



Province of Alberta

ENVIRONMENTAL PROTECTION AND
ENHANCEMENT ACT

**ENVIRONMENTAL PROTECTION AND
ENHANCEMENT (MISCELLANEOUS)
REGULATION**

Alberta Regulation 118/1993

With amendments up to and including Alberta Regulation 62/2013

Office Consolidation

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(Consolidated up to 62/2013)

ALBERTA REGULATION 118/93

Environmental Protection and Enhancement Act

**ENVIRONMENTAL PROTECTION AND ENHANCEMENT
(MISCELLANEOUS) REGULATION**

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Interpretation provisions

1(1) For the purposes of section 72(3)(b) of the Act,

- (a) an activity to which an application relates is a routine matter if, in the Director's opinion, it is an activity that will result in a minimal or no adverse effect on the environment,
- (b) a proposed change to an activity is a routine matter if the proposed change is a minor alteration, addition, relocation, expansion, change or extension to the activity that, in the Director's opinion will result in a minimal or no adverse effect on the environment, and
- (c) a proposed amendment of a term or condition of, addition of a term or condition to or deletion of a term or condition from an approval is a routine matter if the proposed

amendment, addition or deletion is a minor one that, in the Director's opinion will result in a minimal or no adverse effect on the environment.

(2) Repealed AR 192/98 s2.

(3) The activities listed in Division 3 of Schedule 1 to the *Activities Designation Regulation* (AR 211/96) are prescribed as activities to which section 91(3) of the Act applies.

AR 118/93 s1;248/93;192/98;251/2001

Notice of application re approval

2(1) Where, in the Director's opinion, an application under the *Approvals Procedure Regulation* is complete and the Director does not waive the notice requirement under section 72(3) of the Act, the Director shall, or shall require the applicant to, do one or both of the following:

- (a) publish notice of the application in one or more issues of a newspaper that has daily or weekly circulation in the area in which the activity that is the subject of the application is or will be carried on;
- (b) provide notice of the application to the persons and in the manner determined by the Director.

(2) Where the Director proposes to make an amendment, addition or deletion pursuant to section 70(3)(a) of the Act and the Director does not waive the notice requirement pursuant to section 72(3) of the Act, the Director shall provide notice in accordance with subsection (1)(a) or (b).

(3) A notice under subsection (1) or (2) shall contain the following:

- (a) the name of the applicant;
- (b) a description of the nature of the activity, the change to the activity or the amendment, addition or deletion, as the case may be;
- (c) the location, capacity and size of the activity to which the notice relates;
- (d) a statement that a person who is directly affected by the application may submit a statement of concern to the Director within 30 days of the last notice, or within any longer period specified by the Director in the notice;
- (e) the locations where information about the activity, the change in the activity or the amendment, addition or

deletion, as the case may be, may be obtained or is available for public disclosure;

- (f) any other information required by the Director.

AR 118/93 s2;251/2001

Notice of decision re approval

3(1) Where the Director

- (a) issues an approval,
- (b) makes an amendment, addition or deletion pursuant to an application under section 70(1)(a) of the Act, or
- (c) makes an amendment, addition or deletion pursuant to section 70(3)(a) of the Act,

the Director shall, where notice requirements have been waived under section 72(3) of the Act, provide or cause the applicant or approval holder to provide notice of the Director's decision within 15 days after the date the Director signs the decision,

- (d) by publishing notice of the decision in a newspaper that has daily or weekly circulation in the area in which the activity that is the subject of the decision is or will be carried on, or
- (e) by any other means provided for by the Director.

(2) Where the Director

- (a) issues an approval,
- (b) makes an amendment, addition or deletion pursuant to an application under section 70(1)(a) of the Act, or
- (c) makes an amendment, addition or deletion pursuant to section 70(3)(a) of the Act,

the Director shall, where notice of the application or proposed changes was provided under section 72(1) or (2) of the Act, provide written notice of the decision or cause the applicant or approval holder to provide written notice of the decision within 15 days after the date the Director signs the decision to every person who submitted a statement of concern in accordance with section 73 of the Act.

(3) Where the Director refuses to issue an approval or to make an amendment, addition or deletion pursuant to an application under section 70(1)(a) of the Act, the Director shall, within 15 days after the date of the notice of refusal to the applicant or approval holder,

provide written notice of the refusal to every person who submitted a statement of concern in accordance with section 73 of the Act.

