

# Tipping Fee Bylaw Updates

## Engagement Summary



## Acknowledgements

Thank you to everyone who provided input during engagement on the draft Tipping Fee Bylaw updates. Metro Vancouver embraces collaboration and innovation to provide sustainable regional services, contributing to a livable and resilient region, and a healthy natural environment for current and future generations. We appreciate your time as well as the insights and comments shared during engagement.

## About Metro Vancouver

Metro Vancouver is a diverse organization that plans for and delivers regional utility services, including water, sewers and wastewater treatment, and solid waste management. It also regulates air quality, plans for urban growth, manages a regional parks system, provides affordable housing, and serves as a regional federation. The organization is a federation of 21 municipalities, one electoral area, and one treaty First Nation located in the region of the same name. The organization is governed by a Board of Directors of elected officials from each member jurisdiction.

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April 2024

COVER: UNITED BOULEVARD RECYCLING AND WASTE CENTRE

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# 1. About the Draft Tipping Fee Bylaw Updates

A robust solid waste policy and regulatory framework has contributed to Metro Vancouver's success in waste reduction and recycling. Key components of the regulatory framework include the generator levy and disposal bans on recyclable materials, which are implemented through the *Greater Vancouver Sewerage and Drainage District Tipping Fee and Solid Waste Disposal Regulation Bylaw No. 306, 2017*, as amended (Tipping Fee Bylaw).

The draft Tipping Fee Bylaw updates simplify and improve the consistency of definitions; strengthen records management requirements related to the generator levy; and improve enforceability of the bylaw. The draft Tipping Fee Bylaw updates do not change the applicability of the generator levy.

## 2. Executive Summary

The draft Tipping Fee Bylaw updates were introduced at the [July 13, 2023 Zero Waste Committee](#) meeting for information. In the fall of 2023, Metro Vancouver engaged with interested parties to seek feedback on whether the definitions are complete and logical, record-keeping requirements are practical for industry, and exemptions are clear and appropriate.

Metro Vancouver received feedback on the draft Tipping Fee Bylaw updates through a delegation at the July 13, 2023, Zero Waste Committee meeting, at the October 3, 2023, Solid Waste and Recycling Industry Advisory Committee (Industry Advisory Committee) workshop, a webinar, an online questionnaire, and via letters received.

Feedback received during engagement primarily focused on questions about the rationale for updating the bylaw, generator levy remittances to date, and the authority to request records from haulers. Concerns were raised about data use, storage and security, records management, and the engagement process. There were also questions about the definitions in the draft Tipping Fee Bylaw updates.

## 3. About the Engagement Program

Metro Vancouver implemented an engagement plan to seek feedback on the draft Tipping Fee Bylaw updates. This engagement was done in tandem with engagement on the smart waste program, and engagement opportunities were available from October 3 – November 3, 2023. Metro Vancouver hosted an in-person workshop with the Industry Advisory Committee (October 3, 2023), a webinar (October 18, 2023), and an online questionnaire (October 10 – November 3, 2023).

Metro Vancouver developed a discussion paper, included as Attachment 1, as well as graphics and presentation materials, included as Attachment 2, to describe the draft Tipping Fee Bylaw updates.

### Industry Advisory Committee Workshop

Leveraging a standing Industry Advisory Committee meeting on October 3, 2023, an in-person workshop was held with members to discuss the draft Tipping Fee Bylaw updates along with the smart waste program. The workshop combined a mix of whole group and small group discussions.

## Webinar

A webinar was hosted on October 18, 2023 to share information about the draft Tipping Fee Bylaw updates and smart waste program, and to answer questions from participants and other interested parties. The webinar invitation was sent via email to a database of over 850 industry contacts.

## Online Questionnaire

An online questionnaire was created as an opportunity for interested parties to provide feedback on the draft Tipping Fee Bylaw updates. The questionnaire was available from October 10 to November 3, 2023.

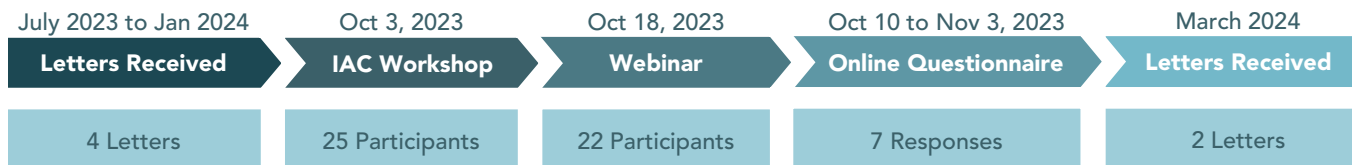
# 4. Engagement Promotion

Draft Tipping Fee Bylaw updates engagement was promoted via:

- An e-blast to over 850 industry contacts describing the draft Tipping Fee Bylaw update and opportunities to provide feedback;
- Information published on a project web page; and
- Information provided at an Industry Advisory Committee meeting informing of upcoming engagement opportunities.

# 5. Engagement Participation

The following image summarizes engagement participation by the number of people attending events or submitting written feedback.



# 6. Draft Tipping Fee Bylaw Updates Feedback

Solid waste and recycling industry representatives and other interested parties shared a range of perspectives about the draft Tipping Fee Bylaw updates during engagement. Feedback was largely focused on the proposed records management requirements, questions around data security, why the information is needed, and under what authority these requirements can be enforced. Questions were also asked about draft updates to definitions in the Tipping Fee Bylaw.

## Industry Advisory Committee Workshop Feedback

Feedback received on the draft Tipping Fee Bylaw updates at the Industry Advisory Committee workshop included comments about the records management requirements, and feedback about the engagement process:

- Records Management Requirements:
  - Questions and requests for more information to understand why Metro Vancouver requires the specified records, the authority, and how the records will be used.
  - Comment that records management practices are specific to each hauling company, and there was hesitancy to share information with others at the workshop.
  - Concerns that records submitted to Metro Vancouver may ultimately be accessed by others, and, as a result, negatively impact their business.
  - Feedback that the information required in the draft Tipping Fee Bylaw is collected by haulers to different degrees of detail, and for varying lengths of time, and using various collection and storage methods depending on the company.
  - Feedback that records management requirements present the following barriers:
    - Confidentiality of information, impacting competition and harming the business, especially if the information is leaked.
    - Uneven playing field created as not all companies have the resources to implement this detailed record-keeping if they don't already do so.
    - Difficulty collecting accurate records related to generators.
- Engagement Process:
  - Comment that it appeared Metro Vancouver

had already decided what to include in an update to the Tipping Fee Bylaw and had no intent to make changes.

- Interest in having an opportunity to discuss the appropriateness of the Tipping Fee Bylaw itself before discussing bylaw details.
- Suggestion that haulers should wait for the outcome of legal challenges that would likely proceed should the updated requirements be included in the Tipping Fee Bylaw.

The full Industry Advisory Committee workshop summary is included as Attachment 3.

## Webinar Question Topics

Following the sharing of information regarding the draft Tipping Fee Bylaw updates, webinar participants were invited to ask questions.

The main question topics were:

- Whether there would be additional or new penalties or fees
- Implementation date of the updated bylaw requirements
- Records management:
  - Metro Vancouver's authority to request this information
  - Intended purpose of collecting this information
- Whether haulers were bypassing generator levy requirements by calling loads recyclable that were actually garbage

The full Webinar Q&A session notes are included as Attachment 4.

## Initial Feedback Letters

Two letters received in July 2023 from industry associations voiced concerns about the implementation of the draft Tipping Fee Bylaw updates (Attachment 5). The Independent Contractors and Businesses Association expressed concerns that draft updates to the Tipping Fee Bylaw would extend the application of the generator levy to construction and demolition waste impacting the cost of construction. A letter, from the Waste Management Association of BC, expressed concerns over what it called overreaching requirements that will impact confidential business information of companies and could be subject to Freedom of Information requests. Additionally, the letter raises concerns about cost increases for both tax payers and customers, and suggests the proposed bylaw amendments will not promote competition in the waste collection and recycling industries and will not ensure a level playing field. The letter notes that some of the draft Tipping Fee Bylaw updates appear similar to a previously proposed bylaw that was not approved by the Province. The letter also expressed concerns about the engagement process. The Waste Management Association of BC followed up with letters in December 2023 and January 2024, further expressing opposition to the draft Tipping Fee Bylaw updates, particularly based on concerns related to competition and Metro Vancouver's authority.

The letters are included as Attachment 5.

## Online Questionnaire Responses

There were seven responses to the online questionnaire. Respondents self-identified as being in the following groups: recycling and waste hauler (3), construction and demolition hauler (1), Not-For-Profit organization (1) and interested individuals (2). One respondent identified that they were a member of the Industry Advisory Committee and the Solid Waste Management Plan Public/Technical Advisory Committee. All questions were optional and respondents had the ability to skip questions.

The main concerns expressed were related to the privacy of data collected in the records, the extent of record management requirements being overreaching, the rationale behind generator levy exemptions, and definitions contained in the bylaw.

Specifically:

- Requirement to provide vehicle operating log is overreaching.
- Definition of "recyclable material" should be updated to not include waste used as fuel in cement kilns or pulp mills.
- Question about why exemptions apply to single-family garbage, construction and demolition waste, and recyclable materials.
- Retention time for records vary across respondents, from 12 months to 5 years or longer.
- Storage of records vary across respondents, including electronic records storage, printed statements, cloud, local server, or other electronic or physical records.
- Record management requirements are an administrative burden, to consolidate information from existing systems.
- Concern about transparency, as more information available to regulators and customers can impact a hauling business' profitability.
- Recommendation to work on restricting cross-border shipment of waste.
- Recommendation to improve inspection practices at regional solid waste facilities.

The full questionnaire and questionnaire responses are included as Attachment 6.

## 7. Feedback and Metro Vancouver Responses

Input through meetings, workshops, webinars, conversations, delegations, and letters were considered by Metro Vancouver. The table below provides an overview of the common themes heard through engagement, and work done by Metro Vancouver to address feedback received.

**TABLE 1: FEEDBACK AND METRO VANCOUVER RESPONSES**

Interest	Feedback	Metro Vancouver Responses
<b>Rationale for updating the bylaw</b>	<p>Request for more information on the reason behind the request for more detailed additional record management requirements.</p> <p>Comment that as there is no current concern about waste leaving the Metro Vancouver region, these changes are designed to address a problem that does not exist.</p>	<p>Metro Vancouver reviewed and further revised the draft Tipping Fee Bylaw updates to ensure records management requirements include only the records required to confirm compliance with the generator levy.</p> <p>Metro Vancouver's goal is to have a robust regulatory framework to ensure that if there is non-compliance with the bylaw provisions, appropriate tools are in place to encourage compliance.</p>
<b>Data use and security</b>	<p>Concern about storage of and access to proprietary company data. Concern that data may be required to be shared with others through Freedom of Information processes.</p>	<p>The draft Tipping Fee Bylaw updates have been further revised to minimize the potential to collect excessive information that haulers would consider proprietary. Several proposed records requirements have been removed or reduced, vehicle operating logs and routing information have been removed as requirements, and haulers may now redact the building street address of each collection location prior to making records available for inspection.</p>
<b>Competition</b>	<p>Concern it creates uneven playing field as not all companies have the resources to meet the requirements.</p> <p>Concern that the generator levy contravenes requirements and advice of the Competition Bureau expressed in their 2019 letter to the Minister of Environment and Climate Change Strategy.</p> <p>Concern that the generator levy stifles competition.</p>	<p>The required records must be in an electronic or other format acceptable to the Compliance Manager.</p> <p>The Competition Bureau provided feedback to the Minister of Environment and Climate Change Strategy in 2019 on Metro Vancouver's solid waste regulatory framework, but did not establish any related requirements or regulations. Metro Vancouver's model of transparent, consistent, and predictable garbage tipping fees and requirements support competition among private waste management companies and promotes innovation and investment in recycling facilities in the region.</p>
<b>Authority</b>	<p>Question about Metro Vancouver's authority to request records from haulers.</p>	<p>The records management requirements in the draft Tipping Fee Bylaw updates are consistent with Metro Vancouver's authority under the <i>GVS&amp;DD Act</i>. Further, the generator levy provisions of the Tipping Fee Bylaw are enacted under the authority of the <i>GVS&amp;DD Act</i>.</p>



<b>Exemptions</b>	<p>Inquiry about exemptions for single-family residential garbage, product stewardship materials, and construction and demolition waste from the generator levy.</p>	<p>The generator levy does apply to single family residential garbage, although member jurisdictions or contracted waste haulers for single-family waste are exempt from certain records management requirements.</p> <p>Source-separated recyclables and construction and demolition waste are exempt from the generator levy.</p> <p>The draft Tipping Fee Bylaw updates have been further revised to include a provision exempting construction and demolition waste from records management requirements.</p>
<b>Definitions</b>	<p>Potential overlap in some of the definitions/need for more clarity.</p>	<p>Definitions have been reviewed and updates have been made where clarifications were required.</p>
<b>Definitions</b>	<p>Request to update the definition of recyclable material to exclude materials used as fuel in cement kilns and pulp mills.</p>	<p>Feedback noted. Metro Vancouver's position is that materials used to offset fossil fuels in uses such as cement plants and district energy systems should be considered recyclables.</p>
<b>Language</b>	<p>Comment that bylaw language is too complex and difficult to understand.</p>	<p>The draft Tipping Fee Bylaw updates have been revised to simplify some of the wording to improve readability.</p>
<b>Records management and record keeping requirements</b>	<p>A concern about sharing records with Metro Vancouver, and providing commercially confidential information about generators and collection routes.</p> <p>There are administrative burdens to keeping these records.</p> <p>Comment about barriers to maintaining accurate generator-specific records, especially as there may be multiple generators in a single load.</p>	<p>The draft Tipping Fee Bylaw updates have been revised to provide haulers with the ability to redact the building street address number of each collection location prior to making records available for inspection.</p> <p>The draft Tipping Fee Bylaw now includes a section that describes a reduction of future tipping fees per submission of records to offset costs incurred by haulers in assembling and submitting records.</p> <p>Metro Vancouver's understanding of the waste management industry is that generator specific records are required for billing purposes.</p>
<b>Generator levy payment</b>	<p>Inquiry about whether a hauler has remitted the generator levy to Metro Vancouver.</p>	<p>To date, no hauler has remitted generator levy payments to Metro Vancouver except through tipping fees (as the generator levy is included in the tipping fee). On this basis, it is Metro Vancouver's understanding that all residential and commercial/institutional garbage is being delivered to Metro Vancouver or City of Vancouver solid waste facilities.</p>
<b>Engagement process</b>	<p>Metro Vancouver is engaging on implementation rather than on principle / appropriateness of Bylaw.</p> <p>Concern that should engaging on principle of the generator levy rather than specific details of bylaw.</p>	<p>Generator levy provisions are already included in the existing Tipping Fee Bylaw. Updates help provide clarity of the Tipping Fee Bylaw as well as help ensure enforceability of generator levy provisions.</p>

<b>Movement of waste</b>	Recommendation to work with the provincial and federal governments to restrict cross-border shipment of waste.	Feedback noted.
<b>Administrative burden/cost</b>	Belief that the changes proposed will increase uncertainty and cost for industry.	Feedback noted. One of the objectives of engagement was to help determine if the records management requirements in the draft Tipping Fee Bylaw updates are consistent with records typically kept by haulers. Metro Vancouver's goal is to align record management requirements with typical industry practices.
<b>Cost of disposal</b>	Concern about increasing costs of solid waste management for businesses and residents of the region adding to operating cost increases and affordability challenges.	Metro Vancouver has a cost effective solid waste system with tipping fee changes having matched the increase to the consumer price index over the past 10 years.

## 8. How Initial Feedback Was Used

Feedback received through the fall 2023 engagement process helped inform the draft Tipping Fee Bylaw updates. The draft Tipping Fee Bylaw updates have been further revised based on engagement feedback.

## 9. Additional Engagement Spring 2024

The revised draft Tipping Fee Bylaw updates were circulated to all those who participated in the 2023 engagement and solid waste and recycling industry representatives for written comment and Metro Vancouver staff welcomed any requests for additional meetings on this topic.

Metro Vancouver received two letters providing additional feedback in March 2024. A letter from the Business Council of British Columbia, the Greater Vancouver Board of Trade, the B.C. Chamber of Commerce, the Canadian Federation of Independent Business, and the Independent Contractors and

Businesses Association, noted concerns about competition, privacy and cost. A letter from the Waste Management Association of BC noted concerns about privacy and private company information being publicly available, costs of records management, negative impacts on innovation and investment, and competition. Both letters request the updates to the Tipping Fee Bylaw be considered as part of or after the solid waste management plan update.

The letters and Metro Vancouver response are included as Attachment 7.

## 10. Next Steps

All feedback will be considered prior to finalizing the draft updates to the Tipping Fee Bylaw, which along with all feedback received will be presented for the Board's consideration.

# Attachments



# Draft Tipping Fee Bylaw Updates

The draft Tipping Fee Bylaw updates streamline definitions, strengthen records management requirements, and improve enforceability of the bylaw.

## Key information

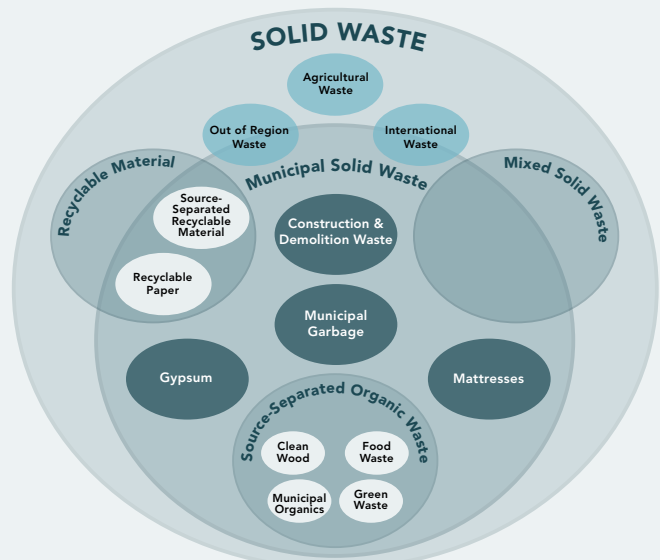
The draft Tipping Fee Bylaw updates build on generator levy requirements in the Tipping Fee Bylaw that came into effect January 1, 2018. The draft updates do not change the types of materials the generator levy applies to, and specifically construction and demolition waste delivered to private facilities is not subject to the generator levy. Feedback during engagement will help inform a revision of the draft Tipping Fee Bylaw updates.

