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Halifax Regional Council  
July 9, 2002

**TO:** Mayor Kelly and Members of Halifax Regional Council

**SUBMITTED BY:**

  
George McLellan, Chief Administrative Officer

  
Dan English, Deputy Chief Administrative Officer

**DATE:** July 2, 2002

**SUBJECT:** C&D By-Law L-200, Amendment By-Law L-201  
Second Reading

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### SUPPLEMENTARY REPORT

#### ORIGIN

On June 18, 2002, Regional Council passed First Reading and set a date of July 9, 2002 for a Public Hearing for Second Reading of By-Law L-201 Respecting Construction and Demolition Licensing.

#### RECOMMENDATION

It is recommended that Regional Council:

Approve the adoption of By-Law L-201 as amended, as contained in **Attachment # 1**

## BACKGROUND

At the June 11, 2002 meeting, Regional Council approved in principle the proposed By-Law L-201 to amend C&D Licensing By-Law L-200 and directed staff to proceed with the implementation process. At the meeting, Councillor Smith suggested that the definition of "Inert Construction & Demolition Materials" be included in the By-Law. In addition, HRM staff and staff of NS Department of Environment and Labour have identified additional proposed amendments for By-Law L-201. The adoption of By-Law L-201 will achieve the fulfilment of one component of the implementation of a C&D Waste Management Strategy, which Regional Council has affirmed is a priority for the HRM.

## DISCUSSION

At the June 11, 2002 meeting of Regional Council, staff provided a report dated June 6, 2002 which outlined the ongoing extensive public participation process to implement a C&D Waste Management Strategy, and the recommended amendments contained in the proposed By-Law L-201. Attachment # 1 is the proposed By-Law L-201 with the revised recommended amendments, and several additional amendments. Attachment # 2 is By-Law L-200, as approved by Regional Council in July 2001, with the proposed amendments underlined.

1. Section 2 - INTERPRETATION: Subsection (c) of Section 2 is further amended by adding the words "**reclamation of**" after the words "or facilities associated with", and by adding the words "**or forestry manufacturing processes**" after the words "Province of Nova Scotia".

These amendments were requested by the NS Department of Environment and Labour to clarify that the use of C & D material in a gravel pit or quarry must be part of a reclamation program as approved by the Province and requested by the forestry manufacturing industry, which mills/cuts wood products at their sites.

2. Subsection (h) of Section 2 of said By-Law L-200 is amended by adding the clause (h) "**Inert Construction & Demolition Materials** means rock (excluding rock containing a sulphide bearing material), aggregate, soil, bricks, mortar, asphalt pavement, trees, brush, limbs, stumps, root balls, and organic mat."

This amendment identifies specific types of inert C&D materials permitted for infilling and lot grading purposes as approved by the HRM attendant to the Lot Grading By-Law.

3. Subsections (h), (i), (j) of Section 2 are amended by relettering said subsection (i), (j) and (k).

This amendment reflects the insertion of a definition for Inert Construction & Demolition Materials.

4. Subsection (j) of Section 2, delete the word "**and**" at the end of the subsection.

This amendment is a house keeping matter.

5. Subsection (3) of Section 9, delete the word "**used**" and insert the word "**approved**" after the words "except inert C&D materials".

This amendment was requested by the Department of Environment and Labour. The amendment clarifies that approval from the Province and HRM is required.

6. Subsection (2) (iii) of Section 10, insert the words "**treatment and**" after the words "groundwater monitoring, and leachate".

This amendment was requested by the NS Department of Environment and Labour.

7. Subsection (2) (iv) of Section 10, insert the words "**safety plan which meets the requirements of the National Fire Code of Canada 1995, Section 3.3 Outdoor Storage as approved by the Chief Director of Halifax Regional Fire and Emergency Service, and**" after the word "fire".

This amendment was requested by HRM Fire and Emergency Services.

8. Subsection (7) of Section 10, insert the words "**or zone**" after the word "use" in the first two blocks of the table.

This amendment clarifies that the separation distance applies to properties based upon land-use and zoning.

9. Subsection (16) of Section 10, insert the word "**operating**" after the words "are to be removed from the C&D Disposal Site within 24".

This amendment addresses that materials accepted at a C&D Disposal facility on a Saturday, followed by a non operating day (i.e., Sunday, and a holiday Monday) would be required to be removed on Tuesday, the next operating day.

10. Subsection (2) of Section 11, delete the words "alleged violation was committed" and insert the words "**notice was served**" after the words "fourteen (14) days following the day on which the".

This amendment clarifies the time frame when a voluntary payment for a violation of the By-Law can be paid. The statute of limitation for violation of the By-Law is six months.

The inclusion of these additional amendments are recommended as they will strengthen and clarify the purpose of the By-Law and Provincial requirements.

### **BUDGET IMPLICATIONS**

There are no budget implications in changing the adoption process.

### **FINANCIAL MANAGEMENT POLICIES /BUSINESS PLAN IMPLICATIONS**

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

### **ALTERNATIVES**

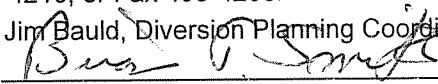
N/A

### **ATTACHMENTS**

- # 1 - By-Law L-201 - Proposed Amendments.
- # 2 - By-Law L-200 - Revised By-Law with the amendments incorporated and underlined.

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: Jim Bauld, Diversion Planning Coordinator, Solid Waste Resources 490-7176

Report approved by:   
Brian T. Smith, Director of Solid Waste Resources 490-6606

HALIFAX REGIONAL MUNICIPALITY

BYLAW NUMBER L-201

A BY-LAW TO AMEND

THE C&D MATERIALS RECYCLING AND DISPOSAL LICENSE BY-LAW

**BE IT ENACTED** by the Council of the Halifax Regional Municipality under the authority of the *Municipal Government Act* as follows:

1. (1) Clause c) of Section 2 of Bylaw L-200, the *C&D Materials Recycling and Disposal License By-Law* is amended by adding a comma and "an operation that processes inert C&D Materials on the site of generation and the material processed does not leave the site, de-construction of a building on site, a municipal processing facility for used asphalt and concrete, or facilities associated with a gravel pit or quarry operations licensed by the Province of Nova Scotia" immediately after "Outlet" in the fourth line.
  1. Subsection (c) of Section 2 is further amended by adding the words "**reclamation of** " after the words "or facilities associated with", and by adding the words "**or forestry manufacturing processes**" after the words "Province of Nova Scotia".
- (2) Clause d) of said Section 2 is amended by adding a comma and "and shall not include the use of inert C&D Materials, approved by the Provincial Department of the Environment and Labour, for site rehabilitation within gravel pits and quarry operations licensed by the Province of Nova Scotia" immediately after "burying" in the fourth line.
  2. Subsection (h) of Section 2 of said By-Law L-200 is amended by adding the clause (h) "**Inert Construction & Demolition Materials** means rock (excluding rock containing a sulphide bearing material), aggregate, soil, bricks, mortar, asphalt pavement, trees, brush, limbs, stumps, root balls, and organic mat."
- (3) Clause h) of said Section 2 is re-lettered clause i).
3. Subsections (h), (i), (j) of Section 2 are amended by re-lettering said subsection **(i)**, **(j)** and **(k)**.
- (4) Said Section 2 is further amended by adding immediately after clause g) the following clause:
  - (h) **Stockpile** means a pile of C&D Material which is either processed or unprocessed.

