

REGIONAL DISTRICT OF NANAIMO

**ENVIRONMENTAL SERVICES COMMITTEE MEETING
TUESDAY, JUNE 26, 2001
7:30 PM**

(Nanaimo City Council Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

MINUTES

- 3-5 Minutes of the Environmental Services Committee meeting held on Tuesday, May 22, 2001.

CORRESPONDENCE/COMMUNICATIONS

- 6-7 **Marie Crawford, UBCM**, re Provincial response to 2000 Resolution from RDN Board concerning Regional Health Authority Sewage Disposal Applications.

LIQUID WASTE/UTILITIES

- 8-13 Southern Community Sewer Local Service Area Development Cost Charge Amendment Bylaw No. 1020.02.
- 14-19 Electoral Area A (MacMillan Rd. School Site) Sewer Local Service Area Rates and Regulations Bylaw No. 1237.

SOLID WASTE

- 20-22 Garbage Collection and Recycling Program - Status of Contract Re-Tender.
- 23-33 Yard Waste Collection Program.
- 34-35 Waste Export Fee - Rate Adjustment Formula.
- 36-37 Regional Landfill Cell Closure Contract.

OTHER

- 38-43 Quennell Lake Drainage & Flood Control Local Services - Abandonment of Initiative.

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

IN CAMERA

That pursuant to Section 242.2(1)(h) of the Local Government Act the Board proceed to In Camera meeting to consider matters related to litigation or potential litigation affecting the Regional District.

ADJOURNMENT

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE ENVIRONMENTAL SERVICES COMMITTEE MEETING
HELD ON TUESDAY, MAY 22, 2001, AT 7:30 P.M. IN THE
COUNCIL CHAMBERS OF THE CITY OF NANAIMO
455 WALLACE STREET, NANAIMO, B.C.

Present:

Director L. Sherry	Chairperson
Director L. Elliott	Electoral Area A
Director B. Sperling	Electoral Area B
Director E. Hamilton	Electoral Area C
Director D. Haime	Electoral Area D
Director G. Holme	Electoral Area E
Director J. McLean	Electoral Area F
Director J. Stanhope	Electoral Area G
Alternate	
Director F. Demmon	City of Parksville
Director T. Westbroek	Town of Qualicum Beach
Director G. Korpan	City of Nanaimo
Alternate	
Director T. Beech	City of Nanaimo
Alternate	
Director R. Cantelon	City of Nanaimo
Director T. Krall	City of Nanaimo
Director B. Holdom	City of Nanaimo

Also in Attendance:

C. McIver	Manager of Solid Waste
D. Trudeau	Manager of Liquid Waste
W. Moorman	Manager of Engineering & Utilities
F. McFarlane	Recording Secretary

DELEGATIONS

Bruce Alexander and Jerry St. Andre, re Driftwood Beach Estates Subdivision.

Mr. Alexander and Mr. St. Andre, owners of strata lots 1 and 2 respectively in Driftwood Beach Estates Subdivision, made a joint presentation to members of the Environmental Services Committee in which they requested that consideration be given to having their lots included within the Driftwood Water Local Service Area. They stated that they would be prepared to sign a covenant allowing only one connection to each property if they were provided water hook-up.

Pat Davidson, re Driftwood Beach Estates Subdivision.

Mr. Davidson, owner of strata lot 3 in Driftwood Beach Estates Subdivision, also requested the Committee's consideration that these lots be included in water hook-up and expressed a willingness to share costs involved.

MINUTES

MOVED Director Krall, SECONDED Director Stanhope, that the minutes of the February 27, 2001 Environmental Services Committee meeting be adopted.

CARRIED

PAGE
3

LIQUID WASTE/UTILITIES

Driftwood Water LSA Initiative - Community Water Connection to 1900 Delanice Way - Area E.

MOVED Director Holme, SECONDED Director Stanhope, that 1900 Delanice Way, Strata Lot 3, Plan VIS 3905, Nanoose Land District, be included for water hook-up if the Health Department deems it at risk and that the \$7500.00 received from the sale of water rights be forfeited to the RDN.

CARRIED

MOVED Director Holme, SECONDED Director Stanhope, that Lots 1 and 2 also be included for water hook-up subject to covenants being registered on title restricting subdivision of the properties to a minimum of one hectare and that only a single residence is provided with water on each lot.

CARRIED

Decourcey Water Supply LSA Rates & Regulations Amendment Bylaw No. 1097.02.

MOVED Director Elliott, SECONDED Director Krall,:

1. That "Regional District of Nanaimo Decourcey Water Supply Local Service Area Rates and Regulations Amendment Bylaw No. 1097.02, 2001" be introduced for three readings.
2. That "Regional District of Nanaimo Decourcey Water Supply Local Service Area Rates and Regulations Amendment Bylaw No. 1097.02, 2001" having received three readings be adopted.

CARRIED

SOLID WASTE

Garbage and Recyclable Materials Collection Rates Amendment Bylaw No. 1009.04.

MOVED Director Demmon, SECONDED Director Holme,:

1. That "Regional District of Nanaimo Garbage and Recyclable Materials Collection Rates Amendment Bylaw No. 1009.04, 2001" be introduced for three readings.
2. That "Regional District of Nanaimo Garbage and Recyclable Materials Collection Rates Amendment Bylaw No. 1009.04, 2001" having received three readings be adopted.

CARRIED

Illegal Dumping Program Status Report.

MOVED Director Stanhope, SECONDED Holdom, that the Illegal Dumping Program Status Report be received for information.

CARRIED

2001 Backyard Composter Distribution Program.

MOVED Director Stanhope, SECONDED Director Krall, that this report be received for information.

CARRIED

2000 3R's Statistics and Zero Waste Goals.

MOVED Director Westbroek, SECONDED Director Stanhope, that the RDN adopt Zero Waste as its long term waste reduction goal and focus on public education and communication programs and recycling.

CARRIED

ADDENDUM

SOLID WASTE

Organic Composting Material Handling.

C. McIver, Manager of Solid Waste, gave a verbal report on the progress of talks between the Regional District and West Coast Landfill Division Corporation to compost yard waste delivered by self-haul customers to the Regional Landfill. To date, costs are estimated to be \$50 per tonne for West Coast Landfill Division Corporation to grind the yard waste, load it and take it to their Cobble Hill plant for processing. Ms. McIver estimates that as early as 2002 the RDN could be looking to expand this program to include yard waste collected at the curb from urban customers within the RDN. Director Krall recommended that staff contact the Cowichan Valley Regional District to determine possibilities of a joint venture. A written update will be prepared for the Directors for their next meeting.

IN CAMERA

MOVED Director Holme, SECONDED Director Stanhope, that pursuant to Section 242.2(1)(f) of the *Local Government Act* the Committee proceed to an In Camera Meeting to consider a matter of litigation or potential litigation affecting the Local Government.

CARRIED

ADJOURNMENT

MOVED Director Holme, SECONDED Director Stanhope, that this meeting terminate.

CARRIED

TIME: 8:15 PM

CHAIRPERSON

UNION OF
BRITISH
COLUMBIA
MUNICIPALITIES

Suite 15
10551 Shellbridge Way
Richmond
British Columbia
Canada V6X 2W9
(604) 270-8226
Fax (604) 270-9116
Email: ubcm@civicnet.gov.bc.ca

PRESIDENT
DIRECTOR
JIM ABRAM

EXECUTIVE DIRECTOR
RICHARD TAYLOR

May 31, 2001

Kelly Daniels
Administrator
Regional District of Nanaimo
Box 40
Lantzville, BC
V0R 2H0

Dear Mr. Daniels:

Attached is a copy of the provincial response to the 2000 resolution(s) put forward by your Board that was endorsed at the UBCM Convention.

B23 *Regional Health Authority Sewage Disposal Applications*

Please note that the responses were prepared prior to the provincial election. I trust this information is of assistance.

Yours truly,

Marie Crawford
Marie Crawford
Assistant Executive Director

Encl.

RECEIVED OF NANAIMO	
JUN 08 2001	
REGIONAL DISTRICT OF NANAIMO	
CHAIR	GMDS
CAO	GMES
GMCMS	
<i>Best Correspondence</i>	
ESC	



B23 Regional Health Authority Sewage Disposal Applications

WHEREAS Regional Health Authorities have the ability and jurisdiction to issue sewage disposal permits;

AND WHEREAS the application for sewage disposal permits currently does not indicate to applicants that local and provincial government land use regulations (such as Land Reserve Commission, or local zoning, subdivision or other land use bylaws) may be applicable to the proposed development;

AND WHEREAS the issuance of a sewage disposal permit by the Health Authority in no way relieves the owner or occupier of the parcel of the responsibility to comply with all relevant legislation, regulations and bylaws:

THEREFORE BE IT RESOLVED that the Ministry of Health include the following phrase to the bottom of all septic disposal permits issued:

"The approval of the septic system and the issuance of this permit in no way relieves the owner or occupier of the responsibility of adhering to all other legislation which may apply to the land. This includes Land Reserve Commission regulations as well as zoning, subdivision or other land use bylaws, and decisions of any authorities that have jurisdiction."

RESPONSE OF: MINISTRY OF HEALTH AND MINISTRY RESPONSIBLE FOR SENIORS

The Ministry of Health will be consulting with the Attorney General's office with respect to adding a cautionary clause to Sewage Disposal permits. This clause will refer to other land use legislation that may apply to the subject parcel.



REGIONAL DISTRICT
OF NANAIMO
JUN 18 2001

MEMORANDUM

CHAIR	GMCrS
CAO	GMDS
GMDS	GMES

TO: John Finnie, P. Eng
General Manager of Environmental Services

DATE: June 15, 2001

FROM: Dennis Trudeau
Manager of Liquid Waste

FILE: 3150-10

SUBJECT: Liquid Waste
Development Cost Charges
Southern Community

PURPOSE

To consider new Development Cost Charges (DCC's) for the Southern Community.

