

**MINISTRY OF ENVIRONMENT  
MEETING INFORMATION NOTE**

May 13, 2015  
CLIFF/tracking #: 283674

**PREPARED FOR:** Minister Mary Polak

**DATE AND TIME OF MEETING:** May 27, 2015 at 4 pm

**ATTENDEES:** Greg Moore, Malcolm Brodie, Carol Mason, Lori Halls

**ISSUE(S):** Metro Vancouver Regional District (MV) to provide an update on four issues described below. A fifth issue is also described as it may also come up in the meeting.

**DISCUSSION:**

**1) National Zero Waste Council (NZWC)**

The NZWC aims to prevent and reduce waste by influencing behaviour and improving product design and packaging. The initiative is spearheaded by MV, but brings together governments, businesses, and non-government organizations at the national level.

During this meeting, MV intends to provide a status update regarding the NZWC, including Council membership and collaboration with the Canadian Council of Ministers of the Environment. The Ministry supports the Council by participating as a board member and through collaborative work on food waste and the circular economy working groups. In fiscal year 2014/15, the Ministry provided financial support for the Council's research into case studies on the circular economy. s.13

s.13

**2) Waste to Energy (WTE) Procurement Process**

MV's approved solid waste management plan (2010) states that the regional district will require additional disposal capacity of 370,000 tonnes once the Cache Creek Landfill reaches capacity in 2016 s.13

s.13

### **3) Tipping Fee Bylaw (Bylaw 288/89)**

Following the announcement that waste flow Bylaw 280 was not approved, MV developed Bylaw 288/889 as an alternative to decrease the volume of solid waste leaving the region. The MV board passed the new Tipping Fee Bylaw which became effective April 6, 2015 at all MV facilities (i.e. transfer stations and Vancouver Landfill). Bylaw 288/89 enables a reduced tipping fee for large loads and targets haulers who had been transporting solid waste from the commercial, institutional and multi-family sectors to cheaper alternatives in Washington State. Fees decreased from \$109 to \$80 per tonne for large loads (i.e. greater than 9 tonnes). The fees increased from \$109 to \$130 per tonne for loads less than 1 tonne. The fees remained the same at \$109 per tonne for loads between 1 to 9 tonnes. There is an additional \$5/load transaction fee.

Bylaw 288/89 was made under the authority of the Greater Vancouver Sewerage and Drainage District Act (GVSDDA) and did not require Minister approval; however, Rabanco/Republic Services (waste hauler) and McCarthy Tetrault (law firm) have asserted that MV's Bylaw 288/289 is a violation under Canada's international trade obligations and have raised this with the Minister of International Trade (MIT). <sup>s.13,s.14</sup>  
s.13,s.14

### **4) MLA Marvin Hunt's review of waste diversion efforts**

As part of the Minister of Environment's decision on Metro Vancouver's proposed bylaw 280 in October 2014, MLA Hunt was asked to do a review on diversion efforts and make recommendations on what, if any, changes are required to the current system to maximize the diversion of waste from disposal. Hunt's final recommendation includes six guiding principles for the future of solid waste in B.C:

1. Promote the 3 R's (Reduce, Reuse and Recycle)
2. Maximize beneficial use of waste materials and manage residuals appropriately
3. Separate organics and recyclables out of garbage wherever practical
4. Establish and enforce disposal bans
5. Level playing field within regions for both private and public companies

## 6. Manage tipping fees

On May 21th, 2015, The Ministry of Environment announced that it will be updating The Guideline for the Preparation of Regional District Solid Waste Management Plans (guideline) to remove red tape for local governments and make the planning and approval process more efficient (see Appendix A for more information).

s.13

## **5) Catalyst Wood Waste Proposal**

s.13

**Attachments: Appendix A Guideline Update Background**

**Contact:**

*Lori Halls*

*Environmental Protection*

*250-387-6177*

**Alternate Contact:**

*Kris Ord*

*Environmental Standards*

*250-387-9933*

**Prepared by:**

*Avtar S. Sundher*

*Regional Operations*

*604-582-5272*

<b>Reviewed by</b>	<b>Initials</b>	<b>Date</b>
DM	--	--
DMO	BC	22/5/15
ADM	LH	22/5/15
Dir./Mgr.		
Author		

## Appendix A: Guideline Update Background

- As part of Core Review, MoE will be updating the Guideline for the Development of Regional Solid Waste Management Plans (guideline) – this is not a legislative change.
- The intent is to remove red tape for local government and reduce regional staff time required to oversee the planning and approval process. Local government wants an updated guideline that streamlines the planning process and provides updated information.
- The ministry plans on releasing an intentions paper later this summer outlining proposed changes which the public, local government and stakeholders will be able to comment on. Ministry staff will also consult separately with local governments and stakeholders.

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- There are 5 main objectives proposed in updating the guideline
  1. Enable and empower local government by providing a more results-based focus.
  2. Provide increased clarity regarding ministry requirements.
  3. Meet the principles of Core Review by streamlining the planning process and increasing efficiency.
  4. Provide flexibility in the planning process.
  5. Maintain protection of public interest.
- Proposed changes also stem from MLA Marvin Hunt's review of solid waste diversion in B.C. MLA Hunt was asked to do this review as part of the decision to not approve Metro Vancouver's proposed bylaw 280 in October 2014.
- The updates are intended to improve the solid waste management process and policy issues such as waste-to-energy, flow control, and industry product stewardship are out-of-scope.
- MLA Hunt has recommended 6 principles for the future of solid waste in B.C. The waste management planning guideline also contains environmental guiding principles which have not been updated since 1994.
- The 6 principles recommended by Hunt are:
  1. Promote the 3 R's (Reduce, Reuse and Recycle)
  2. Maximize beneficial use of waste materials and manage residuals appropriately
  3. Separate organics and recyclables out of garbage wherever practical
  4. Establish and enforce disposal bans
  5. Level playing field within regions for both private and public companies
  6. Manage tipping fees
- This work would also support the Ministry's service plan targets for municipal solid waste disposal. MoE has set two goals by 2020.
  1. Lower the municipal solid waste disposal rate from 587 kilograms to less than 350 kilograms per person; and
  2. Have 75 % of B.C.s population covered by organic waste disposal bans.

## Nicoll, Sara ENV:EX

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**From:** Minister, ENV ENV:EX  
**Sent:** Friday, October 17, 2014 8:52 AM  
**To:** 'chair@metrovancover.org'  
**Cc:** 'Carol.Mason@metrovancover.org'; McGuire, Jennifer ENV:EX  
**Subject:** RE: Application for Approval - GVS&DD Municipal Solid Waste and Recyclable Material Regulatory Bylaw No. 280, 2013  
**Attachments:** 199569 - Moore - FINAL.pdf

Good morning,

Please see the attached letter from the Honourable Mary Polak, Minister of Environment.

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**From:** Tricia Bowen [<mailto:Tricia.Bowen@metrovancover.org>]  
**Sent:** Tuesday, November 5, 2013 5:00 PM  
**To:** Minister, ENV ENV:EX  
**Cc:** Ranson, David ENV:EX; Lawes, David ENV:EX; Braman, Jonn ENV:EX; Chair Moore; Carol Mason; Paul Henderson  
**Subject:** Application for Approval - GVS&DD Municipal Solid Waste and Recyclable Material Regulatory Bylaw No. 280, 2013  
**Importance:** High

*This Message Sent by Tricia Bowen on Behalf of Greg Moore, Chair of Metro Vancouver*

Good Afternoon Minister Polak:

Please find attached a letter (with attachments) from Chair Greg Moore of Metro Vancouver, seeking your approval of the GVS&DD Municipal Solid Waste and Recyclable Material Regulatory Bylaw 280, 2013.

A paper copy of the letter and attachments will be sent via Canada Post to you and the cc's on the letter (also copied on this email).

Our staffs are working together to secure a meeting with you to discuss the Bylaw.

Thank you,  
Tricia

**Tricia Bowen**, CAP-OM | Executive Assistant

**Phone:** 604-436-6919 | **Cell:** 604-512-5702

**Email:** [Tricia.Bowen@metrovancover.org](mailto:Tricia.Bowen@metrovancover.org)

Metro Vancouver | Chief Administrator's Office  
3rd floor, 4330 Kingsway, Burnaby BC V5H 4G8

<http://www.metrovancover.org>



Reference: 199569

*October 17, 2014*

Greg Moore, Chair  
and Directors  
Metro Vancouver Board  
4330 Kingsway  
Burnaby BC V5H 4G8

Dear Chair Moore and Directors:

I am writing in response to Metro Vancouver's letter of November 5, 2013, with attached Greater Vancouver Sewerage and Drainage District (GVS&DD) Municipal Solid Waste and Recyclable Material Regulatory Bylaw 280, 2013 (Bylaw 280), the Board resolutions for adopting Bylaw 280 and a summary of Metro Vancouver's consultation process.

Ministry staff have reviewed your submission and accompanying documents. While Bylaw 280 appears to be consistent with Metro Vancouver's Solid Waste Management Plan (SWMP), approved on July 21, 2011, and its bylaw review process, Bylaw 280 raises a number of significant public interest concerns for me:

1. Bylaw 280 stifles competition on residuals management. This limits options and combined with steadily increasing Metro tipping fees could have a significant effect on the local taxpayer. At the same time, I remain unconvinced that the Bylaw will be successful in stemming the flow of waste out of Metro Vancouver as intended. I am also very concerned about the potential for higher tipping fees to lead to increased illegal dumping.
2. Metro Vancouver's SWMP acknowledges the important role that that Extended Producer Responsibility (EPR) programs play in achieving their diversion goals. The recently launched Packaging and Printed Paper (PPP) program could be a key contributor to Metro Vancouver's efforts, however that program is still in its infancy. I believe that the successful implementation of EPR stands to eliminate the need for flow controls, given time to mature. Further, I am concerned that Bylaw 280 could have unintended consequences for the success of the PPP program.

