



January 23, 2015

The Honourable Randy Delorey,
Minister of Environment,
Government of Nova Scotia
1894 Barrington Street
Suite 1800
Halifax, Nova Scotia
B3J 2A8

Subject: Regarding HRM Proposal to increase the life and height of the Otter Lake Landfill

Dear Minister Delorey,

We understand that Halifax Regional Municipality will shortly request from the Nova Scotia Department of Environment a permit to remove the cover on one of the completed and stabilized cells at the Otter Lake Landfill to begin adding materials to a height of 15 metres above the current height. HRM is requesting permission to increase the height of the cells solely to save the cost of developing new cells and potentially to extend the life of the landfill beyond the originally planned closure in 2024.

We wish to bring to your attention a key premise of this proposal: that the proposed vertical expansion will not cause a visual impact to the local communities. This premise is fundamentally flawed because the view planes from The Bluff Wilderness Hiking Trail were not considered in arriving at this conclusion. We raised the issue in 2013 after the Stantec report was released (please see the attached letter of Sept. 20, 2013). We then documented the current view planes in some detail in the summer of 2014 and submitted that material to the Halifax Waste Resource Society and to all HRM councillors (please see the attached letter of Sept. 10, 2014 with the photographic evidence regarding view planes). This last submission was made well before the Consetoga-Rovers Review was completed and submitted in October 2014, yet the latter report neglected to cite our submission. Nor was it discussed at the HRM Council Meeting of Dec 9th that approved the motion to allow the cell height to be increased (the motion passed by Regional Council is attached). Thus we understand that the view planes from the Bluff Wilderness Hiking Trail were considered irrelevant and the concerns of WRWEO's 70+ members, the thousands of users of the trail from HRM, the Province, and more broadly, and the

many community and environmental organizations that share our values were not taken into serious consideration in the review.

In this letter we direct your attention specifically to the impact of increasing the cell height on the viability of The Bluff Wilderness Hiking Trail as a wilderness recreation for the citizens of Nova Scotia and its many visitors. The Bluff Wilderness Hiking Trail (blufftrail.ca) is a popular wilderness hiking trail and major tourist destination located in HRM just minutes from Halifax west of the Nine Mile River. The trail, conceived, built, and maintained by a volunteer community group, the Woodens River Watershed Environmental Organization (WRWEO), has grown in popularity since its opening in 2005. Recent entries in a visitor book included folks from England, Scotland, California, and South America. In May 2008 *Explore: the Canadian Outdoor Magazine* named this trail one of the eight best urban escapes in Canada. An August 4, 2014 post on Halifax Sociable (halifaxsociable.ca) ranked The Bluff Wilderness Hiking Trail as one of the top ten adventures that you must have in Halifax. The success of The Bluff Trail is one reason that in 2011 the Province of Nova Scotia legislated protection of the Five Bridge Lakes Wilderness Area that includes close to 10,000 hectares of wilderness surrounding the trail. The Bluff Trail has received substantial financial support from HRM via the Halifax Regional Trails Association and from the Province via Health and Wellness and Nova Scotia Environment.

This is also an issue of trust. As you are aware, issues regarding Otter Lake have been highly controversial within the municipality and particularly amongst residents and communities within the region of the landfill who agreed to the landfill according to its original specifications and lifetime. It would be a mistake, though, to label our motivation as NIMBY. The local community voluntarily accepted the landfill with the understanding that the original conception of the landfill would be respected. WRWEO undertook to build the wilderness trail knowing that the landfill would be visible from it for a prescribed limited period of time after which trees and other vegetation would be planted at the area of the site so that the original wilderness view planes would be restored as nature takes its course. (You could call us “IMBY” folks who took the landfill into our backyard for the common good with certain definite long-term environmental safeguards in place.) The move by HRM Council, if approved by the Province, would completely frustrate and indeed betray the trust on which our “imbyism” and the design of the much acclaimed wilderness trail were based. If the label NIMBY should be assigned, it might better apply to those who, in order to avoid taking a turn at sharing the burden of waste management, have chosen to ignore the enormous goodwill and faith in good governance shown by our community.

There are, in addition, important environmental reasons (with their associated economic long term costs) not to attempt to prolong the life of the landfill beyond its original termination date, as we have indicated in the attached letters submitted to Mayor Savage, the HRM councillors, and the Halifax Waste Resource Society. These are well known. Also well known are better ways to improve the efficiency of the landfill without increasing cell height (see post on Dec. 11, 2014 at www.blufftrail.ca).

