

**HALIFAX REGIONAL MUNICIPALITY
SOLID WASTE/RESOURCE ADVISORY COMMITTEE**

**MINUTES OF MEETING
APRIL 4, 2001 @2:00 p.m.
Council Chambers, 2750 Dutch Village Road**

Present: Councillor Reg Rankin, Chair
Councillor Gary Hines
Councillor Jim Smith
Councillor Dawn Sloane
Brian Smith, Director, Solid Waste Resources
Jim Bauld, Diversion Planning Coordinator
Kurt Pyle, Planner, Planning & Development Services
Laurie Lewis, Collection & Processing Coordinator
Sherrill Murphy, Assistant Municipal Clerk

TABLE OF CONTENTS

1. CALL TO ORDER AND APPROVAL OF AGENDA 3

2. APPROVAL OF THE MINUTES OF MARCH 7, 2001 3

3. CONSTRUCTION & DEMOLITION WASTE STRATEGY 3

4. PETITION CONCERNING NEW ERA FARMS COMPOSTING PLANT 6

5. DATE OF NEXT MEETING - APRIL 26, 2001 9

6. ADJOURNMENT 9

1. CALL TO ORDER AND APPROVAL OF AGENDA

The Chair called the meeting to order at 2:00 p.m.

MOVED by Councillor Hines, seconded by Councillor Meade that the agenda, as distributed, be approved. MOTION PUT AND PASSED.

2. APPROVAL OF THE MINUTES OF MARCH 7, 2001

MOVED by Councillor Hines, seconded by Councillor Smith that the March 7, 2001 minutes, as distributed, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

3. CONSTRUCTION & DEMOLITION WASTE STRATEGY**3(a) Update on Public Consultation, Comments on Draft License**

Brian Smith advised that the C&D draft Licensing By-law has been discussed at the Committee of the Whole and the intent was to have further discussion at an upcoming Committee of the Whole. He went on to note that this could be as early as next week depending on this Committee's intent. Mr. Smith indicated that the SWRAC had determined that a 'fast track' approach to the Licensing By-law was in order and requested that the Committee confirm that this was still desirable or determine an alternate course of action.

The Chair noted that there appeared to be resistance to the Licensing By-law and in particular the recommended setback. Councillor Rankin went on to stress that it was not the intent of either Council or staff to have present operators leave the business, in fact, the expertise of these operators is recognized. He went on to suggest that an alternative to having these operators go out of business was to introduce a grandfather clause for existing operators. Councillor Rankin suggested that removing industry concerns would facilitate the fast tracking of this By-law.

Mr. Jim Bauld, providing the Committee an overview of the public consultation to date, outlined public and industry comments. Referring to the industry comments, Mr. Bauld noted that the primary concern is that the setbacks are too restrictive while the public is advocating more rigorous controls. He went on to note that industry had not communicated what they would consider more appropriate setbacks and requested that the industry, collectively or individually, provide specific input in this regard.

Mr. Bauld went on to briefly review Provincial siting criteria and to note that criteria contained

within the the draft By-law relating to recycling facilities were based upon composting facilities.

Responding to questions from the Committee, Mr. Bauld indicated that existing C&D operations would probably comply with the separation setbacks for transfer and processing facilities, but not those of a disposal facility.

Responding to a questions regarding stockpile restrictions, Mr. Pyle advised that these restrictions were based upon input from the fire department with regard to what they could manage in the event of a fire.

The Chair invited the public to address the Committee. Mr. Smith, by way of encouragement, noted that the intent from the outset had been to establish a bar which existing operators could get over. He went on to indicate that staff are ready to work with industry on determining the appropriate setback numbers, however, concrete suggestions from the industry as to what is needed to allow them to continue to operate are needed.

Mr. Tim Veniot of Wallace, MacDonald and Lively, representing RDM Recycling, noted that RDM had forwarded a submission with regard to the draft By-law. Mr. Veniot expressed an interest in the rationale for the separation setback criteria. He asked why the By-law extended Department of Environment setback requirements. Noting that if it was a case of wanting greater environmental protection, Mr. Veniot suggested it may be possible to extend the thickness of clay liners from three (3) to six (6) or to find some other middle ground.

Mr. Veniot went on to note that his client was generally in favour of the regulation of such operations through the Zoning By-law and the draft Licensing By-law and understands the reasoning behind the regulation. He further noted that under the draft By-law his client would not be able to operate a disposal facility. Noting that his client was hoping to operate such a facility, he advised that RDM Recycling has prepared an application to the Province to operate such a facility based upon existing Provincial regulations. Mr. Veniot went on to suggest that if the submission to the Department of the Environment (DOE) were to include features exceeding Provincial requirements, so much the better. In conclusion, Mr. Veniot sought clarification from staff of the rationale for the proposed setbacks and indicated that there may be acceptable alternatives which would achieve the overall goal of staff.

Mr. Bauld indicated that he would be pleased to meet with Mr. Veniot and all other operators to discuss the possibilities.