Attachment #1

4. Subsection (j) of Section 2, delete the word "**and**" at the end of the subsection.
- (5) Said Section 2 is further amended by adding immediately after clause i) the following clause:
  - (h) **Watercourse** means the bed and shore of every river, stream, lake, creek, pond, spring, lagoon or other natural body of water, and the water therein, within the jurisdiction of the Province of Nova Scotia, whether it contains water or not.
2. Subsection (3) of Section 3 of said By-law L-200 is amended by adding immediately after clause i) the following clause:
  - b) A letter from the Nova Scotia Department of Environment and Labour that the site is not in violation of the Environment Act.
3. Subsection 5 of said By-law L-200 is amended by adding "for a C&D Processing Facility or Disposal Site and \$10,000 for a C&D Transfer Station" immediately after "\$50,000" in the last line.
4. Section 6 is amended by adding "(2)" immediately after the Section number and by adding the following subsection:
  - (1) The Administrator may from time to time enter upon any property or structure which is the subject of a license under this By-law to ensure compliance.
5. Subsection (3) of Section 9 of said By-law L-200 is amended by adding a comma and "except inert C&D materials used for site rehabilitation or infilling within gravel pits or quarry operations licensed by the Province of Nova Scotia or as approved for use pursuant to the Lot Grading By-law" immediately after "Facility" in the last line.
  5. Subsection (3) of Section 9, delete the word "**used**" and insert the word "**approved**" after the words "except inert C&D materials".
6. Section 10 of said By-law L-200 is repealed and the following substituted therefor:
  10. (1) A Site Plan showing location of all buildings, storage areas, access roads, weigh scales, sorting pads, processing areas, and stockpiles shall be submitted to the Administrator for approval. Such Site Plan shall be amended and submitted for approval before any substantial changes are undertaken and in any event submitted for approval each calendar year upon application for a license renewal.

Attachment #1

- (2) An Operational Plan indicating
  - (i) methods of processing;
  - (ii) materials to be recycled;
  - (iii) environmental controls, such as, but not limited to, dust and debris control, berms to protect watercourses, surface and groundwater monitoring, and leachate control; and
6. Subsection (2) (iii) of Section 10, insert the words "**treatment and**" after the words "groundwater monitoring, and leachate".
- (iv) fire, safety and environmental contingency plans shall be submitted to the Administrator for approval. Such Operational Plan shall be amended and submitted for approval before any substantial changes are undertaken and in any event submitted for approval each calendar year upon application for a license renewal.
7. Subsection (2) (iv) of Section 10, insert the words "**safety plan which meets the requirements of the National Fire Code of Canada 1995, Section 3.3 Outdoor Storage as approved by the Chief Director of Halifax Regional Fire and Emergency Service, and**" after the word "fire".
- (3) Notwithstanding subsection (2), C&D materials brought to a C&D operation must first be placed upon a pad for sorting prior to the materials being processed, stockpiled, or removed from the site. The pad shall be designed to prohibit materials and liquids from entering the groundwater table or a watercourse. The Operational Plan shall indicate how the operator intends to handle and treat or remove the material/leachate from the site.
- (4) All work or activity associated with a Transfer Station, C&D Processing Facility or C&D Disposal Site shall only be permitted between the hours of 7:00 a.m. to 8:00 p.m. Monday to Friday, inclusive and from 7:00 a.m. to 5:00 p.m. on Saturday and no work or activity shall be conducted on any day of the week outside of the permitted hours or on Sunday and the following holidays: New Years Day, Good Friday, Canada Day, Remembrance Day and Christmas Day. The Site shall be gated to restrict access during non-operational hours;
- (5) Notwithstanding Subsection (4), the Administrator may permit the hours of operation to be expanded if the site
  - (i) is located within an industrial park owned or managed by Halifax Regional Municipality ;
  - (ii) is located within an industrial land designation;
  - (iii) does not abut any residentially or community facility zone; or
  - (iv) is not located within 250 metres of a residential or commercial facility use or building.

Attachment #1

- (6) Materials stockpiled at a C&D facility must meet the following conditions:
- (i) the maximum height of any stockpile shall be 6 metres;
  - (ii) the maximum base diameter of any stockpile shall be 75 metres; and
  - (iii) the minimum separation distance between the nearest edge or face of stockpiles shall be 5 metres.

