

## REGIONAL DISTRICT OF BULKLEY-NECHAKO

### BYLAW NO. 1109

Being a bylaw to implement tipping fees for the disposal of contaminated soils within the Regional District of Bulkley-Nechako.

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WHEREAS the Regional District of Bulkley-Nechako wishes to regulate and prohibit the deposit of soil and other solid waste;

AND WHEREAS under Section 19(3) of the *Waste Management Act*, a regional district may, among other things, adopt a bylaw regulating, prohibiting or respecting the types, quality or quantities of municipal solid waste that may be brought onto or removed from a site and set fees and charges;

AND WHEREAS under Section 796(1) of the *Municipal Act* a regional district may set conditions respecting access to and use of its property and is authorized under Section 818(6) of the *Municipal Act* to impose fees and charges;

NOW THEREFORE the Board of Directors of the Regional District of Bulkley-Nechako, in open meeting assembled, enacts as follows:

#### 1. DEFINITIONS

- 1.1 **Commercial/Industrial Land Use Criteria** means the generic or matrix soil standards set out in the Contaminated Sites Regulation.
- 1.2 **Contaminated Sites Regulation** means the Contaminated Sites Regulation B.C. Reg. 375/96 under the *Waste Management Act* (British Columbia).
- 1.3 **Contaminated Soils** means soils containing contaminants in quantities or concentrations which exceed the criteria, standards or conditions for such substances prescribed in the Contaminated Sites Regulation.
- 1.4 **Regional Solid Waste Facility** means all solid waste transfer stations and landfills upon which the Regional District of Bulkley-Nechako holds a permit or operational certificate issued by the Ministry of Environment, Lands and Parks.
- 1.5 **Special Waste** means a substance prescribed as Special Waste under the *Waste Management Act*.
- 1.6 **Sub-Regional Landfill** means the Knockholt Sub-Regional Landfill and any eastern sub-regional landfill established by the Regional District of Bulkley-Nechako.

**2. CONTAMINATED SOIL TIPPING FEES**

**2.1** The Board of Directors hereby imposes a fee of \$18.00 per tonne of material disposed at a regional solid waste facility where the material being disposed contains soil with contaminants in excess of the Commercial/Industrial land use criteria. Where legal weigh scales are not available at the regional solid waste facility, a fee of \$30.00 per cubic metre applies for material disposed at a regional solid waste facility where the material being disposed contains contaminated soil.

**2.2** This tipping fee shall be effective on the date of adoption of this bylaw.

**3. REGULATIONS**

**3.1** No person shall dispose of contaminated soils at any regional solid waste facility in the Regional District of Bulkley-Nechako except under the authority of this bylaw.

**3.2** No person shall deposit Special Waste at any regional solid waste facility in the Regional District of Bulkley-Nechako.

**3.3** The Director of Environmental Services shall determine the acceptability of each shipment of contaminated soil on a case-by-case basis, and may refuse any shipment of contaminated soil in accordance with this bylaw.

**3.4** The volume of soil deposited shall be determined by the following guidelines:

(a) any steel drum or part volume thereof shall be assessed a volume of 0.2 m<sup>3</sup>

(b) for any volume of soil shipped loose in a transport vehicle, the legal load weight for that vehicle shall be considered to be the weight of the soil contained therein.

**3.5** No person shall deposit contaminated soil which contains contaminant levels in excess of the Commercial/Industrial Land Use criteria at a regional solid waste facility except:

(a) at a sub-regional landfill; and

(b) in accordance with this bylaw.

**3.6** Where there is a difference between the commercial and industrial land use criteria or between the aquatic life or drinking water standards for commercial/industrial criteria as set out in the Contaminated Sites Regulation, the more restrictive standard applies.

4. PAYMENT OF TIPPING FEE

- 4.1 The fee imposed in Section 2.1 shall be paid by the person depositing the material containing contaminated soil.
- 4.2 The tipping fee payable under Section 2.1 will be invoiced by the Regional District of Bulkley-Nechako and payment of the tipping fee must be made within 30 days of the date of the invoice.
- 4.3 Where a person does not pay the amount of the fee payable in accordance with this bylaw within 30 days of the date of the invoice, the Regional District of Bulkley-Nechako is authorized, in addition to any remedy which it may have under the *Municipal Act* or otherwise, to prohibit that person from depositing any further solid waste, including contaminated soil, at any regional solid waste facility.

5. VIOLATIONS AND PENALTIES

- 5.1 No person shall do any act or suffer or permit any act or thing to be done in contravention of this bylaw.
- 5.2 A person who contravenes this bylaw is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$2,000.00.
- 5.3 Despite Section 5.2, a person who contravenes Section 2 of this bylaw is liable on summary conviction to a penalty not exceeding \$200,000.00 as authorized under section 19(3) of the *Waste Management Act*.
- 5.4 It is a condition of the use of a regional solid waste facility that the use be carried out in accordance with this bylaw and a person who contravenes this bylaw may be prohibited from depositing solid waste or recyclables at a regional solid waste facility;
- 5.5 The penalties imposed under this bylaw shall be in addition to and not in substitution for any other penalty or remedy imposed by any enactment.
- 5.6 If an offence continues for more than one day, separate fines, each not exceeding the maximum for that offence, may be imposed for each day during which the contravention occurs or continues.

6. GENERAL

- 6.1 Nothing in this bylaw relieves a person discharging waste from complying with the *Waste Management Act*, the *Special Waste Regulation*, the *Contaminated Sites Regulation* or other applicable enactments or orders made under such enactments.

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- 6.2 If any provision of this bylaw is found to be invalid by a Court of competent jurisdiction, it is to be severed from the bylaw.
- 6.3 The headings are inserted for convenience of reference only.

CITATION

This bylaw may be cited for all purposes as "Regional District of Bulkley-Nechako Contaminated Soil Tipping Fee Bylaw No. 1109, 1999".

READ A FIRST TIME this 5<sup>th</sup> day of August, 1999

READ A SECOND TIME this 5<sup>th</sup> day of August, 1999

READ A THIRD TIME this 5<sup>th</sup> day of August, 1999

Certified a true and correct copy of Regional District of Bulkley-Nechako Contaminated Soil Tipping Fee Bylaw No. 1109, 1999.

*Gail Chapman*  
Deputy Corporate Administrator

RECONSIDERED AND ADOPTED this 9 day of September, 1999

*N.L. Kerr*  
Chairperson

*J. J. Smith*  
Corporate Administrator