for more than a two week period is a PROHIBITED WASTE.

CARCASSES means dead animals, or portions thereof, that are not a PROHIBITED WASTE (see CONTROLLED WASTE).

CERAMIC FIXTURES means toilets, sinks, bathtubs, other fixtures or other products such as tile made of ceramic material, and can also include ceramic tiles, where non-ceramic materials, such as metal and plastic are removed (see RECYCLABLE).

CLINICAL/LABORATORY STERILIZED WASTE means non-anatomical waste, including SHARPS, that is generated by institutions including but not limited to, hospitals, laboratories, doctors' offices, medical clinics, and veterinary clinics, and has been sterilized such that all micro-organisms including bacteria, viruses, spores, and fungi are killed (see CONTROLLED WASTE).

COMPOST means a stabilized earthy matter having the properties and structure of humus produced in accordance with the *Organic Matter Recycling Regulation* of the *ENVIRONMENTAL MANAGEMENT ACT*.

CONCRETE means a construction material that consists of cement, aggregate (generally gravel and sand) and water. CONCRETE must not contain ASBESTOS, large amounts of metal protruding (greater than 15 cm) nor measure greater than 1 m. in any dimension (see RECYCLABLE).

CONCRETE BULKY means CONCRETE measuring greater than 1 m. in any dimension and/or where large amounts of metal are protruding greater than 15 cm (see CONTROLLED WASTE).

CONSTRUCTION MIXED LOAD means MIXED LOAD SOLID WASTE produced through new construction, where no existing structures have been altered, and that contains two or more RECYCLABLE building materials including but not limited to ASPHALT SHINGLES, WOOD WASTE, RECYCLABLE TAR AND GRAVEL ROOFING, and GYPSUM, and must not contain DEMOLITION AND RENOVATION MIXED LOAD materials. The HAULER must provide appropriate documentation in a manner acceptable to the MANAGER (see CONTROLLED WASTE). All CONSTRUCTION MIXED LOAD arriving at the SITE without appropriate documentation shall be determined to be NON-ASSESSED DEMOLITION AND RENOVATION MIXED LOAD.

CONTAMINATED means the presence in a material of a minor and unwanted constituent which renders the material impure or inferior as defined by the MANAGER.

CONTROLLED WASTE means waste that is approved for DISPOSAL at the SITE but which, because of its inherent nature and quantity, may require special handling and DISPOSAL techniques to avoid creating health hazards, nuisances, or environmental pollution, including, but not limited to:

- (a) AGRICULTURAL ORGANIC MATERIAL;
- (b) AGRICULTURAL PLASTIC;
- (c) ASBESTOS CONTAINING MATERIAL
- (d) ASSESSED DEMOLITION AND RENOVATION MIXED LOAD;
- (e) BULKY WASTE;
- (f) BURNED MATERIAL;
- (g) BURNED MATERIAL with ASBESTOS CONTAINING MATERIAL
- (h) CARCASSES;
- (i) CLINICAL/LABORATORY STERILIZED WASTE;
- (j) CONCRETE BULKY;
- (k) Condemned foods;
- (l) CONSTRUCTION MIXED LOAD;
- (m) DEMOLITION AND RENOVATION MIXED LOAD;
- (n) Foundry Dust;
- (o) GYPSUM BOARD NON-RECYCLABLE;
- (p) HAZARDOUS WASTE those specifically approved for disposal to authorized landfills, as defined in the *Hazardous Waste Regulation* under the *EMA*;
- (q) ILLEGALLY DUMPED WASTE
- (r) INFESTED VEGETATION;
- (s) INVASIVE PLANTS;
- (t) LEAD-BASED PAINT coated materials;
- (u) METAL DRUMS AND TANKS;
- (v) NON-ASSESSED DEMOLITION AND RENOVATION MIXED LOAD;
- (w) REFRIGERATION UNIT containing ODS;
- (x) RESIDENTIAL HOUSEHOLD HAZARDOUS WASTE;
- (y) Sludge and screenings from municipal sewage treatment plants;
- (z) SOIL CONTAMINATED, and SOIL SMALL VOLUME CONTAMINATED;
- (aa) WOOD-PRESERVED; and
- (bb) WOOD WASTE-SMALL DIMENSION.

CORRUGATED CARDBOARD means containers or materials used in containers consisting of three or more layers of Kraft paper materials and having smooth exterior liners and a corrugated or rippled core, but excluding containers that are impregnated with blood, grease, oil, chemicals, rodent secretions, food residue, wax, or have polyethylene, polystyrene, foil or other non-paper liners, or are otherwise CONTAMINATED (see RECYCLABLE).

DEMOLITION AND RENOVATION MIXED LOAD means MIXED LOAD SOLID WASTE produced through the demolishment of a structure or the act of alteration through addition, remodeling, refurbishing or restoring of buildings, structures, or other types of real property that contains two or more RECYCLABLE Building Materials; including but not limited to ASPHALT SHINGLES, WOOD WASTE, RECYCLABLE TAR AND GRAVEL ROOFING, and GYPSUM. (see ASSESSED DEMOLITION AND RENOVATION MIXED LOAD and see CONTROLLED WASTE).

DESIGNATED LOCATION means an area dedicated to the collection of SOURCE SEPARATED SOLID WASTE.

