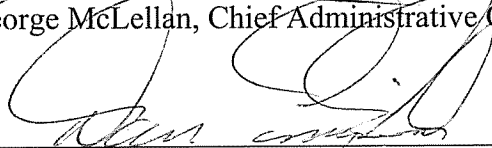


Halifax Regional Council  
September 10, 2002

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

**SUBMITTED BY:**

  
George McLellan, Chief Administrative Officer

  
Dan English, Deputy Chief Administrative Officer

**DATE:** September 4, 2002

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

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**SUPPLEMENTARY REPORT**

**ORIGIN**

- Staff Report, Dated August 19, 2002
- August 28, Public Hearing on proposed MPS and LUB to implement HRM's C&D Strategy
- Council's motion to adopt staff recommendations pending receipt of additional information provided by this report

**RECOMMENDATION:** It is recommended that Regional Council:

1. Adopt amendments to all of HRM's Municipal Planning Strategies and Land Use By-laws to regulate the construction and demolition waste industry (Attachments I through XXXVII, inclusive) including:
  - a. The creation of a CD-1 Zone (C&D Transfer Stations), a CD-2 Zone (C&D Processing Facilities) and a CD-3 Zone (C&D Disposal Sites) Zone; and
  - b. Pursuant to the proposed Municipal Planning Strategy policies rezone the following *existing* construction and demolition operations as follows:
    - i) Halifax C&D site, on Mills Drive in Goodwood, rezoned from I-1 (Light Industry) Zone to *CD-2 (Processing Facilities) Zone (AS PER MAP 1 - Staff Report dated August 19, 2002)*;

**PLEASE BRING THE AUGUST 19<sup>TH</sup> REPORT TO THE SEPTEMBER 10 SESSION. THAT REPORT CONSOLIDATES ALL INFORMATION RELEVANT TO THIS PUBLIC HEARING.**

- ii) RDM Recycling Ltd. site, on Old Sambro Road in Harrietsfield, rezoned from R-2 (Two Unit Dwelling) Zone to *CD-2 (Processing Facilities) Zone* (AS PER MAP 2 - Staff Report dated August 19,2002);
  - iii) Halifax C&D Ltd. site, on Ross Road near Cole Harbour, rezoned from I-1 (Light Industry) Zone to *CD-1 (Transfer Stations) Zone* (AS PER MAP 3 - Staff Report dated August 19,2002); and
  - iv) Preston C&D Ltd. site (currently subject to a development agreement), in North Preston, rezoned from MR (Mixed Resource) Zone to *CD-2 (Processing Facilities) Zone* (AS PER MAP 4 - Staff Report dated August 19,2002).
- 2. Delete the definition of “Construction and Demolition Materials Processing Facility”, in the draft by-law amendments, and replace it with the definition provided in Attachment 1 of this report;
  - 3. Delete Section 8 of the Amendments to the Land Use By-law for Planning District 5 (Chebucto Peninsula) and replace it with the new section provided in Attachment 1A of this report;
  - 4. Refer the issue of higher liner standards to the Solid Waste Resources Advisory Committee, to consider as part of further revisions to C&D License By-Law L - 200; and
  - 5. Request the Province to amend the Municipal Government Act to permit extensions to the notification and appeal area for Site Plan Approval.

## SUMMARY

During the course of the Public Hearing, a number of questions were raised for which clarification has been requested. These matters of clarification fall under three categories:

- Questions pertaining to the C&D Strategy (no changes are recommended);
- Questions related to the proposed MPS/LUB amendments (minor changes are recommended); and
- Questions pertaining to the C&D License By-law (no changes at this time and the issue of liners go to SWRAC).

Questions raised at the Public Hearing have been considered and responses are provided in this report. Additionally, staff have provided individual recommendations in response to each question in order to assist Council in its deliberations.

The staff recommendations provided in this report are summarized as follows:

- Recommendations 1, a and b are identical to those in the previous staff report which was considered at the Public Hearing;
- Recommendations 2 and 3 respond to matters raised at the Hearing that were of a minor nature and could be included into the proposed amendments without a new public hearing. The amendments are to provide clarification on the definition of a C&D processing facility and the land to be rezoned for the existing RDM recycling facility. Both amendments were agreed to by Council at the public hearing;
- Recommendation 4 relates to the C&D License By-law, which is separate from the proposed amendments to planning documents and would require a separate public hearing. Prior to taking such action, staff are recommending this issue be sent to SWRAC for review and comment; and
- Recommendation 5 relates to a request to amend to Municipal Government Act to expand the notification and appeal rights for Site Plan Approval (new recommendation).

Staff are not recommending that:

- the separation distance between a C&D disposal facility and a park or wilderness area be increased to 5 kilometers. This degree of separation is unnecessary and eliminates most opportunities to develop disposal sites close to the source of generation; and
- development agreements be used to regulate C&D operations. The C&D License By-law addresses most of those items which a development agreement would. The C&D License By-law however gives Council more flexibility to change requirements since the license has to be renewed annually. Council can therefore include new conditions at the time of renewal. Further, the provisions of a development agreement would conflict with the requirements of the C&D license By-law.

## **DISCUSSION**

The questions raised at the public hearing, and corresponding staff responses are presented as follows:

### **A. Questions Related to the C&D Waste Management Strategy**

#### **1. Should HRM own and operate C&D disposal operations?**

The ISW/RMS developed by the CSC and adopted by Regional Council in 1996 is premised on the private sector playing a major role in the handling and processing municipal solid waste. This includes the management of C&D materials. The CSC strategy also noted that the disposal of C&D materials in a mixed waste landfill was not desired as the nature of the C&D material did not require a double liner system. If HRM becomes directly responsible for the management of C&D materials it would be a fundamental shift in policy having major implications for the Region, administratively and financially. The existence of a local, well-established private C&D industry, governed by HRM and the Department of the Environment and Labour (DEL) By-laws and regulations, negates the requirement for the Region to provide financial and other resources to directly manage C&D materials.

**Recommendation:** *That C&D materials continue to be managed by the private sector.*

#### **2. Why not establish a C&D disposal site at Otter Lake?**

Accommodating C&D disposal at Otter Lake is not being considered at this time for a number of reasons. First, the mixed waste processing and disposal facilities at Otter Lake were not designed to accept, process and dispose of C&D materials. Processing C&D materials at the Front End Processing facility and disposing of the residuals at the landfill would be a expensive proposition and would decrease the effective lifespan of these facilities.

Although separate facilities could be developed to accommodate C&D at Otter Lake, this approach presents other issues, most notably that this would be a major shift in current regional policy. The Regional Waste/Resource Management Strategy is premised upon a principle that communities throughout the region share responsibility for hosting various components of the waste management system. The use of Otter Lake as a “campus” for various components of the system is contrary to this principle and was ruled out at the time the regional strategy was prepared by the Community Stakeholders Committee and adopted by Regional Council.

Another premise of the regional waste/resource strategy is that management of certain aspects of the waste stream by public sector facilities should be minimized. The purpose of this is threefold:

- to minimize overall system costs to taxpayers;
- to maximize local business opportunities; and
- to ensure that costs associated with producing waste (ie. construction and demolition) are apportioned to the generators of such waste.

Capital costs associated with establishing a C&D processing and disposal operations at Otter Lake are an estimated \$3 to \$4 million with annual operating costs estimated to be in the order of \$1 million. These would be added costs to the overall system which could be avoided by encouraging private sector participation.

**Recommendation:** *That Otter Lake facility not be used for the disposal of C & D materials.*

**B. Questions Pertaining to Proposed MPS/LUB Amendments:**

**3. Impact of a 5 kilometer setback from Provincial parks and wilderness areas?**

As is noted in the staff report dated August 21, 2002, and at the Public Hearing on August 25, 2002, a 5 km separation distance from a provincial park and a wilderness area, (and as well a federal and municipal parkland) could result in either:

1. eliminating the location of a C&D disposal facility in HRM; or
2. restricting C&D disposal sites to areas too far from sources of generation, thus increasing the potential for more illegal dumping.

Waste management facilities such as an open windrow composting or a mixed waste landfills, which are generally considered to be a greater potential risk (by nature of the materials they receive) than a C&D disposal facility, require a minimum separation distance of 1 km. If Council wishes to implement a 5 km setback from parks and wilderness areas, none of the three proposed C&D disposal facilities would be able to meet this separation distance. Furthermore, two of the three sites could not meet a 1 km separation distance.

Establishing a separation distance from parks and wilderness areas as part of the proposed planning strategy amendments would be a major change and require a separate public hearing. Staff does not feel a 5 kilometer setback from a park or wilderness area to be necessary.

**Recommendation:** *That no changes be made to the proposed amendments relative to separation distances from Park and Wilderness areas.*

**4. Status of the North Preston C&D site?**

Staff have commenced legal action against Preston C&D for non-compliance with their development agreement and regulations of Halifax Regional Fire and Emergency Services. Legal Services are recommending that any update on the status of the operation be provided In-Camera.

