

INTRODUCTION

The Ministry of Environment (the ministry) will be updating the guideline for preparation of regional solid waste management plans. The [guideline](#) outlines the process for regional districts to develop and coordinate a solid waste management plan. A solid waste management plan also acts as a blueprint for reducing disposal of municipal solid waste.

In May 2015, the Provincial government [announced commencement of this project](#) to update the planning guideline. The announcement also included six recommended principles for the future of solid waste in BC, building on MLA Marvin Hunt's review of solid waste diversion. These principles are incorporated and discussed in a section addressing guiding principles in the proposed updates (page 5 and 6 of this paper).

This paper outlines the ministry's intentions for updating the guideline and describes opportunities to comment on those intentions before work to update the guideline commences. The ministry is consulting with regional districts and other stakeholders, as well as providing opportunities for public comment. The ministry expects to implement a revised guideline in 2016.

The ministry's objectives for the updated guideline are to:

- Provide a results-based focus for solid waste management planning
- Provide increased clarity regarding ministry requirements
- Streamline the planning process and increase efficiency
- Provide flexibility in the planning process
- Maintain protection of public interest

This intentions paper includes:

- Background information related to the guideline and ministry targets
- Details regarding the ministry's proposed updates to the guideline:
 1. Scope of proposed updates
 2. Regional district planning and updating process
 3. Ministry of Environment role in plan development and implementation
 4. Targets
 5. Plan principles
 6. Public accountability mechanisms
 7. Plan content
 8. Compliance
- Links and information on providing comment to the ministry

Key Points

- ➔ Solid waste management planning remains important in B.C.—updating the guideline builds on a strong foundation
- ➔ The 20-year old guideline needs modernizing to reflect the current solid waste management landscape and the experience of regional districts and partners in the sector
- ➔ Updating the guideline should support the ministry's service plan targets for municipal solid waste
- ➔ A new guideline will:
 - » *Increase clarity regarding ministry requirements and expected end results*
 - » *Include templates as much as possible for ease and consistency*
 - » *Update the principles which guide the formation of policies and strategies contained in plans and any implementation bylaws*
 - » *Recommend that plans be renewed every ten years and considered a living document with a process outlined for incorporating changes within the ten-year timeframe*
 - » *Encourage regular reporting on plan implementation*
 - » *Define consultation outcomes and promote best practices*
 - » *Emphasize cross-regional opportunities, sector partnerships and linkages to industry product stewardship programs*
- ➔ Comments should be provided by November 15, 2015. See the [ministry's municipal waste management plans website](#)

BACKGROUND INFORMATION

The current guideline has been in place since 1994. It was developed to provide guidance for regional districts on legislative requirements for solid waste management planning.

Key legislation and role of the guideline

The BC *Environmental Management Act* (EMA) includes provisions in Part 3 that require regional districts to develop a solid waste management plan, and to consult on the development and content of the plan. Under the EMA, the Minister of Environment (Minister) must be satisfied that adequate consultation has occurred, and may approve all or part of a solid waste management plan or amendment to a plan.

Provisions in the guideline are not mandatory requirements for regional districts to follow but recommended practices. The guideline provides advice to aid in plan development that is consistent with legislative requirements. It reflects ministry expectations regarding plans and desirable outcomes, defined by provincial targets and principles.

The need for change

Solid waste management planning continues to remain relevant and important in BC. Yet because the guideline was written more than twenty years ago, there is a need for housekeeping updates to bring currency to the document. For example, the guideline references old legislation such as the *Waste Management Act* and *Municipal Act* and has no reference to the EMA's Recycling Regulation.

During this time, regional districts have gained experience and expertise in preparing and renewing plans, and are asking the ministry for updates to the guideline to reflect current planning and consultation best practices. The guideline is often seen as overly prescriptive—for example, there are 22 potential points of involvement for provincial government staff in the planning process that may no longer be warranted.

In addition, the landscape for solid waste management has changed considerably. The list of industry stewarded products has continued to expand, and the roles and responsibilities for the management of those products has changed. Expertise within the waste management sector has grown, along with technological improvements and commercial opportunities associated with diversion and recycling/reuse.

Consultation and communication methods have also transformed in recent decades with increased use of mobile devices and online connectivity, prompting changes in consultation best practices among government and stakeholders.

