ROCKY VIEW GRAVEL WATCH
SUBMISSION ON DRAFT ARP
Revised draft – Feb 17, 2017

Rocky View Gravel Watch is a residents' organization representing over 300 residents throughout the County. We present this submission so that the County understands our position and can reflect our concerns and recommendations in the next draft of the Aggregate Resource Plan (ARP).

Rocky View Gravel Watch believes that it is possible for the County to have an aggregate policy that protects residents' health, safety, and quality of life while still allowing aggregate extraction and production in the County. To achieve this, however, requires a significant reworking of the draft ARP.

Rocky View Gravel Watch believes that this reworking needs to go back to the underlying objectives for developing a County-wide aggregate policy. It then needs to ensure that the detailed policy directives will achieve the revised objectives for the ARP.

A successful ARP will guide aggregate development in the County over the foreseeable future. An effective ARP will encourage market forces to guide residential and commercial development in anticipation of possible future aggregate locations. It will also direct aggregate operations to areas that will minimize conflict with existing development.

This submission is divided into two main parts. It first outlines and explains the underlying assumptions that we believe should form the basis for a balanced County-wide aggregate policy. The submission then turns to specific comments and recommended changes to the detailed provisions included in the draft ARP.

We have intentionally provided lengthy rationales so that there can be no misinterpretation of our objectives. Our recommendations are clear and specific. There is concern that this document may be taken as a negotiating position; it is not. Rocky View Gravel Watch considers these recommended changes as bare minimums in providing a reasonable balance between the wants of industry and the needs of Rocky View residents.

PART 1 – UNDERLYING PREMISES FOR AN AGGREGATE POLICY

A. Gravel everywhere versus gravel only where appropriate

As currently drafted, the ARP assumes gravel extraction should be allowed anywhere in the County so long as it follows rules set out in the ARP. This is an inappropriate premise on which to base the policy. It relies on the assumption that all harm can be mitigated. Even if there were ideal standards and enforcement, this is an invalid and incorrect assumption.

A more appropriate foundation upon which to base a County-wide policy is to locate aggregate operations where it can be demonstrated that there will be no material negative impacts. This means that there will be areas of the County where new aggregate development simply will not be permitted. There will be areas where aggregate development may be appropriate so long as it satisfies criteria relating to factors such as setbacks and adheres to agreed-upon standards that are rigorously enforced.

Differing development pressures across the County require the ARP to be responsive to local conditions. Development pressures, in some parts of the County, may severely restrict or prevent aggregate operations altogether. A successful ARP will be proactive and work in conjunction with a developing County.

This approach is consistent with the direction provided in the County Plan. The draft ARP states that the County Plan's goals include the development of an aggregate resource policy that balances the needs of residents, industry and society. However, the County Plan goes further by specifying how that balance is to be attained. In Policy 15.1, the County Plan directs that this balance be achieved by minimizing the "adverse" impact of aggregate resource extraction on existing residents, adjacent land uses and the environment.

The County must recognize that its primary responsibility is to its residents. Approvals for any industrial operation in the County, including aggregate development, must be undertaken with this responsibility at the forefront of decision-making.

B. Factors to consider in determining where aggregate operations may be located

Aggregate operations have extremely serious health and safety implications that have only recently started to be generally understood and acknowledged. It is critical that Rocky View County's aggregate policy incorporates and reflects the realities of these serious risks to its residents.

Health

Alberta's gravel deposits have some of the highest levels of crystalline silica in North America. A study quoted by the Alberta Municipal Health & Safety Association found silica levels of 50 – 65% in gravel from the Calgary region.

Crystalline silica is a recognized carcinogen. It is found in the smallest particles of gravel dust. At levels of PM2.5, this type of particulate is the deadliest form of air pollution. These particles

can stay in the air for days or weeks and can travel long distances in wind and air currents. They also penetrate heating and cooling systems in buildings. Crystalline silica has been shown to cause or aggravate many respiratory illnesses including asthma, bronchitis, emphysema, COPD, cancer and silicosis, an incurable, progressive lung disease. The health impacts of crystalline silica are cumulative – the lungs cannot expel silica, it continues to build up and damage lung tissue over the life of anyone exposed to it. Exposure to high levels has also been linked to heart problems and kidney damage.

A recent study in the Journal of Occupational Environmental Medicine on silica exposure in Alberta concluded that many workers may be over-exposed to airborne crystalline silica and that work-related silicosis in Alberta may be underreported. Workers are required to wear complex respirators and still have health issues related to silica exposure. Given this reality, it makes no sense to knowingly expose County residents, especially children and the elderly who have more fragile respiratory systems, to crystalline silica by locating gravel operations close to people. Diesel exhaust from trucks has also been implicated in the exacerbation of breathing problems in children and has been identified as a potential carcinogen.

Safety

Roads – Gravel pits generate a tremendous amount of heavy truck traffic, largely on County roads that are not designed for such use. For example, Lehigh Hanson's 2010 application indicated volumes of 500 gravel trucks per day. Assuming a 12-hour hauling day, that is more than 40 trucks per hour or about one truck every 90 seconds. Smaller pits do generate lower traffic volumes, but all gravel pits involve significant incremental heavy truck traffic on County roads.

Most of the County roads used by gravel trucks have neither turning lanes nor shoulders. This significantly increases the potential danger from the presence of gravel trucks. The weight of gravel trucks means that in any accident it is the family in their vehicle or the cyclist who will be injured or killed, not the gravel truck driver. Consideration must also be given to the impact of these traffic volumes on wildlife mortality.

Water – Gravel extraction can cause significant negative impacts on the County's water table and aquifers. Many County residents rely on wells for their drinking water. It is critical to protect the quality of the County's water.

Gravel operations remove the natural filter that turns dirty surface water into clean underground water. Gravel pits located too close to septic fields may result in fecal contaminants entering the water table.

Storage of asphaltic materials and other toxic substances at gravel pits may also result in run-off leaching into the water table. Once a water table is contaminated, it is extremely difficult, if not impossible, to remediate.

Quality of life – Implied Social Contract and the General Duty of Good Faith

People live in Rocky View to enjoy cleaner air, quieter lifestyles, less traffic, dark night skies and the many other qualities that make living in a more rural environment attractive. The County encourages this lifestyle through the approval of residential developments. The County has a fiduciary responsibility to honour the implicit social contract between itself and its residents.

The general duty of good faith is based on the premise that parties should perform their duties honestly and fairly. Many serious health issues are aggravated or caused by the aggregate extraction process. It is important to highlight a precautionary approach when dealing with serious health issues.

Allowing gravel pits to operate close to where people live seriously erodes the very reasons people have chosen to live in the County; it reneges on that social contract and on the general duty of good faith.

Cumulative Impacts

The long life of many gravel pits and other aggregate operations make it difficult to accurately measure their cumulative impact. However, it is unquestionable that they impose serious, negative effects on all other land users and the environment. It is also undeniable that an increase in the number of aggregate operations in the same geographic area significantly increase the magnitude of these material negative impacts.

The increasing number of scientific studies on crystalline silica exposure and its detrimental effects on human and animal health cannot be ignored. Its effects are cumulative. Aggregate operations are a significant source of crystalline silica in the air we all breath.

Aggregate operations require the removal of virtually all natural vegetation, topsoil and subsoil to reach the resource underneath. Not only does this lead to a loss of existing animal wildlife, it also leads to a huge loss of biodiversity as plants and aquatic habitats are destroyed. Moreover, adjacent eco-systems, residents and other land users are all affected by noise, dust, pollution and contaminated water.

Cumulative impacts must be determined both at any point in time collectively across all aggregate operations within a meaningfully large geographic area as well as over time for each aggregate operation and for the collective operations within the specified area.

Aggregate companies cannot be left to self-regulate. Over time, the potential cumulative impacts can cause irreparable damage to the environment and to the lives of residents and other land users. The ARP must provide direction and meaningful, strict standards to protect residents, other land users, wildlife, the environment, and the community in general from the long-term effects of aggregate operations.

The ARP needs to determine best practices for minimizing cumulative impacts from aggregate operations and establish these as part of the required performance standards.

C. Incorporating these factors into an aggregate resource policy

The health risks associated with aggregate extraction and processing as well as the unavoidable safety risks and erosion of quality of life are principal factors that must be addressed in an aggregate resource policy. To minimize the negative effects on residents, the County must exercise great care in determining where aggregate operations can be safely located. The County Plan reinforces this approach.

Risks and negative externalities all increase as population density increases. To ensure that the negative impacts on residents are minimized, the ARP must recognize that there are areas of the County where relatively high density residential development has been encouraged. This reality makes it impossible to adequately mitigate unavoidable harm from aggregate operations in those areas. The ARP must incorporate a prohibition on locating new aggregate operations near such higher density population areas.

The ARP must clearly identify criteria for defining higher density population areas. Such criteria should not be based solely on the existence of current or future Area Structure Plans since the boundaries of ASPs can change over time while the reality of residential properties continues. In addition, there are pockets of relatively higher population densities that have been permitted outside of existing ASPs. These residents deserve the same level of protection as those in larger higher density areas.

D. *Aggregate policy in areas where its extraction may be permitted*

Health, safety, and quality of life concerns affect all County residents, not just those in the more densely populated areas of the County. In less densely populated areas, it is critical to have both adequate setback criteria and rigorous performance standards and enforcement for all aggregate development. This ensures that all aggregate operations are situated to minimize the material negative impact on County residents everywhere.

Part II of this submission details Rocky View Gravel Watch's recommendations for appropriate setbacks from other land users. There are five critical components to these recommendations, all of which must be incorporated into the ARP:

- Since it is not possible to mitigate all harm through performance standards, significant setback distances are required to minimize material negative impacts.
- Setback distances need to recognize that all pits are not equal – that there are greater negative impacts from larger pits and from multiple pits in the same area.
- Setback distances must be defined from property line to property line.
- Setback distances must include all land users, not just residential users. Schools, commercial businesses and agricultural uses, for example, are all affected by nearby aggregate operations.
- Setback distances can be relaxed with the written agreement of all land users within the proposed relaxation area. Any relaxation must be based on agreement from the potentially affected parties, not at the discretion of the County.

Part II of this submission provides detailed recommendations for changes to the proposed setbacks from environmentally sensitive area (ESAs). There must be effective setbacks from all ESAs to address the potentially irredeemable harm that aggregate operations may cause in these areas. There should be no relaxation of setbacks for ESAs. There are sufficient aggregate resources elsewhere in the County. Thus, there can be no justification for allowing aggregate extraction within any ESA or the setbacks established to protect such areas.

E. Performance standards

For the County's ARP to fulfill its mandate of minimizing the adverse impacts of aggregate development on its residents, adjacent land users and the environment, it is imperative that the policy includes clear, objective, and effective standards to address the negative externalities caused by aggregate extraction and processing.

Performance standards must be drafted in language that is unambiguous and provides clearly measurable and enforceable performance criteria. These standards must incorporate prescriptive language that dictates what aggregate operators "must" do. Unfortunately, the existing North American business culture requires this since very few companies voluntarily exceed their industry's performance standards. If the standards are unclear, they become meaningless and provide no protection against harm caused by the industry.

F. Enforcement

Monitoring and enforcement of clear, effective standards is the other component critical to ensuring that aggregate operations minimize unavoidable negative impacts.

Conceptually, the enforcement provisions in the draft ARP are positive. As is the case with other major extractive industries, aggregate companies should be expected to pay the full cost of monitoring and enforcing the standards they are required to follow.

Enforcement is only effective if it provides meaningful deterrents. To achieve this, both the monitoring and enforcement provisions of the draft ARP must be strengthened. Part II of this submission outlines the key changes we believe are necessary to ensure adequate enforcement of performance standards.

Development permit renewal provisions must also be strengthened to prohibit renewals for operators that have more than a specified number of compliance infractions over the life of the development permit.

G. Evaluating the appropriateness of new gravel applications

As an essential first step in any application process, Rocky View County must evaluate the need for future aggregate operations. For an application to be considered, aggregate companies must demonstrate an actual need/demand for the incremental aggregate from the proposed operation. An aggregate company's desire to profit from the extraction of aggregate in Rocky View should never be sufficient grounds to approve an application. For the County to accept

the unavoidable negative impacts from aggregate operations, there must be a clear need for the product.

There are alternatives to producing aggregate in Rocky View. Both the Stoney and Tsuu T'ina bands have expressed interest in providing Rocky View with gravel. Just because the resource is here does not mean that it must be extracted. Clearly companies who profit from gravel extraction would like everyone to assume that is necessary. But, from a sound public policy perspective, there must be a net benefit to the County and its residents from aggregate extraction before it is permitted.

Rocky View must evaluate both the costs and the benefits of gravel operations in the County. Currently, the County receives $600,000 to $900,000 a year from the Community Aggregate Payment (CAP) levy, as well as nominal non-residential property taxes from the operating portions of active pits. These revenues need to be compared to the costs to the County from aggregate operations. The wear and tear on County roads, without considering other costs, far exceeds these revenues. This suggests that there is a net cash cost to the County from aggregate operations. This is on top of the serious negative impacts the industry imposes on the County's residents and environment.

H. Safeguarding the resource

It is our understanding that existing gravel pits in Rocky View County have resources that can easily supply the regional market for the next several decades. Given this reality, it is not clear why the County is concerned about the possible sterilization of potential gravel resources. It is not a scarce commodity.

Gravel and other aggregate products are important for the construction of roads, buildings and other infrastructure. However, most of the aggregate produced in Rocky View is used in the greater Calgary region, not in the County itself. Calgary has sterilized most of its own aggregate. It is not clear why the burden should fall on the County to remedy the city's choices. This is especially questionable when the remedy comes with no clear benefit to the County while it imposes significant costs on the County and its residents.

The fact that the County contains sizable aggregate deposits is not sufficient grounds to give aggregate companies priority for future land use on all land that might contain potentially marketable aggregate resources. Clearly, it is to the aggregate industry's benefit to convince the County of the importance of protecting the resource. But, it is far less clear why the County should share this objective. To do so imposes a significant restriction on the property rights of existing landowners. If aggregate companies want to secure the possibility of future supply, they should have to purchase land in advance in the same way real estate developers do.

PART II:

1.1 WHAT IS AGGREGATE?

Current Language: *"Aggregates are the most mined non-renewable resources in the world, and are used as an important raw or processed material for construction of roads, buildings and other infrastructure."*

Proposed Language: delete this sentence.

Rationale: This is supposed to be a definition of what aggregate is. This second sentence/paragraph sounds more like an advertisement from a gravel company than part of a definition. Need to illustrate balance from the beginning of the document. Balance between the aggregate and the people who live in Rocky View. The mechanism to create such balance is via sustainable development. Aggregate is a non-renewable resource and sustainable development will prevent depletion of this resource.

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1.2 PLAN PURPOSE

Current Language: 3rd paragraph – "A*s originally adopted in 2013, Section 15.0 of the County Plan … land use management issues."*

Proposed Language: As originally adopted in 2013, the County Plan also provides explicit direction in Policy 15.1 that this balance is to be achieved by minimizing the adverse impacts of aggregate resource extraction on existing residents, adjacent land uses and the environment. As a result, the ARP will permit aggregate development that minimizes the negative impacts of aggregate resource extraction and processing through the establishment of performance standards and guiding of aggregate development towards appropriate locations.

Rationale: RVC County Plan Section 15.1 clearly states as its first objective: "Minimize the adverse impact of aggregate resource extraction of existing resident, adjacent land uses and the environment" An ARP that truly seeks balance should begin with a plan purpose that reflects this balance. It is critical to recognize the importance of minimizing adverse impacts in outlining the purpose of the ARP.

Current language: *The MSDP process outlined…However the criteria for each technical requirement was limited; consequently, the ARP seeks to offer further guidance as to what is expected of Applicants in proposing aggregate development."*

Proposed language: The MSDP process … However, the criteria for each technical requirement was limited. **The ARP provides more detailed guidance on the requirements for applicants proposing aggregate development in Rocky View County.**

Rationale: The ARP is to provide the set of rules for what is allowed and required from aggregate operations in the County. It needs to be clear from the beginning that there are basic standards that must be met.

Current Language: "*It is acknowledged that differing landscapes, resource types, and development pressures across the County require the ARP to be responsive to local conditions where aggregate*

development is undertaken. The policies within the ARP seek to adapt to this local context, while also establishing minimum standards that must be observed by all those stakeholders in aggregate resource extraction."

Proposed Language: It is acknowledged that differing landscapes, resource types, and development pressures across the County require the ARP to be responsive to local conditions where aggregate development is **proposed.** The policies within the ARP **reflect these differences** in local context **and** establish minimum standards that must be observed by all those stakeholders in aggregate resource extraction. **Furthermore, it is acknowledged that development pressures in established areas of the County may restrict aggregate operations. A successful ARP will be proactive and work in accord with a developing County.**

Rationale: To emphasize that the ARP will respect established areas in the County and balance the needs of residents, industry, and society. The potential for conflict with other existing land uses will be minimized.

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1.3 LOCATION OF AGGREGATE DEVELOPMENT IN THE COUNTY

Current language: 1.3 Referring to the eight County-operated aggregate sites in the second paragraph: *"In the absence of any imposed bylaw controls, the County is expected to self-regulate with respect to these sites, and adopt the principles of the ARP in undertaking aggregate development*."

Proposed language: In the absence of any imposed bylaw controls, the County **will adhere to all standards in the ARP, including enforcement regulations,** in undertaking aggregate development**.**

Rationale: The ARP's plan purpose clearly states that "The policies within the ARP seek to...establish(ing) minimum standards that must be observed by all the stakeholders in aggregate resource extraction."

There is no rationale for excluding County-owned or operated pits from the ARP's location criteria or performance standards. Pits cannot be left to self-regulate. This leaves too much at stake for residents that are supposed to be protected by the ARP from the negative impacts of aggregate operations such as:

* decreased health, air quality, water quality, property value;
* increased light pollution, noise levels, traffic levels;
* disruption of view, flora, fauna and habitat in area.

