Regional District of East Kootenay

ELK VALLEY SUBREGION WASTE MANAGEMENT REGULATORY BYLAW NO. 1573, 2001

This is a consolidation of the Elk Valley Subregion Waste Management Regulatory Bylaw and adopted Bylaw amendments. The amendments have been combined with the original Bylaw for convenience only. This consolidation is not a legal document.

May 8, 2026

BYLAW AMENDMENTS				
Bylaw No.	**Amend. No. / Yr.**	**Adopted**	**Short Citing**	**Description**
1743	1/04	May 7/04	Elk Valley Subregion Waste Management Regulatory Bylaw No. 1573, 2001 – Amendment Bylaw No. 1, 2004	Text amendment: Section 9.2(a)(i)
1982	2/07	May 4/07	Elk Valley Subregion Waste Management Regulatory Bylaw No. 1573, 2001 – Amendment Bylaw No. 2, 2007	Schedule A is repealed and replaced by new Schedule A
2054	3/07	Apr 4/08	Elk Valley Subregion Waste Management Regulatory Bylaw No. 1573, 2001 – Amendment Bylaw No. 3, 2008	Schedule A is repealed and replaced by new Schedule A
2089	4/08	Jun 6/08	Elk Valley Subregion Waste Management Regulatory Bylaw No. 1573, 2001 – Amendment Bylaw No. 4, 2008	Text amendments: Sections 3.1, 5.6, 5.7, and 5.22
2180	5/09	Sept 4/09	Elk Valley Subregion Waste Management Regulatory Bylaw No. 1573, 2001 – Amendment Bylaw No. 5, 2009	Schedule B is repealed and replaced by new Schedule B
2267	6/10	Sept 3/10	Elk Valley Subregion Waste Management Regulatory Bylaw No. 1573, 2001 – Amendment Bylaw No. 6, 2010	- Text amendments: Section 3.2 - Sections 8.3, 8.4, and 8.5 renumbered - Sections 8.3 and 8.5 added - Schedule D is repealed
2696	7/16	Nov 4/16	Elk Valley Subregion Waste Management Regulatory Bylaw No. 1573, 2001 – Amendment Bylaw No. 7, 2016	- Text amendments - Section 3.1 amended - Sections 4.1 and 5.2 replaced - Sections 5.12, 5.24, 8.6, and 9 repealed - Schedule A replaced - Schedule B and all references repealed
3464	8/26	May 8/26	Elk Valley Subregion Waste Management Regulatory Bylaw No. 1573, 2001 - Amendment Bylaw No. 8, 2026	Schedule A is repealed and replaced by new Schedule A

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REGIONAL DISTRICT OF EAST KOOTENAY

BYLAW NO. 1573

A bylaw to establish user fees and regulate disposal of solid and liquid wastes at the Elk Valley Subregion disposal sites.

WHEREAS by Bylaw No. 1415 the Board of the Regional District of East Kootenay established a local service for the management of waste in the Elk Valley Subregion including Electoral Area A, City of Fernie, District of Sparwood, and District of Elkford;

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AND WHEREAS it is deemed desirable to regulate the use of disposal sites operated by the RDEK within the Elk Valley Subregion Waste Management local service area, and to establish user fees for disposing of solid wastes;

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

1. TITLE

1.1 This Bylaw may be cited as “Regional District of East Kootenay – Elk Valley Subregion Waste Management Regulation Bylaw No. 1573, 2001”.

2. APPLICATION

2.1 This Bylaw shall apply to the Elk Valley Subregion. All or any part of this Bylaw may be applied at the discretion of the RDEK.

3. DEFINITIONS

3.1 In this Bylaw, unless the context otherwise requires:

Agricultural Waste means waste derived from farming or ranching sources.

Ashes means cinders and the remains of any fuel or other inflammable material, after such fuel has been consumed by fire, and are not hot at the time of disposition.

Biomedical Wastes means all chemical, pharmaceutical, "sharps" and other such waste generated by institutions such as hospitals, health units, medical and dental clinics, laboratories, animal clinics, etc.

