



County of Thorhild No. 7

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DEVELOPMENT PERMIT FOR A CLASS II Private Landfill and Wetland Restoration submitted by WASTE MANAGEMENT OF CANADA, March 2010

Subject Site: Landfill Lands: Section 19 and NW Section 18 – Township 61 – Range 20 – West of the 4th Meridian and
Transportation Lands: south half of Section 20 – Township 61 – Range 20 – West of the 4th Meridian (collectively referred to as the “Development Lands”)

Land Use District: Private Landfill Direct Control (DC-5) District

Application: Class II Landfill and Accessory Use (Wetland Construction and Peatland Restoration)

The following development is approved:

Class II landfill with double synthetic liner with leak detection plus clay liner together with Wetland Construction and Peatland Restoration

Subject to the following conditions:

1. The Applicant shall obtain and provide a copy to the County of any approval, license or registration issued by Alberta Environment in relation to the wetland construction and peatland restoration.
2. That the development permit be approved subject to the Applicant undertaking all development, construction, on-going activities, and mitigation efforts in full compliance with all the requirements and approval by Alberta Environment and Environment Canada and as submitted within the development permit application, except as where altered by this approval, including the condition of approval. Without limiting the generality of the foregoing, this shall include construction of the leachate pond and gas flare area as shown on Figure 2 submitted with the development permit application.

3. Any changes, amendments or additions to this Development Permit shall require a new development permit application, including but not limited to an expansion or intensification of the use.
4. The Applicant shall not undertake any work, construction or development on the Lands, including grading, prior to entering into a Development Agreement and a Road Use Agreement with the County.
5. The maximum finished height of the waste pile shall be 45 metres with appropriate side slopes. If the Applicant wants to exceed the maximum height of 45 metres, a new development permit application will be required.
6. All signage both on and off-site that is visible from either municipal roads or adjacent properties shall be subject to approval by the County prior to the Applicant erecting the sign.
7. The Applicant shall provide signage, at the Applicant's sole expense, indicating the hours of operation for the landfill, hours of operation for the public drop off, types of wastes accepted and not accepted, identification of the operator of the landfill site and 24 hour company contact information. The Applicant shall ensure that any sign is of a professional quality and satisfactory to the County.
8. Hours of Operation shall be:

7:00 a.m. to 7:00 p.m. Monday thru Friday, and
8:00 a.m. to 5:00 p.m. Saturday, Sundays and all Statutory Holidays, including but not limited to New Years Day, Alberta Family Day, Good Friday, Easter Monday, Victoria Day, Canada Day, Heritage Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day and Boxing Day.

Hours and days of hauling shall be prescribed in the Road Use Agreement.

9. The Applicant shall ensure that there is appropriate lighting of the site so as to provide security and to add visual interest. Lighting standards and fixtures shall be located and arranged so that no direct rays of light are directed at any adjoining properties.
10. The Applicant shall apply for and obtain a further development permit if its direct access from Highway 63 is closed and the Applicant is required to access its lands from municipal roadways.
11. The Applicant shall not develop a cell or cells on the development lands where a continuous sand lens is present.

12. The Applicant shall implement a groundwater protection program at the Applicant's sole expense, which will provide that any wells or surface water dugouts that are contaminated or become un-usable as a result of the proposed landfill operations, will be remediated to their pre-existing standards, failing which the Applicant will provide an alternative water supply of at least equivalent quality at no cost to the party affected. Waste Management is required to offer water testing of all wells or surface water dugouts on all lands in the vicinity of the Waste Management landfill development site. This testing is at Waste Management's sole cost. Waste Management shall provide appropriate notification to all landowners of the availability of water testing by Waste Management through advertisement in the local paper.
13. The Applicant shall provide, at the Applicant's sole expense, a joint use water storage pond for fire protection which may be accessible and used by the County at no cost.
14. The proposed development shall be modified to provide for adequate down-gradient monitoring wells, based on a spacing of not more than one hundred (100) metres between the wells.
15. The Applicant shall decommission any monitoring wells and water wells located within the development lands to the satisfaction of an environmental expert satisfactory to the County.
16. The Applicant shall provide to the County the results from the following:
 - (A) all groundwater monitoring, which monitoring is to be completed by an independent third party,
 - (B) all surface water monitoring, which monitoring is to be completed by an independent third party,
 - (C) all odour monitoring,immediately upon completion of the results becoming available.
17. The Applicant shall immediately provide the County with information relating to any contamination, spill or leak discovered by the Applicant on the lands or on adjacent lands as a result of the proposed development.
18. The Applicant shall provide the County with its action plan, any revisions to the plan and a report of any and all mitigative efforts taken by the Applicant when there is a contamination, a spill or leak detected.
19. The Applicant shall enter into and abide by the provisions of a road use agreement with the County. The Agreement shall include terms, to the satisfaction of the County, including but not limited to the following:

- Maintenance of Municipal Roads required to access the Development;
- Haul Routes;
- Dust Control Measures;
- Security Requirements;
- Signage;
- Hours of Operation for Hauling;

The Haul Routes may be amended from time to time, when in the sole discretion of the County, the circumstances warrant the road use agreement being amended.