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Current language: 1.3 Final paragraph states "*it is hoped that the mapping of the resource will offer greater transparency for all stakeholders with respect*..."

Proposed language: ...~~**it is hoped the**~~ Mapping of the resource, in conjunction with other land use mapping, offers greater transparency for all stake holders with respect to the… with each other. **Map 7.x provides maps of agricultural land uses and environmentally sensitive areas and Map 7.z overlays these land uses with the locations of potential aggregate resources.**

Rationale: "Hoped" is not strong enough language and suggests a lack of commitment. Overlaying the maps should help determine where each use should be given priority.

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1.4 VISION AND OBJECTIVES:

Current language: Introductory paragraph: *"Following the direction of the County Plan … within the County."*

Proposed language: The ARP's vision and objectives serve as a reference for the criteria and standards that aggregate development will be required to meet to ensure that the future needs of residents, industry and other stakeholders in the County are met in accordance with the direction provided in the County Plan.

Rationale: It is critical that the ARP's vision and objectives properly reflect the County Plan's policy directive to balance stakeholder needs by minimizing negative impacts on existing residents, adjacent land uses and the environment. Also, the wording "serves as a guide" weakens the purpose of the ARP. It must always be clear that the ARP is setting out minimum standards that must be followed by all aggregate operations.

Current language: Vision – "*Rocky View will support environmentally sensitive and sustainable aggregate development to meet local, regional, and provincial resource needs. It shall do so in a manner that balances the needs of residents, industry and society. Through the establishment of performance standards and the guiding of aggregate development towards appropriate locations, the potential for conflict with adjoining landowners will be minimized*."

Proposed language: Vision – Rocky View will permit environmentally sensitive and sustainable aggregate development that meets **demonstrated** local, regional and provincial resource needs. It shall do so in a manner that balances the needs of residents, industry and society **so as to minimize the negative impacts from aggregate resource development on existing residents, adjacent land uses and the environment.** Through the establishment of … will be minimized.

Rationale: It is critical that the ARP's vision clearly states its consistency with the policy directives in the County Plan, not just the objectives from the County Plan.

Current language: 1.4 Objectives #3: "*To minimize impacts of aggregate extraction and processing operations on residents, adjacent land users, and the environment by outlining set standards and criteria for aggregate development.*

Proposed language: To minimize impacts … and the environment **by providing clear, objective and measurable** performance standards and criteria for aggregate development.

Rationale: When performance standards are objective, measurable, realistic and stated clearly then all stakeholders understand what is required and the rules are enforceable and are not open for interpretation.

Current language: 1.4 Objectives #4: *To acknowledge that the potential impacts from aggregate development vary between sites according to their location within the County an, and their proximity to sensitive receptors*."

Proposed language: To acknowledge that the potential impacts from aggregate development vary between potential sites based on their proximity to **residents, other adjacent land users, and environmentally sensitive areas.**

Rationale: The term "sensitive receptors" is not a commonly used phrase. As a result, its meaning is not immediately clear. Choice of language should be as clear and unambiguous as possible. Where technical terms are used, they need to be defined. Alternatively, as is suggested here, substituting plain language reduces the possibilities for misunderstanding.

The California Environmental Quality Act defines sensitive receptors as people that have an increased sensitivity to air pollution or environmental contaminants. Sensitive receptor locations include schools, parks and playgrounds, day care centers, nursing homes, hospitals, and residential dwelling unit(s). http://www.slocleanair.org/images/cms/upload/files/CEQA_Handbook_2012_v1.pdf

This definition is far narrower than appropriate. What about farmers, commercial business owners, their customers, or even the regular residents who are healthy adults with no increased sensitivities? All of these people are negatively affected by aggregate operations.

This change should be made throughout the ARP, wherever "receptors" or "sensitive receptors" are used.

Current Language: 1.4 Objectives #5: *To ensure aggregate development is located and developed in an orderly manner that promotes sustainability, and minimizes impacts upon residents, agriculture, and the environment"*

Proposed Language: … minimizes impacts on residents, agriculture, **other land users** and the environment.

Rationale: All land users are affected by aggregate operations. This must be acknowledged.

Current Language: #6 – "*To safeguard aggregate resources within the County from unnecessary sterilization."*

Proposed Language. To safeguard aggregate resources within the County while recognizing and protecting the interests of others in the County.

Rationale: Policies within the ARP are designed to safeguard natural resources and minimize the negative impacts on residents, adjacent land uses and environmentally sensitive areas. Sterilization may occur in some areas as part of an effective ARP.

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1.5 PLAN ORGANIZATION

SECTION 3: PERFORMANCE STANDARDS

Current Language: … *The 18 performance standard areas aim to provide a minimum standard for all aggregate development, but also allow sufficient flexibility to plan operations according to a site's location and its proximity to sensitive receptors*.

Proposed Language: … The 18 performance standard areas **provide** minimum standards for all aggregate development. ~~but also allow sufficient flexibility to plan operations according to a site's location and its proximity to sensitive receptors~~.

Rationale: There must be minimum performance standards that it is clear must be met by all gravel operations. Waffling language, such as "aim to provide", in the description of the section weakens the intent of the performance standards. Likewise, "allow sufficient flexibility" is ambiguous. This is a guiding document all intent must be clear.

Current Language: *"… to ensure the impacts of aggregate development are minimized upon the County's residents and lands."*

Proposed Language: … to ensure the impacts of aggregate development are minimized upon the County's residents, **other land users and the environment.**

Rationale: All land users are affected by aggregate operations.

SECTION 4: LOCATION CRITERIA

Current Language: "*The policies also utilize mapping of the potential aggregate resource to ensure it is safeguarded from other permanent surface development*."

Proposed Language: … The policies also utilize mapping of the potential aggregate resource to **show where aggregate resource extraction may be encouraged.**

Rationale: It may be reasonable to evaluate the need to safeguard aggregate resources. It is not reasonable to require safeguarding.

1.6 LEGISLATIVE FRAMEWORK FOR AGGREGATE DEVELOPMENT

Current Language: 2nd paragraph under Provincial Legislation – "Class I pits … Reclamation Regulations."

Proposed Language: add at the end of this paragraph: **It should be noted that the regulation setting out the Code of Practice for Pits includes relatively few performance standards. Most of the provincial performance standards are suggested practices in the accompanying Guide to the Code of Practice for Pits and are, as a result, not mandatory.**

Rationale: More clearly describes the role of the Code of Practice for Pits in regulating aggregate operations.

Current Language: #5 – Community Aggregate Payment Levy (Bylaw C-6214-2006)

QUESTION: The CAP levy is scheduled to expire on December 31, 2017. The Province is currently reviewing its status. It may cease to exist or be enhanced come December 2017. If the CAP is not extended by the Province, the County would be left without any identifiable source of revenue from the aggregate industry. Should the CAP levy not be extended, it would be recommended that the County examine its alternatives for levying industry-specific licencing fees or another industry-specific revenue source. Given the amount of damage the aggregate industry causes not only on human health and safety but to the County's infrastructure in terms of road usage, etc., it makes no sense to be encouraging aggregate operations if the County receives absolutely no benefit from their operations.

That said, the CAP levy has a built-in bias that favours the County supporting aggregate applications since the County becomes the financial beneficiary of its own approvals. This tends to make the County more lenient since aggregate operations are considered as a source of revenue. It is important to note, however, that these revenues are usually less than ½ of 1% of total County revenue and have contributed a mere $10 million over the last 10 years.

1.8 DEFINITIONS

The following definitions should be added or modified:

Proposed Addendum: **Highway – A road that is designated as a primary highway or a secondary highway pursuant to the Public Highways Development Act.**

Collector Road – A road in Rocky View County which acts as a link between primary and secondary highways. May be either a major or minor roadway depending upon design and traffic volumes.

Current Language: *Setback means a distance that aggregate development shall be located from nearby adjacent residences, roads, waterbodies, watercourses, or site property lines. It can also apply to the distance that new residential development should be located from a designated aggregate extraction/processing land use.*

Proposed Language: Setback means the distance **from the property line of an aggregate development to the property lines of** adjacent residences, **businesses, public buildings, and from** roads, waterbodies, watercourses, **or other natural features as context may require.** It can also apply to the distance that **the property line of a new residential, commercial, or public service development should be located from the property line of an existing** designated extraction/processing land use.

Rationale: Clearer language. Setbacks should be measured from property line to property line to avoid confusion and controversy over measurements.

Proposed Addendum: **Best Practice means the techniques or methodologies that, through experience and research, have proven to reliably lead to a desired result. A commitment to using best practices is a commitment to use all the knowledge and technology at one's disposal to ensure success. A commitment to using best practices also includes a commitment to adopt new best practices so that the best practices employed are always current.**

Rationale: Adding a definition of "best practice" reduces ambiguity. Without the definition, stakeholders may not know what is expected.

Proposed Addendum: **Site means the location where an aggregate operation exists. For determination throughout this document, measurements from the "site" refer to measurements from the property line of the aggregate operation to the property line of the affected land user or land feature.**

Rationale: This definition will reduce possible ambiguity.

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2.0 APPLICATION REQUIREMENTS FOR AGGREGATE PROPOSALS

Current Language: *"An Aggregate Site Development Plan (ASDP) shall be submitted with all applications proposing redesignation to Natural Resource Industrial (NRI) District to facilitate an aggregate extraction and/or processing development."*

Proposed Language: An Aggregate Site Development Plan (ASDP) shall be submitted with all applications proposing redesignation to Natural Resource Industrial (NRI) District to facilitate an aggregate extraction or processing **development or to Direct Control (DC) District where the DC bylaw would permit aggregate extraction and/or processing.**

Rationale: Since it is possible to have aggregate operations in DC Districts, the application requirements need to apply to these potential operations as well as those being redesignated to NRI districts.

2.2 APPLICATION REQUIREMENTS FOR COMMERCIAL EXTRACTION/PROCESSING

Current Language: 2. "*A location Plan, to an appropriate scale, showing*
a) all occupied dwellings within one mile of the site;
b) all hydrological and environmental features, both within the site and within one mile of the site."

Proposed Language: A location Plan, to an appropriate scale showing:

(a) **For applications for sites under twelve and one-half (12.5) acres in size:**
   a. All occupied dwellings**, commercial land users and/or public service land users** within one mile of the site;
   b. All hydrological and environmental features, both within the site and within one mile of the site.

(b) **For applications for sites greater than twelve and one-half (12.5) acres in size:**
   a. All occupied dwellings within **two miles** of the site;

b. All hydrological and environmental features, both within the site and within **two miles** of the site.

Rationale: One mile is insufficient distance for large pits; however, it is probably a reasonable distance for small pits. The potential impacts on health, traffic, safety, etc. from larger pits is sufficient that larger areas need to be considered.

Proposed Addendum: The ASDP must also include the following:

A plan for the containment and storage of hazardous materials, in accordance with Policy 3.10.

A contingency plan, in accordance with Policy 3.5.

A blasting plan, in accordance with 3.4.

Rationale: Aggregate operations are locations in which hazardous materials are frequently stored. The ARP needs to ensure that these materials are contained and stored appropriately.

Contingency plans to deal with air quality issues are critical to mitigating against the public health risks from aggregate production.

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3.0 PERFORMANCE STANDARDS

OBJECTIVES

Current Language 2nd bullet: "*To acknowledge that the potential impacts from aggregate development vary between sites… proximity to sensitive receptors.*

Proposed Language: To **recognize** that the potential impacts from aggregate development vary between sites… and their proximity to residents, other land users and environmentally sensitive areas.

Rationale: "Recognize" more accurately describes an objective. Also, replace "sensitive receptors" with more easily understood, accurate language.

Current language 1st paragraph – "*Performance standards…provide all stakeholders with greater clarity on the minimum expectations the County has…"*

Proposed language: "Performance standards…provide all stakeholders with greater clarity on the minimum **requirements** the County has…"

Rationale: The County claims that Performance Standards set a "minimum standard" for aggregate operations and that operators are to "exceed requirements". The performance standards are supposed to protect residents, adjacent land users, and the environment. The actual language in the ARP must reflect that purpose. "Expectations" has no teeth and is not enforceable.

Current Language 2nd paragraph: "*These standards are to be used as a guide…"*

Proposed Language: These standards are to be used as **minimum requirements**...

Rationale: Flexibility can only occur with the consent of those affected. If performance standards are going to provide the promised mitigation of negative impacts from aggregate operations, they must be enforceable. Guides are not enforceable.

Current Language 3rd paragraph: "…*while allowing aggregate operators the ability to plan how they will meet and exceed the requirements imposed*"

Proposed Language: … while **ensuring** aggregate operators **understand the minimum standards that they will be required to meet and allow them** the ability to plan how they will meet and exceed the requirements imposed.

Rationale: The ARP needs to be clear that the performance standards are requirements. Weak and/or ambiguous language obscures this message.

Proposed Addendum: Insert at end of or after 5th paragraph: **As outlined in the Provincial Guide to the Code of Practice for Pits, the County expects aggregate operators to continually review their operating practices and equipment with the objective of maintaining current best practices so as to improve their performance relative to all performance standards in this ARP.**

Rationale: It is only reasonable to expect aggregate operators to continuously adopt new and improved best practices.

Current language: "*The County shall make every effort to ensure that the ARP is reviewed periodically to allow for appropriate revisions to be made to such references*."

Proposed language: The County shall **ensure** that the ARP is reviewed **at least every four (4) years, by an independent third party**, to allow for appropriate revisions to be made to such references. These reviews will include consultations with stakeholders to ensure their concerns are brought forward and addressed.

Rationale: Specified review process must happen for the ARP to be compliant with municipal and provincial policy amendments and address deficiencies in a timely manner. Needs to include details on who will review it, a time line for amendments to be made to ARP, a timeline for communication to necessary parties about amendments, a timeline for parties to comply and enforcement and penalties if parties do not comply as outlined in enforcement.

Councillors serve a 4-year term. This provides the opportunity for each new Council to review the continuing reasonableness of the document.

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POLICY 3.1 HEALTH AND AMENITY

Current Language: "*Aggregate extraction and processing operations shall be supported where…"*

Proposed Language: Aggregate extraction and processing operations **may be permitted** where…

Rationale: We are essentially dealing with a permitting process by the County and the language of the ARP should so reflect. Also, it needs to be clear that satisfying any one (or more) of the performance standards is not sufficient to assure approval of an application. This means that "may" is more appropriate than "shall" for each performance standard.

Current Language: "*Aggregate extraction and processing operations shall be supported where no unacceptable impacts would be caused to*..."

Proposed Language: Aggregate extraction and processing operations **may be permitted** when no **material negative impacts** would be caused to the use and enjoyment of **affected lands, or to the health and safety of affected land users. Compliance with the Performance Standards may be a factor in determining whether material negative impacts may occur as a result of aggregate operations.**

Replace throughout Policy 3.1 and the ARP.

Rationale: The language of the paragraph is confusing and is inconsistent. "Unacceptable impacts" is totally subjective. How does one define unacceptable? Allowing the decision on the level of impact that is "likely to occur" to be made by the County, giving "consideration" to Performance Standards does not provide adequate protection to County residents. The paragraph allows the County to consider "guidance on matters not included in the ARP". Essentially the County could consider anything it wants thereby giving the County unlimited discretion in making its determination. This undermines one of the fundamental purposes of the ARP – to bring some certainty in the process for both residents and the aggregate industry. "Adjacent" unnecessarily limits any assessment to those in close physical proximity. Impacts need to be assessed in relation to all who may be affected.

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POLICY 3.2 CUMULATIVE IMPACT

Current Language: 1st paragraph *"Aggregate development shall be supported where it does not result in an unacceptable cumulative impact on the environment… either concurrently or successively."*

Proposed Language: Aggregate development **may be permitted** where it does not result in a **material negative cumulative impact on residents, other land users, wildlife, or the environment within a five (5) mile radius of the proposed site.** The cumulative impact shall be determined in relation to the collective effect of all different impacts from the specific application and in relation to the effects of a number of aggregate operations occurring either concurrently or successively.

As well, the applicant must demonstrate that it will meet and follow best practices to support minimal or no cumulative impacts over the life of the proposed operations.

Rationale: Introductory phrase has been changed to be clearer and more appropriate. "May be permitted" is more accurate than "shall be supported". The word "unacceptable" is highly subjective. What is unacceptable to one person may be acceptable to another. Performance standards must avoid subjective language where ever possible.

Wording needs to state clearly what is necessary to facilitate an "acceptable" application. It also needs to be clear and concise so that it is understandable for industry, stakeholders and residents and leaves little to no misunderstandings.

Proposed Addendum: after the first paragraph add the following –

To determine whether a proposal may result in material negative cumulative impacts, the County shall consider, among other things:

- **The overall cumulative impact over the anticipated life of the proposed aggregate operations;**
- **The cumulative impact on the health of residents, other land users, wildlife and the environment from reduced air quality over the anticipated life of the proposed aggregate operations;**
- **The cumulative impact on traffic safety and infrastructure degradation from increased truck traffic;**
- **The cumulative impacts on the local water tables, riparian areas, and environmentally sensitive areas;**
- **All cumulative impacts shall be determined over a five (5) mile radius of the proposed site and shall include the impact over every five-year period for the anticipated life of the operations.**

Rationale: Adds clarity to what will be expected.

Current Language: 2nd paragraph "*To demonstrate that proposals will not have an unacceptable cumulative impact…"*

Proposed Language: Replace paragraph with:

To identify the possible cumulative impacts from the proposed aggregate operations, the applicant shall prepare a Cumulative Impact Assessment, in accordance with generally accepted best practices for the preparation of cumulative impact assessments. This assessment shall accompany all redesignation and development permit applications including renewals and, at a minimum, shall include:"

Rationale: More accurate language. The Cumulative Impact Assessment does not demonstrate anything. It provides the information the County requires to assess whether the cumulative impact from the proposed application will or will not be acceptable. The original language suggests that if the Cumulative Impact Assessment is provided, proposals will have "acceptable cumulative impacts." This is simply not the case. It is critical that the performance standards are clear, then all stakeholders understand the rules and they are not open for interpretation.

