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MEMORANDUM

To: Chair and Members of Halifax Watershed Advisory Board

From: Miles Agar, Planner

Date: February 13, 2013

Subject: **Case 17413: Application by Halifax C&D Recycling Ltd. to consider amending the Municipal Planning Strategy and Land Use By-law for Planning District 4 (Prospect) to permit expansion of the existing construction and demolition materials processing facility located at 16 Mills Drive, Goodwood.**

Background – Existing Operation:

Halifax C&D Recycling Ltd. operates a construction and demolition materials (C&D) processing facility at 16 Mills Drive in Goodwood. The facility is located on two adjoining parcels of land, which are generally described as follows:

- Approximately 4 acres in total area;
- Approximately 385 feet of total street frontage;
- Zoned CD-2 (C&D Materials Processing Facilities) by the Land Use By-law for Planning District 4 (LUB) (Zoning Map Attached); and
- Designated Residential B by the Municipal Planning Strategy for Planning District 4 (MPS) (GFLU Map Attached)

The facility has operated on these lands since 1995, and has grown to become the primary C&D processing operation in HRM. Halifax C&D Recycling Ltd. is requesting amendments to the MPS and LUB to permit expansion of this facility.

Synopsis of Proposal:

Halifax C&D Recycling Ltd. wishes to expand the processing operation onto land immediately west of the existing site (Proposed Site Plan Attached). The land in question is approximately 29,000 square feet, and if included with the existing operation, would represent a 17 percent increase in area. This land is zoned I-1 (Light Industry) by the LUB (Zoning Map -Attached), designated Residential B by the MPS (GFLU Map Attached), and lies within a larger parcel currently used as a tire recycling facility. The existing operation requires additional land in order to improve diversion opportunities and operational efficiencies.

As mentioned, the land in question is currently zoned I-1, which permits a wide range of industrial and commercial uses (I-1 Zone Provisions Attached). The proposal is to consider amendments to the MPS that would allow the land in question to be rezoned to CD-2 (Construction and Demolition Materials Processing Facilities), which is the zoning of the existing operation. If the land is rezoned CD-2, uses allowed under the I-1 zone would no longer be permitted.

CD-2 Zone – Environmental Provisions:

The CD-2 Zone only permits Construction and Demolition Materials Transfer and Processing Facilities (CD-2 Zone Provision – Attached). These uses are regulated through zoning and site plan approval requirements. Zoning provisions require a minimum 60 metre setback from watercourses, and prohibit C&D operations within a 1:100 year floodplain. Site Plan provisions also requires consideration related to stormwater and surface water management.

Stormwater/Environmental Information:

The applicant has provided stormwater information related to the existing/proposed operation and environmental information related to drainage, topography, wetlands, and watercourses (see Dillon Consulting Letter and Associated Maps dated February 1, 2013 – Attached). As noted in the Dillon Consulting Letter/Maps, drainage at the existing/proposed C&D Processing facility flows toward a wetland immediately south of the site. This wetland is contiguous with a watercourse; however, the closest portion of the proposed expansion area is more than 60 metres from the edge of this wetland. Dillon Consulting has also provided general floodplain information (see February 12, 2013 email from Dillon - Attached).

C&D By-law (L-200):

Construction and Demolition processing facilities are also licenced under HRM By-law L-200, which includes environmental protection requirements (By-law L-200 Attached).

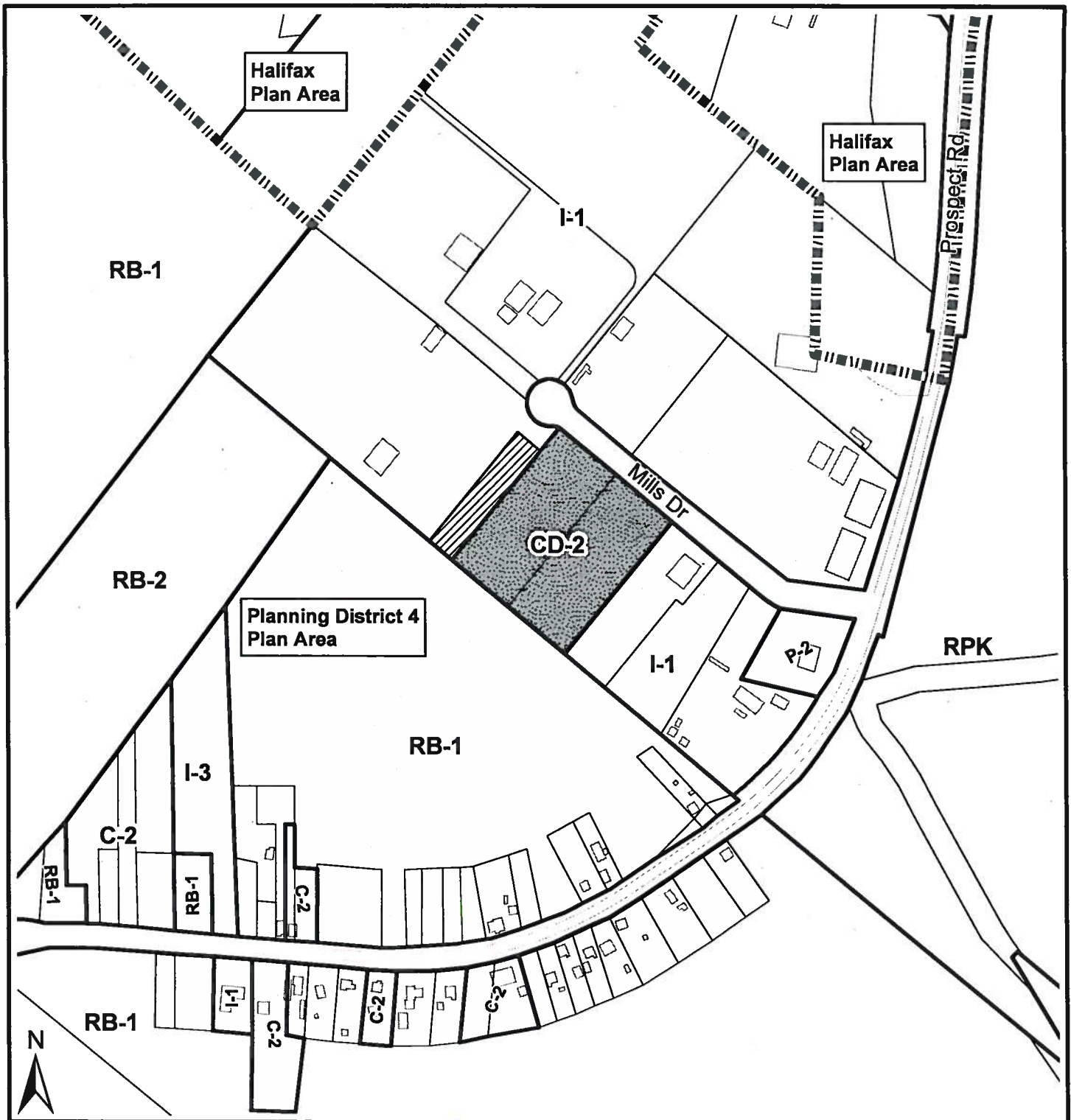
Input Sought from the Halifax Watershed Advisory Board:

Pursuant to the Board's terms of reference, the Board's input with respect to the potential impact of the proposed C&D expansion on the wetlands and watercourses located adjacent to the subject property, and the watershed associated with these environmental features. HWAB's recommendations will be included in the staff report to Regional Council.

