

DATE: October 13, 2021

FILE: 5360-01

TO: Chair and Directors
Comox Strathcona Waste Management Board

Supported by Russell Dyson
Chief Administrative Officer

FROM: Russell Dyson
Chief Administrative Officer

R. Dyson

RE: Waste Receptacles in the Comox Strathcona Waste Management Service

Purpose

To clarify the current role of local governments and the Comox Strathcona Waste Management (CSWM) service with regards to garbage receptacles and garbage collection at select beaches, local parks and trail systems within the CSWM service area.

Recommendation from the Chief Administrative Officer:

THAT the Comox Strathcona Waste Management service not pursue the placement of waste bins at beach locations within the service area.

Executive Summary

At its June 17, 2021 board meeting, the CSWM Board passed the following resolution:

THAT staff investigate the possibility of placing garbage receptacles and garbage collection at popular beach locations in the CSWM service area.

Provisions for waste collection at select beach accesses, parks and trails:

- are generally functions of the respective municipality, regional district or the MOTI;
- are managed through parks departments, collected by contractors or public works staff;
- are not in line with 'pack in pack out' policies implemented by the regional districts and Provincial parks;
- have the potential to attract domestic and commercial waste;
- require consistent oversight and are time consuming and costly to manage.

The CSWM service's core function is to:

- manage over 65,000 tonnes of waste and recycled material annually at its two regional waste management centers and a range of transfer stations that service the CVRD and SRD;
- provide oversight of the multi-material recycling programs; and
- oversee a range of education programs to encourage region-wide waste reduction efforts and organics composting.

The solid waste function does not manage waste bins, nor the collection of waste within the CSWM service. Staff recommends against the placement of CSWM service waste bins at beach accesses as it has a high potential for illegally discarded waste due to lack of supervision, resulting in high costs to the CSWM service for the collection and disposal of these materials. Furthermore, the definition of

“popular beach access” is subjective and difficult to define, as such, by granting the placement of CSWM service waste bin at one location has the potential to spread across the entire service, thereby incurring substantive contractor costs.

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Background/Current Situation

In the Comox Valley Regional District (CVRD) waste receptacles at beach accesses, parks and trails are overseen by parks department staff through internal policies and procedures that assess need and appropriateness. At this time, the Strathcona Regional District (SRD) does not have a similar program for beach accesses. The physical collection of waste is often contracted out to community groups, local contractors or waste collection companies. Within municipalities, the management and collection of waste deposited in receptacles at beach accesses, parks and trails, is overseen by public works staff.

There is a predetermined set of criteria the parks departments use to assess the need or necessity for a receptacle at a beach access, park or trail system. This often includes: existing facilities, parking, access, frequency of use and potential for attracting vectors, domestic or commercial waste. There is a significant amount of oversight required where there are existing receptacles. The lack of adequate oversight results in customer complaints, vector issues and misuse or abuse of receptacles.

Beach accesses are generally Ministry of Transportation and Infrastructure (MoTI) Road Right of Ways (RRW) that provide access off a main road to the beach. Any land below the high tide line falls under the jurisdiction of the Province. Use of this land for recreational purposes, must take into account factors like parking, access, frequency. If warranted, an agreement between the Province and local government would be required to proceed further. For beach accesses in particular, there is no local government jurisdiction over the placement of receptacles without proper authorization in the form of a licence of occupation, permit or agreement for use. These types of agreements are currently managed through the parks departments, who would then review criteria to determine if placement of a receptacle would be appropriate.

Generally, garbage receptacles are located in larger Provincial Parks, where cooking amenities and comfort stations are also provided. Where there are no amenities or washroom facilities in place, there is no real need for a garbage receptacle and residents are encouraged to ‘pack in, pack out’ and take their waste home for disposal or proper recycling, with the goal of promotion of stewardship and preservation of land for all to enjoy. The disposable culture is entrenched in our society and something that needs rethinking (i.e. what we pack, how we pack and how we can better manage our waste). Improper disposal of waste is not only unsightly, it can become a hazard to other visitors and increase human-wildlife conflict.

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Policy Analysis

There are over 50 parks located within the SRD and 74 parks in the CVRD, not inclusive of the parks, trails and beach accesses. Furthermore, there are numerous Provincial parks and trails located within the CSWM service.

Parks, trails, beach accesses and recreation facilities are managed by regional district and municipal staff. It is the policy of parks and recreation departments to offer specific amenities at more popular local government parks, which typically does not include beach accesses.

The MoTI guiding policy with respect to beach access rights-of-way is the policy on use of rights of way that provide access to the water (T02/06), which states: “It is the goal of the ministry to accommodate public uses of these unique areas of right of way. Retention of the essential function of access to water and limiting costs and liability to the province are primary considerations”.

Options

The Board has the following options:

1. Decline the request for the placement of waste bins at popular beach locations and continue to encourage visitor to adhere to the “pack in, pack out” policy.
2. Approve the request for the placement of waste bins at popular beach locations and undertake a review of access points to determine costs, ability to secure licence of occupation, permit or agreement for use from MOTI and to report back to the board of findings.

Financial Factors

There are significant financial factors involved with the CSWM service assuming responsibility and management of waste receptacles and collection of waste at beach accesses, parks and trail systems within the CSWM service. If the service assumes responsibility of waste receptacles in one area, it sets precedent within the service area and the CSWM service would need to assume responsibility of all waste receptacles at beaches and parks within the area. This could potentially impact union agreements with member municipalities, who have public work staff that oversee this work.

There are cost savings to tax payers to keep the responsibility of servicing receptacles within the parks departments, as parks staff arrange for maintenance, general oversight and signage of existing beach accesses, parks and trail systems.

Legal Factors

The CVRD and SRD have no jurisdiction over RRW that provide access to the foreshore and therefore, no legal authority to address encroachments into the RRW. Beach accesses are owned by the province and under the jurisdiction of MoTI. If the CVRD or the SRD obtain a licence of occupation, permit or access for the purpose of waste disposal, the regional district would then

assume responsibility under the occupier's liability act to demonstrate a reasonable duty of care to ensure it is safe for public use.

As per section 75 (1) (c) of the *Land Title Act*, the primary purpose for which RRW to the foreshore are dedicated at time of subdivision is to provide public access to the water. It is important that regional districts only gets involved to facilitate that primary purpose (e.g. through signage and minor trail improvements). The rights-of-way will remain under the jurisdiction of MoTI.

Intergovernmental Factors

Beach assesses in particular are managed by the Provincial government. All land below the high tide line falls under the jurisdiction of the province. The CSWM service does not arrange for licenses of occupation, permits or access agreements for beach accesses. This work is completed by municipal or regional district parks departments.

Interdepartmental Involvement

In 2010, the CVRD Parks department commissioned a study with Morgan Consulting to inventory all beach accesses within Baynes Sound (Area 'A'), Lazo-North (Area 'B') and Puntledge-Black Creek (Area 'C'), identify current use, signage, encroachment and management issues. The resulting Beach Access Management Strategy report sets out a number of recommendations with respect to the management of beach accesses which is consistent with the recommendation.

Citizen/Public Relations

None at this time.