

December 10, 2021

Via Email

Mr. Andrew Philopoulos
Director Solid Waste Resources
Halifax Regional Municipality
PO Box 1749
Halifax, NS B3J 3A5

Dear Mr. Philopoulos;

Under the 1999 Agreement for Community Monitoring of Solid Waste Facilities, in order for the Community Monitoring Committee to carry out its mandated responsibility to “monitor the operation of the facilities” (section 7.01a) at Otter Lake Landfill, HRM is obliged to ensure that “the Committee receives full and complete reports concerning the operation of the facilities, in such form, and at such time, as may be required by the Committee” (Section 8.01a).

At this time, to fulfill its mandate, the CMC requires four items from HRM.

First, the CMC respectfully requests a complete and unredacted copy of HRM’s submission to the Nova Scotia Department of Environment and Climate Change on the results of the Public Consultation Survey, with delivery on the same date as HRM presents this information to the provincial department. This data also should include information on all 311 calls with respect to the survey, whether a ticket number was given or not and a listing of all unsuccessful attempts to complete the survey. The Committee is advised that this submission will be made no later than Dec.23, 2021.

Second, the CMC wishes to have a complete and unredacted copy of Appendix D, titled FEP/WSF Performance Standards, which forms part of the Dec.23, 2015 Agreement for the Operation of Halifax Regional Municipality’s Solid Waste Facilities at Otter Lake, made between HRM and Mirror Nova Scotia Limited.

The Performance Standards are vital for effective monitoring of the operations of the Otter Lake Landfill. While municipal officials may want to deny this information to the CMC under section 8:03 of the 1999 Agreement, we argue that the public interest, manifested in the communities the CMC represents, in conjunction with the CMC’s mandate to monitor the landfill’s facilities, override any concerns raised in section 8:03. For effective monitoring in the public interest, the CMC is entitled to know what the current contractual performance standards are.

Finally, the CMC requests a complete and unredacted copy of section 22.4 of the Dec. 23, 2015 agreement between HRM and Mirror Nova Scotia Limited – the section that follows section 22.3, titled, Early Termination – along with a complete and unredacted copy of Appendix A, titled, Fees and Adjustments in the list of Appendices.

The request for these last two documents is due to pressing questions raised by a number of residents, living within the five-kilometer radius of the Otter Lake Landfill. They are baffled by the financial arrangements between HRM and Mirror Nova Scotia, and they have asked the CMC to help them understand the new financial structure in the 2015 agreement and HRM Council's recent actions in this regard.

We understand that according to the 20-year agreement with HRM made in 2015, Mirror could give notice to end the contract within a four-year window, between Jan.1, 2018 and Dec.31, 2021, with an effective termination date of Dec.31, 2023, if its obligation to operate the front-end processor and waste stabilization facility (FEP/WSF) was not removed.

Realizing that the provincial decision would not be rendered until 2022, HRM Council agreed to follow staff recommendations on this matter and extended by a year Mirror's ability to give notice of early termination to Dec.31, 2022, with an effective termination date, Dec.31, 2024.

Concurrent with this one-year notice extension – which will cover the date when the provincial department is expected to make its decision – Council authorized an increase in Mirror's processing fee, bumping the per tonne rate from \$130.79 to \$170. That decision came with the proviso that after Dec.31, 2022, whether or not the provincial department allows the FEP/WSF deactivation, Mirror's per tonne fee will revert to the previous \$130.79 figure, adjusted for inflation.

Community members are trying to make sense out of this. They wonder why the \$40.00 increase during this one-year period is unconditional, in relation to the result of the joint HRM-Mirror Nova Scotia application to deactivate the FEP/WSF. Why would Mirror's fee revert to \$130.79, regardless of the outcome of its joint application with HRM?

To respond to these and other valid community questions about the financial arrangements and survey, as well as to enlighten the CMC on Mirror's contractual performance standards, we believe our requests are consistent with the terms of the 1999 Agreement. This information is essential for carrying out our monitoring mandate and for assessing the landfill's environmental protection operations. We trust you will use your good offices to fulfill our request for this information.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Scott Guthrie', is written over the typed name.

Scott Guthrie, Chair, CMC
On behalf of the CMC Executive Committee

CC:

The Honourable Tim Holman, Nova Scotia Minister of Environment and Climate Change
Mayor Mike Savage, Halifax Regional Municipality
Harold Johnson, Vice-President, Municipal Enterprises Limited
Jonathan MacDonald, Regional Director (Central), N.S. Dept. of Environment and Climate Change
Halifax Waste Resource Society