

HALIFAX REGIONAL COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

June 18, 2013

Session 2

PRESENT: Mayor Mike Savage  
Deputy Mayor Reg Rankin  
Councillors: Barry Dalrymple  
David Hendsbee  
Bill Karsten  
Lorelei Nicoll  
Gloria McCluskey  
Darren Fisher  
Waye Mason  
Jennifer Watts  
Russell Walker  
Stephen Adams  
Matt Whitman  
Steve Craig  
Tim Outhit

REGRETS: Councillors: Linda Mosher  
Brad Johns

STAFF: Mr. Richard Butts, Chief Administrative Officer  
Mr. Martin Ward, Municipal Solicitor  
Ms. Cathy Mellett, Municipal Clerk  
Mr. Ted Aubut, Legislative Assistant

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## **1. CALL TO ORDER**

Mayor Savage called the meeting to order at 12:05 pm. in the Council Chamber at City Hall, 1841 Argyle Street, Halifax.

## **2. APPROVAL OF MINUTES - NONE**

## **3. PRESENTATION FROM COMMUNITY MONITORING COMMITTEE – Stantec Waste Resource Strategy**

The following documents were before Regional Council:

- An information binder from the Community Monitoring Committee including:
  - o A presentation outline
  - o HRM-Halifax Waste-Resource Society Agreement of February 1999
  - o Nova Scotia Environment approval to operate the Otter Lake site dated October 18, 2012
  - o Staff report dated July 2, 1996 regarding a revised solid waste-resource management strategy cost projection
  - o Dillon Consulting peer review report dated May 2013 regarding Stantec Waste Resource Strategy Report
  - o HRM presentation on increasing diversion
  - o Excerpts from HRM website regarding Front End Processor and other technologies in operation at Otter Lake
- A presentation with graphics prepared by staff and Stantec dated January 2013
- Stantec Waste Resource Strategy Report dated January 2013
- A declassified Staff Report dated February 5, 2013
- SNC-Lavalin Peer Review of Stantec Report dated April 17, 2013
- Correspondence from John Cascadden dated June 8 & 13, 2013
- Correspondence from Tom Musial dated June 4 & 18, 2013
- Correspondence from Ken Donnelly dated June 17, 2013
- Correspondence from Dr. Pamela Ritchie dated June 18, 2013

Mr. Jack Mitchell, Chair of the Community Monitoring Committee (CMC) thanked Council for the opportunity to present. He introduced his colleagues, Mr. Ken Donnelly, a communications consultant, Mr. Scott Kyle, an engineer with Dillon Consulting and Mr. Ken Meech, Executive Director of the CMC.

Mr. Mitchell provided a brief overview of the process leading up to the siting of Otter Lake, including the more than 400 meetings held. He noted that residents of the area eventually supported hosting the landfill in large part because of environmental and community safeguards guaranteed by HRM. He called on Mr. Donnelly to take over the presentation.

Mr. Donnelly indicated that important information was missing from the Stantec Report and the peer review conducted by SNC Lavalin. Neither addressed the written agreement between the host community and HRM. The reports also failed to mention

that HRM committed to having a Front End Processor (FEP) and Waste Stabilization Facility (WSF) at Otter Lake. Moreover, he believed Stantec's recommendations to be flawed because, ultimately, it is the Province that can authorize changes at Otter Lake, not HRM.

He asked that Council refuse Stantec's recommendation to close the FEP and WSF because it would undermine the agreement HRM signed with the host community.

Mr. Donnelly noted that two years ago HRM discussed the possibility of turning the Otter Lake site into a park. However, since the release of the Stantec Report, there is talk of extending the life of the facility by 20 years and creating a waste resource campus around the current facility. He wished to know why HRM had changed its position and why the local community had not been sufficiently consulted on this matter.

Mr. Donnelly believed that many of the problems in the Stantec Report could have been avoided if CMC had helped develop the terms of reference for the report. He also noted that HRM denied the CMC's request to hire a consulting firm to conduct a peer review of Stantec's Report. Fortunately, Mirror NS, the operator of Otter Lake hired Dillon Consulting to comment on the report. He invited Scott Kyle to outline his findings.

