

Halifax Regional Municipality

HALIFAX REGIONAL COUNCIL MINUTES JANUARY 31, 1996

PRESENT: Mayor Walter Fitzgerald
Councillor Bill Dooks
Councillor Gordon Snow
Councillor David Hendsbee
Councillor Ron Cooper
Councillor Harry McInroy
Councillor Jack Greenough
Councillor Condo Sarto
Councillor Clint Schofield
Councillor John Cunningham
Councillor Jerry Blumenthal
Councillor Graham L. Downey
Councillor Larry Uteck
Councillor Howard Epstein
Councillor Russell Walker
Councillor Bill Stone
Councillor Ron Hanson
Councillor Steve Adams
Councillor Barry Barnet
Councillor Bob Harvey
Councillor Peter Kelly
Councillor Reg Rankin
Councillor Jack Mitchell

REGRETS: Councillor Bruce Hetherington
(For Health Reasons)

ALSO PRESENT: K.R. Meech, Chief Administrative Officer
Wayne Anstey, Solicitor
Vi Carmichael, Municipal Clerk
Julia Horncastle, Recording Secretary

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RECOMMENDATIONS8

1. The meeting was called to order at 4:00 p.m. with an **invocation**
2. Approval of the **order of business**

MOVED by Councillor Snow, seconded by Councillor Schofield that the Order of Business be approved. Motion carried.

3. First Reading - By-Law P-100 Respecting the Board of Police Commissioners

MOVED by Councillor Stone, seconded by Councillor Sarto that First Reading be given to By-law P-100 Respecting the Board of Police Commissioners. Motion carried.

4. WASTE MANAGEMENT STRATEGY

The main purpose of this meeting was to hear comments from the public on the proposed Master Agreement between the Municipality of the County of Halifax and the MIRROR Group, on Waste Management Strategy.

In addition to the list of presenters identified on the agenda, others were added and circulated as ADDITIONS to the agenda, under this item.

Mr. Don Grady, a member of the Community Stakeholder Committee (CSC) and the Project Steering Committee of the CSC, presented his submission as circulated.

Councillor Kelly arrived at 4:15 p.m.

Mr. Duncan MacAdams and Ms. Anne Marie MacAdams - In his presentation, Mr. MacAdams stated it is his belief that the proposed contract is neither affordable nor flexible and, therefore, deemed not to be a sustainable project. His overhead presentation addressed costs associated with the Waste Management Strategy. Mr. MacAdams stated he is in favour of negotiating an arrangement with the owners and operators of the landfill in Moncton.

Councillor Barnet stated he understood that the costs associated with shipping the garbage to Moncton would be higher than the numbers quoted and expressed concern that no government approvals, either provincially or municipally, have been received from

either the New Brunswick government or from the City of Moncton.

Councillor Epstein arrived at 5:15 p.m.

Councillor Barnet confirmed later in the meeting, after contacting Mr. Strang, the City Manager of Moncton, that the City of Moncton would require a political decision and that there has been no discussion since this item was before them approximately one and a half years ago. It was felt that a decision by the Province of New Brunswick would have to be sought in this regard.

Mayor Fitzgerald said he had been contacted by the President of Tiru Canada as well a member of the Board of Directors of Tiru France International and other members involved in the landfill and the processing plant in the Moncton area. His Worship agreed to provide members of Council with correspondence from Tiru Canada stating interest in a three year contract or a portion or part thereof at a cost of between \$70 to \$80 per tonne to haul the garbage to Moncton.

When asked by Councillor Kelly if the Resource Recovery Fund would have any impact on operations, Mr. Meech stated the matter is being pursued and will be brought forward to Council.

In response to Councillor Uteck's question as to whether he felt it would be environmentally sound to send metro's garbage to a wet landfill in another province, Mr. MacAdams stated that if a landfill is properly designed he would not have a problem as long as the toxic material is removed and the garbage is properly contained. The leachate is contained as it goes through a primary treatment, resulting in the release of safe water to the environment.

Ms. Jennifer Stephens was a member of the CSC and is now concerned that the work of that committee will be overturned, indicating that the CSC strategy is needed to protect the landfill. In her presentation, she stated a desire to see a bi-weekly collection of organics and recyclables and a weekly collection of compostables, and the adoption of a user pay concept.

PRESENTATION BY P.R.O.B.E.

Ms. Sandy Stasiulis stated their presentation would present effective, affordable and environmentally sound solutions to the integrated waste management system, and that the strategy has not been implemented in the proper sequence as identified by the CSC. Ms. Stasiulis stated it is time to implement the strategy, and that by allowing Halifax County to continue until April 1, 1996 some of the implications are that taxpayers will

incur much higher costs for a sound environmental integrated waste management system. She stated there are serious environmental concerns. By assuming full responsibility for the integrated waste system now, if the decisions are sound, they can be endorsed and if not, they can be changed or reversed.

Dr. John Calder stated three major problems, from a geological standpoint, in his review of the Vaughan Environmental Report with regards to Site A:

- major bedrock geology problems and hazards;
- major surficial geology hazards and problems; and
- major hydrogeological hazards.

