

DEVELOPMENT PERMIT APPLICATION

I hereby make application for a Development Permit in accordance with the plans and supporting information submitted herewith.



Applicant: NORTHLAND MATERIAL HANDLING INC.
Mailing Address: 315 ELLIS DRIVE, 53016 HWY 60
Town/City: ACHESON, ALBERTA Postal Code: T7X-5A7
PH #. (home): 780-960-0280 cell #: _____ email: _____
Registered Owner (if different from applicant): RICK CARON
Registered Owner mailing address (if different from applicant): _____

Lot _____ Block _____ Plan # _____ Subdivision Name _____
Municipal Address: _____
PT NW NE SW **(SE)** Quarter Sec. 2 Twp 53 Range 26 W **(4)** 5 TH MERIDIAN

- PROPOSED DEVELOPMENT**
- Single detached dwelling (FORM A)
 - Attached or Detached garage
 - Commercial or Industrial (FORM D)
 - Accessory building (FORM B)
 - Moved in structure
 - Natural Resource/ Extraction (FORM E)
 - Home business level 2 level 3 (FORM C)
 - Variance
 - Other Development
 - Manufactured Home (FORM A)
 - Additional residence (FORM A)

Describe proposed Development: AMENDMENT OF EXISTING DEVELOPMENT PERMITS
09-D-370A AND 09-D-370B AS PER APPLICATION ATTACHED

Est. cost of project \$ _____ Start date _____ End date _____

IMPORTANT: THIS IS NOT A BUILDING PERMIT
Please Note: Any approvals granted regarding this application does not excuse the applicant from complying with the requirements of any Federal, Provincial or other Municipal Legislation, or the conditions of any easement, restrictive covenant or agreement affecting the buildings or lands.

The personal information provided by you is being collected under the authority of the *Municipal Government Act* and will be used for the purposes under that Act. The personal information that you provide may be made public, subject to the provisions of the *Freedom of Information and Protection of Privacy Act*.

I authorize the staff of Parkland County and other agencies as designated in Section 653(2) of the Municipal Government Act, R.S.A. 2000, to enter my land for the purpose of conducting a site inspection in connection with my development permit application.

I SWEAR/AFFIRM THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE, AND THAT NO FURTHER PROGRESS WILL OCCUR ON THE DEVELOPMENT UNTIL A DECISION ON THE PERMIT HAS BEEN RENDERED

LETTER OF AUTHORIZATION OR SIGNATURE OF REGISTERED OWNER(S) if different from applicant
Registered Owner Signature: [Signature] Registered Owner Signature: _____
Applicant signature: [Signature] Date: July 20, 2011

THIS SECTION FOR OFFICE USE ONLY
DP Number: _____ Fee: 300 + 10. Roll No.: _____
Acres: _____ Hectares: _____ Date Received: 20 July 11.
Electoral District: _____ Land Use District: _____ Received By: [Signature]

Rec 2292396
2292397

NORTHLAND MATERIAL HANDLING INC.

Recycling



Sand



Landfill

July 20, 2011

53109A SH 779
Parkland County, Alberta
T7Z 1R1

Attn: Paul Hanlan, Tracy Mckay

Re: Application for Amendment of Development Permits 09-D-370A (Northland Material Handling Inc.) and 09-D-370B (Northland Recycling Inc.)

Site Operations

Highway 16A & 231
Parkland County
Ph: (780) 470-3264

Head Offices

315 Ellis Drive
53016 Hwy 60
Acheson Industrial Area
Acheson, AB
T7X 5A7
Ph: (780) 960-0280
Fax: (780) 960-0480

Dear Paul/Tracy:

We are pleased to submit our application for amendment of the above mentioned development permits. Included in this package is the following:

1. Development permits application form.
2. Application to amend

We look forward to working with you on our proposal.

