

HALIFAX

**Bill 176 – Otter Lake
Landfill Act**

Regional Council May 18, 2016

Bill 176 Otter Lake Landfill Act

An Act to Maintain the Current Footprint and Certain Requirements of the Otter Lake Landfill

- Limits the height of the landfill to 113 meters above sea level;
- Provides an increase height for Cell 6 to 119 meters above sea level for one year pending Dept. of Environment approval;
- Limits footprint to 9 cells.

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Bill 176 Otter Lake Landfill Act

An Act to Maintain the Current Footprint and Certain Requirements of the Otter Lake Landfill

- First Reading May 4, 2016
- Second Reading Debates May 5, 2016
- Second Reading Passed May 5, 2016
- Private and Local Bills May 10, 2016
- Committee of the Whole House May 12, 2016
- Third Reading Debates May 13, 2016
- Third Reading May 13, 2016
- Royal Assent TBD
- Commencement TBD

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Implications for Halifax

- Bill 176 provides that certain aspects of the operating permit will not be allowed to change notwithstanding any future change in circumstances at Otter Lake.
- MIRROR NS's has 30 days from the Bill's commencement to claim the Change of Law has created additional costs.
- The Bill fetters Councils discretion with regards to the height and number of cells that can be applied for in a permit amendment
- Limitations impact the Ministers discretion and flexibility in the future.
- Halifax is unable to utilize existing assets and will be require to site another landfill sooner than anticipated.

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Implications for Halifax

- Halifax may not be able to assist other landfills in emergency situations.
- Investment and fast tracking new solid waste initiatives such as bag reductions, additional source separation programs (Styrofoam, textiles etc), increased education and promotion to protect landfill space.
- Council made a clear commitment on the number of cells which was reflected by the size of the site as provided for in the 2016 Agreement. Staff does not have a specific concern with this.

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Council Direction

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December 9, 2014

1. Direct staff to defer any action with respect to the siting of a new landfill site in order to assess the implications of system changes currently being implemented and **direct staff to increase the vertical height of existing and future cells in accordance with the approach as set out in the report of Conestoga – Rovers & Associates dated October 8, 2014, subject to maintaining the visible isolation of the cells as outlined by the SNC Lavalin Environment balloon study findings** with notice to the Chair of the Community Monitoring Committee in accordance with Section 6.05 of the Agreement for Community Monitoring of Solid Waste Facilities dated February 16, 1999 once an updated design and operations plan has been prepared.

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August 4, 2015

1. Direct staff to apply for an amendment to the operating permit for the Otter Lake Facility providing for approximately 140,000 tonnes of additional landfill capacity in Cell 6;

September 22, 2015

1. Direct staff to commence contract negotiations with Mirror NS on an extension to the 1997 HRM – Mirror NS “Agreement for the Design, Construction and Operation of Components of Halifax Regional Municipality’s Solid Waste Facilities” (the “Extension Agreement”) subject to the parameters as outlined within this report and return to Halifax Regional Council for ratification of the Agreement by December 31, 2015;

4. Direct staff to include as a requirement of the Extension Agreement and any amended Operating Permit that, provided the operating permit is amended to approve vertical expansion as per Council’s motion of December 9, 2015, **utilization of the Otter Lake Landfill will not exceed the originally designed 9 cell footprint** and further that the total height of all residual disposal cells at Otter Lake be limited to **128 meters** above sea level subject to any provincial permitting requirements **thereby allowing no more than a fifteen (15) meter height expansion above the currently permitted maximum elevation;**

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December 8, 2015

1. Authorize and direct the CAO or his delegate to negotiate and execute the Agreement on behalf of Halifax Regional Council which achieves the key business terms set out in Attachment A to this report to the satisfaction of CAO or his delegate, subject to review by Legal Services;

2. Direct staff, upon the effective date of the Agreement, to rescind the permit application submitted to Nova Scotia Environment for the 140,000 tonne contingency vertical expansion plan for Cell 6 and further **direct staff to defer proceeding with any vertical expansion and return to Council with solid waste management options no less than 10 years prior to the projected point in time that the Otter Lake Facility will reach capacity as a landfill such that no further waste will be permitted to be disposed of at the Facilities.**

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Otter Lake Useful Life – 1% Growth

Status Quo Tonnage 130,000 1% Growth			
	Status Quo	Vertical Expansion 7-9	Vertical Expansion 1-9
Cell 6	0.38	0.38	0.38
Cell 7-9 Useful Life	17.65	17.65	17.65
Vertical Expansion		6.35	19.06
Total Estimated Useful Life	18.03	24.39	37.09
Date Complete	Mar-34	Sep-40	May-53

