

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL PUBLIC HEARING MINUTES SEPTEMBER 25, 2002

PRESENT:

Mayor Peter Kelly
Deputy Mayor Robert P. Harvey
Councillors: Steve Streach (Declared Conflict of Interest)
Gary Hines
Keith Colwell
Ron Cooper
Brian Warshick
Condo Sarto
Bruce Hetherington
Jim Smith
John Cunningham
Dawn Sloane
Sue Uteck
Russell Walker
Linda Mosher
Stephen Adams
Brad Johns
Len Goucher
Reg Rankin
Gary Meade

**ABSENT WITH:
REGRETS**

Councillors: Harry McInroy (Declared Conflict of Interest)
Jerry Blumenthal
Sheila Fougere
Diana Whalen

STAFF:

Mr. Wayne Anstey, Municipal Solicitor
Ms. Jan Gibson, Deputy Municipal Clerk
Ms. Sherryll Murphy, Assistant Municipal Clerk

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1. **INVOCATION**

The meeting was called to order at 4:00 p.m. with Councillor Mosher leading the Invocation.

Ms. Gibson, Deputy Municipal Clerk, advised that Councillors Blumenthal, Fougere and Whalen had extended regrets on being unable to be present at this meeting.

2. **APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS**

MOVED by Councillor Blumenthal, seconded by Councillor Hetherington, that the Order of Business, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

3. **PUBLIC HEARING**

3.1 **Plan and By-law Amendments: Construction and Demolition Waste Disposal - Halifax Construction and Debris (C&D) - Antrim/Goffs Site**

- A supplementary report dated September 20, 2002 submitted by Dan English, Acting Chief Administrative Officer, was before Council for consideration.
- The following correspondence was circulated to members of Council:
 - < Correspondence dated September 18, 2002 from J. Walter Thompson of Burke Mitton Thompson on behalf of Mr. Ed Silver, a property owner in Antrim.
 - < Correspondence dated August 19, 2002 from Maria Chaplin a property owner in Oldham
 - < Correspondence received September 16, 2002 from Laurie Ledwidge, Ledwidge Lumber Co., Ltd.
- The following correspondence was submitted during the Public Hearing and will be circulated to Council at a later date:
 - < Correspondence dated September 23, 2002 submitted by five (5) residents of Old Guysborough Road
 - < Correspondence September 23, 2002 from Ms. Opal E. Hines, 1799 Antrim Road
 - < Correspondence dated September 25, 2002 from Joanne Ferguson, Antrim Road
 - < Correspondence from Peter Schnider, 932 Wyse Road
 - < Correspondence dated September 21, 2002 from Andrew and Anne Mae Campbell

- < Correspondence dated September 25, 2002 from A.F. Schnider, 932 Wyse Road
- < Correspondence dated September 23, 2002 from Bruce and Mildred Day, 41 Cole Road, Meaghers Grant

CONFLICT OF INTEREST

Ms. Gibson indicated that Councillor McInroy had declared a Conflict of Interest at a previous meeting, relative to all meetings dealing with the Construction and Demolition Waste Disposal Municipal Planning Strategy and By-law amendments as his brother had been retained by one of the proponents.

CONFLICT OF INTEREST

Councillor Streach declared a Conflict of Interest citing family business and left the meeting.

Mr. Paul Dunphy, Director of Planning and Development, outlined the process to date. Mr. Dunphy advised that Council has approved general amendments to the Municipal Planning Strategy and Land Use By-law related to the location of C&D disposal, recycling and transfer stations and approved a Licensing By-law. He referred to the site specific public hearings noting that Council would make a decision on both of these hearings at a later date. Mr. Dunphy went on to advise that Council is seeking to fulfill two policy mandates, its Solid Waste Strategy and its Land Use policies.

Mr. Dunphy indicated that if Council approves this evening's proposal, the effect would be to rezone to CD-3 which allows processing and disposal, and would also amend the Municipal Planning Strategy to ensure compliance. In doing this, Council would ensure there was not an appeal of the decision. Mr. Dunphy pointed out that as there are no C&D disposal facilities in HRM, a very significant portion of the C&D Strategy is unfulfilled. He went on to briefly review the rationale for the Plan Amendment process.