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3. Solid waste is no longer simply a problem to be managed; rather it is a valuable commodity supporting local employment and established businesses. I have a serious concern with the destabilizing effect that such a bylaw would have on the established waste management system, in particular in the multi-family and Industrial-Commercial-Institutional (ICI) sectors where the majority of collection and hauling is done by the private sector.
4. Notwithstanding Metro's position on waste export, I remain concerned about the ability of flow control restrictions to withstand a trade challenge.

As such I regret to inform you that I am unable to approve Bylaw 280. Despite this, I want to commend the Metro Vancouver Board and staff for their continued efforts to achieve the laudable waste diversion goals in your SWMP and protect the environment. In support of these efforts, I am pleased to let you know that Mr. Marvin Hunt, MLA for Surrey-Panorama, has been appointed to lead a review of current diversion efforts. The goal of the review will be to make recommendations on what, if any, changes are required to the current system to maximize the diversion of waste from disposal. As you will know, Mr. Hunt has served in many roles, including the Chair of Metro Vancouver's Waste Management Committee, and brings a wealth of knowledge related to municipal waste management. The review is expected to take approximately three months and Mr. Hunt will be in contact with you soon regarding Metro Vancouver participation.

If you have any questions regarding this or other matters related to the Metro Vancouver Solid Waste Management Plan, please contact Ms. Lori Halls, Assistant Deputy Minister for the Environmental Protection Division, at 250 387-9997 or by email at [Lori.D.Halls@gov.bc.ca](mailto:Lori.D.Halls@gov.bc.ca).

Sincerely,



Mary Polak  
Minister

cc: Jennifer McGuire, Executive Director, Environmental Protection Division, Ministry of Environment  
Carol Mason, Commissioner/Chief Administrative Officer, Metro Vancouver





Reference: 210238

November 14, 2014

Rob Hutchins, Chair  
and Directors  
Cowichan Valley Regional District  
175 Ingram Street  
Duncan BC V9L 1N8

Dear Chair Hutchins and Directors:

Thank you for your letter of October 3, 2014, regarding Metro Vancouver's Municipal Solid Waste and Recyclable Material Regulatory Bylaw No. 280.

I appreciate receiving your comments on Bylaw 280. As you know, as the statutory decision-maker, I have decided not to approve the bylaw. A number of significant public interest concerns factored into my decision, including:

- The potential for Bylaw 280 to create a monopoly on waste management;
- The potential for increased illegal dumping;
- The possible negative effects on the new packaging and printed paper recycling program; and
- The destabilizing effect it may have on private-sector collection and hauling.

Despite this, I commend Metro Vancouver for their continued efforts toward protecting the environment and achieving the laudable waste-diversion goals set out in their Solid Waste Management Plan.

In support of these efforts, the Province will review Metro Vancouver's Solid Waste Management Plan to determine the most-effective way to achieve waste diversion in the region. Mr. Marvin Hunt, MLA for Surrey-Panorama, will conduct a three-month review focusing on the multi-family and industrial-commercial-institutional waste streams and will report back with findings and provide advice. The goal of the review will be to make recommendations on what, if any, changes are required to the current system to maximize the diversion of waste from disposal. Mr. Hunt has served in many roles, including the Chair of Metro Vancouver's Waste Management Committee and brings a wealth of knowledge related to municipal waste management.

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Thank you again for taking the time to share your thoughts on this important issue.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mary Polak".

Mary Polak  
Minister

cc: Marvin Hunt, MLA, Surrey – Panorama



Reference: 210648

**DEC 16 2014**

Joe Stanhope, Chair  
and Directors  
Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo BC V9T 6N2

Dear Chair Stanhope and Directors:

On behalf of the Honourable Mary Polak, Minister of Environment, thank you for your letter of October 10, 2014 regarding Metro Vancouver's Municipal Solid Waste and Recyclable Material Regulatory Bylaw No. 280. I am pleased to respond on behalf of Minister Polak and I apologize for the delay in responding.

I appreciate receiving your comments on Bylaw 280. As you know, as the Statutory Decision-Maker, Minister Polak decided not to approve the bylaw. Minister Polak has noted a number of significant public-interest concerns factored into her decision, including:

- The potential for Bylaw 280 to create a monopoly on waste management;
- The potential for increased illegal dumping;
- The possible negative effects on the new packaging and printed paper recycling program; and
- The destabilizing effect it may have on private-sector collection and hauling.

Despite this, the Minister commended Metro Vancouver for their continued efforts toward protecting the environment and achieving the laudable waste-diversion goals set out in their Solid Waste Management Plan.

In support of these efforts, the Province will review Metro Vancouver's Solid Waste Management Plan to determine the most effective way to achieve waste diversion in the region. Mr. Marvin Hunt, M.L.A. for Surrey-Panorama, will conduct a three-month review focusing on the multi-family and industrial-commercial-institutional waste streams and will report back with findings and provide advice. The goal of the review will be to make recommendations on what, changes, if any, are required to the current system to maximize the diversion of waste from disposal. MLA Hunt has served in many roles, including the Chair of Metro Vancouver's Waste Management Committee, and brings a wealth of knowledge related to municipal waste management.

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Thank you again for taking the time to share your thoughts on this important issue.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Shoemaker", followed by a long horizontal line extending to the right.

W.H. (Wes) SHOEMAKER  
Deputy Minister

cc: Marvin Hunt, MLA, Surrey-Panorama



Reference: 211096

December 8, 2014

Sharon Gaetz, Chair  
and Directors  
Fraser Valley Regional District  
45950 Cheam Avenue  
Chilliwack BC V2P 1N6

Dear Chair Gaetz and Directors:

Thank you for your letter of October 16, 2014, regarding Metro Vancouver's Municipal Solid Waste and Recyclable Material Regulatory Bylaw No. 280.

I appreciate receiving your comments on Bylaw 280. As you know, as the statutory decision-maker, I have decided not to approve the bylaw. A number of significant public-interest concerns factored into my decision, including:

- The potential for Bylaw 280 to create a monopoly on waste management;
- The potential for increased illegal dumping;
- The possible negative effects on the new packaging and printed paper recycling program; and
- The destabilizing effect it may have on private-sector collection and hauling.

Despite this, I commend Metro Vancouver for their continued efforts toward protecting the environment and achieving the laudable waste-diversion goals set out in their Solid Waste Management Plan.

In support of these efforts, the Province will review Metro Vancouver's Solid Waste Management Plan to determine the most-effective way to achieve waste diversion in the region. Mr. Marvin Hunt, MLA for Surrey-Panorama, will conduct a three-month review focusing on the multi-family and industrial-commercial-institutional waste streams and will report back with findings and provide advice. The goal of the review will be to make recommendations on what, if any, changes are required to the current system to maximize the diversion of waste from disposal. Mr. Hunt has served in many roles, including the Chair of Metro Vancouver's Waste Management Committee, and brings a wealth of knowledge related to municipal waste management.

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Thank you again for taking the time to share your thoughts on this important issue.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mary Polak".

Mary Polak  
Minister

cc: Marvin Hunt, M.L.A., Surrey-Panorama



Reference: 211129

**DEC 11 2014**

Jay Ritchlin  
Director General, BC and Western Canada  
David Suzuki Foundation  
219 - 2211 West 4<sup>th</sup> Avenue  
Vancouver BC V6K 4S2

Dear Mr. Ritchlin:

Thank you for your letter of October 16, 2014, addressed to the Honourable Mary Polak, Minister of Environment, regarding Metro Vancouver's Municipal Solid Waste and Recyclable Material Regulatory Bylaw No. 280. Minister Polak has asked that I respond on her behalf. I apologize for the delay in responding.

We appreciate receiving your comments on Bylaw 280. As you may know, as the statutory decision-maker, Minister Polak decided not to approve the bylaw. A number of significant public-interest concerns factored into the decision, including:

- The potential for Bylaw 280 to create a monopoly on waste management;
- The potential for increased illegal dumping;
- The possible negative effects on the new packaging and printed paper recycling program; and
- The destabilizing effect it may have on private-sector collection and hauling.

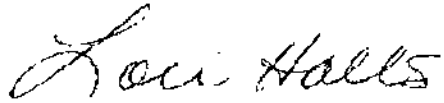
Despite this, Minister Polak has commended Metro Vancouver for their continued efforts toward protecting the environment and achieving the laudable waste-diversion goals set out in their Solid Waste Management Plan.

In support of these efforts, the Province will review Metro Vancouver's Solid Waste Management Plan to determine the most-effective way to achieve waste diversion in the region. Mr. Marvin Hunt, MLA for Surrey-Panorama, will conduct a three-month review focusing on the multi-family and industrial-commercial-institutional waste streams and will report back with findings and provide advice. The goal of the review will be to make recommendations on what, if any, changes are required to the current system to maximize the diversion of waste from disposal. Mr. Hunt has served in many roles, including the Chair of Metro Vancouver's Waste Management Committee, and brings a wealth of knowledge related to municipal waste management.

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Thank you again for taking the time to share your thoughts on this important issue.

