

# Alberta Landfill Setbacks Review

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Partners in Advocacy & Business

# MEMBER BULLETIN

August 1, 2012

## Call for Nominees: Subdivision Development Regulations Working Group

Alberta Environment and Sustainable Resource Development (ESRD) and Alberta Municipal Affairs have established a working group to review landfill setbacks and setback variances that are included in the *Subdivision Development Regulation*. The objectives of the review are to develop policy recommendations for the issuance of setback variances and consider future policy direction for existing regulatory setbacks.

The AAMDC is calling on members to submit nominees that have technical expertise to represent the association on this working group. The project is scheduled to begin in September with the anticipated completion date of March 2013.

# Landfill Setbacks - Process

- Initiated by Province
- Working group struck
- Reviewing current policy and procedures  
Includes feedback from municipalities,  
landfills, associations
- Provide recommendations

# Are there any development setbacks associated with landfills?

- When purchasing or developing any land you should discuss potential setbacks with the appropriate planning authority and the owner of the landfill.
- **Municipal Government Act (MGA) within Subdivision Regulation (Section 13) dictates setback requirements from landfills.**
- The Public Health Act Nuisance and General Sanitation Regulation (Section 15) has setbacks from water wells to landfills.



Province of Alberta

MUNICIPAL GOVERNMENT ACT

**SUBDIVISION AND DEVELOPMENT  
REGULATION**

**Alberta Regulation 43/2002**

With amendments up to and including Alberta Regulation 170/2012

# Definitions from Subdivision Regulation

**Distance from landfill, waste sites**<sup>13(1)</sup> In this section,

- (a) **“disposal area”** means those areas of a parcel of land
  - (i) that have been used and will not be used again for the placing of waste material, or
  - (ii) where waste processing or a burning activity is conducted in conjunction with a hazardous waste management facility or landfill;
- (b) **“working area”** means those areas of a parcel of land
  - (i) that are currently being used or that still remain to be used for the placing of waste material, or
  - (ii) where waste processing or a burning activity is conducted in conjunction with a hazardous waste management facility, landfill or storage site.

# Subdivision Regulation

**(2)** Subject to subsection (5), a subdivision authority shall not approve an application for **subdivision for school, hospital, food establishment or residential use if the application would result in the creation of a building site for any of those uses**

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

# Subdivision Regulation

**(5)** The requirements contained in subsections (1) to (4) **may be varied** by a subdivision authority or a development authority with the written consent of the Deputy Minister of Environment and Sustainable Resource Development.



# History

- The setbacks of 450 m (500 yards) from a dwelling were established as early as **1936** (Public Health Act Regulations Respecting Nuisances and General Sanitation O.C. 823-36)
- These setbacks were carried over to the Provincial Board of Health Regulations - Respecting the Control of Refuse Disposal Systems (last update **1972**)
- **But why do we have setbacks?**

# History – Why do we have Setbacks?

- Setbacks distances date back to 1930's put in place for nuisances such as dust, blowing litter, odour, offensive smoke from uncontrolled burning, insect breeding, and scavenging by rodents and birds.
- Many of these nuisances are controlled by improved landfill operational procedures and less open burning.

**If landfill operations have improved what are the concerns today?**

# Today's Concerns

- **Landfill Gases** produced in landfills include ammonia, sulfides, methane, and carbon dioxide are gases of most concern
- **Groundwater Protection**
- **Pests**

**Modern concerns involve subsurface landfill gas migration and groundwater contamination issues.**

# Working Group

## Current Review Status

- Policy/Legislation and procedures for setbacks and variances reviewed
- Working group has gathered initial input and identified need for further input from members
- Group working on input received

# Working Group

Alberta Association of Municipal Districts and Counties (AMD&C)

Alberta Urban Municipalities Association (AUMA)

Alberta Health

Environmental Services Association of Alberta (ESAA)

Urban Development Institute of Alberta (UDI)

Alberta Municipal Affairs

Alberta Environment and Sustainable Resource Development

Alberta Environment and Sustainable Resource Development

City of Calgary

City of Calgary

City of Edmonton

# Your Input is Appreciated

- Estimated completion was May 2013?



## Highlights

*\*Member login required\**

### District 3 Meeting Highlights - October 15, 2012

Summary of speakers and discussions that took place at the District 3 meeting held at Edmonton's Executive Royal Inn. [Learn more...](#)

## Member Bulletins

### Input Required: **Landfill** Setbacks and Variance Process

The AAMDC is participating within a working group that is reviewing the current provincial requirements pertaining to landfill setbacks and the variance process outlined in the *Subdivision and Development Regulation* and Alberta Environment and Sustainable Resource Development's (ESRD) interim variance review process. [Learn more...](#)

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The Fall 2012 Convention is around the corner. Visit our [website](#) to find the final agenda.

Also, we have great news for partners that missed the

# For More Information Please Contact Your Working Group

Alberta Association of Municipal Districts and Counties (AMD&C)

Alberta Urban Municipalities Association (AUMA)

Alberta Health

Environmental Services Association of Alberta (ESAA)

Urban Development Institute of Alberta (UDI)

Alberta Municipal Affairs

Alberta Environment and Sustainable Resource Development

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