
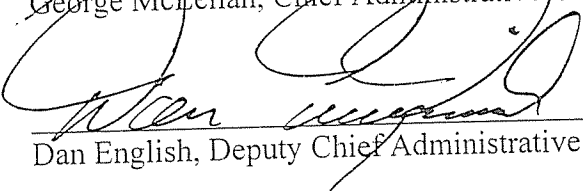


Halifax Regional Council  
Public Hearing  
September 18, 2002

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:

  
George McLellan, Chief Administrative Officer

  
Dan English, Deputy Chief Administrative Officer

DATE: September 16, 2002

SUBJECT: Plan and By-law Amendments: C&D Waste Disposal - RDM Recycling,  
Harrietsfield

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### SUPPLEMENTARY REPORT

#### ORIGIN

- July 16, 2002 Regional Council decided to hold three separate C&D public hearings to consider:
  - ▶ general amendments to all Municipal Planning Strategies and Land Use Bylaws; and
  - ▶ two site specific proposals for C&D disposal operations.
- There have been numerous staff reports on both the general C&D amendments and the specific disposal proposals. These reports also dealt with information which is no longer relevant such as policy options and the public participation process. This Supplementary Report gathers together the information from past reports which is relevant to the September 18, 2002 public hearing. No new information is provided. This consolidated report is intended to:
  - ▶ assist in clarifying issues being considered at the September 18<sup>th</sup> public hearing; and
  - ▶ provide Council and the public with one reference document.

#### RECOMMENDATION

It is recommended that the proposed Plan and Bylaw amendments to permit RDM Recycling to be rezoned to CD-3 (C&D Disposal Zone) be refused.

**THIS REPORT CONSOLIDATES ALL INFORMATION RELEVANT TO THE SEPTEMBER 18<sup>TH</sup> PUBLIC HEARING. PLEASE RETAIN THIS REPORT FOR THE PUBLIC HEARING.**

## SUMMARY

- General land use policies and regulations to regulate the C&D industry were adopted by Regional Council on September 10, 2002. Three new zones were established in HRM's Municipal Planning Strategies and Land Use Bylaws. Existing C&D recycling and transfer operations were rezoned to the appropriate zones.
- There are currently no C&D disposal operations within HRM and none were approved on September 10, 2002. The establishment of one or more C&D disposal sites is critical to the successful implementation of the Solid Waste Resource Management Strategy.
- Before C&D disposal operations can be established sites have to be rezoned to CD-3 (C&D Disposal Zone). This can be done in one of two ways:
  - ▶ If the site complies with the recently adopted MPS policies it can simply be rezoned. Such a decision can be appealed to the Utility Review Board; or
  - ▶ *Council may adopt a site specific amendment to its Municipal Planning Strategy to allow the rezoning. This approach allows Council to rezone sites which fully comply with its MPS, while avoiding the potential delays caused by appeals. It is also recognized that Council may not receive ideal proposals which fully comply with its MPS. This approach therefore also allows Council to rezone sites which do not entirely comply with its current MPS. Such a decision is not appealable.*
- Council has chosen the second of these processes, the MPS amendment process. Two rezoning applications for C&D disposal sites are being considered. Separate public hearings will be held on each one. Council will then debate their merits and decide whether to rezone one, both, or neither.
- This report reviews the RDM proposal in Harrietsfield for compliance with the MPS:
  - ▶ RDM complies with the technical criteria of the MPS with two notable exceptions;
  - ▶ The site is in a Residential designation. One of the fundamental policies of the MPS is that C&D disposal operations should not be located in areas which are currently designated Residential; and
  - ▶ Secondly, the MPS does not permit an industrial business on the property to expand beyond its current size. The proposed C&D disposal operation would expand beyond its current boundaries.
- Council has been aware of both of these issues from the outset and has chosen to consider the application on its own merits. The rationale for considering rezoning includes the fact that the property contains an existing C&D processing operation and that the addition of a disposal operation will reduce the amount of stockpiled material. In addition, the site is close to the source of the material which increases the likelihood industry will use it.
- Attached to this report are the site specific MPS and LUB amendments required to rezone the RDM site to CD-3 (C&D Disposal) Zone. These amendments are the subject of this public hearing.

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## BACKGROUND

### C&D Waste Management Strategy

Regional Council's C&D Waste Management Strategy is based upon 4 main objectives:

- i) maximize diversion from the Regional landfill through recycling of construction and demolition debris in keeping with HRM's Solid Waste Resources Strategy;
- ii) increase economic activity and value added processing through recovery of construction and demolition debris;
- iii) provide an opportunity to properly dispose of construction and demolition debris that cannot be recycled; and
- iv) ensure minimal environmental, land use and nuisance impacts from the operation of construction and demolition debris transfer, processing and disposal operations.

Implementation of Regional Council's C&D Waste Management Strategy involves two elements:

- adoption of a C&D Licensing By-law to regulate all C&D operations (approved - July 3, 2001); and
- adoption of amendments to all MPS and LUB documents (approved September 10, 2002) to outline how, where, and under what conditions such operations will be permitted.

Both elements are designed to provide a consistent regulatory framework throughout HRM.

### C&D Disposal Sites

The C&D Waste Management Strategy also calls for C&D waste to be managed by the private sector. The strategy envisions that most C&D material will be either reused or recycled. The C&D License Bylaw supports this vision by prohibiting the disposal of materials which can be reused or recycled. This will extend the life of any C&D disposal sites which are established and also reduce the number of sites needed. The Strategy also recognizes that certain materials cannot be reused or recycled and will have to be disposed of by landfill.

There are currently no C&D disposal facilities within HRM. As a result, C&D materials are being trucked illegally outside the community; large quantities of materials are being stockpiled; and material is being illegally dumped. HRM recently amended its bylaws to make exporting of C&D material illegal. Without an approved disposal site, this will increase stockpiles and illegal dumping.

### Policy Priorities

In an ideal sense, priorities related to implementation of the C&D Waste Management Strategy and community planning documents could be implemented without compromising basic principles respecting waste diversion on the one hand and community land use planning interests on the other. In this case however, Council is weighing competing policy priorities.

### Additional Approvals

If Council approves a CD-3 rezoning to permit a C&D disposal operation, four additional approvals are still required. These are:

- Development Permits confirming compliance with the CD-3 Zone, including Site Plan Approval, which can be appealed to the Community Council (This process is described in more detail below.);
- A license pursuant to the C&D License Bylaw addressing issues such as insurance coverage, operations plans and fire/emergency plans etc.;
- Upon receiving all necessary municipal approvals, an applicant then applies for Provincial Environment staff to review the application; and
- A recommendation is made to the Minister of the Environment and Labour who makes the final decision.

### Site Plan Approval

Once rezoned a site will be required to meet specific and non-negotiable regulations in the CD-3 Zone with regard to minimum lot sizes, minimum setbacks from property lines, maximum lot coverage, maximum building height and minimum distances from homes, institutional uses and watercourses.

In addition to the traditional zoning requirements identified above, each operation will be required to submit a Site Plan which is negotiated with staff and which then must be complied with. This is a new process which permits a use within a zone subject to site specific evaluation, public notification of an application, and the ability to appeal the application to the local Community Council. Key elements which must be addressed in the Site Plan include: landscaping; screening of stockpiles; location of processing areas and storage containers; and lot grading and drainage considerations.

## DISCUSSION OF RDM PROPOSAL AND MPS POLICY

### RDM Proposal

RDM has requested a rezoning from R-2 (Two Unit Dwelling Zone) and CD-2 (C&D Processing Facility) to CD-3 (C&D Disposal Facilities) in order to operate a C&D disposal facility in conjunction with its C&D processing facility. The processing facility is located near the front of the property while the proposed C&D disposal area will be located between the processing area and Shea's Lake. The resulting facility is designed to accommodate up to 25,000 tonnes of C&D material annually, with up to 10,000 tonnes capable of being disposed by landfill (lifespan of approximately 20 years).

C&D material brought to the site will be inspected, weighed, and recorded before allowing the vehicles to proceed to the sorting pad area. At the sorting pad area, a load of material will be sorted to determine what is recyclable and what requires disposal. If any non-C&D or unacceptable materials are detected, the material is contained and then removed off-site. Materials to be recycled will be processed on site and then trucked to market while material requiring disposal will be ground up and placed in the disposal area.

If the CD-3 Zone is applied to the site, RDM hopes to have the disposal operation constructed and operational by the end of 2002.