(7) Minimum separation distances from the nearest edge or face of a stockpile or disposal area as follows:

<i>Issue</i>	<i>Minimum Separation Distance (metres)</i>		
	<i>Transfer Stations</i>	<i>Processing Operations</i>	<i>Disposal Site</i>
<i>nearest residential or institutional use property line</i>	<i>60</i>	<i>60</i>	<i>60</i>
<i>nearest non - residential or institutional use property line</i>	<i>5</i>	<i>30</i>	<i>30</i>
<i>no residential or institutional use within 250 metres</i>	<i>10</i>	<i>10</i>	<i>30</i>
<i>operation is wholly contained within a building</i>	<i>applicable Land Use By-Law</i>	<i>applicable Land Use By-Law</i>	<i>N/A</i>
<i>watercourse</i>	<i>30</i>	<i>60</i>	<i>150</i>

8. Subsection (7) of Section 10, insert the words "**or zone**" after the word "use" in the first two blocks of the table.
- (8) No C&D Materials shall remain on site of a C&D Processing Facility longer than one year.
- (9) Where there is less material removed from the Site of a C&D Processing Facility than was received in any one calendar year, the operation shall be deemed to be in violation of this By-Law.



Attachment #1

- (10) Notwithstanding subsection (8) and (9), in the first year of operation, there may be a maximum of ten per cent of the total weight of incoming material arriving during that year left on site of a C&D Processing Facility as inventory, but shall be removed from the Site before the end of the next calendar year.
- (11) Notwithstanding subsection (8) and (9), C&D Material on the Site of a C&D Processing Facility prior to the coming into effect of this By-Law or arriving on the site on or before April 1, 2002, shall be removed from the site before September 30, 2004.
- (12) No C&D Material shall remain on a site of a Transfer Station longer than 15 days.
- (13) No Hazardous Substances shall be delivered to a Transfer Station, C&D Processing Facility or C&D Disposal Site other than those which are incidental to, and inadvertently delivered with, C&D Materials.
- (14) No Solid Waste other than C&D Materials shall be delivered to a Transfer Station, C&D Processing Facility or C&D Disposal Site other than those which are incidental to, and inadvertently delivered with, C&D Materials.
- (15) The operator of a Transfer Station or C & D Processing Facility shall be responsible for removal of all materials accumulated under this Section to a C&D Processing Facility or C&D Disposal Site.
- (16) All C & D materials acceptable for disposal at a C & D Disposal Site shall be disposed at the C & D Disposal Site within 48 hours of receipt of same. C & D materials arriving at a C & D Disposal Site that can not be disposed at a C & D Disposal Site are to be removed within 30 days of receipt of same. Hazardous Substances and Solid Waste which are incidental to, and inadvertently delivered with C & D Materials to a C & D Disposal Site are to be removed from the C & D Disposal Site within 24 hours of receipt of same.

9. Subsection (16) of Section 10, insert the word "**operating**" after the words "are to be removed from the C&D Disposal Site within 24".

7. (1) Subsection (1) of Section 11 of said By-law L-200 is amended by:
  1. striking out "\$5000.00" in the second line and substituting "\$10,000.00";
  2. striking out "one month" in the second line and substituting "90 days"; and
  3. adding "and each day that the offence continues shall constitute a new offence" at the end of the subsection.
- (2) Said Section 11 is further amended by adding by adding immediately after subsection(2) the following subsection:

Attachment #1

- (3) In addition to any fine or imprisonment imposed pursuant to subsection (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.
  - (4) 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.
8. 10. Subsection (2) of Section 11, delete the words "alleged violation was committed" and insert the words "**notice was served**" after the words "fourteen (14) days following the day on which the".

HALIFAX REGIONAL MUNICIPALITY  
BY-LAW L-200

RESPECTING LICENSING OF CONSTRUCTION AND DEMOLITION MATERIALS  
RECYCLING AND DISPOSAL OPERATIONS

**WHEREAS** it is the desire of the Halifax Regional Municipality to:

- a) Maximize diversion from landfill through recycling of construction and demolition debris in keeping with the Halifax Regional Municipality Solid Waste Resources Strategy;
- b) Increase economic activity and value added processing through recovery of construction and demolition debris;
- c) Provide an opportunity to properly dispose of construction and demolition debris that cannot be recycled; and
- d) Ensure minimal environmental, land use and nuisance impacts from the operation of construction and demolition debris processing and disposal operation.

