



Province of Alberta

ENVIRONMENTAL PROTECTION AND
ENHANCEMENT ACT

**WASTEWATER AND STORM
DRAINAGE REGULATION**

Alberta Regulation 119/1993

With amendments up to and including Alberta Regulation 170/2012

Office Consolidation

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(Consolidated up to 170/2012)

ALBERTA REGULATION 119/93

Environmental Protection and Enhancement Act

WASTEWATER AND STORM DRAINAGE REGULATION

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Definitions

- 1 In this Regulation,
 - (a) “Act” means the *Environmental Protection and Enhancement Act*;
 - (b) “Director” means the person designated by Ministerial Order as the Director for the purposes of this Regulation;
 - (c) “domestic wastewater” means the wastewater that is the composite of liquid and water-carried wastes associated with the use of water for drinking, cooking, cleaning, washing, hygiene, sanitation or other domestic purposes,

together with any infiltration and inflow wastewater, that is released into a wastewater collection system;

- (d) “hamlet” means an unincorporated community that has been designated as a hamlet in accordance with the *Municipal Government Act*;
- (d.1) “industrial development” means any development on the site of a plant;
- (e) “industrial runoff” means surface water resulting from precipitation that falls on a plant;
- (f) “industrial wastewater” means wastewater that is the composite of liquid and water-carried wastes from a plant;
- (g) “municipal development” means any development that consists of 2 or more lots, but does not include a city, town, specialized municipality, village, summer village, hamlet, settlement area as defined in the *Metis Settlements Act*, privately owned development or industrial development;
- (h) “owner” of a wastewater system or storm drainage system means
 - (i) the local authority of a city, town, specialized municipality, village, summer village or settlement area as defined in the *Metis Settlements Act* in which the wastewater system or storm drainage system is located;
 - (ii) for a hamlet
 - (A) a cooperative, as defined in the *Cooperatives Act*, formed by the individual lot owners served by the hamlet’s wastewater system or storm drainage system, or
 - (B) if no cooperative exists, the local authority of the municipal district, improvement district, specialized municipality or special area in which the hamlet’s wastewater system or storm drainage system is located;
 - (iii) for a municipal development,
 - (A) the local authority of the municipal district, improvement district, specialized municipality or special area in which the municipal

- development's wastewater system or storm drainage system is located,
- (B) the owner of a private utility, or
 - (C) where neither paragraph (A) nor (B) applies, the collection of individual lot owners located in the municipal development that is served by the wastewater system or storm drainage system;
- (iv) for a privately owned development, the owner of the privately owned development;
 - (v) for a wastewater system or storm drainage system owned by a regional services commission, the regional services commission that owns the wastewater system or storm drainage system;
 - (vi) for a wastewater system or storm drainage system that is a private utility, the owner of the private utility;
 - (vii) for an industrial development, the owner of the industrial development in which the wastewater system or storm drainage system is located;
- (i) "person responsible for a wastewater system or storm drainage system" means
- (i) the owner of the wastewater system or storm drainage system,
 - (ii) the operator of the wastewater system or storm drainage system,
 - (iii) the local authority that grants a franchise for the treatment and disposal of wastewater at the wastewater system,
- (iii.1) the approval holder or registration holder, as the case may be, for the wastewater system or storm drainage system,
 - (iv) any successor, assignee, executor or administrator, receiver, receiver-manager or trustee of a person referred to in subclause (i), (ii), (iii) or (iii.1), and
 - (v) any person who acts as the principal or agent of a person referred to in subclause (i), (ii), (iii), (iii.1) or (iv);

- (j) “plant” means all buildings, structures, process equipment, pipelines, vessels, storage and material handling facilities, roadways and other installations, used in and for any activity listed in section 2 of the Schedule of Activities in the Act, including the land, other than undeveloped land, that is used for the purposes of the activity;
- (k) “privately owned development” means a recreational development, school, mobile home park, restaurant, motel, community hall, work camp, holiday trailer park, campsite, picnic site, information centre or other similar development, including such a development owned or operated by the Government, that is on a parcel of land that is not subdivided, but does not include a single family dwelling or a farmstead;
- (l) “private utility” means a wastewater system or storm drainage system owned and operated by a person other than a local authority, municipal development, industrial development or privately owned development, but does not include a system that services only a single family dwelling or a farmstead;
- (1.01) “professional engineer” means a professional engineer or registered professional technologist (engineering) under the *Engineering and Geoscience Professions Act*;
- (1.1) “service connection” means the sewer service line from a collection sewer to the property being serviced but, for the purposes of section 5 as it makes applicable the Standards and Guidelines for Municipal Waterworks, Wastewater and Storm Drainage Systems, means the sewer service line from a collection sewer to a building;
- (m) “sewer” means any system of pipes, drains, pumping works, equipment, structures and other things used for the collection, transportation or disposal of storm drainage or wastewater but does not include any building drain, plumbing or building sewer;
- (n) “sludge” means the accumulated wet or dry solids that are separated from wastewater during treatment, including the precipitate resulting from the chemical or biological treatment of wastewater;
- (o) “storm drainage” means drainage, which may include industrial runoff, resulting from precipitation in a city, town, specialized municipality, village, summer village, hamlet, settlement area within the meaning of the *Metis*