Yours very truly,



Jason Cormier, CMA
Chief Financial Officer

Enclosures

RDC

**NORTHLAND MATERIAL HANDLING, INC.
NORTHLAND RECYCLING INC.**

APPLICATION

TO AMEND

***Parkland County Development Permits
09-D-370A and 09-D-370B***

JULY 20, 2011

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**NORTHLAND MATERIAL HANDLING INC.
NORTHLAND RECYCLING INC.**

APPLICATION TO AMEND PARKLAND COUNTY DEVELOPMENT PERMITS

(A) INTRODUCTION AND REQUEST

This is an application for amendments to two Development Permits in respect of lands legally described as the SE ¼ of 02-53-26-W4M, located on the north side of Highway 16A at the intersection of Hillview Road [“the Property”]. Title to the Property is in the name of Northland Material Handling Inc. [“NMHI” or “Applicant”]. A corporate affiliate, Northland Recycling Inc. [“NRI” or “Applicant”] also carries on business on the Property.

The Property is currently the site of a Dry Waste Landfill [as defined in the Parkland County Land-Use Bylaw] and its associated sand extraction operation, as well as a wood recycling operation. The existing uses of the Property are discretionary in the Direct Control district in which the Property is situated, and are specifically provided for under Parkland County Development Permits 09-D-370A and 09-D-370B both of which expire on December 31, 2012.

The Applicants seek amendments to Development Permits 09-D-370A and 09-D-370B to:

- (a) Allow the existing uses of the Property to continue until June 30, 2018 in order to match the expiry date of the Applicants’ Alberta Environment approval;
- (b) Allow completion of the approved Alberta Environment Reclamation Plan for future, post-closure uses, by providing for the Alberta Environment modified Storm Waster Management Design Plan, dated June 2010, (“Alberta Environment Design Plan”) a design improvement which will improve the final contours and slopes of the landfill development for multiple post-closure land uses;
- (c) Allow the applicants the time required to fill its remaining airspace and match its remaining useful life; and

- (d) Allow the Applicants to return to a level playing field for business. With the Cholla landfill (lands with shared property rights with Mr. Denny Andrews and Parkland County) receiving a development permit matching its Alberta Environment permit, the Cholla landfill has had an unfair advantage over the Applicant in offering long term pricing and service which the Applicant cannot offer.

(B) BACKGROUND TO AND REASONS FOR THIS APPLICATION

On June 30, 2010 the Applicant submitted a development application to amend its existing permits to include the Alberta Environment Design Plan and to extend the permits to match its Alberta Environment approvals. At the County of Parkland Council meeting of January 25, 2011, Parkland County Administration recommended to Council to adopt the same Storm Water Management Plan pursuant to the Alberta Environment approval and a time extension until October 31, 2015 that was consistent with the dry landfiling approval for the Cholla Landfill to the south. However, at the County of Parkland Council meeting of February 22, 2011 Council approved only a time extension for a Dry Waste Landfill and Sand Extraction Operation and Recycling until December 31, 2012. This resolution, together with a procedural issue on elevation left the Applicant with no design and water management modifications that the Applicant sought.

From an operational standpoint, the Applicants are left with two distinctly different design plans that severely affect our daily ability to operate. The Alberta Environment Design Plan allows for final elevation of 721.2 meters and uses a flat sheet flow which eliminates the rolling hills and swales in favour of an overall site slope ranging from 1% to 2.5%. This plan results in gentle slopes (almost flat) through most of the site and will allow for multiple post-closure land uses.

The existing Parkland County Development permit allows for a final elevation of 716.5 meters and a design plan which uses rolling hills, swales and drainage ditches. From an operations standpoint, these conflicting design plans make it impossible to operate and comply with each individual permit as they are two separate distinct design plans.

These “hard engineering improvements”, arising from the intelligent post-use design, mean that the post-closure Property will feature a virtually flat topography and solid ground stability, together with a sound and practical built-in surface water management system, which will render the Property suitable for a wide range of future commercial or light industrial uses. From the County’s perspective, this means the Property will be more likely to actually attract such uses, thereby providing employment and generating significant tax revenue for decades into the future.