Clean Fill means rock, soil or gravel from excavations or other sources, and other material designated as such by the RDEK or by the Manager.

Commercial Solid Waste means any waste produced by or originating from a trade or business premise. It includes waste produced by or originating from institutional or governmental offices, as well as waste produced by institutional administrative offices.

Commercial Solid Waste Collector means any person who provides a service of collection and disposal of ashes, solid waste and/or trade wastes for the purpose of gain or profit.

Corrugated Cardboard means containers or materials used in containers consisting of 3 or more layers of kraft paper material and having smooth exterior liners and a corrugated or rippled core, but excluding containers which are impregnated with blood, grease, oil, chemicals, food residue, wax; or have polyethylene, polystyrene, foil or other non-paper liners; or are contaminated with a material which will render the corrugated cardboard not marketable.

Covered Solid Waste means a load of waste secured or covered on the vehicle so that it cannot blow or fall off while in transit.

Derelict Vehicles means any motorized vehicle or equipment which is incapable of being used for the purposes for which it was intended and has been abandoned or discarded.

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Disposal Site means the Elkford transfer station, Sparwood transfer station, and Fernie transfer station.

Domestic Solid Waste means any waste produced by or originating from a dwelling unit or from one residential lot, including material resulting from minor landscaping operations or from the demolition of minor accessory buildings.

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Elk Valley Subregion means Electoral Area A, City of Fernie, District of Sparwood, and District of Elkford.

Hazardous Waste will have the meaning as it is defined in the *Environmental Management Act*.

Industrial Solid Waste means any waste produced by construction, industrial operations or processes and material generated by land clearing and building demolition or renovation operations.

Manager means the appointed officer of the RDEK or the manager's authorized agent.

Medical Health Officer means the Medical Health Officer or a Public Health Inspector employed by the Province of British Columbia and having authority within the Elk Valley Subregion.

Peace Officer shall have the same meaning as in the *Interpretation Act* being Chapter 238 of the Revised Statutes of British Columbia, 1996, and shall include a person or persons appointed from time to time by the Regional Board to enforce and administer this Bylaw.

Person means an individual, a corporate body, a partnership, association, or any other legal entity or an employee or agent thereof.

Pressurized Containers means any container which contains or has contained any pressurized liquid, gas or other material.

Recyclable Materials means those materials for which the RDEK has provided facilities to accommodate their removal from the solid waste stream for the purpose of reuse or recycling.

Regional Board means the Board of Directors, being the governing and executive body of the Regional District of East Kootenay.

RDEK means the Regional District of East Kootenay.

Site Operator means the RDEK, the contractor hired to operate the disposal site, or their designate.

Solid Waste includes but is not necessarily limited to food waste, market waste, combustibles such as paper, cardboard, plastics, leather, yard trimmings; non-combustibles such as metal cans, glass containers, crockery, dirt ashes from fire places and on-site incinerators, street sweepings; bulky waste such as furniture, appliances, ties, stumps; construction and demolition waste such as pipe, concrete, lumber, plastic, wire; all arising from domestic, commercial, institutional, and municipal activities. Refuse resulting from industrial operations is not included.

Uncontrolled Disposal Site means a disposal site where there is no attendant on duty.

Uncovered Solid Waste means an unsecured load of refuse, which could blow or fall off in transit.

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The following schedules are hereby made and declared to be integral parts of this Bylaw:

Schedule A Elk Valley Subregion User Fee Schedule for Solid Wastes
Schedule C Secured and Covered Load Policy

4. USER FEES

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4.1 There is hereby imposed and levied a user fee against solid waste arriving at a disposal site as specified on Schedule A to this Bylaw.

5. SITE REGULATIONS

5.1 No person shall deposit solid waste at a disposal site except in accordance with this Bylaw and any regulations posted at the disposal site.

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5.2 Solid waste originating outside the Elk Valley Subregion of the RDEK shall not be accepted at a disposal site without prior written permission of the RDEK.

