



Province of Alberta

ENVIRONMENTAL PROTECTION
AND ENHANCEMENT ACT

**ACTIVITIES DESIGNATION
REGULATION**

Alberta Regulation 276/2003

With amendments up to and including Alberta Regulation 125/2017

Office Consolidation

© Published by Alberta Queen's Printer

Alberta Queen's Printer
Suite 700, Park Plaza
10611 - 98 Avenue
Edmonton, AB T5K 2P7
Phone: 780-427-4952
Fax: 780-452-0668

E-mail: qp@gov.ab.ca
Shop on-line at www.qp.alberta.ca

Copyright and Permission Statement

Alberta Queen's Printer holds copyright on behalf of the Government of Alberta in right of Her Majesty the Queen for all Government of Alberta legislation. Alberta Queen's Printer permits any person to reproduce Alberta's statutes and regulations without seeking permission and without charge, provided due diligence is exercised to ensure the accuracy of the materials produced, and Crown copyright is acknowledged in the following format:

© Alberta Queen's Printer, 20__.*

*The year of first publication of the legal materials is to be completed.

Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

(Consolidated up to 125/2017)

ALBERTA REGULATION 276/2003

Environmental Protection and Enhancement Act

ACTIVITIES DESIGNATION REGULATION

Table of Contents

1	Interpretation
2	Definitions - approval activities
3	Definitions - registration activities
4	Definitions - notice activities
5	Designation of activities
6	Combined authorizations
7	Notice
8	Transitional - approvals
9	Transitional - permits
10	Transitional - waste management
10.1	Transitional - Schedule 1, Division 3 activities
11	Transitional - Schedule 2, Division 2 activities
12	Transitional - Schedule 2, Division 4 activities
13	Transitional - Schedule 3 activities
14	Repeal
16	Coming into force

Schedules

Interpretation

1(1) In this Regulation, “Act” means the *Environmental Protection and Enhancement Act*.

(2) Where a term that is defined in the Act is used in this Regulation, it has that defined meaning for the purposes of this Regulation except where this Regulation gives it a different meaning.

Definitions - approval activities

2(1) The following definitions apply for the purposes of Division 1 of Schedule 1:

- (a) “buried valley” means a valley containing coarse-grained fluvial or glacial fluvial deposits covered by glacial fill;

- (a.1) “Class I compost facility” means a waste management facility where waste, not including hazardous waste, is decomposed through a controlled bio-oxidation process, including a thermophilic phase, that results in a stable humus-like material, but does not include
- (i) a residential composter,
 - (ii) a compost facility that receives only sludge as defined in the *Wastewater and Storm Drainage Regulation* (AR 119/93),
 - (iii) a Class II compost facility, or
 - (iv) a manure storage facility as defined in the *Agricultural Operation Practices Act*;
- (a.2) “Class II compost facility” means a waste management facility where only vegetative matter or manure is decomposed through a controlled bio-oxidation process, including a thermophilic phase, that results in a stable humus-like material, but does not include
- (i) a residential composter, or
 - (ii) a manure storage facility as defined in the *Agricultural Operation Practices Act*;
- (b) “combustion unit” means an industrial kiln, an oven, a furnace, a boiler or a process heater;
- (c) repealed AR 157/2005 s2;
- (c.1) “container” means any portable device which is or was used to store or hold hazardous waste or dangerous goods;
- (c.2) “dangerous goods” means a product, substance or organism that is by its nature or by the regulations under the *Transportation of Dangerous Goods Act, 1992* (Canada) included in any of the classes listed in the Schedule to that Act;
- (d) “dispose”, when used with reference to the disposal of waste at a landfill or by deepwell injection, means the intentional placement of waste on or in land as its final resting place;
- (e) “empty container” means a container that contains less than 2.5 centimetres of the original contents or less than 3% of the original contents, whichever is the lesser amount;