Sincerely,

A handwritten signature in cursive script that reads "Lori Halls". The signature is written in black ink and is positioned above the printed name and title.

Lori Halls  
Assistant Deputy Minister  
Environmental Protection Division

cc: Marvin Hunt, MLA, Surrey-Panorama



## Nicoll, Sara ENV:EX

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**From:** Minister, ENV ENV:EX  
**Sent:** Friday, January 23, 2015 4:51 PM  
**To:** Correspondence Unit ENV:EX  
**Subject:** FW: Posy Bylaw 280 Decision and Metro ISWMP Review  
**Attachments:** 20150116 - Minister Polak - bylaw 280 follow-up post-rejection - Final.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Diana

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**From:** Dan Baxter [<mailto:dbaxter@bcchamber.org>]  
**Sent:** Friday, January 16, 2015 2:46 PM  
**To:** Minister, ENV ENV:EX  
**Cc:** Hunt.MLA, Marvin LASS:EX  
**Subject:** Posy Bylaw 280 Decision and Metro ISWMP Review

Minister,

Please find attached and copied in the body below, a letter from John Winter, president and CEO of the BC Chamber, regarding your decision on Metro's proposed Bylaw 280 and other considerations in advance of Mr. Hunt presenting a review of Metro's ISWMP. Thank you.

Sincerely,

**Dan Baxter**  
**Manager, Policy Development, Government & Stakeholder Relations**

604.638.8116 | [dbaxter@bcchamber.org](mailto:dbaxter@bcchamber.org) | [www.bcchamber.org](http://www.bcchamber.org)



**BC Chamber of Commerce** / *The Voice of Business in BC*

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January 16, 2015

Hon. Mary Polak, MLA  
Minister of Environment  
PO BOX 9047 STN PROV GOVT  
Victoria, BC V8W 9E2  
Via [ENV.minister@gov.bc.ca](mailto:ENV.minister@gov.bc.ca)

Dear Minister,

On behalf of Chamber network in the Metro Vancouver region, we would like to thank you for the on-going, constructive dialogue surrounding waste disposal and diversion. In that regard, we would like to take this

opportunity to re-iterate the Chamber's support for the government regarding your decision not to approve proposed Bylaw 280.

As you know, there was much debate over the last year regarding Metro Vancouver's efforts to replace Bylaw 181/183 with proposed Bylaw 280.

At our Annual General Meeting last May, our membership considered proposed Bylaw 280 and the far reaching implications it would have for our members, and other businesses, if implemented. A policy resolution rejecting the proposed Bylaw passed unanimously.

As your October 17, 2014 letter reflects, and a point the Chamber has raised with you in previous communication, the effect of proposed Bylaw 280 would be to cede to Metro Vancouver a *de facto* monopoly over waste disposal and diversion in the region. The stakes are high for Metro; a number of its members are fixated on building an incinerator which needs price and feedstock protection. To that end, they even took what our network saw to be an extraordinary step of actively lobbying and soliciting support from other regional districts. For the Chamber, this lobbying effort by Metro Vancouver truly made this issue a provincial matter, and not just a regional one.

Either way, this responsibility creep would be an untenable situation for our members and businesses generally as it would eliminate private market choice and competition, and unnecessarily drive up costs. As well, the notion of using BC Hydro ratepayers to off-set Metro's high cost incinerator is completely flawed and one which we hope the Minister of Energy and Mines will not allow.

With this in mind, and in the spirit of offering solutions as the Province waits for Mr. Marvin Hunt's recommendations on changes to Metro's ISWRMP that will maximize the diversion of waste from disposal, we would offer the following:

### **Metro's Role**

The Chamber's understanding is that Metro Vancouver's main function is to provide regional services where, and only where, it is more cost effective than for municipalities to offer such services on their own. In that regard, we do see the potential need for Metro Vancouver's role in the disposal of residual waste (i.e., what remains after maximizing recycling and materials recovery from the waste stream) as laid out in the ISWRMP. However, the Chamber believes that that authority does not, and should not extend, to waste diversion other than to license facility operating standards and ensure that facilities are set-up to protect against any potential clean-up of abandoned recyclables.

In fact, the ISWMP states that the *diversion* of waste from disposal occurs through open and competitive private sector markets. Additionally, we understand that recycling, as defined under the *Environmental Management Act*, can occur at any point prior to disposal. In other words, there is no prescribed idea of only source separation, especially if this drives up costs and when the same outcome can be achieved in a more cost-effective manner through other available means.

### **Metro's assertion that higher tipping fees equate to higher recycling levels**

Metro Vancouver has often stated where there is incineration there are higher levels of recycling and that higher tipping fees on waste means more recycling. These statements are not accurate. They appear to be founded on a misinterpretation of what has happened in Europe, and on a municipal and regional government mindset that has not yet adjusted to the Province's new recycling regulation which has fundamentally changed the playing field.

Due to developable land limitations as well as a dependency on oil (distinguishable factors from the situation in British Columbia), many European countries effectively eliminated landfills for the ultimate disposal of

residual waste by placing a tax on residual waste delivered to a landfill. This increased recycling as well as the shift in ultimate residual waste disposal from landfills to incinerators. It is a misrepresentation to say that the existence of incinerators led to an increase in recycling. If anything, the over taxation on landfills led to a flood of incinerators that now compete with recycling.

As for the municipal and regional government thinking that recycling can only be maintained and increased if tipping fees are high, that is only true if the cost of recycling is pegged to the cost of disposal. To be fair, this is how the municipalities developed their initial blue box programs. However, at the request of municipalities and regional districts, the Province has put the responsibility and cost for recycling onto industry and in doing so have created a new market space with a revenue/cost structure that is independent of municipal and regional governments. Now that this has happened, municipalities are adjusting to the reality that recycling is no longer pegged to waste disposal. Rather, it is ultimately to operate under a model that will be free to the municipal taxpayer by transferring costs to the purchaser.

As far as the Chamber can tell, this shift was not accounted for in Metro's ISWRMP. Moreover, and given that the *Environmental Management Act* is not prescriptive in terms of where recycling can occur, as long as it happens before disposal, this fundamental shift creates opportunities for business – and taxpayers at large – to have choice and open market competition drive the best value in providing diversion services. This is important because while recycling will ultimately be free at the curb (or generating source), the inherent cost to businesses and residents (especially multi-family residents) to separate and to enforce separation at source may make options like mixed waste materials recovery a cost effective solution to achieve disposal bans and diversion targets.

### **Specific Actions**

Therefore, we suggest that you implement the following four (4) steps:

1. Separate the operational and licensing roles that Metro currently performs in relation to MSW and recycling facilities or as a minimum provide for third party appeal oversight of Metro decisions. The current dual role creates an inherent conflict that does not serve residents and businesses, especially if used to advance flow control in the region.
2. Establish province-wide diversion targets for the ICI sector and determine the best mechanism for achieving these targets through industry input. While this could result in the ICI sector operating outside of regional and municipal government authority as set out in solid waste management plans, the ICI sector (which is comprised mainly of small businesses) pays a significant portion of the solid waste bill and needs to have a greater stake in setting its course.
3. Ensure municipalities or regional districts are able to choose the best means of achieving higher diversion goals. That could be through more source separation or mechanical separation of recyclables from the MSW prior to residual waste being sent for disposal. Either way, this would create a mechanism, as well as an economy of scale, for municipalities and businesses to support and partner in diversion programs.
4. Re-focus Metro on its original mandate of providing the most cost effective and environmentally sound means of residual disposal, including the enforcement of disposal bans, working closely with the private sector to that end. This cost competitive construct along with existing bylaws are the mechanisms by which flow should be maintained within regional districts. We cannot and will not support a form of flow control that is designed to protect a lopsided market place created by either inefficiencies or mega projects.

This will require Metro to better assess the costs and risks associated with disposal of residual waste, including the evolving nature of what is ultimately in the residual waste stream. An example of this, as you point out in your October letter, is the new Multi Materials BC program that has taken over the responsibility for municipal recycling programs. This, and its expansion to multi-family and ICI, were not considered in Metro's ISWRMP;

nor were mixed waste materials recovery facilities. Both of these diversion/recycling mechanisms will have a profound effect on the volume and characteristics of residual waste ultimately requiring disposal.

We believe these suggestions would go far in correcting the untenable situation Metro Vancouver has created for many stakeholders by seeking to expand its mandate in ways not contemplated by the ISWRMP. In this regard, the Chamber believes the Province should revisit the broader issue around the authorities it has granted to Regional Districts through solid waste planning. The specific aim of this would be to determine whether these authorities are contributing to or preventing open markets and consumer choice; especially where open market solutions can more effectively achieve the diversion outcomes we all want to see. This may require the Province to set a new policy or regulatory direction similar to what has taken place recently with the Recycling Regulation.

We look forward to continue working with you and your Ministry in finding what the Chamber hopes are common sense solutions to our waste issues, which support private sector investment, innovation, job creation, and lower costs to the benefit of businesses and the taxpayers in the region and potentially across the province.

Sincerely,  
The British Columbia Chamber of Commerce

John Winter  
President and CEO

C.C. Mr. Marvin Hunt  
MLA for Surrey-Panorama  
Via: [marvin.hunt.mla@leg.bc.ca](mailto:marvin.hunt.mla@leg.bc.ca)

January 16, 2015

Hon. Mary Polak, MLA  
Minister of Environment  
PO BOX 9047 STN PROV GOVT  
Victoria, BC V8W 9E2  
Via [ENV.minister@gov.bc.ca](mailto:ENV.minister@gov.bc.ca)

Dear Minister,

On behalf of Chamber network in the Metro Vancouver region, we would like to thank you for the on-going, constructive dialogue surrounding waste disposal and diversion. In that regard, we would like to take this opportunity to re-iterate the Chamber's support for the government regarding your decision not to approve proposed Bylaw 280.

