

**THE CORPORATION OF THE CITY OF PORT COQUITLAM
ENVIRONMENTAL PROTECTION COMMITTEE**

Wednesday, November 13, 1991

**Second Floor Meeting Room
2580 Shaughnessy Street, Port Coquitlam, BC**

5:00 p.m.

AGENDA

PERSONNEL IN ATTENDANCE:

- ITEM I: CONFIRMATION OF MINUTES OF PREVIOUS MEETING**
- ITEM II: COMMITTEE STRUCTURE & PROCEDURE
(Report from Deputy Engineer dated November 13, 1991)**
- ITEM III: RECYCLING - MULTI FAMILY - PROPOSED PROCEDURES
(Report from Deputy City Engineer dated November 11, 1991
and City Engineer dated Nvoember 6, 1991)**
- ITEM IV: SOIL REMOVAL/DEPOSIT BYLAW - CURRENT STATUS
(Report from Deputy City Engineer attached)**
- ITEM V: INTRAWEST - DELEGATION - NOVEMBER 20, 1991
(Report from Deputy City Engineer dated October 24/91)**
- ITEM VI: NEW BUSINESS**

THE CORPORATION OF THE CITY OF PORT COQUITLAM
ENVIRONMENTAL PROTECTION COMMITTEE
MINUTES

A meeting of the Environmental Protection Committee was held in the Second Floor Meeting Room, 2580 Shaughnessy Street, Port Coquitlam, Wednesday, November 13, 1991 at 5:00 p.m.

In attendance were:

Alderman M. Gates, Chairman
Alderman M. Gordon, Co-Chairman
C.F. (Kip) Gaudry, Deputy City Engineer
Andrew de Boer, Project Engineer (partial)

ITEM I: CONFIRMATION OF MINUTES

The Minutes of the Environmental Protection Committee Meeting held on Wednesday, October 23, 1991 were referred to the previous chairman for ratification and signature.

ITEM II: COMMITTEE STRUCTURE AND PROCEDURE

Committee considered a report from the Deputy City Engineer regarding the past procedure and structure set up for the Environmental Protection Committee. The Environmental Protection Committee will continue to meet every Wednesday at 5:00 p.m. if there are agenda items. The agenda packages will be prepared the day before and put in the Alderman's mailboxes.

Currently all reports dealing with financial implications from current or future budgets are sent to the City Engineer who presents them to Public Works Committee for their consideration. The chairman will discuss this with the Mayor to clarify the procedure and routing for reports with financial implications.

ITEM III: RECYCLING - MULTI-FAMILY - PROPOSED PROCEDURES

Committee considered a report from the Deputy City Engineer regarding multi-family recycling and the administrations proposed procedures for entering onto private property to collect the recycled goods. Committee felt that this was an extremely important topic and should be presented to Council on November 14, 1991. The November 8, 1991 is to be rewritten and available for distribution at the Committee meeting. The Deputy City Engineer is to contact the Mayor's office to have the item placed on the agenda.

Cont'd .../2

Committee also considered a report from the City Engineer to the Deputy City Engineer on recycling programs dated November 6, 1991. It noted that Mayor Traboulay had reviewed previous information on the recycling program and stressed that he was in favour of increased advertising an possibly purchasing additional recycling bags to encourage recycling. Committee asked that this be tabled until the budget discussions were concluded.

ITEM IV: SOIL REMOVAL/DEPOSIT BYLAW - CURRENT STATUS

Committee reviewed several background reports on the proposed soil deposit and removal bylaws as well as legal opinions from the City solicitor, Mr. Grant Anderson. Committee directed that a full straight forward report be written for presentation to Council on Saturday, November 16, 1991. The Chairman directed that the information be placed in their mailboxes by Friday, November 15, 1991.

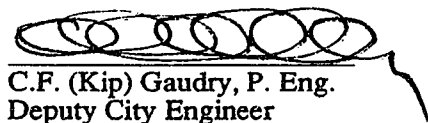
ITEM V: INTRAWEST - DELEGATION, NOVEMBER 20, 1991

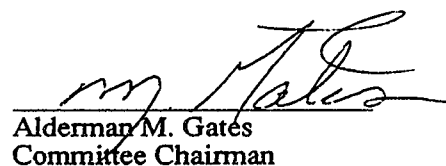
Committee reviewed previous reports on the Intrawest site and their request for a delegation to Committee. Committee was advise that the delegation has been confirmed for November 20, 1991 and Intrawest will probably be represented by their solicitor and engineer.

NEW BUSINESS:

No new business.

The Meeting Adjourned at 5:45 p.m.


C.F. (Kip) Gaudry, P. Eng.
Deputy City Engineer


Alderman M. Gates
Committee Chairman

CFG:ck

NOTE: Minutes not read and adopted by the Committee until certified correct by the Committee Chairman's signature.

cc: Mayor and Aldermen
City Administrator
Igor Zahynacz, P. Eng., City Engineer
Andrew de Boer, Project Engineer

THE CORPORATION OF THE
CITY OF PORT COQUITLAM

MEMORANDUM

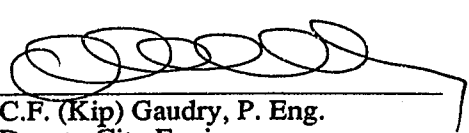
TO: Environmental Protection Committee DATE: November 13, 1991

FROM: C.F. (Kip) Gaudry, P. Eng.,
Deputy City Engineer

SUBJECT: **ENVIRONMENTAL PROTECTION COMMITTEE
STRUCTURE & PROCEDURE**

In the past year the Environmental Protection Committee has operated on the following basic procedure and structure:

- 1) Regular meeting: Every Wednesday at 5:00 p.m. - meetings dropped if no agenda items.
- 2) Reports All reports dealing with non-monetary issues were sent directly to Council from Committee over the staff signature.
- 3) Reports with Financial Implication All reports that had financial implications from current or future budgets were normally sent to the City Engineer who would present them to Public Works Committee for their consideration prior to going to Council.
- 4) Staff Member Only Committee meetings and special meetings at the request of the Chairman of the Committee.
- 5) Delegations Delegations were encouraged but normally no more than two per meeting. Delegations were always held at the beginning of the meeting and then invited to stay for the remainder of the agenda if they chose.
- 6) Project Engineer Andrew de Boer, Project Engineer with the Engineering Department often attended the meetings particularly dealing with Recycling issues since he is the main coordinator for the City.
- 7) Agenda Binders All agenda items are three-hole punched and produced in binders for each meeting. The material is then removed and the binders returned to the staff member for re-use at next meeting.


C.F. (Kip) Gaudry, P. Eng.
Deputy City Engineer

CFG:ck

THE CORPORATION OF THE
CITY OF PORT COQUITLAM

MEMORANDUM

TO: Environmental Protection Committee DATE: November 8, 1991

FROM: C.F. (Kip) Gaudry
Deputy City Engineer

SUBJECT: MULTI-FAMILY RECYCLING - PROPOSED PROCEDURES

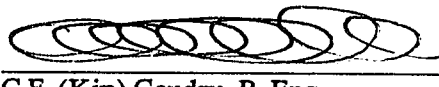
RECOMMENDATION:

That Committee recommend to Council that the attached procedures be used for bringing multi-family/strata units into the recycling program.

COMMENTS & BACKGROUND:

Currently, we are servicing all single family residences in the City with our recycling program. The next approved step is to include multi-family units in the program. Since the majority of these developments are strata title we have developed a procedure that will assist us in bringing the multi-family units into the recycling program.

The main point here is that the City vehicles will have to enter onto private property in order to collect the recycled goods. There is a liability associated with this procedure over and above that normally encountered by City vehicles in their day to day business. Even if the strata title corporation or private lot owner signs a waiver of liability the courts will hold that the City cannot contract away its legal liability responsibilities. Often the roads inside of strata titles are sub-standard when measured against current municipal specifications for a similar road way development. For this reason you will note that in the procedures we have listed some minimum specifications that must be met, but it should be pointed out that these do not conform to overall municipal specifications and were in fact developed on the basis that most of these developments already contain current roads.


C.F. (Kip) Gaudry, P. Eng.
Deputy City Engineer

CFG:ck

THE CORPORATION OF THE
CITY OF PORT COQUITLAM

MEMORANDUM

TO: Igor Zahynacz, P.Eng.
City Engineer

FROM: Andrew de Boer
Project Engineer

DATE: November 5, 1991

SUBJECT: Multi-family collection procedures within
Strata developments

The following presents a procedure for initiating the collection of recyclable materials from within Strata developments.

1. A representative of the Strata development meets a representative of the City on-site to determine the best location within the Strata for pick-up. The Strata must meet the guidelines listed below:
 - 1.1 Roadway within Strata must have a minimum 6 m pavement width.
 - 1.2 Strata must have a turn around location at the pick-up point. The turn-around can be a back-up on a tee intersection or a drive through loop.
 - 1.3 The road curves within the Strata must be of a sufficient radius of curvature to allow passage of a recycling truck with a 12.8 m turning radius.
 - 1.4 The access to the pick-up point shall have sufficient vertical clearance from overhead utility lines and horizontal clearance from trees, buildings and awnings to permit easy passage of the recycling trucks.
2. The Strata will be asked to fill out an application form which will indicate the contact person in the Strata. This person is responsible for collecting unacceptable materials left behind after the weekly pick-up.
3. The Strata will be asked to construct a sheltered enclosure at the pick-up location. Upon completion, a city representative will

revisit the Strata to inspect the suitability of the enclosure.

