

Removal of EcoWaste Landfill from the ALR

Ministry of Agriculture, Food and Fisheries

March 24, 2022



CONFIDENTIAL CABINET

Purpose

- Decision is requested to support the removal of an existing landfill, which is not a compatible use of the Agricultural Land Reserve (ALR), from the ALR to support proactive planning to expand and continue EcoWaste's landfill operation beyond 2035 to meet the region's waste disposal needs.

s.12

Context – Issue Definition

- EcoWaste operates a landfill within the City of Richmond (the City) that plays an important role in the City's and the region's demolition/construction waste and recycling program.
- At least two of the region's three landfills (including the EcoWaste landfill) are slated for closure by 2036.
- Recent flooding events have highlighted the pressure catastrophic events arising from climate change may have on landfills and the importance of due diligence on expansion for future planning and readiness.

Context – Issue Definition (con't)

s.12

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Context – Ministry Interests

- The Ministry of Agriculture, Food and Fisheries (AFF) and the Ministry of Environment and Climate Change Strategy (ENV) are the only ministries significantly affected.
- ENV is supportive of proactive landfill expansion planning and has raised no objection to the proposed removal of the EcoWaste landfill from the ALR.
- There are approximately 68 landfills in the ALR, 28 active landfills which may be authorized to accept construction and demolition waste and could be impacted like EcoWaste. The remaining landfills are closed.

**Assistant Deputy Ministers' Committee
on Natural Resources**

s.12; s.13

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**Assistant Deputy Ministers' Committee
on Natural Resources**

s.12; s.13

s.12; s.13; s.14

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**Assistant Deputy Ministers' Committee
on Natural Resources**

s.12, s.13

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**Assistant Deputy Ministers' Committee
on Natural Resources**

s.12, s.13

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**Assistant Deputy Ministers' Committee
on Natural Resources**

s.12; s.13

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Assistant Deputy Ministers' Committee on Natural Resources

s.12; s.13

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Assistant Deputy Ministers' Committee on Natural Resources

s.12; s.13

- Identify next available ELUC meeting

Agriculture, Food and Fisheries
Science, Policy and Inspection Division
Corporate Policy and Priorities Branch

CONFIDENTIAL CABINET

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by **MONTROSE**

100 – 3031 Viking Way,
Richmond, BC, Canada
V6V 1W1

T (604) 276-9511
F (604) 270-4185

March 31, 2021

Hon. Lana Popham
Minister of Agriculture, Food and Fisheries
PO Box 9043 STN PROV GOVT
Victoria, BC V8W 9E2

Dear Minister,

RE: ALR Use Regulation – Request for amendment

I am writing to you in my capacity as President and CEO of Ecowaste Industries Ltd., which owns and operates the Ecowaste Landfill in Richmond. The purpose of this letter is to:

1. alert you to the possibility that our landfill may be forced to close in 2035 as a result of the 2019 amendment to the ALR Use Regulation prohibiting certain types of demolition, land clearing and construction waste and
2. suggest a minor amendment to the new prohibited fill regulation to exempt those commercial landfills authorized to accept such waste by the Ministry of Environment and Climate Change Strategy (MOE) if it was not your government's intention to force the landfill to close.

Background

Ecowaste has 50 years of waste management experience in Richmond. From 1971 to 1986, the company (then called Richmond Landfill Ltd.) operated a municipal solid waste landfill on 65 hectares of land. As that site was being filled, Ecowaste purchased the two Agricultural Land Reserve (ALR) properties on which it currently operates the landfill. There is no record of either of these properties ever having been farmed, and the peat and topsoil were removed over a period of several decades starting in World War II.

The authority to operate the demolition, land clearing and construction Ecowaste Landfill is granted by Operational Certificate 4922 issued by the MOE under section 28 of the *Environmental Management Act* and in accordance with the Metro Vancouver Solid Waste Management Plan. An operating permit was initially issued by the MOE in 1986. That permit was converted to an operational certificate in 1992, amended in December 2004 and updated to the current operational certificate dated September 6, 2017. Under section 1.1.5 of the certificate, the types of waste that can be accepted by Ecowaste and deposited as fill include construction, demolition and landfill clearing debris, contaminated soils and other wastes.

The landfill also operates under License L-005 issued by the Greater Vancouver Sewerage & Drainage District (GVS&DD) and License C-007 issued by the GVS&DD for the Yard Waste Compost Operation.

The operational certificate issued by MOE authorizes us to accept the following products in our landfill: wood products (including composite, dimensional lumber, flooring, shakes, shingles, pallets and saw dust); asphalt; building materials; rubble; plastic; and other materials including land clearing debris, metal, textiles, soil, paper, carpet, various types of roofing, rubber, aggregate, masonry, concrete and insulation.

However, some of the types of waste authorized by the MOE's operational certificate are the materials prohibited as fill under the new section 36(1) of the ALR Use Regulation:

- a. construction or demolition waste, masonry rubble, concrete, cement, rebar, drywall and wood waste;
- b. asphalt;
- c. glass;
- d. synthetic polymers;
- e. treated wood; and
- f. unchipped lumber.

The Ecowaste Landfill is the only fully licensed and bonded disposal option in the region for such waste. The Vancouver Landfill in Delta offers limited disposal options for these types of waste, but is not located in the ALR and is therefore not subject to the amended regulations. However, the Vancouver Landfill discourages intake of demolition, land clearing and construction waste because of its emphasis on preserving its limited capacity for receiving general municipal solid waste.

Over the past 30 years, Ecowaste has continually invested in recycling operations at the site. Our operations now convert yard waste into compost, clean wood into biofuels and concrete into aggregate. We also provide an area of the landfill for treating contaminated soils through bioremediation and storage. We do not accept hazardous waste.