BACKGROUND

Section 933 of the Local Government Act authorizes a municipality or regional district to levy DCC's against new development in order to assist with the capital costs of providing services. DCC's may be applied against wastewater facilities, waterworks, drainage, highway, parks, schools, hospitals, and government buildings. DCC's that are collected must be put into reserves and used for growth-related capital projects that have been identified as DCC projects.

Development Cost Charges were adopted in the Southern Community (Lantzville and Nanaimo service areas) on August 13, 1996. The City of Nanaimo (CON) has been collecting Development Cost Charges on behalf of the Regional District. Our bylaw has various categories for imposing Development Cost Charges which we try to keep consistent with the CON Development Cost Charges bylaw.

Recently the CON underwent a review of their bylaw and amended the areas where they charge DCC's and created another category for senior housing.

The CON is now divided into two DCC zones, the Old City Neighborhood area and the Greater City area. The DCC's for the Old City Neighborhood area are now zero. The CON has exempted DCC's in the Old City Neighborhood to promote a revitalization of the downtown core.

In addition seniors residences have been added as a new category with a rate that is between that of multi-family and institutional DCC's. The rate is less than that of multi-family due to the fact that the units are generally smaller and will have a reduced impact on municipal facilities.

With these points in mind, we reviewed our bylaw and the area over which the Development Cost Charges apply. We recalculated our rates and amended our categories to be consistent with the revised City of Nanaimo Development Cost Charges bylaw.

ALTERNATIVES

- 1) Amend the Development Cost Charges bylaw
- 2) Do not amend Development Cost Charges bylaw

FINANCIAL IMPLICATIONS

The only apparent financial implication is the eliminating of Development Cost Charges in the Old City Neighborhood. It is expected that growth in this area will not negatively effect RDN facilities since it would likely update old sewers which would reduce the high inflow and infiltration we get in this area. This would ultimately benefit the Greater Nanaimo Pollution Control Center by reducing wet weather flows.

INTERGOVERNMENTAL IMPLICATIONS

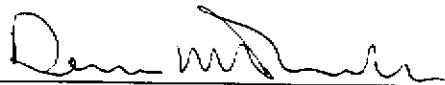
The proposed changes to the DCC's have been made in consultation with staff at the City of Nanaimo.

SUMMARY

In summary, the Regional District of Nanaimo Development Cost Charges bylaw for the Southern Community sewer service areas should be amended to be consistent with the newly revised City of Nanaimo Development Cost Charges bylaw.

RECOMMENDATION

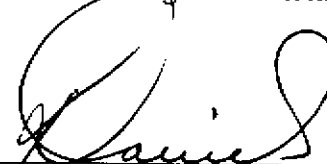
1. That the Development Cost Charges bylaw for the Southern Community sewer service area be amended.
2. That the "Southern Community Sewer Local Service Area Development Cost Charge Amendment Bylaw No. 1020.02, 2001" be introduced and read three times, and
3. That the "Southern Community Sewer Local Service Area Development Cost Charge Amendment Bylaw No. 1020.02, 2001" having received three readings be forwarded to the Inspector of Municipalities for approval.



Report Writer



General Manager Concurrence



CAO. Concurrence

COMMENTS:

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1020.02

A BYLAW TO AMEND THE DEVELOPMENT
COST CHARGES IN THE SOUTHERN COMMUNITY
SEWER LOCAL SERVICE AREA

WHEREAS the Regional District of Nanaimo has adopted Southern Community Sewer Local Service Area Development Cost Charge Bylaw No. 1020, 1996 and wishes to amend the boundaries of the areas subject to development cost charges and the schedule of development cost charges.

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

1. Southern Community Sewer Local Service Area Development Cost Charge Bylaw No. 1020.01, 1997 is hereby amended by:
 - (a) repealing Schedule "A" and replacing it with Schedule "A" attached hereto;
 - (b) repealing Schedule "B" and replacing it with Schedule "B" attached hereto.
2. This bylaw may be cited as the "Southern Community Sewer Local Service Area Development Cost Charge Amendment Bylaw No. 1020.02, 2001".

Introduced and read three times this 10th day of July, 2001.

Received the approval of the Inspector of Municipalities this ___ day of _____, 2001.

Adopted this _____ day of _____, 2001.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

Chairperson

General Manager, Corporate Services

SCHEDULE A

Bylaw No. 1020.01

TABLE 1

1. Pursuant to Section 1 of this bylaw, development cost charges shall be levied in the Nanaimo and Lantzville areas as identified on the map attached to this bylaw as Schedule "B".
2. The assist factor for sanitary sewer works and services shall be 1%.
3. The Development Cost Charges within the Nanaimo and Lantzville areas shown on Schedule "B" are as set out in Table 1 and Table 2, respectively.

Type of Development	Work or Service Provided	Charges Payable	
		Subdivision	Building Permit
<u>Nanaimo</u>			
Single family residential subdivision	Sewage facilities	\$2,660.00 per parcel created	
Multi family construction	Sewage facilities		\$15.08 per m ² or part thereof of floor space of dwelling units constructed or altered
Mobile home park sewer connection	Sewage facilities		\$1,782.00 per service connection to each individual mobile home unit
Campground sewer connection	Sewage facilities		\$665.00 per service connection to each individual campground site
Commercial construction	Sewage facilities		\$5.32 per m ² or part thereof of floor space constructed or altered
Industrial construction	Sewage facilities		\$2.13 per m ² or part thereof of floor space constructed or altered
Seniors Residence Construction			\$13.27 per m ² or part thereof of floor space constructed or altered

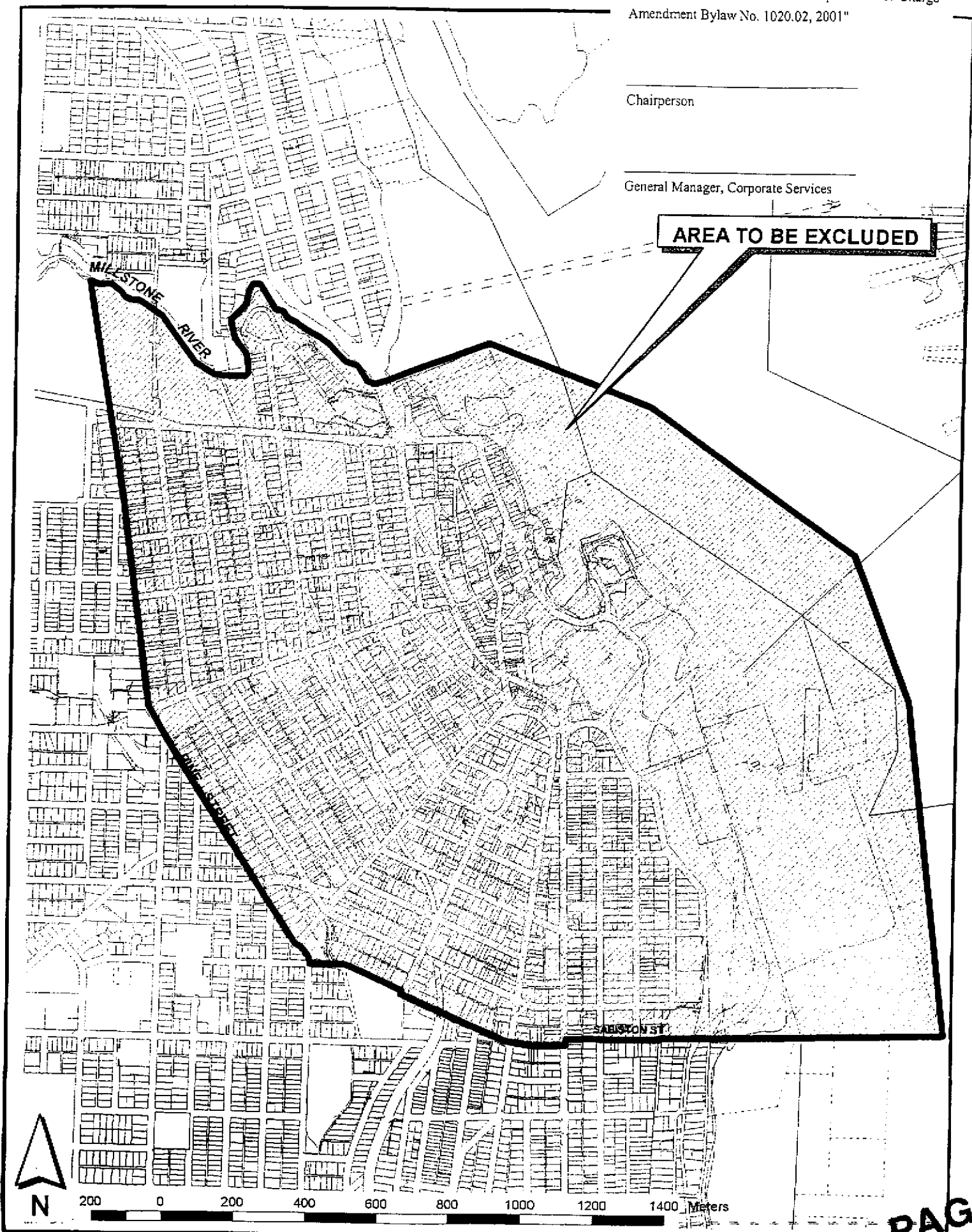
TABLE 2

Type of Development	Work or Service Provided	Charges Payable	
		Subdivision	Building Permit
<u>Lantzville</u> Single family residential subdivision	Sewage facilities	\$2,660.00 per parcel created	
Multi family construction	Sewage facilities		\$15.08 per m ² or part thereof of floor space of dwelling units constructed or altered
Mobile home park sewer connection	Sewage facilities		\$1,782.00 per service connection to each individual mobile home unit
Campground sewer connection	Sewage facilities		\$665.00 per service connection to each individual campground site
Commercial construction	Sewage facilities		\$5.32 per m ² or part thereof of floor space constructed or altered
Industrial construction	Sewage facilities		\$2.13 per m ² or part thereof of floor space constructed or altered
Seniors Residence construction			\$13.27 per m ² or part thereof of floor space constructed or altered

Chairperson

General Manager, Corporate Services

AREA TO BE EXCLUDED





JUN 19 2001

MEMORANDUM

CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMES	

ESC ✓

TO: D.Trudeau
Manager, Liquid Waste

DATE: June 18, 2001

FROM: N. Avery
Manager, Financial Services

FILE:

SUBJECT: A bylaw to set rates and user fees in the Electoral Area A (MacMillan Rd. School Site) Sewer Local Service Area

PURPOSE:

To obtain approval of "Electoral Area A (MacMillan Rd. School Site) Sewer Local Service Area Rates and Regulations Bylaw No. 1237, 2001".