In view of these considerations we respectfully ask the Minister, on behalf of all the citizens of the Province who love this trail for the wilderness experience it affords and the environmental values it represents, to reject the application from HRM Regional Council to remove the cover of one of the completed and stabilized cells at Otter Lake Landfill and begin adding materials that would increase its height with consequences that would directly, and for the foreseeable future, permanently and negatively impact The Bluff Wilderness Hiking Trail.

Respectfully,

David Patriquin (Co-Chair, WRWEO)

Richmond Campbell (Former Co-Chair, WRWEO)

Nanci Lee (Co-Chair, WRWEO)

Copies:

The Honourable Stephen McNeil (Premier); the Honourable Tony Inca (Communities, Culture, and Heritage); the Honourable Michael P. Samson (Economics, Rural Development, and Tourism); the Honourable Minister Leo Glavine (Health and Wellness); the Honourable Mark Furey (Municipal Affairs); the Honourable Iain Rankin, MLA Timberlea-Prospect); Ken Donnelly, Ken Meech, and Jack Mitchell (Halifax Waste Resource Society); Beth McGee and John Cascadden (Five Bridges Wilderness Heritage Trust); Raymond Plourde (Ecology Action Centre); Jim Carwardine and Geoff Le Boutillier (St. Margaret's Bay Stewardship Association); Catherine Klefenz (Beechville-Timberley-Prospect Rails to Trails Association); Mike Marriott (Safety Minded ATV Association); Tom Musial (Five Bridge Lakes Wilderness Area Stewardship Coalition); Bob McDonald (Halifax Field Naturalists); Dusan Soudek (Canoe Kayak Nova Scotia); WRWEO membership

Halifax Regional Municipality
Committee of the Whole Minutes
December 9, 2014

The amended motion as follows was now before Committee of the Whole.

MOVED by Councillor Rankin, seconded by Councillor Walker that Halifax Regional Council moves to:

With respect to recommendation #9 be amended to:

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.

MOTION PUT AND PASSED.



September 10, 2014

To: Councillor Reg Rankin (Councillor for the Otter Lake area, Timberlea, Beechville and Clayton Park West and Member of the Halifax Waste Resource Society)
cc: Mayor Mike Savage and Councillors, HRM; Ken Donnelly (Community Monitoring Committee)

Subject: Impact of Extending the Life and Extent of the Otter Lake Landfill on the Wilderness Recreational Values of The Bluff Trail

This document is a follow-up, with photos and maps, to our letter of September 20, 2013, in which we raised concerns about impacts of the proposed extension of the Otter Lake landfill on The Bluff Wilderness Hiking Trail.

The Bluff Wilderness Hiking Trail (blufftrail.ca) is a popular wilderness hiking trail and major tourist destination located in HRM just minutes from Halifax west of the Nine Mile River. The trail, conceived, built, and maintained by a volunteer community group, the Woodens Rver Watershed Environmental Organization (WRWEO), has grown in popularity since its opening in 2005 and is now a major tourist destination. Recent entries in a visitor book included folks from England, Scotland, California and South America. In 2008 *Explore: the Canadian Outdoor Magazine* named this trail one of the eight best urban escapes in Canada. A recent post on [Halifax Sociable](#) ranked the Bluff Wilderness Hiking Trail as one of the top ten adventures that you must have in Halifax. The success of The Bluff Trail is one reason that in 2011 the Province of Nova Scotia legislated protection of the Five Bridge Lakes Wilderness Area which includes close to 10,000 hectares of wilderness surrounding the trail. The Bluff Trail has received financial support from HRM via the Halifax Regional Trails Association and from the Province via Health and Wellness and Nova Scotia Environment.

Nevertheless, the continued success of this trail and indeed its prime purpose, which is to promote the value of wilderness experience within easy access from the urban core, are now in jeopardy. The reason is: HRM is considering breaking its 1995 agreement with the community that led to the creation of the Otter Lake landfill by extending its life 17-23 years beyond the originally planned 25-year operation.

While the landfill, opened in 1999, was visible when the trail was planned (early 2000s) and completed (2005), the understanding was that it would be closed within two decades and trees and other vegetation planted at the site. If the landfill is kept open beyond 25 years (2024), the height of the landfill cells would be raised by up to 15 meters and the footprint enlarged. The negative impact on the trail would be not only extended over time but also substantially increased. This would clearly detract from the wilderness experience offered by The Bluff Trail, and the reputation it has gained.

The Stantec Report (January 2013) acknowledges the visual issue:

"The final decision to expand the RDF vertically or to maintain the current design limits must weigh the broader community benefits of significantly extending the life of the landfill at minimal capital costs, compared to the impact of the increased visual presence of the RDF on its immediate neighbours."

