



Province of Alberta

RESPONSIBLE ENERGY DEVELOPMENT ACT

SPECIFIED ENACTMENTS (JURISDICTION) REGULATION

Alberta Regulation 201/2013

With amendments up to and including Alberta Regulation 194/2016

Office Consolidation

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(Consolidated up to 194/2016)

ALBERTA REGULATION 201/2013

Responsible Energy Development Act

**SPECIFIED ENACTMENTS
(JURISDICTION) REGULATION**

Table of Contents

1	Definitions
2	Limitation, modification, substitution or inapplicability
3	Title and interest of the Crown
4	Specified enactment regulation-making authority
5	Specified enactments not applicable
6	Application of section 25 and Division 4 of Part 1 of the Act
7	Description of an official
8	Corporate officer or director not official
9	Reference to document published by department
10	Reference to government or Crown of another jurisdiction
11	Individual as official
12	Exception of officials' powers, duties and functions
13	Exception of department, Crown or Government powers, duties and functions
14	Ministerial powers, duties and functions
15	Shared powers, duties and functions of the Minister
16	Shared powers, duties and functions of officials
17	Shared powers, duties and functions of department, Crown or Government
18	Powers, duties and functions respecting activities conducted in conjunction with energy resource activities
19	Modification of provisions
19.1	Reference to specified enactment provision
20	Transition respecting matters completed under Part 8 of the Mines and Minerals Act or Public Lands Act
21	Transition respecting applications, proceedings or other matters commenced under Part 8 of the Mines and Minerals Act or Public Lands Act
22	Transition respecting money owing under Part 8 of the Mines and Minerals Act or Public Lands Act
23	Transition respecting forfeiture of property seized under Part 8 of the Mines and Minerals Act or Public Lands Act

- 24 Transition respecting matters completed under the Environmental Protection and Enhancement Act or Water Act
- 25 Transition respecting applications, proceedings or other matters commenced under the Environmental Protection and Enhancement Act or Water Act
- 26 Transition respecting money owing under the Environmental Protection and Enhancement Act or Water Act
- 27 Transition respecting forfeiture of property seized under the Environmental Protection and Enhancement Act or Water Act
- 28 Expiry
- 29 Coming into force

Schedules

Definitions

1 In this Regulation,

- (a) “Act” means the *Responsible Energy Development Act*;
- (b) “its regulation and rules” means the *Responsible Energy Development Act General Regulation* (AR 90/2013) and the *Alberta Energy Regulator Rules of Practice* (AR 99/2013);
- (c) “Regulator” means the Alberta Energy Regulator established by the Act.

Limitation, modification, substitution or inapplicability

2 In respect of an energy resource activity, for the purposes of giving effect to or limiting the carrying out by the Regulator of a power, duty or function referred to in section 24 of the Act, the provisions of the specified enactments are limited, modified, substituted or made inapplicable to the extent set out in sections 5 to 27 of this Regulation.

Title and interest of the Crown

3(1) Nothing in this Regulation affects the right, title and interest of the Crown as owner of public land.

(2) Nothing in this Regulation affects the property in and the right to the diversion and use of all water in the Province that is vested in the Crown.

Specified enactment regulation-making authority

4 Nothing in this Regulation affects the regulation-making provisions or authorities in the specified enactments.

Specified enactments not applicable

5 The specified enactments, portions and provisions of specified enactments and matters set out in Schedules 1 and 2 do not apply to the Regulator, and the Regulator

- (a) has no powers, duties or functions, and
- (b) does not carry out administration

in respect of those specified enactments, portions, provisions and matters in respect of an energy resource activity.

Application of section 25 and Division 4 of Part 1 of the Act

6(1) For the purposes of section 25 of the Act, in respect of an energy resource activity

- (a) Part 8 of the *Mines and Minerals Act* continues to apply instead of Divisions 1, 2 and 3 of Part 2 and section 44(2) of the Act, in respect of an approval in respect of Part 8 of the *Mines and Minerals Act*,
- (b) section 12 of the *Exploration Regulation* (AR 284/2006) continues to apply instead of Divisions 2 and 3 of Part 2 of the Act, except in respect of an appeal of a notice of administrative penalty for an administrative penalty ordered under section 112 of the *Mines and Minerals Act*,
- (c) section 121 of the *Public Lands Act*, as modified by this Regulation, continues to apply for the purposes of section 36(a)(iii) of the Act,
- (d) Part 5 of the *Public Lands Administration Regulation* (AR 187/2011) continues to apply,
- (e) sections 209(l), 211(a) to (d) and (g) to (n) and 212(1), (2) and (4) of the *Public Lands Administration Regulation* (AR 187/2011), continue to apply for the purposes of section 36(a)(iii) of the Act,
- (f) section 91 of the *Environmental Protection and Enhancement Act*, as modified by this Regulation, continues to apply for the purposes of section 36(a)(i) of the Act, and

- (g) section 115 of the *Water Act*, as modified by this Regulation, continues to apply for the purposes of section 36(a)(ii) of the Act.

(2) For greater certainty, for the purposes of section 25 of the Act and of carrying out the purposes of Division 4 of Part 1 of the Act, in respect of an energy resource activity, the matters and circumstances in the provisions of specified enactments set out in Schedules 3 and 4 must be considered, heard, reviewed or appealed in accordance with the Act and its regulations and rules.

AR 201/2013 s6;194/2016

Description of an official

7 For the purposes of section 23 of the Act,

- (a) the Minister as referred to in
 - (i) Part 8 of the *Mines and Minerals Act*,
 - (ii) the *Exploration Regulation* (AR 284/2006), and
 - (iii) section 4(1) of the *Exploration Dispute Resolution Regulation* (AR 227/2003)

is an official in respect of the powers, duties and functions of or references to the Minister set out in those enactments, and

- (b) a “relevant Department authority” referred to in the *Exploration Regulation* (AR 284/2006) is an official in respect of the powers, duties and functions of or references to a relevant Department authority set out in that enactment.

Corporate officer or director not official

8 For the purposes of section 23 of the Act, in a specified enactment,

- (a) “director” does not include a director of a corporation, and
- (b) “officer” does not include an officer of a corporation.

Reference to document published by department

9 In a specified enactment, a reference to a document published by a department is not a reference to a document published by the Regulator.

Reference to government or Crown of another jurisdiction

10 In a specified enactment, a reference to a government of another jurisdiction or to the Crown in right of Canada is not a reference to the Regulator.

Individual as official

11 Where the context requires, “inspector”, “investigator”, “officer”, “director” or any other official named in a specified enactment refers to the individual authorized by the board under section 6(2) of the Act to carry out the powers, duties or functions of the named official.

Exception of officials’ powers, duties and functions

12 In the provisions of the specified enactments set out in Part 1 of Schedules 5 and 6, the powers, duties and functions of officials are not to be carried out by the Regulator in respect of an energy resource activity, and the references to the officials in those provisions are not references to the Regulator.

Exception of department, Crown or Government powers, duties and functions

13 In the provisions of the specified enactments set out in Part 2 of Schedules 5 and 6, the powers, duties and functions of a department, the Crown or Government are not to be carried out by the Regulator in respect of an energy resource activity, and the references to the department, Crown or Government in those provisions are not references to the Regulator.

Ministerial powers, duties and functions

14 In the provisions of the specified enactments set out in Part 3 of Schedules 5 and 6, the powers, duties and functions of the Minister are to be carried out by the Regulator instead of the Minister in respect of an energy resource activity, and the references to the Minister in those provisions are references to the Regulator.

Shared powers, duties and functions of the Minister

15 In the provisions of the specified enactments set out in Part 4 of Schedules 5 and 6, the powers, duties and functions of the Minister in respect of an energy resource activity may be carried out by either the Minister or the Regulator, and the references to the Minister in those provisions are references to either the Minister or the Regulator.

Shared powers, duties and functions of officials

16 In the provisions of the specified enactments set out in Part 5 of Schedules 5 and 6, the powers, duties and functions of officials in respect of an energy resource activity may be carried out by either the named official or the Regulator, and the references to the official in those provisions are references to either the named official or the Regulator.

Shared powers, duties and functions of the department, Crown or Government

17 In the provisions of the specified enactments set out in Part 6 of Schedules 5 and 6, the powers, duties and functions of a department, the Crown or Government in respect of an energy resource activity may be carried out either by the department, the Crown or Government or by the Regulator, and the references to the department, the Crown or Government are references either to the department, the Crown or Government or to the Regulator.

Powers, duties and functions respecting activities conducted in conjunction with energy resource activities

18 The Regulator is to carry out the powers, duties and functions of

- (a) the Director under section 52(2) and (3) of the *Water Act*, and
- (b) the Director under
 - (i) section 82(6) of the *Water Act*, and
 - (ii) section 51(2) as exercised in conjunction with section 83(3) of the *Water Act*,

in respect of an approval for an activity that is not an energy resource activity, to the extent that the exercise of the powers, duties and functions is necessary for the purposes of an energy resource activity.

Modification of provisions

19(1) In respect of an energy resource activity, the following provisions of the *Exploration Regulation* (AR 284/2006) are modified as specified:

- (a) section 6(2) is to be read as if “In the designation of an inspector the Minister may authorize the inspector to do any or all of the following in the area of Alberta for which he or she is designated” were struck out and “An inspector may do any or all of the following” were substituted;

- (b) section 6(3) is to be read as if “, in the area of Alberta for which he or she is designated,” were struck out.

(2) In respect of an energy resource activity, the following provisions of the *Public Lands Act* are modified as specified:

- (a) section 39(3) is to be read as if “at Edmonton” were struck out;
- (b) section 59.2(3) is to be read as if “appeal to an appeal body” were struck out and “request a regulatory appeal in accordance with the *Responsible Energy Development Act* and its regulations and rules” were substituted;
- (c) section 71.4(5)(c) is to be read as if “into the General Revenue Fund” were struck out and “to the Alberta Energy Regulator” were substituted;
- (d) section 121(1) is to be read as if the subsection were repealed and the following were substituted:

121(1) A notice of appeal of a prescribed decision may be submitted by a prescribed person in accordance with the *Responsible Energy Development Act* and its regulations and rules.

(3) In respect of an energy resource activity, the following provisions of the *Public Lands Administration Regulation* (AR 187/2011) are modified as specified:

- (a) section 48(2) is to be read as if “, with the approval of the director,” were struck out;
- (b) section 96(2)(b) is to be read as if “an appeal body under Part 10” were struck out and “the Alberta Energy Regulator” were substituted.

(4) In respect of an energy resource activity, the following provisions of the *Environmental Protection and Enhancement Act* are modified as specified:

- (a) section 28 is to be read as if the section were repealed and the following were substituted:

28(1) The Alberta Energy Regulator shall provide an inspector or investigator with an identification card.

(2) An inspector or investigator shall, on request on entering any place, produce an identification card and explain the nature of the powers or duties the inspector or investigator wishes to carry out.

- (b) section 35(1) is to be read
 - (i) in clause (a)(iii) as if paragraph (A) were struck out and the following were substituted:
 - (A) an applicant for an approval or a registration;
 - (ii) in clause (b) as if subclauses (ii) and (iii) were repealed;
- (b.1) sections 41 and 42 are to be read as if “designated” were struck out and “authorized under section 6(2) of the *Responsible Energy Development Act*” were substituted;
- (c) section 68(4) is to be read as if “the Alberta Energy Regulator,” were struck out wherever it occurs;
- (d) section 91(1) is to be read as if
 - (i) “to the Board” were struck out;
 - (ii) in clause (a)(i)
 - (A) “section 73” were struck out and “the *Responsible Energy Development Act* and its regulations and rules” were substituted;
 - (B) “section 72(1) or (2), or” were struck out and “the *Responsible Energy Development Act* and its regulations and rules;” were substituted;
 - (iii) clause (a)(ii) were repealed;
 - (iv) clause (d) were repealed;
 - (v) in clause (i), “section 145” were struck out and “the *Responsible Energy Development Act* and its regulations and rules” were substituted;
 - (vi) in clause (o), “section 35(6)” were struck out and “the *Responsible Energy Development Act* and its regulations and rules” were substituted;
- (d.1) section 233(1) is to be read as if
 - (i) the following were added after clause (d):
 - (e) an official of the Alberta Energy Regulator;
 - (ii) “or designated officer” were struck out wherever it occurs and “, designated officer or official of the Alberta Energy Regulator” were substituted;

- (e) section 237(4) is to be read as if “to the Environmental Appeals Board” were struck out;
- (f) section 247(2) is to be read as if “Director” were struck out and “Alberta Energy Regulator or the Alberta Energy Regulator and the Director, as the case may be,” were substituted.

(5) In respect of an energy resource activity, the *Administrative Penalty Regulation* (AR 23/2003) is modified in section 2(2)(d) to be read as if “to the Environmental Appeal Board” were struck out.

(6) In respect of an energy resource activity, the following provision of the *Approvals and Registrations Procedure Regulation* (AR 113/93) are modified as specified:

- (a) section 3(1)(d) is to be read as if “the Alberta Energy Regulator or” were struck out;
- (b) section 8 is to be read as if “section 73 of the Act” were struck out and “the *Responsible Energy Development Act* and its regulations and rules” were substituted.

(7) In respect of an energy resource activity, the following provisions of the *Conservation and Reclamation Regulation* (AR 115/93) are modified as specified:

- (a) section 10 is to be read as if “Director” were struck out and “Alberta Energy Regulator or the Alberta Energy Regulator and the Director, as the case may be,” were substituted;
- (b) section 21(b) and (c) are to be read as if “President of Treasury Board and Minister of Finance” were struck out wherever it occurs and “Alberta Energy Regulator” were substituted;
- (c) section 24 is to be read as if
 - (i) subsection (3) were repealed and the following were substituted:

(3) The Alberta Energy Regulator shall use security forfeited under subsection (1) to carry out the conservation and reclamation of the specified land in accordance with the Act and the regulations.
 - (ii) in subsection (5), “President of Treasury Board and the Minister of Finance shall on the direction of the Minister” were struck out and “Alberta Energy Regulator shall” were substituted.