As you know, there was much debate over the last year regarding Metro Vancouver's efforts to replace Bylaw 181/183 with proposed Bylaw 280.

At our Annual General Meeting last May, our membership considered proposed Bylaw 280 and the far reaching implications it would have for our members, and other businesses, if implemented. A policy resolution rejecting the proposed Bylaw passed unanimously.

As your October 17, 2014 letter reflects, and a point the Chamber has raised with you in previous communication, the effect of proposed Bylaw 280 would be to cede to Metro Vancouver a *de facto* monopoly over waste disposal and diversion in the region. The stakes are high for Metro; a number of its members are fixated on building an incinerator which needs price and feedstock protection. To that end, they even took what our network saw to be an extraordinary step of actively lobbying and soliciting support from other regional districts. For the Chamber, this lobbying effort by Metro Vancouver truly made this issue a provincial matter, and not just a regional one.

Either way, this responsibility creep would be an untenable situation for our members and businesses generally as it would eliminate private market choice and competition, and unnecessarily drive up costs. As well, the notion of using BC Hydro ratepayers to off-set Metro's high cost incinerator is completely flawed and one which we hope the Minister of Energy and Mines will not allow.

With this in mind, and in the spirit of offering solutions as the Province waits for Mr. Marvin Hunt's recommendations on changes to Metro's ISWRMP that will maximize the diversion of waste from disposal, we would offer the following:

### **Metro's Role**

The Chamber's understanding is that Metro Vancouver's main function is to provide regional services where, and only where, it is more cost effective than for municipalities to offer such services on their own. In that regard, we do see the potential need for Metro Vancouver's role in the disposal of residual waste (i.e., what remains after maximizing recycling and materials recovery from the waste stream) as laid out in the ISWRMP. However, the Chamber believes that that authority does not, and should not extend, to waste diversion other than to license facility operating standards and ensure that facilities are set-up to protect against any potential clean-up of abandoned recyclables.

In fact, the ISWRMP states that the *diversion* of waste from disposal occurs through open and competitive private sector markets. Additionally, we understand that recycling, as defined under the *Environmental Management Act*, can occur at any point prior to disposal. In other words, there is no prescribed idea of only source separation, especially if this drives up costs and when the same outcome can be achieved in a more cost-effective manner through other available means.

### **Metro's assertion that higher tipping fees equate to higher recycling levels**

Metro Vancouver has often stated where there is incineration there are higher levels of recycling and that higher tipping fees on waste means more recycling. These statements are not accurate. They appear to be founded on a misinterpretation of what has happened in Europe, and on a municipal and regional government mindset that has not yet adjusted to the Province's new recycling regulation which has fundamentally changed the playing field.

Due to developable land limitations as well as a dependency on oil (distinguishable factors from the situation in British Columbia), many European countries effectively eliminated landfills for the ultimate disposal of residual waste by placing a tax on residual waste delivered to a landfill. This increased recycling as well as the shift in ultimate residual waste disposal from landfills to incinerators. It is a misrepresentation to say that the existence of incinerators led to an increase in recycling. If anything, the over taxation on landfills led to a flood of incinerators that now compete with recycling.

As for the municipal and regional government thinking that recycling can only be maintained and increased if tipping fees are high, that is only true if the cost of recycling is pegged to the cost of disposal. To be fair, this is how the municipalities developed their initial blue box programs. However, at the request of municipalities and regional districts, the Province has put the responsibility and cost for recycling onto industry and in doing so have created a new market space with a revenue/cost structure that is independent of municipal and regional governments. Now that this has happened, municipalities are adjusting to the reality that recycling is no longer pegged to waste disposal. Rather, it is ultimately to operate under a model that will be free to the municipal taxpayer by transferring costs to the purchaser.

As far as the Chamber can tell, this shift was not accounted for in Metro's ISWRMP. Moreover, and given that the *Environmental Management Act* is not prescriptive in terms of where recycling can occur, as long as it happens before disposal, this fundamental shift creates opportunities for business – and taxpayers at large – to have choice and open market competition drive the best value in providing diversion services. This is important because

while recycling will ultimately be free at the curb (or generating source), the inherent cost to businesses and residents (especially multi-family residents) to separate and to enforce separation at source may make options like mixed waste materials recovery a cost effective solution to achieve disposal bans and diversion targets.

### **Specific Actions**

Therefore, we suggest that you implement the following four (4) steps:

1. Separate the operational and licensing roles that Metro currently performs in relation to MSW and recycling facilities or as a minimum provide for third party appeal oversight of Metro decisions. The current dual role creates an inherent conflict that does not serve residents and businesses, especially if used to advance flow control in the region.
2. Establish province-wide diversion targets for the ICI sector and determine the best mechanism for achieving these targets through industry input. While this could result in the ICI sector operating outside of regional and municipal government authority as set out in solid waste management plans, the ICI sector (which is comprised mainly of small businesses) pays a significant portion of the solid waste bill and needs to have a greater stake in setting its course.
3. Ensure municipalities or regional districts are able to choose the best means of achieving higher diversion goals. That could be through more source separation or mechanical separation of recyclables from the MSW prior to residual waste being sent for disposal. Either way, this would create a mechanism, as well as an economy of scale, for municipalities and businesses to support and partner in diversion programs.
4. Re-focus Metro on its original mandate of providing the most cost effective and environmentally sound means of residual disposal, including the enforcement of disposal bans, working closely with the private sector to that end. This cost competitive construct along with existing bylaws are the mechanisms by which flow should be maintained within regional districts. We cannot and will not support a form of flow control that is designed to protect a lopsided market place created by either inefficiencies or mega projects.

This will require Metro to better assess the costs and risks associated with disposal of residual waste, including the evolving nature of what is ultimately in the residual waste stream. An example of this, as you point out in your October letter, is the new Multi Materials BC program that has taken over the responsibility for municipal recycling programs. This, and its expansion to multi-family and ICI, were not considered in Metro's ISWRMP; nor were mixed waste materials recovery facilities. Both of these diversion/recycling mechanisms will have a profound effect on the volume and characteristics of residual waste ultimately requiring disposal.

We believe these suggestions would go far in correcting the untenable situation Metro Vancouver has created for many stakeholders by seeking to expand its mandate in ways not contemplated by the ISWRMP. In this regard, the Chamber believes the Province should revisit the broader issue around the authorities it has granted to Regional Districts through solid waste planning. The specific aim of this would be to determine whether these authorities are contributing to or preventing open markets and consumer choice; especially

where open market solutions can more effectively achieve the diversion outcomes we all want to see. This may require the Province to set a new policy or regulatory direction similar to what has taken place recently with the Recycling Regulation.

We look forward to continue working with you and your Ministry in finding what the Chamber hopes are common sense solutions to our waste issues, which support private sector investment, innovation, job creation, and lower costs to the benefit of businesses and the taxpayers in the region and potentially across the province.

Sincerely,  
The British Columbia Chamber of Commerce



John Winter  
President and CEO

C.C. Mr. Marvin Hunt  
MLA for Surrey-Panorama  
Via: [marvin.hunt.mla@leg.bc.ca](mailto:marvin.hunt.mla@leg.bc.ca)



**From:** Visco, Greg ENV:EX on behalf of WWW ENVMail ENV:EX  
**Sent:** Thursday, February 12, 2015 9:30 AM  
**To:** 'millenniumexchange@gmail.com'  
**Cc:** Minister, MEM MEM:EX  
**Subject:** RE: Proposed Solutions to Site C Peace River Dam & Municipal Wastes & Landfills

Reference: 211575

*February 12, 2015*

Jacqueline Young, C.G.A.  
Director  
Millennium Financial Exchange Corp.  
Email: [millenniumexchange@gmail.com](mailto:millenniumexchange@gmail.com)

Dear Ms. Young:

Thank you for your email of October 28, 2014, addressed to the Honourable Mary Polak, Minister of Environment, regarding the Site C Peace River Dam project and waste management in British Columbia. Minister Polak has asked that I respond on her behalf and I apologize for the delay in doing so.

As noted in your email, you have previously written to the Honourable Bill Bennett, Minister of Energy and Mines, regarding Site C. I have shared a copy of your latest enquiry with Minister Bennett for his review and consideration.

I would like to take the opportunity to update you on Metro Vancouver's Municipal Solid Waste and Recyclable Material Regulatory Bylaw No. 280.

As you may know, Minister Polak, as the statutory decision-maker, decided not to approve the bylaw. A number of significant public-interest concerns factored into the decision, including:

- The potential for Bylaw 280 to create a monopoly on waste management;
- The potential for increased illegal dumping;
- The possible negative effects on the new packaging and printed paper recycling program; and
- The destabilizing effect it may have on private-sector collection and hauling.

Despite this, the Ministry of Environment commends Metro Vancouver for their continued efforts toward protecting the environment and achieving the laudable waste-diversion goals set out in their Solid Waste Management Plan.

