

CLAYSTONE WASTE LTD. - COMPOST FACILITY EXPANSION

BACKGROUND

The County has received inquiries about the Claystone Waste compost expansion project. Complainants voiced their concerns on topics such as odour mitigation, planning and development authorization, and health or environmental impacts.

The purpose of this information package is to provide data on the project including:

- Alberta Environment and Protected Areas (AEPA) role and approval history
- Municipal development approval history
- County land use districting and development permit process

UNDERSTANDING PROVINCIAL (AEPA) APPROVAL

The Province of Alberta, through AEPA, is the primary regulator for landfills and composting facilities. This includes facility classification, operating approvals, and ensuring environmental compliance.

Class I compost facilities that process more than 20,000 tonnes per year require an *Environmental Protection and Enhancement Act* (EPEA) approval. Facilities must follow the provincial *Code of Practice for Compost Facilities*, which guides design, construction, operation, and reclamation. Approvals may also include site-specific requirements that go beyond the minimum standards outlined in the provincial code.

EPEA approvals also establish the framework for any future changes. Even if provincial and municipal approvals are in place, any modification or expansion still requires additional authorization from AEPA to ensure it aligns with the existing approval and meets all current regulations.

A good comparison is the County's own development process: to build a house the landowner needs both a development permit and the appropriate safety codes permits. Similarly, for a compost facility, the developer needs a County development permit and AEPA must authorize the overall operation and any subsequent changes, including construction.

PROVINCIAL USE CLASSIFICATION

Compost Facility - Class I, is a waste management facility where organic waste (not including biomedical and hazardous waste) is processed through a controlled system to create stable, soil-like compost. This does not include composters used as part of regular farm operations.

UNDERSTANDING MUNICIPAL DEVELOPMENT PERMITS

Municipal and provincial approvals work together, each regulating different aspects. The Province oversees environmental and operational standards, while the municipality, through its *Land Use Bylaw* (LUB) 24-1154 and the *Municipal Development Plan* (MDP) 24-1153, determines where and how provincially approved landfills and composting facilities can be located. These documents support local planning goals such as efficient use of infrastructure and broader community considerations. Each facility's location, design, and operations must align with pre-approved municipal plans and bylaws.

SPECIFIC LAND USE DISTRICT INFORMATION

The compost facility operates within the County's Landfill and Composting District (LC), which was established prior to 1998. The general purpose of the LC district is to regulate landfill and composting development within the County. Definitions of the uses in this district must be consistent with those in Alberta's *Environmental Protection and Enhancement Act*, and the *Waste Control Regulation* made under that Act. The definition excludes biomedical waste facilities.

Under the LUB, most districts have two types of uses:

- **Permitted Use:** These applications **must be approved** by the County if it meets the regulations in the LUB. Permitted uses in the LC district include Compost Facilities - Class I; Compost Facilities - Class II; Landfills - Class II; and Landfills - Class III.
- **Discretionary Use:** These applications are reviewed case by case, with decisions based on factors like the potential impact on nearby developments and the surrounding area. Discretionary uses in the LC district include Heavy Industrial; Landfills - Class I; Oilfield Waste Related Facilities; and Transportation Uses, Major.

DEVELOPMENT PERMIT STEPS

Pre-Application Meeting: For all applications in the Landfill and Composting (LC) District, a pre-application meeting is held between the County's Development Authority (DA) and the applicant. This meeting helps review regulations, identify potential issues, and clarify expectations to guide a smoother, more efficient application process.

Application Submitted: The DA conducts a preliminary review of each application and provides feedback on any missing requirements. The DA also identifies what provincial approvals, studies, or technical reports are needed to process the application through all stages.

Under Review: The DA legally has 20 days to review the application and determine if it is complete. If not, the applicant will be advised of any required revisions or missing information.

Deemed Complete: Once a Deemed Complete letter is issued, a 40-day decision period begins. During this time, the DA circulates the application to County departments, agencies, and other government bodies—sometimes to 20 or more referrals. Feedback received will inform (but not dictate) the final decision.

For Permitted Use applications in the LC District, the DA also notifies adjacent landowners, just as it does for Discretionary Use applications in other districts.

