

The CVRD board released this report from in-camera at the January 11/22 board meeting.

In-camera

DATE: December 3, 2021

FILE: 5380-02

TO: Chair and Directors
Electoral Areas Services Committee

FROM: Russell Dyson
Chief Administrative Officer

Supported by Russell Dyson
Chief Administrative Officer

R. Dyson

RE: Rural Waste and Recycling Options

Purpose

To provide the Electoral Areas Services Committee (EASC) with information and options related to waste collection and the improvement of recycling and diversion opportunities in rural areas of the Comox Valley Regional District (CVRD).

Recommendations from the Chief Administrative Officer:

1. THAT a letter be sent to the Comox Strathcona Waste Management (CSWM) Board requesting a review of rural resident diversion opportunities and rural waste collection within the CSWM service area as part of the Solid Waste Management Plan update;
2. THAT a letter be sent to the Comox Strathcona Waste Management Board supporting the work planned for improvements to the Oyster River recycling depot, to provide Electoral Area C (Puntledge – Black Creek) residents increased access to diversion;
3. THAT the Comox Valley Regional District Board rise and report on this staff report regarding Rural Waste and Recycling Options dated December 3, 2021, including the recommendations presented.

Executive Summary

The Alternative Approval Process (AAP) for Northern, Central and Southern Garbage Collection Service Areas completed on July 5, 2021. In all three proposed service areas, greater than 10 per cent of electors opposed the proposal and submitted valid elector response forms; approval for the bylaws and the service was not obtained.

Following the results, staff were directed to evaluate the feedback received and assess options for supporting some of the objectives of the proposed service and report back to the electoral area directors to enable consideration through the 2022-2026 financial planning process.

The following options are presented to the directors for consideration within this report:

1. Adding a ballot question to the 2022 municipal election;
2. Initiating expansion through a petition process;
3. Proposing to the CSWM Board for further consultation and consideration within the Solid Waste Management Plan (SWMP) Update;
4. Consent on behalf of EASC approval;
5. Program creation under the Solid Waste Service establishment bylaw;
6. Service creation for rural depots.

Understanding that a SWMP provides regional districts, municipalities, their residents and businesses, with a clear direction on how they will achieve shared solid waste goals, and that the

willingness for diversion and delivery of services to rural areas aligns well with the Provincial principals for solid waste management, which must be addressed through the SWMP, staff recommend that a letter to the CSWM Board be written requesting that a review of diversion opportunities and rural waste collection within the CSWM service area be included as part of the Solid Waste Management Plan update.

Further, Electoral Area C (Puntledge – Black Creek) residents could be provided increased access to diversion through establishment of an improved recycling depot sited in the Oyster River area through the CSWM service.

This report is to be discussed in-camera in compliance with section 90 of the *Community Charter* for the following reasons.

90(1)(k) Negotiations and related discussions respecting the proposed provision of a regional district service that are at their preliminary stages and that, in the view of the committee/board, could reasonably be expected to harm the interests of the regional district if they were held in public;

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Background/Current Situation

An AAP was undertaken in July 2021 to request the elector assent of three rural roadside garbage and recycling collection services. All three AAPs for the North, Central and Southern garbage service areas proposed exceeded 10 per cent elector response forms received with 12.17, 15.27 and 15.67 per cent respectively. As outlined in the Part 4 of the *Local Government Act*, breaching the 10 per cent threshold is considered significant and demonstrates a strong disapproval for the proposed service, despite an extensive and comprehensive consultation process undertaken by staff.

Engagement by residents in the waste service AAPs far exceeded that of the other four AAPs within the Unified AAP process.

The CSWM service has complementary initiatives and priorities for 2022 that are integrated with this CVRD initiative, such as the SWMP update, depot upgrades in the Black Creek/Oyster River area, rural communities' education programming, and Comox Valley Waste Management Centre (CVWMC) upgrades to support diversion and disposal.

Following the results of the AAP, directors requested that staff consider options for increasing opportunities for waste diversion for rural residents be presented. With consideration of the integrated projects forthcoming within solid waste in the region, current accessibility to recycling and options are detailed below for discussion:

1. Adding a ballot question to the 2022 municipal election
2. Initiating expansion through a petition process
3. Further consultation and consideration within the SWMP Update in 2023
4. Consent on behalf of Electoral Area approval
5. Program creation under the Solid Waste Service establishment bylaw
6. Service creation for rural depots

Current Accessibility

When contrasted with neighbouring jurisdictions like the Regional District of Nanaimo and Cowichan Valley Regional District, the Comox Valley (on Vancouver Island) is considered to be well served by the mix of private and public recycling depots: Courtenay Return-It Depot, Comox Valley Waste Management Centre and the Comox Return Centre.

The Recycling Regulation only requires that residents are provided “reasonable and free consumer access to collection facilities or collection services”, without defining what ‘reasonable access’ is. This definition of accessibility has been discussed at length between Extended Producer Responsibility (EPR) programs and Regional Districts, and is currently under review again initiated by the EPR programs. The first accessibility criteria were developed in 2013 by EPR programs. It stated that for rural communities with a population of 4,000 or more, ‘accessibility’ was met for residents within a 45-minute drive to a collection facility. The 2021 proposed accessibility criteria suggest collection within 60 km for non-urban communities is sufficient. By either of these measures, rural residents of the CVRD on Vancouver Island are considered to have “access” to recycling and waste disposal facilities.

