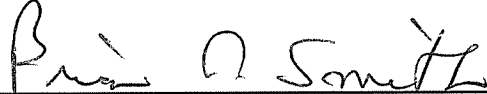

Halifax Regional Council
August 27, 2002

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: 
Brian T. Smith, Director of Solid Waste Resources

DATE: August 21, 2002

SUBJECT: **Public Comments - Regional Council, July 9, 2002**
By-Law L-200 Respecting Licensing of C&D Operations

INFORMATION REPORT

ORIGIN

Regional Council meeting of July 9, 2002, Public Hearing for By-Law L-201 to amend By-Law L-200 respecting licensing of C&D operations.

BACKGROUND

At the July 9, 2002 meeting of Regional Council, staff was requested to provide a report responding to suggestions from the Public Hearing for By-Law L-201. Councillor Colwell, District 3, also requested that Fire & Emergency Services provide a response regarding the supply of water for a private C&D facility, and the recovery of costs of fire suppression from the owner of a C&D facility.

DISCUSSION

At the July 9, 2002 meeting, four suggested amendments to the C&D Licensing By-Law were put forward from the public. The following responds to each specific suggestion:

1. Distinction Between New & Used Building Outlets:

Mr. Barrett from the forestry industry requested that the definition of C&D materials licensing facility not apply for building material outlets that sell new building materials such as doors. The intent of the By-Law is for the proper management of **used** - not new C&D material. Therefore, the word "new" is not recommended to be referenced in the definition of C&D material processing facility. New windows and doors are not C&D debris material. However, to ensure clarity, staff suggest that the following be inserted in the preamble of the By-Law:

"Whereas it is the desire of the Halifax Regional Municipality to:

e) recognize that new building material retail outlets and Forestry and Landscaping processes related materials are not C&D materials."

2. Increase the Minimum Fine of \$500.00:

The By-Law provides for a penalty of \$500.00 as a settlement of payment. This is in addition to a possible fine of \$10,000 or 90 days imprisonment. Each day an offense occurs is a fresh offense. A Court or judge may order a person convicted to pay all expenses incurred in correcting the contravention of the By-Law, or any damages associated with the violation. A review of the existing penalties concludes that a \$500.00 penalty is appropriate as other penalties also are applicable and the Administrator of the By-Law also has the authority to revoke the operating license.

3. Increase Insurance:

The By-Law requires \$2,000,000 third party liability insurance. It was suggested that the insurance be increased to \$5,000,000 and include pollution and cleanup (i.e., environmental) coverage. The increasing of the insurance to \$5,000,000 and environmental coverage will have major implications for existing licensed C&D operators.

They have requested that the existing coverage of \$2,000,000 continue until their license expires on December 31, 2002, and that if the HRM were to enhance the insurance requirements that they be provided six months notice to enable them to determine if they can obtain the enhanced coverage.

4. Separation Distance

At the July 9, 2002 Regional Council meeting, it was suggested that a separation distance to a wilderness area and provincial park be 5 km. The effect of a separation distance of 5 km would be to eliminate the two applications for C&D disposal facilities for which approval has been given by Council to hold a Public Hearing in September. It is suggested that this issue be included in the discussion for the upcoming Public Hearing for the two proposals.

It is noted that NSDEL Guidelines require a separation distance of 1 km from the active disposal area at mixed waste landfills, 1 km from an open windrow compost facility to the nearest residential and ICI building, and 90 metres from the active area at a C&D disposal facility. By-Law L-201 requires a 90 metre separation distance from the nearest residential or commercial facility or building.

5. Fire & Emergency Services - Water Supply & Recovery of Costs from Fire:

Traditionally these facilities were granted licenses without consultation from Fire and Emergency Services, although there has been contact with the local volunteer fire chief. Fire and Emergency Services has indicated that they would like to see included, in any application or development agreement, provision for approval of the fire/emergency plan for a facility by the Chief Director of the Fire and Emergency Service. This would enable the fire service to evaluate the site and facility, identify water sources, determine flow (gallons per minute) requirements, review site security (e.g., fencing, access routes), and training of facility staff in fire prevention and limited suppression or extinguisher use.

Each C&D facility would have to be treated on its own merits. Some C&D facilities may be within serviceable boundaries and it may only be a matter of providing private hydrants throughout the site. C&D facilities in un-serviced areas may be able to take advantage of natural water sources such as rivers, ponds, or lakes. If these sources are not available, man-made sources may have to be provided such as cisterns or fire water ponds.

By incorporating these requirements as part of the license approval process and ensuring compliance with the By-Law and National Fire Code (in regards to separation, clearances, and size of stock piles), any incidents should be of a minor nature, and cost recovery should not be a factor or a major burden on the fire service in either a rural or urban setting.

Fire Emergency Services are currently exploring cost recovery for the incident in North Preston, which occurred in June of this year. This facility was operating without a license and had no security bonds of any type in place. Legal Services are exploring the best avenue to recoup cost and at this time have not come up with a definitive answer.

BUDGET IMPLICATIONS

There are no budget implications.

ALTERNATIVES

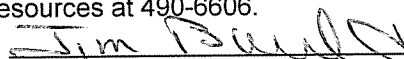
No alternatives are recommended. Council may wish to adopt the suggested changes to the By-Law. However, doing so will severely limit or restrict private sector management of C&D material, thereby possibly precluding the placement of a C&D Waste Management Strategy, which Council has affirmed is a priority of the HRM.

ATTACHMENTS

N/A

Additional copies of this report, and information on its status, can be obtained by contacting Brian T. Smith, Director, Solid Waste Resources at 490-6606.

Report Prepared by:



Jim Bauld, Diversion Planning Coordinator 490-7176