Decision: When the DA issues its decision on a development permit application, it can approve the application

- unconditionally or with conditions,
- for a limited period (it is otherwise an indefinite approval), or
- refuse the application.

WHAT NOTIFICATIONS ARE MADE?

Notice of **Permitted Use** applications to adjacent landowners is not required EXCEPT in the LC district. Section 5.7.3 of the LUB stipulates that notices for any application in the LC district, regardless of the use, are *always* sent to adjacent landowners for comments to be considered during the decision period. There is no requirement for the County to notify adjacent landowners of the decision.

Notice of **Discretionary Use** permit applications must *always* be sent to adjacent landowners, who are given two weeks to submit comments. Discretionary Use approvals are advertised in the Beaver County Chronicle for one week, and posted on the County website for one week, and as an added step the notice of decision is mailed to adjacent landowners.

"Adjacent land" refers only to *"land that is touching the parcel of land or land that would be touching if not for a highway, road, river, or stream."* as defined by the *Municipal Government Act* and the County's LUB.

APPEALS

The DA's decision on a permit application may be appealed by the applicant or anyone else affected by the decision. Appeals are heard by the Beaver region's Intermunicipal Subdivision and Appeal Board (SDAB) or the Land and Property Rights Tribunal (LPRT) depending on the type of development. The development permit decision and all advertising around it will state that appeals must be made within 21 days of issuance (for Permitted Use permits) or 28 days (for Discretionary Use permits.)

Appeals may not be made on a Permitted Use permit decision unless the provisions of the LUB were relaxed, varied, or misinterpreted.

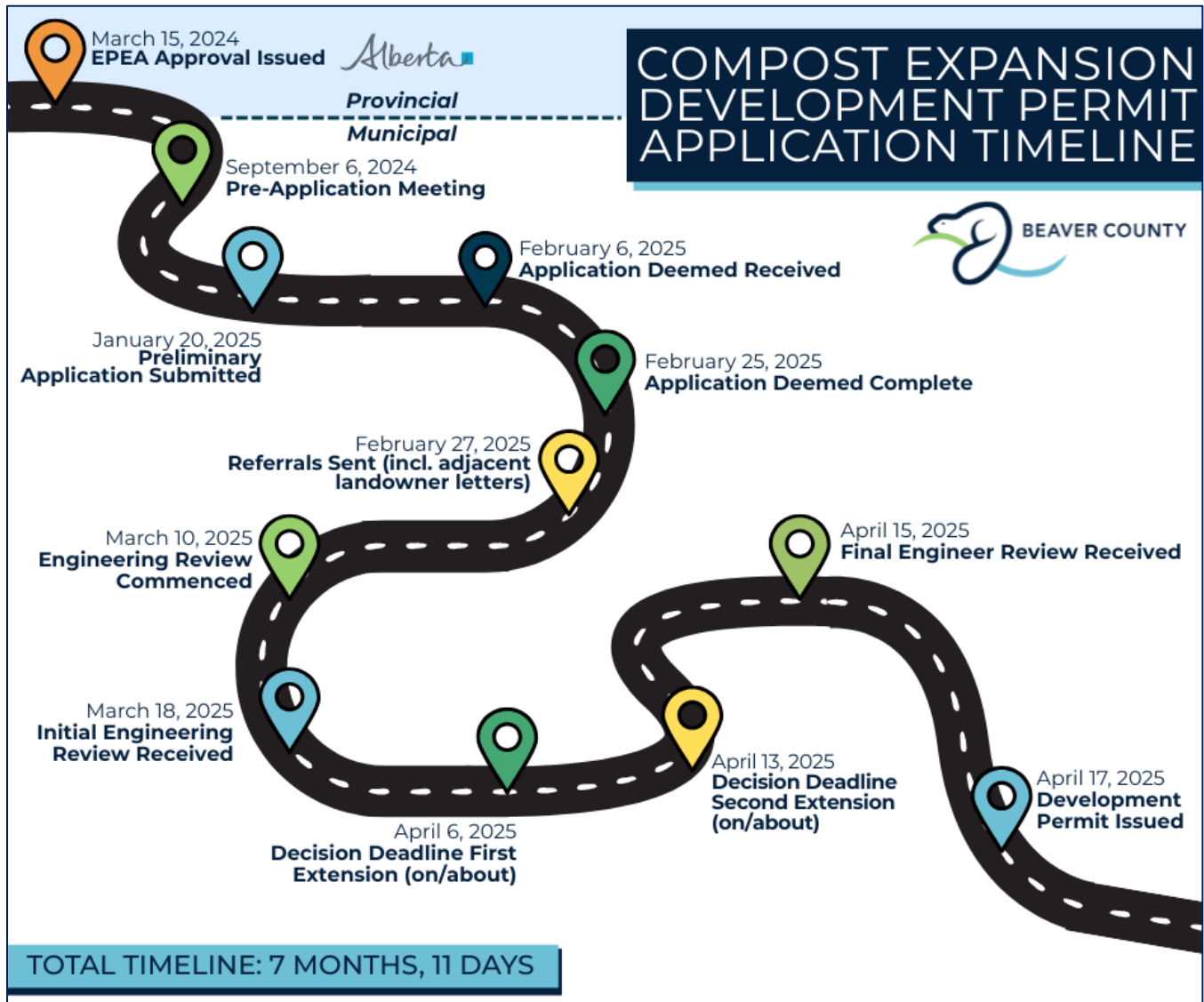
After the hearing, the SDAB or LPRT will issue its decision in writing. If anyone wishes to dispute on a question of law or jurisdiction, they may seek permission to appeal to the Court of Appeal. The request must be filed within 30 days of the decision, in accordance with Section 688(1) of the MGA.