It is unclear what will be included other than the 4 matters set out which is all an aggregate operator would include. This section needs to be clarified to ensure the assessment is in accordance with generally accepted best practices. Need to create a more detailed description of what the county and its residents need to see in a "Cumulative Impact Assessment".

Current language: "1. *An assessment of baseline conditions at the site and surrounding area with respect to noise, air quality, traffic, visual, and environmental impacts. This shall include, as far as practicable, assessment of impacts caused by other uses (both aggregate and non-aggregate uses) in close proximity to the site (some data on other proposed or permitted development can be sourced from the County). Where applicable, assessment should include nearby uses within adjoining municipalities."*

Proposed language: An assessment of baseline conditions, over an agreed upon timeframe prior to the filing of the application, shall be performed for the proposed site. The assessment of baseline conditions shall cover a radius of five (5) miles from the proposed site with respect to noise, air quality, traffic, visual, and environmental impacts.

This shall include, but not be limited to, an assessment of impacts caused by all aggregate or non-aggregate industrial uses on environmental, residential and other land uses within a five (5) mile radius of the applicant's proposed site.

Where applicable, the assessment shall include nearby aggregate and industrial uses within adjoining municipalities and governments.

Rationale: The requirements for the baseline assessment need to be clearly specified. "Close proximity" is not a defined term so it is left to interpretation. Since industry will define "close proximity" narrowly, it defeats the purpose of a cumulative impact assessment. The phrase would frustrate the real purpose of a cumulative impact assessment which is to assess the overall impact of a proposed activity. This is of concern with aggregate operations, as noise and emissions (particularly crystalline silica dust) can have impacts over a large geographical area.

The definition of Cumulative Impact (which is found in the definition section) supports this approach as it refers to impacts on "communities" which clearly implies a substantial geographical area.

The term, "As far as practicable" must be removed. This is subjective and allows for applicants to avoid the intended requirements of the assessment. Every applicant must adhere to the same application process and rules.

The last sentence should specify "nearby aggregate and industrial" uses with adjoining municipalities and governments.

Current Language "2. *An assessment of the short and long-term cumulative impact of the proposal on surrounding land users, road users, and the environment. This shall be completed by collating and supplementing information sourced from individual noise, air quality, traffic, visual, and environmental studies, together with the baseline information and any information obtained on any uses contributing to the cumulative impact of the proposal.*"

Proposed Language: An assessment of the short and long term cumulative impact of the proposed aggregate operations on all land users, road users and the **environment within a five (5) mile radius of the proposed site.** This assessment shall include, **but not be limited to**, the collating and supplementing of information sourced from individual noise, air quality, traffic, visual, and environmental studies, together with the baseline information obtained on any uses contributing to the cumulative impact of the proposal. **For the purpose of preparing this assessment, "long term" shall be anything over three years.**

Rationale: The language attempts to restrict the geographical area of the cumulative impact assessment by using the word "surrounding". Dictionary definitions of "surrounding" use expressions such as "encircle". The cumulative impacts assessment should cover all areas impacted by the activity – that is the fundamental purpose of a cumulative impacts assessment. If the geographical area of a cumulative impacts assessment is unduly restricted, the whole purpose of the cumulative impact assessment is undermined. The result is essentially a site-specific assessment. Site specific assessments have been found to be ineffective.

Current language: 3. *"A description of, and commitment to, any appropriate local, regional, Provincial, or federal objectives or guidelines applicable to the development and surrounding area."*

Proposed language: A description of, and commitment to, all appropriate local, regional, Provincial or federal objectives or guidelines applicable to the development and surrounding area. **This description and commitment shall be accompanied by a plan which demonstrates how the applicant will meet or, preferably, exceed the guidelines and objectives for the development, and the surrounding area (within a five (5) mile Radius)**.

Rationale: Anyone can provide the description of the guidelines and objectives for the area. To meet and exceed those objectives, there must be a rationale provided that outlines how a company intends on achieving those needs. Current language also states "any" – it must use best practice guidelines. This will properly communicate to the County and its residents how the applicant will adhere to the guidelines. This makes enforcement simpler.

Current language: 4. *"Details of any methods proposed on-site to reduce cumulative impacts, such as sharing of site infrastructure or progressive reclamation.*

Proposed language: Details of all methods **that may be used** on-site to reduce cumulative impacts, such as sharing of site infrastructure or progressive reclamation. **Examples and details of proven methods, processes or practices that will reduce cumulative impacts must also accompany any proposed on-site development.**

Rationale: Current wording allows applicants to pick any methods. Details of what a company will do to improve on-site methods to reduce cumulative impacts are not measured and should be. Tried, tested and proven methods by other facilities have historical data that can provide clarity on which methods are effective and are best able to reduce the cumulative impact of an aggregate development.

Proposed Addendum: add at the end of the section: **The baseline conditions, as outlined in the Cumulative Impact Assessment provided with the application, shall be monitored and reported on an ongoing basis, the frequency of which shall be agreed upon with the County and shall, in any case, be performed on at least an annual basis.**

Rationale: If the commitments made in the cumulative impact assessment are going to be meaningful, there must be a way to determine if they are being met through the operating life of the aggregate operation. This requires ongoing monitoring, the results of which need to be compared to the commitments made in the application. Any negative deviations from those commitments must be treated as non-compliance infractions of the conditions of the development permit.

Proposed Addendum: Add at the end of the section: **Compliance with the requirements of this Policy may be a factor in determining whether a redesignation or development permit application or renewal will be granted. Cumulative impacts identified in the Cumulative Impact Assessment shall be included as maximums in the conditions of any redesignation or development permit, including any renewals.**

Rationale: A cumulative impact assessment's purpose must be clear. One purpose is for the County to have an understanding as to the impact of the proposal so it can determine whether the activity will have a material negative impact on others in the County. The second is to ensure there is an enforcement mechanism if cumulative impacts that were represented not to be exceeded are, in fact, exceeded.

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POLICY 3.3 TRAFFIC

Current language: "*Extraction and processing operations involving transportation of aggregate by road shall be supported where:"*

Proposed language: Extraction and processing operations involving transportation of aggregate by road **may be permitted** where:

Rationale: More accurately reflects the intention.

Current language: 1st bullet: "*the proposed access arrangement would be safe and appropriate to the proposed development, and the impact of the traffic generated would not be detrimental to road safety to an unacceptable degree;*"

Proposed language: Delete and replace with: **Access to the proposed aggregate development shall be safe and appropriate and the impact of the traffic generated will not be detrimental to road safety**.

Rationale: There are no acceptable detrimental impacts to road safety. If there are detrimental impacts they must be addressed. When performance standards are objective, measurable, realistic and clearly stated all stakeholders understand the rules and they are not open for interpretation. How does one define safety limits? What are the defined limits for traffic?

What compensation will the residents receive for the increased risk that they will incur from driving on neighbourhood roads with an increased number of bulk haulers? What is the increase in chance of collisions that result in injury and death for Rocky View residents? What will be done to protect the wildlife in the area from collisions with gravel trucks?

Current language: 2nd Bullet: "*the road network is able to accommodate the traffic that would be generated, and the traffic generated would not have an unacceptable impact on residents or the environment*."

Proposed language: the road network is able to accommodate the traffic that would be generated, and the traffic generated would not have **a material negative impact** on residents or the environment."

Rationale: When performance standards are objective, measurable, realistic and stated clearly then all stakeholders are clear on the rules and the rules are not open for interpretation.

Current Language: 2nd paragraph – "*The applicant shall demonstrate compliance with Policy 3.3 through submission of a Traffic Impact Assessment and a Traffic Management Plan."*

Proposed Language: **Aggregate development applications shall be accompanied by a Traffic Impact Assessment and a Traffic Management Plan, as described below.**

Rationale: These documents do not demonstrate compliance. They provide the County with information needed to assess the acceptability of the application and with measurable criteria that will then be included in the Development Permit to permit enforcement of the performance standards.

TRAFFIC MANAGEMENT PLAN:

Current Language: "*All applications for aggregate extraction and associated development that would create additional traffic movements*…"

Proposed Language: "All applications for aggregate extraction and associated development that **could** create additional traffic movements…"

Rationale: "Would" requires certainty. If there is a possibility of additional traffic being created the issue needs to be addressed

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Proposed Addendum: This section must include information on who is qualified to write a Traffic Management Plan, when it is due, who will approve or not approve the plan, and guidelines on what a comprehensive plan needs to include. The five points mentioned in the ARP do not make up a comprehensive Traffic Management Plan but can be added in once they are rewritten to be objective, measurable, realistic and stated clearly, particularly #1, 3, 4 and 5.

Rationale: The British Colombia Ministry of Transportation has guidelines on Traffic Management Plans. The plans must be approved by the District Highway Manager and need to comply with the Ministry's

Traffic Control Manual for Work on Roadways and Workmen's Compensation Board. Section 4 of the Manual is a Risk Assessment and section 9 is an evaluation of Traffic Management Plans. It is best practice to have the most comprehensive Traffic Management Plans required of applicants as they play a role in reducing loss of life on the roads.

https://www.th.gov.bc.ca/publications/eng_publications/geomet/traffic_mgmt_guidelines.pdf

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Current Language: Points 1 and 4: "*Measures*".

Proposed Language: Delete and replace with "Requirements".

Rationale: "Measures" are meaningless, what are required are requirements for what the aggregate developer will do.

Current Language: 2. Evidence of membership in a truck registry program, such as the Alberta Sand And Gravel Association Truck Registry.

Proposed Language: **As part of its truck haul agreement, the County will adopt the ASGA truck registry making it mandatory for gravel truck operators to display the ASGA number on their vehicle.**

Rationale: Registration with the ASGA truck registry provides better operator accountability and facilitates a simpler reporting system for the general public who can call in and report the number of the offensive driver.

Proposed Language: add 6**. Identify all roads within the County that will be used in connection with the aggregate development and undertake that only those roads will be used. These haul routes must coincide with the haul routes used in the Traffic Impact Assessment.**

Rationale: Truck haul routes need to be identified and be consistent between the TIA and the management plan. The damage these vehicles do to roads is unparalleled in the County. What is the projected cost of road repair to the municipality from the damage that the gravel trucks will cause?

Proposed Language: **All gravel truck operators in Rocky View will attend a traffic safety program education program and sign a document similar to the following: "Standard safe operating practices for gravel/sand/haulage truck drivers" (See Attachment 1).**

Rationale: An investigation of the risk factors causing severe injuries in crashes involving gravel trucks concluded that "Some policy recommendations to prevent gravel truck-involved crashes that resulted in serious injuries include mandating gravel truck operators and companies to strictly enforce the maximum legal driving hours and improve the wage system of a low pay base and high-bonus by runs, in addition to a required driver training program, mandating gravel truck drivers to attend a traffic safety program for the education and awareness of risky driving behaviors--for example, overloading, speeding, and prolonged driving--before obtaining a professional driver's license." While the County

cannot get involved in pay scales, it can enforce sufficient training for operators and drivers in the County. https://www.ncbi.nlm.nih.gov/pubmed/22817550

Proposed Addendum: Add a section on Hauling Agreements, as follows: **All applications for aggregate development shall include a commitment to enter into a road use (hauling) agreement with the County as a condition of any development permit or renewal. The road use (hauling) agreement shall specify the conditions under which the operator may use County roads as a part of its operations under the relevant development permit. The road use (hauling) agreement shall include, but not be limited to, provisions dealing with:**

- **Agreed-upon hauling routes;**
- **Agreed-upon hauling hours, which shall apply to first trips each day to the site;**
- **Compliance with all relevant statutes, regulations and bylaws governing truck traffic, licensing, and permitting;**
- **Ensuring that all hauling is done by drivers who are qualified, licensed, and insured to carry out hauling;**
- **Identification of all trucks with signage as per the ASGA truck registry programme or another truck identification system agreed to by the County and a commitment to report all ASGA complaints received against drivers employed by or contracted by the site operator to the County on a timely basis;**
- **Penalties that shall be imposed for non-compliance with provisions of the road use (hauling) agreement. Such penalties shall include the suspension of the hauling agreement in cases of multiple infractions.**

Rationale: In its Municipal Guide to Sand and Gravel Operations in Alberta, the AAMDC recommends that municipalities include hauling agreements as part of their development permit agreements with aggregate operators. Many Alberta municipalities require road use (hauling) agreements with commercial / industrial companies as a condition for carrying on business in the municipality.

These agreements recognize that, although municipal roads are public roads, frequent heavy hauling by commercial / industrial users impose significant safety risks on other road users and disproportionate damage to the municipality's transportation infrastructure. Many of these municipal agreements require the provision of financial security to cover costs of repairing road damage attributable to the users' truck traffic.

Aggregate companies must obtain a development permit before they can carry on business in the County. It is completely feasible (and appropriate) for the County to require a road use (hauling) agreement as a condition of carrying on that business. The hauling / road use agreement recognizes that the traffic issues associated with aggregate operations impose negative impacts on other users of the County roads and that the County has a responsibility to minimize these impacts. A road use (hauling) agreement is an important component in fulfilling the County's responsibilities.

Proposed Language: Add a paragraph at the end of the section:

The Traffic Impact Assessment and the Traffic Management Plan may be used in determining whether traffic generated as a result of an aggregate development provides for safe and appropriate access, is not detrimental to safety, that the road network can accommodate the traffic generated, and that the traffic generated would not have a material negative impact on local residents, other land users or the environment. In the event an application is granted, any commitments made in the Traffic Impact Assessment and the Traffic Management Plan shall be conditions of any redesignation or development permit including any renewals.

Rationale: The Traffic Impact Assessment and the Traffic Management Plan provide no real protection unless representations and commitments contained therein can be enforced.

What are safe and appropriate access arrangements? Will shoulders on proposed haul routes be a prerequisite of an application? Are county roads sufficiently wide enough? Are the turn lanes into/out of proposed pits sufficient?

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POLICY 3.4 NOISE

Current language 1st paragraph: "*Aggregate development that would not result in unacceptable noise impacts on the amenity of adjacent residential occupiers shall be supported*."

Proposed Language: **Aggregate developments that do not create any material negative noise impacts in relation to the use and enjoyment of affected lands or to the health and safety of affected land users may be permitted. Compliance with the requirements of this Policy may be a factor in determining whether material negative impacts may occur as a result of the aggregate operations.**

Rationale: Use language that is consistent with language used in other sections. Failure to do so creates confusion. "Adjacent residential occupiers" is unnecessarily restrictive in both geographic and descriptive terms. Noise is an issue for all affected land users, not just residential land users – schools, commercial operations, etc. are all affected by noise levels.

Current Language: 2nd Paragraph: "*To demonstrate that proposals shall not have an unacceptable noise impact…and a Noise Monitoring Schedule*."

Proposed Language: Replace with: **A Noise Impact Assessment, A Noise Management Plan, and a Noise Monitoring Schedule shall accompany all redesignation and development permit including renewals.**

Rationale: These documents do not demonstrate compliance. They provide the County with information it needs to assess the acceptability of an application and with measurable criteria to include in the Development Permit to be used to enforce compliance with the performance standards.

NOISE IMPACT ASSESSMENT

Current language: *"All applications for aggregate extraction…noise limits for the nearest sensitive receptors."*

Proposed language: Replace with All applications for aggregate extraction or processing **shall be accompanied by** a Noise Impact Assessment **prepared by** a qualified acoustical specialist in accordance with **generally accepted best practice noise survey methodologies ~~acceptable to the County.~~** The Noise Impact Assessment shall include**, but not be limited to,** a determination of ambient noise levels, an assessment of site specific noise, and an assessment of the cumulative noise impact of the proposed development ~~**alongside existing development and the setting of appropriate noise limits for the nearest receptors.**~~

Rationale: Language is confusing. Noise assessments are supposed to be part of any aggregate development application but at the beginning of the paragraph some specific activities are listed. To avoid further confusion, these should all be included in the wider language included in other sections. The language: "...alongside existing development and the setting of appropriate noise limits for the nearest sensitive receptors." has several problems. Firstly, there is no clear definition for sensitive receptor. The cumulative noise assessment will assess the impact of existing development so the language is unnecessary and confusing. Secondly the "appropriate noise levels" or more properly "acceptable noise levels" should be set by the ARP or the redesignation or development permit not the cumulative noise assessment. The use of "nearest" improperly attempts to limit the geographic area of the cumulative noise impact assessment.

Current Language: "*Except for daytime … recorded noise levels shall not exceed the following for aggregate operations"*

Proposed Language: Except for daytime temporary operations (see below), recorded noise levels shall **comply with Noise Performance Standards specified by The Alberta Utilities Commission and Alberta Energy Regulator's Noise Directives and shall not exceed the following**.

Rationale: When it comes to noise regulations it is these guidelines, not operator based limits, that must be followed. The MGA states all Provincial Approvals, Licenses and Permits must be met and that municipal standards can make operations more stringent. The current noise standards in the draft ARP do not meet the Directives under either the AER or AUC.

Current Language: Daytime: "*55dB LAeq (1 hour, free field), or 10 d above recorded…"*

Proposed Language: **50dB** or **10dB** (1 hour, free field) above recorded…

Rationale: 50db is the basic permissible sound level outlined in the Directives above

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Current Language: Daytime – 2nd paragraph – *"Where the recorded ambient noise levels are above the stated threshold, site-specific noise levels recorded at the nearest occupied dwellings shall not…"*

Proposed Language – Where the recorded ambient noise levels are above the stated threshold, site-specific noise levels recorded at the nearest occupied dwelling**, commercial operation, or public service building** …

Rationale: All land users, not just residents, are negatively affected by the noise from aggregate operations.

Current Language: Nighttime: "*45dB LAeq (1 hour free field) or 10dB above recorded… at the nearest occupied dwelling"*

Proposed Language: 40dB LAeq or **5dB** above recorded… at the nearest occupied dwelling, commercial operation, or public service building

Rationale: 40dB is the basic permissible sound level in the Directives above. Also, all land users are affected by noise.

