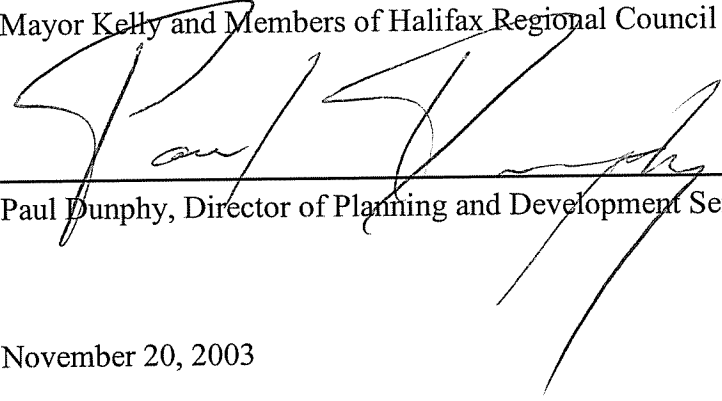


**Halifax Regional Council**  
**November 25, 2003**

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

**SUBMITTED BY:**   
Paul Dunphy, Director of Planning and Development Services

**DATE:** November 20, 2003

**SUBJECT:** Update on RDM's C&D Disposal Site

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### **INFORMATION REPORT**

#### **ORIGIN**

- In 2002, Regional Council adopted a Construction and Demolition (C&D) Waste Management Strategy for HRM which included the designation of two sites for the disposal of construction and demolition materials.
- On October 27, 2003, Regional Council received an Information Report dated October 23, 2003, on C&D Disposal Sites which gave an update on the two designated sites.

#### **DISCUSSION**

##### **Status of Application**

Regional Council applied the CD-3 Zone to the RDM Recycling in Harrietsfield acknowledging that the use could not be established until four additional approvals were obtained. The status of these four approvals is shown below:

Approval	Current Status
Planning & Development Services Approval	Development Permit Issued (Site Plan Approved)
C&D License By-law	License Issued
Dept. of the Environment - Staff Review	Completed
Minister of the Environment - Decision	<i>Rejected</i>

RDM's proposal has been rejected by the Minister of the Environment for the following reasons:

“Based on the existing impacts resulting from the current activity on the site, the Department has decided to apply the precautionary principle referenced in Section 2(b)(ii) of the Environment Act and not issue the Approval for the proposed activity pursuant to Section 52(1) of the Environment Act, which states that when deciding whether a proposed activity should proceed, the Minister shall take into consideration the acceptability of the proposed activity location and also the adverse effects associated with the proposed activity.”

The “existing impacts” referred to by the Minister are elevated levels of boron, sulfides and total suspended solids which have been found in domestic wells adjacent to RDM as well as Sheas Lake. These levels are within Canadian Drinking Water Guidelines and the Province has notified affected residents by letter. Discussions between the Province and RDM appear to be ongoing with respect to how to reduce or eliminate these materials from the ground water and lake.

It should be noted that at the public hearing to consider rezoning the site, concerns were raised with respect to environmental issues. Staff advised Council that subsequent to the rezoning, Department of the Environment approval would be critical and would be the mechanism to protect public interests with respect to environmental issues. This is proving to be the case.

### Appeal Process

Under Section 138 of the Environment Act, RDM (ie. an aggrieved person) can appeal the Minister's decision to a judge of the Supreme Court. The steps of the appeal process are generally as follows:

1. Applicant has 30 days to file a Notice of Appeal upon rejection (RDM has submitted an appeal within the 30 day time period)
2. Appellant files an Affidavit explaining the reasons for the appeal
3. Department of the Environment files an Affidavit explaining its reasons (additional affidavits from either side may be filed)

4. Court date is determined
5. Appeal is heard by Judge who renders final decision

The above process can take months to years to complete depending on the complexity of the situation. Staff will update Council on any significant changes in circumstances.

### **BUDGET IMPLICATIONS**

N/a

### **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**

N/A

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, Planning Services, 490-4428  
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