### MPS Amendment Considerations

*Council is considering amendments to its MPS in order to permit a C&D disposal operation on RDM's property. As such Council is not obliged to comply with its current policies or even consider them. Nevertheless before making such a decision Council should consider the degree to which the proposed policies are consistent with the intent of the existing MPS policies. There are three areas in which the proposed Plan amendment and rezoning are inconsistent with the intent of the MPS. As a result, staff cannot recommend approval of the Plan amendment and rezoning.*

- The main policy principle for siting C&D disposal sites is that they cannot be located in areas which the MPS currently designates as Residential. Disposal operations are directed to Industrial-Commercial designations. The purpose of this policy is to minimize the opportunity for conflict associated with locating disposal operations near dense residential development. The RDM site is designated Residential and rezoning it to CD-3 conflicts with this policy intent.
- On September 10, 2002 Council amended all of its Municipal Planning Strategies by incorporating new C&D policies. The purpose of amending all MPS's simultaneously was to ensure that a consistent and predictable policy approach to C&D was adopted throughout the Region. Permitting a C&D disposal operation on the RDM site (either by changing the designation or the policies) is inconsistent with establishing consistent and predictable regional policy for both business and residents.

- When the District 5 MPS was adopted the RDM site contained a salvage yard in a residential area. The District 5 MPS attempts to reach a compromise between continued industrial activity and reducing the risk of further conflict. Industrial activity on the RDM site is not permitted to expand beyond the area which the former salvage yard occupied when the District 5 MPS was adopted. The recent rezoning to CD-2 (C&D Recycling) complied with this policy by not extending the CD-2 Zone beyond the historic boundaries of the business. The boundaries of the proposed CD-3 rezoning will permit expansion of industrial activity beyond these established limits.

### **Municipal Planning Strategy Compliance**

As noted above, the proposed rezoning does not comply with two significant policies. It should be noted however that the proposal complies with all other policy requirements. The following information is provided so that Council has an overview of the project relative to all of the relevant policies, not just those it is inconsistent with. In general the remaining policy considerations include consideration of environmental impacts, prohibition of C&D operations in 1:100 year flood plains, scale and compatibility with surroundings and traffic/safety impacts.

### Environmental Considerations

Protection of the environment was one of two major issues raised by area residents, especially the protection of Shea's Lake and other watercourses within the same watershed. To protect Shea's Lake and other watercourses within the watershed, RDM has established baseline data for Shea's Lake and proposed an operational plan that outlines how they intend to protect the environment. If the Plan amendments and rezoning are approved, the C&D License Bylaw will regulate the operational plan along with Provincial Environment Department regulations.

The proposal consists of C&D material being buried in trenches which are lined with clay and covered daily. The proposed liner exceeds Department of the Environment and Labour standards. The system also consists of pipes running along the edge of the trenches collecting surface water and directing it away from the material being buried. Suspended particles are to be removed in a sedimentation pond. A leachate control system will also be installed along with groundwater monitoring wells.

Except for Shea's Lake, no other watercourses are shown on the site plan. The proposed facility is setback 150 metres from Shea's Lake, as required by the C&D License By-law. Further, the subject property and Harrietsfield Elementary are not located within the same watershed. This addresses residents concerns of surface water from the facility contaminating the school's well.

Due to the topography (ie grade) of the property, RDM has indicated that the facility would not be located within a 1:100 year flood plain. To date, this has not been confirmed by technical analysis. However, the CD-3 Zone requires confirmation of this before a permit can be issued.

Additional environmental issues are discussed under "Provincial Requirements".

### Traffic

The amount of traffic, especially truck traffic, to be generated by the proposed disposal site, in addition to current traffic levels, is a concern expressed by residents. The basis for this concern relates to the current condition of Old Sambro Road and the fact that children have to walk along the road's edge to Harrietsfield Elementary, located to the north of the site on Old Sambro Road. To address the issue of pedestrian safety on Old Sambro Road, RDM intends to enforce safe driving habits with all of the haulers (ie circulation of an information handout that highlights the school zone on Old Sambro Road).

Access to the site is from an existing driveway that connects to Old Sambro Road, which is under provincial jurisdiction and control. To determine the impact of the proposed facility on Old Sambro Road, RDM hired a traffic engineer, to conduct a Traffic Count Study for the road.

The Traffic Count Study indicates that RDM Recycling currently receives an average of 34 vehicles (22 cars<sup>1</sup> and 12 trucks<sup>2</sup>) per day, based upon the operation handling 12,500 tonnes per year. The existing truck traffic represents less than 3% of all two way traffic on Old Sambro Road, north of the site. Most of the truck traffic using the Old Sambro Road turns off before reaching the RDM site. Under the proposal, the amount of material handled by the site will double to 25,000 tonnes and the Traffic Engineer predicts the amount of traffic will also double to 68 vehicles per day.

Despite the amount of traffic doubling, the Study concludes that the amount of "...truck traffic will still represent only a small percentage of all traffic on Old Sambro Road". Further, the increase in "...truck traffic is not expected to have any significant impact on the traffic volumes or the operational characteristics of Old Sambro Road."

In regards to the Traffic Count Study, staff have concerns with the results as only one count (ie day) was used as a basis for assessing traffic impacts. Further, staff does not know what impact the increase in non-truck traffic may have on the Old Sambro Road.

### Site Location and Layout

The subject property abuts Galaxy Subdivision to the north, Old Sambro Road to the east and undeveloped lands to the south and west. Under the C&D License By-law, HRM requires a 60 metre setback from residential properties, and the proposed disposal area meets this requirement. The remainder of the operation will remain the same except for the establishment of sorting pad near the centre of the property (see Map 1).

### Appearance and Buffering/Screening

At present, there are five buildings/structures on the property. RDM does not intend to erect any new buildings in the near future. If a new building is constructed it would have to meet the CD-3 zone standards relative to setbacks and proceed through the site plan approval process. In addition, the operation does not entail to any operation except for the inclusion of a C&D disposal area at the rear of the existing C&D processing area.

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<sup>1</sup> Cars include cars, vans, cars with trailers, and 'half-ton' trucks

<sup>2</sup> Trucks includes all trucks with dual wheels on the rear axle: 2 axle to 6 axle trucks



At present, vegetation along the edges of the property is not adequate to buffer the development from adjacent residential development. The applicant is proposing to plant new trees in the buffer area to reduce the visual and noise impacts. The applicant is willing to consult with the adjacent residential property owners to determine the most effective measures to screen the operation. Under the site plan approval process the applicant will not be issued a permit to operate unless this issue is addressed.

## **PROVINCIAL REQUIREMENTS**

The Department of the Environment has indicated that if the proposed C&D site is designed and operated in accordance with its guidelines, an acceptable level of protection to the natural environment should be provided. The Province has reviewed the proposal and indicates there are no major issues that would preclude the proposal complying with their regulations.

Additional information regarding the surface water and groundwater assessment needs to be submitted before a final recommendation on whether or not to approve a C&D disposal operation on the site can be made. The Assessment is a key component of the application as it provides more information on the hydrology at the site (ie migration rates, directions, water quality). This information in turn is used to establish the level of design required to reduce risk to mitigate any identified risks..

## **BUDGET IMPLICATIONS**

The majority of the administration and enforcement of C&D operations will be conducted under the C&D License By-law. However, additional resources may be required for land use issues for 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**

1. Council may choose not to approve the proposed MPS and By-law amendments attached to this report. This is the recommended course of action since the proposal is inconsistent with the intent of two significant MPS policies. C&D disposal sites are not permitted in a Residential designation and industrial activity on this site is not permitted to expand beyond its existing size. In addition, the Plan amendment is consistent with the goal of establishing a consistent and predictable region wide policy for C&D waste.
2. Council may choose to approve the proposed MPS and Bylaw amendments as presented in Appendices 1 and 2 and Map 1 of this report. This is not the recommended course of action for the reasons stated above.
3. Any other alternatives which Council may wish to consider will require additional advice from staff on their implications. In particular the legal implications of public notice and due process will also have to be considered.