20. The Applicant shall enter into and abide by the provisions of a Development Agreement, addressing the relevant matters referenced in section 650 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended and all conditions of any development permit approval. The agreement shall contain terms satisfactory to the County.
21. The Applicant shall construct all accesses to the development lands and the Access Road from Highway 63 to the Public Drop Off Area to the standards and specifications of the County, at the Applicant's sole expense. Any access or access road constructed by the Applicant is subject to inspections by the County at any time during regular business hours, to ensure compliance with the County's standards and specifications.
22. The Applicant shall ensure that no vehicle accessing the site shall be permitted to park on any Municipal Road. The Applicant shall construct an on-site parking area to accommodate all vehicles waiting to unload materials.
23. The Applicant shall provide parking off of the Access Road for transfer vehicles, to be located before the gate located on the Access Road, which must be satisfactory to the County. The parking area shall be designed to hold a minimum of three (3) to four (4) transfer vehicles. This parking is in addition to the on-site parking area referenced above.
24. The Applicant shall ensure that all trucks used in connection with the development are clearly marked as per the applicable federal, provincial or municipal requirements.
25. The Applicant shall arrange for the installation of all required utilities at the Applicant's sole expense. In particular, the Applicant shall be responsible for the costs and expenses associated with the provision of utilities provided by the County to the Lands.
26. The Applicant shall implement a Property Value Protection Program (PVPP), at the Applicant's sole expense, to mitigate the devaluation of the surroundings lands resulting from the development, which will cover lands within a 1.5 mile radius of a quarter-section which contains any part of the waste footprint. The program shall pay to the Registered Owner the difference between the appraised value of the lands and the sale price, when the lands are sold. If however, the lands are listed for sale for 365 days and do not sell, the applicant shall offer to purchase the lands for the appraised value. The program shall

provide that the Applicant shall obtain an appraisal of the land and if the landowner does not agree with the value of the Applicant's appraisal, the landowner may obtain its own appraisal and the Applicant and the landowner may enter into negotiations to determine the appraised value. If an agreement cannot be reached between the Applicant and the landowner, a 3rd party independent appraisal to be selected by the landowner and the Applicant shall be undertaken, at the Applicant's expense and shall form the appraised value regardless of the appraised value from the appraisal undertaken by the Applicant and the appraisal undertaken by the landowner. The program shall cover all properties within the 1.5 mile radius where the Registered Owner at the time of sale is the same as the Registered Owner of the lands prior to the announcement of the proposed landfill location. The PVPP shall continue to be offered by the Applicant until the landfill ceases receiving waste and is no longer capable of producing leachate.

27. The Applicant shall implement an Impact Benefits Program (IBP), at the Applicant's sole expense, to mitigate the nuisance and loss of use and enjoyment of surrounding lands resulting from the proposed development, which shall provide annual payments to homes located within a 1.5 mile radius of a quarter-section which contains any part of the waste footprint. The program shall provide for a Fifteen Thousand (\$15,000.00) Dollar annual payment per household within 0.5 mile radius of the footprint, a Ten Thousand (\$10,000.00) Dollar annual payment per household within 1.0 mile radius of the footprint and a Five Thousand (\$5,000.00) Dollar annual payment per household within 1.5 mile radius of the footprint. The program will be payable to Registered Owners who were Registered Owners prior to the announcement of the proposed landfill location. Further, the program shall provide for a Ten Thousand (\$10,000.00) Dollar one-time payment to homes that are purchased under the property value protection program to offset moving and relocation expenses. The Impact Benefits Program (IBP) shall be implemented when the first waste is received on site and shall continue until the landfill ceases receiving waste and is no longer capable of producing leachate.
28. The Applicant shall submit plans for the double synthetic liner with leak detection system and clay liner and a revised operations plan for leachate monitoring and collection, prior to commencing construction of the Landfill, to the satisfaction of the County in accordance with the development permit approval.
29. The Applicant shall use portable wind screening fencing as part of its litter management plan when winds are an issue at the proposed landfill.
30. The closure plan submitted as part of the development permit application shall be modified so that it is for a period of a minimum of 25 years or until it can be demonstrated by an independent third party, to the satisfaction of the County, that the landfill no longer has the potential to generate leachate, whichever period is longer.
31. The Applicant shall ensure the proper closure of the site on a progressive basis, when final landfill grades are met for each cell in accordance with the development permit approval.