From a planning perspective, approval of the amendments sought by NMHI/NRI would also address an esthetic concern that will inevitably arise otherwise. As matters currently stand, the disparity in final elevations between the Cholla landfill and the Northland landfill is nearly 10 meters, which will be a visually jarring and displeasing situation to leave at the entrance to Parkland County. Allowing NMHI the height extension it seeks will reduce that disparity, and is thus a positive thing from the standpoint of basic topography planning principles.

(C) ALBERTA ENVIRONMENT APPROVAL

The existing uses of the property – landfilling, sand extraction, and recycling -- are allowed by, and subject to the terms, conditions and requirements of, Alberta Environment Approval #49589-01-00 [“the 2008 AE approval”]. A copy of the text of the 2008 AE approval, together with a full set of the engineered drawings that were submitted and accepted by Alberta Environment and now form part of the 2008 AE approval, are documents previously provided to the County and are once again supporting material to this development permit application.

In June 2010, the Applicant submitted a request to Alberta Environment and the County of Parkland to amend the approval to allow for:

- Proposed new plan for final elevations, contours and drainage and for removal of the “clean fill only” restriction in one small portion of the property.

- Eliminating rolling hills, swales and drainage ditches in favour of an overall site slope ranging from 1% to 2.5% over most of the property, engineered to direct all stormwater and meltwater via “sheet flow” to the 1:100 year stormwater retention pond at the northeast corner
- Increasing the height extension by 2.3 meters on average to an overall final elevation of 721.2 meters.

On July 27, 2010 the Applicant received confirmation from Alberta Environment approving their request for these minor improvements.

In support of this application, the applicant did provide a copy to the County of its Alberta Environment 2010 Operations Report which contains extensive details of the Applicant’s operations. This Report also contains the full set of results and analysis from the groundwater monitoring program, which is far more extensive than required under environmental statutes and regulations.

The supporting documentation, taken together, shows clearly the Applicant’s dedication to, and success in achieving, the highest standards of landfilling operations, environmental protection, and continual improvement.

The 2008 AE approval contains extensive and detailed conditions dealing with all aspects of operating a Class III landfill, including documentation and records, monitoring and reporting, waste control and screening, management and protection of both surface water and groundwater, control of litter and other potential nuisances, landfill cell construction, signage, general site and roadway maintenance, reclamation and closure, and post-closure care. The Applicants are diligent in complying with these requirements, and in 25+ years of operation have never been cited for any violation of any AE approval for the landfill.

(D) SEQUENCING AND RECLAMATION PLAN

As previously provided, the Applicant proposed a simple and straightforward reclamation sequencing plan which takes into account the nature of surrounding land uses. Essentially, it provides that the quadrants closest to the most intense adjacent land uses, will be the first to be filled to final elevation and reclaimed, and reclamation will proceed on a “reclaim as you go” basis. The order in which the four Quadrants of the Northland site will be filled and reclaimed is: SE quadrant first, SW quadrant second, NE quadrant third and NW quadrant last.

NMHI/NRI wish to emphasize again that they remain firmly committed to their long-term vision and plan, of a re-developed site to include both a recreational/natural use component, and an industrial use component specifically targeted to environmental and green businesses. The Applicants’ long-range redevelopment plan remains very much a key component of their site reclamation plan and corporate strategy (the plan is still on display on the internet at www.northlandindustrialpark.ca) The re-opening of the Cholla landfill means a delay in the timeline for that vision, just as it caused a delay in development of the soccer fields that are the end use for the Cholla site. NMHI/NRI needs to return to an equal competitive footing with Cholla in the intervening time, in order to finally make its long-term vision a reality.

