


HALIFAX

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Item No. 11.1

Halifax Regional Council
November 10, 2015
December 8, 2015

TO: Mayor Savage and Members of Halifax Regional Council

Original signed by 

SUBMITTED BY:

Richard Butts, Chief Administrative Officer

Original Signed by

Mike Labrecque, Deputy Chief Administrative Officer

DATE: October 28, 2015

SUBJECT: By-laws S-610 and S-611 Amending By-law S-600, the Solid Waste Collection & Disposal By-law

ORIGIN

At the August 4, 2015 meeting, Regional Council passed a motion which included to:

2. Direct staff to initiate the by-law process to prohibit Industrial, Commercial and Institutional waste from being received at the Otter Lake Facility effective January 1, 2016 (unless the 140,000 tonne expansion of Cell 6 is approved by the Province prior to January 1, 2016, in which case the change to the by-law will not be effective until April 1, 2016; or unless vertical expansion of the entire Otter Lake Facility is approved by the Province prior to April 1, 2016, in which case the change to the by-law will not be made effective at all.

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. Adopt By-law S-610, amending By-law S-600, the *Solid Waste Resource Collection and Disposal By-law*, as set out in Attachment 2, and direct that By-law S-610 be published on January 1, 2016 unless:

RECOMMENDATION CONTINUED ON PAGE 2

- (a) the Clerk of the Municipality receives confirmation from the Minister of Environment prior to January 1, 2016 that a 140,000 tonne vertical expansion has been approved for Cell 6 of the Otter Lake Facility, in which case, By-law S-610 shall be published on April 1, 2016; or
 - (b) an extension Agreement is negotiated between Halifax and Mirror NS and is ratified by Halifax Regional Council prior to January 1, 2016; and
2. Adopt By-law S-611, amending By-law S-600 by repealing By-law S-610, and direct that By-law S-611 not be published unless:
 - (a) vertical expansion of the entire Otter Lake Facility is approved by the Minister of Environment prior to April 1, 2016; or
 - (b) an extension Agreement is negotiated between Halifax and Mirror NS and is ratified by Halifax Regional Council prior to January 1, 2016.

BACKGROUND

On August 4, 2015 Halifax Regional Council authorized the following actions as a contingency plan in the event that Halifax's application for vertical expansion of the Otter Lake landfill is delayed or not approved by the Province:

1. Direct staff to apply for an amendment to the operating permit for the Otter Lake Facility providing for approximately 140,000 tonnes of additional landfill capacity in Cell 6;
2. Direct staff to initiate the by-law process to prohibit Industrial, Commercial and Institutional waste from being received at the Otter Lake Facility effective January 1, 2016 (unless the 140,000 tonne expansion of Cell 6 is approved by the Province prior to January 1, 2016, in which case the change to the by-law will not be effective until April 1, 2016; or unless vertical expansion of the entire Otter Lake Facility is approved by the Province prior to April 1, 2016, in which case the change to the by-law will not be made effective at all);
3. Direct staff to apply for an amendment to the Otter Lake Facility operating permit to have the Front End Processor Facility approved as a transfer station and authorize staff to negotiate the terms and conditions for its operation by Mirror NS and direct staff to provide notice to the Community Monitoring Committee;
4. Authorize the Chief Administrative Officer to negotiate and enter into agreements with other landfill operators to accept Halifax waste, and to export waste to such landfills as required;
5. That, if approved, the above recommendations be made public, and;
6. That this report not be released to the public.

DISCUSSION

Mirror and Dillon commenced work on the preparation of new specifications (and the supporting permit application) on site June 3, 2015 with project management and oversight being completed by Conestoga-Rovers & Associates ("CRA"). The expected completion date of all work plan deliverables in relation to the application to amend the Permit is October 31, 2015. The final deliverable will be a permit application to Nova Scotia Environment ("NSE") once HRM's commitment under section 6.05 of the CMC Agreement (to obtain input from CMC) has been satisfied. It is the consultant's belief, given the elements of the work plan which address the required areas of landfill design and operations, that there is adequate time available and that NSE will be in a position to issue a permit by April 1, 2016.

It is hopeful that our submission will be timely and that NSE is expedient in processing the application and approving the permit; however, a risk mitigation strategy is required in the event the permit approval process is slow, NSE requires additional studies and/or information, or in the event NSE denies vertical expansion. There is also the possibility that while completing the work plan, capital components critical to landfill operations may not be working in optimal condition and require repair or upgrade. For instance, sump chambers or infrastructure may need to be replaced or upgraded, or leachate collection piping may need to be unplugged. This could also delay the approval from NSE and/or delay the placement of waste if work is being completed onsite. Through the investigations completed to date, the system appears to be in good working order and these concerns have lessened.

Based on current tonnage projections, Cell 6 is estimated to be full between September - October 2016. This date could shift to August depending on the amount of waste that is actually exported over the next year. A cell construction typically takes up to 17 months with 13 months required for construction. Construction does not typically take place over the winter months. If the permit application for vertical expansion is delayed or rejected, the earliest Cell 7 construction could start is April 2016. As a result Halifax could possibly be without a landfill cell at the Otter Lake site until September 2017. This amounts to 12 months (September 2016 – September 2017) of waste which is approximately 130,000 – 140,000 tonnes of material that is required to be managed. As a result a contingency plan is required.

Halifax has made a request in discussions with NSE to permit/allow Halifax to dispose of up to an additional 140,000 tonnes of residential waste (historical annual tonnage) above the current height restrictions for Cell 6 as part of developing a contingency plan for Halifax's solid waste. This contingency plan will allow Halifax to manage its solid waste at the Otter Lake Site for a minimum of one year if there happens to be a delay in the vertical expansion approval. There is precedence in allowing increased cell volumes and heights at the Otter Lake Site. In 2008, there was a delay in the issuance of an approval for Cell 5 operations, and NSE allowed an increased height to Cell 4 as an interim disposal solution while the final operating approval for Cell 5 was being completed. NSE has advised that Halifax's request will require a formal application for an amendment to the operating permit for the contingency period.

Contingency Plan

Close Otter Lake site to all Industrial, Commercial and Institutional (ICI) Waste haulers

Historically the Otter Lake site received approximately 140,000 tonnes of waste each year. Of this, approximately 80,000 tonnes is ICI and the remaining 60,000 tonnes is residential. With the removal of flow control, the ICI sector waste has decreased by 20% since February 2015. With this trend continuing, the ICI annual waste is estimated to be 64,000 tonnes per year, bringing the annual total to an estimated 124,000 tonnes. As of July 1, 2015 there was approximately 155,000 tonnes of space available in Cell 6. Based on the revised ICI tonnage data, assuming the trend remains consistent, Cell 6 will be full in October 2016. If the ICI sector was prohibited from using Otter Lake starting January 1, 2016 Cell 6 would be full in August 2017 (Table 1). By restricting site use to only residential waste, Halifax secures disposal space for an additional 9-10 months for residential garbage. This will provide enough time to construct a full or partial cell if vertical expansion is not approved by the Province. The ICI sector, who has lobbied for the removal of flow control and the ability/discretion to export, would then be required to export waste to other landfill sites. Collectors can direct haul or construct a transfer station in order to export the material.

The prohibition on accepting ICI waste shall be enacted until such time as vertical expansion has been approved. If vertical expansion is not approved for the entire site (Cells 1-6) but instead approved in stages, the prohibition could remain in order to maximize the timeframe between constructing new cells as approval of future stages may be unknown.

For each ICI tonne received and processed at Otter Lake there is a cost of \$170. The ICI sector pays a \$125 tip fee. In addition for each tonne received and placed in Cell 6 of the landfill, it uses valuable space and advances the timeline to build Cell 7 at an estimated cost of \$21,500,000. Although there will be a loss in tip fee revenue, the tip fee revenue currently does not cover the costs at Otter Lake.

File an application for an amendment to the Operating Permit at the Otter Lake Facility for an additional 140,000 tonnes of waste on Cell 6

On October 23, 2015 Halifax submitted the 140,000 tonne vertical expansion permit application to NSE.

Currently Cell 6 is the active operational cell at Otter Lake. No section of Cell 6 has been capped with a permanent closure system. As a result, increasing the height on Cell 6 as a contingency is optimal. Based on CRA's initial review they believe that the scope of work necessary to meet the requirements is of modest scope and can be completed in a timely manner while still providing opportunity for input from CMC as per the agreement.

If NSE approves the increased height on Cell 6, it is expected to provide Halifax with 12 months of added capacity at Otter Lake based on historical tonnages or 13 - 14 months based on current projected tonnages (Table 1 & 2). If only residential waste is being accepted at Otter Lake, then the increased approved volume will last the Municipality 27 - 28 months (Table 1 & 2). This additional capacity should provide Halifax the required time to meet all of NSE's requirements for vertical expansion of the entire Otter Lake Facility. If the permit for vertical expansion of the entire Otter Lake Facility is denied, the added time will allow for Cell 7 to be developed or time to review other options. Although staff and consultants believe a permit is achievable both in terms of engineering feasibility and community consultation requirements being met, increasing Cell 6 by 140,000 tonnes will provide service and disposal continuity if there are delays in the vertical expansion permitting process.

Extension to the Mirror Agreement

On October 6, 2015 Halifax Regional Council direct staff to commence contract negotiations with Mirror NS on an extension to the 1997 HRM – Mirror NS "Agreement for the Design, Construction and Operation of Components of Halifax Regional Municipality's Solid Waste Facilities" (the "Extension Agreement") subject to the parameters as outlined within this report and return to Halifax Regional Council for ratification of the Agreement by December 31, 2015. If an Extension Agreement is ratified by Halifax Regional Council, the construction of Cell 7 and the 140,000 tonne contingency vertical expansion may not be required.

Conclusion

As directed by Council, By-law S-610 has been structured with conditions to reflect the motion of August 4, 2015 and subsequent Council direction of October 6, 2015. This is a proactive measure by Council and is conditional on whether the Province approves vertical expansion of Otter Lake, including Cell 6. Accordingly, this By-law will only come into effect if the following conditions are met:

- If approval for the expansion of Cell 6 is not received prior to January 1, 2016, it will be effective as of January 1, 2016;
- If approval for the expansion of Cell 6 is received prior to January 1, 2016, it will be effective as of April 1, 2016;
- If approval of the entire vertical expansion for all of Otter Lake is received prior to April 1, 2016, then By-law S-610 will be repealed.

FINANCIAL IMPLICATIONS

As outlined below, the Solid Waste operating budget as it relates to the Otter Lake Facility operations for 2015/16 is forecasting a deficit of \$900,000. If the ICI sector is restricted from using the Otter Lake Facility this will cause additional operating budget pressures of \$1,008,000 bringing the estimated deficit to \$1,908,000. It is estimated that the negative impact to the 16/17 operating budget will be approximately \$2,030,000 with the proposed contingency plan.