Approximately 30% of the materials received at the landfill are currently recycled and/or recovered to be sold. Some of the recycled materials – including concrete, yard waste, glass, tile, asphalt millings and asphalt shingles – are approved for beneficial use on site and for landfill closure activities. If Ecowaste pursues its intent to invest in a state-of-the art materials recovery facility, it has the potential to recycle 80% of the received volumes of waste, and less than 20% of received volumes will be disposed of in the landfill.

Permits and Authorizations

In addition to the MOE Operational Certificate and Metro Vancouver licenses referred to above, the Ecowaste Landfill has been approved by the provincial Agricultural Land Commission (ALC) for non-farm use in the Agricultural Land Reserve (ALR). We received initial approval in 1993 with ALC Resolution #173/93 and this non-farm use approval was renewed in 1998. Subsequently, in 2015 under ALC resolutions #384/2015 and #385/2015, the ALC approved our request to locate four materials recovery facility (MRF) operations on the property related to the existing landfill and to continue the operation of the landfill for a period of 20 years, or until 2035.

In 2019 we applied to the ALC to:

- a. replace one of the MRF's operators;
- b. increase the footprint of that MRF;
- c. operate two additional MRFs and
- d. extend the term of our operations until 2055.

Items (a) through (c) were approved by the Commission in Resolution #504/2020 but item (d) was not. The Panel specifically referred to section 36(1) of the ALR Use Regulation to justify its refusal to grant an extension:

36(1) Except as permitted under subsection (2), the following must not be used as fill on agricultural land: (a) construction or demolition waste, including masonry rubble, concrete, cement, rebar, drywall and wood waste; (b) asphalt; (c) glass; (d) synthetic polymers; (e) treated wood; (f) unchipped lumber.

The ALC Panel determined that although some materials received at the landfill were removed after recycling/recovery, because other materials would remain on the landfill they were considered to be prohibited fill as defined in section 36(1). The Panel then applied section 23(1) of the Agricultural Land Reserve General Regulation:

23(1) Subject to subsection (2), the Commission must reject an application for permission to place fill on agricultural land if the fill to be placed includes any of the materials referred to in section 36 of the Agricultural Land Reserve Use Regulation.

Our research into the 2019 changes suggests that when section 36(1) of the ALR Use Regulation was being developed your ministry may not have been informed that the Ecowaste Landfill was in the ALR and that it was already authorized to deposit the materials proposed for prohibition. Even if the ministry were aware, your officials might have believed – as we did – that because the landfill operated with an operational certificate issued under the *Environmental Management Act* (which prevails over the *Agricultural Land Commission Act*), the new prohibited fill regulation would not apply. We only became aware of the problem when the ALC informed us in October 2020 that it believed it was unable to extend the term of our non-farm use approval to 2055 because of the new prohibited fill regulation.

Preventing Illegal Dumping

We have always supported government's efforts to stop the illegal dumping of waste, which is a potentially hazardous action with negative impacts on human health and the environment. We understand that the revisions to the ALR Use Regulation were motivated by the justified desire to stop this practice, which has grown in recent years. Many landowners with properties in the ALR have illegally accepted waste and were able to do so because dumping was not regulated. They could charge a very low cost as they were not investing in recycling facilities or applying any engineered controls to prevent harm to human health and the environment.

We are a regulated business operating under the strict requirements of our operational certificate and in compliance with all regulations. As such, the Ecowaste Landfill offers a valuable and essential service to Metro Vancouver. Our operations recycle and safely dispose of construction and demolition waste, provide sustainable jobs to local residents, reduce illegal dumping and its negative impacts on the environment, and reduce the increased greenhouse gas emissions associated with having to transport waste out of the region for disposal.

As the City of Richmond said as recently as March 2, 2021, in a separate letter to the ALC about the Ecowaste Landfill:

"The landfill operation plays an important role in the City's and regional demolition and construction waste and recycling program, including significant environmental benefits associated with the increased recycling capacity of the facility, and will soon be the only landfill of any type in the region (anticipated in 2028)."

The Ecowaste Landfill is part of the solution to the problem of illegal dumping. We salute you for taking action against the practice. However, we do not believe it was government's intent to effectively shut down a facility authorized by the MOE, Metro Vancouver, the City of Richmond and the ALC to accept demolition, land clearing and construction waste. If the Ecowaste Landfill is shut down, the problems of illegal dumping of both demolition, land clearing and construction waste and other waste on ALR and non-ALR lands will only get worse.

Proposed Solution

If you agree that the recent prohibited fill provisions in the ALR Use Regulation were not intended to shut down a landfill specifically authorized to accept and process demolition, land clearing and construction waste, we would like to suggest that a minor amendment be made to section 36(1) of the ALR Use Regulation, as follows:

36 (1) Except as permitted under subsection (2) or as authorized by the Ministry of Environment and Climate Change Strategy under the Environmental Management Act, the following must not be used as fill on agricultural land:

- (a) construction or demolition waste, including masonry rubble, concrete, cement, rebar, drywall and wood waste;
- (b) asphalt;
- (c) glass;
- (d) synthetic polymers;
- (e) treated wood;
- (f) unchipped lumber.

A consequential amendment to section 23 of the Agricultural Land Reserve General Regulation may also be required, perhaps with the addition of a new subsection (3):

23 (3) Notwithstanding subsection (1) the commission may accept an application for permission to place fill including any of the materials referred to in section 36 of the Agricultural Land Reserve Use Regulation if the fill is to be placed in a landfill authorized by the Ministry of Environment and Climate Change Strategy under the Environmental Management Act.

More information and images outlining our operation, including a drone video, maps and other materials can be viewed at www.ecowaste.com. I would also be pleased to show you and your officials the landfill and provide any additional information you require.

Thank you for your consideration.



Thomas G. Land
President & CEO
Ecowaste Industries Ltd.

