

Wheatland County

Request for Decision

Regular Council Meeting

August 25, 2020

Report prepared by: Megan Williams



Bylaw 2020-03: Public Hearing, Second and Third Reading Landfill Development

Recommendation from Administration

Resolution 1: That Council undertake the Public Hearing for Bylaw 2020-03.

Resolution 2: That Council move Second Reading of Bylaw 2020-03, this being a bylaw for the purpose of amending Land Use Bylaw No. 2016-01 to redesignate +/-190.39 acres within SW & SE-18-24-19-W4M from Agricultural General (AG) District to Direct Control (DC-20) District as shown on the attached Schedule 'A' forming part of this Bylaw.

Resolution 3: That Council move Third Reading of Bylaw 2020-03, this being a bylaw for the purpose of amending Land Use Bylaw No. 2016-01 to redesignate +/-190.39 acres within SW & SE-18-24-19-W4M from Agricultural General (AG) District to Direct Control (DC-20) District as shown on the attached Schedule 'A' forming part of this Bylaw.

Chief Administrative Officer's Comments

N/A

Report

Division: Division 7

This new direct control district is being proposed to facilitate a landfill development on SW & SE-18-24-19-W4M east of Highway 56 and Highway 561 intersection. The total area proposed to be redesignated is 190.36 acres. The proposed landfill would fall on SE-18-24-19-W4M, a 150 acre parcel.

As the County's Land Use Bylaw 2016-01 does not have 'Landfill' as a use, the applicant applied for a direct control district, which will allow for them to apply to Alberta Environment and Parks (AEP) for a Class II Landfill and the supporting uses on SW and SE-18-24-19-W4M. The full build-out area of the proposed landfill will be approximately 61 acres. The developer intends to develop the landfill in four phases (cells) over 30 years, each cell will be approximately 15 acres in size. The proposed landfill would accept "non-dangerous oilfield waste" and "non-hazardous industrial waste". The difference between the two is the generating industry. Due to regulations in the upstream oil and gas sector, wastes generated by oil and gas properties need to be tracked and reported separately. The composition of both streams of wastes is very similar – contaminated soils, demolition debris. Non-Hazardous and Non-Dangerous means the wastes are non-flammable, solid, and stable (cannot be radioactive or reactive).

Some examples of 'Non-Dangerous Oilfield Waste' include contaminated soil, drilling waste, hydrovac solids (soil mixed with absorbent), cement returns, and decommissioning materials (such as metal, concrete, and wood). Examples of 'Non-Hazardous Industrial Waste' include construction and demolition waste (metal, concrete, and wood), hydrovac solids, contaminated soil (from locations such as gas stations, auto-shops, and chemical plants), wash bay/sump solids, processing or production wastes such as filters or used containers.

No municipal or residential wastes will be accepted. The type of material accepted in this proposed landfill are not expected to create odour issues. There may be odours from the oil and gas operational materials, but it is rare and short term.

AEP categorizes landfills by the waste streams they can accept. Class II Landfills accept non-hazardous waste, which can include municipal solid waste as well as industrial waste. The Direct Control District reflects the two generating industries the applicant has included in their approval application to AEP. A representative from AEP explained that if a member of public or a municipality has concerns regarding a given activity, those concerns can be raised with the Department under the public notice period of an application. Staff requested to AEP that notice be sent to the County when the public notice period commences.

As this is the first proposed landfill in the County, Staff included development permit conditions in the proposed direct control district. The regulations would restrict development permits issued for the landfills to five years. The proposed direct control district allows for the DP renewal application to be submitted prior to the expiry, and if there are no changes from the previous application, no unresolved complaints or enforcement orders against it, the Development Officer can issue the development permit. However, if one of the aforementioned conditions isn't met, the re-application must go before Council for consideration. The intent of this regulation is to monitor the development to ensure it is not creating any nuisances or other negative impacts, while allowing the development to continue operating if there have not been any.

