

August 19, 2016

Parkland County
Community & Protective Services
53109 Hwy 779
Parkland County, Alberta
T7Z 1R1

Attention: Mike Heck, CAO

RE: Appeal of Haul Agreement 2015-H-45 1 Day Haul Suspension (Mixcor Dahm Pit)

Mixcor Aggregates Inc. would like to formally submit an appeal of the August 8, 2016 decision of a one-day suspension of hauling scheduled for Friday August 26, 2016. Mixcor Dahm Pit, which is owned by Joe and Sandra Dahm, is situated at 31-50-3-W5M and is accessed from Range Road 35 off Secondary Highway 627. Mixcor has been compliantly operating the site since fall 2004 through Parkland County Development Permit # 03-D-171 and Haul Agreements # 2004-2015-H-45, along with Alberta Environment and Parks Code of Practice for Pits Registration # 204342 and various Water Act approvals to operate the site.

Mixcor is appealing the 1 Day Haul Suspension decision for the following facts, rationale and anecdotal explanations:

1. According to Gravel Pit/Truck Investigation Report #028, this is the first instance of a county citation or complaint against Mixcor's Dahm Pit associated with a "truck entering onto haul route prior to 08:00 hours start time"
2. In the past 5 years, Mixcor has hauled over 1,500,000 tonnes of gravel from the Dahm Pit, which includes over 500,000 tonnes in 2015. No formalized Parkland County Community & Protective Services complaints involving trucks, haul road condition, dust control, pit hours of operation or haul road hours of operation were brought to our attention during this lengthy and haul intensive timeframe.
3. Mixcor dispatches its gravel haul trucks, owned and subcontracted, to use the haul road starting at 8:00 AM on Saturdays
4. Since the commencement of Dahm Pit operations in 2005, Mixcor had erected large signs both at the pit entrance and the Haul Road (Range Road 35) entrance 100 meters south of SH627 that clearly indicate that Saturday Haul Road Use begins at 8:00AM (attach pictures on page 4)
5. Mixcor sends Parkland County daily dispatch sheets detailing pit used and trucks dispatched
6. Mixcor has hauled only on four occasions on Saturdays in 2016; May 7, July 16, July 23 and August 6. With the exception of July 16th, these hauls have been non-intensive in nature and translated to less than ten trucks and two loads/truck and has not been made aware of any issues on these occasions.
7. During the haul on July 16, almost 40 trucks were dispatched to the Dahm Pit for multiple loads. During an intensive haul day like that, haulers would be motivated to arrive early. On that day, the first truck was scaled at 8:20 AM. This shows Mixcor's diligence to ensure Haul Road Haul Time conditions are communicated to, and followed by, the gravel haulers.

8. August 6th, the day of the reported infraction, was not an intensive haul day, with only two rounds of nine total trucks. There should have been minimal motivation for a truck to arrive early before the other gravel haulers.
9. As Peace Officer Brad Backstrom pulled over offending truck ASGA #8818, he noticed three additional gravel haul trucks that were immediately behind #8818. Mr Backstrom noted that these gravel trucks continued heading West on SH 627 rather than entering the Haul Road before 08:00 and potentially staged west of Range Road 35. It was assumed that the gravel truckers were avoiding being stopped for the same infraction which translates into the gravel trucks acknowledging that Range Road 35 should not be accessed prior to 8am Saturday morning. This behavior demonstrates that gravel haul trucks' awareness of the municipal haul regulations and that Mixcor had properly communicated the Haul Road Conditions to the gravel truck drivers and they were operating in non-compliance on their own volition. The gravel truck involved in this incident was suspended from all Mixcor hauls for three business days.
10. Mixcor has demonstrated excellent hauling operations in Parkland County for our Dahm Pit. Our organization employs the following controls daily during hauling operations; dust control with water truck, grading and blading, speed control using a radar gun, proper signage indicating hours to access haul roads and regular disclosure of Patrol Logs to Community & Protective Services. Calcium chloride or oil product applications also occurs twice/year for Range Road 35.
11. Mixcor has demonstrated these similar hauling operations and haul road maintenance protocols on Range Road 51 for our Bamber Pit. While Parkland County endured delays with the operators upgrading the road to county engineering standards, Mixcor was the only operator using Range Road 51 at that time that regularly completed any dust control, grading and blading and speed control while we sporadically hauled gravel from our site located at SE26-53-5-W5M.

Mixcor is an active member of the Alberta Road Builders & Heavy Construction Association and the Alberta Sand & Gravel Association. Mixcor has been an active and willing participant in Parkland County Task Forces and Committees relating to the sand and gravel industry, including being instrumental in the development and implementation of the ASGA Truck Registry system.

Mixcor started operating gravel pits in Parkland County in 2005, following the issuance of Alberta Environment approvals, at a time when gravel pit operations and truck related problems were highly contentious with county personnel and residents. Mixcor was highly supportive of holding pit operators accountable for the activities they control which included sub-contracted gravel truck traffic.

During the initial development of Parkland County's Haul Road Conditions, specifically the Infractions and Penalties, Mixcor raised the concern a number of times about the wording and intent of a number of the Infractions and Penalties. Specifically, Mixcor has asked the questions, what if a truck is lost/wandering/confused/malicious and drives down an incorrect road or at an incorrect time to access a gravel pit? The answer has been: The intended application of the Penalty/Infraction is when a Pit Operator is knowingly sending their trucks the wrong way or at the wrong time, the pit operator should be held accountable and the penalty applied. If a trucker is consciously not following the pit operators' instructions (verbal, posted, written), the trucker should be penalized, but not the pit operator.

Mixcor feels that our volume of operations and minimal list of prior infractions clearly indicates our intent and record for operating our pits in accordance to County Conditions. Our organization does not have a flawless record over the past dozen years but we strive to make sure we do the right things all the time.

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PROFESSIONAL

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Mixcor feels that the August 6th gravel trucks, acting in an unapproved and suspicious manner, indicates they were knowingly acting in non-compliance to the Haul Road Conditions described and posted to/for them by Mixcor.

We support temporarily banning these specific trucks from accessing our Dahm and Bamber Pits.

We believe that a gravel truck's first infraction should not translate into a pit operator's haul suspension. Our organization does support the issuance of a warning to improve our control of truckers accessing our Haul Roads or face more serious consequences for another infraction.

Mixcor has made internal process changes to help ensure

- Delivery of specific haul road conditions to the haul truck owners and drivers
- Monitoring of haul road access times when they are most likely to be violated by drivers

The process changes include

- Water truck operator doing spot checks before the approved access time in the morning
- Amendment of our daily Pit Orientation forms to include restrictions for entering Range Road 35 prior to the allowable times displayed with our Haul Agreement
- Mixcor will continue to complete daily Patrol Logs of trucker behavior and speeds and disclose to Parkland County Patrol Serves on a weekly basis

Any questions or concerns regarding the content and rationale behind Mixcor Aggregates' appeal of the one-day suspension of gravel hauling at Dahm Pit for Friday August 26, 2016 can be directed to (780) 986-6721 or (780) 298-6747.

Sincerely,
Mixcor Aggregates Inc.



Brock Helm
Aggregate Resource Manager

cc: Gary Zeitner, GM, Mixcor Aggregates Inc.
Terry Mix, Owner, Mixcor Aggregates Inc.



Mixcor Range Road 35 Haul Road Sign



Mixcor Dahm Pit Entrance Sign