

PURPOSE AND CONTENT OF THIS SUMMARY

This consultation process and comments summary documents the public consultation process employed by the ministry in updating the guidance on solid waste management planning. It includes a summary of stakeholder feedback on the ministry's policy intentions paper on the guideline update (2015), a summary of common themes emerging from stakeholder feedback on the draft Guide to Solid Waste Management Planning (2016), as well as a summary of the changes made to the draft to address stakeholder comments.

All comments submitted through independent submissions and through direct consultations with stakeholders have been reviewed and carefully considered by the ministry.

BACKGROUND

In May 2015, the [provincial government announced](#) commencement of a project to update the provincial solid waste management planning guideline (Guide).¹ The Guide outlines the process for regional districts to develop and coordinate a solid waste management plan. The Guide has not been updated since 1994.

In June through August 2015, the ministry held four pre-consultation meetings with local government, the waste management sector and community interest groups, which helped to inform the development of policy intentions for revising the Guide. The ministry subsequently prepared a [policy intentions paper](#) posted for public review and comment on the ministry's [municipal waste management plans website](#) from September 16th through November 15th, 2015. The intentions paper outlined the ministry's objectives and information regarding proposed updates. A separate response form for providing comments or suggestions to the ministry was also provided. An overview of comments received is included in this document, with a [summary of public comments](#) posted on the ministry's website.

Following consideration of consultation comments on the intentions paper, the ministry prepared an updated draft [Guide to Solid Waste Management Planning](#). The draft Guide was posted from April 16th, 2016 through June 30th, 2016 for additional public comment prior to finalizing the document.

CONSULTATION PROCESS AND TIMELINE

DATE	EVENT
May 2015	Government announcement of work to update the guideline
June – Aug 2015	Pre-consultation webinars: June 17 th , June 30 th , Aug 5 th , Aug 10 th
Sept.-Nov. 2015	Posting of the policy intentions paper and response form for public comment *
Nov. 15 th 2015	Consultation period on Intentions Paper closed – twenty-seven responses received
May 2016	Summary of Public Comments on the intentions paper posted on ministry website
May-June 2016	Draft Guide to Solid Waste Management Planning posted **
June 30 th 2016	Consultation period on draft Guide closed – sixteen responses received
September 2016	Guide to Solid Waste Management Planning (2016 version 1.0) posted on ministry website Consultation Process and Comment Summary posted on ministry website

¹ Note that the Guide is not a legislative requirement – it provides advice to aid in plan development, sets out ministry expectations for plans, and contains provincial targets, principles and clear reference to the requirements that are set out in legislation.

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* Sept – Nov 2015 Consultation sessions: Southern Interior Waste Managers Association (SIWMA), Cranbrook (Sept. 17); Waste Management Association of B.C. (WMABC), Coquitlam (Oct. 15); and Coast Waste Management Association (CWMA), Langford (Oct. 21). Information webinars: Oct. 8th and Nov. 5th – close to two hundred registrants

** Consultation session: Recycling Council of B.C. (RCBC), Whistler (May 20) – about seventy-five participants
Information webinars: June 7th and 16th – over fifty registrants

COMMENTS ON THE POLICY INTENTIONS PAPER (SEPT-NOV, 2015)

Detailed responses to the intentions paper were received from twenty-seven respondents:

- Regional districts (9)
- Waste and recycling sector stakeholders (10)
- Community interest groups (6)
- Out of province (Alberta) regulatory agency (1)
- First Nation (1)

The consultation feedback showed that stakeholders are supportive of the intention to update the guideline. Common themes addressed by most respondents to the intentions paper include:

- Emphasis on changes that have occurred within the municipal solid waste (MSW) sector that could be better reflected in a new guideline, including industry product stewardship programming, advancement in organic diversion, improvements in technologies and private sector innovation;
- The desire to see the ministry continue to provide support and oversight for solid waste management planning;
- The importance of targets in the guideline;
- The importance of public involvement and advisory committees in plan development;
- Suggestions that would clarify the set of 10 guiding principles; and
- Support for more clarity in the guideline around interactions between overall solid waste management and industry product stewardship programs.

The table below summarizes the topic areas and the level of stakeholder support provided in responses. “All”, “most” or “many” of the respondents indicated support for the topics outlined in the intentions paper. The “some” column indicates that while there was still support for the topic area, there was mixed feedback or clarification requested on specific aspects.