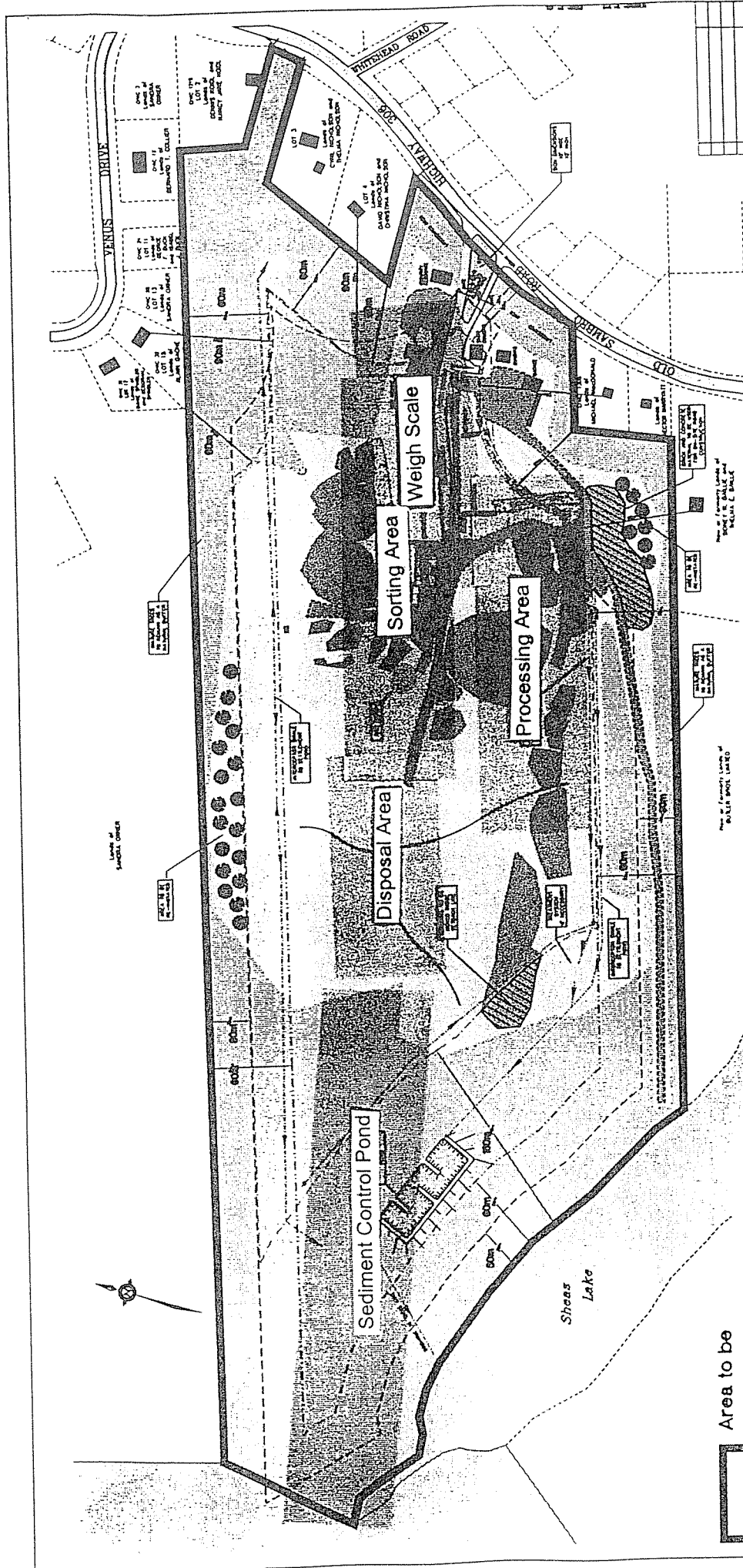
**ATTACHMENTS**

- Map 1:** Site Plan for RDM Recycling Limited - Harrietsfield  
**Attachment 1:** Municipal Planning Strategy Amendments  
**Attachment 2:** Land Use By-law Amendments  
**Attachment 3:** Existing Municipal Planning Strategy Policy  
**Attachment 4:** Excerpt from Municipal Planning Strategy (Existing Uses)  
**Attachment 5:** Minutes of Public Information Meeting

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: Kurt Pyle, Planner, 490-4428  
Jim Donovan, Urban/Rural Quality of Life Issues Manager, 490-6782  
Paul Dunphy, Director of Planning & Development Services

Report approved by:   
Paul Dunphy, Director of Planning & Development Services



Area to be rezoned to CD-3

- EXISTING VEGETATION WITHIN THE SETBACK AREA IS TO REMAIN OR BE ENHANCED.
- DRIVEWAY GATES TO BE CONTROLLED BY SITE PERSONNEL & KEPT LOCKED AFTER HOURS.
- STORM WATER RUNOFF WITHIN THE ACTIVE AREA TO BE DIRECTED TO THE SEDIMENT CONTROL POND, PRIOR TO ENTERING SHEAS LAKE.
- ALL MATERIAL IS TO BE KEPT WITHIN THE SETBACKS OF THE CD-3 ZONE H.R.M. BY-LAW L-200 & N.S.D.O.E.L. GUIDELINES.
- HOURS OF OPERATION IN ACCORDANCE WITH H.R.M. BY-LAW L-200 ARE AS FOLLOWS:  
 MONDAY TO FRIDAY 7:00 am to 6:00 pm  
 SATURDAY 7:00 am to 6:00 pm  
 SUNDAY CLOSED  
 HOLIDAYS CLOSED
- EXISTING STOCKPILES OUTSIDE THE SETBACK LINE ARE TO BE MOVED INSIDE UPON CONSTRUCTION OF THE CELL.
- WHERE THE ADJUTING LAND USE IS RESIDENTIAL AND EXISTING VEGETATION IS LESS THAN 50m, PROPERTY OWNER TO BE CONTACTED TO DISCUSS A SUITABLE BUFFER.

- DISPOSAL AREA (AS PER MSDOEL REGULATIONS)**
- 50m FROM NEAREST OFF-SITE STRUCTURE
  - 50m FROM NEAREST PROPERTY LINE
  - 50m FROM NEAREST HIGH WATER MARK OF ANY BODY OF WATER
- ACTIVE DISPOSAL AREA (AS PER H.R.M. BY-LAW L-200)**
- 50m FROM NEAREST NON-RESIDENTIAL PROPERTY LINE
  - 150m FROM A WATERCOURSE
- REQUIRED SETBACK LINE (AS PER CD-3 ZONE REQUIREMENTS)**
- 50m FROM ANY PROPERTY LINE ADJACENT TO RESIDENTIAL USE OR ZONE
  - 50m FROM NEAREST RESIDENTIAL DWELLING / INSTITUTIONAL USE
  - 50m FROM A WATERCOURSE
- EXISTING STOCKPILES**

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1	PREPARED BY: [Signature]	
2	REVISIONS	
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**PROJECT**  
**RDM RECYCLING**

**SHEET DESCRIPTION**  
**RDM RECYCLING**  
**SITE PLAN**

Scale: 1:1000

ATTACHMENT 1

AMENDMENTS TO THE MUNICIPAL PLANNING STRATEGY  
FOR PLANNING DISTRICT 5

The Municipal Planning Strategy for Planning District 5 is hereby amended as follows:

1. Insert new preamble and policy immediately following Policy SW-12 as follows:

**“RDM Recycling Limited**

Since 1998, RDM Recycling Ltd. has operated a licensed C&D processing facility at 1275 Old Sambro Road, Harrietsfield. Prior to the current operation and the adoption of the Municipal Planning Strategy, the site was used as an industrial site by Nicholson’s Salvage. RDM Recycling wants to establish a C&D facility that provides processing and disposal services . Due to the use of the site as an industrial use for a number of years, the operation is considered to be consistent with the intent of the C&D Waste Manage Strategy to locate C&D facilities in industrial areas. Also, the facility implements the intent of the C&D Waste Management Strategy to maximize the recycling of C&D materials while allowing for the proper disposal of those materials that can’t be recycled. Thus, Council supports RDM proposal for a C&D disposal site at its current location at 1275 Old Sambro Road, Harrietsfield.

SW-13 Notwithstanding Policy SW-8 and RES-1, Council shall apply the CD-3 Zone to the RDM Recycling Ltd. property at 1275 Old Sambro Road (PID# 40072514), Harrietsfield to permit the processing and disposal of C&D materials only on that portion of the property situated between Shea’s Lake and Old Sambro Road .”

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Halifax Regional Council of Halifax Regional Municipality held on the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2002.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2002.

\_\_\_\_\_  
Vi Carmichael  
Municipal Clerk

ATTACHMENT 2

AMENDMENTS TO THE LAND USE BY-LAW  
FOR PLANNING DISTRICT 5

The Land Use By-law for Planning District 5 is hereby amended as follows:

1. Amending Schedule A (Planning District 5 (Chebucto Peninsula)) of the By-law to rezone only that portion of the land (PID# 40072514) highlighted on Map 1 as "Area to be Rezoned to CD-3" attached to this report from R-2 (Two Unit Dwelling) and CD-2 (C&D Materials Processing Facilities ) Zones to CD-3 (Materials Disposal Sites) Zone.
2. Amend Appendix B - "Existing Business - No Expansion", by deleting the industrial use "Nicholsons Salvage Harrietsfield (R-2 & V-1) 41056102 (that portion formerly covered by PIDs 00480137 and 40072514)" from the list of uses.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Halifax Regional Council of Halifax Regional Municipality held on the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2002.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2002.

\_\_\_\_\_  
Vi Carmichael  
Municipal Clerk

ATTACHMENT 3

EXISTING MUNICIPAL PLANNING STRATEGY POLICY

"Construction and Demolition Waste Management Strategy"

The key objective of Halifax Regional Municipality's (HRM) Integrated Waste/Resource Management Strategy (IWMS) is to minimize the amount of material going to a municipal landfill. The IWMS comprises a number of components which must be implemented together in order to achieve its objectives.