In his comments with respect to placing an RDF on any landfill type of fractured bedrock, Dr. Calder stated this would be inviting disaster because it would be sitting on rock that is uncontrollable from a ground water flow standpoint. Because the rock is highly fractured excluding the fragments that are less than four centimetres long, it will be impossible to predict or model the sub-surface flow of ground water on this site. He went on to say the outcome will be uncontrollable deep ground water contamination.

As he continued with his presentation, the following points were made:

- < there is highly mobile uranium present which is a cancer causing agent;
- < the area surrounding the Otter Lake site remains under closure to uranium exploration, the uranium is concentrated along faults and fractures of the type underlying the proposed site, and uranium is highly unstable and is one of the most mobile of all elements in ground water;
- < the highest uranium reading ever encountered in Nova Scotia greater than 2000 counts per second was found in the vicinity of Otter Lake;
- < there is inadequate till composition, and the majority of the till is too permeable for low risk management of the site;
- < Vaughan proposes using and moving the nearby drumlin (clay till) to make up for the shortcomings of the till covering the site, however the entire Halifax County area has insufficient clay till for landfill siting;
- < there is a shallow water table, and the proposed site fails to meet Department of Environment guidelines, which states a ground water level less than one metre shall not be considered for an RDF;
- < the proposed site will require substantial site engineering to battle this water table problem, and the high hydraulic conductivity of the site is another major issue;
- < water will flow through the soils and bedrock more rapidly than is desired; therefore, there is ground water contamination risks; the soils on the

- surface are unsuitable and will have to be amended, and the bedrock is unsuitable because of the fracture;
- < implications for the collapse of the Shad Bay fishery and the river eco system.

When Dr. Calder produced Department of Health maps showing uranium and radon concentrations in the area of the proposed site, the following points were made:

- < radon contamination in the region's ground water was identified by the Department of the Environment as early as 1983, and high radon is caused by the decay of uranium and radium in the granite bedrock;
- < the drumlin in the South West corner of the proposed site has been suggested as construction material to make up for the shortcomings of the soil in the area; however, it has been recognized that drumlin caps is one area where radon can be most high;
- < conclusions regarding the carcinogenic radon hazard is that it could affect the well water of up to one thousand homes, resulting in cross contamination;
- < fracture zones cannot be identified beneath the cover of vegetation, hence they cannot be monitored;
- < the proposed Otter Lake site is geologically unsuitable for major construction and fails to meet Department of the Environment guidelines for an RDF;
- < all materials will have to be obtained elsewhere at undisclosed cost;
- < the high cost of engineering will be second only to that incurred by regional ground water contamination including carcinogenic radon;
- < the Vaughan report is deficient and misrepresents and obscures the geotechnical and financial shortcomings of the proposed site.

Dr. Geoffrey Elder, in his overhead presentation, made the following points:

- < the cost of all the components need to be identified with respect to cost to build, operate and the development and carrying costs;
- < there may also be compensation costs;
- < two FEP's should be constructed - one on either side of the harbour;
- < the MIRROR proposal does not include the cost of composting;
- < P.R.O.B.E. is suggesting that the Regional Council assume full responsibility for waste management.

Mr. David Haley, Manager of Vaughan's Environmental Division, said the report was prepared in consultation with the Department of the Environment and the report is an

intermediate investigation based on Department of Environment criteria. The level of detail brought forward in the report was developed in consultation with the Department, and a detailed evaluation on minerals is the next step.

In response to concerns raised by members of Council with respect to risks involved regarding the radon, till, bedrock, the water table and the environmental, Mr. Haley said he would make a formal reply addressing all the concerns raised in the presentation by P.R.O.B.E.

Mr. Wayne Hamilton, speaking on behalf of the Community Monitoring Drafting Committee, stated the site is located as such that if there are any problems it will be disaster for all. He said at the present time there is a strategy but it has only been accepted on the surface with only those aspects that fit being developed, and that there is a cost structure as such that no one knows what the costs will be. Mr. Hamilton went on to say that strong community monitoring must be in place so that problems can be solved well before they become a crisis and community needs and interests need protection and must be addressed. The Community Monitoring Drafting Committee is recommending that the Halifax Regional Council accept and adopt the report of the Drafting Committee on Community Monitoring; and that the negotiating team be directed to commence negotiating the sub-agreement on Community Monitoring; that any sub-agreement of the community monitoring contract be in place well before any agreement is accepted; to place advertisements to immediately solicit interested members of the Community Monitoring Committee; and to direct the drafting committee to act as a nominating committee to provide Council with the nominations for the initial committee members at this critical time.

Both Councillor Mitchell and Rankin thanked Mr. Hamilton for his presentation and conveyed their appreciation for those who served on the Community Monitoring Committee. Councillor Rankin stated that it is fundamental that monitoring be done by the community.

Ms. Heather Shaw stated that her home is on the three kilometre radius of the proposed landfill site. She went on to say the criteria was chosen for the site rather than the site chosen for the criteria. Ms. Shaw stated further concerns with regards to the ground water and the environment.