Ministry service plan targets

Updates to the planning guideline should support the ministry's service plan targets for municipal solid waste. The ministry has set two provincial goals to reach by 2020:

- Lower the municipal solid waste disposal rate from 570 to 350 kilograms per person
- Have 75% of BC's population covered by organic waste disposal restrictions

PROPOSED UPDATES

1. Scope of proposed updates

The proposed updates focus on the planning process itself (rather than implementation of plans) and the role of regional districts and ministry staff throughout this process. New guiding principles and targets are being proposed by the ministry to update the high level direction set by the Province for municipal solid waste management.

At this time, the ministry is not proposing or seeking comment on updates that would require legislative changes—any changes to the guideline will be within the

framework of the EMA. The liquid waste management planning guideline is also not being updated at this time.

Waste management policy issues that might surface through consultation may not be resolved in this guideline update, but can inform separate policy work of the ministry. This guideline update will also not address technology/facility standards.

2. Regional district planning and updating process

Note that the updated guideline would only apply to regional districts amending their plan following implementation of the guideline. Existing plans are not impacted by the updates.

2.1. The planning process

A solid waste management plan aims to set long-term waste management goals and commitments in a region, so that short-term operational planning can be anticipated within this approved framework.

The three-stage process for developing a plan described in part 4 of the current guideline assumes that plan development occurs from scratch rather than building on existing plans. While some analysis of the waste management system and programming options described in this part of the guideline will remain valid, the new guideline would reflect that amendments to an existing plan may not require three distinct stages, and ministry reviews may be reduced along the way.

2.2. Plan timeframe

The current guideline directs regional districts to plan for at least a ten-year timeframe (section 26), to set out a time horizon for commitments (section 30), and to review their plans every five years (section 36.2). The ministry is proposing to clarify these provisions with the following information:

- The timeframe of ten years for the plans and the setting out of a time horizon for commitments is still valid.

- The five-year review should consider the implementation status, as well as the plan's effectiveness in meeting targets and commitments. This review could involve a third party to evaluate the plan's effectiveness, provide recommended updates if warranted, and share the findings and recommendations publically.
- The plan should be renewed every ten years to ensure that a plan reflects the current municipal solid waste landscape and that the regional district can anticipate the task of renewing their plan within their other planning cycles. The renewal process should involve a full public consultation process and plan approval by the ministry.

2.3. Plan updates

There are numerous reasons why a regional district may want to update components of their plan. The five-year effectiveness review may result in recommendations to update programs and strategies to better meet commitments and targets. A change in annual disposal trends may signal a need to revisit the plan's programs and strategies. Facility and infrastructure changes may be desired. Depending on the nature of the change, these may require plan updates, or an update to operational certificates following EMA 2(28).

Recognizing that plans contain operational details as well as higher level goals, the ministry would like to provide for an easier way for regional districts to update plans within the ten year timeframe. The ministry is proposing that the guideline include provisions for a plan to be a living document—by enabling regional districts to include particular information in schedules to the plan with a description of the process for updating the schedules over the life of the plan without resorting to an update of the full plan. Topics and information for inclusion in schedules could include:

- List of facilities and/or sites for solid waste management (e.g., storage, processing, disposal)
- Cost information (e.g., capital and operating costs for plan implementation)

- Plan programs and strategies
- Industry product stewardship programs operating in the region

Processes identified in the plan for updating the schedules would vary depending on the potential impact of the updates being contemplated—for example, an update may warrant simple public notification or full consultation. It may be appropriate to provide an analysis of impacts to adjacent regional districts and/or other stakeholders, and to show support from adjacent regional districts. Following an appropriate process for engaging stakeholders, regional districts could seek ministry approval for the updated schedule, rather than the whole plan. Note that any changes made through updates within the life of the plan should not contradict ministry policies.

3. Ministry of Environment role in plan development and implementation

3.1. Plan development—interactions with the ministry

Over the past several years, the ministry's role in solid waste management planning has changed—reflecting increased capacity of regional districts and stakeholders in the waste management sector. The ministry is proposing to update the guideline to reflect this reality. The guideline could provide increased clarity regarding ministry requirements and expected end results. Reducing process uncertainty would serve to reduce instances where regional districts need to seek clarification or approval from the ministry for planning activities that meet the desired end result.