Mr. Dunphy noted that should Council refuse a proposal meeting existing MPS policy, the applicant does have the opportunity to re-apply for rezoning. He noted that if Council should refuse the rezoning a second time, Council's decision is appealable.

Mr. Kurt Pyle, Planner, with the aid of a PowerPoint and overhead presentation, gave an overview of the Halifax C&D Recycling Ltd. Mr. Pyle advised that staff is recommending that the proposed Plan and By-law amendments to rezone Halifax C&D Recycling Ltd. to CD-3 (C&D Disposal) Zone be approved. A copy of the presentation is on file.

Mr. Dunphy and Mr. Pyle responded to questions from members of Council.

In response to a question from Councillor Cunningham regarding the length of the Spring weight restriction on the Old Guysborough Road, Mr. Pyle indicated that he did not have this information, but would obtain it for Council.

Referring to the staff presentation, Councillor Adams clarified that approval and not rejection of the proposal requires a majority vote of Council.

The Mayor called for persons wishing to speak in favour of or against of the proposal.

Don Mason, Amberwood Court

Mr. Mason, representing the Community Monitoring Committee, addressed Council advising that the Community Monitoring Committee was in favour of adopting of the Construction and Demolition sites as part of Solid Waste Strategy. He went on to note that management of construction and demolition waste is a fundamental part of the overall Strategy and provides for the proper disposal of construction and demolition waste away from the Otter Lake facility. Mr. Mason advised that monitoring of the Otter Lake site has shown that the operator is living up to its responsibilities. He commented that the acceptance of the Otter Lake facility is illustrated by the fact that a golf course and up scale housing and commercial development is proposed for within the 2 kilometer setback.

In conclusion, Mr. Mason advised that the Otter Lake facility was approved for only residential residual waste and to that end, the Otter Lake facility was not designed for anything but residential residual waste.

Mr. Scott Miller, 3709 Guysborough Road

Mr. Miller addressed Council indicating that his presentation centered on the staff report prepared for this public hearing and questions he had in this regard. He went on to point out inaccuracies in the report including a reference to RDM on Page 2 of the report and on Page 6 of the report the reference to 138 acres should be 340 acres.

Mr. Miller questioned the claim that the proposal is for a processing and disposal facility, noting that the Dillon proposal calls for a transfer like structure to transport material to Goodwood for processing. He went on to suggest that it has been overlooked that there will be a transfer station at the site and commented that this should be looked into. Mr. Miller noted that reference to a public drop off on Page 7 of the report, as well as, comments by the applicant at the public meeting seem contrary to a reference to restricting the use of the facility to area residents. Mr. Miller requested clarification of this point.

Mr. Miller noted that the 100 meter buffer is misleading as the area has been clear cut over the last number of years. He indicated that staff has advised they will require confirmation at the permitting and licensing stage of the proposal that the operation will comply with setback requirements. Mr. Miller asked if this confirmation should not be provided at this stage, to avoid unnecessary work. In conclusion, Mr. Miller noted that staff has indicated that if this

rezoning is not approved, HRM will lose diversion credits. He suggested that this statement was pressuring Council to forge ahead with the process. Mr. Miller indicated that too many questions were left unanswered and the process was very confusing.

Mr. Brooke Taylor, Musquodoboit Valley

Mr Taylor addressed Council indicating that he has had the opportunity to attend numerous public and private meetings regarding Halifax C&D Recycling Ltd.'s proposal to establish an all encompassing construction and demolition debris facility at the Old Guysborough Road location. Mr. Taylor indicated that the Municipal Planning Strategy for Musquodoboit Valley/ Dutch Settlement never envisioned a dump in this pristine area. Consequently, a C&D site does not comply with the spirit and intent of the original Municipal Planning Strategy for this area. Mr. Taylor expressed concern that now, any decision against the community is unappealable to the UARB.

