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Your Worship and Members of Council,

**Re: Proposed Direct Control District to Add the Defined Use of "Waste Storage Site" to I-G  
at 8615 - 44 St SE ("Subject Site")  
(LOC2020-0069)**

We have been retained by MT Investments Inc., which owns the lands at 8716 - 40 Street SE, adjacent to the Subject Site. Our client is concerned about the proposed land use amendment that would create a direct control district by adding "waste storage site" as a discretionary use to the current I-G land use designation. The purpose of the proposed amendment is to allow the occupant of the Subject Site, Badger Infrastructure Solutions Ltd. (formerly Badger Daylighting), to empty and dewater slurry from its fleet of hydrovac trucks and temporarily store the resulting wastewater and solid waste on site for transport to other waste management facilities or for re-use.

Calgary Planning Commission recommended approval of this land use amendment, and accepted Planning Administration's advice that issues raised by affected parties, including those of my client, could be addressed at the development permit stage. We disagree. A hydrovac waste dewatering and storage facility creates several nuisances which would be exacerbated by the intensity of this proposed use. It is our view that this proposed use is incompatible with the surrounding uses and that the incompatibilities cannot be adequately mitigated through development design measures.

Badger Daylighting's website states that it has the largest fleet of hydrovac trucks in North America – more than 1400. In Calgary, it operates approximately 15 trucks out of the Subject Site. When these trucks are operating, they will need to be emptied of their slurry 2 – 3 times per day. If all 15 trucks from the Subject Site are operating, that equates to 30 – 45 loads of slurry per day being deposited for processing at the Subject Site. And that is just from their fleet. There is nothing to prevent Badger from accepting the slurry from 3<sup>rd</sup> party hydrovac trucks.



The proposed use would create a significant increase in truck traffic to and from the Subject Site, and significantly more activity on the Subject Site as the trucks are emptied, the slurry dewatered, and the solid waste stored in open piles on the site to dry. These solid waste piles are left uncovered and exposed to the elements – exposure to the air and constant mixing is how they are dried after the initial dewatering. This creates a constant nuisance of dust, which cannot be contained onsite.

These solid waste piles are added to and mixed constantly by front-end loaders, and the solid waste is then loaded onto trucks for further waste management off-site or re-used as fill. The level of heavy truck activity on the Subject Site would increase exponentially – hydrovac trucks coming and going, unloading their slurry, which involves the use of their powerful and extremely noisy vacuums, heavy-duty loaders adding to, mixing, and loading the dried solid waste onto trucks for further handling, and tanker trucks picking up the wastewater for further handling (waste management or re-use). The potential is high for nuisance risks to increase to unacceptable levels – in terms of noise, odour, dust, and truck traffic – and it is difficult to envision how these risks could be adequately mitigated through development design criteria. The Report to CPC does not describe this process nor the likely intensity of this process. The CPC asked only one question of the file manager – re concerns about odour and noise. The file manager responded by saying these issues would be addressed through the DP process. The mover of the motion to recommend approval of this land use amendment at CPC stated that this is an industrial use in an industrial area, so no concerns. We disagree. There are significant concerns, as we have described above, and we are disappointed by the lack of due diligence conducted on this application.

We note further that an updated Environmental Site Assessment was not required for the Subject Site as part of the land use application, even though Sec. 4.8 of the Southeast Industrial ASP appears to require such. There was no requirement for a traffic impact assessment. The Report to CPC also made no mention of The City's policy entitled "Waste Management Facility and Setback Variance Guide". We understand that the 300m setback criteria from food establishments for Waste Storage Sites was removed from the applicable Provincial regulation (Matters Relating to Subdivision and Development Regulation), so no variance of this setback was required with respect to food establishments at the nearby Barlow Crossing. However, it is our view that this policy should guide or at least inform the approval process for waste management facilities, not simply the consideration of setback variances from protected uses (residences, hospitals, schools). We note that Planning Administration made the comment during the presentation to CPC that this amendment to remove the 300m setback requirement from food establishments "adequately addressed the concerns raised by affected neighbouring landowners." We disagree.

It is our view that, at the very least, there was insufficient information before CPC and now before Council to make an informed decision about whether the proposed use is suitable for the Subject Site. We ask Council to not simply accept our position or that of the applicant or Administration but recognize that further due diligence is required and refer this application back to Administration to address this inadequacy. It is not enough to simply "kick the can" to the DP process in the hope that development design measures can adequately mitigate the nuisances

that we have identified. There are good planning reasons why waste management facilities are uses that must be approved through the direct control bylaw process. It is our view that the proposed use would be better located where the significant nuisances described above would have a less adverse effect on neighbouring lands and that, after conducting the appropriate due diligence, The City's Planning Administration will come to the same conclusion.

Thank you for your consideration.

Yours truly,

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