The ministry is proposing a streamlined process and role for involvement of the ministry in the planning process. In most cases, ministry staff would no longer participate on planning committees and would not need to review or approve interim steps in the process. A plan checklist/summary document could be submitted to the ministry along with the plan, consultation report, and approval request letter. This document, submitted and certified

under signature of a regional district corporate officer, could follow a specified template describing how the plan and planning process meet the ministry's desired results and requirements, as the primary source of information in verifying that the plan complies with relevant legislation, the guideline and related ministry policy.

The guideline will reflect that the ministry would be less involved in contributing technical guidance through the planning process. Ministry staff may be involved in a planning process at specific points when there is a need (as is currently the case). Many regional districts have gained experience and expertise in this area and will not be greatly affected by this shift. The ministry recognizes that some regional districts may require additional professional reliance and support.

3.2. Plan implementation—interactions with the ministry

The ministry is not proposing any changes to the guideline with respect to the ministry's interactions with regional districts in plan implementation. The ministry will continue to consider and issue operational certificates and permits following current legislative provisions. The Minister will continue to consider regional district bylaws related to the plan that require approval under the EMA. The ministry will continue to collect waste disposal information supplied by each regional district annually and will report out on disposal trends through [Environmental Reporting BC](#) and the ministry's [annual service plan report](#).

4. Targets

Setting targets helps to define the vision that a region wants to work toward. Ideally, everything in the plan should support movement towards those targets. Achieving regional targets requires collaboration from all stakeholders.

Section 98 of the guideline describes high level provincial waste reduction targets that are now outdated. However, these targets are generally seen as a beneficial tool for regional districts to drive action in

their region. The current provincial targets set out in the ministry's service plan are 350 kg/capita disposal and 75% of the province's population under an organic waste disposal restriction by 2020. The ministry intends to update the guideline for currency, and to include additional direction that regional districts should set local targets and address how these align with, or vary from, provincial targets.

The guideline could also reference other targets that a regional district might set, such as contamination rates, residential food waste reduction, landfill restrictions for wood waste, restrictions of other materials (such as industry stewarded products) and/or greenhouse gas (GHG) reduction. To provide clarity and currency for regional districts, the ministry's service plan targets could be referenced directly in the guideline or included as a schedule to the guideline.

5. Plan principles

Sections 8.2 and 16 of the guideline describe consultation principles and environmental guiding principles with direction for regional districts to adopt these or equivalent principles along with regional objectives in their plans. The ministry proposes to recommend updated principles which guide the consultation process as well as the formation of policies and strategies contained in the plan and any implementation bylaws. Regional districts could adopt principles equivalent to those in the updated guideline or justify other principles that fit their unique situation.

5.1. Consultation principles

The ministry is proposing the following consultation principles, building on direction in the existing guideline (section 8):

- Stakeholder involvement begins at the design stage of the consultation process
- The consultation process engages a cross-section of the stakeholder group that may include waste and recycling service providers, product stewardship agencies, local environmental groups and recycling

organizations, residents within the plan's region, engineering and/or planning departments of the regional district's member municipalities, First Nations within or adjacent to the plan area, local business groups and ratepayers organizations, consumer groups, unions, large commercial and institutional solid waste generators, and local school districts

- Stakeholders are provided with effective and timely notice of consultation opportunities
- Stakeholders are able to determine the implications to their interest by reading the wording in the document that is the subject of the consultation
- Stakeholders are provided with sufficient time to respond to draft documents
- Proceedings and results of activities that are part of the consultation process are properly documented and available for public review so that stakeholders are able to see how the plan will or will not address their comments or issues

5.2. Environmental guiding principles

The ministry is proposing the following environmental guiding principles, building on direction in the existing guideline (section 16) and the guiding principles recommended in MLA Marvin Hunt's recent review of solid waste diversion in BC:

1. Promote zero waste approaches

Encourage a shift in thinking from waste as a residual requiring disposal to waste as a resource that can be utilized in closed loop systems. Zero waste is an approach that generates jobs, stimulates economic development, and maximizes efficient use of materials and energy.