Cc: Arlene Anderson, Director of Policy & Legislation, Ministry of Agriculture
Kim Grout, CEO, Agricultural Land Commission
Luc Lachance, Section Head, Mining, Ministry of Environment and Climate Change Strategy
Paul Henderson, General Manager Solid Waste, Metro Vancouver
John Moonen, John Moonen & Associates Ltd.



ABC Recycling
SINCE 1912

Hon. Lana Popham
Minister of Agriculture, Food and Fisheries
PO Box 9043 STN PROV GOVT
Victoria, BC V8W 9E2

June 22, 2021

Re: Ecowaste Industries Ltd.

Dear Hon. Lana Popham,

We're Western Canada's largest scrap metal recycling company, operating since 1912 to turn waste metal into new products. Ecowaste has been a reliable partner in our supply network, providing us with a consistent, high-quality local supply of waste metal that we then process at our facilities.

I have learned that changes to the ALR Land Use Regulation (which apply to Ecowaste because its landfill is on land designated as part of the Agricultural Land Reserve, even though the land has never been used for agriculture) and the current height restrictions on the site could force Ecowaste to close.

This would have a serious impact on our business because there aren't that many other local operators with the infrastructure for sorting construction waste and pulling out metals for re-use. Our operations would have to look farther afield – and perhaps even to international markets – for source material, adding to costs and environmental impacts.

The Lower Mainland is already lacking in waste management infrastructure capacity and Ecowaste provides an essential service for sorting, processing and diverting construction waste out of the landfill so it can be re-used. Rather than building a new landfill to meet the region's needs, we believe that amending the ALR Land Use Regulation and increasing Ecowaste's allowable height limit, or excluding its property from the ALR, offer a more practical, cost-effective and environmentally appropriate solution.

Sincerely,

Harman Dhatt
Vice President, Operations



City of
Richmond

June 22, 2022

MINISTER'S OFFICE – RECEIVED	
MINISTRY OF ENVIRONMENT	
JUL 05 2022	
<input type="checkbox"/> Min Reply	<input type="checkbox"/> Reply Direct
<input type="checkbox"/> Send Info/Dir	<input type="checkbox"/> Redirect to
CLIFF	

Malcolm D. Brodie
Mayor
6911 No. 3 Road
Richmond, BC V6Y 2C1
Telephone: 604-276-4123
Fax No: 604-276-4332
www.richmond.ca

Hon. George Heyman
Minister of Environment and
Climate Change Strategy
Room 112 Parliament Buildings
Victoria, BC V8V 1X4

Hon. Lana Popham
Minister of Agriculture and
Food
PO Box 9043 Stn Prov Govt
Victoria, BC V8W 9E2

Dear Ministers, *George*

Re: MONTROSE INDUSTRIES LTD. (ECOWASTE) DESIGN, OPERATIONS AND CLOSURE PLAN SUBMISSION BY MONTROSE INDUSTRIES LTD. TO THE MINISTRY OF ENVIRONMENT

This is to advise that Richmond City Council at its Council meeting held on June 13, 2022, considered the above matter and adopted the following resolution:

That the Mayor, on behalf of City Council, will sign and submit a letter to the Minister of Environment, Minister of Agriculture and local Members of Legislative Assembly (MLA's) indicating that the Design, Operations and Closure Plan submitted by Montrose Industries Ltd. to the Ministry of Environment in February 2022 is inconsistent with the Operational Certificate for the landfill and City Council and Agricultural Land Commission approvals granted to date, and should therefore be set aside or rejected.

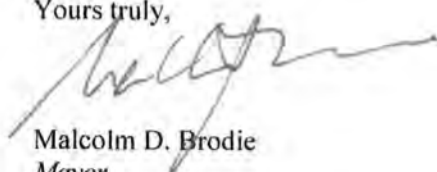
On behalf of Richmond City Council, the purpose of this letter is to request the Design, Operations and Closure Plan (DOCP) submitted by Montrose Industries Ltd. in February 2022 to the Ministry of Environment (MOE) be set aside or rejected.

Montrose Industries Ltd., previously known as Ecowaste Industries Ltd., operates a landfill at 7011 No. 7 Road & PID 024-397-423 located within the Agricultural Land Reserve (ALR) and subject to the *Agricultural Land Commission Act* (ALCA). It has come to our attention that Montrose Industries Ltd. submitted a DOCP to MOE in February 2022 that is inconsistent with the Operational Certificate for the landfill, and City Council and Agricultural Land Commission (ALC) approvals granted to date. The applicant did not consult the City during the preparation of the DOCP.

The Operational Certificate issued by MOE for the landfill indicates that the holder must ensure the activities identified in the DOCP are carried out with regard to the rights of third parties, and comply with other applicable legislation that may be in force. Current City Council and ALC approvals for the landfill (Resolutions #384/2015, #385/2015, #504/2020) include a maximum elevation of 18 m and a term until 2035. The DOCP submitted to MOE in February 2022 indicates a maximum elevation of 28 m and a term until 2060. This is inconsistent with current City Council and ALC approvals and it is requested that the DOCP be set aside or rejected until this matter is resolved.

We welcome the opportunity to discuss this matter with you in further detail and respond to any questions you may have. To make these arrangements, please contact my Executive Assistant, Gillian Baker, at 604-276-4242 or GBaker@richmond.ca.

Yours truly,



Malcolm D. Brodie
Mayor



Office of the Mayor
City of Richmond
6911 No. 3 Road
Richmond, BC V6Y 2C1



Hon. George Heyman
Minister of Environment and
Climate Change Strategy
Room 112 Parliament Buildings
Victoria, BC V8V IX4





Reference: 391056

August 5, 2022

His Worship Mayor Malcolm D. Brodie
and Councillors
City of Richmond
6911 No. 3 Road
Richmond BC V6Y 2C1

Sent via email: mayorandcouncillors@richmond.ca

Dear Mayor Brodie and Council:

Thank you for your letter of June 22, 2022, which was also addressed to my colleague, the Honourable Lana Popham, Minister of Agriculture and Food, regarding Montrose Industries Ltd.'s Design, Operations and Closure Plan (DOCP). As your enquiry falls under the jurisdiction of the Ministry of Environment and Climate Change Strategy (ENV), I am pleased to respond.