(8) In respect of an energy resource activity, the *Environmental Protection and Enhancement (Miscellaneous) Regulation* (AR 118/93), is modified in section 6 to be read as if “in the Environmental Protection Security Fund” were struck out and “held by the Alberta Energy Regulator” were substituted.

(9) In respect of an energy resource activity, the *Waste Control Regulation* (AR 192/96) is modified in the following provisions as specified:

- (a) section 15 is to be read as if subsection (1) were repealed and the following were substituted:

15(1) No person shall knowingly import any hazardous waste into Alberta for the purposes of storage for a period exceeding 30 days without first obtaining written authorization

- (a) from the Alberta Energy Regulator for importation of oilfield waste to an oilfield waste management facility, or
- (b) from the Minister for all other importation of hazardous waste.

- (a.1) section 21 is to be read as if it were repealed and the following were substituted:

21 No person shall import hazardous recyclables into Alberta without first obtaining written authorization

- (a) from the Alberta Energy Regulator for importation to an oilfield waste management facility, or
- (b) from the Minister for all other importation of hazardous recyclables.

- (b) section 25(3) is to be read as if “or Class I or Class II compost facility” were struck out;

- (c) section 30(b) and (c) are to be read as if “President of Treasury Board and Minister of Finance” were struck out and “Alberta Energy Regulator” were substituted;

- (d) section 33 is modified to be read as if

- (i) subsection (3) were repealed and the following were substituted:

(3) The Alberta Energy Regulator shall use security forfeited under subsection (1) to carry out the conservation and reclamation of the specified land in accordance with the Act and the regulations.

- (ii) in subsection (5), “President of Treasury Board and Minister of Finance shall on the direction of the Minister” were struck out and “Alberta Energy Regulator shall” were substituted.

(10) In respect of an energy resource activity, the following provisions of the *Water Act* are modified as specified:

- (a) section 17 is to be read as if “designated Director under the *Environmental Protection and Enhancement Act*” were struck out and “Director referred to in section 42 of the *Environmental Protection and Enhancement Act*, as modified by this Regulation,” were substituted;

- (a.1) section 31(2) is to be read as if it were repealed and the following were substituted:

(2) In the case of a dispute as to the capacity of a licensee’s works, an inspector may inspect and report on the works.

- (b) the following provisions are to be read as if “Parts 8 and 9” were struck out and “section 115 and the *Responsible Energy Development Act* and its regulations and rules” were substituted:

sections 41(3), 42(5), 54(5) and 70(4);

- (c) section 98 is to be read as if “Director” were struck out and “Alberta Energy Regulator or the Alberta Energy Regulator and the Director, as the case may be,” were substituted;

- (d) section 115(1) is to be read as if

- (i) “to the Environmental Appeals Board” were struck out and “in accordance with the *Responsible Energy Development Act* and its regulations and rules” were substituted;

- (ii) in clause (a)(i),

- (A) “section 109” were struck out and “the *Responsible Energy Development Act* and its regulations and rules” were substituted;

- (B) “section 108” were struck out and “the *Responsible Energy Development Act* and its regulations and rules” were substituted;

- (iii) in clause (b)(i),

- (A) “section 109” were struck out and “the *Responsible Energy Development Act* and its regulations and rules” were substituted;
 - (B) “section 108” were struck out and “the *Responsible Energy Development Act* and its regulations and rules” were substituted;
- (iv) in clause (c)(i),
- (A) “section 109” were struck out and “the *Responsible Energy Development Act* and its regulations and rules” were substituted;
 - (B) “section 108” were struck out and “the *Responsible Energy Development Act* and its regulations and rules” were substituted;
- (v) in clause (i), “section 109” were struck out and “the *Responsible Energy Development Act* and its regulations and rules” were substituted;
- (vi) in clause (r) “section 109” were struck out and “the *Responsible Energy Development Act* and its regulations and rules” were substituted;
- (e) repealed AR 18/2015 s2;
- (e.1) section 147(1) is to be read as if
- (i) in clause (b), “agency, or” were struck out and “agency,” were substituted,
 - (ii) in clause (c), “authority,” were struck out and “authority, or” were substituted,
 - (iii) the following were added after clause (c):
 - (d) an official of the Alberta Energy Regulator,
 - and
 - (iv) “designated officer or director” were struck out wherever it occurs and “designated officer, director or official of the Alberta Energy Regulator” were substituted.
- (f) section 152(3) is to be read as if “to the Environmental Appeals Board” were struck out and “under section 38 of the *Responsible Energy Development Act*” were substituted;

- (g) section 165 is to read as if it were repealed and the following were substituted:

165 All money deposited with the Alberta Energy Regulator as security in respect of security required to be provided under section 44 or 57 must be held by the Alberta Energy Regulator.

- (11)** In respect of an energy resource activity, the *Water (Offences and Penalties) Regulation* (AR 193/98) is modified in section 4(2)(d) to be read as if “to the Environmental Appeal Board under section 115(1)(q) of the Act” were struck out and “under section 38 of the *Responsible Energy Development Act*” were substituted.

AR 201/2013 s19;148/2014;18/2015

Reference to specified enactment provision

19.1 Where a provision modified by section 19 is referred to in a Schedule to this Regulation, the provision referred to in the Schedule is to be read as modified by section 19.

AR 18/2015 s3

Transition respecting matters completed under Part 8 of the Mines and Minerals Act or Public Lands Act

20(1) This section applies in respect of an energy resource activity to a matter under Part 8 of the *Mines and Minerals Act* and its regulations or the *Public Lands Act* and its regulations that was completed before the coming into force of section 1(1)(s)(ii) and (iv) of the Act and section 1(1)(s)(v) of the Act in respect of those specified enactments.

(2) An approval, order, direction or other decision, determination or instrument made or issued, except in respect of a matter or activity referred to in section 5, is deemed to be an approval, order, direction, decision, determination or instrument of the Regulator and continues to have effect according to its terms until it expires or is amended or cancelled by the Regulator.

(3) A notice, including, but not limited to a public notice, notice of application, a notice of proposed decision, notice of proposed action, notice of decision, notice of administrative penalty or notice of appeal, that was submitted, made, provided, served or registered, as the case may be, is deemed to be a notice for the purposes of the Act and its regulations and rules.

(4) Where a public notice or notice of application was not required or the requirement was waived under the specified enactment, no public notice or notice of application, as the case may be, is required.

- (5) Information submitted to an official or department in relation to an application or approval or enforcement action is deemed to be information submitted to the Regulator.
- (6) A written request for written reasons submitted in accordance with section 10(5) of the *Public Lands Administration Regulation* (AR 187/2011) continues as a request to the decision maker who made the decision and shall be completed in accordance with the *Public Lands Administration Regulation* (AR 187/2011).
- (7) If the time period for submission of a notice of appeal has commenced, the remaining time continues as the time period for submission of a request for regulatory appeal under the Act and its regulations and rules.
- (8) If the time period under section 28(1) of the *Public Lands Act* for making an application for reinstatement of a disposition has commenced, the remaining time continues as the time period for making an application to the Regulator for reinstatement of the disposition.

