

Halifax Regional Council

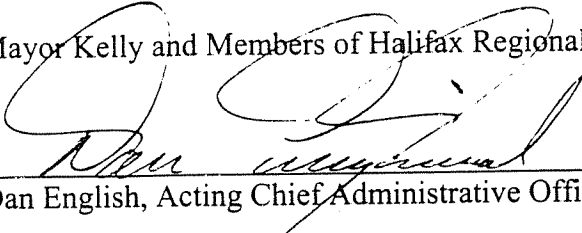
June 25, 2002

July 2, 2002

July 9, 2002

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:


Dan English, Acting Chief Administrative Officer

DATE: June 20, 2002

SUBJECT: **Project #00082: Construction and Demolition (C&D) Waste Management Strategy: Proposed Amendments**

SUPPLEMENTARY REPORT

ORIGIN

- It is Council's intention to implement land use policies and regulations respecting a Construction and Demolition Waste Management Strategy as part of HRM's Integrated Solid Waste/Resource Management Strategy.
- Council solicited proposals for construction and demolition *disposal* sites so that site specific Plan amendments could be considered for disposal operations at the same time as the more general Planning amendments are being considered. Three specific proposals were received, each requiring a Plan amendment.

RECOMMENDATION

With respect to the general Plan and Bylaw amendments for construction and demolition operations:

It is recommended that Regional Council:

1. **Move first reading and set a public hearing date(s)¹ to consider adoption of proposed amendments to all of HRM's Municipal Planning Strategies and Land Use By-laws to regulate the construction and demolition industry (Attachments I through XXXVII, inclusive² of the June 13, 2002 staff report) including:**
 - a. **The creation of a CD-1 Zone (C&D Transfer Stations), a CD-2 Zone (C&D Processing Facilities) and a CD-3 Zone (C&D Disposal Sites) Zone; and**

¹**NOTE:** Council is advised that, given the nature and scope of the proposed amendments, the Public Hearing will likely require more than one session to hear from interested members of the public.

²It should be noted that the numbering of policies and by-law amendments may change due to other amendments being created, specifically those related to Capital Cost Contribution (CCC) Policy.

- b. Pursuant to the proposed Municipal Planning Strategy policies rezone the following *existing* construction and demolition operations as follows:
- i) Halifax C&D site, on Mills Drive in Goodwood, rezoned from I-1 (Light Industry) Zone to *CD-2 (Processing Facilities) Zone* (as per Map 4 of June 13 report);
 - ii) RDM Recycling Ltd. site, on Old Sambro Road in Harrietsfield, rezoned from R-2 (Two Unit Dwelling) Zone to *CD-2 (Processing Facilities) Zone* (as per Map 5 of June 13 report) (*it should be noted that if Council decides to adopt a site specific Plan amendment to rezone this property to CD-3, C&D Disposal site, that this part of the motion is unnecessary*);
 - iii) Halifax C&D Ltd. site, on Ross Road near Cole Harbour, rezoned from I-1 (Light Industry) Zone to *CD-1 (Transfer Stations) Zone* (as per Map 6 of June 13 report); and
 - iv) Preston C&D Ltd. site (currently subject to a development agreement), in North Preston, rezoned from MR (Mixed Resource) Zone to *CD-2 (Processing Facilities) Zone* (as per Map 7 of June 13 report).

With respect to the site specific Plan amendments for construction and demolition disposal operations:

It is further recommended that Regional Council:

- 2. Refuse RDM Recycling Ltd.'s proposal to operate a construction and demolition disposal operation in Harrietsfield;
- 3. Defer Halifax C&D Ltd.'s proposal to operate a construction and demolition disposal operation in Antrim until such time as sufficient environmental information is submitted to consider the impact upon Dollar Lake and the Clattenburg Wilderness Area; and
- 4. Defer Metro Construction Debris Recycling Ltd.'s proposal to operate a construction and demolition disposal operation in Dartmouth until sufficient information is provided to evaluate the submission.