Of the various components, construction and demolition (C&D) waste is a key component. Construction and demolition 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. The combination of strong economic growth and corresponding growth in waste generation has resulted in increased financial pressure on the Municipality. In the interests of the greater public, it is essential that all aspects of the integrated waste management system, especially opportunities to maximize diversion, operate effectively. The IWMS recognizes that, while a significant proportion of C&D waste should be reused or recycled, it is necessary for some of this material to be buried.

On January, 1998 Regional Council approved the following objectives in support of implementing an HRM-wide C&D Waste Management Strategy:

- (i) maximize diversion from landfill through recycling of construction and demolition debris in keeping with the Halifax Regional Municipality Solid Waste Resources Strategy;
- (ii) increase economic activity and value added processing through recovery of construction and demolition debris;
- (iii) provide an opportunity to properly dispose of construction and demolition debris that cannot be recycled; and
- (iv) minimize environmental, land use and nuisance impacts from the operation of construction and demolition debris transfer, processing and disposal operations.

The C&D Strategy is in keeping with the overall objectives of the IWMS. Its implementation requires that municipal planning documents recognize the unique land use requirements of the C&D industry and that a specific Licensing By-law is required to address operational issues. The intent is to provide a comprehensive regulatory framework that is applied fairly and consistently throughout HRM.

HRM discourages processing and disposal of some C&D waste at its landfill. Inert C&D material does not need to be disposed of at the regional landfill site. Generators or haulers of these materials are generally discouraged from utilizing municipal facilities due to comparatively high tipping fees which encourage the use of private recycling or disposal facilities. Hazardous C&D waste materials are not accepted at the landfill or at private recycling or disposal facilities and must be disposed of as set out in provincial legislation.

The following municipal planning policies are intended to support and/or implement key components of HRM's C&D Strategy.

- SW-1 It shall be the intention of Council to initiate an education and public awareness program for builders, home renovators and developers describing best practices for maximizing the amount of C&D materials recycled, reused and/or diverted from municipal landfill.
- SW-2 It shall be the intent of Council to review its construction and procurement practices to ensure that C&D debris materials resulting from municipal construction projects are diverted to appropriate reuse and recycling facilities.
- SW-3 Further to SW-2, Council shall encourage provincial agencies working within HRM to also review their construction and procurement practices to support recycling / reuse of C&D materials.

The C&D industry comprises three types of operations which must be accommodated through land use regulations: C&D transfer stations; C&D processing operations; and C&D disposal operations. These facilities can operate independent of each other or jointly on the same or separate properties.

Operational and compatibility considerations related to C&D facilities require they not be located within residential, community facility , or environmentally sensitive designated areas. To minimize compatibility concerns, the Land Use By-law will permit C&D facilities only in areas designated industrial or resource, where the density of residential development, types of uses permitted, and potential for land use conflicts is minimized. Further, as the potential impact of C&D operations on adjacent lands depends, to a degree, on the type of C&D operation, the Land Use By-law provisions will recognize individual characteristics of the three forms of C&D operations.

- SW-4 It shall be the intention of Council to provide a consistent approach to permitting C&D operations throughout HRM. Further, the Land Use By-law shall clearly define each type of operation and implement measures to minimize the impact of C&D operations on surrounding land uses and watercourses.
- SW-5 It shall be the intention of Council to prohibit C&D operations from establishing in areas designated residential, community facility , or environmentally sensitive .

Operational aspects of the C&D industry can be classified into two categories: operations where materials are transferred and/or processed; and operations which dispose of materials.

#### Transfer Stations and Processing Facilities

Municipal planning documents adopted or amended prior to 2002 did not recognize C&D transfer stations and processing facilities as unique forms of land use. Instead, land use regulations generally provided for these uses under regulations which apply to other uses such as salvage yards and "industrial" or "processing" operations. This resulted in inconsistency and the creation of an uneven "playing field" for contractors and C&D operators. Additionally, standards were inappropriate in addressing unique siting, land use and other aspects of the C&D industry. In order to ensure consistency, new C&D transfer and processing operations will be

considered by rezoning. This will minimize the impact of such facilities on adjacent land uses and ensure that public consultation forms part of the process for considering new operations. Further, the site plan approval process will be used for all C&D operations to address compatibility issues on a site specific basis.

SW-6 A CD-1 (C&D Transfer Stations) Zone shall be established in the land use by-law. The zone shall permit only C&D transfer stations and shall establish controls on setbacks from adjacent uses, buffering and screening, landscaping, access, and outdoor storage in order to minimize impacts on adjacent uses. Amendments to the schedules of the land use by-law to permit new C&D operations will only be considered where such operations are within the Industrial - Commercial Designation and pursuant to the following criteria:

- (a) safe access to and from the site of the proposed operation shall be obtained from the abutting street or highway and the development shall not cause traffic circulation problems or traffic hazards due to the nature or level of traffic created;
- (b) no operation shall have direct access to a local road, as determined by the Municipality's Traffic and Transportation Services Division and any access road for such operations shall not be provided through lands zoned for residential use;
- (c) sites shall allow for the reasonable separation of the proposed operation from surrounding residential development;
- (d) consideration shall be given to the extent and location of open storage with respect to abutting properties;
- (e) scale and appearance of the proposed operation will not detract from or adversely affect surrounding developments;
- (f) the proposed site layout, including but not limited to landscaping, buildings or structures, access and egress, parking areas, signage, and outdoor storage or display areas, shall be appropriate having regard to the other provisions of this Policy;
- (g) adequate buffering and screening measures, including the use of berms, opaque fencing, and vegetation, shall be provided as a means to reduce any visual and/or noise intrusion to surrounding residential development;
- (h) applicant shall provide a report that addresses the effectiveness of environmental measures used to protect the natural environment (ie watercourse, groundwater, etc.);
- (i) no portion of the operation shall be located within a floodplain (1:100 year event);
- (j) consideration shall be given to the adequacy of onsite or central services; and
- (k) provisions of Policy IM-10

SW-7 A CD-2 (C&D Recycling Operations) Zone shall be established in the land use by-law. The zone shall permit C&D recycling operations and CD-1 zone uses, excluding disposal, and shall establish controls on setbacks from adjacent uses, provide buffering and screening, landscaping measures, regulate access and outdoor storage in order to minimize impact on adjacent uses. Amendments to the schedules of the land use by-law to permit new CD-2 Zone uses shall only be considered where such operations are within the Industrial - Commercial Designation, and pursuant to criteria of Policy SW-6.



### C&D Disposal Facilities

In the past, construction and demolition materials were disposed of either through use as general fill material at private sites or through disposal at the regional landfill facility. Respectively, these practices have come under criticism due to concerns about potential environmental impacts associated with disposal at unregulated private facilities and the financial burden associated with disposing of significant amounts of C&D waste at a municipal landfill site which was not designed to accommodate this material.

Past disposal practices have prevented significant amounts of C&D materials from being either reused or recycled and a lack of permitted locations for C&D waste disposal has contributed to illegal dumping on private and Crown land. Historically, there have been no approved locations in HRM where construction and demolition waste can be both conveniently and safely landfilled despite the existence of Provincial regulations which provide sufficient environmental protection.

Under Provincial regulations, businesses which dispose of C&D materials are classified into two categories:

- (a) Facilities which dispose of only inert C&D materials for which Ministerial approval and a permit from the Department of the Environment are not required. Inert materials are defined as "rock (excluding sulphide bearing rock), aggregate, soil, bricks, mortar, concrete, asphalt pavement, porcelain or ceramic materials, trees, brush, limbs, stumps, root balls, organic mat, milled wood that is free of adhesives, coatings or preservatives.
- (b) Facilities which dispose of all types of C&D materials (inert and non-inert) for which Ministerial approval is required. These operations require a permit from the Department of the Environment and Labour in accordance with Provincial "Construction and Demolition Debris Disposal Site Guidelines", to address the design and operational requirements.

Any C&D disposal operation is required to comply with the provisions of HRM's C&D Licensing By-law. The By-law prohibits disposal of materials which can be recycled or reused and will significantly minimize the number of such disposal operations. Neither the C&D License By-law nor provincial regulations prohibit the use of inert materials as fill on individual properties. Consequently, the regulation of C&D disposal facilities through municipal planning documents should focus on land use compatibility issues and locational criteria.

Under the Municipal Government Act, municipalities can regulate where disposal operations are permitted. To address land use compatibility issues, a C&D disposal zone shall be established in the Land Use By-law and disposal sites shall only be considered through the rezoning and site plan approval process.

SW-8 A CD-3 (C&D Disposal) Zone shall be established in the land use by-law. The zone shall permit C&D disposal operations, CD-2 zone uses and establish controls relative to setbacks from adjacent uses, buffering and screening, landscaping, access, and outdoor storage in order to minimize impact on adjacent uses. Amendments to the schedules of

the land use by-law to permit new C&D disposal operations shall be considered where such operations are within the Industrial - Commercial Designation and pursuant to the following criteria:

- (a) the applicant shall provide the level of information for a complete C&D disposal operation required by the N.S. Department of the Environment and Labour for approval; and
- (b) those criteria outlined in Policy SW-6.