In support of these efforts, the Province will review Metro Vancouver's Solid Waste Management Plan to determine the most-effective way to achieve waste diversion in the region. Mr. Marvin Hunt, MLA for Surrey-Panorama, will conduct a review focusing on the multi-family and industrial-commercial-institutional waste streams and will report back with findings and provide advice. The goal of the review will be to make recommendations on what, if any, changes are required to the current system to maximize the diversion of waste from disposal. Mr. Hunt has served in many roles, including the Chair of Metro Vancouver's Waste Management Committee, and brings a wealth of knowledge related to municipal waste management.

Thank you again for taking the time to write.

Sincerely,

Lori Halls  
Assistant Deputy Minister  
Environmental Protection Division

cc: Honourable Bill Bennett, Minister of Energy and Mines

---

**From:** Jacqueline Young [<mailto:millenniumexchange@gmail.com>]  
**Sent:** Tuesday, October 28, 2014 12:37 AM  
**To:** Minister, ENV ENV:EX  
**Subject:** Proposed Solutions to Site C Peace River Dam & Municipal Wastes & Landfills

Honourable Mary Polak  
Minister of Environment  
British Columbia  
PO BOX 9047  
STN PROV GOVT  
VICTORIA, BC  
V8W 9E2  
Telephone: 250 387-1187  
Fax: 250 387-1356

Honourable Minister,

We would like to bring to your attention that we have offered a solution to replace the Site C Peace River Dam project with a revolutionary technology that will save the taxpayers CDN 6.7 billion, save our Peace River and the environment, to produce the required 1,100 MW energy required, in 18 months instead of 8 years.

We wrote to the Minister of Energy and Mines, Hon. Bill Bennett on August 6th, but we have not receive any response from his office. (Please see copy letter below).

We also read from Tri-City News dated October 24th, 2014 : Province rejects metro garbage export ban" - <http://www.abbynews.com/news/278836191.html>

about the following issues :

1) that our garbage are being trucked out of British Columbia to United States landfills by haulers in order to save cost of trucking them to Metro Vancouver which charges a higher fee, ( CND \$ 106 per tonne !). About 100,000 tonnes of garbbage are estimated to be trucked to United States per year.

2) Metro Vancouver plans to build an incinerator estimated to cost CDN 517 million, a waste to energy plant, to burn our wastes, instead of trucking them to Cache Creek landfills.

The incinerator will still produce carbon dioxide emissions (CO<sub>2</sub>) and that has extreme negative effect to the climate change.

This project will cost tax payers CND \$ 517 million !

We have technologies that can process any wastes to energy without any CO<sub>2</sub> emissions, and at minimal cost to the tax payers or the British Columbia government. We shall bring our own investment to set up these projects to process the British Columbia wastes, the results are zero wastes, renewable energy to be sold to BC Hydro, the revenue from energy sales will pay for the return to our investment.

#### A) Metro Vancouver Wastes

We have met with and proposed to Metro Vancouver Solid Wastes Dept General Manager, Mr. Paul Henderson, about our solution to save Metro Vancouver wastes from going to landfills, with our own investment, but it fell on deaf ears.

#### B) Cache Creek landfills

We recently proposed to Cache Creek Municipal Council the same solutions, not only fresh deliveries of municipal solid wastes (MSW) can be processed without incineration, the 9 million tonnes of wastes already buried can be excavated to generate precious energy. We use our technology of plasma gasification, to process any wastes into zero wastes, and the by-products are renewable energy (electricity, clean gas ) and clean water !

Cache Creek Municipal Council (CCMC) is more receptive, and after a number of correspondence and phone calls, we have been invited to meet with its Mayor this coming Wednesday October 29th to discuss about our proposed solutions and investment.

Per the Ministry of Environment's Information Bulletin dated Jan 6, 2010, the Ministry has granted the environmental assessment certificate for the proposed Cache Creek Landfill Extension Project, which is costing \$ 100 million and involves 42 hectare extension of the existing Cache Creek Landfill, which has operated since 1989, providing an additional 12.6 million tonnes of disposal capacity. This project is expected to have a lifespan of 17-25 years !

We have the technologies, and offering the investment to provide these solutions to save all these costs, and destruction of our environment !

#### 5) BC Hydro

We have had a couple of meetings with the General Manager of BC Hydro's economic & resources dept., as well as its Chief Technical Officer, Mr. Alex Tu who are all very impressed and supportive to our technology, and proposed solutions. They have referred to us to Cache Creek Municipal Council to propose our solutions to their multiple problems from their landfills.

We attach herewith information about our technologies, and we would like to request to have a meeting with the Honourable Minister to discuss our proposed solutions to all the issues mentioned above.

We are able to eliminate the need for landfills all together, reduce tipping fees paid by haulers, and we can share the revenue generated from our proposed projects with the municipal councils so that they will not be short-changed for losing out on their tipping fees.

Our proposed projects will generate revenue out of sales from energy to BC Hydro, sales of clean gas , and sales of clean water.

Our technology partner is EAWC Technologies, Head Quartered in Switzerland, with offices in Miami, Florida, Mexico City and Cancun. ([www.eawctechnologies.com](http://www.eawctechnologies.com))

They are currently setting up multiple wastes to energy projects in 5 provinces in Mexico, and is still growing. The biggest being a 200 MW wastes to energy project which is a joint-venture with the Mexico City Municipal Council.

I attach a number of EAWC Technologies brochures for your reference.

I look forward to hearing from you.

Yours sincerely,

***Jacqueline Young, C.G.A.***

Director

Millennium Financial Exchange Corp.

Vancouver, British Columbia

Canada

[www.millenniumfinance.wordpress.com](http://www.millenniumfinance.wordpress.com)

[www.millenniumfinancialexchange.com](http://www.millenniumfinancialexchange.com)

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----- Forwarded message -----

From: **Jacqueline Young** <[millenniumexchange@gmail.com](mailto:millenniumexchange@gmail.com)>

Date: Wed, Aug 6, 2014 at 8:45 PM

Subject: Site C Peace River Dam can be replaced by renewable energy solution for CDN 1.2 billion

To: [MEM.Minister@gov.bc.ca](mailto:MEM.Minister@gov.bc.ca)

Cc: Ralph Hofmeier <[hofmeierr@eawctechnologies.com](mailto:hofmeierr@eawctechnologies.com)>

Honorable Bill Bennett  
Minister of Energy and Mines  
British Columbia  
Canada

Dear Honorable Minister,

We have been following with great interest the Site C Peace River Dam project for yeears.

I write to inform you in case you are not already aware, there are new revolutionary renewable energy technologies available that will eliminate the need to build dams completely, saving billions of dollars, time and environment.

We would like to share with you the patented technologies of EAWC Technologies of Switzerland, that will be able to generate the same amount of 1,100 MW/hr of energy as proposed by BC Hydro's Site C Peace River Dam for CDN 1.2 billion instead of CND 7.9 billion, and the whole project can be completed within 18 months from signing of order to commissioning of operation ( instead of 8 years to build the proposed Dam)

## **Introduction about us**

### **Financing Wastes to Energy Solutions**

Millennium Financial Exchange Corp. provides capital fund raising services, and we focus on renewable energy, wastes to energy and water generation projects, Millennium partners with worldclass technology partners in providing these revolutionary technologies in renewable energy, and wastes to energy projects.

Millennium Financial Exchange Corp. is based in Vancouver, British Columbia, Canada. We partner with international renewable energy, wastes to green energy technology provider, EAWC Technology of Switzerland and USA to provide full package funding and technology solutions for renewable energy, wastes management (any type of wastes, hazardous or non-hazardous).

EAWC Technology provide solutions in renewable energy, wastes to energy (ie. all wastes will be processed into energy), landfills no longer will be necessary, zero carbon dioxide emission, and odourless.

EAWC Technology is an approved supplier to United Nations, their technologies are patented, and currently have signed US\$ 200m (1000 tons per day Municipal wastes to energy power plant projects) in Pakistan; US\$ 250m wastes to energy power plant projects in Mexico, 3x200MW wastes to energy power plants in Africa are in the pipeline.

I am currently traveling outside Canada and will be back in Vancouver on 18th August.

We can offer our finance and renewable energy solutions to BC Hydro to generate the necessary energy required (1,100 MW per hr. as proposed by Site C Peace River Dam) without having to build any more dams.

Not only EAWC Technology will save our environment, it will save tax payers CDN 6.7 billion and time. EAWC Technology systems can be built, completed, and commissioned within 18 months as opposed to take years to build a dam.

EAWC Technologies can make use of water, wastes or even oil sand as input materials to generate the energy.

We can work with local City Councils to eliminate the wastes problems and process these wastes into enormous green energy at less cost, and shorter time than you can ever imagined.

With EAWC Technology solutions, not only there will be zero wastes, but wastes from existing landfill can be excavated to be processed into the much needed electricity.

Kindly review the EAWC brochure attached.

The systems come in scalable container sized units pre-fabricated in Europe, shipped out on trucks and trailers, mobile and can be delivered anywhere as required. Maintenance costs are minimal and systems can be assembled, shipped, and commissioned to operate within less than 12 months. In the case of Site C Project of 1,100 MW, it will be approximately 18 months.

A video conference can also be arranged with the CEO of EAWC in attendance.

I look forward to hearing from you.

Below are the links to EAWC You-Tube video presentations.