You have requested that the DOCP submitted to my ministry earlier this year be rejected or set aside because of inconsistencies with the Operational Certificate conditions. Your letter also notes that the maximum elevation and lifespan of the landfill as proposed in the DOCP exceeds what is set out in City of Richmond and Agricultural Land Commission approvals. I understand that Montrose Industries is working directly with the City of Richmond towards resolution of these issues.

The ministry review of the DOCP is not complete. Additional assessment and consultation is needed before a decision on the DOCP can be made. As part of the review, ministry staff intend to consult with the City of Richmond regarding the concerns raised in your letter. In the interim, before a decision on the DOCP is made, the current Operational Certificate requirements will prevail over anything in the DOCP that is inconsistent with the Operational Certificate.

I trust this addresses your most immediate concerns; if this is not the case, please let me know. You may also wish to contact ministry staff directly. Cassandra Caunce is the Director of South Authorizations, and this file is managed by her team. She can be reached by email at Cassandra.Caunce@gov.bc.ca.

Thank you for again for taking the time to write and let us know of this issue.

Sincerely,

George Heyman
Minister

cc: Honourable Lana Popham, Minister of Agriculture and Food

Ministry of Environment and
Climate Change Strategy

Office of the
Minister

Mailing Address:
Parliament Buildings
Victoria BC V8V 1X4

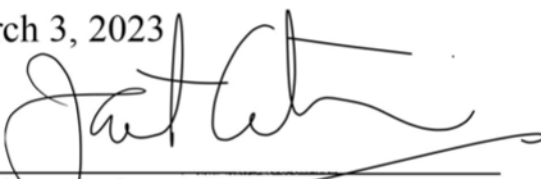
Telephone: 250 387-1187
Facsimile: 250 387-1356
Website: www.gov.bc.ca/env

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 147

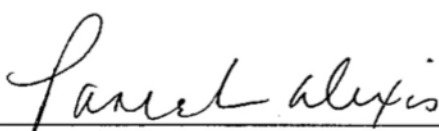
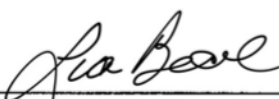
, Approved and Ordered March 3, 2023


Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that

- (a) the following properties are excluded from the agricultural land reserve as defined in the *Agricultural Land Commission Act*:
 - (i) PID 024-397-407, Lot 1, Block 4 North, Plan LMP40687, Section 15, Range 5 West, New Westminster District;
 - (ii) PID 024-397-423, Lot 2, Block 4 North, Plan LMP40687, Section 15, Range 5 West, New Westminster District,
- (b) before January 1, 2029, Ecowaste Industries Ltd. must construct, or cause to be constructed, on one or both of the properties, a facility for recycling material that is diverted from disposal,
- (c) before January 1, 2029, Ecowaste Industries Ltd. must begin operating the facility or cause the facility to begin operating, and
- (d) Ecowaste Industries Ltd. is relieved from complying with paragraphs (b) and (c) if a permit or other authorization required under an enactment to construct or operate the facility is applied for but refused.


Minister of Agriculture and Food
Presiding Member of the Executive Council

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

Authority under which Order is made:

Act and section: Environment and Land Use Act, R.S.B.C. 1996, c. 117, s. 7

Other: _____

FW: EcoWaste Bullets

From: Shortt, Amanda PREM:EX <Amanda.Shortt@gov.bc.ca>
To: Greene, Kelly ENV:EX <Kelly.Greene@gov.bc.ca>^{s.17}
Cc: Lo, Reamick ENV:EX <Reamick.Lo@gov.bc.ca>
Sent: August 11, 2021 10:21:38 AM PDT
Attachments: Draft Bullets - Ecowaste Aug 10 2021.docx
Good Morning,

Please see the attached document from Eric Kristianson.

Thanks,
Amanda Shortt
Executive Administrative Coordinator
Deputy Minister's Office | Office of the Premier
Room 272 - West Annex, Parliament Buildings
Victoria BC V8W 9E1
Phone: (778) 974-5747

From: Kristianson, Eric PREM:EX <Eric.Kristianson@gov.bc.ca>
Sent: August 11, 2021 9:48 AM
To: Shortt, Amanda PREM:EX <Amanda.Shortt@gov.bc.ca>
Subject: FW: EcoWaste Bullets

Amanda,

Could you forward this to MLAs Kelly Greene, Henry Yao and Amandeep Singh?

Thanks

Eric Kristianson
ADM, Office of the Premier
Deputy Minister's Office
778-698-8511 (office)
778-584-1248 (cel)

From: Lalani, Arif AFF:EX <Arif.Lalani@gov.bc.ca>
Sent: August 11, 2021 9:04 AM
To: Kristianson, Eric PREM:EX <Eric.Kristianson@gov.bc.ca>
Cc: Zachary, Dawnae AFF:EX <Dawnae.Zachary@gov.bc.ca>
Subject: EcoWaste Bullets

Eric as requested. Please let me know if you require more information.

Arif Lalani | ADM | Agriculture Resource Division | Ministry of Agriculture, Food and Fisheries
C 250.208.9902 | E arif.lalani@gov.bc.ca

Bullets Related to EcoWaste

MAFF August 10, 2021

EcoWaste's Request

- EcoWaste, is a waste management company that operates a 150 acre landfill on ALR land in Richmond. EcoWaste operates the landfill through the appropriate authorizations (i.e. operational certificate) from the Ministry of Environment and has authorization from the Agriculture Land Commission (ALC) to continue its landfill operations until 2035.
- Currently, about 30 per cent of material coming through the gate is recycled, but their goal is to bring this to 80 per cent. EcoWaste's current permit is to fill 18 metres above sea level, which the company believes they will achieve, with current operations, within five years, given the intensification of demolition and construction in the region.
- In 2019, EcoWaste submitted a non-farm use application to the ALC that included a request to extend their landfill operations by 20 years, from 2035 to 2055. EcoWaste asked for the extension as their level of recycling has increased so the amount of material placed in the landfill is reduced, meaning it will take longer to reach the full capacity of the landfill.
- Due to s. 23 (1) of the Agriculture Land Reserve (ALR) General Regulation, the ALC rejected the request as some of the fill materials that EcoWaste brings onto their landfill site are prohibited under section 36(1) of the ALR Use regulation.
- Through recent media, it has been reported that the ALC is recommending the company pursue an exclusion from the ALR for its Richmond site.
- As of July 30, 2021, EcoWaste had put an application before the City of Richmond. The ALC is not able to consider the decision unless the city forwards the application to the ALC.
- The City of Richmond has expressed concern about the exclusion. The city pointed out there are large ALR land holdings in the surrounding area owned by corporations and if the EcoWaste site were excluded, it would "create immediate pressure for these other sites to pursue exclusion."
- The City has requested a reconsideration of the ALC's decision regarding EcoWaste's application to continue its non-farm use of its landfill.¹ The request is currently with the ALC for review.
- Ministry staff continue to monitor the ongoing reconsideration and exclusion application process but cannot interfere as the ALC is an independent administrative tribunal.

Background

- The ALC rejection of the previous non-farm use application is due to changes in ALR related legislation which:
 - prohibits the types of waste that are landfilled at Ecowaste from being used as fill; and
 - requires the ALC to reject applications for permission to place fill if the fill includes prohibited fill.
- In December 2018, the Minister's Advisory Committee released the Revitalizing the Agricultural Land Reserve and the Agricultural Land Commission Report. Recommendation 12 identified the need to end the illegal dumping of fill on ALR land.
- On February 22, 2019, Bill 52, the *Agricultural Land Commission Amendment Act*, 2018 was brought into force. One of the changes made by Bill 52 related to the prevention of dumping of construction debris and other unauthorized fill that could forever damage arable soil on ALR land.
- Section 36 of the Agricultural Land Reserve Use Regulation outlines the types of fill that are prohibited on ALR land.

¹ Based on letters the ministry has received supporting the continued operation of EcoWaste, it is understood that EcoWaste would also like to increase the height of its landfill.

- Section 23 of the Agricultural Land Reserve General Regulation states the ALC must reject applications that involve placing any of the materials listed in s. 36 of the ALR Use Regulation as fill on the ALR.
- The Waste Management Association has expressed concern with recent changes to the Agricultural Land Reserve Use regulation.

Potential regulatory solutions

- There has been a substantial increase in the amount of illegal dumping of fill (e.g. construction and demolition waste) on ALR land due to significant increases in construction activity in BC.
- The dumping of this fill onto land in the ALR can degrade the productive capacity of the land and in certain cases, can permanently destroy the land for future agricultural production.
- The Ministry is currently looking into potential regulatory solutions to address the issue that EcoWaste has brought forward. Recommendation 12 from the MAC report was not targeting landfills operating in the ALR in an official capacity with the proper authorizations.
- To support the determination of potential solutions, the Ministry is completing research to determine the number of landfills currently operating on ALR land to gain a sense how many of these landfills are expected to ask for an extension to their landfill operations.
- The Ministry is also completing research to determine what type of economic impact an early closure of a landfill would have to the government, local government and the community.

Ecowaste Industries Open House - Saturday Sept 10th

From: Christian Dietrich <cdietrich@ecowaste.com>
To: env.minister@gov.bc.ca, Minister, ENV ENV:EX <ENV.Minister@gov.bc.ca>
Sent: August 17, 2022 4:58:47 PM PDT

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Dear Minister Heyman,

Ecowaste Industries is pleased to invite you all to our annual open house being held on Saturday September 10, 2022, from 10 am to 2 pm at our landfill and recycling site at 15111 Williams Rd in Richmond. This is our ninth annual event where we open our site up to members of the public to show the services we provide to the community and how we operate our facility. We offer 30-minute guided tours of the site where we visit our main operational areas (wood recycling, concrete recycling and landfilling). We also have games and heavy equipment rides for children and offer a free BBQ lunch. Our last open house event (pre-COVID) in 2019 had over 500 people attend.

Given the involvement of the Ministry of Environment and Climate Change in our pursuit to avoid closure of the landfill, we think this open house would be a great event for you to see in more detail what we offer to the community in terms of the handling and recycling of construction and demolition waste.

We have invited local MLAs, City of Richmond Mayor & Council and City staff, Metro Vancouver Zero Waste Committee, ALC staff and Commissioners, and staff of the Ministry of Agriculture and Food.

I know Saturday's might not be the easiest time to visit, but we would be honored to have you join us on the day or any other day that works better for you.

Many thanks for your consideration.

