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Halifax Regional Council

June 17, 2003

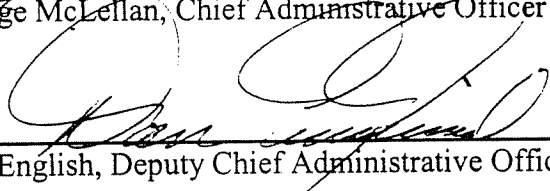
June 24, 2003
August 19, 2003

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:



George McLellan, Chief Administrative Officer



Dan English, Deputy Chief Administrative Officer

DATE: June 11, 2003

SUBJECT: By-Law S-603 to Amend Solid Waste By-Law S-600

ORIGIN

Several amendments to Solid Waste By-Law S-600 are required. By-Law S-600 provides a framework for implementing the HRM Solid Waste Resource Management Strategy, Provincial landfill bans and Solid Waste Resources collection requirements. The proposed amendments are combined in By-Law S-603.

RECOMMENDATION

It is recommended that:

That Council give first reading to By-Law Number S-603, as included with this report as Appendix A, and set a date for a Public Hearing.

BACKGROUND

In the fall of 2002, a new Solid Waste Collection RFP was issued. Upon drafting this RFP and reviewing of the current collection system, there were several issues which required addressing. One of these is the maximum allowable container/bundle limit for home renovation materials and the limit for bundles of branches and brush. From the number of enquiries arising in these areas, it was felt that these limits should be increased to enhance the current level of service. This change was previewed with SWRAC and Council last fall, and is part of the new residential collection contracts which take effect in July.

Another issue is that of solid waste disposal at unoccupied premises. Currently, unoccupied premises are eligible for regular collection services, which has led to unacceptable materials (mostly construction and demolition debris) being left at the curb for collection, as well as an increased occurrence of illegal dumping at these properties.

Solid Waste staff have been working with IC&I properties, including apartment buildings, to assist with the implementation of source separation programs to ensure they comply with the provincial disposal bans. The more responsible property owners/managers were already source-separating or began once there was supportive contact made by municipal staff. However, there are still some who provide inadequate services to their tenants. The provincial landfill bans apply for organics and recyclables at all apartments, regardless if they are eligible or not for curbside collection. To date, HRM has had no direct means of enforcing source separation for those apartments that do not receive curbside collection, as it has not been a requirement in the HRM Solid Waste By-Law. The proposed amendments will change this.

Finally, some changes are proposed to the restrictions in the provisions of By-Law S-600 that pertain to the potential export of solid waste from HRM. The export restrictions appear to be working as intended, but staff have identified some materials that should be listed as not coming under the restrictions.

DISCUSSION

The explanation for the proposed Amendments is as follows:

- 1) The definition of "residential home renovation waste materials" is clarified to describe the type of renovation materials that can be placed at the curb for collection. This will prevent unacceptable and/or overweight materials from being placed and collected from the curb

The definition of "provincial disposal bans", "residential home renovation waste materials", and "Administrator" have been added; these are referred to in the proposed amendments of the By-Law. (Section 1, Section 2)

- 2) A requirement for source separation in residential (municipally serviced) properties has been specified. Although this requirement exists in the current By-Law, it has been strengthened to clarify that the owner/occupier is responsible for separating waste at the point of generation, in order to comply with the provincial disposal bans. (Section 3)
- 3) The definition of "eligible premises" is clarified to prevent material not generated from the same property being placed at the curb in front of an unoccupied property. However, collectible materials originating at the unoccupied premises remain eligible for collection. (Section 4)
- 4) The residential home renovation waste materials limit and the branch bundle limits are increased and correspond to the new Solid Waste Residential Collection contracts. The limits have increased from 2 to 5 containers or bundles in order to enhance service levels for residents. The language of this section has also been broadened to recognize that renovation waste may be generated by the property owner or a contractor on behalf of the property owner. (Section 5)
- 5) A requirement for source-separation in the IC&I sector is added, outlining the responsibilities of the owner and occupier. These requirements correspond to the Provincial solid waste disposal bans and will allow HRM enforcement for those properties which we have been working with but continue to be non-compliant. (Section 6)
- 6) A requirement for source separation containers to be present in IC&I properties is added, which will enable owners and tenants the ability to source separate their waste at the point of generation. This corresponds to the Provincial solid waste disposal bans. (Section 7)
- 7) This final revision clarifies the type of waste materials included in restrictions upon exporting for disposal outside the HRM, and identifies specific waste by category (i.e., recyclable material from ICI properties, international waste, pathogenic or biomedical waste, dangerous goods, hazardous waste materials, septic tank pumping, raw sewage, industrial sludge and contaminated solids and soils) which would generally not be covered by the export restrictions. (Section 8)

BUDGET IMPLICATIONS

None.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

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

BY-LAW RATIONALIZATION COMMITTEE

The recommended amendments have been reviewed and approved by the By-Law Rationalization Committee and have been "Approved to Form" by the Municipal Solicitor.

ALTERNATIVES

N/A

ATTACHMENTS

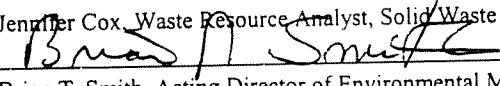
Appendix A, By-Law Number S-603.

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 4210, or Fax 490-4208.