**SHORT TITLE**

1. This By-Law shall be known as By-Law Number L-200 and may be cited as the "C&D Materials Recycling and Disposal License By-Law".

**INTERPRETATION**

2. In this By-Law:
  - a) **Administrator** means the person appointed by the Chief Administrative Officer to administer this By-Law, or his designate;
  - b) **Construction and Demolition Materials**, hereinafter referred to as C&D Materials, means materials which are normally used in the construction of buildings, structures, roadways, walls and landscaping features, and includes, but is not limited to, soil, asphalt, brick, concrete, ceramics, porcelain, window glass, mortar, drywall, plaster, cellulose, fiberglass fibres, lumber, wood, asphalt shingles and metals;

Attachment # 2

- c) **Construction and Demolition Materials Processing Facility**, hereinafter referred to as a C&D Processing Facility, means lands and/or buildings or part of a building used to sort, alter, grind, or otherwise process, C&D Materials for reuse or recycling into new products, and shall not include a Used Building Material Retail Outlet, an operation that processes inert C&D Materials on the site of generation and the material processed does not leave the site, de-construction of a building on site, a municipal processing facility for used asphalt and concrete or facilities associated with reclamation of a gravel pit or quarry operations licensed by the Province of Nova Scotia, or forestry manufacturing processes.
- d) **Construction and Demolition Materials Disposal Site**, hereinafter referred to as a C&D Disposal Site, means land and /or buildings or part of a building where C&D Materials, or Residue remaining from C&D Processing Facilities, are disposed of by land application or burying, and shall not include the use of inert C&D Materials approved by the Provincial Department of the Environment and Labour, for site rehabilitation within gravel pits and quarry operations licensed by the Province of Nova Scotia;
- e) **Construction and Demolition Residue**, hereinafter referred to as C&D Residue, means material remaining from the processing and/or sorting of C&D Materials for which there is no reasonable use or potential use or market;
- f) **Construction and Demolition Materials Transfer Station**, hereinafter referred to as a Transfer Station, means land and/or buildings or part of a building at which C&D Materials are received and sorted for subsequent transport to a C&D Disposal Site or a C&D Processing Facility;
- g) **Hazardous Substance** means any hazardous, toxic, or dangerous substance or material, and includes any substance or material declared or defined to be a hazardous or toxic substance in or pursuant to any applicable law;
- h) **Inert Construction & Demolition Materials means 'rock (excluding rock containing a sulphide bearing material), aggregate, soil, bricks, mortar, asphalt pavement, trees, brush, limbs, stumps, root balls, and organic mat;**
- i) **Stockpile means a pile of C&D material which is either processed or unprocessed;**
- j) **Used Building Material Retail Outlet** means land and/or buildings or part of a building where C&D Materials are sorted and available for resale with incidental and minimal alteration of the materials, and where activity primarily occurs inside a building;

Attachment # 2

- k) Watercourse means the bed and shore of every river, stream, lake, creek, pond, spring, lagoon or other natural body of water, and the water therein, within the jurisdiction of the Province of Nova Scotia, whether it contains water or not.*