BACKGROUND:

The new secondary school in Cedar is connected to the Duke Point wastewater treatment plant. The School District was advised during the establishment of the service area that an annual user fee would be payable based on a pro-rata share of the operating costs of the treatment plant. The discussions at that time estimated the school building usage as equivalent to 63 single family dwelling units at an approximate annual cost of \$2,720. The bylaw attached establishes the billing rate at \$47.90 per unit with a 10% discount available for prompt payment.

The rate established under the bylaw attached to this report will be effective for the year 2001. Staff will review the flows now that the school is in active use to determine whether any change is necessary going forward from 2002.

ALTERNATIVES:

1. Adopt Bylaw 1237 as presented.
2. Amend Bylaw 1237 and adopt as amended.

FINANCIAL IMPLICATIONS:

Alternative 1

Consistent with the general approach towards the financing of utility services user fees provide a source of revenues to cover the annual costs of the service. This bylaw incorporates the content of discussions held with the School District at the time the Regional District agreed to connect the school site.

Alternative 2

This alternative is not recommended, as there is no evidence at this time to support an alternative rate.


SUMMARY/CONCLUSIONS:

The new high school in Cedar is connected to the Duke Point wastewater treatment plant. Consistent with our approach to cost recovery for utility services, staff have drafted a bylaw to establish an annual user rate for the school site's pro-rata share of operating costs of the plant. The School District will be billed an annual user fee in 2001 of about \$2,720 based on the original estimates discussed with the School District at the time the sewer local service area for the site was established. Future years' rates will be adjusted to reflect the history of actual flow usage now that the site is fully active.

RECOMMENDATION:

That "Electoral Area A (MacMillan Rd. School Site) Sewer Local Service Area Rates and Regulations Bylaw No. 1237, 2001" be introduced for first three readings.

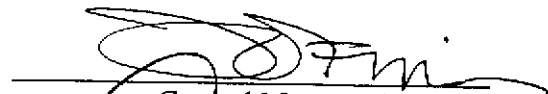
That "Electoral Area A (MacMillan Rd. School Site) Sewer Local Service Area Rates and Regulations Bylaw No. 1237, 2001" having received three readings be adopted.



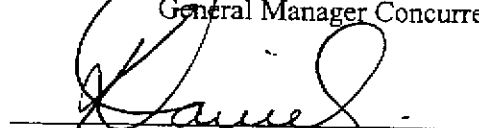
Report Writer



Manager Concurrence



General Manager Concurrence



C.A.O. Concurrence

COMMENTS:

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1237

A BYLAW TO IMPOSE FEES AND CHARGES IN THE ELECTORAL AREA 'A' (MacMILLAN ROAD SCHOOL SITE) SEWER LOCAL SERVICE AREA

WHEREAS the Regional District of Nanaimo has enacted Bylaw No. 1136 for the purpose of creating the Electoral Area 'A' (MacMillan Road School Site) Sewer Local Service Area;

AND WHEREAS the Board wishes to establish a connection fee for connecting to the system;

AND WHEREAS the Board wishes to establish user rates for the use of the sewerage system and to provide for the cost of maintenance and operation, including debt charges, of the system;

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

1. **Interpretation**

- (a) "District" means the Regional District of Nanaimo;
- (b) "Application" means an application as set forth in Schedule 'A', attached hereto, and forming part of this bylaw;
- (c) "Owner" shall have the meaning assigned to it by the *Local Government Act*.

- 2. There shall be charged against the owner of real property, where a sewer connection has been installed and connected a connection fee as set forth in Schedule 'A' attached hereto and forming part of this bylaw.
- 3. No installation or connection shall be made before an application has been submitted to the District, in the form of Schedule 'A' accompanied by the proper fee as specified in Schedule 'B'. When applicable, applications shall be made at the time of application for a Building Permit in the form of Schedule 'A'. The fee, as prescribed in Schedule 'B' shall be remitted at the time of the payment of the fee for the Building Permit.
- 4. There shall be charged against the owner of the land, where a sewer connection has been installed and connected, a sewer user rate as set forth in Schedule 'B' of this bylaw.
- 5.
 - (a) The Regional District of Nanaimo hereby imposes the fees and sewer user rates set out in Schedule 'B' of this bylaw on the respective classes of users.
 - (b) The sewer user rates payable set out in Schedule 'B' bylaw shall be levied annually, in advance on or before August 1st of each year.

- (c) The sewer user rates set out in Schedule 'B' shall be due and payable when levied, and shall be subject to a discount of ten (10) percent, provided the rates for the current billing period are paid in full, including all arrears then outstanding, into the office of the Manager, Financial Services or their agents, on or before the discount date noted on the invoice.
- (d) No complaint of an error in any charge for sewer user rates or fees shall be considered and no adjustment of any such error shall be made after a period of one year has elapsed since the end of the period for which such sewer user rates or fees were assessed. After the termination of this period all such sewer user rates or fees shall be deemed to have been properly and correctly made.
6. In the case of a connection being made during any year, the charge for the balance of said year shall be effective from the first day of the month next following the month during which the final inspection of the sewer connection was made.
7. The sewer user rates determined under Clause 6 shall be levied in the month following the month during which the final inspection of the sewer connection was made, and shall be due and payable upon presentation.
8. All fees and sewer user rates due and outstanding on the thirty-first (31st) day of December in each year shall be deemed to be taxes in arrears as prescribed by Section 797.2 of the *Local Government Act*.
9. The General Manager, Environmental Services, shall classify each property in accordance with the categories set out in Schedule 'B', attached hereto and forming part of this bylaw and the rates or aggregate of such rates as set out in said Schedule 'B' shall apply to the property so classified.
10. This bylaw may be cited for all purposes as the "Electoral Area 'A' (MacMillan Road School Site) Sewer Local Service Area Rates and Regulations Bylaw No. 1237, 2001."

Introduced and read three times this 10th day of July, 2001.

Reconsidered and adopted this 10th day of July, 2001.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

Chairperson

General Manager, Corporate Services

1. **Connection Fees**

Up to 4" Connection \$250.00

2. **Sewer User Rates**

Classification

Monthly Rate

Single Family Dwelling

\$43.10 per unit

Business Premises

\$43.10 per Single Family Dwelling unit equivalent

Institutional Facilities

\$43.10 per Single Family Dwelling unit equivalent



REGIONAL DISTRICT OF NANAIMO			
JUN 13 2001			
CHAIR		GMCrS	
CAO		GMDS	
GMCms		GMES	
		<i>esc</i>	<input checked="" type="checkbox"/>
DATE:			
FILE:			

MEMORANDUM

TO: Carey McIver
Manager of Solid Waste

June 12, 2001

FROM: Alan Stanley
Waste Reduction Coordinator

5370-02

SUBJECT: Garbage Collection and Recycling Program
Status of Contract Re-Tender

PURPOSE

To provide the Board with a status report on the re-tendering process for the RDN garbage collection and recycling program.

BACKGROUND

The RDN garbage collection and recycling program currently provides curbside garbage and recycling collection to 22,164 households in the district excluding the City of Nanaimo. Recycling collection service only is provided to the Town of Qualicum Beach and the Lantzville Improvement District. Two contractors; Canadian Waste Services in School District 68 and Salish Disposal in School District 69 provide this service. 2001 is the final year of the contracts for this service.

In January 2001 the Environmental Services Committee received a report on the results of the 2000 Solid Waste Surveys. These surveys were undertaken, in part, to ascertain the level of customer satisfaction with the garbage collection and recycling program and identify areas of improvement to better serve our customers needs.

In the surveys, the overwhelming majority of residents indicated that they are very satisfied or somewhat satisfied (a total of 93%) with the program. Only 6% of respondents said that they were somewhat dissatisfied while 2% said they were very dissatisfied. It is apparent from these responses that the program is serving the majority of customers very well.

Requests from the public to increase the types of material such as plastic and yard waste to the recycling collection prompted additional questions to be included in our survey to find out how we could make the program better. Residents were asked if more types of plastics should be collected in the blue box and whether yard and garden waste should be collected at the curb.

With respect to plastics, a large majority (85%) was in support of this proposal while 11% opposed it. Five per cent of respondents indicated that they did not know whether or not additional plastics should be included in their recycling program.

With respect to yard waste, slightly more than 53% were in favour of adding collection to the curbside program. There are a number of recent changes that may result in greater support for yard waste collection which are detailed in a separate report on the subject to the Environmental Services Committee report.