The SNC-Lavalin Peer Review (April 2013) went further and conducted tests to assess the visual impact, but only from residential view planes: 2 "The original design accommodated restrictions related to view planes. Our February 2013 Balloon Study tested how visible the proposed additional cell elevation would be from residential view planes in the area. Aside from a bedrock outcrop in the anticipated commercial area of the Brunello Estates commercial / residential / golf course (Exist 3, Highway 103), we are confident that the increase in height of the landfill cells will not be visible from the other locations we visited for the study."

Obviously no attempt was made to determine whether the view planes of The Bluff Wilderness Hiking Trail would be affected since even now the landfill is visible from the trail, for example from the ridge at the south end of Cranberry Lake where the first and second loops of the trail join. This spot is heavily visited since it is at the place where the first loop joins the second and most visitors hike just the first loop (2-3 hours hike) and see the landfill now in the distance. The sense of a wilderness experience would be badly compromised by increasing the height of the landfill in the manner proposed to extend the life of the landfill.

The landfill is visible also from other places, such as The Bluff plateau on the third loop, The Bluff loop, from which the trail derives its name. An increase in height would in effect undermine the purpose of the trail: to give residents and tourists an opportunity to experience the beauty of wilderness next to a major urban centre. Instead of a tourist destination, it could become a destination to avoid.

The accompanying panoramic views of the landfill as it currently exists (Figs. 2-9 below) were taken on September 4, 2014, from various sites on the second and third loops of The Bluff Trail that are indicated exactly on the accompanying map and aerial view (Fig. 1).

We suggest that the negative impacts of extending the life, extent and height of the Otter Lake Landfill on The Bluff Wilderness Hiking Trail add significantly to the environmental, legal, ethical, and economic reasons for closing the Otter Lake landfill on schedule, i.e. in 2024.

Respectfully,

Richmond Campbell (Board Member)
David Patriquin (Co-Chair)

Woodens River Watershed Environmental Organization

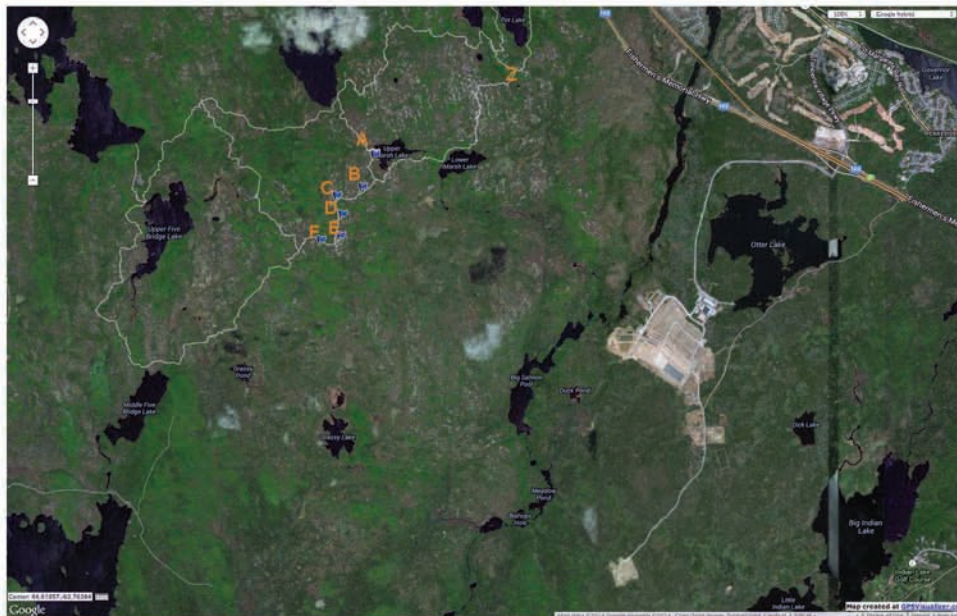
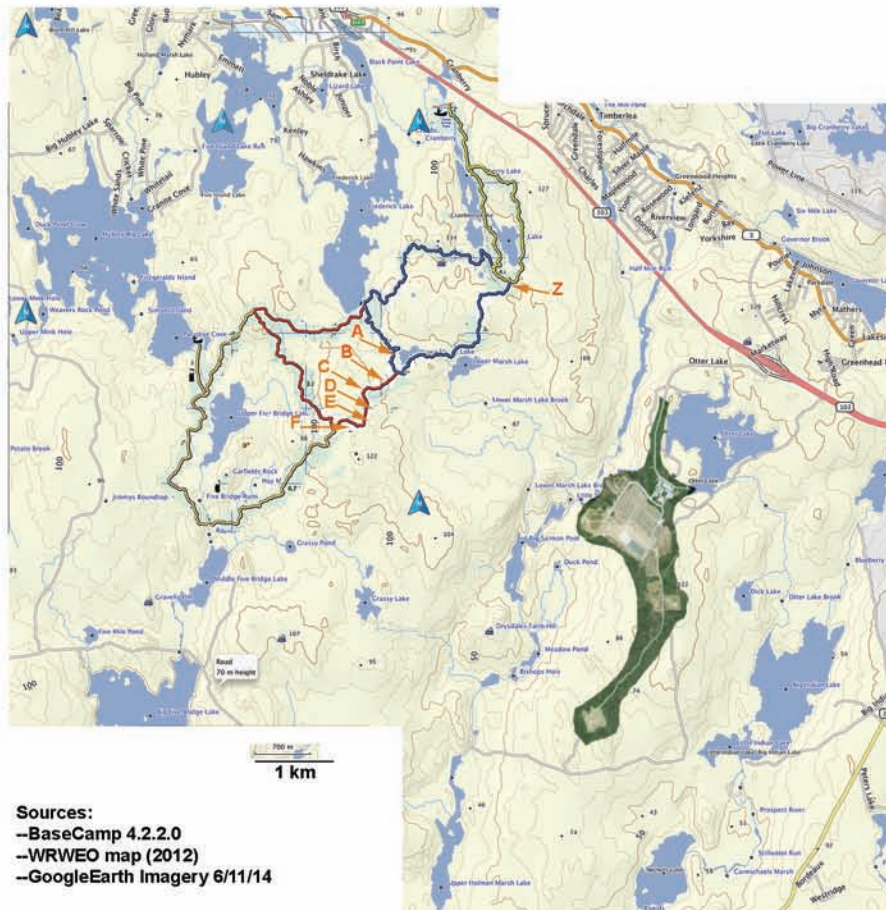


Figure 1. Sites on The Bluff Trail from which photos were taken (A-F on Sep. 4, 2014; Z on July 10, 2014), and Google image of the Otter Lake Landfill.

Fig. 2



Fig. 3

Position A, FL=25 mm



Fig. 4



Position B, FL=64.5

Fig. 5



Position C, FL=5mm
(Landfill hidden by trees)

Fig. 6



Fig. 7



Position E, FL=25mm

Position F, FL=11.1mm



FL=18.8mm



Fig. 8

Fig. 9



September 20, 2013

To Mayor Savage and all HRM Councilors:

We are writing on behalf of the Woodens River Watershed Environmental Organization (WRWEO) regarding the proposal to remove key environmental controls (front end processing FEP and waste stabilization facility WSF) at the Otter Lake landfill and to increase the height of the landfill to extend its life.

We will first introduce WRWEO, then address the height issue, and finally consider the ethical and economic arguments against the proposed change.

WRWEO is an organization of volunteers who have been carrying out action projects to protect and improve human and natural environments throughout the Woodens River watershed and adjacent areas making up the Five Bridge Lakes Wilderness Area (FBLWA) since 1995. WRWEO was highly involved in seeking protection for the Five Bridge Lakes Wilderness Area (FBLWA) and continues to be involved in stewardship now that the area is protected.

Our organization constructed and maintains The Bluff Wilderness Hiking Trail, which has been ranked among the eight top wilderness trails in Canada that are located near urban centres. The existence of this trail was a major factor in the designation of the Five Bridge Lakes Wilderness Area under the Protected Areas Act, and it continues to be a focus for many of the public activities related to the FBLWA and is a growing eco-tourism draw.

For more information on WRWEO and The Bluff Trail, visit www.blufftrail.ca

Increasing the Height of the Landfill

The landfill at Otter Lake can be seen now from several points on the trail, but we were anticipating closure of the facility in the relatively near future. A 10 to 15 meter vertical extension would add 17 to 23 years to the life expectancy, both factors that would be highly detrimental to the wilderness experience of The Bluff Wilderness Hiking Trail.

The Stantec Report (January 2013) acknowledges the visual issue:

"The final decision to expand the RDF vertically or to maintain the current design limits must weigh the broader community benefits of significantly extending the life of the landfill at minimal capital costs, compared to the impact of the increased visual presence of the RDF on its immediate neighbours."

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The landfill is visible also from other places, such as The Bluff plateau on the third loop, The Bluff loop, from which the trail derives its name. An increase in height would in effect undermine the purpose of the trail: to give residents and tourists an opportunity to experience the beauty of wilderness next to a major urban centre. Instead of a tourist destination, it would likely become a destination to avoid. The remainder of this letter will put this important concern in the context of moral and economic reasons not to make the changes proposed.