Through continued discussions with Recycle BC, it is understood that the privately run Comox Return Centre is considering, and for a short time did, remove themselves from the Recycle BC program in September 2021. This happened in response to a number of issues colliding at once:

1. Emterra experiencing labour shortages resulting in missed curbside collection of recycling and or yard waste to municipal residents;
2. closure of the CANEX depot on July 1, 2021; and
3. existing challenges at the Comox Return Centre with site crowding, material volumes and inadequate pick-up frequencies and storage space which was exacerbated with issues 1 and 2.

Communications with Recycle BC and the operator of Comox Return Centre indicate that they have resumed acceptance of Recycle BC materials, with a commitment from Recycle BC for increased pick-ups to reduce backlog of materials.

If the operator of this facility decides in the future to no longer accept these ‘blue box’ materials for Recycle BC, it is unlikely that Recycle BC would fully fund another location within close proximity to the Courtenay Return-It based on discussions with staff. The opportunity for a satellite depot is possible; where only funding for material volumes would be provided, and transportation to another depot would have to be funded by the operator. Generally speaking, depots are not able to cover their costs on Recycle BC materials alone unless they accept deposit containers, therefore, adding in additional transportation costs would further increase subsidies from local governments.

In addition to Recycle BC materials, the only other EPR program with material volumes sufficient to financially support a private depot opening is the acceptance of deposit bottles through Encorp Return-It program. Encorp maintains strict control over where collection depots or site drop off locations are awarded. Based on Encorp's service area assessment, the Comox Valley rural areas is not underserved, and therefore, would not support additional locations other than a drop off location in the Village of Cumberland. On the basis of the above, it is unlikely that private depots will be established within rural areas of the CVRD in response to a lack of ‘accessibility’.

1. 2022 Ballot Referendum

A referendum on rural roadside collection was held in 2013 and was defeated. This point was frequently raised by residents during consultation for the 2021 AAP, those frustrated that another process was underway expressed that this issue had “just been voted on”. Review of past voting history suggests that a referendum so quickly after the AAP would likely lead to the same result.

Voter turnout in the 2018 election for CVRD rural directors was 5,425 voters including Hornby and Denman Island. The rural roadside collection referendum in 2013 brought out 4,292 voters, with 3,139 voters (73 per cent) against the proposed service. The AAP on the same issue in 2021 received 2,410 eligible elector response forms, all against the proposed service. A significant effort to engage residents was made by a group of citizens who opposed the AAP and the roadside collection of waste. Based on the feedback received during the AAP and the voter turnout, it is reasonable to expect that there will be similar grassroots efforts to oppose a referendum in the 2022 election, especially one held so quickly after the 2021 AAP. The referendum would require 51 per cent of votes to fail, which based on turnout for the 2018 election would be 2,767 votes against. This falls well within the votes against for the 2021 AAP and 2013 referendum, 2,410 and 3,139 respectively.

Phase 2 consultation with residents demonstrated that despite our outreach and information sharing, an important consideration for those coming out against the AAP was the lack of trust in the cost put forward by the CVRD to deliver the service at a maximum of \$250 per year. Based on their current costs for the delivery of the service by the private sector being in excess of \$400, residents did not believe that government could deliver a service more cost effectively, even if contracted to the private sector.

If the EASC wish to proceed with a roadside collection service ballot question in the 2022 municipal election, a public procurement process in advance of the referendum should be undertaken to provide fixed costs for consideration in effort to overcome the lack of trust in the cost of the proposed service. Drawing from lessons learned from both the 2013 and 2022 electoral assent processes, the RFP process would provide opportunities for all size haulers to participate and will consider operating with multiple haulers to promote competition and to allow for an even playing field between small and large collection haulers.

It is important to note, if this is the direction the directors want to proceed, there are a couple of key points to be considered:

1. Considerable work required between now and the 2022 referendum, specifically procurement and communication/public engagement, which may not be possible given staff resources.
2. By conducting a procurement process so far in advance to establish a set price/service levels to provide transparency, the proposal prices can only be held for a set time frame, usually 60 to 90 days. Therefore, procurement and subsequent service establishment would need to be carefully coordinated in order for pricing to remain valid while a service is established. The bylaws for consideration would need to be passed third reading by end of July, but there is a risk that the contractors will not be able to honour those quoted costs for much longer than 90 days, requiring quick turnaround from staff should the referendum pass.

The expected costs to hold a referendum in the electoral areas is estimated at \$40-60,000. Further feasibility study funds would be required to hold a referendum. If elector approval is achieved through a referendum, additional feasibility funds could then be needed to educate residents, finalize the procurement process and any legal aspects of the proposed service(s). There is a risk that the results of the referendum would not be binding, and any elected representative opposed to the service voted in may choose not to pass the Bylaw, even if the referendum passed.

Pro's	Con's
Reduced costs for holding the referendum in conjunction with the municipal election on October 15, 2022	Residents that are not supportive of this service are passionate and organized, as demonstrated in the AAP. Traditional low voter turnout at municipal elections may result in the same outcome as the AAP in July 2021.
Allows for those in favour of the service to be heard, not just those opposed as in the AAP process	Significant CVRD staff resources are required to support consultation and engagement on this issue in advance of the referendum, independent of the other CSWM engagements planned for 2022.

2. Petition Process

Another form of public assent can be received through a petition process. This can be initiated by grassroot movement, whereby neighbours discussing amongst themselves and establishing a strong will for expansion of a service. If the demand is there, the extents of the service need to be drawn and signatures gathered. A Preliminary Petition Form created by the Corporate Office can then be provided to a leader, or contact person, to collect signatures from their neighbours within a defined expansion area. If a preliminary petition signifies sufficient interest, CVRD staff would then determine the feasibility, scope and cost estimate for residents. A public meeting would be held to provide information to affected property owners, and individual property owners would be mailed a Formal Petition.

For a service petition process to be successful, the Local Government Act requires that Formal Petitions must be received from at least 50 per cent of the extension area parcel owners, and these properties must represent at least 50 per cent of the net taxable value in the extension area.

Following a sufficient and valid petition, a bylaw must be drafted to either formally amend the Royston Garbage Collection and Recycling service, or to create a new service, to include the additional properties. Once approved by the CVRD Board, staff would initiate a communication campaign to educate and inform residents of the new service and depending on the number of additional properties, it may trigger a change order with the contractor if added to the Royston service under the existing contract which is highly dependent on the proximity to the existing service area. Provided that the contractor is amenable, service delivery would commence at the beginning of a fiscal quarter to align with the current billing schedule.

A petition process is only accessible to the owners of properties (not renters), and these properties can be vacant, owned by a numbered company, or be for non-residential use. The proposed service would not be used by vacant property owners and would not be accessible to commercial or industrial businesses, but their ‘votes’ will count if included within the proposed service expansion. In the case of properties with multiple owners, the majority of the owners must sign the petition for the property to be considered in favour.

The petition process is favourable because it is resident led, but as with any majority vote, there remains the potential to force the minority into a service that they do not support, hence, not everyone will be happy with the result. There is also a risk that the service areas created based on neighbourhood preliminary petitions may be quite fragmented, and not conducive to efficient service delivery, nor will the cost be guaranteed to match that of the existing Royston contract. The costs under the current contract within Royston are based on a high density of housing and close

proximity to the drop-off locations for collected garbage and recycling. Trucks travelling long distances to begin pick-up, and picking-up from well-spaced driveways results in additional labour and fuel costs, and higher prices for residents. The current contractor may not respect their Royston pricing for these additional areas as the aforementioned factors will trigger a change order under the terms of the contract, or in the case of a new service area and contract, higher prices.

The current contractor in Royston is Emterra Environmental and service is manual collection with weekly garbage picked up (1 can) and bi-weekly recycling (unlimited residential volumes). The contract is in an extension period and is set to expire August 31, 2022. Expansion of the service area is allowable under the contract terms, in “areas adjacent to the current service area”. The service is currently delivered on Monday’s and the contractor also picks up waste from the Village of Cumberland on the same day. Increasing the number of homes in the Royston service area substantially may exceed available resources for collection in a single day from both services. Aligning expansion to take place within a new service and hauling contract would be preferred to not impact service delivery to residents in Royston or Cumberland, and expansion to include areas not adjacent to the current service area. Service would likely not begin for residents in a large expansion area until 2023, and it is reasonable to expect the cost may be higher than the current Royston service.

Pro’s	Con’s
Allows for community engagement and expansion of the service to occur for pockets of residents through the initiatives of neighbours.	Could result in increased service costs for Royston residents with delivery to a less dense, fragmented area possible. Depending on the level of interest, this approach is likely to lead to a fragmented area with service gaps, which does not satisfy the original goal of providing a regional approach for rural roadside collection, and unlikely to attract those that are disposing of their waste in a less environmentally responsible manner.
With expiration of the Royston contract in August 2022, it is good timing for expansion and procurement to take place to accommodate potential changes to this service.	Significant CVRD staff resources are required to support consultation and engagement for each petition that is brought forward. Higher consultation cost and staff time than a consolidated approach.

3. The Solid Waste Management Plan Update Path

The 2012 SWMP for the CSWM service is a ten-year plan that outlines the priorities, targets and initiatives that will be undertaken by the CSWM service in support of waste diversion and their other plan goals and targets. Pending Board approval, the SWMP plan is due for a comprehensive renewal and amendment in 2023, as required by the Environmental Management Act (EMA) with consultation slated for 2022/2023. This SWMP renewal process will provide directors with definitive support from their communities to empower them with a path forward for decision making to support diversion in rural areas, which may or may not result in a call for roadside collection service. Diversion may come in the form of other initiatives and ideas brought forward by the community and the plan review process, but the robust and comprehensive conversations and public consultation will ensure all views are considered as part of the plan review.