To support the redesignation application, the applicant supplied a Phase 1 Environmental Site Assessment (ESA), Traffic Impact Assessment (TIA), Hydrogeological Investigation, and an Existing and Proposed Water Drainage Plan. There were no concerns identified in the ESA or Hydrogeological Investigation. The TIA itself did not identify any concerns, and concluded that despite the increase in traffic, the level of service for the highway and turning lanes would not decrease enough to warrant upgrades. The peer review of the TIA identified a few deficiencies. The peer review confirms that the increase in trips due to this development should not warrant traffic signals, illumination, or an all-way stop control; the engineer comments that there are some risk factors for future collisions in this area, due to the different operating characteristics of the long combination vehicles and the lack of street lighting in the area. They explain that monitoring performance of the approach roads (including Highway 561, Township Road 24A, 1 Ave E and 2 Ave E in the Village of Hussar) and the access intersection would be prudent.

This parcel has been designated a "preservation site", which pertains to land cover of wetlands and whether those wetlands have been impacted. The development permit application for the Class II Landfill will require a Wetland Impact Assessment Report, which will address vegetation, wetland, and wildlife assessment.

Relevant Policies, Practices, and Legislation

Municipal Government Act
Subdivision and Development Regulations
South Saskatchewan Regional Plan
Regional Growth Management Strategy
Municipal Development Plan
Land Use Bylaw 2016-01

Alignment with the Strategic Plan

The *Subdivision and Development Regulations* have minimum setback requirements for landfills. The working area of a landfill must be at least 450 metres from the property line of a school, hospital, food establishment or residential use, or a building site proposed for the aforementioned uses. Based on the preliminary drawings, the proposed landfill would meet these setbacks.

The proposal generally aligns with the South Saskatchewan Regional Plan (SSRP). The SSRP contains objectives relating to the maintenance and protection of biodiversity and ecosystems and water. The applicant supplied a hydrogeological investigation and a phase 1 environmental site assessment. Both are high level documents that did not indicate any pressing concerns with the proposed development. However, at development permit stage it would be appropriate to request more detailed information to confirm the high level documents. The SSRP also contains objectives regarding building sustainable communities. Though the proposed redesignation is not within proximity to any County communities, the Village of Hussar is. County Staff worked with Village Staff to notify the residents within the Village of the amendments and this public hearing as well as the County's residents within 2 miles of the proposed redesignation area. Council's decision to host the public hearing in-person and in Hussar will help facilitate the public's ability to make comment on the proposal.

The proposal generally aligns with the County's Regional Growth Management Strategy.

The County's Municipal Development Plan's waste management section does not contain policies relevant to the proposed redesignation and development. The Commercial and Industrial Development section speaks to diversifying the County's industrial base. The policies encourage separation of industrial developments from residential areas, that transportation access is a major consideration, and that the broader area context and the impact upon it shall be considered. The high-level studies provided by the applicant generally satisfy these policies. The County's engineer provided comments for consideration regarding the supplied Traffic Impact Assessment. These comments can be addressed at the development permit stage. The Water Resources and Stormwater Management sections are satisfied.

Response Options

Option 1: THAT the proposed recommendation is accepted/approved.

Option 2: THAT the proposed recommendation is not accepted/approved.

Option 3: THAT an alternate recommendation is accepted/approved.

Implications of Recommendation

General

N/A

Organizational

N/A

Financial

N/A

Environmental, Staff, and Public Safety

As with any landfill, there is risk of groundwater contamination. AEP has requirements for groundwater monitoring, as well as the type of liner for a landfill and the leachate pond. Groundwater contamination would fall under AEP's jurisdiction to enforce. There is also risk for materials to blow out of the landfill.

Follow-up Action / Communications

If approved, staff will relay the information to the applicant and will assist with the development permit application when appropriate.

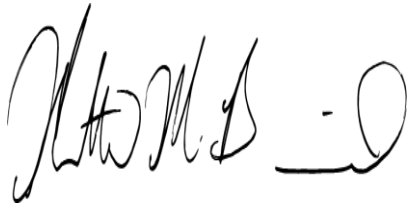
Report Approval Details

Document Title:	Bylaw 2020-03 Landfill PH, 2nd and 3rd Reading.docx
Attachments:	<ul style="list-style-type: none">- DC-20 RemedX_Final.docx- Bylaw 2020-03 PH Map Package.pdf- Hussar Landfill Site Drawing 2020.pdf- LU2020-03 Comment Summary.pdf- July 31, 2020 newsletter Hussar Facility.pdf
Final Approval Date:	Aug 19, 2020

This report and all of its attachments were approved and signed as outlined below:



Sherry Baers



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Brian Henderson