

**HALIFAX REGIONAL MUNICIPALITY**

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**SOLID WASTE/RESOURCE ADVISORY COMMITTEE  
MAY 9, 2001  
MINUTES**

PRESENT: Councillor Reg Rankin, Chairman  
Councillor Greg Hines  
Councillor Dawn Sloane  
Councillor Jim Smith  
Councillor Gary Meade

ALSO PRESENT: Councillor Diana Whalen

STAFF: Mr. Brian Smith, Director, Solid Waste Resource  
Mr. Jim Bauld, Diversion Planning Coordinator  
Mr. Kurt Pyle, Planner  
Ms. Laurie Lewis, Collection & Processing Coordinator  
Mr. Fred Wendt, Waste Resource Analyst  
Ms. Sherryll Murphy, Assistant Municipal Clerk

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**1. CALL TO ORDER AND APPROVAL OF AGENDA**

The Chair called the meeting to order at 2:05 p.m.

**2. APPROVAL OF THE MINUTES OF APRIL 4, 2001 (REGULAR AND IN CAMERA)**

**MOVED by Councillor Smith, seconded by Councillor Sloane that the minutes of April 4, 2001 be approved as distributed. MOTION PUT AND PASSED.**

**3. BY-LAW L 200 RESPECTING LICENSING OF C AND D MATERIALS RECYCLING AND DISPOSAL OPERATIONS - PROGRESS REPORT (VERBAL)**

Mr. Bauld addressed this matter indicating that staff had been directed to fast track the C and D Licensing Bylaw to address the lack of existing regulations governing existing C&D operations. He advised that the matter has been deferred pending response to specific questions from members of Council. Mr. Bauld indicated that staff is preparing a report to respond to Council's questions, the specifics of which Mr. Wendt will review with the Committee. He further indicated that staff continues to meet with C and D operators while attempting to address community protection.

Responding to a question from Councillor Rankin regarding whether or not staff were of the same mind as the Committee that this By-law should be fast tracked, Mr. Bauld indicated that given there were no regulations in place at the present time, it was prudent to move forward as quickly as possible.

Mr. Wendt, using the overhead project, reviewed with the Committee the questions posed by Council, as follows:

**Separation Distances**

- A table entitled Notes from Minutes of Public Meetings on Separation Distances and Potential Impacts of C&D Operations was circulated. A comparative table entitled Separation distances for C&D Disposal Sites (distances from stockpile/active area/disposal site) was also circulated.

Mr. Wendt, noting that Council has expressed concern regarding the proposed separation distances being more stringent than that which is set out in the Department of Environment guidelines, indicated that staff has received input from the public, the industry and looked at similar guidelines. Mr. Wendt went on to note that the Department of Environment has indicated that the separation distances contained within their guidelines are minimum and more stringent guidelines may be required. Mr. Wendt went on to note that since Council has

not yet had an opportunity to give direction with regard to Land Use Bylaw and Municipal Planning Strategy amendments, staff is erring on the side of caution with regard to setback requirements. Staff is aware that the industry would prefer less stringent setbacks, however, until such time as staff receives direction from Council they will continue to be cautious.

Noting that the setback question was an irritant to Council, Councillor Rankin indicated that staff should present to Council solid reasons for this caution.

Mr. Wendt, further explaining staff's position, indicated that the Department of Environment guidelines address the protection of the environment only. When considering licensing, HRM must consider what is a desirable use in the neighbourhood and how far such operations should be located from residential areas. Mr. Wendt indicated that municipal guidelines must address environmental protection and protection of the community.

Responding to a question from Councillor Rankin regarding the fact that the original draft By-law contained more stringent setbacks, Mr. Pyle indicated that staff had originally used setback requirements found in the composting guidelines. He went on to indicate that after consultation with the public and the industry, staff had determined that setback requirements could be reduced, addressing industry concerns and keeping in mind protection of the community.

Mr. Wendt noted that he believed the By-law was very close to what the industry has indicated it wants. He reiterated that in the absence of LUB and MPS regulation of C&D operations, staff will continue to be cautious at the outset. He stressed that there was no desire to put the present operations out of business, but it was prudent to proceed with the Licensing By-law given the lack of regulation at this time.

Noting that he was in favour of the By-law, Councillor Smith indicated that it would be helpful for him to know the criteria for the Department of Environment setback requirements. He indicated that this would assist him with developing a rationale of how HRM came to double those distances.

In response, Mr. Bauld indicated that HRM staff had experience with existing C&D operations having an impact on the adjacent community. He indicated that with a minimum setback of 30 metres it is understandable how that impact has occurred and went on to suggest that the problems would continue if 30 metres were to remain the requirement.

Councillor Hines indicated that a record of the complaints received being available to Council would be useful when this matter was again considered by Council.

Mr. Pyle noted that, without the planning aspect, a minimum setback means very little for example, if there are no trees or buffer. If such is the case, noise, dust or material will float

across to adjacent areas. Mr. Pyle went on to note that the Licensing By-law dealt only with setback and did not speak to a buffer, berm or fence. Within the planning process these issues can and will be dealt with much more specifically. Mr. Pyle indicated that the proposed setbacks in the Licensing By-law provide some assurances.

Mr. Wendt noted, in addition, without the planning aspects in place, there is no consideration of the surrounding area – it may be residential, it may be commercial.

Referring to his reading of the Licensing By-law, Councillor Smith indicated that it appeared to him that provisions had been made for situations in which a buffer, berm or fence would allow for some relief of the setback.