INTRODUCTION

The following three pages contain a high level summary of the staff recommendations and Council's options. The Discussion section of the report relates these issues to HRM's Integrated Waste Resource Management Strategy. This is followed by a review of each of the C&D disposal proposals. One page is devoted to each proposal.

SUMMARY

Council is considering two broad issues with respect to regulating construction and demolition debris. Staff's recommendations on the first two pages of this report, as well as the following summary, are presented using the following two categories:

- the "general" Plan and Bylaw amendments required to establish a regulatory framework for construction and demolition operations; and
- the "site specific" Plan amendments required to allow the operation of construction and demolition disposal operations at these specific sites.

General C&D Amendments

The following points summarize the effect of Recommendation #1.

- The "general" Plan and Bylaw amendments give basic policy guidance for regulating construction and demolition operations. These new policies and bylaws are not appealable.
- The new Plan policies will be used by Community Councils when rezoning requests are made in the future for new or expanded construction and demolition operations. These decisions will be appealable.
- The Plan and Bylaw amendments establish three new construction and demolition zones for each type of C&D operation. These zones differentiate between C&D transfer sites, processing sites, and disposal sites.
- The new Plan policies require that existing C&D transfer or processing operations be rezoned to the appropriate zone at the same time the Plan policies are adopted. This decision is not appealable.
- The actual wording of the "general" Plan and Bylaw amendments for all of HRM's planning documents are contained in Attachments I through XXXVII of the June 13, 2002 staff report. The policies and regulations for each planning document are identical in their effect. The only differences are in style so that each amendment is consistent with the style of the document it is being inserted into.

Site Specific Plan Amendments for C&D Disposal Operations

The points raised in this section and the following section relate to Recommendations 2-4 inclusive on Page 2 of this report.

- Since there are no existing C&D disposal operations Council solicited site specific proposals for these operations. Council indicated its intention to consider these proposals simultaneous with the general Plan and Bylaw amendments. Three proposals were received.
- The establishment of one or more disposal operations in the Region was viewed as critical. It was recognized however that Council may not receive ideal proposals which fully comply with the proposed Plan policies. Council therefore decided that each proposal for a C&D disposal operation would be dealt with on its own merits as a site specific Plan amendment. Site specific Plan amendments are not appealable.
- Staff was directed to review each proposal for compliance with the proposed C&D Plan and Bylaw policies/regulations. Having said that it was recognized that Council may approve specific proposals as site specific Plan amendments notwithstanding that they do not fully comply with the proposed Plan policies.
- Timely decision making was identified as critical. Staff therefore indicated that if there were information deficiencies with any of the proposals that this would not delay submission of the general Plan/Bylaw amendments to Council or delay submission of the recommendations on the site specific Plan amendments.

Three C&D Disposal Proposals

In the following section, the reasons for the staff recommendations on each proposal are summarized along with Council's options. In each case the staff recommendation is based upon two factors. These are compliance with the proposed Plan policies and whether there is sufficient information available to carry out a complete evaluation. As noted above, however, when considering site specific Plan amendments Council is not bound by its proposed or existing Plan policies.

- ***The RDM proposal*** is located in a Residential designation and therefore does not comply with the proposed C&D policies. In addition, current MPS policy does not permit the business to expand beyond its current boundaries and the proposed operation will require an expansion. Furthermore, the RDM site abuts both the Terence Bay Wilderness Area and Long Lake Provincial Park. It will be necessary to determine and address potential impacts on these areas as part of any provincial approvals. Staff therefore has not recommended approval. Having said that, this deficiency has been known from the outset. Council has nevertheless indicated its willingness to consider this proposal and keep an open mind to considering the proposal on its own merits. In addition, all information required to evaluate the proposal has been submitted and it is anticipated that the proposal can meet all other requirements of the proposed Plan and Bylaw.
- It can be argued that since the property contains an existing authorized C&D processing operation that the addition of a disposal operation is reasonable and will reduce the amount of stockpiled material. A site specific Plan amendment is therefore an alternative. Staff has

included the relevant site specific Plan amendments required to permit a C&D disposal operation at the RDM site if Council wishes to consider the merits of this alternative at a public hearing.

- *The Halifax C&D proposal* in Antrim is located in the same watershed as the Clattenburg Wilderness Area and drains towards the Wilderness Area. The issues and impacts of this proximity are unknown at this time. Staff have been awaiting comment from the Province prior to making a final recommendation. Since staff does not have this information and therefore is unable to make an informed recommendation. It is therefore recommended that this proposal be deferred pending receipt of these comments. Having said that the Province has indicated that they are not aware of any specific problems with the proposal which would automatically preclude it from being approved. It should also be noted that the site is in the Dollar Lake Provincial Park area, though not in the same watershed. The issues and impacts of this proximity are not known at this time.
- Alternatively Council may proceed to a Public Hearing and indicate to the Province that their comments can be included at the Public Hearing. In addition, Council could also approve the site specific Plan amendment recognizing that the Province is the final licensing authority for a disposal operation. As such if there are significant concerns about the impact upon the parks or the environment in general, these concerns will be addressed by the Province prior to their decision. Staff has included the relevant site specific Plan amendments required to permit a C&D disposal operation at the Halifax C&D site if Council wishes to consider the merits of this alternative at a public hearing.
- *The Metro Construction Debris Recycling* proposal in Dartmouth cannot be adequately evaluated by staff for compliance with the proposed C&D Plan policies and License Bylaw since the information provided is incomplete. In addition there are serious deficiencies with respect to the level of information required to complete a preliminary environmental analysis. It is recommended that this proposal be deferred until such time as staff is able to carry out a full evaluation.
- Alternatively Council could proceed to a Public Hearing to consider this proposal. This will likely result in numerous questions from the public which cannot be answered. This does not seem to be a reasonable use of either citizens' or Council's time.

DISCUSSION

As stated above, each proposal for a C&D disposal operation was evaluated for compliance with the proposed C&D Plan amendments. Pages 7-9 inclusive of this report contain an abridged summary of these evaluations, including staff recommendations and Council's options. The June 13, 2002 staff report may be referred to for more detailed commentary.

- With respect to the staff recommendations it is acknowledged that they could result in no sites being permitted for the disposal of C&D waste materials at this time.
- In order to enable Council to consider a broad range of policy options, staff have prepared site-specific MPS policy amendments which would enable any or all of the three requests for a CD-3 Zone to be considered at a public hearing. The site-specific amendments to HRM's planning documents are provided in Appendix 1A, Appendix 2A and Appendix 3A of the June 13, 2002 staff report and apply to the RDM, Halifax C&D and Metro C&D sites respectively.

Adoption of any of these amendment options would, subject to Provincial permits, facilitate the establishment of one or more C&D disposal sites in the Region. Additionally, a decision by Council to rezone a site on this basis is not appealable to the Utility and Review Board since the rezoning implements concurrently-adopted MPS policy.

Staff's rationale for providing Council with these site-specific amendments to the municipal planning documents is to ensure that Council is in a position to consider the broadest range of policy options in order to address a serious regional issue stemming from a lack of appropriate C&D disposal sites. This currently limits HRM's ability to effectively implement HRM's Integrated Waste/Resource Management Strategy (IWRMS) in an environmentally acceptable and cost-effective manner.

- The IWRMS calls for the C&D component of the municipal waste stream to be managed by the private sector and envisioned that most C&D materials would be either recycled or reused.
- HRM's C&D License By-law supports this vision by excluding certain materials from disposal. However, the IWRMS also envisioned the need for disposal by landfill of materials which cannot be recycled or reused.
- There are currently no C&D disposal facilities within HRM. This has contributed to illegal dumping; large quantities of materials being trucked outside the municipality; and/or material being stockpiled on sites with increasingly limited capacity.
- A municipality of HRM's size, with its strong building market, needs several sites for C&D disposal to ensure diversion, market competition and reliable service to the construction industry.
- If none of the three proposal are permitted, HRM may not see a C&D disposal site established until 2003 or 2004, existing stockpiles will not be reduced, and materials will continue to be trucked outside the municipality and in some cases, disposed of improperly.

If Council is satisfied that any of the three proposals for a CD-3 Zone warrants consideration as a unique situation and/or provides a broader regional benefit, then it is entirely within Council's discretion and authority, to forward the site-specific amendments to a public hearing.

RDM Recycling Ltd.- Harrietsfield (Refer to Appendix 1 of June 13 Report for Detailed Analysis)

The submission by RDM requesting the CD-3 Zone:

- is comprehensive in terms of supporting information and level of detail provided;
- is capable of meeting the separation standards outlined in the CD-3 Zone and HRM's C&D License By-law;
- requires some additional information to be provided before a license pursuant to the C&D License By-law can be issued;
- provides sufficient information to support an application to the Department of the Environment for a C&D disposal operation, with the exception of a hydrogeological assessment - the applicant has just completed this and has submitted it to the Department of the Environment and Labour.

The Department of the Environment and Labour indicates that there are no specific issues which would preclude a recommendation from being made for Environmental approvals.

RDM's proposal meets the technical criteria for a C&D disposal facility as outlined in the proposed MPS amendments. In addition, current MPS policy does not authorize an expansion beyond the current boundaries. The proposed operation would expand the current property boundaries. Furthermore, the RDM site abuts both the Terence Bay Wilderness Area and Long Lake Provincial Park. It will be necessary to determine and address potential impacts on these areas as part of any provincial approvals. Finally, the proposal is inconsistent with the proposed C&D planning document amendments which are intended to direct C&D disposal operations away from areas designated for residential development.

Recommendation 1: As an existing C&D processing facility the site is eligible under the proposed C&D Plan policies to be rezoned to CD-2 (Processing Facilities) Zone to reflect its current use. Staff recommends that this property be rezoned from R-2 (Two Unit Dwelling) Zone to CD-2 (Processing Facilities) Zone as per Recommendation 1b (ii) of this report.

Recommendation 2: Given the RDM's site's current residential designation and proximity to existing residential properties, and potential concerns related to impacts on the Terence Bay Wilderness area and Long Lake Provincial Park, staff recommends that RDM's proposal for the CD-3 (Disposal Sites) Zone be denied.

Alternative: Council may proceed to a public hearing to consider a site specific Plan amendment on the basis that this site contains an existing authorized C&D processing operation and that the addition of a disposal operation is reasonable and will reduce the amount of stockpiled material. In addition, the proposal is able to meet the technical criteria for a C&D disposal facility as outlined in the proposed MPS amendments as well as the separation standards outlined in the CD-3 Zone and HRM's C&D License By-law. Finally there do not appear to be any specific issues which would preclude the Provincial Department of Environment from approving the project. Staff has included the relevant site specific Plan amendments required to permit a C&D disposal operation at the RDM site if Council wishes to consider the merits of this alternative at a public hearing.

Halifax C&D Recycling Limited - Antrim (Refer to Appendix 2 of June 13 Report for Detailed Analysis)

The submission by Halifax C&D requesting the CD-3 Zone:

- was evaluated by staff on the basis of information to support a pre-design proposal;
- is capable of meeting the separation distance requirements of the CD-3 Zone and HRM's C&D License By-law;
- requires additional information to be submitted before a license can be issued pursuant to the C&D License By-law.

The Department of the Environment and Labour indicates the proposal does not contain sufficient information to determine an acceptable level of protection to the natural environment. However, there are no specific issues which would preclude it from receiving an approval. The information required to make a final determination would be required by the Department at the time a formal application is made for a C&D disposal site.

The subject property is located in the vicinity of Dollar Lake Provincial Park and the Clattenburg Wilderness Area. The applicant has submitted information to the Department of Natural Resources for comment. However, no response has been provided to date by the Department on the impact of the facility on either the Provincial Park or Wilderness Area.

The Halifax C&D site is not located in the vicinity of an identified residential area. However, the site's proximity to a Provincial Park and Wilderness area, and the absence of comments from provincial agencies could be problematic.

Recommendation 1: Halifax C&D operates a C&D processing facility in Goodwood and a transfer facility at Ross Road. As an existing C&D processing and transfer facilities these sites are eligible under the proposed C&D Plan policies to be rezoned to CD-1 (Transfer Facility) and CD-2 (Processing Facilities) Zone to reflect its current use. Staff recommends that these properties be rezoned to CD-2 (Processing Facilities) Zone and CD-1 (Transfer Facility) Zone respectively as per Recommendations 1b (ii) and (iii) of this report.

Recommendation 3: It is recommended that Halifax C&D's request for a CD-3 Zone be deferred pending receipt of comments from the Province regarding the potential for environmental impact upon the Clattenburg Wilderness Area.

Alternative: Alternatively Council may proceed to a Public Hearing and indicate to the Province that their comments can be included at the Public Hearing. In addition, Council could also approve the site specific Plan amendment recognizing that the Province is the final licensing authority for a disposal operation. As such if there are significant concerns about the impact upon the parks or the environment in general, these concerns will be addressed by the Province prior to their decision. Staff has included the relevant site specific Plan amendments required to permit a C&D disposal operation at the Halifax C&D site if Council wishes to consider the merits of this alternative at a public hearing.

Metro Construction Debris Recycling Limited - Dartmouth (Refer to Appendix 3 of June 13 Report for Detailed Analysis)

The Metro C&D Recycling proposal is located in a portion of their quarry operation north of Burnside and west of Highway #118. The site contains an active quarry and was recently used as a C&D disposal site as part of a rehabilitation project for the quarry. This C&D project was closed in 1996.

The submission by Metro C&D requesting a CD-3 Zone:

- was evaluated based on a general level of information provided by the proponent;
- provides insufficient information to enable staff to determine whether or not the proposal meets all required setbacks, especially from watercourses applicable to the CD-3 Zone;
- provides insufficient information to ascertain whether or not the proposal can meet the requirements of the C&D License By-law for issuance of a license.

The Department of the Environment and Labour has reviewed the proposal and could not determine whether or not there are any specific issues which would preclude the request from receiving a positive recommendation. The proposed operation would be situated in an active quarry and the Department has expressed concern regarding the impact of blasting on the disposal cell liners and has recommended that an expert verify the potential impact associated with blasting.

Recommendation 4: On the basis of insufficient information to complete an evaluation, staff recommend that Metro C&D's request for a CD-3 Zone be deferred until sufficient information is provided to evaluate the submission. Upon receiving the required information, municipal and provincial staff will be in a position to re-evaluate the proposal and provide a report and recommendation to Council.

Alternative: Alternatively council could proceed to a Public Hearing to consider this proposal. This will likely result in numerous questions from the public which cannot be answered. This does not seem to be a reasonable use of either the citizens' or Council's time. Staff has included the relevant site specific Plan amendments required to permit a C&D disposal operation at the Metro Construction Debris Recycling site if Council wishes to consider the merits of this alternative at a public hearing.

BUDGET IMPLICATIONS

While administration and enforcement requirements are relatively small, there may initially be a need for additional resources to be allocated to these activities. The required resources will be determined based upon the number of private C&D facilities located in HRM.

The disposal of C&D materials at the Otter Lake facility will increase operating expenditures, particularly equipment maintenance and replacement and shorten the operating life of each cell and the entire facility, resulting in increased annual capital expenditures for new cell construction.

If no proposal for C&D disposal is approved, C&D wastes will be shipped outside HRM, and HRM would lose Resource Recovery Fund Board diversion credits at an approximate cost of \$15 per tonne.

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

There are a various alternatives to the staff recommendations provided in this report:

1. Council may choose to make changes to the proposed amendment package before setting a date for a public hearing. These changes could include text revisions to proposed policies or zoning provisions or additions/deletions to rezone or not to rezone specific properties referenced.
2. Further, Council could choose to either set separate public hearing date(s) to consider any of the three individual requests for a CD-3 Zone or consider these requests as part of the overall amendment package.
3. Choose to defer setting a public hearing date for any of the individual requests for a CD-3 Zone pending receipt of additional information from any of the proponents and further report(s) by staff.

ATTACHMENTS

None

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.

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