### Site Plan Approval

In order to minimize associated land use concerns all C&D operations shall proceed through the Site Plan Approval process.

SW-9 Further to SW-6, SW-7, and SW-8, C&D operations shall be regulated under a Site Plan Approval Process in order to minimize land use impacts. Siting standards shall be set out in the Land Use By-law to address such items as, but not limited to, screening, access, outdoor storage , maintenance, stormwater management , lighting, signage, and landscaping measures.

### Existing C&D Operations

There are a number of existing C&D operations (transfer stations and processing operations) throughout HRM. To recognize these existing operations, applicable zoning shall be applied to reflect the use conducted on these properties in conjunction with the adoption of the amendments.

SW-10 It shall be the intention of Council to recognize existing C&D operations by applying the applicable zone to reflect their existing use.

SW-11 Further to Policy SW-10, any expansion of an existing C&D operation (ie. addition to an existing building, a new building, or a new/change of use) shall be subject to the site plan approval process.

### Community Liaison Committee (CLC)

A concern of most communities, relative to C&D disposal operations, is not knowing whether or not the community and environment are being protected. To address these concerns, the N.S. Department of the Environment and Labour has the option to require a Community Liaison Committee in association with disposal operations. HRM supports the establishment of a CLC for C&D disposal operations and wishes to be involved with the committee to provide information on municipal approvals, requirements, and enforcement issues.

SW-12 It shall be the intention of Council to recommend to the N.S. Department of the Environment and Labour that a Community Liaison Committee be established for all C&D disposal operations within HRM."

ATTACHMENT 4

EXCERPT FROM MUNICIPAL PLANNING STRATEGY (EXISTING USES)

"In Williamswood/South Harrietsfield, a number of existing industrial operations which were established prior to the adoption of zoning in 1974 will be listed in Appendix "B" of the Land Use By-law and permitted to the extent they presently exist. In addition, a well drilling operation and food packaging and distribution outlet in Herring Cove will also be permitted to the extent they presently exist."

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ATTACHMENT 4

Minutes of the  
Halifax Regional Municipality  
Planning and Development Services  
Public Information Meeting  
Project No. 00082 - RDM Recycling Ltd.  
(Harrietsfield)

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7:00 p.m.  
Thursday, April 18, 2002  
Harrietsfield Elementary School

**STAFF:** Jim Bauld, Solid Waste Resources  
Kurt Pyle, Planning Services  
Connie Moore, Planning Services

**APPLICANTS/  
CONSULTANTS:** RDM Recycling Ltd.  
Barry Zwicker, Wallace Macdonald & Lively  
Greg Zwicker, Wallace Macdonald & Lively  
Tim Veniot, Wallace Macdonald & Lively

**OTHER:** Councillor Steve Adams  
Councillor Linda Mosher  
Robert Chisholm, MLA  
Frank McNeil, N.S. Department of Environment and Labour

**MEMBERS OF  
THE PUBLIC:** 120 approximately

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The meeting commenced at 7:05 p.m.

1. INTRODUCTIONS AND PURPOSE OF MEETING

Jim Bauld introduced members of staff, the applicants and others in attendance. He pointed out an attendance sheet was being circulated for everyone to sign.

2. C&D WASTE MANAGEMENT STRATEGY - JIM BAULD. SOLID WASTE RESOURCES

Jim Bauld explained in 1995, the former County of Halifax tried to come up with a solution for Solid Waste Management which led to the creation of a Citizens Stakeholder Committee. This committee was responsible for creating a vision on how waste should be managed in the next 20-25 years. It was based on the premise that what was once considered waste could now be turned into a resource, by reuse, recycling and composting. The HRM Solid Waste Management System is considered a model around the world. Approximately 60 percent of solid waste is now reused, recycled and composted compared to 1989. It has a high participation level and success rate contingent upon each resident of HRM participating in this program. We have two compost facilities and a landfill at Otter Lake (dry landfill, hazardous waste disposal and recycling facility). Each facility is limited in design and function. One component not addressed in the strategy is the component of construction and demolition waste management. This is one of three public meetings that will be held over the next month. HRM has

received three applications for C&D disposal facilities (1) Harrietsfield, by RDM Recycling (2) Antrim, by Halifax C&D Construction; and (3) off the No. 118, Dartmouth, by Metro Construction.

Overhead presentation

Jim Bauld explained in 1995, the Citizen Stakeholders Committee recognized that certain types of materials are inert and do not require disposal at a highly technologically engineered landfill. The strategy encourages private sector involvement in the appropriate management of these materials, relating to C&D materials such as wood, gyprock, etc.

What are the Issues: Each year HRM generates 340,000 tonnes of waste (commercial and residential). Twenty-two (22 %) percent is C&D waste (75,000 tonnes). There is no consistent approach as to how to manage this waste properly from a municipal perspective (by-laws, municipal planning strategies). Previously, C&D operations have been operating as processing operations. These operations are working under approvals by HRM and are therefore permitted and authorized. Because they are dealt with under MPSs and LUBs requirements, there are different requirements applied to each specific location and there is not a uniform planning field. There has been no requirement for the reuse and recycling of C&D materials to minimize disposal. We went to several privately owned C&D disposal facilities outside HRM. In other jurisdictions within the Province, they are looking at what HRM is doing because they need some form of control and a strategy which supports their own MPSs to maximize resources and minimize disposal. Some of the private facilities has no incentive other than following provincial regulations to what cannot go in the landfill.

The strategy consists of two approaches (1) the adoption of a C&D License By-law (approved by Council, July 2001). There are proposed changes to the by-law as a result of public input from a series of meetings with Community Councils. (2) Watershed Advisory Boards and Solid Waste Advisory Committee. Eighteen land use by-laws and municipal planning strategies will be amended as a result of C&D. He indicated there are no C&D disposal facilities within HRM at this time. There are currently three private sector operators (RDM Recycling, Halifax C&D and Preston C&D Recycling). Two of these companies are licensed to operate under the new C&D License By-law. Preston C&D Recycling is not licensed and is under ministerial order by the N.S. Department of Environment and Labour. NSDOE has specific regulations and guidelines with respect to the construction, design and operation of a C&D disposal facility, in addition to municipal requirements.

Why would we want to adopt a consistent approach to amendments to the MPSs and LUBs? If we did not, we would have illegal dumping of C&D materials which is occurring throughout the region primarily in the rural areas. It is not only a common occurrence in HRM (some say it is because we have extremely high tipping fees) but it is a common occurrence elsewhere across the Province. Department of Environment and Labour will allow the burial of inert materials, however, there are specific requirements under the Lot Grading By-law. We want to keep the C&D materials disposed of at Otter Lake to a minimum. The Otter Lake facility is a landfill off the 103 Highway and is highly engineered and is considered a second generation design standard landfill. This facility is expensive. Each year we dispose 125,000 tonnes of materials. Each cell lasts three years and is worth \$12 million. Every year that the construction of a new cell is delayed helps the overall expenditure of HRM. There is no incentive for recycling of C&D materials without proper legislation and this can result in lost opportunities, ie. employment, recycling and retracting raw materials. Without amendments, the operations would be permitted in zones without adequate land use compatibility measures in place.

How will we achieve this strategy? Through the By-law, all operations must be licensed. We have set recycling rates for C&D industry at 60 percent for 2002. Those permit holders are held to that rate. Before we set this rate, we conducted an intensive survey to learn as much as possible about the industry. Record the number of tonnes of materials coming into a C&D processing, transfer and disposal facility on a monthly basis. Also, to record the types of materials leaving the site on a monthly basis. Separation distance to property lines and other requirements, size, duration of stockpiles and where they can be located, bonding, third party liability and set hours of operation.

Process approved by Council - last year we initiated a series of public meetings to bring forth the C&D License By-law. Last October, we started a similar process to bring forth proposed amendments to the 18 MPSs and LUBs.

### 3. PROPOSED AMENDMENTS - KURT PYLE, PLANNING SERVICES

Kurt Pyle stated he is here to discuss what has happened since May 2001. Council has adopted a C&D License By-law as well as starting a process to amend all MPSs and LUBs in HRM to provide a level playing field for everyone from Ecum Secum to Hubbards. The amendments affect everyone. In October 2001, Council adopted an approach to eliminate the as of right potential for C&D operations. No zone within HRM will permit any type of C&D operation as-of-right. All will have to proceed through a rezoning process and site plan approval and go through a public consultation process to be established. Staff held 6 public information meetings throughout HRM outlining the proposed amendments. We have received comments from the communities, Planning Advisory Committees, Watershed Advisory Boards and any other community groups. These comments were taken into consideration when preparing a detailed amendment package to Council indicating what the strategy will be. The 6 Community Council's have reviewed the package and made passed on their recommendations to Regional Council. A summary of the proposed amendments were distributed to those in attendance. The summary included policies Council are considering adopting for the strategy as well as the creation of three zones. The CD-1 Zone permit transfer stations, CD-2 Zone permits processing facilities such as RDM Recycling, and the CD-3 Zone permits C&D disposal.

