

July 20, 2021

To: Regional Council, Halifax Regional Municipality

Re: Item No. 5 – Effectiveness of the Front-End Processor and Waste Stabilization Facility (FEP/WSF)

Dear Mayor and Councillors:

Hello, I am Scott Guthrie, the Chair of the Community Monitoring Committee (CMC) of the Otter Lake Solid Waste Resource Facility.

For those who are new to Council, the CMC was established in 1999, through an agreement between HRM and the Halifax Waste/Resource Society. The CMC is tasked with monitoring operations at the Otter Lake Landfill, on behalf of the local community, and with communicating information to residents about the operations, and information about the local community's views to HRM. We take these duties very seriously, and this is why I am taking time away from work to speak with you today.

At the outset, I would like to make Council aware of the extremely short time frame that the CMC was given to prepare a response to this 125-page report, which we received on June 24, 2021. The CMC would like to thank one of its Council members, Councillor Iona Stoddard, for advocating for the deferral of this presentation from June 29th to today. We are a volunteer committee, composed mostly of residents from the local community, along with two residents of HRM, three Councillors and the Mayor. This deferral accommodated the scheduling of a meeting of the CMC committee to gather feedback on my presence and presentation to you today.

However, the CMC would like to emphasize the extremely short time frame that was provided to both the CMC and Council to review a staff report that has likely been months in the writing on what is a very important decision for Council: whether to approve deactivating the front-end processing and waste stabilization facilities at Otter Lake. Under section 6.02 of the 1999 Agreement, the CMC is entitled to 15 days' notice of proposed changes to the text of any

agreement related to the operation of the Otter Lake facility, and subsequently entitled to an opportunity to address Council within the next 30 days. HRM staff state that notice to the CMC is not required because they are not making any changes to the text at this time. We feel this is an artificial distinction, as what staff are proposing is a major impact on the facilities' operation.

The staff report also states that the operational agreement changes were made back in 2015 when the rates were negotiated between HRM and the facility operator, Mirror. The CMC's attention was certainly not drawn to the implications of these rate changes at that time. We object to the process that staff has proposed and feel that it is an attempt to circumvent the spirit of the agreement, by effectively not allowing us the procedural protections of the Agreement at any point in the process, until after Nova Scotia Environment has already made its decision. Deactivating the FEP/WSF and putting them into "standby mode" is a fundamental change to the operations at Otter Lake. We should have sufficient time to notify the local community, gather feedback and represent their interests to Council.

I would also like to make clear to Council what the CMC has communicated to HRM staff regarding the proposed deactivation of the FEP/WSF. The CMC does not support deactivating the FEP/WSF without, at the very least, a more comprehensive plan in place with alternatives to address the potential risks. Although HRM staff's report states that we did not accept or reject the proposed phased deactivation plan, it fails to capture our full response. We feel that any deactivation, phased or otherwise, of the FEP/WSF is a fundamental change to the 1999 Agreement between HRM and the Halifax Waste/Resource Society.

In our view, those HRM and the Halifax Waste/Resource Society, who are the parties to the Agreement, need to meet to negotiate changes to the Agreement to address these definitions before the FEP/WSF could be deactivated. Consultation with the CMC cannot be used as a proxy for those negotiations, which is why we told HRM staff that the matter should be referred back to HRM to work directly with the Society. We feel that HRM will be in breach of the 1999 Agreement, as it is currently written, if it proceeds to unilaterally deactivate the FEP/WSF at this

time. I also note that the Halifax Waste/Resource Society was not provided with a copy of staff's report or asked by staff to address Council today.

The Otter Lake community consented to host the landfill site for the solid waste generated by all HRM residents under very specific conditions. The Otter Lake Landfill is unique within Nova Scotia as the only urban sited landfill. This uniqueness and its associated stringent requirements must be maintained out of respect for the residents of this community that generously agreed to take on this risk over 20 years ago. Of particular note in these stringent requirements, is the very specific definition of "Acceptable Waste" that may be disposed of at this Otter Lake Landfill site.

For the benefit of those that may not have knowledge of the 1999 Agreement, the Agreement clearly outlined the materials to be allowed at the Otter Lake Landfill. The very definition of what is "Acceptable Waste" under the Agreement incorporates biostabilization using the FEP/WSF. Therefore, as the Agreement is currently drafted, any putrescible material must pass through the FEP/WSF for biostabilization in order to be accepted for landfilling at the Otter Lake facility.

The HRM has implemented a residential organics program and the exporting of commercial / industrial waste stream since the signing of this agreement. These strategies have reduced the quantities of "Acceptable Waste" at the Otter Lake Landfill. The HRM staff report attempts to indicate that due to the reduced quantities of "Acceptable Waste", in turn the putrescibles have been reduced to such statistical levels that the FEP / WSF Facilities are no longer required.

In plain terms, HRM staff and the landfill operators are saying that the materials residents put in their garbage bags can be directly landfilled because there is very little putrescible material in residential waste. However, logically, some organic material still ends up in residents' garbage bags, rather than in their green bins. The Staff Report states in 2019, 4,097 tonnes of putrescible organics were still being delivered to Otter Lake, which the report states is about 10-12% of the residential sector waste arriving on site.

The Otter Lake Community agreed to host the landfill based on NO “elements which are recognizable as readily putrescible”, not over four thousand tonnes per year. It can be illustrated with the landfills throughout Nova Scotia that the presence of any putrescibles will attract unwelcome birds, rodents, and scavengers, and the Dillon Report recognizes that this is a medium risk if the FEP/WSF are removed. The average taxpayer is paying approximately \$15.33 per year of their entire tax bill for the use of this landfill.¹ It seems a very low cost for the advantage of a majority of HRM residents not having a landfill in their backyard.

In conclusion, the CMC requests that HRM Councillors direct staff to maintain the Otter Lake Landfill operating conditions as per the 1999 Agreement between Halifax Regional Municipality and the Halifax Waste/Resource Society. The deactivation of the FEP/WSF would impact the local residents who live in the vicinity of the Otter Lake landfill. This would seem a slap in the face after they have graciously hosted the solid waste disposal for the municipality for over 20 years and are projected to host it for at least another 20 years.

Thank you for this opportunity to present to you today. I welcome any questions from Council.

Yours truly,

Scott Guthrie
Otter Lake CMC
Chair
902-877-2587

¹ Based on \$6.875 million in net operating costs for 2020/2021, divided by a population of 448,544 (StatsCan estimate for the HRM population as of July 1, 2020).