Re-Tender Status

Staff is currently carrying out a pre-qualification process prior to issuing an Invitation to Tender (ITT). Recent developments in contract law have made pre-qualification a very useful tool in performing the due diligence expected of an organization such as the RDN. Pre-qualification allows an organization to identify firms that are not qualified because they don't have the experience to do the work, are in financial troubles or have a poor track record in performing contracts of the type being considered. By eliminating non-qualified firms, the quality of bids is typically higher and the RDN can be assured that the winning bid will not cause problems in the future in terms of quality of service delivery or contractual disputes.

A Request for Qualifications (RFQ) has been issued to firms that have expressed interest in being issued an ITT. Also, advertising has been placed in all of the regions' newspapers and in the Vancouver Sun. The RFQ closing date is June 22, 2001.

Three weeks will be required to evaluate the RFQ's and short-list the qualified firms. All qualified firms will be issued an ITT by July 20 with bids being due August 10. The tender will include requests for pricing on collecting all rigid plastics and yard waste.

The bids will be reviewed and the successful firm(s) chosen by September 1, 2001. A report will be prepared for the September Environmental Services Committee meeting with detailed costs for the various options including additional plastics and yard waste collection, recommendations on options, and recommendations to enter into a contractual agreement with the successful firm(s).

FINANCIAL IMPLICATIONS

The expected term of the curbside garbage and recycling contract is five years. Our current annual budget for the garbage and recycling collection program is \$1,500,000. Of this, 50% covers the annual fee for contract services and 32.5% covers the tipping fees. The balance of the budget covers public education, finance, administration and contract management. This budget is based on prices resulting from a 1995 tender for this contract. At that time the market for recyclables was at an all time high and the cost of the service was reduced in relation to the previous contract.

Dramatic increases in the price of fuel are expected to put upward pressure on the contract costs, however, in a competitive bidding process it is impossible to determine the final outcome. Increasing recycling collection to include plastics and yard waste may also affect prices. The garbage and recycling collection business is extremely competitive and the result of this tender will be the lowest price that the market can offer. It is unlikely, however, that the costs will decrease, therefore the total RDN commitment over the five years of this contract will be at least \$7,500,000.

There will be express language included in the tender documents to allow the RDN to only contract for yard waste in the event that the funds become available through the 2002 Provisional Budget Process. This will involve at least one further report to describe options and prices to allow the Board to make a decision on whether or not to include yard waste in the program. The firms submitting prices, however, will be legally bound to honour those prices in the event that the Board decides to implement a yard waste collection service.

SUMMARY/CONCLUSIONS

The re-tendering process has begun for the RDN garbage collection and recycling contracts. Options to collect plastics and yardwaste will be included in the Vendor package. Bids will be submitted in August and recommendations will be presented to the September Environmental Services Committee.

RECOMMENDATION

1. That the status report on garbage and recycling curbside collection be received by the Board.

A Stanley
Report Writer
per Wright
DFM
General Manager Concurrence

Carey M. Sew
Manager Concurrence
David
CAO Concurrence

COMMENTS:



REGIONAL DISTRICT OF NANAIMO			
JUN 13 2001			
CHAIR		GMCrS	
CAO		GMDS	
GMCrS		GMES	
esc			
		DATE:	
		Environmental Services	
		FILE:	

MEMORANDUM

TO: John Finnie, P. Eng.
General Manager Environmental Services

DATE: June 12, 2001

FROM: Carey McIver
Manager Solid Waste

FILE: 5365-02

SUBJECT: Yard Waste Collection Program

PURPOSE

To provide a status report on the development and implementation of a curbside yard waste collection program to service urban households throughout the RDN.

BACKGROUND

The disposal of yard and garden waste is a growing problem in the RDN. In May the Environmental Services Committee requested that a written status report be prepared on the development and implementation of a curbside yard waste collection program for urban areas in the region.

Until recently, a burn pile, a vacant lot, a compost bin or a trip to the dump was the yard and garden waste disposal alternative of choice for the majority of households in the RDN. However, over the last several years, with the introduction of bans or restrictions on backyard burning as well as rapid growth in urban areas, these disposal options have become more limited. As a result there has been a significant increase in the number of customers delivering yard waste to RDN disposal facilities as well as dumping illegally along rural back roads. This in turn has created a demand for curbside collection of this material from urban areas.

Program Demand

This demand is supported by customer surveys. In August 2000 the RDN commissioned a survey to examine garbage disposal and composting habits and attitudes among residents of the RDN. The reliability of the sample size was ±5%, 19 out of 20 times. Slightly more than half of the respondents (53%) were in favour of a proposal to recycle yard and garden waste. This positive response was slightly higher for respondents in urban areas with the City of Nanaimo at 55%, the City of Parksville 58% and the Town of Qualicum Beach 48%.

Forty percent of those respondents in favour of municipal collection of yard waste said that they would like it to be picked up monthly while 22% said that it should be collected every two weeks. Fourteen per cent indicated that yard waste should be picked up twice a year while 11% indicated that they would like to see it collected on a weekly basis.

While 21% of respondents said that they were not prepared to pay for this service 36% said that they did not know how much they would be prepared to pay which suggests that they might be willing to pay something in order to have their yard and garden waste collected for recycling.

Based on these findings it is fair to say that most people would be willing to pay no more than \$25.00 per year for this service. However, recent increases in the tipping fee for yard waste will likely result in stronger support for curbside collection and a greater willingness to pay for this service.

The detailed results associated with these survey questions are attached for information.

Material Processing

Under the current management system for yard waste RDN disposal facilities would not be able to handle the increased volumes that would result from a curbside collection program. At present, yard and garden waste delivered to both RDN facilities is chipped, mixed with biosolids, and then used for final closure. Unfortunately, the material supply always exceeds closure needs and the excess is used for cover material.

However, in mid-June, the RDN is starting a four-month pilot project with West Coast Landfill Diversion Corp. (WCLD) in Cobble Hill and Earthbank Resource Systems near Parksville to compost this material. These are the only two composting facilities that have been approved by the Ministry of Environment Lands and Parks. The purpose of this pilot is to not only demonstrate that these facilities can handle the volume of material from the RDN but also to free up space at the landfill to accommodate the fill plan.

At the Regional Landfill WCLD will provide equipment on-site to chip yard waste on a weekly basis. WCLD will load the chips into trailers and transport the chips to their facility in Cobble Hill for composting. The fee for this service will be \$50.00 per tonne. At the Church Road Transfer Station, the trailer loads of material that would normally be trucked to the landfill will be delivered to Earthbank instead where it will be chipped and mixed with fish waste. The fee for this service will be \$35.00 per tonne.

If this pilot is successful then the RDN will enter into a long-term contract for this service. WCLD has indicated that they would be willing to establish a transfer station in the RDN if volumes increase due to curbside collection.

Implementation Schedule

In July the RDN will be issuing a tender for curbside garbage collection and recycling services. This tender will include options for the collection of yard waste from urban areas in the RDN. This tender could include yard waste collection in the City of Nanaimo if requested. Based on the results of this tender process, customer surveys will be undertaken in the fall to confirm the demand and willingness to pay for this service. A full program could then be implemented by the spring of 2002.

ENVIRONMENTAL IMPLICATIONS


A curbside collection program for yard and garden waste will have a positive impact on air quality in the RDN since it will not only eliminate the need for backyard burning in urban areas but will also reduce the number of vehicle trips to the Regional Landfill or CRTS.

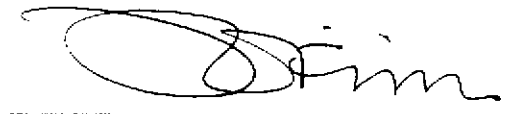
SUMMARY/CONCLUSIONS

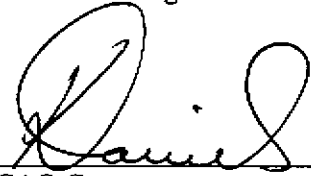
The disposal of yard and garden waste is a growing problem in the RDN. In May the Environmental Services Committee requested that a written status report be prepared on the development and implementation of a curbside yard waste collection program to service urban households throughout the RDN. Recent customer surveys indicate that there is a demand for this program. A four-month pilot project with West Coast Landfill Diversion Corp. (WCLD) in Cobble Hill and Earthbank Resource Systems near Parksville will confirm whether these two facilities can successfully compost the yard waste delivered to the Regional Landfill and Church Road Transfer Station. In August, in conjunction with the tender process for the RDN garbage collection and recycling program, bids will be submitted for various curbside yard waste collection options. Based on the results of this tender process, customer surveys will be undertaken in the fall to confirm the demand and willingness to pay for this service. If there is public support for the service, a full program could then be implemented by the spring of 2002.

RECOMMENDATION

1. That the status report on the development and implementation of a curbside yard waste collection program to service urban households throughout the RDN be received for information.