HISTORY OF APPROVALS FOR CLAYSTONE WASTE COMPOSTING

2020	EPEA Approval No. 20754-02-00 issued to Claystone, for a compost facility accepting a <i>maximum of 20,000 tonnes</i> of waste per year.
2022	Beaver County issued a development permit (020020-22-D0059) for a permitted use, to Claystone Waste for construction of a compost facility.
2023	The County issued a development permit (020020-23-D008) to Claystone Waste for relocation of a tributary of Bible Creek to enable a compost expansion plan.
2024	EPEA Approval No. 498160-00-00 issued to Claystone to operate (and later reclaim) a compost facility where <i>more than 20,000 tonnes</i> of waste per year are accepted.
2025	Beaver County issued a development permit (020020-25-D0003) for a permitted use, to Claystone Waste to expand the compost facility.
2025	Claystone have applied to AEPA for authorization to construct the facility expansion approved under EPEA Approval No. 498160-00-00.

For all of Claystone’s development permits, adjacent landowners received notice of their application. For the expansion development permit, letters were mailed on February 27, 2025, and as an added notification step, the DA required Claystone to post an FAQ page on their website explaining the project details, anticipated impacts, and how the public can provide feedback or ask questions.

No objections were received from adjacent landowners or from the public.



Recipient information redacted under the
Access to Information Act (ATIA)

February 27, 2025

RE: Notice to Adjacent Landowner

Beaver County Development Authority has received an application for a permitted use development permit regarding:

Location: Lot 1, 2, 3 & 4 Plan 822 0406 in SE 10-50-17-W4
Municipal Address: 50117 Range Road 173

Class I Compost Facility Expansion

This is permitted use in the Landfill and Composting (LC) District. In accordance with the Beaver County Land Use Bylaw, adjacent landowners are notified when an application for a development permit in this district has been received. The Development Authority may consider comments from adjacent landowners, as well as other agencies whose interest or jurisdiction may be affected, prior to making a decision on the application.

As you are a property owner adjacent to the property and may be affected by this development, we are providing you with the opportunity to submit written comments prior to a decision being made on the application. Please submit your comments to Municipal Planning Services Ltd. (planning@munplan.ab.ca) by **4:30 pm, March 13, 2025.**

Should you have any questions or concerns, please contact Shauna France with Municipal Planning Services Ltd., at 780-486-1991.

Sincerely,



Jane Dauphinee
Development Authority

cc.
Shauna France
Development Officer

Got Concerns?

Who to talk to when you have concerns about...

