

Questions for North and South Pender Islands Trustee candidates and CRD Director candidates

From: Pender Island Recycling Society (PIRS)

We request that you reply with you answers by e-mail by Tuesday, November 11

1. Do you believe that developing a Solid Waste Management Plan for the Penders is primarily the responsibility of the CRD?

Legally it is. If you are asking about Solid Waste Management Plans (SWMP) as defined in law at the present time, such plans are by provincial law, the responsibility of the regional districts. If you have a different vision of what is meant by a SWMP and that vision includes a different legal arrangement, then my answer might be different depending on what Plan you have in mind.

The current CRD plan, approved by the Provincial Minister of the Environment in 1989 has been revised and amended since '89 and resulted in a CRD waste management bylaw for Saltspring Island. In 2009, The North Pender Local Trust Committee referred the question of whether we should ask the CRD to develop a Waste Management Bylaw for North Pender to the Advisory Planning Commission (APC). The APC consulted with groups and individuals on North Pender including the Recycling Society and the consensus recommended to the North Pender LTC was 'no, don't ask the CRD to create a WM Bylaw.' The LTC accepted that recommendation and did not ask the CRD. So while zoning legally remains the sole and exclusive jurisdiction of the LTC, solid waste management services, operations and standards remain vested with the Regional District. This is a complex matter and many questions arise. Should we ask the Provincial Government to amend its legislation and change its regulatory framework? If regional districts are not to be responsible for SWM who should be? If it were to be driven by an autonomous local entity, what would the governance look like, how would it be funded and who would make and enforce operational and environmental standards?

2. Would you instead support the creation of a Pender Islands Solid Waste Management Plan (involving recyclables, food scraps, and garbage) that is locally designed and to specifically meet the needs of the Pender Islands?

I would not waste time on trying to convince the provincial government to amend at least 3 pieces of legislation and many regulations. That is why I supported North Pender being involved with the CRD's current Integrated Solid Waste Management Plan Review.

The "instead" in your question suggests that the development of a Penders Solid Waste Management Plan and the CRD's current planning process are mutually exclusive. I do not accept this premise. Although I don't believe the Islands Trust should take over the CRD's legal responsibilities, I do think that locally developed plans and the CRD's strategy need not be mutually exclusive. Collaboration is required and again that is what I have been urging since 2009! Collaboration would mean that we would not waste time trying to change legal frameworks, have a CRD Strategic Plan and Bylaw that would include the locally designed and determined community needs.

3. Can you provide us with details as to how a Penders-driven Solid Waste Management Plan would be developed, by whom, and how high a priority this project would be on your to-do list, as you start your term in office?

I think I have generally outlined it above but local "players" would design a North Pender plan (I can't speak for South Pender but I do not oppose the two local trust areas collaborating on this) and that plan would be incorporated in the CRD regional plan. In this way each SGI Local Trust area could have their unique circumstances taken into account, we would not waste time trying to change laws and regs and encourage the type of collaboration that is always necessary on most issues. Whether that type of collaboration and inclusive planning works for the CRD needs to be answered by CRD officials. But the North Pender inclusion in the current CRD review is encouraging.

4. Can you explain what specific role(s) the CRD Director, CRD staff, North and South Pender Island Trustees, Trust staff, and a new Solid Waste Management Plan planning team would play in developing this islands-tailored plan?

I cannot speak to the specific roles of other local governments or the province. I don't think any candidate could speak authoritatively for another legal body. The question also refers to a "Solid Waste Management Plan planning team" which I have not heard about unless you are referring to the CRD staff working on the current Review.

As a Trustee I would see my role as helping the community come to a consensus on waste management issues and articulate that consensus to the CRD who has broad legal authority in this area.

5. Do you agree that a Pender-initiated Solid Waste Management Plan should engage the community in an open and transparent process in developing the plan and finding the best location for waste management facilities on the Penders?

Yes

6. Do you have any ideas how to fund the creation of a locally-initiated Solid Waste Management Plan for the Penders?

Funding is always an interesting question. In government arrangements, money always rests with legal responsibilities. The Islands Trust has no legal authority to send on services like waste management but the CRD does. Our Regional Director needs to address this question.

In general, funding options are usually the same project to project. Either make the service user pay; have the CRD tax people in the service area; or have a group of governments agree to fund a service. Regional districts don't normally have unallocated cash laying around so if it were to be financed by government a referendum would likely be needed to put the service on the tax role. In my opinion, financial arrangement questions should be discussed locally in the local planning and consensus building process.

7. Do you support the creation of a Penders-driven Solid Waste Management Plan,

involving wide community consultation, prior to approving any bylaw applications relevant to waste management currently before or forthcoming to the Islands Trust?

I think I have answered that above. Local realities and conditions must be bridged with the CRD's current planning process but whether we like it or not the CRD has legal jurisdiction on solid waste management. The Islands Trust zoning authority is as independent and legally driven as the CRD strategic development process is legally driven.

So it may or may not be possible and the answer depends on legal timing requirements and information availability.