

ROCKY VIEW COUNTY
AGGREGATE ADVISORY COMMITTEE
Committee Meeting Summary Notes
November 1 and 6th, 2023
5:00 - 6:30 pm
Online

These notes, taken by the chair, are an informal record of the meeting and they reflect the evolving discussion of the committee members. These notes are not a final record or set of recommendations.

Attendance:

- Gerry Bietz, Hazel George, Tom Foss, Monty McNair, Dale Soetaert, John Weatherill. Members.
- Gerrit Scheffel. Administration
- Barbara McNeil. Chair

The purpose of the online meeting on November 1st and 6th was to continue a detailed discuss of the ARP gaps identified by the members at the September 26th meeting.

Plan Polices:

Process should allow for some flexibility by admin of the tech requirements for expanding existing operations. This came from the experience with the Olsen pit, which was an extension of an existing pit. The applicant was required to prepare a lot of technical documents. This requirement makes some deposits uneconomical. The Committee had talked about possible exemptions in these kinds of situations - for instance, if the file managers had more flexibility and were able to educate themselves.

A caution is to be careful about the limits of the exemptions. Yes, there must be some logic behind possible exemptions. It's noted that in the above example, nobody in the vicinity was opposed. This underlies the value of having a stakeholder list for all the facilities of those who can show that they are a bona fide interested party. This ties into stakeholder engagement. There could be clear stakeholder engagement that shows that those local stakeholders are OK with suggested exemptions.

However, this wouldn't apply in all situations. For instance, in a pit west of Cochrane, an operator had applied for four consecutive quarters. Scale is important. But if it's a small expansion of a company that has no complaints and has a good compliance record it could be considered for exemptions.

This example speaks to the diversity in the County. Committee members would want the County to be easy to do business with. In the ARP however, it's also important for residents to have certainty.

Exemptions might undermine some confidence. In east side of the County, exemptions may be easier. This underlines that there be an ARP that reflects the diversity in the County.

A committee member pointed out that exemptions would not be a plan to get around rezoning or important technical requirements and clarified that any new property must go through the application and rezoning. There would be a need to address the environmental and wetland obligations, and the transportation impact assessments. In the application that was described above, there was not significant traffic or noise impact.

For certainty for residents Alberta Environment through the Code of Practice regulates what happens in a gravel pit.

Another member concurred with the concept of exemptions. For instance, when a pit that's been opened and has been used, the requirement to do an historical report again where gravel has been extracted can seem redundant.

Policy 6.4 effectively prohibits non aggregate development across a large part of the County.

This concern from landowners was discussed before and it cuts both ways. The question arose, can the County provide the parameters that were used in the development of the map?

Balance: It seems like the process favours operators over landowners. Landowners haven't the resources to produce tech info.

The committee members had talked about this before, asking the question 'is the ARP permissive or supportive?' Landowners don't have the resources to produce technical information. It's expensive for operators and it's expensive for landowners too. There are other types of resource applications that provide opportunities for landowner funding. The concern seems to come down to a sense of lack of evaluation of technical studies by administration.

This could perhaps be clarified by making sure that the correct jurisdictions are followed.

It was observed that water regulations seemed to be an opaque process. In regulatory hearings, decision makers show their reasons. But in one situation, AEP took the application and approved it, but no reasons were given. In this case, the committee member was referred to the applicant's website. AEP should have a broad basis of expertise, but there is a problem in transparency. When the reasons weren't known, concerned citizens took it to appeal and the Alberta Environmental Appeals Board, which is subject to ministerial override.

Could the Gravel Association lobby to have these decisions more transparent?

In past situations, with AEP being the regulatory authority the County has gone over and above and required more technical documents by certified people. Rockyview County has engaged more deeply.

When Rockyview County hands off these parts of the application to AEP, can landowners be sure that they are properly reviewed? We get the feeling that when land use designation is done, the horse has left the barn. It's really about trust in the information.

Regarding support for intervenors, could this perhaps come out of the CAP process? The CAP process is under negotiation right now. Perhaps there could be an interested party fund?

Intervenor funding would be helpful, but is not the only solution.

Application process seems like a checklist that administration ticks and that the info is not thoroughly evaluated. (L/O experts found gaps in quality).