Section 27 of the EMA Act requires that “a process for comprehensive review and consultation with the public respecting all aspects of the development, amendment and final content of a waste management plan” takes place prior to the minister’s approval. Part of this process is the

appointment of a SWMP advisory committee (SWMPAC) to provide feedback to the CSWM Board of Directors for consideration. This advisory committee is made up of individuals and organizations from broad representation of geography and sectors, such as First Nations, waste haulers, non-profits and interested residents. The SWMPAC is involved with the plan development through the entire life of the project, and is an opportunity for transparency in government policy development, building trust in the process, and trust in the results.

In advance of development of the draft SWMP, it is typical that studies into areas of interest for the region are undertaken to inform the draft SWMP. This could include a report to the SWMPAC detailing engagement and consultation, and proposed solutions specifically on improving diversion in rural areas led by the Electoral Area Directors from the Strathcona Regional District (SRD) and CVRD, staff and consultants.

The willingness for collection of solid waste within the CVRD electoral areas aligns well with the Provincial principals for solid waste management, which must be addressed through the SWMP:

- Promote zero waste approaches and support a circular economy;
- Promote the first 3 Rs (Reduce, Reuse and Recycle);
- Support polluter and user-pay approaches and manage incentives to maximize behavior outcomes; and
- Prevent organics and recyclables from going into the garbage whenever practical.

It is important to note, expansion of rural roadside collection extends beyond the CVRD electoral areas. The SRD Area D Director has also expressed an interest in exploring options for their residents citing similar cost and accessibility concerns. Consideration of roadside collection of waste and recycling, in the context of all waste management initiatives proposed that would benefit or impact rural CVRD residents would be possible through the SWMP update process, and still be led by rural residents.

An approved SWMP authorizes a regional district to manage municipal solid waste and recyclable material in accordance with the plan, including through any local bylaws. Regional districts can make bylaws regulating the management of municipal solid waste and recyclable material. Any plan-implementing bylaw, deriving authority from the EMA, must be approved by the minister before adoption and only after thorough consultation on such bylaws. This requirement for comprehensive review and consultation is paramount to the process as there is no mechanism to appeal a SWMP once approved by the minister.

A proposed bylaw approved through the SWMP for creation of rural roadside collection in the CVRD would need to be developed subsequent to approval of the SWMP, and approved by the CSWM Board. Timeline for submission of the SWMP would be mid-2024 with ministry review taking between six and twelve months. Initiation of a service resulting from the SWMP process could be delivered in 2025 potentially.

A solid waste management plan provides regional districts, municipalities, their residents and businesses, with clear direction on how they will achieve shared solid waste goals. In addition to urban curbside collection, rural roadside services are also in place within the Sayward Valley, the Village of Sayward, Cortes Island, Denman Island, and Royston.

If a rural roadside collection program is identified and established under the SWMP approach, the decision making process are as follows:

- all decisions related to the administration and operation of the rural roadside collection program would be voted on using the ‘weighted stakeholder vote’, whereby only the

Electoral Area directors representing jurisdictions that participate in the program are entitled to vote, and each Electoral Area director is assigned a specific number of votes based on the population of the jurisdiction the Electoral Area director represents.

- Financial decisions, such as adopting the annual financial plan, borrowing, property acquisition and disposal and key contracts, are voted on by the way of the entire board, using the “weighted corporate vote”. Each director on the CSWM board is assigned a specific number of votes based on the population of the jurisdiction the director represents.

Delivery and funding models differ for each of these roadside services, and each community are supplemented by additional services for diversion like depots, collection events, bulky item drop off, and waste disposal facilities. The fragmentation of service delivery between multiple organizations can leave gaps or create overlaps, and is ultimately less streamlined than a centralized delivery of a customized service could be.

Service Area	Service Offered	Funded By	Service Funded	Expense
Denman Island	Garbage Bi-W Winter Wkly Summer	DIRA CVRD Function 376	Collection Disposal	~\$146 per dwelling
Sayward Valley and Village of Sayward	Garbage Wkly 2 cans	SRD Bylaw No. 437	Collection Disposal	\$150 per dwelling \$95 per dwelling
Cortes Island	Garbage Wkly 1 can Recycling Wkly (RBC)	SRD Bylaw No. 912	Collection	\$97.25 per dwelling
Royston	Garbage Wkly 1 can Recycling Bi-W (RBC)	CVRD Bylaw No.119	Collection Disposal	\$116 per dwelling

Pro’s	Con’s
Allows residents to consider any and all options for diversion initiatives in rural areas, not just roadside pick-up. Funding from the 391-CSWM service for these initiatives could be available, reducing costs for residents.	Delivery of the service would potentially be delayed to 2025 or beyond, based on proposed timelines for the SWMP.
Consultation would take place with expanded resources to be made available during the SWMP update process, and reduce the burden on staff and the public to participate.	This initiative has been led by the EASC and CVRD Board to date. The SWMP process will be driven by the CSWM Board potentially reducing the ability for the CVRD Electoral Area Directors to drive the initiative forward.