## Generator levy

- Key contributor to Metro Vancouver’s continued success in advancing waste reduction, recycling, greenhouse gas emission reductions, and a circular economy.
- The generator levy is included in the garbage tipping fee collected at regional solid waste facilities (\$59 per tonne in 2023, or roughly half the garbage tipping fee); however, if garbage from residential or commercial/institutional sources is delivered to other facilities, haulers must collect and remit the generator levy to Metro Vancouver.
- Generator levy benefits:
  - i. encourages waste reduction as disposal bans can be applied at regional solid waste facilities
  - ii. ensures all garbage generators contribute to funding the fixed costs of the regional solid waste system.
- The Tipping Fee Bylaw, including the generator levy, is authorized through the *GVS&DD Act*.

## Updated definitions

The following diagram summarizes the relationships among materials included in the Tipping Fee Bylaw definitions.



The following table describes additional draft updates to definitions:

Terms	Updated Definition
<b>Collection Location</b>	an address from which a Waste Hauler picks up or transports Solid Waste
<b>Compliance Manager</b>	the person employed by MVRD as the Director of Environmental Regulation and Enforcement and includes any person designated to act in their place from time to time
<b>Compliance Officer</b>	a person employed by MVRD as an Environmental Control Officer, a Permitting and Enforcement Officer or an Assistant Permitting and Enforcement Officer
<b>Generator</b>	a person who generates Solid Waste, and includes a person who uses the services of a Waste Hauler for the pick up, transport or delivery of Solid Waste
<b>Generator Levy</b>	the levy payable by a Generator pursuant to this Bylaw at the rate set out at section 5.1
<b>Product Steward</b>	a legal entity, such as an organization, company or non-profit society, that develops and implements extended producer responsibility plans for managing the recovery of Product Stewardship Materials and fulfilling the obligations under the Recycling Regulation
<b>Receiving Facility</b>	a Solid Waste Facility, Vancouver Disposal Site or other facility or location to which a Waste Hauler delivers Solid Waste
<b>Vehicle Operating Log</b>	data associated with the pick up, transport or delivery of Solid Waste by a Waste Hauler's vehicle during each shift, including the Collection Location from which Solid Waste is picked up or transported, the number of kilometres over which the vehicle is driven during a shift, and the number of hours during which a vehicle is operated for the purpose of picking up, transporting or delivering Solid Waste, but excluding information related to the vehicle operator's job performance such as the number or timing of off-duty hours

### Updated records management requirements

Records management requirements in the draft Tipping Fee Bylaw are summarized below. Requirements have been shortened for simplicity. Please refer to the [July 13, 2023 Zero Waste Committee report](#) (Item 5.4: Draft Tipping Fee Bylaw Updates) for precise descriptions of each requirement:

- (a) the units of measure and quantity picked up from or transported for Generators within [the geographic area of the GVS&DD](#), for every Load;
- (b) the units of measure and quantity picked up from or transported for Generators within the geographic area of the GVS&DD and delivered to a Solid Waste Facility or Vancouver Disposal Site, for every Load;
- (c) the units of measure and quantity picked up from or transported for Generators within the geographic area of the GVS&DD and delivered to a Receiving Facility other than Solid Waste Facility or a Vancouver Disposal Site, for every Load;
- (d) the units of measure and quantity picked up from or transported for Generators within the geographic area of the GVS&DD and mixed with waste from outside the geographic area of the GVS&DD, including the approximate break-down of the percentage of each Load from within the geographic area of the GVS&DD;
- (e) the name and address of the Receiving Facility and date and time (including Loads mixed with waste from outside the geographic area of the GVS&DD);
- (f) the Collection Location(s) for each Load from within the geographic area of the GVS&DD;
- (g) the number of containers for each material type and each container's volume at each Collection Location within the geographic area of the GVS&DD;
- (h) the dates on which the Waste Hauler picked up from each Collection Location within the geographic area of the GVS&DD;
- (i) daily routing information for vehicles picking up or transporting Municipal Solid Waste from within the geographic area of the GVS&DD;
- (j) for each vehicle that picks up or transports a Load of Municipal Solid Waste from within the geographic area of the GVS&DD:
  - (i) the vehicle identification number; (ii) the capacity of the vehicle; and (iii) Vehicle Operating Logs;
- (k) for each Load from within the geographic area of the GVS&DD, the weigh scale tickets or receipts from the applicable Receiving Facility; and
- (l) if the records created by the Waste Hauler do not use the definitions in this Bylaw to describe the materials, a glossary of terms used in the records created by the Waste Hauler.



## Exemptions

Single-family residential garbage, source separated recyclables or product stewardship materials collected by municipalities, their contractors or product stewardship agencies are exempt from some records management requirements.

A provision will also be added to exempt construction and demolition waste from records management requirements.

Loads of construction and demolition waste and source-separated recyclables delivered to private facilities continue to be exempt from the generator levy.

## Compliance Promotion Tools

- \$200,000 per offence maximum fine
- Enhanced inspection powers

## Engagement

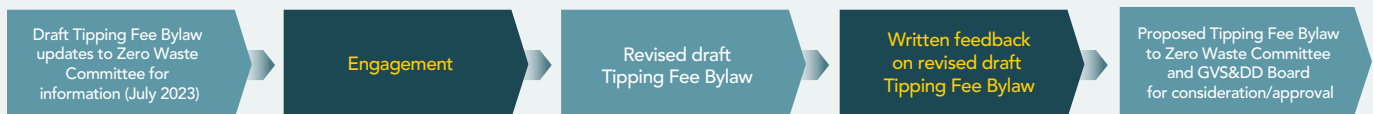
Metro Vancouver is seeking feedback on definitions, records management requirements, and exemptions. Feedback learned during the engagement process will help to inform updates to the draft Tipping Fee Bylaw. There will be an opportunity to provide written feedback on a revised draft of the Tipping Fee Bylaw that will be produced following engagement. All feedback, as well as any additional updates made to the draft Tipping Fee Bylaw as a result of that round of written feedback will be shared with the Metro Vancouver Zero Waste Committee and GVS&DD Board for consideration and approval.

## Engagement questions

- Do you have any questions or feedback about the updated definitions?
- Do you have any questions or feedback about the exemptions in the draft Tipping Fee Bylaw?
- Regarding draft records management requirements:
  - o Do haulers typically collect this information?
  - o How is the information collected/stored (format)?
  - o How long do haulers typically retain records for (collected but not retained, 1 month, 6 months, 1 year, 5 years, other)
  - o What are the barriers or concerns related to sharing these records with Metro Vancouver?
  - o How can those barriers or concerns be best addressed?
  - o Do you have any suggestions for improved clarity on the records management requirements?

## Reference

The draft updated Tipping Fee Bylaw is available online as an attachment to a [July 13, 2023 Zero Waste Committee report](#) (Item 5.4 Draft Tipping Fee Bylaw Updates).



Note: In the event of any inconsistency between the information in this document and the draft updated Tipping Fee Bylaw, the information in the Draft Tipping Fee Bylaw will prevail.



United Boulevard Recycling and Waste Centre

# Draft Tipping Fee Bylaw Updates Overview

Paul Henderson, P.Eng.  
General Manager, Solid Waste Services

**metro**vancouver

## DRAFT TIPPING FEE BYLAW UPDATES

- 1 Overview of the draft Tipping Fee Bylaw updates
- 2 What is being updated and why?
- 3 What areas are we seeking feedback on?
- 4 How can you provide feedback?

## TIPPING FEE BYLAW: OVERVIEW

### GENERATOR LEVY – \$59 / TONNE

- The Tipping Fee Bylaw, including the generator levy, is authorized through the *GVS&DD Act*
- Generator levy came into effect January 1, 2018

Waste delivered to regional facilities

Generator levy included in the tipping fee

Waste delivered to other facilities

Generator levy must be remitted to Metro Vancouver

#### NO GENERATOR LEVY

Dry Recyclables



Residential and Commercial Organics



Construction and Demolition



Industrial



Agricultural



To processors for recycling and disposal

#### GENERATOR LEVY

METRO VANCOUVER OR CITY OF VANCOUVER disposal facilities  
TIPPING FEE includes GENERATOR LEVY



FACILITIES OTHER THAN METRO VANCOUVER OR CITY OF VANCOUVER  
Haulers remit GENERATOR LEVY to Metro Vancouver



## BENEFITS OF GENERATOR LEVY

- ✓ All waste generators contribute to funding the fixed costs of solid waste system
- ✓ Encourage waste reduction as disposal bans apply at regional facilities
- ✓ Reliable data collection
- ✓ Same rules apply to all waste haulers



Central Surrey Recycling and Waste Centre

## WHAT IS BEING UPDATED AND WHY?

Draft Tipping Fee Bylaw updates:

- Streamline definitions
- Strengthen records management requirements
- Improve enforceability of the bylaw, including a max fine and enhanced inspection powers

**The draft updates do not change the applicability of the generator levy.**

# HOW YOU AND OTHERS CAN PROVIDE FEEDBACK

What areas are we specifically seeking feedback on?

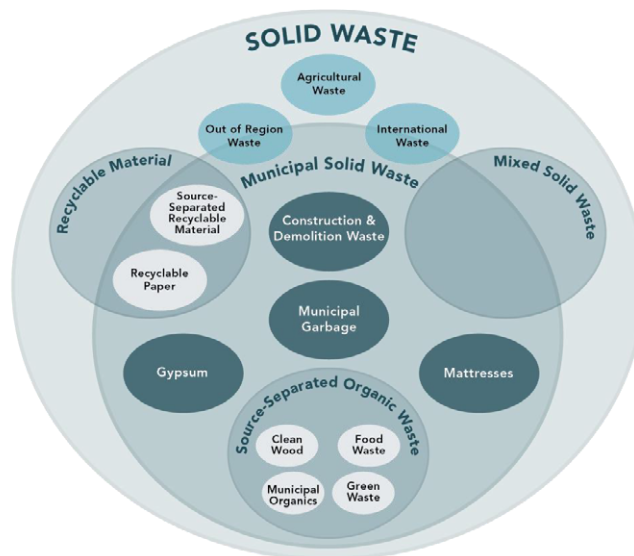
**Updated Definitions and Exemptions**

Are they clear, complete and logical?

**Records management requirements**

Are these records currently collected and retained? What are the barriers or concerns related to sharing these records with Metro Vancouver?

# BYLAW MATERIAL DEFINITIONS



## DRAFT DEFINITIONS

Definitions related to record keeping requirements

Term	Draft Definition
Collection Location	an address from which a Waste Hauler picks up or transports Solid Waste
Compliance Manager	the person employed by MVRD as the Director of Environmental Regulation and Enforcement and includes any person designated to act in their place from time to time
Compliance Officer	a person employed by MVRD as an Environmental Control Officer, a Permitting and Enforcement Officer or an Assistant Permitting and Enforcement Officer
Generator	a person who generates Solid Waste, and includes a person who uses the services of a Waste Hauler for the pick up, transport or delivery of Solid Waste
Generator Levy	the levy payable by a Generator pursuant to this Bylaw at the rate set out at section 5.1

## DRAFT DEFINITIONS

Definitions related to record keeping requirements

Term	Draft Definition
Product Steward	a legal entity, such as an organization, company or non-profit society, that develops and implements extended producer responsibility plans for managing the recovery of Product Stewardship Materials and fulfilling the obligations under the Recycling Regulation
Receiving Facility	a Solid Waste Facility, Vancouver Disposal Site or other facility or location to which a Waste Hauler delivers Solid Waste
Vehicle Operating Log	data associated with the pick up, transport or delivery of Solid Waste by a Waste Hauler's vehicle during each shift, including the Collection Location from which Solid Waste is picked up or transported, the number of kilometres over which the vehicle is driven during a shift, and the number of hours during which a vehicle is operated for the purpose of picking up, transporting or delivering Solid Waste, but excluding information related to the vehicle operator's job performance such as the number or timing of off-duty hours

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## DRAFT GENERAL RECORDS MANAGEMENT REQUIREMENTS

- Create and retain records for at least five years
- Records to be in an electronic or other acceptable format
- Records submitted within seven days of request
- Additional records may be requested

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## DRAFT RECORDS MANAGEMENT REQUIREMENTS

Shortened from Bylaw for simplicity

Record Required
(a) the units of measure and quantity picked up from or transported for Generators within the geographic area of the GVS&DD, for every Load
(b) the units of measure and quantity picked up from or transported for Generators within the geographic area of the GVS&DD and delivered to a Solid Waste Facility or Vancouver Disposal Site, for every Load
(c) the units of measure and quantity picked up from or transported for Generators within the geographic area of the GVS&DD and delivered to a Receiving Facility other than Solid Waste Facility or a Vancouver Disposal Site, for every Load
(d) the units of measure and quantity picked up from or transported for Generators within the geographic area of the GVS&DD and mixed with waste from outside the geographic area of the GVS&DD, including the approximate breakdown of the percentage of each Load from within the geographic area of the GVS&DD
(e) the name and address of the Receiving Facility and date and time (including Loads mixed with waste from outside the geographic area of the GVS&DD)

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## DRAFT RECORDS MANAGEMENT REQUIREMENTS

Shortened from Bylaw for simplicity

Record Required
(f) the Collection Location(s) for each Load from within the geographic area of the GVS&DD
(g) the number of containers for each material type and each container's volume at each Collection Location within the geographic area of the GVS&DD
(h) the dates on which the Waste Hauler picked up from each Collection Location within the geographic area of the GVS&DD
(i) daily routing information for vehicles picking up or transporting Municipal Solid Waste from within the geographic area of the GVS&DD
(j) for each vehicle that picks up or transports a Load of Municipal Solid Waste from within the geographic area of the GVS&DD: (i) the vehicle identification number; (ii) the capacity of the vehicle; and (iii) Vehicle Operating Logs
(k) for each Load from within the geographic area of the GVS&DD, the weigh scale tickets or receipts from the applicable Receiving Facility
(l) if the records created by the Waste Hauler do not use the definitions in this Bylaw to describe the materials, a glossary of terms used in the records created by the Waste Hauler

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## DRAFT RECORDS MANAGEMENT REQUIREMENTS

We are seeking to understand:

- Do haulers typically collect this information?
- How is the information collected/stored (format)?
- How long do haulers typically maintain each record for?
- What are the barriers or concerns related to sharing these records with Metro Vancouver?
- How can those barriers or concerns be best addressed?
- Do you have any suggestions for improved clarity on the records management requirements?

**Online questionnaire:** go to [metrovancouver.org](https://metrovancouver.org) and search 'smart waste'

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## DRAFT UPDATED EXEMPTIONS

- Loads of construction and demolition waste and source-separated recyclables delivered to private facilities continue to be exempt from the generator levy.
- Records management related exemptions:
  - Single-family residential garbage, source-separated recyclables or product stewardship materials collected by municipalities, their contractors or product stewardship agencies are exempt from some records management requirements.
  - A provision will also be added to exempt construction and demolition waste from records management requirements.

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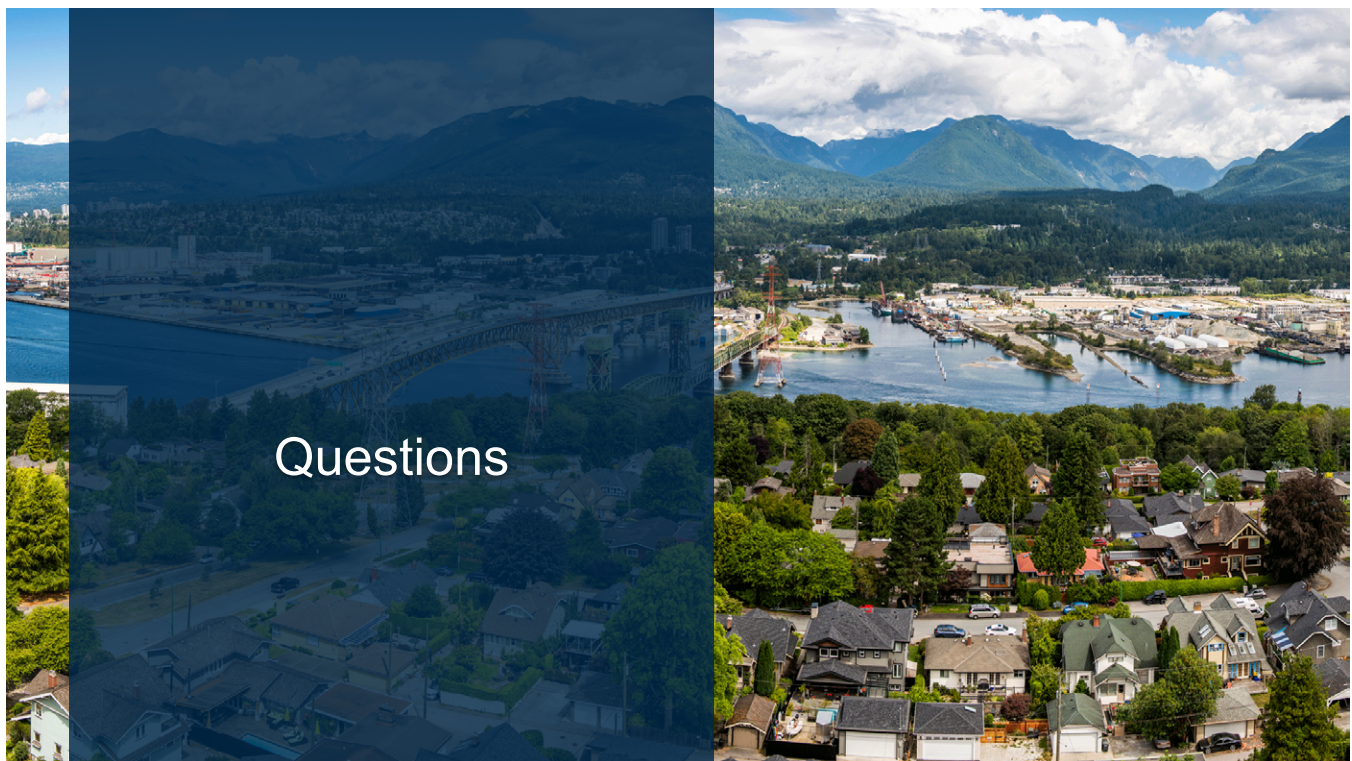
## DRAFT TIPPING FEE BYLAW UPDATES – ENGAGEMENT



## DRAFT TIPPING FEE BYLAW:

How can you and others provide feedback?

- We have developed an online feedback form for input on draft definitions, exemptions and records management requirements. This feedback form will be open until October 31.
  - Go to [metrovancover.org](https://metrovancover.org) and search 'smart waste'
- Feedback can also be sent via email to: [solidwasteoperations@metrovancover.org](mailto:solidwasteoperations@metrovancover.org)
- All feedback will be reflected in the engagement summary that will be developed by the facilitator.
- Feedback will be shared with the Zero Waste Committee and Board



### Smart Waste Program and Draft Tipping Fee Bylaw Updates Workshop Solid Waste and Recycling Industry Advisory Committee

Tuesday, October 3, 2023

Workshop Summary – These notes were prepared by Engage Delaney, with input from Metro Vancouver to provide additional information and context.

*The following is a summary of what was heard at the October 3, 2023, Solid Waste and Recycling Industry Advisory Committee Workshop on the draft Tipping Fee Bylaw updates and smart waste program. This workshop was a component of a broader engagement program on the two initiatives. Separately, full engagement summary reports will be prepared for each of the draft Tipping Fee Bylaw updates and smart waste program, describing what was heard through engagement and how Metro Vancouver is responding to the feedback through development of a revised draft Tipping Fee Bylaw and a draft smart waste program implementation plan.*

#### **Presentation: Overview of the Draft Tipping Fee Bylaw Updates**

**Speaker: Paul Henderson, General Manager, Solid Waste Services, Metro Vancouver**

Paul Henderson provided a presentation on the draft Tipping Fee Bylaw updates, including details about the draft changes, benefits of the generator levy, and timeline/next steps. The draft bylaw includes updates to definitions, record keeping requirements, and exemptions.

#### **Questions from the members related to definitions, and Metro Vancouver responses:**

***What is the distinction between generator and a hauler under the bylaw and what specifically is a generator?***

- Generator: a person who generates Solid Waste, and includes a person who uses the services of a Waste Hauler for the pickup, transport, or delivery of Solid Waste
- Generator Levy: the levy payable by a Generator pursuant to this Bylaw at the rate set out at section 5.1
- Staff referenced the draft Tipping Fee Bylaw text which specifies a definition for Generator
- Staff will review the draft definitions to ensure clarity.

#### **Questions from the members related to exemptions and records management requirements, and Metro Vancouver responses:**

***Is there anyone presently remitting the generator levy to Metro Vancouver other than through tipping fees?***

To date, no hauler has remitted generator levy payments to Metro Vancouver except through tipping fees (as the generator levy is included in the tipping fee). On this basis, it is Metro Vancouver's understanding that all residential and commercial/institutional garbage is being delivered to Metro Vancouver or City of Vancouver solid waste facilities.



***The records management requirement language used in the Tipping Fee Bylaw appears similar to the language used in a draft hauler licensing bylaw proposed several years ago, which was not approved by the Province. Has Metro Vancouver considered these issues?***

While a detailed line-by-line comparison has not been conducted between the draft bylaw review and the historic proposed hauler licensing bylaw, there has been a thorough review of the draft bylaw provisions. Metro Vancouver has determined that the records management requirements in the draft bylaw are consistent with Metro Vancouver's authority under the *GVS&DD Act*.

***Under what authority are the generator levy provisions of the Tipping Fee Bylaw enacted?***

The generator levy provisions of the tipping fee bylaw are enacted under the authority of the *GVS&DD Act*.

***Is it possible to obtain a copy of the document that grants Metro Vancouver the authority to include this language in the requirements and draft bylaw?***

This authority is outlined in the *GVS&DD Act*, and the specific provisions added in 1995. The section of the Act that provides that authority will be shared with Industry Advisory Committee members.

***Are municipal haulers that collect multi-family and commercial waste exempt from remitting the generator levy?***

No. Provisions with respect to records management and remitting the generator levy apply to municipalities that collect multi-family and commercial/institutional waste. Municipalities collecting single family garbage are exempt from certain record keeping requirements as noted in the draft bylaw.

***Is there a way to highlight what constitutes a new requirement and what has been modified regarding record-keeping?***

A blackline document highlighting draft changes from the Tipping Fee Bylaw was attached to the July 2023 Zero Waste Committee meeting report on the draft Tipping Fee Bylaw updates. A comparison of the provisions related to records management requirements will be shared with Industry Advisory Committee members. Link: [Comparison of Record Keeping Requirements](#)

***Are generators required to maintain records and share them with haulers, who would then share them with Metro Vancouver?***

The records management requirements apply to haulers, not generators. Under the current and draft bylaw, haulers are responsible for maintaining records.

***What rationale underlies the exemption of construction and demolition waste from the generator levy?***

The generator levy exemptions for construction and demolition waste, along with source separated recyclables, are included in the current Tipping Fee Bylaw as well as the draft updated Tipping Fee Bylaw. As those materials are primarily managed at private facilities, creating a new fee on those materials would have a significant impact on those industries.

**Small Group Discussion:**

Industry Advisory Committee members were asked to work in small groups and share their feedback on draft records management requirements.

**Questions or concerns regarding the small group discussion, and Metro Vancouver responses:**

***The information is very specific to each hauler and company and they do not feel comfortable sharing that in the group.***

Please share any industry-level feedback or concerns and ways to mitigate those concerns.

***Before we give any feedback on the requirements, the main concern is that our records will be out there and might get into the wrong hands.***

Metro Vancouver has heard that concern and is looking for ways to mitigate that concern. One potential way is to have the process handled by a third party, or by the Environmental Regulation and Enforcement Group to protect the privacy of that information.

***I feel uncomfortable answering any of these questions that are asking for my feedback before I understand the authority that Metro Vancouver has to ask for this type of detailed records and information and understand the licensing language.***

Metro Vancouver is confident in having the authority with respect to requiring the records. Metro Vancouver's goal is for the records management requirements to reflect what is required from a bylaw compliance promotion perspective. Metro Vancouver also wants to ensure the requirements make sense from the haulers' perspective operationally.

***Concern about expediting the process. It appears that Metro Vancouver already has had all the discussions internally and there is no room for changes. It would have been better to receive these documents first and then have the workshop to address our concerns.***

***Given the foundational issues with the bylaw, I would suggest for the consideration of this committee that the draft bylaw be presented to the Zero Waste committee and have Metro Vancouver pass it. We will then ask the court to determine whether or not Metro Vancouver has the authority to enforce this bylaw. This is more efficient and tangible than going back and forth.***

***In this consultation about the proposed bylaw, we are asked questions about what mechanics or metrics we used as opposed to asking about the foundations such as whether or not the generator levy is appropriate. Although the GVS&DD Act states Metro Vancouver has the right to require haulers to maintain records in accordance with the bylaw, it leaves a lot of vagueness in terms of what can or should be collected. You may have the authority but it does not mean it is right or wrong. Therefore, we should have been asked the foundational questions of the appropriateness of the levy.***

***Given Metro Vancouver advises that currently there is compliance with the generator levy requirements, why is this additional detail required?***

Metro Vancouver's goal is to have a robust regulatory framework to ensure that if there is non-compliance with the bylaw provisions, appropriate tools are in place to encourage compliance.

#### **Presentation: Smart Waste Program Overview**

**Speaker: Paul Henderson, General Manager, Solid Waste Services, Metro Vancouver**

Paul Henderson provided a presentation on the smart waste program, describing the following:

- The smart waste program was first introduced in the July 2023 Industry Advisory Committee meeting - involves putting electronic location based devices into publicly accessible multi-family and commercial/ institutional garbage containers. The data from that will be useful for enhancing understanding of the movement of waste around the region, assisting in developing specific planning for the region, and confirming compliance with the generator levy.
- Metro Vancouver seeking feedback to help us understand potential impacts and concerns and ways that we might be able to mitigate the concerns.
- Metro Vancouver will prepare a draft implementation plan that will outline for example how the program will be implemented, the number of devices expected to be used, reporting processes, etc.
- Metro Vancouver will invite written feedback on the draft implementation plan.

#### **Questions or concerns regarding the smart waste program, and Metro Vancouver responses:**

***Has there been any consideration taken into account that device might fall and get stuck in the truck?***

If an electronic device became stuck in a truck, location signals would continue to show movement of the device until the battery ran out – as such, the data would not provide accurate information on the destination or receiving facility of the garbage that was picked up at the same time as the device.

***Before I answer questions in terms of feedback on this program, I want to know what type of data you are gathering with this, what frequency, and what it looks like. I would like to see a software demonstration. My concern is that this data would get into the wrong hands. Even if it is collected and kept with a third party it is still out there.***

We are not intending to provide specific details of the devices that have been tested; however, we can provide examples of the type of data that is generated. The data will show us the location of the container initially, and then the device starts to move and finally ends up in one location – indicating the receiving facility. There is some information seen on how the trucks move following collection of the garbage, but the information is not precise given the technology available today.

***It would be helpful to have a demonstration of the device.***

Example data from trials will be shared with Industry Advisory Committee members. Link: [Sample Device Data](#)

***Has Metro Vancouver finalized a specific technology or software to use yet?***

The technology or software may change over time. Currently, devices using AAA alkaline batteries have been tested.

***What type of containers/bins will have these devices?***

Metro Vancouver expects that the devices would be deposited in publicly accessible residential and commercial/institutional garbage containers. This would include front-end and compacting containers.

***Can the devices identify the name on the outside of the containers?***

The trackers cannot. The identity of the name on the outside of the containers would be recorded by the person depositing the device in the container.

***If future technology improvements make the data more precise, it could potentially harm haulers due to increased information collection.***

Metro Vancouver will work to minimize potential impact based on concerns identified through the engagement process.

***Are the devices following the trucks or the containers?***

The devices provide location information. As such, they would provide information on the original location of the container where they are placed, and the devices would provide location information when they are emptied into a truck with the garbage and delivered to a facility.

***Why is this information collected at all and why can't it be collected through less invasive means?***

Other options such as vehicles following trucks were considered. Using the electronic devices was concluded to be the most efficient method and determined to have the least environmental impact and to not collect any personal information.

***How many devices are going to be used and how long do the devices last?***

The July Zero Waste Committee report notes approximately 200 per year could be used. Metro Vancouver's experience is that units can provide data for up to 3-4 months, depending on data broadcast intervals

***Can Metro Vancouver consider setting a specific radius for the devices so that they show the general idea of the movement without revealing specific route information?***

The information collected, based on the devices tested, has a low level of detail. Metro Vancouver will work towards mitigating the concerns identified to the extent practical.

***Is it possible to manually adjust the frequency between signals, or is it pre-set?***

The devices have a "heartbeat" (i.e., frequency of transmitting) while not in motion; once they are in motion they transmit as they are moved.

***Has Metro Vancouver explored the possibility of having a vehicle follow the trucks around from place to place?***

We have looked at a range of options and the electronic devices are the least invasive. The electronic devices are more efficient and collect less information (i.e., no identifying information on the truck or driver) than following trucks.

***Concern: this process is less of a consultation and more of a collection of data to justify the decision that has already been made.***

Response: A draft implementation plan will be prepared and circulated for written feedback. Metro Vancouver is committed to putting measures in place to mitigate concerns where practical.

**Next Steps:**

Metro Vancouver will consider engagement feedback from the Industry Advisory Committee and others, in the preparation of a revised draft Tipping Fee Bylaw and draft smart waste program implementation plan. Both will be shared with Industry Advisory Committee members for written comment.

**Smart waste program and Draft Tipping Fee Bylaw Updates – Webinar – Q&A**

**October 18, 2023**

The following tables summarize participant questions and Metro Vancouver responses at the October 18, 2023 webinar on the smart waste program and draft Tipping Fee Bylaw updates. The session recording is found [here](#).

**Draft Tipping Fee Bylaw Updates**

Question	Metro Vancouver Response
<p>For loads that contain recyclables delivered to non-Metro Vancouver facilities, specifically those shipped out of region for disposal – what about the penalties or any additional fees for those loads?</p>	<p>Source-separated recyclable materials are not subject to the generator levy when delivered to a recycling facility.</p> <p>In addition, a new clause has been added to the draft bylaw that a surcharge may be waived for a load of source-separated recyclable material not accepted at a recycling facility and delivered to a Metro Vancouver solid waste facility.</p>
<p>Do you have a target date to implement the updated tipping fee bylaw?</p>	<p>Early in 2024 is anticipated but that is dependent on the engagement process – we intend to complete the engagement process, and provide a revised draft Tipping Fee Bylaw update for written feedback before bringing the proposed updated bylaw to the Zero Waste Committee and Board for consideration.</p>
<p>Privacy and records – what authority does Metro Vancouver have to request this information?</p>	<p>Metro Vancouver is working to minimize the concerns around records and privacy.</p> <p>The authority for the generator levy and the Tipping Fee Bylaw is through the GVS&amp;DD Act. Under that act Metro Vancouver has the authority to establish bylaws that set requirements, including record keeping requirements.</p>
<p>Understanding that recyclables are included in solid waste solely to be deemed contaminated and then dumped outside the region for disposal as solid waste, shouldn't there be penalties for this?</p>	<p>Mixed loads, including recyclables and garbage, are subject to the generator levy.</p>
<p>What is the intent for the record keeping and collection of records?</p>	<p>The records created and retained by the waste hauler will assist in verifying compliance with the generator levy provisions in the Tipping Fee Bylaw.</p>

**Smart waste program**

Question	Metro Vancouver Response
<p>Concerns over lack privacy and tracking of haulers using these devices – can you share some information on how Metro Vancouver is addressing that concern?</p>	<p>Metro Vancouver is considering that feedback while developing a draft an implementation plan that will be shared for written feedback. The draft implementation plan will include measures to address data confidentiality concerns that have been communicated by the waste community.</p>
<p>When do you anticipate implementing this program?</p>	<p>There is no specific target date. Metro Vancouver will continue with engagement and work on the draft implementation plan. We will share the draft implementation plan for written feedback, and then subsequently finalize the implementation plan.</p> <p>As part of the draft implementation plan Metro Vancouver will describe how the devices will be used and the reporting information process for the program.</p> <p>Our expectation is that the program will be implemented in the first half of 2024, but that will depend on the engagement process outcomes.</p>
<p>It would appear that Metro Vancouver is looking to create a solution for a problem that may not exist. Currently Metro Vancouver does not seem to have an issue with material going outside the region.</p>	<p>Metro Vancouver’s goal is to have tools in place to confirm compliance with the generator levy, and the smart waste program is an important component of that.</p> <p>As noted, we are not aware of any residential or commercial/institutional garbage being delivered to facilities other than Metro Vancouver or City of Vancouver solid waste facilities.</p>



Metro Vancouver Regional District  
Zero Waste Committee

July 13, 2023

**Re: Amendments to By-law No. 306**

Dear Councillor Kirby-Yung:

The Independent Contractors and Businesses Association has been an active advocate for the construction sector in British Columbia since 1975 and with more than 4,500 members and clients are now the largest construction association in Canada. We are writing today to express our concern about the proposed amendments to By-law No. 306, 2017.

As you are aware, the Lower Mainland has been facing significant and growing challenges with respect to cost of living. The construction sector has faced enormous pressure over the last few years with supply chain issues, labour shortages, permitting, the impacts of flooding in the Fraser Valley and now, the strike at the ports of Vancouver and Prince Rupert.

We are concerned by the pressure brought to bear by the approach government is taking regarding the regulatory framework as it relates to the cost of land clearing, demolition, construction, as well as our day-to-day operations.

We understand that Metro Vancouver wishes to clarify its *Tipping Fee Bylaw*, but we believe that the changes proposed will increase uncertainty and cost for our industry, which will unfortunately add more to the cost of construction.

Higher interest rates, supply chains, shortage of people, red tape and fee increase pressures are already putting British Columbia's construction market in a difficult position. We are concerned that a hastily considered amendment to the tipping fee bylaw will only serve to exacerbate these challenges. The Lower Mainland simply cannot afford further pressures.

We would respectfully request that the ZWC place this bylaw on hold until it can be properly considered. We are concerned about:

1. The impact of the bylaw on Construction and Demolition Waste. Without specific exclusion and assurance that the industry will not be affected by this bylaw, we have grave concerns.
2. Tracking waste. We understand that there are concerns being expressed about the possibility that GVS&DD plans to put tracking devices in waste bins, possibly including Construction and Demolition bins. We believe that this represents an intrusion into the businesses of our members.