2. Promote the 3 R's (Reduce, Reuse and Recycle)

Elevating the importance of the first 3 R's in the 5 R¹ hierarchy is consistent with zero waste approaches. Waste management strategies should be prioritized as

¹ The 5 R hierarchy prioritizes **reduction**, then **reuse** and **recycling**, then material or energy **recovery**, and after all other options are exhausted, **residual management**.

follows: 1) **reduce** as much as possible the amount or toxicity of materials that enter the solid waste stream through the use of closed loop systems and prevention practices; 2) facilitate **reuse** of materials as many times as possible before they enter the solid waste stream; and 3) facilitate **recycling** of as much material as possible.

3. Maximize beneficial use of waste materials and manage residuals appropriately

Technology and best practices will continue to develop. After measures to maximize the first 3 R's (reduce, reuse, recycle) have been utilized, waste management strategies can be prioritized as follows: 4) **recover** as much energy and/or material from the solid waste stream as possible through the application of technology; and 5) provide safe and effective **residual management** to the remaining solid waste stream.

4. Support polluter and user-pay approaches

Responsibility for the management of products is shifted from general taxpayers to producers and users. This shift in responsibility can be supported through the provision of market-based incentives, disposal restrictions on industry stewarded products, zoning to support eco-depots, and support for re-use and remanufacturing businesses. Education and behaviour change strategies aimed at consumers and businesses will help foster further waste reduction, re-use and recycling.

5. Manage tipping fees

Tipping fees should be structured to encourage diversion and recycling opportunities, while avoiding unintended consequences such as illegal dumping.

6. Separate organics and recyclables out of the garbage wherever practical

Maintaining a system to separate organics and recyclables out of garbage at the source will provide clean feedstock of greater economic value and potential end product use to the recycling industry while reinforcing behaviour to reduce, reuse, and recycle. The unique conditions in each regional district will influence the practicality of this approach.

7. Establish and enforce disposal bans

Disposal restrictions support diversion and a viable reuse and recycling sector. Consistent application of disposal restrictions by regional districts will help to ensure success.

8. Collaborate with neighbouring regional districts wherever practical

Regional districts working towards sharing major facilities for use by those within or outside regional district boundaries, and establishing consistent approaches where possible (e.g., disposal restrictions), will support the most efficient and effective overall municipal solid waste system.

9. Develop collaborative partnerships with stakeholders to achieve regional targets set in plans

Strengthen partnerships with stakeholders to achieve regional targets. All waste and recycling service providers, industry product stewards, and waste generators are key stakeholders in achieving these targets—cooperative efforts will optimize successful outcomes.

10. Level playing field within regions for both private and public solid waste management facilities

Solid waste management facilities within a given region should be subject to similar requirements. A consistent set of criteria should be used to evaluate the waste management solutions proposed by private sector as those proposed by a regional district or municipality. (Criteria may include, but are not limited to, meeting or exceeding environmental standards, alignment with zero waste approaches, cost factors and maintaining waste management as a public service.)

6. Public accountability mechanisms

6.1. Advisory committees

The guideline currently includes provision for public, technical and monitoring advisory committees (sections 8-12). "Reasonable efforts" should be made by regional districts to seek and invite stakeholder groups that reflect public, private sector and government interests. Regional districts with a small population and/or limited

staff capacity could choose to establish a single encompassing advisory committee or use an established environment committee as long as appropriate stakeholder representation is included.

Committees advise the regional district on matters pertaining to waste management planning at all stages of the planning process, including but not limited to the development of environmental guiding principles, terms of reference for any planning studies, the design and implementation of the public review and consultation process, and terms of reference for the plan monitoring advisory committee.

The ministry is not proposing changes to the current guideline with respect to advisory committees, apart from emphasizing efficient committee formation. Ministry review of the committee's design for the public review and consultation process would not be necessary in most cases. To support regional districts, the ministry will develop template documents with terms of reference for the different types of committees, for adaptation specific to the needs of each regional district.

6.2. Public consultation

Effective public consultation is an essential element of the planning process. As well as appropriately scaled advisory committees, consultation is required at key stages in the process. Accountability as to the adequacy of consultation is a legislated requirement under the EMA Part 3(27).

The ministry is proposing that the updated guideline will focus on the outcomes related to consultation rather than the consultation methods.

