

## ADMINISTRATIVE REPORT

Topic: Keephills Aggregate Company Ltd - Appeal Hearing Suspension of Haul Agreement 2012-H-08 for three separate administrative penalties - five days, one week and one month

### 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. The Haul Agreement regulates hours of hauling, traffic safety monitoring, dust control, road maintenance etc. Enforcement Services, via the Gravel Point Officer, monitors the Haul Agreement, investigates alleged breaches of this document and imposes the administrative penalties.

### Facts (Background Information):

Keephills Aggregate Company Ltd has been extracting aggregate in Parkland County since 2002. They were issued Haul Agreement 2012-H-08 by Public Works. A copy of this agreement 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. Generally speaking it is the Gravel Point Officer, however if he is not working, the officer working will conduct the initial investigation. If the file is not completed in first instance the Gravel Point Officer will follow up upon return to work. Over the course of May 2012 a number of complaints were received regarding various alleged breaches of the Haul Agreement as follows:

- May 5, 2012 (file 2012-0746) at 6:58 am report of trucks on the road prior to 8:00 am
- The haul hours on a Saturday are 8:00 am to 4:00 pm
- Officer Lindeman responded to this complaint at 7:30 am
- His investigation confirmed:
  - o Trucks hauling for Keephills Aggregate Company Ltd were indeed on Rge Rd 43 prior to 8:00 am
  - o Keephills Aggregate Company Ltd was the only pit open and operating
  - o Stopped a gravel truck hauling for this company for a speeding infraction
    - The driver was ticketed and removed from the haul for 24 hours as per the Haul Agreement
  - o He noted road damage
  - o He made contact with the company representative in the pit
    - Confirming their truck were hauling too early, the speeding infraction and the road damage
- Officer Lindeman remained in this area for two hours
- He did not observe any activity from any other gravel pit other than Keephills Aggregate Company Ltd, he did not observe them provide any traffic monitoring as per condition 8 of the Haul Agreement
- He did not observe any attempt to repair the road damage

- He did receive a second complaint regarding the trucks being on the road too early and road damage, (file 2012-747 refers)
  - That particular file was treated as a duplicate of 2012-0746
- This Haul Agreement was suspended for one day as per the Administrative Penalties
  - The suspension was served on May 19, 2012
- On May 7, 2012 at 7:00 am Enforcement Services received a complaint regarding road damage by Keephills Aggregate Company Ltd
- Officer Lindeman responded at 7:43 am
- He investigation indicated the road damage had not been repaired and there appeared to be no dust control, the only gravel pit in operation at this time was Keephills Aggregate Company Ltd,
- He described the dust as “extremely bad dust issues”
- He experienced difficulty passing an oncoming gravel truck due to the road damage
- He did make contact with the company representative in the gravel pit
- He observed the water truck leaving the pit after the trucks had been hauling
- The water truck was unregistered and a violation ticket was issued for Operate an Unregistered Vehicle under the Traffic Safety Act
- 8:45 am he observed the first “southbound” Border Paving truck, heading down to their pit
- Keephills Aggregate Company Ltd was not monitoring its truck traffic.
- At 8:08 am a second complaint was received about dust and road damage (2012-0764)
  - This was treated as a duplicate
- May 8, 2012 at 7:40 am Enforcement Services received a complaint Rge Rd 43 had not been repaired (2012-0776 refers)
- Officer Lindeman made contact with Keephills Aggregate Company Ltd Pit and was informed the road would be repaired
- 1:40 pm Supervisor Heritage and Officer Lindeman attended this location
- While travelling on Rge Rd 43 a County resident flagged them down to inform them the road had been repaired
- 2:18 pm the company representative at the pit was served with the Suspension Notice for the road damage
  - The suspension was for one day as per the Haul Agreement
- May 26, 2012 (Saturday), at 7:05 am a complaint was received indicating Keephills Aggregate Company Ltd trucks were travelling on Rge Rd 43 prior to the authorized starting time – 8:00 am.
- Further, that a loaded truck was observed travelling northbound from the pit at 7:47 am
- Officer Ougniwi attended this location
- The complainants emailed photographs to Officers Backstrom, Gravel Point Officer and Ougniwi
- There were two separate Haul Agreement infractions which resulted in suspensions
  - Truck movement prior to approved time
    - This was a second offense, therefore the suspension was one week as per the Administrative penalties
  - Failure to provide dust control within a reasonable time
    - This was a second offense; the suspension was five days, as per the Administrative penalties

- May 28, 2012 a complaint was received regarding a lack of dust control (2012-1016 refers)
- All gravel pits in the Rge Rd 43 area were operating, Keephills Aggregate Company Ltd, Border Paving and Karlsen Pit
- The complainant only call regarding Keephills Aggregate
- The complainant did see this company operating a water truck
- Therefore this complaint was deemed as unsubstantiated, no further action was taken
  
- May 29, 2012 a complaint was received about lack of dust control (2012-1016\_I refers)
- Officer Terry received this complaint at 5:35 pm and attended Rge Rd 43
- He spoke to an employee of Keephills Aggregate Company Ltd who indicated the water truck stopped at 5:00 pm
- An Interload Service coal hauler had attended this pit at 5:00 pm
- The complainant did indicate this hauler slowed to 25 km/h in what was believed to be an attempt by the driver to reduce the amount of dust
- Officer Backstrom's additional follow up indicated the water truck actually stopped for the day at 4:35 pm
- The Interload coal hauler had not been expected
- There was a period of almost one hour between the time the water truck stopped for the day and the Interload truck left the gravel pit
- Keephills Aggregate Company Ltd, had the option to hold the Interload truck in their pit and then re-water the road, but failed to do so
- Therefore the complaint regarding dust control was deemed founded
  - o This was the third Haul Agreement infraction regarding dust control
    - As per the Administrative penalties, a one month suspension has been issued

### **Analysis:**

The following three suspensions are being appealed by Keephills Aggregate Company Ltd

- May 26, 2012 Failure to provide adequate dust control within a reasonable time, Haul Agreement 2012-H-08
  - o Second infraction – five day suspension
- May 26, 2012 Truck movements before approved times as per Haul Agreement 2012-H-08
  - o Second infraction – one week suspension
- May 29, 2012 Failure to provide adequate dust control within a reasonable time, Haul Agreement 2012-H-08
  - o Third infraction – one month suspension.

### **Alternatives:**

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

**Conclusion/Summary:**

Administration supports the three suspensions as per Haul Agreement 2012-H-08.

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