### **EAWC – Plasma Gastification**

<https://www.youtube.com/watch?v=pTLyK0B1tjY>

<http://eawctechnologies.com/index.php/en/water/water-puri...>

### **Water Purification**

<https://www.youtube.com/watch?v=Rke9AsUAgUo>

### **Aqua-Mission**

[https://www.youtube.com/watch?v=6YHJudO\\_I0M](https://www.youtube.com/watch?v=6YHJudO_I0M)

### **EAWC Technologies brochure :**



EAWC\_Brochures Waste\_Management2013.pdf



Waste2energy.pdf

Yours sincerely,

***Jacqueline Young, C.G.A.***

Director

Millennium Financial Exchange Corp.

Vancouver, British Columbia

Canada

[www.millenniumfinance.wordpress.com](http://www.millenniumfinance.wordpress.com)

[www.millenniumfinancialexchange.com](http://www.millenniumfinancialexchange.com)

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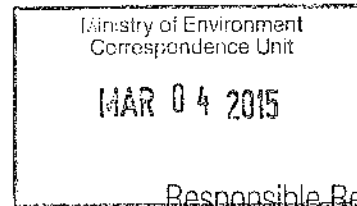
Linkedin Profile : <http://ca.linkedin.com/pub/jacqueline-young-c-g-a/15/414/b04/>

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**NorthWest  
WASTE SOLUTIONS**

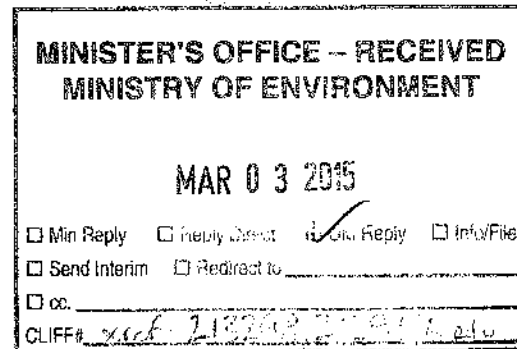


Responsible Resource Recovery.

February 27, 2015

The Honourable Mary Polak  
Minister of Environment  
Province of British Columbia  
PO Box 9047  
Stn Prov Govt  
Room 247, Parliament Buildings  
Victoria BC V8W 9E2

Dear Minister Polak:



### **Metro Vancouver: Waste and Recycling Industry Regulator and Competitor**

I write to draw your attention to serious issues concerning the ongoing conduct of Metro Vancouver.

#### **Introduction**

As you know, our industry is responsible for more than 3,000 green jobs in British Columbia. We invest tens of millions of dollars within the Province each year to increase recycling rates and ardently believe that disposal of any residual waste should occur responsibly, but at the lowest cost practicable.

Unfortunately, but all too predictably, Metro's response to your rejection of Bylaw 280 was to lash out at the integrated waste and recycling businesses that opposed their attempts to monopolize disposal. This is what happens when government regulates an industry with which it directly competes.

Metro doesn't compete fairly, because they don't have to. They can enact laws to prefer themselves, their member municipalities and their allies over other private entities that do not have similar powers or viewpoint. In this regulatory *Wonderland* there are no fair rules. Metro can more or less do what they want, when they want. There is no proper recourse for us. Sound principles are contorted. Political agendas and bureaucratic expediency are substituted for policy. Uncertainty prevails. Private investment runs away. Costs rage out of control. Legislatively, you are the only potential governor on this runaway car.

A couple of years ago, Metro encouraged a small group of recycling entities to form the "Recycle First Coalition" and vociferously advocate for Metro's Flow Control agenda. They together opposed Mixed Waste Material Recovery Facilities (MRFs) that both saw as dangerous new competitors to their status quo.



19010 68th Avenue  
Surrey, British Columbia  
Canada V3V 6X3

Administrative: 604-533-1000  
After hours: 604-536-1937

[www.nwws.ca](http://www.nwws.ca)

This was a convenient accord as the Recycle First Coalition members needed Metro to provide them with protection against new, modern technology and Metro needed sympathetic allies in their rapacious drive for a waste monopoly. As proof of their tight relationship, all one need do is *Google*® “Recycle First Coalition” and “Metro Vancouver” to see the litany of times Metro officials have invoked their allies’ name in support of their agenda. Of course your Ministry and numerous municipal and regional governments around the Province have personally heard their chorus.

It should go without saying that an alliance between the government regulator and one small section of the broader constituency it regulates, lined up against everyone else, should quite properly fail but here, out of seeming necessity, it remains strongly intact.

Since the defeat of Bylaw 280, Metro has shifted to a new two-pronged strategy:

1. Using its member municipalities, Metro has initiated plans for local government to even more directly compete with the private sector for control of the waste stream, via both the expansion of municipal collection efforts and franchising of now privately owned waste and recycling services. Why? To assure that waste flows to Metro’s Regional Facilities; and
2. In conjunction with the introduction of their new split fee tipping bylaw and organics ban, Metro is actively undermining integrated waste and recycling companies such as mine and promoting the services of the Recycle First Coalition members directly to our existing customers and in competition to us, all the while trying to demean our businesses in the press.

There is no other way to characterize this. It is unfair and improper conduct by a regulatory body. Metro’s policies and practices are rapidly leading them to a very dangerous place. Throughout the Flow Control debate they preached the need for a “level playing field”. Now that it suits them to do otherwise, they are openly playing favourites.

Metro can only do this because they have been allowed to be both regulator and industry participant. When there was an abundance of garbage, it didn’t matter as much. Metro built this massive *Jurassic* waste infrastructure but modern practices and, yes, even their own policies, have led to such dramatic reductions in volumes that the Metro system of Regional Facilities now stands on a precipice.

This predicament is magnified by the way Metro has established and controls recycling and waste disposal in the region. As described below, their system is based upon patently unsound logic focused more on sustaining their waste revenues than enhancing recycling as their ISWRMP mandates.

I appreciate that MLA Marvin Hunt is, at your direction, conducting a review of Metro's Integrated Solid Waste Resource Management Plan (ISWRMP) and accordingly I copy him on this letter. For the record, Northwest exclusively utilizes Metro's Regional Facilities for waste generated within this region, so I make my points without a silent agenda.

## Background

Metro Vancouver's 2010 ISWRMP is quite simple in concept. It says that Metro establishes the policies and private industry delivers the results.

The ISWRMP clearly states that the imposition of Flow Control (which by definition includes split fee bylaws, franchising and licencing of waste collection) is premised on this principle:

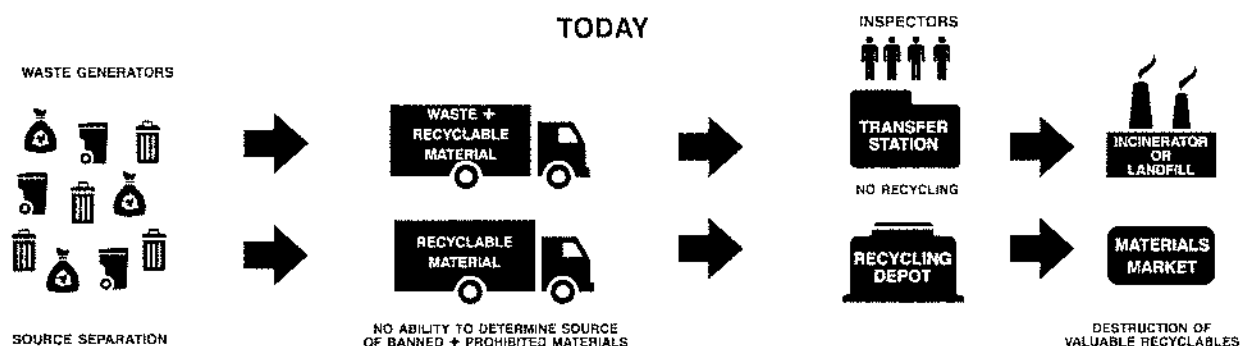
*"To ensure the sustainability principles embodied within this Plan are fulfilled, Metro Vancouver will retain management and control of regional disposal facilities. By retaining management control, all waste reduction and diversion goals can be applied uniformly at all regional disposal facilities..."*

Their premise is that **control of waste flow** is required to **drive recycling goals**. That concept is fundamentally flawed and exists only because Metro chooses to enforce recycling in the most ridiculous of places: the ultimate waste disposal site.

Put a different way, Metro has taken a provision that they misguidedly – and without consultation – inserted in their ISWRMP, dressed it up as necessary to facilitate recycling and ultimately contorted it to prop up their bloated and failing waste disposal infrastructure and bureaucracy.

## The Metro System

The following schematic illustrates the Metro system as it exists today:



All waste disposed of in the Region is taken to a Metro "Regional Facility" (a waste transfer station, landfill or incinerator). Metro inspectors at those Regional Facilities randomly inspect loads and impose fines on whoever brought the material there if banned or prohibited substances are found.

Metro's chosen method of randomly inspecting loads at transfer stations is an arbitrary, capricious and mostly ineffective system that does nothing to positively influence the behaviour they say they want. You see, when our trucks pick up waste from a generator it is already in a closed container that is then dumped over the cab of the truck. The operator cannot see what is in the container and even if he were to visually inspect it he could not identify what was at the bottom of the bin. That truck then tips the contents of 50 or more other bins before heading to the Metro Regional Facility. When the truck dumps at the Regional Facility and a banned or prohibited material is discovered, we have virtually no way of tracing it back to the generator who (usually through no fault or intention of his or her own) caused the problem in the first place.

A perfect example of this is what recently happened to Northwest. Last year alone, my company's waste volumes actually dropped because of increases in recycling rates. We placed hundreds of new recycling containers with generators yet our fines from Metro increased a whopping 50%. How could that be? We did what we were asked and were penalized for doing so. All that changed was that Metro decided it wanted to raise the fines (its revenues). The levels of recyclable materials in our loads decreased and there was no change in what Metro banned or prohibited so there is obviously also no correlation whatsoever between the fines and the behaviour they are intended to influence.