5.3 No person shall dispose of solid waste at a disposal site nor enter a disposal site at any time other than the designated hours of operation, except by special arrangement with the RDEK.

5.4 No person shall start any fires at a disposal site unless authorized to do so by the Manager.

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5.5 No person other than the Site Operator shall remove or alter any sign placed or erected at a disposal site.

5.6 No person shall discharge any firearm at a disposal site unless there is a reasonable and immediate apprehension of danger to a person or property or authorized by the RDEK and Ministry of Environment.

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5.7 No person shall deposit at a disposal site, any substance considered a Hazardous Waste.

5.8 No person shall scavenge and/or remove deposited solid waste from a disposal site.

5.9 Children under 13 and pets are not permitted on a disposal site except when they are inside a vehicle.

5.10 No loitering is allowed on a disposal site. Vehicles must proceed directly to the dumping area and then leave the disposal site as soon as possible after unloading.

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5.11 No person shall place any explosive substance in any disposal site.

5.12 *Repealed*

5.13 No person shall leave any pressurized containers at any disposal site unless facilities are provided for receiving same.

5.14 Any person conveying or transporting solid waste in a truck, trailer or other means of conveyance shall make sure that such conveyance is equipped with solid sides and a tight cover so as to prevent any loss of material during conveyance to and within any disposal site. Disposal fees will be doubled for loads that are not securely covered. (See Schedule C for exemptions.)

5.15 No person shall dispose of derelict vehicles in any disposal site except where permitted by the RDEK and such material shall be placed in a location as directed by the Manager, the Site Operator, or signs.

5.16 No person shall dispose of any steel, tin or other metal objects such as stoves, fridges, washers, dryers, etc. in any disposal site except where directed by the Manager, the Site Operator, or signs.

5.17 No person shall dispose of any burnable materials such as building demolition materials, tree trunks and trimmings, or ashes in any disposal site except where directed by the Manager, the Site Operator, or signs.

5.18 No person shall dispose of any putrescible waste in any disposal site except in the area provided.

5.19 Every commercial solid waste collector who disposes, dumps or otherwise discards solid waste and other trade wastes in a disposal site shall:

(a) collect and dispose of all solid waste and trade waste in a manner satisfactory to the Medical Health Officer, and

(b) have all collection equipment accessible to the Medical Health Officer at all times.

5.20 No person shall dump any clean fill at any disposal site without first obtaining authorization from the RDEK and shall dump the clean fill in a location as directed by the Manager or the Site Operator.

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5.21 All persons within the boundaries of the Elk Valley Subregion are required to utilize the Elk Valley Subregion disposal sites established by the RDEK.

5.22 No person shall deposit in any disposal site lead-acid batteries, used motor oil or oil filters, any substances prohibited under the Ozone Depleting Substances Regulations (Province of British Columbia) or any substance considered a Hazardous Waste unless facilities are provided for receiving same.

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5.23 No commercial generator or hauler of solid waste shall deposit, or cause to be deposited, corrugated cardboard in any disposal site.

5.24 *Repealed*

6. CONDITIONS OF USE

6.1 The RDEK hereby authorizes the Site Operator to make such rules governing the use of the disposal site operated by the Site Operator or directions to users of the disposal site as are not inconsistent with this Bylaw and as are necessary or convenient for the efficient and lawful operation of the disposal site. All such rules must be approved by the Manager.

6.2 Every person depositing solid waste at a disposal site shall comply with and abide by all rules and directions of the Site Operator, whether such rules or directions are in the form of signs or verbal instructions.

6.3 Persons entering a disposal site do so at their own risk. The RDEK accepts no responsibility (liability) for damage and/or injury to persons or to property.

6.4 Anyone who contravenes these regulations and/or fails to comply with the directions of the Site Operator or with posted notices and signs on a disposal site may be refused (prohibited) entry onto a disposal site.

7. PROVISIONS

7.1 The Regional Board may, by resolution, establish the hours of operation of each disposal site. The disposal sites shall operate within posted hours.

7.2 The operation of the disposal sites established by the RDEK is under the direction and supervision of the Manager, and all material disposed of at the disposal sites shall be deposited there as directed by the Manager.

7.3 The Manager may direct the size of a vehicle and category of solid waste that may be delivered to the disposal sites.

8. GENERAL

8.1 The RDEK and/or agents are authorized to invoice for fees, administer the regulations, direct the placement of loads within the disposal site, limit the number of bulk load deliveries, and require advance notice of bulk load deliveries.

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8.2 The RDEK hereby establishes and imposes the charges set out in Schedule A to this Bylaw. Every person depositing at the disposal site material outlined in Schedule A to this Bylaw, shall pay to the RDEK the applicable charges.

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8.3 Any person wishing to be extended credit for the payment of charges as set out in Schedule A to this Bylaw apply using the form provided by the RDEK. The RDEK Chief Financial Officer or his designate shall have final approving authority on all credit applications.

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8.4 All invoices for the rates or charges established by Schedule A to this Bylaw shall be rendered monthly.

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8.5 The rates and charges imposed and payable under Schedule A to this Bylaw and which remain unpaid after the due date shall bear interest at a rate of 2% per month.

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8.6 *Repealed*

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8.7 The rates and charges imposed and payable under Schedule A to this Bylaw and which remain unpaid after the due date shall be a debt due to the RDEK and shall be recoverable by action in any Court of competent jurisdiction.

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9. *Repealed*

10. SEVERABILITY

10.1 If a Court of competent jurisdiction should declare a section or part of a section of this Bylaw to be invalid, such section shall not be construed as having persuaded or influenced the Regional Board to pass the remainder of this Bylaw and it is hereby declared that the remainder of this Bylaw shall be valid and shall remain in force and effect.

11. ENFORCEMENT/PENALTY

11.1 A Peace Officer or any person authorized by the Regional Board is hereby authorized to carry out an inspection to ascertain whether the regulations or provisions of this Bylaw are being obeyed, and further, such person is hereby authorized to file the necessary information to lay a charge in a Court of competent jurisdiction against a person in violation of any of the regulations or provisions of this Bylaw.

11.2 Every person who violates any of the regulations or provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention or in violation of any of the regulations or provisions of this Bylaw, who neglects to do or refrains from doing anything required to be done by any of the regulations or provisions of this Bylaw or who does any act which violates any of the regulations or provisions of this Bylaw, is guilty of an offense against this Bylaw and liable to the penalties hereby imposed. Each day that a violation continues to exist shall constitute a separate offense.

11.3 Every person who commits an offense against this Bylaw is liable to a fine and penalty of not more than $2,000.00 and not less than $500.00 for each offense, and in default of payment thereof, forthwith or within such time as the presiding Provincial Court Judge shall direct, the fine imposed shall be recoverable under the provisions of the *Offence Act* being Chapter 338 of the Revised Statutes of British Columbia, 1996.

11.4 The penalties imposed 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.

READ A FIRST TIME the 8th day of June, 2001.
READ A SECOND TIME the 8th day of June, 2001.
READ A THIRD TIME the 8th day of June, 2001.

ADOPTED the 5th day of July, 2002.

"Jim Ogilvie"	*"Lee-Ann Crane"*
CHAIR	MANAGER OF ADMINISTRATIVE SERVICES

SCHEDULE A TO BYLAW NO. 1573

BL 3464
May. 8/26

REGIONAL DISTRICT OF EAST KOOTENAY
TIPPING FEE SCHEDULE FOR SOLID WASTES

1. The following fees shall be charged for solid wastes delivered to the Elk Valley Disposal Sites.
2. These fees may also be imposed at any other Disposal Site established by the Regional Board.
3. All fees payable under this Bylaw must be paid prior to the deposit of the Solid Waste for which the fee is charged unless a credit account has been established with the RDEK.
4. The person paying a fee under this Bylaw shall obtain a receipt for such payment and shall produce such receipt for inspection on request of a person employed for that purpose at a Disposal Site as a condition of depositing Solid Waste at a Disposal Site.
5. There is no minimum general per unit charge on items subject to fees.