32. The Applicant will employ all possible measures to mitigate and deter the impact of birds.
33. The Applicant will make reasonable efforts to adopt noise reduction technology as it becomes available, which technology must remain in compliance with all applicable federal, provincial and municipal legislation, standards and policies.
34. The Applicant shall have low frequency noise back up alarms, adjusted to the ambient noise levels, on all equipment being operated on the Lands.
35. The Applicant shall preserve all existing stands of trees and vegetation outside the landfill area for environmental and sound attenuation purposes.
36. The Applicant shall implement dust control measures which shall not include using Leachate from the leachate ponds on the roadways, including roadways on the transportation lands and all internal roadways.
37. The Applicant shall set up the Odour Monitoring equipment in locations which consider the prevailing winds.
38. The Applicant shall forward any odour complaints received to the County immediately after receipt of the complainant.
39. The Applicant shall use every reasonable means to mitigate odour, including but not limited to synthetic cover.
40. The Applicant shall construct and install, at the Applicant's sole expense, a fence along the property lines of the development lands as set out in the development permit application, to the satisfaction of the County and shall ensure that the development lands are securely gated and locked when not in use by the Applicant.
41. In addition to the fence referenced above, the Applicant shall, at all times, construct and install, at the Applicant's sole expense, a debris fence around the perimeter of the working area or face of the waste footprint to control the escape of waste during active landfilling operations.
42. The Applicant shall establish a Community Advisory Committee comprised of a representative cross-section of the community with first priority being given to those residents who apply to be a member of the Committee who reside within a 3 mile radius of the landfill, to liaise between the public and the Applicant. The Applicant shall schedule a meeting of the Community Advisory Committee, at least every three (3) months throughout the period during which the landfill is in operation. The Applicant shall cover all reasonable costs associated with the meetings of the Community Advisory Committee and provide the County with a copy of the minutes of all meetings of the Community Advisory Committee.

43. The Applicant shall implement the Fire Smart Program on those lands that lie outside of the development area.
44. The Applicant shall provide a letter of credit to the County, on terms acceptable to the County, equal to five hundred thousand (\$500,000.00) dollars to ensure compliance with the terms of this development permit and as closure security. The Applicant shall ensure that the letter of credit remains at five hundred thousand (\$500,000.00) dollars and shall replenish any funds expended within thirty (30) days of receiving notice from the County that funds are required. The Letter of Credit shall remain in place until the expiration of the post-closure period.
45. Approval of this application does not excuse the Applicant from ascertaining and complying with the requirements of any federal, provincial or municipal legislation.

Reasons for Decision

ISSUE 1 - LAND USE

Council resolved that the land use applied for is in accordance with the Private Landfill Direct Control (DC-5) District of the County Land Use Bylaw 989-98 ("DC-5"). The land uses applied for in the Development Permit application are discretionary uses under the DC-5. This finding was based in part on the review of the DC-5, the Development Permit application and on the Administrative Report. The landfill use approved is a Class II Landfill with a double synthetic liner with leak detection plus a clay liner.

The wetland construction and peatland restoration ("wetlands") applied for is part of the Wetland Compensation Program of Alberta Environment. Based upon the recommendation of Administration and a careful review of the DC-5, the wetlands use is approved as an accessory use to the Class II Landfill use subject to the Applicant obtaining the necessary approvals from Alberta Environment.

Condition: the Applicant shall obtain and provide a copy to the County of any approval, license or registration issued by Alberta Environment in relation to the wetland construction and peatland restoration.

Condition: That the development permit be approved subject to the Applicant undertaking all development, construction, on-going activities, and mitigation efforts in full compliance with all the requirements and approval by Alberta Environment and Environment Canada and as submitted within the development permit application, except as where altered by this approval, including the condition of approval. Without limiting the generality of the foregoing, this shall include construction of the leachate pond and gas flare area as shown on Figure 2 submitted with the development permit application.

Condition: Any changes, amendments or additions to this Development Permit shall require a new development permit application, including but not limited to an expansion or intensification of the use.

Condition: The Applicant shall not undertake any work, construction or development on the Lands, including grading, prior to entering into a Development Agreement and a Road Use Agreement with the County.

ISSUE 2 - SET-BACK AND BUFFER

Council resolved that it was satisfied with what was being applied for by Waste Management in their application and was relying upon the Administrative Report and the information referenced therein. The set-back and buffer exceed Alberta Environment's requirements. Council revisited this issue to clarify the issue of the 450 m setback area as it was determined that the west property boundary was not 450 m from the waste footprint. It was determined that the 450 m setback relates to the setback from the waste footprint to a residence. There are no residences located within 450 m of the waste footprint. As such, Council is satisfied with the setback and buffers as set out in the application.

