REGIONAL DISTRICT OF NANAIMO SOLID WASTE MANAGEMENT SELECT COMMITTEE MEETING

THURSDAY, APRIL 13, 2017, 1:30 PM – 3:30 PM RDN Committee Room

AGENDA

RDN meetings may be recorded

PAGES

CALL TO ORDER

MINUTES

2-3 Minutes of the Solid Waste Management Select Committee meeting held March 15, 2017.

PRESENTATIONS

SWMP Update.
Staff will provide presentation.

DELEGATION

COMMUNICATIONS/CORRESPONDENCE

UNFINISHED BUSINESS

ADVISORY COMMITTEE

REPORTS

4-9	Statutory ROW Hydro Take Over. Staff will provide presentation.
10-14	CVRD Contingency Waste Disposal. Staff will provide presentation.
15-16	Cedar Lift Station Cost Share Agreement. Staff will provide presentation.

BUSINESS ARISING FROM DELEGATIONS

NEW BUSINESS

ADJOURNMENT

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE SOLID WASTE MANAGEMENT SELECT COMMITTEE MEETING HELD ON WEDNESDAY, MARCH 15, 2017 AT 1:30 PM RDN BOARD ROOM

Present:

Director A. McPherson

Director M. Young

Director H. Houle

Director M. Lefebvre

Director B. McKay

Director J. Hong

Chairperson

Electoral Area C

City of Parksville

City of Nanaimo

City of Nanaimo

Also in Attendance:

P. Carlyle CAO, RDN R. Alexander GM, RCU, RDN

L. Gardner Manager, Solid Waste Services

M. Larson Zero Waste Planner
R. Graves Recording Secretary, RDN

Regrets:

Director J. Stanhope Electoral Area G

Director T. Westbroek Town of Qualicum Beach

Director J. Kipp City of Nanaimo

CALL TO ORDER

The Chairperson called the meeting to order at 1:39 PM and respectfully acknowledged the Coast Salish First Nations on whose traditional territory the meeting took place.

DELEGATION

D. Hammond spoke on an organics processing Joint Venture with Waste Treatment Technologies, Convent Capital and ex-Orgaworld staff for the current Nanaimo Organics Facility. Facility upgrades would create a high value compost, and improved leachate control and odour control.

MINUTES

MOVED Director Houle, SECONDED Director Lefebvre, that the minutes from the Solid Waste Select Committee meeting held November 28, 2016 be adopted.

CARRIFD

BUSINESS ARISING FROM THE MINUTES

COMMUNICATIONS/CORRESPONDENCE

UNFINISHED BUSINESS

ADVISORY COMMITTEE

MOVED Director Lefebvre, SECONDED Director Houle, that the minutes from the Regional Solid Waste Advisory Committee meeting held October 27, 2016 be received for information.

CARRIED

MOVED Director Hong, SECONDED Director McKay, that the minutes from the Regional Solid Waste Advisory Committee meeting held December 1, 2016 be received for information.

REPORTS

Joint Venture Proposals to Extend Organics Processing Contract for 20 Years.

MOVED Director Lefebvre, SECONDED Director Houle, that the Board direct staff to negotiate with the Joint Venture for a long term contract for organic waste processing and report back to the Board with recommended contract terms.

MOVED Director Lefebvre, SECONDED Director Houle, that the Board approve up to \$50,000 be allocated from the Solid Waste Services budget to undertake financial, legal and due diligence activities with the negotiations.

CARRIED

Charitable and Non-Profit Organizations – Waived Tipping Fees.

MOVED Director Lefebvre, SECONDED Director Hong, that the Charitable and Non-Profit Organizations – Waived Tipping Fees report be received for information.

CARRIED

MOVED Director Lefebvre, SECONDED Director Hong, that staff be directed to prepare a supplementary report providing a recommendation for future administration for the waiving of tipping fees for charitable organizations.

CARRIED

PRESENTATION

Status Update SWMP - Communications Plan.

M. Larson updated the Committee on the status of the plan. Stage 2 SWMP consultation and presentations have occurred. Staff are currently summarizing feedback from all stakeholders to present to the RSWAC and SWMSC in April. The draft SWMP for Stage 3 Public consultation will include: implementation schedules, financial projections and dispute resolution proceedures.

MOVED Director Lefebvre, SECONDED Director McKay, that the Status Update SWMP – Communications Plan presentation be received for information.

CARRIED

NEW BUSINESS

NEXT MEETING

Next SWMSC meeting to be held April 13, 2017.

ADJOURNMENT

Time: 3:48pm

Moved Director McKay, SECONDED Director Hong, that the meeting be adjourned.

CHAIRPERSON





TO: Solid Waste Management Select MEETING: April 13, 2017

Committee

FROM: Larry Gardner, AScT, Eng.L **FILE:** 5360-46

Manager, Solid Waste Services

SUBJECT: Regional Landfill Land Disposition (Lehigh Easement; Hydro Telus Right of Way; Hydro

Distribution Line Transfer)

RECOMMENDATION

That the Board directs staff to proceed with the Notice of Disposition for:

- a) Granting an easement to Lehigh Hanson Materials (Lehigh) for their sanitary sewer line that crosses the landfill property;
- b) Transfer of the ownership of the newly installed powerlines that service the landfill maintenance shop to BC Hydro and Power Authority (BC Hydro);
- c) Granting a statutory right of way to BC Hydro and Telus Communication Company (Telus) for accommodation of the newly installed powerlines and future communication lines on Regional District of Nanaimo (RDN) property; and,
- d) Assigning a statutory right of way to BC Hydro and Telus, initially granted by Lehigh to the RDN, for accommodation of the power and communication lines on Lehigh's property;

And, that staff action the disposals following publication of the Notice.

SUMMARY

The RDN needs to resolve two existing trespass issues at the landfill: 1) Lehigh's sanitary sewer line which crosses Regional District of Nanaimo (RDN) property, legally described as Lot 1, Sections 2 and 3, Nanaimo District, Plan 48020, Except Part in Plan VIP66090 ("Lot 1); and 2) aerial trespass of the RDN owned powerlines which cross Lehigh's property, legally described as Lot 2, Section 2, Nanaimo District, Plan 48020 ("Lot 2"). Appendix 1 provides a site plan of the subject properties.

Furthermore, the RDN needs to resolve a compliance issue related to electrical service to the newly constructed maintenance buildings. The newly installed electrical service is not compliant with BC Safety Authority (Electrical) requirements but is being allowed on a temporary basis through a variance. To resolve the non-compliance, the newly installed powerline needs to be upgraded or ownership needs to be transferred to BC Hydro. For the latter option, the powerline aerial trespass over Lot 2 also needs to be resolved before BC Hydro will assume ownership of the newly installed powerline.

Proceeding with the dispositions as outlined in this report resolves all of the issues. Before undertaking the dispositions, the RDN must publish notice. The draft Notice of Disposition is set out in Appendix 2.

BACKGROUND

The RDN constructed a new maintenance shop in 2016. The existing Hydro owned powerline network within the landfill boundary was extended by the RDN. The extension is owned by the RDN. The powerline network also serves Cedar Bioenergy, the company located on the site that utilizes the landfill gas for production of electricity. The powerline network allows Cedar Bioenergy to supply electrical power to the BC Hydro grid.

The RDN owned portion of the powerlines falls under jurisdiction of the BC Safety Authority (Electrical) while BC Hydro and Cedar Bioenergy are regulated by the BC Utilities Commission. There are some differences in each of the electrical regulator's requirements. If the RDN retains ownership of the newly installed power line, a three phase load break switch will need to be installed along with reconfiguring the powerline at a cost of approximately \$20,000. If the RDN owned powerline is transferred to BC Hydro, no further upgrading is required. A transfer of ownership to BC Hydro also eliminates any future service or maintenance costs, estimated at \$2500/year; BC Hydro would be responsible for these costs. The cost to transfer the newly installed powerline is approximately \$1200. However, before BC Hydro will consider taking over the newly installed section of the powerline, the aerial trespass on Lehigh's property must be resolved.

The Local Government Act (s.288) specifically allows local government to dispose of works for the supply and distribution of electrical energy subject to the works no longer being required for the purpose described. Under a BC Hydro takeover, BC Hydro would be supplying electrical service, the RDN ownership of the system would no longer be required, and this requirement is therefore satisfied.

Lehigh is willing to grant the RDN a statutory right of way for the corridor of the powerline aerial trespass over Lot 2. Lehigh also requests that the RDN grant an easement for their existing sewer line that crosses the landfill property, Lot 1. The location of sewer line and easement is not expected to have any restriction or impact on future development of the landfill property.

The Local Government Act (s.285(1)(c)) provides that the Board may dispose of land or improvements without making them available to the public for acquisition, subject to the acquiring party providing consideration in the form of land or improvements given in exchange. Lehigh's granting of a statutory right of way over Lot 2 for the powerline satisfies this requirement for the Board to grant Lehigh an easement for the sewer line.

Should the takeover by BC Hydro of the newly installed powerline proceed, a statutory right of way granted to BC Hydro would be necessary to allow for their ongoing servicing of the powerline. The ability to access the powerlines applies equally to Telus for the servicing of their communication network which is attached to the power poles. The recommendation of this report includes proceeding with a right of way for this purpose. This will be accomplished by the RDN granting a statutory right of way to Hydro and Telus over Lot 2, and assigning to BC Hydro and Telus a statutory right of way over Lot 1, initially granted by Lehigh to the RDN.

Either the upgrade to the newly installed powerline or its transfer to BC Hydro must take place to resolve the current non-compliance with BC Safety Authority requirements.

ALTERNATIVES

- 1. That the Board directs staff to proceed with Notice of Disposition for:
 - a. Granting an easement to Lehigh Hanson Materials (Lehigh) for their sanitary sewer line that crosses the landfill property;
 - b. Transfer of the ownership of the newly installed powerlines that service the landfill maintenance shop to BC Hydro and Power Authority (BC Hydro);
 - c. Granting a statutory right of way to BC Hydro and Telus Communication Company (Telus) for accommodation of the power and communication lines on RDN property; and
 - d. Assigning a statutory right of way to BC Hydro and Telus, initially granted by Lehigh to the RDN, for accommodation of the power and communication lines on Lehigh's property.

And, that staff action the disposals following publication of the Notice.

- 2. That the Board decline proceeding with the land dispositions and the transfer of ownership of the newly installed powerline to BC Hydro.
- 3. That the Board provides alternate direction to staff.

FINANCIAL IMPLICATIONS

Proceeding with the disposals (Alternative 1) has minor administration and document conveyancing costs. There is an approximate fee of \$1200 for BC Hydro to take over the newly installed powerline.

If the easement, the right of ways and the transfer of ownership of the newly installed powerline does not take place, the RDN will need to resolve the electrical non-compliance and the powerline aerial trespass. The electrical non-compliance can be resolved for a capital cost of approximately \$20,000 with ongoing maintenance costs estimated to be \$2500/year. The aerial trespass can be resolved by the realignment of the powerline. This option has not been costed at this time but a ballpark estimate would be in the range of \$40,000 to \$70,000. Aggregate costs of not proceeding with the recommendation are in the order of \$100,000.

Considering a prorated property assessment, the value of the area affected by the easement to be granted to Lehigh is \$1023; the prorated value for the area affected by the right of way to be granted to the RDN is \$4854. Compensation for right of ways typically ranges from \$10 to 100% of market value. On the basis of market value, the RDN is receiving a 5 fold benefit. However, value in this case is better gauged by the cost of measures to correct the trespass. As noted above, costs for an RDN remedy are in the order of \$100,000. Costs for Lehigh to reroute their sewer line would likely be in the same cost range. On this basis, the relative values of the easement and right of way are considered equal.

STRATEGIC PLAN IMPLICATIONS

Supporting the Consent Agreement is consistent with: 1) the focus on service and organizational excellence as the recommendation is a favourable balance of costs and benefits; and, 2) the focus on relationships as the proposed resolve provides advantages to the both the RDN and the landfill neighbour.

Larry Gardner

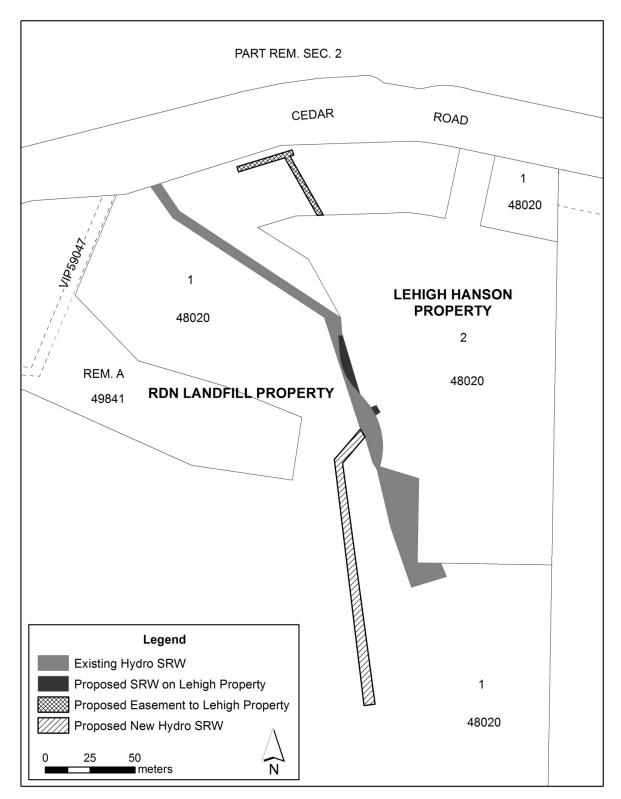
lgardner@rdn.bc.ca

March 22, 2017

Reviewed by:

- R. Alexander, General Manager,
 Regional & Community Utilities & Solid Waste Services
- P. Carlyle, Chief Administrative Officer

Appendix 1



Appendix 2

Notice of Disposition

Pursuant to Section 286 of the *Local Government Act*, notice is hereby given that the Regional District of Nanaimo (the "RDN") intends to grant an easement (the "Easement") to Lehigh Hanson Materials Limited ("LHML") in perpetuity to accommodate LHML's private sanitary sewer system located on a portion of the lands owned by the RDN and legally described as Lot 1, Sections 2 and 3, Nanaimo District, Plan 48020 Except Part in Plan VIP66090 ("Lot 1").

In consideration for the Easement, LHML will grant a statutory right of way to the RDN in perpetuity to accommodate certain overhead electrical distribution lines (the "RDN Power Lines") located on a portion of the lands owned by LHML and legally described as Lot 2, Section 2, Nanaimo District, Plan 48020 ("Lot 2").

Furthermore, pursuant to Section 286 of the *Local Government Act*, notice is hereby given that the RDN intends to transfer ownership of the RDN Power Lines to BC Hydro and Power Authority ("BC Hydro"). The RDN will also grant a statutory right of way to BC Hydro, along with Telus Communications Company ("Telus"), in perpetuity, for the accommodation of all of the power lines on Lot 1, including the RDN Power Lines and lines already owned by BC Hydro, and will assign the statutory right of way granted by LHML on Lot 2 to BC Hydro and Telus.

In consideration for the transfer to BC Hydro of the RDN's title and interest in the RDN Power Lines and the grant and assignment of the required statutory rights of way to BC Hydro and Telus, BC Hydro will assume responsibility to operate and maintain the RDN Power Lines.

Dated at the City of Nanaimo this xxx day of [month] 2017.



STAFF REPORT

TO: Solid Waste Management Select MEETING: April 13, 2017

Committee

FROM: Jane Hamilton **FILE:** 2240-20-CVRD

Superintendent, Landfill Operations

SUBJECT: CVRD Request for Contingency Waste Disposal – Bylaw No. 1531 Revision

RECOMMENDATIONS

1. That the Regional Board endorse receiving municipal waste controlled by the Cowichan Valley Regional District in the event services at their current disposal facility are temporarily unavailable and that the tip fee be set at a 20% premium over Regional District of Nanaimo rates;

- 2. That "Regional District of Nanaimo Solid Waste Management Regulation Amendment Bylaw No. 1531.07, 2017" be introduced and read three times; and,
- 3. That "Regional District of Nanaimo Solid Waste Management Regulation Amendment Bylaw No. 1531.07, 2017" be adopted.

SUMMARY

The Cowichan Valley Regional District (CVRD) disposes of their solid waste at the Rabanco landfill in Washington State. Under their Solid Waste Management Plan, they are required to have a contingency agreement in place should they be temporarily unable to access the Rabanco facility. In January 2017, the RDN Board directed staff to prepare a report for consideration at the Solid Waste Management Select Committee, regarding a request from the CVRD for contingency access to the Regional District of Nanaimo (RDN) landfill.

Solid Waste Services staff have determined that operationally the additional waste can be managed at the Cedar Road Landfill. The recommendation to accept CVRD waste, on a temporary contingency basis, includes a revision to Bylaw No. 1531 to set at tipping rate for this waste at a premium of 20% over RDN rates. The Bylaw amendment requires advance written notice from the CVRD, and approval by the RDN General Manager including the conditions, duration, and reporting requirements.

BACKGROUND

The Cowichan Valley Regional District (CVRD) disposes of their solid waste at the Rabanco landfill in Washington State. Under their Solid Waste Management Plan, they are required to have a contingency agreement in place should they be temporarily unable to access the Rabanco facility. Historically CVRD has had an agreement with the owners of the Cache Creek Landfill for their facility to be the contingency

landfill. Due to the recent closure of the Cache Creek Landfill, this is no longer an option. To date, CVRD has not had the need to use a contingency site for waste disposal.

The CVRD processed and transported approximately 20,000 tonnes of solid waste to Washington State (Robanco Landfill) in 2016. Events that could trigger enacting the contingency agreement include a natural disaster, infrastructure failure or labour issue. In the event that access to the USA is disrupted, there is the potential that RDN generated waste currently shipped to the USA will also be diverted to the RDN landfill.

Accounting for only CVRD and RDN generated waste that is being currently shipped to the USA, it is estimated that the Regional Landfill would see an average daily increase of approximately 50% or 75 tonnes of waste. In order to successfully manage this waste, additional RDN staff would need to be scheduled with increased equipment operating time.

Staff recommend that this agreement apply strictly to municipally collected transfer station waste and not to commercial haulers or public from the CVRD area. The CVRD would be required to deliver the waste in a compactor type garbage-truck that can tip waste at the active face so that no additional mechanical assistance would be required in their delivery and dumping of waste.

In 2014, staff determined actual landfill operational costs to equal approximately \$95/tonne (i.e. \$76/tonne for disposal & \$19/tonne for scale and transfer facilities).

The RDN currently accepts asbestos waste and large animals from CVRD residents. The tip fee for these items is set at a 20% premium over that of what RDN resident's pay and more than offsets actual disposal and infrastructure costs. If this same principal is applied for CVRD contingency disposal, the tip fee would be \$150 tonne (i.e. \$125+20%). CVRD's current cost for waste disposal in the USA is approximately \$120 tonne. A higher tipping fee than their base disposal rate would encourage the CVRD to seek to resolve their waste management issue.

The recommendations include amending Bylaw No. 1531 to establish a tipping fee that would apply to CVRD waste delivered to the Regional Landfill. The rate is proposed to be based on a 20% premium over RDN rates. Further, the proposed amendment would require the CVRD to provide advance notice to the General Manager and abide by conditions the General Manager might impose with regards to the duration, conditions of acceptance and reporting. The Draft Bylaw amendments are set out in Appendix 1.

ALTERNATIVES

- 1. That the Board agree to receiving municipal waste controlled by the CVRD in the event services at their current disposal facility are temporarily unavailable and that the tip fee be set at a 20% premium over Regional District of Nanaimo rates;
 - That "Regional District of Nanaimo Solid Waste Management Regulation Amendment Bylaw No. 1531.07, 2017" be introduced and read three times; and,
 - That "Regional District of Nanaimo Solid Waste Management Regulation Amendment Bylaw No. 1531.07, 2017" be adopted.
- 2. That the Board declines the CVRD request.
- 3. That the Board provides alternate direction.

FINANCIAL IMPLICATIONS

The CVRD may never need to implement contingency measures for landfilling. In the event they do, the operational costs incurred by the RDN will be more than offset by the proposed tipping fee.

STRATEGIC PLAN IMPLICATIONS

Jane Hamilton

The 2016 Strategic Plan identified a priority to Focus on Relationships including identifying opportunities to partner with other branches of government to advance our region and facilitate issues outside our jurisdiction. Cooperating with the CVRD and approving their request would demonstrate cooperation with a neighbouring district and focus on developing partnerships to facilitate a waste management issue.

Jane Hamilton

jhamilton@rdn.bc.ca

March 27, 2017

Reviewed by:

- L. Gardner, Manager, Solid Waste Services
- R. Alexander, General Manager, Regional & Community Utilities & Solid Waste Services
- P. Carlyle, Chief Administrative Officer

Attachment

1. Appendix 1

APPENDIX 1

Introduced and read three times this

REGIONAL DISTRICT OF NANAIMO BYLAW NO. 1531.07

A BYLAW TO AMEND REGIONAL DISTRICT OF NANAIMO SOLID WASTE MANAGEMENT REGULATION BYLAW 1531

WHEREAS the "Regional District of Nanaimo Solid Waste Management Regulation Bylaw No. 1531, 2007" provided for the regulation of Solid Waste Management Facilities within the Regional District of Nanaimo;

AND WHEREAS the Board of the Regional District of Nanaimo wishes to amend schedule 'D' established by Bylaw No. 1531;

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

1. "Regional District of Nanaimo Solid Waste Management Regulation Bylaw No. 1531, 2007" is amended as follows:

Schedule 'D' of Bylaw No. 1531 is hereby repealed and replaced with Schedule 'D' attached to this bylaw.

2. This bylaw may be cited as "Regional District of Nanaimo Solid Waste Management Regulation Amendment Bylaw No. 1531.07, 2017."

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Adopted this this day of	_, 2017.		
			
CHAIRPERSON		CORPORATE OFFICER	

. 2017.

	Solid Waste Management Regulation Amendme
	Bylaw No. 1531.07, 201
	·
Chairperson	
Corporate Of	ficer

Schedule 'D' to accompany "Regional District of Nanaimo

Schedule 'D'

Charges and procedures for use of Regional Landfill for disposing of Controlled Waste and Municipal Solid Waste which originates from the Cowichan Valley Regional District, effective April 1, 2017, are:

1.	Controlled waste originating Cowichan Valley RD	Flat rate	51 kg or greater
a.	Waste asbestos	\$30.00/0-50 kg	\$600.00/tonne
b.	Large dead animals	\$20.00/0-50 kg	\$300.00/tonne
C.	Invasive plant species	\$20.00/0-50 kg	\$300.00/tonne

2.	Solid waste under the direct control of the Cowichan	Tonne Rate
	Valley Regional District *	
a.	Municipal solid waste	Tonne rate includes a 20% premium over
		the current Schedule 'A' rates

^{*}Solid waste acceptance is contingent upon:

- 1) Prior written notice from Cowichan Valley Regional District to the General Manager explaining the reasons for, and the anticipated duration, of contingency landfilling;
- 2) The General Manager's acknowledgement of acceptance; and,
- 3) Any conditions the General Manager may specify with respect to the duration, requirements regarding acceptance or reporting.



STAFF REPORT

TO: Solid Waste Management Select MEETING: April 13, 2017

Committee

FROM: Larry Gardner, AScT, Eng.L **FILE:** 2240-35-CON

Manager Solid Waste Services

SUBJECT: Cedar Road Lift Station Cost Sharing Agreement

RECOMMENDATION

1. That the Board approve a cost sharing agreement with the City of Nanaimo for the Cedar Road lift station in an amount of \$45,000 per year with the cost share to be renegotiated every five years.

SUMMARY

Leachate from the Regional Landfill is conveyed through the Cedar Road lift station for ultimate treatment at the Greater Nanaimo Pollution Control Center. The lift station is owned and maintained by the City of Nanaimo. This agreement addresses the cost share for the lift station attributed to Solid Waste Services based on the landfill leachate contribution flowing through the lift station.

BACKGROUND

In 2015, the City of Nanaimo undertook approximately \$600,000 in capital improvements to the Cedar Road sanitary sewer lift station to upgrade works and increase pumping capacity. Part of this exercise included a review of contributory flows to the lift station and apportionment of cost for the facility. Currently the landfill is responsible for 81% of the flow through the lift station.

Subsequent to the upgrades, the lift station was valued at \$1,300,000. Considering depreciation and maintenance costs, total annual cost for the lift station is \$55,000 per year. Based on the proportionate flow originating from the landfill (i.e. 81%), Solid Waste Services apportionment cost is \$45,000 per year. This agreement puts the cost share into effect.

The agreement is to be renegotiated every five years on the same principals of facility cost and proportionate contributory flows. As areas of the landfill are progressively closed, flows from the landfill are expected to decrease, therefore, future Solid Waste Services costs under this agreement will also decrease.

The draft agreement has undergone legal review.

ALTERNATIVES

- 1. That the Board direct staff to proceed with a cost sharing agreement with the City of Nanaimo for the Cedar Road lift station in an amount of \$45,000 per year with the cost share to be renegotiated every five years.
- 2. That the Board decline proceeding with a cost share agreement.
- 3. That the Board provide staff alternate direction.

FINANCIAL IMPLICATIONS

The agreement proposes that annual payments begin as of 2016 and funds have been accrued for this purpose.

STRATEGIC PLAN IMPLICATIONS

The recommendation of this report is consistent with the focus on service and organizational excellence with regard to funding infrastructure in support of our core services employing asset management tools.

Larry Gardner lgardner@rdn.bc.ca March 28, 2017

Reviewed by:

- R. Alexander, Regional & Community Utilities
- P. Carlyle, Chief Administrative Officer

Attachments

1. Draft Service and Cost Sharing Agreement