- (f) “hazardous recyclable” means hazardous recyclable within the meaning of the *Waste Control Regulation* (AR 192/96);
- (g) “hazardous waste” has the meaning given to it in the *Waste Control Regulation* (AR 192/96);
- (h) repealed AR 157/2005 s2;
- (i) “landfill” means a waste management facility at which waste is disposed of by placing it on or in land, but does not include a land treatment facility, a surface impoundment, a salt cavern or a disposal well;
- (i.1) “mobile incinerator” means an incinerator that
 - (i) is not fixed to any location, and
 - (ii) is operated at any one location for at total of not more than 365 days in 2 consecutive calendar years;
- (j) “oil production site” means the field production facilities for recovering oil or oil sands by drilling or other in-situ methods, including any injection or pumping facilities and any associated infrastructure, where
 - (i) the site is located within the area illustrated in the *Guide For Oil Production Sites*, published by the Department, as amended or replaced from time to time, and
 - (ii) an environmental impact assessment report is required in respect of the proposed activity or was required under the *Land Surface Conservation and Reclamation Act*;
- (k) “oilfield waste” means an unwanted substance or mixture of substances that results from the construction, operation, abandonment or reclamation of a facility, well site or pipeline as defined in the *Oil and Gas Conservation Act* and the regulations under that Act, but does not include an unwanted substance or mixture of substances from such a source that is received for storage, treatment, disposal or recycling at a facility authorized for that activity pursuant to the *Environmental Protection and Enhancement Act*;
- (l) “oilfield waste management facility” means a facility that is approved under the *Oil and Gas Conservation Act* and the regulations under that Act to process, treat, dispose of, store or recycle oilfield waste;

- (m) “processing” when used with reference to hazardous recyclables includes, but is not limited to,
 - (i) the incorporation of hazardous recyclables into a product without pretreating them, and
 - (ii) processing by means of physical, chemical, thermal or biological processes;
- (n) “prohibited debris” means any combustible waste that, when burned, may result in the release to the atmosphere of dense smoke, offensive odours or toxic substances and includes but is not limited to
 - (i) animal manure,
 - (ii) pathological waste,
 - (iii) non-wooden material,
 - (iv) waste material from building or construction sites, excluding wooden materials that do not contain wood preservatives,
 - (v) combustible material in automobile bodies,
 - (vi) tires,
 - (vii) rubber or plastic, or anything containing or coated with rubber or plastic or similar substances, except rubber or plastic attached to shredded scrap steel,
 - (viii) repealed AR 113/2006 s2,
 - (ix) used oil,
 - (x) wood or wood products containing substances for the purpose of preserving wood;
- (o) “recyclable” means a substance or mixture of substances that is intended to be recycled;
- (p) “residential composter” means a composter that
 - (i) is located at a residence,
 - (ii) is used to decompose manure, food scraps or vegetative matter resulting from gardening, horticulture, landscaping or land clearing, and
 - (iii) uses a controlled bio-oxidation process that results in a stable humus-like material;

- (q) repealed AR 157/2005 s2;
- (r) “space heater” means an oil fired heater used for heating the interior of a structure;
- (s) “surface impoundment” means a facility that consists of an excavation or diked area that is formed primarily of earthen materials and is used for the storage of waste;
- (t) “waste” means any solid or liquid material or product or combination of them that is intended to be treated or disposed of or that is intended to be stored and then treated or disposed of, but does not include recyclables.

(2) The following definitions apply for the purposes of Division 2 of Schedule 1:

- (a) “biotechnology products manufacturing plant” means a plant that produces products using the application of science and engineering in the direct or indirect use of living organisms or parts or products of living organisms in their natural or modified form, but does not include a facility that engages solely in research;
- (b) “brine processing plant” means a plant that produces or processes brine products, including common table salt;
- (c) “brine storage pond” means a pond that is used for the storage of water that contains more than 5000 milligrams per litre of chlorides;
- (d) “building products manufacturing plant” means a plant that manufactures asphalt shingles, gypsum wallboard, bricks or tiles;
- (e) “bulk petroleum storage facility” means a facility that has the capacity to store 10 000 cubic metres or more of refined petroleum products;
- (f) “cement plant” means a plant that manufactures Portland cement;
- (g) “chemical manufacturing plant” means a plant that manufactures organic or inorganic chemicals, but does not include an oil refinery, a sugar refinery, a gas processing plant, a petrochemical manufacturing plant, a food processing plant or a plant that only blends or packages chemicals;