Report Writer

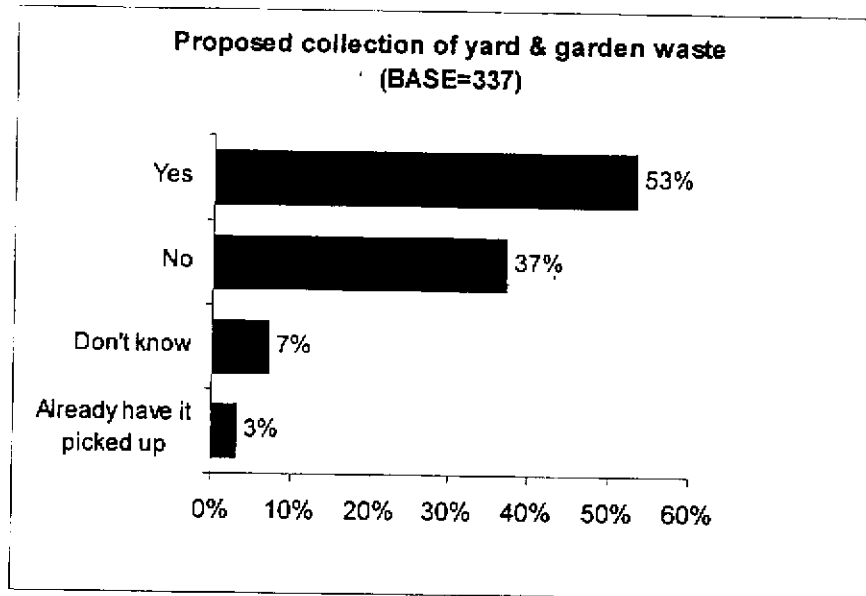

General Manager Concurrence


CAO Concurrence

COMMENTS:

PROPOSED COLLECTION OF YARD AND GARDEN WASTE

Respondents who were asked if they would like to see their yard and garden waste added to their municipal garbage collection so that it can be recycled. A total of 53% were in favour of this proposal while 37% indicated they were not in favour of it. Seven per cent of participants said that they do not know while 3% explained that their yard waste is already picked up. Women were somewhat more likely than men to approve of the proposal (59% compared with 46%).



August 23, 2000 REGIONAL DISTRICT OF NANAIMO SOLID WASTE (RDNS)
CROSS-TABULATIONS

Q5 Grass cuttings and yard and garden waste such as prunings are not currently accepted for garbage collection. Would you like to see these things added to your municipal collection program so they can be recycled?

	Total	Yes	Al- ready have it picked up	No	Don't know / Re- fused
TOTAL	377	53%	3%	37%	7%

GENDER ****					
MALE	190	46%	2%	44%	9%
FEMALE	187	59%	4%	31%	6%

REGION					
City of Nanaimo	184	55%	1%	35%	9%
Dist Excl Nanaimo	193	50%	4%	40%	6%

AREA					
City of Nanaimo	182	55%	1%	35%	9%
City of Parksville	73	58%	4%	32%	7%
Qualicum Beach	67	48%	7%	40%	4%
Another Area	55	42%	0%	51%	7%

AGE					
18 - 24	24	50%	0%	46%	4%
25 - 34	36	67%	0%	25%	8%
35 - 49	112	46%	3%	42%	9%
50 - 64	102	62%	1%	30%	7%
65 +	102	45%	6%	42%	7%

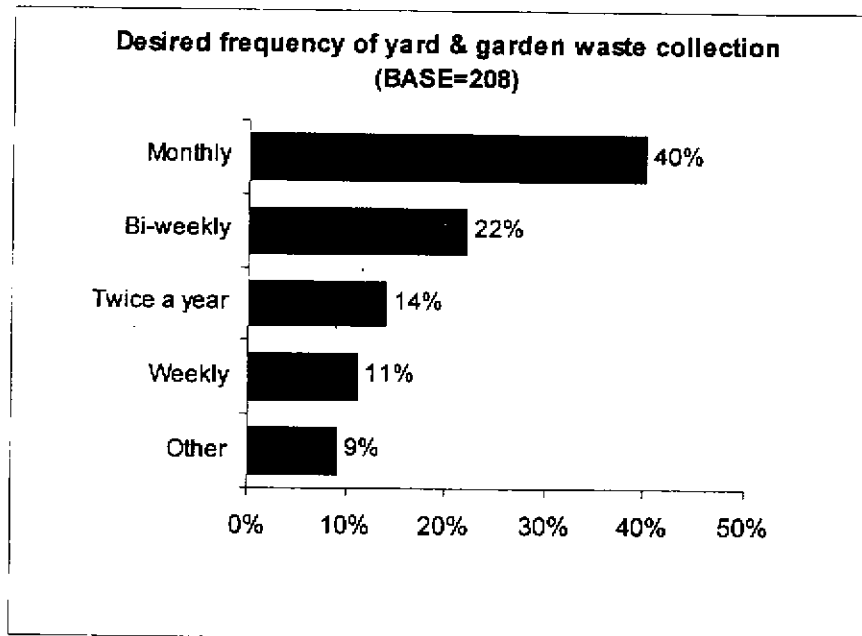
HHLD. INCOME					
Less than \$30K	87	45%	2%	38%	15%
Less than \$60K	118	57%	2%	36%	5%
\$60K or more	80	60%	1%	34%	5%
DK / Refused	92	48%	5%	41%	5%

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HOW OFTEN SHOULD YARD AND GARDEN WASTE BE COLLECTED?

Those respondents who were in favour of the municipal collection of yard and garden waste were also asked how often they would like to have their yard waste picked up. Forty per cent of these respondents said that they would like it to be picked up monthly while 22% said that it should be collected every two weeks. Fourteen per cent indicated that yard waste should be picked up twice a year while 11% indicated that they would like to see it collected on a weekly basis.

Respondents living in Nanaimo were somewhat more likely to say that yard waste should be collected once a month (46%) compared with 35% of respondents living outside the city of Nanaimo. These people, living outside the city of Nanaimo were more inclined to say that it should be picked up every two weeks (30% compared with 13% of those living in Nanaimo).



August 23, 2000 REGIONAL DISTRICT OF NANAIMO SOLID WASTE (RDNS)
CROSS-TABULATIONS

Q6 If there was a municipal yard waste collection service, how often would you like to have yard waste picked up?

	Total	Weekly	Every two weeks	Monthly	Twice a year	Other	Don't know/Refused
TOTAL	208	11%	22%	40%	14%	9%	4%
GENDER							
MALE	90	10%	30%	38%	11%	10%	1%
FEMALE	118	11%	15%	42%	17%	8%	6%
REGION ****							
City of Nanaimo	104	15%	13%	46%	14%	8%	3%
Dist Excl Nanaimo	104	6%	30%	35%	14%	11%	5%
AREA							
City of Nanaimo	103	15%	14%	47%	15%	8%	3%
City of Parksville	45	7%	36%	38%	11%	9%	0%
Qualicum Beach	37	8%	32%	30%	16%	8%	5%
Another Area	23	4%	13%	35%	17%	17%	13%
AGE							
18 - 24	12	33%	17%	42%	0%	0%	8%
25 - 34	24	4%	46%	29%	8%	8%	4%
35 - 49	55	11%	16%	45%	13%	13%	2%
50 - 64	64	11%	16%	39%	25%	8%	2%
65 +	52	8%	25%	40%	10%	10%	8%
HHLID. INCOME							
Less than \$30K	41	15%	27%	39%	2%	10%	7%
Less than \$60K	69	12%	16%	51%	16%	3%	3%
\$60K or more	49	4%	33%	35%	16%	12%	0%
DK / Refused	49	12%	14%	33%	20%	14%	6%

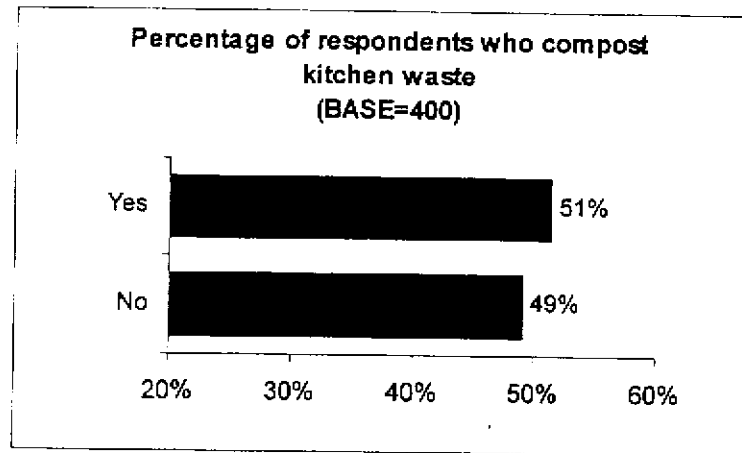
HOW MUCH PEOPLE WOULD BE WILLING TO PAY TO HAVE YARD WASTE COLLECTED

Respondents in favour of the municipal collection of yard and garden waste were asked how much they would be willing to pay *per year* to have this waste added to their garbage collection program based on their desired frequency of collection. While 21% said that they would not be willing to pay any amount of money for this program 36% indicated that they do not know which suggests that they might be willing to pay something in order to have their yard and garden waste collected for recycling. It is fair to say that people would not likely be willing to pay more than twenty five dollars per year as the following table indicates.

