

**HALIFAX REGIONAL MUNICIPALITY
BY-LAW L-200**

**RESPECTING LICENSING OF CONSTRUCTION AND DEMOLITION MATERIALS
RECYCLING AND DISPOSAL OPERATIONS**

WHEREAS it is the desire of the Halifax Regional Municipality to:

- a) Maximize diversion from landfill through recycling of construction and demolition debris in keeping with the Halifax Regional Municipality Solid Waste Resources Strategy;
- b) Increase economic activity and value added processing through recovery of construction and demolition debris;
- c) Provide an opportunity to properly dispose of construction and demolition debris that cannot be recycled;
- d) Ensure minimal environmental, land use and nuisance impacts from the operation of construction and demolition debris processing and disposal operation.

SHORT TITLE

1. This by-law shall be known as By-Law Number L-200 and may be cited as the "C&D Materials Recycling and Disposal License By-Law".

INTERPRETATION

2. In this By-Law:

- a) **Administrator** means the person appointed by the Chief Administrative Officer to administer this by-law, or his designate;
- b) **Construction and Demolition Materials**, hereinafter referred to as C&D 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.
- c) **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), 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 processing.

- d) **Construction and Demolition Materials Disposal Site**, hereinafter referred to as a C&D Disposal Site, means land and /or buildings or part of a building where C&D Materials, or Residue remaining from C&D Processing Facilities, are disposed of by land application or burying, and shall not include the use of inert C&D Materials, approved by the Provincial Department of the Environment and Labour, for site rehabilitation within gravel pits and quarry operations licensed by the Province of Nova Scotia.
- e) **Construction and Demolition Residue**, hereinafter referred to as C&D Residue, means material remaining from the processing and/or sorting of C&D Materials for which there is no reasonable use or potential use or market.
- f) **Construction and Demolition Materials Transfer Station**, hereinafter referred to as a Transfer Station, means land and/or buildings or part of a building at which C&D Materials are received and sorted for subsequent transport to a C&D Disposal Site or a C&D Processing Facility.
- g) **Hazardous Substance** means any hazardous, toxic, or dangerous substance or material, and includes any substance or material declared or defined to be a hazardous or toxic substance in or pursuant to any applicable law.
- h) **Stockpile** means a pile of C&D Material which is either processed or unprocessed.
- i) **Used Building Material Retail Outlet** means land and/or buildings or part of a building where C&D Materials are sorted and available for resale with incidental and minimal alteration of the materials and where activity primarily occurs inside a building.
- j) **Watercourse** means the bed and shore of every river, stream, lake, creek, pond, spring, lagoon or other natural body of water, and the water therein, within the jurisdiction of the Province of Nova Scotia, whether it contains water or not.
- k) **Inert Construction & Demolition Materials** means rock (excluding rock containing a sulphide bearing material), aggregate, soil, bricks, mortar, asphalt pavement, trees, brush, limbs, stumps, root balls, and organic mat.

- 1) “**Appeals Committee**” means the Appeals Committee established pursuant to Halifax Regional Municipality By-law A-100, the Appeals Committee By-law;

LICENSE REQUIREMENTS

3. (1) No person shall operate a C&D Processing Facility, Transfer Station or a C&D Disposal Site in Halifax Regional Municipality without having first obtained and maintained in effect a license therefor.
- (2) The application for a C&D Processing Facility, Transfer Station or a C&D Disposal Site license shall be made in writing to the Administrator.
- (3) The application for a C&D Processing Facility, Transfer Station or a C&D Disposal Site license shall include:
 - a) The name, home and business address of the applicant, and the name and address of the owner if other than the applicant;
 - b) A description of the activities to be carried on at the site;
 - c) An insurance policy and bond or letter of credit meeting the conditions of Section 5;
 - d) A development permit issued by the Development Officer of the Halifax Regional Municipality for the use of the site as a Transfer Station or a C&D Processing Facility, and if applicable, a C&D Disposal Site;
 - e) If the application is for a C&D Disposal Site, the approval under the Nova Scotia Department of the Environment and Labour Solid Waste Resource Management Regulations or subsequent amendments;
 - f) A license fee in the amount of \$50;
 - g) A Site Plan approved under Section 10;
 - h) An Operational Plan approved under Section 10; and
 - i)
 - a) A Records Management Plan approved under section 8
 - b) A letter from the Nova Scotia Department of Environment and Labour that the site is not in violation of the Environment Act.
- (4) If the applicant meets all of the requirements of subsection (3), the Administrator shall issue a C&D Processing Facility License, Transfer Station License, or a C&D Disposal Site License, as the case may be, to the owner of the Facility.

(5) A license issued under this By-Law shall expire on the 31st day of December next following the date of issue.

(6) The Administrator shall maintain a permanent record of each license issued pursuant to this By-Law.

(7) A License issued under this By-Law shall be issued to a particular person and in respect of a particular location. Subject to the approval of the Administrator, a license may be transferred to a new owner of the property for which the License was issued.

RENEWAL OF LICENSE

4. A Transfer Station, C&D Processing Facility or C&D Disposal Site License may be renewed upon payment of an annual license fee in the amount of \$50 provided that the license holder continues to meet all of the requirements of this By-Law.