DISPOSE, DISPOSAL, DISPOSED, DISPOSING means the transfer of SOLID WASTE from a VEHICLE to a DESIGNATED LOCATION at the SITE. The SOLID WASTE becomes the jurisdiction of the REGIONAL DISTRICT and subject to the restrictions, allocations and policies/procedures of the REGIONAL DISTRICT.

ELECTRONIC and ELECTRICAL PRODUCTS (E-WASTE) means various types of domestic and commercial waste containing mainly electronic components, including, but not limited to computers, televisions, small appliances, residential light bulbs and lighting fixtures which are included within the *Recycling Regulation* of the *EMA* (see RECYCLABLE), and does not include METAL and REFRIDGERATION UNITS.

ENVIRONMENTAL MANAGEMENT ACT (EMA) means the Province of British Columbia Law brought into force on July 8, 2004. The *EMA* provides an authorization and enforcement framework based on contemporary environmental management technologies to protect human health and the quality of water, land and air in British Columbia. The *EMA* replaces the *Waste Management Act*.

FOOD PROCESSING WASTE means any organic materials and/or waste by-product that may be produced in commercial volumes by a food processing operation as determined by the MANAGER, such as slaughter house, fish hatchery, and cannery operations (see PROHIBITED WASTE).

FOOD WASTE means any food substance, raw or cooked, which is discarded, or intended or required to be discarded from RESIDENTIAL, agricultural and Industrial, Commercial, Institutional establishments, but does not include FOOD PROCESSING WASTE or SPECIFIED RISK MATERIALS.

FRUIT WASTE means waste consisting of the fleshy seed-associated structures of a plant that are sweet or sour and edible in the raw state, such as, but not limited to, apples, apricots, cherries, peaches, pears, plums, grapes, strawberries, tomatoes, and raspberries (see RECYCLABLE).

FRUIT/GRAIN BY-PRODUCTS means waste by-products typically generated by beverage producers, such as but not limited to; breweries, cideries, distilleries, and wineries. (see RECYCLABLE).

GLASS CONTAINERS means all clear and coloured containers made of glass as defined as a PRODUCT STEWARDSHIP MATERIAL and does not include window glass, laminated glass, safety or tempered glass, mirrored glass, automotive glass, fiberglass, Plexiglas, light bulbs, fluorescent tubes, kitchenware, ceramics or other types of containers, or any container that contained HAZARDOUS WASTE, or ASBESTOS CONTAINING MATERIAL and does not contain any liquid or solids (see RECYCLABLE).

GYP SUM BOARD-NEW also known as wallboard, drywall and plasterboard is a panel made of gypsum plaster pressed between two thick sheets of paper, and consists of non-CONTAMINATED off-cuts and scraps or gypsum removed from new construction and is not an ASBESTOS CONTAINING MATERIAL, and does not contain LEAD-BASED PAINT (see RECYCLABLE).

GYP SUM BOARD NON-RECYCLABLE means gypsum board removed from existing structures and is not RECYCLABLE (see CONTROLLED WASTE).

HAULER means the VEHICLE in which a load is contained as measured by the SCALE.

HAZARDOUS WASTE means any material defined as such in the Hazardous Waste Regulation, *British Columbia Reg. 63/88* of the *ENVIRONMENTAL MANAGEMENT ACT* (see CONTROLLED WASTE and see PROHIBITED WASTE).

HOUSEHOLD HAZARDOUS WASTE (HHW) see RESIDENTIAL HOUSEHOLD HAZARDOUS WASTE.

IGNITABLE WASTE as per the meaning prescribed in the *HAZARDOUS WASTE REGULATION BC Reg. 63/88* (see PROHIBITED WASTE).

ILLEGALLY DUMPED WASTE means SOLID WASTE discarded in an improper or illegal manner. The HAULER must obtain permission from the MANAGER to bring the ILLEGALLY DUMPED WASTE to the SITE (see CONTROLLED WASTE).

INFESTED VEGETATION means trees, shrubs, herbaceous plants or associated fruit that show the presence of plant disease, NOXIOUS INSECTS, pathogens or related pests that have caused or are likely to cause significant damage to the trees, shrubs, herbaceous plants or associated fruit and that may be spread to another plant or plants with economic, ornamental or aesthetic value (see CONTROLLED WASTE).

INVASIVE PLANTS means all plants as designated in the *Weed Control Regulation, Schedule A, Parts I & II* of the *Weed Control Act* (see CONTROLLED WASTE).

LEAD-BASED PAINT is any coated or painted materials containing lead of any detectable quantity (see CONTROLLED WASTE).

LOCAL GOVERNMENT IMPROVEMENTS refers to the structures, systems, and facilities owned or operated by an Indian Band, Municipality or Regional Government within the SITE SERVICE AREA and suitably prepared as determined by the MANAGER, such as, roads, bridges, tunnels, water supply, sewers, electrical grids, and telecommunications.

MANAGER means the official appointed to that position by the REGIONAL DISTRICT responsible for SOLID WASTE Management and includes any PERSON appointed or designated by the MANAGER to act on his or her behalf.

MASONRY means material bound by mortar used primarily in structures. RECYCLABLE MASONRY must not contain ASBESTOS, large amounts of metal protruding (greater than 15 cm.) or be a BULKY WASTE (see RECYCLABLE).

