

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

**MINUTES OF MEETING
MAY 12, 1999 @ 2:00 P.M.
Council Chambers, Argyle Street, City Hall**

Present: Councillor Reg Rankin, Chairman
Councillor Jack Mitchell (part)
Councillor Gordon R. Snow
Councillor John Cunningham

Others: Councillor Russell Walker
Councillor Jerry Blumenthal
Councillor Clint Schofield
Councillor David Hendsbee
Councillor Harry McInroy
Mark Bernard, Manager, Waste Resources
Jim Bauld, Operations Coordinator
Paul Dunphy, Acting General Manager, Development Services
Barbara I. Moar, Assistant Municipal Clerk

Regrets: Mayor Walter Fitzgerald

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1. CALL TO ORDER AND APPROVAL OF AGENDA

A request was made to bring Item 9. By-law Enforcement - Illegal Dumping forward on the Agenda, and to bring Information Item 1. Household Hazardous Waste Depot Program from the Information Items Agenda to the Regular Agenda. An Information Item - Marketing of (LDPE) Plastic Bags distributed to the members was also added to the Agenda. A request had been received from Hugh Pullen, Peninsula South Community Association, to make a presentation to the Committee. The Committee agreed to the changes to the Agenda.

2. PRESENTATIONS BY MEMBERS OF THE PUBLIC

2.1 Curbside DHBC Collection Services

Ms. Lorna Carroll updated the Committee on the program *Curbside DHBC Collection Services* that was put into operation on September 1, 1998. Coverage has been expanded to all of Greater HRM, including Bedford, Sackville and Dartmouth. As of this date, there are 120 clients using the service, and as of the end of March their diversion rate away from the landfill was 38%. She stated that one of the biggest challenges is education and they have designed signs that can be placed over waste containers so people will know what to put in each container and also large banners for lunch rooms to educate staff.

Ms. Carroll spoke of their participation in several Trade Shows promoting the Curbside program. She emphasized that HRM must recognize that it has partners in the waste collection industry and give these businesses a reasonable notice, at least 30 days in advance, of any tipping fee changes. Ms. Carroll spoke on a new technology being developed which is a scanner that can be used by the hauler at the curb. The scanner will identify what types of waste are being generated by specific clients. If clients are not separating, they will be contacted and provided with any information they need on how to source separate.

On behalf of the Committee, the Chairman thanked Ms. Carroll expressing its appreciation on the partnership. He felt a 30 days notice of any fee changes is a reasonable request.

MOVED By Councillors Snow and Cunningham THAT the Downtown Halifax Business Corporation be given 30 days notice of any tipping fee changes. MOTION PUT AND PASSED UNANIMOUSLY

2.2 Hugh Pullen, Peninsula South Community Association

Mr. Hugh Pullen, President of the Peninsula South Community Association representing those residents living in the area south of Quinpool Road and Cogswell Street, addressed

the Association's concerns with solid waste collection in their community. He pointed out the problem of the slow descent of the older neighbourhoods in the south end into rooming houses and crowded apartments of an academic slum. He emphasized that Oakland Road and the R1 areas of the south end are not part of this problem. The owners who occupy houses in this area essentially follow the four waste streams of collection. The problem is in the R2, R2A, R3, RC2, RC3 and University 2 areas. What is happening in these areas is a slow transition from owner/occupied to rental accommodation and the decline of neighbourhoods.

He stated that *solid waste* only starts when it is picked up by the collection truck. At the curb, it is *garbage*. He distributed a series of pictures that were taken in the area of Fenwick and Victoria Road of garbage that was strewn about on the road, curb and sidewalks. Mr. Pullen stated his community has three problems - ignorance/enforcement, green compost bins and minimum commercial pickup. Referring to ignorance/enforcement, he stated HRM has a large transient population, essentially university students. The high cost of education seems to be dictating the overcrowding of university students in apartment buildings. There are only two By-law Enforcement Officers to enforce garbage collection and only minimum or no assistance available from the Police to assist with the problems being generated by these transients.

Mr. Pullen stated very strongly that this has resulted in refuse littering the streets, a 50% reduction in collection, an increasing garbage generating problem by students, unfamiliarity with the solid waste regulations of HRM and uncaring landlords. He suggested that it appears there is no concern by HRM and certainly no concern by the universities on the conduct of their students. This is resulting in responsible citizens leaving the older areas.

Mr. Pullen referred to the problems with the green bins, pointing out that many properties do not have hoses to clean out these bins, which are usually located at or near the front entrances. He also pointed out that the bins are often used by passers-by for casual refuse. He also questioned why someone who lives above his small business operation cannot put this garbage out with his normal garbage.

The Chairman thanked Mr. Pullen for his presentation, suggesting that several aspects of this presentation may be incorporated in the Committee's discussion on by-law enforcement.

3. APPROVAL OF MINUTES OF MARCH 10, 1999 Meeting

MOVED By Councillors Cunningham and Snow THAT the Minutes be approved as circulated. MOTION PUT AND PASSED UNANIMOUSLY

9. BY-LAW ENFORCEMENT - ILLEGAL DUMPING

Mr. Bauld reported to the Committee that illegal dumping has been a significant problem for many years. It is not a new issue, and there is no evidence linking the illegal dumping problem with the new solid waste management system. It has been an on-going problem for years, prior to and subsequent to amalgamation. Clean Nova Scotia did an analysis on this, and there is no data to support that illegal dumping is necessarily related to disposal fees. Mr. Bauld referred to an area where the tipping fee was \$20.00/tonne, but there was still a very serious problem with illegal dumping. Clean Nova Scotia has advised that most of the material qualifies for curbside collection, based on visual inspection of illegal dumping sites last year. Most materials in small loads indicate that the origin is from a property owner or small contractors. Some materials relate to criminal activities. i.e. stripped or stolen vehicles.

Mr. Bauld stated that the solution to illegal dumping requires more education and enforcement similar to the successful 'No Smoking' and 'Seat Belts' campaigns to effect a behavioural change in the small amount of residents that are so inclined to dispose of their waste illegally. Mr. Bauld said it is most certainly not the majority of residents in HRM.

Mr. Bauld referred to a request from Councillor Barnet at a 1997 SWRAC meeting to address the illegal dumping issue. At that time SolidWaste/Resources undertook to engage a Special Constable to carry out solid waste enforcement. The intent was to share this Constable with the Police Department, but, unfortunately, after a four month process, the Police Department indicated that they did not have the funds to support a shared position and the opportunity was lost.

There was a suggestion at the time that the public be encouraged to support the issue of illegal dumping by reporting this whenever it was observed. It did not get strong media support at the time, and consequently very little public response.

With respect to the current status, staff from By-law Enforcement as well as representatives from N.S. Department of Public Works and Vehicle Compliance, Business Consumer Affairs Offices have been focusing on this issue. Solid/Waste Resources staff, assisted by MIRROR Nova Scotia, have been working with Provincial Public Works regarding the issuing of Notices of vehicles where unsecured loads have been noticed at the Otter Lake landfill. Vehicle Compliance, Office of Public Works, is monitoring vehicles as they proceed to and from Otter Lake and some haulers have been issued offence tickets.

Mr. Bauld reported that HRM Works & Natural Services and the N.S. Department of Transportation are currently addressing the illegal dumping problems and the cleaning up

of this waste. Staff have been working on a weekly basis with the Department of Transportation and communities along the highways. For these types of cleanups, the tipping fees have been waived.

Councillor Schofield referred to a recent clean-up in Dartmouth North carried out by several volunteer groups, and problems with solid waste around apartment buildings. He is very pleased that Mr. Duncan has dealt with these situations. The problem experienced in North Dartmouth area is that there is a lot of highway that is maintained by the Department of Transportation, but, they never clean up the garbage on the approaches to the Mackay Bridge, or the approaches to Woodland Avenue near Mic Mac Mall. The Councillor said he made many calls to DOT, but nothing has been done in this regard. Mr. Bauld responded that staff are working very closely with DOT on other issues, but they can also work with them on behalf of the Committee.

Mr. Paul Dunphy, Acting General Manager, Development Services, spoke to the Committee on the current legislation in HRM that regulates illegal dumping. He stated there are a variety of pieces of legislation - provincial, HRM By-law, and also former municipal by-laws. These are:

- The HRM Solid Waste By-law which does not specifically address illegal dumping.
- The former County of Halifax, and City of Dartmouth by-laws restrict dumping in public places. The emphasis on *public places* does not address illegal dumping on a private property where there is normally access. Public places would refer to HRM property, federal/provincial property and any kind of commercial and privately owned property where the public generally has access to it, for example, a shopping mall.
- The former Town of Bedford by-law has restrictions on the depositing of garbage and fill, and other materials, upon any property, including all private and public property.
- The former City of Halifax had no by-law for illegal dumping.
- Nova Scotia Environmental Protection Act is enforced by the Province and has restrictions against dumping on any property.
- The Municipal Government Act does not specifically address illegal dumping. Its powers are focused on unsightly properties, and whether owners are exercising due diligence in keeping their property clean. The difficulty with this Act is the focus is on the property owner and the condition of his property, which is putting the responsibility on the person who is really a victim of the dumping, rather than the person who has created the dumping.

Councillor Mitchell joined the meeting.

Mr. Dunphy gave options that would be available which include:

- Council can adopt a new by-law to address illegal dumping in a consistent fashion throughout HRM. In the process of preparing this by-law, staff can look at the existing by-laws to determine which one has the most effective wording.

By adopting a by-law, Council is making a decision to go after the offender. This can be done but it must be understood that the practical limitations are that the garbage remains where it was dumped, it is a very long legal process, and it is very difficult to gather evidence of the offence. There has to be something in the garbage that connects it to the person that created it or the person who was doing the hauling. If the offender is identified, that person would be given one fine for this one offence. In comparison, in violations of the land use by-law, HRM can fine the offender for every day the activity is carried on.

- Council can use the current legislation - Municipal Government Act.

This would not require any new staff work in terms of drafting a by-law, but as stated previously, HRM would have to go after the property owner. The property owner would have to incur the cost of clean-up. However, it is expeditious and achieves the result of removing the unsightly material.

Mr. Dunphy said these are two very different options, in terms of time limits and who is held accountable. But, he pointed out very strongly that under either option, there has to be a very significant public educational component.

In response to a request from the Chairman for a summary, Mr. Bauld suggested the possibility of generating some type of position paper which would outline in a written format what the issues are, what resources are in place, and what resources are required.

Councillor McInroy said there is a very obvious effort to disassociate the solid waste strategy and operations from the current situation with illegal dumping. He does not totally agree with this, but he believes there are other things than the tipping fees that contribute to illegal dumping. He gave the example of the long distance home owners and haulers have to travel to dispose of debris compared to the distance they had to travel prior to the new HRM facilities being put in place. Referring to existing by-laws, the Councillor suggested that it is very clear that HRM is disorganized on how to deal with the kinds of problems discussed today. He believes the legal issue of an up-to-date by-law for all of HRM had to be dealt with quickly, and he stressed the importance of enforcement being carried out by HRM forces.

Councillor Hendsbee stated that HRM should go after the violaters who are doing the illegal dumping, not the property owners. He asked if HRM demolition and construction permits specify who is doing the work and where any left over material would be dumped. Mr. Bauld said there is a generic permit that requires identifying where the material will be disposed, and in the past the response was 'Sackville Landfill', and currently it would be 'Otter Lake Facility'. Mr. Bauld spoke of a deposit fee that is payable in some municipalities on application for a demolition or construction permit. This would be in addition to other fees/deposits, and would be totally or partially refunded on receipt of a scale or weigh slip showing that the material was properly disposed of at a registered site. The legislation is not in place at this time to allow HRM to do this.

Mr. Bauld responded to a question from Councillor Hendsbee, stating that promotional material listing alternative sites for C&D material has been distributed to the public since closing the Halifax Transfer Station, and staff continue to do this on a regular basis. The Councillor also referred to derelict cars pointing out that the Police Department should be using the vehicle's serial number tracing the last registered owner. He believes any costs associated with removing these vehicles should be charged to these owners or their insurance companies.

Councillor Hendsbee referred to discussions at Council where the issue of transfer stations has been raised, and he believes HRM should keep its transfer stations open and look at other opportunities for them. He suggested there may be an opportunity to work a partnership with the private sector. The Councillor also believes there are opportunities for more co-operation with the enviro depots, and possibly through the Grants program.

Councillor Snow expressed his concern with the amount of illegal dumping that is going on, stating that he believes there is a potential epidemic on the Canal system. This water is being contaminated by used oil, antifreeze, chemicals, automobiles, appliances etc. that are being dumped in this area.

Councillor Cunningham suggested that the Committee should get recommendations from staff on what can be done. The Chairman referred to a Council meeting at which time Council gave the SWRAC a mandate to bring forward recommendations within three weeks to deal with the issue of illegal dumping. He referred to an earlier suggestion by Mr. Dunphy that there would be merit in having a region-wide by-law and asked if this was staff's recommendation.

Mr. Dunphy responded that he is not prepared to make any recommendation at this point in time. The Chairman expressed his concern that staff did not have recommendations to bring forward today. Councillor Cunningham stated that this is not a new problem, it is an on-going problem and requires a fair amount of thought and a position paper from staff. Council needs to get answers and directions on which way HRM can move.

MOVED By Councillor Cunningham THAT staff be directed to prepare a position paper on illegal dumping, including recommendations.

There was no seconder, the motion was lost.

Councillor Walker thanked staff for responding to his request and cleaning up the waste material on Main Avenue in Fairview. He pointed out that this is C&D material that cannot be disposed of at the curb, and there are big truck loads that are being dumped, not small loads. He also pointed out that where staff has already cleaned up there are more loads being dumped. The Councillor stated he would like to see a region-wide by-law, based on the former Bedford's by-law.

Councillor Walker also had a problem with no By-law Enforcement Officer working on the weekend and told the Committee of an incident where a resident had 15 large orange bags full of household garbage dumped on her lawn on a Saturday morning. Fortunately, he was able to get assistance from Regional Operations who picked up these bags. The Councillor said If staff brings back a recommendation to hire another By-Law Enforcement Officer, he would support them 100%.

Councillor Mitchell agreed that there is a major problem with illegal dumping. He agreed with earlier comments that this has been an on-going problem, and reported on the number of calls that he has had over the years since 1993. He agrees that there should be more By-law Officers hired and they should be given more authority than they currently have in enforcing the by-law. The Councillor suggested a workshop be held with all stakeholders invited, including all members of HRM Council.

MOVED By Councillors Mitchell and Snow THAT a 1/2 day workshop be held with Regional Council, HRM staff, and representatives from DOE, DOT and other stakeholders with the intent to bring forward recommendations to deal with the issue of illegal dumping.

Councillor Hendsbee suggested that before closing the debate on the motion, he would like to hear from potential 'partners' attending today's meeting. He stated that a representative from McCarthy's Roofing would like to make a proposal for a possible use of the Halifax Transfer Station. The Chairman said he would prefer not to do this until the workshop has been set up. If stakeholders are identified, it would either be the SWRAC or Council's decision to agree to these stakeholders coming forward. He pointed out that everyone has the opportunity to request a public presentation at the SWRAC meetings. Councillor Hendsbee asked staff to look at opportunities to be partners with community groups.

MOTION PUT AND PASSED.

It was agreed that the workshop would be held within the 3 to 4 weeks.

4. SECURED LOADS

A copy of a letter to DOT and a Notice to Haulers had been distributed to the Committee members for their information.

5. ICI DIVERSION STRATEGY

A copy of a staff report, dated May 6, 1999, on the ICI Diversion Strategy had been distributed to the Committee members for their information.

6. WASTE RESOURCES COMMUNICATION & EDUCATION PLAN UPDATE

Mr. Bauld reported that staff are progressing in the communication and education programs, with the Newsletter going out this week.

7. HALIFAX C&D SITE - GOODWOOD

A copy of a staff report, dated May 6, 1999, on the Halifax C & D Site - Goodwood had been distributed to the Committee members for their information.

8. PUBLIC TOURS - WASTE MANAGEMENT FACILITIES

Mr. Bauld reported that there is a tour for Regional Council members scheduled for May 20th. The staff report lists all the new waste management facilities, contact names/telephone numbers, and the days of the week that people can call ahead to make arrangements for tours. The Chairman suggested that an insert be included in the Masthead News.

Councillor Mitchell asked if invitations had been sent out to schools. Mr. Bauld responded that staff were waiting until the times/days of the week had been confirmed with the operators. With 146 schools to advise of the tours, staff requested members of the Committee and Council to assist in getting this information out to the schools.

10. ADDED ITEMS

10.1 Household Hazardous Waste Facility Depot Program

Councillor Walker said he visited the HHW Facility on Saturday and it was a total disaster with cars lined up everywhere, and others leaving because they refused to line up. He questioned why the facility cannot be open every Saturday, especially in the Spring. He

also noted that when the drivers get up to the front of the line, they are given papers to fill out, and suggested that these papers be given out before they get to the front of the line.

Mr. Bernard said 240 cars arrived at the site that weekend and it was also the first weekend for the new contractor which slowed down the process somewhat. Mr. Bernard said staff would look into this and report back to the Committee. The Chairman felt that it is important to address this issue because it could be part of the problem of illegal dumping. The Committee was reminded that this budget has been reduced, but it was pointed out by the Chairman that staff should not limit itself to the existing envelope. If the solution is in more resources, then it is up to Council to find these resources. Councillor Mitchell agreed with the facility being open every Saturday.

Councillor Mitchell referred to a discussion at Regional Council when staff were asked if there could be a regular clean-up day for a lot of materials that are not ordinarily picked up at curb side. Mr. Bernard responded with some background and costing to do this.

MOVED By Councillors Cunningham and Mitchell THAT a staff report on holding a regular clean-up day in HRM be prepared and sent to HRM Council. MOTION PUT AND CARRIED UNANIMOUSLY

10.2 Marketing of (LDPE) Plastic Bags

An Information Report, dated May 10, 1999, had been distributed to the members earlier in the meeting. Mr. Bernard reported that staff has been having trouble marketing these plastic bags since inception of the MRF. With no current market for these bags, the accumulation is such that there is no place to store them, and it may necessitate disposal of some of them at the landfill. Staff are continuing to search for markets.

In response to a question from Councillor Cunningham, Mr. Bernard said the use of blue boxes was examined during the inception of the program. It is a much more expensive program for HRM in terms of the cost of the blue boxes and also in the separation of the materials at the curbside. Mr. Bernard stated that the cost of blue boxes would far outweigh the minimum extra cost of dealing with the LDPE material.

Councillor Walker felt that the blue boxes is not the answer. He suggested staff look at going to one of the universities (Dalhousie or TUNS) with a request for students to work on a project on what can be done with plastic. In response to the Chairman, Mr. Bernard said the plastic bags are inert as much as plastic bags can be.

11. DATE OF NEXT MEETING

It was agreed that the Workshop would be tentatively set up for June 9th to be held in Argyle Street Council Chambers, from 1:00 - 4:00 p.m.

The meeting adjourned at 3:45 p.m.

Jim Bauld
Operations Coordinator