Mr. Taylor went on to indicate that the overwhelming majority of people in the community are against this proposal for numerous justified and well founded reasons. The proponent's existing shale pit project raises concerns about the company's abilities. Mr. Taylor noted that the concerns raised by the community include the impact to watershed and headwaters for Porter's Lake, spill and contingency plans including a fire fighting water supply, power supply, proximity to Parks and the Clattenburg Wilderness Area, wildlife, and habitat. The community has expressed concern regarding the practical or even scientific relationship of living things in relationship to a C&D environment. Mr. Taylor went on to comment that a C&D site, especially the disposal components, explicitly means burying. Mr. Taylor stressed that this was going to be a dump - a dump in a forest. He noted that things as fundamental as leachate control and ground water monitoring have not been satisfactorily addressed. Mr. Taylor went on to question potential penalties, indicating they appeared to be the equivalent of a slap on the wrist. Mr. Taylor noted that the community has suggested the proponent be required to obtain liability insurance.

Commenting on staff's recommendation to Council not to increase the separation distance between a C&D site and a Park claiming it would eliminate most opportunities to establish disposal sites close to the source of generation, Mr. Taylor noted that the Antrim site is some 52 kilometers from the source of generation. Mr. Taylor submitted that 90 to 95% of C&D waste in the Halifax Regional Municipality will be generated in the greater metro area. He indicated that he found it inconsistent to say that we can't establish these disposal sites if we have a setback from a wilderness area, but yet are going to truck it some 50 kilometers. Mr. Taylor expressed concern about a rumor that the proponent had invited members of Council to meet with them prior to this hearing.

Mr. Taylor noted that Council is divesting a sensitive, delicate, precarious and uncertain service to the private sector. He went on to suggest that Council should recognize the

responsibility for an HRM owned and operated C&D disposal site. He asked Council to make the necessary adjustments, if an HRM owned/operated site requires a shift in policy. Referring to a petition opposed to proposal bearing approximately 408 names, Mr. Taylor noted that he had submitted this petition to the Legislature and to appropriate Provincial staff. In conclusion, Mr. Taylor asked that Council recognize the will of the people.

In response to a question from Councillor Uteck as to why the Province would not respond to staff regarding this site, Mr. Taylor advised that the Department of Environment had issued a letter outlining a number of concerns.

In response to a question from Councillor Sloane as to whether the petition had been submitted to Council, Mr. Taylor provided a copy for the record.

Mr. Basil Owens, 3373 Old Guysborough Road

Mr. Owens addressed Council indicating that he was representing the Clattenburg and Dollar Lake Wilderness Association. Mr. Owens noted that the residents of the area (Goss, Devon, Antrim, Meaghers Grant, Wyse Corner, and Lake Egmont) do not want a C&D dump site. Mr. Owens went on to note that the C&D shale pit on the way to Dollar Lake has already created concerns and health problems for the surrounding area. He expressed concern regarding the condition of the Old Guysborough Road and noted that additional truck traffic would worsen the condition of the Old Guysborough Road. Mr. Owens fears that the condition of the road combined with increased truck traffic will lead to safety concerns. He suggested that the 80 kilometer speed limit is much too fast for this type of truck traffic.

Mr. Owens suggested that Dollar Lake Provincial Park and surrounding lakes and rivers will suffer from an environmental disaster in the near future if this facility is approved. He went to note that the location of the site, 500 feet from the roadway, would create an eyesore for both residents and tourists. Debris falling from the trucks and the odours will create a deplorable situation. Mr. Owens commented that the location of this facility will de-value surrounding properties. He suggested that an industrial park was a much more appropriate location for this facility and suggested that the facility could be located in the nearby Aerotech Park.

Noting that Council had previously arranged to recess at 5:00 p.m. and reconvene at 6:00 p.m., the Mayor declared the meeting recessed.

The meeting reconvened at 6:00 p.m. with all the same members of Council being present. His Worship advised that the Public Hearing on the proposal for a C&D disposal facility off the Old Guysborough Road, Antrim.

Councillor Mosher rose on a Point of Privilege and requested a verbatim transcript of the remarks made by Mr. Brooke Taylor.