METAL means RECYCLABLE ferrous and non-ferrous metallic materials, containing more than 80% metal by volume, and under 2.4 meters (8 feet) in length and/or width, including but not limited to, metal food containers, sheet metal, siding, roofing, rebar, flashings, pipes, window frames, doors, furnaces, duct work, wire, cable, bathtubs, fencing, bicycle frames, machinery, metal furniture, tire rims, metal appliances typically finished in enamel or stainless steel; such as clothes washers, dishwashers, clothes dryers, ranges, stoves, hot water tanks and REFRIDGERATION UNITS evacuated of ODS by a certified technician, baseboard heaters with thermostat switches removed, and is not a BULKY WASTE, a PRESSURIZED TANK or METAL DRUMS AND TANKS, and the METAL material does not contain any fluids. batteries, mercury thermostat switches, or ballasts with PCBs.

METAL DRUMS AND TANKS a drum is cylindrical container designed to confine or contain materials most commonly liquids. To receive at the SITE all DRUMS must be empty and have the lid or one end removed. A TANK is a vessel used to store liquids, for SITE acceptance TANKs must be empty with an sufficiently sized aperture (minimum 35 cm X 35 cm (14"x14")) to verify that the TANK is empty and allow for sufficient venting, does not include PRESSURIZED TANKS. (see CONTROLLED WASTE).

MIXED LOAD means a load containing two or more SOLID WASTES, as designated in the RDOS Fees and Charges Bylaw as amended from time to time.

NON-ASSESSED DEMOLITION AND RENOVATION MIXED LOAD means a DEMOLITON AND RENOVATION MIXED LOAD or CONSTRUCTION MIXED LOAD brought to a SITE without verification of assessment as determined by the MANAGER (See ASSESSED DEMOLITON AND RENOVATION MIXED LOAD and CONTROLLED WASTE).

NON-SERVICE AREA means materials generated outside the SERVICE AREA of a SITE.

NOXIOUS INSECTS means all insects so designated by the REGIONAL DISTRICT'S *Noxious and Destructive Insects Bylaw* (see INFESTED VEGETATION).

OCCUPATIONAL HEALTH AND SAFETY (OHS) REGULATION means a Regulation under the *Workers Compensation Act* which contains legal

requirements that must be met by all workplaces under the inspection jurisdiction of WorkSafeBC.

OPERATIONALLY BENEFICIAL means a material which is of functional value to the operation of the Landfill process, for use as cover material, erosion control, construction and other operational benefits as determined by the MANAGER.

OZONE DEPLETING SUBSTANCE (ODS) means a substance defined as such in the *Ozone Depleting Substances and other Halocarbons Regulation, British Columbia Reg. 387/99* under the *ENVIRONMENTAL MANAGEMENT ACT*.

PERSON means an individual, corporation, partnership, association or any other legal entity or an employee or agent thereof.

PRESSURIZED TANK means a closed metal container designed to hold gases or liquids at a pressure substantially different from the ambient pressure including, but not limited to, diving cylinders, fire extinguishers and storage vessels for liquefied gases such as ammonia, propane, butane, or helium (see RECYCLABLE).

PRODUCT STEWARDSHIP MATERIAL means material that falls under a product category of the *Recycling Regulation, B.C. Reg. 449/2004* such as *ELECTRONIC* and *ELECTRICAL PRODUCTS* (see RECYCLABLE).

PROHIBITED WASTE means SOLID WASTE designated in an Operational Certificate or by the REGIONAL DISTRICT from time to time, to be inappropriate for DISPOSAL for environmental, regulatory or legal reasons, or reasons related to the safe or efficient operation of the SITE except as permitted in this bylaw, currently including but not limited to the following specified materials:

- (a) BIOMEDICAL WASTE defined as such in the document "*Guidelines for the Management of Biomedical Waste in Canada*" (CCME, February 1992);
- (a) BURNED MATERIALS that are hot or smoldering or not entirely cooled for more than a two week period;
- (b) HAZARDOUS WASTE other than those specifically approved for disposal to authorized landfills, as defined in the *Hazardous Waste Regulation* under the *EMA*;
- (c) FOOD PROCESSING WASTE;
- (d) IGNITABLE WASTE;
- (e) Liquid or semi-solid wastes;
- (f) RADIOACTIVE WASTE;
- (g) REACTIVE WASTE;
- (h) SHARPS;
- (i) SPECIFIED RISK MATERIAL regulated federally under the *Health of Animals Act and Regulations*;
- (j) VEHICLES and other large metallic objects; and
- (k) Such other materials as are designated by the MANAGER from time to time to be inappropriate for DISPOSAL at the SITE for environmental reasons or reasons related to the safe or efficient operation of the SITE.

RADIOACTIVE WASTE means a "nuclear substance" as defined in the *Nuclear Safety and Control Act* (Canada), in sufficient quantity or concentration to require a licence for possession or use under the Act and regulations made under that Act (see PROHIBITED WASTE).

REACTIVE WASTE means waste that is defined as such in the *Hazardous Waste Regulation* (see PROHIBITED WASTE).

