

Topic: T & T Sand & Gravel/214231 Enterprises Ltd – Appeal Hearing Suspension of Haul Agreement 2011-H-30 for two administrative penalties – total of 1 day suspension

### Introduction:

In Parkland County a gravel company is required to have a Development Permit to extract aggregate. One of the Development Permit conditions requires the aggregate company to obtain a Haul Agreement from Public Works. Council direction to Administration in the past was to strengthen the Haul Agreement and administrative penalties. Haul Agreement regulates hours of hauling, traffic safety monitoring, dust control, road maintenance etc. Enforcement Services monitors the Haul Agreements investigates alleged breaches of this document and imposes the administrative penalties.

### Facts (Background Information):

T & T Sand & Gravel/214231 Enterprises Ltd was issued with Haul Agreement 2011-H-30 by Public Works. A copy is attached. When Enforcement Services receives a complaint regarding a possible breach of a Haul Agreement a file is created and an officer is assigned to investigate.

- July 10, 2012 (file 2012-1411) a verbal warning was issued to T & T Sand & Gravel/214231 Enterprises Ltd for lack of dust control
- August 13, 2012 (file 2012-1784) a complaint regarding lack of dust control was investigated
  - o This complaint was unfounded
  - o No action was taken against the company
- August 28, 2012 (file 2012-1973) a complaint regarding dust control was being investigated by Officer Back Backstrom,
- He patrolled Rge Rd 51 north of Highway 16 for about 1 hour between 2:30 pm and 3:30 pm
- During that time he noted approximately 10 gravel trucks associated to T & T Sand & Gravel/214321 Enterprises Ltd
- He observe the road conditions as dry and observed a large amount of dust
- He observed dust blowing onto the complaints house
- He also observed road damage
- Public Works foreman attended and confirmed the road required grading and dust control
- Photographs of the road damage are attached
- Investigation confirmed this company had watered the road at 6:30 am and again at 12:00 pm
- Investigation also reveal Scorpion Construction had been hauling earlier that day, however they had finished at 10:00 am
- A one day suspension was issued to T & T Sand & Gravel/214231 Enterprises Ltd for two breaches:
  - o 1. Failure to maintain the roadways – 1 day and
  - o 2. Failure to maintain adequate dust control – 1 day (concurrent)

**Analysis:**

The following one day suspension is being appealed by T & T Sand & Gravel/214321 Enterprises Ltd

- August 28, 2012 – Failure to maintain roadways – 1 day
- August 28, 2012 – Failure to maintain adequate dust control – 1 day (concurrent)

On July 10, 2012 T & T Sand & Gravel/214321 Enterprises Ltd was issued with a verbal warning for ‘failure to maintain adequate dust control’

**Alternatives:**

- I. Council direct Administration to re-draft the administrative penalties to be less harsh

**Conclusion/Summary:**

Administration supports the one day suspension as per Haul Agreement 2011-H-30

**AUTHOR:** Peter Morris  
Services

Department: Community & Protective

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