4. The Strata will be asked to fill out a waiver excluding the City of liability for damage to common property.
5. The Strata will be asked to produce a letter allowing City vehicles and drivers to enter the Strata property.
6. Upon completion of the required paper work the contact person for the Strata will be issued recycling starter kits and schedules. The contact person will then be given a date when collection will begin.

Andrew de Boer
Project Engineer

THE CORPORATION OF THE
CITY OF PORT COQUITLAM

MEMORANDUM

TO: C.F. (Kip) Gaudry, P.Eng.
Deputy City Engineer

DATE: November 6, 1991

Andrew de Boer, EIT
Project Engineer

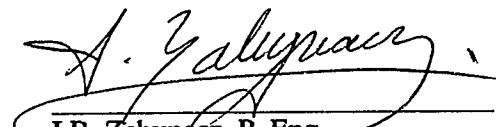
FROM: I.R. Zahynacz, P. Eng.
City Engineer

SUBJECT: Recycling Program

Mayor Trauboulay has reviewed the memo from Andrew to Kip on the Port Coquitlam recycling program dated November 4, 1991 and stated that he is in favour of options 2 & 3 in the report. Mayor Trauboulay is especially interested in more advertising, and even possibly purchasing additional recycling bags to encourage recycling.

I noted that Andrew de Boer may be arranging through Seaboard Advertising to utilize ten percent of the advertising space in the bus shelters in Port Coquitlam for promoting recycling.

Please add these comments to the presentation of the recycling program to the Environmental Protection Committee.


I.R. Zahynacz, P. Eng.
City Engineer

IRZ:gc

THE CORPORATION OF THE
CITY OF PORT COQUITLAM

MEMORANDUM

TO: Protective Services Committee
Public Works Committee
Parks & Recreation Committee
Planning Committee

DATE: October 23, 1991

FROM: Environmental Protection Committee
SUBJECT: **PROPOSED SOIL DEPOSIT BYLAW**

RECOMMENDATION:

- 1) That Schedule 'A' of the draft bylaw be adopted as the City's limits for the definition of contaminated soil (these limits are the same as used for the Pacific Place standards as issued by the Ministry of Environment).
- 2) That the permit fee as outlined in clause 14 of the proposed bylaw be amended to indicate a charge of \$0.10 per cubic metre for all materials deposited on lands in excess of 100 cubic metres per year with no maximum amount per lot.
- 3) That all materials deposited in Port Coquitlam under the jurisdiction of the proposed bylaw and originating from places outside of Port Coquitlam automatically be required to furnish proof that they are not contaminated according to schedule 'A'.
- 4) That the Soil Deposit Bylaw be expanded (or a new bylaw created) that would cover the removal of material from lots in a similar manner and form as the Soil Deposit Bylaw.
- 5) That the City use the proposed bylaw to prohibit the movement of any contaminated soils in or out of the City or between lots in the City where the contaminated materials have not been remediated to the standards as outlined in schedule 'A'.

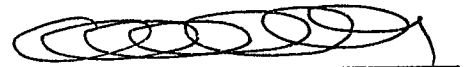
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BACKGROUND & COMMENTS:

The Environmental Protection Committee has been reviewing the proposed Soil Deposit Bylaw and have arrived at the above noted five recommendations. Attached to this report is the proposed bylaw and a summary of the bylaw with editorial comments as prepared by the Deputy City Engineer. In addition, also attached is the recent letter to Grant Anderson and his response. We are asking each Committee to review the bylaw and report as to any proposed changes and in particular how it might effect administrative staff in each of the jurisdictional areas.

Once all comments are received it is the Environmental Protection Committee's intention to recommend the bylaw to Council as soon as possible.

*I'll forward as soon as
I receive it.*



C.F. (Kip) Gaudry, P. Eng.
Deputy City Engineer

CFG:ck

DRAFT

THE CORPORATION OF THE CITY OF PORT COQUITLAM

BYLAW NO. _____

A. Bylaw to Regulate and Prohibit the Deposit
of Soil and Other Material on Land in the City.

The Municipal Council of The Corporation of the City of
Port Coquitlam, in open meeting assembled, enacts as follows:

Definitions

1. In this bylaw:

"Contaminated soil" means soil which:

- (a) contains any of the contaminants listed in Schedule "A"
to this bylaw in an amount greater than that set out in
Schedule "A" for the contaminant; or
- (b) creates a risk to the health of persons or animals.

"Deposit" includes the redirection or movement of soil from
one parcel to another and from one part of a parcel to another
part of the same parcel.

"City Engineer" means the City Engineer appointed by Council
and the Deputy City Engineer.

"Soil" includes earth, sand, gravel, rock, and other
substances of which land is composed.

Application

- 2. This bylaw applies to all land within the City of Port
Coquitlam except land designated as agricultural land reserve
pursuant to the Agricultural Land Commission Act. Section 4
of this bylaw applies within all land in the City, including
land in the agricultural land reserve.

Prohibitions

- 3. No person shall cause or permit the deposit of soil or other
materials on any land except in accordance with this bylaw and
except in strict compliance with the terms and conditions of
any permit issued pursuant to this bylaw.
- 4. No person shall cause or permit the deposit of contaminated
soil on any land.

5. No person shall cause or permit the deposit of construction, building or demolition waste including but not limited to bricks, masonry, concrete, asphalt or other rubble and plaster, gyproc, glass, tile or similar construction debris on any land.
6. No person shall deposit fill material other than soil on any land except:
 - (a) manure, composts, mulches or soil conditioners for agricultural, farming, horticulture, nursery or domestic gardening and landscaping purposes;
 - (b) wood chips, hog fuel, bark chips, shavings, trimmings, sawdust and other processed wood waste, to a maximum depth of 10 cm, for agricultural, horticultural, farming, nursery or domestic landscaping purposes;
 - (c) wood waste produced by a processing or manufacturing activity situated on the same parcel or an adjoining parcel.

Permit Exemptions

7. Provided that the deposit of soil is carried out in compliance with this bylaw, no permit for the deposit of soil is required:
 - (a) where the soil is used for construction, improvement, repair or maintenance of a highway;
 - (b) where the soil is used for the construction, improvement, repair or maintenance of public works undertaken by a government;
 - (c) where the soil is deposited and stored on land for the purpose of being used as an ingredient or component of material or a product processed or manufactured on the same parcel or on an adjoining parcel, and is so used within three months of the deposit;
 - (d) where the soil deposit is necessary in the construction of a building or structure authorized by a plumbing permit or a building permit issued by the City of Port Coquitlam, provided the plans approved for the plumbing permit or building permit disclose the deposit of the soil and the resulting elevations of the land in relation to the building or structure authorized; or
 - (e) where the volume of soil deposited on a parcel within any one year period does not exceed 50 cubic metres.

Permits

8. Except as exempted by section 7, any person who proposes to deposit soil on land shall first obtain a permit under this bylaw.
9. Every application for a permit to deposit soil shall be made by the owner of the land on which the soil is to be deposited, or by a person authorized in writing by the owner of the land.
10. All applications for a permit to deposit soil shall be in the form attached to this Bylaw as Schedule "B" and shall include:
 - (a) the legal description and civic address of the land which is the source of the soil to be deposited;
 - (b) the legal description and civic address of the land on which the soil is to be deposited (the "land");
 - (c) the name and address of the person applying for the permit;
 - (d) the name and address of the registered owner of the land;
 - (e) the exact location and depths where the deposit is proposed, defined by reference to any existing buildings, structures, improvements and parcel boundaries, all of which shall be shown on a dimensioned sketch plan;
 - (f) the composition and quantity of soil which is proposed to be deposited;
 - (g) the method proposed for deposit of the soil;
 - (h) the dates proposed for commencement and completion of the deposit;
 - (i) the proposed access to and from the land for vehicles carrying soil;
 - (j) measures proposed to prevent personal injury or property damage resulting from the deposit;
 - (k) measures proposed to control erosion, drainage and soil stability;
 - (l) reclamation measures proposed to stabilize, landscape and restore the land and soil after the deposit is completed;
 - (m) the location of all watercourses, waterworks, wells, ditches, drains, sewers, septic fields, catch basins,

culverts, manholes, rights-of-way, public utilities and public works on or within 30 metres of the boundaries of the parcel on which soil is to be deposited, and the measures proposed to protect them;

- (n) the proposed routes to be taken by vehicles transporting soil to the land;
 - (o) measures proposed to minimize or prevent tracking of soil onto City highways and measures for the cleaning of such highways abutting the parcel on which the soil is to be deposited; and
 - (p) copies of all certificates, permits and approvals as may be required by the Ministry of the Environment under the Water Act or the Waste Management Act or by any other authority having jurisdiction.
11. Where the amount of soil to be deposited exceeds 100 cubic metres, the application shall include a report certified by a professional engineer that the soil to be deposited is not contaminated soil.
12. Where the amount of soil to be deposited exceeds 200 cubic metres, the application shall include a survey plan with a one metre contour interval or a grid of spot elevations no more than 5 metres apart, prepared by a British Columbia Land Surveyor and showing:
- (a) the location of the proposed deposit of soil and the form and contour and elevations of the land surface before and after the deposit;
 - (b) the existing improvements, structures and buildings on the land;
 - (c) the methods of draining the land before, during and after the proposed deposit; and
 - (d) the location of all services and utilities on or under the land.
13. Where the amount of soil to be deposited exceeds 200 cubic metres and the location of the proposed deposit is on a flood plain designated pursuant to Section 969 of the Municipal Act or is on a slope any part of which exceeds 3:1 (run over rise), the application for a permit shall include plans and specifications prepared and certified by a professional engineer or registered landscape architect showing measures:
- (a) to stabilize, landscape, and restore the land and soil after the deposit, and

- (b) to protect any stream or drainage system that may be affected by the proposed deposit

and shall also include the assurances and undertakings of the engineer or landscape architect who prepared the plans and of the applicant for the permit in the form attached to this bylaw as Schedule "C".