SOLID WASTE (Commercial & Domestic Refuse) excluding Controlled Waste

Municipal Solid Waste (regular household garbage)	NO CHARGE

CONTROLLED WASTE (Including Industrial Refuse)

Animal carcasses - livestock or big game	$25.00 each
Asbestos, dry or slurry	$100.00 per tonne
Biomedical Waste - treated only	$160.00 per load
Construction/Demolition Waste - mixed	$200.00 per tonne
Construction/Demolition Waste - originating from the clean-up of waste illegally left on public land (where metal and clean wood waste has been sorted for diversion from the Landfill, to the extent determined by the Manager)	NO CHARGE
Construction/Demolition Waste - originating from lands owned by member municipalities and the RDEK within the service area, where divertible materials have been sorted for diversion, to the extent determined by the Manager.	$100.00 per tonne
Food Processing Waste	$60.00 per tonne
Land Clearing Waste	$40.00 per tonne
Mattresses or Box Springs	NO CHARGE
Septic Sludge - where applicable	$10.00 per tonne
Soil - contaminated (not classified as special waste)	$100.00 per tonne
Soil - not contaminated	$40.00 per tonne
Steel Cables - must be on spool or cut to 1.2m lengths	$60.00 per tonne

RECYCLABLE MATERIALS

Asphalt - not contaminated	$40.00 per tonne
Asphalt Shingles (at designated Asphalt Shingle areas only)	NO CHARGE
Auto Batteries	NO CHARGE
Auto Hulk - including pick up trucks & vans - accepted at Sparwood Transfer Station only	$30.00 per unit
Chipped Green Wood Waste	NO CHARGE
Clean Wood Waste	NO CHARGE
Concrete - not contaminated	$40.00 per tonne
Mobile Home Hulk - accepted at Sparwood Transfer Station only	$30.00 per unit
Propane Cylinders - under 100 lbs.	NO CHARGE
Scrap Metal - excluding white goods	NO CHARGE
Tires: i) 17” or smaller	$8.00 per tire
ii) 17” or smaller with rim	$14.00 per tire
iii) 18” - 25”	$50.00 per tire
iv) 18” - 25” with rim	$56.00 per tire
v) larger than 25”	NOT ACCEPTED
Truck or Bus Hulk - accepted at Sparwood Transfer Station only	$30.00 per unit
White Goods - major appliances	NO CHARGE
White Goods - requiring freon removal	NO CHARGE
Yard or Garden Waste - under 6” diameter	NO CHARGE

CHARGES APPLICABLE TO ALL CATEGORIES

Loads containing banned recyclable materials	minimum $100.00 or **DOUBLE CHARGE**
Uncovered or Unsecured Loads (see Schedule C)	minimum $ 25.00 or **DOUBLE CHARGE**

SCHEDULE B TO BYLAW NO. 1573

BL 2696
Nov. 4/16

REPEALED

SCHEDULE C TO BYLAW NO. 1573

REGIONAL DISTRICT OF EAST KOOTENAY

SECURED AND COVERED LOAD POLICY

All loads of solid waste entering a disposal site, with the exception of those identified in this section, shall be secured and covered.

A cover shall be defined as a tarpauline or other overlay that is used to confine the load to the vehicle.

At designated disposal sites, the following items will be permitted without covers:

- Stumps – chained on flat bed or within the confines of a truck box.

- Gravel, rock – within the confines of a truck box (tailgates closed)

- Bulky waste
  - metal containers or manufactured items with a volume greater than 1.5m^3 (53 cubic feet/330 gallons) strapped on flat beds or within the confines of a truck box;
  - timbers greater than 2.5 metres in length.

SCHEDULE D TO BYLAW NO. 1573

BL 2267
Sept. 3/10

REPEALED