


HALIFAX

P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 11.1.7
Halifax Regional Council
January 13, 2015

TO: Mayor Savage and Members of Halifax Regional Council

Original signed by 

SUBMITTED BY:

Richard Butts, Chief Administrative Officer

Original Signed

Jane Fraser, Acting Deputy Chief Administrative Officer

DATE: January 13, 2015

SUBJECT: Proposed By-law S-609, Respecting Amendment of By-law S-600, the Solid Waste Resource Collection & Disposal By-law

ORIGIN

Regional Council directed staff to conduct a review to assess the Integrated Solid Waste Resource Management Strategy (the "Review") to enhance system, environmental and fiscal performance. The Review resulted in a Final Report dated January 8, 2014 (the "Report") which was presented to Committee of the Whole and Regional Council on January 14, 2014. Committee of the Whole approved recommendations 1 through 6 contained in the Report and deferred items 7 through 9 to a future Committee of the Whole Meeting.

On December 9, 2014 Regional Council ratified a motion (recommendation 7 from the Report) to amend By-law S-600 to allow for the export of ICI residual waste (garbage) outside HRM, and amend Administrative Order number 16 to provide for an increase in fees for disposal of ICI residual waste from \$125 per tonne to the assessed system cost of \$170 per tonne and to set a date for a public hearing.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, s.335 allowing Council to "make by-laws respecting solid waste" By-law S-600, *Solid Waste Resource Collection and Disposal By-law*.

RECOMMENDATION

It is recommended that Halifax Regional Council:

- (1) amend Administrative Order 16, Respecting Fees For The Use of Solid Waste Management Facilities,

- a. to increase the fee in clause (a) from 12.50 per 100 kg (220 lbs) to \$17.00 per 100 kg (220 lbs);
 - b. to increase the fee in clause (b) from \$21.30 per cubic meter for more than 0.5 cubic meter (0.65 cu. yd.) to \$30.00 per cubic meter for more than 0.5 cubic meter (0.65 cu. yd.)
- (2) give First Reading to By-law S-609, amending By-law S-600, the *Solid Waste Resource Collection and Disposal By-law*, to allow for the export of ICI residual waste (garbage) outside HRM, as set out in Attachment B of this report;
 - (3) set a date for a public hearing for amendments to By-Law S-600;
 - (4) adopt By-law S-609, amending By-law S-600, the *Solid Waste Resource Collection and Disposal By-law*, to allow for the export of ICI residual waste (garbage) outside HRM, as set out in Attachment B of this report.

BACKGROUND

Halifax's flow control prohibits the removal of all collectible waste, industrial/commercial/institutional (ICI) waste, construction and demolition waste, mixed waste, and organic materials outside of the Halifax region. It does not restrict the removal of recyclable material. Flow control eliminates market competition for tip fees with adjacent second generation landfills for Halifax's ICI community and their contracted haulers resulting in higher costs for the sector. Flow control was ratified by Council on June 25, 2002. As outlined within the May 23, 2002 staff report which was presented June 25, 2002 the basis for establishing flow control was focused on budget predictability and revenue generation. Within the Report the cost per tonne in 2002 was \$135 with a corresponding tip fee of \$115.

During the Review, analysis was completed to determine the cost per tonne to dispose of residual waste at the Otter Lake facility. It was projected that this cost would amount to \$170 per tonne while the corresponding tipping fee paid by the ICI sector was only \$125 per tonne. As a result it was estimated property tax payers are subsidizing \$45 per tonne for every tonne delivered to Otter Lake from the ICI sector. Within the Report, recommendation 7 proposed to amend By-law S-600 allowing for the export of ICI residual waste (garbage) outside HRM, and to amend Administrative Order number 16 to provide for an increase in fees for disposal of ICI residual waste from \$125 per tonne to the assessed system cost of \$170 per tonne. The purpose for this recommendation was to give the ICI sector the ability to deliver their residual waste to other facilities or to pay the assessed fee of \$170 per tonne if waste was to be delivered to Otter Lake. Increasing the tip fee to a cost recovery model removes the burden placed on property tax payers for the tip fee variance currently being experienced. Additionally, removing waste from the Otter Lake site has the ability to prolong the life of each landfill cell and minimize environmental impacts at the site.