Mr. Dunphy clarified that Council had been contacted to meet with the proponent for this site, however, no such meeting had been held. Mr. Dunphy stressed that the presentations Council is hearing this evening are the first heard in connection with this public hearing.

Ms. Michele Schnider, 932 Wyse Road, Meaghers Grant

Ms. Schnider addressed Council asking that they reject this proposal on the basis that it does not meet with basic common sense. Ms. Schnider commented that planning/development of today should focus on healthy communities and the environment. She went on to express concern regarding the lack of infrastructure and noted that this infrastructure existed in the Aerotech Park. She suggested that this facility should be required to locate in an Industrial Park. Referring to the growing Enfield/Elmsdale area, Ms. Schnider suggested that this growth could well spill over into the Antrim area. She noted that the area enjoyed such amenities as a Provincial Park and two golf course. Noting the concern regarding trucking, Ms. Schnider asked what exactly was the spring weight restriction. Ms. Schnider reiterated concerns regarding the impact of this facility on the Provincial Park and the Wilderness area. In conclusion, Ms. Schnider noted that HRM was viewed with respect for its waste management and urged Council to make the right decision and reject this proposal.

Mr. Jim Reid, 1144 Antrim Road

Mr. Reid addressed Council in opposition to the proposal. He went on to indicate that he felt the public system had failed the community by not representing it's concerns. Representatives of the community had attended meetings on the Licensing By-law and rezoning of land and voiced their concerns. These concerns have been for the most part rejected by staff or shelved for further consideration. Mr. Reid suggested that Antrim should not have to accept the site, if it is not to be on terms set down by the community. He went on to suggest that the community's requests have not been unreasonable and asked if Council was putting more emphasis on cost than on public safety.

Mr. Reid went on to note that the Provincial guidelines for C&D disposal sites are not in step with current technology for unknown or hazardous materials (i.e. pressure treated woods). He went on to remind Council that the present Provincial guidelines gives only 100 days of protection against leachate. Mr. Reid further noted that the clay liner is not totally clay, 50% is made up of gravel, rock and sand. Mr. Reid pointed out that Provincial guidelines required a leachate control system only if leachate is generated. He suggested that a more proactive approach must be taken to ensure that leachate not occur. Mr. Reid expressed concern regarding the lack of liability insurance and who would be responsible for the huge cost involved with any clean up. In conclusion, Mr. Reid indicated that the site was an environmentally sensitive area with minimum clearances to several water sources.

In response to questions from Councillor Adams regarding the clay liner and leachate, Mr. Pyle indicated that the liner would have to meet Provincial guidelines before a disposal facility would be permitted and that leachate would be controlled on site as per Provincial guidelines.

Ms. Helen Cox, 228 Old Guysborough Road

Ms Cox addressed Council indicating that fire was a major concern for residents. Ms. Cox went on to note the lack of provision for fire control and indicated that the volunteer fire services in the area would be hard pressed, given their other areas of responsibility, to respond appropriately in case of an incident. Ms. Cox noted that the North Preston situation demonstrated that this concern is valid.

Mr. Mike Spencer, 799 MacMillan Road

Mr. Spencer addressed Council indicating that he lived next door to the demonstration site and that the on site control system was basic and, in fact, drained into the area water supply. He went on to indicate that the proponent had no credibility in the area given past experience and noted that he did not want this company to be operating this facility in the area.

Ms. Myra Ross, 53 Elmwood Drive

Ms. Ross addressed Council expressing concern that this facility would put at risk the thus far unpolluted Porters Lake Watershed. She indicated that the proposed on site control was a sedimentation control pond rather than a leachate protection system. Ms. Ross noted that HRM has an Administrative Order dealing with what cannot be disposed of and noted no such documents existed relative to what is to be recycled and what is to be buried.

Mr. John Bloomsoon, Vimy Avenue, Halifax

Mr. Bloomsoon expressed concern, on behalf of the Porters Lake and Myra Wilderness Area Association, regarding the impact of this facility on the Clattenburg Brook Wilderness, Dollar Lake Provincial Park and the Porter's Lake Watershed.