Attachments:



- Zoning Map;
- Generalized Future Land Use Map;
- Proposed Site Plan;
- I-1 Zone Provisions;
- CD-2 Zone Provisions;
- Dillon Consulting Letter (Stormwater and Environmental Information) & General Floodplain Info;
- HRM C&D By-law (L-200)

ZONING MAP.



Map 1 - Location and Zoning

16 Mills Drive
Goodwood

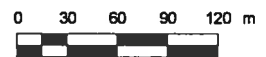
-  Existing CD-2 facility
-  Proposed expansion

Planning District 4
(Prospect) Plan Area

Zone

- RB-1 Residential B-1
- RB-2 Residential B-2
- C-2 General Business
- I-1 Light Industry
- I-3 Local Service
- P-2 Community Facility
- RPK Regional Park
- CD-2 C&D Materials Processing Facilities

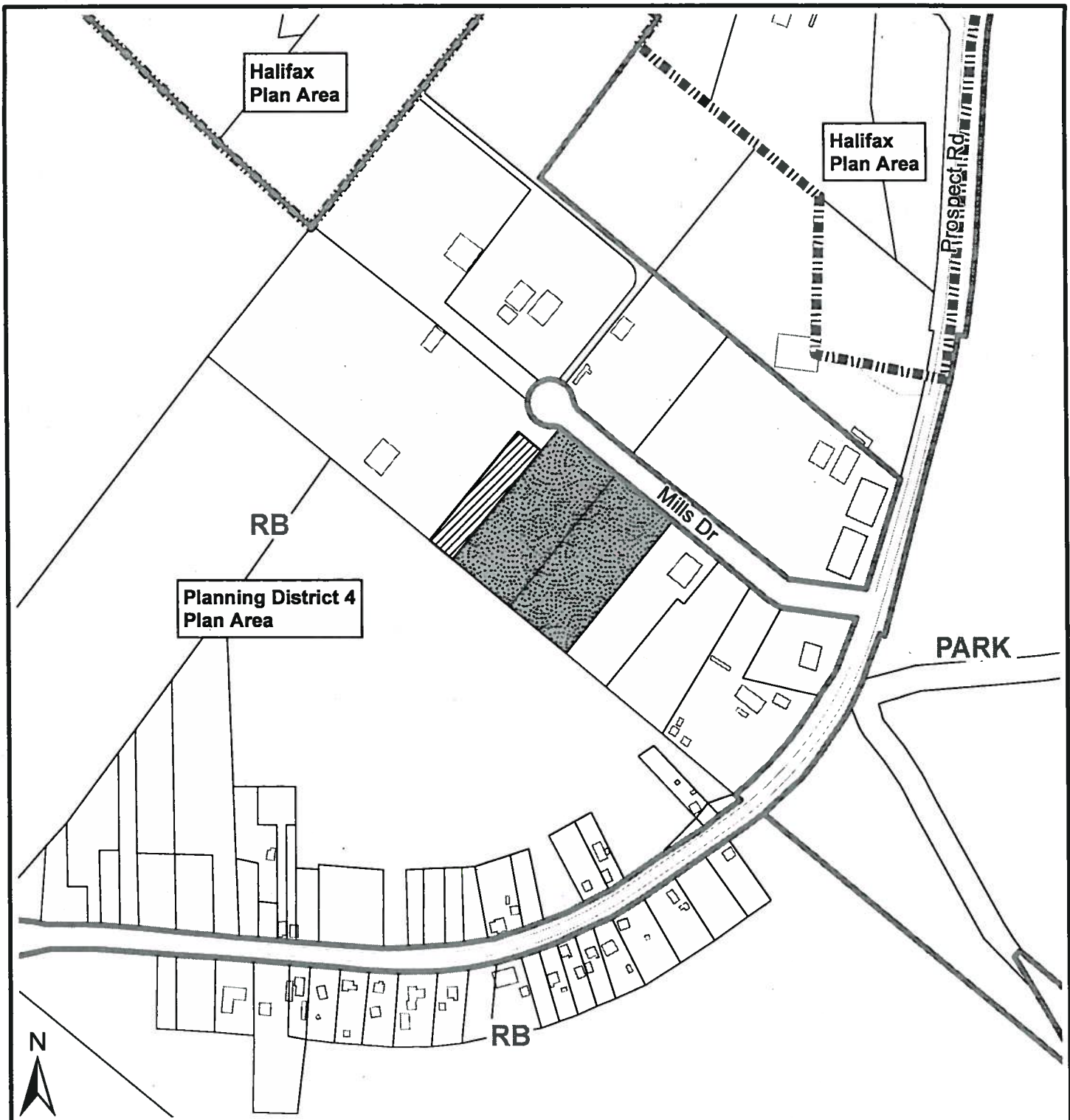
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COMMUNITY DEVELOPMENT
PLANNING SERVICES



This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

HRM does not guarantee the accuracy of any representation on this plan.



GENERALIZED FUTURE LAND USE MAP.



Map 2 - Generalized Future Land Use

16 Mills Drive
Goodwood

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-  Existing CD-2 facility
-  Proposed expansion



Planning District 4
(Prospect) Plan Area

Designation

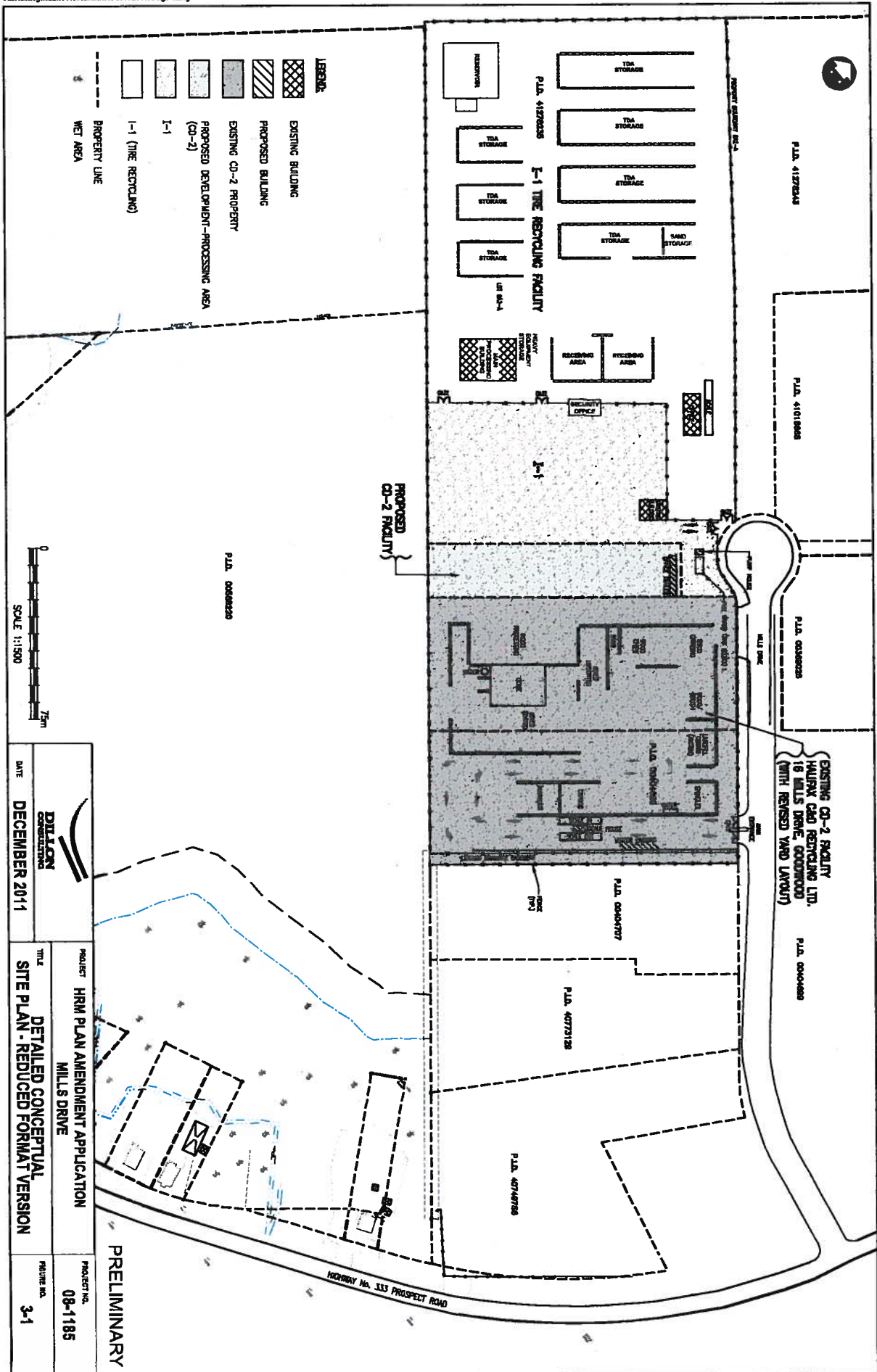
RB Residential B
Park Park

This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.

HRM does not guarantee the accuracy of any representation on this plan.

PROPOSED SITE PLAN

File Name: g:\cad\2011\185\december 2011\091185 fig3-1.dwg



| | | | |
|--------------------------------------|--|--|---------------------------------------|
| <p>DILLON CONSULTING</p> | | <p>PRELIMINARY</p> | |
| <p>DATE DECEMBER 2011</p> | <p>TITLE DETAILED CONCEPTUAL SITE PLAN - REDUCED FORMAT VERSION</p> | <p>PROJECT HRM PLAN AMENDMENT APPLICATION MILLS DRIVE</p> | <p>PROJECT NO. 08-1185</p> |
| | | <p>PLATE NO. 3-1</p> | |

I-1 ZONE PROVISIONS

PART 27: I-1 (LIGHT INDUSTRY) ZONE

27.1 I-1 USES PERMITTED

No development permit shall be issued in any I-1 (Light Industry) Zone except for the following:

Industrial Uses Permitted

Manufacturing operations
Warehouse operations
Wholesale operations
Research facilities
Postal and courier depots
Recycling depots
Transport facilities and maintenance yards
Taxi and bus depots
Parking lots
General contracting and storage yards
Communication stations
Mobiles and offices accessory to any permitted use

Commercial Uses

All C-2 uses

Other Uses

Composting operations (see section 4.29) (MC-Feb 26/96;E-Mar 28/96)

27.2 I-1 ZONE REQUIREMENTS

In any I-1 Zone where uses are permitted in accordance with Section 27.1, no development permit shall be issued except in conformity with the following:

| | |
|---------------------------------------|---|
| Minimum Lot Area | 20,000 square feet (1858.1 m ²) |
| Minimum Frontage | 100 feet (30.9 m) |
| Minimum Front or Flankage Yard | 30 feet (9.1 m) |
| Minimum Rear or Side Yard | 15 feet (4.6 m) |
| Maximum Lot Coverage All Buildings | 50 percent |

27.3 OTHER REQUIREMENTS: INDUSTRIAL USES

Where uses are permitted as an industrial use in an I-1 Zone, the following shall apply:

- (a) The use shall not be obnoxious or create a nuisance.

- (b) The Development Officer shall obtain approval from the Nova Scotia Departments of the Environment, Health and Fitness and Transportation and Communications before issuing a development permit for manufacturing operations.
- (c) Notwithstanding Section 27.2, the minimum side yard for any I-1 zone lot which abuts residential use(s) and/or vacant lot(s) shall consist of the greater of fifteen (15) feet (4.6 m) or five (5) percent of the lot frontage;
- (d) Notwithstanding Section 27.2, the rear yard which abuts residential use(s) and/or vacant lot(s) shall consist of the greater of fifteen (15) feet (4.6 m) or five (5) percent of the minimum lot depth.
- (e) No parking or driving aisles shall be permitted within the required side and/or rear yard which abuts a residential use(s) and/or vacant lot(s).
- (f) Any storage associated with the light industrial use, with the exception of mobile equipment, shall be contained within a building or otherwise enclosed by vegetation or other means which provide an effective visual barrier.

27.4 OTHER REQUIREMENTS: RECYCLING DEPOTS

Where recycling depots are permitted as light industrial uses in an I-1 Zone, any materials associated with the recycling depot shall be wholly contained within a building.

27.5 OTHER REQUIREMENTS: COMMERCIAL USES

Where commercial uses are permitted in the I-1 zone, no development permit shall be issued except in conformity with the provisions of the C-2 (General Business) Zone.

CD-2 ZONE PROVISIONS

PART 40: CD-2 (C&D MATERIALS PROCESSING FACILITIES) ZONE

40.1 CD-2 USES PERMITTED

No development permit shall be issued in any CD-2 (C&D Recycling) Zone except for the following, pursuant to the Site Plan Approval process:

Construction and Demolition Materials Processing Facilities

All CD-1 Zone uses

Uses Accessory to permitted uses, excluding construction and demolition disposal
Accessory dwelling unit which are provided for the purposes of safety, security, or maintenance

40.2 CD-2 ZONE REQUIREMENTS

In any CD-2 Zone, no development permit shall be issued except in conformity with the following:

| | | |
|----------------------|----------------------|--|
| Minimum Lot Area | 3,716 square metres | (40,000 square feet) central services |
| | 11,148 square metres | (120,000 square feet) on-site services |
| Minimum Frontage | 15 metres | (49.2 feet) central services |
| | 30 metres | (98.4 feet) on-site services |
| Minimum Front Yard | 30 metres | (98.4 feet) |
| Minimum Side Yard | 30 metres | (98.4 feet) |
| Minimum Rear Yard | 30 metres | (98.4 feet) |
| Maximum Lot Coverage | 50 % | |
| Maximum Height | 11 metres | (36.0 feet) |

40.3 OTHER REQUIREMENTS: C&D Materials Transfer Stations

In any CD-2 Zone, no development permit shall be issued for any C&D Materials Transfer Stations except in conformity with the provision for such a use as contained within the CD-1 Zone. *- SEE CD-1 ZONE PROVISIONS ATTACHED.*

40.4 OTHER REQUIREMENTS: C&D Materials Processing Facilities

No development permit shall be issued for C&D materials processing facility except in compliance with the following provisions:

- (a) any building, structure or area used for processing shall meet the following separation distances:
 - (i) from any property line 60 metres (196.8 feet)
 - (ii) from the nearest residential dwelling or institutional use 90 metres (295.3 feet)
 - (iii) from a watercourse 60 metres (196.8 feet)
- (b) notwithstanding Section 40.4(a), where a building or structure is not to be located within 250 metres of a residential or institutional use or building, the

building setback from any property line may be reduced to 10 metres (32.8 feet).

- (c) notwithstanding Section 40.4(a), any C&D Materials Processing Facility which is to be totally enclosed within a building (no outdoor storage of material, product, processing area, or equipment) setback from any property line may be reduced to 10 metres (32.8 feet).

40.5 General Requirements: C&D Materials Operations

No development permit shall be issued for a C&D Materials Operation except in compliance with the following provisions:

- (a) the operation complies with the general zone requirements as outlined in Section 39.4.
- (b) notwithstanding Sections 40.2 to 40.4, inclusive, more than one C&D Materials operation is permitted on a site and each use shall be subject to the applicable standards unless the uses are not clearly differentiated than the more stringent requirements shall apply to the permitted uses.

40.6 General Requirements: Site Plan Approval

C&D Materials Operations are subject to approval of a site plan. The Development Officer shall approve a site plan for each use which deals with those matters outlined in Section 39.5.

PART 39: CD-1 (C&D MATERIALS TRANSFER STATIONS) ZONE

39.1 CD -1 USES PERMITTED

No development permit shall be issued in any CD-1 (Transfer Stations) Zone except for the following, pursuant to the Site Plan Approval process:

Construction and Demolition Materials Transfer Stations
Uses accessory to permitted use

39.2 CD-1 ZONE REQUIREMENTS

In any CD-1 Zone, no development permit shall be issued except in conformity with the following:

| | | |
|----------------------|----------------------|--|
| Minimum Lot Area | 3,716 square metres | (40,000 square feet)- central services |
| | 11,148 square metres | (120,000 square feet)-on-site services |
| Minimum Frontage | 15 metres | (49.2 feet)- central services |
| | 30 metres | (98.4 feet)- on-site services |
| Minimum Front Yard | 25 metres | (82.0 feet) |
| Minimum Side Yard | 30 metres | (98.4 feet) |
| Minimum Rear Yard | 30 metres | (98.4 feet) |
| Maximum Lot Coverage | 50 % | |
| Maximum Height | 11 metres | (36.0 feet) |

39.3 OTHER REQUIREMENTS: C&D Materials Transfer Stations

No development permit shall be issued for a C&D Materials Transfer Station except in compliance with the following provisions:

- (a) any building or structure shall meet the following separation distances:
 - (i) from any property line 30 metres (98.4 feet)
 - (ii) from the nearest residential dwelling or institutional use 60 metres (196.9 feet)
 - (iii) from a watercourse 30 metres (98.4 feet)
- (b) notwithstanding Section 39.3(a), where a building or structure is not to be located within 250 metres of a residential or institutional use or building, the building setback from any property line may be reduced to 10 metres (32.8 feet).
- (c) notwithstanding Section 39.3(a), any C&D Materials Transfer Station which is to be totally enclosed within a building (no outdoor storage of material, product, or equipment) setback from any property line may be reduced to 10 metres (32.8 feet).

39.4 General Requirements: C&D Materials Operations

No development permit shall be issued for a C&D Materials Operation except in compliance with the following provisions:

- (a) no operation shall be permitted, result in, causes or produces any of the following effects discernible outside any building or structure or affecting any adjacent property:
 - (i) noise or sound which is obnoxious because of its volume, duration, intermittent beat, frequency, or shrillness;
 - (ii) dissemination of smoke, fumes, gas, dust, odour, or any atmospheric pollutant; or
 - (iii) discharge of any waste material whatsoever into a watercourse or water resource except in accordance with the applicable government requirements.
- (b) notwithstanding any other provisions of this by-law, C&D Materials Operation may occur either inside or outside of a building;
- (c) there shall be a landscaped area of at least 4.5 metres (14.8 feet) in depth that runs the length of and directly abuts the front lot line, excluding driveway openings, and such land within this required landscaped area shall be grassed (or other appropriate vegetation ground cover) and trees and shrubs shall be planted (trees shall be a minimum of 1.8 metres (6 feet) in height) or existing trees and shrubs shall be maintained at a minimum rate of one (1) plant per each 2 metres (6.6 feet) of frontage;
- (d) notwithstanding Section 39.4(c), if the front yard area is treed, the landscaped area is not required but all vegetation within 10 metres of the front lot line shall be retained and maintained;
- (e) no portion of the operation shall be located within any side, rear, or front yard setback; no operation shall have direct access to either a local or subdivision road, as determined by the Municipality's Traffic and Transportation Services Division and any access road for such operations shall not occur through lands zoned for residential (RA-1, R-A-2, RA-3, RA-4, RB-1, RB-2, RB-3, and RB-4) or community use (P-2, P-3, P-4, P-5, P-6, and WC); and
- (d) no portion of the operation shall be located within a 1:100 year floodplain.

39.5 General Requirements: Site Plan Approval

All C&D operations are subject to approval of a site plan. The Development Officer shall approve a site plan where the following matters have been addressed:

- a) driveway access to the site shall be located in such a manner to minimize land use impacts on adjacent land uses;
- b) separation distances shall be provided from any structure on the site and abutting residential or community facility properties to ensure the development does not negatively impact upon surrounding properties;
- c) all off-street loading and unloading areas, stockpiles, processing areas, and parking facilities shall be located on the site such that no aspect impacts upon adjacent uses or streets and screening can be in the form of fencing, berms, vegetation, or a combination of elements;

- d) a landscaping plan shall be prepared that protects and minimize land use impacts on adjoining lands and the plan shall indicate the type, size, and location of all landscaping elements including the landscaping along the front of the property, to achieve the objective of the plan;**
- e) within any designated side and rear yards, existing vegetation shall be retained unless it does not provide for adequate screening measures;**
- f) all outdoor lighting shall be oriented such that it is directed away from adjacent properties;**
- g) all solid waste storage containers shall be screened from adjacent properties and streets;**
- h) impact of the location, number and size of signs;**
- i) measures, including but not limited to lot grading, berms, shall be required to adequately address the management of stormwater and surface water; and**
- j) provisions are established to ensure the operation and any required site improvements are maintained to a high standard.**



February 1, 2013

HALIFAX REGIONAL MUNICIPALITY
Planning Services
Bayers Road Centre
7071 Bayers Road, Suite 2005
Halifax, Nova Scotia
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ATTENTION: Mr. Miles Agar
Planner

Information for the HWAB - Request for Plan Amendment, Mills Drive C&D Material Processing/Transfer Facility (Case 17413)

With reference to our recent discussions as well as previous correspondence including our letter dated September 24, 2012, we have prepared this letter to summarize existing and proposed stormwater management features at Halifax C&D's facility at 14 Mills Drive, Goodwood, NS. A site location plan showing the proposed site layout following the rezoning of PID 41278235 to a CD-2 designation is provided as **Attachment A**.

Summary of Existing/Planned Stormwater Management Features

The existing CD-2 yard at Mills Drive is 1.62 ha in size, has an asphalt surface and is graded to direct surficial runoff to either an existing drainage easement along the easterly property boundary or to wooded property (also owned by Halifax C&D) directly to the south. Flow in the drainage easement proceeds from the north to the south and into a forested area. The proposed 0.27 ha paved addition (currently zoned I-1) to the existing CD-2 area is included in the current catchment area for the facility. It is partially paved at the current time thus no significant changes to existing runoff volumes are anticipated.

As noted on **Attachment A**, identified wetland areas (delineated by a Dillon biologist in July 2009) exist on the undeveloped property to the south of 16 Mills Drive. No alteration of these wetland areas is proposed.

Under this proposal, stormwater flows from the Mills Drive site development, influenced by area topography and the adjacent wetland areas, will continue to proceed in a south-southwesterly direction. An unnamed brook on the north side of Highway 333 then directs area flows in a westerly direction, parallel to the road. Based on 1:10 000 topographic mapping, drainage from this area proceeds westerly, ultimately entering Partridge Brook. Partridge Brook flows in a southerly direction under the Prospect Road to Peters Lake, approximately two kilometres from Prospect Road. Flow originating from Peters Lake ultimately discharges into Terrance Bay via Terrance Bay River. Primary surficial runoff features in proximity to Mills Drive are presented on **Attachment B**.

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Dillon Consulting
Limited

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HALIFAX REGIONAL MUNICIPALITY

February 1, 2013

In addition to measures prescribed by either HRM or NS Environment, Halifax C&D also conduct regular (minimum three times per year) sampling of the ditch in the eastern drainage easement. Sampling is undertaken both at the northern end (flow primarily from properties on the northern side of Mills Drive) and southern end (flow from Halifax C&D's yard) of the easement. Sampling results are compared to suspended solids criteria for construction sites (NSE) as well as BTEX and oil/grease criteria as defined in HRM By-Law W101. To date, no exceedances of these criteria have been recorded. Halifax C&D conduct this monitoring to track the characteristics of stormwater from their facility and to maintain a record of the quality of runoff from nearby properties that enters the drainage easement from the Mills Drive roadside ditch.

The potential for runoff quality concerns at Halifax C&D's Mills Drive facility are mitigated by the non-contentious nature (e.g., C&D materials only) of site materials and the fact that stockpiles do not remain on site long enough to degrade and create a leached effluent.

We trust that this letter addresses HWAB's information requirements for this proposed plan amendment. Should you require any additional information, please contact the undersigned or Dan Chassie at Halifax C&D (tel.: [REDACTED] at your convenience.

Yours truly,

DILLON CONSULTING LIMITED

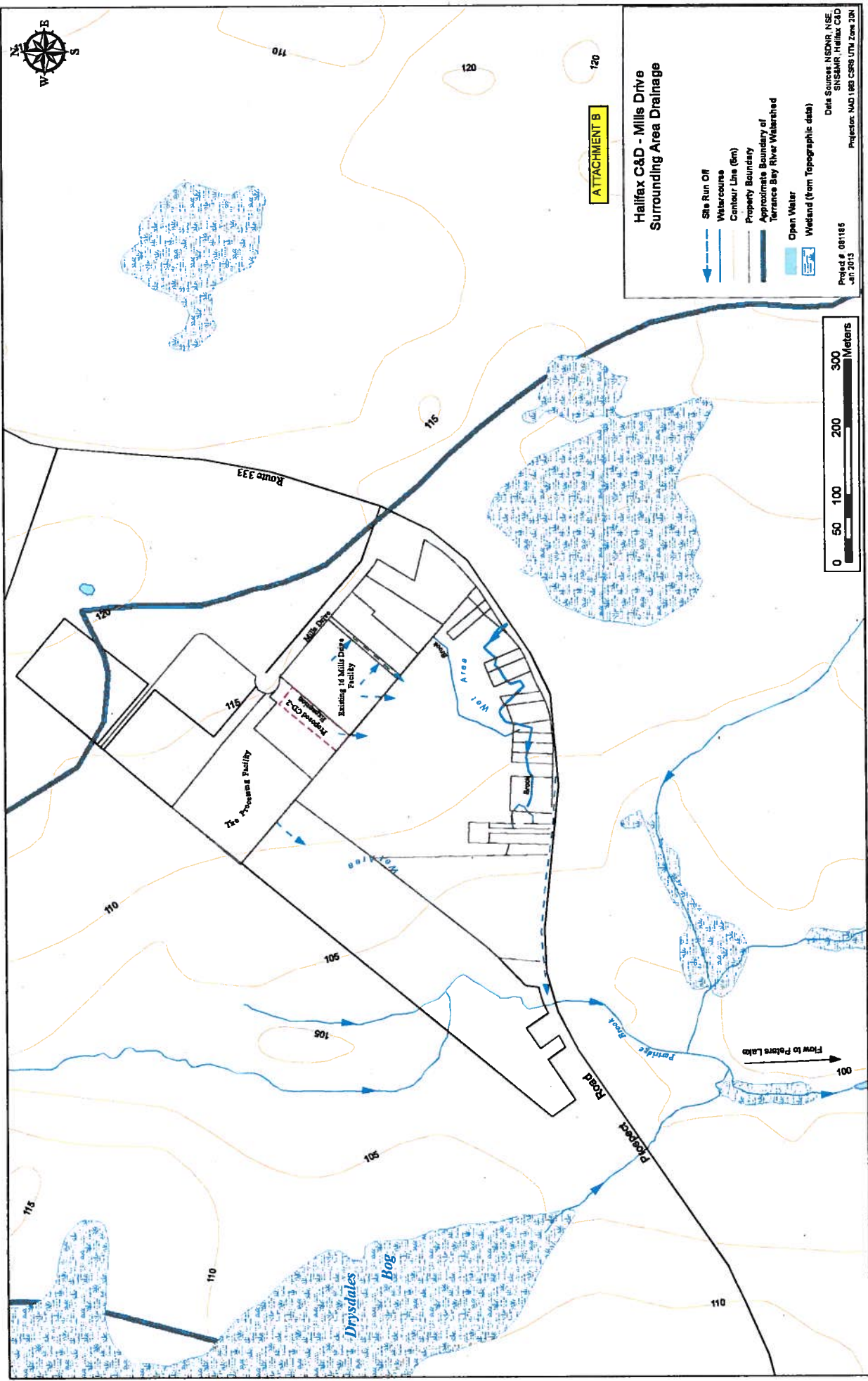
original signed

Scott D. Kyle, P.Eng.
Project Manager

SDK:jep
attachments

cc: Dan Chassie – Halifax C&D
Barb Allen – Halifax C&D
Reg Rankin – HRM Council
Laurie Lewis – HRM
Shari Dillman – HRM

Our File: 08-1185-0100



ATTACHMENT B

Halfax C&D - Mills Drive Surrounding Area Drainage

- Site Run Off
- Watercourse
- Contour Line (5m)
- Property Boundary
- Approximate Boundary of Terrace Bay River Watershed
- Open Water
- Wetland (from Topographic data)

Data Sources: NSDNR, NISE
 SNS&MR, Halfax C&D
 Projection: NAD 1983 CSRS UTM Zone 20N
 Project #: 081165
 Jan 2013



Flow to Polare Lake

To Prospect Facility

Existing 16 Mills Drive Property

Proposed C&D Property Boundary

Route 333

Mills Drive

Prospect Road

Frankie Brook

Wolfe Brook

Wolfe Brook

Drysdales Bog

Agar, Miles

From: Kyle, Scott [REDACTED]
Sent: February 12, 2013 9:22 AM
To: Agar, Miles
Cc: Dan Chassie; 081185
Subject: Additional Information - 16 Mills Drive Application (Case 17413)

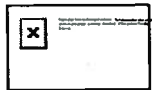
Hi Miles:

As a follow up to our conversation this morning and with regard to confirming that the proposed CD-2 area does not reside within a 1:100 year flood plain, I offer the following:


- we have been unable to identify any historical evidence that flooding has been a past issue in proximity to the 16 Mills Drive site.
- with reference to Attachment B that was provided with our letter of Feb 1, Mills Drive is situated near the peak/divide of the Terrance Bay River Watershed, making it unlikely that is located within a flood risk area. Based on topographical information presented on Attachment B, there is an significant hydraulic gradient directing flow from Mills Drive towards the main receiving watercourse for the area, Partridge Brook. Information on this figure indicates an elevation difference in excess of 7 m between the Mills Drive development and Partridge Brook - once again pointing away from concerns related to potential flooding.
- properties along both sides of Mills Drive were originally established by importing significant amounts of fill material; thus they have been developed at grades that are well above the surrounding natural terrain.
- nonetheless, noting that the proposed CD-2 area currently resides in direct proximity to active CD-2 and I-1 areas, should a more thorough flood plain analysis be required, it will be provided at the building permit stage.

Please give me a call about any questions.

Thanks - Scott



Scott D. Kyle, P.Eng., LEED AP
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**HALIFAX REGIONAL MUNICIPALITY
BY-LAW L-200**

**RESPECTING LICENSING OF CONSTRUCTION AND DEMOLITION MATERIALS
RECYCLING AND DISPOSAL OPERATIONS**

WHEREAS it is the desire of the Halifax Regional Municipality to:

- a) Maximize diversion from landfill through recycling of construction and demolition debris in keeping with the Halifax Regional Municipality Solid Waste Resources Strategy;
- b) Increase economic activity and value added processing through recovery of construction and demolition debris;
- c) Provide an opportunity to properly dispose of construction and demolition debris that cannot be recycled;
- d) Ensure minimal environmental, land use and nuisance impacts from the operation of construction and demolition debris processing and disposal operation.

SHORT TITLE

1. This by-law shall be known as By-Law Number L-200 and may be cited as the "C&D Materials Recycling and Disposal License By-Law".

INTERPRETATION

2. In this By-Law:

- a) **Administrator** means the person appointed by the Chief Administrative Officer to administer this by-law, or his designate;
- b) **Construction and Demolition Materials**, hereinafter referred to as C&D Materials, means materials which are normally used in the construction of buildings, structures, roadways, walls and landscaping features, and includes, but is not limited to, soil, asphalt, brick, concrete, ceramics, porcelain, window glass, mortar, drywall, plaster, cellulose, fiberglass fibres, lumber, wood, asphalt shingles and metals.
- c) **Construction and Demolition Materials Processing Facility**, hereinafter referred to as a C&D Processing Facility, means lands and/or buildings or part of

a building used to sort, alter, grind, or otherwise process, C&D Materials for reuse or recycling into new products, and shall not include a Used Building Material Retail Outlet, an operation that processes inert C&D Materials on the site of generation and the material processed does not leave the site except for inert C&D materials described in Sub-Section 9(3), de-construction of a building on site, a municipal processing facility for used asphalt and concrete, or facilities associated with reclamation of a gravel pit or quarry operations licensed by the Province of Nova Scotia or forestry manufacturing processing.

- d) **Construction and Demolition Materials Disposal Site**, hereinafter referred to as a C&D Disposal Site, means land and /or buildings or part of a building where C&D Materials, or Residue remaining from C&D Processing Facilities, are disposed of by land application or burying, and shall not include the use of inert C&D Materials, approved by the Provincial Department of the Environment and Labour, for site rehabilitation within gravel pits and quarry operations licensed by the Province of Nova Scotia.
- e) **Construction and Demolition Residue**, hereinafter referred to as C&D Residue, means material remaining from the processing and/or sorting of C&D Materials for which there is no reasonable use or potential use or market.
- f) **Construction and Demolition Materials Transfer Station**, hereinafter referred to as a Transfer Station, means land and/or buildings or part of a building at which C&D Materials are received and sorted for subsequent transport to a C&D Disposal Site or a C&D Processing Facility.
- g) **Hazardous Substance** means any hazardous, toxic, or dangerous substance or material, and includes any substance or material declared or defined to be a hazardous or toxic substance in or pursuant to any applicable law.
- h) **Stockpile** means a pile of C&D Material which is either processed or unprocessed.
- i) **Used Building Material Retail Outlet** means land and/or buildings or part of a building where C&D Materials are sorted and available for resale with incidental and minimal alteration of the materials and where activity primarily occurs inside a building.
- j) **Watercourse** means the bed and shore of every river, stream, lake, creek, pond, spring, lagoon or other natural body of water, and the water therein, within the jurisdiction of the Province of Nova Scotia, whether it contains water or not.
- k) **Inert Construction & Demolition Materials** means rock (excluding rock containing a sulphide bearing material), aggregate, soil, bricks, mortar, asphalt pavement, trees, brush, limbs, stumps, root balls, and organic mat.

- 1) **“Appeals Committee”** means the Appeals Committee established pursuant to Halifax Regional Municipality By-law A-100, the Appeals Committee By-law;

LICENSE REQUIREMENTS

3. (1) No person shall operate a C&D Processing Facility, Transfer Station or a C&D Disposal Site in Halifax Regional Municipality without having first obtained and maintained in effect a license therefor.
- (2) The application for a C&D Processing Facility, Transfer Station or a C&D Disposal Site license shall be made in writing to the Administrator.
- (3) The application for a C&D Processing Facility, Transfer Station or a C&D Disposal Site license shall include:
- a) The name, home and business address of the applicant, and the name and address of the owner if other than the applicant;
 - b) A description of the activities to be carried on at the site;
 - c) An insurance policy and bond or letter of credit meeting the conditions of Section 5;
 - d) A development permit issued by the Development Officer of the Halifax Regional Municipality for the use of the site as a Transfer Station or a C&D Processing Facility, and if applicable, a C&D Disposal Site;
 - e) If the application is for a C&D Disposal Site, the approval under the Nova Scotia Department of the Environment and Labour Solid Waste Resource Management Regulations or subsequent amendments;
 - f) A license fee in the amount of \$50;
 - g) A Site Plan approved under Section 10;
 - h) An Operational Plan approved under Section 10; and
 - i)
 - a) A Records Management Plan approved under section 8
 - b) A letter from the Nova Scotia Department of Environment and Labour that the site is not in violation of the Environment Act.
- (4) If the applicant meets all of the requirements of subsection (3), the Administrator shall issue a C&D Processing Facility License, Transfer Station License, or a C&D Disposal Site License, as the case may be, to the owner of the Facility.

(5) A license issued under this By-Law shall expire on the 31st day of December next following the date of issue.

(6) The Administrator shall maintain a permanent record of each license issued pursuant to this By-Law.

(7) A License issued under this By-Law shall be issued to a particular person and in respect of a particular location. Subject to the approval of the Administrator, a license may be transferred to a new owner of the property for which the License was issued.

RENEWAL OF LICENSE

4. A Transfer Station, C&D Processing Facility or C&D Disposal Site License may be renewed upon payment of an annual license fee in the amount of \$50 provided that the license holder continues to meet all of the requirements of this By-Law.

INSURANCE AND BONDING

5. (1) The owner of a C&D Processing Facility, Transfer Station or a C&D Disposal Site shall maintain a minimum of \$2,000,000 of third party liability insurance in effect at all times.

(2) The owner of a C&D Processing Facility, C&D Disposal Site, and C&D Transfer Station shall post a bond or letter of credit in a form acceptable to the Administrator from a bonding company or financial institution acceptable to the Administrator in the amount of \$50,000 for a C&D Processing Facility or Disposal site and \$10,000 for a C&D Transfer Station.

(3) A bond posted pursuant to subsection (2) shall be used for the removal of material that has accumulated under Section 10.

(4) The application of a bond pursuant to subsection (3) shall not absolve the operator of a C&D Processing Facility, C&D Disposal Site, and C&D Transfer Station from any liability arising from the operation of the facility.

SUSPENSION OR REVOCATION OF LICENSE

6. (1) The Administrator may from time to time enter upon any property or structure which is the subject of a license under this By-law to ensure compliance.

(2) A license issued under this By-law may be suspended or revoked by the Administrator on the violation of any of the provisions of this By-Law. Notice of suspension, revocation or refusal to issue a License shall be in writing to the applicant.

APPEAL

- 7 (1) Any person whose application for a license under this By-Law has been refused, suspended or revoked by the Administrator may appeal such refusal, suspension or revocation to the Appeals Committee.
- (2) Such appeal shall be in writing in the form of a notice, and shall be filed with the Municipal Clerk, within fifteen (15) days of such refusal, suspension or revocation, and shall clearly state the grounds for such appeal.
- (3) A copy of such notice shall be served within such time upon the Administrator.
- (4) The Appeals Committee shall hear such appeal at such time and place as it determines and may confirm such refusal or revocation by the Administrator or may direct the Administrator to issue or reinstate the license.
- (5) If the Appeals Committee directs the Administrator to issue or reinstate such license he or she shall immediately do so.

RECORDS

8. (1) All loads of C&D Material, processed material or residue arriving or leaving a Transfer Station, C&D Processing Facility or a C&D Disposal Site shall be weighed and records shall be kept of all loads.
- (2) The operator of a Transfer Station, C&D Processing Facility or C&D Disposal Site shall, at the end of each month of operation, report to the Administrator, in a form acceptable to the Administrator, the total weight and nature of all materials received and removed from the site, and the destination of all materials removed from the Site.

RECYCLING TARGETS

9. (1) No C&D Materials listed in Administrative Order 27 shall be disposed of in a C&D Disposal Site.
- (2) C&D Materials shall be recycled or otherwise diverted from disposal in accordance with the minimum recycling targets listed in Administrative Order 27.
- (3) All C&D materials shall be transported from the place of generation to either a Transfer Station or a C&D Processing Facility, except inert C&D materials approved for site rehabilitation or infilling within gravel pits or quarry operations licensed by the Province of Nova Scotia or as approved for use pursuant to the Lot Grading By-law.

OPERATIONAL PROCEDURES

10. (1) A Site Plan showing location of all buildings, storage areas, access roads, weigh scales, sorting pads, processing areas, and stockpiles shall be submitted to the Administrator for approval. Such Site Plan shall be amended and submitted for approval before any substantial changes are undertaken and in any event submitted for approval each calendar year upon application for a license renewal.
- (2) An Operational Plan indicating
 - (i) methods of processing;
 - (ii) materials to be recycled;
 - (iii) environment controls, such as, but not limited to, dust and debris control, berms to protect watercourses, surface and groundwater monitoring, and leachate treatment and control; and
 - (iv) fire safety plan which meets the requirements of the National Fire Code of Canada 1995, Section 3.3 Outdoor Storage as approved by the Chief Director of Halifax Regional Fire and Emergency Service, and safety and environment contingency plans shall be submitted to the Administrator for approval. Such Operational Plan shall be amended and submitted for approval before any substantial changes are undertaken and in any event submitted for approval each calendar year upon application for a license renewal.
- (3) Notwithstanding subsection (2), C&D materials brought to a C&D operation must first be placed upon a pad for sorting prior to the materials being processed, stockpiled, or removed from the site. The pad shall be designed to prohibit materials and liquids from entering the groundwater table or a watercourse. The Operational Plan shall indicate how the operator intends to handle and treat or remove the material/leachate from the site.
- (4) All work or activity associated with a Transfer Station, C&D Processing Facility or C&D Disposal Site shall only be permitted between the hours of 7:00 a.m. to 8:00 p.m. Monday to Friday, inclusive and from 7:00 a.m. to 5:00 p.m. on Saturday and no work or activity shall be conducted on any day of the week outside of the permitted hours or on Sunday and the following holidays; New Years Day, Good Friday, Canada Day, Remembrance Day and Christmas Day. The Site shall be gated to restrict access during non-operational hours;
- (5) Notwithstanding Subsection (4), the Administrator may permit the hours of operation to be expanded if the site
 - (i) is located within an industrial park owned or managed by Halifax Regional Municipality;
 - (ii) is located within an industrial land designation;
 - (iii) does not abut any residentially or community facility zone; or

(iv) is not located within 250 metres of a residential or commercial facility use of building.

(6) Materials stockpiled at a C&D facility must meet the following conditions:

- (i) the maximum height of any stockpile shall be 6 metres;
- (ii) the maximum base diameter of any stockpile shall be 75 metres; and
- (iii) the minimum separation distance between the nearest edge or face of stockpiles shall be 5 metres.

(7) Minimum separation distances from the nearest edge or face of stockpile or disposal area as follows:

| Issue | Minimum Separation Distance (metres) | | |
|--|--------------------------------------|----------------------------|---------------|
| | Transfer Stations | Processing Operations | Disposal Site |
| nearest residential or institutional use or zone property line | 60 | 60 | 60 |
| nearest non - residential or non institutional use property line | 5 | 30 | 30 |
| no residential or institutional use within 250 metres | 10 | 10 | 30 |
| operation is wholly contained within a building | applicable Land Use By-Law | applicable Land Use By-Law | N/A |
| watercourse | 30 | 60 | 150 |

(8) No C&D Materials shall remain on site of a C&D Processing Facility longer that one year.

(9) Where there is less material removed from Site of a C&D Processing Facility than was received in any one calendar year, the operation shall be deemed to be in violation of this By-Law.

(10) Notwithstanding subsection (8) and (9), in the first year of operation, there may be a maximum of ten per cent of the total weight of incoming material arriving during that year left on site of a C&D Processing Facility as inventory, but shall be removed from the Site before the end of the next calendar year.

- (11) Notwithstanding subsection (8) and (9), C&D Material on the Site of a C&D Processing Facility prior to the coming into effect of this By-Law or arriving on the site on or before April 1, 2002, shall be removed from the site before September 30, 2004.
- (12) No C&D Material shall remain on a site of a Transfer Station longer than 15 days.
- (13) No hazardous Substances shall be delivered to a Transfer Station, C&D Processing Facility or C&D Disposal Site other than those which are incidental to, and inadvertently delivered with, C&D Materials.
- (14) No Solid Waste other than C&D Materials shall be delivered to a Transfer Station, C&D Processing Facility or C&D Disposal Site other than those which are incidental to, and inadvertently delivered with, C&D Materials.
- (15) The operator of a Transfer Station or C&D Processing Facility shall be responsible for removal of all materials accumulated under this Section to a C&D Processing Facility or C&D Disposal Site.
- (16) All C&D materials acceptable for disposal at a C&D Disposal Site shall be disposed at the C&D Disposal Site within 48 hours of receipt of same. C&D materials arriving at a C&D Disposal Site that can not be disposed at a C&D Disposal Site are to be removed within 30 days of receipt of same. Hazardous Substances and Solid Waste which are incidental to, and inadvertently delivered with C&D Materials to a C&D Disposal Site are to be removed from the C&D Disposal Site within 24 hours operating of receipt of same.

OFFENSE AND PENALTY

11. (1) Any person who contravenes or fails to comply with any other provision of this By-Law shall for each offence be liable to a penalty of not less than \$500.00 and not exceeding \$10,000.00 and in default of payment to imprisonment for a period not exceeding 90 days; and each day that the offence continues shall constitute a new offence.
- (2) A person who is alleged to have violated this By-law and is given notice of the alleged violation may pay a penalty in the amount of \$500.00 to the Halifax Regional Municipality provided that said payment is made within a period of fourteen (14) days following the day on which the notice was served and where the said notice so provides for payment in this manner, and such payment shall be in full satisfaction, releasing and discharging all penalties and imprisonments incurred by the person for said violation.
- (3) In addition to any fine or imprisonment imposed pursuant to subsection (1), the Court or judge may order the person convicted to pay all expenses incurred in correcting the contravention of the By-law or any damages associated with such contravention.

(4) Where any person is in contravention of any provision of this By-law, the Administrator may direct in writing that the contravention be remedied by that person in the manner and within the time specified in the written direction.

Done and passed in Council this 3rd day of July, 2001

MAYOR

MUNICIPAL CLERK

I, Vi Carmichael, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Halifax Regional Council held on, July 3, 2001.

Vi Carmichael, Municipal Clerk

By-Law L-200

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| Notice of Motion: | April 10, 2001 |
| First Reading: | May 15, 2001 |
| "Notice of Intent" Publication: | May 19, 2001 |
| Second Reading: | July 3, 2001 |
| Approval of Minister of Housing & Municipal Affairs: | N/A |
| Effective: | July 21, 2001 |

No. 1 L-201

Amendments - additions and deletions to Section 2, 3, 5, 6, 9, 10 and 11

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|--|---------------|
| Notice of Motion: | June 11, 2002 |
| First Reading: | June 18, 2002 |
| "Notice of Intent" Publication: | June 22, 2002 |
| Second Reading: | July 9, 2002 |
| Approval of Service Nova Scotia and Municipal Relations: | N/A |
| Effective Date: | July 13, 2002 |

No. 2 By-law V-101

Amending Section 11

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| Notice of Motion: | August 19, 2003 |
| First Reading: | August 26, 2003 |
| "Notice of Public Hearing" Publication: | September 6, 2003 |
| Second Reading: | September 23, 2003 |
| Approval of Service Nova Scotia and Municipal Relations: | N/A |
| Effective Date: | September 27, 2003 |

No. 3 By-law A-500

Amending Section 2 & 7

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| Notice of Motion: | March 20, 2012 |
| First Reading: | March 27, 2012 |
| Notice of Second Reading Publication: | March 31, 2012 |
| Second Reading: | April 17, 2012 |
| Approval of Service Nova Scotia and Municipal Relations: | N/A |
| Effective Date: | April 21, 2012 |