DISCUSSION

The 1995 Integrated Waste Resource Strategy adopted by Council provides that the Municipality will manage the waste generated within the Municipality – but it does not impose an obligation that all waste must be disposed of within the municipality. Similarly, there are no such requirements in the HRM Charter, the Environment Act, the Solid Waste Resources Regulations, the Community Monitoring Committee Agreement, the Mirror Nova Scotia Agreement or at common law. Most municipalities do not have flow control and prior to 2002 Halifax also did not have flow control. Halifax does have an obligation to manage the waste generated within the municipality, whether generated by residential or ICI sources,

however the Municipality does not have the obligation to process the waste. The Solid Waste Resources Regulations under the Environment Act require Halifax to ensure at least 50% diversion for waste. The 1995 Strategy envisioned that the ICI sector could elect to use the Municipality's disposal facilities or create their own disposal facilities. Halifax currently has a diversion rate of approximately 61%. Solid Waste staff will continue to monitor and track diversion to ensure the Municipality meets its obligation under the Environment Act.

Allowing waste to be exported to landfills outside the Municipality is not considered diversion. The amount of exported waste is still attributed to Halifax's total tonnes generated for diversion totals when calculated by the Province and RRFB. If waste was to be removed from the Halifax it would be delivered to a landfill site which is bound by the same Provincial laws and regulations currently in place at the Otter Lake facility. All landfills in Nova Scotia are governed by the same Nova Scotia Solid Waste regulations and guidelines as well as landfill liner specifications. Residual waste/garbage materials exported from Halifax would be delivered to other permitted and fully compliant landfills. The receiving landfill operator is responsible to ensure provincial legislation, regulations and bans are adhered to and complied with.

There are approximately 140,000 tonnes of waste currently being delivered to, and processed at the Otter Lake landfill facility each year. Of this, 80,000 tonnes are generated by the ICI sector with the remaining 60,000 tonnes generated through residential collection. Based on fiscal year 2013/14 the cost per tonne to process was \$163 with the associated tip fee at \$125 per tonne. This resulted in a tip fee variance of \$38 per tonne which represents over \$3 million in tax payer funded subsidies for ICI waste processing and disposal (Table 1).

Table 1 – Tax Payer Subsidy for ICI Waste at Otter Lake

2013/14 Actuals	
	Garbage
Cost per Tonne	\$ 163.00
Tip Fee per Tonne	\$ 125.00
Cost Not Recovered By Tip Fee	\$ 38.00
ICI Tonnes	79,800
Funded by Taxpayer	\$ 3,032,400

The estimated per tonne fee for 2015/16 is \$167 with flow control and \$173 with flow control removed (Table 3 & 4). The variance between the two is due to the fact that the current operating agreement with MIRROR NS is a fixed total price contract, not a per tonne fee contract. As a result the operating costs vary depending on the number of tonnes delivered to the site.

It is proposed through Recommendation 1a that the tip fee be increased within Administrative Order (AO) 16 (Attachment D) to the assessed cost of \$170 per tonne as per the original estimate within the Stantec report. Within AO 16 there is a tip fee provision for when scales are not working at the site. In order to ensure this fee is increased in conjunction with Recommendation 1a, Recommendation 1b has been proposed.

In the analysis and subsequent projections, the tonnage is reduced to 125,240 tonnes per year as this is the lowest annual tonnage contemplated within the current agreement. If the total annual tonnage is reduced below this threshold clause Supp. 13 3.4 (b) would be initiated.

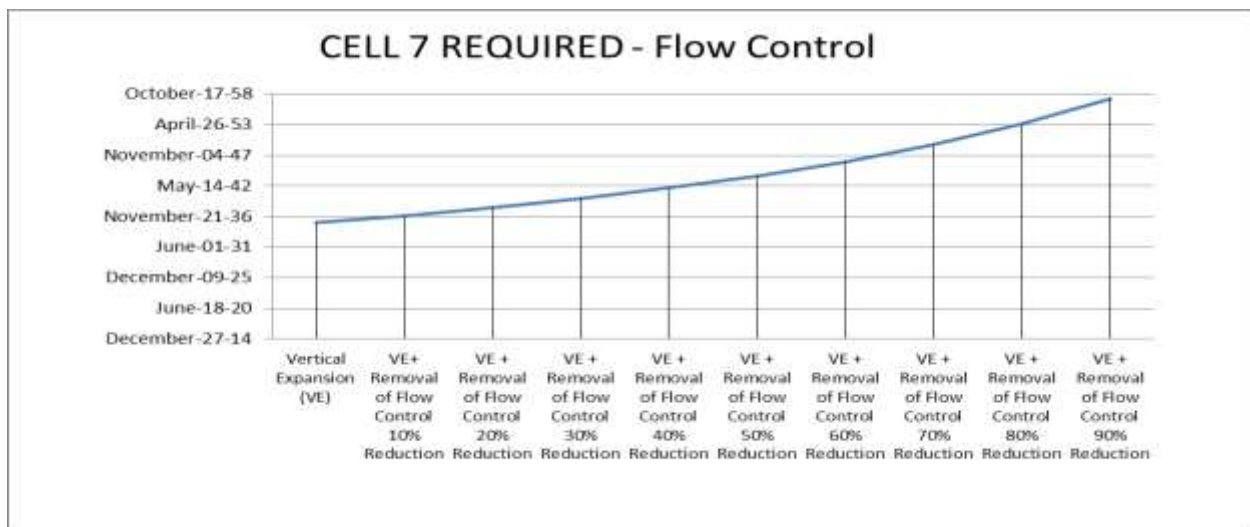
Supp. 13 3.4 (b) Mirror and HRM acknowledge and agree that should the Facilities receive less than 125,240 metric tonnes or more than 173,240 metric tonnes in any given Contact Year during the Thirteenth Amendment