This issue is compounded by Metro's outright refusal to licence our Mixed-Waste MRF in Vancouver. If they had allowed our MRF to open three years ago, our recovery rates would have skyrocketed and our fines would have reduced to ZERO. But I digress.

Backed by their Recycle First Coalition, Metro undermined MRFs, took the position that "Bylaw 280 is their policy" (even though it never became law), refused to licence them and threw their full support behind *source-separation as the region's fundamental method of recycling*. Although I disagree with that approach (because it dooms recycling to practices of the 1980's and, perhaps not surprisingly, guarantees perpetually higher waste levels), I accept it as Metro's prerogative. But it raises this question: if Metro forces recycling to occur at the source of generation why would they only enforce compliance at their remote "Regional Facilities", rather than at the logical place: the source? Isn't there something fundamentally wrong with that concept?

### **Metro's Principal Argument for Flow Control**

Based upon that flawed system and approach, Metro then argued that they needed Flow Control – as the ISWRMP legally requires them to – "To ensure the sustainability principles embodied within this Plan are fulfilled...". Put another way, Metro said: "All waste must flow to our Regional Facilities so that our inspectors there can assure that recyclable materials are not being wrongly disposed of."

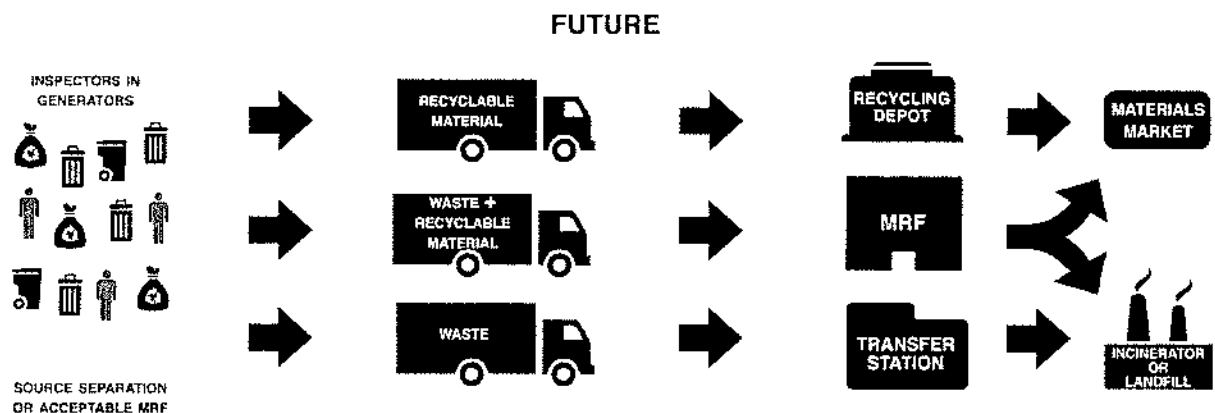
They argue that exported waste is somehow more heavily laden with recyclables because it is diverted from the prying eyes of their inspectors. That was a clear and continuing theme at their recent February 6, 2015 Zero Waste Committee meeting and February 13, 2015 Board meeting which led to the enactment of the new split fee tipping bylaw.

Having said that, it's common knowledge that once recyclable materials are identified at a Metro Regional Facility, the inspector levies the fine against the hauler and the recyclables he or she have just identified are unceremoniously pushed into the pit to be landfilled or incinerated. Metro has no capability –or seeming desire – to recycle them.

In sum, Metro says: "If our Regional Facility-bound inspectors can't see the waste, we can't enforce recycling." However, their own actions speak volumes about what they really think of recycling. They just want the tipping fee revenue and burn or landfill everything they receive.

### There is a Better Way

The solution to this dilemma is a remarkably cheap and simple one: if source separation is to be the region's principal method of recycling, then take the Metro inspectors out of the Regional Facilities and have them enforce compliance directly with the generators who are supposed to be responsible for the recycling activity in the first place.



This basic and easy change completely undermines Metro's argument for Flow Control and continuing with their now antiquated, extremely expensive and uncompetitive disposal system. Under this scenario, enforcement occurs **BEFORE** the waste is irrecoverably lost to disposal and where behaviour can actually be modified. Recyclable materials are diverted from the waste stream at the beginning of the process, which is what Metro and their Recycle First Coalition say they want. This works even if MRFs are never made part of the recycling equation (which would be unfortunate).

Also, please consider this: if recycling was enforced at source, it would not matter where the waste was ultimately disposed. It would all look the same.

### ...and We Wouldn't Even Be the First

#### California

On October 5, 2011, California signed into law amendments to their *Public Resources Code* relating to solid waste to allow the State to reach a 75% recycling goal by 2020. Section 42649.2 and .3 are the pertinent provision. They are self-explanatory and state:

*"42649.2 (a) On and after July 1, 2012, a business that generates more than four cubic yards of commercial solid waste per week or is a multifamily residential dwelling of five units or more shall arrange for recycling services, consistent with state or local laws or requirements....*

*(b) A commercial waste generator shall take at least one of the following actions:*

- (1) Source separate recyclable materials from solid waste and subscribe to a basic level of recycling service that includes collection, self-hauling, or other arrangements for the pickup of recyclable materials.*
- (2) Subscribe to a recycling service that may include mixed waste processing that yields diversion results comparable to source separation...*

Section 42649.3 then describes how the program may be implemented and how it is to be monitored and enforced. A link to the full legislation is: <http://www.la-quinta.org/home/showdocument?id=16162>.

In essence, California now places the emphasis for enforcement on the waste generator, not the hauler who has no practical way of identifying the problematic generator and did not create the problem.

### **Seattle**

In 2006 Seattle imposed a mandatory recycling law. It is summarized in the following March 14, 2006 article from the *Seattle PI*:

#### ***Mandatory recycling program working well***

*By JENNIFER LANGSTON, P-I REPORTER*

***Published 9:00 pm, Tuesday, March 14, 2006***

*"Two months after Seattle began enforcing its mandatory recycling ordinance, garbage haulers and city inspectors have found few violations of a law that some feared would be difficult to enforce and follow.*

*We talked with Brett Stav, a senior planning and development specialist at Seattle Public Utilities, to find out how the program is going.*

#### ***What does the mandatory recycling ordinance require?***

*"Starting Jan. 1, recyclables are basically prohibited from Seattle's household, apartment and business garbage. For businesses, that means paper, cardboard and yard waste is prohibited from the garbage.*

*"For households and apartments, all basic recyclables -- paper cardboard, aluminum, glass, plastic -- are prohibited. For businesses, if we find more than 10 percent of the garbage container is filled with things like paper or cardboard, we'll leave a tag. On the third tag we'll leave a \$50 fine. On apartments, it works the same way.*

*"For households, we don't fine anyone. Just automatically if we find too many recyclables in your garbage, we'll leave a tag and ask you to sort it out and then we'll collect the garbage can the next week."*

After some teething problems, Seattle expanded its “enforcement at source” program to include organics in January of this year.

### ***City of Vancouver***

In October of 2014 City of Vancouver passed by-law no. 11092 to support and enforce the diversion of organics from the waste stream. That bylaw requires every residential and non-residential property in the City to have a “food waste diversion plan for food waste produced on the property” to divert it from disposal at a landfill or incinerator site.

As I understand it, beginning this summer, the City will employ inspectors to visit waste generators and fine those not in compliance.

Jurisdictions other than Metro do not limit their enforcement of recycling legislation to the disposal point where it is completely ineffective. They instead direct it to where the primary recycling activity is supposed to occur: the site of the waste generator.

### **How Could this Work for Metro**

Metro simply needs to disconnect their recycling mandate from their completely unrelated waste disposal business. To start, they should:

- (1) Bring to you for approval a bylaw similar to those set out above that mandates compliance with recycling laws by the generator; and
- (2) Forthwith thereafter direct their inspectors out of the Regional Facilities and onto the streets.

They will there find that the “80/20 Rule” applies to waste generation as well as most other things in business: 80% of waste is created by 20% of the generators. So, any argument that this task is too daunting is not a valid one. Start with the big ones and work to the small.

Metro presently employs approximately 10 inspectors at its Regional Facilities. That number may have to initially be increased to effectively enforce the programs at source, but I suspect that 20 would be more than adequate to begin with and that number could be reduced over time as a data base was created and a record of compliance established.

I am not advocating that Metro’s regulatory enforcement arm be changed or disbanded, I’m just referring to the contract inspectors that patrol Regional Facilities.

Metro can easily finance this by a levy of a few dollars per tonne on waste AND the materials processed through local recycling facilities which will be the beneficiaries of the increased diversion. Additionally, the fines that they impose (almost \$500,000 per year now) would be directly allocated to cover enforcement costs. The biggest difference is that the financial penalties would now be levied directly against those creating the issue, not the haulers who simply have to absorb the added cost and cannot force the desired change.

### **Metro Needs to Focus on the Goals of its ISWRMP**

As I have said before, Metro cannot at the same time be our regulator and our competitor. They need to stop pushing more uncompetitive government control on waste collection. Richmond's organics collection bylaw is the latest, where Mayor Brodie's staff is trying out a franchise system without even public tender. At the most recent Metro Zero Waste Committee meeting, Coquitlam Mayor Richard Stewart angrily called for regional municipalities to initiate local waste collection franchising to stop the export of material outside of Metro's system. Surrey has banded about the monopolization of organics collection to feed their proposed organics digester.

