

THOMPSON-NICOLA REGIONAL DISTRICT

Solid Waste Management Plan Amendment Process
April 2023



Table of Contents

1. Introduction	4
2. Plan Amendment Process	5
Step 1: Screening	5
Step 2: Amendment Request Development	6
Step 3: Public Consultation.....	8
Step 4: Approval Process	10
3. Responsibility for Amendment Costs.....	11
Attachment "A"	12

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Thompson-Nicola Regional District

Solid Waste Management Amendment Process

1. Introduction

The TNRD recognizes that amendments to the Solid Waste Management Plan (the Plan) may be required prior to a scheduled update as recommended by the Ministry of Environment and Climate Change Strategy (ENV). The Plan is intended to be a “living document” as outlined in the *Guide to Solid Waste Management Planning*¹, that may be amended and updated to reflect new considerations, as required. The intent of this Plan amendment policy is to outline a process by which the Plan may be amended to provide guidance to the TNRD and proponents who are requesting a Plan amendment.

¹ Ministry of Environment and Climate Change Strategy (2016). “A Guide to Solid Waste Management Planning”, September 2016.

2. Plan Amendment Process

The Plan amendment process is divided into four major steps:

- Step 1 – Screening
- Step 2 – Amendment Request Development
- Step 3 – Public Consultation
- Step 4 – Approval Process

All proposed amendments must meet the requirements of each previous step to be considered for subsequent approval. The relationship between Steps 1, 2, 3, and 4 is shown in the attached flowchart. Specific steps for each part of the process are described herein.

Step 1: Screening

1-A) SCREENING MEETING

Proponents proposing a Plan amendment should schedule a meeting with TNRD staff to review their proposal, prior to investing significant time and effort in the compilation of a formal application. This will ensure that the TNRD has a good understanding of the proposal for efficiency throughout the process.

1-B) SCREENING LEVEL AMENDMENT REQUEST

A formal written screening level request is to be submitted to the TNRD General Manager of Operations following the Screening Meeting. This Screening Level Plan Amendment Request should, at a minimum include the following:

- The name and contact information for the proponent(s).
- The name, location and type of facility proposed if applicable.
- A description of proposed operations and/or services.
- A description of the possible environmental impacts associated with the operation, and the activities that will be undertaken to mitigate these impacts.

1-C) TNRD STAFF AND BOARD REVIEW

TNRD staff will review the Plan Amendment Request to identify any omissions and/or determine whether supplemental information is required. If supplemental information is required, the TNRD will request that information from the proponent prior to completing their review. Once complete and accurate information has been provided as per the requirements listed in Step 1B, staff will prepare a report to the TNRD Board of Directors (Board) of the receipt of an amendment request and will complete a screening level review of the request with the following considerations:

- Is the project located within Federal First Nation's Land? The TNRD does not have jurisdiction on Federal First Nation's Land and amendment is not required.
- Is the request something that is already included in Plan?
- Is the request considered to be within the Public's best interest?
- Is the request consistent with the objectives and targets of the Plan?

Based on the TNRD's internal review of the items listed above, a recommendation to the Board will be prepared on whether to proceed with the amendment process. The Board will base their decision on the above-listed considerations. If the Board directs staff to proceed with the amendment process, a Plan Amendment Advisory Committee will then be established as per Step 1D. If the Board directs staff not to proceed with the amendment process, the TNRD will provide a letter to the proponent outlining why an amendment is not being considered at that time.

1-D) ESTABLISH PLAN AMENDMENT ADVISORY COMMITTEE

In the event that the Board directs staff to proceed with the amendment process, the TNRD will establish a Plan Amendment Advisory Committee to meet specific amendment requirements based on the following considerations:

- The geography, demography and political organization of the Plan area.
- A balance between technical and non-technical interests.
- Continuity with the Plan Monitoring Advisory Committee, if possible, through the inclusion of members of that committee who have experience in the development of the Plan.

The Plan Amendment Advisory Committee members will be given a term of reference (ToR) for the Plan amendment so that they are clear about their roles and expectations.