HOW MUCH PEOPLE ARE PREPARED TO PAY (PER YEAR) FOR GRASS CUTTINGS & YARD & GARDEN WASTE TO BE ADDED TO THEIR COLLECTION PROGRAM FOR PICK UP							
Amount people are prepared to pay	% Overall per year	% By desired frequency of collection		Amount people are prepared to pay	% Overall per year	% By desired frequency of collection	
Nothing	21	Weekly	36	\$30.00 to \$34.99	0.5	Weekly	5
		Bi-monthly	9			Bi-monthly	4
		Monthly	18			Monthly	5
		Bi-Annual	30			Bi-Annual	7
		Other	26			Other	11
\$1 to \$4.99	8	Weekly	9	\$35.00 to \$39.99	0	Weekly	NA
		Bi-monthly	13			Bi-monthly	NA
		Monthly	8			Monthly	NA
		Bi-Annual	3			Bi-Annual	NA
		Other	0			Other	Na
\$5.00 to \$9.99	6	Weekly	5	\$40.00 to \$44.99	0.5	Weekly	0
		Bi-monthly	9			Bi-monthly	0
		Monthly	6			Monthly	1
		Bi-Annual	3			Bi-Annual	0
		Other	5			Other	0
\$10.00 to \$14.99	4	Weekly	9	\$45.00 to \$49.99	2	Weekly	0
		Bi-monthly	4			Bi-monthly	2
		Monthly	2			Monthly	2
		Bi-Annual	7			Bi-Annual	3
		Other	0			Other	0
\$15.00 to \$19.99	3	Weekly	0	\$50.00 or more	6	Weekly	0
		Bi-monthly	0			Bi-monthly	11
		Monthly	4			Monthly	7
		Bi-Annual	7			Bi-Annual	0
		Other	5			Other	5
\$20.00 to \$24.99	9	Weekly	0	Don't Know	36	Weekly	36
		Bi-monthly	18			Bi-monthly	27
		Monthly	12			Monthly	35
		Bi-Annual	3			Bi-Annual	37
		Other	0			Other	47
\$25.00 to \$29.99	5	Weekly	5			Weekly	5
		Bi-monthly	4			Bi-monthly	4
		Monthly	5			Monthly	5
		Bi-Annual	7			Bi-Annual	7
		Other	11			Other	11

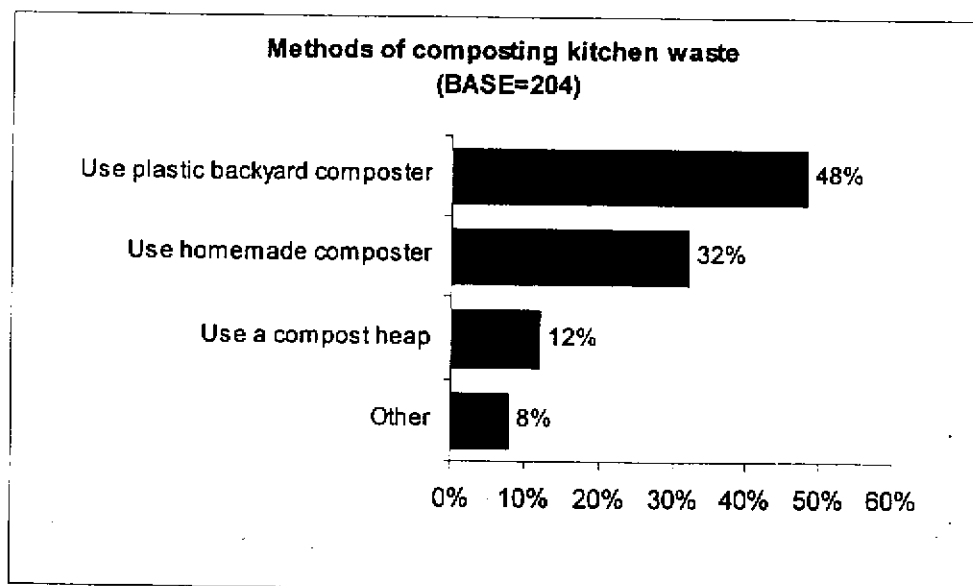
COMPOSTING OF KITCHEN WASTE

Residents were asked whether or not they compost kitchen waste such as egg shells, coffee grounds and fruit and vegetable clippings. A total of 51% claimed that they do compost kitchen waste while 49% said that they do not compost this type of waste.



METHODS OF COMPOSTING KITCHEN WASTE

Respondents who compost their kitchen waste were asked how they compost it. Almost half of those who compost kitchen waste (48%) said that they use a plastic, backyard composter while 32% said that they use a homemade composter. Twelve per cent indicated that they use a compost heap while 8% said that they use another method for composting kitchen waste.



August 23, 2000 REGIONAL DISTRICT OF NANAIMO SOLID WASTE (RDNS)
CROSS-TABULATIONS

Q7 How much would you be willing to pay per year for grass cuttings and yard and garden waste to be added to your collection program if it were picked up (INSERT RESPONSE FROM Q6)?.

	Total	\$0	1 cent to \$4.99	\$5.00 to \$9.99	\$10.00 to \$14.99	\$15.00 to \$19.99	\$20.00 to \$24.99	\$25.00 to \$29.99
TOTAL	208	21%	8%	6%	4%	3%	9%	5%
GENDER								
MALE	90	22%	10%	6%	7%	3%	8%	6%
FEMALE	118	19%	7%	6%	2%	3%	10%	3%
REGION								
City of Nanaimo	104	21%	8%	10%	3%	4%	6%	3%
Dist Excl Nanaimo	104	20%	9%	2%	5%	2%	13%	8%
AREA								
City of Nanaimo	103	21%	8%	10%	3%	4%	6%	3%
City of Parksville	45	22%	9%	2%	7%	2%	18%	7%
Qualicum Beach	37	19%	11%	3%	5%	0%	11%	11%
Another Area	23	17%	4%	0%	0%	4%	4%	4%
AGE								
18 - 24	12	8%	17%	8%	8%	0%	17%	0%
25 - 34	24	17%	4%	25%	0%	0%	4%	0%
35 - 49	55	18%	7%	7%	2%	2%	13%	7%
50 - 64	64	23%	6%	2%	6%	5%	5%	8%
65 +	52	23%	12%	0%	4%	4%	12%	4%
HHLID. INCOME								
Less than \$30K	41	22%	7%	0%	7%	2%	10%	2%
Less than \$60K	69	16%	12%	6%	4%	4%	7%	6%
\$60K or more	49	16%	6%	14%	2%	2%	12%	10%
DK / Refused	49	31%	6%	2%	2%	2%	8%	2%

(continued)

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August 23, 2000 REGIONAL DISTRICT OF NANAIMO SOLID WASTE (RDNS)
CROSS-TABULATIONS

Q7 How much would you be willing to pay per year for grass cuttings and yard and garden waste to be added to your collection program if it were picked up (INSERT RESPONSE FROM Q6)?.

	\$30.00 to \$34.99	\$40.00 to \$44.99	\$45.00 to \$49.99	\$50.00 or more	Don't know/ Refused
TOTAL	0%	0%	2%	6%	36%
GENDER					
MALE	0%	0%	3%	8%	26%
FEMALE	1%	1%	1%	4%	43%
REGION					
City of Nanaimo	0%	1%	2%	4%	39%
Dist Excl Nanaimo	1%	0%	2%	8%	32%
AREA					
City of Nanaimo	0%	1%	2%	4%	39%
City of Parksville	0%	0%	0%	4%	29%
Qualicum Beach	3%	0%	0%	11%	27%
Another Area	0%	0%	3%	9%	48%
AGE					
18 - 24	0%	0%	0%	17%	25%
25 - 34	0%	0%	4%	13%	33%
35 - 49	0%	2%	0%	4%	38%
50 - 64	0%	0%	3%	5%	38%
65 +	2%	0%	2%	4%	35%
HHLD. INCOME					
Less than \$30K	0%	0%	0%	2%	46%
Less than \$60K	1%	1%	3%	7%	32%
\$60K or more	0%	0%	2%	8%	27%
DK / Refused	0%	0%	2%	4%	41%



REGIONAL DISTRICT OF NANAIMO			
JUN 18 2001			
CHAIR		GMCrS	
CAO		GMDS	
GMCmS		GMES	
DATE: <i>ESL</i>			
FILE:			

MEMORANDUM

TO: John Finnie, P. Eng.
General Manager Environmental Services

FROM: Carey McIver
Manager Solid Waste

SUBJECT: Waste Export Fee - Rate Adjustment Formula

June 15, 2001

5365-02

PURPOSE

To obtain Board approval to request an amendment to the rate adjustment formula in the contract between the Greater Vancouver Sewerage and Drainage District (GVS&DD) and the Regional District of Nanaimo for waste disposal at Cache Creek.

BACKGROUND

The RDN currently has a contract with the GVS&DD to export up to 17,000 tonnes of waste annually from the Church Road Transfer Station (CRTS) to the Cache Creek Landfill. The term of this contract is from June 1, 1998 to December 31, 2002. With a twelve-month notice the RDN can increase the annual tonnage by 33,000 tonnes to 50,000 tonnes per year to handle the entire waste stream. The contract also has a five-year renewal option.

According to the contract, the annual fee rate of \$77.80 per tonne remained fixed until December 31, 1998 after which the fee was adjusted in accordance with an inflation adjustment index formula. On this basis, the adjusted 2000 rate was \$82.67 per tonne. This complex formula reflects increases or decreases in costs for labour, hauling, equipment, and fuel. The GVS&DD uses the same formula in their comprehensive agreement with Wastech, who own and operate the Cache Creek Landfill as well as several transfer stations in the Lower Mainland.

Under this formula, the fee adjustment is calculated based on the inflation index for December of the calendar year immediately preceding the calendar year for which the fee rate is being adjusted. Based on this December index, the 2001 fee would increase from \$82.67 per tonne to \$91.05 per tonne. This 10% increase is directly related to the rising cost of fuel.

It has come to our attention that the GVS&DD have amended their comprehensive agreement with Wastech to change the rate adjustment formula from a December only index to an Annual Average Index. Under this amended formula the dramatic increase in fuel prices is moderated and the 2001 fee would increase by only 4.6% from \$82.67 per tonne to \$86.51 per tonne.

ALTERNATIVES

1. Amend the annual fee adjustment formula from a December Index to an Annual Average Index.
2. Do not amend the annual fee adjustment formula.

