

GOVERNANCE AND PRIORITIES COMMITTEE ADMINISTRATIVE REPORT

Topic: Contaminated Soils Policy

Introduction:

This report provides information, discussion, and implications of creating and implementing a Contaminated Soils Policy for Council's consideration.

Facts (Background Information):

At the May 11, 2021, Council meeting, Administration was directed to prepare a report outlining information and potential policy development regarding Contaminated Soils for review at the February 1, 2022, Committee of the Whole meeting.

Council expressed concerns regarding developers, contractors or residents importing soils into the County that are potentially contaminated with such items as noxious weeds and clubroot. The intent of a policy would be to establish a plan of action regarding imported soils to minimize contamination risks to existing properties within the County.

Analysis:

Provincial Legislation

The Government of Alberta currently has regulations related to animals, insects, plants of disease that may harm land, livestock, or property under the Agricultural Pests Act. This Act includes such items as noxious weeds and clubroot. County Policy C-AG02 Clubroot Management was rescinded by Council on May 11, 2021, as it was not necessary to duplicate provincial legislation. The Agricultural Pests Act provides municipalities the authority to inspect for clubroot and take enforcement action if necessary.

Municipal Policies and Bylaws

Parkland County currently has Contaminated Sites Policy C-ES07 which establishes the standards Parkland County must satisfy when identifying and managing contaminated sites for Parkland County controlled and owned lands. These sites must comply with the environmental standards outlined in the Alberta Tier 1 and Tier 2 Soil and Groundwater Remediation Guidelines established by the Government of Alberta. However, this policy does not address contamination on lands not owned by the County.

Parkland County's Land Use Bylaw applies to all development occurring on privately owned lands within the County. The Land Use Bylaw states that the Development Authority may request additional documentation, such as a Phase I Environmental Site Assessment, as part of a development permit application where the potential for prior site contamination exists. Depending on the results, further reclamation may be required. These regulations allow the County to ensure lands are remediated or

reclaimed prior to any further development occurring and prior to the approval of any new development permits.

In addition, the Land Use Bylaw defines Filling as follows:

“means the import and placement of natural uncontaminated earth or aggregate materials (e.g. clay, silt, sand, gravel) on a Parcel for the purposes of altering/modifying Drainage Grades or building up a site for a proposed building or development, but does not include the import and placement of dry-waste or land fill waste materials.”

Within the definition of Filling, the County indicates that *uncontaminated earth or aggregate materials* can be placed on a site. Prior to any fill work occurring, a property owner would need to obtain a development permit. The County includes a condition in the Development Permit that all materials brought in must be clean. This mechanism places the responsibility on the applicant to ensure all materials brought in are uncontaminated. In addition, should the County receive a complaint or concern about the quality of the materials being brought in, the County may investigate and require soil testing, and proceed with enforcement actions, if needed, in accordance with the Land Use Bylaw. This approach is consistent with how other municipalities in the region address contaminated soils in their Land Use Bylaw. No changes are recommended to the County’s Land Use Bylaw.

Administration also considered having an applicant provide testing results completed by a professional as part of the permitting process to prove that materials are uncontaminated. Considering the existing condition placed on the Development Permit, Administration felt the risk would be very low. Further, the process would be onerous for the applicant given the level of risk.

Not all work within the County requires a development permit or other form of authorization. For example, a property owner may add material, such as topsoil or gravel, to their property or move material from one property to another without a development permit if the depth does not exceed six inches. Without a development permit, there is no mechanism to add conditions or requirements related to using clean, uncontaminated soils. However, work being done on a private property poses an extremely low risk to the County. Adding further authorization for this work is not cost effective for the County and creates additional work for the property owners.

Given the existing provincial legislation and County policies and bylaws, Administration recommends taking an educational approach at this time rather than adding additional regulations. Many property owners are not aware of the common soil contaminants, such as clubroot, the potential risks of bringing in contaminated soils to their lands, or the possible impact to adjacent lands. Creating awareness and building knowledge can be an effective tool and first step in minimizing contamination risks.

Conclusion/Summary:

In conclusion, Administration currently has policies and bylaws in place that will assist with managing contaminated soils and reduce the risk to the County without making the process too onerous for applicants. Administration recommends taking an educational approach to spread awareness to property owners within the County.

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