Table 1 Support for Ministry Intentions - Summary

TOPIC AREA	EXTENT OF RESPONDENT SUPPORT			
	ALL	MOST	MANY	SOME
Ministry intention to update the guideline				
1. Scope of the proposed updates				
2. Regional district planning and updating process				
2.1 The three-stage planning process				
2.2 Ten-year timeframe for plans				
• Five-year implementation & effectiveness review				
• Ten year renewal				

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TOPIC AREA	EXTENT OF RESPONDENT SUPPORT			
	ALL	MOST	MANY	SOME
2.3 Plan updates – use of schedules				
3. Ministry of Environment role				
3.1 Plan development – interactions with the ministry				
3.2 Plan implementation				
4. Targets				
5. Principles				
5.1 Consultation principles				
5.2 Environmental guiding principles				
6. Public accountability mechanisms				
6.1 Advisory committees				
6.2 Public consultation				
• Community aware with opportunity to participate				
• Regional district flexibility in process and methods				
6.3 Reporting				
• Annual or bi-annual to regional district board				
• Five year implementation & effectiveness for public				
• Additional public accountability methods				
7. Plan content				
• List of elements to be included in a plan				
• Consistency with neighbouring jurisdictions				
• Interactions with stewardship programs				

REVISIONS SUMMARY: GUIDE TO SOLID WASTE MANAGEMENT PLANNING*2016 Guide provisions that also existed in the 1994 guideline:*

- Establishment of advisory committees
- Provincial waste reduction target (was 50% waste reduction by 2000; now includes ministry's target for provincial waste disposal of 350kg/capita by 2020)
- Setting regional targets
- Reviewing the existing waste management system and identifying strategy options
- Annual reporting and five-year effectiveness review
- Legislative requirements for public review and consultation on development, amendment and final content of a plan

New provisions in the 2016 Guide:

- Recommendation that plans are updated every 10 years
- Plans as ‘living documents’ to streamline the amendment process and keep them current
- Provision of a plan template, consultation summary report template, and a plan checklist
- Appendices with best practices and a legislation summary
- RD corporate officer certification that consultation requirements have been met and that the ministry’s requirements and recommendations for the plan content have been met
- Provision of best practices for dispute resolution processes
- Encouragement of zero waste approaches and support for a circular economy
- Recognition of the role of the private waste sector in contributing to plan strategies
- Clarification of roles and suggestions for how regional district waste management programs and product stewardship programs can assist each other

Provisions removed from 1994 guideline:

- Review of the public consultation strategy and 3 stage reports by ministry staff
- Ministry staff participation on advisory committees
- Solid Waste Management Planning Financial Assistance Program (no longer available)

COMMENTS ON THE DRAFT GUIDE (MAY-JUNE, 2016)

Comments on the draft Guide were received from sixteen respondents:

- Regional districts (6)
- Waste and recycling sector stakeholders (7)
- Community interest groups or individuals (3)

The consultation feedback showed that stakeholders are supportive of the updated guideline. Most of the comments received included short suggestions to clarify or improve specific sections of the Guide. Common themes raised in response to the draft Guide are provided below, followed by a detailed summary of stakeholder input and the outcomes resulting from this feedback.

Common themes from respondents commenting on the draft Guide

Support for updating the Guide and consultation process

Respondents commonly expressed support for the structure and content of the draft Guide posted by the ministry. One respondent, for example, commented that “the document is well done, easy to read and includes helpful schedules and templates”. Several respondents expressed thanks to the ministry for thorough and public process communicating intentions and posting the draft Guide prior to finalization.

Comments beyond the scope of the Guide

Many respondents commented on concerns and interests beyond specific content of the draft Guide. Areas of comment included: the regulatory framework of the Recycling Regulation and industry product stewardship plans and the relationship to solid waste management plans; legislated responsibilities of local and provincial government; and competition between local government and the private sector in solid waste management. These comments have been received by the ministry for consideration in future reviews and consultation.

Provincial principles for solid waste management

Several respondents commented that “zero waste approaches” (principle 1) could be better defined to support consistent use across the province. Respondents noted challenges with interpretation and enforcement of a “level playing field” (principle 8) and application of collaboration and partnerships (principles 6 and 7). Several respondents provided commentary on the need for the principles to reflect capabilities, especially of smaller, rural regional districts.