604.298.7795  
800.663.2865  
info@icba.ca

**Independent Contractors and Businesses Association**

icba.ca

**Head Office**  
#800 - 13761 96th Avenue  
Surrey, BC V3V 0E8



3. Planned expenditures amounting to hundreds of millions of dollars to build debt-financed infrastructure to support GVS&DD's waste management plans. We are concerned that the continued accumulation of debt-financed infrastructure that is better left to the private sector will drive up interest costs and ultimately impact residents and drive-up development fees.

We would ask that the Committee continue to prepare its updated Solid Waste Management Plan prior to embarking on significant changes and large infrastructure investments.

We furthermore request that you to consider the impact of increases in tipping, restrictions on competition in the private sector, and the increasing cost of long-term capital on residents and municipalities.

Sincerely,



Chris Gardner  
President



July 31, 2023

Greater Vancouver Sewage & Drainage District  
Metro Tower III  
4730 Kingsway  
Burnaby, BC V5H 0C6

Dear GVS&DD Board Members;

**Subject: Metro Vancouver proposed Tipping Fee Bylaw amendments and Smart-Waste Program**

On behalf of the Waste Management Association of B.C. (WMABC), we write to you to voice our disappointment and opposition to and provide important background information, on the proposed amendments to the Tipping Fee Bylaw amendments and introduction of the new Smart-Waste Program.

We are extremely concerned and disappointed with the proposed amendments and a new Smart Waste program that were presented to the Zero Waste Committee meeting on July 13<sup>th</sup>, 2023. We believe these initiatives unfairly target the Regions waste generators, collectors and processors which will lead to increased costs to taxpayers, reduce competition, and does not lead to enhanced diversion of the waste stream.

**Amendments to Tip Fee Bylaw**

When reviewing the draft changes of the tip fee bylaw, the draft changes are complicated, overreaching and require a very close legal and industry review even before providing comment on. While intentional or not, the result is that Metro Vancouver has included ambiguous language that can be open to misinterpretation.

It appears Metro Vancouver has added language from the previously proposed hauler licensing bylaw (which required the MOE approval, and was not approved) and components of the facility bylaw (which now Metro Vancouver claims they don't need approval for) into the tip fee bylaw amendments, however with over reaching requirements that will impact confidential business information of companies and could be subject to Freedom of Information "FOI" requests. We generally support openness and transparency within reasonable guiderails so as not to risk potentially proprietary commercial information of our members getting into the wrong hands, that would significantly impact our members' businesses.

It also appears the proposed tip fee bylaw amendments is contemplating extreme cost increases over the next few years that will have significant impacts to tax payers and customers, and further attempts to try to capture other waste streams outside of the MSW waste stream, such as recyclables and Construction and Demolition "C&D" waste. Metro Vancouver has stated that this is not the intent, but the language is ambiguous at best and intentionally misleading at worst.

Further these proposed bylaw amendments will NOT promote competition in the waste collection and recycling industries, will NOT ensure a level playing field for market participants and will NOT lower barriers to entry for market participants. These ill-conceived policies do not help achieve diversion goals set out by the region.

As an association, we are continually taken aback by proposals and/or introduction of bylaws and policies such as these that do not promote industry to continue to invest in the market to further achieve higher diversion. In fact, we have seen these types of policies drive industry out of the market in this region, discourage innovation & new investment and dissuades any further investment.

### **Smart Waste Program**

The tracking devices proposed to be added to private property of haulers and the documentation of the GPS location(s), routing information, and business intelligence, is extremely concerning as the amount of business intelligence gleaned from this Smart Waste program is beyond comprehension, and subject to future FOI's with Metro Vancouver. While the Privacy Impact Assessment (PIA) provided by Metro Vancouver outlines the potential concerns identified and addressed by Metro Vancouver, it does not address or provide reasonable comfort to industry's identified concerns. This may have been mitigated if prior consultation had been undertaken however industry would not have been in favor of this type of 'big brother' behaviour.

We have heard from many private waste service companies that have indicated they do not nor intend to approve, accept or give consent to tracking devices and/or electronics being intentionally disposed of in their containers, and ultimately in their trucks. We have also heard from recyclers who do not want these in the waste stream. Our member-driven association has not had the opportunity to further inform or educate our customers on the placement of tracking devices in the bins they currently use if those bins are located on private property, however we are confident that customers will take an exception to this regulatory body's big brother approach. Again, this is not to say that a reasonable approach at information gathering does not have merit, however the manner in which the program was sprung upon us does mean a step back in order to attempt to regain the trust that has been lost after many months of diligent cooperation. How does Metro Vancouver intend to address the issue of consent, and regain trust with Industry?

Additionally, electronics, of any kind, are banned from the waste stream and landfills. Why is Metro Vancouver contaminating the stream when it should not be in favor of any contamination in waste bins. It has been stated by Metro Vancouver that alkaline batteries are safe and are not a fire hazard, however we have seen combustion from alkaline batteries in the waste stream and their safety is not a certainty.

**To that end, we formally request to have information provided to us on how the tracking program has been trialed and/or instituted thus far (e.g. who, what, where, etc) and insist on the tracking program being halted until discussion on alternative options and consultation with industry has been undertaken, as our members do not approve of these tracking devices being put into their private property (trucks and bins), for all reasons stated above.**

### **Competition Bureau Canada**

As further context, the Competition Bureau Canada (CBC) investigated the previous actions of Metro Vancouver and their proposed Bylaws 306, 307 & 309 and found them to be against the competition act. While the CBC letter was directed to Minister Heyman, MOE&CCS, as these bylaws were on his desk for consideration, it was quite clear what the CBC had stated as excerpted below from their letter dated May 5, 2019;

***'The Bureau is of the view that the Generator Levy Bylaw and Commercial Waste Licensing Bylaw raise competition-related concerns in that their adoption and implementation may result in a reduction of choice and innovation and/or an increase in tipping fees paid by waste generators in the Metro Vancouver area that would not occur absent these measures. Moreover, the Bureau is of the view that measures put in place by Metro Vancouver, indeed any public or quasi-public entity, should not create competitive advantages for one competitor over another. Most importantly, the Bureau***

*is of the view that such measures should only be used where market forces will not achieve the relevant public (e.g., environmental) policy objectives and, even then, only to the extent necessary to achieve those objectives'*

It is our opinion the CBC will once again find significant fault with these proposed amendments to the Tip Fee Bylaw and Smart Waste Tracking Program.

### **No Consultation with Waste Generators, Industry or Taxpayers**

The WMABC has, in good faith, been engaged in regular discussion with not only the General Manager of Solid Waste and his staff but CAO Jerry Dobrovolny as well, on a variety of topics ranging from Covid-19 related issues, operational issues and waste diversion goals for over 3 years, in an attempt to repair a broken relationship between industry & Metro Vancouver and to better the environment of waste & recycling in this region. We have felt that to work together more collaboratively was the best path forward for industry and regulator.

On April 4, 2023, Metro Vancouver was advised that GVS&DD and GVWD were added to the provincial Bylaw Notice Enforcement Regulation, allowing for a new ticketing and enforcement authority be granted to Metro Vancouver's Liquid Waste, Water and Solid Waste departments. It was suggested to us that this was to be used to enforce the generator levy bylaw. It should be noted that as recently as one month before these reports were released to the July 13, 2023 ZWC meeting, a delegate of WMABC Board Members directly asked Mr. Henderson and Mr. Dobrovolny how they intended to manage the enforcement of this new ticketing authority and enforcement of the waste generator levy, and were told they will consult with industry as nothing had been decided yet. To say that we are disappointed to have these reports dropped in this manner with no previous discussion, mention or notice, is an understatement. The action taken by Metro Vancouver has shown how little regard Metro Vancouver has for private industry, the WMABC, or those individuals they have been engaged with. We have always been wary of the "check the box" consultation process of Metro Vancouver and this has only enforced this concern. Metro Vancouver staff has said that industry will not accept any change, so they are just going to move forward with their agenda, however the WMABC has genuinely been working with Metro Vancouver first through the mediated process with the Province of BC and then through the Industry Advisory Committee "IAC". Metro Vancouver's failure to conduct productive sessions through the "IAC", is not Industry's doing.

Furthermore, the reports that were presented to the ZWC board on July 13<sup>th</sup>, 2023 were released in July in the middle of summer when people are away and on vacation. This is exactly how Metro Vancouver initially presented Bylaw 280 in 2012 and Bylaws 306, 307 and 309 in 2018. Why would Metro Vancouver administration release such a far and over-reaching bylaw amendment and program at this time of year if they are seeking true consultation? As a matter of fact, members of the Zero Waste Committee had some very pointed questions and concerns on these two reports and did not appear to be satisfied with Metro Vancouver's staff responses. For the last year and a half, the Industry Advisory Committee has accomplished very little for a variety of reasons and then Metro Vancouver drops this on the committee mere days prior to presentation to the ZWC? This was the very intent of establishing the IAC, to identify, discuss and advise on waste issues and solutions in this region. Metro Vancouver has shown once again their disingenuous process, that does not seek true collaboration with industry, or working towards a zero-waste region with an open and competitive market, that allows for cost effective and innovative investment by the industry.

It is interesting that we are once again being presented with and opposing what essentially equates to Metro's Waste Flow Control agenda. These proposed bylaws and programs will have a profound impact on this industry and taxpayers and the significant waste diversion rates enjoyed today. These are not merely "administrative" changes, as represented by Metro Vancouver. They include dozens of major and far reaching amendments that represent a potential overreach of Metro Vancouver's authority over private waste companies.

Examples of these overreaching amendments include;

- Potentially impose the Generator Levy on Construction, Demolition and Land Clearing waste, effectively shutting down private C&D MRFs licensed by the GVS&DD. The language is so unclear that many people are confused by what this means for their businesses.
- Require daily confidential routing information to be provided by waste haulers
- Mandate detailed levels of record keeping and electronic monitoring
- Establish maximum fines of \$200,000 per day for non-compliance; and
- Increase tipping fees by more than 30% over the next five years

Lastly, we come back to the public debate about the lack of affordability in the Region and overall increased costs experienced on everything today. It is politically tone deaf that Metro Vancouver continues to propose policies and programs that increase costs to the waste haulers which inherently add essentially an additional tax to all businesses and commercial customers but does very little to actually target their intended 'generator' of the generator levy and their intended waste diversion goals.

This represents just a few of our members' concerns, others previously noted, and others not included here for sake of brevity. While members of the ZWC will be more familiar with the issues raised, and it appeared some had concerns over how these matters were handled, we felt compelled to bring this to the attention of GVS&DD Board and would be happy to discuss further.

Sincerely,

*G Hankins*

Grant Hankins  
President, Waste Management Association of B.C.

cc. Assistant Deputy Minister Laurel Nash, Ministry of Environment and Climate Change Strategy  
Metro Vancouver Zero Waste Committee ZWC Board  
Competition Bureau Canada  
Metro Vancouver Industry Advisory Committee  
Metro Vancouver Public & Technical Advisory Committee



Greater Vancouver Sewage and Drainage District  
Attention: Chair & Council  
Metrotower III, 4515 Central Boulevard, Burnaby, BC, V5H 0C6

December 11, 2023

**Subject:** Concerns Regarding the Functioning of the IAC Committee and the Solid Waste Management Plan Consultation Process

Dear Board of Directors,

The purpose of this letter is to express concerns regarding the Industry Advisory Committee (IAC), the process in the way it is functioning and to emphasize the importance of prioritizing the consultation on the solid waste management plan and those issues that are part of the work plan that should be developed and agreed to by the members of the IAC based on the terms of reference of the IAC.

First, we would like to acknowledge Metro Vancouver's efforts to promote sustainable practices. Along with this, it is important to acknowledge the crucial role the private Waste and Recycling Industry has played in servicing the Region, from providing hauling services of the various material streams, sorting, processing & brokering these materials, through private investments in waste management strategies and infrastructure. Metro Vancouver has been able to achieve the diversion results it has because of innovation, investment, and competition in the marketplace. Diversion rates will increase if and only if there is good public regulation that allows for continued competition in compliance with the Competition Bureau of Canada regulations, recommendations and statements allowing the required innovation, and investment to take place. For the past several years, the recycling market has stalled due to regulatory uncertainty from the extreme overreach.

### **A Dysfunctional Process**

From our and other industry members perspective, the IAC has not been functioning as effectively as it should be, but more importantly, not how it was intended coming out of the Elevate process with the Province, Metro Vancouver and the WMABC. Also troubling we have not been truly following the terms of reference and seem to have gotten into a 'check-the-box' session of so-called consultation driven and manipulated by Metro Vancouver staff. Hence, we are not sure what we are working on. We run the risk of losing well educated & knowledgeable participants if change does not happen.

### **Industry Concerns**

Recently, attention was diverted towards the update of the tip fee bylaw and the implementation of the Smart Waste Program. These two topics are riddled with many concerns from industry and other stakeholders, and while these initiatives hold significant consequences for industry, we are extremely concerned that Metro Vancouver staff did not engage the IAC on these topics well in advance of any rollout, trial, testing, or being reported to the Metro Vancouver Zero Waste Committee. It would also seem that the radical injections to the tip fee bylaws should form part of the SWMP update and not a standalone update. I will provide a more thorough letter on these items, at a later date.

We believe it is essential to allocate sufficient resources and attention to identifying innovative and cost-effective solutions to waste reduction, recycling, composting, and waste diversion. By doing so, Metro Vancouver can set an example for other regions and contribute significantly to global sustainability goals in the

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most cost effective and transparent way possible. Moreover, the time and effort spent on solving bigger problems will have long-lasting positive impacts on the environment and the well-being of our communities.

### **A Path Forward**

The consultation on the solid waste management plan should and must be the primary focus at this time. Engaging with stakeholders, including residents, businesses, and other relevant organizations, will enable us to gather diverse perspectives and develop comprehensive strategies to address the challenges we currently face.

As we move forward together to meet the Region's sustainability goals, we believe all interested parties need to be mindful of the Provincial Integrated Solid Waste Management Planning (ISWMP) process. The Provincial ISWMP represents, and provides guidelines for, interested parties ultimately endorsed and signed off by the Minister responsible for the Environment Management Act. Our Association and our members have observed over the past decade, efforts by Metro Vancouver administration to develop "workarounds" to avoid the premise behind the ISWMP process. The IAC 'check-the-box' process is an example of this.

As an example of the importance of a Regional District's Integrated Plans, we highlight once again the Competition Bureau of Canada's concern relative to monopolistic practices and impacts on consumers, customers and service providers. The WMABC and other industry stakeholders, have entered what was believed to be a collaborative process meant to inform the updating of Metro Vancouver's ISWMP. What we see unfortunately are various policy and by-law decisions that would routinely require open and transparent consultation led by administration prior to being presented to the Zero Waste Committee or the IAC, and ultimately the Province for approval.

By prioritizing this consultation process and making it transparent, we can foster a sense of collective responsibility and ownership, leading to a more inclusive and effective waste management plan.

If we are to have true, open, and honest collaboration, at a minimum, the following should occur;

- Metro Vancouver states what their end goal is without a prescribed path to get there.
- Metro Vancouver and the Industry **Advisory** Committee (IAC) discuss all issues surrounding the goal including:
  - Ensure it is reasonable
  - Discuss amendments that may be put forward by IAC members
  - Discuss optional or additional goals that the IAC may have and determine if the goals need to be modified and if so, what modifications are required.
  - Discuss where we are today so we have a starting point.
  - Discuss **ALL** issues from **ALL** perspectives around the IAC table to determine what needs to be reset to our current position and agree on our starting point
  - In accordance with the Provincial Integrated Solid Waste Management Plan Planning Process, **ALL** aspects of the ISWRMP are part of the consultation process.
  - Discuss and determine how IAC sees the path forward to reach the goal without being prescriptive in how we get there.

A positive step forward has been the election of Lori Bryan, Executive Director of the WMABC, as co-chair of the IAC. She has indicated her goal of steering the committee to its intended purpose and allow industry to have a meaningful impact on our waste & recycling system in our Region. We will need to allow for some time to see if the IAC can become the Industry Advisory Committee it was developed to be and achieve its goals.

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In the meantime, we respectfully request that you consider the concerns raised here and take the necessary steps to address them. We would be more than willing to contribute our insights and collaborate with Metro Vancouver staff in any way possible. Together, we can work towards a more efficient and sustainable waste management system that meets the needs of our Region and all of its' stakeholders.

Thank you for your attention to this matter. We look forward to hearing from you soon.

Sincerely,

Grant Hankins  
President, WMABC

CC  
ADM Laurel Nash, MOE&CC  
ZWC Director Craig Hodge  
IAC members  
PTAC members

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Jan 17, 2024  
Greater Vancouver Sewage and Drainage District  
Metrotower III, 4515 Central Boulevard  
Burnaby, BC, V5H 0C6

Subject: Concerns Regarding the Smart Waste Program and the Draft Tip Fee Bylaw amendments

Dear Board of Directors,

Firstly, we would like to acknowledge Metro Vancouver's efforts in managing the region's waste and promoting sustainable practices. Accordingly, it is important to acknowledge the crucial role the private waste and recycling industry has played in servicing the Region, from providing hauling services of the various material streams, to sorting, processing and brokering these materials through private investments in waste management infrastructure and strategies. Metro Vancouver has been able to achieve the diversion results it has because of innovation, investment, and competition, in the marketplace. The Region's diversion rates have been stagnant the past few years in large part due to the uncertainty and anti-competitiveness of the regulatory environment in the Region. Waste diversion will only increase if there is good public regulation that allows for increased competition that complies with the Competition Bureau Canada regulations, allowing investment confidence to flourish.

There has been a diversion away from proactive regulations and dialogue to allow the industry and the region to continue to thrive, invest and innovate, by moving towards more restrictive bylaws, eliminating competition and putting our industry's investments at risk. The open and competitive market has been the success of the great diversion the region has accomplished. In its stead, we are seeing the development of new restrictive bylaws and the implementation of GPS units to track waste and recycling service providers trucks and bins, gaining and exposing confidential business data while potentially putting the industries assets at risk. It is vital to ensure that our time and resources are spent solving more pressing and significant problems related to waste management in the region. The majority of waste & recycling service providers support the Region's waste diversion goals and abide by the bylaws and related material bans. The following initiatives are punitive to those providers and erodes the trust between the sector and Metro Vancouver.