Mr. Paul Theriault, a resident of Upper Sackville and member of the CSC, spoke in favour of MIRROR Nova Scotia and Halifax County's Resource Management System - its contract and implementation plan. He stated it is his opinion that the site selection process was a fair and equitable one and special attention was paid to minimizing any negative environmental and socio economic impacts to nearby residents.

Mr. Byrne Williams suggested that Council not proceed with the MIRROR agreement. He said the private partner has no role in choosing the landfill, and that this is done by the municipality who will eventually pay for the land. The pick up and delivery of the waste is presently contracted out by the individual municipalities; therefore, he questioned what the private partner adds to the process. Mr. Williams went on to say the key to a better system is the ability to deal with the organics and composting aspects.

Mr. Reg Kelsey, Beechville Homeowners Association, stated the members of the Association are in opposition to the project, especially the FEP, which will be approximately one kilometre from homes in the area.

Ms. Norma Craig stated that placing the landfill at Site A would be a tragedy to the metro area for years to come, and the landfill would be in close proximity to the residents of Clayton Park, Fairview, Spryfield, Goodwood, Timberlea and the city proper. Ms. Craig went on to say that the proposed site is a wilderness area that should be preserved.

Mr. Wade White, in his presentation, stated there are a lot of issues yet to be addressed and questions to be answered. He served notice that since the lands were no longer being used for the purpose for which they were expropriated, they are to be revested to the original owner, and that through succession, the lands are being claimed.

Councillor Hendsbee requested the matter of the expropriation and revesting of the referred to lands be investigated further to confirm the points as addressed in the submission by Mr. White.

Mr. David Wimberly stated he has been looking at the effect of the high costs of individual components in the diversion process and there is no proof that the proposal is the best one possible, as there are no other proposals that can be used as comparisons. He went on to state that as more materials are diverted, the higher the cost will be.

**SYNOPSIS OF WRITTEN SUBMISSIONS RECEIVED BY THE MUNICIPALITY OF
THE COUNTY OF HALIFAX**

Mr. Ken Donnelly stated his synopsis as circulated addressed the issues as brought forward in the written submissions. He said there is concern with the level of detail in the contract relating to costs etc., and that some of the submissions have said that the master agreement should not be signed in absence of these details. Concern with regards to lack of tendering practices is another issue that is recurring throughout the submissions. Three identified risks noted by Mr. Donnelly are -

- 1) that MIRROR not be held liable for remediation and close out costs if an off ramp is executed in their contract;
- 2) that if the new waste management system is not operational by December 31, 1996, the Municipality will have to pay for an alternative solution; and
- 3) that if the 56% diversion goal is not met, it is not clear what penalty MIRROR would face.

Further, concern was expressed that without a contract signed now, there will not be a solution.

At the conclusion of the presentations, the following motion was placed on the floor:

Motion

MOVED by Councillor Rankin, seconded by Councillor Harvey

WHEREAS the Council of Halifax County Municipality is responsible to March 31, 1996, to develop and implement a waste management strategy and program for the Metropolitan Region and has undertaken this task; and

The Council of Halifax County Municipality has referred to this Council for comment on various aspects of the proposed waste management program as developed to date, including the designation of a site for a residuals disposal facility and front-end processor, and a draft master agreement with MIRROR N.S. Limited for implementation of the program; and

This Council has requested and received extensive information and representation from various parties respecting the proposed program that has greatly enhanced its understanding of these issues:

BE IT RESOLVED THAT:

This Council express appreciation to the Council of Halifax County Municipality for the valuable work accomplished to date;

This Council fully recognizes the need of Halifax County Municipality for an explicit indication of this Council's support for those aspects of the proposed solid waste management program as cited above;

This Council hereby expresses its willingness to pursue the process initiated and brought to an agreed point by Halifax County Municipality and to thereby assume responsibility for the program;

That further work on Site A be suspended pending receipt of an independent evaluation relevant to all questions cited by Dr. Calder in his presentation;

That Halifax Regional Municipality undertake an independent evaluation of any Master Agreement once the required schedules have been completed;

That the process be subject to a transportation study taking into account the direct impact it would have on the City of Halifax and Dartmouth as a result of siting of the FEP and the landfill.

It was then MOVED by Councillor Epstein, seconded by Councillor Schofield that Council defer the motion.

Motion defeated - 11 for and 12 against.

The following motion was then placed on the floor:

Motion

MOVED by Councillor Epstein that the Regional Council thank the Municipality of the County of Halifax for its work with respect to matters of solid waste;

That Council advise the Municipality of the County of Halifax of its intention to take up full responsibility, effective immediately for further development of matters with respect to solid waste;

That Council request the Municipality of the County of Halifax not to take any further steps with respect to a proposed contract with MIRROR Nova Scotia or the siting of any proposed FEP or RDF.

There was no seconder to the motion.

MOVED by Councillor Cooper, seconded by Councillor McInroy that the meeting be adjourned. Motion carried.

The meeting was adjourned at 10:20 p.m.

RESPECTFULLY SUBMITTED
VI CARMICHAEL, MUNICIPAL CLERK

WALTER FITZGERALD
MAYOR