- (h) “chemical storage facility” means a facility that has a storage capacity for organic or inorganic chemicals of 5000 cubic metres or more;
- (i) “coke or carbon manufacturing plant” means a plant that produces or processes coke or carbon products;
- (j) “crude bitumen” means a naturally occurring viscous mixture, mainly of hydrocarbons heavier than pentane, that may contain sulphur compounds and that, in its naturally occurring viscous state, will not flow to a well;
- (k) “crude oil” means a mixture mainly of pentanes and heavier hydrocarbons that
 - (i) is recovered or is recoverable at a well from an underground reservoir, and
 - (ii) is liquid at the conditions under which its volume is measured or estimated,and includes all other hydrocarbon mixtures so recovered or recoverable except raw gas condensate or crude bitumen;
- (l) “distillery” means a plant for
 - (i) the extraction of alcoholic liquors for commercial purposes, or
 - (ii) the production of fuel grade ethanolthat has a design production capacity of greater than 1 000 000 litres per year of 100% alcohol or the equivalent;
- (m) “domestic wastewater” means 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;
- (n) “electrical and electronic components plant” means a plant that manufactures electrical and electronic components including but not limited to semiconductors, electronic crystals or luminescent materials, and that
 - (i) releases industrial wastewater to the environment other than to a wastewater treatment plant,

- (ii) has an industrial wastewater release greater than 0.05 cubic metres per second, or
- (iii) emits volatile organic compounds in an amount greater than 10 tonnes per year;
- (o) “electroplating plant” means a plant that carries out metal electroplating, anodizing or galvanizing processes and releases industrial wastewater to the environment other than to a wastewater treatment plant;
- (p) “enhanced recovery in-situ oil sands or heavy oil processing plant” means a plant that processes or recovers heavy oil or crude bitumen by thermal or solvent in-situ recovery methods, but does not include any production facilities that are connected by pipeline to the plant;
- (q) “explosives manufacturing plant” means a plant that manufactures dynamite, nitroglycerin, ammonium nitrate, cyclotrimethylene trinitramine (RDX), cyclotetramethylene tetranitramine (HMX) or trinitrotoluene (TNT), but does not include
 - (i) blending and mixing facilities located on sites, including mine sites, where explosives are being used, or
 - (ii) fertilizer manufacturing plants;
- (r) “fertilizer manufacturing plant” means a plant that manufactures a substance or a mixture of substances that contains one or more compounds of nitrogen, phosphorus, potassium or other plant food and is sold or represented for use as a plant nutrient;
- (s) “fertilizer storage facility” means a facility that has the capacity to store fertilizer in quantities of
 - (i) 1000 tonnes or more of anhydrous ammonia,
 - (ii) 10 000 tonnes or more of granular or prilled ammonium phosphate or ammonium nitrate or urea fertilizer products, or
 - (iii) 5000 cubic metres or more of liquid fertilizer;
- (t) repealed AR 113/2006 s2;
- (u) “foundry” means a facility that produces metal products through thermal melting and casting or moulding of metals, including reclaimed metals, and that has a nominal melting rate of greater than 5 tonnes per hour of metal;

- (v) “glass manufacturing plant” means a plant that manufactures glass or glass products by using a fossil fuelled furnace or an electric furnace and that is designed to produce more than 5 tonnes of glass or glass products per day;
- (w) “hamlet” means an unincorporated community that has been designated as a hamlet in accordance with the *Municipal Government Act*;
- (x) “hydrostatic testing” means hydrostatic testing of vessels, impoundments or pipes that generate greater than 1000 cubic metres of water, but does not include hydrostatic testing of petroleum liquid pipelines or gas pipelines;
- (y) “industrial development” means any development on the site of a plant;
- (z) “industrial runoff” means surface water resulting from precipitation that falls on a plant;
- (aa) “industrial wastewater” means the composite of liquid wastes and water-carried wastes, any portion of which results directly from an industrial process carried on at a plant;
- (bb) “in-situ surface water treatment” means the in-situ application of a substance other than a pesticide to surface water, except in a dugout, for restoration, enhancement or other purposes;
- (cc) “insulation manufacturing plant” means a plant that manufactures thermal insulation products;
- (dd) “iron and steel mill” means a facility that manufactures iron and steel through the use of heating or thermal melting other than welding, but does not include a facility that fabricates secondary products from iron or steel;
- (ee) “lead smelter” means a plant that processes lead bearing ores, concentrates or reclaimed lead into lead products and uses thermal reaction or thermal melting processes;
- (ff) “lime plant” means a plant that manufactures lime or other calcium carbonate derivatives as a saleable product;
- (gg) “liquid fertilizer” means a mixture of fertilizer materials, including fillers or additives, that is dissolved or suspended in a liquid;
- (hh) “malting plant” means a plant that produces barley malt;