**Recommendation:** *That staff provide a status report on Preston C&D at the Council's next In-Camera session.*

**5. Development Agreement versus Site Plan Approval?**

A development agreement is a contract between the Municipality and an applicant for a specified use which may address a wide range of issues including hours of operation, landscaping, maintenance, location of buildings, etc. Site Plan Approval is not a written contract but rather, a development approval based on a drawing/plan (which may contain written notations) provided by an applicant. The site plan may establish certain measures related to land use matters such as buffering, retention of vegetation, location of driveways, stormwater management, etc. and sets out the conditions under which a municipal development permit is issued.

It should be noted that, in the case of the proposed C&D Strategy implementation, site plan approval is part of an integrated regulatory framework. Site plan approval works in conjunction with C&D Zone standards, the rezoning process, and HRM's C&D License By-law to regulate C&D operations. This approach was approved by Council in October of 2001 after discussing options (as-of-right, rezoning, and development agreement) for considering C&D operations.

The C&D License By-law addresses similar issues as a development agreement but also provides a higher degree of control over certain operational aspects than can be provided through development agreements. Additionally, the License By-law, requires operators to renew their permits annually subject to regular site inspection and re-evaluation. A development agreement would undermine the flexibility of the C&D license By-law. Furthermore, should a municipality wish to amend a development agreement, it requires the land owner's consent. This is not the case if Council wishes to amend the C&D License By-law. For example, should Council decide to amend the C&D License By-law in 2003 to increase liner standards, C&D operators would have to meet the new standard as a condition for a 2004 operating permit. In the case of a development agreement, Community Councils would be required to amend each development agreement to implement the new standard.

**Recommendation:** *That the proposed amendments not be revised to require development agreements for the reasons stated above.*

## **6. Can the notification area for Site Plan Approval be Increased?**

Under the Municipal Government Act, "every assessed owner whose property is within thirty metres (100 feet) of the applicant's property" is required to be notified as part of the site plan approval process. The notice sets out the right to appeal the decision of the development officer relative to the submitted site plan. Consequently, if a person does not own land within the 30 metre radius, they may not appeal the site plan.

As the appeal process is set out in provincial legislation, and as the legislation does not enable extensions to the notification radius, further extension of the notification area beyond 30 metres may not be considered. Extending the notification area requires an amendment to the Municipal Government Act.

**Recommendation:** *That Council request the Province to amend the Municipal Government Act to allow municipalities to notify and accept appeals from land owners beyond 30 metres from the site of a site plan approval application.*

## **7. Community Liaison Committee versus Community Monitoring Committee?**

Establishment of a Community Liaison Committee (CLC) as a condition of permitting a C&D disposal operation is currently at the discretion of the Province. The proposed planning strategy amendments would call on the Province to require all operators of C&D disposal facilities within HRM to establish a CLC. Staff has been requested to clarify the difference between a CLC and a Community Monitoring Committee (CMC), such as the one established to monitor operations at the Otter Lake facilities.

A CLC is intended to serve as a link between the operator of a C&D disposal operation and the nearby community. Membership generally includes adjacent property owners, interested citizens, the permit holder and the municipality. Regular meetings provide an opportunity for the local community to become familiar with the operations and to regularly tour the facility. A CLC provides a forum in which the facility operator, municipality and community can discuss ongoing operational issues, changes in operations, and respond to any questions or concerns raised by local residents.

The Community Monitoring Committee (CMC), established in conjunction with the facility at Otter Lake, has a more formal role. Establishing of a CMC is a requirement of the contract between the HRM and MIRROR Nova Scotia, the operator of the site. The CMC has a specified role and responsibilities defined under the contract. Its membership is elected from the Waste Resources Society, a body registered under the Societies Act of Nova Scotia. HRM provides financial (\$65,000 annually) to the CMC, which covers expenditures for secretarial and staff support, public notices, meetings, data analysis, information management etc.

**Recommendation:** *That no changes be made to the proposed amendments. (Community Liaison Committee)*

### **C. Questions Related to the C&D License By-law**

#### **8. What impact would increasing liner standards have on tipping fees?**

The Integrated Solid Waste/Resource Management Strategy proposed that there be facilities to manage C&D materials. The establishment of a C&D disposal facility supports the objective of the strategy.

Enhanced design requirements for a C&D disposal liner, above the one meter clay liner as specified by DEL, would increase the capital investment by the C&D facility owner. The requirement for a higher design standard would have one of two effects.