Current Language Nighttime – 1st bullet: "*above recorded background noise*".

Proposed Language: above recorded **ambient** noise.

Rationale: Use consistent language if you mean the same thing. This a basic rule of document drafting. "Ambient" is used in the previous paragraph and is defined in Policy 1.8.

DAYTIME TEMPORARY OPERATIONS

Current Language: "*Increased daytime noise limits of up to 70dB (A) LAeq (1 hour, free field), recorded at the nearest occupied dwellings, for periods of up to 40 days in a year at the agreed noise monitoring locations shall be allowed for temporary operations to facilitate essential site preparation and restoration works where it is clear that these works will have a benefit to site operations and/or the local environment."*

Proposed Language*:* Delete and replace with – **Increased daytime noise limits of up to 65dB (A) LAeq (1 hour, free field), recorded at the nearest occupied dwelling, commercial operation, or public service building may be permitted for a maximum of forty (40) days in a calendar year for temporary operations where the Operator can demonstrate, to the County's satisfaction, that the specified activities cannot be undertaken within the standard noise thresholds and that these activities are essential to the site operations or to the reclamation or restoration of the site.**

Rationale: Increased daytime noise limits of up to 15db above permitted sound levels to facilitate external site preparation and reclamations work when it is clear these works are essential to the operation and/or the environment. Need to recognize that noise levels affect all land users. Also need to recognize that it is not the site operator who decides what does or does not qualify as temporary operations.

Current Language: "*Through Development Permit conditions, the County will…make the record available to Rocky View County upon request."*

Proposed Language: Delete and replace with: **A minimum of ten (10) working days prior to the commencement of any Temporary Operations the Operator shall make a written application to the County for permission to commence Temporary Operations. These applications shall include a description of the activities to be undertaken as part of the Temporary Operations and an explanation of why these activities are required and why they cannot be carried out within the general noise thresholds. The application shall also confirm the duration of the Temporary Operations. If the requirements of this section have been met, the County may issue an approval for the Temporary Operations which shall have the same effect as an amendment to the applicant's existing development permit. The Operator shall also notify all land users within two (2) miles of the site at least five (5) days in advance of the temporary operations, including the time frame over which the temporary operations will be conducted.**

Rationale: It is sloppily worded and provides no ability to enforce the restrictions. An operator keeping records does nothing in the way of creating sanctions for non-compliance. The 10-day notification period provides sufficient time for the County to respond allows the operator to provide affected landowners with sufficient notice.

Current Language: "*Temporary Operations shall be considered to include*"

Proposed Language: Temporary Operations shall be **restricted to:**

Rationale: As worded anything can be construed as Temporary Operations

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Current Language: bullet 1: "*Soil Stripping"*

Proposed Language: Delete bullet.

Rationale: Soil stripping is an integral part of ongoing site operations and should meet noise levels for ongoing operations.

Current Language - bullet 5: "*any other infrequent works that are considered by the County to be necessary to attain environmental or amenity benefits in the long-term operation of the site."*

Proposed language: Delete and replace with: Other infrequent work or activity that **cannot be undertaken within the standard noise thresholds and that are essential to the site operations or to the reclamation or restoration of the site.**

Rationale: more concise and clear

NOISE MITIGATION PLAN

Current Language: 1st Paragraph: "*All applications for aggregate extraction and associated development (e.g. new asphalt plants, washing and crushing facilities, conveyors etc.) shall include a Noise Mitigation Plan that outlines measure that will be taken to limit noise emanating from the aggregate operations. Such measures may include, but are not limited to*."

Proposed language: Replace with: **A Noise Mitigation Plan, prepared in accordance with generally accepted best practices, that outlines measures that will be taken to limit noise emanating from the aggregate operations shall accompany all redesignation and development permit applications, including renewals and, at a minimum, shall include requirements to:**

Rationale: This section contains the same language describing activities as the Noise Impact Assessment section. See those comments. The existing language in the draft is permissive. None of these things are required and an operator can put whatever it wants or doesn't want in the Noise Mitigation Plan. A useful Noise Mitigation Plan requires specifics and requirements to carry out the activities in the plan. As the ARP stands, an operator can come up with what appears to be a "plan" and obtain approval based on the plan but if there are no requirements that the representations in the plan be implemented, the plan offers no protection to affected land owners and users. This must be changed to include what is currently written in the ARP while incorporating the above language to make wording more specific.

As is noted in the Guide to the Code of Practice for Pits, noise is of particular concern to residents and other land users. Noise from pit operations can include heavy trucks, other vehicles, machinery (such as crushers, screeners, backhoes, etc.), conveyor systems, pumps, generators. Incorporating proper sound control features into the design of the operation will make it easier for the operation to meet the noise thresholds required in these performance standards.

Proposed Language: Add another bullet**: -planning of any blasting operations including the timing of such operations, which will be restricted to Daytime Operations, and the noise dampening measures that will be taken to limit blasting noise.**

Proposed Addendum: Additional paragraph at the end of the section – **The Noise Mitigation Plan shall form part of the conditions in the development permit.**

Rationale: See above. There is no point in having a mitigation plan if it cannot be enforced. Making it part of the development permit conditions makes it enforceable.

NOISE MONITORING SCHEDULE

Current Language: 1st paragraph: "*All applications for aggregate extraction and associated development (e.g. new asphalt plants, washing and crushing facilities, conveyors etc.) shall include a Noise Monitoring Schedule, which includes a commitment to undertaking noise surveys at appropriate intervals, with assessment against set limits for identified monitoring locations."*

Proposed Language: Replace with: **A Noise Monitoring Schedule, prepared in accordance with generally accepted best practices, which shall include a requirement to undertake noise surveys at regular intervals to monitor noise emanating from the aggregate operations and showing compliance with the noise levels set out in this Policy 3.4 shall accompany all redesignation and development permit applications, including renewals, and shall form a part of any approved development permit.**

Rationale: This section contains the same language describing activities as the Noise Impact Assessment. See those comments. The purpose of having a Noise Monitoring Schedule is to ensure the operator is not exceeding the noise levels set out in the policy. Unsure of what "assessment against set limits for monitoring locations" means or is intended to work as insofar as nowhere in the ARP are set limits for monitoring locations established or identified.

Current Language: 2nd paragraph: "*Monitoring intervals shall be dependent on the site's proximity to the nearest occupied dwellings, and may range from periodic inspections for sites that are remote from receptors (biannual or complaint-responsive surveys), to fixed 24-hour monitoring stations that are close to receptors.*"

Proposed Language: Monitoring intervals **may vary depending upon** the site's proximity to the nearest occupied dwellings **or other affected land users**, and may range from periodic **monitoring** for sites that are remote from **affected residents, occupied dwellings, or other affected land users** to fixed 24-hour monitoring stations for those that are **within a two (2) mile radius of affected land users. The frequency of monitoring will be specified in the development permit for the operations.**

Rationale: See previous comments on problems with "receptors". The intent here is to allow less frequent monitoring in more remote locations and should not be affected only by proximity to residential land users.

Current Language: 3rd paragraph: "*Survey reports shall be submitted to the County and shall detail compliance with the agreed limits.*"

Proposed Language: Add the following: **The frequency with which these reports are to be submitted shall be included as a condition in the development permit.**

Rationale: This requirement is not included anywhere else; it needs to be here.

Proposed Addendum: **Noise Survey Implementation/Interpretation**: There should be a further subsection dealing with what is to be included in the noise surveys, at what intervals the reports are to be submitted to the County and clarification as to whether it is a County responsibility to monitor the reports and ensure compliance or whether it is a self reporting process by the industry. It should also be made clear how the noise monitoring information will fit with the site inspection visits. As drafted the process simply provides that if the noise exceeds the set levels industry is to investigate and report to the County on" consequential actions." There is no specific requirement to remedy the problem.

Current Language: "*Within the Noise Monitoring Schedule, the Applicant/Operator shall set out a complaints procedure that details how any noise complaints from the public will be dealt with. This shall include a commitment to investigate all reasonable complaints and, where the complaint is substantiated, to submit to the County a set of remedial actions to limit the nuisance caused by the offending activity to an acceptable level.":*

Proposed Language: <u>Complaints from the public regarding noise levels from an aggregate operation shall be made to the County. The County will undertake to investigate all such complaints on a timely basis under the provisions of the site inspection visits. Where a complaint is substantiated, the operator shall submit to the County, within an agreed-upon reasonable time, a set of remedial actions to bring its activities within the noise levels specified in this section.</u>

Rationale: The complaints process in the last paragraph is toothless. Complaints should go to the County and the County should enforce compliance with the terms of the Development Permit. All that is suggested is an industry operated complaints procedure and a report to the County of remedial actions if the complaint is "substantiated" as determined by industry itself. This makes the County appear to be offloading one of its obligations.

Proposed Language: Add a final paragraph: **<u>Compliance with the requirements of this Policy 3.4 may be a factor in determining whether material negative impacts may occur as a result of the aggregate operations. The maximum noise levels in this Policy, and any requirements of the Noise Impact Assessment, the Noise Mitigation Plan and the Noise Mitigation Schedule shall be included as conditions in any redesignation or development permit including any renewals.</u>**

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POLICY 3.5 AIR QUALITY

Current Language: 1st paragraph: "*Aggregate development that would not result in unacceptable air quality impacts on adjacent residential occupiers shall be supported*."

Proposed Language: Replace with: **<u>Aggregate extraction and processing applications may be permitted when no material negative air quality impacts may be caused to affected land users</u>**.

Rationale: See previous comments on use of "unacceptable". Using the words "adjacent residential occupiers" unnecessarily limits the assessment to a limited geographical area and to residential occupiers. A cumulative air quality impact assessment (which is part of the Air Quality Impact Assessment mandated by Policy 3.5) must cover an appropriate geographical area. Impacts on air quality can affect a number of County residents including users who are not "adjacent residential occupiers". One example would be a school, another a business. Impacts on these users would be precluded from being considered as the ARP is currently drafted.

Current Language: 2nd paragraph: "*To demonstrate that proposals will not have an unacceptable impact on local air quality impacts…and an Air Quality Monitoring Schedule."*

Proposed Language: Replace with: **Aggregate development applications shall be accompanied by an Air Quality Impact Assessment, an Emissions Mitigation Plan, and an Air Monitoring Schedule**.

Rationale: The various plans and schedules do not "demonstrate" anything. It is up to the County to review them and use them to decide whether the application creates material negative air quality impacts on affected land users. Because of the potential for serious long term health impacts on affected land users the precautionary principle needs to be applied. That risk management principle states that if an action or policy has a suspected risk of causing harm to the public or the environment, in the absence of scientific consensus that the action or policy is not harmful, the burden of proof that the activity or policy is not harmful must be satisfied by the proponent of the activity or policy.

AIR QUALITY IMPACT ASSESSMENT

Current language: 1st paragraph, last sentence: "*The Assessment shall include determination of baseline levels, identification and assessment of the point and non-point emissions that are likely to be created by…"*

Proposed Language: The Assessment shall include determination of baseline levels, identification and assessment of the point and non-point emissions that **may** be created by…

Rationale: If the Air Quality Assessment is to have value it needs to address all emissions that may result from the aggregate activity not just those that are "likely". Another attempt, inappropriately, to narrow the scope of the assessment. See also comments about the precautionary principle above.

Current Language: 2nd paragraph: "*All sites should aim to reduce emissions…be assessed against the following criteria for aggregate operations."*

Proposed Language: All **aggregate development** sites **shall** reduce emissions to the lowest **reasonable** level **using the best available control technology**, in accordance with the guideline of the South Saskatchewan Region Air Quality Guidelines (July 2014) **as amended, updated or replaced from time to time. Current maximum allowable** emission levels for aggregate **developments are as follows**:

Rationale: Current language of "aim to" and "assessed against" is a sham. The County is telling residents that the performance standards protect them and suggest the numbers in the policy provide protection. This is misleading as there is no actual obligation on the aggregate operator not to exceed those numbers. The proposed revised language provides an obligation that is measurable and enforceable.

Current language: 2nd paragraph - "*Emission levels should be assessed against the following criteria for aggregate operations."*

Proposed Language: Emission levels **shall** be assessed against the following criteria for aggregate operations. **Note: these criteria are subject to change as the source documents are revised.**

Rationale: Change "should" to "shall" – should is not enforceable. Repeating information found elsewhere in other documents always includes the risk of being out of date if the source documents change.

EMISSIONS MITIGATION PLAN

Current Language: 1st paragraph: "*All applications for aggregate extraction...shall include an Emissions Mitigation Plan that outlines measures that will be take to limit emissions emanating from the aggregate operations. Such measures may include, but are not limited to:"*

Proposed Language: All applications for aggregate extraction...shall include an Emissions Mitigation Plan, **based on best practices, that identifies specific measures that will be used to reduce emissions from the aggregate operation to the lowest reasonable levels detailed in the previous paragraph of this Policy 3.5. The Plan shall provide details on how measures will be adapted to respond to changing weather conditions.** Such measure **shall** include, but are not limited to :…"

Rationale: The plan is supposed to be focussed on meeting the minimum standards and then exceeding those standards. It needs to state its purpose. The plan needs to have some minimum measures that must be included in any plan. The use of "may" in the original draft is too ambiguous and open for interpretation. We need to avoid this.

Current language: 3rd mitigation bullet: • *siting of plant and machinery away from sensitive receptors.*

Proposed Language: • siting of plant and machinery away from **affected land users through the use of setbacks and by placement of plant and machinery on the aggregate site so as to minimize dust transmission off the site.**

Rationale: This is essentially what we are doing, so let's identify it this way. It also emphasizes that location choice within the site can affect how much dust leaves the site (e.g. placing a crusher in a low spot will result in less dust blowing out of the site relative to placing the same crusher on a high spot in the site).

Proposed Amendment: add the following to the listed bullet points:

- **Enclosing crushers to minimize dust levels;**
- **Using a fine spray or misting system on crushers;**
- **Placing a screening system around crushing operations and/or on the upwind side of the operations;**
- **Design material handling practices and stockpile shape and locations to minimize dust;**
- **Develop and implement contingency plans to shut down operations in the presence of high winds.**

Rationale: The emissions mitigation plan needs to include all best practices that can assist in minimizing dust from the aggregate operations. These are additional practices that assist in achieving this objective.

Proposed Addendum: add the following paragraph at the end of the section on Emission Mitigation Plan:

All Emission Mitigation Plans shall include details of the site's contingency plan that shall include, but not be limited to, shut down procedures that must be undertaken in any of the following circumstances:

- **When air quality monitoring identifies a situation where any of the emission levels exceed those identified in the Air Quality Impact Assessment.**
    - **Shut downs for this reason shall continue until the cause(s) of the exceedance have been identified and satisfactorily remedied.**
- **When an Environment Canada wind warning has been issued for the area in which the aggregate operations are located.**
    - **Shut downs for this reason shall continue for as long as the wind warning remains in effect.**

Rationale: The air quality standards are "do not exceed" thresholds. Therefore, if operations at an aggregate site result in the thresholds being exceeded, operations must be shut down for health reasons. Simply reporting on violations is not adequate. Shutting down during high winds is recommended in the Guide to the Code of Practice for Pits. It recognizes that standard emission mitigation measures cannot be fully effective in high wind conditions.

AIR QUALITY MONITORING SCHEDULE

Current Language 1st paragraph: "*An Air Quality Monitoring Schedule, which shall include a commitment to undertake air quality surveys…*"

Proposed Language: An Air Quality Monitoring Schedule, which shall include **a requirement** to undertake air quality surveys…"

Rationale: Stronger language. Commitments are not enforceable; requirements are. If the standards are going to be meaningful, they must be enforceable.

Current Language: 2nd paragraph: Monitoring intervals shall be dependent on the site's proximity to sensitive receptors, …

Proposed Language: Monitoring intervals **may vary depending upon** the site's proximity to the nearest occupied dwellings **or other affected land users**, and may range from periodic **monitoring** for sites that are remote from **affected residents, occupied dwellings, or other affected land users** to fixed 24-hour monitoring stations for those that are **within a two (2) mile radius of affected land users. The frequency of monitoring will be specified in the development permit for the operations.**

Rationale: The ARP should use clear language. As noted elsewhere, "sensitive receptors", is not clear language.

Current language: 3rd paragraph: "*Survey reports shall be submitted to the County, and shall detail compliance with the agreed limits:"*

Proposed Language: Survey reports shall be submitted to the County, and shall detail compliance with the agreed limits. **The frequency with which these reports are to be submitted shall be included as a condition in the development permit.**

Rationale: This requirement is not included anywhere else; it needs to be here.

Current language: "*This shall include a commitment to investigate all reasonable complaints and, where the complaint is substantiated, to submit to the County a set of remedial actions to limit the nuisance caused by the offending activity to an acceptable level."*

Proposed Language: **Complaints from the public regarding air quality issues from an aggregate operation shall be made to the County. The County will undertake to investigate all such complaints on a timely basis under the provisions of the site inspection visits. Where a complaint is substantiated, the operator shall submit to the County, within an agreed-upon reasonable time, a set of remedial actions to bring its activities within the air quality levels specified in this section. If the remedial actions are not implemented within a specific time frame, the aggregate operation may be subject to shut down until the remedial actions have been implemented to the satisfaction of the County.**

Rationale: The complaints process in the draft ARP is toothless. Complaints should go to the County and the County should enforce compliance with the terms of the Development Permit. All that is suggested is an industry operated complaints procedure and a report to the County of remedial actions if the complaint is "substantiated" as determined by industry itself. This makes the County appear to be offloading one of its obligations.

Proposed Addendum: Similar points were made in relation to the Noise Monitoring Schedule. Needs to be similar addition to Air quality – **Air Quality Schedule** - in form of understanding survey reports. There should be a further subsection dealing with what is to be included in the air quality surveys, at what intervals the reports are to be submitted to the County and clarification as to whether it is a County responsibility to monitor the reports and ensure compliance or whether it is a self reporting process by the industry. As drafted the process simply provides that if the air quality exceeds the set levels industry is to investigate and report to the County on" consequential actions." There is no specific requirement to remedy the problem.

