

Construction & Demolition Debris Management

Targeted Stakeholder Engagement Results

Nova Scotia Environment and Climate Change

March 21, 2023

Overview of engagement process to amend Guidelines

- ▶ Draft Guidelines were distributed to private sector facility operators as well as municipal operators, staff and elected officials.
- ▶ A presentation on the proposed changes was provided on November 16, 2022 ,with a request for stakeholder feedback by December 9, 2022*.
- ▶ 13 submissions from municipal stakeholders and 1 submission from a private stakeholder was received.
- ▶ Additional verbal feedback was provided by two municipal associations and one private stakeholder.

*for a copy of the presentation, please contact Don MacQueen (Donald.MacQueen@novascotia.ca)

Stakeholder feedback & how ECC has addressed input

Additional siting distances

Stakeholder feedback

- Concerns were noted that a 360m siting distance requirement between areas zoned for residential, commercial, park or recreational use would prevent expansion at their facility or that easements from adjoining property would be difficult to obtain.

The following Guideline amendments were undertaken

- The 360 m siting distance was removed;
- A required 90 m separation distance for off-site structures was maintained; and,
- A 90 m separation distance from off-site wells was added.

Note: ECC may impose additional terms and conditions in an approval to increase minimum separation distances for the prevention of adverse effects.

Stakeholder feedback

- Most facilities did not express concern with the stockpile limits; however, two facilities were concerned regarding limited space on their existing sites because of proposed changes to separation distances.
- Timing for ensuring stockpiles are in accordance with specified footprint and separation distances was also requested.

The following Guideline amendment was undertaken

- The 360 m siting distance was removed.

ECC will also address input through amending terms and conditions of approvals

- Allow staged implementation until July 5, 2024 to make necessary facility changes.

Soil applied as monthly cover

Stakeholder feedback

- No concerns were raised, but stakeholders requested clarity on record keeping requirements.

The following Guideline amendment was undertaken

- The Guideline will specify a requirement to record the date of soil application, area that requires cover, density of soil used, and total weight of soil used.

Final cap design parameters

Stakeholder feedback

- Overall support or no comments on final cover.
- Clarification requested on effective date.

ECC will address input through amending terms and conditions

- The revised specifications for the final cap will come into force on July 5, 2023.

Updating sampling parameters 1/3

Stakeholder feedback

- Some stakeholders asked for the ability to not have a groundwater & surface water monitoring program and rely instead upon engineering controls.
- Cost concerns were raised related to changes to the groundwater monitoring parameters as well as for facilities that may need to install monitoring wells.
- Requests were made to delay implementation to allow for budgeting.

The following Guideline amendment was undertaken

- The Guidelines specify that applicants can request an alternative to the required groundwater and surface water monitoring program. An applicant would have to demonstrate that the alternate design can achieve an equivalent or higher level of protection.

ECC will also address input through amending terms and conditions of approvals

- Considerations will be made on a case-by-case basis to determine if existing wells are adequate which would be specified by the Department in terms and conditions of approvals.
- Requirement for enhanced sampling will come into force July 5, 2024.

Updating sampling parameters 2/3

Stakeholder feedback

- If a facility is already on a reduced sampling frequency, they requested that frequency not increase due to the changes to the Guideline.
- If a facility that does not currently have a reduced sampling frequency and their request to reduce is denied, they are requesting the Department provide justification.

Input addressed through the following additional supporting rationale

- Facilities already complying with the Guidelines will not have to increase sampling frequency.
- The Guidelines allow for reduced sampling frequency upon request of the facility operator which will be evaluated on a case-by-case basis.

Updating sampling parameters 3/3

Stakeholder feedback

- Request for clarity regarding rationale for field filtered samples, which will add more time and costs.

Input addressed through the following supporting rationale

- Field filtering of samples is required as it provides the precision necessary to measure critical parameters, especially metals.

Stakeholder feedback

- The level of detail required for record keeping on waste loads received was noted as a concern.
- The use of a reporting template was recommended by several municipalities, including for the management of the monthly soil cover.

The following Guideline amendments were undertaken

- Removed requirement within Guidelines to report source and carrier for each load received.
- Guidelines now include the following details on how to report on the monthly soil cover:
 - Area of active disposal cell covered
 - Estimate of soil density
 - Total weight of soil used

Disposal cell design

Stakeholder feedback

- No concerns with the liner design criteria established in the Guideline.
- Some municipalities had questions/concerns on how to establish groundwater elevation and the potential need to install new wells for this purpose. Some inquired whether existing groundwater elevation data could be used to satisfy this requirement.