INSURANCE AND BONDING

5. (1) The owner of a C&D Processing Facility, Transfer Station or a C&D Disposal Site shall maintain a minimum of \$2,000,000 of third party liability insurance in effect at all times.

(2) The owner of a C&D Processing Facility, C&D Disposal Site, and C&D Transfer Station shall post a bond or letter of credit in a form acceptable to the Administrator from a bonding company or financial institution acceptable to the Administrator in the amount of \$50,000 for a C&D Processing Facility or Disposal site and \$10,000 for a C&D Transfer Station.

(3) A bond posted pursuant to subsection (2) shall be used for the removal of material that has accumulated under Section 10.

(4) The application of a bond pursuant to subsection (3) shall not absolve the operator of a C&D Processing Facility, C&D Disposal Site, and C&D Transfer Station from any liability arising from the operation of the facility.

SUSPENSION OR REVOCATION OF LICENSE

6. (1) The Administrator may from time to time enter upon any property or structure which is the subject of a license under this By-law to ensure compliance.

(2) A license issued under this By-law may be suspended or revoked by the Administrator on the violation of any of the provisions of this By-Law. Notice of suspension, revocation or refusal to issue a License shall be in writing to the applicant.

APPEAL

7. (1) Any person whose application for a license under this By-Law has been refused, suspended or revoked by the Administrator may appeal such refusal, suspension or revocation to the Appeals Committee.

(2) Such appeal shall be in writing in the form of a notice, and shall be filed with the Municipal Clerk, within fifteen (15) days of such refusal, suspension or revocation, and shall clearly state the grounds for such appeal.

(3) A copy of such notice shall be served within such time upon the Administrator.

(4) The Appeals Committee shall hear such appeal at such time and place as it determines and may confirm such refusal or revocation by the Administrator or may direct the Administrator to issue or reinstate the license.

(5) If the Appeals Committee directs the Administrator to issue or reinstate such license he or she shall immediately do so.

RECORDS

8. (1) All loads of C&D Material, processed material or residue arriving or leaving a Transfer Station, C&D Processing Facility or a C&D Disposal Site shall be weighed and records shall be kept of all loads.

(2) The operator of a Transfer Station, C&D Processing Facility or C&D Disposal Site shall, at the end of each month of operation, report to the Administrator, in a form acceptable to the Administrator, the total weight and nature of all materials received and removed from the site, and the destination of all materials removed from the Site.

RECYCLING TARGETS

9. (1) No C&D Materials listed in Administrative Order 27 shall be disposed of in a C&D Disposal Site.

(2) C&D Materials shall be recycled or otherwise diverted from disposal in accordance with the minimum recycling targets listed in Administrative Order 27.

(3) All C&D materials shall be transported from the place of generation to either a Transfer Station or a C&D Processing Facility, except inert C&D materials approved for site rehabilitation or infilling within gravel pits or quarry operations licensed by the Province of Nova Scotia or as approved for use pursuant to the Lot Grading By-law.

OPERATIONAL PROCEDURES

10. (1) A Site Plan showing location of all buildings, storage areas, access roads, weigh scales, sorting pads, processing areas, and stockpiles shall be submitted to the Administrator for approval. Such Site Plan shall be amended and submitted for approval before any substantial changes are undertaken and in any event submitted for approval each calendar year upon application for a license renewal.
- (2) An Operational Plan indicating
 - (i) methods of processing;
 - (ii) materials to be recycled;
 - (iii) environment controls, such as, but not limited to, dust and debris control, berms to protect watercourses, surface and groundwater monitoring, and leachate treatment and control; and
 - (iv) 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 of Halifax Regional Fire and Emergency Service, and safety and environment contingency plans shall be submitted to the Administrator for approval. Such Operational Plan shall be amended and submitted for approval before any substantial changes are undertaken and in any event submitted for approval each calendar year upon application for a license renewal.
- (3) Notwithstanding subsection (2), C&D materials brought to a C&D operation must first be placed upon a pad for sorting prior to the materials being processed, stockpiled, or removed from the site. The pad shall be designed to prohibit materials and liquids from entering the groundwater table or a watercourse. The Operational Plan shall indicate how the operator intends to handle and treat or remove the material/leachate from the site.
- (4) All work or activity associated with a Transfer Station, C&D Processing Facility or C&D Disposal Site shall only be permitted between the hours of 7:00 a.m. to 8:00 p.m. Monday to Friday, inclusive and from 7:00 a.m. to 5:00 p.m. on Saturday and no work or activity shall be conducted on any day of the week outside of the permitted hours or on Sunday and the following holidays; New Years Day, Good Friday, Canada Day, Remembrance Day and Christmas Day. The Site shall be gated to restrict access during non-operational hours;
- (5) Notwithstanding Subsection (4), the Administrator may permit the hours of operation to be expanded if the site
 - (i) is located within an industrial park owned or managed by Halifax Regional Municipality;
 - (ii) is located within an industrial land designation;
 - (iii) does not abut any residentially or community facility zone; or