Transition respecting applications, proceedings or other matters commenced under Part 8 of the Mines and Minerals Act or Public Lands Act

- 21(1)** This section applies to an application, proceeding or other matter in respect of an energy resource activity that was commenced under Part 8 the *Mines and Minerals Act* and its regulations or the *Public Lands Act* and its regulations before the coming into force of section 1(1)(s)(ii) and(iv) of the Act and section 1(1)(s)(v) of the Act in respect of those specified enactments, but that was not completed before those provisions of the Act come into force.
- (2) An application, proceeding or other matter, except an appeal, review or reconsideration, that was submitted or commenced, as the case may be, is deemed to be an application, proceeding or matter under the Act and shall be continued by the Regulator and completed in accordance with the Act and its regulations and rules.
- (3) Where a required public notice or notice of application was not given, the Regulator shall give notice in accordance with the Act and its regulations and rules.
- (4) Where a decision was made, but no notice of decision was made, provided, served or registered, as the case may be, the Regulator shall give a notice of decision in accordance with the Act and its regulations and rules.
- (5) An appeal or reconsideration under the *Public Lands Act* shall be continued by the Public Lands Appeal Board and shall be

completed in accordance with the *Public Lands Act* and its regulations.

(6) A review of a decision commenced under section 12(1) of the *Exploration Regulation* (AR 284/2006) shall be continued by the Regulator and shall be completed in accordance with Part 8 of the *Mines and Minerals Act* and the *Exploration Regulation* (AR 284/2006).

(7) An inspection, audit, investigation or other action or decision respecting a compliance or enforcement matter shall be continued by the Regulator.

(8) If publication of particulars of an enforcement action taken under the specified enactment has not occurred, the Regulator shall publish the particulars in accordance with section 76 of the Act.

(9) For the purposes of section 5 of the *Responsible Energy Development Act General Regulation* (AR 90/2013) and section 45(2)(a) of the Act, for any decision made under the specified enactment within one month before the coming into force of the sections of the Act referred to in subsection (1), the date on which the decision was made is deemed to be the date on which those sections of the Act come into force.

(10) A reinstatement hearing in respect of a disposition shall be continued by the panel convened for that hearing and completed in accordance with the *Public Lands Administration Regulation* (AR 187/2011).

(11) Despite section 20(2), a decision of an official, a department or the Crown, as the case may be, under Part 8 of the *Mines and Minerals Act* or the *Public Lands Act* in respect of an energy resource activity continues as a decision of the official, department or Crown for the purposes of a judicial review, appeal or other matter commenced in the Court of Queen's Bench, Court of Appeal or Supreme Court of Canada, as the case may be.

(12) If a matter has been referred back for reconsideration or further consideration and redetermination, the Regulator shall continue or conduct the reconsideration or further consideration and redetermination in accordance with the Act and its regulations and rules.

**Transition respecting money owing under Part 8 of the
Mines and Minerals Act or Public Lands Act**

22(1) Any money owing at the time of the coming into force of section 1(1)(s)(ii) and (iv) of the Act and section 1(1)(s)(v) of the Act in respect of those specified enactments for a fee or administrative penalty in respect of an energy resource activity

under Part 8 of the *Mines and Minerals Act* and its regulations or the *Public Lands Act* and its regulations remains payable to the party to whom it was payable.

(2) Any money owing at the time of the coming into force of section 1(1)(s)(ii) and (iv) of the Act and section 1(1)(s)(v) of the Act in respect of those specified enactments in respect of an energy resource activity for the cost of work done under Part 8 of the *Mines and Minerals Act* and its regulations or the *Public Lands Act* and its regulations remains payable in accordance with the specified enactment.

Transition respecting forfeiture of property seized under Part 8 of the Mines and Minerals Act or Public Lands Act

23 The court may order the forfeiture to either the Government or the Regulator of any thing seized under Part 8 of the *Mines and Minerals Act* and its regulations or the *Public Lands Act* and its regulations before the coming into force of section 1(1)(s)(ii) and (iv) of the Act and section 1(1)(s)(v) of the Act in respect of those specified enactments relating to the conviction of an offence under a specified enactment after the coming into force of section 1(1)(s)(ii) and (iv) of the Act and section 1(1)(s)(v) of the Act in respect of those specified enactments in respect of an energy resource activity.

Transition respecting matters completed under the Environmental Protection and Enhancement Act or Water Act

24(1) This section applies in respect of an energy resource activity to a matter under the *Environmental Protection and Enhancement Act* and its regulations or the *Water Act* and its regulations that was completed before the coming into force of section 1(1)(s)(i) and (iii) of the Act and section 1(1)(s)(v) of the Act in respect of those specified enactments.

(2) An approval, order, direction or other decision, determination or instrument made or issued, except in respect of a matter or activity referred to in section 5, is deemed to be an approval, order, direction, decision, determination or instrument of the Regulator and continues to have effect according to its terms until it expires or is amended or cancelled by the Regulator.

(3) A statement of concern or a notice, including but not limited to, a public notice, a notice of application, notice of proposed decision, notice of proposed action, notice of decision, notice of administrative penalty or notice of appeal, that was submitted, made, provided, served or registered, as the case may be, is deemed to be a statement of concern or a notice for the purposes of the Act and its regulations and rules.

- (4) Where a public notice or notice of application was not required or the requirement was waived under the specified enactment, no public notice or notice of application, as the case may be, is required.
- (5) A notice or notification of an activity submitted in accordance with the *Environmental Protection and Enhancement Act* or the *Water Act* is deemed to be a notice or notification, as the case may be, to the Regulator.
- (6) Information submitted to an official or department in relation to an application, approval or enforcement action is deemed to be information submitted to the Regulator.
- (7) If the time period for submission of a notice of appeal has commenced, the remaining time continues as the time period for submission of a request for regulatory appeal under the Act and its regulations and rules.

Transition respecting applications, proceedings or other matters commenced under the Environmental Protection and Enhancement Act or Water Act

- 25(1)** This section applies to an application, proceeding or other matter in respect of an energy resource activity that was commenced under the *Environmental Protection and Enhancement Act* and its regulations or the *Water Act* and its regulations before the coming into force of section 1(1)(s)(i) and (iii) of the Act and section 1(1)(s)(v) of the Act in respect of those specified enactments, but that was not completed before those provisions of the Act come into force.
- (2) An application, proceeding or other matter, except an appeal, reconsideration or public review, that was submitted or commenced, as the case may be, is deemed to be an application, proceeding or matter under the Act and shall be continued by the Regulator and completed in accordance with the Act and its regulations and rules.
- (3) Where a required public notice or notice of application was not given, the Regulator shall give notice in accordance with the Act and its regulations and rules.
- (4) Where a decision was made, but no notice of decision was made, provided, served or registered, as the case may be, a notice of decision shall be given in accordance with the Act and its regulations and rules.
- (5) If the time period for submission of a notice of appeal has commenced, the remaining time continues as the time period for

submission of a request for regulatory appeal under the Act and its regulations and rules.

(6) An appeal or reconsideration shall be continued by the Environmental Appeals Board and shall be completed in accordance with the specified enactment under which the appeal or reconsideration was commenced.

(7) A public review continues in accordance with the specified enactment under which it was commenced.