Is it just me, or is it something more than a coincidence that no member of the Recycle First Coalition is engaged in organics collection? That is something left to companies like Northwest, Progressive, Waste Management and Maple Leaf...the out-of-favour competitors.

Instead of fighting to save an antiquated and high-fixed cost disposal system strangled by perpetually declining volumes, Metro needs to change its course to meet the future. To do that it needs to first appreciate that even without waste export, recycling is dramatically driving down waste volumes to the point that Metro's system is no longer sustainable. By Metro's own admission they will lose millions of dollars each year for the foreseeable future and I believe their estimates are unreasonably conservative. What might have worked a decade ago, doesn't today. That's a constant reality business people face. If Metro is to engage in a competitive business they need to face that reality too. As they will not and cannot they must exit the business and focus on setting fair and reasonable goals for industry to reach and assist us to get there.

Given this clear reality, Metro's continued pursuit of an incinerator makes me question their lucidity.

### **Conclusion**

Disconnecting recycling enforcement from Metro's regional disposal facilities and instead focusing it on the source:

- Actually places the enforcement effort where it will have a direct impact on recycling rates;
- Necessarily divorces unrelated disposal of waste from recycling;
- Eliminates Metro's fallacious argument that it needs to control waste disposal to influence recycling rates and achieve the goals of the ISWRMP;
- Forces Metro's high fixed cost, inefficient disposal system to stand on its own in a competitive environment for the betterment of the region's taxpayers; and
- Will increase recycling rates even further.



If Metro does not initiate these steps voluntarily – and I suspect it highly unlikely they will – I would urge your Provincial Government to take whatever steps it needs to legislatively enforce this policy across the Province. It is simply good business and good government.

Finally, Metro's recent behaviour makes one thing abundantly clear: they can no longer be allowed to both regulate and compete within the same industry. They will always favour themselves and their allies to the prejudice of others and act contrary to the public interest. They find themselves in an irreconcilable conflict that needs to end now. You are likely the only one who can effect that positive change and I respectfully request you to act.

Respectfully submitted,

NORTHWEST WASTE SOLUTIONS INC.

Per:

A handwritten signature in black ink, appearing to read 'Ralph D. McRae', written over a horizontal line.

Ralph D. McRae  
Chairman & CEO

cc: MLA Marvin Hunt



Reference: 272243

April 27, 2015

John Winter  
President and CEO  
BC Chamber of Commerce  
1201 – 750 West Pender Street  
Vancouver BC V6C 2T8

Dear Mr. Winter:

Thank you for your letters of January 16 and April 8, 2015, regarding Metro Vancouver's Municipal Solid Waste and Recyclable Material Regulatory Bylaw No. 280. I apologize for the delay in responding.

I appreciate receiving the Chamber's detailed and thoughtful comments on Bylaw 280 as well as the suggested actions presented in your letter. Metro Vancouver's operational and licensing role, provincial diversion targets for the ICI sector, options for source separation of recyclables and Metro Vancouver's waste management responsibilities continue to be topics of discussion.

As you know, my colleague Mr. Marvin Hunt, MLA for Surrey-Panorama, is conducting a review focusing on the multi-family and industrial-commercial-institutional waste streams. Mr. Hunt's review will identify what, if any, changes are required to the current system to maximize the diversion of waste from disposal. Thank you for taking the time to share your comments with Mr. Hunt as well.

Thank you again for your interest in this matter.

Sincerely,

Mary Polak  
Minister

cc: Marvin Hunt, MLA, Surrey-Panorama

**MINISTRY OF ENVIRONMENT  
MEETING INFORMATION NOTE**

May 13, 2015  
CLIFF/tracking #: 283674

**PREPARED FOR:** Minister Mary Polak

**DATE AND TIME OF MEETING:** May 27, 2015 at 4 pm

**ATTENDEES:** Greg Moore, Malcolm Brodie, Carol Mason, Lori Halls

**ISSUE(S):** Metro Vancouver Regional District (MV) to provide an update on four issues described below. A fifth issue is also described as it may also come up in the meeting.

**DISCUSSION:**

**1) National Zero Waste Council (NZWC)**

The NZWC aims to prevent and reduce waste by influencing behaviour and improving product design and packaging. The initiative is spearheaded by MV, but brings together governments, businesses, and non-government organizations at the national level.

During this meeting, MV intends to provide a status update regarding the NZWC, including Council membership and collaboration with the Canadian Council of Ministers of the Environment. The Ministry supports the Council by participating as a board member and through collaborative work on food waste and the circular economy working groups. In fiscal year 2014/15, the Ministry provided financial support for the Council's research into case studies on the circular economy. s.13

s.13

**2) Waste to Energy (WTE) Procurement Process**

MV's approved solid waste management plan (2010) states that the regional district will require additional disposal capacity of 370,000 tonnes once the Cache Creek Landfill reaches capacity in 2016 s.13

s.13

### **3) Tipping Fee Bylaw (Bylaw 288/89)**

Following the announcement that waste flow Bylaw 280 was not approved, MV developed Bylaw 288/889 as an alternative to decrease the volume of solid waste leaving the region. The MV board passed the new Tipping Fee Bylaw which became effective April 6, 2015 at all MV facilities (i.e. transfer stations and Vancouver Landfill). Bylaw 288/89 enables a reduced tipping fee for large loads and targets haulers who had been transporting solid waste from the commercial, institutional and multi-family sectors to cheaper alternatives in Washington State. Fees decreased from \$109 to \$80 per tonne for large loads (i.e. greater than 9 tonnes). The fees increased from \$109 to \$130 per tonne for loads less than 1 tonne. The fees remained the same at \$109 per tonne for loads between 1 to 9 tonnes. There is an additional \$5/load transaction fee.

Bylaw 288/89 was made under the authority of the Greater Vancouver Sewerage and Drainage District Act (GVSDDA) and did not require Minister approval; however, Rabanco/Republic Services (waste hauler) and McCarthy Tetrault (law firm) have asserted that MV's Bylaw 288/289 is a violation under Canada's international trade obligations and have raised this with the Minister of International Trade (MIT). s.13,s.14

s.13,s.14

### **4) MLA Marvin Hunt's review of waste diversion efforts**

As part of the Minister of Environment's decision on Metro Vancouver's proposed bylaw 280 in October 2014, MLA Hunt was asked to do a review on diversion efforts and make recommendations on what, if any, changes are required to the current system to maximize the diversion of waste from disposal. Hunt's final recommendation includes six guiding principles for the future of solid waste in B.C:

1. Promote the 3 R's (Reduce, Reuse and Recycle)
2. Maximize beneficial use of waste materials and manage residuals appropriately
3. Separate organics and recyclables out of garbage wherever practical
4. Establish and enforce disposal bans
5. Level playing field within regions for both private and public companies

## 6. Manage tipping fees

On May 21th, 2015, The Ministry of Environment announced that it will be updating The Guideline for the Preparation of Regional District Solid Waste Management Plans (guideline) to remove red tape for local governments and make the planning and approval process more efficient (see Appendix A for more information).

s.13

## **5) Catalyst Wood Waste Proposal**

s.13

**Attachments: Appendix A Guideline Update Background**

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<b>Reviewed by</b>	<b>Initials</b>	<b>Date</b>
DM	--	--
DMO	BC	22/5/15
ADM	LH	22/5/15
Dir./Mgr.		
Author		

## Appendix A: Guideline Update Background

- As part of Core Review, MoE will be updating the Guideline for the Development of Regional Solid Waste Management Plans (guideline) – this is not a legislative change.
- The intent is to remove red tape for local government and reduce regional staff time required to oversee the planning and approval process. Local government wants an updated guideline that streamlines the planning process and provides updated information.
- The ministry plans on releasing an intentions paper later this summer outlining proposed changes which the public, local government and stakeholders will be able to comment on. Ministry staff will also consult separately with local governments and stakeholders.

s.13

- There are 5 main objectives proposed in updating the guideline
  1. Enable and empower local government by providing a more results-based focus.
  2. Provide increased clarity regarding ministry requirements.
  3. Meet the principles of Core Review by streamlining the planning process and increasing efficiency.
  4. Provide flexibility in the planning process.
  5. Maintain protection of public interest.
- Proposed changes also stem from MLA Marvin Hunt's review of solid waste diversion in B.C. MLA Hunt was asked to do this review as part of the decision to not approve Metro Vancouver's proposed bylaw 280 in October 2014.
- The updates are intended to improve the solid waste management process and policy issues such as waste-to-energy, flow control, and industry product stewardship are out-of-scope.
- MLA Hunt has recommended 6 principles for the future of solid waste in B.C. The waste management planning guideline also contains environmental guiding principles which have not been updated since 1994.
- The 6 principles recommended by Hunt are:
  1. Promote the 3 R's (Reduce, Reuse and Recycle)
  2. Maximize beneficial use of waste materials and manage residuals appropriately
  3. Separate organics and recyclables out of garbage wherever practical
  4. Establish and enforce disposal bans
  5. Level playing field within regions for both private and public companies
  6. Manage tipping fees
- This work would also support the Ministry's service plan targets for municipal solid waste disposal. MoE has set two goals by 2020.
  1. Lower the municipal solid waste disposal rate from 587 kilograms to less than 350 kilograms per person; and
  2. Have 75 % of B.C.s population covered by organic waste disposal bans.