Mr. Kyle of Dillon Consulting noted that he was asked by Mirror NS to review the Stantec Report as well as the peer review document prepared by SNC Lavalin. Over the course of their review, they identified a number of areas of concern:

- *FEP/WSF*: Stantec relied on a dated definition of the intended role of the FEP and WSF. Until 1995, their role was to convert compostables and recyclables to a useful and valuable resource. However, in 1996, the intended goal was modified. Since that time, the goal has been to achieve specific processing requirements rather than to generate revenue through diversion. This important revision was not taken into account. The SNC Lavalin peer review also inaccurately described the role of the WSF.
- *Waste stream*: Stantec rightly notes that there are fewer recyclables and compostables in the waste reaching Otter Lake. However, the waste stream remains mixed and the FEP/WSF, necessary.
- *Gatekeeper effect*: Stantec failed to recognize that the FEP helps HRM scrutinize loads. This means that contractors must be rigorous when they collect waste at the curb.
- *Blowing debris and birds*: Stantec failed to recognize that there are fewer birds and less blowing garbage at Otter Lake because of the FEP/WSF.
- *Comparative cost analysis*: Stantec used an unrepresentative sample of North American landfills in their cost analysis. Many of the sites deemed comparable do not have the same high standards as HRM, especially in terms of liners. Moreover, five (5) of the sites support cities with (five) 5 to nineteen (19) times larger populations.

- *Liner standard:* Having a high-quality liner is important because it offers peace of mind to residents and because Otter Lake sits on fractured bedrock. Replacing the current liner with one of a lesser quality, which Stantec recommends, would be a mistake.
- *Waste-resource campus:* Stantec provided unsubstantiated scheduling and cost estimates for the establishment of a waste resource campus at Otter Lake. The project could very well exceed \$10 million and take more than two (2) years to develop. SNC Lavalin similarly provided costs with limited detail and explanation.
- *Cost per tonne:* Stantec estimates that it costs HRM \$170 to treat one tonne of waste. However, they did not provide sufficient detail as to how they came to this figure. Mr. Kyle noted that cost per tonne fluctuates between \$90 and \$170 based on the data sample used.

Mr. Donnelly, elaborating on many of these points, noted the following:

- The percentage of organic and recyclable material entering the landfill has not changed, as evidenced by data collected by HRM. Given this, the FEP/WSF remains important. Eliminating them would be to digress to a 1980s landfill model.
- Waste management technology has not significantly changed in the last 17 years. While new technologies are entering the market, they are unreliable and under-tested.
- HRM pays more to divert waste than other municipalities because its waste treatment system is more robust.

Mr. Donnelly noted that the Otter Lake landfill, unlike the Sackville landfill, processes waste. It also controls odours, birds and potential leachate problems. He noted that the landfill outside of St. Thomas, Ontario, which contains waste from Toronto, has received more than 400 odour complaints since 2010. This is not the case at Otter Lake.

He called on Mr. Meech to conclude the presentation.

Mr. Meech reminded Council that residents of the host community and industry stakeholders developed HRM's waste diversion strategy. The FEP is at the core of the strategy, providing a level of environmental and community protection. It is on these grounds that the community accepted to host the landfill without compensation. Mr. Meech then listed other levels of protection, which included:

- The creation of a Community Monitoring Committee
- The operating permit process managed by the Province
- The contract negotiated with landfill operator, Mirror NS

HRM, he continued, should have involved the CMC in setting the terms of reference of the Stantec Report. The municipality should also ensure that upcoming consultations target the communities with the most at stake.

Mr. Meech asked HRM to confirm its commitment to the host community. To do this, HRM should vote down Stantec's recommendation to close the FEP/WSF and not include it as part of upcoming public consultations.

The Mayor thanked the CMC for their presentation and opened the floor to discussion.

Councillor Whitman moved a motion rejecting the changes recommended by Stantec and SNC Lavalin and amending the scope of upcoming public hearings such that they do not touch on Stantec's recommendations.

Mr. Martin Ward, Municipal Solicitor ruled the motion out of order because it partially rescinds an existing resolution of Council directing staff to initiate a public consultation process based on the findings of the Stantec Report. He noted that Committee of the Whole cannot rescind a motion of Council.

Councillor Adams observed that highly-respectable firms, Stantec and SNC Lavalin on one hand and Dillon Consulting on the other, reached very different conclusions about the value of the FEP/WSF. He wished to know how Otter Lake would operate if the FEP/WSF are removed.

Mr Kyle replied that many landfills in Nova Scotia do not have an FEP or WSF. Waste is simply placed in the landfill and covered with clay or another material. At Otter Lake, waste is covered with construction debris. While this is not a particularly effective odour barrier, it diverts industrial, commercial and institutional waste from the landfill, thereby improving HRM's overall diversion rate. One of the advantages of having an FEP/WSP, he continued, is that it reduces blowing debris.

Councillor Adams asked for confirmation that the Minister of Environment has the authority to approve/deny changes to the landfill.

