

**SMOKY LAKE COUNTY**

Minutes of the **Special County Council Meeting** held on Monday, **July 9, 2018** at 10:10 A.M. in the County Council Chambers.

The meeting was called to Order by the Reeve, Mr. Craig Lukinuk, in the presence of the following persons:

<u>Div. No.</u>	<u>Councillor(s)</u>	<u>ATTENDANCE</u> <u>Monday, July 9, 2018</u>
1	Dan Gawalko	Present
2	Johnny Cherniwchan	Absent
3	Craig Lukinuk	Present
4	Lorne Halisky	Present
5	Randy Orichowski	Present
CAO	Cory Ollikka	Absent
Asst. CAO	Lydia Cielin	Present
Finance Manager	Brenda Adamson	Present
Public Works Mgr.	Doug Ponich	Assent
GIS/Communication	Paul Miranda	Absent
Plan/Dev Manager	Jordan Ruegg	Present
Legislative Svcs/R.S.	Patti Priest	Absent

\*\*\*\*\*

Ian McDougall, BSc. BEH(AD), CPHI(C), Executive Officer/Public Health Inspector, Alberta Health Services was present as an information resource.

No Member of the Media.

No Member of the Public.

**WAIVER NOTICE**

County Councillors signed a “**Waiver Notice**” as per accompanying attendance sheet.

**2. Agenda:**

762-18: Lukinuk

That the Agenda as listed on the “Waiver Notice” for Monday, July 9, 2018, Special County Council Committee of the Whole meeting, for the purpose of discussing: Phase II Site Assessment for Waskatenau Nuisance Grounds on the land legally described as: Pt.SE-16-59-19-W4, Plan 5225CL, Block OT, be adopted as presented.

Carried Unanimously.

**3. Minutes:**

No Minutes.

**Discussion:**

**Phase II Site Assessment for Waskatenau Nuisance Grounds: Pt.SE-16-59-19-W4**

Jordan Ruegg, Planning and Development Manager reported:

- Received a phone call from the owners of Pepper’s Highway Service, Waskatenau who are experiencing issues with renewing the Provincial Food Handling Permit for their business due to a ground water well being utilized for their potable water source and its proximity to the Non-Operating Waskatenau Nuisance Grounds. Section 13 of the Provincial Subdivision and Development Regulation controls the allowable distance of development from a landfill/waste site.

- Smoky Lake County has engaged Action Land & Environmental Services Ltd. to drill test holes as part of the Phase II Site Assessment at the Waskatenau Nuisance Grounds. The testing is scheduled to commence July 17, 2018 and the County expects to receive a brief summary of the laboratory results by the middle of August, 2018.

### Alberta Health Services

Present before County Council from 10:15 a.m. to 10:45 a.m. was Ian McDougall, BSc. BEH(AD), CPHI(C), Executive Officer/Public Health Inspector, Alberta Health Services, as an information resource in regard to permit issues experienced by business owners operating food services within the setback of the Waskatenau Nuisance Grounds: Pt.SE-16-59-19-W4, 5225CL; OT.

The following information was provided:

Section 15      NUISANCE AND GENERAL SANITATION REGULATION      AR 243/2003

### Wells

#### Location and maintenance of wells

**15(1)** A person shall not locate a water well that supplies water that is intended or used for human consumption within

- 10 metres of any watertight septic tank, pump out tank or other watertight compartment of a sewage or waste water system,
- 15 metres of a weeping tile field, an evaporative treatment mound or an outdoor toilet facility with a pit,
- 30 metres of a leaching cesspool,
- 50 metres of sewage effluent on the ground surface,
- 100 metres of a sewage lagoon, or
- 450 metres of any area where waste is or may be disposed of at a landfill within the meaning of the *Waste Control Regulation* (AR 192/96).

**(1.1)** A person shall not change the use of a water well to a water well that supplies water that is to be used for human consumption from any other use if the water well is located within any of the distances referred to in subsection (1)(a) to (f).

**(2)** A person shall not locate

- a watertight septic tank, pump out tank or other watertight compartment of a sewage or waste water system within 10 metres,
- a weeping tile field, an evaporative treatment mound or an outdoor toilet facility with a pit within 15 metres,
- a sewage lagoon within 100 metres, or
- a landfill so that an area where waste is or may be disposed of is located within 450 metres

of a water well that supplies water that is intended or used for human consumption.

**(3)** A person shall not deposit sewage effluent on the ground surface within 50 metres of a water well referred to in subsection (2).

## Requesting Consent to Vary The Setback Distance For A Development To An Operating Landfill

### INFORMATION REQUIREMENT

November 2012

Setback distance from a residence, school, hospital, or food establishment to an operating landfill is 450m.

Only the subdivision or development authority may submit a request for variance.

Copies of Alberta's Acts, Regulations and Codes of Practice are available from the Queen's Printer at <http://www.qp.alberta.ca>

1/3

#### Introduction:

Section 13 of the *Subdivision and Development Regulation* defines the setback required from a subdivision development for a residence, school, hospital, or food establishment to an operating landfill. The Regulation allows the subdivision or development authority to vary the setback distance upon receiving written consent from Alberta Environment and Water.

