

RMA Submission on Updates to the Code of Practice for Pits to implement *Municipal Government Act* amendments associated with sand and gravel

Background

Bill 28: *Municipal Affairs and Housing Statutes Amendment Act, 2026* was introduced to the Legislative Assembly on April 2, 2026 and received Royal Assent on May 14, 2026. Bill 28 creates s. 619.1 in the *Municipal Government Act* (MGA), allowing provincial approvals of aggregate pits to prevail over municipal approvals. Municipalities now must amend land use bylaws, planning documents, and permits to align with provincial approvals.

Alberta Environment and Protected Areas (EPA) is updating the Code of Practice for Pits (the Code) to:

- ◆ Implement amendments to the *Municipal Government Act* introduced through Bill 28
 - ◇ Add environmental conditions as required
 - ◇ Outline changes to the referral process – in the Code, an associated guidance document, or departmental business process/procedure
- ◆ Implement two recommendations from the Sand and Gravel Task Force
 - ◇ Streamline or standardize application requirements and processes under the *Environmental Protection and Enhancement Act* (EPEA) and *Water Act*
 - ◇ Administrative and policy improvements

For this engagement, EPA sought to:

- ◆ Collect feedback on potential new environmental conditions/requirements for the Code to increase consistency, fairness and environmental performance.
- ◆ Collect feedback on additional steps/factors for the referral process with respect to the review of a registration to ensure registrations are not approved in areas inappropriate for sand and gravel development.

The Government of Alberta is seeking to proclaim relevant sections of Bill 28 in November 2026. The Code will be finalized by early October to align with proclamation timing.

Overall Policy Position

The previous dual-stream aggregate pit approval process, under which provincial registrations were based on environmental conditions and municipal approvals were based on land use and local factors, was typically effective in supporting industry growth and availability of aggregate while minimizing local land use conflicts and nuisance incidences.

RMA views the Bill 28 changes to create MGA s. 619.1 as unnecessary, in conflict with many of the findings of the Government of Alberta's 2025 Provincial Sand and Gravel Task Force, and unsupported by any publicly-disclosed analysis or intended policy outcomes.

Based on internal analysis of the Bill 28 changes, participation in three virtual engagement sessions in summer 2026, and discussions with Environment and Protected Areas staff, RMA's analysis indicates that the change is likely to have the following impacts:

- ◆ Reduce municipal authority in making local land use decisions.
- ◆ Reduce local (both municipal and landowner) input into aggregate pit approval decisions.
- ◆ Create a scenario in which municipalities have little or no say in aggregate pit registrations but remain accountable to local landowners if issues arise.
- ◆ Result in a limited and unsuitable appeal process given the potential risks and impacts of aggregate development.
- ◆ Increase industry risk associated with significant sterilization of aggregate resources due to uniform, provincially-applied conditions related to setbacks, noise, and other factors not previously within the scope of the Code, and more often addressed through local land use and development approval processes.
- ◆ It is possible that the changes will result in greater red tape for sand and gravel companies in good standing, who will be required to navigate an increasingly complex and inflexible provincial registration process. The greatest beneficiary of the proposed changes may be operators that have a poor history of compliance with local requirements, as they will no longer face the same level of accountability or compliance monitoring at the municipal level.

RMA Feedback

Theme 1: Pace of change has impaired alignment across different processes

As communicated in our letter to Minister Hunter on May 28, 2026, RMA strongly recommends pausing implementation of Bill 28 provisions, Sand and Gravel Task Force recommendations, and related Code of Practice changes. The breadth, pace, and unclear policy intent of the various changes have impaired alignment across these processes and resulted in inadequate consideration as to the cumulative impacts of changes in all three areas on the overall regulatory system.

The Task Force recommended that if provincial and municipal roles and responsibilities were changed, it should be “addressed through substantive engagement with municipalities and will require analysis of implications under the *Municipal Government Act*,” noting that some issues have a provincial/environmental regulation role as well as a local land use component. Three online meetings do not meet the intent of that recommendation, especially as there are clearly outstanding issues that warrant additional discussion and consideration.

While EPA staff have attempted to engage meaningfully with municipalities on how to implement the Bill 28 changes on short notice and with no ability to amend related legislation such as the EPEA, engagement works best when undertaken before decisions are made. Upfront engagement is in the best interest of all parties, including industry, to prevent delays, conflicts and issues and ensure that government makes informed policy decisions that properly balance the interests of all those impacted. Without adequate engagement with stakeholders, potential inclusion of certain environmental conditions into the Code may introduce risks to industry by undermining operational flexibility and collaboration between companies and municipal governments on how to address potential risks or impacts that were previously outside the scope of the Code.