Input addressed through the following additional supporting rationale

- If a facility can demonstrate that their previous groundwater elevation data meets the requirements of the revised Guidelines, no new wells would need to be installed for this purpose.

Leachate collection

Stakeholder feedback

- No concerns, but one municipality noted that providing design specifications for leachate collection would ensure facilities are meeting the same requirements.

Input addressed through the following additional supporting rationale

- The Guideline includes minimum performance-based requirements for the leachate collection layer which allows facilities to develop a site-specific design.

Treated wood ban – 1/5

Stakeholder feedback

- Request that Department develop educational materials regarding treated wood ban that approval holders can provide to residents and commercial haulers.
- Concerns regarding how to identify treated wood in incoming loads.

Input addressed through the following additional actions

- Department will prepare educational materials that explain the banning of treated wood from disposal at C&D debris disposal sites.
- Guidance on how to identify treated wood will also be developed for the facilities.

Treated wood ban – 2/5

Stakeholder feedback

- Costly to inspect, audit and separate out treated wood from incoming loads, due to how sites are designed, the types of equipment in use, and labour demands.
- Most loads received are mixed C&D.

Input addressed through the following additional supporting rationale

- The Department maintains the commitment of undertaking a phased approach to treated wood ban compliance including developing resources for auditing mixed loads and identifying treated wood.

Treated wood ban – 3/5

Stakeholder feedback

- Concerns regarding facility closures due to costs and operational changes.
- Concern regarding increased illegal dumping of treated wood / C&D debris due to disposal ban & increased tipping fees.

Input addressed through the following additional supporting rationale

- Illegal dumping does not appear to be associated with disposal bans or tipping fees but is correlated to life disruptions (relocation/eviction, divorce or breakup).
- Best practices are recommended for reducing costs and reducing illegal dumping, such as:
 - Differential tipping fees that encourage source separation
 - Enforcement tools and measures

Treated wood ban – 4/5

Stakeholder feedback

- Concern that regulatory and guideline changes will affect disposal capacity & life expectancy of municipal solid waste (MSW) landfill cells.

Input addressed through the following additional supporting rationale

- Approximately 390,000 tonnes MSW & C&D are buried annually. This is the equivalent of approximately 400 kg/person/year. ~25% is C&D debris.
- Audits from other jurisdictions indicate that treated wood is 5-8% of the C&D stream, which equates to approximately 10,000 tonnes provincially.
- Increased waste diversion to meet the 300kg/person/year target by 2030 will also offset the treated wood shipped to landfill.

Treated wood ban – 5/5

Stakeholder feedback

- Concern that there will be higher GHG emissions associated with additional transportation distances to ship treated wood to MSW landfill.

Input addressed through the following additional supporting rationale

- Ban on treated wood disposal at C&D sites is reflective of lower level of groundwater protection than at MSW landfills.
- Increased GHG emissions from longer transport can be reduced and managed by stockpiling treated wood at C&D processing, storage and disposal facilities until there is enough material to warrant shipment to a MSW landfill. The ban does not prevent this.
- In addition, better segregation and management will support recycling of structurally sound treated wood, rather than disposal.
- Finally, increased waste diversion through actions taken to meet the 300 kg/person/year disposal target by 2030 will also reduce GHG emissions.

Implementation timing 1/2

19

Stakeholder feedback

- Clarity requested regarding Guideline implementation timelines (e.g. final cap)
- Requests to delay implementation for certain requirements (e.g. enhanced sampling and stockpile limits) at existing sites to allow time for budgeting

Implementation timing 2/2

ECC will address input through amending terms and conditions

New or expanding facilities

- ✓ All requirements are effective **July 5, 2023**

Existing facilities*

Requirements that will come into force **July 5, 2023:**

- ✓ Soil monthly cover
- ✓ Final cap
- ✓ Records

Requirements coming into force **July 5, 2024:**

- ✓ Stockpiles
- ✓ Water sampling
- ✓ Annual report changes

Note: Additional flexibility can be provided in these proposed timelines on a case-by-case basis.

*Including C&D storage, transfer and processing sites that do not currently have an approval in place.

Next steps

New and existing approval holders storing, transferring and processing C&D will be required to apply for a new or amended approval between the dates of July 5, 2023, and September 3, 2023.

For current approval holders **only disposing C&D**, we request notification to the Department by June 30, 2023. The Department will proceed to amend those approvals with updated Guideline requirements and the facility will not be authorized to store, transfer or process C&D, including treated wood.

Thank you for your input!

For further information, please contact:

Don MacQueen Donald.MacQueen@novascotia.ca