



Town of Onoway Request for Decision

Meeting:	Council Meeting
Meeting Date:	September 14, 2023
Presented By:	Jennifer Thompson, Chief Administrative Officer
Title:	Non-operating Landfill Proximity to Development

BACKGROUND / PROPOSAL

The MAD House Daycare has applied for a development permit to expand their business, offering additional childcare spaces in the Town of Onoway. The service provided by childcare facilities in our community is an integral service for families. The applicant is responsible for obtaining a variance to the Matters Related to Subdivision and Development Regulation, AR 84/2022 due to the proximity to a non-operating landfill located on the NW 35-54-2-W5M.

As a result Administration has requested the Ministry of Environment provide all historical documentation for the site that contained the landfill and lagoon.

DISCUSSION / OPTIONS / BENEFITS / DISADVANTAGES

The MAD House Daycare has applied for a development permit to add a building to accommodate childcare needs in the community. On August 24, 2023 the applicant was notified the development permit was incomplete. In 2021 when the original permit was approved it was conditional on the applicant achieving all approvals. The Matters Related to Subdivision and Development Regulations have a setback requirement that development may not occur within 300 meters of a non-operating landfill. The non-operating landfill is located on the adjacent property and does not meet the setback requirements of 300 meters.

(3) Subject to subsection (6), a development authority shall not issue a development permit for a school, hospital or residence, nor may a school, hospital or residence be constructed, if the building site

- (a) is within 300 metres of the working area of an operating wastewater treatment plant,
- (b) is within 450 metres of the working area of an operating landfill,
- (c) is within 300 metres of the disposal area of an operating or non-operating landfill,
- (d) is within 450 metres of the working area or disposal area of a non-operating hazardous waste management facility,

The regulations put the onus on the applicant to secure an engineering report for the variance. It is a financial hardship for anyone looking to achieve a variance.

Mr. Sonnleitner, Development Officer has been in contact with AHS to determine if there are any solutions, through permitting with a letter of non-objection.

On September 8th, 2023, the Ministry of Environment met with administration, the development officer, and Associated Engineering to discuss the non-operating landfill, historical documentation, and current requirements. The requirement of the engineering report for consideration of a variance to the Matters Related to Subdivision & Development Regulations follow:

3. Landfills

A landfill is defined in the Waste Control Regulation (AR 192/1996), which states that a "landfill" is a waste management facility where waste is disposed of by placing it on or in land, but does not include a land treatment facility, a surface impoundment, a salt cavern or a disposal well.

The engineering report, completed by a qualified professional, should include the following information:

- delineation of waste placed (using test plots, historical aerial photographs)
- type of waste disposed (age, amount, depth of waste)
- duration of operation (actual or estimated if not available)
- landfill topography
- final topography showing site drainage
- if applicable, the landfill liner and final cover details (thickness and composition)
- the visual inspection report should include additional details of any visual notable landfill issues (such as: slope subsidence, vegetation stress, lack of vegetation, exposed refuse, or leachate breakout)
- a review of the available reports associated with the operation of the facility (such as annual reports)
- groundwater monitoring and sampling results, well logs, and an interpretation of the groundwater monitoring and sampling results, including but not limited to:
 - regional and site specific geology and hydrogeology
 - a map showing all water wells and residences within a 1 kilometre radius of the site and other topographical features, such as water bodies within 1.5 kilometres of the site, including if any of the water wells are used for human consumption
 - a map showing the extent of groundwater contamination
- subsurface landfill gas monitoring results

Administration has spoken with Associated Engineering as there is no documentation of the definitive location of the non-operating landfill.

Suggested steps are:

- 1) Request the province provide all historical documentation on this property. Request was sent September 11, 2023.
- 2) Level 1 Environmental Site Assessment. The cost is approximately \$3,500 which would review all historical documentation and aerial photographs to determine the footprint of the site.
- 3) Proceed to achieve approval of decommissioning of the site. The initial cost to determine the ground cover on the area is approximately \$5,000 for engineering and reporting. Additional cost to have a contractor dig test pits is unknown at this time as Administration has not requested costs at this time.

Once this is determined, Administration will work with Associated Engineering on a proposal to present to Council to determine any concerns going forward regarding the non-operating landfill located at Ruth Cust Park and ensure that environmental concerns are addressed for long term sustainability of the Town of Onoway.

A meeting has been requested by MLA Getson regarding the setback requirements. Mayor Kwasny and Jennifer Thompson, CAO as well as Tony Sonnleitner, Development Officer will be in attendance, at this time. The meeting is scheduled for September 26th, 2023.

While the Town of Onoway should not be responsible for costs of an engineering report, Council is encouraged to ensure that the landfill has the proper closure requirements to aid in future development and contribute to environmental sustainability. Records indicate that the landfill was capped 30-40 years ago when there were minimal regulations on closure and decommissioning. At this time the preliminary discussions with the Province and Associated Engineering have not determined how this will be achieved. The process the Town of Onoway follows may be sufficient to meet the requirements of an Engineering Report as detailed in the Matters Related to Subdivision & Development Regulation.

Administration would be able to utilize funds in the 2023 approved operating budget to accommodate these unbudgeted expenditures detailed below under Costs/Source of Funding.

STRATEGIC ALIGNMENT

Good Governance
Service excellence

Economic & Business Growth

COSTS / SOURCE OF FUNDING

Unbudgeted Funds

- Level 1 Environmental Site Assessment - \$3,500
- Engineering Report on Ground Cover and Environmental - \$5,000 plus cost of contractor to dig test pits – unknown at this time. (These are Preliminary costs)

RECOMMENDED ACTION

- 1) THAT Council approve the expenditure of approximately \$3,500 of unbudgeted funds to complete a Level 1 Environmental Site Assessment on NE 35-54-2-W5M for the non-operating landfill site determination AND THAT if required, a report be requested from Associated Engineering regarding the ground cover on the non-operating landfill at an approximate cost of \$5,000 plus contractor costs to complete test pits.
- 2) THAT the Town of Onoway provide a letter in support of the expansion of The MAD House Daycare, located at NE 35-54-2-W5M, 5459 Lac Ste Anne Trail

North to the Subdivision & Development Appeal Board to approve the variance of a reduced setback requirement of the *Subdivision and Development Regulations* s. 17, for The MAD House Daycare, subject to conditions that the Development Officer and/or the Subdivision & Development Appeal Board impose.

Or

Any other direction provided by Council.

ATTACHMENTS

Guideline for Setback Review

Correspondence to the MAD House Daycare from Development Officer dated August 24, 2023.