RMA is aware that EPA has sought legal advice on the scope of their jurisdiction under the EPEA in relation to the inclusion of additional conditions in an aggregate pit registration. This indicates that the changes introduced under Bill 28 were not sufficiently analyzed prior to their introduction. Confirmation of EPA's legal jurisdiction under the EPEA may better position the EPA to add environmental conditions

into the Code, but this is likely to create confusion and tension between municipalities, operators, and provincial decision-makers. This may also create a regulatory vacuum in instances where the EPA cannot legally consider certain conditions, and a municipality can no longer deny an application once the EPA issues a pit registration.

Recommendations

- ◆ Clarify policy intent of aggregate-related Bill 28 changes, including in relation to balancing sector growth, aggregate resource availability, and local land use and landowner impacts.
- ◆ Delay proclamation of aggregate-related provisions in Bill 28 and codifying updates to the Code.
- ◆ Continue engagement with municipalities on outstanding issues, such as monitoring and enforcement, management of dust, supplementary information requests (e.g., hydrogeological studies), and potential inclusion of certain environmental conditions.
- ◆ Continue engagement with industry on potential unintended consequences of including environmental conditions in the Code.

Theme 2: Lack of public hearing or consultation in the provincial registration process

RMA understands that an activity under a code of practice does not require public notice before the activity or operation begins, and that a Director as defined under the EPEA is not enabled to provide public notice or undertake consultation when an application for an aggregate pit registration is received or a decision is made. A public notice is issued if the pit application requires an authorization under the *Water Act*. However, under section 72 of the EPEA, the Director could issue a notice or require the applicant to issue a notice, on receipt of an application for registration or amendment. It is not clear how the two different provisions will be reconciled, particularly in the context of Bill 28 changes that significantly limit the ability of municipalities to engage in relation to pit applications.

The provincial registration process is insufficient to support public interest decision-making in the absence of a complementary municipal process. Rebuilding the provincial process to properly integrate the local perspective, inside or outside of the regulated channels, is necessary before expanding its scope to allow provincial control over a broader range of conditions related to aggregate development.

Municipalities have consistently communicated to EPA that they are the first point of contact for landowners and residents who have concerns about the suitability of proposed developments. Based on Bill 28 changes, aggregate pit registrations will be issued by the Government of Alberta in locations that do not align with municipal plans and that may create local risks. While the referral process exists, there is no requirement or ability for approval coordinators or the Director to reference relevant municipal planning documents and land use bylaws in their evaluation of applications. In summary, the provincial process does not require public notice, engagement or recognition of local land use and development requirements. This will create a process that is both non-transparent and insulates the Government of Alberta from direct accountability for pit registrations that result in local issues. In practice, municipalities are likely to face resident or local stakeholder concerns despite having no role in the decision to issue a pit registration.

Recommendations

- ◆ Automatic notification for municipalities where the proposed pit development is located.
 - ◇ EPA could consider adopting the Natural Resource Conservation Board (NRCB) notification process where the municipality is notified when an application is received and again when the application is deemed complete and ready for evaluation by an approval officer.

- ◇ The Digital Regulatory Assurance System (DRAS) module for aggregate pit applications could include a functionality to automatically notify the municipality that an application has been received. This may require the applicant to engage with the municipality and submit the relevant municipal contact information as part of their application.
- ◇ Automatic notification that an application has been received would alleviate some capacity pressure on municipalities to regularly search and sign up for notifications in the DRAS.
- ◆ Enable EPA or operators to hold in-person open house or town hall sessions to engage with the community before an application is submitted.
- ◆ Prevent applicants from immediately resubmitting an application if it is rejected or refused. For example, implement a standdown period of six months.

Theme 3: Unclear division of roles and responsibilities

As recommended under Theme 1, EPA must continue to engage with municipalities to address outstanding issues including the identification and division of roles and responsibilities. Engagement can be ongoing – to refine the referral process, develop public communications, raise awareness and knowledge, and to deliver other process improvements. However, no changes to the existing dual-stream approval process should be implemented until the above factors are addressed.

Operational requirements not included in the Code and a pit registration will remain with municipalities. However, in instances where both the province and municipalities regulate a component, such as dust, it is crucial that the EPA thoroughly evaluate the practical implementation of such overlapping areas of jurisdiction. For example, the inclusion of noise as a substance in the Code may override the ability of municipalities to specify development permit conditions related to hours of operation and traffic. The regulation of noise is often in relation to human health and proximity to places of human habitation (e.g., AUC Rule 012). As the EPEA covers environmental aspects rather than human health, it may not be practical to include noise in the Code and may result in unnecessary resource demand for industry and/or an inability for municipalities to regulate noise for human health or nuisance purposes.

Recommendations

- ◆ Update the [Aggregate pits: municipal and provincial processes](#) document to provide clearer explanation of the division of roles and responsibilities between municipal and provincial governments, including what has changed and why.
- ◆ Continue engagement with stakeholders on potential unintended consequences of including environmental conditions in the Code.
- ◆ Clearly explain or provide examples of how expanding the environmental-related scope of the Code will interact with municipal authority to regulate the same conditions for non-environmental reasons. For example, dust, noise and/or setbacks.