RECYCLABLE means all SOURCE SEPARATED materials that are suitably prepared and not CONTAMINATED as determined by the MANAGER, including but not limited to:

- (a) ASPHALT;
- (b) ASPHALT SHINGLES;
- (c) Ballasts not containing PCBs;
- (d) Baseboards with thermostat switches removed & switches disposed to HHW;
- (e) BATTERIES-LEAD-ACID, BATTERIES-HOUSEHOLD;
- (f) CERAMIC FIXTURES and Ceramic Tile;
- (g) CONCRETE;
- (h) CORRUGATED CARDBOARD;
- (i) ELECTRONIC and ELECTRICAL PRODUCTS (E-WASTE);
- (j) FRUIT WASTE;
- (k) FRUIT/GRAIN BY-PRODUCTS;
- (l) GLASS CONTAINERS;
- (m) GYPSUM BOARD non-CONTAMINATED;
- (n) MASONARY;
- (o) Mattress, Box spring;
- (p) METAL;
- (q) PRESSURIZED TANK;
- (r) PRODUCT STEWARDSHIP MATERIAL;
- (s) REFRIGERATION UNIT with ODS removed;
- (t) RESIDENTIAL RECYCLING and RESIDENTIAL RECYCLING UNSORTED;
- (u) ROCKS (not greater than 40 centimetres in any direction);
- (v) TAR AND GRAVEL ROOFING;
- (w) TIRE and TIRE – OVERSIZE;
- (x) WOOD WASTE;
- (y) WOOD WASTE INDUSTRIAL;
- (z) WOOD WASTE-TREE STUMP;
- (aa) YARD AND GARDEN WASTE; and
- (bb) YARD WASTE SMALL DIMENSIONAL

REFRIGERATION UNIT means refrigerators, freezers, air conditioners or any other item that may contain an OZONE DEPLETING SUBSTANCE (see CONTROLLED WASTE).

REFUSE means any SOLID WASTE that is designated for DISPOSAL in the ACTIVE FACE that does not constitute a RECYCLABLE, a HAZARDOUS WASTE, a CONTROLLED WASTE, or a PROHIBITED WASTE.

REFUSE BINS means the large bins at the SITE that have been provided to receive REFUSE from self-haul residential customers.

REGIONAL BOARD means the Board of the REGIONAL DISTRICT.

REGIONAL DISTRICT (RDOS) means the REGIONAL DISTRICT of Okanagan-Similkameen.

RE-SCALE means to pass over a scale with a MIXED LOAD more than once in order to determine the weight of each of the different types of SOLID WASTES DISPOSED.

RESIDENTIAL HOUSEHOLD HAZARDOUS WASTE (HHW) is a RECYCLABLE CONTROLLED WASTE accepted in RESIDENTIAL quantities at specific Landfill SITES including but not limited to:

- (a) Alarms (Smoke and Carbon Monoxide Detectors);
- (b) Aerosol Cans;
- (c) Antifreeze;
- (d) Corrosive Liquid (Inorganic Acids & Caustics);
- (e) Cyanide;
- (f) Flammable/Toxic Liquids;
- (g) Gasoline & Fuels, Mixed Fuels;
- (h) Household Cleaning Products;
- (i) Inorganic Oxidizers;
- (j) Mercury or Mercury Containing Materials (i.e. Fluorescent Light Tubes and Compacts, Wall or Baseboard Thermostats);
- (k) Oil Filters, and Used Motor Oil, and Waste Plastic Oil Containers;
- (l) Organic Peroxides;
- (m) Organic Solids (Toxic Solids);
- (n) Paint Thinner, Solvent, Paint & Related Products;
- (o) PCB Containing Materials (i.e. Light Ballasts);
- (p) Pesticides, Pesticide Containers;
- (q) Reactive Chemicals (To Air And Water); and
- (r) Smoke Detectors

RESIDENTIAL PACKAGING means SOURCE SEPARATED residentially generated packaging materials, as indicated by posted notices or signs or directed by a SITE OFFICIAL and SITE OPERATOR, which commonly includes paper packaging for liquids, metal packaging and hard plastic packaging.

RESIDENTIAL PLASTIC FILM means SOURCE SEPARATED residentially generated stretchy plastic film, as indicated by posted notices or signs or directed by a SITE OFFICIAL and SITE OPERATOR, which commonly includes grocery bags and overwrap for paper towels.

RESIDENTIAL POLYSTYRENE PACKAGING means SOURCE SEPARATED residentially generated polystyrene packaging, as indicated by posted notices or signs or directed by a SITE OFFICIAL and SITE OPERATOR, which commonly includes trays for meat, beverage cups and packaging used to protect items.

RESIDENTIAL PRINTED PAPER means SOURCE SEPARATED residentially generated printed paper, as indicated by posted notices or signs or directed by a SITE OFFICIAL and SITE OPERATOR, which commonly includes newspaper, magazines, directories, boxboard and cardboard.

RESIDENTIAL RECYCLING means all packaging and printed paper generated by RESIDENTIAL structures, single family and multifamily units included in *Schedule 5* of the *Recycling Regulation* of the *ENVIRONMENTAL MANAGEMENT ACT* and sorted into the appropriate material types as indicated by posted notices or signs or directed by a SITE OFFICIAL and SITE OPERATOR (see RECYCLABLE).

RESIDENTIAL RECYCLING UNSORTED means RESIDENTIAL RECYCLING that is not CONTAMINATED, has not been sorted into the appropriate material types and DISPOSED in the DESIGNATED LOCATION as by posted notices or signs and/or directed by a SITE OFFICIAL (see RECYCLABLE).

RESIDENTIAL SOLID WASTE means wastes generated by residential structures, single family and multifamily units.

ROCKS means natural inorganic mineral matter of variable composition assembled by the action of heat or water, RECYCLABLE ROCKS must not measure greater than 40 centimetres in any direction (see RECYCLABLE).

SCALED means to estimate or measure utilizing a standardized unit to establish the quantity, dimension, capacity or weight. SCALED by weight is established by measurement of WEIGHT GROSS minus WEIGHT TARE establishes WEIGHT NET. The TIPPING FEE is based upon the NET WEIGHT of the SOLID WASTE load type.

SERVICE AREA means the SERVICE AREA of the SITE as defined by the SITE's applicable *Service Establishment Bylaw*.

SHARPS means anything that may cause a puncture wound that exposes an individual to blood or other potentially infectious material for example; needles, syringes, blades or laboratory glass (see PROHIBITED WASTE).

SITE means, where applicable, the Campbell Mountain Landfill (CML), the Okanagan Falls Landfill (OFL), the Keremeos Landfill (KL) or the Oliver Landfill (OL).

SITE OFFICIAL means an individual employed by the REGIONAL DISTRICT and designated by the MANAGER to conduct the business of the SITE.

SITE OPERATOR means a PERSON contracted by the REGIONAL DISTRICT to provide operation and maintenance services at the SITE, including but not limited to inspecting, sorting, hauling compacting and covering SOLID WASTE.

SOIL CLEAN means not CONTAMINATED mineral soil materials free of ROCKS exceeding 30 cm. in any dimension that is suitable for OPERATIONALLY BENEFICIAL cover material and includes but not limited to sod, and top soil.

SOIL CONTAMINATED means soil with organic and inorganic contaminants as identified in the *Contaminated Sites Regulation, British Columbia Reg. 375/96* under the *EMA* (see CONTROLLED WASTE, and see OPERATIONALLY BENEFICIAL). (Refer to RDOS Soil Relocation Application).

SOIL SMALL VOLUME CONTAMINATED means the total volume of soil does not exceed 5 cubic metres as exempted under *Part 8 - Contaminated Soil Relocation, Section 41 of the Contaminated Sites Regulation of the EMA* (see CONTROLLED WASTE, and see OPERATIONALLY BENEFICIAL).

SOLID WASTE means any material defined by this bylaw suitable for DISPOSAL at the SITE.

SOURCE SEPARATED means SOLID WASTE separated by a PERSON other than a SITE OFFICIAL or SITE OPERATOR and DISPOSED into a clearly distinguishable DESIGNATED LOCATION as directed by a SITE OFFICIAL, SITE OPERATOR or signage at the SITE.

SPECIFIED RISK MATERIAL WASTE means the skull, brain, trigeminal ganglia (nerves attached to brain), eyes, tonsils, spinal cord and dorsal root ganglia (nerves attached to the spinal cord) of cattle aged 30 months or older, the distal ileum (portion of the small intestine) of cattle of all ages, and cattle deadstock (see PROHIBITED WASTE).

TAR AND GRAVEL ROOFING means roofing consisting of layers of bitumen and felt paper that form the roof surface and may contain embedded gravel including Torch-on, SBS, membrane and TAR AND GRAVEL roofing products and other inextricably adhered roofing materials. Loads must be free of contaminants such as, but not limited to, REFUSE, loose tar paper, roof ventilators and flashing materials (see RECYCLABLE, and see OPERATIONALLY BENEFICAL).

TIPPING FEE means the charge levied upon a given quantity of SOLID WASTE received at a SITE to offset the costs of opening, maintaining, closure and post-closure of the SITE. The TIPPING FEE can be charged per load, per tonne, or per unit depending on the source and type of the SOLID WASTE in accordance with the RDOS Fees and Charges Bylaw.

TIRE means the outer pneumatic rubber covering of wheels including but not limited to PLT (Passenger Light Truck), MT (Motor Truck) and OTR TIRES which are included within *Schedule 4* of the *Recycling Regulation* of the *EMA*. (See RECYCLABLE).

TIRE-OVERSIZE means assorted agricultural, industrial and OTR (Off The Road) TIRES excluded from *Schedule 4* of the *Recycling Regulation* of the *EMA*. (See RECYCLABLE).

VEHICLE means, as per the *British Columbia Motor Vehicle Act*, a device in, on or by which a PERSON or thing is or may be transported or drawn on a highway, but does not include a device designed to be moved by human power, a device used exclusively on stationary rails or tracks, mobile equipment or a motor assisted cycle.

VISITOR means a PERSON who is present at the SITE for purposes other than to DISPOSE of SOLID WASTE.

WEIGHT GROSS means total weight of the VEHICLE and load.

WEIGHT NET means GROSS WEIGHT less TARE WEIGHT.

WEIGHT TARE means the weight of a VEHICLE or container after a load has been removed.

WOOD-PRESERVED means wood products which have been treated with preservatives such as chromated copper arsenate (CCA), aromatic hydrocarbons (PAHs) and/or ammonium copper arsenate (ACA) to prevent rotting or wood containing LEAD-BASED PAINT or other paint containing HAZARDOUS substances (see CONTROLLED WASTE).

WOOD PRODUCT CONTAMINATED means engineered, manufactured or finished wood products containing 95% or greater wood fibre including but not limited to; painted wood, composite wood, glued and laminated wood and veneered wood products such as: particle and fibre board, panels, doors, window

frames, furniture, flooring, cabinetry and molding's; but does not include WOOD-PRESERVED or LEAD-BASED PAINT.