**LICENSE REQUIREMENTS**

3. (1) No person shall operate a C&D Processing Facility, Transfer Station or a C&D Disposal Site in the Halifax Regional Municipality without having first obtained and maintained in effect a license, therefor;
- (2) The application for a C&D Processing Facility, Transfer Station or a C&D Disposal Site license shall be made in writing to the Administrator;
- (3) The application for a C&D Processing Facility, Transfer Station or a C&D Disposal Site license shall include:
- a) The name, home and business address of the applicant, and the name and address of the owner if other than the applicant;
  - b) A description of the activities to be carried out on at the site;
  - c) An insurance policy and bond or letter of credit meeting the conditions of Section 5;
  - d) A development permit issued by the Development Officer of the Halifax Regional Municipality for the use of the site as a Transfer Station or a C&D Processing Facility, and if applicable, a C&D Disposal Site;
  - e) If the application is for a C&D Disposal Site, the approval under the Nova Scotia Department of Environment and Labour Solid Waste Resource Management Regulations or subsequent amendments;
  - f) A license fee in the amount of \$50.00;
  - g) A Site Plan approved under Section 10;
  - h) An Operational Plan approved under Section 10;
  - i) A Records Management Plan approved under section 8; and
  - j) A letter from the Nova Scotia Department of Environment and Labour that the site is not in violation of the Environment Act.

**Attachment # 2**

- (4) If the applicant meets all of the requirements of subsection (3), the Administrator shall issue a C&D Processing Facility License, Transfer Station License, or a C&D Disposal Site License, as the case may be, to the owner of the Facility;
- (5) A license issued under this By-Law shall expire on the 31st day of December next following the date of issue;
- (6) The Administrator shall maintain a permanent record of each license issued pursuant to this By-Law; and
- (7) A License issued under this By-Law shall be issued to a particular person and in respect of a particular location. Subject to the approval of the Administrator, a license may be transferred to a new owner of the property for which the License was issued.

**RENEWAL OF LICENSE**

4. A Transfer Station, C&D Processing Facility or C&D Disposal Site License may be renewed upon payment of an annual license fee in the amount of \$50.00 provided that the license holder continues to meet all of the requirements of this By-Law.

**INSURANCE AND BONDING**

5. (1) The owner of a C&D Processing Facility, Transfer Station or a C&D Disposal Site shall maintain a minimum of \$2,000,000 of third party liability insurance in effect at all times;
- (2) The owner of a C&D Processing Facility, a C&D Disposal Site and a Transfer Station shall post a bond or letter of credit in a form acceptable to the Administrator from a bonding company or financial institution acceptable to the Administrator in the amount of \$50,000 for a C&D Processing Facility or Disposal Site, and \$10,000 for a Transfer Station;
- (3) A bond posted pursuant to subsection (2) shall be used for the removal of material that has accumulated under Section 10 and the total amount of bond shall be immediately re-instated upon use of the bond; and
- (4) The application of a bond pursuant to subsection (3) shall not absolve the operator of a C&D Processing Facility, Transfer Station and a C&D Disposal Site from any liability arising from the operation of the facility.

## SUSPENSION OR REVOCATION OF LICENSE

6. (1) The Administrator may from time to time enter upon any property or structure which is subject to a license under this By-Law to ensure compliance; and
- (2) A license issued under this By-Law may be suspended or revoked by the Administrator on the violation of any of the provisions of this By-Law. Notice of suspension, revocation or refusal to issue a License shall be in writing to the applicant.

## APPEAL

7. (1) Any person whose application for a license under this By-Law has been refused, suspended or revoked by the Administrator may appeal such refusal, suspension or revocation to the Appeal Committee of Regional Council;
- (2) Such appeal shall be in writing in the form of a notice, and shall be filed with the Municipal Clerk, within fifteen (15) days of such refusal, suspension or revocation, and shall clearly state the grounds for such appeal;
- (3) A copy of such notice shall be served within such time upon the Administrator;
- (4) The Appeal Committee shall hear such appeal at such time and place as it determines and may confirm such refusal or revocation by the Administrator or may direct the Administrator to issue or reinstate the license; and
- (5) If the Appeal Committee directs the Administrator to issue or reinstate such license he or she shall immediately do so.

## RECORDS

8. (1) All loads of C&D Material, processed material or residue arriving or leaving a Transfer Station, C&D Processing Facility or a C&D Disposal Site shall be weighed and records shall be kept of all loads; and
- (2) The operator of a Transfer Station, C&D Processing Facility or C&D Disposal Site shall, at the end of each month of operation, report to the Administrator, in a form acceptable to the Administrator, the total weight and nature of all materials received and removed from the site, and the destination of all materials removed from the Site.