- (iv) is not located within 250 metres of a residential or commercial facility use of building.
- (6) Materials stockpiled at a C&D facility must meet the following conditions:
 - (i) the maximum height of any stockpile shall be 6 metres;
 - (ii) the maximum base diameter of any stockpile shall be 75 metres; and
 - (iii) the minimum separation distance between the nearest edge or face of stockpiles shall be 5 metres.
- (7) Minimum separation distances from the nearest edge or face of stockpile or disposal area as follows:

Issue	Minimum Separation Distance (metres)		
	Transfer Stations	Processing Operations	Disposal Site
nearest residential or institutional use or zone property line	60	60	60
nearest non - residential or non institutional use property line	5	30	30
no residential or institutional use within 250 metres	10	10	30
operation is wholly contained within a building	applicable Land Use By-Law	applicable Land Use By-Law	N/A
watercourse	30	60	150

- (8) No C&D Materials shall remain on site of a C&D Processing Facility longer than one year.
- (9) Where there is less material removed from Site of a C&D Processing Facility than was received in any one calendar year, the operation shall be deemed to be in violation of this By-Law.
- (10) Notwithstanding subsection (8) and (9), in the first year of operation, there may be a maximum of ten per cent of the total weight of incoming material arriving during that year left on site of a C&D Processing Facility as inventory, but shall be removed from the Site before the end of the next calendar year.

- (11) Notwithstanding subsection (8) and (9), C&D Material on the Site of a C&D Processing Facility prior to the coming into effect of this By-Law or arriving on the site on or before April 1, 2002, shall be removed from the site before September 30, 2004.
- (12) No C&D Material shall remain on a site of a Transfer Station longer than 15 days.
- (13) No hazardous Substances shall be delivered to a Transfer Station, C&D Processing Facility or C&D Disposal Site other than those which are incidental to, and inadvertently delivered with, C&D Materials.
- (14) No Solid Waste other than C&D Materials shall be delivered to a Transfer Station, C&D Processing Facility or C&D Disposal Site other than those which are incidental to, and inadvertently delivered with, C&D Materials.
- (15) The operator of a Transfer Station or C&D Processing Facility shall be responsible for removal of all materials accumulated under this Section to a C&D Processing Facility or C&D Disposal Site.
- (16) All C&D materials acceptable for disposal at a C&D Disposal Site shall be disposed at the C&D Disposal Site within 48 hours of receipt of same. C&D materials arriving at a C&D Disposal Site that can not be disposed at a C&D Disposal Site are to be removed within 30 days of receipt of same. Hazardous Substances and Solid Waste which are incidental to, and inadvertently delivered with C&D Materials to a C&D Disposal Site are to be removed from the C&D Disposal Site within 24 hours of receipt of same.

OFFENSE AND PENALTY

11. (1) Any person who contravenes or fails to comply with any other provision of this By-Law shall for each offence be liable to a penalty of not less than \$500.00 and not exceeding \$10,000.00 and in default of payment to imprisonment for a period not exceeding 90 days; and each day that the offence continues shall constitute a new offence.
 - (2) A person who is alleged to have violated this By-law and is given notice of the alleged violation may pay a penalty in the amount of \$500.00 to the Halifax Regional Municipality provided that said payment is made within a period of fourteen (14) days following the day on which the notice was served and where the said notice so provides for payment in this manner, and such payment shall be in full satisfaction, releasing and discharging all penalties and imprisonments incurred by the person for said violation.
 - (3) In addition to any fine or imprisonment imposed pursuant to subsection (1), the Court or judge may order the person convicted to pay all expenses incurred in correcting the contravention of the By-law or any damages associated with such contravention.

(4) Where any person is in contravention of any provision of this By-law, the Administrator may direct in writing that the contravention be remedied by that person in the manner and within the time specified in the written direction.

Done and passed in Council this 3rd day of July, 2001

MAYOR

MUNICIPAL CLERK

I, Vi Carmichael, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Halifax Regional Council held on, July 3, 2001.

Vi Carmichael, Municipal Clerk

By-Law L-200

Notice of Motion:	April 10, 2001
First Reading:	May 15, 2001
"Notice of Intent" Publication:	May 19, 2001
Second Reading:	July 3, 2001
Approval of Minister of Housing & Municipal Affairs:	N/A
Effective:	July 21, 2001

No. 1 L-201

Amendments - additions and deletions to Section 2, 3, 5, 6, 9, 10 and 11

Notice of Motion:	June 11, 2002
First Reading:	June 18, 2002
"Notice of Intent" Publication:	June 22, 2002
Second Reading:	July 9, 2002
Approval of Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	July 13, 2002

No. 2 By-law V-101

Amending Section 11

Notice of Motion:	August 19, 2003
First Reading:	August 26, 2003
"Notice of Public Hearing" Publication:	September 6, 2003
Second Reading:	September 23, 2003
Approval of Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	September 27, 2003

No. 3 By-law A-500

Amending Section 2 & 7

Notice of Motion:	March 20, 2012
First Reading:	March 27, 2012
Notice of Second Reading Publication:	March 31, 2012
Second Reading:	April 17, 2012
Approval of Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	April 21, 2012