Theme 4: Referral process improvements

The current referral process only applies to new pit registrations and is intended to solicit feedback on matters under the EPEA and the Code, not the *Water Act*. The approval coordinator considers the feedback and includes their assessment in a memo to the Director to inform their decision-making.

There is no legislative requirement for approval coordinators or Directors to issue pit registrations in alignment with municipal planning documents or land use bylaws. While municipalities can provide input, the process is not a two-way dialogue where the EPA responds to the municipality about how their input was considered (or not). RMA understands that is the nature of a registration under a code of practice. However, EPA must ensure that moving forward, the referral form or request includes a

mechanism for the municipality to submit planning and land use bylaw information, including the rationale for zoning decisions and key local considerations, and that an accountability or feedback loop exists to ensure municipalities are informed of how their input was considered in the decision-making process.

Approval coordinator memos and Director decisions are not publicly released, and municipalities are not provided the rationale for why a pit registration has been issued. Under the new Bill 28-influenced registration process, if a pit registration does not align with municipal planning documents and land use provisions, decision documents must explain the rationale for approving an aggregate pit application that is not in compliance and what, if any, mitigating measures were proposed by the applicant.

Similarly moving forward under Bill 28, when the aggregate pit application process is transferred into the Digital Regulatory Assurance System (DRAS), EPA must ensure that municipalities are familiar with the platform and have access to documents and decision records for pits within their boundaries. If required, EPA must provide education and training for municipal staff.

Recommendations

- ◆ Align approval coordinators and Directors' recommendations and decisions with municipal planning documents and land use bylaws.
- ◆ Include a mechanism for municipalities to submit planning documents and land use zoning explanations into the referral form/request, and a requirement for approval coordinators/Directors to report back to municipalities on how their input informed the decision-making process.
- ◆ Extend the 20-business day referral period to allow time for the municipality to notify residents and nearby landowners. This is particularly important if the EPA does not provide any form of public notice upon receipt of a complete application.
- ◆ Expand referral triggers to include pit registration renewals, activity plan changes or updates. For example, at the five-year reporting period milestone. This will support the municipality in making updates to, for example, development permit conditions and road use agreements to align with any changes to the pit operation.
- ◆ Publish Director decision memos in DRAS outlining the rationale for issuing a pit registration, particularly if a component of the application conflicted with the municipality's planning documents or land use bylaws.
- ◆ Update the [Aggregate pits: municipal and provincial processes](#) document to provide clearer guidance to all parties.
- ◆ Provide on-demand DRAS training e.g., short how-to video posted to the DRAS webpage.

Theme 5: Communication and accountability gaps

Municipal officials are the first point of contact for local landowners and residents. Aggregate pits may now be approved and located on sites that are not compliant with municipal planning documents and land use bylaws. Municipalities are likely to receive any objections and negative feedback from the community, despite no longer having the authority to refuse a less-than-optimal aggregate pit location. Municipalities may also face increased instances of tension with operators who are not aware of the details of changes to the approval and permitting process, believing that the pit registration overrides all municipal requirements.

Provincial monitoring and inspection of aggregate pits is not comprehensive. Inspections are not performed regularly, and non-compliance is generally only identified through public complaints. EPA

then sends an environmental compliance officer to inspect the site and works with the operator on voluntary compliance in the first instance.

The five-year and annual reports required under the Code are insufficient to ensure that companies with poor operating practices are prevented from expanding or continuing to operate. EPA must take a more proactive approach with compliance rather than reactive. Often, by the time an environmental compliance officer is sent to inspect the site, the municipality has dealt with the issue through existing enforcement tools. If a municipality can no longer leverage these tools due to provincial primacy of a pit registration, the province must enhance its capacity and capability.

Recommendations

- ◆ Clear communication from the Government of Alberta about the modified process to all relevant audiences (landowners, industry, municipalities, residents), across different communication channels and formats. This should:
 - ◇ Emphasize to operators that they must continue to comply with any municipal development permit conditions and local bylaws.
 - ◇ Complaints should be directed to the provincial Energy and Environment Hotline.
 - ◇ Highlight that there is no municipal or public hearing process for pit registrations issued under the EPEA.
- ◆ Require transparency in decision-making through, for example, release of decision documents and supporting documentation.
 - ◇ This may involve ensuring municipal view-only access to the relevant DRAS aggregate application module components where application documents and evidence and EPA staff evaluation of those materials are available for viewing.
- ◆ Improve provincial monitoring, inspection and enforcement capacity
 - ◇ This may include developing and adhering to clear performance standards and procedures developed collaboratively with relevant stakeholders.
 - ◇ Subsequently, the province should develop and report on performance benchmarks in collaboration with municipalities, industry and other stakeholders.
- ◆ Identify and enable complementary enforcement tools for municipalities.
 - ◇ This may include clarifying how stop orders can be used and whether operators can continue operating when they are placed under an enforcement order.
 - ◇ Enable municipalities to issue fines for non-compliance with overlapping areas of jurisdiction in a pit registration.