Christian Dietrich
Vice President of Recycling and Waste Services
Ecowaste Industries

FW: Ecowaste Landfill - Minister's Correspondence with Mayor of Richmond

From: Nash, Laurel ENV:EX <Laurel.Nash@gov.bc.ca>
To: johnmoonen@telus.net
Cc: Minister, ENV ENV:EX <ENV.Minister@gov.bc.ca>, Carter, Elizabeth S ENV:EX <Elizabeth.S.Carter@gov.bc.ca>, Caunce, Cassandra ENV:EX <Cassandra.Caunce@gov.bc.ca>
Sent: August 26, 2022 1:36:48 PM PDT
Attachments: FW: Mayor M. Brodie - City of Richmond - Montrose Industries, 391056__Brodie__FINAL_SIGNED.pdf, image001.png

Hello John

Please find attached the correspondence requested. If you have further questions regarding this matter please contact Cassandra Caunce directly.

thanks

Laurel Nash (she/her)
Assistant Deputy Minister

Environmental Protection Division
Ministry of Environment &
Climate Change Strategy
☎ (250) 953-4004 or (250) 508-1670
✉ Laurel.Nash@gov.bc.ca

I acknowledge with respect the Lək̓ʷəŋən peoples on whose traditional territory I live and work and the Songhees, Esquimalt and W̱SÁNEĆ peoples whose historical relationships with the land continues to this day.



From: John Moonen <johnmoonen@telus.net>
Sent: August 24, 2022 4:40 PM
To: Minister, ENV ENV:EX <ENV.Minister@gov.bc.ca>
Subject: Ecowaste Landfill - Minister's Correspondence with Mayor of Richmond

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Hi Kelly,

I'm working with Christian Dietrich and the Montrose team on various Ecowaste Landfill issues in Richmond.

Can you please send me a copy of Minister Heyman's letter to the mayor of Richmond confirming that our DOCP remains a draft and that MoE will be taking the City's views into account when it's reviewed? And a copy of the mayor's initial letter on the subject, too? It was dated June 22, 2022.

Many thanks.

John
John Moonen & Associates Ltd.
5330 Montiverdi Place, West Vancouver, BC V7W 2W8
(604) 921-6433 (office); (604) 786-7654 (mobile)
johnmoonen@telus.net
www.publicaffairsnetwork.com

FW: Mayor M. Brodie - City of Richmond - Montrose Industries

From: Minister, ENV ENV:EX <ENV.Minister@gov.bc.ca>
To: Correspondence Unit ENV:EX <Correspondence.Unit@gov.bc.ca>
Sent: July 6, 2022 12:10:38 PM PDT
Attachments: Mayor M. Brodie - City of Richmond - Montrose Industries.pdf

From: Murray, Emma ENV:EX <Emma.Murray@gov.bc.ca>
Sent: July 5, 2022 3:20 PM
To: Minister, ENV ENV:EX <ENV.Minister@gov.bc.ca>
Subject: Mayor M. Brodie - City of Richmond - Montrose Industries

Emma Murray
Administrative Assistant to
The Honourable George Heyman,
Minister of Environment and Climate Change Strategy
and Minister Responsible for TransLink
(250)940-8552 | Emma.Murray@gov.bc.ca



City of
Richmond

June 22, 2022

MINISTER'S OFFICE – RECEIVED
MINISTRY OF ENVIRONMENT

JUL 05 2022

☐ Min Reply ☐ Reply Direct ☐ DM Reply ☐ Info/File
☐ Send Interim ☐ Redirect to _____
☐ CC: _____
CLIFF

Malcolm D. Brodie
Mayor

6911 No. 3 Road
Richmond, BC V6Y 2C1
Telephone: 604-276-4123
Fax No: 604-276-4332
www.richmond.ca

✓ Hon. George Heyman
Minister of Environment and
Climate Change Strategy
Room 112 Parliament Buildings
Victoria, BC V8V 1X4

Hon. Lana Popham
Minister of Agriculture and
Food
PO Box 9043 Stn Prov Govt
Victoria, BC V8W 9E2

George
Dear Ministers,

**Re: MONTROSE INDUSTRIES LTD. (ECOWASTE) DESIGN, OPERATIONS AND
CLOSURE PLAN SUBMISSION BY MONTROSE INDUSTRIES LTD. TO THE
MINISTRY OF ENVIRONMENT**

This is to advise that Richmond City Council at its Council meeting held on June 13, 2022, considered the above matter and adopted the following resolution:

That the Mayor, on behalf of City Council, will sign and submit a letter to the Minister of Environment, Minister of Agriculture and local Members of Legislative Assembly (MLA's) indicating that the Design, Operations and Closure Plan submitted by Montrose Industries Ltd. to the Ministry of Environment in February 2022 is inconsistent with the Operational Certificate for the landfill and City Council and Agricultural Land Commission approvals granted to date, and should therefore be set aside or rejected.

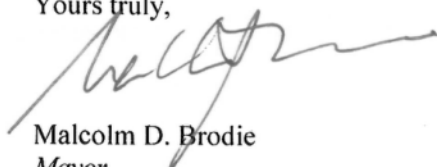
On behalf of Richmond City Council, the purpose of this letter is to request the Design, Operations and Closure Plan (DOCP) submitted by Montrose Industries Ltd. in February 2022 to the Ministry of Environment (MOE) be set aside or rejected.

Montrose Industries Ltd., previously known as Ecowaste Industries Ltd., operates a landfill at 7011 No. 7 Road & PID 024-397-423 located within the Agricultural Land Reserve (ALR) and subject to the *Agricultural Land Commission Act* (ALCA). It has come to our attention that Montrose Industries Ltd. submitted a DOCP to MOE in February 2022 that is inconsistent with the Operational Certificate for the landfill, and City Council and Agricultural Land Commission (ALC) approvals granted to date. The applicant did not consult the City during the preparation of the DOCP.

The Operational Certificate issued by MOE for the landfill indicates that the holder must ensure the activities identified in the DOCP are carried out with regard to the rights of third parties, and comply with other applicable legislation that may be in force. Current City Council and ALC approvals for the landfill (Resolutions #384/2015, #385/2015, #504/2020) include a maximum elevation of 18 m and a term until 2035. The DOCP submitted to MOE in February 2022 indicates a maximum elevation of 28 m and a term until 2060. This is inconsistent with current City Council and ALC approvals and it is requested that the DOCP be set aside or rejected until this matter is resolved.