As pointed out to Council and County Administration, who also recommended to include the Alberta Environment Design Plan in the amended permit, it is imperative to approve the amended Alberta Environment Design Plan in order to proceed with the sequence and reclamation plan as proposed.

(E) REMAINING USEFUL LIFE

Based on the Alberta Environment approval there is still a significant area of landfill space available to be landfilled, as evidenced by the two large holes on the site. This is a direct result of the following factors:

- Volumes - With the reopening of the Cholla Landfill, the volumes of waste material delivered to the NMHI landfill are now greatly reduced.

- Compaction – The Applicant has invested significant capital in equipment designed to compact the material in order to minimize the air space taken and thereby increasing the stability of the ground in the post-closure phase.
- Recycling – The Applicant has minimized the amount landfilled by offering its customers a wood recycling program whereby wood is diverted from the landfill either by way of clean wood loads or separated on site in mixed wood loads. The wood is chipped on site and shipped to the Dapp Power Plant near Westlock and used for power generation.
- Diversion – The Applicant offers its customers reduced fees to bring clean loads of shingles, concrete and drywall which is diverted from the landfill and has uses in the farming, construction and roofing industry.

Based on current estimates of fill volume now being delivered to the NMHI site and the proposed design improvements, NMHI is projecting that final elevations will be achieved prior to the expiry of the Alberta Environment Development permit (June 30, 2018).

(F) SUPPORTING DESIGN INFORMATION

All supporting design documents for this application are the same as provided in the application dated June 30, 2010. Specifically the design maps, dated June 2010 as provided by Stewart, Weir & Co. Ltd.

(G) BENEFITS TO PARKLAND COUNTY RESIDENTS

The benefits to the Applicant in receiving Council approval for the amendments it now seeks to its Development Permits, as set out in this application, are obvious of course, but there are also important benefits to Parkland County Residents.

NMHI/NRI C&D waste management and recycling operations provide services to customers that operate in the Parkland County and surrounding areas. Set out below is a brief description of the Company's primary service offerings to County businesses and residents.

C&D Waste Management Facility

The Company operates a permitted Alberta Environment Class III Dry Waste Facility that services the residential and industrial construction industry. This facility provides Parkland customers an affordable alternative for all their waste handling needs including recycling options, Leeds Certified Programs, accurate weight information and additional business opportunities with reusable products.

Sand

NMHI has a long history in the new home building and construction industry by offering Parkland and surrounding area customer's high quality sand. This product is used for basement and pad fill material. In 2005, NMHI added a portable screener to provide its customers the option of banked sand or screened sand to better suit its customers' needs.

Recycling and Diversion

A vital component of the waste management industry is recycling and diversion. Due to the increasing environmental awareness and declining landfill capacities, waste reduction and reuse is vital. Since its inception, NRI has been able to identify alternative uses for materials such as wood, concrete, asphalt shingles and drywall. Wood is chipped on site and shipped to the Dapp Power Plant near Westlock and used for power generation. The Drywall diversion program diverts drywall which is trucked off site and transformed into a product that can be supplied to local farmers in order to help them grow their crops in a more environmentally sustainable way. Asphalt Shingles are diverted and used in the process of producing road material. The concrete diversion program diverts concrete which is then crushed and used or sold for use in the road construction industry. **During the calendar year 2010, Northland recycled and diverted over 45,000 tons of material.**

County Revenue

NMHI also provides a revenue source for the county of Parkland. Since 2004, NMHI has paid over \$1,750,000 dollars to the County of Parkland for License fees for operation of Landfill facilities and in Sand/Gravel fees.

(H) FAIR COMPETITION

With the reopening of the Cholla Landfill, and Parkland County granting an extension to June 2015, the County has given the Cholla Landfill an enormous and unfair competitive advantage over NMHI/NRI. The Applicant is unable to compete against the Cholla landfill offering long term pricing and service options to its customers. Due to the drop in volumes and loss of customers the consequences to NMHI have been harmful which includes recent layoffs and a significant loss of profit and investment. NMHI/NRI is not afraid of, and does not object to, competition from Cholla in the dry waste handling as the Applicant lived with such competition for many years. However, with the unprecedented extension for the Cholla Landfill, it has not merely restored historical competition – but it skewed the playing field so that Cholla has an enormous competitive advantage over NMHI/NRI.