ISSUE 3 - WASTE PILE HEIGHT

Council resolved that they were satisfied with the 45 metre waste pile height based upon the Administrative Report. It was determined appropriate to require this as a specific condition of the Permit. A new Permit would be required to go beyond this limit.

Condition: The maximum finished height of the waste pile shall be 45 metres with appropriate side slopes. If the Applicant wants to exceed the maximum height of 45 metres, a new development permit application will be required.

ISSUE 4 - BUILDING HEIGHT

Council resolved that they had no planning concerns with the buildings being applied for by Waste Management. The Building Code will have to be followed. Buildings are not to exceed 2 storeys. This finding was based on the Administrative Report.

ISSUE 5 - SIGNAGE

Council resolved that they were satisfied with the signage for the development as recommended in the Administrative Report. The Applicant should have emergency response information on all signs and Company contact information with 24 hour access and should be addressed through a condition of the Permit. Signage should be on all sides of the development on the perimeter of the property.

Condition: All signage both on and off-site that is visible from either municipal roads or adjacent properties shall be subject to approval by the County prior to the Applicant erecting the sign.

Condition: The Applicant shall provide signage, at the Applicant's sole expense, indicating the hours of operation for the landfill, hours of operation for the public drop off, types of wastes accepted and not accepted, identification of the operator of the landfill site and 24 hour company contact information. The Applicant shall ensure that any sign is of a professional quality and satisfactory to the County.

ISSUE 6 - HOURS OF OPERATION

Council resolved that they were satisfied with the Administrative Report recommendation on Hours of Operation. This was due to the resident's concerns raised. 7:00 a.m. to 7:00 p.m. weekdays, 8:00 a.m. to 5:00 p.m. on holidays. This should be a condition of the Permit.

Condition: Hours of Operation shall be:

7:00 a.m. to 7:00 p.m. Monday thru Friday, and
8:00 a.m. to 5:00 p.m. Saturday, Sundays and all Statutory Holidays, including but not limited to New Years Day, Alberta Family Day, Good Friday, Easter Monday, Victoria Day, Canada Day, Heritage Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day and Boxing Day.

Hours and days of hauling shall be prescribed in the Road Use Agreement.

Condition: The Applicant shall ensure that there is appropriate lighting of the site so as to provide security and to add visual interest. Lighting standards and fixtures shall be located and arranged so that no direct rays of light are directed at any adjoining properties.

ISSUE 7 - ACCESS

Council resolved that they were satisfied with the Access to the development based upon the recommendation of the Administrative Report. The access to Highway 63 is regulated by Alberta Transportation and subject to their approval process as well. Developer shall pay for all costs related to such access.

Condition: The Applicant shall apply for and obtain a further development permit if its direct access from Highway 63 is closed and the Applicant is required to access its lands from municipal roadways.

ISSUE 8 - WATER

Water: Council resolved to accept the recommendations of the Administrative Report on Water issues and all conditions outlined in the Administrative Report. Waste Management is required to offer water testing of all wells or surface water dugouts on all lands in the vicinity of the Waste Management landfill development site. This testing is at Waste Management's sole cost. Waste Management shall provide appropriate notification to all landowners of the availability of water testing by Waste Management through advertisement in the local paper.

Hydrogeology: Information provided was satisfactory to establish that the development of the proposed landfill with appropriate engineering, as provided, would be acceptable. This finding was based upon the recommendation of Administration and the information filed by the Applicant.

Geotechnics: Information provided is satisfactory based upon the recommendation of Administration to establish that the development of the proposed landfill with appropriate engineering, as provided, would be acceptable with the following limitation: No cell development should occur in the area where there is a continuous sand lens.

Condition: The Applicant shall not develop a cell or cells on the development lands where a continuous sand lens is present.

Groundwater: Information provided is satisfactory based on the recommendation of Administration to establish that the development of the proposed landfill with appropriate engineering, as provided, would be acceptable.

Condition: The Applicant shall implement a groundwater protection program at the Applicant's sole expense, which will provide that any wells or surface water dugouts that are contaminated or become un-usable as a result of the proposed landfill operations, will be remediated to their pre-existing standards, failing which the Applicant will provide an alternative water supply of at least equivalent quality at no cost to the party affected. Waste Management is required to offer water testing of all wells or surface water dugouts on all lands in the vicinity of the Waste Management landfill development site. This testing is at Waste Management's sole cost. Waste Management shall provide appropriate notification to all landowners of the availability of water testing by Waste Management through advertisement in the local paper.

Surface Water: Information provided is satisfactory based upon the recommendation of Administration to establish that the development of the proposed landfill with appropriate engineering is appropriate for the Development Lands if the staging is followed as proposed. Provision of joint use water storage pond for fire protection was offered and shall be a condition of approval.

Condition: The Applicant shall provide, at the Applicant's sole expense, a joint use water storage pond for fire protection which may be accessible and used by the County at no cost.