Proposed Amendment: Add the following paragraph at the end of the section: **Compliance with the requirements of Policy 3.5 may be a factor in determining whether material negative air quality impacts may occur as a result of the aggregate operations. The maximum emission levels in this Policy, and any requirements of the Air Quality Impact Assessment, the Emissions Mitigation Plan and**

the Emissions Mitigation Schedule shall be included as conditions in any redesignation or development permit including any renewals.

Rationale: Given the potential material negative impact of air quality on human and animal health, these conditions must be included in the permit process to offer sufficient protection to local residents and land users.

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POLICY 3.6 VISUAL AND LANDSCAPE

Current Language: paragraph 1: "*Aggregate development that would not result in unacceptable impacts on the visual amenity and landscape character of the surrounding area shall be supported*."

Proposed Language: Aggregate development **applications may be permitted when there are no material negative impacts on the visual amenity and landscape quality of areas affected by the application**.

Rationale: Language is consistent with language used in redrafts of previous sections. Stronger language. This is something that requires public input.

Current Language 2nd paragraph: "*To demonstrate that proposals will not have an unacceptable impact upon the visual amenity…"*

Proposed Language: Replace with **Aggregate development applications shall be accompanied by a Landscape and Visual Impact Assessment and a Landscape Management Plan**.

Rationale: Language is consistent with language used in redrafts of previous sections. These assessments and plans do not "demonstrate" anything. They provide information with which potential impacts may be evaluated and measurable actions, etc. that can be included as conditions for any approval.

Current Language: Landscape and Visual Impact Assessment – final bullet – "*reference to any sensitive receptors near to the site"*

Proposed Language: reference to **all land users** within five (5) miles of the site.

Rationale: Clearer language.

LANDSCAPE MANAGEMENT PLAN

Current Language 1st paragraph*: "Such measures may include, but not be limited to:"*

Proposed Language: Such measures **shall** include, but not be limited to…

Rationale: As previously stated there should be minimum standards that the applicant must meet in these various policies. Without such standards, an operator can include or not include whatever it wants. This approach provides limited protection to County residents and makes it difficult to compare different applications.

Proposed Language: Add a paragraph: **Compliance with the requirements of Policy 3.6 may be a factor in determining whether material negative visual and landscape impacts may occur as a result of the aggregate operations. The requirements of the Landscape and Visual Impact Assessment, and the Landscape Management Plan shall be included as conditions in any redesignation or development permit including any renewals.**

Rationale: See previous comments on similar paragraphs.

POLICY 3.7 AGRICULTURE

Current Language 1st paragraph: "*In seeking to minimize the loss of the County's productive and versatile agricultural land, aggregate proposals on agricultural lands shall aim to meet the following objectives."*

Proposed Language: In seeking to minimize the loss of the County's productive and versatile agricultural land, aggregate proposals on agricultural lands of Class 3 quality or above shall only be considered where the proposed pit depth is no more than 10 feet below the existing surface level and the reclamation plans are determined to adequately return the land to its pre-aggregate use quality.

For other agricultural lands, applications for aggregate development may be permitted where the aggregate operator commits to undertake all of the following:

Rationale: This would restrict aggregate development on high quality agricultural land to only those aggregate operations that can viably be returned to quality agricultural land. For lower quality agricultural land, it would require best efforts to return the land to agricultural use.

This recommendation fits with a commitment to safeguard agricultural land.

The Guide to the Code of Practice for Pits states that for pits greater than ten feet in depth, it is not feasible to return the land to agricultural use after it has been used for aggregate extraction, at least not without substantial "recontouring" which is frequently cost-prohibitive. The lack of overburden after aggregate extraction means that there is a significant risk of contamination from leaching of pesticides and/or manure into the water table.

Current Language: 2nd paragraph – "*In demonstrating compliance with the objectives of Policy 3.7, applications shall include an assessment of the subject land's agricultural capability, together with an associated strategy for managing any likely impacts upon the affected agricultural lands."*

Proposed Language: All applications for aggregate development on land currently zoned as agricultural shall include an assessment of the subject land's agricultural capability, together with a strategy for managing any possible impacts on the affected agricultural land.

Rationale: Providing this assessment and strategy do not demonstrate compliance, they provide information and criteria that can be used as enforceable provisions in the Development Permit.

Proposed Addendum: Need to include a map of agricultural lands outlining areas of higher and lower agricultural quality. New map would be Map 7.4.

Rationale: Can overlay the maps and see where there is a conflict between aggregate and agricultural and determine which land use should supersede. There is much talk about safeguarding the resource of gravel but little on the safeguarding of ag lands. The agricultural capability of the land should be assessed long before a gravel application is brought forward.

Proposed Addendum: Add a paragraph: **Compliance with the requirements of Policy 3.7 may be a factor in determining whether a material negative impact on agricultural lands may or may not occur as a result of the aggregate operations. The requirements of Policy 3.7 shall be included as conditions in any redesignation or development permit including any renewals**.

Rationale: See previous comments on similar revisions.

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POLICY 3.8 ENVIRONMENTAL

Current Language 1st paragraph: "*Applications that would not have any unacceptable adverse impacts upon flora, fauna or habitat protected under*...".

Proposed Language: Applications that do not have **a material negative impact** upon… **may be permitted**.

Rationale: The Provincial or Federal requirements will govern; their language will be stronger. Changed to be consistent with the rest of our changes.

Proposed Addendum: **If the proposed pit is situated within one half-mile (1/2) of a natural landscape, particularly a coulee, river valley or other unusual landscape, a rare and/or important species survey must be conducted, both for plants and wildlife.**

Rationale: The Guide to the Code of Practice for Pits suggests that pits situated near these natural features should undertake a rare species survey. The municipality's language can be stronger than the Province's – given the topic is protecting potentially endangered species, the County should be accountable to the environment and make these surveys an absolute must.

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POLICY 3.9 HISTORICAL

Current language: 1st paragraph: "*Applications that would not have unacceptable adverse impacts upon historical resources protected under provincial legislation shall be supported. All applications…together with an assessment of the likely impacts and…"*

Proposed Language Applications that would not have **a material negative** impact~~s~~ upon historical resources protected under provincial legislation **may be permitted**. All applications…together with an assessment of the **potential** impacts and…"

Rationale: Consistent language. The assessment needs to address of all potential impacts not just those that are likely. Another attempt to limit the scope of any protection granted. How does one mitigate loss of a historical site?

Question: Which historical agencies are contacted to ascertain there are no impacts on historical artifacts? What protocol does the County follow to ensure that this is done?

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POLICY 3.10 SURFACE AND GROUNDWATER

Current Language: Introductory paragraph – "*Applications that would not have unacceptable adverse impacts upon surface and ground water flows shall be supported*."

Proposed Language: Aggregate development applications may be permitted when there are no material negative impacts on surface or ground water, such as:

a) **Lowering of local water table or piezo metric level;**
b) **Contamination or pollution of local aquifers;**
c) **Contamination or pollution of nearby ponds or streams;**
d) **Gravel extraction too close to local water table.**

Rationale: Consistent language with respect to lead-in sentence. Bullet points provide a more thorough explanation of the potential impacts an extraction operation may have on local water sources.

GROUNDWATER

Current Language: "*All applications for … shall provide a Groundwater Investigation Report that includes the following items:*

- *Measurement of the groundwater table within the site and an assessment of the impact of extraction … connected lands."*

Proposed Language: add the following at the end of the first bullet -- … **hydrologically connected lands. Such measures shall include, but not be limited to:**

- **Water levels (in metres above S.L.)**
- **Chemical composition of the water**
- **Tests for drinking water quality including tests for fecal coliforms and fecal streptococci, E Coli, etc. if the site is within one 1 mile of any residences or other land users using water from wells on their property.**

- **All readings and analysis of the above items shall be taken on a monthly basis and submitted to the County. Any changes in any of these items shall be promptly reported to the County.**

Rationale: To ensure meaningful reporting, it is important to outline reporting requirements.

Current Language: bullet 2 – "*Groundwater readings taken from a minimum of two test wells … and once a month thereafter for 5 consecutive months."*

Proposed Language: bullet 2 – Groundwater readings taken from a minimum of **four (4)** test wells within the site shall be provided … and once a month thereafter for **twelve (12)** consecutive months. **After the initial twelve months of monitoring and reporting, wells shall be monitored quarterly for the readings and analysis described above unless the site is within two (2) miles of residences or other land owners using water from the local aquifers, in which case the readings and analysis from the monitoring wells shall be taken on a monthly basis**.

Rationale: To provide a proper assessment and analysis of the impacts of aggregate operations on the water table, it is critical to have enough test wells to obtain meaningful test results. It is also important to obtain this information over the complete seasonal cycle. Five months of reporting cannot achieve this. It is also important that this, like all monitoring, be reported to the County on a timely basis and be publicly available.

Current Language: bullet 3 – *A survey of groundwater table levels within a one-mile radius of the site.*

Proposed Language: bullet 3 – A survey of groundwater table levels within a **two-mile** radius of the site. **This survey shall include:**

- **A location map of the wells;**
- **A list of all wells with location, depth drilled, year drilled, well ownership; and**
- **A new water analysis taken by the applicant including chemical composition of the water and an assessment of drinking water quality.**

Rationale: Impacts on the water table may extend further than one mile. The details required will provide residents and other land users and the aggregate operator with a common base point in the event of subsequent issues with any wells in the area.

Current Language: Bullet 4 – "*Where extraction is undertaken below the identified groundwater table, a groundwater monitoring and management plan shall be included with the report."*

Proposed Language: No extraction shall be permitted below the identified groundwater table. Any plan to extract aggregate within thirty (30) feet of an identified water table shall include a groundwater monitoring and management plan that includes measures to prevent contamination and/or pollution of such water table. No extraction shall take place within thirty (30) feet of a water table if that aquifer provides drinking water to residents or other land users within a two (2) mile radius of the site.

Rationale: Water is a non-renewable resource that is very difficult to remediate once it has been contaminated. Residents and other land users close to approved aggregate operations need assurances that their well water will not be contaminated as a result of improper extraction practices.

Current Language: the provisions for the Groundwater Investigation Report includes 4 bullet points.

Proposed Language: **the provisions for the Groundwater Investigation Report should be expanded to include the following additional bullet points:**

- **An assessment of the impact of the proposed aggregate development on existing and future septic systems, using a range of setbacks from the aggregate development's boundaries**
- **An assessment of the impact of the absence of the gravel above the existing groundwater and aquifers during the life of the aggregate operations**
- **An assessment of the impact of any gravel washing to be undertaken as part of the aggregate operations, including details of the source of any water to be used, the disposition of that water after its use, and the impact on existing groundwater and aquifers**
- **An assessment of the potential impacts from the use or storage of any asphalt materials, chemicals, or fuel on existing groundwater and aquifers**
- **An assessment of the impact of truck traffic, including an assessment of the impact of salt, petroleum and chemical products which will be released from such trucks on existing groundwater and aquifers.**
- **Each of the assessments described above shall include a plan to avoid any material negative impacts on existing groundwater and aquifers**

Rationale: The draft ARP's Groundwater Investigation Report failed to address a number of critical issues. For example, once gravel is removed and the grades reduced by possibly up to 200 – 300 feet, there will be a tendency for the waste fluids from septic fields to migrate downward towards the excavation area. This creates a risk of contamination to the existing groundwater and aquifers. When the gravel is removed a large part of the natural filter for the groundwater is removed creating another risk of contamination for the existing groundwater and aquifers. Contamination from asphalt, petroleum products, chemicals, salt, etc. that are all present at an aggregate site are real risks that must be addressed.

The ASDP must require a company to include details on its planned gravel washing activities (see separate recommended addition to the draft ARP). An assessment of its impact on groundwater needs to be included in the Groundwater Investigation Report.

Proposed Addendum: **A**dd a section after Surface Water on Gravel Washing – to read:
All applications for aggregate development shall include details on the location of gravel washing equipment, settling ponds, source of water for gravel washing, and a plan to monitor and prevent leaching of washing water and sediment into the underlying soil. This plan shall include the source of water for washing and an analysis of the chemical composition and drinking water quality of the water to be used. Applicants may not use water from local aquifers for gravel washing purposes.

Water from holding ponds shall be analysed monthly for chemical content and drinking water quality. The operator shall use clean, not contaminated, pond water. All results from the monitoring shall be provided to the County and be available to the public.

Rationale: Gravel washing involves risks of groundwater contamination if not carried out using best practices. These requirements will mitigate risks of contamination to the local groundwater and aquifers.

Proposed Addendum: Add a section after Surface Water on Blasting – to read:
Any blasting on land associated with aggregate operations shall only be performed after obtaining a permit from the County. As a condition of granting the permit, the aggregate operator shall notify all residents and other land owners/users within two (2) miles of the blast area a minimum of ten (10) days in advance. Written evidence of this notification must be provided with the permit application.

Rationale: Blasting is known to have potentially damaging impacts on local wells. As a result, blasting activities must be regulated and require a separate permit. One of the conditions of the permit must be to notify residents and other land owners/users within a two (2) mile radius of the blast. Blasting can harm/destroy water wells. It is important to have water samples of all existing wells within the area before an operator is granted approval to begin aggregate operations. This provides a comparison should blasting activities damage local wells. As is noted in the noise section, blasting will only be performed during daylight hours and all efforts to dampen noise will be used.

Proposed Addendum: Add a paragraph at the end of Section 3.10 that reads as follows:
All applications for aggregate development shall include details on the proposed operations storage and handling of hazardous materials. This shall include, but not be limited to,

- **A list of any hazardous materials that may be stored on-site;**
- **The location(s) on the site where these materials will be stored;**
- **A containment plan for all hazardous material that might be stored on the site;**
- **A contingency plan in the event any leakage or spill occurs.**

The plan for handling hazardous materials will, at a minimum, comply with all relevant Provincial legislative and regulatory requirements.

Rationale: The draft ARP does not discuss the containment and storage of hazardous materials (including but not limited to fuel, lubricants, asphaltic oil, stockpiles of asphaltic material, salts, chemicals, etc.) on site. The ARP should have provisions that ensure the proper handling, control, and containment of these materials and that includes a contingency plan to deal with any spills or leakages occur.

Proposed Addendum: Add a paragraph after the above that reads as follows:
Compliance with the requirements of Policy 3.10 may be a factor in determining whether a material negative impact on surface and/or groundwater may occur as a result of the aggregate operations. The requirements of Policy 3.10, including the requirements or recommendations of any Groundwater

Investigation Report and/or Stormwater Management Strategy/Plan, shall be included as conditions in any redesignation or development permit, including any renewals.

Rationale: This paragraph is needed to make it clear that the requirements in the section are conditions for operating aggregate site and that, if not followed may lead to the compliance infractions and/or the non-renewal of the development permit.

Proposed Addendum: All pits that operate a crusher must have wheel well washing stations. These stations will use recycled clean water from holding ponds. Runoff from this operation will be stored in holding ponds where sediment will be used in the reclamation process or disposed of as appropriate.

Rationale: Gravel pits are dusty and those with crushers have more fine particulate matter. Since this particulate matter can stick to surfaces it is unreasonable to permit these vehicles to drive on roads and release a further known carcinogen. Wheel washing is a simple step to reduce further material negative impact on the community. It is already noted that diesel exhaust and the fine dust particles from their braking systems are potential health risks.

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POLICY 3.11 EROSION AND SEDIMENT CONTROL

Current Language: "*All applications for aggregate extraction and associated development shall aim to minimize…*"

Proposed Language: All applications for aggregate extraction and associated development shall ~~**aim to**~~ minimize…"

Rationale: "Aim" is meaningless. "Shall" requires the aggregate operator to do something.

Proposed Addendum: Add to the section the following: **The requirements set out in the Erosion and Sedimentation Plan shall be included as conditions in any development permit including renewals**.

Rationale: Provides ability to impose sanctions for failure to comply.

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POLICY 3.12 EXTERNAL LIGHTING

Current Language: "*At the discretion of the Development Authority*"

Proposed Language: Delete above.

Rationale: Showing that your lighting plan does not create a nuisance or have an environmental impact should be a given. Should always be required and should not be subject to the discretion of a County staff member. There is a need to preserve dark skies in a country environment.

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POLICY 3.13 HOURS OF OPERATION

Current Language: *All applications for aggregate extraction and associated development shall specify hours of operation for both extraction and processing operations, and hauling operations. The hours of operation specified by Applicants shall have regard to the guidelines set out below. Where hours of operation beyond those guidelines are requested, a rationale shall be provided, and the impact upon residential amenity shall be adequately addressed within the application.*

Extraction and Processing Operations

The hours of operation for permitted aggregate extraction and processing operation shall only take place within the hours specified by the Development Permit conditions. Upon any approval as such operations, the Development Authority shall have regard to the following guidelines for hours of operation:

Proposed Language: Replace both paragraphs with: **All applications for aggregate development shall specify hours of operations for both extraction and processing operations and for hauling operations. These hours shall not exceed the following hours:**

EXTRACTION AND PROCESSING OPERATIONS

-**7:00 a.m. to 7:00 p.m. Monday to Friday**

-**9:00 a.m. to 5:00 p.m. Saturday**

-no working Sundays or statutory holidays

HOURS FOR HAULING OPERATIONS

-**8:00 a.m. to 6 p.m.** Monday to Friday

-**10:00 a.m.** to **4:00 p.m.** Saturday

-no hauling Sundays or Statutory Holidays

Hours may be extended by agreement between the aggregate development operator and all land users within two (2) miles of the boundary of the aggregate development site. Such agreement shall be in writing and filed as part of any redesignation or development permit application or any renewals. Any such agreements shall have to be renewed on an annual basis.