4. Director Consent on Behalf of the Electors

For certain types of services the Local Government Act, Section 342 (2)(d), allows for director consent on behalf of an electoral participating area for approval of a service establishment bylaw. The Act provides a couple of key requirements in order to utilize such an approach: 1) the participating area includes the entire electoral area; and 2) borrowing is not required to establish the

service. While elector approval is not required, it is worth noting that the bylaw would still require approval of the Inspector of Municipalities and this may be a challenge to obtain in light of the two previous failed elector approval processes.

In order for this approach to be utilized, the roadside garbage and recycling collection service would need to be deemed a regulatory service under the terms of the Act. While the Act does provide for a definition for “regulatory service”, there exists considerable ambiguity in regards to this term. Based on this, specific legal advice would need to be obtained to confirm its eligibility should the committee wish to pursue this approach.

Subject to the above described eligibility, consent on behalf of the electoral participating area could be a reasonable option for Electoral Area B, where the service was proposed to be undertaken within the entire Electoral Area. For Electoral Area A, the exclusion of Hornby Island, Denman Island and Royston could eliminate or challenge the ability to utilize this approach. Similarly, for Electoral Area C, which includes the Mount Washington resort area, as well as the Forbidden Plateau Road area, establishment by consent is possible, but a comprehensive service delivery would not be recommended due to operational challenges.

With the consent of the director for the electoral area, Inspector approval and board giving necessary readings to the bylaw, a roadside waste collection service could be established without the requirement for a public assent process. No further consultation would be required, and depending on Inspector approval, the service could potentially be operational by the end of 2022.

Pro’s	Con’s
Does not rely on approval by the public, and has the most streamlined regulatory approval process of all the options.	Could be poorly received by the public as authoritarian and not respecting the will of the people and the democratic process.
Would create a service in the most densely populated Electoral Area, creating the most impact, and provide an example of service delivery for other rural residents to reflect on in future decision making.	Could be legally challenged by residents creating delays and incurring legal costs to the CVRD. Other regional district experiences has indicated this may be a legally viable option for the CVRD.

5. Program Creation Under the Solid Waste Service Establishment Bylaw

Prior to the Letters Patent creating two separate regional districts, the establishment bylaw for solid waste as the Regional District of Comox-Strathcona was passed, Bylaw 1822 (Attachment A) was adopted by the Board on the 24th of March, 1997.

“Being a Bylaw to establish the local service of collection, removal and disposal of waste, noxious, offensive or unwholesome substances and provide for the regulation, storage and management of municipal solid waste and recyclable material including the regulation of facilities and commercial vehicles.

WHEREAS, the Regional District of Comox-Strathcona, may pursuant to Section 788(1)(c) of the Municipal Act, establish and operate a local service for the collection, removal and disposal of waste and noxious, offensive or unwholesome substances;”

Other Regional Districts have used their establishment bylaws to create local programs for the collection of solid waste, such as the Regional District of Kootenay Boundary, however they do not have the complexity that the CSWM have with the separation of the regional districts. Preliminary legal review does consider it very likely that the CVRD has the ability to establish a rural roadside collection program under Bylaw 1822 without approval through the SWMP. However, it is noted that the program would likely need to be managed by all of the participating areas under the Establishing Bylaw (the CSWM service area). All decisions related to the administration and operation of the rural roadside collection program would be voted on using the ‘weighted stakeholder vote’, whereby only the Electoral Area directors representing jurisdictions that participate in the program are entitled to vote, and each Electoral Area director is assigned a specific number of votes based on the population of the jurisdiction the Electoral Area director represents.

The Establishing Bylaw does not expressly provide that a collection program would be for only some of the participating electoral areas; it is arguable that any collection program established would have to service all of the enumerated participating areas and not just the three CVRD electoral areas. There is some possibility that an SRD electoral area could then also participate under this new program, if created under the Establishment Bylaw.

Legal opinion indicates it is reasonable to proceed under the Establishing Bylaw, but that there are some risks in doing so that could, in turn, result in a legal challenge of this approach.

Pro’s	Con’s
Does not rely on approval by the public, and could result in expedited delivery of the program compared to other options.	Could be poorly received by the public as authoritarian and not respecting the will of the people and the democratic process.
Could allow for efficient delivery of roadside collection for all CSWM rural residents within the service area, including southern SRD where interest has been expressed by the Director.	Could be legally challenged by residents creating delays and incurring legal costs to the CVRD. Preliminary legal review has indicated there is greater risk of challenge with this approach than with others.

6. Additional Recycling Depots

Many residents expressed that they did not want roadside collection and were happy with the service levels that were provided, including access to unstaffed depots, subscription garbage collection service, and waste drop off at the CVWMC. The scheduled closure of the CSWM CANEX recycling depot caught some residents off guard, despite education efforts and a year long lead time. Following the closure of the CANEX recycling drop-off, and the failed AAP, some residents stated frustration with access to recycling options, and requested more recycling depots.