(8) An inspection, audit, investigation or other action respecting a compliance or enforcement matter shall be continued by the Regulator.

(9) If publication of particulars of an enforcement action taken under the specified enactment has not occurred, the Regulator shall publish the particulars in accordance with section 76 of the Act.

(10) For the purposes of section 5 of the *Responsible Energy Development Act General Regulation* (AR 90/2013) and section 45(2)(a) of the Act, for any decision made under the specified enactment within one month prior to the coming into force of the sections of the Act referred to in subsection (1), the date on which the decision was made is deemed to be the date on which those sections of the Act come into force.

(11) Despite section 24(2), a decision of an official, a department or the Crown, as the case may be, under the *Environmental Protection and Enhancement Act* or the *Water Act* in respect of an energy resource activity continues as a decision of the official, department or Crown for the purposes of a judicial review, appeal or other matter commenced in the Court of Queen's Bench, Court of Appeal or Supreme Court of Canada, as the case may be.

(12) If a matter has been referred back for reconsideration or further consideration and redetermination, the Regulator shall continue or conduct the reconsideration or further consideration and redetermination in accordance with the Act and its regulations and rules.

Transition respecting money owing under the Environmental Protection and Enhancement Act or Water Act

26(1) Any money owing at the time of the coming into force of section 1(1)(s)(i) and (iii) of the Act and section 1(1)(s)(v) of the Act in respect of those specified enactments for a fee or an administrative penalty in respect of an energy resource activity under the *Environmental Protection and Enhancement Act* and its regulations or the *Water Act* and its regulations remains payable to the party to whom it was payable.

(2) Any money owing at the time of the coming into force of section 1(1)(s)(i) and (iii) of the Act and section 1(1)(s)(v) of the Act in respect of those specified enactments in respect of an energy resource activity for the cost of work done under the *Environmental Protection and Enhancement Act* and its regulations or the *Water Act* and its regulations remains payable in accordance with the specified enactment.

Transition respecting forfeiture of property seized under the Environmental Protection and Enhancement Act or Water Act

27 The court may order the forfeiture to either the Government or the Regulator of any thing seized under the *Environmental Protection and Enhancement Act* and its regulations or the *Water Act* and its regulations before the coming into force of section 1(1)(s)(i) and (iii) of the Act and section 1(1)(s)(v) of the Act in respect of those specified enactments relating to the conviction of an offence under a specified enactment after the coming into force of section 1(1)(s)(ii) and (iv) of the Act and section 1(1)(s)(v) of the Act in respect of those specified enactments in respect of an energy resource activity.

Expiry

28 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on November 29, 2023.

Coming into force

29(1) This Regulation, except sections 6(1)(f) and (g), 18, 19(4) to (11) and 24 to 27 and Schedules 2, 4 and 6 comes into force on the coming into force of section 1(1)(s)(ii) and (iv) of the Act and section 1(1)(s)(v) of the Act in respect of those enactments.

(2) Sections 6(1)(f) and (g), 18, 19(4) to (11) and 24 to 27 and Schedules 2, 4 and 6 come into force on the coming into force of section 1(1)(s)(i) and (iii) of the Act and section 1(1)(s)(v) of the Act in respect of those enactments.

Schedule 1
Mines and Minerals Enactments
and Public Lands Enactments
Specified Enactments not Applicable
(Section 5)

1 *Metallic and Industrial Minerals Exploration Regulation*
(AR 213/98)

(a) entire enactment.

2 *Public Lands Act*

(a) sections 5(1) to (4), 11.2, 17 to 19, 30, 31, 33, 34, 46, 51, 60, 61, 62.1, 68, 71.2, 71.3, 79 and 80;

(b) Parts 3 and 4;

(c) section 114.1;

(d) Part 6.

3 *Exploration Dispute Resolution Regulation (AR 227/2003)*

(a) all provisions except section 4(1).

4 *Forest Land Use and Management Regulations (AR 197/76)*

(a) entire enactment.

5 *Land Stewardship Fund Regulation (AR 31/2011)*

(a) entire enactment.

6 *Public Lands Administration Regulation (AR 187/2011)*

(a) sections 15, 18(4) in respect of clause (d), 20(3) in respect of clause (e);

(b) Division 1 of Part 2;

(c) section 37(1) in respect of clause (a);

(d) sections 49 to 66 and 68 to 76;

(e) Divisions 2, 3, 6 and 8 of Part 3;

(f) section 149 in respect of clauses (c), (d), (e), (f) and (h);

(g) sections 155 to 159 and 161(1) in respect of clauses (c), (d), (e), (f) and (h);

(h) sections 164(a)(iii) and (x) and 169.

7 *Recreational Access Regulation (AR 228/2003)*

(a) entire enactment.

8 Provisions in the *Public Lands Act* and its regulations respecting:

- (a) in respect of an energy resource activity, the construction, operation and reclamation of an airstrip or heliport on public land;
- (b) in respect of an energy resource activity, the construction, operation and reclamation of a pipeline that is regulated under the *National Energy Board Act* (Canada);
- (c) in respect of an energy resource activity, the excavation and extraction of materials from a borrow pit on public land, where the borrow pit or materials, as the case may be, meet any of the following conditions:
 - (i) a material other than clay, silt or sand is being excavated from the borrow pit;
 - (ii) material extracted from the borrow pit is to be sold or used for a purpose other than an energy resource activity;
 - (iii) the area of disturbance of the borrow pit is 0.8 hectares or more;
 - (iv) the borrow pit is less than 800 metres away from another borrow pit;
 - (v) the borrow pit will remain in use for one year or more.

AR 201/2013 Sched. 1;18/2015

Schedule 2**Environmental Protection and Enhancement
Enactments and Water Enactments****Specified Enactments not Applicable
(Section 5)****1** *Environmental Protection and Enhancement Act*

- (a) sections 3.1, 17, 25, 27 and 30 to 34;
- (b) Part 7;
- (c) in respect of pesticides, Division 1 of Part 8;
- (d) Division 2 of Part 8;
- (e) sections 169 to 175;
- (f) section 247(1);

- (g) the following items in the Schedule of Activities:
 - (i) item 2(c) to (j), (l) to (o), (r), (s), (v), (x) to (bb), (dd) and (ff) to (hh);
 - (ii) item 5(a) in respect of a transmission line or telecommunication line, (b) in respect of a quarry, (f), (h), (j), (m) to (o) and (q) to (w);
 - (iii) items 7, 8 and 10.

2 *Activities Designation Regulation (AR 276/2003)*

- (a) items (b), (c), (k) and (l) listed in Division 1 of Schedule 1;
- (b) item (b)(i) and (ii) listed in Part 2 of Division 2 of Schedule 1;
- (b.1) item (b)(iii) listed in Part 2 of Division 2 of Schedule 1, in respect of secondary sulphur handling facilities;
- (b.2) item (b)(v), (vi), (vii), (viii), (ix), (x) and (xi) listed in Part 2 of Division 2 of Schedule 1;
- (c) all items listed in Parts 3, 4, 5 and 6 of Division 2 of Schedule 1;
- (d) the following items listed in Part 7 of Division 2 of Schedule 1:
 - (i) (g)(i);
 - (ii) (g)(ii) in respect of a privately owned development;
- (e) item (h)(i) listed in Part 8, Division 2 of Schedule 1;
- (f) item (i) listed in Part 9, Division 2 of Schedule 1, in respect of a stand-alone power plant;
- (g) items (j) and (l) listed in Part 10 of Division 2 of Schedule 1;
- (h) all items listed in Parts 11 to 13 of Division 2 of Schedule 1;
- (i) items (d), (e) and (f) listed in Division 3 of Schedule 1;
- (j) item (a) listed in Division 4 of Schedule 1;
- (k) item (a) listed in Division 5 of Schedule 1;

- (l) the following items listed in Division 1 of Schedule 2:
 - (i) (c) in respect of municipal landfills;
 - (ii) (d) in respect of the production of alternate fuel;
 - (iii) (e);
 - (m) the following items listed in Division 2 of Schedule 2:
 - (i) (a)(i), (iii), (iii.1), (iv), (iv.1) and (v) and (b);
 - (ii) (d)(i) and (ii) and (e)(i) and (ii) in respect of a privately owned development;
 - (iii) (f);
 - (n) item (a) listed in Division 4 of Schedule 2;
 - (o) all items listed in Division 5 of Schedule 2;
 - (p) item (a) listed in Schedule 3.
- 3** *Approvals and Registrations Procedure Regulation*
(AR 113/93)
- (a) sections 4 and 7.
- 4** *Beverage Container Recycling Regulation* (AR 101/97)
- (a) entire enactment.
- 5** *Conservation and Reclamation Regulation* (AR 115/93)
- (a) sections 4, 5 and 24(2)(b).
- 6** *Designated Material Recycling and Management Regulation*
(AR 93/2004)
- (a) entire enactment.
- 7** *Electronics Designation Regulation* (AR 94/2004)
- (a) entire enactment.
- 8** *Emissions Trading Regulation* (AR 33/2006)
- (a) entire enactment.
- 9** *Environmental Appeal Board Regulation* (AR 114/93)
- (a) entire enactment.

10 Repealed AR 148/2014 s3.

11 *Environmental Assessment (Mandatory and Exempted Activities) Regulation* (AR 111/93)

- (a) items (a) and (b) listed in Schedule 1;
- (b) item (c) listed in Schedule 1 in respect of a dam that is not used for or in connection with the disposal of tailings or other materials resulting from the operations of an energy resource activity;
- (c) item (d) listed in Schedule 1 in respect of a water diversion structure or canal that is not used for the disposal of tailings or other materials resulting from the operations of an energy resource activity;
- (d) item (e) listed in Schedule 1 in respect of a water reservoir that is not used for the disposal of tailings or other materials resulting from the operations of an energy resource activity;
- (e) item (f) listed in Schedule 1;
- (f) item (j) listed in Schedule 1 in respect of an upgrading or processing plant that is not located within the site of an energy resource activity;
- (g) items (k), (l), (n), (o), (p), (r), (s), (t), (u), (v), (w), (x), (y), (z) and (aa) listed in Schedule 1;
- (h) items (a)(ii) to (iv) and (vii), (b), (c), (f) and (g) listed in Schedule 2.

12 *Environmental Protection and Enhancement (Miscellaneous) Regulation* (AR 118/93)

- (a) sections 5(1), (3) and (4) and 5.1.

13 *Forest Resources Improvement Regulation* (AR 152/97)

- (a) entire enactment.

14 *Lubricating Oil Material Environmental Handling Charge Bylaw* (AR 228/2002)

- (a) entire enactment.

15 *Lubricating Oil Material Recycling and Management Regulation* (AR 82/97)

- (a) entire enactment.

16 *Lubricating Oil Material Recycling and Management Bylaw*
(AR 227/2002)

(a) entire enactment.

17 *Mercury Emissions from Coal-fired Power Plants Regulation*
(AR 34/2006)

(a) entire enactment.

17.1 *Oil Sands Environmental Monitoring Program Regulation*
(AR 226/2013)

(a) entire enactment, except section 9.

18 *Paint and Paint Container Designation Regulation*
(AR 200/2007)

(a) entire enactment.

19 *Pesticide (Ministerial) Regulation* (AR 43/97)

(a) entire enactment.

20 *Pesticide Sales, Handling, Use and Application Regulation*
(AR 24/97)

(a) entire enactment.

21 *Potable Water Regulation* (AR 277/2003)

(a) entire enactment.

22 *Substance Release Regulation* (AR 124/93)

(a) section 9;

(b) Part 3.

23 *Tire Designation Regulation* (AR 95/2004)

(a) entire enactment.

24 *Waste Control Regulation* (AR 192/96)

(a) section 33(2)(b);

(b) section 36(2).

25 *Wastewater and Storm Drainage Regulation* (AR 119/93)

- (a) in respect of matters, systems and facilities respecting storm drainage, sections 1(i), 4, 5, 5.1, 6, 6.1 and 7.

26 *Wastewater and Storm Drainage (Ministerial) Regulation*
(AR 120/93)

- (a) sections 1(1)(b) and (b.1) and 3;
- (b) in respect of matters, systems and facilities respecting storm drainage, sections 4 and 5.

27 *Water Act*

- (a) section 4.1;
- (b) Division 1 of Part 3;
- (c) Divisions 4 and 5 of Part 4;
- (d) Part 6;
- (e) sections 93, 94, 110(7), 115(1)(j), (k), (l), (n) and (o), 152.1, 157(d) and (e) and 168(1)(d);
- (f) in respect of a household user, sections 21(3), 23 and 97(1)(i);
- (g) in respect of a registration or registrant, sections 28, 80(1), (3), (4) and (5), 97(1)(b) and (c) and (2), 99(1)(a)(iii)(B) and (4), 115(1)(g), 115(2), 119(1), 136, 160(1), 167 and 168(1);
- (h) in respect of a traditional agriculture user, sections 99(4), 136 and 167(1).

AR 201/2013 Sched. 2;148/2014;18/2015

Schedule 3

**Mines and Minerals Enactments
and Public Lands Enactments**

Application of Section 25 of the Act
(Section 6)

1 *Mines and Minerals Act* (Part 8)

- (a) section 112.1.

1.1 Exploration Regulation (AR 284/2006)

- (a) section 12, in respect of an appeal of a notice of administrative penalty for an administrative penalty ordered under section 112 of the *Mines and Minerals Act*;
- (b) section 24(1).

2 *Public Lands Act*

- (a) sections 16(4), 25(2) and 26.1(1);
- (b) section 27(2);
- (c) sections 59.1(2) and (5), 59.9 and 70.3;
- (d) Part 7 except section 121(1).

3 *Public Lands Administration Regulation (AR 187/2011)*

- (a) sections 9(7), 11(6) and 13(6);
- (b) section 172;
- (c) Part 10 except sections 209(1), 211(a) to (d) and (g) to (n) and 212(1), (2) and (4).

AR 201/2013 Sched. 3;194/2016

Schedule 4

**Environmental Protection and Enhancement
Enactments and Water Enactments**

**Application of Section 25 of the Act
(Section 6)**

1 *Environmental Protection and Enhancement Act*

- (a) sections 35(6), 72, 73 and 74;
- (b) Part 4 except section 91(1), (2) and (3);
- (c) sections 126, 127, 130, 139(2), 145, 210(3), 212(4) and (5), 237.1, 241(2) and 243(4) and (5).

2 *Approvals and Registrations Procedure Regulation
(AR 113/93)*

- (a) section 10.

3 *Conservation and Reclamation Regulation (AR 115/93)*

- (a) section 24(2)(a).

4 *Environmental Protection and Enhancement (Miscellaneous) Regulation (AR 118/93)*

- (a) sections 1(1) and 2;
- (b) section 3.

5 *Remediation Certificate Regulation (AR 154/2009)*

- (a) section 6.

6 *Waste Control Regulation (AR 192/96)*

- (a) section 33(2)(a).

7 *Water Act*

- (a) sections 1(1)(bbb), 34(3) and (4), 37(1)(d), 42(3), 50(1)(d), 54(3)(d), 62(1)(d), 70(3), 99(3) and 101(2);
- (b) sections 108, 109, 110(1), (2), (3), (5) and (6), 111, 112, 114, 115(1)(a)(ii), (b)(ii) and (c)(ii) and 116;
- (c) sections 135(2) and 137(2).

8 *Water (Ministerial) Regulation (AR 205/98)*

- (a) section 13;
- (b) section 14(a).

AR 201/2013 Sched. 4;18/2015

Schedule 5**Mines and Minerals Enactments and
Public Lands Act Enactments****Part 1****Exception of Officials' Powers, Duties and Functions
(Section 12)****1** *Mines and Minerals Act (Part 8)*

- (a) section 108.1.

2 *Exploration Regulation (AR 284/2006)*

- (a) sections 1(1)(hh) and 8(1);
- (b) section 19(4)(a) and (b) in respect of "Minister's";

- (c) section 58(1) in respect of “the administration of the Minister”;
- (d) section 59(3);
- (e) section 63(1) in respect of “Director of Surveys”;
- (f) section 67(3).

3 *Public Lands Act*

- (a) sections 1(o) and 24(1);
- (b) section 52(2) and (3) in respect of “director”;
- (c) sections 56(1)(k), 64, 69.4, 70.1(1) and 71.1(4).

Part 2
Exception of Department, Crown or Government,
Powers, Duties and Functions
(Section 13)

1 *Mines and Minerals Act* (Part 8)

- (a) sections 106(i) and 108.1(2)(b);
- (b) section 111(1) in respect of “Crown”.

2 *Exploration Regulation* (AR 284/2006)

- (a) section 1(1)(z), (dd), (gg) and (hh);
- (b) sections 8(1), 13(3), 33(1), 38(1) and 60(2).

3 *Public Lands Act*

- (a) sections 1(e)(i) and (ii) and (p), 2(2), 2.1, 3(1) and (2), 4, 7(c) to (h), 9.1(1)(a)(i), 10(1) and (2), 12, 21(1)(a), 36, 52(3), 59.01(1)(g) and (3), 59.02 and 59.1(3)(a)(vi) and (9);
- (b) section 67(1) in respect of “Crown” and “Crown’s”;
- (c) sections 69.4, 70.1(1) and 70.2.

4 *Public Lands Administration Regulation* (AR 187/2011)

- (a) sections 37(1), 38(2) and 122;

- (b) section 123(1) in respect of “favour of the Crown”, (5) in respect of “compensation to the Crown” and (6) in respect of “agree with the Crown”.

Part 3
Ministerial Powers, Duties and Functions
(Section 14)

1 *Public Lands Act*

- (a) section 6;
- (b) section 29(1) in respect of “hands of the Minister” and “Minister may apply”;
- (c) sections 36(1), 44, 56(1)(c) and 114(2).

2 *Public Lands Administration Regulation (AR 187/2011)*

- (a) section 1(1)(e);
- (b) section 4(2) in respect of “Minister may elect” and (3);
- (c) section 4(5) in respect of “Minister may cancel” and “Minister is a party”;
- (d) sections 8, 13(1) to (4), 14(1) and (2), 16, 22(1), 28(2) and (3), 67(1), 152(1), 165(2) and 166(2) and (3).

Part 4
Shared Powers, Duties and Functions of the Minister
(Section 15)

1 *Public Lands Act*

- (a) sections 1(1.1), 9.1(1)(a)(ii) and (iii) and 11.1;
- (b) section 29(1) in respect of “Minister’s”;
- (c) sections 59.01(1)(h), 59.22, 59.3(c) and 69.1.

2 *Public Lands Administration Regulation (AR 187/2011)*

- (a) sections 24 and 131(1);
- (b) section 166(1)(a)(i).

Part 5
Shared Powers, Duties and Functions of Officials
(Section 16)

1 *Mines and Minerals Act* (Part 8)

- (a) section 111.

2 *Public Lands Act*

- (a) sections 7(b), 23 and 45(1);
- (b) section 52(1) and (2) in respect of “officer”;
- (c) sections 54.01(1), (2) and (3), 59.2(1), (2), (4) and (5), 59.21, 59.22, 69, 69.5 and 69.6.

3 *Public Lands Administration Regulation* (AR 187/2011)

- (a) sections 25 and 45(2) and (3);
- (b) section 48(1) to (3).

Part 6
Shared Powers, Duties and Functions of the
Department, Crown or Government
(Section 17)

1 *Mines and Minerals Act* (Part 8)

- (a) sections 109(1) and 110(2.1);
- (b) section 111(1) in respect of “Department”.

2 *Exploration Regulation* (AR 284/2006)

- (a) section 1(1)(ee) and (ff);
- (b) sections 19(1)(d) and (4), 60(3) and 65.

3 *Public Lands Act*

- (a) section 1(e) in respect of “conveyed by the Crown”;
- (b) sections 1(i), (l.1) and (r), 9.1(1)(a)(ii), 15.1, 26(1), 29(1) and (3), 39(2), 40, 47, 54.02, 54.03(1), 56(1), 59.01(1)(h), 59.2(4), 59.21(2), 59.22 and 62(4), (5) and (6);
- (c) section 67(1) in respect of “Department”;

- (d) sections 70, 71.4(3) and (5), 78(2) and 81(2) and (3) and 115(3).

4 *Public Lands Administration Regulation* (AR 187/2011)

- (a) sections 1(1)(o), 8, 9(3), 11(3), 13(3), 25, 43, 44, 48(3), 67(1) and 93;
- (b) section 123(1) in respect of “Crown makes”;
- (c) sections 124(2), 125(2), 148(1), 152(1), 153, 161(2) and 164(b)(ii);
- (d) section 166(1)(a) in respect of “control of the Department” and “established by the Department”.

AR 201/2013 Sched. 5;18/2015

Schedule 6

Environmental Protection and Enhancement
Enactments and Water Enactments

Part 1

Exception of Officials’ Powers, Duties and Functions
(Section 12)

1 *Environmental Protection and Enhancement Act*

- (a) sections 7(1) and (2) and 10(2) and (4);
- (b) repealed AR 148/2014 s4;
- (b.1) section 56 in respect of “Director shall establish”;
- (c) sections 80 to 83, 188(1) and 188.1;
- (d) section 233(1) in respect of “official of the Government” and “officer”;
- (e) section 247(2) in respect of “Director”.