We welcome the opportunity to discuss this matter with you in further detail and respond to any questions you may have. To make these arrangements, please contact my Executive Assistant, Gillian Baker, at 604-276-4242 or GBaker@richmond.ca.

Yours truly,



Malcolm D. Brodie
Mayor



Office of the Mayor
City of Richmond
6911 No. 3 Road
Richmond, BC V6Y 2C1



Hon. George Heyman
Minister of Environment and
Climate Change Strategy
Room 112 Parliament Buildings
Victoria, BC V8V IX4





Reference: 391056

August 5, 2022

His Worship Mayor Malcolm D. Brodie
and Councillors
City of Richmond
6911 No. 3 Road
Richmond BC V6Y 2C1

Sent via email: mayorandcouncillors@richmond.ca

Dear Mayor Brodie and Council:

Thank you for your letter of June 22, 2022, which was also addressed to my colleague, the Honourable Lana Popham, Minister of Agriculture and Food, regarding Montrose Industries Ltd.'s Design, Operations and Closure Plan (DOCP). As your enquiry falls under the jurisdiction of the Ministry of Environment and Climate Change Strategy (ENV), I am pleased to respond.

You have requested that the DOCP submitted to my ministry earlier this year be rejected or set aside because of inconsistencies with the Operational Certificate conditions. Your letter also notes that the maximum elevation and lifespan of the landfill as proposed in the DOCP exceeds what is set out in City of Richmond and Agricultural Land Commission approvals. I understand that Montrose Industries is working directly with the City of Richmond towards resolution of these issues.

The ministry review of the DOCP is not complete. Additional assessment and consultation is needed before a decision on the DOCP can be made. As part of the review, ministry staff intend to consult with the City of Richmond regarding the concerns raised in your letter. In the interim, before a decision on the DOCP is made, the current Operational Certificate requirements will prevail over anything in the DOCP that is inconsistent with the Operational Certificate.

I trust this addresses your most immediate concerns; if this is not the case, please let me know. You may also wish to contact ministry staff directly. Cassandra Caunce is the Director of South Authorizations, and this file is managed by her team. She can be reached by email at Cassandra.Caunce@gov.bc.ca.

Thank you for again for taking the time to write and let us know of this issue.

Sincerely,

George Heyman
Minister

cc: Honourable Lana Popham, Minister of Agriculture and Food

Ministry of Environment and
Climate Change Strategy

Office of the
Minister

Mailing Address:
Parliament Buildings
Victoria BC V8V 1X4

Telephone: 250 387-1187
Facsimile: 250 387-1356
Website: www.gov.bc.ca/env

RE: Ecowaste Landfill - Minister's Correspondence with Mayor of Richmond

From: John Moonen <johnmoonen@telus.net>
To: Nash, Laurel ENV:EX <Laurel.Nash@gov.bc.ca>
Cc: Minister, ENV ENV:EX <ENV.Minister@gov.bc.ca>, Carter, Elizabeth S ENV:EX <Elizabeth.S.Carter@gov.bc.ca>, Caunce, Cassandra ENV:EX <Cassandra.Caunce@gov.bc.ca>
Sent: August 26, 2022 3:49:52 PM PDT
Attachments: image001.png

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Thank you Laurel.

John

From: Nash, Laurel ENV:EX
Sent: August 26, 2022 1:36 PM
To: 'johnmoonen@telus.net'
Cc: Minister, ENV ENV:EX; Carter, Elizabeth S ENV:EX; Caunce, Cassandra ENV:EX
Subject: FW: Ecowaste Landfill - Minister's Correspondence with Mayor of Richmond

Hello John

Please find attached the correspondence requested. If you have further questions regarding this matter please contact Cassandra Caunce directly.
thanks

Laurel Nash (she/her)
Assistant Deputy Minister
Environmental Protection Division
Ministry of Environment &
Climate Change Strategy
' (250) 953-4004 or (250) 508-1670
 Laurel.Nash@gov.bc.ca

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Many thanks.

John

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width= Virus-free.www.avg.com

Ecowaste landfill expansion

Key Messages:

- The decision to remove the Ecowaste landfill from the Agricultural Land Reserve ensures the site will remain a significant part of the Lower Mainland's waste disposal and recycling infrastructure.
- This will allow the company to extend its operations until 2055, providing certainty to the operator and sectors that depend on it for many years to come.
- The Agricultural Land Commission has permitted its use as a landfill since the 1980s, which removes the potential for this site to be productive farmland once again in the future.
- Local First Nations and the Agricultural Land Commission were consulted, and had no objections to removing the Ecowaste landfill from the Agricultural Land Reserve.
- Closing the landfill would significantly impact the Lower Mainland's waste disposal and recycling infrastructure, resulting in increased illegal dumping and higher transportation costs to move material to another more remote facility.
- The landfill's recycling and recovery facilities are very important to B.C.'s ability to divert waste from our landfills and support a circular economy.

If asked about other landfills in the Agricultural Land Reserve (ALR):

- There are 28 active municipal solid waste landfills, including Ecowaste, in the ALR that take construction and demolition waste.
- As per B.C. regulations, municipal solid waste includes residential, commercial, institutional, demolition, land clearing or construction sources.
- While local or First Nation governments can manage the other active landfills in the ALR, the time constraints for the Ecowaste landfill required provincial government intervention.