14. Prior to issuance of a permit under this bylaw, the applicant shall pay to the City a permit fee of \$50.00 plus 10 cents for each cubic metre of soil to be deposited in excess of 100 cubic metres.
15. The City Engineer may refer any application for a permit to the Director of Planning, Director of Permits and Licences, other City staff members or consultants for advice and may require the applicant to provide better and more detailed information to supplement the application where good engineering practice so requires. Where further information is required by the City Engineer the application shall not be deemed to be complete until such information is provided.
16. Unless an application for a permit is complete, the City Engineer may refuse to review and process such application, and only where the City Engineer is satisfied that an application for a permit is complete and meets the requirements of this bylaw, shall a permit be issued.
17. Every permit issued shall be deemed to incorporate the plans, specifications, documents and information in the application as approved and compliance with the same shall be deemed to be terms and conditions of the permit. A permit shall be substantially in the form of Schedule "D" attached to this bylaw.
18. A permit issued under this bylaw shall be valid for a period of 6 months and may not be assigned.

Administration and Enforcement

19. This bylaw shall be administered by the City Engineer.
20. The City Engineer, the Bylaw Enforcement Officer and all City employees under their direction may at all reasonable hours enter upon any land or premises in the City to determine if the provisions of this bylaw are being met.
21. Upon written notice being given to a permit holder by the City Engineer or the Bylaw Enforcement Officer, of a breach of this bylaw or of the terms of a permit issued under this bylaw, all deposit of soil shall cease until the breach is remedied.

- Penalty

- ### Severability

- ## Schedules

- ### Citation

- APPROVED by the Minister of Municipal Affairs, Recreation and Culture this day of , 1991.

RECONSIDERED AND ADOPTED by the City Council of the Corporation of
the City of Port Coquitlam, this _____ day of _____, 1991.

Mayor

Clerk

THE CORPORATION OF THE CITY OF PORT COQUITLAM

"SOIL DEPOSIT REGULATION
BYLAW " "

SCHEDULE "A"

CONTAMINANTS

		<u>Maximum Levels</u>
1.	HEAVY METALS	mg/kg (ppm)
	arsenic (As)	30
	barium (Ba)	1000
	cadmium (Cd)	5
	chromium (Cr)	250
	cobalt (Co)	50
	copper (Cu)	100
	lead (Pb)	500
	mercury (Hg)	2
	molybdenum (Mo)	10
	nickel (Ni)	100
	selenium (Se)	3
	silver (Ag)	20
	tin (Sn)	50
	zinc (Zn)	500
2.	OTHER INORGANIC	
	bromide (free) (Br)	50
	cyanide (free) (Cn free)	10
	cyanide (total) (Cn total)	50
	fluoride (free) (F free)	400
	sulphur (S total)	1000
3.	MONOCYCLIC AROMATIC HYDROCARBONS (MAHs)	
	benzene	0.5
	ethylbenzene	5
	toluene	3
	chlorobenzene	1
	1,2-dichlorobenzene	1
	1,3-dichlorobenzene	1
	1,4-dichlorobenzene	1
	xylene	5
	styrene	5

4. PHENOLIC COMPOUNDS

nonchlorinated phenols (each)	1
chlorophenols (each)	0.5
chlorophenols (total)	1

5. POLYCYCLIC AROMATIC HYDROCARBONS (PAHs)

benzo (a) anthracene	1
1,2-benzanthracene 7,2-dimethyl	1
dibenzo (a,h) anthracene	1
chrysene	1
3-methylcholanthrene	1
benzo (b) fluroanthene	1
benzo (j) fluroanthene	1
benzo (k) fluroanthene	1
benzo (g,h,i) perylene	1
benzo (c) phenanthene	1
pyrene	10
benzo (a) pyrene	1
dibenzo (a,h) pyrene	1
dibenzo (a,i) pyrene	1
dibenzo (a,l) pyrene	1
indeno (1,2,3-cd) pyrene	1
acenaphtene	10
acenaphtylene	10
anthracene	10
fluroanthrene	10
flurene	10
naphthalene ³	5
phenanthrene ³	5
PAHs (total)	20

6. CHLORINATED HYDROCARBONS

aliphatic	
(each)	5
(total)	7
chlorobenzene	
(each)	2
(total)	4
hexachlorobenzene	2
polychlorinated biphenyls	5

7. PESTICIDES

pesticides (total)	1
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8. GROSS PARAMETERS

mineral oil and grease
light aliphatic hydrocarbons

1000
150

THE CORPORATION OF THE CITY OF PORT COQUITLAM

"SOIL DEPOSIT REGULATION
BYLAW NO. _____"

SCHEDULE "B"

Application for Soil/Deposit Permit No. _____

1. I _____ of _____
(full name) (address)
_____ hereby apply for a permit to deposit soil upon
(telephone)
the following property:
Address _____
Legal Description _____
2. The origin and source of the soil to be deposited is:
Address _____
Legal Description _____
3. The registered owner of property upon which the soil is to be
deposited is _____ of _____
(full name)

(address) (telephone)
4. If the applicant is not the registered owner of the property
on which the soil is to be deposited then the registered owner
by signing here authorizes the applicant to make this
application _____
signature of owner
5. The soil is being deposited for the following purpose:

6. The ground area upon which the soil is to be deposited is
_____ hectares.
The total volume of soil to be deposited is _____ cubic
metres.

7. Attached is a dimensioned sketch of the property on which the soil is to be deposited, showing all roads adjoining the property, the parcel boundaries of the property, all existing buildings, structures and other improvements, the location of water, sewer and other utilities as well as natural watercourses, ditches, drains, manholes, culverts, catch basins and other public works on or within 30 metres of the property, the location of wells and septic fields on the property and on any adjoining properties, and the exact location and depth of the soil to be deposited.
8. The composition and nature of the soil to be deposited is:
- _____
- _____
- _____.
9. The method of deposit will be _____
- _____
- _____.
10. The dates between which the soil will be deposited are _____ to _____.
11. Vehicles used for depositing the soil will only obtain access to the property from _____
- (name of street)
- as shown on the sketch plan provided pursuant to paragraph 7 of this application.
12. The proposed route to be used in and through the City of Port Coquitlam by vehicles delivering the soil to be deposited is _____
- _____
- _____.
13. The following safety measures to prevent personal injury or property damage to persons or property in or about property or on adjacent roads will be implemented: _____
- _____
- _____.
14. The soil will be deposited so as to cause no erosion, stability or drainage problems on the property or to

neighbouring properties and the following measures will be taken to achieve those objects: _____

_____.

(if insufficient space please attach a clearly marked schedule)

15. After the deposit of the soil on the property the following measures will be taken to stabilize, reclaim, landscape and restore the property: _____

_____.

(if insufficient space please attach a clearly marked schedule)

16. The following measures will be taken to prevent soil spillage and tracking onto the City's streets and roads, and to clean the same: _____

_____.

17. The following measures will be taken to protect and to keep clear and clean of all sediment, silt, leaching or other fouling or obstruction of wells, natural watercourses, septic fields, water works, sewers and other utilities, drains, ditches, culverts, catch basins and other public works: _____

_____.

(if insufficient space please attach a clearly marked schedule)

18. If the volume of soil to be deposited exceeds 100 cubic metres there is attached to this application a report certified by a professional engineer that the soil to be deposited is not contaminated.
19. If the volume of soil to be deposited exceeds 200 cubic metres there is attached a survey plan prepared by a British Columbia Land Surveyor of the property on which the soil is to be deposited showing a one metre contour interval or a grid of spot elevations no more than 5 metres apart on the parcel and indicating all the information required by S. 12 of Soil Deposit Regulation Bylaw No. _____.
20. Where the amount of the soil to be deposited exceeds 200 cubic metres and S. 13 of Soil Deposit Regulation Bylaw No. _____ applies, the required plans, specifications and letter of assurances and undertaking all duly signed and sealed are attached to this application.

I declare that the above information is correct, that it is my intention to deposit soil upon the property in accordance with the attached plans and specifications and information, that I am aware of the provisions of the City of Port Coquitlam Soil Deposit Regulation Bylaw No. _____ and that I will abide by all applicable provisions of the bylaw and such terms and conditions as form part of any Soil Deposit Permit issued pursuant to this Application.

Date _____

Signature of Applicant _____

Applicant's Name Printed _____

Received from _____ this ____ day of
(Applicant's name)

_____, 199__ the sum of \$_____ for Soil

Deposit Permit Application Fee.