Settlements Act, municipal development or privately owned development;

- (p) “storm drainage collection system” means any system of sewers, valves, fittings, pumping stations and appurtenances that is used to collect storm drainage, up to and including the service connection;
- (q) “storm drainage treatment facility” means any structure or thing used for the physical, chemical or biological treatment of storm drainage, and includes any of the storage or management facilities which buffer the effects of the peak runoff;
- (r) “wastewater” means domestic wastewater and may include industrial wastewater;
- (s) “wastewater collection system” means a system of sewers, valves, fittings, pumping stations and appurtenances that is used to collect wastewater, up to and including the service connection;
- (s.1) “wastewater lagoon” means a wastewater treatment plant that consists of one or more designed and constructed surface impoundments used for biological and physical treatment of wastewater, but does not include such a plant that uses mechanical aeration;
- (t) “wastewater treatment plant” means any structure, thing or process used for physical, chemical, biological or radiological treatment of wastewater, and includes a structure, thing or process used for
 - (i) wastewater storage,
 - (ii) treated wastewater use and disposal, and
 - (iii) sludge treatment, storage and disposal.

AR 119/93 s1;249/93;273/2003;170/2012

Application

2 This Regulation only applies to a wastewater system or storm drainage system as designated in

- (a) Schedule 1, Division 2, Part 7, or
- (b) Schedule 2, Division 2,

of the *Activities Designation Regulation*, including replacements, extensions, additions and modifications referred to in the Notes in those provisions.

AR 119/93 s2;273/2003;315/2003

Person responsible

3 Except where this Regulation provides otherwise, the person responsible for a wastewater system or a storm drainage system shall comply with this Regulation.

AR 119/93 s3;273/2003

Adoption of codes of practice

3.1(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 Wastewater Systems Using a Wastewater Lagoon*, published by the Department, as amended or replaced from time to time;
- (b) the Code of Practice for Wastewater Systems Consisting Solely of a Wastewater Collection System, published by the Department, as amended or replaced from time to time.

AR 273/2003 s5

Duty to comply with codes

3.2(1) A person who carries on any 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.

(2) Subsection (1) does not apply to a wastewater 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.

(3) The notice referred to in subsection (2) 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.

(4) Where subsection (1) does not apply to a wastewater system as a result of the operation of subsection (2), the registration holder shall comply with the conditions specified in the most recent

approval for the wastewater system issued under the Act, until the date specified in the notice referred to in subsection (2).

(5) A person who receives a notice under subsection (2) shall comply with the notice in accordance with its terms.

AR 273/2003 s5

Substance release requirements

4 A wastewater system and a storm drainage system must each be

- (a) designed,
- (b) operated, and
- (c) maintained

to achieve under all normal and foreseeable operating conditions all substance release requirements as specified in this Regulation, an approval or the applicable code of practice.

AR 119/93 s4;273/2003

Design standards

5(1) A wastewater system and a storm drainage system must each be designed so that they meet at a minimum

- (a) the standards and design requirements set out in the latest edition of the *Standards and Guidelines for Municipal Waterworks, Wastewater and Storm Drainage Systems* published by the Department, as amended or replaced from time to time, or
- (b) any other standards and design requirements specified by the Director.

(1.1) The design of any wastewater system or storm drainage system or any portion of it must be stamped and signed by a professional engineer.

(2) Where

- (a) a wastewater system or storm drainage system that is operating on the coming into force of this Regulation does not meet the applicable standards and design requirements referred to in subsection (1)(a), or
- (b) such standards and design requirements are changed and a wastewater system or storm drainage system that is operating does not meet them at the time they are changed,

subsection (1)(a) does not apply to such a system until the time specified by the Director in a notice in writing given to the person responsible for the system.

(3) A person responsible who receives a notice in writing under subsection (2) shall comply with the notice in accordance with its terms.

AR 119/93 s5;273/2003

Construction to design standards

5.1 A wastewater system and a storm drainage system must each be constructed according to the applicable design standard referred to in section 5.

AR 273/2003 s8

Extension and replacement of collection systems

6(1) Prior to commencing an extension of a wastewater collection system or storm drainage collection system or a replacement of a portion of a wastewater collection system or storm drainage collection system, the approval holder or registration holder, as the case may be, in respect of the wastewater system or storm drainage system shall inform the Director in writing of the intention to undertake the extension or replacement.