One desired outcome is that community members and all impacted stakeholders are aware of the planning process and of opportunities to participate and/or provide input. The ministry could include in the guideline some consultation best practices—such as a minimum standard of notice to be provided at key stages in the planning process through advertisements in local newspapers for two consecutive weeks, and through online and direct notification methods. However, a regional

district would have flexibility on how to solicit meaningful input from stakeholders during the planning period.

A second key outcome that will be emphasized is that the consultation process is transparent, with community members able to see the results of consultation and how their concerns were addressed. The ministry will develop a consultation report template for use by regional districts to document the consultation tools used, stakeholder participation, analysis of issues raised and how those issues will be addressed in the plan.

A third key outcome is that regional districts can demonstrate accountability to the legislative requirements for consultation. The plan checklist / summary document submitted to the ministry when plan approval is sought (see section 3.1 of this intentions paper) could include certification from a regional district corporate officer to demonstrate that adequate consultation took place.

6.3. Reporting

Reporting is important because it helps keep the plan a living document with currency for both regional district boards and for the public. The current guideline (section 36) suggests annual reporting to the ministry regional manager. The ministry is proposing updating guidance for reporting as follows:

1. Annual reporting to the ministry of waste disposal information via the ministry's municipal solid waste disposal calculator²
2. Suggested annual or biannual reporting to the regional district board (and public) on topics determined to be of interest and relevance in the region. These may include but are not limited to:
 - Programs delivered each year and how they support the first 3R's of the ministry's 5R hierarchy

² The municipal solid waste disposal calculator collects uniform, transparent, and accurate waste disposal data at the regional district level across BC

- How the plan contributes towards economic development, with emphasis on the reuse and recycling sectors
- Any challenges or opportunities identified within the waste management system
- Monitoring data for closed sites
- Compliance activities
- Landfill gas capture and reuse
- Spills, leaks and leachate collected at facilities
- Wildlife interactions and control measures

As well, the ministry is proposing that the five-year plan review results in a public report describing the regional district's progress towards their commitments and targets, the plan's effectiveness in meeting those targets, and any recommendations for updates to the plan.

7. Plan content

The ministry's proposed updates to the guideline focus on the planning process. Much of the plan content described in the current guideline (section 29) remains valid. The following additional content pieces are proposed:

- Including closure and monitoring information for facilities and sites that have previously been a part of the waste management system
- Preparing an analysis of efficiency/consistency opportunities with neighbouring regional districts and any options that will be pursued (i.e., a description of the participation with any other local government in the sharing of programs and facilities)
- Listing industry product stewardship programs operating in the plan area, strategies for how the regional district interacts with these programs, and a description of how these programs contribute to the achievement of targets/objectives
- Broadening section 29(g) to include a description of measures that key stakeholders within the plan

area have agreed to undertake to implement the plan (existing provision only asks for commitments from member municipalities and First Nations)

8. Compliance

No new ministry compliance activities are proposed, but the guideline will describe compliance avenues that are available. Under EMA section 120(11), it is an offence to contravene an approved waste management plan. Administrative monetary penalties (as per EMA's Administrative Penalties Regulation) may be used in cases where a clear violation of the terms and conditions of the plan occurs. The ministry's compliance policy will be followed for facilities with authorizations under the EMA. The guideline will also highlight provisions in EMA that provide authority for regional districts to enforce aspects of their plans.

The guideline could include the suggestion that regional districts identify options to promote compliance with the plan and develop a compliance strategy. Reporting commitments could be a component of the compliance strategy.

PROVIDING COMMENT

The ministry welcomes comments on the information and proposals outlined in this intentions paper. The ministry has prepared a comment form, which is posted on the [ministry's municipal waste management plans website](#). Those interested are invited to submit comments to the ministry using the comment form, or by separate submission if desired.

If you have any questions or comments please email: SWMP.IP@gov.bc.ca

Completed response forms or submissions may be submitted using the online form or as an attached file to this email address, or by mail to: **PO Box 28159 Westshore RPO Victoria B.C. V9B 6K8**

Comments should be submitted by: **November 15, 2015**

All submissions will be treated with confidentiality by ministry staff and contractors when preparing consultation reports. Please note, however, that comments you provide and information that identifies you as the source of those comments may be publicly available if a Freedom of Information request is made under the *Freedom of Information and Protection of Privacy Act*.

Thank you for your time and comments.