WOOD WASTE means clean, organic material including, but not necessarily limited to, kiln dried dimensional lumber, wood pallets; which are a maximum of 2.4 metres (8 feet) in length and may contain metallic nails or screws (see RECYCLABLE). WOOD WASTE may not be CONTAMINATED with any other material including but not limited to WOOD PRODUCT CONTAMINATED, WOOD-PRESERVED, ROCKS, METALS other than nails or screws, paint including LEAD-BASED PAINT, wire, fiberglass, asphalt roofing material, plastic and any other non-wood materials. WOOD WASTE does not include WOOD WASTE INDUSTRIAL or WOOD WASTE-SMALL DIMENSION.

WOOD WASTE-SMALL DIMENSION means kiln dried dimensional WOOD WASTE and WOOD PRODUCT CONTAMINATED that are processed to less than 5cm (2 inches) in diameter and width and no longer than 15 cm. (6 inches) in length including but not limited to sawdust (see CONTROLLED WASTE).

WOOD WASTE INDUSTRIAL means WOOD WASTE material generated through the industrial processing of wood including but not limited to; sawmills, and pulp and paper industry (see CONTROLLED WASTE).

WOOD WASTE-TREE STUMP means non-agricultural part of a plant, tree, or shrub that remains attached to the roots after the trunk is cut, whereby the trunk is greater than 20 cm (8 inches) in diameter and the stump and trunk combined is not longer than 2.4 metres (8 feet) in length, and must be free of ROCKS, soil and other debris (see RECYCLABLE). Does not include AGRICULTURAL ORGANIC MATERIAL.

YARD AND GARDEN WASTE means non-food vegetative matter free of CONTAMINANTS including prunings, branches and tree trunks maximum of 2.4 metres (8 feet) in length and less than 20cm (8 inches) in diameter, hedge, shrub and tree clippings, flowers, vegetable stalks, woody or herbaceous waste (see RECYCLABLE). YARD AND GARDEN WASTE does not include FRUIT WASTE, vegetable waste, YARD WASTE SMALL DIMENSION, or WOOD WASTE-TREE STUMP.

YARD WASTE SMALL DIMENSION means chipped YARD AND GARDEN WASTE and WOOD WASTE-TREE STUMPS that is no greater than 4 cm. (1.5 inches) in diameter and no longer than 13 cm. (5 inches) in length. YARD WASTE SMALL DIMENSION also includes lawn clippings, conifer needles and leaves that is not CONTAMINATED with materials such as METAL and ROCKS (see RECYCLABLE).

5.0 SITE Regulations

5.1 Conditions of Use

- 5.1.1 The REGIONAL DISTRICT accepts no responsibility or liability for damage or injury to any PERSON or property. Each PERSON entering a SITE does so solely at their own risk and, as a condition of entry to a SITE waives all claims against the REGIONAL DISTRICT and releases the REGIONAL DISTRICT from any and all liability and claims for all injury, death, loss, damage and expense of any kind that the PERSON or any other PERSON may suffer as a result of or in connection

with the PERSON'S use of a SITE due to any cause whatsoever, including but not limited to negligence, breach of contract, breach of any statutory duty or duty of care on the part of any of the REGIONAL DISTRICT and also including the failure on the part of the REGIONAL DISTRICT to safeguard or protect any PERSON from the risks, dangers and hazards associated with the use of a SITE.

5.1.2 No PERSON shall;

- a) remain at the SITE for longer than is reasonably required to proceed directly on designated roads to the DESIGNATED LOCATION, SCALE, make payment and immediately leave the SITE;
- b) enter the SITE or DISPOSE of any material at the SITE at any time other than the designated hours of operation, except by prior arrangement with the REGIONAL DISTRICT.
- c) remove, alter, destroy or deface any sign or traffic control device placed or erected at the SITE.
- d) DISPOSE of SOLID WASTE at the SITE without first having the SOLID WASTE inspected by the SITE OFFICIAL or SITE OPERATOR for the purpose of determining compliance with this Bylaw. All loads shall be SCALED to determine the applicable TIPPING FEE and DISPOSED in a manner or location as directed by the bylaw, signage and the written or verbal direction of the SITE OPERATOR or SITE OFFICIAL.
- e) DISPOSE of any material at the SITE that does not originate from within the SERVICE AREA unless designated acceptable within the RDOS Fees and Charges Bylaw or the MANAGER approves otherwise. Failure to obtain MANAGER approval may result in refusal of entry to the SITE.

5.1.3 All SOLID WASTE generated within the SERVICE AREA shall be handled in a manner and location that is approved by the Ministry of Environment when such approval is required, and in compliance with this Bylaw.

5.1.4 No HAULER shall enter the SITE transporting a load of SOLID WASTE which requires assistance by the SITE OPERATOR or their equipment for DISPOSAL.

5.1.5 All material DISPOSED at the SITE shall become the property of the REGIONAL DISTRICT, except where such material is DISPOSED contrary to the provisions of this Bylaw. No PERSON shall salvage or remove anything from the SITE without the express written permission of the REGIONAL DISTRICT.

5.2 DISPOSAL Restrictions

5.2.1 DISPOSAL of PROHIBITED WASTE at the SITE is not allowed unless the DISPOSAL of such waste is specifically authorized by both the REGIONAL DISTRICT and the applicable Provincial Ministry.