A brief discussion of the possibility of having a grandfather clause for existing facilities ensued with Mr. Pyle noting that it would not be possible to utilize a grandfather clause as there are no C&D disposal operations today. He further indicated that staff are on record as having determined that existing environmental and compatibility standards for these operations are

not adequate and would not recommend them to Council.

A further short discussion ensued with Mr. Veniot indicating that the goal was to operate a proper facility. He noted that C&D material does not have the same effect on the environment as does solid waste or hazardous waste.

Mr. Don Chassie, Halifax C&D Recycling, addressed the Committee indicating that Halifax C&D Recycling had forwarded their comments to Mr. Fred Wendt. Referring to the setbacks for transfer and processing facilities, Mr. Chassie questioned staff as to whether these would differ if these facilities were fully enclosed. Mr. Chassie suggested there might be some lessening of the requirements if the operations were enclosed in a bunker or building.

Mr. Bauld indicated that staff has not had an opportunity to address this possibility in any detail and noted they would endeavour to have a draft response to this question for Council's continued discussion of the By-law at Committee of the Whole.

Mr. Chassie noted that the guidelines for disposal facilities were developed in 1959. He suggested that they were out of date and that other Provinces have introduced much more stringent guidelines. Noting the cost of Otter Lake to residents, he suggested that setback guidelines for disposal facilities should not be reduced, but rather made more stringent. Mr. Chassie noted that the concern here is not only for the clay liner, but for heavy machinery working in the yard, etc. He indicated that the whole operation has to be considered when looking at setback.

Councillor Walker, referring to questions he had posed during a recent Council session, indicated that he believe that the Land Use Bylaw changes and the Licensing By-law should be dealt with 'hand in hand'.

Mr. Smith, referring to Councillor Walker's concern, noted that the planning process would not be complete until August or September. He indicated that this would leave HRM without any regulatory process for this construction season.

Councillor Rankin noted that concern for the public was the initiative behind the proposal to fast track the Licensing By-law. The Councillor went on to note that there have been issues in the past and that the Department of the Environment is encouraging HRM to exercise its jurisdiction by enacting a Licensing By-law. Councillor Rankin noted that Provincial intervention in problem situations has traditionally been after the damage is done. He went on to indicate that the Licensing By-law would provide for a business plan which can be monitored on a day to day basis (i.e. how high are the piles, are they getting rid of piles and how, are they cherry picking, etc.).

MOVED by Councillor Hines, seconded by Councillor Meade that the plan to implement the Licensing By-law continue. MOTION PUT AND PASSED.

4. PETITION CONCERNING NEW ERA FARMS COMPOSTING PLANT

- This matter was referred to the Committee from the March 20, 2001 meeting of Halifax Regional Council. A staff report dated March 29, 2001 submitted by Brian T. Smith, Director of Solid Waste was distributed to the Committee. Also distributed to the Committee was a confidential report re HRM Tonnage Figures dated April 4, 2001 and submitted by Brian T. Smith, Director of Solid Waste Resources. Correspondence dated March 30, 2001 from J. Bauld, Diversion Planning Coordinator to Ms. Golda Walsh was also distributed.

Referring to the agenda item 'Optional In Camera Session', the Chair indicated that he understood there were legal issues relating to the New Era/HRM which require an In Camera discussion. **The Committee agreed these matter be dealt with in camera.**

Councillor Rankin indicated that the public discussion of this matter should be curtailed to contractual obligations and any legal aspects be left to the in camera session.

Mr. Smith advised that since receipt of the petition, there has been a Ministerial Order received by New Era Farm. He went on to note that this Order is not covered in the report before the Committee and is, in fact, a matter between New Era and the Department of the Environment. Mr. Smith indicated that the Order is a very formal legal matter and thus the caution regarding public discussion.

Ms. Laurie Lewis, with the use of overheads, briefly outlined the staff report.

Councillor Rankin, referring to the Community Liaison Committee (CLC) provided for in the New Era Farm contract, indicated that although the committee was in place now, it was unfortunate that establishment of this Committee was not encouraged by staff and Council earlier. Councillor Rankin went on to note that with all such operations Council and staff should now provide all necessary support to ensure the CLC becomes a permanent fixture upon which the community can rely. He further indicated that he believed that HRM has a greater obligation in this regard than does the operator.

A brief discussion regarding the Department of Environment for composting guidelines ensued and it was **MOVED by Councillor Meade, seconded by Councillor Sloane that a letter be forwarded to the Department of Environment regarding the status of the composting guidelines, where these guidelines originated (i.e. based on other Provincial guidelines) and whether it is intended, if this is not already underway, to**

move toward making the guidelines more stringent. MOTION PUT AND PASSED.

Responding to questions from the Committee as to whether doors to the receiving area could close when off loading compostable material, Ms. Lewis indicated that she did not believe this was possible, but would look into this possibility. Note was made that New Era is required to keep the doors closed as much as possible.

Councillor Sloane requested a flow chart of the New Era Farm composting process for comparison with the Miller process.

Noting that he believe such a flow chart could be provided to the Committee, Mr. Smith indicated that a tour, similar to the Miller facility tour, was to be arranged for the New Era facility.

Responding to a question from Councillor Smith relative to concern that staff had not exercised the contractual remedy to problems being experienced at New Era, Mr. Smith indicated that the contract requires the company to provide certain services. Mr. Smith noted that the contract did include a dispute mechanism which in essence is an arbitration process. Noting that although staff has not applied this legal and very formal process, Mr. Smith advised that staff has been working closely with New Era Farms to correct the problems. He went on to note that staff did not believe they had reached the point of serving formal legal notice of breach of contract.

Councillor Smith asked how far the New Era plant is away from the nearest residence and how far the Miller plant was from the nearest residence. Mr. Smith indicated that he would obtain this information.

Councillor Sloane requested the Committee be provided with a copy of the CCME guidelines.

The Chair then invited members of the public to address the Committee.

Sandra Cober-Stasiulis addressed the Committee indicating that the odors from New Era Farm are a major problem for the residents. She noted that complaints had fallen on deaf ears and suggested that report of odor complaints received by HRM from New Era are neither compliant with the contract nor complete. She went on to state that the system of recording of complaints has failed. Referring to the provision for a Community Monitoring Committee (CMC) within the contract, Ms. Cober-Stasiulis noted that this body has not been established. She suggested that the Community Liaison Committee was not the appropriate structure and that a CMC was necessary.

Referring to Councillor Walkers questions in Council, Ms. Cober-Stasiulis indicated that she

was looking forward to reading the report responding to his questions. She noted that she has been asking similar questions for some time. Ms. Cober-Stasiulis referred to reports from Mayor Kelly that there had been a spill at New Era Farms during his visit and asked if this was leachate. Ms. Cober-Stasiulis commented that the groundwater in the area is at risk.

Noting that it appeared HRM was not as concerned as the Province by the situation at New Era Farms, Ms. Cober-Stasiulis indicated that HRM should ensure that New Era adheres to all aspects of the contract. Referring to the March 29, 2001 staff report, Ms. Cober-Stasiulis indicated that as "staff have not exercised the contract remedies", it would appear that HRM does not care about the environment, the residents or the safety of all involved. She went on to suggest that a legal review of the contract would identify means by which HRM could take action to close the facility without incurring the costs of operation.

In conclusion, Ms. Ms. Cober-Stasiulis thanked Councillor Walker for his questions and noted for the record that when New Era Farms is forced to shut down its operation and clean up the environment it has been polluting, she did not want to see anyone trying to take credit for closure and clean up who has not previously been pushing for that.

Ms. Mary Lynn Satterly, addressed Council, supporting statements made by Ms. Cober-Stasiulis. Ms. Satterly indicated that odor problems are significant and leachate is of great concern. Ms. Satterly went on to note that siting of the facility in her community had only happened after the great outcry from residents in the Timberlea area. She stated that siting of the facility in her community was a mistake.

Ms. Satterly indicated that working with the operator of New Era Farms was frustrating and that staff ignored community complaints. She went on to suggest that the bottom line in this situation is that staff is stumbling along without any back up plan and that HRM has not done its due diligence.

In conclusion, Ms. Satterly indicated that New Era Farms has violated the contract and HRM must do something about that violation, and that HRM must develop a back up plan.

The Chair thanked the presenters for their input.

Responding to a question from Councillor Sloane regarding the lack of a back-up plan, Mr. Smith noted that staff has been working very aggressively to develop Plan A. He went on to note that the waste management system in HRM is perhaps the largest of its kind in North America and that at the present time there is no system in Nova Scotia which could handle the present volume.

MOVED by Councillor Sloane, seconded by Councillor Hines that staff begin to develop a back up plan for solid waste management in HRM.

The Chair noted there was in fact a contingency plan in place with the contract HRM has with Queens. Councillor Ranking went on to note that staff has recommended prudent use of Queens given the cost involved.

Mr. Bauld clarified that the Queens contract does not permit organics.

A further brief discussion ensued and with Councillor Smith noting that the lack of a back up plan should not translate to a lack of action regarding complaints. Referring to the operation of the facility, Councillor Smith asked for some expert engineering/technical information regarding the process used and whether this facility can actually work within the guidelines.

After a further brief discussion the **MOTION WAS PUT AND PASSED UNANIMOUSLY .**

Ms. Cober-Stasiulis noted that the contract gave the indication that the two plants were intended to be back up for one another.

5. DATE OF NEXT MEETING - APRIL 26, 2001

It was agreed the next meeting be held April 26, 2001 at 2:00 p.m. The Committee indicated they would like to meet at City Hall. Space availability is to be investigated.

6. ADJOURNMENT

The meeting adjourned at 3:45 p.m.

Sherryl Murphy
Assistant Municipal Clerk