

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.