In conjunction with these operating deficits, the corresponding capital and reserve budgets will decrease as Cell 6 closure will not be required to begin as planned. The 2015/16 capital budget could be reduced by \$4,000,000, thus increasing the projected reserve balance in Q120, Otter Lake Landfill Closure Reserve for 2015/16 and in 2016/17 the need to budget a capital project for \$3,800,000 with funding from the Otter Lake Landfill Closure Reserve, will not be required.

Estimated Impact of Restricting ICI at Otter Lake with Contingency Expansion

Impact on Solid Waste Operating Budget

		2015/16		2016/17
Current Projected Deficit	\$	(900,229)	\$	-
Impact from ICI Removal (Contingency Plan)	\$	(1,007,862)	\$	(2,031,666)
Impact on Operating	\$	(1,908,091)	\$	(2,031,666)

Impact on Solid Waste Capital Budget

Current Capital Budget	\$	4,500,000	\$	3,800,000
Required Capital Budget (Contingency Plan)	\$	500,000	\$	-
Impact on Capital	\$	4,000,000	\$	3,800,000
Net Effect of ICI Removal (Contingency Plan)	\$	2,091,909	\$	1,768,334

COMMUNITY ENGAGEMENT

September 20, 2011 Halifax Regional Council directed staff to advance the 'next steps' in order to achieve a more fiscally sustainable delivery of the Halifax solid waste system. Halifax Regional Council directed staff to:

- Commence the community engagement process, including consultation with the CMC and consideration by the Environmental and Sustainability Standing Committee, to review the Waste Resource Strategy, to include assessment of alternative options";
- With other landfill operators, work with the Province, and in consultation with the CMC and consideration by the Environment and Sustainability Standing Committee, to review the design specifications for landfill cells, and;
- Also included in that motion "it is further understood that any proposed terms to the contract which relate to future changes to the strategy provide for HRM consultation with the Community Monitoring Committee".

July 10, 2012 Halifax Regional Council approved budget for an independent consultant review of the Halifax Solid Waste system with the explicit instructions to direct staff to follow the community consultation process outlined in the September 20, 2011 Halifax Regional Council motion.

Throughout the Solid Waste Strategy review process Halifax Regional Council has demonstrated that they are firmly committed to consulting and engaging with the community and the Halifax Waste Resources Society / Community Monitoring Committee (HWR/CMC). In order to meet Halifax Regional Council's requirements to ensure a high level of public engagement and dialog staff developed a consultation framework in accordance with the Halifax Regional Council approved Community Engagement Strategy. The following motion was approved on April 23, 2013 by Halifax Regional Council.

1. Approve the public engagement plan as outlined in the discussion section of staff report of February 26, 2013 including direct consultation with the local community in the form of town hall meetings;
2. Approve the public consultation process include the historical context of the Community

- Stakeholder Committee (CSC) process that led to the development of the waste management strategy, the CSC siting criteria for the Otter Lake facility, including the purpose of the Front End Processing Facility (FEP) and Waste Stabilization Facility WSF, and commitments to the local as well as the recommendations of the Stantec Report;
3. To support the public consultation process, approve the In Camera Report of February 5, 2013 be released, with the exception of any legal advice provided in the report, and;
 4. Engage the Community Monitoring Committee (CMC) throughout the public engagement process as a key representative for the community. A key role for the CMC is to provide response to the appropriateness of scaling down the FEP processing as was contemplated in the Community Stakeholder Committee Integrated Resource Management Strategy of 1995, on page 7, as adopted in principle in 1996 by Regional Council.

These motions were influenced by the CMC's presentation to the Environment and Sustainability Standing Committee (ESSC) on April 4, 2013, wherein the ESSC decided to ensure the local community was directly engaged through town hall meetings before any other consultation began, and that more information would be provided to the public on the history of the Otter Lake site and the Province's process to secure an operations permit.

July 2012 the community engagement process was then actioned by Halifax staff with the assistance of National Public Relations, Canada's largest public relations firm. Throughout the community engagement process, National aligned all program components with the engagement plan outlined in the staff report to the Environment and Sustainability Standing Committee dated February 26, 2013, and the motions approved by Regional Council on April 23, 2013. This approach helped ensure that as many perspectives as possible from the landfill host community participants, other HRM residents, businesses, and waste industry stakeholders would be considered in Regional Council's eventual decisions for the entire solid waste system in HRM.

June 18, 2013 staff presented the Stantec Waste Resource Strategy Report ("the Stantec Report") to Halifax Regional Council. The CMC also presented to Halifax Regional Council on the Stantec Report. The purpose of CMC's presentation was to:

- Ensure you (Halifax Regional Council) have all information
- Seek support to stop consideration of closure of FEP/WSF at Otter Lake
- Accordingly, remove issue from consultation process.

The CMC did not discuss the matter of height in their presentation. This is because the CMC's primary concern was the potential closure of the FEP/WSF and the swapping of the liner for one of lower quality. CMC's engineering consultants Dillon, who were hired by Mirror the site operator, stated that HRM is unique with regards to having a FEP/WSF to process the material.

November 12, 2013 a midterm information report on the consultation process was provided to Halifax Regional Council.

December 5, 2013 the final consultation report was submitted to Halifax. The consultation process consisted of:

- 14 in-person meetings in two phases;
- Online engagement;
- National estimates about 700 people participated in the in-person events during Phase I of the community engagement program and approximately 600 attended during Phase II, with the majority of participants self-identifying as living in the districts (11, 12 and 13) which are closest to the Otter Lake landfill.
- 454 surveys, 291 quick polls and 95 comments completed online.

The marketing and communication tactics used for reaching out to residents with our invitation to participate in the process included:

- Mass e-mail invitations
- Follow up phone calls to key stakeholders and those identified as influencers in their communities and organizations, requesting that they assist in extending the invitation
- Municipal e-newsletter
- Spotlight in Halifax.ca main page gallery
- Request to members of Council to extend the invitation to their networks
- Posters in libraries, recreation centers, post offices, grocery stores, and universities
- Social media outreach
 - Tweets via @hfxgov
 - Facebook posts (regular and promoted) through the Halifax Recycles Facebook page
 - YouTube advertising
- Print media placements (including: the Chronicle Herald, Bedford-Sackville Weekly News, Dartmouth – Cole Harbour Weekly News, Shop the Shore, Masthead News)
- Direct mail invitation to residents of Beechville, Lakeside, Timberlea and Prospect Road

Prior to engaging the general public and as mandated by Regional Council, Halifax hosted two town hall meetings with a specific, direct mail invitation to residents of the communities in closest proximity to the Otter Lake landfill site. These events provided an open forum to hear directly from the residents who are most likely to be affected by potential changes at the Otter Lake landfill.

The town hall sessions consisted of the following:

- Introduction to the engagement program, event agenda, guidelines for the evening and overall facilitation
- Remarks - Community Monitoring Committee, represented by Ken Donnelly and Jack Mitchell
- Presentation – HRM Solid Waste Resources
- Open mic/question and answer period with HRM representatives
- Closing – invitation to participate in further engagement in-person at future events and online

It was estimated that the two town hall meetings were attended by a total of approximately 500 community members. The majority of comments and questions expressed were focused on the community's desire to maintain the status quo at the Otter Lake landfill.

The strongest themes that arose in both town hall sessions can be summarized as follows:

- HRM's agreement with (and commitments made to) the Otter Lake host communities and concerns that proposed changes to the operations are inconsistent with those commitments
- Opposition to recommendations of the Stantec report regarding closure of the Front End Processor and Waste Stabilization Facility (FEP and SWF)
- Concerns regarding potential changes to environmental and community protections
- Concerns regarding the intent and integrity of the Stantec report
- Emphasis on source separation, diversion, and education efforts as most important to continued success
- During the events, all town hall attendees were asked to write down their most important questions/concerns. Those questions were themed onsite, and attendees highlighted their three most important areas of concern through a "Dot-mocracy" exercise.

All of the questions identified in the town hall sessions were transcribed and answered, and a full list of them can be found at <http://shapeyourcityhalifax.ca/solid-waste-management/documents> .

Consultation events were held in

- Town Hall with Beechville Lakeside Timberlea & Prospect Rd - 18 Sep
- Town Hall with Beechville Lakeside Timberlea & Prospect Rd - 19 Sep
- Engagement Phase 1: What do we want?
- Session 1 of 2: Dartmouth - Wed 25 Sept
- Session 1 of 2: Bedford - Thu 26 Sept
- Session 1 of 2: Halifax - Wed 2 Oct
- Session 1 of 2: Eastern Shore - Thu 3 Oct
- Session 1 of 2: ICI Stakeholders - Monday 23 Sept
- Session 1 of 2: Waste Industry Stakeholders - Monday 30 Sept

Break - Integrate learnings from Phase 1 engagement

- Engagement Phase 2: How do we get there?
- Session 2 of 2: Dartmouth - Wed 16 Oct
- Session 2 of 2: Bedford - Thu 17 Oct
- Session 2 of 2: Halifax - Wed 23 Oct
- Session 2 of 2: Eastern Shore - Thu 24 Oct
- Session 2 of 2: ICI Stakeholders - Monday 14 Oct
- Session 2 of 2: Waste Industry Stakeholders - Monday 21 Oct

January 14, 2014 staff provided Halifax Regional Council with the Final Solid Waste Strategy Review recommendations. The public consultations document dated December 5, 2013 was incorporated into the Final Solid Waste Strategy Review. Halifax Regional Council approved recommendations 1-6 and deferred items 7, 8 & 9 for further debate.

Staff recommendations 7, 8, & 9 are as follows:

7. 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 \$170.00 per tonne;

8. Direct staff to initiate consultation with MIRROR NS and the Community Monitoring Committee on options for changes in the operating model (front end processor facility, waste stabilization facility, residual disposal facility) at Otter Lake landfill site A, returning to Council with a transition plan for landfill operations at the site based on diversion outcomes resulting from the changes outlined in this report; and

9. Extend operations at Otter Lake beyond 2024 and direct staff to increase the vertical height of existing and future cells by 15 meters and establish an Integrated Solid Waste Management Campus at the site to support new facilities and alternative technologies as they become viable.

June 14, 2014 Halifax Regional Council approved to:

- a) Defer consideration of recommendation number [7, 8 & 9] from the January 8, 2014 staff report, and;
- b) Direct staff to meet and consult further with the Halifax Waste Resource Society Board of Directors on the technical issues and/or impacts and report back to Committee of the Whole by November 1, 2014 with a summary of recommendations from the Society and recommended changes to staff's report and recommendations, if any. Should the local Councilors not currently belong to the Board of Directors of the Halifax Waste Resource Society, the Councilors for Districts 11 and 12 be included in the consultation if they so choose.

July 28, 2014, September 3, 2014, October 30, 2014 Following Council's direction, senior staff of the municipality met with a working committee appointed by the Board of Directors of the Halifax Waste Resource Society Board over five months (meeting dates above). The meetings were co-chaired by Ken Meech, Executive Director of the Society and John Traves, Q.C., Director of Legal Services for Halifax. Also in attendance have been Councilors Rankin and Adams as members of the CMC working committee as well as Richard Butts, CAO. The discussions have been productive, frank and open. After extensive discussions and consultations it was agreed that the FEP/WSF would not be recommended to be decommissioned, the recommendations for liner adjustment would not be moved forward and that it was premature to site a waste campus at Otter Lake. As a result of staff amending their recommendations on changes to Otter Lake, the HWRS/CMC agreed that it would not object to vertical expansion.

December 9, 2014 staff presented their revised recommendation report based on HWRS/CMC consultations. HWRS/CMC also gave a presentation to Halifax Regional Council whereby through the Council directed consultative process they communicated that "The society has reviewed the recommendations from staff and has no objection to the proposal subject to our comments, conditions and ongoing participation by CMC in the process."

With respect to vertical expansion Halifax Regional Council approved:

Direct staff to defer any action with respect to the siting of a new landfill site in order to assess the implications of system changes currently being implemented and direct staff to increase the vertical height of existing and future cells in accordance with the approach as set out in the report of Conestoga – Rovers & Associates dated October 8, 2014, subject to maintaining the visible isolation of the cells as outlined by the SNC Lavalin Environment balloon study findings with notice to the Chair of the Community Monitoring Committee in accordance with Section 6.05 of the Agreement for Community Monitoring of Solid Waste Facilities dated February 16, 1999 once an updated design and operations plan has been prepared.

With respect to the remaining recommendations Halifax Regional Council approved:

Direct staff to take the necessary steps to maintain the current operating model, including front end processor facility, waste stabilization facility and residual disposal facility other than as directed by Regional Council as a consequence of decisions arising out of the ISWMS Review – Final Report dated January 8, 2014 at the Otter Lake Landfill site. Further, to assess the effects of the system changes currently being implemented, returning to Regional Council, with input from the Community Monitoring Committee, no earlier than March, 2019 with a report and recommendation respecting the effectiveness of the front end processor facility and waste stabilization facilities based on system and other changes since conception including diversion outcomes resulting from the changes currently being implemented.

Retaining the current operational model with the front end processor and waste stabilization facility was a concern for the Provincial Government as outlined within the April 23, 2013 Nova Scotia Legislature approved resolution 794:

Whereas yesterday at Halifax City Hall, residents of Timberlea-Prospect spoke out loudly against any changes to the Otter Lake Waste Management Facility; and Whereas the Otter Lake Waste Management Facility operates according to a permit issued by the Department of Environment; and Whereas the member for Timberlea-Prospect and local councilors have diligently represented the concerns of local residents on this issue; Therefore be it resolved that all members of this House of Assembly direct the Minister of Environment to reject any requested changes to the Otter Lake Waste Management Facility operating permit that would remove the requirement of front-end separation and waste stabilization.

As outlined in the above Halifax Regional Council motion Council has retained the use of the front end processor and waste stabilization facility thereby addressing the Provincial government's concern.

Subsequent to Halifax Regional Council approval of vertical expansion, Solid Waste staff have been working with the site operator Mirror NS, their engineering consultants Dillon, and Halifax's owners engineer Conestoga-Rovers to develop a detailed work plan for all necessary deliverables to receive a vertical expansion permit from the Province. The work plan contains all HWRS/CMC's requests as outlined in their letter to Halifax Regional Council. This work plan was actioned June 3, 2015 by Dillon Consulting with project management and supervision by Conestoga Rovers.

The Agreement between Halifax Regional Municipality and the Halifax Waste Resource Society requires Halifax to provide notice to the HWRS/CMC with regards to proposed changes at Otter Lake. Section 6.05 requires Halifax to provide proposed specification amendments to the HWRS/CMC for review and comment. Halifax will continue to exceed the agreed consultative requirements as staff have committed to meet with the HWRS/CMC along with Dillon Consulting and Conestoga Rovers to review the completed work plan deliverables prior to submission to the Province for their review and subsequent permit approval. As per the Agreement, HWRS/CMC has the ability to address Halifax Regional Council regarding proposed specification changes. This provides yet another opportunity for the community to express their opinions and views to Halifax Regional Council.

August 4, 2015 Halifax Regional Council directed staff to apply for an amendment to the operating permit for the Otter Lake Facility providing for approximately 140,000 tonnes of additional landfill capacity in Cell 6. Halifax Regional Council also directed staff to initiate the by-law process to prohibit Industrial, Commercial and Institutional waste from being received at the Otter Lake Facility effective January 1, 2016 (unless the 140,000 tonne expansion of Cell 6 is approved by the Province prior to January 1, 2016, in which case the change to the by-law will not be effective until April 1, 2016; or unless vertical expansion of the entire Otter Lake Facility is approved by the Province prior to April 1, 2016, in which case the change to the by-law will not be made effective at all).

August 6, 2015 the CMC was provided a memo which outlined the need for a contingency plan. Work commenced to develop the proposed contingency plan specifications in order to achieve an amended permit from NSE. These documents will be forwarded to the CMC for review as per 6.05 of the Agreement.

August 8, 2015 the CMC declined staff's offer to meet and review the contingency plan.

August 19, 2015 the CMC requests to address Halifax Regional Council as per section 6.05 of the Agreement.

August 31, 2015 the CMC was informed that the Agenda Review Committee was unclear from the email of August 19, 2015 as to the grounds for the request to present as per Section 6.05 of the Agreement. CMC was informed that staff have been tasked with preparing a submission in support of Halifax Regional Council's proposed direction related to the operating permit. Agenda Review Committee was satisfied that it was premature to hear from CMC prior to CMC having the opportunity, in accordance with the Agreement, to receive and review the details of the proposed permit changes. Upon formal notice and review if the Chair of CMC still wishes to be heard that opportunity will be provided. Any changes in the bylaw, as per the motion will be dealt with by Halifax Regional Council in accordance with provisions of the Charter.

September 11, 2015 the CMC wrote to the Minister of the Environment. In this letter the CMC withdrew its support of vertical expansion as communicated to Halifax Regional Council in CMC's December 3, 2014 letter which was included within the December 9, 2014 Halifax Regional Council report. The letter confirmed "The society has reviewed the recommendations from staff and has no objection to the proposal subject to our comments, conditions and ongoing participation by CMC in the process." In addition the CMC also stated they could not support the contingency plan.

September 22, 2015 Staff presented Halifax Regional Council with a Letter of Intent (LOI) from Mirror NS to amend the current operating Agreement at Otter Lake. Halifax Regional Council requested that staff meet and consult with the CMC and deferred direction on staff's recommendations for two weeks.

September 23, 2015 Staff and Mirror NS consulted with CMC on the Mirror Letter of Intent. During this meeting with staff and CMC, there were presentations by Mirror NS as well as Halifax. Questions were posed by the CMC to both Halifax staff and Mirror NS. After approximately 1.5 hours the Q&A session concluded. Mirror and Halifax staff left. The CMC continued their meeting.

October 1, 2015 the CMC was provided the proposed specifications for the 140,000 tonne contingency plan as per section 6.05 of the Agreement for review and comment. CMC has been provided the opportunity to address Halifax Regional Council on October 20, 2015.

October 5, 2015 the CMC provided a written position on the Letter of Intent from Mirror NS. They are seeking to set a specific date within the operating permit whereby Otter Lake must close (December 31, 2035) regardless if the facility has reached capacity. CMC is also seeking no vertical expansion as a condition of support. Staff are unclear on CMC's position as later in the letter CMC wrote "To be clear, regarding the current examination of the feasibility of a height expansion, CMC has not approved any vertical expansion of the Otter Lake facilities. CMC has expressed willingness to examine the results of an engineering study and work plans to conclude its position on the issue." This appears to be a change of position within the same correspondence. CMC communicated that "It should be anticipated that the local community may seek quid pro quo for the landfill being operated much longer than originally promised." A request has not been made to Halifax for consideration.

October 14, 2015 the CMC was provided another letter informing them of their ability to address Council, and that Halifax is committed to continued consultation and information sharing with the CMC and will make, upon request, Halifax Solid Waste staff, GHD (formerly Conestoga-Rovers), Mirror NS and Dillon Consulting available to review any and all aspects of the proposed specifications.

October 15, 2015 Senior staff, including the CAO, along with Mirror executives met with the CMC members to review the Mirror proposal. The entire meeting consisted of discussions on vertical expansion. Staff reconfirmed that Council provided clear direction with regards to vertical expansion. There were concerns expressed by the CMC that Halifax was not sharing information on vertical expansion. It was reiterated that the CMC agreed in the summer/fall of 2014 that details would be provided when the engineering studies were complete. Halifax stated that the studies are still in progress and will be provided, as agreed and directed by Council to the CMC. Staff requested if the CMC had any questions with regards to the contingency expansion study provided on October 1 and if they discussed the matter with the community. CMC informed staff that their response would be delivered on October 16, 2015.

October 16, 2015 the CMC provided a letter to Mayor Savage regarding the contingency plan. The CMC confirmed that they were not exercising their right to speak to Council on October 20, 2015. The CMC has also not accepted staffs invitation to provide further information on the file.

The letter states:

"Vertical expansion of the landfill requires consultation with the local community. It is our belief that the notion of increased height to existing cells requires public consultation with the local community. In fact, the Stantec Report Waste Resource Strategy Update of January 2013 recommended that any vertical expansion consideration be "subject to input from the immediate neighbours of the landfill." HRM has not satisfied this requirement and we do not believe that vertical expansion should be approved without it."

As outlined above Halifax has completed extensive public consultations with regards to vertical expansion and other proposed solid waste changes over the past three plus years. There have been multiple consultations completed within the local community where the CMC provided input and presented at.

The letter further provides 7 criteria which the CMC believe are required for meaningful public consultation.

1. Public participation is based on the belief that those who are affected by a decision have a right to be involved in the decision-making process.
2. Public participation includes the promise that the public's contribution will influence the decision.
3. Public participation promotes sustainable decisions by recognizing and communicating the needs and interests of all participants, including decision makers.
4. Public participation seeks out and facilitates the involvement of those potentially affected by or interested in a decision.
5. Public participation seeks input from participants in designing how they participate.
6. Public participation provides participants with the information they need to participate in a meaningful way.
7. Public participation communicates to participants how their input affected the decision.

Over the past three years of consultations, Halifax has met all of the CMC's 7 criteria. This has been clearly demonstrated within this document as well as the attachments to this summary.

October 26, 2015 Halifax submitted the 140,000 tonne vertical expansion permit application to the CMC for review.

ENVIRONMENTAL IMPLICATIONS

Maximizing the cell life is beneficial for the environment as additional land is not used for cells.

There will be increased emissions from ICI haulers taking their waste to other facilities. CRA completed an analysis of greenhouse gas emissions and concluded that greenhouse gas emissions could increase between 12% with a transfer station to 38% through direct hauling.

ALTERNATIVES

Regional Council may decide not to adopt amending By-laws S-610 and S-611. This is not recommended as without these by-law amendments, the Municipality will not have a contingency plan and will have to continue to accept ICI waste at Otter Lake.

ATTACHMENTS

Exhibit A: Table 1 - Cell Fill Rate Status Quo
Table 2 - Cell Fill Rate with Additional Capacity

Attachment 1 – Proposed Changes to By-law S-600
Attachment 2 – Amending By-law S-610
Attachment 3 – Amending By-law S-611
Attachment 4 – Incorporating Changes to By-law S-600

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.

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Report Approved by:

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

EXHIBIT: A

Table 1 – Cell Fill Rate Status Quo

Current Cell Capacity 503,000 Tonnes				
	Annual Tonnes	Construction	Annual Tonnes	Construction
	Current Projection	Timeframe	Residential Only	Timeframe
	125,000		60,000	
Jul-15	347,126			
Aug-15	357,543			
Sep-15	367,959			
Oct-15	378,376			
Nov-15	388,793			
Dec-15	399,209			
Jan-16	409,626		409,626	
Feb-16	420,043		414,626	
Mar-16	430,459		419,626	
Apr-16	440,876		424,626	
May-16	451,293		429,626	
Jun-16	461,709		434,626	
Jul-16	472,126		439,626	
Aug-16	482,543		444,626	
Sep-16	492,959		449,626	
Oct-16	503,376		454,626	
Nov-16		With 125,000 tonnes per year	459,626	With 60,000 tonnes per year
Dec-16	Transfer Station to manage waste		464,626	
Jan-17			469,626	
Feb-17			474,626	
Mar-17			479,626	
Apr-17			484,626	
May-17			489,626	
Jun-17			494,626	
Jul-17			499,626	
Aug-17			504,626	

There is not enough time available to construct a new cell if ICI waste remains being accepted at Otter Lake. If only residential waste is permitted, there is enough time to construct a new cell if required.

Table 2 – Cell Fill Rate with Additional Capacity

Capacity with additional 140,000 tonnes = 643,000 Tonnes				
	Annual Tonnes	Construction	Annual Tonnes	Construction
	Current Projection	Timeframe	Residential Only	Timeframe
	125,000		60,000	
Jul-15	347,126			
Aug-15	357,543			
Sep-15	367,959			
Oct-15	378,376			
Nov-15	388,793			
Dec-15	399,209			
Jan-16	409,626			
Feb-16	420,043			
Mar-16	430,459			
Apr-16	440,876	With 125,000 tonnes per year	440,876	
May-16	451,293		445,876	
Jun-16	461,709		450,876	
Jul-16	472,126		455,876	
Aug-16	482,543		460,876	
Sep-16	492,959		465,876	
Oct-16	503,376		470,876	
Nov-16	513,793		475,876	
Dec-16	524,209		480,876	
Jan-17	534,626		485,876	
Feb-17	545,043		490,876	
Mar-17	555,459		495,876	
Apr-17	565,876	500,876		
May-17	576,293	505,876		
Jun-17	586,709	510,876		
Jul-17	597,126	515,876		
Aug-17	607,543	520,876		
Sep-17	617,959	525,876		
Oct-17	628,376	530,876		
Nov-17	638,793	535,876		
Dec-17	649,209	540,876		
Jan-18		545,876		
Feb-18		550,876		
Mar-18		555,876		
Apr-18		560,876	With 60,000 tonnes per year	
May-18		565,876		
Jun-18		570,876		
Jul-18		575,876		
Aug-18		580,876		
Sep-18		585,876		
Oct-18		590,876		
Nov-18		595,876		
Dec-18		600,876		
Jan-19		605,876		
Feb-19		610,876		
Mar-19		615,876		
Apr-19		620,876		
May-19		625,876		
Jun-19		630,876		
Jul-19		635,876		
Aug-19		640,876		
Sep-19		645,876		

If NSE approves the 140,000 contingency and ICI waste is still accepted, construction of a new cell would be required to start April 1, 2016 if vertical expansion is not approved.

If NSE approves the 140,000 contingency and ICI waste is not accepted, construction of a new cell would be required to start April 1, 2018, if vertical expansion is not approved.

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

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; **and**
- (c) remove a container or organics collection cart placed at curbside; **or**
- (d) **deposit ICI waste at the Otter Lake Facility.**

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.

Attachment 2
(Amending By-law S-610)

HALIFAX REGIONAL MUNICIPALITY
BY-LAW S-610
RESPECTING THE AMENDMENT OF BY-LAW S-600
THE SOLID WASTE RESOURCE COLLECTION AND DISPOSAL BY-LAW

WHEREAS Council of the Municipality wants to prohibit Industrial, Commercial and Institutional waste being received at the Otter Lake Facility to extend the life of the landfill unless the Province of Nova Scotia approves the vertical expansion of the entire Lake Otter Lake Facility, including Cell 6;

AND WHEREAS the vertical expansion of the entire Otter Lake Facility, including Cell 6, is subject to approval from the Province of Nova Scotia;

BE IT ENACTED by the Council of Halifax Regional Municipality that By-law S-600 is further amended as follows:

1. Subsection 16.1 is amended by:
 - (a) striking the word “or” at the end of clause (b);
 - (b) striking out the period after the word “curbside” at the end of clause (c);
 - (c) adding a semi-colon after the word “curbside” at the end of clause (c);
 - (d) adding the word “or” at the end of clause (c);
 - (e) adding the following clause (d) after clause (c):
 - (d) deposit ICI waste at the Otter Lake Facility.
2. Subsection 16.4 is amended by:
 - (a) adding a period after the word “Municipality” and before the word “only”; and
 - (b) striking out the phrase “only when the volumes of solid waste delivered to municipal facilities exceed the capacity of the facilities to handle the materials.” after the newly added period.

Done and passed in Council this ____ day of _____, 2015.

MAYOR

MUNICIPAL CLERK

I, Cathy Mellett, 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 _____, 2015 and that confirmation from the Minister of Environment (has/has not) been received prior to January 1, 2016.

Cathy Mellett
Municipal Clerk

Attachment 3
(Amending By-law S-611)

Halifax Regional Municipality
By-law S-611
Respecting the Amendment of By-law S-600

The SOLID WASTE RESOURCE COLLECTION AND DISPOSAL BY-LAW

WHEREAS Council of the Municipality adopted By-law S-610 to prohibit Industrial, Commercial and Institutional waste being received at the Otter Lake Facility to extend the life of the landfill;

AND WHEREAS the vertical expansion of the Otter Lake Facility is subject to approval from the Province of Nova Scotia;

AND WHEREAS the Province of Nova Scotia has provided approval for vertical expansion of the entire Otter Lake Facility prior to April 1, 2016;

BE IT ENACTED by the Council of Halifax Regional Municipality that By-law S-600 is amended as follows:

1. By-law S-610 is repealed.

Done and passed in Council this ____ day of _____, 2015.

MAYOR

MUNICIPAL CLERK

I, Cathy Mellett, 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 _____, 2015 and that vertical expansion of the entire Otter Lake Facility was approved by the Province prior to April 1, 2016.

Cathy Mellett
Municipal Clerk

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

1. TITLE

1.1 This By-law shall be known and may be cited as the “*Solid Waste Resource Collection and Disposal By-Law*”.

2. DEFINITIONS

2.1 In this By-Law the following words and phrases shall have the following meanings:

(a) “bulky items” means large items of a household nature including but not limited to furniture, stoves, mattresses, bed springs, barrels, water tanks, dishwashers, pieces of fencing and oil tanks.

(b) “blue bag recyclables” means glass bottles and jars, aluminum, steel and tin cans, high density polyethylene, low density polyethylene, and polyethylene terephthalate plastic bottles, containers and bags, milk and juice cartons, tetra packs and mini-sip containers or other items as designated by Council from time to time.

(c) “boxboard” means cereal, shoe, tissue, detergent, cracker, cookie, baking product and frozen food boxes, toilet paper rolls and paper towel rolls or other similar items.

(ca) “chute” includes a sloping or vertical channel, tube or slide, which is capable of conveying ICI waste from one level or floor to a lower level or floor;

(d) “collectible waste” means material originating from eligible premises and placed by the owner or occupant for collection by a collection contractor or by an agent of the Municipality and includes, without limitation, mixed waste, recyclable materials, and organic materials.

(e) “collection contractor” means any company, person or persons and the agents of such persons under contract with the Municipality to collect collectible waste from eligible premises.

(f) “commercial container” means any container used for the storage of ICI waste or any container used for the storage of organic materials or recyclable materials originating from industrial, commercial or institutional premises on properties located in the Municipality for collection by a hauler;

(g) “collection day” means any day which is scheduled by the Municipality for municipal collection of collectible waste.

(h) “commercial enterprise” means an enterprise which is commercially assessed for business occupancy tax, a commercial tax rate by the Municipality, or an apartment building having one civic address and more than six (6) units but does not include a business located in a residential dwelling such as, but not limited to, a home occupation or a professional office;

(i) “commercial premises” means any lot of land which contains one or more commercial enterprises.

(ia) “common area containers” means separate containers for the source-separation of organic materials, blue bag recyclables, cardboard, paper and ICI waste located in a common area at industrial, commercial and institutional premises.

(j) “construction and demolition waste” means material generated as a result of construction, demolition, or renovation activities and includes but is not limited to polystyrene or fibreglass insulation, pieces of gyprock and scrap wood.

(ja) “corrugated cardboard” means a paper-based material generally consisting of a fluted corrugated sheet and one or two flat linerboards. It is widely used in the manufacture of corrugated boxes, corrugated shipping containers and other similar products.

(k) “Council” or “council” means the Council of the Halifax Regional Municipality.

(l) “dwelling” means a building, or a unit in a building, occupied or intended to be occupied as a home, residence or sleeping place by one or more persons but does not include a hotel, motel, guesthouse or inn.

(m) “eligible premises” means those properties within the Municipality which are eligible for municipal collection as defined in Section 5.1 of this By-law.

(n) “fibre recyclables” means boxboard, mixed paper, corrugated cardboard, newsprint, magazines, catalogues, flyers, telephone and other soft cover books and egg cartons or other similar items designated by Council from time to time.

(o) “food waste” means fruit and vegetable peelings, table scraps, meat, poultry and fish, shellfish, dairy products, cooking oil, grease and fat, bread, grain, rice and pasta, bones, egg shells, coffee grounds and filters, tea leaves and bags or other similar items.

(p) “front-end processing facility” means a facility designed to receive and sort ICI waste and mixed waste and to recover selected items.

(q) “hauler” means any company, person or persons who transports waste materials including, without limitation, ICI waste, mixed waste, recyclable

materials, or organic materials to waste management facilities operated by the Municipality, its contractor(s) or its agents or to other waste management facilities approved under applicable law for disposal of waste materials.

(r) “industrial/commercial/institutional waste” or “ICI waste” means material of similar composition as mixed waste collected within the Municipality other than by municipal collection.

(s) “institutional premises” means any building exclusively used by any corporate body or society for promoting a particular purpose on a non-profit basis and includes public buildings.

(t) “leaf and yard waste” means leaves, brush, twigs, house and garden plants, sawdust and wood shavings or other similar items, excluding grass clippings.

(u) “Administrator” means a person appointed in writing by the Chief Administrative Officer to administer this by-law, or a person appointed by the Administrator as his designate;

(v) “materials recovery facility” means a facility designed to receive, sort, process, store and ship to market recyclable materials.

(w) “mini-bin” means a small container supplied to eligible premises by the municipality for the collection of organic materials prior to deposit in an organic materials regulation container.

(x) “mixed waste” means and includes all collectible waste other than that which is collected as recyclable materials or organic materials including:

(i) broken bottles, crockery and glassware, floor sweepings, discarded clothing and furnishings, non-recyclable plastic and metal, non-recyclable packaging, non-repairable household goods and other household waste;

(ii) glass that is tightly wrapped in cardboard or other suitable material and clearly marked to prevent injury to collection personnel;

(iii) bulky items and white goods;

(iv) ashes and soot that is completely cold placed in plastic disposable watertight bags securely tied and marked “ashes” or “soot”;

(v) residential home renovation waste materials;

(vi) other items not specifically designated as mixed waste except as excluded by this By-law.

(y) “mixed waste regulation container” means a container as specified in Section 7.2 for the collection of mixed waste.

(z) “municipal collection” means the scheduled collection of collectible waste made by or on behalf of the Municipality, at the expense of the Municipality, for eligible premises.

(aa) “Municipality” or “municipality” means the Halifax Regional Municipality.

(bb) “non-collectible waste” means all material other than collectible waste and without limitation includes:

(i) transient waste;

(ii) liquid waste or material that has attained a fluid consistency and has not been drained;

(iii) highly combustible or explosive materials, including without limitation, celluloid cuttings, motion picture film, oil or gasoline soaked rags, gas containers, chemicals, acids or other combustible residues, fine dry sawdust, ammunition, dynamite, or other similar material;

(iv) material that is considered pathogenic or biomedical including, without limitation, dressings, bandages or other infected material or hypodermic needles discarded in the course of the practice of physicians, surgeons, dentists or veterinarians;

(v) trade waste;

(vi) carcasses or parts of any animal except food waste;

(vii) waste listed or characterized as hazardous by any federal or provincial law;

(viii) sheet iron, large pieces of scrap metal or machine parts, automobile parts, fuel tanks and bodies;

(ix) septic tank pumpings, raw sewage or industrial sludge;

(x) radioactive materials;

(xi) soil, rock and stumps;

(xii) waste material resulting from construction, demolition or renovation activities including planking, siding, bricks, masonry, wood, beams and gyprock left by any contractor or property owner except as permitted herein;

(xiii) industrial waste material from factories or other manufacturing processes;

(xiv) manure, kennel waste, excreta, fish processing waste;

(xv) waste material from commercial containers;

(xvi) lead-acid automotive batteries and propane tanks;

(xvii) waste material which has not been placed for collection in accordance with the provisions of this By-Law; and

(xviii) materials banned from landfill disposal by the Nova Scotia Department of the Environment unless such materials are recyclable materials or organic materials from eligible premises.

(cc) “oil tanks” means residential oil tanks, cleaned and cut in half, to a maximum size of 200 gallons.

(dd) “organics collection cart” or “cart” means an aerated cart supplied to eligible premises by the Municipality for the collection of organic materials.

(ee) “organic materials” means food waste, leaf and yard waste, boxboard, soiled and non-recyclable paper, branches and bushes, natural Christmas trees without decorations and stands and other material of plant or animal origin as designated by Council from time to time.

(ff) “organic materials regulation container” means a cart or other container as specified in Section 7.2 for the collection of organic materials.

(ffa) “provincial disposal bans” means materials banned from disposal in landfills and incinerators under the Solid Waste - Resource Management Regulations of the Environment Act of the Province of Nova Scotia as updated and amended from time to time.

(ffb) “paper” means boxboard, mixed paper, newsprint, magazines, catalogues, flyers, telephone books, soft cover books, and paper egg cartons or other similar items designated by Council from time to time.

(ffc) “privacy bag” means a solid colour plastic garbage bag or a single container pursuant to Section 7.2(a)(vi).

(gg) “recyclable materials” means fibre recyclables, blue bag recyclables and other materials of a recyclable nature.

(hh) “recyclable materials regulation container” means a container as specified in Section 7.2 (c) for the collection of recyclable materials.

(ii) “regulation container” means a mixed waste regulation container; an organic materials regulation container or a recyclable materials regulation container.

(iia) “residential home renovation waste materials” means construction and demolition waste generated as a result of residential home construction, demolition, or renovation activities and includes pieces of gyprock, pieces of scrap wood, rolled carpet and rigid polystyrene foam or fibreglass insulation;

(jj) “residuals disposal facility” means a facility for the disposal and containment of ICI waste and mixed waste.

(kk) “scale clerk” means the person(s) responsible for the operation of the scale system(s) located at the waste management facilities operated by the Municipality, its contractors or its agents.

(ll) “single family dwelling” means a dwelling as defined herein occupied by a single family unit and includes a mobile home and a dwelling within a multi-unit residential dwellings in a duplex, rowhouse or townhouse.

(mm) “soiled and non-recyclable paper” means napkins, paper towels & fast food wrappers, wax paper, paper plates and cups, damp and soiled newspaper and flyers, sugar, flour & potato paper bags or other similar items.

(nn) “source separated composting facility” means a facility designed to receive, process and compost organic materials.

(oo) “trade waste” means materials accumulated as a result of commercial activities such as packing materials, display boards, rags, paper, and other waste materials resulting from such activities.

(pp) “transfer station” means a facility operated by or on behalf of the Municipality for unloading and consolidating ICI waste and mixed waste from collection vehicles for transport to another waste management facility in larger loads.

(qq) “transient waste” means waste material produced outside the Municipality or produced at a location other than at the building in front of which it was placed for pick up.

(rr) “treasurer” means the Administrator of Treasury for the Municipality, the successor to this position or a person designated by the Administrator of Treasury to act in his/her place.

(ss) “unit” means a self-contained portion of a building occupied as a separate

residence.

(tt) “waste disposal fees” means user fees, per tonne fees or per cubic metre fees charged by the Municipality for the acceptance of ICI waste, mixed waste, recyclable materials, and organic materials at designated waste management facilities operated by the Municipality, its contractors or its agents.

(uu) “waste management facilities” means any of the facilities for the management of ICI waste, mixed waste, recyclable materials, and organic materials operated by the Municipality, its contractors or its agents and includes, without limitation, the front end processing facility, materials recovery facility, residuals disposal facility, source-separated composting facility(s), transfer station(s) and waste stabilization facility.

(vv) “waste stabilization facility” means a facility for the stabilization of ICI waste and mixed waste containing residual organic material.

(ww) “white goods” means any large household appliance including but not limited to refrigerators, freezers, air conditioners, stoves, washers, and dryers with the CFC refrigerants removed as required by applicable law, provided that any such item may be no more than 200 kilograms in weight.

3. THE ADMINISTRATOR

3.1 The Administrator shall administer and enforce the provisions of this By-Law and, for this purpose, may:

- (a) divide the Municipality into areas for the purposes of collection of collectible waste from eligible premises on various days of the week;
- (b) designate a particular day of the week for collection of collectible waste in each designated collection area;
- (c) alter the boundaries of areas as deemed necessary on reasonable notice to the public;
- (d) administer and liaise with any collection contractor who may be hired by the Municipality to carry out collection of collectible waste within the Municipality;
- (e) assign organics collection carts and mini-bins to eligible premises;
- (f) determine the frequency of collection of collectible waste in each designated collection area of the Municipality; and
- (g) designate the conditions and guidelines relating to the acceptance of waste materials at waste management facilities.

4. THE PUBLIC

4.1 The owner or occupier of an eligible premises shall:

- (a) utilize regulation containers for the storing and collection of mixed waste, recyclable materials, and organic materials;
- (b) provide sufficient and adequate regulation containers to contain collectible waste generated at the eligible premises;
- (c) maintain such regulation containers in good repair and in a sanitary condition;
- (d) ensure that each regulation container is covered and secured at all times except when being emptied or filled;
- (e) store collectible waste outside the main building on the eligible premises only in secured regulation containers made inaccessible to pests or animals;
- (f) ensure the proper preparation of all collectible waste in accordance with this By-Law;
- (g) ensure that collectible waste is placed for collection in accordance with this By-Law;
- (h) where reasonably possible, ensure that collectible waste remains behind or beside the main building on the eligible premises except on collection day; and
- (i) source-separate all collectible waste generated from eligible premises at the point of generation so as to comply with the provincial disposal bans and to facilitate their recycling, composting or disposal in accordance with the Municipality's waste resource management system.

5. ELIGIBLE PREMISES

5.1 Eligible premises include the following occupied dwellings, buildings and types of premises, when they have been granted an occupancy permit by the Municipality:

- (a) single family dwellings including mobile homes;
- (b) multi unit residential dwellings that constitute a unit in a duplex, rowhouse or townhouse dwelling having street or road frontage;
- (c) multi-unit apartment or condominium buildings to a maximum of six (6) units;
- (d) small commercial and institutional premises in areas of the Municipality where such premises are designated and serviced with municipal collection according to resolution of Council; and

(e) condominium buildings with seven (7) or more units where such premises are in areas of the Municipality designated and serviced with municipal collection according to resolution of Council.

5.2 Owners and occupants of properties not defined herein as eligible premises shall not place any waste materials at the curbside of such properties for municipal collection.

5.3 Where a property of the type listed in clauses (a) to (e) of subsection 5.1 does not qualify as eligible premises solely because the premises are not occupied, the owner of the said premises may place waste materials originating from the same premises at the curbside for municipal collection as specified in accordance with this by law.

6. COLLECTIBLE MATERIAL - PREPARATION AND RESTRICTIONS

6.1 No materials shall be placed out or caused to be placed out for municipal collection by any person except in accordance with the following:

(a) For eligible premises which are single family dwellings that have street or road frontage and curbside collection, mixed waste shall be placed for municipal collection only in accordance with the following limits or conditions:

(i) Repealed.

(ii) A maximum of six (6) regulation clear plastic bags per mixed waste collection day per unit including one (1) optional privacy bag.

(iii) The privacy bag shall be no larger than eighty-eight (88) centimetres by one hundred (100) centimetres in size.

(b) For eligible premises which are single family dwellings or multi unit residential dwellings, residential home renovation waste materials may be placed for municipal collection to a maximum of five (5) mixed waste regulation containers or bundled materials per unit per mixed waste collection day. The number of bundles shall be included in the six (6) mixed waste regulation clear plastic bag limit as provided in Section 6.1 (a) (ii). Such bundled materials may be no more than 1.2 metres in length and 34 kilograms in weight.

(c) For eligible premises which are single family dwellings or multi unit residential dwellings, a maximum of one (1) bulky item not exceeding more than 200 kilograms in weight or one white good per mixed waste collection day per unit.

(d) For eligible premises which are multi-unit apartment and condominium buildings (with six (6) or less units), a maximum of four (4) regulation clear plastic bags per unit including one (1) optional privacy bag per unit to a maximum of twenty four (24) per mixed waste collection day as per Section 6(1)(a)(iii).

(e) For eligible premises which are multi-unit apartment and condominium buildings (with six (6) or less units), a maximum of two (2) bulky items (each not exceeding more than 200 kilograms in weight) or two (2) white goods per mixed waste collection day per eligible apartment or condominium building.

(f) For commercial or institutional premises designated by the Municipality as eligible for municipal collection, mixed waste shall be placed for municipal collection only in accordance with the following limits or conditions:

(i) Repealed.

(ia) A maximum of four (4) regulation clear plastic bags per mixed waste collection day per eligible commercial or institutional premises, with a maximum of one (1) privacy bag included in the limit of four (4) mixed waste regulation clear plastic bags. The privacy bag shall be subject to the limit or condition pursuant to 6.1(a)(iii).

(g) For commercial or institutional premises designated by the Municipality as eligible for municipal collection, a maximum of one (1) bulky item not exceeding more than 200 kilograms in weight or one (1) white good per mixed waste collection day per premises.

(h) Construction and demolition waste generated from commercial or institutional premises is not eligible for municipal collection.

(i) Construction and demolition waste generated by eligible premises which are multi-unit apartment and condominium buildings (with six (6) or less units), is not eligible for municipal collection.

(j) Where the Municipality establishes separate municipal collection of organic materials, the following conditions and restrictions shall apply to all such collection:

(i) the weight of an organics collection cart and its contents shall be no more than 100 kilograms;

(ii) a maximum of twenty (20) heavy kraft paper bags of leaf and yard waste may be placed for collection on each organic materials collection day for each eligible premises; with each bag and its contents weighing no more than 25 kilograms;

(iii) a maximum of five (5) bundles of branches or bushes may be placed for collection for each organic materials collection day for each eligible premises, with each bundle no more than 1.2 metres in length and 34 kilograms in weight and with no individual piece of material greater than 20 centimetres in diameter.

(k) There shall be no limit to the amount of blue bag recyclables and fibre recyclables eligible for municipal collection from eligible premises.

(l) In the case of municipal collection of materials containing refrigerant gas, the following items must display a sticker issued by the appropriate authority indicating that the refrigerant gas (CFCs) have been removed before they are eligible for collection:

- (A) refrigerators
- (B) freezers
- (C) air conditioning units
- (D) dehumidifiers

(m) No person shall place for municipal collection any non-collectible waste.

7. REGULATION PLASTIC BAGS AND CONTAINERS FOR MUNICIPAL COLLECTION

7.1 The owner or occupant of each eligible premises shall be responsible to contain designated collectible waste so as to prevent the escape of waste materials into the environment. The owner or occupant of each eligible premises is responsible to gather waste material placed for collection in front of the eligible property that has escaped from its container onto public or private property. Plastic bags shall be used. Loose materials placed in containers shall not be collected.

7.2 Only plastic bags which meet the following specifications and requirements shall be utilized for the purposes of municipal collection:

- (a) mixed waste regulation plastic bags as follows:
 - (i) clear transparent specifications:
 - (A) bags must be watertight and securely tied with an overall length of between 0.5 metres and 1 metre when empty;
 - (B) bag weight not to exceed 25 kilograms including contents;
 - (C) bags must have a thickness of at least 0.375 millimetres so as to prevent breakage, tearing or splitting upon collection; and
 - (D) Repealed.
 - (E) bags shall be non-coloured transparent bags.

(ii) container specifications:

(A) containers must be watertight, secured with a cover, equipped with handles in good repair and tapered to be as large or larger at the top as at the bottom;

(B) the weight of the container including contents shall not exceed 34 kilograms, the height shall be not less than 46 and not more than 76 centimetres, and the diameter shall be between 38 and 51 centimetres;

(C) containers shall be made of metal, plastic or other impermeable material not less than 0.375 millimetres thick;

(D) containers must be maintained in a neat and sanitary condition and kept in good repair;

(E) cardboard cartons, oil drums, paint cans, or other such containers are not eligible containers for mixed waste.

(F) loose mixed waste placed in the container is not eligible for collection.

(iii) outdoor, roadside boxes or bins are acceptable for storing plastic bags for mixed waste provided they meet the following specifications:

(A) a box or bin constructed of wood or other material suitable for storing containers or bags of mixed waste as long as the box or bin is rodent and animal proof;

(B) boxes or bins must be affixed with a lid weighing not more than 5 kilograms;

(C) boxes or bins shall at all times be maintained in a neat and sanitary condition and kept in good repair.

(iv) A privacy bag shall comply with paragraphs A,B, and D of subclause (i) of this clause and shall not be of a yellow, red or transparent blue in color.

(v) Plastic bags may be placed for privacy and protective purposes in containers.

(vi) One garbage container of the weight including contents, height and diameter indicated in Section 7.2(a)(ii)(B) may be used in circumstances where a privacy bag is permitted to be utilized by this By-law. The garbage in this container shall be bagged in small bags and shall not be loose.

- (b) organic materials regulation containers:
 - (i) where the Municipality establishes separate collection of organic materials, the following organic materials regulation containers shall be used:
 - (A) organics collection carts as assigned to eligible premises by the Municipality;
 - (B) subject to the limits in this By-Law, where there is excess leaf and yard waste material that does not fit into the organics collection cart, this material may be placed out for collection heavy kraft paper bags suitable to contain the waste without spillage or bag breakage;
 - (C) subject to the limits in this By-Law, where there is excess branches or bushes that do not fit in the organics collection cart, this material may be placed out in bundles.
- (c) recyclable materials regulation containers:
 - (i) the following recyclable materials regulation containers shall be used:
 - (A) blue bag recyclables must be placed in watertight transparent blue bags or clear transparent bags of a thickness of at least 0.375mm, and an overall length of not more than 1 metre when empty;
 - (B) all material must be securely contained so as to prevent material from escaping into the environment;
 - (C) low density polyethylene opaque bags (grocery bags), transparent bags or separate transparent blue bags must be used to contain paper and boxboard or fibre recyclables, except corrugated cardboard, which may be placed in securely tied bundles weighing no more than 34 kilograms;
 - (D) the weight of each bag, including contents, placed for recyclable materials collection must not exceed 25 kilograms;
 - (E) corrugated cardboard may be tied in bundles not greater than 0.65 metres x 1 metre x 0.20 metres (2 ft x 3 ft x 8 in).

8. ORGANIC COLLECTION CARTS AND MINI-BINS

8.1 Eligible premises must comply with the following provisions with respect to organics collection carts and mini-bins:

- (a) Eligible premises that receive curbside collection will be delivered and assigned organics collection carts and mini-bins by the Municipality. The

Municipality will establish the number of cart(s) and mini-bin(s) assigned to types of eligible premises.

(b) The organics collection cart(s) and mini-bin(s) assigned to eligible premises are to remain with that eligible premises.

(c) Owners or occupants of eligible premises are responsible for the care and cleaning of each organics collection cart and mini-bin which have been assigned to their eligible premises.

(d) The repair of damage or replacement of cart(s) or mini-bin(s) assigned to eligible premises due to misuse, alterations or abuse involving the owner or occupant of the eligible premises shall be the responsibility of the owner or occupant of the eligible premises to which the cart or mini-bin is assigned.

(e) The owner or occupant of eligible premises shall make the cart assigned to the eligible premises available to the Municipality or its contractors or agents within a reasonable time frame upon request for inspection or repair purposes or for identification of the serial number or the radio frequency identification tag number.

(f) Owners of eligible premises are responsible for the cart(s) and mini-bin(s) assigned to the premises and used by tenants who are renting or leasing the premises.

9. PLACEMENT OF MATERIALS

9.1 Collectible waste shall be placed for municipal collection in accordance with this By-Law, including the following:

(a) Collection is at curbside only. All regulation containers must be placed at end of driveway and/or at the edge of the property abutting the street, road or highway without obstructing the street, road or highway.

(b) All materials placed for collection must be placed in front of the eligible premises from which they have accumulated.

(c) Organics collection carts must be placed at the curb in an upright position with the lid closed and the front of the cart facing the street, road or highway.

(d) Recyclable materials must be placed for collection with approximately 1 metre spacing between these materials and mixed waste or organics materials.

(e) Owners or occupants of eligible premises on private streets or roads are eligible for curbside collection on the private street or road if the street or road is safely passable by a collection vehicle. If the private street or road is not safely passable by a collection vehicle, the collectible waste must be brought to the

nearest intersection with a public street or road and placed in accordance with this By-Law, where it shall be collected.

10. COLLECTION TIMES & FREQUENCIES

10.1 The following provisions apply to municipal collection times and frequencies:

(a) Collection will commence at the following times on the collection days designated in the following areas of the municipality

(i) 7:30 a.m. in all areas of the former City of Halifax and the former City of Dartmouth;

(ii) 7:00 a.m. in all areas of the former County of Halifax and the former Town of Bedford.

(b) Collection will be completed by the following times on the collection day designated in the following areas of the municipality:

(i) 5:00 p.m. in all areas of the former City of Halifax and the former City of Dartmouth;

(ii) 4:30 p.m. in all areas of the former County of Halifax and the former Town of Bedford.

(c) No person shall place collectible waste out for collection before 7:00 p.m. the evening of the day prior to the collection day applicable in that area of the Municipality.

(d) Collection of mixed waste and organic materials shall be biweekly (once every two weeks) on alternating weeks for areas where organic collection carts have been assigned by the Municipality.

(e) No person shall place mixed waste out for collection on the organic materials collection day applicable in that section of the Municipality.

(f) No person shall place organic materials out for collection on the mixed waste collection day applicable in that section of the Municipality.

(g) Where an area is designated to receive bi-weekly collection of recyclable materials, no person shall place recyclable materials out for collection on the week not designated as the recyclables material collection week applicable in that section of the Municipality.

(h) Mixed waste collection containers and organic collection carts must be removed from curbside by 9:00 p.m. the day of collection. Any materials not

collected must be removed from curbside by 9:00 p.m. the day of collection.

(i) Collectible waste must be placed for collection by the designated commencement time for collection in the area.

(j) When a regularly scheduled day for collection falls on a Federal, Provincial or Civic holiday, the collection may be modified to occur on an alternate day as designated by the Administrator.

(k) Collectible waste shall not be stored on eligible premises for a period of more than fourteen (14) days unless a Federal, Provincial or Civic holiday has occurred on the fourteenth day and the alternate designated collection day is after the fourteenth day.

11. HOUSEHOLD HAZARDOUS WASTE SERVICES

11.1 The Administrator may designate the place and time, including the days and hours of operation and the materials eligible for the collection of household hazardous waste in the Municipality. This includes the operation of a permanent household hazardous waste depot and the operation of mobile depot(s) in the Municipality. Household hazardous waste depots may only be used by residents of the Municipality for the proper disposal of household hazardous waste originating within the Municipality. All persons are prohibited from disposing of industrial, commercial and institutional waste at the permanent depot or the mobile depot(s).

12. INDUSTRIAL, COMMERCIAL, INSTITUTIONAL OR CONSTRUCTION WASTE

12.1 The property owner or occupant of premises which generate the following waste shall, either personally or by employees, contractors or agents, and in compliance with all applicable Federal, Provincial and Municipal laws, promptly remove and dispose of such waste:

(a) all waste generated by any industrial, commercial or institutional premises, facility or operation not eligible for municipal collection pursuant to this By-Law;

(b) all waste resulting from construction of any kind, including renovation or repair, except that waste eligible for municipal collection pursuant to this By-Law;

(c) all waste resulting from the demolition of a building or structure.

12.2 The property owner of an industrial, commercial or institutional premises shall ensure that:

(a) adequate space is provided on the premises to accommodate containers for the collection of source-separated ICI waste, organic materials and recyclable materials generated at the premises. For recyclable materials, adequate space

shall be provided to maintain blue bag recyclables, paper and corrugated cardboard all separate from each other.

(b) signage of sufficient size and number is to be posted to provide occupants with specific recycling and organics instructions for proper sorting of blue bag recyclables, fibre recyclables (i.e. paper separate from corrugated cardboard) and organic materials. Signage for the sorting of blue bag recyclables, fibre recyclables (i.e. paper separate from corrugated cardboard) , organic materials and ICI waste is to be located within 3 metres of the commercial container(s);

(c) (i) the location of the commercial container(s) for blue bag recyclables, fibre recyclables (i.e. paper separate from corrugated cardboard) and organic materials shall be within 3 metres of the container(s) for ICI waste; or

(ii) signage is posted adjacent to the container(s) for ICI waste directing persons to the location of the commercial containers on the premises for blue bag recyclables, fibre recyclables (i.e. paper separate from corrugated cardboard), and organic materials; and

(d) where industrial, commercial or institutional premises have a chute, signage is required to be posted on every floor where access to a chute is provided to instruct tenants to the location of commercial containers for blue bag recyclables, fibre recyclables (i.e. paper separate from corrugated cardboard) and organic materials.

12.3 The occupant of an industrial, commercial or institutional premises shall:

(a) source-separate all waste generated in the occupant's unit or portion of the building at the point of generation into ICI waste, organic materials, blue bag recyclables, paper and corrugated cardboard so as to comply with the provincial disposal bans and to facilitate their recycling, composting or disposal in accordance with the Municipality's waste resource management system; and

(b) place for collection source-separated material in containers in accordance with Section 13.1 at the storage areas on the property as designated by the property owner.

12.4 At industrial, commercial and institutional premises where the public is responsible for depositing waste materials such as an enclosed or exterior shopping centre, mall, food court, quick service restaurant, sports arena, office complex or other commercial premises, the property owner will provide common area containers at such premises which shall be located in a common area within such premises, that is readily and reasonably accessible to the public, tenants, employees and occupants

where the contents of said containers are to be collected and placed in commercial containers as required in Sections 13.1 (m) (i), (ii) and (iii) of this By-Law.

13. COMMERCIAL CONTAINERS

13.1 The following provisions apply to commercial containers:

(a) Any person who makes use of a commercial container for the temporary storage of waste shall ensure that such commercial container:

(i) is sturdily constructed of weather-proof and animal proof material and is capable of containing the material deposited within;

(ii) is equipped with a tight-fitting lid with a positive closing device which shall be kept closed except when the container is being loaded or unloaded;

(iii) meets the performance requirements set out in clause 3 of the American National Standards Institute Z245.3-1977, Safety Requirements for the Stability of Refuse Bins as updated and amended from time to time;

(iv) is placed on a hard level surface and is loaded uniformly and has displayed thereon the following message or similar: "CAUTION: DO NOT PLAY ON OR AROUND";

(v) has displayed thereon the name and telephone number of the owner of the container and the type of material to be deposited therein;

(vi) is cleaned out regularly and periodically, as necessary, to avoid the build-up of odours;

(vii) where tenants are required to place materials in the container, the container shall be designed and situated so as to be reasonably accessible for this purpose.

(viii) has displayed thereon the following message "GARBAGE" or "WASTE" or "REFUSE", where ICI waste is to be deposited in the commercial container;

(ix) has displayed thereon the following message "RECYCLABLES" or "BLUE BAG RECYCLABLES", where blue bag recyclables are to be deposited in the commercial container;

(x) has displayed thereon the following message "PAPER" where paper is

to be deposited in the commercial container, and has displayed thereon the following message “CARDBOARD ONLY” or “CARDBOARD” where corrugated cardboard is to be deposited in the commercial container;

(xi) has displayed thereon the following message “ORGANICS” or “COMPOST”, where organic materials are to be deposited in the commercial container;

(xiii) any message required by this section that is placed directly on commercial container(s) of less than 365 litres volume shall use lettering that is not less than 5 cm in height and 2.5 cm in width and any message required by this section that is placed on larger commercial container(s) or posted within 3 metres of the commercial container(s) shall use lettering that is not less than 10 cm in height and 4 cm in width.

(xiii) any message required by this section shall use lettering that is not less than 10 centimetres in height and 4 centimetres in width.

(b) The owner of any premises on which a commercial container is placed shall ensure that:

(i) where possible, any such container is kept behind or beside the building which it serves;

(ii) if kept in front of the building due to lot size and/or property configuration, such container is located at least 6 metres from the front property line;

(iii) any such container is reasonably screened so as not to be visible from any street; and

(iv) any such container is kept in a manner that is not unsightly and does not cause a nuisance or health-related problem.

(c) Where it is physically impossible for the owner to comply with the requirements of 13.1 (b) or in the case where the premises does not contain a building, the owner may keep the commercial container at a location on the premises which is not unsightly and does not cause a nuisance or health-related problem.

(d) A commercial container may be placed on a premises for a temporary period of time not longer than one month when the placement is in relation to the construction or repair of a building or structure, provided the commercial container

is removed as soon as the construction or repair ceases or if it is to remain on the premises, the commercial container is made to comply with the provisions of this By-Law.

(e) The owner of any commercial container shall keep such container clean and in good condition and the cover shall be kept in good working order.

(f) No person shall place a commercial container on any surface unless the surface is hard, level and weather-resistant.

(g) No person shall place a commercial container on any public street within the Municipality without the written permission of the Municipality.

(h) The owner of any premises on which a commercial container is located shall be responsible to ensure that any such container is loaded uniformly and is loaded such that waste material is completely contained within the container when closed.

(i) The owner of any premises upon which a commercial container is located shall be responsible to:

(i) keep the area surrounding any such container free from litter and waste;

(ii) cause any such container to be emptied at least once in every seven (7) days or more frequently if the container becomes filled before the seven-day period elapses unless the material is of a nature such that longer storage will not cause a nuisance or health related problem (e.g. dry or inert type materials, recyclables, scrap metals, etc.);

(iii) cause such container to be normally covered while containing waste.

(j) The owner of any industrial, commercial or institutional premises may make use of aerated or other commercial container(s) specifically designed for containing organic materials and commercial container(s) such as wheeled totes for containing blue bag recyclables, transparent plastic bags to contain paper or such other commercial container(s) specifically designed to contain materials and approved by the Administrator for the storage and collection of source-separated organic or recyclable materials from industrial, commercial or institutional premises provided that the owner shall not use any commercial container provided for pursuant to this section for the storage of ICI waste and provided that the owner complies with the other applicable requirements of this Section 13.1.

(k) No person shall place waste in any commercial container without permission of the owner of the container.

(l) The one month time limit in 13.1 (d) above can be extended with permission of the Administrator.

(m) The owner of any industrial, commercial or institutional premises shall ensure that commercial containers on the premises:

- (i) accommodate source-separated waste generated at that location;
- (ii) are designed and constructed such that the waste (i.e. ICI waste, organic materials, blue bag recyclables, paper and corrugated cardboard) remains in a source-separated condition; and
- (iii) are easily accessible to the occupants.

14. PLACING WASTE FROM NON-ELIGIBLE PREMISES CURBSIDE

14.1 No person shall place waste from premises other than eligible premises or other waste that is not collectible waste on municipal property for collection or other reason without written permission from the Administrator.

15. VEHICLES CARRYING WASTE

15.1 The following provisions apply to vehicles carrying waste materials:

(a) Persons who collect, transport and dispose of waste materials, ICI waste, mixed waste, organic materials and recyclable materials shall do so in a sanitary manner; any fluid matter shall be transported in watertight containers having tight-fitting covers.

(b) Every vehicle used for the collection and transportation of waste materials, ICI waste, mixed waste, organic materials, and recyclable materials shall have a tailgate or other restraining device and shall be closed or equipped with a tarpaulin, and such tarpaulin shall be used to cover such waste materials, ICI waste, mixed waste, organic materials and/or recyclable materials while the same is being transported.

(c) All waste materials, ICI waste, mixed waste, organic materials and recyclable materials shall be transported in such a manner that materials shall not spill or scatter from the vehicle containing the same.

(d) Waste materials, ICI waste, mixed waste and organic materials shall generally not remain in a vehicle overnight but shall be transported and disposed of on the same day as collected except in circumstances such as poor weather conditions, occasional equipment breakdowns, facility closures, etc. where delays shall be minimized and disposal shall occur as soon as reasonably possible.

(e) All vehicles or containers used for the transportation of waste materials, ICI waste, mixed waste and organic materials shall be hosed down as required and kept in a sanitary condition.

(f) All vehicles or containers used for the transportation of recyclable materials shall be kept in a sanitary condition.

(g) The Administrator may inspect vehicles used for the collection or carriage of waste materials at all reasonable times to ensure compliance with this By-Law.

15.2 Persons who collect and transport ICI waste, blue bag recyclables, paper, corrugated cardboard and organic materials that have been placed for collection in accordance with Section 12.3 (b) at industrial, commercial or institutional premises or properties shall transport that ICI waste, blue bag recyclables, paper, corrugated cardboard and organic materials in a source-separated condition and deliver the same material in a source-separated condition to the appropriate receiving facility in accordance with the Municipality's waste resource management system.

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;

(c) remove a container or organics collection cart placed at curbside; or

(d) deposit ICI waste at the Otter Lake Facility.

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.

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.

17.2 Notwithstanding Section 17.1, haulers delivering materials to the Municipality's waste management facilities which require special handling or disposal techniques shall pay the actual costs of such deposit and disposal determined as follows:

(a) The hauler shall give the Municipality and its contractors or its agents 10 days notice that it requests permission to deposit such wastes for disposal at the waste management facility, stating the properties, characteristics, origins and amounts of such waste materials;

(b) On receipt of such notice, the Municipality and its contractors or its agents shall advise the hauler whether or not it will accept delivery of such wastes at the waste management facility; and

(c) If the waste material is acceptable, the Municipality and its contractors or its agents shall advise the hauler of the time when and under what conditions it will accept deposit of such wastes at the waste management facility, provided the hauler pays the Municipality the actual cost of such deposit and disposal plus twenty percent, and further provided that the hauler agrees to save harmless the Municipality and assume full liability for the deposit and disposal of such wastes.

17.3 No waste disposal fee shall apply to collectible waste from eligible premises collected through municipal collection and deposited by collection contractors engaged by the Municipality at waste management facilities operated by the Municipality, its contractors or its agents.

18. VEHICLE REGISTRATION

18.1 Haulers using the Municipality's waste management facilities shall comply with the registration requirements of the Municipality including vehicle registration for such haulers.

18.2 The following provisions apply to vehicle registration for haulers using the Municipality's waste management facilities:

(a) Haulers (other than those users of cars, station wagons, mini-vans, sport utility vehicles and one quarter ton trucks) using the Municipality's waste management facilities shall pre-register identifying information and the tare weight for each vehicle as required by the Municipality from time to time, and separately identify those vehicles to be used in scheduled waste collection services operated on behalf of the Municipality (if the hauler is also a collection contractor).

(b) Haulers who wish to be granted credit privileges with the Municipality must register adequate identifying information with the Municipality. Each hauler and/or each hauler's vehicle will be assigned a unique identification code and/or issued appropriate physical identifying property. The physical identifying property issued shall remain the sole property of the Municipality and shall be returned promptly at the expiration of its use as determined by the Municipality at its sole discretion. Unique identification codes assigned to a hauler's vehicle shall be displayed on the left front of the vehicle in characters at least 10 centimetres high.

(c) Each hauler and hauler's vehicle using the Municipality's waste management facilities which has been granted credit privileges must present the assigned and/or issued identification to the scale operator upon entering the facility. The hauler to whom the assigned and/or issued identification is registered to will be invoiced for all materials delivered under his/her identification.

19. FEE PAYMENT

19.1 The following applies to the payment of fees:

(a) At Halifax Regional Municipality waste management facilities where cash payment is accepted, unless credit privileges have been granted, haulers who transport acceptable material to a facility operated by the Municipality, its contractors or its agents will be required to pay cash at the site in accordance with sections (i) to (iv) below:

(i) Where only one scale is in operation and the tare weight of a vehicle transporting materials has been predetermined, a cash payment is required upon being weighed in accordance with the fee structure prescribed by

Administrative Order 16.

(ii) Where only one scale is in operation and the tare weight of a vehicle transporting materials for disposal has not been predetermined, a cash deposit prescribed by Administrative Order 16 is required upon entering the facility. The vehicle will be weighed upon entering the facility and again upon leaving. The hauler will pay the fee prescribed by Administrative Order 16 prior to leaving the facility. If the deposit is greater than the actual fee, the hauler will receive a refund for the difference. If the deposit is less than the actual fee, the hauler will be required to pay the difference in addition to the deposit already paid, prior to leaving the facility.

(iii) Where both inbound and outbound scales are in operation, vehicles entering are required to pay a cash deposit prescribed in Administrative Order 16, upon entering the facility. The vehicle will be weighed upon entering the facility and again upon leaving. The hauler will pay the fee prescribed by Administrative Order 16 prior to leaving the facility. If the deposit is greater than the actual fee, the hauler will receive a refund for the difference. If the deposit is less than the actual fee, the hauler will be required to pay the difference in addition to the deposit already paid, prior to leaving the facility.

(iv) For vehicles such as cars, station wagons, mini-vans, sport utility vehicles and quarter ton trucks with load weights less than 100 kg, a flat cash fee prescribed by Administrative Order 16 will be paid upon entering the noted facility(s). The vehicle will not be weighed upon leaving the facility(s).

(b) At Halifax Regional Municipality waste management facilities where credit privileges have been granted, haulers who transport acceptable material to a facility operated by the Municipality, its contractors or its agents will be required to pay upon invoice in accordance with sections (i) to (iii) below:

(i) Where only one scale is in operation and the tare weight of a vehicle transporting materials has been predetermined, the vehicle will be weighed when entering the facility and a payment upon invoice is required in accordance with the fee structure prescribed by Administrative Order 16.

(ii) Where only one scale is in operation and the tare weight of a vehicle transporting materials for disposal has not been predetermined, the vehicle will be weighed upon entering the facility and again upon leaving. The hauler will pay the fee upon invoice in accordance with the fee structure prescribed by Administrative Order 16.

(iii) Where both inbound and outbound scales are in operation, the vehicle will be weighed upon entering the facility and again upon leaving. The hauler

will pay the fee upon invoice in accordance with the fee structure prescribed by Administrative Order 16.

(c) The following provisions apply to haulers who have been granted credit privileges at any waste management facility operated by the Municipality, its contractors or its agents:

(i) Haulers granted credit privileges will receive a monthly Statement of Accounts and payment is due within thirty (30) days of the end of the statement month.

(ii) Where an account for material disposal fees remains unpaid for more than thirty (30) days, a notice of non-payment will be sent by the Municipality. The Municipality may advise that if payment is not received within a specified period of time after mailing of such notice, the hauler shall be refused admittance to all facilities and/or credit privileges withdrawn until such time as the outstanding amounts, interest and service charges are paid. Scale operators will be notified of all haulers on refused admittance status or credit privileges withdrawn status and will be instructed to deny access to the facilities as applicable. The Municipality may require the posting of a performance bond or any other security acceptable to the Municipality in the event that accounts continue from time to time to be unpaid.

(iii) The interest rate to be charged on all outstanding disposal fee accounts will be applied and administered per Administrative Order 14, Interest Charges on Past Due Accounts.

20. PENALTIES

20.1 Any person who violates any provision of this By-Law is guilty of an offence and is liable on summary conviction to a penalty of not less than \$200.00 and not more than \$5,000.00 and in default of payment thereof to a term of imprisonment for not more than 60 days. Each day that a person commits an offence under this By-Law constitutes a separate offence.

20.2 In addition to any fine or imprisonment imposed pursuant to subsection 20.1, 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.

20.3 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.

21. REPEAL

21.1 The following are hereby repealed:

- (a) By-Law 24330, "Regional Solid Waste Disposal System By-Law" of the Town of Bedford.
- (b) By-Law No. 24331, the "Solid Waste By-Law" enacted by the Town of Bedford on January 28, 1992.
- (c) By-Law S-1200, "A By-Law of the City of Dartmouth Respecting Collection and Disposal of Solid Waste" enacted August 29, 1989.
- (d) By-Law H-400, "A By-Law Respecting A Regional Solid Waste Management System" of the City of Dartmouth.
- (e) By-Law H-500, the "Regional Solid Waste Disposal System By-Law" of the City of Dartmouth.
- (f) "Regulations Relating to the Collection and Disposal of Garbage and Refuse", Board of Health of the City of Halifax.
- (g) City of Halifax Ordinance Number 162, "Respecting the Design, Construction and Operation of a Regional Solid Waste Management System".
- (h) Halifax County Municipality By-Law 36, "A By-Law Respecting the Design, Construction and Operation of a Regional Solid Waste Management System".
- (i) Metropolitan Authority Waste Disposal Fee By-Law No. 7.

Done and passed by Council this 19th day of January, A.D. 1999.

Walter Fitzgerald
MAYOR

Vi Carmichael
MUNICIPAL CLERK

Notice of Motion:

November 24, 1998

First Reading:	December 8, 1998
“Notice of Intent” Publication:	December 26, 1998
Second Reading:	January 19, 1999
Third Reading:	January 19, 1999
Approval of Minister of Housing & Municipal Affairs:	N/A
Effective Date:	January 30, 1999

Amendment # 1 (S-601)

(S. 17.1;17.2;17.3;Sub-section 19.1 Clause (a) sub-clauses I, ii, iii, iv;
Sub-section 19.1 Clause b; Schedules 1 & 2 repealed)

Notice of Motion:	April 6, 1999
First Reading:	April 13, 1999
“Notice of Intent” Publication:	April 17, 1999
Second Reading:	May 4, 1999
Approval of Minister of Housing & Municipal Affairs:	N/A
Effective Date:	May 8, 1999

Amendment # 2 (S-602)

(S. 16 adding to subsection 16.3; 16.4 and 16.5)

Notice of Motion:	May 21, 2002
First Reading:	May 28, 2002
“Notice of Intent” Publication:	June 8, 2002
Second Reading:	June 25, 2002
Approval of Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	June 29, 2002

Amendment # 3 (V-100)

(Addition to Section 20 – Penalties)

Notice of Motion:	May 27, 2003
First Reading:	June 10, 2003
“Notice of Public Hearing” Publication:	June 14, 2003
Second Reading:	July 8, 2003
Approval of Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	July 12, 2003

Amendment # 4 (S-603)

(Amendments to Sections 2.1, 4.1, 5.1, 6.1, 12.1, 13.1, 16.5)

Notice of Motion:	June 17, 2003
First Reading:	June 24, 2003
“Notice of Public Hearing” Publication:	August 2, 2003
Second Reading:	August 19, 2003
Approval of Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	August 23, 2003

Amendment # 5 (V-101)

(Amending Section 20.1)

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

Amendment # 6 (S-604)

(Amending Sections 2.1, 6.1, 7.2, 12.2, 13.1 and 15.1)

Notice of Motion:	July 31, 2007
First Reading:	August 7, 2007
“Notice of Public Hearing” Publication:	August 18, 2007
Second Reading:	September 4, 2007
Approval of Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	November 5, 2007

Amendment # 7 (S-605)

(Amending Sections 2.1, 6.1, 12.2, 12.3, 13.1, 15.2, 20.1 and 20.2)

Notice of Motion:	April 28, 2009
First Reading:	May 5, 2009
“Notice of Public Hearing” Publication:	May 16, 2009
Second Reading:	June 2, 2009
Approval of Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	July 1, 2009

Amendment # 8 (S-606)

(Amending Section 19.1)

Notice of Motion:	July 6, 2010
First Reading:	August 3, 2010
“Notice of Public Hearing” Publication:	August 28, 2010
Second Reading:	September 14, 2010
Approval of Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	September 18, 2010

Amendment # 9 (S-609)

(Amending Section 16)

Notice of Motion:	December 9, 2014
First Reading:	January 13, 2015
“Notice of Public Hearing” Publication:	January 17, 2015
Second Reading:	February 3, 2015
Approval of Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	February 14, 2015

Amendment # 10 (S-608)

Notice of Motion:	September 9, 2014
First Reading:	September 23, 2014
"Notice of Public Hearing" Publication:	November 15, 2014
Second Reading:	February 3, 2015
Approval of Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	August 1, 2015