Background

- Ecowaste operates an authorized demolition, land-clearing and construction landfill in Richmond. It has been in operation as a landfill since the 1980s, and plays a key role in the region's construction waste disposal and recycling program.
- A portion of Ecowaste's operation is located within the Agricultural Land Reserve (ALR). The Agricultural Land Commission (ALC) has approved landfilling activities on the site until 2035.
- The land was approved for use as a landfill in the 1980's by the ALC because of its poor soil quality, making it unusable as productive farmland.
- Ecowaste would like to expand the site's current recycling operations. The expansion depends on the ALC extending approval for landfilling activities beyond 2035.
- The ALC rejected the company's application to expand due to 2019 changes to the ALR Use Regulation, which prohibits the use of construction/demolition waste as fill in the ALR.
- Under current regulations and permits, the landfill will reach its capacity by 2025 and not be eligible to increase the volume of material it accepts. Extending operations is critical to providing landfill capacity for the region.
- In 2019, the City of Richmond approved the extension of the landfill and recycling operations at the property until 2055; this was rejected by the ALC.
- In 2022, the City of Richmond rejected forwarding an application to remove the land from the ALR. Instead, the city approved a letter be sent to the provincial government, requesting the landfill be allowed to operate in the ALR under a non-farm use approval.
- On Feb. 27, 2023, a decision to approve an Order in Council (OIC) under the *Environment and Land Use Act* to remove 60.8 ha of the EcoWaste landfill from the ALR went to cabinet.
- Removing it from the ALR will let the landfill continue to operate and accept construction, demolition and land clearing waste from local businesses for disposal and recycling. It will also clear the way for Ecowaste to invest \$50-100M in waste recovery and recycling facility upgrades, and work towards extending operations to 2055.
- If it remained within the ALR, Ecowaste would need to begin close-down procedures in 2023 due to height restrictions in its Operational Certificate under EMA.
- Ecowaste submitted an updated Design, Operations and Closure Plan for the landfill earlier this year. The plan assumes the landfill will eventually be authorized to operate post 2035.
- Consultations with 16 First Nations were held, with no concerns raised. The ALC was also consulted and has no objections to removing the landfill from the ALR.
- There are 28 active municipal solid waste landfills, including Ecowaste, in the ALR that take construction and demolition waste.
- As per B.C. regulations, municipal solid waste includes residential, commercial, institutional, demolition, land clearing or construction sources.

Unintended consequences of revised ALR Use Regulation:

- Section 36(2) appears to authorize the discharge of waste, which is the sole purview of EMA.
- The regulation falls under the *Agriculture Land Commission Act*, which specifies that the act and regulations are not subject to any other enactment, except the *Interpretation Act*, the *Environment and Land Use Act* and the *Environmental Management Act*.
- s.13

Communications Contact: Laura Stovel
Program Area Contact: Cassandra Caunce (Authorizations)

FW: Ecowaste landfill expansion IN and IB

From: Montgomery, Lauren ENV:EX <Lauren.Montgomery@gov.bc.ca>
To: Lindsay-Baugh, Anna GCPE:EX <Anna.LindsayBaugh@gov.bc.ca>
Sent: March 3, 2023 10:43:07 AM PST
Attachments: IB_EcoWaste removal from ALR_FINAL.docx.pdf, IN_Ecowaste landfill expansion.docx
Are you ok with the IN and KMs in this? Want to upload to his ipad when possible.

Thanks!

From: Patrick, Andrew GCPE:EX <Andrew.Patrick@gov.bc.ca>
Sent: March 3, 2023 9:41 AM
To: Montgomery, Lauren ENV:EX <Lauren.Montgomery@gov.bc.ca>
Cc: Lindsay-Baugh, Anna GCPE:EX <Anna.LindsayBaugh@gov.bc.ca>; Nash, Laurel ENV:EX <Laurel.Nash@gov.bc.ca>
Subject: Ecowaste landfill expansion IN and IB

Hi Lauren,

Final IN on the Ecowaste ALR decision is attached, as is the final IB via AGRIC, going out at noon today.

Thanks,
Andrew

INFORMATION BULLETIN

For Immediate Release
2023AF0004-000255
March 3, 2023

Ministry of Agriculture and Food

Richmond landfill removed from ALR

RICHMOND – The Province is removing Richmond’s Ecowaste landfill from the Agricultural Land Reserve (ALR), allowing the company to move forward with a new recycling facility for housing construction waste.

This removal will enable Ecowaste to continue to play an important role in the region’s construction waste-disposal and recycling program.

Ecowaste plans to build a new, modern facility to recycle 65% of the waste it receives. This will support a sustainable circular economy that reduces waste and creates economic opportunity for British Columbians. The landfill's footprint will not increase.

The site was originally harvested for peat in the 1940s and has been used as an industrial landfill, primarily for construction and demolition waste, with permission from the Agricultural Land Commission (ALC), since the 1980s. The site has no history of soil-based agriculture.

Ecowaste must build and operate the new recycling facility before Jan. 1, 2029. Ecowaste can now extend operations until 2055, preventing it from having to begin shutdown procedures this year, and providing long-term certainty to both the company and the sectors that depend on it.

The Ministry of Environment and Climate Change, which will continue to oversee and authorize the landfill under the Environmental Management Act, as well as the ALC, have been consulted and agree with the decision to remove the land from the ALR.

Quick Facts:

- Ecowaste has operated in Richmond since 1971 and is one of three municipal solid waste landfills in the Lower Mainland.
- Ecowaste is a Canadian-owned company that operates a 61-hectare landfill for the disposal and recycling of 320,000 tonnes of construction, demolition and excavation materials annually.
- The removal of the industrial landfill from the ALR was completed by government through an order-in-council: <https://www.bclaws.gov.bc.ca/civix/content/oic/?xsl=/templates/browse.xsl>

Contact:

Dave Townsend
Ministry of Agriculture and Food
Government Communications and Public
Engagement
250 356-7098
250 889-5945 (mobile)

Connect with the Province of B.C. at: news.gov.bc.ca/connect

Ecowaste landfill expansion

Key Messages:

- The decision to remove the Ecowaste landfill from the Agricultural Land Reserve ensures the site will remain a significant part of the Lower Mainland's waste disposal and recycling infrastructure.
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Program Area Contact: Cassandra Caunce (Authorizations)