Step 2: Amendment Request Development

2-A) PRELIMINARY APPLICATION PACKAGE

In this step, the proponent will prepare and submit a preliminary application package to the TNRD, which shall include the following items:

- Updated information from the screening level application package.
- A list of documents that will be provided in the final application package.
- A description of all community benefits of the proposed project including:
 - A detailed description of the project;
 - An inclusive, collaborative and accountable process for the development of a project toward achieving what will be outlined in the Plan amendment;
 - The specific benefits that a community will receive from a given development project, including any financial benefits.
- Outline how the Proponent intends to compensate for TNRD staff time and/or third-party consultant(s).
- The Consultation Plan, including the following considerations:
 - The consultation process should be inclusive of a wide range of interested parties (including member municipalities, First Nations, and the general public).
 - Interested parties are to be given ample notice of each of the consultation opportunities through a variety of notification methods.
 - The documentation presented throughout the consultation process provides sufficient information to enable the interested parties to determine how they may be affected.
 - Interested parties shall be provided with sufficient time to respond to documents.

- The proceedings and outcomes from the consultation process are well documented and made available for public review, so that interested parties are able to see how the amendment addresses their comments, concerns or issues.

The public consultation plan should describe actions, activities and timelines that will be employed to ensure that public consultation is sufficient. A consultation strategy for any First Nations in and adjacent to the Plan amendment area should be developed as part of the consultation process to outline an approach for sharing information and inviting participation. Refer to the *Guide to Solid Waste Management Planning* when designing a Consultation Plan.

The preliminary application package will be reviewed by the TNRD and Plan Amendment Advisory Committee to confirm that the information is sufficient for this stage of the Plan amendment process and in accordance with the *Guide to Solid Waste Management Planning* and ENV requirements. During this step, the TNRD may request revised documents and/or additional clarification and information from the proponent before proceeding to Step 2B.

2-B) FINAL APPLICATION PACKAGE PREPARATION

Once the preliminary application package has been prepared and updated as per comments from TNRD staff and Plan Amendment Advisory Committee, the proponent will prepare a final application package to the TNRD, which shall include the following items:

- Updated information from the screening level and preliminary application package.
- Demonstration of compliance with all applicable legal and regulatory requirements and any Federal or Provincial authorizations required to proceed (i.e., Environmental Assessment Certificate issued).
- Letter of approval from the municipality or the TNRD where the proposed operation will be located (if applicable), indicating that the applicant has complied with the required zoning, licensing or other municipal bylaws, and that the host municipality endorses in principle the establishment of the facility.
- Assessment of the project financial and administrative implications in accordance with the *Guide to Solid Waste Management Planning* (if applicable).
- A schedule for the installation or expansion of residual management capacity and for implementing plan strategies, including any phase out or closure timelines. Flexibility should be incorporated into this schedule so that the proponent may respond to changing technology or solid waste volume and character.
- The proponent will be expected to comply with all requirements stipulated by the ENV within the deadlines set for completion. The proponent will be required to submit documented evidence of completion for all requirements prior to the initiation of the next step in the amendment process. This can include but is not limited to:
 - Technical Assessment Report
 - Hydrology, Hydrogeology Characterization Report (HHCR), if applicable
 - Design, Operation and Closure Plan (DOCP), if applicable
 - Draft Operational Certificate (OC), if applicable
 - Additional environmental management plans or mitigation measures as requested by ENV or the TNRD.
 - Additional studies, reports, drawings and analyses as requested by ENV or the TNRD.
- Confirmation from ENV that the application package meets provincial regulation, information and technical requirements.

If a proponent fails to comply with the conditions in the time allowed by ENV, the proponent may:

- Request additional time for completion from ENV.

- Hold further discussions with ENV and the TNRD to resolve the outstanding issues.
- Cancel the application and inform ENV of the decision.

2-C) FINAL APPLICATION SUBMISSION

Once all of the information has been compiled by the proponent, the final application package will be submitted to the TNRD for review.

2-D) FINAL APPLICATION REVIEW AND BOARD DECISION

Following receipt of the documented evidence of satisfactory compliance with the ENV conditions, the TNRD, Plan Amendment Advisory Committee, and any 3rd Party that the TNRD deems appropriate will conduct a final review of the application. Once the conditions of the Final Application have been met and are satisfactory, the Plan Amendment Advisory Committee will consider a recommendation to the Board to proceed to the Public Consultation step. The Board will review the recommendation and either direct staff to proceed or not to proceed at that time. If staff are directed to proceed with the amendment process, the proponent will initiate the Public Consultation step. If staff are directed not to proceed, the TNRD will provide a letter to the proponent outlining any additional conditions that must be met prior to moving to Step 3 in the Plan amendment process. Alternatively, the TNRD may provide a letter to the proponent outlining why an amendment is not being considered at that time if the Board rejects the request.

Step 3: Public Consultation

3-A) INITIAL NOTIFICATION TO INTERESTED PARTIES

If the Plan Amendment Request passes the screening and preliminary application review, the proponent should send a letter to notify all interested parties of the proposed request and that the TNRD is considering an amendment to the Plan at this time. The TNRD should also publicize this notice in the local media and online.

The letter should include the following information:

- Contact information for the proponent.
- Preliminary information on why a Plan amendment is being considered by the TNRD.
- Any major directions set by the Board regarding the amendment request.
- Clarification that the TNRD's consideration is based on the items listed in Step 1C and not on environmental protection which is the responsibility of the ENV.

A list of interested parties should include but not be limited to the following:

- ENV Regional Director;
- Other provincial agencies, as applicable (e.g., local health board, ministries responsible for community services and aboriginal affairs);
- Any regional district that could be impacted by the Plan amendment;
- Member municipalities;
- First Nations within or adjacent to the project area;
- Owners of private waste management facilities and those responsible for materials management and storage (e.g., haulers, waste and recycling facility owners/operators, product stewardship producers and agencies, waste and recycling sector associations);
- Members of previous public and technical advisory committees (or existing Solid Waste Committee);

- Public and private commercial or institutional organizations that create large amounts of municipal solid waste or non-typical municipal solid waste (e.g., hospitals);
- Organizations with a known interest in waste management (e.g., local environmental organizations); and
- Other relevant community organizations (e.g., chambers of commerce).

3-B) PUBLIC CONSULTATION

Proponents shall proceed with their Public Consultation based on the TNRD reviewed Consultation Plan meeting the requirements listed in Step 2A.

3-C) PUBLIC CONSULTATION COMMENTS AND CONCERNS

Proponents shall respond to comments and concerns throughout the public consultation process. Records should be maintained of all comments provided by the public and all other interested parties, as well as the proponent's response to this input and rationale for decisions.

3-D) PUBLIC CONSULTATION REPORT SUBMISSION

Proponents will then submit the Public Consultation report to the TNRD. The TNRD and ENV will evaluate the consultation process documentation in the consultation summary report, which must be submitted to the Minister with the final draft Plan amendment. The TNRD and ENV require that the Consultation Summary Report includes the following, at a minimum:

- 1 A summary of the consultation process, with information on the Plan Amendment Advisory Committee, parties consulted, documents presented and the public notification process.
- 2 Copies of all newspaper advertisements, minutes of meetings held with stakeholders, public consultation and signed letters acknowledging notification from neighbours to the subject property.
- 3 All consultation report(s), showing how public consultation was used to influence the Plan amendment.
- 4 A summary of options considered for the Plan amendment and rationale for why each option is or is not being pursued, including the level of public support for each option.
- 5 A summary of the Plan amendment's potential impacts to neighbouring regional districts.
- 6 A summary of consultations with affected parties regarding any new bylaws, or amendments to bylaws, that will be required to implement the Plan amendment.
- 7 That the proceedings and outcomes from the consultation process have been well documented and made available for public review, so that interested parties (including the public) are able to see how the plan addresses their comments or issues.

For additional information regarding the Public Consultation process, please refer to the *Guide to Solid Waste Management Planning*.

3-E) CONSULTATION REPORT REVIEW AND BOARD DECISION

TNRD staff (and consultants) shall conduct internal and 3rd party reviews (if applicable) and prepare a report and recommendations to the Plan Amendment Advisory Committee, the committee will consider a recommendation to the Board on whether the Consultation Report is sufficient or requires additional information. At this time, the Board may choose to proceed to the next step in the amendment process, request additional information from the proponent, or reject the request. If additional information is requested or the amendment request is rejected, the TNRD may or may not, at its sole discretion, provide a letter to the proponent outlining the reasons for the Board decision.

Upon Board review and acceptance of the Consultation Report, the TNRD Corporate Officer will complete the certification form provided in Part D of the *Guide to Solid Waste Management Planning*. This provides ENV with a statement that the proponent has met public consultation requirements and objectives.

Step 4: Approval Process:

4-A) DRAFT AMENDMENT

Upon Board approval of the final application package and public consultation review, the Board will approve the proposed amendment in-principle and authorize staff to direct the proponent to create a draft amendment for review and approval by the TNRD. The draft amendment shall be written with three audiences in mind:

- The minister (and ENV) who reviews and approves the Plan amendment.
- The TNRD Board and staff, to provide them with direction for solid waste management in their region.
- The public and interested parties, so that they understand (and can provide input into) solid waste management.

This draft amendment shall also include the following:

- All documentation from the proponent application process.
- Documentation of the completion of required public consultation and review.
- A copy of the resolution of the Board, indicating in-principle approval of the amendment.
- Any other supporting information provided by the proponent in support of the application.

4-B) DRAFT AMENDMENT REVIEW

The completed draft of the plan will then be reviewed by the TNRD staff, the Plan Amendment Advisory Committee, and any 3rd Party that the TNRD deems appropriate, to confirm that the information is sufficient for this stage of the Plan amendment process and in accordance with the *Guide to Solid Waste Management Planning* and ENV requirements. During this step, the TNRD and/or Plan Amendment Advisory Committee may request revised documents and/or additional clarification and information from the proponent before proceeding to Step 4C.

4-C) AMENDMENT FINALIZATION

The draft amendment shall then be revised with input from the Draft Amendment Review to form a final draft amendment. The final draft amendment will then be reviewed by the TNRD staff, Plan Amendment Advisory Committee, and any 3rd Party that the TNRD deems appropriate to ensure that comments and questions provided to the proponent in Step 4B have been addressed. Once the conditions of the final draft amendment have been met and are satisfactory, the TNRD will prepare a report to the Board with a recommendation to proceed to Step 4D. The final draft of the Plan amendment will then be reviewed by the Board, ENV staff, and the public. At this time, the Board may choose to proceed to the next step in the amendment process, request additional information from the proponent, or reject the request. If additional information is requested or the amendment request is rejected, the TNRD may or may not, at its sole discretion, provide a letter to the proponent outlining the reasons for the Board decision.

4-D) AMENDMENT SUBMISSION

Once the final draft of the Plan amendment has been approved by the Board, TNRD staff will be directed to submit it to the Minister for review. The Minister may or may not approve the plan and if approved, the plan may or may not have conditions. When reviewing a Plan amendment, the Minister and staff may look at the following aspects:

- Does the Plan amendment meet all legislative requirements and policy intent?
- Has there been adequate public consultation during the development of the Plan amendment?
- What are the consultation outcomes and are there outstanding concerns?

- How does the Plan amendment help to meet the provincial waste management targets?

4-E) AMENDMENT ADOPTION AND NOTIFICATION

Once the Plan amendment is approved by the Minister, the Board will formally adopt the Plan and any conditions the Minister may include. The TNRD will then inform the following parties in writing of the approval of the amendment by the Minister and Board:

- ENV.
- The Ministry of Health.
- Any other regional district or government agencies deemed appropriate by the Regional District.
- The Council of the host municipality where applicable.
- The proponent.

The proponent will be required, within ten days of receipt of the notice of approval from the TNRD, to post a notice of the application approval in the most relevant newspapers covering the location of the facility, service or activity.

3. Responsibility for Amendment Costs

Where plan amendments are contemplated, the proponent requiring the plan amendment is responsible for the costs associated with amending the Plan, including but not limited to the following:

- TNRD staff time required to process the amendment.
- TNRD staff time required to undertake site visits, inspections or other visits with respect to the proposed facility.
- Engaging consultants in the review of the application to the TNRD to amend the plan, and/or to provide any information deemed necessary for the Board to make a decision with respect to the proposed amendment.
- Planning, conducting and reporting on any public consultation, media advertising or other notification which may be required by the TNRD or ENV in the process of amending the Plan.
- Any other costs required to complete the plan amendment process, as determined by the TNRD.

Attachment “A”:

TNRD Amendment Process Flow Chart

THOMPSON-NICOLA REGIONAL DISTRICT SOLID WASTE MANAGEMENT PLAN AMENDMENT PROCESS FLOW CHART