Term that Mirror and HRM will within 30 days after said determination, commence a review of the operations of the Facilities, including all categories contained in Schedule “B”, excluding “Major Capital Repairs and Improvements”, to determine the reduction or increase, as applicable, in operating and maintenance costs for the Facilities resulting from such reduced or increased tonnage. The purpose of the review is to determine the appropriate Base Operating Fee adjustment due to the reductions or increase as applicable in operating and maintenance costs for the Facility.

The contract article Supp. 13 3.4 (b), would allow for price renegotiation; therefore future contract terms are unknown as they relate to the cost per tonne to process material at Otter Lake. As a result, estimating a per tonne fee for future operations is premature due to the undetermined contact terms and resulting tonnages. With that said, it is unlikely the total cost to operate the facility will increase above the current cost which is estimated at \$14.5million for 2015/16, capital costs excluded.

With the ability for the ICI sector to choose where to tip their residual waste it could have a dramatic impact in terms of tonnage delivered to Otter Lake. With less tonnage, the estimated timeframe to fill existing cells 1-6 through vertical expansion varies substantially. As illustrated within Chart 1, with a 10% reduction in ICI waste Cell 7 would be required in 2037. With a 90% reduction in ICI waste Cell 7 would be required in 2057. By reducing the amount of waste disposed at Otter Lake the environmental impacts as they relate to additional cell development will be reduced.

Chart 1 – Cell 7 Required Date with Varying Levels of Flow Control Diversion



One factor that may cause more or less ICI waste to be delivered to Otter Lake is the cost competitiveness of other jurisdictions compared to Halifax’s site.

The current posted tip fees at the closest landfills are:

- Queens \$80.81
- Chester \$79.36
- Hants \$75.26

Although the estimated transportation fee to these sites is within the \$20-30 per tonne range the final cost is less than the current (\$125) or proposed (\$170) tip fee. Competition between these sites may influence the price offered to large haulers in order to guarantee a certain volume of waste resulting in the final fee

being less than the posted rate. Another factor that may influence the price at these facilities is the tip fee which Halifax charges for ICI waste. The surrounding regions may increase/decrease their prices as Halifax adjusts its tip fee for cost recovery. In the end price competitiveness will likely drive where the waste is delivered. With that said, Halifax is the only municipality with a front end processor (FEP) and waste stabilization facility (WSF) in Nova Scotia. The FEP/WSF has an approximate cost per tonne of \$62 to operate. As a result the cost recovery tip fee Halifax needs to employ will inherently be higher than any site within proximity to Halifax.

Within the Report's discussion and recommendation with regards to flow control and cost recovery for tip fees the focused has been on the residual waste stream. There have been no recommendations for the compost facilities or the material recovery facility. These facilities are also subsidized through property taxes. The per tonne subsidization cost is higher at the compost plants and material recovery facility than at Otter Lake (Table 2). For 2013/14 the subsidization per tonne was:

- Compost Plants - \$87 (tip fee \$75)
- Material Recovery Facility - \$55 (tip fee \$0)
- Otter Lake Facility - \$38 (tip fee \$125)

Through inflation, annual adjustments and periodic renewals of contracts the cost to operate all waste processing facilities is anticipated to escalate. As a result of rising costs and static tip fees the burden that is currently placed on taxpayers will continue to increase.

Table 2 - Tax Payer Subsidy for ICI Waste

2013/14 Actuals					
	Recycling		Organics		Garbage
Cost per Tonne	\$	55.00	\$	162.00	\$ 163.00
Tip Fee per Tonne	\$	-	\$	75.00	\$ 125.00
Cost Not Recovered By Tip Fee	\$	55.00	\$	87.00	\$ 38.00
ICI Tonnes		7,000		16,800	79,800
Funded by Taxpayer	\$	385,000	\$	1,461,600	\$ 3,032,400
Total				\$	4,879,000

There has been no indication the ICI sector desires to export recycling or organic material out of the region. Through an analysis of tipping fees for these materials in other jurisdictions it is understandable why. The only landfill facility mentioned above which accepts ICI recycling is Queens and their tip fee is \$175 per tonne. Guysborough charges \$210 per tonne and Lunenburg is \$298. With regards to ICI organics from outside of the region, Guysborough charges \$55 tonne while Lunenburg charges \$149 per tonne. Many of the other facilities in Nova Scotia do not accept waste generated outside of their municipality. In all cases the cost per tonne along with the associated shipping costs are higher than what is currently offered within Halifax. Based on current tipping fees it is envisioned ICI will export residual waste to a jurisdiction with a more competitive rate but it is predicted they will continue to utilize Halifax's recycling and organics processing facilities at the subsidized rate. During fiscal 2015/16 Halifax Solid Waste will be developing options to address full cost recovery at Municipally operated or contracted solid waste facilities and the removal of flow control on organic materials. The analysis will be presented to

Regional Council as part of the Municipalities long term recycling and compost strategy.

FINANCIAL IMPLICATIONS

Within the current environment the estimated cost per tonne for 2015/16 is \$167. With the current tip fee of \$125 per tonne there is approximately \$3.3 million not being cost recovered through tip fees at the Otter Lake site (see Table 3 & Table 4 variance in net cost for Cell 6 Status Quo). As a result this \$3.3 million gap is required to be generated through property taxes. If flow control was to be maintained and the tip fee increased to cost recovery the \$3.3 million burden would be removed from the tax payer and placed on the user of the service. If flow control was to be removed the cost per tonne will increase to \$173 per tonne do to fixed costs being spread over less tonnes.

In both scenarios (Table 3 & 4), the no flow control option is slightly higher in overall cost. This can be attributed to the fixed costs and variable cost per tonne as well as where the estimated total tonnage is placed within the band. The variance is small and could be minimized further based on actual tonnages. The analysis indicates there will likely be a cost neutral position with or without flow control. This is supported by Table 5 – fixed and variable costs per tonne. Currently the variable cost per tonne is \$124 whereas the tip fee is \$125 per tonne. The identified fixed cost for both options is paid regardless if a tonne is processed or not. With full cost recovery the amended tip fee would cover this fixed cost per tonne. Overall the value in removing flow control is extending the useful life of landfill cells. As a result, the amount tax payers are required to fund annually to build a cell is reduced. Solid Waste staff plan to return to Council quarterly to set the tipping fees if flow control is removed. If flow control remains tip fee adjustments will be presented to Council on an annual basis.

Table 3 – Status Quo vs. Flow Control Removed Full Cost Recovery

2015/16 Estimates for Otter Lake with Cost Recovery Tip Fee	Cell 6 Status Quo	Cell 6 No Flow Control
	Tonnes 137,240 - 140,239	Tonnage 125,240
	15/16	15/16
Estimated Operating Cost	\$ 15,051,215	\$ 15,051,215
Rebate Based On Tonnage Band	\$ (570,488)	\$ (1,331,139)
Total Estimated Operating Cost	\$ 14,480,727	\$ 13,720,076
Operating Cost Per Tonne	\$ 103.62	\$ 109.55
Capital Cost of Initial Site Infrastructure (Buildings, roads, FEP/WSF etc)	\$ -	\$ -
Capital Cost Per Tonne - Cell Development	\$ 32.01	\$ 32.01
Capital Cost Per Tonne - Vertical Expansion	\$ -	\$ -
Capital Cost Per Tonne - Cell Closure	\$ 17.30	\$ 17.30
Capital Cost Per Tonne - Equipment	\$ 12.20	\$ 12.20
Perpetual Care	\$ 1.97	\$ 1.97
Capital Cost Per Tonne	\$ 63.48	\$ 63.48
Total Cost per Tonne	\$ 167.09	\$ 173.03
Cost for Capital & Operating	\$ 23,351,611	\$ 21,669,683
Commercial Revenue (Cost Recovery)	\$ 13,332,588	\$ 11,300,681
Net Cost After Tip Fees	\$ 10,019,022	\$ 10,369,002
Net Cost Per Tonne	\$ 71.69	\$ 82.79
Residential Tonnes	59,918	59,918
Commercial Tonnes	79,836	65,322
Total Tonnes	139,754	125,240

Table 4 – Status Quo vs. Flow Control Removed

2015/16 Estimates for Otter Lake	Cell 6 Status Quo	Cell 6 No Flow Control
	Tonnes 137,240 - 140,239	Tonnage 125,240
	15/16	15/16
Estimated Operating Cost	\$ 15,051,215	\$ 15,051,215
Rebate Based On Tonnage Band	\$ (570,488)	\$ (1,331,139)
Total Estimated Operating Cost	\$ 14,480,727	\$ 13,720,076
Operating Cost Per Tonne	\$ 103.62	\$ 109.55
Capital Cost of Initial Site Infrastructure (Buildings, roads, FEP/WSF etc)	\$ -	\$ -
Capital Cost Per Tonne - Cell Development	\$ 32.01	\$ 32.01
Capital Cost Per Tonne - Vertical Expansion	\$ -	\$ -
Capital Cost Per Tonne - Cell Closure	\$ 17.30	\$ 17.30
Capital Cost Per Tonne - Equipment	\$ 12.20	\$ 12.20
Perpetual Care	\$ 1.97	\$ 1.97
Capital Cost Per Tonne	\$ 63.48	\$ 63.48
Total Cost per Tonne	\$ 167.09	\$ 173.03
Cost for Capital & Operating	\$ 23,351,611	\$ 21,669,683
Commercial Revenue (\$125/t)	\$ 9,979,482	\$ 8,165,232
Net Cost After Tip Fees	\$ 13,372,128	\$ 13,504,451
Net Cost Per Tonne	\$ 95.68	\$ 107.83
Residential Tonnes	59,918	59,918
Commercial Tonnes	79,836	65,322
Total Tonnes	139,754	125,240

Table 5 – Fixed vs Variable Costs

	Status Quo	No Flow Control
Cost Per Tonne Review	137,240 - 140,239	125,240
	15/16	15/16
Operating Cost Per Tonne	\$ 104.00	\$ 110.00
Capital Cost of Initial Site Infrastructure (Buildings, roads, FEP/WSF etc)	\$ -	\$ -
Capital Cost Per Tonne - Cell Development	\$ 32.00	\$ 32.00
Capital Cost Per Tonne - Vertical Expansion	\$ -	\$ -
Capital Cost Per Tonne - Cell Closure	\$ 17.00	\$ 17.00
Capital Cost Per Tonne - Equipment	\$ 12.00	\$ 12.00
Perpetual Care	\$ 2.00	\$ 2.00
Total Cost per Tonne	\$ 167.00	\$ 173.00
	\$ -	\$ -
Variable Costs		
Per Tonne Savings Cost		
Operating Cost Per Tonne	\$ 63.00	\$ 63.00
Capital Cost of Initial Site Infrastructure (Buildings, roads, FEP/WSF etc)	\$ -	\$ -
Capital Cost Per Tonne - Cell Development	\$ 32.00	\$ 32.00
Capital Cost Per Tonne - Vertical Expansion	\$ -	\$ -
Capital Cost Per Tonne - Cell Closure	\$ 17.00	\$ 17.00
Capital Cost Per Tonne - Equipment	\$ 12.00	\$ 12.00
Perpetual Care	\$ -	\$ -
Total Variable Cost per Tonne	\$ 124.00	\$ 124.00
	\$ -	\$ -
Fixed Costs		
Per Tonne Savings Cost		
Operating Cost Per Tonne	\$ 41.00	\$ 47.00
Capital Cost of Initial Site Infrastructure (Buildings, roads, FEP/WSF etc)	\$ -	\$ -
Capital Cost Per Tonne - Cell Development	\$ -	\$ -
Capital Cost Per Tonne - Vertical Expansion	\$ -	\$ -
Capital Cost Per Tonne - Cell Closure	\$ -	\$ -
Capital Cost Per Tonne - Equipment	\$ -	\$ -
Perpetual Care	\$ 2.00	\$ 2.00
Total Fixed Cost per Tonne	\$ 43.00	\$ 49.00

COMMUNITY ENGAGEMENT

A public hearing will be scheduled as per Council direction.

ENVIRONMENTAL IMPLICATIONS

A greenhouse gas study on the impact of waste exportation will be conducted with the results available for the public hearing.

ALTERNATIVES

1. Status Quo.
2. Increase tip fee to cost recovery and maintain flow control.
3. Request staff return with options for cost recovery and flow control as they relate to the recycling and organics program in addition to the residual waste stream.

ATTACHMENTS

- Attachment "A" – Showing Proposed Amendments By-law S- 600
 - Attachment "B" – Amending By-law S- 609
 - Attachment "C" – Incorporating Proposed Changes By-law S- 600
 - Attachment "D" – Showing Proposed Amendments Administrative Order 16
 - Attachment "E" – Amending Administrative Order 16
 - Attachment "F" – Incorporating Proposed Changes Administrative Order 16
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A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by:

Matt Keliher, Acting Manager, Solid Waste Resources, 902-490-6606

Financial Approval by:

Greg Keefe, Director of Finance & ICT/CFO, 902-490-6308

Report Approved by:

John Traves, Q.C., Director of Legal Services, 902-490-4219

Attachment "A"
(showing proposed changes)

HALIFAX REGIONAL MUNICIPALITY
SOLID WASTE RESOURCE COLLECTION AND DISPOSAL BY-LAW
BY-LAW No. S – 600

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16. PROHIBITIONS

16.1 No person shall:

- (a) pick over, remove, disturb or otherwise interfere with any waste material that has been set out for municipal collection;
- (b) collect waste material placed for municipal collection; or
- (c) remove a container or organics collection cart placed at curbside.

16.2 The prohibitions in Section 16.1 do not apply to the person who placed the waste material for collection or to the Municipality, its contractors or authorized Municipal collection contractors.

16.3 No person shall export or remove solid waste material generated within the Municipality outside the boundaries of the Municipality and all such solid waste shall be disposed of within the boundaries of the Municipality and in accordance with this By-law.

16.4 Notwithstanding subsection 16.3, the Municipality may export solid waste materials to licensed disposal facilities outside the boundaries of the Municipality only when the volumes of solid waste delivered to municipal facilities exceed the capacity of the facilities to handle the materials.

~~16.5 For the purpose of 16.3 and 16.4, solid waste means solid waste materials including but not limited to collectible waste, industrial/commercial/institutional waste, construction and demolition waste, mixed waste, and organic materials but does not include recyclable materials from industrial, commercial and institutional premises, international waste, pathogenic or biomedical waste, waste dangerous goods, hazardous waste materials, septic tank pumpings, raw sewage, industrial sludge and contaminated soils and solids as defined by appropriate regulatory bodies having jurisdiction from time to time and as determined by the Administrator or person designated to act in place of the Administrator.~~

16.5 For the purpose of

(a) Section 16.3, "solid waste" means solid waste materials including but not limited to collectible waste, construction and demolition waste, mixed waste, and organic materials but does not include ICI waste;

(b) Section 16.4, "solid waste" means solid waste materials including but not limited to collectible waste, ICI waste, construction and demolition waste, mixed waste, and organic materials but does not include,

recyclable materials from industrial, commercial and institutional premises, international waste, pathogenic or biomedical waste, waste dangerous goods, hazardous waste materials, septic tank pumpings, raw sewage, industrial sludge and contaminated soils and solids as defined by appropriate regulatory bodies having jurisdiction from time to time and as determined by the Administrator or person designated to act in place of the Administrator.

16.6 For greater certainty, and notwithstanding any provision in this By-law which directs otherwise, the property owner or occupant of premises which generate ICI waste may, either personally, or by employees, contractors or agents, export ICI waste outside the boundaries of the Municipality.

17. WASTE DISPOSAL FEE STRUCTURE

17.1 The fees and charges for the depositing of materials by haulers and persons who transport waste materials acceptable for disposal at any waste management facility operated by the Municipality, its contractors or its agents as part of the Municipality's waste management system shall be as prescribed from time by Council by policy in Administrative Order Number 16 of the Municipality.

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**Attachment “B”
(Amending By-law)**

**HALIFAX REGIONAL MUNICIPALITY
BY-LAW NUMBER S-609
Respecting Amendments to By-Law No. S-600,
*Solid Waste Resource Collection and Disposal By-Law***

BE IT RESOLVED by the Council of the Halifax Regional Municipality, that By-Law S-600, the *Solid Waste Resource Collection and Disposal By-Law*, is further amended as follows:

1. Section 16.5 is repealed and the following is substituted therefor:

16.5 For the purpose of

(a) Section 16.3, “solid waste” means solid waste materials including but not limited to collectible waste, construction and demolition waste, mixed waste, and organic materials but does not include ICI waste;

(b) Section 16.4, “solid waste” means solid waste materials including but not limited to collectible waste, ICI waste, construction and demolition waste, mixed waste, and organic materials but does not include,

recyclable materials from industrial, commercial and institutional premises, international waste, pathogenic or biomedical waste, waste dangerous goods, hazardous waste materials, septic tank pumpings, raw sewage, industrial sludge and contaminated soils and solids as defined by appropriate regulatory bodies having jurisdiction from time to time and as determined by the Administrator or person designated to act in place of the Administrator.

2. Section 16.6 shall be added after Section 16.5 and before the heading “17. Waste Disposal Fee Structure” and shall read as follows:

For greater certainty, and notwithstanding any provision in this By-law which directs otherwise, the property owner or occupant of premises which generate ICI waste may, either personally, or by employees, contractors or agents, export ICI waste outside the boundaries of the Municipality.

Attachment "C"
(Incorporating proposed change)

HALIFAX REGIONAL MUNICIPALITY
SOLID WASTE RESOURCE COLLECTION AND DISPOSAL BY-LAW
BY-LAW No. S – 600

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16. PROHIBITIONS

16.1 No person shall:

- (a) pick over, remove, disturb or otherwise interfere with any waste material that has been set out for municipal collection;
- (b) collect waste material placed for municipal collection; or
- (c) remove a container or organics collection cart placed at curbside.

16.2 The prohibitions in Section 16.1 do not apply to the person who placed the waste material for collection or to the Municipality, its contractors or authorized Municipal collection contractors.

16.3 No person shall export or remove solid waste material generated within the Municipality outside the boundaries of the Municipality and all such solid waste shall be disposed of within the boundaries of the Municipality and in accordance with this By-law.

16.4 Notwithstanding subsection 16.3, the Municipality may export solid waste materials to licensed disposal facilities outside the boundaries of the Municipality only when the volumes of solid waste delivered to municipal facilities exceed the capacity of the facilities to handle the materials.

16.5 For the purpose of

- (a) Section 16.3, "solid waste" means solid waste materials including but not limited to collectible waste, construction and demolition waste, mixed waste, and organic materials but does not include ICI waste;
- (b) Section 16.4, "solid waste" means solid waste materials including but not limited to collectible waste, ICI waste, construction and demolition waste, mixed waste, and organic materials but does not include,

recyclable materials from industrial, commercial and institutional premises, international waste, pathogenic or biomedical waste, waste dangerous goods, hazardous waste materials, septic tank pumpings, raw sewage, industrial sludge and contaminated soils and solids as defined by appropriate regulatory bodies having jurisdiction from time to time and as determined by the Administrator or person designated to act in place of the Administrator.

16.6 For greater certainty, and notwithstanding any provision in this By-law which directs otherwise, the property owner or occupant of premises which generate ICI waste may, either personally, or by employees, contractors or agents, export ICI waste outside the boundaries of the Municipality.

17. WASTE DISPOSAL FEE STRUCTURE

17.1 The fees and charges for the depositing of materials by haulers and persons who transport waste materials acceptable for disposal at any waste management facility operated by the Municipality, its contractors or its agents as part of the Municipality's waste management system shall be as prescribed from time by Council by policy in Administrative Order Number 16 of the Municipality.

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Attachment "D"
(showing proposed change)

Administrative Order Number 16
Respecting Fees For The Use of Solid Waste Management Facilities

THEREFORE BE IT ENACTED by the Council of the Halifax Regional Municipality as a policy pursuant to Section 49(1) (b) of the *Municipal Government Act* as follows:

1. The fees that for the use of solid waste management facilities pursuant to By-Law S-600, the Solid Waste Resource Collection and Disposal By-Law are:

(a) Haulers and persons who transport wastes acceptable for disposal at the front end processing facility, and residuals disposal facility other than materials requiring special handling or disposal techniques (as detailed in Section 17 of By-Law S-600) shall pay:

<u>Weight</u>	<u>Fee</u>
More than 100 kg (220 lb)	\$12.50 17.00 per 100 kg
Less than 100 kg (220 lb)	\$5.00 user fee

(b) Where the weigh scales used at the front end processing facility, and/or residuals disposal facility become inoperative, haulers and persons who transport wastes shall pay:

<u>Volume</u>	<u>Fee</u>
More than 0.5 cu. m (0.65 cu. yd.)	\$21.30 30.00 per cu. m
Less than 0.5 cu. m (0.65 cu. yd.)	\$5.00 user fee

(c) Haulers and persons who transport wastes acceptable for disposal at the source-separated composting facilities other than materials requiring special handling or disposal techniques shall pay: \$7.50 per 100 kg

(d) Where the weigh scales used at the source-separated composting facilities become inoperative, haulers and persons who transport wastes shall pay:
\$12.75 per cu. m

(e) Haulers and persons who transport wastes acceptable for disposal at the materials recovery facility shall not pay fees.

(f) Haulers and persons who transport wastes acceptable for disposal at the front end processing facility, and residuals disposal facility who pay cash and who have load weights more than 100 kg shall pay a cash deposit as follow upon entering the facility:

<u>Gross Weight of Vehicle</u>	<u>Cash Deposit Amount</u>
Up to 1250 kg	\$20.00
1251 kg to 1500 kg	\$35.00
1501 kg to 3000 kg	\$75.00
3001 kg to 5000 kg	\$125.00
5001 kg to 7000 kg	\$180.00
7001 kg to 9000 kg	\$235.00
9001 kg to 12000 kg	\$285.00

12001 kg to 15000 kg	\$340.00
Over 15000 kg	\$390.00

2. Administrative Order 16 adopted by Regional Council the 30th day of March, 1999 and effective the 6th day of April, 1999 as amended by Amendment No. 1 adopted by Regional Council the 28th day of March, 2000 and effective the 1st day of May, 2000 is hereby repealed.
3. This Administrative Order shall come into effect the 1st day of May, 2001.
Done and passed in Council this **30th** day of **March, 1999**.

Walter R. Fitzgerald
Mayor

Vi Carmichael
Municipal Clerk

**Attachment "E"
(Amending Administrative Order)**

**Administrative Order Number 16
Respecting Fees For The Use of Solid Waste Management Facilities**

BE IT RESOLVED that Administrative Order 16, *Respecting Fees for the Use of Solid Waste Facilities*, is amended as follows:

1. Clause 1(a) is amended by:
 - (a) striking out the number "12.50" after the words and dollar sign "More than 100 kg (220 lb) \$" and before the words "per 100 kg"; and
 - (b) adding the number "17.00" after the words and dollar sign "More than 100 kg (220 lb) \$" and before the words "per 100 kg".

2. Clause 1(b) is amended by:
 - (a) striking out the number "21.30" after the words and dollar sign "More than 0.5 cu. m (0.65 cu. yd.) \$" and before the words "per cu. m".
 - (b) adding the number "30.00" after the words and dollar sign "More than 0.5 cu. m (0.65 cu. yd.) \$" and before the words "per cu. m".

**Attachment "F"
(Incorporating proposed change)**

**Administrative Order Number 16
Respecting Fees For The Use of Solid Waste Management Facilities**

THEREFORE BE IT ENACTED by the Council of the Halifax Regional Municipality as a policy pursuant to Section 49(1) (b) of the *Municipal Government Act* as follows:

1. The fees that for the use of solid waste management facilities pursuant to By-Law S-600, the Solid Waste Resource Collection and Disposal By-Law are:

(a) Haulers and persons who transport wastes acceptable for disposal at the front end processing facility, and residuals disposal facility other than materials requiring special handling or disposal techniques (as detailed in Section 17 of By-Law S-600) shall pay:

<u>Weight</u>	<u>Fee</u>
More than 100 kg (220 lb)	\$17.00 per 100 kg
Less than 100 kg (220 lb)	\$5.00 user fee

(b) Where the weigh scales used at the front end processing facility, and/or residuals disposal facility become inoperative, haulers and persons who transport wastes shall pay:

<u>Volume</u>	<u>Fee</u>
More than 0.5 cu. m (0.65 cu. yd.)	\$30.00 per cu. m
Less than 0.5 cu. m (0.65 cu. yd.)	\$5.00 user fee

(c) Haulers and persons who transport wastes acceptable for disposal at the source-separated composting facilities other than materials requiring special handling or disposal techniques shall pay: \$7.50 per 100 kg

(d) Where the weigh scales used at the source-separated composting facilities become inoperative, haulers and persons who transport wastes shall pay: \$12.75 per cu. m

(e) Haulers and persons who transport wastes acceptable for disposal at the materials recovery facility shall not pay fees.

(f) Haulers and persons who transport wastes acceptable for disposal at the front end processing facility, and residuals disposal facility who pay cash and who have load weights more than 100 kg shall pay a cash deposit as follow upon entering the facility:

<u>Gross Weight of Vehicle</u>	<u>Cash Deposit Amount</u>
Up to 1250 kg	\$20.00
1251 kg to 1500 kg	\$35.00
1501 kg to 3000 kg	\$75.00
3001 kg to 5000 kg	\$125.00
5001 kg to 7000 kg	\$180.00
7001 kg to 9000 kg	\$235.00
9001 kg to 12000 kg	\$285.00

12001 kg to 15000 kg	\$340.00
Over 15000 kg	\$390.00

2. Administrative Order 16 adopted by Regional Council the 30th day of March, 1999 and effective the 6th day of April, 1999 as amended by Amendment No. 1 adopted by Regional Council the 28th day of March, 2000 and effective the 1st day of May, 2000 is hereby repealed.
3. This Administrative Order shall come into effect the 1st day of May, 2001.
Done and passed in Council this **30th** day of **March, 1999**.

Walter R. Fitzgerald
Mayor

Vi Carmichael
Municipal Clerk