Rationale: Rocky View County is a rural area not an industrial heartland. The original hours set out in Policy 3.13 were excessive. Crushing and blasting from 6 a.m. to 10 p.m. 6 days a week shows no appreciation for the rural lifestyle.

The specified hours can be changed by agreement with those affected. Notification for change of hours must be agreed upon by those within a 2-mile radius. Since those impacted most by truck traffic are those who are closest, it is essential that they are part of the process if hours of operation be considered for relaxation.

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POLICY 3.15 SITE PRODUCTION AND MARKET APPRAISAL

Proposed Addendum: add a final paragraph to this section – **The County will use the information provided under this section to determine if there is an identifiable market need for the incremental aggregate production from the proposed operation. Approvals for redesignation, development permits and permit renewals shall only be granted where an identifiable market need can be substantiated.**

Rationale – The unavoidable negative impacts from aggregate activities mean that the County should only approve new gravel production where it can be shown to be needed. The fact that a particular aggregate company would like a share of the existing market should not be sufficient to impose the health and safety risks on County residents.

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POLICY 3.16 INTERIM RECLAMATION

Current language 1st paragraph: "*Where the County considers a permitted site has been dormant for any significant period of time (a minimum of one year), over and above seasonal fluctuations in activity…"*

Proposed Language: **Where an aggregate development site has not carried on active business operations for a period in excess of six (6) months, exclusive of any seasonal inactivity, the County shall require the operator to implement the Interim Reclamation Scheme, as agreed upon as a condition of the development permit.**

The Interim Reclamation Scheme shall include, but not be limited to, measures to:

Rationale: Abandoned or inactive pits are a blight and the issue must be addressed. It is not a discretionary issue.

Proposed Addendum: Add a bullet - **a timetable for completing the work set forth in the Interim Reclamation Scheme and a performance bond to ensure the work is carried out. The performance bond shall be for an amount to fully fund the reclamation plan through Letters of Credit or cash.**

Rationale: How do you enforce compliance? Preparing a scheme is not carrying it out. What are the sanctions? How do you enforce it?

Refer to Alberta Environment and Parks "Mine Financial Securities Plan for Oil Sands and Coal Mine Operations" for wording and policy intent. The tax payer must not be left with the cost of reclamation at the end of the aggregate operation's life. Letters of Credit and/or cash up front "fully funding" is key.

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POLICY 3.17 RECLAMATION

Proposed Language: The policy section should be retitled to: Reclamation & Restoration

Rationale: This title better reflects what is being required from the aggregate companies.

Current Language: "*Applications for aggregate extraction … shall be supported where …"*

Proposed Language: **Aggregate development may be permitted where satisfactory provisions have been made …**

Rationale: Consistent and more appropriate language. See earlier comments.

Proposed Addendum: After the listing of what should be included in the Reclamation Scheme, add the following:
The Reclamation and Restoration requirements of Alberta Environment and Parks under provincial legislation must be met. The fee charged by the County as a performance bond to ensure that this work shall be carried out will be $x,000 per acre.

Rationale: The County needs to establish a sufficient performance bond to ensure that meaningful reclamation work actually is undertaken at the end of an operation.

Current Language: "*Upon reclamation of an aggregate site, the County shall support redesignation of the lands to an appropriate agricultural land use district, subject to such agricultural uses being compatible with the requirements of the Land Use Bylaw and prevailing land uses in the surrounding area. Redesignation proposals for non-agricultural land uses shall be assessed in accordance with the relevant planning policies adopted by the County at the time of the application"*

Proposed Language: Upon reclamation of an aggregate site, the County **may permit** redesignation of the land to an appropriate ~~**agricultural**~~ land use, subject to such ~~**agricultural**~~ uses being compatible with the requirements of the Land Use Bylaw and prevailing land uses in the surrounding area. Redesignation proposals for non-agricultural land uses shall be assessed in accordance with the relevant planning policies adopted by the County at the time of the application.

Rationale: Recognizes that restoration of aggregate sites back to agricultural use is very difficult, if not impossible, especially for deep pits. To date, the aggregate industry's approach to reclamation has been to take some of the removed overburden and cover the bottom of the pit with a few more feet of soil over the remaining gravel or bedrock. Extracting the gravel eliminates the ground's natural ability to filter water. As a result, the land is effectively sterilized for agricultural and many other uses forever. The thin veneer that is replaced as reclamation cannot protect the aquifer from contamination from agricultural chemicals or fecal material from livestock. The aquifer in Walkerton, Ontario was contaminated by fecal material from cattle. This resulted in several thousand-people becoming sick and seven people dying. It is inappropriate for the County to maintain the fiction that land used for aggregate extraction can be restored to agricultural use.

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SECTION 4.0 LOCATIONAL CRITERIA

Current Language: **Objectives** 1st Bullet: *To ensure that aggregate development is located in an orderly manner that promotes sustainability, and minimizes impacts upon residents, agriculture and the environment."*

Proposed Language: To ensure that aggregate development is located … and minimizes impacts upon existing **residents, adjacent land uses** and the environment.

Rationale: Maintain consistency in terminology throughout the ARP. Adjacent land uses/users that are not residential must be included.

Current Language: Objectives 2nd Bullet – "*To safeguard the aggregate resource within the County from unnecessary sterilization."*

Proposed Language: To safeguard the aggregate resource within the County **while recognizing and protecting the interests of others in the County.**

Rationale: Policies within the ARP will effectively safeguard natural resources, and sterilization may occur in developing communities and environmentally sensitive areas.

Current Language: 3rd paragraph: "*The maps provide a framework for the policies in this section, with the potential resource area map showing the area that will be safeguarded from resource sterilization. This does not mean that other surface development will not be allowed within the safeguarding area; rather, the established policies will require further action by landowners before undertaking development to demonstrate they are not sterilizing a substantial aggregate resource*."

Proposed Language: The maps provide a framework for the policies in this section, with the potential resource area map showing where aggregate resource extraction may be encouraged. This does not mean that other surface development will not be allowed within the potential aggregate resource areas.

Rationale: Focuses on the point that non-aggregate development will still be allowed in areas identified as "potential aggregate resource areas".

Current Language: 4th paragraph: "*To offer reassurance to residents and environmental stakeholders, setbacks are proposed for aggregate sites from occupied structures…They are intended to balance residential and environmental interests with the need to prevent unnecessary sterilization of the resource."*

Proposed Language: To offer reassurance to residents, **other land users, and environmental stakeholders,** setbacks are proposed for aggregate sites from occupied structures and from environmental features. These setbacks have been determined by examining other practices and provincial regulations. They are intended to **minimize the negative impacts on residents, other land users and the environment** while preventing unnecessary sterilization of aggregate resources.

Rationale: Setbacks are one of the tools to achieve the County Plan's policy directive of balancing interests while minimizing negative impacts. This paragraph needs to focus on that rather than on preventing sterilization of the resource. To minimize negative impacts, there will unavoidably be some sterilization of the resource. But, since aggregate is not a scarce resource this should not be problematic.

Current Language: 5th paragraph: "*The proposed setbacks may be relaxed at the discretion of the County, subject to the applicant meeting criteria set out within the policies. This allows the application process to adapt to the local conditions of each proposal, and potentially impose less strict requirements for sites in less sensitive locations within the County.*"

Proposed Language: Delete entire paragraph.

Rationale: The purpose of the ARP is to balance needs of residents, other land users, and industry, and is designed to protect against the impacts of aggregate development. The ARP is to govern aggregate development and the terms should not be relaxed at sole discretion of the County. Residents, other land users, and environmental stakeholders have no assurance that decisions of the County will be fair and transparent. Setbacks may be relaxed in certain circumstances, but not at the discretion of the County. Agreement from all affected parties must be obtained.

Current language: 6th paragraph: "*It is important to note that while setbacks offer additional reassurance that adverse impact can be controlled, meeting the performance standards outlined in Section 3.0 will be the principal mitigation factor against potential impacts, as it emphasizes reducing the anticipated effects at the source, rather than allowing the affect to dissipate over a specified distance. This approach provides effective management of aggregate sites irrespective of proximity to sensitive receptors.*"

Proposed Language: It is important to note that both setbacks **and the performance standards outlined in Section 3.0 are important mitigating factors against potential impacts. Setbacks allow the effects to dissipate over a specified distance and performance standards reduce the anticipated effects at the source**. This approach **jointly provides** effective management of aggregate sites with respect of proximity to residents, other land uses, and the environment.

Rationale: Both setbacks and performance standards are important factors to control negative impacts. Performance standards may be difficult to enforce and typically have been ineffective. Having performance standards supported by setbacks will increase the likelihood that negative impacts are effectively controlled.

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4.1 RESIDENTIAL SETBACKS

Current Language: "*100-metre setback for structures, plant, and machinery, a 500-metre setback for all aggregate development (excluding berms and landscaping works) shall also be applied from any occupied dwelling*."

Proposed Language: *Replace the entire current section with the following:*

To ensure that the negative impacts on residents and other land users are minimized, no new aggregate development shall be allowed within an existing or future Area Structure Plan, within two (2.0) miles of the boundary of an existing Area Structure Plan or within a quarter section that has been subdivided into eight (8) or more separate parcels.

In all other areas of the County, applications for aggregate development will only be considered if the proposed aggregate development meets the following setback criteria with respect to any parcel with residential, commercial, or public service land users:

- **For proposed aggregate sites of less than twelve and a half (12.5) acres:**
  - **A minimum of one (1.0) mile from the property line of any such parcel for all aggregate processing activities, including crushing, washing, asphalt plants; and**
  - **A minimum of one-half (0.5) mile from the property line of any such parcel for all aggregate extraction and reclamation activities and for all equipment storage and structures.**
- **For proposed aggregate sites of more than twelve and a half (12.5) acres, where there are no other approved aggregate sites within a five (5) mile radius:**
  - **A minimum of one and one-half (1.5) miles from the property line of any such parcel for all aggregate processing activities, including crushing, washing, asphalt plants; and**
  - **A minimum of one (1.0) mile from the property line of any such parcel for all aggregate extraction and reclamation activities and for all equipment storage and structures.**
- **For proposed aggregate sites of more than twelve and a half (12.5) acres, where there are other approved aggregate sites within a five (5) mile radius:**
  - **A minimum of two (2.0) miles from the property line of any such parcel for all aggregate processing activities, including crushing, washing, asphalt plants; and**
  - **A minimum of one and one-half (1.5) miles from the property line of any such parcel for all aggregate extraction and reclamation activities and for all equipment storage and structures.**

These setback distances may be relaxed if the applicant presents written evidence of agreement from all landowners and residents within the setback distance for which relaxation is being requested.

Rationale: These setback criteria recognize that all material negative impacts cannot be mitigated with even the most effective performance standards. These criteria recognize that many of these material negative impacts are sufficiently more severe in higher density areas and that setback distances need to be greater in those areas. The setback criteria also recognize that the material negative impacts from larger pits are greater than those from smaller pits and those from multiple pits are greater than those from solitary pits.

The setback criteria apply to residential, commercial, and public service land users to ensure that properties such as businesses where people work all day and schools are also protected from the material negative impacts of aggregate operations.

These setback distances also recognize that the relatively harsh local environment in Rocky View County makes it more difficult to mitigate material negative impacts from aggregate operations than in locations with less harsh environments. For example, Lac Ste. Anne County setbacks have often been held up as a good standard. However, Rocky View is windier, drier and has a shorter growing season.

These factors mean that mitigation in Rocky View is more difficult than in Lac Ste. Anne. As well, Rocky View's population density, even in its less densely populated areas, is greater than in Lac Ste. Anne so that there are far more people who will be negatively impacted by gravel operation in Rocky View with comparable setbacks. Although this means that setbacks may be more restrictive, in any trade-off between minimizing negative impacts on residents and other land users and the aggregate companies' desire to exploit the resource, the County must ensure that its residents and other land users are protected.

For these reasons, our recommended setbacks should be viewed as minimums for Rocky View County. They are comparable to Lac Ste Anne's for the smaller pits, but are larger than their setbacks where the material negative impacts from aggregate operations will be greater.

Prior to the County undertaking the development of the ARP, 1,600 County residents asked for a setback of two (2) miles between residential properties and aggregate operations. Such a significant number of residents, all expressing a clear preference, should not be ignored. We understand that a County-wide two-mile setback may be unworkable. As a result, our recommended setbacks only provide for a two-mile setback from the most densely populated areas in the County and from areas where there are multiple pits. The latter is to deal with the increased cumulative impacts that are unavoidable in multiple-pit situations. Our recommendation also allows for relaxation of these setback distances with agreement from all involved parties. This provides flexibility for the aggregate companies to deal with setback restrictions on a pit-by-pit basis if they so choose.

There are several studies that have looked at the reduction in value for residential properties close to aggregate operations. These provide a strong indication of the material negative impact aggregate operations have on a community. The Diane Hite Study and others all come to similar conclusions regarding the reduction of property values in relation to the distance from a pit. There is no evidence that their conclusions do not apply to RVC.

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4.2 ENVIRONMENTAL SETBACKS

Current Language: "*To safeguard environmental features within the County, all redesignation proposals facilitating new or expanded aggregate extraction and/or processing sites shall be located in accordance with the following criteria:*

- *No aggregate development shall be located within the County's riparian setback areas denoted on Map 7.3*
- *Aggregate development shall be located a minimum of 800 metres from the boundary of any designated provincial park within the County as denoted on Map 7.3; and*
- *No aggregate development shall be located within the Environmentally Significant Areas denoted on Map 7.3"*

Proposed Language: To safeguard environmental features within the County, all redesignation proposals facilitating new or expanded aggregate extraction and/or processing sites shall be located **a minimum of one-half (½) mile from the boundary of:**

- **Any of the County's riparian setback areas, including seasonal streams and lakes, as denoted on Map 7.3 in combination with information from Google maps and the County's wetland inventory maps;**
- **Any designated provincial park within the County, as denoted on Map 7.3; or**
- **Any environmentally significant area, as denoted in Map 7.3 and any future additions to such a map that the Province and/or the County produces.**

Rationale: There must be significant setbacks for all environmentally sensitive areas, not just for provincial parks. The setbacks built into the riparian areas and environmentally significant areas are not sufficient to protect these areas from the potential of irredeemable harm from aggregate operations.

The question is from where do you start the measurement? Where there is a coulee, development should start from the top edge, otherwise from high water mark. The exception could be to old river channels like the Bow River. In such cases, a recommendation of a quarter mile (400m) from the high-water mark rather than the top of the coulee. This would allow for some river gravel extraction. Environmental safety and wildlife corridors would be the areas of concern.

While we support the second bullet as Provincial Parks in our area are Day-Use Areas, visual and noise influences are most important to such areas. An area of concern would be the seasonal grazing of livestock and the leaseholder should be a stakeholder in this document.

NOTE: Environmentally Sensitive Areas (ESA): These contain a lot of "gray areas". The province admits that their data lacks "boots on the ground" and it would be ever evolving and changing. Quarter sections are used to ID the ESA's. These areas require buffers and cannot be defined by a fence line.

We suggest that at minimum ESA's have a half-mile (800m) buffer, like what is recommended for provincial parks. We also recommend that "travel corridors" connect the ESA's. The "corridor bridges" along the Trans Canada Hi-way in Banff illustrate the importance of travel corridors. They cost money to build; but they are installed because they are necessary and work. They expand an animal's home range and increase gene pool. Travel corridors would in our case be relatively narrow tracks of land with natural or man-made cover connecting blocks of ESA's.

What is the basis of the Environmentally Sensitive Areas map? Were all the environmental layers available through the Provincial Government utilized? The Setbacks proposed for Environmentally Sensitive Areas from gravel facilities also appear to be maximum setbacks with flexibility to negotiate relaxation (which is negative for these sensitive areas).

Current Language: "*Relaxation of the above criteria may only be allowed where both of the following requirements are met:*

- T*hrough submission of a Supporting Statement, the Applicant shall demonstrate, to the satisfaction of the County, that there is no acceptable alternative to the submitted proposal. The Statement shall describe how the proposed site was chosen and why it is preferred over other potential aggregate extraction and/or processing sites that would have less impact upon*

environmental features. The Statement shall also confirm whether the development could be designed in such a way to prevent or reduce impacts upon the identified environmental feature. If it is not possible to prevent or reduce impacts upon environmental features, reasons shall be stated for this."

- *Through the submission of a comprehensive Environmental Assessment (EA)…upon the identified environmental feature can be minimized to the satisfaction of the County."*

Proposed Language: Delete the entire paragraph on relaxation of environmental setbacks and replace it with: **Under no conditions shall new and/or expanded aggregate extraction or processing sites be approved within the County's riparian areas, designated provincial parks, or environmentally sensitive areas.**

Rationale: There is always an alternative to locating aggregate operations in environmentally sensitive areas. There is no shortage of aggregate resource deposits in the County and the surrounding area. There can be no justification for aggregate operations in environmentally sensitive areas. The ARP will govern interface between aggregate operations and environmentally sensitive areas. It weakens the purpose of the ARP if the County can relax standards at their sole discretion.

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4.3 SAFEGUARDING THE RESOURCE

Current Language: *Where a parcel is located … and future resource areas. (entire section before subheading for "residential setbacks from designated aggregate sites)*

Proposed Language: Remove entire section

Rationale: There are sufficient aggregate resources in Rocky View County and elsewhere in southern Alberta that there can be no justification for restricting alternative land uses to protect what is an overabundant resource. If aggregate companies want to reserve choice land for their future use, they should have to purchase it and hold it until needed.

Current Language: Residential Setbacks from Designated Aggregate Sites – "*In addition to the resource safeguarding requirements set out above, applications for redesignation, subdivision, or development providing for new residential occupancy that are within 500m of a site that holds an appropriate land used designation for aggregate extraction or processing (as denoted on Map 7.2) shall be required to acknowledge the presence of that site. At the discretion of the County, proposals may also be required to include mitigation measures such as landscaping or berms, to protect future residents from the effects of the aggregate site."*

Proposed Language: Applications for redesignation, subdivision, or development providing new residential occupancy, commercial occupancy and/or public service occupancy **shall not be permitted within one (1) mile** of a site that holds an appropriate land used designation for aggregate extraction or processing (as denoted on Map 7.2). **Applications between one (1) mile and two (2) miles of such a site** shall be required to acknowledge the presence of the site on their land title deeds and shall include

mitigation measures such as landscaping or berms, to protect future residents from the effects of the aggregate site.