## RECYCLING TARGETS

9. (1) No C&D Materials listed in Administrative Order 27 shall be disposed of in a C&D Disposal Site;
- (2) C&D Materials shall be recycled or otherwise diverted from disposal in accordance with the minimum recycling targets listed in Administrative Order 27; and
- (3) All C&D materials shall be transported from the place of generation to either a Transfer Station or a C&D Processing Facility, except inert C&D materials approved for site rehabilitation or infilling within gravel pits or quarry operations as defined by the Provincial government or as approved by HRM as defined in HRM Lot Grading By-Law.

## OPERATIONAL PROCEDURES

10. (1) A Site Plan showing location of all buildings, storage areas, access roads, weigh scales, sorting pads, processing areas, and stockpiles shall be submitted to the Administrator for approval. Such Site Plan shall be amended and submitted for approval before any substantial changes are undertaken and in any event submitted for approval each calendar year upon application for a license renewal;
- (2) An Operational Plan indicating:
  - (i) methods of processing;
  - (ii) materials to be recycled;
  - (iii) environmental controls, such as, but not limited to, dust and debris control, berms to protect watercourses, surface and groundwater monitoring, and leachate treatment and control; and
  - (iv) fire safety plan which meets the requirements of the National Fire Code of Canada 1995, Section 3.3 Outdoor Storage as approved by the Chief Director of Halifax Regional Fire and Emergency Service and, safety and environmental contingency plans shall be submitted to the Administrator for approval. Such Operational Plan shall be amended and submitted for approval before any substantial changes are undertaken and in any event submitted for approval each calendar year upon application for a license renewal.
- (3) Notwithstanding subsection (2), C&D materials brought to a C&D operation must first be placed upon a pad for sorting prior to the materials being processed, stockpiled, or removed from the site. The pad shall be designed to prohibit materials and liquids from entering the groundwater table or a watercourse. The Operational Plan shall indicate how the operator intends to handle and treat or remove the material/leachate from the site;



Attachment # 2

- (4) All work or activity associated with a Transfer Station, C&D Processing Facility or C&D Disposal Site shall only be permitted between the hours of 7:00 a.m. to 8:00 p.m. Monday to Friday inclusive, and from 7:00 a.m. to 5:00 p.m. on Saturday, and no work or activity shall be conducted on any day of the week outside of the permitted hours or on Sunday and the following holidays: New Years Day, Good Friday, Canada Day, Remembrance Day and Christmas Day. The Site shall be gated to restrict access during non-operational hours;
- (5) Notwithstanding Subsection (4), the Administrator may permit the hours of operation to be expanded if the site:
- (i) is located within an industrial park owned or managed by Halifax Regional Municipality ;
  - (ii) is located within an industrial land designation;
  - (iii) does not abut any residentially or community facility zone; or
  - (iv) is not located within 250 metres of a residential or commercial facility use or building.
- (6) Materials stockpiled at a C&D facility must meet the following conditions:
- (i) the maximum height of any stockpile shall be 6 metres;
  - (ii) the maximum base diameter of any stockpile shall be 75 metres; and
  - (iii) the minimum separation distance between the nearest edge or face of stockpiles shall be 5 metres.
- (7) Minimum separation distances from the nearest edge or face of a stockpile or disposal area as follows:

Attachment # 2

Issue	Minimum Separation Distance (metres)		
	Transfer Stations	Processing Operations	Disposal Site
nearest residential or institutional use <u>or zone</u> property line	60	60	60
nearest non - residential or institutional use <u>or zone</u> property line	5	30	30
no residential or institutional use within 250 metres	10	10	30
operation is wholly contained within a building	applicable Land Use By-Law	applicable Land Use By-Law	N/A
watercourse	30	60	150

- (8) No C&D Materials shall remain on site of a C&D Processing Facility longer than one year;
- (9) Where there is less material removed from the Site of a C&D Processing Facility than was received in any one calendar year, the operation shall be deemed to be in violation of this By-Law;
- (10) Notwithstanding subsection (8) and (9), in the first year of operation there may be a maximum of ten per cent of the total weight of incoming material, arriving during that year, left on site of a C&D Processing Facility as inventory, but shall be removed from the Site before the end of the next calendar year;
- (11) Notwithstanding subsection (8) and (9), C&D Material on the Site of a C&D Processing Facility prior to the coming into effect of this By-Law, or arriving on the site on or before April 1, 2002, shall be removed from the site before September 30, 2004;
- (12) No C&D Material shall remain on a site of a Transfer Station longer than 15 days;
- (13) No Hazardous Substances shall be delivered to a Transfer Station, C&D Processing Facility or a C&D Disposal Site other than those which are incidental to, and inadvertently delivered with, C&D Materials;

Attachment # 2

- (14) No Solid Waste, other than C&D Materials, shall be delivered to a Transfer Station, C&D Processing Facility or a C&D Disposal Site other than those which are incidental to, and inadvertently delivered with C&D Materials;
- (15) The operator of a Transfer Station or a C&D Processing Facility shall be responsible for removal of all materials accumulated under this Section to a C&D Processing Facility or a C&D Disposal Site; and
- (16) All C&D materials acceptable for disposal at a C&D Disposal Site shall be disposed at the C&D Disposal Site within 48 hours of receipt of same. C&D materials arriving at a C&D Disposal Site that cannot be disposed at a C&D Disposal Site are to be removed within 30 days of receipt of same. Hazardous Substances and Solid Waste which are incidental to, and inadvertently delivered with C&D Materials to a C&D Disposal Site, are to be removed from the C&D Disposal Site within 24 operating hours of receipt of same.

**OFFENSE AND PENALTY**

11. (1) Any person who contravenes or fails to comply with any other provision of this By-Law shall, for each offence, be liable to a penalty not exceeding \$10,000 and in default of payment to imprisonment for a period not exceeding 90 days and each day that the offence continues shall constitute a new offence;
- (2) A person who is alleged to have violated this By-Law, and is given notice of the alleged violation, may pay a penalty in the amount of \$500.00 to the Halifax Regional Municipality, provided that said payment is made within a period of fourteen (14) days following the day on which the **notice was served**, and where the said notice so provides for payment in this manner, and such payment shall be in full satisfaction, releasing and discharging all penalties and imprisonments incurred by the person for said violation;
- (3) In addition to any fine or imprisonment imposed pursuant to subsection (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; and
- (4) 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.

## Administrative Order 27

### Respecting Materials That Shall Not Be Disposed Of In A C&D Disposal Site.

**Whereas** it is the desire of Halifax Regional Municipality to maximize diversion from disposal of recoverable and recyclable construction and demolition debris;

**Be It Enacted** by Council of the Halifax Regional Municipality as a policy pursuant to Section 49 (1) (b) of the Municipal Government Act as follows:

1. The following materials shall not be disposed of in a Construction and Demolition Debris Disposal Site, under By-Law L-200:
  - asphalt paving
  - aggregate and soil
  - brush and leaves
  - concrete;
  - milled wood free of adhesives, coatings and preservatives
  - porcelain, ceramic
  - root balls and stumps
  - scrap metal
  - window glass
  - all materials banned from disposal under the Nova Scotia Solid Waste Management Regulations and subsequent amendments;
2.
  - (1) For the calendar years 2002 to 2005, a minimum of sixty per cent (60%) of all incoming C&D Material arriving at a C&D Processing Facility or Transfer Station shall be recycled or otherwise diverted from disposal.
  - (2) For subsequent years, a minimum of seventy-five per cent (75%) of all incoming C&D Material arriving at a C&D Processing Facility or Transfer Station shall be recycled or otherwise diverted from disposal.