Mr. Pyle indicated that these were issues which would be addressed in the Land Use By-law. He noted that only so much can be achieved through the Licensing By-law. Moving the By-law and amendments to the LUB and MPS forward together would certainly allow for greater flexibility. Mr. Pyle noted that the primary goal of the Licensing By-law is to get targets set and begin recycling.

Responding to a question from Councillor Whalen as to why the By-law and planning process had been separated, Mr. Bauld indicated that some of the C&D facilities presently operating have been stockpiling for a number of years. Problems have occurred with adjacent properties during that time. Without a Licensing By-law there is no requirement for them to stop stockpiling or to begin to recycle the material. Mr. Bauld indicated that this translates to a risk of ongoing problems with these facilities. Mr. Bauld noted that the Licensing By-law begins the process to mitigate the risk to the public and to require the operators to begin to recycle. Mr. Bauld further noted that there was no data available regarding what the operations are receiving, stockpiling and/or recycling. Requiring the operations be licensed will initiate the process to acquire this data, providing some control over these operations and respond to the concerns of the community. Mr. Bauld went on to note that the By-law had been fast tracked in an attempt to have it in place for this construction season.

Responding to a comment made by Councillor Rankin that there are virtually no operational requirements in place now, Mr. Bauld indicated that the primary focus of the Licensing By-law is operational control.

Councillor Rankin noted that emphasis should be given to the fact that the existing operations will survive under this By-law.

Mr. Smith noted the concern being expressed by the industry focuses on the disposal facility. Perhaps the primary industry concern is that if the 100 metre setback is included in the By-law at this time it will be impossible to change it in the future.

A discussion ensued with note being made that staff will hold the line on 100 metre setback until such time as Municipal Planning Strategy and Land Use Bylaw changes are in place.

The Chair noted that Council should be made aware that a disposal facility could be operated without any licensing requirement in Planning District 8 and 9 (Lake Echo to East Chezzetcook) and in Planning Districts 1 and 3 (Hubbards to Peggy's Cove). These operations could be located 30 m from the property line regardless of the use of adjacent properties.

### **Recycling targets**

Mr. Wendt, referring to Council's question regarding the possibility of increasing recycling targets, noted that recycling targets can certainly be set higher. However, at this point there is no data to substantiate the proposed targets nor are there identified markets. Mr. Wendt indicated that staff hopes to monitor markets and make sure they are available to the operators.

Mr. Bauld, noting that the industry has indicated that 50-60% recycling would not pose a problem, commented that the 75% target is one which staff hopes to move toward rather than being a hard number for year 3 of the program.

Mr. Pyle reiterated that until HRM is able to collect the data regarding what is being received, stockpiled and/or recycled, staff will not be able to determine what is a reasonable recycling target.

Note was made that Transfer Stations can be located 5 m from the property line of non-residential property line. This is an accommodation for existing operators.

### **Stockpiling of non-C&D Waste**

Mr. Wendt indicated that limitations on stockpiling were possible, however, staff believe one year is a reasonable time period given market fluctuations. Mr. Wendt noted that a one year time limit provided the operator some flexibility and fell in line with the re-licensing of the operation.

### **Is it possible to have all three (recycle, transfer and disposal) facilities on one site.**

Mr. Wendt indicated that it would be possible to have all three facilities on one site, however, all requirements for each of the activities would have to be met on the one site.

In summary, Jim Bauld indicated that the Licensing By-law is a key first step. First Reading at the May 15, 2001 Council meeting and no further deferrals will see the By-law in place by

June 12. Land Use Bylaw and Municipal Planning Strategy amendments will be in place by December, after which HRM can receive applications for a disposal site. Mr. Bauld reiterated that part of the conundrum is that Council has not yet had an opportunity to provide direction on the Land Use Bylaw and MPS. Mr. Bauld indicated that both the industry and the public have had an opportunity to have input to the By-law. Industry concerns have been incorporated in the By-law as far as possible.

The Chair requested a clarification on staff's ability to substantiate public comment.

Mr. Bauld indicated that one complete package of public meeting minutes were available. Mr. Smith advised that more detail will be included in the table outlining the public comments on separation distances.

**MOVED by Councillor Hines, seconded by Councillor Smith that the Committee reaffirm support of staff's position with regard to the matters discussed today and in particular setback requirements and recycling targets. MOTION PASSED.**

**4. OPERATIONAL REPORT (VERBAL)**

Ms. Laurie Lewis provided a brief operational update noting that HRM is presently experiencing a surge period in its organic program as a result of the spring clean up. Ms. Lewis went on to report that for the period April 23 to April 28 tonnage exceeded the contracted tonnage for both compost plants. Ms. Lewis further advised that in addition to the regular fleet of trucks collecting recyclables, HRM contracted vehicles to handle the high volume of yard and leaf waste.

Ms. Lewis went on to note that 332 tonnes of material collected in Dartmouth and Sackville were diverted from the two composting facilities to ease the burden. This yard and leaf waste was handled at HRM's internal leaf and tree compost facility at Cowie Hill. Ms. Lewis further indicated that HRM has been promoting to residents that they hold their yard waste for collection at a later date and are also suggesting they mulch or home compost.

**5. REGIONAL CHAIRS MEETING MAY 2<sup>ND</sup> - UPDATE**

Due to a lack of time, this matter was not dealt with.

**6. ADJOURNMENT**

The meeting adjourned to an In Camera session at 4:10 p.m.

Sherryl Murphy  
Assistant Municipal Clerk