Rationale: All new non-industrial development should have to meet the minimum setback requirements in Policy 4.1 for large pits. There should be no non-industrial development within one (1) mile of an existing aggregate operation. New non-industrial development should be permitted between one (1) and two (2) miles of existing aggregate operations and/or land zoned for aggregate operations only if the presence of the aggregate site is acknowledged and appropriate mitigation measures are undertaken. Setbacks are established to mitigate the material negative impacts that the gravel industry has on health and the environment.

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4.4 PREFERRED LOCATION FOR NEW SITES

Current Language: Bullet 1 – "*Existing sites that are seeking to expand"*

Proposed Language: Existing sites that are seeking to expand**, on the condition they meet all setback criteria in the ARP;**

Rationale: Proximity to market is an issue about profitability for the gravel company. Some of the most densely populated areas of the County are closest to Calgary (the major market for gravel use from pits in Rocky View County). Areas of higher density are not compatible for gravel extraction. Expansion of existing sites is only appropriate if they meet all requirements in the ARP. It is reasonable to grandfather existing pits that do not meet the ARP's setback criteria. But, it is not reasonable to allow these pits to expand.

Current Language: *Bullet 2: Sites that are located close to the market they serve.*

Proposed Language: Delete entire bullet

Rationale: Proximity to market is a location criteria favoured by aggregate operators to increase profitability. This is mostly irrelevant to the County as the ARP is drafted to safeguard the resource and minimize negative impacts to residents, land users and environmentally sensitive areas. Some of the most densely populated areas within the County are adjacent to Calgary (the major market for gravel use from pits in Rocky View County). Areas of higher density are not compatible for gravel extraction.

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5.0 GENERAL REGULATIONS

POLICY 5.1 RESUBMISSION OF REFUSED APPLICATIONS

Current Language: "*Where a Redesignation application to facilitate an aggregate development is refused by Council, the submission of another application for Redesignation for the same or similar use on the same parcel by the same or any other Applicant may not be made for a period of 18 months from the date of issue of the refusal, except where Council has, by resolution waived the 18 month waiting period. The determination of what constitutes same or similar use shall be made by the County."*

Proposed Language*:* Where a Redesignation application to facilitate an aggregate development is refused by Council, the submission of another application for Redesignation for the same or similar use on the same parcel by the same or any other Applicant may not be made for a period of **sixty (60) months** from the date of issue of the refusal, except where Council has, by resolution waived the **sixty (60)-month** waiting period**. Council may reduce the waiting period to a minimum of twenty-four (24) months where the applicant has demonstrated that it has addressed the shortcomings in its previous application that resulted in its refusal. Council may also only reduce the waiting period after meaningful consultations have been undertaken with the affected residents.** The determination of what constitutes same or similar use shall be made by the County.

Rationale: Opposing a gravel pit is long and tedious work. If an application has been refused there is a reason for it – this makes an 18-month reapplication time too short. Residents should have a reasonable level of expectation that they won't have to consistently fight reapplications. 60 months or 5 years provides this reasonable time frame. If the operator is simply reapplying with largely the same proposal, they should have to wait a significant length of time. On the other hand, if they have made substantive changes to their proposal that address earlier shortcomings, it is only reasonable to allow them to reapply with a shorter lag time. There still needs to be a reasonable waiting period to reflect the significant imposition gravel applications have on residents.

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Policy 5.2 DEVELOPMENT PERMIT RENEWALS

Current Language "*The term of a Development Permit issued for an aggregate extraction/processing site shall not exceed five (5) years. All existing permitted sites will be expected to be in compliance with the ARP requirements upon application for renewal of the Development Permit. Where appropriate, the site's compliance with the previous development permit conditions shall be a favor of consideration in determining whether to approve a renewed Development Permit."*

Proposed Language: The term of a Development Permit issued for an aggregate extraction/processing site shall not exceed five (5) years. All existing permitted sites will be expected to be in compliance with the ARP requirements upon application for renewal of the Development Permit**. The site's compliance with the previous development permit conditions shall be a factor in determining whether to approve a renewal of a development permit. Where the applicant has had 10 – 15 non-compliance violations within the term of the existing permit, a renewal shall only be approved for a one (1) year period. If there are no non-compliance violations within that year, the permit may be extended for a maximum of four (4) years. Where the applicant has had more than 15 non-compliance violations within the term of the existing permit, the applicant must present persuasive evidence that its operating procedures have been sufficiently modified to bring its operations into compliance with the ARP before any renewal will be considered. In these circumstances, the permit may be renewed for a maximum of one (1) year. If there are no non-compliance violations within that year, the permit may be extended for a maximum of four (4) years.**

Rationale: There need to be significant sanctions for non-compliance. The possibility of not being able to renew the site's development permit because of non-compliance is an important deterrent.

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5.3 ENGAGEMENT REQUIREMENTS

PRE-APPLICATION CONSULTATION REQUIREMENTS:

Current Language: 1st bullet – "*notification of the application to all landowners within a one mile radius of the proposed site…"*

Proposed Language: notification of the application to all landowners within a **two-mile** radius of the proposed site…

Rationale: Given that gravel dust and traffic impacts of pits are felt for miles around, the notice of application should be designed to reach a larger proportion of those who will be most impacted by a pit's activities.

APPLICATION CONSULTATION REQUIREMENTS:

Current Language: "*On all redesignation applications for aggregate extraction and/or processing development, the County shall circulate to all landowners within one mile of the proposal site."*

Proposed Language: On all redesignation applications for aggregate extraction and/or processing development, the County shall circulate to all landowners within **two miles** of the proposal site.

Rationale: See above

Proposed Addendum: Add the following paragraph at the end of Policy 5.3

Development Permit Consultation Requirements

On all development permit applications for aggregate extraction and/or processing development, the County shall circulate to all landowners within a two-mile radius of the proposed site.

Notwithstanding the County's circulation procedures, the applicant shall be required to undertake the same signage and notification in advance of a development permit application as is required for a redesignation application.

Rationale: Many of the details for performance standards will be set at the development permit stage, not the redesignation stage. As a result, public consultation is necessary at this stage as well.

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POLICY 5.4 THIRD PARTY REVIEW OF SUBMITTED TECHNICAL DOCUMENTS

Current Language: *"At the Redesignation and Development Permit stages, the County may request third party review of submitted technical documents to ensure adequate assessment of an aggregate development's impacts. The cost of third party review shall be agreed upon between the County and the Applicant, and shall be paid for by the Applicant prior to a decision being made on the application."*

In the event that the Applicant does not consent to payment of a third-party review cost, the technical document in question shall be noted as not having been assessed, which may affect determination of the application.

Proposed Language: replace these two paragraphs with – **At the redesignation and development permit stages, the County shall, where it determines it does not have adequate in-house resources or expertise, retain a third party or parties to carry out a review of submitted technical documents to ensure adequate assessment of an aggregate development's impacts. The costs of such a review(s) shall be borne by the Applicant and shall be paid forthwith.**

In the event that the Applicant does not consent to payment of a third-party review, the application shall be dismissed.

Rationale: If the applicant refuses to pay for a review of the document(s), it is only reasonable to penalize them. If the County does not have the technical expertise to evaluate a document without assistance, then it is reasonable to ignore the document rather than accept the assertions of the applicant. The oil and gas industry pays for all third-party reviews. There is no reason the aggregate industry should not also be required to pay for these reviews.

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6.0 SITE MONITORING AND ENFORCEMENT

OBJECTIVES

Current Language: 2nd bullet – *To provide an independent review of permitted sites, so that compliance records can be considered in determining development permit renewals.*

Proposed Language: To provide an independent review of permitted sites, so that compliance records **can form an important component** in determining development permit renewals.

Rationale: An operator's compliance with the ARP's performance standards must be a critical component in determining permit renewals. Effective compliance requires meaningful deterrents. The risk of not being able to renew the development permit provides a significant deterrent that should improve compliance.

Proposed Addendum: Add a bullet: - **To ensure compliance with all of the Policies herein through the incorporation of the requirements of such Policies into any redesignation, development permit or renewals and thereafter to require compliance with such redesignation, development permit or renewal.**

Rationale: It must be one of the fundamental objectives of any ARP to set standards and to enforce those standards.

Current Language: 2nd paragraph, second sentence: "*This Bylaw requires the County, or a third-party representative appointed by the County, to undertake regular site monitoring visits to permitted aggregate sites to assess compliance with all approved Development Permits implemented on-site.*"

Proposed Language: This Bylaw requires the County, or a third-party representative appointed by the County, to undertake regular **and complaint driven** site monitoring visits to permitted aggregate sites to assess compliance with all approved Development Permits implemented on-site

Rationale: Adding "and complaint driven" recognizes that there will be on-site visits of varying frequency and purpose.

Current Language: 2nd paragraph, last sentence: "*The cost of undertaking such monitoring visits are charged back to the operator at a standard rate set out within the Bylaw, and the frequency of visits is determined by the site activities and the previous compliance record.*"

Proposed Language: **The cost of such monitoring, based on the actual costs incurred by the County, shall be charged to the operator and shall be paid forthwith by such operator. The frequency of such visits shall be in the discretion of the County and may take into account activities on the site, complaints, or previous compliance.**

Rationale: Charging the monitoring costs back to the operators based on a fixed rate in a bylaw is not reasonable. The rate will quickly become out of date and less than the actual costs incurred by the County. Common sense would have the County charge the actual costs incurred. Also, the costs of site visits will almost certainly vary between sites, so a fixed rate will not reflect actual costs for all pits even when up to date.

Current language: 3rd paragraph, last sentence *"It also benefits site operators by recognizing good performance and compliance, which shall be a considering factor in the County determining whether to renew temporary development permit approvals."*

Proposed language: It also benefits site operators by recognizing good performance and compliance, which shall be a considering factor in the County determining whether to renew ~~**temporary**~~ development permit approvals.

Rationale: This is the only place in the ARP where "temporary" is used to modify "development permit". Don't think it is intended to have a different meaning here. Need to have consistent language.

Policy 6.1 – Aggregate Site Monitoring Bylaw

Current Language: "*All development permit approvals and renewals for commercial aggregate extraction/processing sites shall require the applicant/owner to comply with the Aggregate Site Monitoring Bylaw C-2017-xxx (as amended).*"

Proposed Language: All development permit approvals and renewals for commercial aggregate extraction/processing sites **and for all County owned or operated aggregate extraction/processing sites shall require the applicant/owner to comply with the Aggregate Site Monitoring Bylaw C-2017-xxxx (as amended).**

Rationale: It is important that County owned or operated aggregate sites comply with the provisions in the Bylaw. There is no rationale for excluding them. Other than this, the language in Policy 6.1 is unchanged.

However, the Bylaw itself requires significant modification to ensure adequate enforcement of the ARP performance standards. These recommended changes are included in this submission after the recommended changes for bylaw amendments in Section 8.0 of the draft ARP. For the ARP to achieve its objectives it is critical that its performance standards are effective. This requires effective on-going monitoring of aggregate operations and meaningful deterrents for non-compliance. The bylaw's provisions must provide effective enforcement, not just nominal enforcement.

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POLICY 6.2 ENFORCEMENT PROCEDURES

Current Language: "*Non-compliances identified through the County's monitoring of aggregate extraction and/or processing sites shall be subject to Section 18 of the Land Use Bylaw.*"

Proposed language Non-compliances identified through the County's monitoring of aggregate extraction and/or processing sites **or otherwise** shall be subject to …

Rationale: However noncompliance is identified it should be subject to section 18. The enforcement provisions of Section 18 of the LUB also need to be strengthened to deal with potential non-compliance with the requirements of the ARP. The recommended changes for Section 18 are dealt with in our comments on Section 8.0 of the draft ARP. Alternatively, the enforcement provisions for ARP-specific issues could be included as part of the ARP. If this is the preferred approach, then our comments under Section 18 of the LUB amendments should be incorporated into enforcement provisions in the ARP.

Note: Alberta Environment inspectors conduct random, unannounced inspections, as well as planned inspections, to determine if registration holders are following the Code of Practice. Inspections will likely be more frequent if a registration holder has a history of non-compliance and/or if the pit is in area where there are environmental issues or public concerns. The County should take a similar approach and increase visits to those pits with known compliance issues.

Questions: **Policy 6.2 Enforcement Procedures** states that non-compliance identified through the monitoring process shall be enforced through section 18 of the Land Use Bylaw. Section 18 provides that a breach of the Land Use Bylaw, a development permit or subdivision or certain Acts can be enforced through the Bylaw or the MGA. Are there any additional enforcement avenues? What measures will be taken if there are breaches to the Performance standards? The Bylaw does not go into detail on enforcement. Need specific language.

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8.0 BYLAW AMENDMENTS

8.1 COUNTY PLAN AMENDMENTS

The proposed amendments to the County Plan are acceptable so long as the ARP is modified to deal more appropriately with the resource safeguarding issue.

8.2 LAND USE BYLAW AMENDMENTS:

AMENDMENT TO SECTION 12 (DECISIONS ON DEVELOPMENT PERTMIT APPLICATIONS)

Current Language: *The numbering of the proposed changes to Section 12.1 of the LUB in the draft ARP are confusing. We assume there are some typos since proposed changes to Sec. 12.1(b) appear to be amendments to Sec. 12.1(c) and proposed changes to Sec. 12.1 (c) appear to be interspersed with proposed changes to Sec. 12.1(d).*

Proposed Language: We are assuming that the intention of these amendments is to allow relaxation of up to 50% of the on-site setbacks for NRI sites. Proposed amendments should be eliminated.

Rationale: The LUB setbacks for on-site aggregate operations need to be enforced without any relaxation. They are a component of the protection provided by setbacks in the ARP. To allow them to be relaxed with apparent complete discretion by the Development Authority undermines the ARP.

PROPOSED AMENDMENTS TO SECTION 18 (CONTRAVENTION & ENFORCEMENT)

Current Language: *Sec. 18.3 (a) The minimum specified penalty for a violation of this Bylaw is a fine in the amount of $750.00 if not listed in Schedule 8; (b) if there is a minimum penalty listed … in Schedule 8 … that amount is the minimum penalty for that offence;*

Proposed Language: Sec. 18.3 – Schedule 8 needs to be amended to include a minimum fine for compliance violations under the ARP. The minimum fine for non-compliance with conditions set out in a development permit for an aggregate operation shall be $10,000.00 for a first offence.

Rationale: Fines for non-compliance need to be large enough to provide an actual deterrence. If the fine is low, it simply becomes the equivalent of a licencing fee and provides no incentive for the operator to comply with the performance standards.

Current Language: *Sec. 18.3 (c) – provides for a doubling of the minimum penalty once in a 12-month period for repeat offences.*

Proposed Language: Sec. 18.3 (c.1) If a person is found to be in non-compliance with any of the provisions of a development permit issued with respect to an aggregate operation, the minimum penalty for each successive non-compliance shall be double the amount charged for the previous penalty, starting from the minimum penalty as set out in Schedule 8.

Rationale: Similar to the rationale for needing a substantial initial fine. Effective enforcement requires meaningful deterrence. A large enough monetary penalty should provide a strong incentive for operators to follow the rules. Only allowing one doubling of the fine every 12 months is not sufficient.

Current Language: Sec. 18.5 – deals with issuing Orders for Compliance

Question – Does this permit the issuance of stop work orders in cases of repeat non-compliance? How is it determined when a stop work order can/should be issued? There need to be provisions that permit the County to issue stop work orders on aggregate operations in response to repeated violations.

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SECTION 58 (NATURAL RESOURCE INDUSTRIAL DISTRICT)

Current Language*: 58.4 (a) "Minimum setback, resource from the property line, front of the site to permitted natural resource extractive activities, including buildings, machinery, extraction areas, and stockpile areas, but not including berms or landscaping*."

Proposed Language: Minimum setback, resource from the property line, front of the site to permitted natural resource extractive activities, including buildings, machinery, extraction areas, stockpile areas **and berms or landscaping**."

Rationale: There is no reasonable justification for omitting berms and landscaping. If the County believes the setback restrictions for berms and landscaping should be lesser than for other activities / structures on the aggregate site, then specific setbacks from property lines should be specified for these in the ARP, not buried in LUB setbacks. Allowing berms to be built directly at the property line would produce an imposing barrier along roads and risk reducing sightlines, which could negatively impact on traffic safety on adjacent roads.

The minimum setbacks from residential/commercial/public service for all aggregate operations needs to be protected. Reducing the on-site setbacks erodes this protection.

Current Language: Sec. 58.4 (b) and (c) – *parallel provisions for side and rear setbacks.*

Proposed Language: parallel to Sec. 58.4 (a) **and berms and landscaping**

Rationale: The same – there is no logic in allowing berms to be located without setback restrictions.

Current Language: Sec. 58.4 (b)(v) & 58.4(c)(iii)

Proposed Language / Question: We are looking for clarification of the intent of these amendments. Are we correct in assuming that what this does is remove any side or rear setbacks from an aggregate site if the adjacent parcel is also zoned NRI and the owner of the adjacent NRI has given its written agreement? If that is the correct assumption, the amendment should be modified as follows:

Sec. 58.4(b)(v) and 58.4(c)(iii) – 0.00 m from any land designated …, subject to written agreement **being submitted with the application** from **both** the adjoining landowner **and any land user(s) using the adjoining land under a lease or any other form of agreement with the landowner.**

Rationale: Land that has been rezoned to NRI is often used for agricultural purposes until the aggregate operator obtains the necessary development permit. Relaxing setbacks in these circumstances should not be permitted without the agreement of the land user(s).

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BYLAW C-XXXX-2017: A Bylaw of Rocky View County to establish rates and procedures for the County monitoring of aggregate sites.

http://www.rockyview.ca/Portals/0/Files/BuildingPlanning/Planning/UnderReview/Aggregate/Aggregate-Site-Monitoring-Bylaw-Draft-2016-12.pdf

PART 2: DEFINITIONS:

Current Language: (f) "*Inactive Aggregate Site means any aggregate site, or any part of that site, where development to which the relevant Development Permit relates is not being carried out to any substantial extent on the site or (as the case may be) that part of it.*"

Proposed Language: Inactive Aggregate Site means any aggregate site~~, or any part of that site~~, where development to which the relevant Development Permit relates is not being carried out **on the site and has not been carried out in the past six (6) months, excluding seasonal shut-down times.**

Rationale: Active aggregate sites always have portions of their site that are not currently being used for active extraction and/or processing. Since one of the key uses of this definition is to determine the number of site monitoring visits, sites need to be treated as either active or inactive. Attempting to determine which portion of an active aggregate site should have how many monitoring visits is unworkable. If any of the site is being used, it should be treated as active.

Also, "to any substantial extent" is far too subjective. Either a site is being used or it isn't. Sporadic and/or infrequent use still requires adherence to the performance standards and monitoring visits to ensure compliance.

PART 3: BYLAW APPLICABILITY

Current Language: "*This bylaw applies to all commercial aggregate sites…*"

Proposed Language: This bylaw applies to all commercial aggregate sites **and to all County-owned or operated sites**…

Rationale: There is no justification for permitting County aggregate sites to be above the law.

PART 4: GENERAL REQUIREMENTS

Current Language: 2nd paragraph: "*This bylaw requires that the County … undertakes visits to permitted Commercial Aggregate Sites to assess compliance with any development permits related to aggregate extraction or processing on that site…"*

Proposed Language: This bylaw requires ….to permitted Commercial Aggregate Sites **and to County-owned or operated aggregate sites** to assess compliance with any development permits and/or performance standards as stipulated in the ARP…

Rationale: Monitoring visits must be allowed and undertaken for County-owned or operated aggregate sites. The fact that they are owned by the County should not excuse the operator from adhering to the performance standards in the ARP.

Current Language: 2nd paragraph – … *The frequency of such visits is to be determined by the County, in consultation with the Aggregate Site Operator and in accordance with Part 5 of this bylaw.* …

Proposed Language: … The frequency of such visits shall be determined by the County, **taking into consideration the past compliance record for the aggregate site and the operator, and in accordance with Part 5 of this Bylaw.** …

Rationale: There is no justification in allowing the aggregate site operator to have a say in how frequently site monitoring visits should occur. They have a clear incentive to minimize the number of visits. The public needs assurance that there will be an acceptable level of monitoring. Effective enforcement requires the County to be able to impose adequate site monitoring for all gravel pits.

Current Language: 2nd paragraph – "*…The cost of undertaking such visits is to be charged to the Aggregate Site Operator, in accordance with Part 6 of this bylaw."*

Proposed Language: The costs of undertaking **site** visits **shall** be charged to the Aggregate Site Operator, in accordance with Part 6 of this bylaw.

Rationale: Stronger language. Clarity is important.

PART 5: MAXIMUM NUMBER OF SITE VISITS

Current Language: *The maximum number of visits …*

(a) Where the site is an active site, eight (8); or
(b) Where the site is an inactive site, one (1).

Proposed Language: The number of routine site visits for which a fee is payable under this bylaw in any period of twelve (12) months beginning with the date of the first such visit shall be:

(a) For an active site, no fewer than six (6) routine site visits and no more than twelve (12);
(b) For an inactive site, no fewer than one (1) routine site visit and no more than four (4).

The County shall also have authority to undertake as many complaint-driven site visits as it deems appropriate, independent of the number of routine site visits.

Rationale: To ensure adequate enforcement, there needs to be a minimum number of site visits each year to all aggregate operations. As well, there needs to be provisions for the County to follow-up on complaints and require site visits to determine the validity of the complaints. The current bylaw has provisions for the operator to pay for substantiated complaint-driven visits, but does not have provisions for the County to undertake these visits. Without this provision, the enforcement provisions cannot be effective.

PART 6: RATES CHARGED BY COUNTY TO AGGREGATE SITE VISIT

Current Language: 1st paragraph – "*the bylaw is drafted to charge a fixed fee for all site visits."*

Proposed Language: … **the aggregate site operator shall pay to the County a fee that is sufficient to cover the full costs of each site visit. The amount charged shall be substantiated by the County as part of its billing to the aggregate site operator.**

Rationale: The actual costs of site visits should be recovered from the aggregate operators. There is no justification for any of the costs associated with these monitoring visits to be paid out of County general revenues. Actual costs will vary between sites. Less complex pits, examples those who do not crush, should cost less to monitor and should pay less. Also, including a specific amount in the bylaw makes it much more cumbersome to maintain full cost recovery. Any changes in costs would require a Council decision to amend the bylaw. This is both an inefficient use of Council time and lacks in timeliness to recoup changing costs.

Current Language: 3rd paragraph – "*The fees set out within subsection 1, above, shall be applied for scheduled visits …"*

Proposed Language: The fees set out within subsection 1, above, shall be applied for **routine** visits to commercial aggregate sites **and to County owned or operated sites** required under Part 4 of this Bylaw and for complain-driven visits to such sites where …

Rationale: Consistency with language recommended for Part 4 to differentiate between routine and complaint-driven monitoring visits. Also, to reflect proposed changes to Part 7, see below. Provisions must apply to County owned or operated sites as well.

Part 7: RESPONSIBILITIES OF THE COUNTY ENTERING AGGREGATE SITES

Current Language: 1st paragraph – "*In undertaking monitoring visits, the appointed County representative(s) shall ensure compliance with Section 542(1) of the MGA by giving reasonable notice of the visit to the Aggregate Site Operator*."

Proposed Language: **All development permits for aggregate operations shall include a provision that acknowledges the County's right to undertake inspections of aggregate sites under provisions in the**

ARP and this bylaw and that acknowledges that the granting of the development permit constitutes reasonable notice of any such inspection under Sec. 542(1) of the MGA.

Rationale: For site monitoring inspections to be valuable, they have to allow for unannounced inspections. Without this ability, the operators will always have time to "clean up their act" before the inspectors arrive. An inability to undertake unannounced inspections, defeats at least part of the deterrent effect of monitoring visits.

ADDITIONAL REFERENCES:

Please find below a few website references to Regional Management Plans, Environmental Frameworks and Regulations issued by either the Alberta Government or the Alberta Energy Regulator. All references, except the South Saskatchewan Regional Plan, are effectively in place to regulate the oil sands. Given that this work has been done, it should make for a relatively simpler task for Administration to review these documents and extract those provisions that would allow the County to be considered "best practice."

Acknowledging that the oil sands industry directly impacts the residents of Wood Buffalo (Fort McMurray, Fort Mackay and Fort Chipewyan), similarly the gravel industry directly affects the residents of Rocky View County

It is recommended similar policy and regulatory oversight of the gravel industry be implemented by Rocky View County, especially given that the proximity of gravel operations in Rocky View County is considerably closer to homeowners/residents than the oil sands operations are to Wood Buffalo residents (with the possible exception of Fort Mackay).

It is recommended that the Rocky View County Aggregate Resource Plan be revisited and rewritten emulating the strong policy requirements, regulatory oversight practices, including clearly measurable performance standards with meaningful penalties when standards are not met, and recognizing the cumulative effects of multiple pits that exist in our area (Rocky View and Calgary) exemplified in the following Regional Land Use Plans (read Resource Plans) and Management Frameworks:

1) Lower Athabasca Regional Plan (LARP):

https://landuse.alberta.ca/LandUse%20Documents/Lower%20Athabasca%20Regional%20Plan%202012-2022%20Approved%202012-08.pdf

2) Tailings Management Framework (TMF):

http://aep.alberta.ca/lands-forests/cumulative-effects/regional-planning/documents/LARP-TailingsMgtAthabascaOilsands-Mar2015.pdf

3) Surface Water Quality Management Framework:

http://aep.alberta.ca/lands-forests/cumulative-effects/regional-planning/documents/LARP_FactSheet_SurfaceWaterQuality.pdf

4) Surface Water Quantity Management Framework:

http://aep.alberta.ca/lands-forests/cumulative-effects/regional-planning/documents/LARP-SurfaceWaterQuantity-Feb2015.pdf

5) Oil Sands Acts and Regulations:

http://www.energy.alberta.ca/OilSands/810.asp

6) Oil Sands Development Regulations:

https://www.aer.ca/rules-and-regulations/by-topic/oil-sands

7) South Saskatchewan Regional Plan (SSRP):

https://www.alberta.ca/South-Saskatchewan-Regional-Plan.cfm

The oil sands industry has worked hard over the last thirty years (+) to earn its “license to operate” with the local community of Wood Buffalo. A lesson that the gravel industry in our area may wish to learn. It takes decades to build up trust and a “license to operate” from the local community. An activity the gravel industry in Rocky View has not even begun!

SUPPORTING PLANS AND LAND USE:

ROCKY VIEW COUNTY/CITY OF CALGARY – INTERMUNICIPAL DEVELOPMENT PLAN: ATTACHMENT 2

The Intermunicipal Development Plan refers to Growth Corridors/Areas for potential future development of the municipalities (Attachment 2). The City of Calgary has identified lands for residential development to the north of the city. Rocky View County has designated lands for country residential to the northwest of Calgary through the Bearspaw area. Aggregate extraction and operations is not compatible with adjacent residential areas and has an adverse impact on residential occupants and environmentally sensitive areas. This area should not be considered for further aggregate resource development.

ATTACHMENT 1 -- Standard safe operating practices for gravel/sand/haulage truck drivers

https://www.cdc.gov/niosh/docs/2007-120/pdfs/2007-120.pdf

1. **Personal protective equipment**

   Hardhat and high-visibility clothing to be worn when not inside the cab.

   Safety boots in good condition, properly laced, must be worn at all times. Worn-out soles and heels could lead to slips and falls.

   Eye protection will be worn where there is danger of falling or flying debris from equipment or loads, especially in windy conditions.

   Hand protection will be worn when handling cable or any other material where there is danger of cuts or puncture injury.

   Hearing protection will be worn when exposed to noise levels exceeding 85dBA.

2. **Mounting and dismounting** – three-point contact will be used to mount and dismount on equipment.

   While walking on lowbeds or on ground around trucks and equipment, take extra caution for footing/hazards, such as sticks, grease, oil and ice, which could lead to slip, trips or falls. Watch where you step.

3. **Inspection and repairs** – trucks and equipment will be inspected prior to use to ensure good mechanical condition.

   All gravel truck hoists must be checked to ensure good working order before going out on a job. When checking hoist oil, safety blocks must be used.

   When working under or around trucks, for inspections or repairs, the truck must be locked and tagged out, and immobilized and secured against accidental movement.

4. **Housekeeping** – cabs, steps, windshields, windows and rear-view mirrors must be kept clean at all times. Dump boxes will be cleaned of excess build-up of material.

5. **Traveling** – rear-view mirrors must be properly adjusted.

   Gravel trucks must not be moved until air pressure is built up in tank and brakes are tested.

   Brakes on empty vehicles still have all the power necessary for a full load. When the truck is empty, it is easy to overbrake. Brake with extra care.

6. **Defensive driving** – drive within the posted speed limits and to road and weather conditions.

   Keep to the right on corners and hills. Be cautious of soft shoulders.

   Keep well back of other traffic, maintaining a safe distance.

   Passing of any vehicles should be done only when it is certain that the road ahead is clear — not on hills, curves, etc. Vehicles being passed must move over to the right and slow down.

   Avoid shifting gears on a railway crossing, in case of possible stalling.

   Headlights will be turned on at all times when driving.

   Seat belts will be worn when travelling in a company vehicle.

7. **Danger zone** – danger zone is defined as the area around operating machines or working personnel, in which there is potential for being struck by moving equipment or objects. The danger zone may vary according to the machine or work being performed. Drivers must make sure that all persons, vehicles and equipment are clear of the danger zone before the vehicle or its components are moved.

8. **Load security** – all drivers are responsible for their loads.

   Tarps will be used to cover loads in dump boxes when travelling on all roads.

   Stop and check your load regularly.

9. **Working on top of load** – wear appropriate fall protection equipment if working at a height of 3 metres or more.

   Be aware of slip and trip hazards.

10. **Fuelling** – shut off the engine while fuelling. No smoking. Be aware of slip and trip hazards.

    Beware of spills and splash-back. Return hose to its proper storage position when fuelling is completed.

11. **Parking trucks or equipment** – wherever possible, trucks or equipment will be parked on level ground, clear of hazards, to allow ease of access. For fire protection park on mineral soil, at least 6 metres from other trucks/equipment.

    When parking truck/equipment or leaving it unattended, where there is danger of rolling forward or backward, apply brake, shut off engine and put transmission in gear.

    If stopping on main roads and highways, park well to the right, in locations that will not pose a hazard to other traffic.

For loading and unloading, follow operator's instructions as to best location.

12. **Traffic incidents** – if you are involved in, or come upon a traffic incident, secure the scene to prevent further injuries by turning off all ignitions. Warn oncoming traffic by placing flares on the road at visible locations. Provide first-aid treatment to injured persons and send for help.

13. **Hazardous materials** – read WHMIS label. If there is no label, contact the supervisor. Refer to MSDS if further information is needed.

    Use protective equipment and follow safe handling instructions as outlined on WHMIS label.

    If an incident occurs, follow first aid instructions.

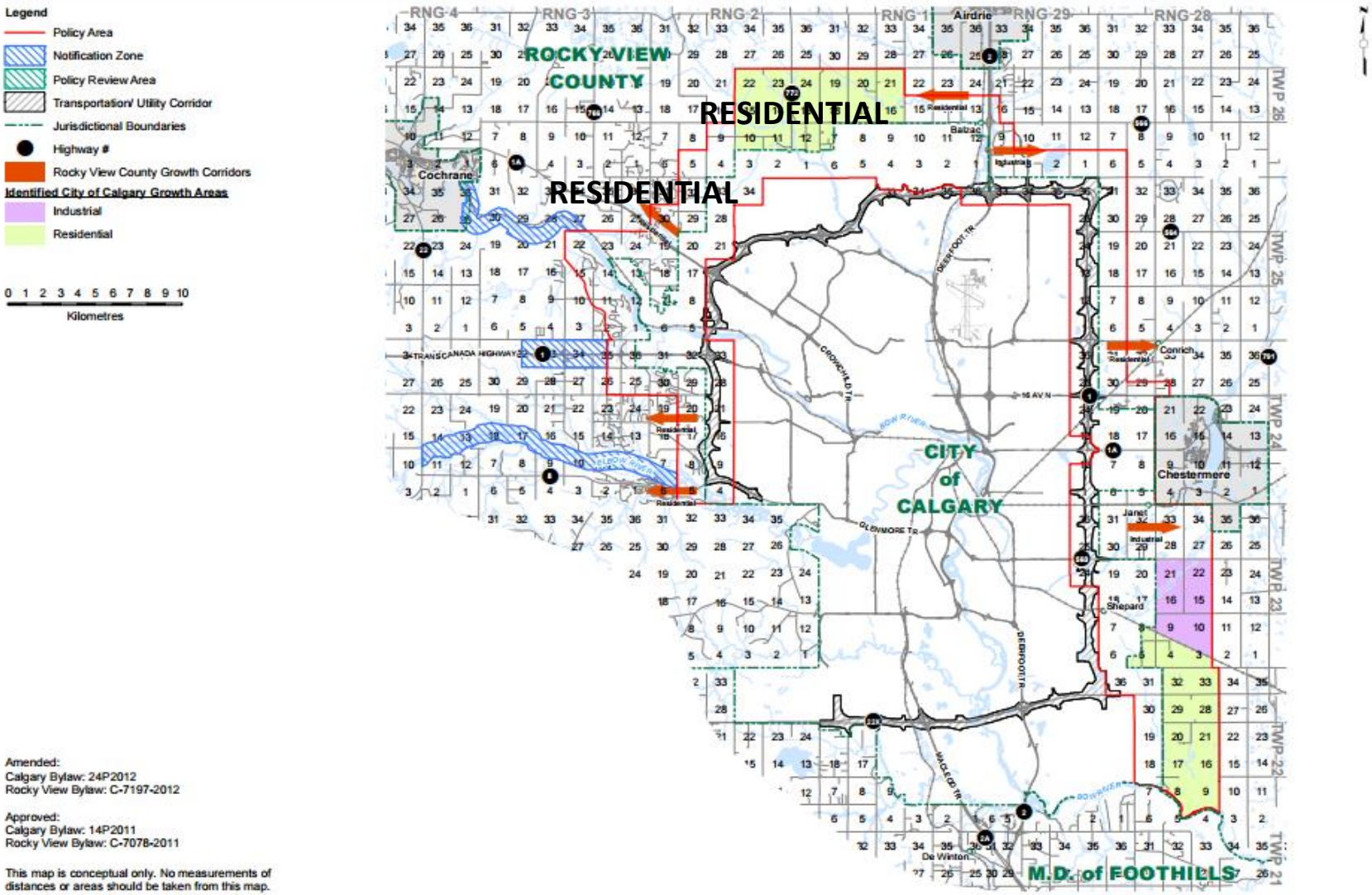
    Use proper storage procedures.

By signing below, both parties agree that all of the above items have been discussed and understood.

Employee: _____ Supervisor: _____ Date: _____

ATTACHMENT 2 – CALGARY/ROCKYVIEW INTERMUNICIPAL DEVELOPMENT PLAN

MAP 4 GROWTH CORRIDORS/AREAS



Amended:
Calgary Bylaw: 24P2012
Rocky View Bylaw: C-7197-2012

Approved:
Calgary Bylaw: 14P2011
Rocky View Bylaw: C-7078-2011

This map is conceptual only. No measurements of distances or areas should be taken from this map.