The ARP permits only narrow consideration by admin to make recommendations based on supporting documents from applicants. Council has to review highly technical data.

To landowners, the process felt superficial and misleading and therefore they felt distrustful.

The applications include highly technical documents that need to be reviewed. The amount of information is narrow and the time to review is brief. When the County receives the documents, they go through a planning review, then engineers review it and it's then reviewed against statutory documents and regulations.

Industry would like more performance standards.

This would lead to risk standards. Industry would welcome more inspections and more noise monitoring. This would use real information, not just modelling. The history of incidents would be used. There would be more checks and balances. Models are used in new applications to make projections - it would be good to use information from existing operations. This goes to operator reputation.

Landowners would obviously support this. It would help stakeholder confidence if the information was provided on a timely basis. It's noted that this would not be a substitute for locational criteria.

Important not to require duplicate processes – Alb Env expertise assesses tech reports.

This boils down to trust. And the various jurisdictions have to stay in their own lanes. Municipalities deal with municipal issues, and environmental issues are managed by AEP. Generally, municipalities ask for a lot of information that is required by Alberta Environment.

In the past, some applications were approved by Council based on applicant information. Alberta Environment has jurisdiction over environmental and protected areas. County's role should be to ensure proper approvals from Ab Env are in place.

Concerned that there isn't enough County knowledge about Environmentally Sensitive Areas. It begs requirement for more robust assessment and analysis across the County by an independent biologist for environmental assessment. We need a better database of what is environmentally important and valued.

It works the other way, too. For one proponent, although he indicated his experience was limited, wetlands had been identified on a site. But the site was actually a domed area. But now that it's been identified, it's the operator's duty to assess and determine if it's a wetland.

That's why having an independent biologist doing an assessment is useful.

Independent experts to adjudicate opposing interests?

Have this done before, not after a hearing.

Evaluate cumulative effects of an application (not properly done in the ARP).

Cumulative effects are not identified in the ARP. We must define how to get standards and what to do if limits are breached.

What's the threshold of cumulative effects of added operations? Other members agree that this has been a source of confusion and that this has been tricky. Though it can start to affect the free market.

Cumulative effects are also important from the health side of things. All operators want to maximize operations. If there continue to be added operations, society has to be careful about cumulative effects. For traffic, the cumulative effects of traffic can be assessed, but the cumulative effects of health effects are unknown.

It was pointed out that as pits are opened and then reclaimed on a regular basis, cumulative effects are managed. Somebody, and maybe the ARP can outline the cumulative effects approach.

For the cumulative effects of traffic, operators do a traffic impact assessment. Then Alberta Transportation makes recommendations. The operator has to upgrade intersections for traffic coming onto the road. Then later, Alberta Transportation monitors and determines if expansion of the road is required. In the Nose Hill area operators are required to work together to measure cumulative effects for air quality. It's required of operators to manage and report cumulative effects, but it doesn't assess the overall impact. This could perhaps be addressed through a performance standard?

The GOA land use framework talks about cumulative effects and that watersheds and air sheds have finite limits. Cumulative effects are critical for evaluating aggregate development, and it's important that the cumulative effects are clear. It would be helpful to assess cumulative effects in combination with other operating sites. So, modeling could be used to predict, and then afterwards analysis used for actual cumulative effects and evaluation. It was noted that traffic is visual and memorable. It was suggested that there be clarity in the traffic impact assessments and that traffic studies be done as well.

It was also pointed out the gravel has to come from somewhere and that the closer the source is to market, the less trucking and environmental impact there is.

Cumulative effects are challenging on the operator side to put together. It was noted that traffic is only one part of cumulative effects and that local circumstances are important.

Regarding traffic, it's also important to consider risk. In the Hill Stone area, there can be up to 230 two-way truckload trips per day. It would be important to consider how those trips are scheduled. Often there are trucks lined up at 7:00 AM. This presents a different risk hazard than if the trucks were spread over 12 hours. There are other risks, such as an undulating roadway and elevation changes, and the speed of trucks. Big Hill Park receives 250,000 visitors per year and that would be approximately 100,000 vehicles in the summer. It should be a requirement to look at local conditions, even including wildlife corridors and timing. Further risk assessments are necessary. The other aspect is the cumulative effects of having several pits. If there's one pit, that means 230 trucks per day. If there are two pits, there are 460 trucks. It was pointed out that the demand for aggregate is the demand and that two pits doesn't mean double the numbers of trucks necessarily.