Groundwater monitoring: Based on the recommendation of Administration, additional down-gradient monitoring wells are required to provide adequate coverage for leachate plume detection. As a result and based on the recommendation of Administration, there shall be a condition of approval requiring that down-gradient monitoring wells be spaced no more than 100 metres apart.

Condition: The proposed development shall be modified to provide for adequate down-gradient monitoring wells, based on a spacing of not more than one hundred (100) metres between the wells.

Further, the development permit should include a condition that requires the Applicant to adequately decommission any monitoring wells or water wells located within the development lands.

Condition: The Applicant shall decommission any monitoring wells and water wells located within the development lands to the satisfaction of an environmental expert satisfactory to the County.

All results from groundwater monitoring should be provided to the County immediately upon completion.

Condition: The Applicant shall provide to the County the results from the following: (A) all groundwater monitoring, which monitoring is to be completed by an independent third party; ... immediately upon completion of the results becoming available.

Surface Water Monitoring: All results from the surface water monitoring should be provided to the County immediately upon completion.

Condition: The Applicant shall provide to the County the results from the following: ... (B) all surface water monitoring, which monitoring is to be completed by an independent third party ... immediately upon completion of the results becoming available.

Further, any contamination, spill or leak discovered by the Applicant should be reported to the County immediately.

Condition: The Applicant shall immediately provide the County with information relating to any contamination, spill or leak discovered by the Applicant on the lands or on adjacent lands as a result of the proposed development.

The County should be provided with Waste Management's contingency plan, any revision to the plan and a report of any and all mitigative efforts taken by the Applicant where there is a contamination, a spill or leak detected.

Condition: The Applicant shall provide the County with its action plan, any revisions to the plan and a report of any and all mitigative efforts taken by the Applicant when there is a contamination, a spill or leak detected.

ISSUE 9 - MUNICIPAL DEVELOPMENT PLAN

Council examined several aspects of the Municipal Development Plan including the First Priority Area - Economic Growth and the goal, objectives and policies under the section. In addition, Council looked at the Second Priority Area - Industrial Development, including the goals, objectives and policies associated with Industrial Development.

It was determined that there is likely to be some economic advantage from the proposed development. It was determined that some people may move to the County to work at the landfill, in addition, the landfill may open opportunities for local residents to obtain employment in the County. Further, it is likely that the proposed development will contribute to the local economy as products and services required to service the development are purchased from local suppliers. Council focused on that part of the goal under the First Priority Area - Economic Growth which provides for economic growth "... while ensuring, as much as possible, the preservation and conservation of the natural environment."

In relation to the Second Priority Area - Industrial Development there are numerous policies that must be balanced. Prior to designation of the lands to the DC-5, statutory public hearings were held. The MDP policies also provide:

"All industrial development takes place in such a manner as to not significantly impact the rural environment."

It is acknowledged that the proposed landfill development will have an impact on the rural environment; however, most industrial development will have some type of impact. Council is satisfied that overall, the proposed development is compatible with the policies of the Municipal Development Plan and that the Applicant has put in measures where possible to mitigate the impact of the development on the rural and natural environment which have been made a condition of this development permit.

ISSUE 10 - TRAFFIC

Council recognizes that the County has authority over municipal roadways and that Alberta Transportation has control over provincial highways. Further, the majority of the hauling related to this proposed development will take place on provincial highways and as such, Alberta Transportation has jurisdiction in relation to that issue. However, there are municipal traffic issues that arise and which have been adequately addressed in the opinion of Council in the conditions recommended by Administration.

Condition: The Applicant shall enter into and abide by the provisions of a road use agreement with the County. The Agreement shall include terms, to the satisfaction of the County, including but not limited to the following:

- Maintenance of Municipal Roads required to access the Development;
- Haul Routes;
- Dust Control Measures;
- Security Requirements;
- Signage;
- Hours of Operation for Hauling;

The Haul Routes may be amended from time to time, when in the sole discretion of the County, the circumstances warrant the road use agreement being amended.

Condition: The Applicant shall enter into and abide by the provisions of a Development Agreement, addressing the relevant matters referenced in section 650 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended and all conditions of any development permit approval. The agreement shall contain terms satisfactory to the County.

Condition: The Applicant shall construct all accesses to the development lands and the Access Road from Highway 63 to the Public Drop Off Area to the standards and specifications of the County, at the Applicant's sole expense. Any access or access road constructed by the Applicant is subject to inspections by the County at any time during regular business hours, to ensure compliance with the County's standards and specifications.

Condition: The Applicant shall ensure that no vehicle accessing the site shall be permitted to park on any Municipal Road. The Applicant shall construct an on-site parking area to accommodate all vehicles waiting to unload materials.

Condition: The Applicant shall provide parking off of the Access Road for transfer vehicles, to be located before the gate located on the Access Road, which must be satisfactory to the County. The parking area shall be designed to hold a minimum of three (3) to four (4) transfer vehicles. This parking is in addition to the on-site parking area referenced above.

Condition: The Applicant shall ensure that all trucks used in connection with the development are clearly marked as per the applicable federal, provincial or municipal requirements.

ISSUE 11 - UTILITIES

Council is satisfied that the Applicant adequately addresses the issue of utilities with the imposition of the condition recommended by Administration.

Condition: The Applicant shall arrange for the installation of all required utilities at the Applicant's sole expense. In particular, the Applicant shall be responsible for the costs and expenses associated with the provision of utilities provided by the County to the Lands.

ISSUE 12 - PROPERTY VALUE PROTECTION PROGRAM (PVPP) (including the Impact Benefit Plan) (IBP)

Council sought and received the Applicants and affected landowners additional information regarding the devaluation of property resulting from the proposed landfill development. The information received supported the finding that the proposed landfill would likely cause devaluation of property values and interfere with the use and enjoyment of property in the vicinity of the landfill. The Applicant in its application has proposed a program of compensation to landowners whose lands have been devalued and interfered with as a result of the construction and operation of the proposed landfill. The Council is largely satisfied with the Applicant's proposal as adequately addressing the issue, however, is still concerned about the 1.5 mile zone of influence given the information that was received that supported a finding that landfills of the size proposed by the Applicant can devalue and interfere with property beyond 1.5 miles from the landfill. To further address this issue, the Council resolved to require the Applicant to prepare a report in relation to the effect on property values as a result of the proposed landfill on property in the vicinity of the proposed landfill and submit this report to Council on an annual basis. If Council determines, based upon the Applicant's report and other information Council deems relevant, that the proposed landfill is causing devaluation beyond the 1.5 mile limit, as currently prescribed in the PVPP, then Council may require the Applicant to extend the PVPP to properties that are being devalued and interfered with as a result of the proposed landfill outside of the 1.5 mile limit on the terms and conditions satisfactory to the Council. This shall form a condition of the development permit.

Condition: The Applicant shall implement a Property Value Protection Program (PVPP), at the Applicant's sole expense, to mitigate the devaluation of the surroundings lands resulting from the development, which will cover lands within a 1.5 mile radius of a quarter-section which contains any part of the waste footprint. The program shall pay to the Registered Owner the difference between the appraised value of the lands and the sale price, when the lands are sold. If however, the lands are listed for sale for 365 days and do not sell, the applicant shall offer to purchase the lands for the appraised value. The program shall provide that the Applicant shall obtain an appraisal of the land and if the landowner does not agree with the value of the Applicant's appraisal, the landowner may obtain its own appraisal and the Applicant and the landowner may enter into negotiations to determine the appraised value. If an agreement cannot be reached between the Applicant and the landowner, a 3rd party independent appraisal to be selected by the landowner and the Applicant shall be undertaken, at the Applicant's expense and shall form the appraised value regardless of the appraised value from the appraisal undertaken by the Applicant and the appraisal undertaken by the landowner. The program shall cover all properties within the 1.5 mile radius where the

Registered Owner at the time of sale is the same as the Registered Owner of the lands prior to the announcement of the proposed landfill location. The PVPP shall continue to be offered by the Applicant until the landfill ceases receiving waste and is no longer capable of producing leachate.

Condition: The Applicant shall implement an Impact Benefits Program (IBP), at the Applicant's sole expense, to mitigate the nuisance and loss of use and enjoyment of surrounding lands resulting from the proposed development, which shall provide annual payments to homes located within a 1.5 mile radius of a quarter-section which contains any part of the waste footprint. The program shall provide for a Fifteen Thousand (\$15,000.00) Dollar annual payment per household within 0.5 mile radius of the footprint, a Ten Thousand (\$10,000.00) Dollar annual payment per household within 1.0 mile radius of the footprint and a Five Thousand (\$5,000.00) Dollar annual payment per household within 1.5 mile radius of the footprint. The program will be payable to Registered Owners who were Registered Owners prior to the announcement of the proposed landfill location. Further, the program shall provide for a Ten Thousand (\$10,000.00) Dollar one-time payment to homes that are purchased under the property value protection program to offset moving and relocation expenses. The Impact Benefits Program (IBP) shall be implemented when the first waste is received on site and shall continue until the landfill ceases receiving waste and is no longer capable of producing leachate.

ISSUE 13 - LEACHATE GENERATION & STORAGE

Council examined the information provided in relation to how the infrastructure is designed and built to address flood events and that the Leachate Storage Pond should be constructed above ground to ensure that the leachate in the pond does not come into contact with water from the development lands. Figure 13 of the application was reviewed and it was determined that the Applicant intends to engineer the Leachate Storage Pond above ground level. As such, Council is satisfied that the information provided to establish that the development with appropriate engineering is appropriate for the development lands.

ISSUE 14 - LEACHATE COLLECTION & LANDFILL LINER

Council agrees with Administration's recommendation for a double synthetic liner, with leak detection plus a clay liner and the imposition of the condition recommended by Administration. The land use being approved is for a Class II Landfill with a double synthetic liner with leak detection plus a clay liner.

Condition: The Applicant shall submit plans for the double synthetic liner with leak detection system and clay liner and a revised operations plan for leachate monitoring and collection, prior to commencing construction of the Landfill, to the satisfaction of the County in accordance with the development permit approval.

ISSUE 15 - LITTER

Council examined the issue and determined that the perimeter fencing and portable wind fencing will assist in mitigating any issue with litter. In addition, the operational plan provides for daily cover which will also mitigate the litter issue. Council has determined that the Applicant adequately addresses this issue through the application and therefore the proposed development is appropriate with the imposition of the conditions recommended by Administration.

Condition: The Applicant shall use portable wind screening fencing as part of its litter management plan when winds are an issue at the proposed landfill.

ISSUE 16 - CLOSURE

Council has concerns with a 25 year closure period and that this may not be sufficient to ensure the environment is adequately protected. It is recognized that the County does not have the expertise to determine if the site is still generating leachate and as such, it would be appropriate to have an expert independent third party determine if there remains a possibility for leachate to be generated on the site. Overall Council is satisfied with the issue of closure with the imposition of the following condition:

Condition: The closure plan submitted as part of the development permit application shall be modified so that it is for a period of a minimum of 25 years or until it can be demonstrated by an independent third party, to the satisfaction of the County, that the landfill no longer has the potential to generate leachate, whichever period is longer.

In addition, Council adopts the recommendation of Administration in relation to all other conditions.

Condition: The Applicant shall ensure the proper closure of the site on a progressive basis, when final landfill grades are met for each cell in accordance with the development permit approval.

ISSUE 17 - WILDLIFE/VECTOR

There is to be a fence around the perimeter of the waste footprint which should serve to keep wildlife away from the waste. In addition, daily cover should reduce the impact of birds. Concerns regarding seagulls was raised, however, the Applicant through their application have indicated that every possible measure will be taken to reduce the impact of birds. Council is of the view that the application is appropriate with the imposition of the following.

Condition: The Applicant will employ all possible measures to mitigate and deter the impact of birds.

ISSUE 18 - NOISE

It is recognized that there will be equipment on site and that noise from that equipment may have an impact on surrounding lands. The Applicant is encouraged to use the best technology available that complies with the various federal, provincial and municipal legislation, standards and policies (for example use of Brigade type alarms which emit multi-frequency broadband sound has been examined). Council is of the view that with the imposition of the following conditions, the impacts from noise will be adequately mitigate.

Condition: The Applicant will make reasonable efforts to adopt noise reduction technology as it becomes available, which technology must remain in compliance with all applicable federal, provincial and municipal legislation, standards and policies.

Condition: The Applicant shall have low frequency noise back up alarms, adjusted to the ambient noise levels, on all equipment being operated on the Lands.

ISSUE 19 - GAS

The Applicant is currently applying for a flare stack to burn off any landfill gas that is produced. The application indicates that the Applicant is implementing a process to monitor gas and ensure it is adequately addressed over the life and closure of the landfill and that they are designing and addressing the issue of gas generation, collection and destruction right at the beginning stages. Given the information in the application in relation to monitoring, Council is of the view that the information provided establishes that the development of the proposed landfill with appropriate engineering is appropriate for the development lands.

ISSUE 20 - VEGETATION

Council reviewed the information contained in the Administration Report, including the summary of landowner comments and the Applicants information. Council is recommending that the lands that are not being used directly as part of the landfill operation be managed in the same manner as they currently are. Council also recognized that the survival of non-native species of trees would be unlikely and so the Applicant would be best served by planting native species of trees. In the end, Council is satisfied with the information presented in the application with the inclusion of a condition addressing existing vegetation.

Condition: The Applicant shall preserve all existing stands of trees and vegetation outside the landfill area for environmental and sound attenuation purposes.

ISSUE 21 - SOIL

Council reviewed the information presented and notes that soil will be used for cover and post-closure and that the Applicant adequately addresses the issue, including the stockpiling of the materials.

ISSUE 22 - DUST CONTROL

Council reviewed the information provided by Administration, the landowners concerns and the Applicant's information and responses and determined that the Applicant adequately addresses the issue of dust control in the application. It was determined that the biggest issue in relation to dust was likely to be from the roadways. Council's main concern regarding the spraying of the roadways was the use of leachate as a dust control measure and determined that this was not appropriate. Council has determined that the information provided is satisfactory to establish that the development of the proposed landfill with appropriate engineering and implementation of measures to control dust is appropriate for the development lands with the imposition of the following condition:

Condition: The Applicant shall implement dust control measures which shall not include using Leachate from the leachate ponds on the roadways, including roadways on the transportation lands and all internal roadways.

ISSUE 23 - HISTORICAL SIGNIFICANCE OF LAND

Council reviewed the concerns raised by affected parties but noted that the Applicant has received a clearance letter from Alberta Historical Resources. As such, Council has determined that the information provided is satisfactory to establish that the development of the proposed landfill with appropriate engineering is appropriate for the development lands.

ISSUE 24 - ODOUR

Council recognizes that Odour may be one of the biggest impacts caused by the proposed development. However, it is recognized that the Applicant has indicated that they are going to take measures to mitigate this impact, including daily cover. Further, the Applicant has indicated that if a problem arises, they will maintain regular communication with those affected until the problem is resolved. Further, Council has determined with the setbacks from residences proposed by the Applicant, that the off-site impacts will be lessened. Council has determined that the Applicant is taking steps to mitigate the impact of odour and given those steps, that the proposed development is appropriate with the inclusion of several conditions.

Condition: The Applicant shall provide to the County the results from the following: ...(C) All Odour monitoring, upon completion of the results becoming available.

Condition: The Applicant shall set up the Odour Monitoring equipment in locations which consider the prevailing winds.

Condition: The Applicant shall forward any odour complaints received to the County immediately after receipt of the complainant.

Condition: The Applicant shall use every reasonable means to mitigate odour, including but not limited to synthetic cover.

ISSUE 25 - FENCING

Council reviewed the information contained in the Administration Report, including the summary of affected persons comments, the Applicants submissions and responses and determined that the information provided is satisfactory to establish that the proposed development is appropriate with the following conditions:

Condition: The Applicant shall construct and install, at the Applicant's sole expense, a fence along the property lines of the development lands as set out in the development permit application, to the satisfaction of the County and shall ensure that the development lands are securely gated and locked when not in use by the Applicant.

Condition: In addition to the fence referenced above, the Applicant shall, at all times, construct and install, at the Applicant's sole expense, a debris fence around the perimeter of the working area or face of the waste footprint to control the escape of waste during active landfilling operations.

ISSUE 26 - COMMUNITY ADVISORY COMMITTEE

Council recognized the role of having a Community Advisory Committee, namely, to provide individuals information regarding the proposed development on an on-going basis and to have concerns addressed by the Applicant on an on-going basis. Given that the proposed development will likely have a greater impact on those residents who reside within the immediate vicinity of the landfill, Council has determined it would be appropriate to provide an opportunity for any and all of them who wish to be on the committee to be given priority over those residents who may not reside in the immediate vicinity of the proposed development. Therefore, Council has determined that the following condition should be imposed:

Condition: The Applicant shall establish a Community Advisory Committee comprised of a representative cross-section of the community with first priority being given to those residents who apply to be a member of the Committee who reside within a 3 mile radius of the landfill, to liaise between the public and the Applicant. The Applicant shall schedule a meeting of the Community Advisory Committee, at least every three (3) months throughout the period during which the landfill is in operation. The Applicant shall cover all reasonable costs associated with the meetings of the Community Advisory Committee and provide the County with a copy of the minutes of all meetings of the Community Advisory Committee.

ISSUE 27 - EMERGENCY RESPONSE

Council reviewed the information provided and in particular the Emergency Response Plan prepared by the Applicant which forms part of its Operations Plan. Council has determined that

the Emergency Response Plan and other information provided is satisfactory to establish that the development of the proposed landfill with appropriate engineering is appropriate for the lands with the inclusion of the following condition:

Condition: The Applicant shall implement the Fire Smart Program on those lands that lie outside of the development area.

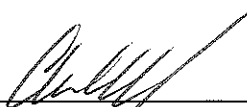
ISSUE 28 - SECURITY

Condition: The Applicant shall provide a letter of credit to the County, on terms acceptable to the County, equal to five hundred thousand (\$500,000.00) dollars to ensure compliance with the terms of this development permit and as closure security. The Applicant shall ensure that the letter of credit remains at five hundred thousand (\$500,000.00) dollars and shall replenish any funds expended within thirty (30) days of receiving notice from the County that funds are required. The Letter of Credit shall remain in place until the expiration of the post-closure period.

ISSUE 29 - ALL REGULATION COMPLIANCE

Condition: Approval of this application does not excuse the Applicant from ascertaining and complying with the requirements of any federal, provincial or municipal legislation.

APPROVED by Resolution of Council dated July 14, 2011



CHARLES NEWELL, Reeve