Receipt No. _____

City Engineer

THE CORPORATION OF THE CITY OF PORT COQUITLAM
"SOIL DEPOSIT REGULATION BYLAW NO. _____"

SCHEDULE "C"

ASSURANCE OF GEOTECHNICAL DESIGN FOR
SOIL DEPOSIT AND COMMITMENT FOR FIELD REVIEW

Date (year, month, day)

City Engineer
City of Port Coquitlam
2580 Shaughnessy Street
Port Coquitlam, B.C.
V3C 2A8

Dear Sir:

Re: Application for Soil Deposit Permit
at _____
civic address

I, the undersigned registered professional engineer/landscape architect hereby give assurance that the design, location, quality, nature, depth, volume and configuration of the soil to be deposited and works to be constructed and undertaken in support of and in relation thereto all as shown on the plans and supporting documents prepared and signed by me and attached to this letter are consistent with sound reasonable engineering fill and soil deposit practice, and when and if carried out in conformance with such plans and specifications will not constitute any reasonably foreseeable risk or hazard to persons or property.

I undertake to conduct such supervision, testing and field review to ensure that the deposit of soil substantially complies with the plans, specification and supporting documents attached hereto.

I assure you that I have been given the authority by the owner of the lands on which the soil is to be deposited and by the applicant for the permit (if different from the owner) to stop, remove or redirect the deposit of soil as required in my judgment and as required to comply with the plans, specifications and supporting documents attached hereto.

I will notify you in writing immediately if my contract for field review, testing, or supervision is terminated or limited at any time before the completion of the deposit of soil and works described in the plans, specifications and supporting documents attached hereto.

(affix professional seal)

Signature

Print

Name

Address

Address

I, the applicant for the soil deposit permit for deposit of soil at the above address, acknowledge that I have read this letter and agree with its contents. I have also reviewed the plans, specifications and supporting documents attached to this letter and agree with them. I advise you that I have given _____

name of registered professional
the authority to conduct testing, field review and to supervise the deposit of the soil including the authority to stop the deposit of soil, remove soil or redirect it as set out in this letter. I acknowledge and understand that all authority and permission to deposit soil under any permit issued to me pursuant to any application will automatically cease and be suspended if the registered professional's services are terminated or limited and will not be re-instated until such time as another registered professional submits to you a signed and completed letter in this form.

Witness's Signature

Signature of Applicant for Permit

Print

Print

Name

Name

Address

Address

(Corporate Seal)

or The Corporate Seal of _____
was hereto affixed in the
presence of:

Authorized Signing Officer

Authorized Signing Officer

THE CORPORATION OF THE CITY OF PORT COQUITLAM
"SOIL DEPOSIT REGULATION BYLAW NO. _____"

SCHEDULE "D"

SOIL DEPOSIT PERMIT NO. _____

Pursuant to the "Port Coquitlam Soil Deposit Regulation Bylaw No. _____", permission is hereby granted to

(Name)

of _____
(address) (telephone)

to deposit _____ cubic metres of soil from/upon the

(address of property)

(legal description of property)

in accordance with the provisions of the City of Port Coquitlam "Soil Deposit Regulation Bylaw No. _____", Application No. _____ and the plans, specifications and other supporting documents filed therewith as approved, and initialled as approved by the permit holder, all which form a part of this Permit and constitute the terms and conditions of this Permit.

This permit is issued on the condition that the permit holder fully comply with all provisions of the Port Coquitlam "Soil Deposit Regulation Bylaw No. _____" and all terms and conditions of this Permit.

This Soil Deposit Permit is issued this ____ day of _____, 199__ and shall expire six months after the day of issuance.

City Engineer

GA/4214

THE CORPORATION OF THE
CITY OF PORT COQUITLAM

MEMORANDUM

TO: Environmental Protection Committee

DATE: October 23, 1991

FROM: C.F. (Kip) Gaudry, P. Eng.
Deputy City Engineer

SUBJECT: DRAFT SOIL DEPOSIT BYLAW

SUMMARY:

CONTAMINATED MATERIAL

- 1) No person can deposit 'contaminated material' on any lands - except as allowed after treatment to levels indicated as Schedule 'A'.

CONSTRUCTION DEBRIS

- 2) No construction debris can be deposited.
 - bricks, masonry, concrete, asphalt or other rubble.
 - plaster, gyproc, glass, tile or similar construction debris.

EXCEPTIONS

- 3) Exceptions - fill material can be:
 - a) manure, composts, mulches or sod and items for gardening & farming.
 - b) woodchips, hog fuel, sawdust up to 10cm (4 inches) for gardening, and farming and landscaping.
 - c) wood waste from processing or manufacturing situated on same lot or adjoining property.
- 4) **OTHER EXEMPTIONS:**
 - a) Highway repairs (Municipal/Provincial roads).
 - b) Public Works projects.
 - c) Stored as product of manufacturing process and used within three months.
 - d) Used for building approval by Plumbing or Building Permit and shown on plans.
 - e) Does not exceed 50 cubic metres per year.

5) **PERMIT**

- Will require all usual information on legal description of lot, name, address etc.
- State measures being incorporated to protect public and prevent damage.
- Routes for trucks.
- Copies of all pertinent permits.

6) **VOLUME**

- Less than 50 m³/year - no permit required.
- More than 100 m³/year - permit with report certifying soil not contaminated.
- More than 200 m³/year - permit plus soil certification plus survey plan of property showing contours.

7) **RATES**

- a) Initial permit fee - \$50.00
- b) Plus \$0.10/m in excess of 100 m³/year

8) **TIME**

Permit good for six months. Cannot be renewed - must be applied for over again.

9) **PROPOSED CHANGES**

- a) That subdivisions be exempt from fees but remain under regulations.
- b) That consideration be given to handling plumbing and building permits similar to "a" above.
- c) That this bylaw be revised to include soil removal.
- d) That contaminated soil be clearly controlled in and out of the City as well as within the City.





OUR FILE

THE CORPORATION OF THE CITY OF PORT COQUITLAM

2580 SHAUGHNESSY STREET
PORT COQUITLAM, B.C.
V3C 2A8

TELEPHONE: 944 - 5411
FAX: 944 - 5402

October 24, 1991

Lidstone, Young, Baker & Anderson
1414 - 808 Nelson Street
Box 12147, Nelson Square
Vancouver, B.C.
V6Z 2H2

Attention: Grant Anderson

Dear Sir:

RE: SOIL DEPOSIT BYLAW

The Environmental Protection Committee has had an opportunity to review the proposed Soil Deposit Bylaw and as a result have asked me to gain legal opinion on three major areas. These areas are as follows:

1. a) Can subdivisions be exempted from the fee but still be under the regulatory part of the Bylaw?
- b) Similarly should we handle building and plumbing permits in the same manner?
2. a) Could this bylaw be amended in such a manner as to also cover the aspect of soil removal? We do presume that it would then require the approval of the Ministry of Energy Mines and Resources prior to going to Municipal Affairs.
- b) Would it be your advice to look at it as a separate Bylaw?
3. a) It is the City's intention to prohibit the movement of any contaminated soils in or out of the City or between lots in the City. Does the Bylaw as it is currently written cover this aspect clearly? In our review to date we feel it may not be clearly outlined.

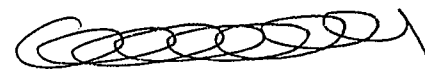
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- b) Does the City have the right under the Municipal Act to regulate the movement of soil within a single private property? If we do would it only cover contaminated soil or in fact all soil?

Council is very interested in proceeding with the Bylaw as soon as possible and therefore your earliest written comments would be greatly appreciated.

Yours truly,



C.F. (Kip) Gaudry, P. Eng.
Deputy City Engineer

CFG:ck

cc: Alderman Keryluk
Alderman Talbot
Bryan Kirk, City Administrator
Igor Zahynacz, P. Eng., City Engineer

LIDSTONE, YOUNG, ANDERSON
BARRISTERS & SOLICITORS

501 - 1803 Douglas Street
Victoria, B.C.
V8T 5C3
Telephone: (604) 383-2063
Telecopier: (604) 689-3444

1414 - 808 Nelson Street
Box 12147, Nelson Square
Vancouver, B.C. V6Z 2H2
Telephone: (604) 689-7400
Telecopier: (604) 689-3444

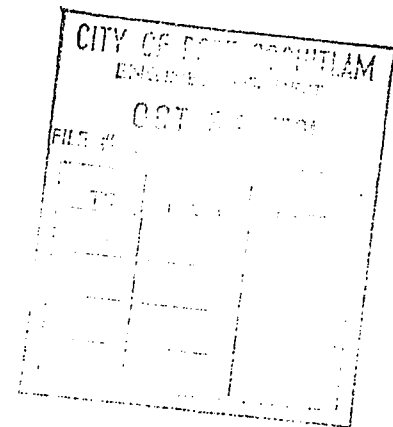
BY LEGAL ALTERNATIVE

October 29, 1991

✓ Mr. Kip Gaudry
Deputy City Engineer
City of Port Coquitlam
2580 Shaughnessy Street
Port Coquitlam, B.C.
V3C 2A8

Dear Kip:

**Re: Soil Deposit Bylaw
Our File No. 19-229**



Further to your letter of October 24, 1991, this letter sets out our opinion on the issues raised during your discussions with the Environmental Protection Committee.

I. Permit Fees

You have inquired whether soil deposits occurring in the course of subdivision development may be made subject to the regulations under the bylaw, without imposition of a permit fee. Subdividers would be required to obtain soil deposit permits, but would not be required to pay any fee.

Generally, the imposition of fees by a municipality must be strictly in accordance with the statutory provision empowering the fee: Kirkpatrick v. Maple Ridge [1986] 6 W.W.R. 97 (Supreme Court of Canada). In Kirkpatrick, a soil removal permit fee based on the volume of soil removed was disallowed because the legislation did not specifically authorize variable permit fees. At that time, Section 930(d) of the Municipal Act simply authorized municipal councils to require a permit and to "fix a fee for the permit".

