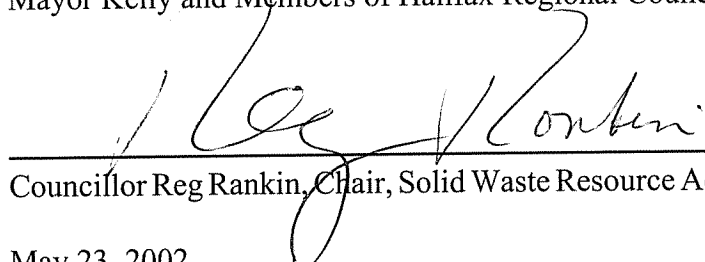


10.3.11

Halifax Regional Council
May 28, 2002

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:


Councillor Reg Rankin, Chair, Solid Waste Resource Advisory Committee

DATE: May 23, 2002

SUBJECT: Solid Waste By-Law Amendment - Exportation of Waste

ORIGIN

Notice of Motion at May 21, 2002 Council by Councillor Rankin concerning an amendment to By-Law S-600, the Solid Waste Collection and Disposal By-Law, to prohibit the exportation of solid waste from Halifax Regional Municipality except under conditions prescribed by Halifax Regional Municipality.

RECOMMENDATION

It is recommended that:

That Council give first reading to By-Law Number S-602, as included with this report as Appendix A, to restrict the export of solid waste material generated within HRM, and set a date for a Public Hearing.

BACKGROUND

The Solid Waste Resource Advisory Committee (SWRAC) has raised concerns about the export of commercial waste to lower cost landfills in other parts of Nova Scotia. In the past fiscal year, commercial (ICI Sector) refuse delivered to Otter Lake has declined for the first time in several years. While some decline can be explained by the events of September 11 and improved diversion and other factors, there was not a corresponding decline in residential tonnage, or an offsetting increase in commercial organics. Coincidentally, staff and Members of SWRAC have been receiving reports of commercial refuse being transported outside of HRM to take advantage of lower tipping fees in place at other landfill sites. SWRAC have asked for action to be taken on this issue, and the first concrete step required is the clarification in By-Law S-600 of a policy statement that was included in the early development of the Integrated Waste Resource Management Strategy - "Stewardship - We Manage the Materials We Generate".

DISCUSSION

SWRAC is concerned that HRM is losing revenue, that would normally be part of the net operating cost for the Waste Resources system, should commercial waste that is generated within HRM be disposed of in other municipal landfills around Nova Scotia. In 2001-02, Commercial refuse deliveries at Otter Lake were 88,287 tonnes, a decline of 2.5% over the same period for 2000-01. At the same time, Residential refuse deliveries grew by 4.6% over the previous year. SWRAC is concerned that part of the commercial decline is attributable to commercial tonnage going elsewhere in Nova Scotia.

While other landfills are some distance away, the opportunity to obtain lower tipping fees will exist as long as HRM has higher fees, and other landfill operators are willing to accept such wastes in their facilities. Halifax Regional Municipality has invested significant resources in a system that was developed from the outset to serve the needs of both residential and commercial operations. One of the key principles in the development of this system has been that we would not routinely ship solid waste outside for disposal. While we occasionally take advantage of inter-municipal arrangements to handle peak deliveries of refuse or compost, or problems that arise from time to time, these arrangements are always set with the approval of the municipalities concerned, and are intended to provide mutual benefit.

A decline in tipping fee revenues at our Waste Resource Management Facility at Otter Lake will impact negatively on the budgets for this service, and make revenue forecasting difficult if not impossible. The Chairman of SWRAC and Solid Waste Resources staff have raised this issue with other landfill operators through the Nova Scotia Solid Waste Resources Regional Chairs Group. We have also contacted several landfills directly, to try to ascertain the extent of the problem for HRM, with limited success. For some municipalities still using First Generation Landfills, and planning to replace them to meet a Province-Wide Second Generation Landfill regulation by 2005, the temptation to attract some HRM waste and tipping fees in the short term is an issue.

As a first step to address this issue, it is important to reinforce that early policy principle of

"handling our own waste", by amending the Solid Waste Resource Collection and Disposal By-Law S-600 to make it clear that HRM has this as a fundamental component of its overall solid waste resource's system. The enclosed amendment is designed to do just that, while still providing the opportunity for the Municipality itself to export materials when required for the overall health of the system.

In the short term, commercial waste generators would be encouraged to recognize the importance of using the HRM facilities that have been put in place for their benefit (and the protection of HRM's environment in a more general sense). In the longer term, SWRAC will be considering other actions, including the possibility of licensing waste haulers, if this is required to enforce this new provision of the Waste Resources By-Law. Further, this provision can be incorporated into future commercial arrangements HRM makes for office and residential waste collection.

BUDGET IMPLICATIONS

The potential loss of revenue to HRM from the transfer of waste to other landfills can be significant. If 1,000 tonnes were displaced annually in this fashion, the loss of tipping fees would be \$115,000 at current tipping fees. While there would be some offset to HRM in terms of saving landfill space, HRM would have difficulty predicting the tonnage and revenue for annual budgets, particularly within the current fixed price arrangement with MIRROR Nova Scotia. This arrangement was intended to shield HRM from tonnage variations, based on an assumption of steady growth in annual tonnage to be processed.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

Council could contact individual municipalities to seek their cooperation with respect to this issue of exporting waste. While this can be done as something to compliment the passage of the by-law amendment, it would not have the same impact as an action by itself.

Council could also approach the Province to restrict the shipment of waste to other municipalities, but this is not likely to be a priority for the Department of Environment and Labour based on discussions with them to date.

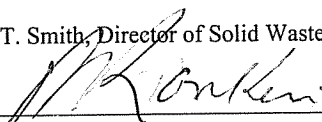
ATTACHMENTS

Appendix A, By-Law Number S602

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Brian T. Smith, Director of Solid Waste Resources

Report Approved by:



Councillor Reg Rankin, Chair, Solid Waste Resource Advisory Committee

APPENDIX A

HALIFAX REGIONAL MUNICIPALITY BY-LAW NUMBER S-602

Whereas it was an underlying principle of the Integrated Solid Waste Resource Management Strategy of the Halifax Regional Municipality that the Community would be responsible for dealing with all aspects of the Solid Waste/Resource Stream with the Community;

BE IT ENACTED by the Council of the Halifax Regional Municipality, under the authority of Section 325 of the Municipal Government Act, that By-law S-600, the Halifax Regional Municipality Solid Waste Resource Collection and Disposal By-Law is amended as follows:

1. Section 16 of said By-law S-600 is amended by adding immediately following subsection 16.2 thereof, the following subsections:

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.