As an alternative to roadside collection, the Directors could also consider funding recycling depots within their respective electoral areas. There is a risk that any depot located within the Electoral Areas cannot control who uses the depot, and rural residents could be responsible to fund services used by residents from municipalities, the Regional District of Nanaimo, the SRD and businesses. Initiating the location of a recycling depot through the EASC, or CVRD, would not receive funding from Function 391-CSWM unless approved by the CSWM Board. The best path for consideration of inclusion within the 391 service would be to pursue approval through the CSWM Board and SWMP process.

Any new recycling depot would need to be fenced and staffed to avoid the contamination and limit illegal dumping activities that have plagued the unstaffed CSWM bins. This will also make these depots acceptable to receive funding from Extended Producer Responsibility (EPR) programs. Recycle BC is only one EPR program, which takes responsibility for the well-known ‘blue box’ materials, as well as styrofoam, glass and plastic film packaging. Agreements with each EPR program are necessary to support acceptance and funding of additional materials such as electronics (Encorp), small appliances (ElectroRecycle), light bulbs (Product Care Association), or batteries (Call2Recycle). Each program decides if they want to sign up additional collection facilities to their program and are not required to accept a new location or fund it. Any programs which choose not to fund that location would be further subsidized by the residents funding that depot operation.

Constructing and operating a publicly funded staffed depot for the collection of recyclables (not garbage) would cost an estimated \$150,000 of initial capital investment, depending on site conditions, not inclusive of property acquisition. Labour is the main driver of depot operations costs, so operating hours will impact costs substantially. Revenues from Recycle BC and other EPR programs would not be expected to exceed \$25,000 per year and could be as low as \$10,000 depending on volumes received.

Pro’s	Con’s
Provides electoral area residents a local recycling option.	Limited control on access to facility and has the potential to be used by residents and businesses that will not be paying to service.
Depending on the siting/zoning and the Director's desire to expand to other EPR programs, this option could provide electoral area residents with greater accessibility to a host of EPR services.	Depending on the funding mechanism, if shouldered entirely by the electoral area residents, the cost implications to site, operate and maintain a depot are considerable.

Parallel Gains

Private Hauler Expansion of Recycling Collection Service

In addition to the above six options that can be taken by the CVRD, staff are also working to increase opportunities for diversion through discussions with the existing private sector collectors. The benefits of a CVRD led service is the economies of scale that are achieved by participation of the majority of residential properties within the service area. Consultation identified that some residents felt they should have a choice to participate or not, either because they created less garbage than their neighbours or they were not interested in the service. The CVRD will not be coordinating an ‘opt-in’ collection service, because this essentially is what is available to residents already through the private sector subscription service. Only one of the three waste haulers in the CVRD currently offers recycling pick-up with garbage, and expansion of the existing subscription service to include recycling pick-up, and or yard waste collection will improve accessibility to residents, and ultimately diversion.

Waste Connections is a hauler currently offering subscription service of garbage pick-up to many residents within the rural area. They have reviewed their physical assets and labour availability and have indicated that they are going to offer recycling pick-up service to their current garbage customers before year end. This would be at an incremental cost increase, and price reductions could be achieved if customers reduce their number of waste cans, or frequency of pick-up. Depending on the uptake of that service, they may expand to allow new customers to also come on board for recycling collection. Waste Connections expressed concerns with labour shortages and consistent, reliable delivery of the service as their hesitation to offer this service to all residents at

this time. We have offered our support to review mail-out materials to reduce customer calls to our staff, and we will also keep our frontline staff up to date with service offering changes when residents are seeking options for roadside recycling. These are services available to any private hauler in our area currently.

While this does not rely on regulatory approval by the public, this relies on participation by the private sector and may not be economically viable for some residents on the outskirts of the service area. A subscription service expansion will not get 100% uptake, and will not achieve the goal of providing roadside collection for all rural electoral area residents, particularly unlikely to attract those that are disposing of their waste in a less environmentally responsible manner.

Options

The above section discusses the merits of several different options for consideration. While any of the above is possible, the following two options are presented with the first considered to be the most comprehensive long term opportunity, and the second the most expedient for implementation of rural roadside collection.

Option 1: That a letter be provided to the CSWM Board requesting a review of diversion opportunities and rural waste collection be included within the SWMP update, and that Electoral Area C increase diversion through access to an improved recycling depot.

Option 2: Electoral Area B establish by consent of the area director on behalf of the participating area, a rural garbage collection and recycling service (subject to further legal review), and that Electoral Area A promote the petition process as a means for expansion of the Royston service, and that Electoral Area C request the CSWM Board to increase diversion through access to an improved recycling depot.

Understanding that a solid waste management plan provides regional districts, municipalities, their residents and businesses, with clear direction on how they will achieve shared solid waste goals, and that the willingness for diversion and delivery of services to rural areas aligns well with the Provincial principals for solid waste management, which must be addressed through the SWMP, the topic of rural roadside collection is best considered through the SWMP process.

As such, only option 1 above is recommended.

An alternative recommendation put forth by the committee incorporating options with additional regulatory risk should allow for a staff report to support and provide additional legal opinion and information on the changed recommendation.