In 1987, Section 930(2) was added to the Municipal Act to authorize variable fees. In 1989, Section 930 was replaced by Section 930.1.

Section 930.1(4)(a) of the Municipal Act empowers Council to require the holding of a permit for the removal of soil from any land in the municipality or in any area of the municipality. Section 930.1(4)(b) now empowers Council to:

- "(b) impose rates or levels of fees for a permit referred to in paragraph (a), that may vary according to the quantity of soil removed or the soil or the material deposited, and the rates or levels of fees may be different for different areas of the municipality".

Thus Council has express power to impose different fees for different areas and fees which vary in accordance with the amount of soil deposited or removed. Nothing specifically empowers Council to vary fees on the basis of other activity (such as subdivision) that may be associated with the soil removal.

It is virtually certain that the bylaw (or at least the portions of the bylaw imposing fees) will be vulnerable to attack if subdivision developers are exempted from fees while those carrying out identical activities in the absence of subdivision are required to pay substantial fees.

In Rempel Bros. Concrete Ltd. v. District of Mission (1989) 47 M.P.L.R. 71 (Supreme Court of B.C.), a bylaw which imposed a soil removal fee of \$0.35 per cubic metre but reduced the fee to \$1.00 per year if the soil was removed from Crown lands was struck down. McKenzie, J. quashed the bylaw on the basis that the Municipal Act does not authorize the District to differentiate between the owners of private lands and lessees of Crown lands in setting soil removal fees.

In Cannon Contracting Ltd. v. District of Mission (Supreme Court of B.C., Vancouver No. A901702, November 30, 1990) it was held that Section 930.1 does not authorize permit fees which vary between different businesses. A bylaw provision exempting subdividers, builders and persons removing less than 200 cubic metres of soil from bylaw regulation and permit fees was held to invalidate all fees imposed under the bylaw.

You have also inquired whether soil deposits occurring during the course of construction authorized by a building permit or plumbing permit could be made subject to a soil deposit permit requirement, without imposition of a fee. At present, Section 7(d) of the draft Soil Deposit Bylaw exempts soil deposits from regulation and from the permit requirement where deposits are necessary for the construction of a building or structure. Generally, the power to regulate a matter includes a power of partial regulation and to create exemptions from the regulations, although the decision in Cannon Construction apparently disregards that principle. We comment further on this issue below.

Once again, a bylaw which regulates soil deposits during construction but exempts such deposits from the permit fee requirement is vulnerable to attack on the basis that Section 930.1 does not authorize such a distinction. If a permit is required for soil deposits occurring in the course of building construction, we recommend that the standard fee be imposed for the permit. We recommend against fees which vary on any basis other than by area or on the quantity of soil deposited or removed.

II. Soil Removal

The bylaw could be amended to regulate or prohibit soil removal as well as soil deposits. Under Section 930.1(3) of the Municipal Act a bylaw which prohibits the removal of soil must be approved by the Minister of Municipal Affairs and the Minister of Energy, Mines and Petroleum Resources. A bylaw which regulates soil removal does not require the approval of either Minister. However, a bylaw which imposes a permit fee for deposit or removal does require the approval of the Minister of Municipal Affairs, under Section 930.1(5).

You have asked for our recommendation whether a bylaw to regulate or prohibit soil removal should be enacted separately from the proposed soil deposit bylaw. Although soil deposit and soil removal regulations may be enacted in the same bylaw, there are two reasons to enact separate bylaws:

1. Soil removal bylaws which impose a fee for the removal of soil are very prone to attacks by companies in the sand and gravel business.
2. If a soil removal bylaw includes a prohibition of removal, the requirement for approval by the Minister of Energy, Mines and Petroleum Resources may delay enactment of the bylaw.

III. Soil Removal Bylaw Cases

As requested, following is a brief summary of cases involving attacks on soil removal bylaws. To date, there are no reported cases involving attempts to quash soil deposit bylaws although in the Chilliwack case discussed below the bylaw was a combination soil deposit and removal bylaw.

In Coquitlam v. Lafarge Concrete [1973] 1 W.W.R. 681 (B.C. Court of Appeal) the imposition of a \$0.15 fee per cubic yard of material extracted was attacked as beyond provincial and municipal authority, as being "indirect taxation" ultimately paid by gravel consumers and not by the contractor who removes the gravel. Such taxation is within the sole jurisdiction of the federal government. However, the Court held that volumetric fees are valid if the substance of the bylaw is the regulation of soil extraction and the fees are incidental to that purpose. The constitutional issue of indirect taxation continues to be raised in cases now in progress.

In C.R. Aggregate Sales v. Squamish (1983) 49 B.C.L.R. 196 (B.C. Court of Appeal) the Court again upheld volumetric fees on a constitutional basis. The Court also held that soil removal bylaws are applicable to the lessees of Crown land.

In Kirkpatrick v. Maple Ridge [1986] 6 W.W.R. 97 (Supreme Court of Canada) the Court declined to rule on the constitutional taxation issue but gave a strict interpretation to the

former Section 930(d) of the Municipal Act, holding that it only authorized a flat fee for a permit and not a fee which could vary on a volumetric basis.

As noted, in 1987 the Legislature added Section 930(2) to the Act, to specifically authorize volumetric fees. However, in Allard Contractors Ltd. v. Coquitlam (No. 1) (1988) 40 M.P.L.R. 96 (Supreme Court of B.C.) Section 930, as amended, was held to authorize a flat permit fee under Section 930(1) and a separate and distinct fee under Section 930(2) for each unit of material removed. A "variable permit fee" was held not to be authorized and the bylaw was set aside.

Coquitlam then amended its bylaw to impose separate permit fees and removal fees and the bylaw was upheld in Allard Contractors Ltd. v. Coquitlam (No. 2) (1989) 35 B.C.L.R. (2d) 386 (Supreme Court of B.C.). The new bylaw fixed a flat \$100.00 permit fee and a "removal charge" of \$0.26 per cubic metre and was held to be authorized by Section 930(2) and within the constitutional authority of the Province.

In Thornhill Aggregates v. Maple Ridge (Supreme Court of B.C., Vancouver No. A882943, June 27, 1990) an attempt was made to reopen the Allard litigation on new arguments concerning "discriminatory distinctions without statutory authorization" in the bylaw, but the petition was dismissed. However, in November, 1990, Shaw J. in Cannon Construction accepted the argument that a municipal council cannot discriminate between businesses in imposing permit fees.

As noted, in Rempel Bros. v. Mission a bylaw which differentiated between Crown lessees and private owners was set aside. The bylaw also levied a soil removal permit fee of \$100.00 per year but waived the fee if less than 200 cubic metres was removed. Concerning the exemption from permit fees for persons removing less than 200 cubic metres McKenzie, J. held:

"I am not prepared to invalidate Section 3(c) ... which exempts from the necessity of obtaining a soil removal permit those removing 200 cubic metres or less for other than commercial purposes. Such persons escape the fixed fee of \$100.00 imposed by Section 7(b). It would in my opinion be unconscionable to compel those persons to pay a fee which is obviously set at a commercial scale."

The decision in Rempel Bros. v. Mission, while applying the principle that only discrimination authorized by statute may be employed in establishing permit fees, illustrates the courts' traditional willingness to permit partial exercise of municipal regulatory powers and to allow exemptions from bylaw regulations and permit fees.

However, in Rempel Bros. Concrete Ltd. v. District of Chilliwack (Supreme Court of B.C., Vancouver No. A901482, February 19, 1991) the Chilliwack soil removal/soil deposit bylaw was struck down, partly on the basis that its permit exemptions (including exemptions for building construction, landscaping, removal of less than 300 cubic metres annually, highway construction and farming) were discriminatory. Counsel for Chilliwack did not argue that the exemptions in the Chilliwack Bylaw could be distinguished from the Crown land exemption in the Rempel Bros. v. Mission decision.

We understand that the Supreme Court of B.C. decisions in Allard Contractors v. Coquitlam (No. 1), Rempel Bros. v. Mission, Cannon Contracting v. Mission and Rempel Bros. v. Chilliwack are all under appeal and will be heard together by the Court of Appeal in the near future. However, it is unlikely that the Court of Appeal will rule on the matter before the spring of 1992.

The situation may be summarized as follows:

1. There has been a great deal of litigation concerning soil removal permit fees. Further litigation is likely. If Council is primarily concerned with contaminated soil, consideration should be given to a separate contaminated soil bylaw with no exemptions or no permit fees.
2. The initial attacks on soil removal bylaws focused on whether municipalities are authorized to levy variable permit fees. Since Section 930.1 was enacted in 1989 to clearly provide for such fees, it is likely that the litigation will likely now focus on the constitutional argument and the "discrimination" argument. The constitutional argument is likely inapplicable to soil deposit fees as such fees are payable directly by the person depositing the soil.
3. The discrimination argument will have an impact on soil deposit bylaws. To the extent soil deposit bylaws create exemptions and different rules for different owners or different activities, they will become vulnerable to attack if Cannon Contracting and the Rempel Bros. cases are upheld on appeal. While the Court of Appeal will hopefully confirm that a power to regulate includes some flexibility to establish different regulations for different circumstances, the validity of permit exemptions and varying regulations is now uncertain.

IV. Relocation of Soil Within Parcels

You have inquired whether Council has authority to regulate the movement of soil within a parcel of land. Section 930.1(2) of the Municipal Act empowers Council to regulate or prohibit the removal of soil from, and the deposit of soil on, "any land within the municipality or in any area of the municipality". The definitions of "land" in Section 1 of the Municipal Act and Section 29 of the Interpretation Act refer to land generally. "Parcel" is separately defined in Section 1 of the Municipal Act and if the Legislature intended to restrict Council's power to regulation of the relocation of soil between "parcels" it could have done so easily.

In our view, Section 930.1 does empower Council to regulate the deposit of soil on land even though that soil originates from another portion of the same parcel.

No distinction is drawn in Section 930.1 between contaminated soil and other soil and assuming that Council has the power to differentiate between contaminated soil and other soil, any regulations concerning movement of soil within parcels could be limited to contaminated soil only.

V. Movement of Soil Into the City

Finally, you have inquired whether the draft Bylaw adequately carries out Council's intention to prohibit the movement of any contaminated soils in or out of the City, or between lots in the City.

Section 4 of the Bylaw states:

- "4. No person shall cause or permit the deposit of any contaminated soil on any land."

Section 2 of the Bylaw confirms that Section 4 applies to all land in the City, including land in the Agricultural Land Reserve.

Although Section 4 should be sufficient to carry out Council's intent, for additional certainty the prohibition could be worded as follows:

- "4. No person shall cause or permit the deposit of contaminated soil on any land in the City and without limitation, no person shall:
- (a) move contaminated soil into or out of the City; or
 - (b) remove contaminated soil from land in the City and deposit it elsewhere on the same parcel of land."

Given the complexity of the case law on soil deposit and removal bylaws and the variety of amendments which may arise following further discussion with the Committee, perhaps we should meet to review the content of the bylaw prior to a draft being submitted to Council.

Sincerely,

LIDSTONE, YOUNG, ANDERSON

Grant Anderson

Grant Anderson

GA/4523

cc: Mr. Bryan Kirk, Administrator
cc: Mr. Igor Zahynacz, City Engineer

THE CORPORATION OF THE
CITY OF PORT COQUITLAM

MEMORANDUM

TO: Environmental Protection Committee DATE: October 24, 1991

FROM: C.F. (Kip) Gaudry, P. Eng.
Deputy City Engineer

SUBJECT: INTRAWEST SITE - SHAUGHNESSY AND LOUGHEED

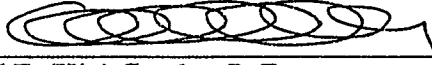
RECOMMENDATION:

That Committee recommend that Council formally advise the owners of the Intrawest Site at Shaughnessy and Lougheed that we are not supportive of any further subdivision or development of the properties in question until all contamination and remediation have been satisfactorily addressed.

BACKGROUND & COMMENTS:

As reported to the Environmental Protection Committee July 30, 1991, Igor Zahynacz and I met with Glen Sigurdson and Danny Zadak of Intrawest Ltd. to discuss the contamination and proposed remediation plans for their property at Shaughnessy and Lougheed. A copy of this report is attached and is self explanatory.

We promised in our meeting that we would approach at least the Environmental Protection Committee for their comments regarding this particular development and it is the purpose of this report to recommend that Committee consider asking Council to endorse a resolution that the remediation plan must be fully and satisfactorily in place before any further development or subdivision takes place.


C.F. (Kip) Gaudry, P. Eng.
Deputy City Engineer

CFG:ck

cc: Bryan Kirk, City Administrator
Igor Zahynacz, P. Eng., City Engineer

THE CORPORATION OF THE
CITY OF PORT COQUITLAM

IN COMMITTEE

MEMORANDUM

TO: B.R. Kirk
City Administrator

DATE: August 2, 1991

FROM: C.F. Gaudry, P. Eng.,
Deputy City Engineer

SUBJECT: Intrawest Site
(Environmental Protection Committee Meeting, July 31, 1991)


Recommendation:

For information

Background and Comments:

The Environmental Protection Committee dealt with the attached report from the Deputy City Engineer on July 31, 1991 at its regular meeting. As an update to the report, the City Engineering Department has now received a three volume report in excess of 400 pages in length. It is available in the Engineering Office for any who would like to review the contents. It will be read, evaluated, and summarized to report form by the Engineering Department by September.

While the Environmental Protection Committee continues to monitor and deal with the matter, they felt it important that Mayor and Council be apprised of the latest developments and information that is available.

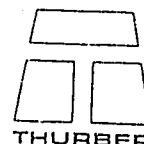

C.F. (Kip) Gaudry, P. Eng.
Deputy City Engineer

CFG:gc

cc: I.R. Zahynacz, P. Eng., City Engineer

THURBER ENVIRONMENTAL
CONSULTANTS LTD.

CITY OF PORT COQUITLAM
ENGINEERING DEPT.
JUL 31 1991



	IZ July 31
KG	
AD	

July 31, 1991

File: 19-483-21

Intrawest Development Corporation
6th Floor, 1111 West Hastings Street
Vancouver, B.C.
V6E 2J3

Attention: Mr. Bob Mason
Vice President


HOME CENTRE REMEDIAL INVESTIGATION
FINAL REPORT

Dear Sirs:

We are pleased to present our final report on the nature and extent of contamination at the Home Centre. Because of the size of the document, we have had 15 copies printed and professionally bound. Five copies have been distributed as indicated. We will hold the remainder and will distribute them as directed.

In the interim, should you have any questions or wish to discuss our report, please contact us at your convenience.

Yours very truly,
Thurber Environmental Consultants Ltd.
Colin T. Maber
Review Principal


Joseph G. Alesi
Senior Environmental Consultant

JGA/v

Enclosure

c.c. G.A. Sigurdson, Taylor MacCaffery Chapman Sigurdson
Igor Zahynacz, P.Eng., Municipal Engineer, City of Port
Coquitlam
B.K. Martin, Director, Commercial Projects, CP Rail
John Wiens, Ph.D., Head Contaminated Sites Unit, MoE
Louise Ouellet, P.Eng., Environmental Safety Program, MoE
Robert Shephard, P.Eng., Environment Canada, Conserva-
tion and Protection, Pacific and Yukon Region

THE CORPORATION OF THE
CITY OF PORT COQUITLAM

MEMORANDUM

TO: Environmental Protection Committee

DATE: July 30, 1991

FROM: C.F. (Kip) Gaudry, P. Eng.
Deputy City Engineer

SUBJECT: Intrawest Site

Recommendation:

For Information

Background & Comments:

Igor Zahynacz and I met with Glen Sigurdson and Denny Zadak of Intrawest Ltd. to discuss the site remediation of their property at Shaughnessy and Lougheed. Currently, the land is one large fee simple lot and they originally had proposed to separate into three major lots and develop each independantly. When it was discovered that portions of the site were contaminated, the entire subdivision process came to a halt. They have now reapproached us to see whether we would consider subdividing the uncontaminated area from the contaminated area, and allowing at least partial development to go ahead.

We did not have the benefit of the actual soils report and proposed remediation plan at the meeting. The gentlemen suggested that it would be coming shortly, as it was just coming off the press this day.

I pointed out the following items:

- That I would not recommend that the land be subdivided since the contaminated site would be isolated into its own parcel of land with fee simple ownership, and developers could simply walk away from the land leaving an orphaned site for the City to pick up the remediation costs on.
- That it was premature to make comments on the soils report remediation plan, since we had not seen it.
- That we have asked that the City has asked the Ministry of Environment for the opportunity to comment on any proposed remediation plan from the Intrawest site or the CN landsite.
- That the material classified as special waste cannot leave the actual site before it is remediated without a special series of permits obtained from the Federal and Provincial Governments.

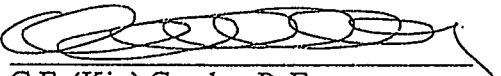
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Report to EPC Cont'd...

- That the City would definitely want to know the amount of contamination on CP lands before any decision was made on the Intrawest lands since the two are closely tied together and it is virtually impossible to deal with one without the other.