Through the amendment process, Council is concerned about creating a strategy that will kill the industry. HRM needs the C&D industry to continue to operate. He referred to Policy SW-10 which states that any existing C&D operations will be recognized under this strategy. All existing operations will have the applicable zone applied. For example, the CD-2 will be applied to RDM Recycling in order to recognize their existing operation. Council and staff are creating zoning criteria as part of the rezoning process. Council is adopting the site plan approval process that allows Council to issue permits through Development Services, specific to a property, to address land use compatibility issues. Council will also consider any requests for any additional rights for existing operations or new operations as part of this strategy. This public information meeting is being held because RDM Recycling is asking for additional rights that it cannot get under the general wide policies. The C&D License By-law is required because there is only so much you can do under the MPSs and LUBs. Following this meeting, staff will make a recommendation to Council based on the comments this evening on whether or not they should consider this request under the current amendments.

4. PRESENTATION OF RDM'S PROPOSAL - BARRY ZWICKER, WALLACE MACDONALD & LIVELY

Barry Zwicker explained that Wallace Macdonald & Lively have been working with RDM Recycling trying to establish what we want to do on this site that is different than what we have been doing the last few years. In the context of the C&D policies and zones, RDM has a C&D processing facility which it has a license for. There are only 2 licenses for this type of use in this region. With the use of overheads, a plan of the existing operation was shown. We have identified on the ground where the various stockpiles and facilities are located as well as the height of the stockpiles. The C&D License By-law dictates how high these piles can be. We are clearly within the limits. Product comes on site and is weighed and separated. The materials that can be recycled are separated by type and placed in various piles. Materials which cannot be recycled in C&D residual waste. We are been grounding it on site and stockpiling it. The piles on-site today are materials after all the recyclable goods have been removed and it has been shredded waiting for disposal. We are asking HRM to give us the CD-3 Zone which will us allow to continue with the processing, recycling and will allow us, in a controlled environment, to properly dispose of the materials that no one else wants. These materials are wood, gyprock, insulation, carpeting which cannot be reused. An overhead was displayed which illustrated surface drainage. Mr. Zwicker identified the adjacent watershed which was taken into consideration as part of this proposal.

Barry Zwicker explained there are currently three processes underway (1) a license under the new by-law; (2) a zone which would allow operation of the disposal; and (3) a license from the N.S. Department of the Environment. All materials necessary for consideration of this application are currently before HRM and DOE. Our objective is to show Council we cannot do anything on this site which the By-law does not enable us to do. We will comply with all regulations. Disposal operation - green area is currently vegetated. We will not be cutting down any trees. Clay pit and automotive storage areas were identified. Setback line as required by DOE for a disposal operation (30 metres) was identified. The proposed CD-3 Zone establishes a further restriction by doubling the requirement set out by DOE. Within the Zone area, the C&D By-law sets out a further restriction where the disposal facility can actually be located. The License By-law establishes a separation of 150 metres from the lake for any part of the disposal operation.

Barry Zwicker displayed the engineering site plan for the construction of the cells. A one metre thick clay liner will be created and materials will be placed inside. Everyday the liner will be covered. Once they are filled to a certain height, a clay cap will be placed over it with vegetation on top of it. The maximum amount of space taken up by the clay liner will be 100 sq.ft. It will be excavated out approximately 6 metres and lined with a metre of clay so the water cannot penetrate through it. A leachate catchment facility (pipe) will be located around it. We do not believe that any liquid will come out of the material because it sucks up moisture. Because it is covered everyday, there will not be an opportunity for any moisture to generate. There is no requirement at DOE for a leachate collection facility. We are putting it in because, in an odd situation some liquid does come out of it, we want to be able to contain it. The catchment facility at the end will be monitored on a daily basis. This cell will get filled up from the 6 metres that we dig in the ground to 6 metres above the existing grade and will be capped. The material on the site which is shredded is the material which will be placed in the hole and covered. We have enough material to fill one-third of the cell. Taken into consideration what is being taken into the site now, we should be able to operate for another 20 years.

Barry Zwicker identified the Stormwater Settlement Pond. He explained rain will still fall on the site. We plan to direct the rain into this pond. It is currently not being done today. This system controls and properly deals with C&D waste materials that cannot be utilized anywhere else. Before this process was underway, most of these materials went to the landfill, the woods, or buried in your backyard. This site is ideally suited in terms of grades by being able to control water flow. The clay on this site has been tested and is of a high quality. We do not have to truck in material because there is sufficient material on-site to allow this operation to continue. The end product is a revegetated surface which will be an improvement to anything we have seen on this site.

Barry Zwicker explained in terms of the traffic issues, a survey was conducted over three days at Leiblin Drive whereas truck traffic was counted. We wanted to capture the vehicles coming and going into the Harrietsfield community. On June 21, 2001, there were 237 trucks - 1 ton or larger in size coming and going. This count took place from 8:00 a.m. to 4:00 p.m. Of those 237 trips, 20 were RDM, meaning 10 trucks came in and out. On the second days, there were 256 trucks - 28 trips of 14 vehicles. On the 26<sup>th</sup> of June, 262 trucks - 8 trips or 4 trucks. The purpose of this analysis was to provide HRM with a sense of what percentage of trucks are heading to RDM. These surveys were done on a Tuesday, Thursday and Friday.

5. QUESTION AND ANSWER PERIOD

Dan Goulden, 69 Gordon Stewart Drive stated he travels these roads a lot and believes he sees more trucks than the numbers provided. Are RDM Recycling willing to sign a legal document indicating if they are getting over 35 trucks per day that they will give up the CD-2 Zone?

Barry Zwicker indicated they would not be willing to agree. We would be prepared to agree if HRM puts a limit on every other business and if there is some way of enforcing it. We are not prepared to be isolated and frozen at some artificial level.

Dan Goulden stated that the numbers therefore do not mean much.

Barry Zwicker commented the numbers indicate what is going on there today. A disposal operation on this site will not increase the number of trucks coming and going. Material is coming to the site now to be processed and we are currently stockpiling it. The next exercise to the CD-3 Zone is to properly dispose of it. There will be no additional trucks as a result of this request.

Bruce Burns, Whitehead Road stated in the discussion regarding the survey for traffic, Sundays were failed to be mentioned. On Sunday, April 7, 2002, there were four Maritime Demolition trucks and two Royal Flush trucks hauling on that day. In terms of hours of business, he asked when is RDM Recycling permitted to operate? They should not be trucking on a Sunday. He indicated he works at the fire station which provides protection to the landfill and sees no need to bury materials on RDM's site because the landfill has more than adequate capacity. We all pay for the landfill!

Barry Zwicker stated the License By-law does not enable C&D operators to operate on Sunday.

Bruce Burns stated he counted six trucks on the morning of April 7, this number includes a one way trip. Since the trucks came in a convoy, people wonder what is taking place, especially on Sunday. This business should be run by the book. As a concerned citizen, he indicated he should have filed a complaint.



Barry Zwicker agreed that this business should not operate on Sunday.

Bruce Burns commented that half of the people in the room are associated with RDM Recycling, therefore, this is a stacked meeting.

Sue Coolen, 44 Gordon Stewart Drive asked those in attendance to raise their hands if they are residents. She again asked everyone associated with RDM Recycling to raise their hands. She referred to the statement made that RDM Recycling would agree to build a facility to treat leachate. She asked if the agreement could be made in writing?

Barry Zwicker explained it is in writing as part of their proposal.

Sue Coolen asked if Council is aware of how close this operation is located to a school and how are children are going to be affected? RDM will be burying materials which contain lead paint and asbestos and the children will be going to school for seven years almost directly across the street from the site. The children will be affected.

Barry Zwicker stated that HRM is aware of the school. Hazardous materials are not permitted in this site. Materials to be buried in the first cell is on the site today in stockpiles. There are restrictions in what can be put into this site. This is a very expensive operation to construct and operate properly. A License will be handed out to two or three operators in this region in total. If you lose your license, you can no longer operate and you would never be able to recover the investment that was made. DOE, HRM Inspectors and WML will be inspecting and monitoring the ground water and surface water on-site.

Sue Coolen asked why not locate this facility in an area that is not close to residents, school and people who will be directly affected?

Barry Zwicker stated there are a number of reasons why this site cannot be relocated such as suitability of the site. You cannot be located too far from the source, otherwise, people will be dumping these materials in the woods somewhere. It is important to have all of the pieces in a mix. This facility has to be located somewhere in HRM with easy accessibility, suitable in material and meet all of the other requirements set by HRM. If we do not meet the criteria, a permit is not issued. If we do not maintain it, we will lose it.