Financial Factors

Approach Presented	Financial and Legal Factors
2022 Ballot Referendum	A referendum question is expected to incur costs of between \$40-60,000. The result of the referendum question is not likely to be challenged legally.
Petition Process	A petition process for Area A, including direct mail for approximately 2,500 eligible electors, an open house and online engagement would be expected to incur costs of approximately \$5-7,000 assuming it was a single initiative, and not multiple held in series. Review of the petition forms and their validation could result in uncertainty of the result in the event of a close decision.
Solid Waste Management Plan Update	Consultation on rural diversion would be incorporated into the staffing and consultant costs anticipated for the overall SWMP

	update. A bylaw created through the SWMP process is not likely to incur legal challenge unless poorly worded.
Consent on Behalf of Electoral Area	Costs for service development would be limited staff time, until service roll-out, at which time costs are comparable to other approaches. This route could be legally challenged by residents creating delays and incurring legal costs to the CVRD. Preliminary legal review has indicated this is legally viable option for the CVRD.
Creation Under the Solid Waste Service Establishment Bylaw	Costs for program development would be limited staff time, until service roll-out, at which time costs are comparable to other approaches. Could be legally challenged by residents creating delays and incurring legal costs to the CVRD. Preliminary legal review has indicated there is greater risk of challenge with this approach than others.
Additional Recycling Depots	Consultation with the community on siting of depots would require approximately \$20-40,000 in addition to staff time. Capital expenses to design and build the depots would depend on the facility capabilities, but are estimated to be \$150,000. These costs would be incurred prior to the service starting.

Regional Growth Strategy Implications

CVRD Board Strategic Drivers:						
Fiscal Responsibility		Climate Crisis and Environmental Stewardship and Protection	✓	Community Partnerships		Indigenous Relations

CVRD Regional Growth Strategy Goals:						
Housing		Ecosystems, Natural Areas and Parks		Local economic development		Transportation
Infrastructure		Food Systems		Public Health & Safety		Climate Change
						✓

Reducing disposal to the landfill of divertible materials will decrease the consumption of airspace at the Comox Valley Waste Management Centre (CVWMC) as well as demonstrate a reduction in greenhouse gas (GHG) emissions from the decomposition of organic matter, and the need to extract virgin materials.

GHG emission from collection and separation of recyclables is negligible compared to avoided life-cycle emissions from reduced virgin material demand. Mixed paper and cardboard recycling for example can reduce GHGs by a factor of 120 kg CO_{2e} per tonne, whereas mixed plastics and metal cans are even more important to divert, with an emission factor of 1024 and 3577 kg CO_{2e} per tonne collected respectively.

A reported 53.6 kg of recycling is collected per person through the RecycleBC program in the Comox Valley, and there are over 18,000 rural residents outside of Royston, Denman Island and Hornby Island. If each of these residents fully participated in recycling, an estimated 385 tonnes of CO_{2e} could be avoided. While this value is laudable, it is relatively small compared to other initiatives that the CSWM and CVRD are undertaking to reduce GHGs within the community.

Intergovernmental Factors

Finance has supported this report through the development of expenses to date for the three feasibility studies, as well as suggested approaches for covering the cost overages. Cost estimates for public consultation were supported by Communications.

Significant resources would again be required of the Communications, Legislative Services and Finance team, in addition to CSWM solid waste staff if the Directors wish to move forward with seeking electoral approval for this service through referendum, and potentially also with advancement through petition.

Citizen/Public Relations

No public relations are proposed at this time, but depending on the course of action taken by the EASC Directors, a communications plan and tactics will be created and presented subsequently, along with the expected budget implications.

Attachments: Appendix A – Regional District of Comox-Strathcona Bylaw No. 1822 being “Regional Solid Waste Plan Local Service Area Establishment Bylaw, 1996.”

REGIONAL DISTRICT OF COMOX-STRATHCONA**BYLAW NO. 1822**

Being a Bylaw to establish the local service of collection, removal and disposal of waste, noxious, offensive or unwholesome substances and provide for the regulation, storage and management of municipal solid waste and recyclable material including the regulation of facilities and commercial vehicles.

WHEREAS, the Regional District of Comox-Strathcona, may pursuant to Section 788(1)(c) of the Municipal Act, establish and operate a local service for the collection, removal and disposal of waste and noxious, offensive or unwholesome substances;

AND WHEREAS, pursuant to Section 788(1)(c.i) of the Municipal Act, the Regional District may establish and operate a local service for the regulation, storage and management of municipal solid waste and recyclable material including the regulation of facilities and commercial vehicles used in relation to these matters;

AND WHEREAS, pursuant to Section 16(10) of the Waste Management Act, where a waste management plan has been approved by the Minister of Environment Lands and Parks, a Bylaw adopted for the purpose of preparing or implementing the waste management plan does not require the assent of the electors, a petition, an initiative plan or consent on behalf of the electors referred to in the Municipal Act;

AND WHEREAS, the Regional District has prepared a Solid Waste Management Plan approved by the Minister of Environment Lands and Parks on September 15, 1995, that requires the Regional District to establish and operate a local service for the collection, removal and disposal of waste, noxious, offensive or unwholesome substances and to provide for the regulation, storage and management of municipal solid waste and recyclable material including the regulation of facilities and commercial vehicles used in relation to these matters;

AND WHEREAS, the Regional District now wishes to establish a local service to implement the Solid Waste Management Plan;

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

Local Service

1. The local service hereby established is to provide for:
 - a) the collection, removal and disposal of waste and noxious, offensive or unwholesome substances and,
 - b) the regulation, storage, management of municipal solid waste and recyclable material including the regulation of facilities and commercial vehicles used in relation to these matters.