- (ii) “meat plant” means a plant, including a meat facility as defined in the *Meat Inspection Act*, that
 - (i) processes into saleable products
 - (A) fish, molluscs or crustaceans, or
 - (B) carcasses or primal cuts of meat,
 - (ii) annually produces more than
 - (A) 1500 tonnes live weight of red meat,
 - (B) 130 tonnes live weight of poultry, or
 - (C) 130 tonnes of fish,and
 - (iii) releases industrial wastewater into the environment;
- (jj) “metal manufacturing plant” means a plant, other than a foundry, that produces metals;
- (kk) “methane” means, in addition to its normal scientific meaning, a gaseous mixture composed mainly of methane and which may contain ethane, nitrogen, helium or carbon dioxide;
- (ll) “milk products plant” means a plant that
 - (i) processes more than 5000 cubic metres per year of raw milk to produce a milk product, including but not limited to cheese, milk powder, butter milk powder, and whey powder, and
 - (ii) releases industrial wastewater into the environment;
- (mm) “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;
- (nn) “oil” means condensate or crude oil, or a constituent of raw gas, condensate or crude oil that is recovered in processing and that is liquid at the conditions under which its volume is measured or estimated;

- (oo) “oil refinery” means a plant for manufacturing hydrocarbon products from oil, heavy oil, crude bitumen or synthetic crude oil;
- (pp) “oil sands processing plant” means a plant for
 - (i) the recovery from oil sands of crude bitumen, sand and other substances, or
 - (ii) the extraction from crude bitumen of crude oil, natural gas and other substances;
- (qq) “oil seed processing plant” means a plant for the commercial production of edible oil products;
- (rr) “paper product” means paper, coated paper, paperboard, hardboard, boxboard, linerboard, insulating board, building board, corrugating medium, tissue, moulded cellulose product and any other product directly derived from pulp, but does not include viscose, rayon, cellophane or any other cellulose derivative;
- (ss) “pesticide manufacturing plant” means a plant that manufactures pesticides;
- (tt) “petrochemical manufacturing plant” means a plant that manufactures organic chemical substances produced from petroleum-based materials, but does not include an oil refinery, a gas processing plant or a plant that only blends or packages petrochemicals;
- (uu) “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;
- (vv) “power plant” means a plant that produces steam or thermal electrical power and has a rated production output of greater than one megawatt under peak load, but does not include
 - (i) a production facility for space heating, or
 - (ii) a system at a sawmill plant that is designed to burn wood waste and recover the heat of the combustion, where the system

- (A) has a rated production output of no more than 10 megawatts of electricity or its steam equivalent under peak load, and
 - (B) uses only wood waste generated at that sawmill plant as fuel;
- (ww) “private utility” means a wastewater system or storm drainage system that is 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;
- (xx) “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
- (i) a single family dwelling, or
 - (ii) a farmstead;
- (yy) “pulp” means processed cellulose fibres that are derived from wood, other plant material or recycled paper products;
- (zz) “pulp manufacturing plant” means a plant that manufactures pulp products;
- (aaa) “pulp and paper manufacturing plant” means a plant that manufactures pulp and paper products;
- (bbb) “rail car washing facility” means a commercial facility for the interior cleaning of rail cars;
- (ccc) “raw gas” means a mixture
- (i) that contains methane, and may also contain other paraffinic hydrocarbons, nitrogen, carbon dioxide, hydrogen sulphide, helium and minor impurities,
 - (ii) that is recovered or is recoverable at a well from an underground reservoir, and
 - (iii) that is gaseous at the conditions under which its volume is measured or estimated;

- (ddd) “red meat” means any meat other than poultry or fish or molluscs or crustaceans;
- (eee) “rendering plant” means a plant that renders meat or animal or poultry products with or without oil refining;
- (fff) “sewer” means any system of pipes, drains, pumping works, equipment, structures and other things used for the collection, transportation or disposal of wastewater, but does not include any building drain, plumbing or building sewer;
- (ggg) “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;
- (hhh) “sour gas processing plant” means a plant that processes raw gas and separates and removes sulphur compounds from the raw gas stream;
- (iii), (jjj) repealed AR 157/2005 s2;
- (kkk) “sugar refinery” means a plant that receives sugar beets or other naturally occurring plants and processes them into marketable sugar products for human consumption and other by-products that can be used for animal consumption;
- (lll) “sulphur manufacturing or processing plant” means a plant that manufactures or processes compounds containing elemental sulphur in quantities greater than 1.0 tonne per day;
- (mmm) “sulphur storage facility” means a facility that has a storage capacity for sulphur of greater than 100 tonnes;
- (nnn) “sweet gas processing plant” means a plant that
 - (i) processes raw gas,
 - (ii) does not separate any sulphur compounds from the raw gas stream, and
 - (iii) releases industrial wastewater to the environment other than by evaporation, by injection into an approved deep well facility, or by directing the industrial wastewater to a wastewater treatment plant;
- (nnn.1) “syngas” means a mixture that