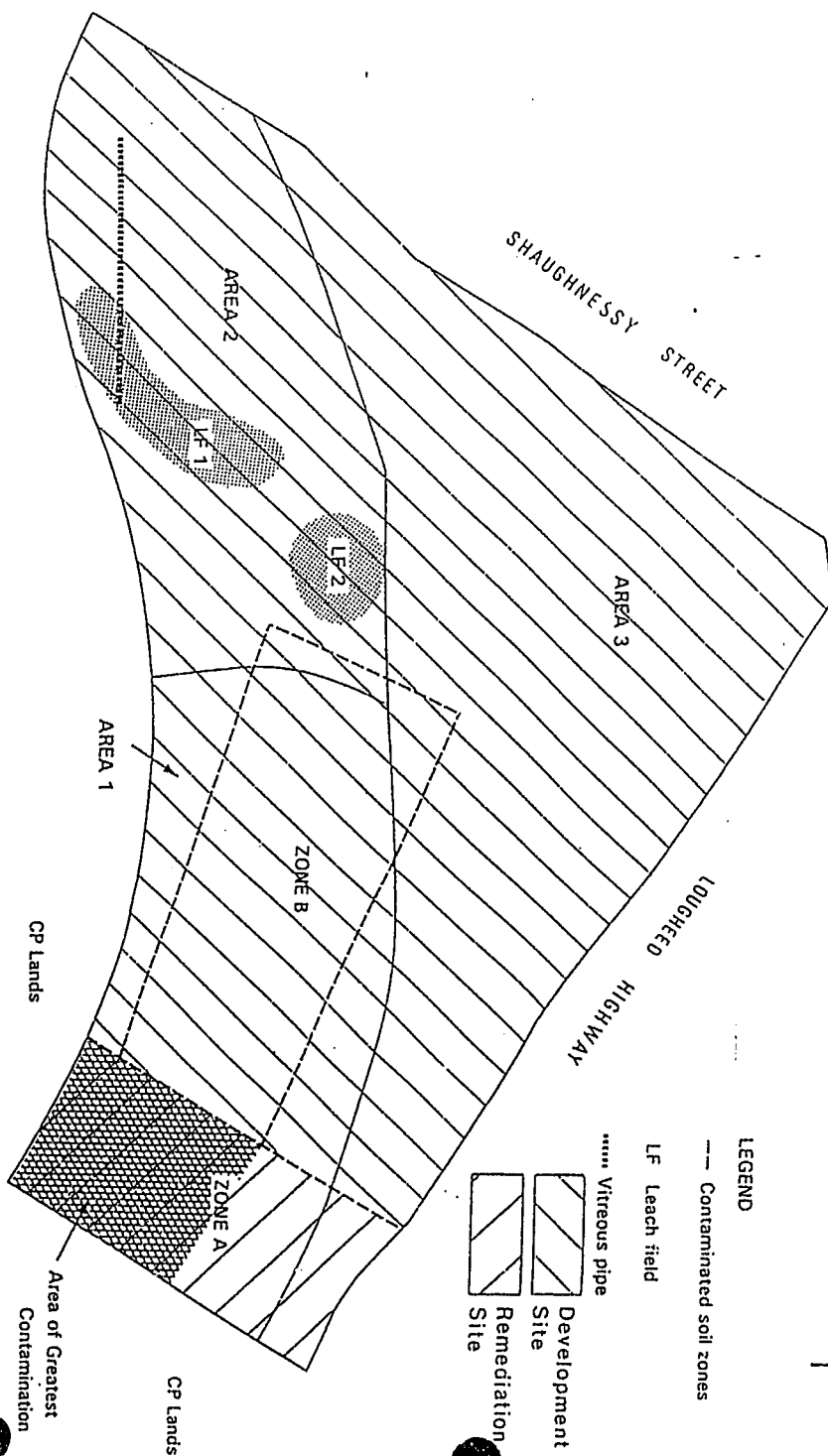
Igor Zahynacz also pointed out that the entire subject of liability would have to be dealt with and agreed to prior to any agreement from the Municipality.

We also suggested that as an ongoing process the City would attend any meetings and information sessions upcoming on the subject of the contamination of these lands.



C.F. (Kip) Gaudry, P. Eng.
Deputy City Engineer

CFG:gc



THE CORPORATION OF THE
CITY OF PORT COQUITLAM

MEMORANDUM

TO: B.R. Kirk
Administrator

DATE: November 18, 1991

FROM: I.R. Zahynacz, P. Eng.
City Engineer

SUBJECT: Multi-Family Recycling Program Options

Recommendation:

That Council approve the expansion of the City Recycling Program to multi-family developments provided that the owner/Strata Council meet the following requirements:

1. That the owner/Strata Council agree to the attached waiver for entering private property.
2. That the owner/Strata Council assume responsibility for upgrading and maintaining the internal private roads to minimum standards as approved by the Engineering Department with respect to road width, truck turn around areas, snow clearing, and road maintenance.
3. That one person be appointed by the owner/Strata Council as a contact person for recycling.

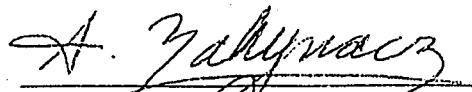
Background & Comments:

Attached correspondence:

1. Waiver Agreement.
2. Memo from Project Engineer to City Engineer dated October 29, 1991 regarding multi family recycling.
3. Memo from the Deputy City Engineer to the Environmental Protection Committee dated November 8, 1991.
4. Memo from the Deputy Engineer to the Mayor and Council dated November 14, 1991.

The proposed Waiver Agreement allows the City to enter onto private property and requires the Strata Council to assume responsibility for any damage to common property, such as roads.

Also, the owner/Strata Council would be required to upgrade the internal private roads to at least the back lane standards (minimum width of six metres for road pavement).


I.R. Zahynacz, P. Eng.
City Engineer

IRZ:gc
Attachments

WAIVER AGREEMENT

THIS AGREEMENT made the _____ day of _____, 1991.

BETWEEN:

(the "Strata Council")

OF THE FIRST PART

AND:

THE CORPORATION OF THE
CITY OF PORT COQUITLAM
2580 Shaughnessy Street
Port Coquitlam, B.C.
V3C 2A8

(the "City")

OF THE SECOND PART

In consideration of the City entering on the property located at _____ and described as Strata Plan No. _____ (the "Land") for the purpose of removing recyclable materials, the Strata Council releases the City, its officer and employees from liability for any damage caused to the common property within the Land. Without limitation, this waiver and release agreement includes damage to access routes, landscaping, buildings and structures held as the common property of the owners of the Land.

The Strata Council acknowledges that the City is not required to enter the Land to remove recyclable materials and the City may at any time instruct its vehicle drivers not to enter the Land.

THE CORPORATE SEAL of)
THE OWNERS, STRATA PLAN _____)
was hereunto affixed in the)
presence of:)

c/s

THE CORPORATE SEAL of the)
CITY OF PORT COQUITLAM was)
hereunto affixed in the)
presence of:)

MAYOR

c/s

CLERK

THE CORPORATION OF THE
CITY OF PORT COQUITLAM

MEMORANDUM

TO: Igor Zahynacz, P.Eng.
City Engineer

FROM: Andrew de Boer
Project Engineer

DATE: October 29, 1991

SUBJECT: MULTIFAMILY RECYCLING COLLECTION STRATEGY

RECOMMENDATION

Each Strata development should be examined on an individual basis. If at all possible the City should pick-up from curbside at Strata developments.

If a Strata development finds curbside pick-up unacceptable then a suitable sheltered location should be selected within the complex for pick-up. The City would then ask for a letter from the Strata giving permission to the City to enter its property. A waiver should also be signed by the Strata to limit some of the City's liability

Recycling collection should not be permitted in apartment parking garages. As well, in the interests of collection efficiency and safety, the City should refuse to collect door-to-door within Strata developments.

BACKGROUND

Several townhouse complexes (~~see enclosed~~) are unwilling to bring their recycling blue bags to a location curb-side to a city road for weekly pick-up. Instead they are insisting that the City enter into the complex to pick-up recyclables.

This presents to two concerns to the City, the first being the liabilities associated with City recycling crews entering onto private property. The second is the decrease in collection efficiency which will occur when crews drive into the private roads for pick-up.

MULTI-FAMILY PICK-UP IN OTHER MUNICIPALITIES

Three municipalities were consulted to determine their procedures for multi-family recycling collection:

Vancouver

The City of Vancouver presently has a pilot program for multi-family recycling using totter carts. The program serves apartments using City lanes so there are no problems with entering into private property.

When the Vancouver expands its program city-wide they foresee that the program will mimic the existing garbage pick-up service. For example, if a strata complex has a garbage bin within their property, recycling crews will also enter the property to pick up recyclables.

Vancouver will not be using waivers with its expanded program as they feel they will be unenforceable.

Burnaby

Burnaby has a pilot program using totter carts with no private property pick-ups. The program is to be expanded City-wide shortly.

With their expanded program Burnaby will allow recycling crews to enter into private property if there is adequate drive-through capability. Crews will not be allowed to go down into apartment garages for pick-up.

The City will use a waiver (see enclosed) where entrance onto private property is necessary.

Port Moody

Port Moody has a fully implemented multi-family program using blue bags. The recycling crews enter into all Strata developments and collect from one or two locations usually besides existing garbage bins. The locations are sheltered and must be approved by the City before collection can begin. Port Moody will also collect door-to-door from Strata complexes if requested.

Because Port Moody uses a two-man crew on their recycling truck, one man is able to guide the vehicle through the tight turns in the Strata complex.

Port Moody uses no waivers to enter into Strata developments.

COMMENTS

The three options which should be considered for multi-family collection in Port Coquitlam are:

Curbside Collection

With this option collection vehicles collect bags which are placed at one location on a City right-of-way adjacent to the Strata.

The advantages of this option is the high collection efficiency and the low liability since the vehicles remain on City right-of-way.

The disadvantage is the lack of convenience to residents. Resident must walk or drive to the strata entrance to drop off their recycling bags.


Collection from one location within the Strata

With this option one location is selected within the Strata complex to collect the recyclable materials. A representative of the City and the Strata would select a collection point within the complex. The collection point would usually be located near a garbage dumpster for convenience and would be sheltered and easily accessible to recycling crews.

With this option the City should obtain permission from the Strata to enter its property as well as a waiver absolving the City of liability for damage to property common to the Strata (see enclosed).

Door-to-door collection within the Strata

This option would be the least favorable to the City. The collection would be inefficient and the incidence of accidents high. This option is not recommended.



Andrew de Boer
Project Engineer

THE CORPORATION OF THE
CITY OF PORT COQUITLAM

MEMORANDUM

*(Council
Saturday)*

TO: Environmental Protection Committee

DATE: November 8, 1991

FROM: C.F. (Kip) Gaudry
Deputy City Engineer

SUBJECT: MULTI-FAMILY RECYCLING - PROPOSED PROCEDURES

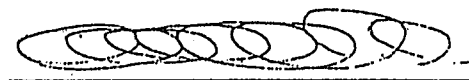
RECOMMENDATION:

That Committee recommend to Council that the attached procedures be used for bringing multi-family/strata units into the recycling program.

COMMENTS & BACKGROUND:

Currently, we are servicing all single family residences in the City with our recycling program. The next approved step is to include multi-family units in the program. Since the majority of these developments are strata title we have developed a procedure that will assist us in bringing the multi-family units into the recycling program.

The main point here is that the City vehicles will have to enter onto private property in order to collect the recycled goods. There is a liability associated with this procedure over and above that normally encountered by City vehicles in their day to day business. Even if the strata title corporation or private lot owner signs a waiver of liability the courts will hold that the City cannot contract away its legal liability responsibilities. Often the roads inside of strata titles are sub-standard when measured against current municipal specifications for a similar road way development. For this reason you will note that in the procedures we have listed some minimum specifications that must be met, but it should be pointed out that these do not conform to overall municipal specifications and were in fact developed on the basis that most of these developments already contain current roads.



C.F. (Kip) Gaudry, P. Eng.
Deputy City Engineer

CFG:ck

THE CORPORATION OF THE
CITY OF PORT COQUITLAM

MEMORANDUM

TO: Igor Zahynacz, P.Eng.
City Engineer

FROM: Andrew de Boer
Project Engineer

DATE: November 5, 1991

SUBJECT: Multi-family collection procedures within Strata developments

The following presents a procedure for initiating the collection of recyclable materials from within Strata developments.

1. A representative of the Strata development meets a representative of the City on-site to determine the best location within the Strata for pick-up. The Strata must meet the guidelines listed below:
 - 1.1 Roadway within Strata must have a minimum 6 m pavement width.
 - 1.2 Strata must have a turn around location at the pick-up point. The turn-around can be a back-up on a tee intersection or a drive through loop.
 - 1.3 The road curves within the Strata must be of a sufficient radius of curvature to allow passage of a recycling truck with a 12.8 m turning radius.
 - 1.4 The access to the pick-up point shall have sufficient vertical clearance from overhead utility lines and horizontal clearance from trees, buildings and awnings to permit easy passage of the recycling trucks.
2. The Strata will be asked to fill out an application form which will indicate the contact person in the Strata. This person is responsible for collecting unacceptable materials left behind after the weekly pick-up.
3. The Strata will be asked to construct a sheltered enclosure at the pick-up location. Upon completion, a city representative will

- maintain
- option to undertake
renovations to
meet minimum
standards.

revisit the Strata to inspect the suitability of the enclosure.

4. The Strata will be asked to fill out a waiver excluding the City of liability for damage to common property.
5. The Strata will be asked to produce a letter allowing City vehicles and drivers to enter the Strata property.
6. Upon completion of the required paper work the contact person for the Strata will be issued recycling starter kits and schedules. The contact person will then be given a date when collection will begin.

Andrew de Boer
Project Engineer

THE CORPORATION OF THE
CITY OF PORT COQUITLAM

MEMORANDUM

TO: Mayor and Council

FROM: C.F. (Kip) Gaudry, P. Eng.
Deputy City Engineer

SUBJECT: MULTI FAMILY RECYCLING - PROPOSED
PROCEDURES FOR COLLECTION

DATE: November 14, 1991

RECOMMENDATION:

The Council approved the attached procedures for use in bringing multi-family/strata units into the recycling program.

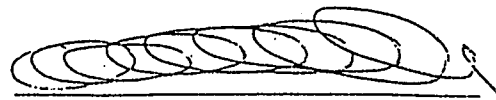
COMMENTS & BACKGROUND:

Currently we are servicing all single-family residences in the City with our recycling program. The next approved step is to include multi-family units in the program and since the majority of these developments are strata titled we have developed the attached procedures to assist us in bringing the multi-family units into the recycling program.

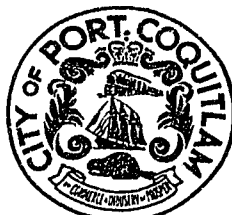
The main point here is that in some cases City vehicles may have to enter onto private property in order to collect the recycled goods. There is a liability associated with this procedure over and above that normally encountered by City vehicles in their day to day business. Even if the strata title corporation or apartment lot owner signs a waiver of liability the City still has exposure to liability for any damages or injuries that occur. Often the roads inside of strata titled developments are substandard when measured against current municipal specifications for similar road ways. For this reason you will note that we have recommended in the procedures some minimum specifications that must be met before we can physically enter the property with our vehicles.

You will also note in the report prepared October 29, 1991 by the Project Engineer that other communities are either entering private property now or plan to in the near future.

In order to encourage and guarantee more fuller participation by the multi-family units in the overall recycling program it will be necessary to enter on to the private property.


C.F. (Kip) Gaudry, P. Eng.
Deputy City Engineer

CFG:ck



OUR FILE

THE CORPORATION OF THE CITY OF PORT COQUITLAM

2580 SHAUGHNESSY STREET
PORT COQUITLAM, B.C.

V3C 2A8
EPC

TELEPHONE: 944 - 5411
FAX: 944 - 5402

November 19, 1991

LIDSTONE, YOUNG, BAKER, & ANDERSON
Barristers & Solicitors
#1414-808 Nelson Street
Box 12147
Nelson Square
Vancouver, BC
V6Z 2H2

ATTENTION: GRANT ANDERSON, ESQ.

Dear Sir:

RE: Soil Bylaws

Further to our meeting on November 16, 1991 with Council, we request that you now prepare the following three Bylaws in draft form:

- Soil Removal Bylaw
- Soil Deposit Bylaw
- Contaminated Soil Bylaw

Since we have not had draft Bylaws in the specific area of removal and contaminated soils, I would suggest that the Removal Bylaw be drafted in a similar format and content to the Deposit Bylaw and the Contaminated Soils Bylaw be drafted based on other Municipality's current Bylaws.

Two other issues came to mind during the discussions that I would like you to consider and advise me on. Firstly, we would like a requirement for a letter of credit for the estimated quantity to be deposited or removed. In addition, we must determine and specify exactly how each of the measurements are to be taken, i.e. in situ or by gravel box measurement. Further, if we use in situ measurement, we must specify the point in time that the measurement is taken since over time dumped materials will consolidate and the volumetric measurement will be less. I suggest that the volumetric measurements be taken once every three months and the necessary payments made to the City. I also feel that for the Soil Removal Bylaw we should use an in situ measurement before and after the removal takes place and in the Soil Deposit Bylaw we can use in situ for any permit in excess of 200 cubic metres but use gravel box measurement for permits less than 200 cubic metres.

Yours truly,

C.F. (Kip) Gaudry, P. Eng.
Deputy City Engineer

CFG:gc

cc:

Mayor Traboulay
Alderman Gates & Alderman Gordon
Bryan Kirk, City Administrator
Ron Freeman, City Clerk
Igor Zahynacz, P. Eng., City Engineer

THE CORPORATION OF THE
CITY OF PORT COQUITLAM

MEMORANDUM

TO: I.R. Zahynacz, P. Eng.
City Engineer

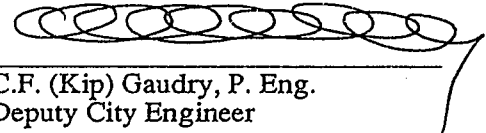
DATE: November 25, 1991

FROM: C.F. (Kip) Gaudry, P. Eng.
Deputy City Engineer

SUBJECT: Recycling Program - Increased Advertising

The Environmental Protection Committee considered your memo of November 6, 1991 regarding the Mayor's request for increased advertising and possibly purchasing additional recycling bags. Committee did not support the concept of purchasing additional recycling bags as it might promote the residents dependance upon the City for supply of the bags in the future.

Committee also felt that the plans to spend additional money on recycling advertising should wait until the 1992 Budget is approved.


C.F. (Kip) Gaudry, P. Eng.
Deputy City Engineer

CFG:gc

THE CORPORATION OF THE
CITY OF PORT COQUITLAM

MEMORANDUM

TO: C.F. (Kip) Gaudry, P.Eng.
Deputy City Engineer

DATE: November 6, 1991

Andrew de Boer, EIT
Project Engineer

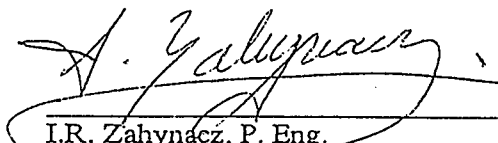
FROM: I.R. Zahynacz, P. Eng.
City Engineer

SUBJECT: Recycling Program

Mayor Traboulay has reviewed the memo from Andrew to Kip on the Port Coquitlam recycling program dated November 4, 1991 and stated that he is in favour of options 2 & 3 in the report. Mayor Traboulay is especially interested in more advertising, and even possibly purchasing additional recycling bags to encourage recycling.

I noted that Andrew de Boer may be arranging through Seaboard Advertising to utilize ten percent of the advertising space in the bus shelters in Port Coquitlam for promoting recycling.

Please add these comments to the presentation of the recycling program to the Environmental Protection Committee.


I.R. Zahynacz, P. Eng.
City Engineer

IRZ:gc

Memo to mayor

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budget