ODOUR	HEALTH EFFECTS	REGULATION COMPLIANCE	ROADS
 Claystone actively monitors odour emissions from the compost facility, and quickly adjusts operations to reduce levels when needed. When the public reports odours using the Odour Issues form on Claystone's website, it helps trigger a quick response and supports further investigation. Timely reports are critical, as odours move on the wind and may not be detectable on-site during routine checks. Is the odour from Claystone? Not all odours in the area are stemming from the compost facility. Other odours can include sewage lagoons, farm silage piling, and manure spreading. claystonewaste.com/resident-information	 Alberta Environment and Protected Areas require EPEA (Environmental Protection and Enhancement Act) Approvals for Class I compost facilities that process over 20,000 tonnes/per year. Facilities must follow conditions outlined in their approval, using the <i>Code of Practice for Compost Facilities</i> for design, construction, operations, and reclamation. Approval conditions allow for considerations of site-specific conditions, over and above the code requirements. AEPA receives complaints through the Environment & Dangerous Goods Emergency hotline 1-800-272-9600. All complaints are assigned to an Environmental Protection Officer to see if the source can be identified. Once a source is identified the EPO will work with the facility to remediate the issue. alberta.ca/waste-facilities	 Provincial highways within Beaver County, including Highway 854 used by traffic to Claystone and Clean Harbors, are maintained by the Province of Alberta. Emcon Services Inc. is contracted to monitor highway conditions and respond to debris, missing or damaged signage, and other concerns in our region. Contact Emcon Services directly at 1-800-390-2242. 	

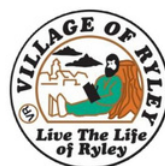
What is the County responsible for?

Beaver County has a designated Landfill and Composting District, as outlined in the *Land Use Bylaw*. As long as a landfill or composting facility is located in this district and meets all development and provincial permit requirements, **the County cannot refuse a permit, shut down the operation, impose changes, or issue fines.** While the County may impose conditions on a development permit for a Permitted Use, those conditions cannot contradict provincial regulations. **The County is bound by its bylaw and must allow permitted uses to proceed.**

While the municipality must obey its own bylaws, it's important to know that provincial laws take precedence. The County cannot change, limit, or ban operations permitted by the province once approvals are in place. So, the County's *Community Standards Bylaw*, which regulates nuisances including odour, does not apply when the province sets the parameters for a facility.

Does the County own Claystone?

Partially. Beaver County is only **one** of five shareholders of Claystone Waste Ltd. The other municipal partners are Tofield, Ryley, Holden and Viking. The County has limited control as the shareholders must unanimously agree to make major changes, such as adjusting rates, policies, or board positions. Daily operations are maintained by Claystone's administration and board.



Permit Pathway

An Overview of the County's Development Permit Process

APPLICATION RECEIVED

- Municipal Planning Services (MPS) reviews the application to ensure all information required is included.
- MPS identifies if any additional provincial approvals, studies, or technical reports are needed to process the application.
- Fees are collected when all required documents are submitted.

UNDER REVIEW

- Once everything is in order, a Deemed Complete letter is sent to the applicant, starting the 40-day decision period.
- During this time, the application is sent to other agencies including government bodies for feedback.
- If it's a Discretionary Use, neighbouring landowners are also notified and invited to provide comments.

DECISION

- MPS sends decision notice to the applicant.
- All permits are posted on the County website.
- Discretionary Permit, notices of decision are also mailed to neighbouring landowners and advertised in the Chronicle newspaper.

APPROVED

The County is **legally required** to approve permits for permitted uses, if the development is in the appropriate zoning district and meets all conditions.

This process is not about making a subjective judgment—it's about applying clear, established criteria. The County cannot deny a development just because it may be unpopular; it must follow its own bylaw.



APPEALS

- Anyone who is affected by the decision or the permit, may appeal the decision in writing. The appeal must be received by the relevant board by the appeal deadline stated in the decision notice.
- Appeals are heard by either an independent municipal board or the province's Land and Property Rights Tribunal.



Permitted Use permits can't be appealed, unless a rule in the *Land Use Bylaw* was relaxed, changed, or misinterpreted in the decision.