Recognizing differing contexts and resources available to regional districts

Several respondents noted and supported the “flexibility”, as well as clarity, provided in the Guide for application in differing contexts across the province. One respondent in particular provided detail comment on how the needs of regional districts with limited resources and distinct solid waste management challenges could be addressed. Several respondents expressed a desire for continued ministry support to local government in developing and revising plans.

Planning process

The public consultation and advisory committee aspects of the planning process raised several comments from respondents. Respondents commenting on these topics highlighted the importance of consultation and engagement of key interested parties in the planning process, while also acknowledging that ensuring incorporation of advice and comment can be time consuming and divisive. Several respondents commented that flexibility in design of a process, with clearly established roles and responsibilities (and sufficient resourcing), is desirable.

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Summary of comments from respondents

Table 2 provides a more detailed summary of comments of respondents organized by Guide sections, along with the changes made by the ministry or explanation for why no changes were made (mostly due to comments that were beyond the scope of the Guide). The majority of stakeholder suggestions resulted in changes being made to the Guide.

Table 2 Stakeholder comments on the draft Guide

Guide Section/ Topic	Summary of Stakeholder Suggestions/Comments	Outcome
Glossary	Two respondents provided suggestions for clarifying or adding various glossary terms. The desire for the term zero waste to be better defined was requested by four respondents.	<ul style="list-style-type: none"> • Glossary (p. 8) clarifying footnote on EPR added. • Glossary (p. 8) ICI and OC added (WSML and RL already exist). • Zero Waste approach added to Glossary (p. 10).
A.1 Solid Waste Management in British Columbia	Suggestions were made for this section regarding an alternative to the term “NIMBYism”, the discussion of greenhouse gas emissions from landfills, as well as including the concept of “product as a service”.	<ul style="list-style-type: none"> • Suggestions regarding an alternative to the term “NIMBYism” incorporated in A.1 (p. 11). • A.1. (p. 12) Footnote added to textbox for further explanation of waste sector category. • Additional language added to greenhouse gas discussion in A.1. (p. 12). • A.1.1 (p. 13) footnote added to upstream environmental impacts discussion with link to reference about business models and product design.
A.2.2 Guiding principles	Respondents mainly commented on the nuances of the principle descriptions, seeking to tie them to waste diversion and environmental protection targets, and to broaden the list of key partners to work with in achieving targets. Several respondents provided commentary on the need for the principles to reflect capabilities, especially of smaller, rural regional districts. Four respondents expressed that there was not enough guidance related to the level playing field principle.	<ul style="list-style-type: none"> • A 2.4 (p. 18) New section `Consideration for small, rural regional districts added. • A 2.2 (p. 16) Suggestion to tie principle #2 to targets incorporated. • A 2.2 (p. 16) footnote added to clarify there is no priority for principle order unless otherwise noted. • A 2.2 (p. 17) Suggestion to add key interested parties to principle #7 incorporated. • A 2.1 (p. 15) bylaw consultation requirement added. • H.2 appendix addresses much of the suggestions raised respecting principle #8. Other suggestions raised would require legislative changes and are out of scope.
A.2.3 Targets	One respondent had questions related to how the target for organics waste disposal restrictions would be measured.	<ul style="list-style-type: none"> • A 2.3 text box (p. 18) edited to provide clarity. • Refer to current ministry information for clarity on the organics waste disposal restriction target.
B. 1.1 Initiate the plan update	Respondents provided specific suggestions such as adding to the list of potential interested parties. One respondent asked some clarifying questions about consultation on a single item to be amended within a plan.	<ul style="list-style-type: none"> • B 1.1 (p. 21) suggestion to highlight a cost sharing benefit of regional collaboration incorporated. • B 1.1 (p 22) potential interested parties list expanded. • Consultation on a single item to be amended within a plan: unless the item to be amended is part of a schedule, the