- (i) contains carbon monoxide and hydrogen, and may also contain methane, other hydrocarbons, nitrogen, carbon dioxide, hydrogen sulphide, helium and minor impurities,
 - (ii) is produced from non-gaseous fuel or biomass, and
 - (iii) is gaseous or liquid at the conditions under which its volume is measured or estimated;
- (nnn.2) “syngas plant” means a plant that recovers, manufactures or processes syngas, but does not include an oil refinery, a sour gas processing plant, a sweet gas processing plant, a power plant, a fertilizer manufacturing plant, a petrochemical manufacturing plant, a distillery, a chemical manufacturing plant, an oil seed processing plant or a plant that processes waste or recyclables;
- (ooo) “synthetic crude oil” means a mixture, mainly of pentanes and heavier hydrocarbons, that may contain sulphur compounds, that is derived from crude bitumen and that is liquid at the conditions under which its volume is measured or estimated, and includes all other hydrocarbon mixtures derived from crude bitumen;
- (ppp) “tannery” means any plant that receives more than 2000 animal hides or skins per month and processes those hides into leather or leather products;
- (qqq) “vegetable plant” means a plant that
- (i) processes more than 7500 tonnes per year of vegetables by slicing, cooking, dehydrating or freezing in preparation for sale and distribution, and
 - (ii) releases industrial wastewater into the environment;
- (rrr) “wastewater” means domestic wastewater and may include industrial wastewater;
- (sss) “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;
- (ttt) “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 where it uses mechanical aeration;

- (uuu) “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;
- (vvv) “wood processing plant” means a plant that produces plywood, oriented strand board, particle board or other panel board products made from organic material at an annual capacity greater than the equivalent of 30 million square feet of 3/8 inch panel;
- (www) “wood treatment plant” means a plant that preserves or protects wood or wood products through the use of wood treatment chemicals.

(3) The following definitions apply for the purposes of Division 3 of Schedule 1:

- (a) repealed AR 142/2004 s2;
- (b) “coal”, in addition to its ordinary meaning, includes manufactured chars, cokes and any manufactured solid coal product that is used or useful as a reductant or energy source or for conversion into a reductant or energy source;
- (c) “coal processing plant” means a coal processing plant as defined in the *Coal Conservation Act* and any associated infrastructure connected with the coal processing plant;
- (d) “crude bitumen” means a naturally occurring viscous mixture, mainly of hydrocarbons heavier than pentane, that may contain sulphur compounds and that, in its naturally occurring viscous state, will not flow to a well;
- (e) “Green Area” means that part of Alberta shown outlined and coloured green on the map annexed to
 - (i) Ministerial Order 71/85 dated May 7, 1985 and made pursuant to the *Public Lands Act*, as that order is amended from time to time, or
 - (ii) any order made in substitution for the order referred to in subclause (i), as amended from time to time;
- (f) “infrastructure” means any works, buildings, structures, facilities, equipment, apparatus, mechanism, instrument or

machinery belonging to or used in connection with a mine, oil production site, pipeline, quarry, peat operation, coal processing plant or transmission line, and includes any storage site or facility, disposal site or facility, access road, haul road, railway or telecommunication line;

- (g) “oil production site” means the field production facilities for recovering oil or oil sands by drilling or other in-situ methods, including any injection or pumping facilities and any associated infrastructure, where
- (i) the site is located within the area illustrated in the *Guide For Oil Production Sites*, published by the Department, as amended or replaced from time to time, and
 - (ii) an environmental impact assessment report is required in respect of the proposed activity or was required under the *Land Surface Conservation and Reclamation Act*;
- (h) “peat operation” means any opening or excavation in, or working of, the surface or subsurface of the ground for the purpose of working, recovering, opening up or proving any peat or peaty substance and in respect of which an environmental impact assessment report is required, and includes any associated infrastructure connected with the peat operation;
- (i) “pipeline” means a pipeline as defined in the Act and any infrastructure in connection with that pipeline, but does not include the following:
- (i) a pipeline or part of a pipeline located in a city, town, specialized municipality, village, summer village, hamlet or settlement area as defined in the *Metis Settlements Act*;
 - (ii) a pipeline or part of a pipeline located in a plant site at which an activity that requires an approval under this Regulation is carried on;
 - (iii) a pipeline with a length in kilometres times outside diameter in millimetres resulting in an index number of less than 2690;
 - (iv) a pipeline regulated pursuant to the *National Energy Board Act* (Canada);
 - (v) a pipeline that is a rural gas utility as defined in the *Gas Protection Act*;