(2) The information under subsection (1) must contain at least the following, as applicable:

- (a) the approval number or the registration number for the wastewater system or storm drainage system as issued under the Act;
- (b) the location of the proposed extension or replacement;
- (c) written confirmation, stamped and signed by a professional engineer, that the increased flow associated with the extension or replacement is within the design capacity of the existing wastewater collection system or storm drainage collection system;
- (d) written confirmation, stamped and signed by a professional engineer, that the increased flow associated with the extension or replacement is within the design capacity of the wastewater system or storm drainage system providing treatment of the collected wastewater or storm drainage;
- (e) a statement of whether or not the design of the extension or replacement meets the standards in the *Standards and Guidelines for Municipal Waterworks, Wastewater and*

Storm Drainage Systems, published by the Department, as amended or replaced from time to time;

(f) any other information required by the Director.

(3) No person shall commence

- (a) an extension of a wastewater collection system or storm drainage collection system, or
- (b) a replacement of a portion of the wastewater collection system or storm drainage collection system,

if the design does not comply with the design standards set out in the Standards and Guidelines for Municipal Waterworks, Wastewater and Storm Drainage Systems, published by the Department, as amended or replaced from time to time, unless that person has obtained the written authorization of the Director.

(4) On request, the approval holder or registration holder, as the case may be, in respect of the wastewater system or storm drainage system shall immediately provide to the Director or an inspector any engineering drawings, specifications or other information regarding any aspect of the extension or replacement to which this section applies.

AR 119/93 s6;137/96;273/2003

Storm drainage treatment facilities

6.1(1) No person shall commence construction of an additional storm drainage treatment facility or a modification of a storm drainage treatment facility except in accordance with a written authorization from the Director.

(2) The application for written authorization under subsection (1) must contain the following as applicable:

- (a) the approval number or the registration number for the storm drainage system as issued under the Act;
- (b) the location of the proposed storm drainage treatment facility;
- (c) engineering drawings of the addition or modification, stamped and signed by a professional engineer;
- (d) a description of the project including
 - (i) the location of the immediate and ultimate system discharge points from the proposed storm drainage treatment facility, and

- (ii) the nature and extent of treatment of the storm drainage before discharge to the environment;
- (e) predevelopment storm drainage flow and post development storm drainage flow from the area served by the proposed storm drainage treatment facility;
- (f) design hydraulic capacity of the proposed storm drainage treatment facility;
- (g) written confirmation, stamped and signed by a professional engineer that the increased flow associated with the proposed storm drainage treatment facility is within the design capacity of the existing storm drainage system;
- (h) any other information required by the Director.

(3) On request, the approval holder or registration holder shall immediately provide to the Director or an inspector any engineering drawings, specifications or other information regarding any aspect of an addition or modification to which this section applies.

AR 273/2003 s9

Snow disposal

6.2(1) No person shall, at the same location for a period exceeding one year, dispose of snow that has been removed from a city, town, specialized municipality, hamlet, settlement area as defined in the *Metis Settlements Act*, municipal development or privately owned development unless the Director has been informed in writing of the intention to dispose of snow at that location.

- (2)** The information under subsection (1) must include at least
- (a) a description of the location of the snow disposal site, and
 - (b) a comparison of the design of the snow disposal site with the design guidelines in the *Snow Disposal Guidelines for the Province of Alberta*, published by the Department, as amended from time to time.

AR 273/2003 s9

Prohibited substances and releases

7(1) No person responsible for a wastewater system or storm drainage system shall use or permit the use of a substance in or dispose of or permit the disposal of a substance into the wastewater system or storm drainage system in an amount, concentration or level or at a rate of release that may

- (a) impair the integrity of the wastewater collection system,
- (b) impair the integrity of the storm drainage collection system,
- (c) impair the operation or performance of a storm drainage treatment facility,
- (d) impair the operation or performance of a wastewater treatment plant, or
- (e) impair the quality of storm drainage or treated wastewater and the gases and sludge produced in the treatment process,

unless the use or disposal is authorized by an approval or is authorized in writing by the Director.

(2) Subsection (1) does not apply to the use or disposal of a substance in or into a wastewater system or storm drainage system that results from or is for the purposes of controlling an emergency.

(3) Subsection (1) does not prohibit the use or disposal of substances intended for use in wastewater collection systems.

AR 119/93 s7:273/2003

7.1 Repealed AR 273/2003 s11.

Land application of sludge

8(1) Subject to subsection (2), no person shall apply sludge to land except in accordance with the written authorization of the Director.

(2) Subsections (1) and (3) to (7) do not apply where an approval provides for the proposed application of sludge or where the proposed application of sludge is governed by a code of practice.