Boundaries

2. The boundaries of the local service area shall be the boundaries of the participating areas.

Participating Areas

3. The participating areas for the local service shall be:
- The District of Campbell River
 - The City of Courtenay
 - The Town of Comox
 - The Village of Cumberland
 - The Village of Gold River
 - The Village of Tahsis
 - The Village of Sayward
 - The Village of Zeballos
 - Electoral Areas "A", "B", "C", "D", "G", "H", "I" and "J".

Cost Recovery

4. The annual costs for the local service may be recovered by:
- a) the requisition of money under sections 809 and 809.1 to be collected by a property value tax to be levied and collected under sections 810(1) and 810.1(1);
 - b) the requisition of money under sections 809 and 809.1 to be collected by a frontage tax or parcel tax to be imposed in the manner provided by sections 810(2) and 810.1(2);
 - c) the imposition of fees and other charges that may be fixed by separate bylaw for the purpose of recovering these costs.

Apportionment

5. The annual debt costs, if any, and the operating costs shall be apportioned among the participating areas on any one or combination of:
- a) on the basis of the converted value of land and improvements for general municipal purposes in the municipalities and converted value of land and improvements for regional hospital district purposes in the electoral areas;
 - b) on the basis of tonnage of municipal solid waste and recyclable material derived from each municipality and electoral area as a percentage of the total municipal solid waste and recyclable material derived from the entire regional district.

Maximum Requisition

6. The maximum amount that may be requisitioned under Section 804(1) of the Municipal Act SBC.1979 for this service is:
- a) the sum of Seven Million Dollars (\$7,000,000.00) per year, or;
 - b) the product obtained by multiplying the net taxable value of land and improvements within the service area by property tax value rate of \$1.00 per \$1,000 of assessment; whichever is the greater.

Local Service Areas Within Electoral Areas

7. The existing Service Units, Specified Areas and Local Service Areas as set out in Schedule "A" attached hereto, will continue to provide the service created by the respective bylaws until such time as the services provided therein are provided by this Bylaw.

Citation

8. This Bylaw may be cited for all purposes as "REGIONAL SOLID WASTE PLAN LOCAL SERVICE AREA ESTABLISHMENT BYLAW, 1996."

READ A FIRST AND SECOND TIME THIS 24TH DAY OF AUGUST 1996.

READ A THIRD TIME THIS 24TH DAY OF AUGUST 1996.

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 1822 being "Regional Solid Waste Plan Local Service Area Establishment Bylaw, 1996" as read a third time by the Board of the Regional District of Comox-Strathcona the 24th day of August 1996.

Secretary

APPROVED BY THE INSPECTOR OF MUNICIPALITIES THIS 14TH DAY OF MARCH 1997.

RECONSIDERED, FINALLY PASSED AND ADOPTED THIS 24TH DAY OF MARCH 1997.

Chairperson

Secretary

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 1822 being "Regional Solid Waste Plan Local Service Area Establishment Bylaw, 1996" as adopted by the Board of the Regional District of Comox-Strathcona on the 24th day of March, 1997.

Secretary

BYLAW NO. 1822**"REGIONAL SOLID WASTE PLAN
LOCAL SERVICE AREA ESTABLISHMENT BYLAW, 1996"****SCHEDULE "A"**

AREA	SLP SERVICE AREA SPECIFIED AREA	BYLAW NO.	BYLAW NAME
Electoral Area "I"	Specified Area	69	Electoral Area "I" Disposal Grounds Specified Area Establishment Bylaw, 1971
Hornby Island	Specified Area	87	Hornby Island Garbage Disposal and Sundry Services Specified Area Establishment Bylaw, 1972
Denman Island	SLP (Div xxiv)	126	Denman Island Garbage Disposal Special Service Unit Establishment Bylaw, 1974
Comox Valley	SLP (Div xxiv)	162/402	Pidgeon Lake Refuse Disposal Service Unit Function Bylaw, 1975 as amended by Bylaw #402
Quadra island	SLP (Div xxiv)	165	Quadra Island Refuse Disposal Service Unit Function Bylaw, 1975
Sayward Valley	SLP (Div xxiv)	244	Sayward Valley Refuse Disposal Service Unit Function Bylaw, 1977
Campbell River	SLP (Div xxiv)	287	District of Campbell River Refuse Disposal Service Unit Function Bylaw, 1978
Electoral Area "G"	Service Area	1232	Electoral Area "G" Solid Waste Disposal Local Service Area Establishment Bylaw, 1990
Electoral Areas	Service Area	1281	Electoral Areas Recycling and Disposal of Wastes Local Service Area Establishment Bylaw, 1990