The Ethical and Economic Arguments re Otter Lake

The ethical argument for not removing the key environmental controls (such as, front end processing FEP and waste stabilization facility WSF) at the Otter Lake landfill is that the municipal government made a promise to the community surrounding Otter Lake to install these controls and to leave them in place for the 25-year duration of the landfill's operation. Those are the conditions upon which the community agreed, more than a decade ago, to have the landfill in their backyard when no other community would accept the risks and potential damage. The promise by HRM was put in the form of a legally binding contract.

Note that the ethical case is not founded upon a promise made that would benefit only the community around Otter Lake. These key control conditions (FEP/WSF) are a benefit to all in HRM, for the reasons set out below. Thus, it would be a grave **injustice** to the community if HRM were to go back on this promise, when **(1)** no other community would take on the landfill voluntarily knowing the risks, **(2)** taking on the landfill benefits everyone in HRM, and **(3)** the specific conditions for acceptance would themselves benefit everyone.

These points constitute together a powerful ethical reason against renegeing on the promise made to the community surrounding Otter Lake. Given the weight of these

ethical considerations, only in the direst of circumstances should HRM consider violating its promise made to those who undertook this burden voluntarily for the good of all.

Are the circumstances now dire? No. In fact, given the small price of the controls, their general effectiveness, and the high downstream costs of removing them, HRM cannot afford to remove them.

The ethical argument is thus reinforced by economic reasons. What are they?

On one side of the ledger is the cost of the controls. The experts peg them at about \$10 million a year. A lot of money for one household to pay, but the cost is divided among all households in HRM. John Cascadden has calculated the cost to individual households at little more than \$60 per year. This is a relatively trivial cost to have a landfill whose standards are world class, a landfill that continues to perform well by independent scientific tests, and that has attracted international recognition. In short, to keep the promises made to the community, which took on the risks for the benefit of all of us, costs almost nothing.

But a cost is a cost, you might say, and why not save \$60 a year for each household? The answer is simple economics, namely, that the costs of breaking the agreement would be the downstream expense that would dwarf the tiny savings. In short, **each household will pay a lot more than \$60 if the agreement is broken.**

Here are four main categories of costs:

(1) There is the environmental cleanup that will inevitably ensue. There may be environmental costs even with the controls in place, since nothing is perfect. That is why we speak of the community taking risks in their accepting a major landfill near their community. Without the environmental controls, however, the landfill will be, in time, like the old Sackville landfill. With the Nile Mile River directly down the hill, adjacent the landfill, and a large community downstream from it, the total costs of cleanup will be really significant and quite honestly the environment would likely never be completely restored. The community downstream will be affected badly, but so will the newly protected wilderness area on the other side of the river.

(2) For the same reason that property values fell as a consequence of the poorly managed Sackville landfill, property values will fall here. Will that affect just those who own property nearby? Certainly not, for as property values fall so will the tax base and therefore total revenue be diminished. Diminished revenue to HRM will affect everyone's pocketbook.

3) Inevitably tourism will be affected, not only because the Province's hard-earned good reputation of environmental responsibility will be tarnished in the eyes of potential tourists, but also more directly because the Five Bridge Lakes Wilderness Area will no longer be pristine. That area, where The Bluff Wilderness Hiking Trail is

found, was voted one of the eight best urban escapes in Canada. Though the landfill can now be seen from various points on the Bluff Trail, once the height of the landfill is increased in the manner proposed, it will be seen from virtually every look off. See the specifics in the previous section. Who goes to hike a wilderness trail to view a landfill? What about an ugly polluted landfill?

(4) Let us not forget, finally, the legal costs, since the promise made has legal status backed by the Province. There will be a legal battle, and no matter who wins there will be large legal costs. Who will pay them? The taxpayers will, of course.

In summary, the environmental controls are extremely cheap when you weigh them (a little more than five bucks a month) against the costs of what will ensue if the controls are removed. Remember: the ethical argument is premised on the fact that all of us in HRM need a landfill that makes economic sense. **Breaking an ethical commitment that benefits all of us makes neither economic nor ethical sense.**

Yours truly,

The WRWEO Board of Directors

Richmond Campbell and Nanci Lee (Co-chairs), Kimberly Berry, Paul Berry, Jessi Fillmore, Diana Jeliaskova, Barbara Klass, Hildi Konok, Lynne Kovan, Tim McGee, Robert McMahon, Jim Muir, David Patriquin, and Linda Moxsom Skinner