- (4) A notice under this section shall contain
- (a) a statement of the nature of the application, if applicable,
 - (b) the name of the applicant or approval holder, as the case may be,
 - (c) the location of the activity,
 - (d) the decision of the Director and the date of the decision, and
 - (e) a statement that the decision may be appealed to the Environmental Appeal Board.

AR 118/93 s3;251/2001

Security - water well drillers

4(1) In this section “approval holder” means the holder of an approval issued or deemed to be issued under the *Water Act* and the *Water (Ministerial) Regulation*.

(2) Where an approval holder has deposited security, the Minister may return or direct the return of the security on the request of the approval holder after 2 years have elapsed from the expiry date of the approval.

(3) Where an approval holder contravenes a water management order under Part 7 Division 2 of the *Water Act* or an enforcement order under Part 10 Division 3 of that Act, the Minister may order that all or part of the security provided by the approval holder be forfeited.

(4) Where the Minister orders the forfeiture of security under subsection (3), the Minister shall

- (a) give written notice of the decision to the approval holder, and
- (b) direct the President of Treasury Board and Minister of Finance to transfer the security from the Environmental Protection Security Fund to the Environmental Protection and Enhancement Fund.

(5) On the request of the Minister, the President of Treasury Board and Minister of Finance shall pay to the Minister from the Environmental Protection and Enhancement Fund as much of the security transferred under subsection (4) as the Minister considers is necessary to carry out the terms of the water management order

or enforcement order and the Minister shall use the money for that purpose.

(6) Subsection (5) applies despite the fact that the approval holder may not have actually received the notice referred to in subsection (4)(a).

(7) Where the amount of the forfeited security exceeds the amount required to carry out the terms of the water management order or enforcement order, the President of Treasury Board and Minister of Finance shall, on the direction of the Minister pay the excess amount to the approval holder.

(8) Where the amount of the forfeited security is insufficient to pay for the cost of carrying out the terms of the water management order or enforcement order, the approval holder remains liable for the balance.

AR 118/93 s4;192/98;27/2002;68/2008;31/2012;62/2013

Security - Environmental Appeal Board

5(1) The Minister may make an order to provide security under section 97(3) of the Act at the time the application for a stay is made or at any time thereafter but before the date of the hearing.

(2) The order to provide security shall set out the form and amount of security that must be provided and the time within which it must be provided.

(3) Security must be in one or more of the following forms as required by the Minister:

- (a) cash;
- (b) cheques and other similar negotiable instruments payable to the President of Treasury Board and Minister of Finance;
- (c) Government guaranteed bonds, debentures, term deposits, certificates of deposit, trust certificates or investment certificates assigned to the President of Treasury Board and Minister of Finance;
- (d) irrevocable letters of credit, irrevocable letters of guarantee, performance bonds or surety bonds in a form acceptable to the Minister;
- (e) any other form that is acceptable to the Minister.

(4) The Minister may by order increase or decrease the amount of security at any time prior to a decision of the Minister under section 100 of the Act.

AR 118/93 s5;251/2001;27/2002;68/2008;31/2012;62/2013

Designated enactment

5.1 Section 30(10)(b) of the *Environmental Protection and Enhancement Act* applies in respect of security that is forfeited under section 22 of the *Public Lands Administration Regulation*.

AR 225/2003 s2;187/2011

Security - general

6 Any income accruing to security in the Environmental Protection Security Fund accumulates to and forms part of the security.

Duration of approval

7(1) Subject to section 138(6) of the Act, the term of an approval under the Act is 10 years.

(2) Repealed AR 192/98 s4.

(3) Subsection (1) does not apply where another regulation under the Act prescribes a different term for an approval.

(4) The Director may issue an approval referred to in subsection (1) for less than 10 years where the Director considers it appropriate to do so.

AR 118/93 s7;192/98;251/2001

Duration of certificates of qualification

8(1) A certificate of qualification issued under section 15 of the *Potable Water Regulation*

(a) is valid for 3 years from the date of issue, and

(b) may on application be renewed for additional 3-year periods.

(2) A certificate of qualification issued under section 3 of the *Wastewater and Storm Drainage (Ministerial) Regulation*

(a) is valid for 3 years from the date of issue, and

(b) may on application be renewed for additional 3-year periods.