5.2.2 No PERSON shall cause the release to the atmosphere of an OZONE DEPLETING SUBSTANCE at the SITE.

5.2.3 DISPOSAL of CONTROLLED WASTE at the SITE;

- a) is not allowed unless the MANAGER determines that special handling and DISPOSAL techniques are not required, or where special handling and DISPOSAL techniques are required, the MANAGER has determined that the CONTROLLED WASTE can be DISPOSED of safely at the SITE;
 - b) must be declared or manifested as required by the REGIONAL DISTRICT and by the applicable Provincial Ministry;
 - c) sufficient notice is provided as required by the REGIONAL DISTRICT prior to DISPOSAL of CONTROLLED WASTE at the SITE.
- 5.2.4 SOIL CONTAMINATED will not be accepted for DISPOSAL without completion and authorization in accordance with the RDOS Soil Relocation Agreement. The MANAGER shall determine as to when and which SITE(S) the SOIL CONTAMINATED is to be directed.
- 5.2.5 The REGIONAL DISTRICT shall regulate DISPOSAL time, location, containment and notice required for delivery of SOLID WASTE to the SITE.
- 5.2.6 The REGIONAL DISTRICT retains the right to deny acceptance or to limit the volume and frequency of any SOLID WASTE delivered to the SITE due to safety, operational or other considerations.
- 5.2.7 The MANAGER may designate SOLID WASTE materials delivered to the SITE as being OPERATIONALLY BENEFICIAL and apply TIPPING FEES accordingly.
- 5.2.8 The REGIONAL DISTRICT shall require the completion of any documents that may include, Manifests, Waivers, Applications and/or Declarations for a VISITOR or salvaging and for any SOLID WASTE including but not limited to ASBESTOS CONTAINING MATERIAL, LEAD-BASED PAINT, ASSESSED DEMOLITION, AND RENOVATION MIXED LOAD, CONSTRUCTION MIXED LOAD, SOIL CLEAN, SOIL SMALL VOLUME CONTAMINATED, SOIL CONTAMINATED and ILLEGALLY DUMPED WASTE.

5.3 Secure Loads

- 5.3.1 All Motor VEHICLES entering the SITE shall have their loads adequately covered and secured so as to prevent any materials from blowing, bouncing dropping, sifting, leaking, or otherwise escaping from the VEHICLE while in transit in accordance with the following criteria:
- (a) *meets Motor Vehicle Act Regulation 35.06 Covering of Aggregate Loads*, which requires that: "A person must not drive or operate a vehicle on a highway while the vehicle is carrying aggregate material if any of the material is likely, if not covered, to bounce, blow or drop from the vehicle in transit, unless;
 - (i) the material is covered in a way that prevents any of it from blowing, bouncing or dropping from the VEHICLE, and
 - (ii) the cover is securely and tightly fastened so that it is not, and cannot become, a hazard".
 - (b) an adequate cover is a tarpaulin, other overlay, or container that is used to confine the material to the VEHICLE; or all materials must be contained within intact secured closed garbage bags or containers. The cover and/or container must be securely and tightly fastened so that it is not, and cannot become, a hazard.

(c) items such as, but not limited to, BULKY WASTE, appliances, WOOD WASTE-TREE STUMPS, TIRES, shall be securely chained or strapped to or in the VEHICLE as required by section 4.3.1 (a & b).

(d) loads shall be contained so as to prevent the spillage of liquids.

5.4 Safety

5.4.1 No VISITOR shall enter the SITE without checking in at the SITE office and completing the appropriate waiver.

5.4.2 No PERSON shall light or smoke any cigarette, cigar, pipe or any other substance, or ignite a fire, cause a fire to be ignited, within the boundaries of the SITE or DISPOSE at the SITE materials that are on fire, are smouldering or were recently on fire.

5.4.3 No PERSON shall fail to comply with the posted notices or signs at the SITE or the verbal instructions of the SITE OFFICIAL or SITE OPERATOR.

5.4.4 No PERSON shall act in a manner that is threatening, discourteous, disruptive, or wilfully negligent while on the SITE.

5.4.5 No PERSON shall allow children shorter than 42 inches (1.6 m.) or under the age of 10 years or pets to be outside a VEHICLE at the SITE.

5.4.6 No PERSON shall enter the SITE in a VEHICLE that is in violation of the British Columbia *Motor Vehicle Act Section 213 "1) On the prosecution of a PERSON charged with contravention of the regulations in operating or using on a highway a VEHICLE the weight of which or the weight of the load carried on which was in excess of the weight prescribed by the regulations, it is sufficient evidence for a credible witness to state on oath that, to the best of his or her judgment and opinion, the weight of the VEHICLE or of the load carried on it at the time of the alleged contravention was in excess of the weight so prescribed"*

5.4.7 No PERSON shall enter the SITE in a VEHICLE that is not equipped or mechanically sound with regards to climatic or roadway conditions.

5.4.8 No VEHICLE shall exceed the posted speed limit while on SITE.

5.4.9 No PERSON shall without authorization, drive a motor VEHICLE on any part of the SITE other than on roads or areas so designated by signage or the SITE OFFICIAL or SITE OPERATOR.

5.4.10 All VEHICLES DISPOSING SOLID WASTE shall maintain a safe lateral distance away from other VEHICLES.

5.4.11 No PERSON shall discharge any firearm at the SITE, except as permitted under any applicable enactment.

5.4.12 No PERSON shall climb upon waste stockpiles or climb into REFUSE BINS or rummage in areas designated for SOLID WASTE DISPOSAL.

- 5.4.13 No PERSON shall place NON-ASSESSED DEMOLITION AND RENOVATION MIXED LOAD in the DESIGNATED LOCATION reserved for ASSESSED materials.
- 5.4.14 No PERSON shall approach, harass, feed or attempt to lure wildlife encountered on the SITE
- 5.4.15 No PERSON while conducting SITE business shall utilize a communication or entertainment device which includes but is not limited to mobile phones, smart phones, hands-free devices, speaker phones, pagers, text messaging, lap top, ear pieces, head phones, or two way radios, or other activities that allow for distracted driving or the inability to hear instructions.
- 5.4.16 No PERSON shall enter the SITE on foot, all PERSONS entering the SITE must be in a motor propelled VEHICLE equipped with a cab, PERSONs while on SITE must remain within a 45 metre (150') proximity of their VEHICLE.

6.0 Fees and Charges

- 6.1 Every PERSON delivering SOLID WASTE to the SITE shall pay the applicable TIPPING FEE set out in accordance with RDOS Fees and Charges Bylaw as amended from time to time.
- 6.2 Any TIPPING FEE assessed pursuant to this Bylaw must be paid to the SITE OFFICIAL prior to leaving the SITE. The TIPPING FEE shall be paid in cash, be placed on a REGIONAL DISTRICT pre-approved account or be paid by credit or debit card where such payment options are available at the SITE.
- 6.3 In the event the weigh scale is not operational, the SITE OFFICIAL shall estimate the weight of each VEHICLE and a TIPPING FEE shall be charged as outlined in the RDOS Fees and Charges Bylaw.

7.0 Violations and Penalties

- 7.1 No PERSON shall do any act or suffer or permit any act or thing to be done in contravention of this Bylaw.
- 7.2 Every PERSON who violates any provision of this Bylaw, or who permits any act or thing to be done in violation of this Bylaw, or who fails to do any act or requirement of this Bylaw, shall be deemed to have committed an offence against this Bylaw and:
- a) shall be liable, upon summary conviction, to a fine of not less than \$100.00 and not more than \$2,000.00 for a first offence, and to a fine of not less than \$200.00 and not more than \$2,000.00 for each subsequent offence;
 - b) shall pay the applicable TIPPING FEE as set out in the RDOS Fees and Charges Bylaw as amended from time to time, in cases where the violation involves the contravention of a prohibition or regulation pertaining to the deposit of material at the SITE;
 - c) shall pay the penalties, that may be issued, as provided under the provisions of the *British Columbia Offence Act*, or to the penalties provided under the provisions of the *British Columbia Local Government Bylaw Notice Enforcement Act* and;

- d) may be prohibited, by written notice, from DISPOSING SOLID WASTE at the SITE for such period as the REGIONAL DISTRICT may determine.

7.3 Notwithstanding any other provision of this Bylaw, any PERSON who:

- a) contravenes this Bylaw and/or fails to comply with rules or directions of a SITE OFFICIAL or SITE OPERATOR may be prohibited entry into any REGIONAL DISTRICT SITE for a specified period of time as determined by the MANAGER;
- b) contravenes this Bylaw and is deemed to be abusive or threatening may be ordered to immediately leave the SITE by a SITE OFFICIAL. Any Person deemed to be abusive or threatening may be prohibited entry into any REGIONAL DISTRICT SITE for a specified period of time as determined by the MANAGER;
- c) contravenes this Bylaw and fails to pay the TIPPING FEES as set out in the RDOS Fees and Charges Bylaw may be refused entry into any REGIONAL DISTRICT SITE until all TIPPING FEES and charges are paid.

7.4 Each offence committed against this Bylaw shall be deemed a separate and distinct offence and subject to a separate penalty.

7.5 Any penalty imposed pursuant to this Bylaw shall be in addition to, and not in substitution for, any other penalty or remedy imposed pursuant to any other applicable statute, law or legislation.

8.0 Dispute Mechanism Notice

8.1 Once a VEHICLE is SCALED a SITE OFFICIAL shall issue an invoice indicating the waste type and corresponding TIPPING FEE assessed including penalties. Upon payment all TIPPING FEES assessed or decisions made under this Bylaw can be appealed to the MANAGER.

8.2 Appeals must be submitted to the MANAGER within 60 days of the transaction.

8.3 All decisions rendered will be on a case by case basis, resolutions shall be based upon such factors as precedent, severity and frequency.

8.4 Loads DISPOSED outside of Public Hours of Operation can not be appealed.

9.0 Severance

If a section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of a Court of Competent Jurisdiction, the invalid portion shall be severed and such decision shall not affect the validity of the remaining portions of this Bylaw.

10.0 No Limitation

Nothing in this Bylaw shall limit the REGIONAL DISTRICT from utilizing any other remedy that would otherwise be available to the REGIONAL DISTRICT at law.

READ A FIRST, SECOND, AND THIRD TIME this 2nd day of February, 2018.

ADOPTED this 15th day of February, 2018.

Board Chair

Chief Administrative Officer