Kurt Pyle stated, in his opinion, Council is not fully aware that this facility is located close to a school. Council has been dealing with this issue at a general level. The purpose of this meeting is to provide comments to Council along with a staff report to provide a detailed analysis to Council. Staff's role is to provide Council with the full detail in terms of proximity to the school, etc.

Rene Quigley, 330 Whitehead Road questioned the By-law in terms of whether the \$2 million dollar bond is adequate. The bond of \$50,000 to remove the material seems very low. Mr. Quigley referred to Section 6 on appeals and stated he has difficulty with the latitude of the Administrator to be able to change the times of operation. This does not give us any security. He indicated he has concerns with how long the materials are able to sit on site, longer than one year but the major concern is the road. This is not a safe piece of pavement. If the Councillors of HRM had to stand along the side of the road for a day while the 250-300 trucks are traveling back and forth, they would consider doing something with it. How can the politicians allow the truck drivers to drive on a country road. We need a commitment from our elected politicians and a budget to fix the road. It is unsafe for our children and the residents who travel it. Our politicians have done a terrible job looking after the people of

Harrietsfield. He expressed concern that the administration will not do their job to ensure RDM does their job.

Kurt Pyle responded to the hours of operation. He indicated staff included a clause regarding hours of operation to make it reflective of the area the site is located. For example, Section 10(5) is for an area where there is residential houses and Section 10(6) is for areas such as Burnside Industrial Park where there should be flexibility. This is why an Administrator can look at it on a site by site basis to determine if the criteria are met.

Rene Quigley stated over the years there have been a number of court cases on business vs. government and the argument is that government is restricting the right on something that is already in writing. If you open up the door, it is good business sense to challenge this wording. There is too much flexibility in terms of being business friendly and not enough residential friendly. There is nothing in the By-law for the residents.

Kurt Pyle explained in regard to Section 10(6), this would not apply to RDM's site. In terms of issue regarding one year, it was requested by the Industry. The purpose is certain materials cannot be processed in a specific time frame. It requires time to accumulate before being shipped off. He explained that traffic was raised at the last meeting and he pointed out that the MLA for this area is in attendance this evening. Roads are the responsibility of the Province.

Shannon Macdonald, 50 Mercury Avenue directly behind RDM pointed out the traffic survey was done by a company directly employed by the interested party. The survey was conducted over a small representation of 3 out of 365 days and is not a statistical representation of what is going on out here. It is an insult to this community to present it as a valid survey. She states there is enough intellect on Council to dismiss this survey as being useless. She asked if this type of operation is in existence throughout Nova Scotia or elsewhere in Canada.

Jim Bauld responded in HRM there is no comprehensive C&D waste management in place. In particular, C&D disposal facilities does not exist in HRM.

Shannon Macdonald asked if a C&D processing program is in place in other communities?

Jim Bauld stated there are privately owned C&D disposal facilities in other communities across Nova Scotia and Canada, however, not in HRM as of yet. We currently have three applications for these facilities in HRM.

Shannon Macdonald stated there has been exhaustive work done by an engineering company to develop this plan and everything sounds wonderful in theory. She asked who will be responsible for monitoring and what will this community look like in twenty years when this facility is at the end of its workable life and we are still living here? DOE, municipal government, provincial government have demonstrated clearly across this country that they do not know what they are doing in terms of water supply. They are certainly not able to protect the public when it comes to the safety of our water supply. We are dependant in this community on wells and ground water. DOE has not produced a report that the community asked for a year ago.

Jim Bauld stated with respect to monitoring of the site, in the By-law there is a requirement for monthly reports of materials brought to the site and removed and locations of stockpiles. The By-law Enforcement Officer will regularly be visiting the site ensuring compliance with the separation distances as specified in the permit. Ground and surface water monitoring is a requirement of DOE.

Tim Veniot stated there is a requirement to conduct ground and surface water monitoring for the site. We have been working with DOE to get this site approved. They have a set of rules that are very vigorous. Usually, we identify the direction of water flow then the monitoring wells go down grade. This is intercepted and sampled on a regular basis. DOE has a requirement for quarterly and semi-annual sampling. DOE will take their own samples as well to ensure consistency. The idea is to track any changes of the ground water quality over time. If there is any contamination, the release would be very slow. We do not expect any leachate because the material comes from our houses which have been demolished. The material is wood with a coating such as the outside of a house which has been painted, asphalt shingles and insulation. If we protect this material from getting wet, it will actually soak up water. If the material is cut off from air and water, it will not degrade as quickly.

Jim Bauld stated DOE did baseline water sample testing at Shay's Lake last year and that information is available through the Freedom of Information Act.

Tim Veniot stated the information has been gathered. DOE has done surface water monitoring and we have all the information compiled in the applications prepared to date. The results can be made available. They are very characteristic of the surface and ground water of the area.

Jim Bauld indicated a requirement of any disposal permit issued by DOE is to establish a community liaison committee. There is one for Otter Lake and Miller Composting. The committee has ongoing oversight of the operation. Is this typically a requirement or a legislative one?

Tim Veniot stated it is not in the regulations but it is highly recommended because it guarantees the public has more input in the process.

Greg Welsh explained he moved to Harrietsfield when he was five years ago, he is 45 now. He has seen a lot of stuff go in the ground. He noted he is more concerned with what is already in the ground rather than construction materials going in a clay pit.

Randy MacPhee, resident of Herring Cove but owns a building lot across from Moody Lake. He explained he is sitting with residents of Moody Lake. He attended the meeting in Spring 2001 and believed at that time it was a witch hunt that was all water quality. If the water is no good, than his building lot is no good. As young of 15 years old, we had Nicholson's Auto Salvage and there were cars from the front of the lot to the back leaking antifreeze, brake fluid and transmission fluid. When it rains, all those materials would go into the gutter. If anyone is worried about water, they should study the first little lake down the road on the right. If it is still clean today, then there should be no problem with RDM's proposal. There are a lot of businesses in Harrietsfield which require trucking besides RDM. This processing facility has to go somewhere. This proposal is well put together. No matter where this is going, you will never satisfy everyone and they will always find a problem to address.

Michael Macdonald, 1305 Old Sambro Road adjacent to RDM. He indicated he moved to Harrietsfield with his parents in 1968 and watched Nicholson's Auto Salvage grow up to 1000 wrecked cars. He witnessed the oil and other liquids running into the ditch. Truck traffic has always been bad even before the roads were paved. He indicated he is pleased with what RDM is doing compared to what was there for 30 years. How can we squabble over a company that wants government in here with by-laws and rules to follow!

Jennifer Lake, Venus Drive explained that RDM's business plan looks promising. She sat in front of Council before and recommends their proactive approach to waste management. This site has to go somewhere and she appreciates the difficulty that HRM is having in picking an appropriate site. This site has the highest geographic elevation immediate to metro. This site backs onto a waterway which connects from here to Sambro. How can this particular site be environmentally acceptable? She pointed out that Mr. Pyle's presentation listed the amount of tonnage anticipated for the site. This equates to a phenomenal increase in truck traffic in this area. These trucks have to pass through the school zone. When did HRM put disposal ahead of child safety? Rezoning should not be allowed to jeopardize public safety. These measures have to be taken into consideration when picking an appropriate site. In all fairness to RDM Recycling, since they do have a viable business plan in an area which is predominantly residential, perhaps HRM can look at helping them relocate to a more appropriate site which does not affect the residents or children going to school.

Jim Bauld explained based on the information gathered by the industry and information within our own waste management industry, the amount of tonnage is an estimate. We will be given monthly figures from the operators. When the Sears building on Mumford Road was demolished, a lot of the material was crushed on site and used for infill around the grocery store and complex. Although this is part of the equation, it does not mean all the material will be coming to the site. Last night, RDM and consultants (WML) and Halifax C&D and consultants (Dillon Consulting) did a presentation to the Watershed Advisory Board. This Board has also looked at the issues of ground water, surface water and watershed, for the Harrietsfield and Antrim C&D requests. A similar meeting will also be held for Metro Construction proposal off the 118 Highway.

Dan Goulden, 69 Gordon Stewart Drive explained he lives 7 km away from the site but still has concerns about water. The water concerns are mainly for the school with approximately 220 young children. Children within 2.4 km of the school are required to walk to and from on a shoulder that is non-existent. He indicated he does not believe the truck count is accurate and increasing the truck traffic on this road will increase the danger to the children.

Jim Bauld explained that roads are a provincial responsibility. He indicated he is not sure if HRM Traffic Services has the ability to do a traffic count. Perhaps HRM and DOT could get together on this matter to try and have some traffic counts this spring.

A member of the public commented HRM is going to give a license for this facility to operate, however, you are washing your hands of the problem by saying this is a provincial matter. We are always getting caught in between the various levels of government. It is your responsibility as a legislative body to do the studies and accept the responsibility.

A member of the public stated the cars and trucks drive too fast. It would be beneficial to see the number of large trucks that have received speeding tickets.

Jerry Jones, Galaxy Park stated numerous speakers have mentioned the amount of waste they have witnessed in the ditches over the past 15 - 30 years. It is her hope that we have learned something in the last 15 years. Are the other 2 sites being considered in close proximity to residential areas? For example, would the trucks have to pass through an elementary school zone.

Jim Bauld responded one site is on a provincially controlled 100 series highway (No. 118) in behind Burnside Industrial Park. The other proposed site is off the Old Guysborough Road which has 8 homes within 3-4 km.

Jerry Jones asked if this will be taken into account when the final decision is made because one site is in the middle of a residential area with a school and the others are nowhere near houses. She referred to Mr. Zwicker's presentation and asked if RDM can apply for an extension to move their perimeters (for example, the red and blue lines identified on the overheads)?

Kurt Pyle stated the red line cannot be changed because it is provincial legislation. In terms of the blue and green lines, anyone can apply to amend the municipal planning strategies for any of the areas within HRM. In one year, RDM could decide they would like to change the 150 foot line back to 100. The final decision is made by Council. Because it is a plan amendment, Council is not obligated to consider it.

Brenda Nicholson, Galaxy Park asked for clarification on who prepares the monthly reports on what is being brought into the site? Who will ensure the reports cannot be altered?

Jim Bauld explained the By-law requires monthly reports on the hauling of material to and from the site and it must indicate tonnage and material type. The operator has to provide this database which HRM will review. We have to have some faith the system is working as intended. Periodical inspections will determine if material is accumulating in the stockpiles at a faster rate than reported.

Brenda Nicholson commented she grew up in front of Conways Auto Salvage. The ground is probably toxic like RDM's property. When trucks are hauling outside the regular hours (Sunday or evening), in her opinion, they are probably hauling material not allowed because outside these hours, there is no one we can phone.

Mike McDougall, 100 Acres Road expressed his concern with the water because of all the great fishing lakes in the area. First Lake feeds into another lake and so on. What will become of those lakes in 20 or 50 years?

A member of the public stated that RDM's land is commercial and if RDM is not there, it could be another junk yard. It is being well scrutinized, well organized and being watched.

Kurt Pyle clarified the current zoning on the property is residential and is considered a non-conforming use because it was there before the municipal planning strategy came into effect.

Chris Oakley, Harrietsfield noted there are currently 10 dumps in Harrietsfield. Harrietsfield has suffered enough and it is time to clean it up. It is time the government compensates Harrietsfield for all the junk the City of Halifax has been dumping here. He pointed out that Sackville residents were compensated for the landfill.

A member of the public asked who do residents call if trucks are hauling on Sunday?

Jim Bauld stated the question has been dully noted. He indicated he would follow-up with the By-law Enforcement Officer.

Dan Goulden asked if the representatives of Council could speak on their feelings?

A member of the public stated it would be wonderful to get rid of this site, however, they are operating a business and operating it well. The concern is with the new proposal because the residents do not want a burial site. They should be able to continue running their current operation but we do not want the burial site.

Councillor Adams stated he has made note of the comments regarding hours of operation, by-law enforcement and Sunday usage, keep the hours the same as written in the by-law and maintain the lines (setbacks). He pointed out that anyone can make a request to Council to change the setbacks. You can also make the request to tighten them. He also noted the lack of the shoulder in some areas of the road, truck traffic, water with regard the wells, lakes and watercourses, a new traffic study is needed perhaps done by DOT or HRM and the fact this is a school area. In May 2001, 35 questions were raised and they were addressed and sent out. Staff, Mayor and Members of Council were also provided with copies. The same idea of collecting information and concerns is taking place tonight which is why myself, Councillor Linda Mosher and Robert Chisholm are here.

A member of the public asked if Councillor Adams was going to support this proposal?

Councillor Adams responded he cannot share his opinion. He explained if he supports or does not support his proposal and made it public than the process is compromised. The public hearing is scheduled for June 11, 2002.

Robert Chisholm, MLA stated after the meeting last year, he raised the issue at the legislature and asked the Minister what he was going to do about it. He responded that Staff were going to be involved and monitoring what was happening. The zoning changes had to happen before the approval process would kick into place. He indicated he spoke with the Minister prior to this meeting and was assured that a status report would be forthcoming within the next few days. He indicated he would share the results. He expressed he would again raise the issue about the roads which as many other roads across the Province are not getting a lot of attention. The sidewalk issue, truck traffic and school needs to be addressed by DOT. He will be asking the Minister if a truck traffic study can be done for this area. There is already truck traffic and safety issues relative to this school. Any information that is received will be sent to those names on tonights attendance sheet.

A member of the public asked that the truck traffic survey be done at the school to see how many trucks are actually going to RDM?

Jerry Jones at the last meeting, a motion was put on the floor and a show of hands indicated the majority were against any proposed rezoning. She asked if the residents can depend of Mr. Chisholm's level of government to put pressure on Council to make sure we are heard.

Robert Chisholm stated a report was made out of the last meeting. Questions were asked and answers were provided. This meeting is part of the process. Your concerns are being heard.

Jim Bauld stated this is the first of three public information meetings. The purpose is to provide an opportunity for the proponent to present what they would like to do and what they have applied for. It is an exchange of information, hear your views and to learn how this proposal fits with the municipal planning strategy and land use by-law.

Valerie Gallant, Williamswood explained she has been a teacher at the elementary school for 27 years and a resident for over 20 years. She asked Councillor Adams if he was going to respect the motion that Jerry Jones referred to?

Councillor Adams stated the motion will be brought to Council's attention. He commented he could not support it in isolation.

Kevin Clowater, 1170 Old Sambro Road, owner of Royal Disposal explained the two trucks on the Sunday of April 6, 2002 belonged to him. RDM was not aware this was taking place because they could not be contacted. The trucks contained recycled beer bottles from Olands. Olands called him that day because the plant had broken down and they had a number of reject bottles. We normally do not run on Sundays.

Jerry Jones asked if the gates are locked on Sundays?

Kevin Clowater explained the gates are locked, however, he has access because of his friendship with Roy Brown.

Valerie Gallant explained she has no confidence in Mr. Clowater's statement because when she is on duty in the Spring of the year, the smell coming off his property is unthinkable.

Sue Coolen expressed we like to think that business people run their businesses according to the rules. Obviously this has not been the case. If a key has been given to Mr. Clowater, who else has a key and who will use it on off hours.

Councillor Linda Mosher clarified this is a public information meeting. We are here to gather information. She indicated she is in attendance as part of Chebucto Community Council which has four members. Her district abuts Councillor Adams and it is very important for your input. At the same time, we cannot commit either way. The process is to listen to the residents, gather information and staff will prepare a report. These meetings are held throughout HRM. A public hearing is held and we look at all the information and make a decision. We as politicians are not trying to duck the question by not giving a "yes" or "no". Legally, this is the process we must follow.

Rene Gallant, Williamswood and school teacher commented with all due respect to Councillor Mosher and her inability to deliver a commitment this evening, at all these meetings we get the same dog and pony show. We as residents want to tell the politicians how we feel. We took a vote at a previous meetings to collectively let the politicians know how we feel about the site. We are adamant that we do not want a burial site down there. We have expressed these opinions over and over again and nobody seems to listen. It gets extremely discouraging to have to attend these meetings and face a large audience and speak and try to deliver points with clarity and respect to everyone and walk away with the feeling you just wasted your time. It is the same feeling tonight. Our politicians do not seem to be listening or

be interested in what we have to say. We get the same song and dance, ie. we cannot make a commitment, we have to be careful. This whole process is very disgusting and as a community we cannot get our politicians to listen to us and go back and represent the majority of the people in the community.

Jack Stone, Moody Park Drive stated Mr. Bauld was quoted in the Halifax Herald on May 7, 2001 that the absence of an adequate liner under the material enables leachate to possibly contaminate surface water and wells for drinking water. Do you still stand by this statement?

Jim Bauld explained if the site is not properly managed and hazardous materials arrives at a site, "yes" leachate or any liquid could escape from the perimeter of the site if there is not a proper liner. There is a requirement set by DOE for a proper liner for a C&D facility.

Jack Stone indicated this liner consists of one metre of clay which Mr. Zwicker says does not permit water to pass through. In my experience with clay is that it absorbs water and eventually releases it. It is a matter of time before the water goes through the clay liner and into the ground water and surface water which will contaminate the waterways and wells of Williamswood (500-600 households). Council would be wise to say no to this proposal. Have we not learned lessons from Walkerton, Ontario where people died from contaminated water.

6. NEXT STEP (PROCESS)

Jim Bauld thanked everyone for their comments in which staff will follow-up on specific questions requiring comment. All comments will be transcribed into a summary report. All the information from the three public information meetings will be brought back with the proposed MPS/LUB amendments to the Solid Waste Advisory Committee on May 16, 2002. A recommendation will be made to Community Council who will schedule a public hearing in June 2002.

7. ADJOURNMENT

The meeting adjourned at 9:00 p.m.