Mr. Donnelly replied that every waste management facility in Nova Scotia is approved by Nova Scotia Environment. Changing the Otter Lake facility would therefore require the Minister's sign-off.

Councillor Dalrymple left the meeting at 1:15 pm.

Councillor Adams, in light of this response, suggested that HRM ask the Minister about the implications of removing the FEP/WSF. He did not see the point of going through a public consultation process only to find that one of the recommendations cannot be implemented.

Councillor Watts was surprised to hear that the CMC only wanted the local community to be consulted. She felt this was inconsistent with CMC's mandate, which is to bring together stakeholders from the local and wider community. She then asked Mr. Kyle to comment on:

- The 8,400 tonnes of unprocessed organics going to landfill

- The eight month period in 2010 during which the WSF was not operational.
- The proposed increase in the height of the landfill.

Mr. Kyle felt that the estimated tonnage of organics entering the landfill was irrelevant respective to the operating criteria defined for the facility. As for the temporary closure of the WSF, staff used clay instead of demolition debris for cover and relied on a hawk to scare birds.

Mr. Donnelly acknowledged that the CMC did not discuss the matter of height in their presentation. This is because their primary concern is the potential closure of the FEP/WSF and the swapping of the liner for one of lower quality. He believed that these recommendations undermined the spirit of trust that HRM and CMC have worked hard to build.

Deputy Mayor Rankin noted that community stakeholders, like the CMC, neither requested the review nor were solicited for input on its scope. He felt that this exercise had needlessly divided the community and put HRM on a collision course with the Minister of the Environment, which has instructed staff not to amend the operating permit for Otter Lake. The FEP and WSF were part of the original agreement between HRM and the host community and must be respected. He found it strange that Stantec, which in the 1990s expressed support for the FEP/WSF, now found it was poor value for money.

Councillor McCluskey observed that Stantec and the CMC have differing views on whether the waste stream has changed in the last 17 years. She asked staff to comment on this.

Mr. Gord Helm, Manager of Solid Waste Resources, Transportation & Public Works, replied that the content of waste has indeed changed. For instance, many hazardous paints and solvents no longer enter the waste stream because they are banned from shelves. Those that remain on the market are sent to hazardous materials depots. This means that materials previously sent to the landfill no longer enter the normal waste stream.

Councillor McCluskey wished to know if large quantities of recyclables and compostables are going to Otter Lake.

Mr. Helm noted that studies undertaken in 2010 and 2013 showed that a percentage of both materials are going to the landfill instead of being diverted.

Councillor Karsten, referencing Mr. Kyle's extensive waste management experience, wished to know if he had ever recommended that another municipality purchase a FEP/WSF.

Mr. Kyle replied that the FEP/WSF is not commonly requested by municipalities. HRM is unique in this regard.

Councillor Karsten noted that the Otter Lake landfill and the former Sackville landfill have nothing in common. He asked that stakeholders stop comparing the two.

Mr. Donnelly clarified that Otter Lake, even without the FEP/WSF would not be the like the former Sackville landfill because HRM has a different leachate system and runs parallel organics and recycling systems. However, in the absence of the FEP/WSF, waste will simply be dumped into the landfill and covered. In this respect, the comparison is justified.

Councillor Craig noted that he chaired the Sackville landfill close-up committee and can therefore appreciate the difference between the previous and existing landfills. He asked the CMC to confirm that the agreement HRM signed was with the Waste Resource Society, whose mandate is to work in the interest of all residents, not just local residents.

Mr. Mitchell replied that the CMC is an off-shoot of the Waste-Resource Society.

Mr. Donnelly noted his commitment to fulsome consultation, noting that the CMC represents residents from the local and wider communities. However, he was concerned that if the public consultation process favoured the wider community over the local community, then cost savings – which he agreed were enticing – would carry the day, to the detriment of residents most affected by the landfill.

Councillor Nicoll noted that the process underway is an opportunity to talk about what HRM wants the landfill to look like, and what technologies could be used to achieve to meet this vision. Referring to an earlier comment from Mr. Donnelly, she wished to know what the CMC would have told HRM staff had they been invited to the table earlier.

Mr. Donnelly replied that the CMC wanted to help HRM staff shape the terms of reference for the Stantec study. Had they been at the table, they would have asked that the Stantec Report not investigate the extension of the facility.

Councillor Fisher noted that staff moved forward on this file because they were asked to do so by Council. Like Councillor Karsten, he found Otter Lake/Sackville landfill comparisons to be misleading.

The Mayor thanked everyone for their comments.

#### **4. Adjournment**

The meeting adjourned at 1:56 pm.

Cathy J. Mellett  
Municipal Clerk