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**Environment and Sustainability Committee
March 3, 2011**

TO: Chair and Members of Environment and Sustainability Committee

SUBMITTED BY: 
Phillip Townsend, Director, Infrastructure and Asset Management

DATE: March 3, 2011

SUBJECT: Environmental By-Law Enforcement Officer

INFORMATION REPORT

ORIGIN

This report follows up on the February 1, 2011, Outcome Area Presentation: Clean and Healthy Environment.

BACKGROUND

Under the Clean and Healthy Environment Outcome Area goal "Our natural spaces are protected and the quality of our lands is improving", staff offered an objective: "To create municipal ability to enforce environmental regulations".

The purpose of this report is to slightly expand on that objective.

DISCUSSION

First, to be clear, staff do not have any business cases, budgets, or plans for this resource for fiscal year 2011/2012.

A variety of observations and experiences have led the Clean and Healthy Outcome Area group to agree to explore the possibility of creating an Environmental By-Law Enforcement Officer position. These include:

- Challenges/Frustration with achieve Provincial Enforcement of Environment Act on local concerns;
- Challenges enforcing the buffer zones required (i.e. people cutting down trees); and
- Challenges in changing community behaviour on items related to the environment.

It is realized that the Halifax Regional Municipality (HRM) has achieved success with Enforcement through both Solid Waste Resources and the former Pollution Prevention group that transferred to Halifax Water. Having the ability to enforce environmental regulations is envisioned to provide opportunities to:

- Enforce water quality policy and by-laws;
- Protect urban forest canopy;
- Deal with abnormal environmental issues (i.e. recent issue with an undercoating company); and
- Enforce other environmental by-laws.

The fines that are available for many of the environmental offences are substantial. Without enforcement however, they are not recouped and the correct behaviour not corrected.

It is conceptually envisioned that this position, which would be set up in By-Law Services (as they are the experts in enforcement), would generate revenue through fines to cover the costs of the position (order of magnitude \$100,000 annually).

Staff intends to work through this concept during fiscal year 2011/2012. Perhaps there is opportunity for a one or two year trial before a permanent commitment. Certainly, staff needs to communicate with the Nova Scotia Department of Environment to see if HRM would be authorized to enforce some aspects of the Environment Act and keep the fine revenue.

The intent of this report is to simply expand on the objective articulated by staff. There is much work to do before this would become an option available for recommendation. It also gives the Committee the opportunity to give input on the sorts of community challenges they face in trying to get Provincial Environment enforcement of local activities.

BUDGET IMPLICATIONS

There are no budget implications to this report. Should a Business Case for the position proceed, the required budget processes would be followed. The concept of the service is that it would need to be at least revenue neutral, by generating at least \$100,000 per year in fines.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

COMMUNITY ENGAGEMENT

None

ATTACHMENTS

None

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

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