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Report Approved by:


Brian T. Smith, Acting Director of Environmental Management Services 490-6606

Appendix "A"

HALIFAX REGIONAL MUNICIPALITY BY-LAW NUMBER S-603

Respecting Amendments To By-Law S-600 Solid Waste Resource Collection and Disposal By-Law

BE IT ENACTED by the Council of the Halifax Regional Municipality that By-Law S-600, the Halifax Regional Municipality Solid Waste Resource Collection and Disposal By-Law be amended as follows:

1. (1) Clause (u) of Section 2.1 of said By-Law S-600 is repealed and the following substituted therefor:
 - (u) "Administrator" means a person appointed in writing by the Chief Administrative Officer to administer this by-law, or a person appointed by the Administrator as his designate;
- (2) Subclause (v) of clause (x) of Section 2.1 of said By-Law S-600 is deleted and the following subclause substituted therefor:
 - (v) residential home renovation waste materials;
- (3) Said Section 2.1 is further amended by adding immediately after clause (ff) the following clause:
 - (ffa) "provincial disposal bans" means materials banned from disposal in landfills and incinerators under the Solid Waste - Resource Management Regulations of the Environment Act of the Province of Nova Scotia as updated and amended from time to time.
- (4) Said Section 2.1 is further amended by adding immediately after clause (ii) the following clause:
 - (iia) "residential home renovation waste materials" means construction and demolition waste generated as a result of residential home construction, demolition, or renovation activities and includes pieces of gyprock, pieces of scrap wood, rolled carpet and rigid polystyrene foam or fibreglass insulation;

2. By-Law S-600 is further amended by deleting the words “Manager” or “manager” wherever they appear in the by-law and by substituting therefor the words “Administrator” or “administrator” respectively.

3. Section 4.1 of said By-Law S-600 is amended by:
 - (A) deleting the word “and” from the end of clause (g);
 - (B) replacing the period at the end of clause (h) with a semi-colon and by adding the word “and” immediately after the semi-colon; and
 - (C) adding immediately after clause (h) the following clause:
 - (i) source-separate all collectible waste generated from eligible premises at the point of generation so as to comply with the provincial disposal bans and to facilitate their recycling, composting or disposal in accordance with the Municipality’s waste resource management system.

4. (1) Section 5.1 of said By-Law S-600 is amended by adding immediately after the word “following” the words “occupied dwellings, buildings and types of premises, when they have been granted an occupancy permit by the Municipality”.

- (2) Said By-Law S-600 is further amended by adding immediately following subsection 5.2, the following subsection:
 - 5.3 Where a property of the type listed in clauses (a) to (e) of subsection 5.1 does not qualify as eligible premises solely because the premises are not occupied, the owner of the said premises may place waste materials originating from the same premises at the curbside for municipal collection as specified in accordance with this by-law.

5. (1) Clause (b) of Section 6.1 of said By-Law S-600 is repealed and the following clause substituted therefor:
 - (b) For eligible premises which are single family dwellings or multi unit residential dwellings, residential home renovation waste materials may be placed for municipal collection to a maximum of five (5) mixed waste regulation containers or bundled materials per unit per mixed waste collection day. The number of bundles shall be included in the ten (10) mixed waste regulation container limit as provided for in Section 6.1 (a) (ii). Such bundled materials may be no more than 1.2 metres in length and 34 kilograms in weight.

(2) Sub-clause (iii) of clause (j) of said Section 6.1 is amended by deleting the words, symbols and numbers “two (2)” from the first line thereof and by substituting therefor the words, symbols and numbers “five (5)”.

6. Said By-Law S-600 is further amended by adding immediately after subsection 12.1 the following subsections:

12.2 The property owner of an industrial, commercial or institutional premises shall ensure that adequate space is provided on the premises to accommodate containers for the collection of source-separated ICI waste, organic materials and recyclable materials generated at the premises so as to comply with the provincial disposal bans and to facilitate their disposal, composting or recycling in accordance with the Municipality’s waste resource management system.

12.3 The occupant of an industrial, commercial or institutional premises shall:

- (a) source-separate all waste generated in the occupant’s unit or portion of the building at the point of generation into ICI waste, organic materials and recyclable materials so as to comply with the provincial disposal bans and to facilitate their recycling, composting or disposal in accordance with the Municipality’s waste resource management system; and
- (b) place for collection the source-separated material in containers in accordance with Section 13.1 at the storage areas on the property as designated by the property owner.

7. (1) Section 13.1 of said By-Law S-600 is amended by deleting clause (j) and by substituting therefor the following clause:

(j) The owner of any industrial, commercial or institutional premises may make use of aerated or other organic or recyclable materials containers specifically designed and approved for the storage and collection of source-separated organic or recyclable materials from industrial, commercial or institutional premises provided that the owner complies with the other applicable requirements of this Section 13.1.

(2) Section 13.1 is further amended by adding immediately after cause (l) the following clause:

(m) The owner of any industrial, commercial or institutional premises shall ensure that commercial containers on the premises:

- (i) accommodate source-separated waste generated at that location;

- (ii) are designed and constructed such that the waste (ICI waste, organic materials and recyclable materials) remains in a source-separated condition; and
- (iii) are easily accessible to the occupants.

8. Section 16.5 of said By-Law S-600 is deleted and the following substituted therefor:

16.5 For the purpose of 16.3 and 16.4, solid waste means solid waste materials including but not limited to collectible waste, industrial/commercial/institutional waste, construction and demolition waste, mixed waste, and organic materials but does not include recyclable materials from industrial, commercial and institutional premises, international waste, pathogenic or biomedical waste, waste dangerous goods, hazardous waste materials, septic tank pumpings, raw sewage, industrial sludge and contaminated soils and solids as defined by appropriate regulatory bodies having jurisdiction from time to time and as determined by the Administrator or person designated to act in place of the Administrator.