### **Smart Waste Program**

The Smart Waste Program (GPS tracker system) was developed, piloted and presented as a report only to the Zero Waste Committee in July of last year without any discussion, notice or consultation with the private waste sector or the Industry Advisory Committee. It was only after the significant pushback from industry that the program was put on pause for 'consultation'. During this 'consultation', it was asked of Metro Vancouver staff why there was no discussion or consultation from the industry. The answer was that Metro Vancouver knew there would be opposition to allowing GPS in their equipment, so it was decided not to consult and move forward with the program development. It has also been asked if trackers had been placed in private company bins and ultimately trucks, during their pilot, to which the response was 'you could safely assume that'. No private company had received any communication on these GPS units being placed in their equipment for this pilot.

This is not the way to build a constructive and trusting working relationship with an Industry that has worked so hard to achieve the Region's goals and expectations, but erodes any trust built between the two.

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It has been felt by industry that this GPS tracker program is akin to indiscriminately attaching trackers to someone that MV believes may break the law one day, allowing them to track where they've been and their actions.

### Draft Tip Fee Bylaw Amendments

At the same time the Smart Waste Program was introduced, Metro Vancouver also released draft Tip Fee Bylaw amendments for the Zero Waste Committee to receive for information. The bylaw amendments consist of language from the previously Hauler Licensing bylaw that was not approved by the Ministry of Environment. The draft tip fee bylaw amendments are riddled with anticompetitive regulation that is far overreaching, and that the Competition Bureau of Canada (CBC) has already commented on.

When the question of the CBC letter was asked at the July 2023 ZWC meeting, where this draft amendment was presented, Metro Vancouver staff answered that they felt that since the CBC letter was not addressed to Metro Vancouver but to the Minister of Environment, that their comments did not effect them. Further to that line of questioning by a ZWC councillor, Metro Vancouver staff reiterated that they felt that the CBC letter took a narrow view of the bylaws and that these did not reflect the whole of what Metro Vancouver was trying to achieve. The fact that the CBC comments were directed to the Ministry of Environment and Climate Change while contemplating approval of a Metro Vancouver bylaw does not make it less of a comment directed to Metro Vancouver. The draft Tip Fee Bylaw amendments are complicated by very complex competition and legal issues, that have already been ruled on by The Competition Bureau of Canada and to which the province has expressed multiple concerns.

I will not complicate this letter with additional references to the proposed and unapproved bylaws 280, 307,308 and 309 that have made their way into the reimagined proposed tip fee bylaw, however, there is significant focus by the CBC on competition issues in Canada and they are asking all governments to find ways to increase competition, not reduce it.

Recent comments made by the Competition Bureau:

*Competition Bureau commissioner Matthew Boswell says new research from the bureau finds the competition intensity in the country has decreased over the last two decades.*

*Boswell shared the initial findings of a new report during a speech he delivered today at the Competition Summit, a conference hosted by the bureau.*

*The commissioner says the bureau has been studying competition across sectors between 2000 and 2020 and will be publishing a report in the coming weeks.*

*He says that overall, the study finds the intensity of competition has decreased during that period of time.*

*Boswell calls the findings "striking" and says they reinforce the need for "significant course correction" in the country.*

*The focus of today's conversation will be on how we can promote greater competition in Canada through a "whole-of-government approach." But what do I mean by "We"? and what is a "whole-of-government approach"?*

- "We" are people from a large variety of businesses, legal, academic and government organizations who understand the need for a collaborative approach to encourage robust competition in Canadian marketplaces. I believe that it's this exact assortment of people who are best placed to lead this discussion. AND,*
- A "whole-of-government approach" is one where governments, **at all levels**, know the far-reaching impacts of competition and tailor their policies and regulations to maximize the benefits of strong competition.*

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This report by The Canadian Press was first published Oct. 5, 2023 [and can be found here](#)

## **In Conclusion**

The consultation on the solid waste management plan must be the primary focus for staff and industry, at this time. Engaging with stakeholders, including residents, businesses, and other relevant organizations, will enable us to gather diverse perspectives and develop comprehensive cost-effective strategies to address the challenges we currently face. By prioritizing the consultation process and making it transparent, we can foster a sense of collective responsibility and ownership, leading to a more inclusive and effective waste management plan. Focusing on items that may be part of the overall solid waste management plan, is not productive while looking at the entire regional perspective of the goals to reduce waste and increase diversion.

We believe it is essential to allocate sufficient resources and attention to identifying innovative and cost-effective solutions to waste reduction, recycling, composting, and waste diversion. By doing so, Metro Vancouver can continue to set an example for other regions and contribute significantly to global sustainability goals in the most cost-effective and transparent way possible. Moreover, the time and effort spent on solving bigger problems will have a long-lasting positive impact on the environment and the well-being of our communities compared to tracking waste haulers bins and trucks, potentially exposing proprietary and confidential business information and the potential legal issues this may create. This does not contribute to a cost-effective use of taxpayer's resources and does not contribute to solving the overall waste diversion challenges in the Region. The bylaw amendments and GPS waste trackers are of great concern for industry, the Competition Bureau Canada and other stakeholders.

We strongly oppose the draft tip fee bylaw amendments as is and the industry has not given approval to Metro Vancouver to add GPS units to its equipment. We oppose the use of these devices in private waste company's equipment and expect that those companies that have had these devices placed in their bins be notified of this action so that they can assess any potential risks.

We request and strongly encourage the GVS&DD Board/ZERO Waste Committee direct staff to stop both of these initiatives forthwith and put their time and energy into working with and participating in honest consultation and dialogue with Industry and its' stakeholders to create a comprehensive Integrated Solid Waste Management Plan that fosters competition and innovation.

Your attention to these concerns is appreciated.

Thank you,

Grant Hankins  
WMABC, President

CC  
ADM Laurel Nash, MOE&CC  
ZWC Director Craig Hodge  
IAC members

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January 24, 2024

File: PE-13-01

Grant Hankins, President  
Waste Management Association of BC  
PO Box 3322, Station Main  
Mission, BC V2V 4J5  
**VIA EMAIL:** [admin@wmabc.ca](mailto:admin@wmabc.ca); [ghankins@wmabc.ca](mailto:ghankins@wmabc.ca)

Dear Grant Hankins:

**Letter dated December 11, 2023 – Concerns Regarding the Functioning of the Solid Waste and Recycling Industry Advisory Committee and the Solid Waste Management Plan Consultation Process**

Thank you for your letter to the Greater Vancouver Sewerage and Drainage District (Metro Vancouver) Board of Directors regarding the Solid Waste and Recycling Industry Advisory Committee (Industry Advisory Committee) and the solid waste management plan update consultation process.

On behalf of the Board Chair, we appreciate your thoughtful comments and your acknowledgement of the work that Metro Vancouver is doing to promote sustainable practices. We also truly appreciate the commitment and work of waste and recycling industry representatives on the Industry Advisory Committee as well as the Solid Waste Management Plan Public/Technical Advisory Committee. The work of these two committees is critical to the success of the solid waste management plan update process. We understand that members of these committees are volunteering their time and energy, and we are grateful for their valuable contributions.

Please accept our response as a reflection of our commitment to collaboration and open dialogue, and as further assurance that your comments will be considered and included in the feedback report for the solid waste management plan update.

**Summary**

Metro Vancouver is committed to ensuring that the function of the Industry Advisory Committee is consistent with its Terms of Reference. The Industry Advisory Committee and other entities such as the Public/Technical Advisory Committee and Independent Consultation and Engagement Panel are critical to ensure success of the solid waste management plan update process.

The Competition Bureau provided feedback to the Minister of Environment and Climate Change Strategy in 2019 on Metro Vancouver’s solid waste regulatory framework, but did not establish any related requirements or regulations. Metro Vancouver’s model of transparent, consistent, and predictable garbage tipping fees maximizes competition among private waste management companies and promotes innovation and investment in recycling services in the region. Metro Vancouver’s user pay model, using tipping fees to fund the regional solid waste system, differs from many Canadian cities where property taxes fund solid waste systems.

The Metro Vancouver solid waste regulatory framework promotes waste reduction and recycling through mechanisms such as the generator levy to encourage waste to be delivered to regional solid waste facilities where disposal bans on recyclable materials apply. In fall 2023, Metro Vancouver engaged with interested parties on two initiatives aimed to help ensure compliance with the generator levy provisions of the Tipping Fee Bylaw: the smart waste program and draft updates to the Tipping Fee Bylaw. Work is progressing on these initiatives as engagement feedback is being reviewed and considered.

Metro Vancouver continues to be open to any solutions that advance regional solid waste priorities, including environmental stewardship and waste reduction, and is happy to work with Waste Management Association of BC (WMABC) in any manner to find those solutions.

### **Industry Advisory Committee**

Your letter raises concerns related to the function of the Industry Advisory Committee including your view that the committee is not following its Terms of Reference. Metro Vancouver is fully committed to ensuring the work and structure of the Industry Advisory Committee are consistent with its Terms of Reference. As mentioned in your letter, Lori Bryan, Executive Director of the WMABC, is the newly elected Co-Chair of the Industry Advisory Committee and has made clear her intention to work with members to facilitate opportunities for dialogue and input on relevant key topics and in the development of the updated solid waste management plan.

Metro Vancouver staff and the Industry Advisory Committee Co-Chairs are working to address concerns raised by members about committee productivity and function. The January 9, 2024 Industry Advisory Committee meeting included small group discussions for members to collaborate on deciding on key topics for the 2024 Industry Advisory Committee work plan, as well as how those topics are best discussed.

Metro Vancouver staff look forward to supporting the Co-Chairs in their roles and having a productive year with Industry Advisory Committee members.

### **Solid Waste Management Plan Update Engagement Process**

Metro Vancouver recognizes that a comprehensive engagement program is integral to the development of an updated solid waste management plan. Metro Vancouver established the Solid Waste Management Plan Independent Consultation and Engagement Panel (Engagement Panel) to act as an independent, third-party advisory group to Metro Vancouver staff and the Board on consultation and engagement for the plan update. Metro Vancouver staff work with the Engagement Panel to guide the development and implementation of a robust and inclusive engagement process. The Engagement Panel reports to the Zero Waste Committee on engagement during all phases of the solid waste management plan development.

As part of the role of the Engagement Panel, there have been opportunities for the public and interested parties to present to the Engagement Panel about the solid waste management plan update engagement process. The most recent opportunity was on December 1, 2023, when seven individuals including Lori Bryan, the Executive Director of WMABC, presented to the Engagement Panel. The meeting was livestreamed and the recording is available on Metro Vancouver’s website.

Metro Vancouver is committed to a transparent and inclusive engagement process and, as such, this letter is being copied to the Engagement Panel, and your original letter will also be forwarded to them.

### **Supporting Competition Among the Waste and Recycling Industry**

Your letter references the Competition Bureau of Canada’s “concern relative to monopolistic practices and impacts on consumers, customers and services providers”. These concerns were set out in a 2019 Competition Bureau open letter to the British Columbia Minister of Environment and Climate Change Strategy with respect to proposed Metro Vancouver regulatory measures being considered by the Minister (Bureau Letter).

The Bureau Letter indicates that the views in the letter are “[s]eparate from its enforcement mandate” and “in the context of [the Bureau’s] role as an advocate for the benefits of a competitive marketplace”. The Bureau Letter further clarifies that the Bureau “makes representations, such as [the Bureau Letter], to public bodies that carry regulatory activities to shed light on competition-related issues that exist independently of any outcomes of a formal investigation under the enforcement provisions of the [Competition Act]”. The Bureau Letter accordingly does not establish any compliance requirements or regulations related to the management of municipal solid waste in Metro Vancouver.

Metro Vancouver’s perspective is that the views expressed in the Bureau Letter are not consistent with public interest objectives related to environmental stewardship and waste reduction and recycling pursued by Metro Vancouver. Rather, the Bureau Letter focuses simply on the premise that the lowest cost of garbage disposal for some generators can be achieved through competition on disposal.

We agree with your letter’s conclusion that private sector innovation and investment are essential in advancing the region’s sustainability goals. Metro Vancouver works to advance waste reduction, improve reuse and recycling systems, and manages the remaining waste in an environmentally responsible manner. Metro Vancouver’s perspective is that the Metro Vancouver model of transparent, uniform and predictable garbage tipping fees, and consistent rules that encourage recycling through the disposal ban program are fundamental in advancing waste reduction and recycling in the region. This approach also supports competition among private waste management companies as all companies are subject to the same garbage disposal costs and rules.

Another key aspect of the Metro Vancouver solid waste system is that the system is fully funded on a user pay basis through tipping fees, which differs from the property tax solid waste system funding model in place in many Canadian cities.

Metro Vancouver’s North American leading waste reduction and recycling rate of 65%, approximately two times the Canadian average, is closely tied to the region’s robust solid waste policy and regulatory framework, as well as a publicly owned and operated regional solid waste system promoting waste reduction and recycling.

If you are aware of policy and regulatory models in other jurisdictions that are more effective in promoting waste reduction and recycling, advancing the circular economy, and equitably funding solid waste services, we would be happy to discuss how learnings from those models can enhance the regional solid waste system.

**Smart Waste Program and Draft Tipping Fee Bylaw Updates**

Your letter also references the draft updates to the *Greater Vancouver Sewerage and Drainage District Tipping Fee and Solid Waste Disposal Regulation Bylaw No. 306, 2017*, as amended (Tipping Fee Bylaw), and the smart waste program. Draft Tipping Fee Bylaw updates, including draft updates to records management requirements related to the generator levy, and the smart waste program were introduced for information at the July 13, 2023 Zero Waste Committee meeting.

Generator levy provisions have been included in the Tipping Fee Bylaw since 2018, and the authority for Metro Vancouver to implement the generator levy pursuant to the *Greater Vancouver Sewerage and Drainage District Act*, S.B.C. 1956, c.59, has been in place since 1995. The updates to the generator levy provisions of the Tipping Fee Bylaw presented at the July 13, 2023, Zero Waste Committee in draft, as well as the smart waste program, are intended to ensure that all waste management companies operating within Metro Vancouver appropriately collect and remit the generator levy as required by the Tipping Fee Bylaw.

In fall 2023, GVS&DD engaged with interested parties on draft updates to the Tipping Fee Bylaw and the smart waste program, including discussions at Industry Advisory Committee meetings. Engagement work was focused on mitigating potential concerns from the waste management community with respect to the draft Tipping Fee Bylaw updates and smart waste program.

Considering feedback received through engagement, Metro Vancouver staff are working on a further revised draft of the Tipping Fee Bylaw updates and a draft smart waste program implementation plan, which will be made available for written comment. The overall engagement process is shown below.



Figure 1 - Draft Tipping Fee Bylaw Update Engagement Process



Figure 2- Smart Waste Program Engagement Process

Your letter provides suggestions for a path forward for the Industry Advisory Committee. Our hope is that the Industry Advisory Committee process will continue to evolve and help support our mutual interest in advancing zero waste and the circular economy. We continue to be open to continually improving how the Industry Advisory Committee functions and how it can contribute to a better overall solid waste system.

Thank you again for your letter. In addition to the mechanisms already in place that provide engagement opportunities for the WMABC and its members, Paul Henderson and I would be happy to meet with you and other WMABC representatives at your convenience to discuss any of these issues.

Yours sincerely,



Jerry W. Dobrowolny, P.Eng, MBA  
Commissioner/Chief Administrative Officer

JWD/PH/sj

cc: Laurel Nash, Assistant Deputy Minister, Ministry of Environment and Climate Change Strategy  
GVS&DD Board and Zero Waste Committee  
Solid Waste and Recycling Industry Advisory Committee members  
Solid Waste Management Plan Public/Technical Advisory Committee members  
Solid Waste Management Plan Independent Consultation and Engagement Panel

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# Draft Tipping Fee Bylaw Updates Feedback questionnaire

## Definitions and Exemptions

Definitions related to materials have been updated for improved clarity, for more information please [click here](#). The following list describes some additional draft updates to definitions:

**Collection Location:** and address from which a Waste Hauler picks up or transports Solid Waste

**Compliance Manager:** the person employed by MVRD as the Director of Environmental Regulation and Enforcement and includes any person designated to act in their place from time to time

**Compliance Officer:** a person employed by MVRD as an Environmental Control Officer, a Permitting and Enforcement Officer, or an Assistant Permitting and Enforcement Officer

**Generator:** a person who generates Solid Waste, and includes a person who uses the services of a Waste Hauler for the pick up, transport, or delivery of Solid Waste

**Generator Levy:** the levy payable by a Generator pursuant to this Bylaw at the rate set out in section 5.1

**Product Steward:** a legal entity, such as an organization, company, or non-profit society, that develops and implements extended producer responsibility plans for managing the recovery of Product Stewardship Materials and fulfilling the obligations under the Recycling Regulation

**Receiving Facility:** a Solid Waste Facility, Vancouver Disposal Site, or other facility or location to which a Waste Hauler delivers Solid Waste

**Vehicle Operating Log:** data associated with the pick up, transport, or delivery of Solid Waste by a Waste Hauler's vehicle during each shift, including Collection Location from which Solid Waste is picked up or transported, the number of kilometres over which the vehicle is driven during a shift, and the number of hours during which a vehicle is operated for the purpose of picking up, transporting, or delivering Solid Waste, but excluding information related to the vehicle operator's job performance such as the number or timing of off-duty hours

[Do you have any questions or feedback about the updated definitions? \(Open Answer\)](#)

Exemptions:

- Loads of construction and demolition waste and source-separated recyclables delivered to private facilities continue to be exempt from the generator levy.