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		entire plan could be considered in an amendment. Therefore review and consultation with public on the plan is necessary, but RDs can focus consultation on the single item.
B.1.3 Design the consultation process	Respondents asked how the Environmental Management Act defines 'adequate' and 'comprehensive', and how the MoE defines "well-supported".	<ul style="list-style-type: none"> • EMA does not define 'adequate' and 'comprehensive'. Guide builds in flexibility for RDs to determine consultation that works for their region – RD asked to provide the MoE with rationale to support their decisions. • B. 1.3 (p. 24) clarifying footnote added to describe what a 'well-supported' plan means to the MoE.
B.2.1 Principles goals and targets	One respondent commented that B 2.1 mentions defining plan goals but the Plan Template (D 1) did not mention goals. Another respondent asked for clarification regarding the expectation that results show continuous improvement.	<ul style="list-style-type: none"> • D 1 SWMP Template (p. 50) Goals placeholder added. • B 2.1 (p. 28) Clarification provided on the expectation that results show continuous improvement towards the targets.
B.2.3. – B 2.4 Assess the current system and consider trends	One respondent provided comments about sensitive market data and market risks and respondents provided additional suggestions for the bulleted list of items that could be assessed.	<ul style="list-style-type: none"> • B 2.3 (p. 29) Footnote added re market data and additional language added to bullets. • B 2.4. (p. 30) Additional language about market conditions and risk added.
B.3.1 Develop Strategies	One respondent requested that reference be made to the federal Competition Act in the discussion about developing strategy options. Another respondent suggested strategies could include advocacy to higher levels of government. Another respondent suggested that regional districts should provide the public with financial and timeline information to help them understand the implications of options to meet updated targets.	<ul style="list-style-type: none"> • All applicable legislation must be followed regardless of whether it is referenced in the Guide. • Advocacy to higher level of government is possible but may not need to be tied to plan implementation achievements. • B 3.2 (p. 32) Suggestion incorporated to provide financial and timeline information for options to meet updated targets.
B.3.2 Assess financial implications	One respondent commented that borrowing for new solid waste capital projects should not occur where the potential for private sector investment in competing facilities exists. Another respondent provided suggestions to strengthen the language about working with municipalities.	<ul style="list-style-type: none"> • Consideration of private sector investment when borrowing would require legislative changes and is out of scope. • B 3.2 (p. 32) Suggestions incorporated for strengthening the language about working with municipalities.
B.4.1 Living Document text box	One respondent suggested modifying the text box language around regional district flexibility of what is included in a plan.	<ul style="list-style-type: none"> • B. 4.1 (p. 34) Suggestion incorporated.
B.4.2. Consult the public on the draft plan	One respondent suggested clarity that complete consensus is not required for a plan to be finalized and submitted to the Ministry for approval. Another respondent requested clarity around consultation on zoning decisions related to siting of any new facility identified in the plan.	<ul style="list-style-type: none"> • B 4.2 (p. 34-35) Clarification around consensus and consultation on zoning decisions added.
B.4.4 Ministry review and approval	One respondent suggested that the checklist in Part G may be considered by ministry staff rather than will be considered by ministry staff when making their recommendation to the minister.	<ul style="list-style-type: none"> • Ministry staff consider the items in the checklist – this clarity adds certainty to the process.
C.1. Plan Implementation	One respondent suggested that local governments cannot use their bylaw or licensing authority to protect their assets from free market competition, and suggested reference to the	<ul style="list-style-type: none"> • Changes to bylaw authorities provided in the EMA and would require legislative changes and are out of scope.