(3) A certificate of qualification issued under section 3 of the *Air Emissions Regulation* is valid for a term of 6 months from the date of issue and is renewable before the expiration of the 6-month period for further periods each not exceeding 6 months in accordance with the procedures prescribed in the manual referred to in that section.

AR 118/93 s8;13/2005

Codes of practice

8.1(1) The following codes of practice are adopted pursuant to section 38 of the Act and form part of this Regulation:

- (a) the *Code of Practice for Waterworks Systems Using High Quality Groundwater*, published by the Department, as amended or replaced from time to time;
- (b) the *Code of Practice for Waterworks Systems Consisting Solely of a Water Distribution System*, published by the Department, as amended or replaced from time to time.

(2) A person who, pursuant to a registration, carries on an activity referred to in Column A of the Schedule shall comply with the corresponding code of practice referred to in Column B of the Schedule in the carrying on of that activity.

(3) Subsection (2) does not apply to a waterworks system that is operating on the date this section comes into force until the date specified by the Director in a notice in writing to the registration holder advising the registration holder that the code of practice or part of the code of practice is to apply.

(4) The notice referred to in subsection (3) must specify

- (a) that all or part of the code of practice is to apply and if only part is to apply, which part, and
- (b) the date on which all or part of the code of practice is to apply.

(5) A person who receives a notice under subsection (3) shall comply with the notice in accordance with its terms.

(6) Where subsection (2) does not apply to a waterworks system as a result of the operation of subsection (3), the registration holder shall comply with the conditions specified in the most recent approval for the waterworks system issued under the Act, until the date specified in the notice referred to in subsection (3).

(7) Notwithstanding subsection (2), where the Director issues an approval in respect of the activity pursuant to section 6(3) of the

Activities Designation Regulation (AR 276/2003), the approval holder

- (a) is not required to comply with the Code of Practice in the Schedule, and
- (b) shall comply with the terms and conditions of the approval.

AR 269/2003 s2;161/2005

Transitional - codes of practice

8.2 Where before the coming into force of the *Activities Designation Regulation* a person held an approval in respect of an activity listed in Schedule 2, Division 5 of that Regulation,

- (a) that approval is deemed to be a registration for the purposes of the Act, and
- (b) the deemed registration has no expiry date.

AR 269/2003 s2

Offences

9 A person who contravenes

- (a) section 8.1(2), (5), (6) or (7) of this Regulation,
- (b) section 2, 3, 4(1), (2) or (4), 5(1), (2), (3) or (4), 6(1) or (3), 7(1) or (3), 8, 9, 11, 12, 13, 14, 16 or 17(1), (2), (3) or (5) of the *Potable Water Regulation*,
- (b.1) section 4(1), (3) or (5) or 4.1(2), (3), (4), (5) or (6) of the *Release Reporting Regulation* (AR 117/93), or
- (c) section 2, 4(1) or (2) or 5(1), (2) or (5) of the *Wastewater and Storm Drainage (Ministerial) Regulation*,

is guilty of an offence and is liable

- (d) in the case of an individual, to a fine of not more than \$50 000, or
- (e) in the case of a corporation, to a fine of not more than \$500 000.

AR 118/93 s9;248/93;191/96;192/98;269/2003;161/2005

Due diligence defence

10 No person shall be convicted of an offence referred to in section 9 if that person establishes on a balance of probabilities that he took all reasonable steps to prevent its commission.

AR 118/93 s10;269/2003

10.1 Repealed AR 269/2003 s5.

Coming into force

11 This Regulation comes into force on September 1, 1993.

Schedule

Column A	Column B
Construction, operation or reclamation of a waterworks system identified in clause (a) or (c) of Schedule 2, Division 5 of the <i>Activities Designation Regulation</i>	Code of Practice for Waterworks Systems Using High Quality Groundwater
Construction, operation or reclamation of a waterworks system identified in clause (b) or (d) of Schedule 2, Division 5 of the <i>Activities Designation Regulation</i> , except a water distribution system serving a development that is located on land that is included in a condominium plan registered under the <i>Land Titles Act</i> , where the development is located in and receives its potable water from a city, town, specialized municipality, village, summer village, hamlet or settlement area as defined in the <i>Metis Settlements Act</i>	Code of Practice for a Waterworks System Consisting Solely of a Water Distribution System

AR 269/2003 s6



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