Residential + Reduced ICI Tonnage 90,000 1% Growth			
	Status Quo	Vertical Expansion 7-9	Vertical Expansion 1-9
Cell 6	0.56	0.56	0.56
Cell 7-9 Useful Life	24.59	24.59	24.59
Vertical Expansion		8.80	26.56
Total Estimated Useful Life	24.14	34.00	51.70
Date Complete	Jul-41	Apr-50	Dec-67

Residential Tonnage 50,000 1% Growth			
	Status Quo	Vertical Expansion 7-9	Vertical Expansion 1-9
Cell 6	1.00	1.00	1.00
Cell 7-9 Useful Life	40.69	40.69	40.69
Vertical Expansion		14.65	43.95
Total Estimated Useful Life	41.69	56.34	85.64
Date Complete	Dec-57	Aug-72	Dec-01

Otter Lake Useful Life – No Growth

Status Quo Tonnage 130,000 No Growth			
	Status Quo	Vertical Expansion 7-9	Vertical Expansion 1-9
Cell 6	0.38	0.38	0.38
Cell 7-9 Useful Life	19.23	19.23	19.23
Vertical Expansion		6.92	20.77
Total Estimated Useful Life	19.62	26.54	40.38
Date Complete	Dec-35	Nov-42	Sep-56

Residential + Reduced ICI Tonnage 90,000 No Growth			
	Status Quo	Vertical Expansion 7-9	Vertical Expansion 1-9
Cell 6	0.56	0.56	0.56
Cell 7-9 Useful Life	27.78	27.78	27.78
Vertical Expansion		10.00	30.00
Total Estimated Useful Life	28.33	38.33	58.33
Date Complete	Aug-44	Aug-54	Aug-74

Residential Tonnage 50,000 No Growth			
	Status Quo	Vertical Expansion 7-9	Vertical Expansion 1-9
Cell 6	1.00	1.00	1.00
Cell 7-9 Useful Life	50.00	50.00	50.00
Vertical Expansion		15.00	54.00
Total Estimated Useful Life	51.00	66.00	105.00
Date Complete	Apr-67	Apr-82	Apr-21

Staff's Next Step

December 8, 2015 Council Direction

- Direct staff to defer proceeding with any vertical expansion and return to Council with solid waste management options no less than 10 years prior to the projected point in time that the Otter Lake Facility will reach capacity as a landfill such that no further waste will be permitted to be disposed of at the Facilities.

Bill 176 limits the estimated useful life of the landfill to:

- Historic disposal rates ~ 18 – 20 years (Residential & ICI)
- Current disposal rates ~ 40 – 50 years (Residential)

Staff will return to Council in 3-4 years with a remaining useful life review. Based on the remaining useful life, direction will be requested to site and develop a new landfill site in Halifax.

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Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the Otter Lake Landfill Act.

2 In this Act,

(a) "cell" means a solid waste residuals disposal cell;

(b) "Landfill" means the municipal solid waste landfill located at or near 600 Otter Lake Drive in the Municipality;

(c) "Municipality" means the Halifax Regional Municipality;

(d) "operator" means the operator of the Landfill.

3 Notwithstanding the Environment Act, the regulations made pursuant to that Act or any other enactment,

(a) the Landfill is limited to nine cells; and

(b) none of the cells in the Landfill may exceed 112 metres in height above sea level except as approved by the Department of Environment before the coming into force of this Act.

4 As the existing approved cells in the landfill near their maximum capacity to take waste, the Municipality and the operator shall, subject to clause 3(a), take the necessary action to ensure another cell is ready to accept waste before the existing active cells are filled to their maximum

The logo for HALIFAX, featuring the word "HALIFAX" in a bold, blue, sans-serif font. The letter "A" is stylized with a diagonal slash through it.

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CHANGES RECOMMENDED TO THE PRIVATE AND LOCAL BILLS COMMITTEE

PAGE 1, Clause 3 -

- (a) add “(1)” after Clause number;
- (b) **paragraph (1)(b), line 1** - delete “112” and substitute “113”; and
- (c) add the following subclause:
 - (2) Notwithstanding clause (1)(b), cell number 6 in the Landfill may, with the approval of the Department of Environment, have a height not exceeding 119 metres above sea level for a maximum of one year immediately following that approval.

PAGE 1, Clause 4 - delete.

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