Record keeping related exemptions:

- Single-family residential garbage, source separate recyclables or product stewardship materials collected by municipalities, their contractors, or product stewardship agencies are exempt from some record keeping requirements

- A provision will also be added to exempt construction and demolition waste from records management requirements.

[Do you have any questions or feedback about the updated exemptions? \(Open Answer\)](#)

## Records

Which of the following records listed below are typically kept by haulers? Please select all that apply.

- Not Applicable - I have no knowledge of the records kept by haulers (selecting this option will allow you to skip the section asking for detailed feedback on records management)
- a. the units of measure and quantity picked up from or transported for Generators within the geographic area of the GVS&DD, for every Load
- b. the units of measure and quantity picked up from or transported for Generators within the geographic area of the GVS&DD and delivered to a Solid Waste Facility or Vancouver Disposal Site, for every Load
- c. the units of measure and quantity picked up from or transported for Generators within the geographic area of the GVS&DD and delivered to a Receiving Facility other than Solid Waste Facility or a Vancouver Disposal Site, for every Load
- d. the units of measure and quantity picked up from or transported for Generators within the geographic area of the GVS&DD and mixed with waste from outside the geographic area of the GVS&DD, including the approximate break-down of the percentage of each Load from within the geographic area of the GVS&DD
- e. the name and address of the Receiving Facility and date and time (including Loads mixed with waste from outside the geographic area of the GVS&DD)
- f. the Collection Location(s) for each Load from within the geographic area of the GVS&DD
- g. the number of containers for each material type and each container's volume at each Collection Location within the geographic area of the GVS&DD
- h. the dates on which the Waste Hauler picked up from each Collection Location within the geographic area of the GVS&DD
- i. daily routing information for vehicles picking up or transporting Municipal Solid Waste from within the geographic area of the GVS&DD
- j. for each vehicle that picks up or transports a Load of Municipal Solid Waste from within the geographic area of the GVS&DD: (i) the vehicle identification number; (ii) the capacity of the vehicle; and (iii) Vehicle Operating Logs
- k. for each Load from within the geographic area of the GVS&DD, the weigh scale tickets or receipts from the applicable Receiving Facility

Please indicate how long each of the following records is typically retained. If this type of information is NOT typically collected, please select “Do not collect.”

- One month or less
- 2 to 6 months
- 7 to 12 months
- 1 to 5 years
- Longer than 5 years
- Don't know
- Do not collect

- a. the units of measure and quantity picked up from or transported for Generators within the geographic area of the GVS&DD, for every Load
- b. the units of measure and quantity picked up from or transported for Generators within the geographic area of the GVS&DD and delivered to a Solid Waste Facility or Vancouver Disposal Site, for every Load
- c. the units of measure and quantity picked up from or transported for Generators within the geographic area of the GVS&DD and delivered to a Receiving Facility other than Solid Waste Facility or a Vancouver Disposal Site, for every Load
- d. the units of measure and quantity picked up from or transported for Generators within the geographic area of the GVS&DD and mixed with waste from outside the geographic area of the GVS&DD, including the approximate break-down of the percentage of each Load from within the geographic area of the GVS&DD
- e. the name and address of the Receiving Facility and date and time (including Loads mixed with waste from outside the geographic area of the GVS&DD)
- f. the Collection Location(s) for each Load from within the geographic area of the GVS&DD
- g. the number of containers for each material type and each container’s volume at each Collection Location within the geographic area of the GVS&DD
- h. the dates on which the Waste Hauler picked up from each Collection Location within the geographic area of the GVS&DD
- i. daily routing information for vehicles picking up or transporting Municipal Solid Waste from within the geographic area of the GVS&DD
- j. for each vehicle that picks up or transports a Load of Municipal Solid Waste from within the geographic area of the GVS&DD: (i) the vehicle identification number; (ii) the capacity of the vehicle; and (iii) Vehicle Operating Logs
- k. for each Load from within the geographic area of the GVS&DD, the weigh scale tickets or receipts from the applicable Receiving Facility

How are the following records stored? If this type of information is NOT typically collected, please leave the answer blank.

Please be as specific as possible.

a. the units of measure and quantity picked up from or transported for Generators within the geographic area of the GVS&DD, for every Load

b. the units of measure and quantity picked up from or transported for Generators within the geographic area of the GVS&DD and delivered to a Solid Waste Facility or Vancouver Disposal Site, for every Load

c. the units of measure and quantity picked up from or transported for Generators within the geographic area of the GVS&DD and delivered to a Receiving Facility other than Solid Waste Facility or a Vancouver Disposal Site, for every Load

d. the units of measure and quantity picked up from or transported for Generators within the geographic area of the GVS&DD and mixed with waste from outside the geographic area of the GVS&DD, including the approximate break-down of the percentage of each Load from within the geographic area of the GVS&DD

e. the name and address of the Receiving Facility and date and time (including Loads mixed with waste from outside the geographic area of the GVS&DD)

f. the Collection Location(s) for each Load from within the geographic area of the GVS&DD

g. the number of containers for each material type and each container's volume at each Collection Location within the geographic area of the GVS&DD

h. the dates on which the Waste Hauler picked up from each Collection Location within the geographic area of the GVS&DD

i. daily routing information for vehicles picking up or transporting Municipal Solid Waste from within the geographic area of the GVS&DD

j. for each vehicle that picks up or transports a Load of Municipal Solid Waste from within the geographic area of the GVS&DD: (i) the vehicle identification number; (ii) the capacity of the vehicle; and (iii) Vehicle Operating Logs

k. for each Load from within the geographic area of the GVS&DD, the weigh scale tickets or receipts from the applicable Receiving Facility

Are there any barriers or concerns related to sharing records with Metro Vancouver? This can be related to the records in general, or to a specific type of record.

- No
- Yes
- Don't know

Do you have any additional questions or feedback about the proposed Tipping Fee Bylaw updates? (Open answer)

## Tell Us About Yourself

What sector do you represent? (please select all that apply)

- Construction and Demolition Waste Hauler
- Construction/Development Company
- Government
- Industry Association (including Product Stewards)
- Individual
- Not-For-Profit
- Recycling Hauler
- Recycling Processor
- Waste Hauler
- Other (please specify)

Please indicate if you are a member of one or both of the following advisory committees:

- Solid Waste and Recycling Industry Advisory Committee
- Solid Waste Management Plan Public/Technical Advisory Committee

# Draft Tipping Fee Bylaw Update Verbatim Feedback

## Do you have any questions or feedback about the updated definitions?

No. Very clear.  
Oct 31, 2023

I was reviewing the definitions and the definition of "recyclable material" needs to be updated as well. points ii and iii appear to be allowing for the burning of waste such as waste used as fuel in cement kilns or pulp mills as recycled. I recommend we use the definition that aligns with common language which is: RECYCLING.—The term “recycling” means processing material that has reached the end of its current use into material utilized in the production of new products. The term does not include incineration, refused derived fuel, or engineered fuel.

Oct 18, 2023

Vehicle Operating Log: data associated with the pick up, transport, or delivery of Solid Waste by a Waste Hauler's vehicle during each shift, including Collection Location from which Solid Waste is picked up or transported, the number of kilometres over which the vehicle is driven during a shift, and the number of hours during which a vehicle is operated for the purpose of picking up, transporting, or delivering Solid Waste, but excluding information related to the vehicle operator's job performance such as the number or timing of off-duty hours why? over reaching.

Oct 16, 2023

## Do you have any questions or feedback about the updated exemptions?

"Source separated recyclables or product stewardship materials" I understand, but why is "single-family residential garbage" and "construction and demolition waste" exempted?

Oct 31, 2023

I would like to understand more as to why product stewardships are exempt from some record keeping requirements and which requirements those are.

Oct 18, 2023

## Please describe the barriers or concerns related to sharing records with Metro Vancouver. If they are specific to certain specific records, please indicate which one(s).

As a consultant that has done numerous waste audits and negotiated numerous waste hauling contracts on behalf of clients, the concern from the waste haulers side will be transparency, period. They will dress their arguments up in many different "guises" but it is ultimately about transparency. The more information a customer (or regulator) has, the greater their ability to insist on terms that the hauler may deem less profitable. I am not saying haulers should not be profitable, but (in my humble opinion) there is a big difference between a 15% - 20% and a 50% - 100% margin. The former is fair, the latter is gouging.

Oct 31, 2023

Burden on administration. No easy way to consolidate the information from our systems. We can easily provide weight of material shipped but not received. We don't weigh incoming material because we work with small volumes.

Oct 18, 2023

## Do you have any suggestions for improved clarity on record keeping requirements?

I believe the current resistance to transparency and "profit at all costs" motives of waste haulers are antithetical to a consumer's right to know how much waste they actually produce and what happens to it. Furthermore, the ubiquity and homogeneity of these practices amongst waste haulers, as well as the massive consolidation within the industry (i.e. mergers and acquisitions) suggests a level of collusion that is anti-competitive and concentrates too much influence in the hands of a few people.

Oct 31, 2023

No Sorry. I recommend working with provincial and federal governments to restrict cross border shipments of waste by private haulers. This is a health issue as well as an environmental issue because there is no way of knowing what is being shipped. I also recommend improving the inspection at the MV transfer stations to inspect black bags of waste. It is my belief that working on these two areas will greatly improve the management of discards in the region.

Oct 18, 2023

## Questionnaire:

Which of the following records listed below are typically kept by haulers? Please select all that apply.

ANSWER OPTION	%	% TOTAL	# OF RESPONSES
Not Applicable - I have no knowledge of the records kept by haulers (selecting this option will allow you to skip the section asking for detailed feedback on records management)	40.00%	11.11%	2
a. the units of measure and quantity picked up from or transported for Generators within the geographic area of the GVS&DD, for every Load	40.00%	11.11%	2
b. the units of measure and quantity picked up from or transported for Generators within the geographic area of the GVS&DD and delivered to a Solid Waste Facility or Vancouver Disposal Site, for every Load	20.00%	5.56%	1



c. the units of measure and quantity picked up from or transported for Generators within the geographic area of the GVS&DD and delivered to a Receiving Facility other than Solid Waste Facility or a Vancouver Disposal Site, for every Load	20.00%	5.56%	1
d. the units of measure and quantity picked up from or transported for Generators within the geographic area of the GVS&DD and mixed with waste from outside the geographic area of the GVS&DD, including the approximate break-down of the percentage of each Load from within the geographic area of the GVS&DD	20.00%	5.56%	1
e. the name and address of the Receiving Facility and date and time (including Loads mixed with waste from outside the geographic area of the GVS&DD)	40.00%	11.11%	2
f. the Collection Location(s) for each Load from within the geographic area of the GVS&DD	40.00%	11.11%	2
g. the of containers number for each material type and each container's volume at each Collection Location within the geographic area of the GVS&DD	40.00%	11.11%	2
h. the dates on which the Waste Hauler picked up from each Collection Location within the geographic area of the GVS&DD	20.00%	5.56%	1

i. daily routing information for vehicles picking up or transporting Municipal Solid Waste from within the geographic area of the GVS&DD	60.00%	16.67%	3
j. for each vehicle that picks up or transports a Load of Municipal Solid Waste from within the geographic area of the GVS&DD: (i) the vehicle identification number; (ii) the capacity of the vehicle; and (iii) Vehicle Operating Logs	0.00%	0.00%	0
k. for each Load from within the geographic area of the GVS&DD, the weigh scale tickets or receipts from the applicable Receiving Facility	20.00%	5.56%	1
<b>Total</b>			<b>18</b>

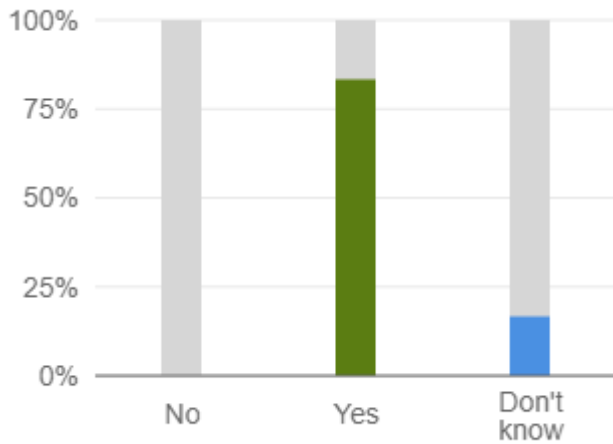
Please indicate how long each of the following records is typically retained. If this type of information is NOT typically collected, please select “Do not collect.”

ANSWER OPTION	ONE MONTH OR LESS	2 TO 6 MONTHS	7 TO 12 MONTHS	1 TO 5 YEARS	LONGER THAN 5 YEARS	DON'T KNOW	DO NOT COLLECT	TOTAL
a. the units of measure and quantity picked up fr...	0.00% 0	0.00% 0	0.00% 0	0.00% 0	0.00% 0	50.00% 1	50.00% 1	2

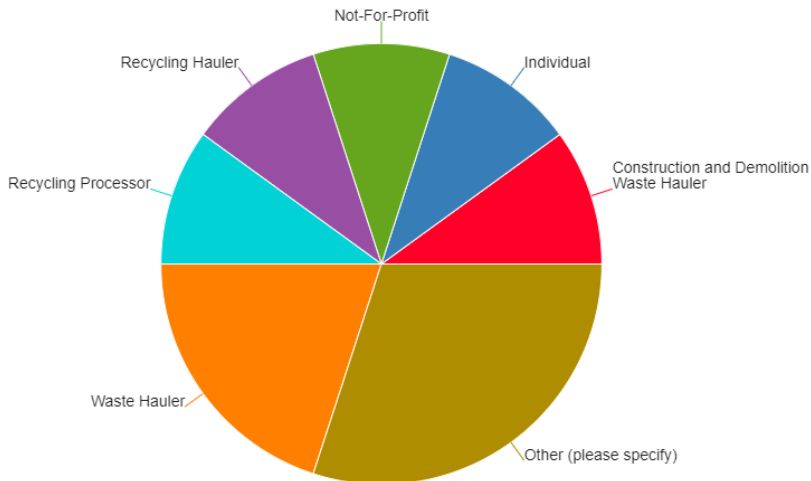
ANSWER OPTION	ONE MONTH OR LESS	2 TO 6 MONTHS	7 TO 12 MONTHS	1 TO 5 YEARS	LONGER THAN 5 YEARS	DON'T KNOW	DO NOT COLLECT	TOTAL
b. the units of measure and quantity picked up fr...	0.00% 0	0.00% 0	0.00% 0	0.00% 0	0.00% 0	50.00% 1	50.00% 1	2
c. the units of measure and quantity picked up fr...	0.00% 0	0.00% 0	0.00% 0	0.00% 0	0.00% 0	50.00% 1	50.00% 1	2
d. the units of measure and quantity picked up fr...	0.00% 0	0.00% 0	0.00% 0	0.00% 0	0.00% 0	50.00% 1	50.00% 1	2
e. the name and address of the Receiving Facility...	0.00% 0	0.00% 0	50.00% 1	50.00% 1	0.00% 0	0.00% 0	0.00% 0	2
f. the Collection Location(s) for each Load from ...	0.00% 0	0.00% 0	33.33% 1	33.33% 1	0.00% 0	0.00% 0	0.00% 0	3

ANSWER OPTION	ONE MONTH OR LESS	2 TO 6 MONTHS	7 TO 12 MONTHS	1 TO 5 YEARS	LONGER THAN 5 YEARS	DON'T KNOW	DO NOT COLLECT	TOTAL
g. the number of containers for each material typ...	0.00% 0	0.00% 0	50.00% 1	50.00% 1	0.00% 0	0.00% 0	0.00% 0	2
h. the dates on which the Waste Hauler picked up ...	0.00% 0	0.00% 0	0.00% 0	50.00% 1	0.00% 0	50.00% 1	0.00% 0	2
i. daily routing information for vehicles picking...	0.00% 0	0.00% 0	33.33% 1	33.33% 1	0.00% 0	0.00% 0	33.33% 1	3
j. for each vehicle that picks up or transports a...	0.00% 0	0.00% 0	0.00% 0	33.33% 1	0.00% 0	33.33% 1	33.33% 1	3
k. for each Load from within the geographic area ...	0.00% 0	0.00% 0	33.33% 1	0.00% 0	33.33% 1	0.00% 0	33.33% 1	3

Are there any barriers or concerns related to sharing records with Metro Vancouver? This can be related to the records in general, or to a specific type of record.

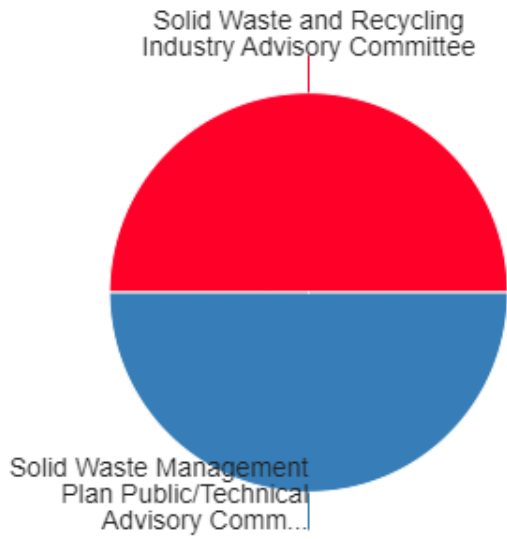


What sector do you represent? (Please select all that apply)



Other sectors:	
Resource Management Consultant	1
Undisclosed	2

Please indicate if you are a member of one or both of the following advisory committees:



March 6, 2024

Via Email: [solidwasteoperations@metrovancover.org](mailto:solidwasteoperations@metrovancover.org)

Metro Vancouver Regional District  
4515 Central Boulevard Metrotower III  
Burnaby BC V5H 0C6

## RE: Smart Waste Program and Draft Tipping Fee Bylaw Updates

Dear Mayors and Councillors,

The Business Council of British Columbia, the Greater Vancouver Board of Trade, the B.C. Chamber of Commerce, the Canadian Federation of Independent Business, and the Independent Contractors and Businesses Association together represent tens of thousands of businesses in the region. We appreciate the opportunity to provide input on Metro Vancouver's (MV) bylaw process.

In July 2023, MV's Zero Waste Committee introduced the revised Tipping Fee Bylaw and the Smart Waste Program (SWP). Respectively, these initiatives compel waste haulers to provide information related to their business activities in collecting and disposing of waste (Tipping Fee Bylaw) and authorize MV to use GPS devices in waste bins to track them (SWP). As noted in MV's [Engagement Summary](#), industry stakeholders provided feedback on many issues. Most of the concerns remain outstanding in new drafts of the Bylaw released after the Engagement Summary. We are concerned that the important **competitive, privacy, and cost** issues raised by industry during this process have not been fully heard and have not been addressed.

To reiterate, we oppose the Bylaw and proposed SWP as written. We believe it is more productive for MV to complete a *new* Integrated Solid Waste Management Plan (ISWMP) before considering updating or proposing new bylaws. The rest of this submission lays out specific issues with the elements of the proposed Tipping Fee Bylaw and Smart Waste Program.

The proposed amendment to the Tipping Fee Bylaw is essentially a **substantive relabelling of 2019 Bylaw 307**. It was not approved by the Minister of Environment and Climate Change Strategy, pending a requirement for proper consultation and renewal of the current (and three-years-out-of-date) ISWMP, which remains outstanding. Therefore, we are concerned the current proposed Bylaw amendment is trying to achieve an outcome indirectly and counter to the Minister's decision. A full and complete consultation, with sufficient time to explore complex issues, is critical. The process to date has not met these criteria. In our view, the Bylaw amendment is premature.

**We recommend MV suspend further work until it has completed a new ISWMP.**

**We also recommend MV engage an independent third party to facilitate such a process.**

In terms of **competition in the waste hauling sector**, we are concerned what is currently being proposed will lead to a MV monopoly. This issue was raised in 2019 in an [opinion by the Competition Bureau of Canada](#) related to 2017 versions of Bylaws 307, 308 and 309 to the B.C. Minister of Environment and Climate Change Strategy. The opinion concluded (para 24) with:

*“[T]he Generator Levy Bylaw [308] and Commercial Waste Licensing Bylaw [307] raise competition-related concerns in that their adoption and implementation may result in a reduction of choice and innovation and/or an increase in tipping fees paid by waste generators in the Metro Vancouver area that would not occur absent these measures. Moreover, **the Bureau is of the view that measures put in place by Metro Vancouver, indeed any public or quasi-public entity, should not create competitive advantages for one competitor over another.**” [emphasis added]*

MV acknowledges the Bureau’s opinion in the Engagement Summary but avoids dealing with the central issue of competitive advantages by noting the Bureau “*did not establish any related requirements or regulations.*” MV also misses other important opinions from the Bureau as described under the following headings:

- The Generator Levy Bylaw may reduce and/or eliminate competition in the market. (para 5 to 10)
- Less competition may result in reduced choice and innovation. (para 11 to 13)
- Less competition may result in higher prices. (para 14 to 10)
- The Generator Levy does not reflect the actual fixed costs of Metro Vancouver transfer stations. (para 20 to 23)

The decision by MV to build and operate infrastructure diminishes the opportunity for private sector operators to invest and innovate in the region’s waste sector. Creating a tax and regulatory environment that makes it attractive for companies to make more capital investments would derisk waste management for regional taxpayers. It would also encourage private sector investments in modern technology and equipment that will lower the environmental footprint of waste management. **As such, we agree with the Bureau’s conclusion that these Bylaws will create a reduction in choice and will increase costs through higher tipping fees that are anti-competitive. We believe the Bylaws should be set aside.**

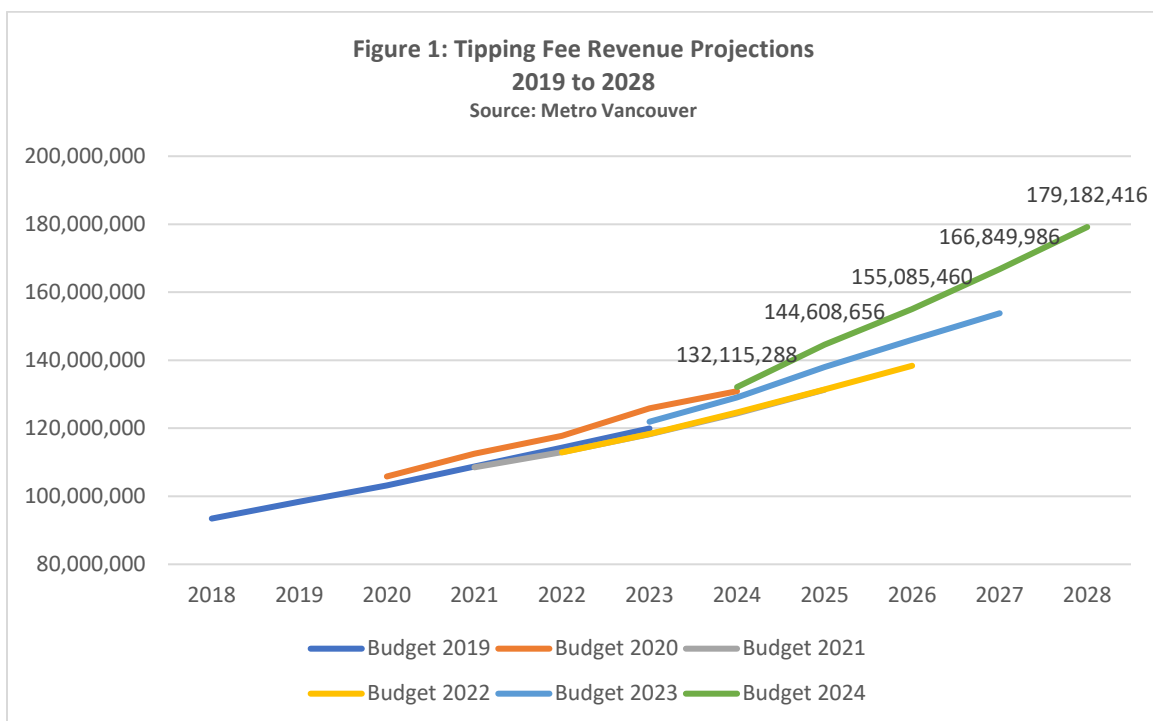
The proposed changes to the Tipping Fee Bylaw raise significant **access to information and privacy concerns**. Combined with the Smart Waste Program, we question the legality and authority of MV to compel private companies to divulge proprietary business information and conduct surveillance without consent. Waste bins are private property. Placing surveillance trackers in bins without the permission of bin owners, as is proposed, is government overreach and establishes a dangerous precedent.

MV is in the position of being both a market participant (i.e., it competes with private companies) and a regulator. Tracking operations of private companies creates a real or perceived conflict of interest in that such information could be manipulated by MV for market advantage. MV could design fees and business processes that place private companies at a competitive disadvantage relative to MV or unfairly create opportunities for “preferred partners.” This is an inappropriate arrangement. **Even if the data is anonymized, we oppose the use of tracking devices or compelling companies to submit sensitive business data in general and especially when MV is both a market participant and the regulator.**



Since Bylaw 280 was contemplated, we have been concerned about increasing **costs** of solid waste management for businesses and residents of the region. All costs associated with implementing bylaws are paid by regional taxpayers adding to operating cost increases and affordability challenges. Adding to administrative burden and costs is unlikely to achieve waste reduction goals or protect the environment.

**Figure 1** shows tipping fee revenue projections from successive MV budgets. Total revenue is on track to almost double over the decade to 2028. Fees waste haulers pay are passed on to residents and included in business contracts for waste disposal. The 2024 MV Budget forecasts fee tipping revenue will grow an average of 8% per year. These increases are larger than the 5% growth generally seen in previous budgets and exceed population growth and inflation. There is no reason for fees to grow many times faster than the region’s population growth.



MV has created a situation where **waste haulers are now tax and fee collectors**. Under the Bylaw 308 Section 8.1, waste haulers must collect and remit the generator levy to MV. User fees paid by a person or entity for a specific service can only be levied by a government. Having waste haulers collect fees means the element of MV’s financial responsibility and accountability is obscured. This structure raises transparency concerns and is adding to operator administrative costs. In summary notes contained in an MV email dated Feb 6, 2024, sent to industry stakeholders on the matter of “What will the updates achieve?”, the fifth bullet indicates

- *“A reduction of future tipping fees of up to \$3,000 per submission of records to offset costs incurred by haulers in assembling and submitting records.”*


The communication recognizes haulers are incurring additional administrative costs and seems to suggest a reduction in tipping fees could be a way to offset these costs. Regardless, it is inappropriate to transfer this responsibility.

In sum, we are opposed to the changes to the Smart Waste Program and amendment to the Tipping Fee Bylaw that are currently being contemplated. Metro Vancouver should reconsider its current plan especially considering the changes may be unnecessary depending on the *new* ISWMP, which should act as the foundation for regulatory amendments. We reaffirm the need for transparent and meaningful consultation with business and residents.

Thank you for your consideration.

Yours sincerely,




  
Ken Peacock  
Senior Vice President  
and Chief Economist  
Business Council of British Columbia



  
Bridgitte Anderson  
President and CEO  
Greater Vancouver Board of Trade



  
Jairo Yunis  
Director, British Columbia  
and Western Economic Policy  
Canadian Federation  
of Independent Business



  
Fiona Famulak  
President and CEO  
B.C. Chamber of Commerce



  
Chris Gardner  
President,  
Independent Contractors and Businesses Associations

cc: Metro Vancouver Board Members  
Honourable George Heyman, Minister of Environment and Climate Change Strategy  
Honourable Anne Kang, Minister of Municipal Affairs  
Mr. Grant Hankins, President, Waste Management Association of BC  
Ms. Lori Bryan, Executive Director, Waste Management Association of BC

April 30, 2024

File: PE-13-01

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**VIA EMAIL: [jairo.yunis@cfib.ca](mailto:jairo.yunis@cfib.ca)**

Dear Bridgitte Anderson, Fiona Famulak, Chris Gardner, Ken Peacock, and Jairo Yunis:

### Smart Waste Program and Draft Tipping Fee Bylaw Updates

Thank you for your letter dated March 6, 2024, titled “RE: Smart Waste Program and Draft Tipping Fee Bylaw Updates” to Metro Vancouver’s Board (attached). On behalf of George V. Harvie, Chair, Metro Vancouver Board, I am writing to express our appreciation for your interest and feedback submitted regarding the draft Tipping Fee Bylaw updates and smart waste program. While this letter provides responses to the concerns raised in your letter, **Solid Waste Services staff and I further welcome the opportunity to meet to discuss in more detail any of the issues raised.**

Metro Vancouver engaged interested parties in fall 2023 on the smart waste program and the initial draft of the Tipping Fee Bylaw updates, which aimed to streamline definitions, strengthen records management requirements, and promote generator levy compliance. **Loads of source-separated recyclables, construction and demolition waste delivered to private facilities continue to be exempt from the generator levy under the draft Tipping Fee Bylaw updates.** Engagement feedback informed additional revisions to the draft Tipping Fee Bylaw updates, such as: the removal of certain requirements for customer and collection route information; a new fee reduction to offset costs

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associated with voluntarily assembling and submitting records; and helped shape a draft smart waste program implementation plan. Both drafts were sent to interested parties in February 2024 for feedback.

### Summary

**Metro Vancouver is a North American leader in waste reduction and recycling across the region due to the robust policy and regulatory framework, the publicly owned regional solid waste system, and contributions of businesses and residents to reduce waste.**

**Since its establishment in 2018, the generator levy** has allowed for regional investment in initiatives that support customer service, waste reduction and recycling, and greenhouse gas emission reduction. **Metro Vancouver’s solid waste system is funded by tipping fees and has seen garbage disposal costs for commercial and municipal customers increase, on average, at less than the rate of inflation over the last 10 years.** Metro Vancouver’s model of transparent and uniform tipping fees and disposal bans has led to one of the most **competitive and innovative waste and recycling environments in North America.** Furthermore, Metro Vancouver’s solid waste facilities are operated by contractors selected through competitive procurement processes.

Work to update the regional solid waste management plan is currently underway, providing extensive engagement opportunities. Metro Vancouver will continue to enhance waste reduction and recycling in the region, including work that strengthens the policy and regulatory environment.

### Benefits of the Regional Solid Waste System

The Metro Vancouver region has a North American leading recycling rate of 65% — approximately twice the Canadian average. This success is closely tied to Metro Vancouver’s robust solid waste policy and regulatory framework, as well as a publicly owned regional solid waste system promoting waste reduction and recycling.

Both the smart waste program and draft updates to the Tipping Fee Bylaw help to encourage compliance with the generator levy. **The generator levy, which has been in place since 2018, helps ensure that all waste generators contribute to funding the regional solid waste system. The generator levy also encourages the use of Metro Vancouver and City of Vancouver solid waste facilities where recyclable materials are banned from disposal.**

The financial stability resulting from the generator levy has **enabled initiatives that benefit and provide enhanced services for the region, as well as advance the region’s waste reduction, recycling, and greenhouse gas emission reduction goals.** Below are examples of initiatives enabled through the generator levy, either complete or in progress:

- Two new recycling and waste centres (United Boulevard and Central Surrey) that opened in 2022: the first new regional solid waste facilities in 20 years, featuring comprehensive free recycling depots ahead of the scales as well as increased scale and queuing infrastructure that enhance customer service
- Residential disposal events in partnership with municipalities

- Support for programs such as mattress recycling at a low cost to reduce mattress disposal and the potential for illegal dumping
- Funding support for municipal recycling depots
- New recycling depot development at Langley and North Surrey recycling and waste centres to provide consistent services that maximize waste reduction and recycling opportunities at all regional recycling and waste centres
- Waste-to-Energy Facility District Energy system development to provide heat and hot water for up to 50,000 homes and reduce greenhouse gas emissions by up to 70,000 tonnes per year, tripling the energy recovery efficiency of the Waste-to-Energy Facility
- Beneficial use of bottom ash from the Waste-to-Energy Facility as feedstock to cement plants, offset raw material requirements and consequential greenhouse gas emissions, and reduce overall regional disposal

**Regional Solid Waste System Cost/Tipping Fees**

Tipping fees in Metro Vancouver fund the regional solid waste system. Other comparable jurisdictions, where there is a parallel private disposal system, are often required to fund solid waste systems through a combination of tipping fees and property taxes. The generator levy helps ensure a cost effective regional solid waste system by ensuring all generators of garbage contribute to its cost.

Metro Vancouver’s tipping fees are comparable to, or lower than, other major North American jurisdictions. The table below provides tipping fee information from other comparable jurisdictions:

<b>Community</b>	<b>Tipping fee per tonne in Canadian dollars</b>
Metro Vancouver	\$145 (weighted average)
Toronto	\$176
Seattle	\$245
San Francisco	\$358

Over the last 10 years, tipping fees in Metro Vancouver for commercial haulers and municipalities have increased on average at **less than the rate of inflation**, with an average increase in tipping fees for commercial haulers and municipalities of 2% per year.

Over the next five years, tipping fees are projected to increase by 5% per year, primarily driven by projected debt costs associated with capital investments. Tipping fees are set annually by the Metro Vancouver Board based on expected waste flows and expenditure requirements. Over the last several years, actual **tipping fees have been either at or below projections**.

**Supporting Competition and Innovation in the Waste and Recycling Sector**

Your letter references a 2019 Competition Bureau open letter to the British Columbia Minister of Environment and Climate Change Strategy; Metro Vancouver acknowledges the statements in the letter, but maintains that the views presented are not consistent with public interest objectives related to environmental stewardship, waste reduction, and recycling that are prioritized by Metro Vancouver.

Rather, the letter focuses simply on the premise that the lowest cost of garbage disposal for some generators can be achieved through competition on disposal.

**The Metro Vancouver solid waste landscape is one of the most competitive and innovative in North America. All waste management companies are subject to transparent and uniform garbage disposal costs and disposal bans, with low barriers to entry for emerging waste and recycling companies.** These mechanisms support competition among companies and encourage innovation in service delivery.

The construction of Metro Vancouver solid waste facilities, along with facility operation and maintenance, is undertaken by contractors selected through competitive procurement processes. Metro Vancouver's approach ensures that the region benefits from private sector innovation and competition, alongside public sector planning and management.

#### **Privacy and Access to Information/Authority for the Generator Levy**

Your letter expresses concern about access to information and privacy associated with the draft Tipping Fee Bylaw updates and the smart waste program; questions Metro Vancouver's authority to collect such information; and suggests it is inappropriate for Metro Vancouver to require haulers to collect and remit the generator levy from generators.

Generator levy provisions have been included in the Tipping Fee Bylaw since 2018. Metro Vancouver's **statutory authority to set levies payable by generators, and to require waste haulers to collect, remit, and maintain records in relation to those levies, is set out in section 7B of the *Greater Vancouver Sewerage and Drainage District Act, S.B.C. 1956, c.59 (GVS&DD Act)***. This authority has been in place since 1995. The draft updates to the generator levy provisions of the Tipping Fee Bylaw presented at the July 13, 2023, Zero Waste Committee meeting, as well as the smart waste program, are intended to ensure that all waste management companies operating within Metro Vancouver appropriately collect and remit the generator levy as required by the Tipping Fee Bylaw.

The purpose of the smart waste program is to enhance understanding of the movement of waste around the region, and provide a tool to help assess if the generator levy is being appropriately collected and remitted. Metro Vancouver has concluded that location-based electronic devices may be deposited in publicly accessible garbage containers.

The annual location-based electronic device testing outlined in the draft implementation plan involves deploying a **small number of devices in publicly accessible garbage containers without recording company or organization names on garbage containers**. The purpose of the annual testing would be to simply test the function and technical capability of the devices. Data collected would include maps showing the location data generated by the devices, and performance information such as the number of devices that produce location results compared to the number of devices deployed. The data would be shared publicly on an annual basis, ensuring all have access to the same information. Additional use of devices beyond the annual testing may occur if information is received indicating, or otherwise suggesting, that the generator levy is not being collected and/or remitted in accordance with the Tipping Fee Bylaw.

### **Solid Waste Management Plan Update**

Metro Vancouver is committed to updating the solid waste management plan while ensuring a transparent and inclusive engagement process. This includes: delivering a robust public engagement program; engaging with the Solid Waste and Recycling Industry Advisory Committee and Solid Waste Management Plan Public/Technical Advisory Committee; and receiving guidance from the Solid Waste Management Plan Independent Consultation and Engagement Panel (an independent, third-party advisory group to Metro Vancouver staff and the Board on engagement for the plan update).

While work to update the plan is underway, Metro Vancouver continues to advance waste reduction and recycling as prescribed in the current solid waste management plan. This includes work to strengthen the solid waste policy and regulatory framework to encourage waste reduction and recycling, such as the Tipping Fee Bylaw updates and smart waste program.

If you have any additional concerns or questions, please contact Paul Henderson, General Manager, Solid Waste Services, by phone at 604-432-6400 or by email at [paul.henderson@metrovancover.org](mailto:paul.henderson@metrovancover.org).

Yours sincerely,



Jerry W. Dobrovolny, P.Eng, MBA  
Commissioner/Chief Administrative Officer

JWD/PH/si

cc: The Honourable George Heyman, M.L.A., Minister of Environment and Climate Change Strategy  
The Honourable Anne Kang, M.L.A., Minister of Municipal Affairs  
Grant Hankins, President, Waste Management Association of BC  
Lori Bryan, Executive Director, Waste Management Association of BC  
Solid Waste Management Plan Independent Consultation and Engagement Panel  
Metro Vancouver Board and Zero Waste Committee Members

Encl: Letter dated March 6, 2024, titled "RE: Smart Waste Program and Draft Tipping Fee Bylaw Updates"

66640465

March 6, 2024

Via Email: [solidwasteoperations@metrovancover.org](mailto:solidwasteoperations@metrovancover.org)

Metro Vancouver Regional District  
4515 Central Boulevard Metrotower III  
Burnaby BC V5H 0C6

## RE: Smart Waste Program and Draft Tipping Fee Bylaw Updates

Dear Mayors and Councillors,

The Business Council of British Columbia, the Greater Vancouver Board of Trade, the B.C. Chamber of Commerce, the Canadian Federation of Independent Business, and the Independent Contractors and Businesses Association together represent tens of thousands of businesses in the region. We appreciate the opportunity to provide input on Metro Vancouver's (MV) bylaw process.

In July 2023, MV's Zero Waste Committee introduced the revised Tipping Fee Bylaw and the Smart Waste Program (SWP). Respectively, these initiatives compel waste haulers to provide information related to their business activities in collecting and disposing of waste (Tipping Fee Bylaw) and authorize MV to use GPS devices in waste bins to track them (SWP). As noted in MV's [Engagement Summary](#), industry stakeholders provided feedback on many issues. Most of the concerns remain outstanding in new drafts of the Bylaw released after the Engagement Summary. We are concerned that the important **competitive, privacy, and cost** issues raised by industry during this process have not been fully heard and have not been addressed.

To reiterate, we oppose the Bylaw and proposed SWP as written. We believe it is more productive for MV to complete a *new* Integrated Solid Waste Management Plan (ISWMP) before considering updating or proposing new bylaws. The rest of this submission lays out specific issues with the elements of the proposed Tipping Fee Bylaw and Smart Waste Program.

The proposed amendment to the Tipping Fee Bylaw is essentially a **substantive relabelling of 2019 Bylaw 307**. It was not approved by the Minister of Environment and Climate Change Strategy, pending a requirement for proper consultation and renewal of the current (and three-years-out-of-date) ISWMP, which remains outstanding. Therefore, we are concerned the current proposed Bylaw amendment is trying to achieve an outcome indirectly and counter to the Minister's decision. A full and complete consultation, with sufficient time to explore complex issues, is critical. The process to date has not met these criteria. In our view, the Bylaw amendment is premature.

**We recommend MV suspend further work until it has completed a new ISWMP.**

**We also recommend MV engage an independent third party to facilitate such a process.**



In terms of **competition in the waste hauling sector**, we are concerned what is currently being proposed will lead to a MV monopoly. This issue was raised in 2019 in an [opinion by the Competition Bureau of Canada](#) related to 2017 versions of Bylaws 307, 308 and 309 to the B.C. Minister of Environment and Climate Change Strategy. The opinion concluded (para 24) with:

*“[T]he Generator Levy Bylaw [308] and Commercial Waste Licensing Bylaw [307] raise competition-related concerns in that their adoption and implementation may result in a reduction of choice and innovation and/or an increase in tipping fees paid by waste generators in the Metro Vancouver area that would not occur absent these measures. Moreover, **the Bureau is of the view that measures put in place by Metro Vancouver, indeed any public or quasi-public entity, should not create competitive advantages for one competitor over another.**”* [emphasis added]

MV acknowledges the Bureau’s opinion in the Engagement Summary but avoids dealing with the central issue of competitive advantages by noting the Bureau “*did not establish any related requirements or regulations.*” MV also misses other important opinions from the Bureau as described under the following headings:

- The Generator Levy Bylaw may reduce and/or eliminate competition in the market. (para 5 to 10)
- Less competition may result in reduced choice and innovation. (para 11 to 13)
- Less competition may result in higher prices. (para 14 to 10)
- The Generator Levy does not reflect the actual fixed costs of Metro Vancouver transfer stations. (para 20 to 23)

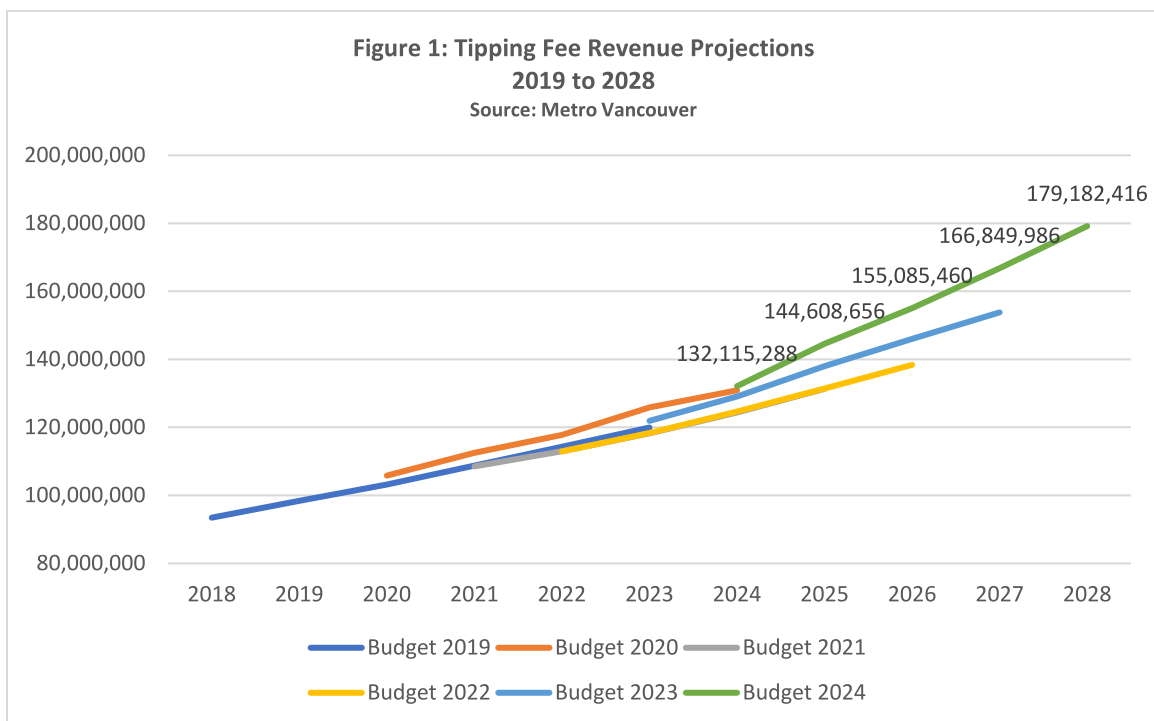
The decision by MV to build and operate infrastructure diminishes the opportunity for private sector operators to invest and innovate in the region’s waste sector. Creating a tax and regulatory environment that makes it attractive for companies to make more capital investments would derisk waste management for regional taxpayers. It would also encourage private sector investments in modern technology and equipment that will lower the environmental footprint of waste management. **As such, we agree with the Bureau’s conclusion that these Bylaws will create a reduction in choice and will increase costs through higher tipping fees that are anti-competitive. We believe the Bylaws should be set aside.**

The proposed changes to the Tipping Fee Bylaw raise significant **access to information and privacy concerns**. Combined with the Smart Waste Program, we question the legality and authority of MV to compel private companies to divulge proprietary business information and conduct surveillance without consent. Waste bins are private property. Placing surveillance trackers in bins without the permission of bin owners, as is proposed, is government overreach and establishes a dangerous precedent.

MV is in the position of being both a market participant (i.e., it competes with private companies) and a regulator. Tracking operations of private companies creates a real or perceived conflict of interest in that such information could be manipulated by MV for market advantage. MV could design fees and business processes that place private companies at a competitive disadvantage relative to MV or unfairly create opportunities for “preferred partners.” This is an inappropriate arrangement. **Even if the data is anonymized, we oppose the use of tracking devices or compelling companies to submit sensitive business data in general and especially when MV is both a market participant and the regulator.**

Since Bylaw 280 was contemplated, we have been concerned about increasing **costs** of solid waste management for businesses and residents of the region. All costs associated with implementing bylaws are paid by regional taxpayers adding to operating cost increases and affordability challenges. Adding to administrative burden and costs is unlikely to achieve waste reduction goals or protect the environment.

**Figure 1** shows tipping fee revenue projections from successive MV budgets. Total revenue is on track to almost double over the decade to 2028. Fees waste haulers pay are passed on to residents and included in business contracts for waste disposal. The 2024 MV Budget forecasts fee tipping revenue will grow an average of 8% per year. These increases are larger than the 5% growth generally seen in previous budgets and exceed population growth and inflation. There is no reason for fees to grow many times faster than the region’s population growth.



MV has created a situation where **waste haulers are now tax and fee collectors**. Under the Bylaw 308 Section 8.1, waste haulers must collect and remit the generator levy to MV. User fees paid by a person or entity for a specific service can only be levied by a government. Having waste haulers collect fees means the element of MV’s financial responsibility and accountability is obscured. This structure raises transparency concerns and is adding to operator administrative costs. In summary notes contained in an MV email dated Feb 6, 2024, sent to industry stakeholders on the matter of “What will the updates achieve?”, the fifth bullet indicates

- *“A reduction of future tipping fees of up to \$3,000 per submission of records to offset costs incurred by haulers in assembling and submitting records.”*


The communication recognizes haulers are incurring additional administrative costs and seems to suggest a reduction in tipping fees could be a way to offset these costs. Regardless, it is inappropriate to transfer this responsibility.

In sum, we are opposed to the changes to the Smart Waste Program and amendment to the Tipping Fee Bylaw that are currently being contemplated. Metro Vancouver should reconsider its current plan especially considering the changes may be unnecessary depending on the new ISWMP, which should act as the foundation for regulatory amendments. We reaffirm the need for transparent and meaningful consultation with business and residents.

Thank you for your consideration.

Yours sincerely,




  
Ken Peacock  
Senior Vice President  
and Chief Economist  
Business Council of British Columbia



  
Bridgitte Anderson  
President and CEO  
Greater Vancouver Board of Trade



  
Jairo Yunis  
Director, British Columbia  
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Fiona Famulak  
President and CEO  
B.C. Chamber of Commerce



  
Chris Gardner  
President,  
Independent Contractors and Businesses Associations

cc: Metro Vancouver Board Members  
Honourable George Heyman, Minister of Environment and Climate Change Strategy  
Honourable Anne Kang, Minister of Municipal Affairs  
Mr. Grant Hankins, President, Waste Management Association of BC  
Ms. Lori Bryan, Executive Director, Waste Management Association of BC



Metro Vancouver  
March 4, 2024

Feedback on Smart Waste Program and the revised Draft Tip Fee Bylaw amendments

## Smart Waste Program

We understand this program to be a mechanism for Metro Vancouver to be able to track waste moving through the Region and to enable Metro Vancouver to determine that the Generator Levy is appropriately remitted. We reiterate our opposition to these waste trackers as the concerns that we identified, in our letter dated January 17, 2024, have not been sufficiently addressed by Metro Vancouver staff.

To the revisions that have been made to the program draft, please see our feedback below in red.

- *An annual testing program where approximately 20 devices per year will be placed in publicly accessible multi-family residential and commercial/institutional garbage containers. Company or organization names on garbage containers will not be recorded. **If company names are not recorded, then what is the purpose of the device to determine gen levy being collected and remitted.***

- *Criteria for placement of additional devices in a specific company or organization's garbage containers, such as unexplained and material changes in quantities of garbage; **if company names are not recorded, then how is 'unexplained and material changes in quantities of garbage' identified to a specific company. This contradicts the above statement.***

- *Annual public reporting. **What details would the report include?***

Additional feedback:

- all data captured and reported by Metro Vancouver is publicly available by FOI act. This allows for private company information to be publicly available.
- the proposed program will not increase diversion in the Region
- recycling facilities are opposed to these trackers in the material stream as they pose potential safety risks to the facility and staff as well as additional contamination
- the cost and resources of the program is not justified

## Draft Tip Fee Bylaw Amendments

According to the Engagement Summary, "The draft Tipping Fee Bylaw updates simplify and improve the consistency of definitions; strengthen records management requirements related to the generator levy; and improve enforceability of the bylaw." There is a significant change to the bylaw language that allows for conditions from previously unapproved bylaws 307 & 309. To the changes that were highlighted, please see our feedback below in red.

- *Ability for Metro Vancouver to waive the generator levy in the event of a service disruption at a Metro Vancouver or City of Vancouver solid waste facility. **We do not see this as a significant change as there is no indication this would take effect at all MV / CoV facilities in the event of a service disruption at any one facility.***

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- Removal of requirement for operating logs and routing information for collection vehicles. *Should not have been added in the first place.*
- Ability for haulers to redact building street address number of each collection location. *At no point is it under Metro Vancouver's purview to gather waste hauler service locations and should not have been included in the language.*
- Exemption of construction and demolition waste from generator levy records management requirements. *Should have always been exempted*
- A reduction of future tipping fees of up to \$3,000 per submission of records to offset costs incurred by haulers in assembling and submitting records. *This will not cover cost and will not be an incentive to the majority of haulers. Additionally, this will increase the cost to Metro Vancouver and taxpayers on this records management plan.*
- A provision to allow Compliance Managers or Officers to have accompanying persons or equipment to assist in reviewing and copying records to align with the GVS&DD Act provisions related to inspections. *As a regulator and a competitor, the copying of sensitive business data to be potentially shared puts the private sector companies at a disadvantage and threatens their very business. There is already a significant trust factor that has not been resolved. The procurement of sensitive and private company information to Metro Vancouver is an overreach of the regional district's authority.*

All data captured and reported by Metro Vancouver is publicly available by FOI act. This private company information will be publicly available, putting a service providers' proprietary information at risk.

### **Competition Bureau Canada Then & Now**

As stated in our January 17<sup>th</sup>, 2024 letter to the GVS&DD, the Competition Bureau Canada recently completed a study of Canada's competitive landscape between 2000 and 2020 and made some damning conclusions. One quote from Commissioner Boswell is:

***“Our findings further highlight the need to modernize Canada’s competition law and adopt a whole-of-government approach to promote competition. Without the adoption of pro-competitive policies, Canada risks continuing down the road of declining competitive intensity. Taking action to increase competition will drive lower prices and make life more affordable for Canadians.”***

With respect to the trackers, how can putting the proprietary information of a private company into the public sphere, improve competition or encourage the investment and innovation that would best serve the Region?

With respect to the Tipping Fee Bylaw, essentially this same language has been rejected by two separate Ministers of Environment & Climate Change Strategy, hailing from two different political parties and was also advised against by the Competition Bureau Canada. The CBC's advisement against this scheme was even before the above-referenced report. Since then, we have had some new competition laws and regulations passed with more working their way through both the House and Senate, to strengthen Canada's Competition Laws even further

Regardless of whether the CBC advised the MOE&CCS to deny approval of your bylaw, or the CBC advised Metro directly, Metro Vancouver is fully aware of the advice and to disregard the advice as not directed to them, is extremely non-productive and does not help rebuild the trust with industry.

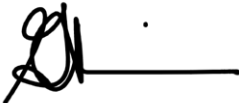
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## In Conclusion

We continue to assert that these intrusive, overreaching bylaws will have a far-reaching negative effect on future innovation and investment in this region and neighboring regions and will drive up the already unaffordable living conditions in Metro Vancouver.

We strongly urge Metro Vancouver to reconsider these by-law amendments subject to the completion of a new Solid Waste Management Plan and that any bylaw amendments should be part of the SWMP process and not a standalone item.

We request and encourage Metro Vancouver put their time and energy into working with and participating in honest, transparent & collaborative consultation and dialogue with the private waste services Industry and its' stakeholders to create a comprehensive Integrated Solid Waste Management Plan that fosters competition and innovation and is mindful of costs for tax payers in the region. Finding solutions **with** the waste & recycling industry versus ruling the waste & recycling industry, will yield a more favorable outcome, consistent with the diversion goals of the Region.



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