FINANCIAL IMPLICATIONS

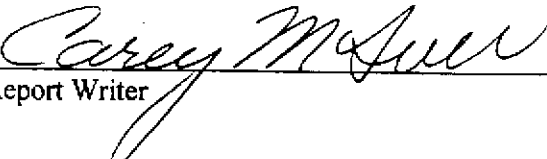
To reflect rising fuel costs, the 2001 Annual Budget included a 3% increase in the waste export fee from \$82.67 per tonne to \$85.43 per tonne. If the agreement between the RDN and GVS&DD is amended to an Annual Average Index the difference between the budgeted fee and the adjusted fee will be only \$1.08 per tonne or \$13,640 for the year. If the agreement is not amended, the budget difference will be \$5.62 per tonne or \$70,986 for the year. However, regardless of the actual inflation adjustment formula used, it is clear that rising fuel costs will have a significant upward impact on waste export fees.


SUMMARY/CONCLUSIONS

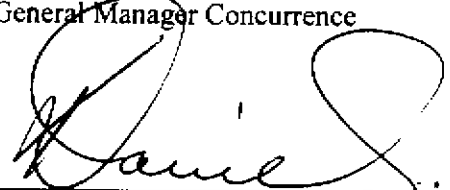
The contract between the Greater Vancouver Sewerage and Drainage District (GVS&DD) and the Regional District of Nanaimo for waste disposal at Cache Creek has a rate adjustment formula that is based on the inflation index for December of the calendar year immediately preceding the calendar year for which the fee rate is being adjusted. Under this inflation index the 2001 rate paid to the GVS&DD to export RDN waste to Cache Creek would increase by 10%, from \$82.67 per tonne to \$91.05 per tonne. However, the GVS&DD have amended their comprehensive agreement with Wastech, who own and operate the Cache Creek Landfill, to change the rate adjustment formula from a December Index to an Annual Average Index. Under this index the 2001 rate would increase by 4.6% from \$82.67 per tonne to \$86.51 per tonne. RDN should request GVS&DD to amend our contract to reflect a parallel annual average index rate adjustment formula.

RECOMMENDATION

1. That the Board request to the GVS&DD that the contract for waste disposal at Cache Creek be amended to change the annual fee adjustment formula from a December index to an Annual Average Index.


Report Writer


General Manager Concurrence


CAO Concurrence

COMMENTS



REGIONAL DISTRICT OF NANAIMO			
JUN 18 2001			
CHAIR		GMCrS	
CAO		GMDS	
GMCrS		GMES	
<i>Ed</i>			
DATE:			

MEMORANDUM

TO: Carey McIver
Manager of Solid Waste

FROM: David Leitch, ASCT
Engineering Technologist

SUBJECT: Solid Waste Management
Regional Landfill
2001 Cell Closure

June 18, 2001

FILE: 5330-20-RWMF-CLS

PURPOSE

To consider the tenders for the 2001 Regional Landfill Cell Closure.

BACKGROUND

The principle functions of a landfill closure system are: to minimize water infiltration into the landfill; to minimize gas migration out of the landfill; to serve as a system for the control of odors, disease vectors, and other nuisances; and, to serve as a component of the landfill water drainage system.

The Landfill Criteria for Municipal Solid Waste (Landfill Criteria) prepared by BC Environment states that completed portions of the landfill are to progressively receive final cover during the active life of the landfill. Since 1992, this has been the practice at the Regional Landfill on Cedar Road in Nanaimo.

The tenders for the construction of the 2001 Regional Landfill Cell Closure closed at 2:00 p.m., June 15, 2001. There were six tenders submitted as of closing time. The low tender was received from Hazelwood Construction, which is a capable company that has completed similar jobs at a satisfactory level. The results were as follows:

Contractor	Bid Price
Hazelwood Construction	\$258,766.60
Fournier Excavating	\$333,152.43
Excel Contracting	\$365,242.41
Wilco Landscaping	\$372,971.55
Sound Contracting	\$411,776.23
Milner Trucking	\$495,018.92

ALTERNATIVES

1. Award the contract to Hazelwood Construction.
2. Not award the contract.

FINANCIAL IMPLICATIONS

The 2001 Annual Budget for Solid Waste Engineering includes \$500,000.00 for closure. This figure was based on the 2000 low tender submissions and the design standard of a PVC membrane.

There remains approximately 7.0ha of land that will require the design and construction of an engineered closure before the landfill can be considered completely closed. At the current unit-rate costs for closure construction, the cost to close this remaining area will be roughly \$4,500,000.00 over the remaining life of the Landfill.

ENVIRONMENTAL IMPLICATIONS

A program of annual closures results in less infiltration, which means less leachate flow to the treatment plant and a reduction in the amount of landfill gas escaping into the atmosphere. This in turn will mean fewer odors, which will be a significant benefit to neighboring properties.


The RDN is continuing to design and construct the final cover systems to a higher standard to minimize infiltration and provide better gas management and containment.

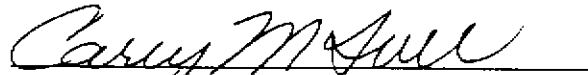
SUMMARY/CONCLUSIONS


The principle function of a landfill closure is to minimize the water infiltrating into the landfill. The landfill criteria prepared by the Ministry of Environment states that completed portions of the landfill are to be progressively closed. The low tender of \$258,766.60 is within both the pre-tender estimate and the approved Solid Waste budget.


RECOMMENDATION

That the "2001 Regional Landfill Cell Closure" contract be awarded to Hazelwood Construction for the tendered price of \$258,766.60.


Report Writer


Manager Concurrence


General Manager Concurrence


CAO Concurrence

COMMENTS:



REGIONAL DISTRICT OF NANAIMO			
JUN 13 2001			
CHAIR		GMCrS	
CAO		GMDS	
GMCmtS		GMES	
<i>ESC</i>			

MEMORANDUM

TO: Kelly Daniels
Chief Administrative Officer

DATE: June 11, 2001

FROM: John Finnie, P. Eng.
General Manager
Environmental Services

FILE: 5225-07-QUEN

SUBJECT: Quennell Lake Drainage & Flood Control Local Service
Abandonment of Initiative

PURPOSE

To obtain support from the Board to abandon attempts to establish the Quennell Lake drainage and flood control local service in Area A.

BACKGROUND

This matter was the subject of a report to the September 26, 2000 Environmental Services Committee meeting. Staff had been involved with attempting to secure a Statutory Right of Way (SRW) across private property in Electoral Area A through which an outlet from Quennell Lake flows. RDN expended approximately \$20,000 on legal and survey fees and considerable staff time over a period of about 10 years trying to negotiate a SRW with the property owner but had not been able to reach an agreement satisfactory to all parties. An offer of \$15, 000 to the landowner had been made to acquire a drainage and access right of way across the property.

The September 2000 report recommended abandoning further attempts to establish the local service, based on the costs and staff time expended to date, the difficulty the RDN was experiencing in attempting to resolve the terms of the proposed SRW between the landowner and the residents seeking the service, and advice from legal counsel.

Delegations at the September 2000 meeting from both the landowner and the residents' representative gave rise to a potential opportunity to resolve the matter, based on the then status of negotiations over the SRW. The Committee passed a motion to refer the matter back to staff to review the status in light of any new information. A copy of the September 2000 report is attached as Appendix "A".

Subsequent to the September 2000 meeting, staff re-reviewed the draft SRW and concluded that while the parties were much closer to reaching an agreement, there were still a number of unresolved issues. Staff advised the landowner's legal counsel of the outstanding issues and met with the residents of the proposed LSA to discuss the current status and content of the draft agreement and the projected costs associated with the formation and operation of the service. The residents advised that they wished time to consider the financial implications and to explore other options available to them.

The residents have now advised RDN that the \$15,000 offer to the landowner is not supported. They have concerns about the legal fees incurred to date and note that future costs, which would also be theresponsibility of the landowners in the local service area, are unpredictable and would be unacceptable to them. They believe that the agreement is unnecessarily complicated and advise that in their opinion an agreement will not be concluded. Based on lack of progress in the matter and increasing costs, the

residents have advised that they wish to withdraw their request to the regional district and intend to pursue this matter without the assistance of the regional district.

ALTERNATIVES

1. Attempt to bring the parties together with the intent of resolving differences and negotiating an acceptable SRW.
2. Abandon the initiative in accordance with the residents' request.

FINANCIAL IMPLICATIONS

To date, RDN has spent about \$20,000 on third party expenses plus considerable staff time. These funds have come from the feasibility fund. If the initiative is abandoned, these costs will not be recovered.

CITIZENS/PUBLIC RELATIONS IMPLICATIONS

Abandoning the initiative of creating a local service area would require the residents to try and resolve this matter on their own through negotiations or legal process with the landowner. The residents have decided that it is in their best financial interests and more expedient to pursue the matter in this way and cumulatively support withdrawing their request to form an RDN local service area.

SUMMARY/CONCLUSIONS

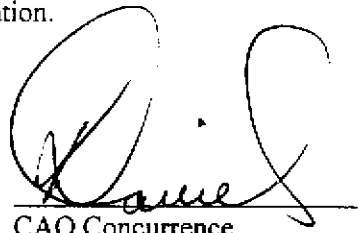
Staff have been attempting to secure a SRW across private property in Area A and to subsequently initiate the formation of a drainage and flood control local service. Despite expending approximately \$20,000 on legal and survey fees and about 10 years trying to negotiate an agreement between the landowner and the residents, an agreement satisfactory to all parties has not been reached. The residents group has recently advised RDN that the costs incurred to date in this initiative and the additional projected costs that would be incurred to resolve this matter are unacceptable to them. They do not believe that the SRW agreement, which is unnecessarily complicated and potentially difficult to manage, will be concluded. The residents no longer support the formation of a local service and have advised that they wish to withdraw their request to the regional district. Without the residents' support, the formation of a local service would not be possible.

RECOMMENDATION

1. That, in accordance with the residents' request, the Board approves abandoning further attempts to establish a Quennell Lake drainage local service.
2. That staff be directed to advise the residents that if they wish to pursue this drainage issue further, they would need to do so through independent litigation.



Report Writer



CAO Concurrence

COMMENTS:



REGIONAL DISTRICT OF NANAIMO

SEP 19 2000

CHAIR		GMCrS	
CAO		GMDS	
GMCmS		GMES	

MEMORANDUM

TO: John Finnie, P. Eng.
General Manager Environmental Services

DATE: September 19, 2000

FROM: Wayne Moorman, PEng
Manager of Engineering and Utilities

FILE: 5225-07-QUEN

SUBJECT: Quennell Lake Drainage and Flood Control Local Service
Abandonment of Initiative

PURPOSE

To request support from the Board to abandon attempts to establish the Quennell Lake drainage and flood control local service in Area A

BACKGROUND

The outflow from Quennell Lake in Area A is located at the north east corner of the lake and passes through private property before crossing under Yellowpoint Road. The outflow channel requires maintenance to prevent clogging of the stream due to beaver activity (dams), growth of water iris and other water vegetation and deposition of debris and sediments in the channel. Historically, the streambed was apparently maintained by local volunteer farmers/residents with the approval of the landowner at the time.

However, sometime in the late 80's this protocol of the neighbors working together began to change and the cleaning of the stream channel became an issue. The current owner of the property began to prevent trespass and cleaning of the stream and therefore flooding of low land (used for cattle grazing, recreation, farming and commercial use) began to occur more into the late spring and summer months. Under past conditions the lake would flood low land in the winter but with stream maintenance the lake levels would drop quickly in the spring to permit use of the low land earlier in the year. With lack of stream maintenance the lake was not able to drop as quickly and thus low lying land remained under water longer into the spring thus preventing or restricting the use of the land for activities such as grazing, farming and recreational use.

In 1990, the landowners affected by the flooding approached the Ministry of Environment regarding obtaining a land improvement licence for control of the outflow from Quennell Lake. According to the ministry, RDN could not maintain the lake levels via a drainage licence without securing legal access to the drainage channel. In April 1991 the Ministry of Municipal Affairs recommended to these residents that the Regional District of Nanaimo form a drainage local service area to address the drainage problems in Quennell Lake. In March 1992 the Board passed a motion that staff assist is soliciting the most expedient method of establishing a right of way to permit drainage from private farmland through Quennell Lake.

In June 1992 some residents of property around Quennell Lake affected by the flooding applied to the courts for a legal injunction to access and clean the creek outlet from the lake. Permission was granted but only on a limited basis. Any further access to the creek had to be made to the courts on a case-by-case basis and this has occurred from time to time (May 1994, April 1997). The May 1994 injunction was granted but the April 1997 injunction was denied pending the successful resolution of the matter regarding the establishment of a permanent drainage service area by the RDN.

Since 1990, the RDN has been involved with the process of trying to secure legal permission from the current landowner whose property the stream crosses to physically access the outlet stream for maintenance purposes. RDN staff and legal counsel have, on numerous occasions, discussed various options for managing the stream with Quennell Lake residents, the landowner and the landowner's representatives and lawyer. To date the parties have not reached a solution that is cost effective and acceptable to all parties.

Initially, the intent of forming a local drainage service area was to negotiate a statutory right of way (SRW) over the outlet stream from Quennell Lake to Yellow Point Road (approximately 400 m) and to access the stream as required to remove beaver dams, water iris/vegetation and debris/sediments in the channel. All maintenance work was to be done by RDN staff or contracted persons with all costs being apportioned to the residents within the service area. Negotiations continued with the landowner, however, progress was limited primarily because the landowner and RDN could not agree on the conditions to be included in the Statutory Right of Way Agreement. During this period, maintenance to the streambed occurred through court orders or illegal access to the stream by persons unknown.

In 1997 the RDN made an offer to the landowner to acquire a permanent drainage SRW and access SRW across the property for the purpose of establishing a drainage function for selected properties on Quennell Lake. The offer was for a one-time payment of \$15,000, subject to the establishment of the drainage function, which would require the assent of the residents, the Regional District Board and Municipal Affairs. The offer was not accepted and we continued efforts towards a satisfactory resolution to access the stream for maintenance. Further work on the project involved our commissioning a land appraiser to assess the value of the land necessary for a drainage SRW and an access SRW. In September 1999, and based on the results of the land appraisal, we again offered the owner \$15,000.00 for a Statutory Right of Way in favor of the Regional District of Nanaimo for the purpose of access and drainage works and included with the offer a copy of a proposed SRW document.

Since then, considerable correspondence, and a number of drafts of the proposed SRW have been exchanged between the landowner's and RDN's lawyers and although resolution of some of the outstanding matters with respect to the SRW has progressed, an agreement has not been reached. The latest correspondence received from the landowner's lawyer advised that the effect of an agreed to SRW would necessitate RDN assuming the responsibility for management of the drainage channel, including beaver dam management as may be required by provincial and federal environment agencies. In addition, in the opinion of staff and legal counsel, the terms of the draft SRW remain too detailed and complicated for efficient implementation of a stream channel clearing function.

Staff at the Regional District of Nanaimo have attempted to negotiate an agreement that is reasonable to all parties but to date have not been able to establish such an agreement. Access to and management of the drainage channel from Quennell Lake may not be possible without expropriation and staff does not support such an undertaking in this case. Staff also feels that any agreement will be too administratively onerous to effectively manage. What was intended to be a relatively straightforward SRW Agreement to

allow access for periodic clearing of the stream is at risk of imposing the responsibility for water and wildlife management in the creek on RDN.

On a related issue, RDN currently has no other drainage local service areas. Staff are planning to embark on the development of a stormwater management plan for the District, one outcome of which would be to define RDN's role in stormwater management, including drainage. It would be prudent to await the development and approval of this plan, a component of our Liquid Waste Management Plan, before undertaking individual local drainage area functions.

ALTERNATIVES

1. Continue with negotiating a SRW agreement satisfactory to all parties.
2. Abandon trying to negotiate a SRW and proceed to expropriation.
3. Abandon the initiative.

FINANCIAL IMPLICATIONS

To date we have spent approximately \$20,000 on this project in third party expenses, plus considerable staff time. This money has come from the feasibility fund and may or may not be paid back to the fund, depending on the resolution of the matter.

If we continue with Alternative 1 our costs will continue to increase, however, we would likely recover the costs when we form the local service area. The final costs at this time are unknown but should be expected to approach \$25,000 in addition to the \$15,000 for purchasing the SRW if a local service area was formed.

Alternative 2, expropriation, would be costly since we will likely be required to pay all legal costs for both parties. In addition to the funds expended to date, the costs to undertake expropriation are estimated to exceed \$50,000, and could be considerably higher. Although these costs would be recovered from residents within the local service area, the extent of support for and the willingness to pay a significant expropriation cost, has not been established.

For Alternative 3, our costs will be costs incurred to date and they will not be recoverable, as we would not be undertaking to form a drainage local service area.

CITIZENS/PUBLIC RELATIONS IMPLICATIONS

There are potentially about 8-10 properties that might benefit from regular maintenance of the stream channel. Staff have met with most of the property owners and have spoken frequently to the main spokesperson for the group. The creation of a local service area to maintain the stream channel is supported if that provides an effective mechanism to manage the flows in the channel. They are aware of the costs incurred to date and that those costs would be apportioned over the local service area if one were formed. The residents' positions on covering the (unknown) costs of expropriating the SRW have not been confirmed although not all residents may be willing to cover those costs. There is a financial benefit to those landowners who use the land commercially and may be able to secure improved access and use if the extent and time of spring flooding were reduced.

The spokesperson for the landowners has been appraised of the recommendations of this report and although the residents are frustrated and wish a resolution, the RDN position is understood. A letter advising of the inability to conclude a satisfactory SRW might provide them with the rationale to pursue independent civil litigation, if they so wish. A concern of some of the residents is that the costs that are being incurred in an attempt to bring this matter to resolution are approaching levels that they may not be willing to pay.

SUMMARY/CONCLUSIONS

Staff at the Regional District of Nanaimo has been involved with attempting to secure a SRW across private property in Electoral Area A through which an outlet creek from Quennell Lake flows. This creek controls the elevation of Quennell Lake and if flow in the creek is impeded, the lake remains flooded longer into the spring and summer months. The RDN has expended approximately \$20,000 on legal and survey fees and about 10 years trying to negotiate a SRW with the landowner through whose property the creek flows, but has not been able to reach an agreement satisfactory to all parties.

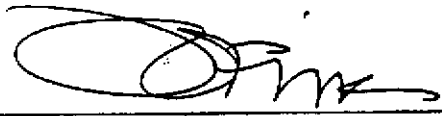
Staff seek support from the Board to abandon the project at this time. Legal counsel has identified ongoing reservations about RDN assuming this function since it is a complex problem between neighbours and even if a SRW Agreement could be reached, we may not be able to effectively resolve certain matters to the satisfaction of all parties.

RECOMMENDATION

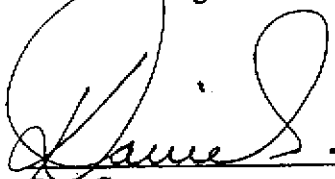
1. That the Board approves abandoning further attempts to establish a Quennell Lake drainage local service.
2. That staff be directed to write to the spokesperson for residents of the area advising that RDN has been unable to conclude a satisfactory agreement with the landowner regarding access the stream channel and if the residents wish to pursue this matter further they would need to do so through independent civil litigation



Report Writer



General Manager Concurrence



CAO Concurrence

COMMENTS: