

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 2736**

**A BYLAW TO REGULATE THE OPERATION OF COMPOSTING FACILITIES
IN THE CAPITAL REGIONAL DISTRICT**

WHEREAS:

- A. The Board of the Capital Regional District established a service to manage municipal solid waste and recyclable material, by Bylaw No. 2654, "Solid Waste Disposal Local Service Establishment Bylaw No. 1, 1991, Amendment Bylaw No. 1, 1999";
- B. Under Section 25 (3) of the *Environmental Management Act*, the Capital Regional District may make bylaws regulating the operation of a site, works or facility, including those identified specifically or by class in a Waste Management Plan, that is used for the management of municipal solid waste or recyclable material;
- C. The Capital Regional District has undertaken consultations with affected stakeholders, has indicated its intention to adopt this bylaw in its Waste Management Plan and has obtained the written consent of the Minister of Water, Land and Air Protection to the adoption of this bylaw;

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

SECTION 1 – DEFINITIONS

- 1.1 The definitions in the *Environmental Management Act* and the Organic Matter Recycling Regulation, not already defined in the bylaw and so far as the terms defined can be applied, extend to this bylaw.
- 1.2 The following terms, words and phrases when used in this bylaw shall have the meanings set forth in this section, whether appearing in capital or lower case form.

"agricultural waste" means agricultural waste that is subject to the Code made under the Agricultural Waste Control Regulation, B.C. Reg. 131/92, which includes all plant- and animal-derived organic materials generated directly as a result of an agricultural activity of a farm operation, as defined in the *Farm Practices Protection Act*, but does not include:

- a) human or animal food waste that is diverted from residential, commercial or institutional sources;
- b) waste materials derived from non-agricultural operations; or
- c) wood waste derived from land clearing, construction or demolition.

"application" means a request for one of the following:

- a) a recycler licence (Class 1, 2 or 3 or a provisional recycler licence)
- b) to amend, add or delete a term or condition of a recycler licence
- c) to change the activity that is the subject of a recycler licence
- d) to renew a recycler licence

"backyard composting" means the composting of food waste or yard waste, or both, at a site where

- a) the food waste or yard waste is generated by the residents of a residential dwelling unit; and
- b) the annual production of compost does not exceed 20 cubic metres.

"biosolids with general organic matter" means those materials prescribed in Table 2 of Schedule F of this bylaw that may be composted on an impermeable surface (windrows or static pile) or in-vessel.

"Board" means the Board of the Capital Regional District.

"bylaw enforcement officer" means the chief bylaw enforcement officer or a bylaw enforcement officer or an assistant bylaw enforcement officer of the CRD.

"Class 1 composting facility" means a facility composting general organic matter on an impermeable surface or in-vessel.

"Class 2 composting facility" means a facility composting biosolids with general organic matter on an impermeable surface or in-vessel.

"Class 3 composting facility" means a facility composting restricted organic matter with either or both general organic matter or biosolids with general organic matter in-vessel.

"Class 1 recycler licence" means a licence to operate a Class 1 composting facility.

"Class 2 recycler licence" means a licence to operate a Class 2 composting facility.

"Class 3 recycler licence" means a licence to operate a Class 3 composting facility.

"compost" means a product which is:

- a) a stabilized earthy matter having the properties and structure of humus;
- b) beneficial to plant growth when used as a soil amendment;
- c) produced by composting; and
- d) only derived from organic matter.

"compostable materials or feedstock material" means those materials set out in Tables 1, 2 and 3 of Schedules E, F and G of this bylaw that are suitable for composting.

"composting" means the controlled biological decomposition through the biological oxidation of organic matter to a matured stage for a Class 1 or Class 2 composting facility or the curing stage for a Class 3 composting facility, but does not mean the application of unprocessed organic matter to the ground.

"composting facility" means a facility that:

- a) processes organic matter to produce compost; or
- b) receives and grinds, blends or processes organic matter prior to shipping to another site for composting.

"CRD" means the Capital Regional District.

"curing" means the further maturing of organic matter that has undergone the rapid initial stage of composting into a humus-like material.

"discharge" means to directly or indirectly introduce a substance into the environment by spilling, disposing of, abandoning, depositing, leaking, seeping, pouring, draining, emptying or by any other means.

"discharger" means the owner or operator of a composting facility or a licensee.

"drywall" means gypsum board or wallboard.

"enactment" means any applicable act, regulation, bylaw, order or authorization by a Federal, Provincial, regional or municipal government or its authorized representatives.

"Environmental Management Act" means the *Environmental Management Act* of the Province of British Columbia or any legislation that replaces the *Environmental Management Act*.

"general manager" means the general manager, or his or her deputy, of the CRD Environmental Services department.

"general organic matter" means those materials prescribed in Table 1 of Schedule E of this bylaw that may be composted on an impermeable surface (windrows or static pile) or in-vessel.

"impermeable surface" means a surface which:

- a) has a permeability rating of no greater than 1×10^{-7} cm per second; and
- b) has been designed and sealed by a professional engineer to ensure that there is no onsite discharge of leachate to the environment.

"in-vessel," in relation to composting, means any composting method where composting materials are contained in a closed reactor or vessel:

- a) in which conditions such as moisture, temperature and oxygen levels can be closely monitored and controlled; and
- b) which has been designed and sealed by a professional engineer to ensure that there is no discharge of leachate to the environment or nuisance created.

"leachate" means:

- a) effluent originating from organic matter being received, processed, composted, cured or stored at a composting facility;
- b) precipitation, stormwater, equipment wash water or other water which comes into contact with the organic matter being received, processed, composted, cured or stored;
- c) precipitation, stormwater, equipment wash water or other water which mixes with leachate at a composting facility; or
- d) effluent originating from organic matter upon storage.

"licensee" means a person who holds a recycler licence.

"matured," with respect to composting, means:

- a) the compost has passed through the mesophyllic and thermophilic composting stages; and

- b) biological decomposition of the compost has occurred to a sufficient degree that the product meets the requirements of this bylaw and has beneficial value to plant growth.

"mesophyllic stage" means the biological decomposition of organic matter characterized by active bacteria which are favoured by a moderate temperature range of 20°C to 45°C; and is associated with a moderate rate of decomposition and stabilization.

"odour" means smells which are ill-smelling, disgusting, offensive, nauseous or obnoxious.

"order" means an order issued by the solid waste manager.

"organic matter" means materials that are suitable for composting under this bylaw unless excluded by municipal, Provincial or Federal enactments or orders that prohibit or restrict composting or composting methods.

"pathogen" means an organism capable of causing disease in humans, plants or animals.

"phase 1" means the receiving and blending, grinding, mixing and initial rapid phase of composting of all restricted organic matter through the mesophyllic and thermophilic stages of composting.

"phase 2" means curing for a minimum of twenty-one (21) days after having completed the mesophyllic and thermophilic stages.

"pollution" means the presence in the environment of substances or contaminants that substantially alter or impair the usefulness of the environment.

"premises" means any land or building or facility or site or works or any part thereof.

"proven technology" means any in-vessel composting technology in use at an appropriate scale for at least two (2) years which is capable of meeting the requirements of this bylaw.

"provisional recycler licence" means a licence issued for one (1) year for the operation of an in-vessel composting facility not using proven technology.

"qualified professional" means a person who:

- a) is registered in British Columbia with his or her appropriate professional association, acts under that professional association's code of ethics and subject to disciplinary action by that professional association; and
- b) through suitable education, experience, accreditation and knowledge may be reasonably relied on to provide advice within his or her area of expertise.

"recycler licence" means a licence to operate a Class 1, Class 2 or Class 3 composting facility and includes a waste stream management licence as defined in the *Environmental Management Act*.

"residential dwelling unit" means a property which is used primarily for the purpose of a residence by persons on a permanent, temporary or seasonal basis.

"restricted organic matter" means those materials prescribed in Table 3 of Schedule G of this bylaw that must be composted in-vessel only for phase 1.

"site" means any premises that are used in the operation of a composting facility.

"Solid Waste Management Plan" means the solid waste management plan of the CRD as revised.

"solid waste manager" means the manager of solid waste, or his or her deputy, appointed by the general manager.

"solid waste officer" means an officer appointed by the general manager.

"stabilized" means organic matter that has completed the phase 2 process.

"substance" includes any solid, liquid and/or gas.

"thermophilic stage" means the biological decomposition of organic matter characterized by active bacteria which are favoured by a high temperature range of 45°C to 75°C; and is associated with a high rate of decomposition and stabilization.

"vector" means a rodent, bird, fly or mosquito or other animal or insect carrier that ingests or conveys garbage, odour, micro-organisms and/or pathogens from one location to another.

"waste" means any substance that is discharged or discarded, directly or indirectly, to the environment.

"wastewater" is any water emanating from the composting process, including process water, wash water, compost leachate and effluent.

"watercourse" means

- a) a river, stream, creek, waterway, lagoon, lake, spring, swamp, marsh or other natural body of water; or
- b) a canal, ditch, reservoir or other man-made surface feature, whether it contains or conveys water continuously or intermittently.

SECTION 2 – APPLICATION AND EXEMPTION

2.1 This bylaw applies to the operation of composting facilities within the Capital Region unless otherwise exempted by this bylaw or another enactment.

2.2 Despite subsection 2.1, this bylaw does not apply to:

- a) agricultural waste composting;
- b) backyard composting;
- c) topsoil producers who handle and use straw/sawdust/animal manure mixes or other stabilized organic matter, or soil conditioners; or
- d) the composting of organic matter which originates at the site of the composting operation.

SECTION 3 – LICENCE APPLICATION

3.1 A person who operates a composting facility as of the date this bylaw comes into effect shall obtain a recycler licence or provisional recycler licence within one (1) year of the date the bylaw comes into effect.

3.2 A person shall not commence operation of a composting facility without first obtaining a recycler licence or provisional recycler licence in accordance with this bylaw.

3.3 Despite subsections 3.1 and 3.2, a recycler licence is not required for a Class 1 composting facility unless subsection 6.3 of this bylaw applies.

3.4 Required Information

An applicant for a recycler licence shall provide to the solid waste manager, on initial licence application, the following information as outlined in Schedule A of this bylaw:

- a) the types and quantities of organic matter to be composted each year;
- b) an odour management plan;
- c) a leachate management plan;
- d) a vector, litter and dust management plan;
- e) the maximum tonnage of feedstock and compost to be stored at any one time; and
- f) municipal/electoral area approval.

3.5 Provisional Recycler Licence

Applicants wishing to use other than proven technology for in-vessel composting shall apply for a one year provisional licence using the form attached to this bylaw as Schedule A. On initial application, the following information must be provided to the solid waste manager:

- a) the types and quantities of organic matter to be composted each year;
- b) an odour management plan;
- c) a leachate management plan;
- d) a vector, litter and dust management plan;
- e) the maximum tonnage of feedstock and compost to be stored at any one time; and
- f) municipal/electoral area approval.

3.6 Licence Fee

The applicant for a recycler licence shall pay to the CRD the applicable application fee set out in Section 8.

3.7 Leachate Management Plan

A leachate management plan provided under subsection 3.4 or 3.5 shall:

- a) stipulate how leachate generated from any and all stages of the composting process will be minimized, managed, treated or disposed; and
- b) be prepared and sealed by a qualified professional who has experience with leachate control.

3.8 Odour Management

3.8.1 An odour management plan provided under subsection 3.4 or 3.5 shall:

- a) show how the generation of odours detectable beyond the boundary of the parcel on which the composting facility is located will be prevented; and
- b) be prepared and sealed by a qualified professional who has experience with odour management systems.

3.8.2 For the purposes of subsection 3.8.1, all contiguous parcels owned by the same person shall be considered to be a single parcel.

3.9 Vector, Litter and Dust Management

A vector, litter and dust management plan provided under subsection 3.4 or 3.5 shall show how the composting operation will be managed:

- a) to control vectors;
- b) to keep the site free of litter and garbage; and
- c) to prevent the emission of dust (spores or other particulates) from the site.

3.10 Additional Requirements

The solid waste manager may require additional information with respect to management plans that he or she considers necessary for the protection of human health and the environment, and may specify particular concerns or questions that the management plans must address.

3.11 Performance Security

3.11.1 An applicant for a recycler licence shall submit to the solid waste manager, at the time of application, security in the form of an irrevocable letter of credit, or a combination of an irrevocable letter of credit and surety bond, in an amount calculated in accordance with the amounts set out in Schedule B of this bylaw, which may be used by the CRD in accordance with Schedule B of this bylaw to provide security that:

- a) in the event that the licensee fails to comply with the terms and conditions of the recycler licence or this bylaw, the default may be corrected; and
- b) in the event of closure, the site will be cleared of any abandoned compostable materials.

3.11.2 Where the security is provided by way of a combination of a letter of credit and a surety bond, the amount of the letter of credit shall not be less than 50% of the total security required under this bylaw.

3.11.3 If, at any time, a licensee's surety bond is withdrawn or cancelled, the licensee shall immediately provide alternative financial security in accordance with Schedule B of this bylaw.

3.11.4 If, at any time, notice is provided by the surety provider that a licensee's letter of credit will be withdrawn, the CRD may draw down on the letter of credit if the licensee fails to replace it at least seven (7) days before the proposed cancellation date.

3.11.5 The solid waste manager may suspend or cancel a recycler licence if a licensee fails to comply with the requirements of this subsection.

3.12 Licence Amendments

3.12.1 A licensee who proposes to implement an operational change to the operation of a composting facility, as described in Section 1.3 of Schedule C of this bylaw, shall apply for an amendment to the recycler licence in the form attached to this bylaw as Schedule A, and shall provide such information, drawings and specifications as may be required under Schedule A of this bylaw.

3.12.2 A licensee must obtain the amendment to the recycler licence prior to implementing the changes referred to in subsection 3.12.1.

3.13 Licence Types

A person proposing to:

- a) compost general organic matter prescribed in Table 1 of Schedule E of this bylaw shall obtain a Class 1 recycler licence if subsection 6.3 of this bylaw applies;
- b) compost biosolids with general organic matter prescribed in Table 2 of Schedule F of this bylaw shall obtain a Class 2 recycler licence;
- c) compost restricted organic matter prescribed in Table 3 of Schedule G of this bylaw shall obtain a Class 3 recycler licence.

SECTION 4 – ISSUANCE OF A RECYCLER LICENCE

4.1 Issuance

Recycler licences will be issued by the solid waste manager.

4.2 Term of Licence and Renewal

- 4.2.1 Subject to subsection 4.2.3, the term of a recycler licence is five (5) years from the date of issuance.
- 4.2.2 A licensee may apply to the solid waste manager for renewal of a recycler licence upon payment of the fees set out in Schedule C of this bylaw.
- 4.2.3 The term of a provisional recycler licence is one (1) year.
- 4.2.4 A provisional recycler licensee may apply for a one-time, one-year renewal. The licensee shall apply for a renewal of a provisional recycler licence prior to expiry of the licence, in accordance with the procedures set out in Schedule C of this bylaw.

4.3 Refusal to Issue

The solid waste manager will not issue a recycler licence for a composting facility which does not comply with this bylaw, local applicable land use, zoning and other bylaws or Federal and Provincial enactments applicable to the operation of the composting facility.

4.4 Cancellation or Suspension

The solid waste manager may suspend or cancel a recycler licence for any violation of, or non-compliance with, the terms and conditions of the recycler licence, or this bylaw or where the composting facility does not comply with Federal or Provincial enactments applicable to the operation of the composting facility.

4.5 Licence Transfer

- 4.5.1 A recycler licence may not be transferred or assigned without the solid waste manager's written consent.

4.5.2 The solid waste manager may withhold consent under subsection 4.5.1 where there is an ongoing violation of this bylaw or any enactment applicable to the operation of the composting facility.

4.6 No Representation

The issuance of a licence under this bylaw is not a warranty or representation by the CRD that the composting facility is in compliance with this bylaw or any other enactment nor that the discharger will not cause harm to the environment.

SECTION 5 – STORAGE AND COMPOSTING REGULATIONS

- 5.1 A discharger shall not store compostable materials for use in relation to a composting facility except in accordance with Schedule B of this bylaw.
- 5.2 Every discharger shall operate a composting facility in accordance with the composting regulations as set out in Schedule D of this bylaw and with the leachate management, odour management and vector, litter and dust management plans submitted in accordance with Section 3 of this bylaw. If the leachate management, odour management and vector, litter and dust management plans contain any provision that conflicts with Schedule D of this bylaw, that provision of the plan does not apply.

SECTION 6 – GENERAL REGULATIONS

- 6.1 No discharger shall operate a Class 1, Class 2 or Class 3 composting facility in a manner that creates or results in litter, dust (spores or other particulates), odours or vectors so as to pose a risk to public health or the environment or constitute a public nuisance.
- 6.2 No discharger shall operate a Class 1, Class 2 or Class 3 composting facility that creates or results in the discharge of leachate.
- 6.3 Owners or operators of Class 1 composting facilities will not be required to obtain a recycler licence or a provisional recycler licence unless the discharger of the composting facility is convicted of an offence under the bylaw.
- 6.4 If a discharger required to obtain a licence under the provisions of 6.3 is not convicted of an offence under this bylaw for five (5) years after obtaining the licence, then that discharger will not be required to renew the recycler licence.
- 6.5 A licensee shall operate a composting facility in accordance with the terms and conditions of a recycler licence or a provisional recycler licence.

SECTION 7 – ENFORCEMENT

- 7.1 The general manager, the solid waste manager, a solid waste officer or a bylaw enforcement officer may enforce the provisions of this bylaw.
- 7.2 The solid waste manager, a solid waste officer or a bylaw enforcement officer may, at any reasonable time and upon presentation of proof of his or her identity, enter upon premises to ascertain whether the terms of a recycler licence or provisional recycler licence have been or are being complied with or the regulations of this bylaw are being observed.

- 7.3 Nothing in this bylaw shall be interpreted as restricting the powers of a bylaw enforcement officer, a solid waste officer or the solid waste manager under the *Environmental Management Act* and its regulations.

SECTION 8 – FEES AND CHARGES

- 8.1 The Board hereby imposes the fees set out in Schedule C of this bylaw.
- 8.2 Every person who applies for or who holds a recycler licence or provisional recycler licence issued under this bylaw shall pay the applicable fee or fees set out in Schedule C of this bylaw.
- 8.3 Every person who applies for a licence renewal shall pay a licence renewal fee as set out in Schedule C of this bylaw.
- 8.4 Every person who applies for a licence amendment shall pay a licence amendment fee as set out in Schedule C of this bylaw.

SECTION 9 – OFFENCES AND PENALTIES

- 9.1 No person shall do any act or suffer or permit any act or thing to be done in contravention of this bylaw.
- 9.2 A person who contravenes this bylaw is guilty of an offence and is liable to a fine up to a maximum of \$200,000.
- 9.3 The penalties imposed under subsection 9.2 hereof shall be in addition to and not in substitution for any other penalty or remedy imposed by this bylaw or any other statute, law or regulation.
- 9.4 Nothing in this bylaw shall limit the CRD from pursuing any other remedy that would otherwise be available to the CRD at law.
- 9.5 A separate offence shall be deemed to be committed upon each day during and on which the contravention occurs or continues.

SECTION 10 – APPEAL

- 10.1 A person affected by a decision of the solid waste manager under this bylaw may appeal the decision to the general manager by advising the general manager in writing of the order or requirement being appealed from and setting out the reason for the appeal and attaching any relevant documents.
- 10.2 The written notice of appeal under this section must be delivered to the general manager within thirty (30) days of the decision from which the appeal is made.
- 10.3 The matter will be reviewed by the general manager pursuant to subsection 10.4.
- 10.4 Upon considering the matter under appeal, the general manager may:
- a) confirm, reverse or vary the decision under appeal; and
 - b) make any decision that the general manager considers appropriate.

- 10.5 An appeal under this section does not operate as a stay or suspend the operation of the decision being reviewed unless the general manager orders otherwise.

SECTION 11 – GENERAL

- 11.1 No person shall hinder or prevent the general manager, a solid waste manager, a solid waste officer or a bylaw enforcement officer from entering any premises or from carrying out his or her duties with respect to the administration of this bylaw.
- 11.2 Where the Board has authority to direct that a matter or thing be done by a person, the Board may also direct that, if the person fails to take the required action, the matter or thing shall be done at the expense of the person in default in accordance with Section 269 of the *Local Government Act*. If action in default is taken, the Board may recover the expense from the person, together with costs and interest at the rate prescribed under Section 11 (3) of the *Taxation (Rural Area) Act*, in the same manner as municipal taxes.
- 11.3 The schedules annexed to this bylaw are an integral part of this bylaw.
- 11.4 If any provision of this bylaw is found to be invalid by a court of competent jurisdiction, it may be severed from the bylaw without affecting the validity of the remainder of the bylaw.
- 11.5 The headings in this bylaw are inserted for convenience of reference only.
- 11.6 This bylaw may be cited for all purposes as "Capital Regional District Composting Facilities Regulation Bylaw No. 1, 2004."

READ A FIRST TIME THIS	10 th	day of	November	2004
READ A SECOND TIME THIS	10 th	day of	November	2004
READ A THIRD TIME THIS	8 th	day of	June	2005
APPROVED BY THE MINISTER OF ENVIRONMENT	2 nd	day of	November	2005
ADOPTED THIS	7 th	day of	December	2005

 CHAIR

 SECRETARY

OPERATING DATA		Page 2 of 2	
Proposed Feedstock Material	Maximum Quantity Expected to be Received	Maximum Quantity of Feedstock and Compost to be Stored at Any One Time	
General Organic Matter			
<input type="checkbox"/> Animal bedding	_____ tonnes/year	_____	tonnes
<input type="checkbox"/> Brewery waste/winery waste	_____ tonnes/year	_____	tonnes
<input type="checkbox"/> Class A food waste	_____ tonnes/year	_____	tonnes
<input type="checkbox"/> Manure	_____ tonnes/year	_____	tonnes
<input type="checkbox"/> Plant matter derived from processing plants	_____ tonnes/year	_____	tonnes
<input type="checkbox"/> Untreated and unprocessed wood residuals	_____ tonnes/year	_____	tonnes
<input type="checkbox"/> Yard waste	_____ tonnes/year	_____	tonnes
<input type="checkbox"/> Whey	_____ litres/year	_____	litres
<input type="checkbox"/> Compost	_____	_____	tonnes
Biosolids			
<input type="checkbox"/> Biosolids	_____ tonnes/year	_____	tonnes
Restricted Organic Matter			
<input type="checkbox"/> Class B food waste	_____ tonnes/year	_____	tonnes
<input type="checkbox"/> Domestic septic tank sludge	_____ tonnes/year	_____	tonnes
<input type="checkbox"/> Fish wastes	_____ tonnes/year	_____	tonnes
<input type="checkbox"/> Hatchery waste	_____ tonnes/year	_____	tonnes
<input type="checkbox"/> Milk processing waste	_____ tonnes/year	_____	tonnes
<input type="checkbox"/> Poultry carcasses	_____ tonnes/year	_____	tonnes
<input type="checkbox"/> Sewage sludge	_____ tonnes/year	_____	tonnes
<input type="checkbox"/> Whey	_____ litres/year	_____	litres
<input type="checkbox"/> Compost	_____	_____	tonnes
Odour Management Plan Attached	<input type="checkbox"/>	YES	
Leachate Management Plan Attached	<input type="checkbox"/>	YES	
Vector, Litter and Dust Management Plan Attached	<input type="checkbox"/>	YES	
<u>Performance Security</u>			
Surety Bond Attached	<input type="checkbox"/>	YES	Amount \$ _____
Letter of Credit Attached	<input type="checkbox"/>	YES	Amount \$ _____
APPLICANT'S SIGNATURE:			
I, _____, declare that the information given on this application form is correct to the best of my knowledge.			
_____	_____		
Date	Signature of Applicant or Agent		
_____	_____		
Title	Phone Number		

The collection of this information is authorized under the Capital Regional District Composting Facilities Regulation Bylaw and Section 25 of the *Environmental Management Act* and will be used for the purpose of administration, including enforcement, of the Composting Facilities Regulation Bylaw. This information is collected under/subject to the *Freedom of Information and Protection of Privacy Act*. For further information, you may contact the freedom of information and protection of privacy coordinator for CRD Environmental Services at 360-3089.

Application should be sent to the Manager, Solid Waste, Capital Regional District, PO Box 1000, Victoria, BC V8W 2S6.

CAPITAL REGIONAL DISTRICT

BYLAW NO. 2736

SCHEDULE B

REGULATIONS REGARDING THE STORAGE OF FEEDSTOCK MATERIALS CALCULATION AND USE OF SECURITY

1. STORAGE

A discharger shall not store the materials listed in Column 1 below in excess of the maximum limits set out in or established under columns 2, 3 and 5, unless the storage is carried out in a self-contained unit maintained to prevent the escape of organic matter, odours, leachate and vector attraction.

2. SECURITY

2.1 The formula for the determination of the amount of security to be provided under subsection 3.11 of this bylaw is set out in Column 4 below. Where the applicant for a recycler licence indicates a pre-processed tonnage maximum which is less than the amount shown in Column 2 below, the amount of security to be provided under subsection 3.11 of this bylaw shall be calculated under Column 4 below using the pre-processed tonnage amount specified in the application.

2.2 The CRD may draw down on or use the security provided by the licensee under this bylaw where the discharger:

- a) fails to comply with any term or condition of this bylaw or of the recycler licence;
- b) has not commenced processing;
- c) has stored the feedstock material contrary to Section 1 of this schedule; or
- d) abandons the composting facility, as shown by discontinuance of activity related to the management of feedstock materials on the site for six (6) months, leaving materials on the site to be cleaned up, removed or disposed.

2.3 Without limiting subsection 2.2 of this schedule, the CRD may draw down or use the security provided by the licensee to clean up, remove and dispose of materials which have been stored at a composting facility in excess of the times specified in Column 5 below.

Column 1 MATERIAL	STORAGE LIMIT		Column 4 MINIMUM LETTER OF CREDIT AND SURETY BOND ⁽²⁾	Column 5 STORAGE TIME LIMIT ⁽⁴⁾
	Column 2 PRE-PROCESSED TONNAGE (tonnes) ⁽¹⁾	Column 3 EQUIVALENT VOLUME (m ³)		
General Organic Matter	500	1,000	\$/tonne ⁽³⁾	2 weeks ⁽⁵⁾
Biosolids	50	75	\$/tonne ⁽³⁾	36 hours ⁽⁵⁾
Restricted Organic Matter	50	75	\$/tonne ⁽³⁾	36 hours ⁽⁵⁾

⁽¹⁾ Pre-processed tonnage includes total tonnage that would require removal, e.g., if 5 tonnes of restricted organic matter are mixed with 5 tonnes of yard waste, it is considered as 10 tonnes of restricted organic matter.

⁽²⁾ Minimum 50% secured as an irrevocable letter of credit; balance in irrevocable letter of credit or surety bond. Tonnage of pre-processed feedstock and compost.

⁽³⁾ The amount of the security required will be based on the estimated costs to clean up, remove and process the tonnage of pre-processed feedstock and compost, including Hartland landfill tipping fees plus clean-up and hauling fees, and these shall be verified by the solid waste manager.

⁽⁴⁾ Notwithstanding these limits, Sections 6.1 and 6.2 of the bylaw shall govern.

⁽⁵⁾ Whenever materials are mixed, the storage restriction which applies is the one pertaining to the most restricted material.

CAPITAL REGIONAL DISTRICT

BYLAW NO. 2736

SCHEDULE C

FEES

The application, administration and amendment fees payable to the CRD under this bylaw shall be as follows:

Application, Amendment and Administration/Monitoring Fees

Column 1	Column 2 Licence Application Fee (one time only)	Column 3 Licence Renewal (once every 5 years)	Column 4 Licence Amendment Fee (per amendment)	Column 5 Annual Licence Administration/ Monitoring Fee
Class 1 Recycler licence	\$1,000	\$500	\$500	\$1,000
Class 2 Recycler licence	\$1,000	\$500	\$500	\$1,000
Class 3 Recycler licence	\$1,000	\$500	\$500	\$1,000
Provisional recycler licence	\$1,000	\$500 (one renewal only for one year renewal term)	\$500	\$2,000

FEES

1. **LICENCE APPLICATION, RENEWAL, AMENDMENT AND ADMINISTRATION/MONITORING FEES**

1.1 Licence Application Fee

- a) Every person who applies for a recycler licence shall pay a licence application fee as set out in Column 2 of this schedule.
- b) The application fee is payable on submission to the solid waste manager of a completed application form as provided in Schedule A attached to this bylaw.
- c) The CRD will not process an application for a recycler licence until the application fee has been paid.
- d) The application fee is not refundable.

1.2 Licence Renewal Fee

- a) Every person who applies for a licence renewal shall pay a licence renewal fee as set out in Column 3 of this schedule. Licence renewal is required every five (5) years, except in the case of renewal of a provisional recycler licence which is required after one (1) year.
- b) The licence renewal fee is payable on submission to the solid waste manager of a completed application form as provided in Schedule A of this bylaw.
- c) The CRD will not process an application for a licence renewal until the renewal fee has been paid.
- d) The renewal fee will not be refunded if the solid waste manager does not re-issue a recycler licence.

1.3 Licence Amendment Fee

- a) Each time a request is made for an amendment to the recycler licence, the licensee shall pay a licence amendment fee as set out in Column 4 of this schedule. A licence amendment is required whenever there is a change in any of the following parts of a composting facility's operation:
 - i) method of composting (change in class of licence)
 - ii) odour management plan
 - iii) leachate management plan
 - iv) vector, litter and dust management plan
 - v) method of receiving and storing
 - vi) estimated quantities of feedstock materials per year
 - vii) maximum quantity of feedstock and compost to be stored at any one time
 - viii) a site plan and layout of facilities
 - ix) municipal/electoral area approval
- b) The licence amendment fee is payable on submission to the solid waste manager of a completed application form as provided in Schedule A of this bylaw.
- c) The CRD will not process an amendment for a recycler licence until the amendment fee has been paid.
- d) The amendment fee will not be refunded if the solid waste manager does not amend the licence.

1.4 Annual Licence Administration/Monitoring Fee

- a) A person to whom a Class 1, Class 2, Class 3 or provisional recycler licence is issued shall pay the corresponding annual administration/monitoring fee as set out in Column 5 of this schedule.
- b) The first administration/monitoring fee shall be paid upon issuance of the recycler licence.
- c) The annual administration/monitoring fee will be invoiced once per year on the anniversary date of the issuance of the licence.

- d) The CRD may suspend or cancel a recycler licence if the administration/monitoring fee is not paid within sixty (60) days following the anniversary date of the issuance of the licence.

1.5 Provisional Licence Application Fee

- a) Every person who applies for a provisional recycler licence shall pay a provisional licence application fee as set out in Column 2 of this schedule.
- b) The application fee is payable on submission to the solid waste manager of a completed application form as provided in Schedule A of this bylaw.
- c) The CRD will not process an application for a provisional recycler licence until the application fee has been paid.
- d) The application fee will not be refunded if the solid waste manager does not issue a provisional recycler licence.

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SCHEDULE D

COMPOSTING REGULATIONS

Every composting facility shall operate in accordance with the following regulations and requirements:

1. **RECEIVING, HANDLING, PROCESSING AND COMPOSTING OF FEEDSTOCK**

- 1.1 The receiving and blending, grinding, mixing and initial rapid phase of composting (phase 1) of all restricted organic matter must be conducted in-vessel.
- 1.2 The curing (phase 2) of restricted organic matter compost must be conducted in-vessel or on an impermeable surface.
- 1.3 The receiving and blending, grinding, mixing, composting and storage of all compostable material not covered by subsection 1.1 or 1.2 of this schedule must, as a minimum, be conducted on an impermeable surface.
- 1.4 A licensee shall not receive any materials other than those set out in the licence.

2. **STORAGE**

- 2.1 Feedstock material shall not be stored in excess of the maximum limits set out in or established under columns 2, 3 and 5 of Schedule B of this bylaw.
- 2.2 The amount of feedstock and compost in a composting facility must not at any time exceed the total provided by the licensee to the CRD under subsection 3.4 or 3.5 of this bylaw.

3. **REPORTING**

- 3.1 The licensee must, at least ninety (90) days before beginning the operation of a composting facility, give notice in writing to the solid waste manager.
- 3.2 The notification required by subsection 3.1 of this schedule must include:
 - a) the composting facility location and design capacity, name of a contact person, type of waste received and intended distribution of compost; and
 - b) a copy of a personnel training program plan that addresses the specific training needed to operate the composting facility in compliance with this regulation.

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SCHEDULE E

**TABLE 1
FEEDSTOCK PROCESSING
GENERAL ORGANIC MATTER**

May be composted on an impermeable surface or in-vessel and will not require a licence unless the operation contravenes subsection 6.3 of this bylaw.

Feedstock	Constituents of Feedstock
animal bedding	animal bedding derived from straw, paper, hog fuel, wood chips, bark, shavings or sawdust
brewery waste/winery waste	used or diverted grain, malt, hop flowers, berries, fruit, leaves and twigs and yeast resulting from brewing or wine-making process
Class A food waste ⁽¹⁾	uncooked vegetable matter and clean paperfibre containers used to package and transfer the uncooked vegetable matter
manure	animal excreta from pets, animals in zoological facilities, fish held in commercial aquaculture or aquarium facilities, livestock, farmed game or poultry, this does not include the management of animal excreta (manure) on farms as defined as agricultural waste in BC Reg. 131/92, but does include animal excreta (manure) not included within the scope of BC Reg. 131/92
plant matter derived from processing plants	fruit, vegetable and vegetative material derived from fruit and vegetable processing plants, these are materials which have been removed from an agricultural operation and no longer fit within the definition of agricultural waste (agricultural vegetation waste) as defined in BC Reg. 131/92
untreated and unprocessed wood residuals	clean (non-contaminated and untreated) wood from lumber manufacture, e.g., shavings, sawdust, chips, hog fuel and ground mill ends, and land clearing waste which has been ground with the majority of the greenery removed and no soil present, but does not include construction and demolition debris
yard waste	clean and untreated wood waste or non-food vegetative matter resulting from gardening operations, landscaping and land clearing; yard waste does not include wood waste derived from construction or demolition. Neither human or animal food waste that is diverted from residential, commercial or institutional sources, nor manure, is yard waste
whey ⁽¹⁾	the serum or watery part of milk that remains after the manufacture of cheese and quantities to be imported are less than 450 litres per year

⁽¹⁾ Definition modified from Schedule 12 of the Organic Matter Recycling Regulation (OMRR)

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SCHEDULE F

**TABLE 2
FEEDSTOCK PROCESSING
BIOSOLIDS WITH GENERAL ORGANIC MATTER**

May be composted on an impermeable surface or in-vessel and will require a Class 2 recycler licence.

Feedstock	Constituents of Feedstock
biosolids	stabilized municipal sewage sludge resulting from a municipal waste water treatment process or septage treatment process which has been sufficiently treated to reduce pathogen densities and vector attraction to allow the sludge to be beneficially recycled in accordance with the requirements of this regulation

Plus any or all of the following general organic matter:

animal bedding	animal bedding derived from straw, paper, hog fuel, wood chips, bark, shavings or sawdust
brewery waste/winery waste	used or diverted grain, malt, hop flowers, berries, fruit, leaves and twigs and yeast resulting from brewing or wine-making process
Class A food waste ⁽¹⁾	uncooked vegetable matter and clean paperfibre containers used to package and transfer the uncooked vegetable matter
manure	animal excreta from pets, animals in zoological facilities, fish held in commercial aquaculture or aquarium facilities, livestock, farmed game or poultry, this does not include the management of animal excreta (manure) on farms as defined as agricultural waste in BC Reg. 131/92 but does include animal excreta (manure) not included within the scope of BC Reg. 131/92
plant matter derived from processing plants	fruit, vegetable and vegetative material derived from fruit and vegetable processing plants, these are materials which have been removed from an agricultural operation and no longer fit within the definition of agricultural waste (agricultural vegetation waste) as defined in BC Reg. 131/92
untreated and unprocessed wood residuals	clean (non-contaminated and untreated) wood from lumber manufacture, e.g., shavings, sawdust, chips, hog fuel and ground mill ends, and land clearing waste which has been ground with the majority of the greenery removed and no soil present, but does not include construction and demolition debris
yard waste	clean and untreated wood waste or non-food vegetative matter resulting from gardening operations, landscaping and land clearing; yard waste does not include wood waste derived from construction or demolition. Neither human or animal food waste that is diverted from residential, commercial or institutional sources, nor manure, is yard waste
whey ⁽¹⁾	the serum or watery part of milk that remains after the manufacture of cheese and quantities to be imported are less than 450 litres per year

⁽¹⁾ Definition modified from Schedule 12 of the Organic Matter Recycling Regulation (OMRR)

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SCHEDULE G

**TABLE 3
FEEDSTOCK PROCESSING
RESTRICTED ORGANIC MATTER**

In-vessel composting only and will require a Class 3 recycler licence.

Feedstock	Constituents of Feedstock
Class B food waste ⁽¹⁾	food waste which is not Class A food waste as prescribed on Table 1 of Schedule E of this bylaw and Table 2 of Schedule F of this bylaw, and includes recyclable food for humans that has been diverted from residential, commercial or institutional sources
fish wastes	fish carcasses and parts from harvested wild stocks, commercial aquaculture operations and fish processing facilities. This would include offal, viscera and mortalities from fish and shellfish. It would also include faeces captured from commercial aquaculture net pens
hatchery waste	broken or unhatched eggs, unhatched chicks, membranes, embryonic fluids and eggshell
milk processing waste	sludge or biomass from treatment of milk or fluid milk which has been diverted from human food consumption
poultry carcasses	carcasses of domestic fowls, such as chickens, turkeys, ducks or geese, raised for meat or eggs. This would include offal and viscera as well as mortalities from fowl which died from reported "Federally Reported Diseases."
sewage sludge ⁽²⁾	sewage sludge originating from sewage treatment plants
domestic septic tank sludge	sludge removed from a septic tank used for receiving, treating and settling domestic sewage
whey ⁽¹⁾	the serum or watery part of milk that remains after the manufacture of cheese and quantities to be imported are greater than 450 litres per year

⁽¹⁾ Definition modified from Schedule 12 of the Organic Matter Recycling Regulation (OMRR)

⁽²⁾ Addition to Schedule 12 of OMRR (can only be composted with written authorization from the Ministry of Water, Land and Air Protection)