- a) The C&D applicant would increase the tipping fee to recover the increased infrastructure costs. Higher C&D disposal fees will be a disincentive for the public seeking to properly dispose of C&D materials. Increased illegal dumping of C&D materials can be expected with higher C&D disposal costs. The requirement for a higher design standard than required by the Province could lead to the exportation of C&D materials to other communities in Nova Scotia, despite HRM recently adopting By-law S-602 that prohibits C&D and other solid waste materials from being shipped out of the municipality. This would result in HRM losing RRFB Diversion Credit revenues. Also, this course of action would place additional pressure on Council to allow for the disposal of C&D materials at the Otter Lake facility.
- b) A higher design standard may also lead those in the local C&D industry to conclude that the establishment of a C&D disposal facility in the HRM is not economically viable, again leading to illegal dumping, the exportation of C&D materials for disposal, or the use of the Otter Lake facility for disposal.

The design standards for a liner at a C&D disposal facility are defined in The Nova Scotia Department of Environment and Labour Construction and Demolition Debris Disposal Site Guidelines. This Provincial standard was adopted in 1997 after an extensive review and assessment process. DEL has the authority and technical expertise to require enhanced design requirements including, "liner systems, leachate management systems and other control infrastructure." DEL is the appropriate agency to

administer these provincial standards. DEL would review the characteristics of each potential disposal site and apply higher design requirements if necessary.

**Recommendation:** *That the Department of the Environment and Labour determine the design standard of C&D liners on a case by case basis.*

#### **9. Can HRM supercede the Provincial requirements relative to additional liners?**

HRM can establish standards or regulations that are more stringent than Provincial requirements. Under the Nova Scotia Department of the Environment Construction and Demolition Debris Disposal Site Guidelines minimum of 1 m of soil with a hydraulic conductivity of  $1 \times 10^{-5}$  cm/sec or less is required between the lowest elevation of any of the waste and the highest elevation of the ground water or bedrock. If the standard were to be increased to  $1 \times 10^{-6}$  cm/sec the percolation rate would increase by a factor of 10 to approximately 3 years (1,157 days) and 30 years (11,574 days) if the standard is set at  $1 \times 10^{-7}$ . Under the Provincial guidelines, if leachate is generated from a disposal site the operator would be required to install a leachate control system at that time.

**Recommendation:** *That the issue of higher liner standards be referred to the Solid Waste Resources Advisory Committee, to consider as part of further revisions to C&D License By-Law L-200.*

#### **10. How should water supply issues and fire fighting capabilities be addressed on C&D Sites?**

As contained in the staff report (attachment #1) dated August 21, 2002 the HRM C&D License By-law requires every C&D facility operator to submit a fire/emergency plan for review and approval by Fire and Emergency Services. By Law L-201, Section 10. (2) (iv) specifies that; "An Operational Plan indicating... a fire safety plan which meets the requirements of the National Fire Code of Canada 1995, Section 3.3 Outdoor Storage as approved by the Chief Director Fire and Emergency Services...". Where an application has been received for a C&D facility in an un-serviced area, Fire and Emergency Services will determine if the existing water sources (ie lakes, ponds, rivers) are sufficient, or if a man-made water retention pond or cistern is required.

Fire and Emergency Services has advised that loose piles of mixed, unsorted and unprocessed C&D materials are more of a fire safety concern than processed sorted stockpiled C&D materials. By Law L-200 requires the disposal of all C&D materials within 48 hours of receipt of same, at a C&D disposal facility with the removal of C&D materials that cannot be disposed within 30 days. Fire and emergency Services have advised that the limitations on stockpile size, location of materials and separation distances in By Law L-200 are more restrictive than the National Fire Code and satisfy the concerns of the Fire Prevention Division.

**Recommendation:** *That no changes be made to By-law L-200 to address the issue of fire prevention and control.*



**11. How far should C&D stockpiles be setback from tree/forest lines to prevent forest fires?**

A resident requested that a 250 metre set back requirement be established from the edge of a C&D stockpile to a tree or forest line. Under By-law L-200, a stockpile for a C&D disposal operation must be setback 60 metres from a property line. The C&D Strategy requires an applicant to provide buffering along the boundary of the development. Thus, the 60 metre setback would be increased approximately 4 times and would significantly reduce the number of potential C&D sites.

Under the National Fire Code of Canada requires 30 meters between stored products and brush or forested areas. As stated in the response to Question 11, HRM Fire and Emergency Services will evaluate such sites prior to a license being issued. The determination of an adequate setback requirement should be left to Fire and Emergency Services.

**Recommendation:** *That a setback requirement for a stockpile from a tree or forest line be determined at the C&D licensing stage.*

**12. Should the amount of Liability Insurance be increased?**

As noted in the staff report dated August 21, 2002 (see Attachment I) the C&D License By-law requires \$2,000,000 third party liability insurance. Initially, the License By-law required only \$1,000,000 in liability insurance. It has now been suggested that the insurance be increased to \$5,000,000 and include pollution and cleanup (ie., environmental) coverage. The increasing of the insurance to \$5,000,000 and environmental coverage will have major implications for existing licensed C&D operators. C&D operators have requested that the existing coverage of \$2,000,000 continue until their license expires on December 31, 2002, and that if 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.

**Recommendation:** *That no change be made in the amount of insurance until further study is conducted on the impact of the proposed increase on existing and future C&D operations.*

**13. Should HRM require test holes on all C&D disposal sites?**

The purpose of test holes on a C&D disposal site is to determine whether or not leachate has been created and an indicator to the operator that action needs to be taken to address the cause. Ground water monitoring wells (ie. test wells) and a regular ( usually quarterly) monitoring regime are a requirement for every disposal facility in Nova Scotia approved by DEL. The Provincial C&D Debris Disposal Guidelines requires, " ground water monitoring wells including at least one groundwater monitoring well installed hydraulically above the gradient of the site and at least three monitoring wells installed hydraulically below the gradient direction." The DEL may also require, " additional management systems or other control infrastructure... based upon the volume of materials and the environmental sensitivity of the area or the nature of the materials to be accepted."

**Recommendation:** *That ground water monitoring (ie test wells) of a C&D disposal site continue to be handled by the Department of the Environment and Labour.*

## **BUDGET IMPLICATIONS**

Most aspects of administration and enforcement related to C&D operations will be addressed 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. This would be contrary to a municipal ban on such a practice and would result in a loss of 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 to approve the proposed Plan and Bylaw amendments presented in the August 19, 2002 staff report, along with minor revisions identified in this report. This is the recommended course of action.
2. Council may choose not approve the proposed amendments. This course is not recommended as the proposal implements HRM's C&D Waste Management Strategy in a reasonable manner.
3. Council may choose to adopt the proposed amendments except for provisions which rezone existing C&D operations. This is not recommended as these are legally existing operations and it is believed that the proposed amendments provide reasonable controls on these operations and any expansions or changes which may be considered.
4. Any other changes to the proposed amendments which Council might wish to consider will require staff to consider and report on implications for the remainder of the amendment package. Based upon the significance of the changes the legal implications of public notice and due process will also have to be considered.

## **ATTACHMENTS**

Attachments 1 and 1A:	Minor Revisions to Amendment Package
Attachment 2:	Staff Report dated August 19, 2002

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:

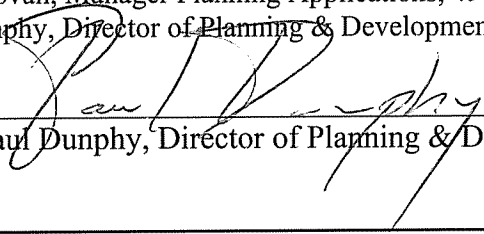
Kurt Pyle, Planner, 490-4428

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

Jim Donovan, Manager Planning Applications, 490-6782

Paul Dunphy, Director of Planning & Development Services

Report approved by:

  
Paul Dunphy, Director of Planning & Development Services

**MINOR REVISIONS TO AMENDMENT PACKAGE**

**ATTACHMENT 1**

Delete the definition for “Construction and Demolition Materials Processing Facility” from the proposed land use by-law amendments and replace with the following:

**“Construction and Demolition Materials Processing Facility, hereinafter referred to as a C&D Processing Facility, means lands and/or buildings or part of a building used to sort, alter, grind, or otherwise process, C&D Materials for reuse or recycling into new products, and shall not include a Used Building Material Retail Outlet, an operation that processes inert C&D Materials on the site of generation and the material processed does not leave the site except for inert C&D Materials described in Sub-Section 9(3) of HRM By-law L-200, de-construction of a building on site, a municipal processing facility for used asphalt and concrete, or facilities associated with reclamation of a gravel pit or quarry operations licensed by the Province of Nova Scotia or forestry manufacturing processes.”**

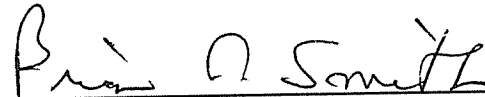
**ATTACHMENT 1A**

- “8. Amend Schedule A (Planning District 5 (Chebucto Peninsula)) of the By-law to rezone a portion of the property (PID#41056102) as shown on Map2 attached to this report from R-2 (Two Unit Dwelling) Zone to CD-2 (C&D Materials Processing Facilities) Zone.”**

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