2 *Conservation and Reclamation Regulation* (AR 115/93)

- (a) section 3(1) in respect of “Director” in the context of “may establish standards, criteria and guidelines for conservation and reclamation of specified land”;
- (b) section 3(2);
- (c) section 10 in respect of “Director”;
- (d) section 16.1.

3 *Environmental Protection and Enhancement (Miscellaneous) Regulation* (AR 118/93)

(a) section 8.1(3).

3.1 *Environmental Assessment Regulation* (AR 112/93)

(a) section 2(1) in respect of “the Director shall keep”.

4 *Ozone-depleting Substances and Halocarbons Regulation* (AR 181/2000)

(a) section 6(7).

5 *Remediation Certificate Regulation* (AR 154/2009)

(a) section 1(i);

(b) section 2(2).

6 *Substance Release Regulation* (AR 124/93)

(a) section 3(2);

(b) section 4(3)(b)(iii).

7 *Waste Control Regulation* (AR 192/96)

(a) sections 3 and 24(4);

(b) section 26(c)(iii).

8 *Water Act*

(a) sections 1(1)(ii)(iii) and (hhh), 9, 12(3), 13 and 15;

(b) Division 3 of Part 3;

(c) section 43(3) in respect of “return to the Director”;

(d) section 53(1), (2) and (3);

(e) section 53(5) in respect of “the Director provides” and (7);

(f) section 97(1)(a);

(g) section 98 in respect of “Director”;

(h) sections 107(2), 110(4) and 117;

(h.1) section 147(1) in respect of

(i) “officer”;

(ii) “official” in the context of “the Government”;

(i) sections 163, 164, 168(2), 172(3) and (6) and 173(2).

9 *Water (Ministerial) Regulation* (AR 205/98)

(a) sections 1(3)(a)(ii), 14(b) and (c), 37(1), 38, 39, 70 and 71;

(b) item 2(1)(ii) in Schedule 1;

(c) item 1(c)(ii) in Schedule 3.

Part 2

**Exception of Powers, Duties and Functions of
Department, Crown or Government**

(Section 13)

1 *Environmental Protection and Enhancement Act*

(a) sections 2(e), 3, 7(1) and (2), 10(1) and (2), 12, 14(4), 19, 20, 35(1)(a)(i) and 39(d);

(b) sections 40, 84(2), 88.2(2), 135(2), 144(3), 189(2), 207(1), 233(1) and 234(3) all in respect of “Government”.

2 *Conservation and Reclamation Regulation* (AR 115/93)

(a) section 21(c).

2.1 *Oil Sands Environmental Monitoring Program Regulation*
(AR 226/2013)

(a) section 9 in respect of “department”.

3 *Waste Control Regulation* (AR 192/96)

(a) section 27(2);

(b) section 30(c).

4 *Water Act*

(a) sections 1(1)(ss), 3(2), 4, 9(2), 51(2), 83(3) and (4) and 96(2);

(b) sections 115(1)(e), 147(1), 148(3), 150 and 163(1) and (2).

5 *Water (Ministerial) Regulation* (AR 205/98)

- (a) sections 12(4) and 70(5);
- (b) item 2 in Schedule 4 in respect of “Forestry Office of the Department”.

Part 3
Ministerial Powers, Duties and Functions
(Section 14)

1 *Environmental Protection and Enhancement Act*

- (a) sections 35(3), 131, 213(1) and 214(2), (3) and (5);
- (b) sections 237(4), 244(1) and 245(2), (3) and (5).

2 *Conservation and Reclamation Regulation (AR 115/93)*

- (a) sections 22 and 23;
- (b) section 24(1);
- (c) section 24(2) in respect of “Minister orders” and “Minister shall”;
- (d) section 24.1.

3 *Disclosure of Information Regulation (AR 273/2004)*

- (a) section 2(1) and (4).

4 *Waste Control Regulation (AR 192/96)*

- (a) sections 31 and 32;
- (b) section 33(1);
- (c) section 33(2) in respect of “Minister orders” and “Minister shall”;
- (d) section 41.

5 *Water Act*

- (a) sections 102(1), 103(2)(b) and (3), 139(3), (4) and (6) and 152(3);
- (b) section 168(1) in respect of “Minister may”.

6 *Water (Ministerial) Regulation (AR 205/98)*

- (a) sections 15(3) and 16(1);

- (b) section 24.

Part 4
Shared Powers, Duties and Functions of the Minister
(Section 15)

1 *Environmental Protection and Enhancement Act*

- (a) section 21(1);
(b) section 234(1)(g).

2 Repealed AR 18/2015 s8.

Part 5
Shared Powers, Duties and Functions of Officials
(Section 16)

1 *Environmental Protection and Enhancement Act*

- (a) section 56 in respect of “provided to the Director or created or issued by the Director”;
- (a.1) sections 114(1), 115(1) and (3), 143 and 160 all in respect of “inspector”;
- (b) sections 198, 199, 208 and 209;
- (c) section 216 in respect of “inspector”;
- (d) section 220;
- (e) repealed AR 18/2015 s8;
- (f) section 247(2) in respect of “inspector”;
- (g) section 249;
- (h) sections 250(2) and 251 both in respect of “inspector”.

2 *Conservation and Reclamation Regulation (AR 115/93)*

- (a) section 10 in respect of “inspector”.

3 *Water Act*

- (a) section 5(1) in respect of “Director under the *Environmental Protection and Enhancement Act*”;
- (b) section 43(3) in respect of “request of the Director”;

- (c) section 52(2) in respect of “the Director may”;
- (d) section 97(1) in respect of “inspector” in the context of “An inspector or the Director may”;
- (e) section 97(1)(b) to (e) and (h) in respect of “inspector”;
- (f) sections 97(3) and 98 both in respect of “inspector”;
- (g) sections 99(2) and 100;
- (h) section 101(1) in respect of “Director may on the Director’s own initiative” and of “inspector”;
- (i) sections 105(1) and (3), 119(1) and (2), 120, 121(1), 123, 124(1) and 126 all in respect of “inspector”;
- (j) repealed AR 18/2015 s8;
- (k) section 157.

Part 6
Shared Powers, Duties and Functions of
Department, Crown or Government
(Section 17)

1 *Environmental Protection and Enhancement Act*

- (a) section 21(2);
- (b) section 35(1)(a) in respect of “possession of the Department”;
- (c) sections 65, 70(4), 117(3.2), 138(2), 188.1, 190(a), 216, 220, 234(1), 248 and 249.

2 *Water Act*

- (a) sections 37.1, 43(1)(a)(iv), 49.1, 55(1), 60(3), 66.1 and 71(1)(c);
- (b) section 106 in respect of “Government”;
- (c) sections 148(1) and 151 in respect of clause (b);
- (d) section 157.

3 *Water (Ministerial) Regulation (AR 205/98)*

- (a) section 15(1) in respect of “in the possession of the Department” and “established by the Department”.

AR 201/2013 Sched. 6;148/2014;18/2015



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