Another cumulative effect is from dust. A dust storm from the Hill stone plant was used as an example. Silica dust is a health hazard and dust can affect cattle. Ultimately the objective is to identify the thresholds. To know the thresholds, to do the monitoring, and understand what to do with the exceedances. It's important to write something into the ARP that satisfies everyone with respect to cumulative effects.

A question was raised...in the applications are there thresholds allowed? It was noted that predictive modeling has to be done in advance. The importance of clarity was stressed. It was noted that in the County Plan and the MDSP (in the Appendix C part four, page 121) cumulative effects are mentioned and suggested that this area needs work. A final comment was that annual averages mask cumulative effects, It's necessary to understand the peaks and the exceedances. This is important for local residents.

More comprehensive work on ESAs. effects. The plan does not identify what constitutes a risk.

Looking at the Bearspaw ASP, there's no comprehensive inventory of ESA's in the area. In the 2011 Rockyview Open Spaces Master Plan, no study has been done and there's no deliberation of ESAs. Big Hill Springs Park, for example, has not been clearly delineated, so the risks are not known.

The Calgary Metropolitan Region Board (CMRB) is discussing ESAs to attempt to regionally look at ESAs and assess risks. The Miistakis Institute is looking at corridors in the area. In upcoming CMRB work, all ASP's will need approval. Anything regionally significant will need an ASP. Every application will have an assessment of cumulative effects. Does this lead us to think that an ASP would be appropriate to consider?

Alberta Transportation and County pits should follow the same rules for reclamation. No double standards.

County pits have been excluded from rules and regulations. Is this fair to other operators? The County has a plan to reclaim abandoned pits. Alberta Transportation (AT) pits are often left rugged, and they've also left knapweed behind and sometimes hydrocarbons. We don't have controls over Alberta Transportation except to have them follow County standards. AT doesn't follow the same operating hours and there is limited dust control. It was noted that Alberta Transportation has dormant pits that can be reactivated. But depleted pits should be reclaimed.

Use robust technical info to protect standards.

Put some standards in place and make sure things are monitored. For example, have air quality stations set up, monitored properly and continuously and report the results are continuously. Ensure that there are enforcements.

With respect to air quality specifically, at the Hill Stone operation dust comes off the stockpile. They should have a stronger requirement that they remediate as they go (phasing). That might be a solution. Leaving an open pit for 30 years isn't right. An operator member of the committee agrees that phasing of pits is a good idea.

Part IV. Implementation.

Current process is complaint based. Needs funding for enforcement.

Public education is important. Resources to educate people about the application process.

Reclamation.

Extending the life of old pits.

Other discussion:

Is there an opportunity for different businesses to work collaboratively for development? It was acknowledged that operators do have some synergies. A thought was, is there an opportunity for unitization as there is in the oil industry, where companies share their geologic information and costs and production are shared?

Added in for information: A Standard Unit Agreement in Oil and Gas is an agreement among all the working interest owners and royalty owners in an oil and/or gas pool for the co-operative operation and development of the pool.

Engagement:

A purpose of the committee is to propose desired public and stakeholder engagement methods (frequency, type, location, and timing).

Only one of the members had participated in the 2107 engagement and had attended town hall meetings of over 100 people that were quite raucous. An early summary report had been shared and there were opportunities to provide feedback. A session held by councillors, attended by about 200 people, was also rather unruly. The ARP project was then abandoned. The committee member observed that the final document had evolved quite a bit so administration was listening to the feedback.

Observations from Committee members on engagement:

- Open Houses are helpful for disseminating information
- Written responses are helpful – raucous meetings aren't constructive. Have to try and educate.
- One committee member had participated in public engagement for a solar farm – having the information provided was helpful.
- 99% of the conflict regarding aggregate development is due to locational issues – it's emotional and site specific.
- It's really important for people outside of this committee to have a voice.
- Transparency and trust are really important.
- Committee members asked how the project is communicated now, and suggested that the sooner information is made publicly available the better. A social media effort by the RVC communications team was suggested.

November 23rd meeting. The Council chamber is not available for that day. The committee is booked for a board room – the meeting can be streamed to the public.