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	Competition Act.	<ul style="list-style-type: none"> All applicable legislation must be followed regardless of whether it is referenced in the Guide.
C.2. Compliance and Enforcement	One respondent provided commentary on the penalties applied to haulers at disposal and transfer stations and the difficulty of haulers in enforcing RD waste management policies. Suggestions were provided for a collaborative robust education and outreach program, which includes tagging of contaminated containers and positive reinforcement.	<ul style="list-style-type: none"> Waste disposal ban enforcement at source would require legislative changes and is out of scope. C.2 (p. 39) Additional language added regarding campaigns to support behaviour change, tagging of contaminated containers and positive reinforcement.
C.3.3 Five year effectiveness review	One respondent requested more guidance on the details to include a five-year trend of greenhouse gases emitted and avoided. Another respondent commented on the additional cost burden of the five-year effectiveness review for small, rural RDs.	<ul style="list-style-type: none"> C 3.3. (p. 41) Additional guidance added around the five-year trend of greenhouse gases emitted and avoided. A 2.4 (p. 18) New section `Consideration for small, rural regional districts added.
C. Plan timeframe	One respondent expressed concern with the cost of completing a full plan update after 10 years, particularly when there are no issues with existing programs.	<ul style="list-style-type: none"> A 2.4 (p. 18) `Consideration for small, rural regional districts added.
C.4.1. Plan amendments	One respondent provided commentary that plan amendments should not be necessary to capture or respond to the fluidity of commodity markets. Several respondents suggested clarifying the list of new facilities (or changes to existing facilities) that would trigger an amendment. One respondent wanted more detail about the process for amendments once triggered.	<ul style="list-style-type: none"> Decisions should be made locally regarding when plan amendments are needed. C 4.1 (p. 42-43) Edits made to the bullet describing new sites and facilities triggering an amendment. C 4.1 (p. 42-43). Footnote added to clarify the process for moving forward with amendments.
Dispute resolution	One respondent commented on dispute resolution procedures, noting that appropriate dispute resolution procedures will depend on the specific circumstances of each regional district, and will be developed considering feedback from stakeholders involved in the plan development process. Another respondent requested the use of the Environmental Appeal Board (EAB) for appeal of unfair constraints.	<ul style="list-style-type: none"> The dispute resolution procedure outlined in G.5 represents best practices for consideration in developing and consulting on a regional dispute resolution procedure. The legislative framework does not support the use of the EAB for appeal of regional district decisions and as such the request to use the EAB could not be accommodated.
Sample Plan Template	One respondent suggested that the template include a zero waste pollution prevention hierarchy, inclusion of 'advocacy' and 'data sharing' example strategies, and more upstream savings identified for GHG considerations.	<ul style="list-style-type: none"> RDs have the ability to substitute the pollution prevention hierarchy with supporting rationale. Advocacy and data sharing strategies may not need to be tied to plan implementation achievements.
Corporate Officer form	One respondent questioned if the ministry would accept a Plan without a corporate officer certification form and questioned the intent of the form.	<ul style="list-style-type: none"> While the EMA does not require corporate officer certification, the intent is to request something formal from the RD as evidence to assist in making a decision on adequacy of public review and consultation for the purpose of EMA s 27(2). The authority for corporate officers to provide certification on documents is derived from the Local Government Act s 236.
Legislation and Regulations appendix	Two respondents questioned how the RD bylaw authorities in EMA intersect with product stewardship plans approved under the Recycling Regulation when it comes to the regulation of	<ul style="list-style-type: none"> Section removed. Analysis on this item is ongoing.

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	stewarded products.	
Public Consultation appendix	One respondent offered the suggestion that RDs consider a value-added step of conducting a “pre-consultation” program to inform the design of the consultation process.	<ul style="list-style-type: none"> • F 1.1 (p. 71) Suggestion incorporated.
Advisory committees	Two respondents commented on the importance of ministry staff in taking an active role - either participating on the committees or ensuring the committees are established. One respondent asked for clarity regarding cross-appointment on both the public and technical advisory committees. Another respondent requested clarity that waste and recycling service providers aren't expected to represent their customers' interests.	<ul style="list-style-type: none"> • In lieu of ministry staff participating on committees or other consultation events, the Guide communicates ministry expectations regarding legislative requirements for consultation and provides tools for RDs to demonstrate these requirements have been met. • F 2.1 (p. 76) Suggestions incorporated on advisory committee clarifications.
Roles and Responsibilities appendix	One respondent wanted more clearly stated differences between the residential and ICI waste sectors and requested that the Guide communicate that government's role should be to regulate and not compete with the private sector.	<ul style="list-style-type: none"> • A 2.1 (p. 15) Commentary added regarding the regulatory framework under which the private waste management sector operates.
Licensing	One respondent provided suggestions regarding the sections on bylaws and licensing, championing clearly defined policy objectives and results-based licencing that encourage innovation in meeting the objectives	<ul style="list-style-type: none"> • C.1 (p. 38) Suggestion for involving the regulated party in bylaw development incorporated. • G 4.2 (p. 90) Suggestion regarding results-based licencing incorporated.
Evaluation Criteria considerations appendix	One respondent suggested that evaluation criteria should include a way to differentiate between recycling and disposal facilities.	<ul style="list-style-type: none"> • H.2 (p. 98) Suggestion incorporated to consider if the facility discharges to the environment.
Misc	One respondent sought reference on guidance to assist with public-private partnership development. Two respondents commented further on the differences and challenges faced by small, rural regional districts. One respondent commented on the difficulty in connecting with regional ministry staff for inquiries regarding SWMPs.	<ul style="list-style-type: none"> • H.2 (p. 98) Reference to guidance on public-private partnerships added. • A 2.4 (p. 18) New section `Consideration for small, rural regional districts added. • Commentary regarding liaising with regional ministry staff forwarded to regional staff.