

Mayor Brenda Chisholm Beaton
President, Nova Scotia Federation of Municipalities
Suite 1106, 1809 Barrington Street
Halifax, NS B3J 2K8

Dear President Chisholm Beaton:

Under the provisions of the *Municipal Government Act*, the Minister of Municipal Affairs & Housing (MAH) must provide to the Nova Scotia Federation of Municipalities a 12-month notice for any provincial legislation, regulation, or administrative actions that could have the effect of decreasing revenues or increasing the required expenditures of municipalities. This letter is a supplement to the previously sent notice for such changes for fiscal year 2023-24 and beyond.

The Department of Municipal Affairs & Housing was made aware of another policy change related to construction and demolition debris (C&D) management that will be occurring in the coming fiscal year. The Department of Environment and Climate Change (ECC) has had ongoing dialogue with municipal stakeholders on this change since July 2022; however, the formal letter sent directly from Municipal Affairs & Housing was inadvertently delayed. This letter should serve to outline how this change will be implemented to provide sufficient time for municipalities to prepare, aligning with the provisions of the *Municipal Government Act*.

DEPARTMENT OF ENVIRONMENT & CLIMATE CHANGE (ECC)

Construction & Demolition Debris Regulation and Guideline Changes

The Province has approved changes to C&D debris management in Nova Scotia. These new measures are designed to ensure that C&D debris management (including disposal, storage, transfer and processing) does not cause adverse environmental impacts. ECC completed a review of C&D debris management in response to fires and groundwater impacts that occurred at existing C&D debris disposal facilities, as well as community concerns about facilities that store, transfer, and process these materials. The review included engagement and consultation with municipalities, construction industry stakeholders, environmental groups, waste management stakeholders, and provincial government departments.

Amendments to the Activities Designation Regulations and the Solid Waste Resource Management Regulations mean that, starting on July 5, 2023, chemically treated wood will no longer be accepted for disposal at C&D debris facilities. Instead, these materials can be reused, repurposed, or disposed of in Municipal Solid Waste (MSW) landfills. Storage, transfer, and processing will continue to be permitted for treated wood.

As well, this fall, ECC engaged stakeholders on proposed amendments to the following guidelines:

- Solid Waste Management Facility Guidelines for Construction and Demolition Debris Storage, Transfer, Process and Disposal;
- Solid Waste Management Facility Guidelines for Municipal Waste Transfer.

The guidelines outline details on siting, design, and operational requirements to prevent environmental impacts. Terms and conditions of approvals will outline further site-specific details, which will be developed case-by-case with the facility's respective ECC regional office.

The proposed amended guidelines include an implementation timeline for the ban on treated wood. The implementation of the ban will be staged by having education compliance during the first year to reduce costs associated with adhering to the ban. Municipalities were engaged on this approach during the fall targeted engagement sessions.

In addition, facilities storing, transferring, or processing C&D debris will now require an operating approval from ECC. Previously, only C&D debris disposal facilities required approval. Amending approvals to include C&D transfer, process and storage will be required by July 5, 2023, but any significant terms and conditions will have staged timelines to allow for one year notice. Please note that any new facilities (brand new sites; not currently operating) and expansions of current disposal sites would be subject to requirements starting July 5, 2023.

These changes may affect the following municipalities that operate a MSW landfill, or a facility for transferring, storing, processing, or disposing of C&D:

Municipality	MSW Landfill	C&D Disposal Facility	Waste Transfer Station
Cape Breton Regional Municipality		X	X
Municipality of the County of Inverness		X	X
County of Victoria		X	X (2)
Municipality of the County of Richmond		X	X
Municipality of the County of Antigonish		X	X
Municipality of the District of St. Mary's		X	X
Pictou County Solid Waste		X	X
Municipality of Cumberland			X (3)
Town of Oxford			X
County of Colchester	X		
Municipality of East Hants		X	X
Halifax Regional Municipality	X		X (2)
Municipalities serviced through the Valley Solid Waste-Resource Management Authority			X (2)
Municipality of Digby			X
Town of Yarmouth		X	X

Municipality	MSW Landfill	C&D Disposal Facility	Waste Transfer Station
District of Chester	X	X	
Municipality of the District of Lunenburg			X
Queens Regional Municipality	X	X	
Municipality of the District of Shelburne			X
Municipality of Barrington		X	X
Municipality of the District of Clare			X

Each facility has unique design, operational and business considerations that will result in these changes impacting them differently. ECC has requested and received feedback from municipalities on potential cost implications during engagement sessions related to the regulatory changes and as part of updating the guidelines. ECC is using this feedback to develop approaches that reduce potential cost impacts where feasible. If NSFM or municipalities would like to have further conversations around these changes, please reach out to Don MacQueen at Donald.MacQueen@novascotia.ca.

Should you have any questions regarding the provided information, please do not hesitate to contact either MAH or ECC, as appropriate, for clarification.

Sincerely,



John Lohr
Minister of Municipal Affairs & Housing