(3) A sludge application project must be developed in accordance with

- (a) the *Guidelines for the Application of Municipal Wastewater Sludges to Agricultural Lands*, published by the Department, as amended or replaced from time to time, and
- (b) the *Standards and Guidelines for Municipal Waterworks, Wastewater and Storm Drainage Systems*, published by the Department, as amended or replaced from time to time.

- (4) An application for authorization for a sludge application project must contain at least the following information:
- (a) the approval number issued under the Act for the wastewater system from which the sludge will be taken;
 - (b) the location of the land on which the sludge is to be applied;
 - (c) the proposed sludge application rate and how that rate was derived;
 - (d) written consent to the proposed project from
 - (i) all owners of land on which sludge is to be applied, and
 - (ii) the local authorities of all municipalities in which sludge is to be applied;
 - (e) any other information required by the Director.
- (5) The person responsible for the wastewater system shall prepare a report within 2 months following completion of the sludge application project.
- (6) The report referred to in subsection (5) shall contain
- (a) the location of land on which sludge was applied,
 - (b) the actual sludge and lime application rate for each application site, and
 - (c) a record of any public concerns respecting the sludge application project.
- (7) The person responsible for the wastewater system shall retain a report referred to in subsection (5) for 5 years from its creation.

AR 119/93 s8;249/93;273/2003

Wastewater irrigation

- 9(1)** Subject to subsection (2), no person shall use treated wastewater for irrigation except in accordance with the written authorization of the Director.
- (2) Subsections (1) and (3) to (7) do not apply where an approval provides for the proposed irrigation or where the proposed irrigation is governed by a code of practice.
- (3) A treated wastewater irrigation project must be developed in accordance with:

- (a) the *Guidelines for Municipal Wastewater Irrigation*, published by the Department, as amended or replaced from time to time, and
 - (b) the *Standards and Guidelines for Municipal Waterworks, Wastewater and Storm Drainage Systems*, published by the Department, as amended or replaced from time to time.
- (4)** An application for authorization for a wastewater irrigation project must contain at least the following information:
- (a) the approval number issued under the Act for the wastewater system from which the treated wastewater will be taken;
 - (b) the location of the land on which the proposed irrigation is to take place;
 - (c) the proposed treated wastewater irrigation rate and how that rate was derived;
 - (d) the proposed method of irrigation;
 - (e) written consent to the proposed project from
 - (i) all owners of land on which the proposed irrigation is to take place, and
 - (ii) the local authorities of all municipalities in which the proposed irrigation is to take place;
 - (f) any other information required by the Director.
- (5)** The person responsible for the wastewater system shall prepare a report within 2 months following completion of the treated wastewater irrigation project.
- (6)** The report referred to in subsection (5) shall contain
- (a) the location of land on which the irrigation took place,
 - (b) the actual treated wastewater irrigation rate for each irrigation site, and
 - (c) a record of any public concerns respecting the wastewater irrigation project.
- (7)** The person responsible for the wastewater system shall retain a report referred to in subsection (5) for 5 years from its creation.

Re-use

9.1(1) No person shall use treated wastewater in a manner or for a purpose other than

- (a) for irrigation to which section 9 applies, or
- (b) a manner or purpose that is provided for in an approval or is governed by a code of practice

except in accordance with the written authorization of the Director.

(2) An application for an authorization under subsection (1) must contain at least the following information:

- (a) a description of the nature of the proposed use of treated wastewater,
- (b) information regarding all potential adverse effects of the project, and
- (c) any other information required by the Director.

AR 137/96 s5;273/2003

Offence

10 A person who contravenes section 3, 3.2(1), (4) or (5), 4, 5(1), (1.1) or (3), 5.1, 6(1), (3) or (4), 6.1(1) or (3), 6.2(1), 7(1), 8(1), (3), (5), (6) or (7), 9(1), (3), (5), (6) or (7) or 9.1(1) is guilty of an offence and liable

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

AR 119/93 s10;137/96;273/2003

Due diligence defence

11 No person shall be convicted of an offence under this Regulation if that person establishes on a balance of probabilities that he took all reasonable steps to prevent its commission.

Coming into force

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

Schedule

Column A	Column B
Construction, operation or reclamation of a wastewater system that is described in clause (d) of Division 2 of Schedule 2 in the <i>Activities Designation Regulation</i> .	<i>Code of Practice for Wastewater Systems Using a Wastewater Lagoon</i>
Construction, operation or reclamation of a wastewater system described in clause (e) of Division 2 of Schedule 2 in the <i>Activities Designation Regulation</i> , except a wastewater collection 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 the wastewater collection is provided by a city, town, specialized municipality, village, summer village, hamlet or settlement area as defined in the <i>Metis Settlements Act</i>	<i>Code of Practice for Wastewater Systems Consisting Solely of a Wastewater Collection System</i>

AR 273/2003 s14



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