#### Considerations for consent:

Alberta Environment and Water (AEW) will consider a consent to lessen the setback distance from developments near operating landfills, based on the following criteria:

1. All Information Requirements set out in this document must be submitted to AEW by the subdivision or development authority;
2. The subdivision or development authority commits to developing a mechanism whereby future property owners are made aware of any consents issued;
3. Consent will not be considered when all three of the following conditions exist:
  - a. Gas levels above background are present within the waste disposal area of the landfill;
  - b. The land area where development is to occur has no natural physical barrier to gas movement i.e. a valley between the development and the landfill; and
  - c. The development has underground infrastructure or basements
4. Where groundwater has been contaminated, consent will only be considered where:
  - a. potable water to the proposed development is being supplied from a municipal system; and
  - b. vegetation, or other receptors or property will not be affected by the contaminated groundwater

#### Consent after development

Consent to lessen the setback distance will not be considered after a development permit or subdivision approval has been issued by the local authority.

For more information call the Information Centre at 780-427-2700 (outside Edmonton dial 310-0000)



## Requesting Consent to Vary The Setback Distance For A Development To An Operating Landfill

### INFORMATION REQUIREMENT

November 2012

Consent must be provided before proceeding with any development not adhering to landfill setback requirements.

2/3

#### Information Requirement:

The following information is required to be provided to Alberta Environment and Water by the subdivision or development authority before Alberta Environment and Water will consider consenting to a variance request for a development near an operating landfill:

1. A covering letter from the subdivision or development authority requesting a variance.
2. A letter from the landfill owner consenting to the encroachment.
3. A letter from the proponent stating the reasons the site must encroach within the setback and the alternatives if the variance is not granted.
4. Details of the type of development within the setback (including proposed design, water supply, wastewater and stormwater systems, topography, location of proposed residences, schools, etc.).
5. The approval or registration number of the landfill being encroached upon.
6. The recommended setback distance for encroachment.
7. An engineering report\*, completed by a professional registered with APEGGA, that includes, as a minimum, the following information:
  - a) landfill cell delineation including approximate waste depth (use of test pits, historical aerial photography, etc.);
  - b) anticipated duration of operation (actual, or estimated if actual not available);
  - c) amount, types of waste, and degree of waste stabilization in the landfill;
  - d) landfill topography for site drainage;
  - e) any landfill final cover details such as thickness and composition;
  - f) regional and site specific geology and hydrogeology;
  - g) a map showing all water wells and residences within a 1 kilometre radius of the site and other topographical features, such as water bodies, within 5 kilometres of the site;

\* The subdivision or development authority must utilize applicable sections of the current *Standards and Guidelines for Landfills in Alberta* to develop the information required in (7).

For more information call the Information Centre at 780-427-2700 (outside Edmonton dial 310-0000)



**Requesting Consent to Vary The Setback Distance  
For A Development To An Operating Landfill**

**INFORMATION REQUIREMENT**

November 2012.

Consent is not provided for developments that have already occurred.

The Standards for Landfills in Alberta can be found at: <http://environment.alberta.ca/02956.html>

For more information on setback variances please contact your Alberta Environment regional office. <http://environment.alberta.ca/contact.html>

- h) the applicable sections of the area structure plan documenting the zoning and expected use of the landfill and surrounding area;
- i) groundwater monitoring results;
- j) landfill gas monitoring results;
- k) an opinion on whether encroachment is feasible (under what mitigative measures, to what distance, etc.); and
- l) if mitigative measures are proposed, the design details, monitoring, and maintenance program for the mitigative measures.

- 8. Documentation on how the subdivision or development authority will deal with potential complaints from the residents within the setback.
- 9. Documentation on how the subdivision or development authority will convey information on the setback variance to existing and successive property owners.
- 10. Documentation from the Alberta Health Services that they have provided or refused the variance to construct a private waterwell within the 450-metre setback as per Public Health Regulations, if applicable.
- 11. A letter from Alberta Health Services confirming that they have no concerns with the proposed development.



In conclusion, the owner of the business has options available to rectify the Food Handling Permit issue. Alberta Environment and Parks will consider consent to vary the setback distance from a Nuisance Grounds if certain conditions are met such as:

- connecting to a municipal water source,
- installing a potable water cistern (temporary or permanent), or by
- adjusting the type of food handled and/or packaged.

Smoky Lake County is working towards the remediation of the Waskatenau Nuisance Grounds located on the land legally described as: Pt.SE-16-59-19-W4, Plan 5225CL OT; Phase One has been completed and Phase Two of the Site Assessment in underway.

**ADJOURNMENT:**

763-18: Lukinuk

That this meeting be adjourned, time 11:15 a.m.

Carried.

\_\_\_\_\_  
REEVE

**S E A L**

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER