

NOTICE OF MOTION CHECKLIST

The checklist is a tool intended to support the sponsor(s) of a Notice of Motion. The items listed below are important considerations when crafting and submitting a Notice of Motion. It is also intended to support other Members of Council, as the same considerations are important when reaching a decision on a Notice of Motion.

The checklist is therefore an opportunity for the sponsor(s) to:

- consider what advice might be helpful to them in formulating their proposal; and
- share key points about the advice received with their Council colleagues, to inform their deliberations.

This document is recommended to be provided to City Clerks alongside every Notice of Motion and will become part of the Corporate record. It is at the discretion of the sponsor(s) to decide with whom to consult and what information to include.

Title of the Motion: **PFC2021-0222 NOM Checklist.docx**

There are two classifications of a Notice of Motion (Check the one that applies):

Regular

Urgent (Include details in Urgency Rationale box below)

Is this Notice of Motion Confidential? (Include details in Procedural box below)

Financial and Other Resource Capacity

Administration has flagged this issue as extremely complicated to unravel and has requested a “quarterback” to lead an interdepartmental work group. Internal appointment will inevitably lead to other work being delayed and an external appointment will require funding for a temporary position.

The personnel resources required to get a better handle on this issue are likely minuscule in the face of the growing financial and environmental exposure that these sites represent.

P&D, WRS, CCS, ESM, RE&DS, and Law were circulated and gave feedback. We expect Finance, and a variety of other business units will be required to contribute to the resolutions further highlighting the utility of commissioning someone to lead this work.

Legal / Legislative

The original drafts of the NoM included direction for specific business units and made direct reference to using the Land Use Bylaw / Development Permits as a tool for creating new enforceable development standards and exploring a moratorium on approving these sites. Law commented that work attached to the LUB would create legal exposure and could well be overly prescriptive as other solutions/options may present as the work is undertaken.

We understand that ESM is not legally allowed to enter the premises of these sites to take soil samples and obtain a full and accurate picture of the impact the piles are having on surface water, run off, ground water, and soil.

Technical Content

Previous work on this issue:

- Two previous Notices of Motion related to this issue (C2018-1356 & C2019-0448)
- A report to the Utilities and Corporate Services Committee (UCS2019-1520)
- AUMA Resolution 2019.A10

Previous work on this issue has led to roadblocks and resulted in the advice of UCS2019-1520 to advocate for coordinated Provincial action through AUMA. The resolutions associated with this decision can be found in C2019-0448. There has been no meaningful progress on this issue that we were able to discover in our research.

The Calgary Fire Department reports that the current compliance work is slow but showing some signs of success. There are significant concerns that operators are finding creative ways to sidestep this work by opening new sites, increasing the square footage for current leases, and generally ignoring what little regulation exists until someone is on their doorstep. Meanwhile new sites continue to pop-up. WRS, ESM, CFD and other business units are not learning about them until they have already stockpiled large amounts of waste and are already a major issue.

The previous financial liability risk assessment (UCS2019-1520) concluded that the private landowners, MGA, and EPEA were mitigating factors. The potential environmental impacts, however, were not directly addressed in this report. RE&DS has commented that in the case of a tax forfeiture that the land would sit for three to four years (compounding environmental issues).

Properly regulated sites make financial deposits with the Alberta Environment Protection and Enhancement Fund to ensure that closure activities and monitoring are covered.

There has been confusion during previous work due to these sites being approved under different land uses. The unregulated sites exist in a self identified niche as recyclers, salvage yards, processing facilities, containerization and/or storage of good and/or products or similar. The unifying characteristic being their ability to sidestep regulations by being a “temporary recycling” facility. The regulation gap is actively incentivizing poor behaviour as all an operator needs, to make considerable profit, is square footage.

To contrast these sites with other well regulated sites we will be emailing out a few attachments to Council ahead of the Feb 16th PFC meeting.

Procedural (Including reasons for confidentiality)

N/A

Other Considerations

These sites are impacting adjacent businesses negatively

These sites are devaluing the adjacent land holdings

These sites are undercutting regulated operators including our own City of Calgary landfills

Urgency Rationale

N/A