Ms. Jody Miller, 3709 Old Guysborough Road

Ms Miller read into the record a letter dated June 24, 2002 from the Musquodoboit Valley Tourism Association opposing the location of this facility on the Old Guysborough Road. A copy of this letter is on file.

Helen Boutilier, 577 Highway 214

Ms. Boutilier indicated that she was strongly opposed to the proposed facility for the reasons outlined by previous speakers.

Elizabeth Ferguson, Antrim Road

Ms. Ferguson spoke in opposition to the proposal noting that she was representing a group of seniors who were unable to be here this evening. She noted that these residents are disturbed by the proposal and feared that their community will be contaminated by noise and filth.

Diana Casey, Lake Egmont

Ms. Casey addressed Council in opposition to the proposal indicating that this facility would impact the water supply and, in turn, affect her livestock.

Ms. Elizabeth Schnider, 943 Wyse Road, Meaghers Grant

Ms. Schnider expressed concern regarding the impact of this facility on local waterways and Parks. Ms. Schnider went on to suggest that C&D facilities should be located near the source of these materials perhaps in industrial parks. She urged Council to develop and operate its own facility in an industrial park.

Mr. Scott Kyle, Civil Engineer, Dillon Consulting Ltd.

Mr. Kyle, on behalf of Halifax C&D, and with the aid of overheads, addressed the following key points: 1. Separation distances and site buffer; 2. Site soils and geology; 3. Groundwater and Surface Water Management; 4. Fire Control. Referring to the soils, Mr. Kyle noted that the soil on the site exceeded both Provincial and HRM requirements. A copy of Mr. Kyle's presentation is on file.

Mr. Kyle responded to questions from members of Council relating to acid slate and site soils.

Ms. Kathy Reid, 1144 Antrim Road

Ms. Reid addressed Council noting that given the elevation of the site and proposed location of the facility, the C&D facility would have the appearance of a 5 storey building when viewed from the road. She went on to note that the community lacks confidence in the proponent based on past experience. She expressed concern regarding the self-policing aspects and the possibility that the present site would be the only site selected, thereby creating a monopoly. Ms. Reid suggested that incentives be provided to lessen the cost on more suitable land. She urged members of Council to read the minutes of the Public Meeting held in the area.

Cyril Dalmon, 3726 Old Guysborough Road

Mr. Dalmon expressed concern for the safety of the water supply in the surrounding area and requested that Council stay no to this proposal.

Ms. Patricia Mombourquette, 1049 Myra Road, Porters Lake

Ms. Mombourquette expressed concern that the proponent has already been party to an environmental disaster in Antrim and is now seeking to locate this facility in Antrim. Ms. Mombourquette went on to note that only five (5) of eleven (11) test pits on the site were acceptable. She indicated that the use of Kaulback brook as a holding pond puts an entire watershed at risk and that the process of self-auditing is not sufficient. Pointing out that it takes only a little time to destroy a waterway, Ms. Mombourquette asked Council to raise the bar on the requirements and not rush a decision for the sake of making a decision.

Ms. Nancy Kusher, Pinecrest Drive

Ms. Kusher noted that she had been raised in the Antrim area and expressed fear that the site and surrounding watershed would be destroyed. She asked that Council reject the proposal.

Mr. Colin Barrens, 1144 Antrim Road

Mr. Barrens addressed Council in opposition to the proposal noting that he has seen and smelled the demonstration site. Mr. Barrens expressed concern regarding the long term impact on the area.

Ms. Tammy Golden, former resident of Gosh/Devon

Ms. Golden addressed Council in opposition to the proposal referring to a loss of enjoyment of nature.

His Worship called three times for persons wishing to speak in favour of or against this application. Hearing none, it was **MOVED by Councillor Hetherington, seconded by Councillor Warshick that the public hearing be closed. MOTION PUT AND PASSED.**

At this time Council agreed that staff bring forward a supplementary report responding to concerns expressed at the Public Hearing.

The meeting adjourned at 7:00 p.m.

Ms. Jan Gibson
Deputy Municipal Clerk