It is imperative to restore this market place as soon as possible before the consequences leave Northland in a state of irreparable harm.

(I) NEIGHBORS

As the Applicant borders the City of Edmonton and Parkland County, it has neighbors who reside in both jurisdictions. The adjacent land ownership map surrounding the Applicant is attached for reference with the following comments.

City of Edmonton

Based on the June 2010 application, the City of Edmonton had no issues with the Alberta Environmental Design Plan and time extension proposed from the previous application.

City of Edmonton Neighbors

NMHI/NRI has had resistance from neighbors bordering the City of Edmonton to any further time or height extensions while, it is important to point out that these same neighbors have had no resistance to applications for height and time

extensions for the Cholla Landfill. Notwithstanding this, NMHI/NRI has endeavored to deal with any surrounding neighbor issues and will continue to do so.

- Walton Development Group Lands – Immediately to the East, North East and South East of the Applicant is property owned by the Walton Development Group. These lands are currently undisturbed properties and no development application is currently being sought on these properties. Any development on this side of their property and adjacent to NMHI is minimized as the property has oil wells on the West side of their property which would also affect their future development projects. NMHI, as stated in previous applications and to the Walton Development Group individually is, subject to receiving approvals, NMHI would reclaim the South East quadrant of the landfill first.
- Bassani Lands – Immediately to the South East of the Applicant is property owned by Elmer Bassani. Any development on this property is mostly affected from the Cholla Landfill and any new highway development allowances. Mr. Bassani also owns property south of the Cholla Landfill where a competing business to NRI is currently being operated whereby wood pallets are being recycled.
- Group – The other adjacent landowners consist of 1232637 Alberta Ltd and 1265998 Alberta Ltd. The registered directors of 1232637 Alberta Ltd. include Jack Agrios, Denny Andrews, Elmer Bassani, Dave Mcdougall and Brian Felesky. The registered directors/shareholders of 1265998 Alberta Ltd. include Elmer Bassani and Ben Kolbuc. These lands would only be affected by the Cholla operation and are not affected by the NMHI/NRI application. Obviously this group of competitors, developers and lawyers owning large tracts of land jointly could be seen to act in concert.

Parkland County Neighbors

- Cholla Lands – To the South of the Applicants lands is property owned by the Cholla Sand and Dry Waste Inc. and leased by Parkland County and 15 acres owned by Parkland County. The property is a competitor to the Applicant.

- Harris Lands – Directly to the South West of the Applicants lands is property owned by Elmer Bell and Ira Harris. The owners have requested a rezoning bylaw to initiate a competing landfill on this site.
- Penn West Exploration – Directly to the West and North of the Applicants lands are property owned by Penn West Petroleum Ltd. There are no development issues with Penn West Petroleum as they are in conventional oil and natural gas production.

NMHI/NRI has remained fully committed to its re-developed site (www.northlandindustrialpark.ca) to include both a recreational/natural use component, and an industrial use component. In an open house presentation to the public on April 23, 2009, the Applicant only heard positive feedback and is sure that the re-developed site would be a pleasing view that would be welcomed and aligned with the developments needs for the adjacent properties and landowners.

(J) DEVELOPMENT PERMIT AMENDMENTS

Existing Permit

The Applicant is in compliance with all the conditions of the existing permits.

Amended Permit

The Applicant is requesting the following amendments to the Permits 09-D-370A and 09-D-370B:

- To change the time of the permits to June 30, 2018.
- To approve and include the current approved Alberta Environment modified Storm Water Management Design Plan, dated June 2010.