- (vi) a pipeline that is part of a waterworks system, wastewater system or storm drainage system that has a length in kilometres times outside diameter in millimetres resulting in an index number of less than 2690;
- (vii) a pipeline that is ploughed in;
- (viii) a pipeline that is used solely for the purposes of an agricultural operation and is located wholly on land that is used for the purposes of an agricultural operation;
- (ix) a pipeline that is abandoned in the ground;
- (x) a pipeline located in the Green Area;
- (j), (k) repealed AR 142/2004 s2;
- (l) “quarry” means an opening or excavation in, or working of, the surface or subsurface for the purpose of working, recovering, opening up or proving
 - (i) any mineral other than coal, a coal bearing substance, oil sands or an oil sands bearing substance, or
 - (ii) ammonite shell,and in respect of which an environmental impact assessment report is required, and includes any associated infrastructure connected with the quarry;
- (m) “transmission line” means a transmission line as defined in the Act, and any infrastructure in connection with that transmission line, with a voltage of 130 kilovolts or more and in respect of which an environmental impact assessment report is required.

(4) The following definitions apply for the purposes of Division 5 of Schedule 1:

- (a) “hamlet” means an unincorporated community that has been designated as a hamlet in accordance with the *Municipal Government Act*;
- (b) “high quality groundwater” means groundwater that
 - (i) does not require treatment to comply with the applicable physical, chemical and radiological Maximum Acceptable Concentration or Interim Maximum Acceptable Concentration, except for fluoride, specified in the *Guidelines for Canadian*

Drinking Water Quality, published by Health Canada, as amended or replaced from time to time, for the parameters listed 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,

- (ii) contains a concentration of naturally occurring fluoride of less than or equal to 2.4 milligrams per litre, and
 - (iii) is not under the direct influence of surface water;
- (c) “industrial development” means any development on the site of a plant referred to in section 2 of the Schedule of Activities in the Act;
- (d) “municipal development” means a 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;
- (e) “private utility” means a waterworks system that is 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;
- (f) “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
- (i) a single family dwelling, or
 - (ii) a farmstead;
- (g) “water treatment plant” means the physical components of the waterworks system that are used to produce potable water, and includes components associated with the management of any wastes generated during treatment;
- (h) “watering point” means a waterworks system that provides potable water in bulk to the public;

- (i) “waterworks system” means any system providing potable water to a city, town, specialized municipality, village, summer village, hamlet, settlement area as defined in the *Metis Settlements Act*, municipal development, industrial development, privately owned development or private utility, and includes any or all of the following components:
- (i) water wells connected to water supply lines, surface water intakes or infiltration galleries that constitute the water supply;
 - (ii) water supply lines;
 - (iii) on-stream and off-stream water storage facilities;
 - (iv) water pumphouses;
 - (v) water treatment plants;
 - (vi) potable water transmission mains;
 - (vii) potable water storage facilities;
 - (viii) potable water pumping facilities;
 - (ix) water distribution systems;
 - (x) watering points.

AR 276/2003 s2;142/2004;157/2005;113/2006;1/2009

Definitions - registration activities

3(1) The following definitions apply for the purposes of Division 1 of Schedule 2:

- (a) “alternate fuel” means a liquid that
- (i) is capable of being pumped,
 - (ii) is derived from recyclables,
 - (iii) has a net heat value equal to or greater than 12 780 kilojoules per kilogram (5500 BTU per pound),
 - (iv) meets all of the quality limits for the parameters as specified in Table 10-1 of the *Code of Practice for Energy Recovery, 2005*, published by the Department, as amended or replaced from time to time, and

- (v) may contain, without limitation, one or more of the following substances:
 - (A) refined or synthetic petroleum-based oils, including but not limited to, automotive lubricating oil, compressor oil, fuel oil, gear oil or hydraulic oil;
 - (B) fuels, including but not limited to, diesel, naphtha, gasoline or kerosene;
 - (C) condensate that contains less than 0.2 parts per million of hydrogen sulphide;
 - (D) antifreeze;
 - (E) glycols;
 - (F) alcohols;
 - (G) non-halogenated solvents that contain less than 0.2 parts per million of hydrogen sulphide;
 - (H) animal or vegetable based oils;
- (a.1) “burning waste as fuel” means the thermal destruction of waste or a recyclable in a thermal converter, combustion unit or space heater for the purposes of producing heat or electricity, but does not include
 - (i) the burning of alternate fuel,
 - (ii) the burning of 4500 litres or less of used oil per year where the used oil
 - (A) is generated on-site, and
 - (B) is burned in equipment that meets CSA standards,or
 - (iii) an activity that is governed by an authorization issued under the *Oil and Gas Conservation Act*;
- (a.2) “Class I compost facility” means a Class I compost facility as defined in section 2(1)(a.1);
- (b) “combustion unit” means an industrial furnace, a boiler or a process heater;
- (c) repealed AR 157/2005 s3;

- (c.1) “energy recovery” means
- (i) the production of alternate fuel, or
 - (ii) burning waste as fuel;
- (c.2) “hazardous waste” has the meaning given to it in the *Waste Control Regulation* (AR 192/96);
- (d) “land treatment” means
- (i) the controlled application of a substance on the land surface and the incorporation of the substance into the upper soil zone,
 - (ii) the controlled application of soil containing hydrocarbons on the land surface, with or without incorporation of the soil containing hydrocarbons into the upper soil zone, or
 - (iii) the controlled application of soil containing hydrocarbons onto a man-made surface or containment system,
- in such a manner that physical, chemical or biological removal or degradation of the substance or hydrocarbons takes place, but does not include
- (iv) the controlled application to land of sludge as defined in the *Wastewater and Storm Drainage Regulation* (AR 119/93), or
 - (v) the controlled application of a substance to land where that activity constitutes an agricultural operation as defined in the *Agricultural Operation Practices Act*;
- (e) “landfill” means a waste management facility at which waste is disposed of by placing it on or in land, but does not include a land treatment facility, a surface impoundment, a salt cavern or a disposal well;
- (e.1) “mobile incinerator” means an incinerator that
- (i) is not fixed to any location, and
 - (ii) is operated at any one location for a total of not more than 365 days in 2 consecutive calendar years;
- (f) “petroleum based oil” means petroleum based oil that includes polyalphaolefins and diesters synthetic oils, but does not include

- (i) any other synthetic oils,
 - (ii) metal working oils,
 - (iii) fire resistant fluids,
 - (iv) brake fluids,
 - (v) emulsions of water and any other organic solvent,
 - (vi) halogenated compounds,
 - (vii) solvents containing greater than 0.2 ppm of hydrogen sulphide, or
 - (viii) oils or fluids containing toxic substances;
- (f.1) “production of alternate fuel” means the collection and processing of recyclables to produce alternate fuel, where 10 tonnes or less of recyclables per month are used for that purpose, but does not include an activity that is governed by an authorization issued under the *Oil and Gas Conservation Act*;
- (f.2) “recyclable” means a substance or mixture of substances that is intended to be recycled;
- (g) “residential composter” means a composter that
- (i) is located at a residence,
 - (ii) is used to decompose manure, food scraps or vegetative matter resulting from gardening, horticulture, landscaping or land clearing, and
 - (iii) uses a controlled bio-oxidation process that results in a stable humus-like material;
- (h) “small incinerator” means
- (i) a mobile incinerator that, by means of burning under controlled conditions, treats waste that contains
 - (A) halogenated organic compounds in an amount of not more than 1000 milligrams per kilogram of waste,
 - (B) polychlorinated biphenyls in an amount of not more than 50 milligrams per kilogram of waste,
 - (C) lead in an amount of not more than 100 milligrams per kilogram of waste, or

- (D) mercury in an amount of not more than 2 milligrams per kilogram of waste,

and

- (ii) an incinerator that, by means of burning under controlled conditions, treats not more than 10 tonnes of waste per month and

- (A) is fixed to one location, or

- (B) is operated at any one location for a total of more than 365 days in 2 consecutive calendar years,

but does not include an incinerator that

- (iii) is used by one single-family detached dwelling to burn household waste that is generated only by that household,

- (iv) is used for burning kitchen camp wastes at a mining, construction, demolition, drilling or exploration site,

- (v) is used for burning human bodies at a crematory that is licensed under the *Cemeteries Act*, or

- (vi) is governed by an authorization issued under the *Oil and Gas Conservation Act*;

- (i) “soil containing hydrocarbons” means soil that is contaminated with only gasoline, kerosene, jet fuel or diesel fuel, or any combination of them;
- (j) “space heater” means an oil fired heater used for heating the interior of a structure;
- (k) “surface impoundment” means a facility that consists of an excavation or diked area that is formed primarily of earthen materials and is used for the storage of hazardous waste;
- (l) “used oil” means a petroleum based oil that has been used primarily as lubricating oil in, without limitation, combustion engines, turbines, transmissions, gear boxes and hydraulic equipment;
- (m) “waste” means any solid or liquid material or product or combination of them that is intended to be treated or disposed of or that is intended to be stored and then treated or disposed of, but does not include recyclables.

(2) The following definitions apply for the purposes of Division 2 of Schedule 2:

- (a) “asphalt paving plant” means a plant that manufactures asphalt through the mixing of aggregate and asphalt oil or recycled asphalt material, but does not include hot in-place recycling equipment;
- (b) “compressor and pumping station” means a facility for the movement of a fluid by means of compression and pumping of the fluid and that has a total oxides of nitrogen emission rate of greater than 16 kilograms per hour;
- (c) “concrete producing plant” means a stationary plant that manufactures concrete and has a designed production rate of at least 120 tonnes of concrete per hour or 50 cubic meters of concrete per hour;
- (d) “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.1) “forage drying facility” means a plant that
 - (i) removes water, in a gaseous or liquid state, from forage crops including, but not limited to, alfalfa, brome, timothy, clovers, fescues or any combination of those crops, and
 - (ii) conducts fossil fuelled thermal drying prior to the cube or pellet formation stage;
- (e) “foundry” means a plant that
 - (i) produces metal products through thermal melting and casting or moulding of metals, including reclaimed metals, and
 - (ii) has a nominal melting rate of not more than 5 tonnes per hour of metal;
- (f) “hydrologic tracing analysis study” means a study in which dissolved or suspended material such as salts, radioisotopes or fluorescent dyes are used to determine the path or rate of movement and dispersion of a substance;

- (g) “hydrostatic testing” means hydrostatic testing of petroleum liquid pipelines or gas pipelines;
- (h) “industrial development” means any development on the site of a plant;
- (i) “industrial runoff” means surface water resulting from precipitation that falls on a plant;
- (j) “industrial wastewater” means the composite of liquid wastes and water-carried wastes, any portion of which results directly from an industrial process carried on at a plant;
- (k) “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;
- (l) “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;
- (m) “private utility” means a wastewater system or storm drainage system that is 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;
- (n) “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
 - (i) a single family dwelling, or
 - (ii) a farmstead;
- (n.1) “sawmill plant” means a plant for the processing of wood, where the plant produces more than 20 million foot board measures of lumber annually, and

- (i) is fixed to one location, or
 - (ii) is operated at any one location for a total of more than 365 days in 2 consecutive calendar years;
- (o) “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;
- (p) “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;
- (q) “storm drainage” means drainage, including industrial runoff, resulting from precipitation;
- (r) “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;
- (s) “sweet gas processing plant” means a plant that processes raw gas and
- (i) does not separate any sulphur compounds from the raw gas stream,
 - (ii) emits more than 16 kilograms per hour of oxides of nitrogen, and
 - (iii) does not release industrial wastewater to the environment other than by evaporation, by injection into an approved deep well facility, or by directing the industrial wastewater to a wastewater treatment plant;
- (t) “tanker truck washing facility” means a commercial facility for cleaning the interior of the tanks of tanker trucks;
- (u) “wastewater” means domestic wastewater and may include industrial wastewater;
- (v) “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;

- (w) “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 where it uses mechanical aeration;
- (x) “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.

(3) The following definitions apply for the purposes of Division 3 of Schedule 2:

- (a) “borrow excavation” means an excavation in the surface made solely for the purpose of removing borrow material for
 - (i) the construction of the sub-base for a specific roadway project, or
 - (ii) the construction of a dam, canal, dike, structure or erosion protection works associated with a provincial water management infrastructure project,and includes any associated infrastructure connected with the borrow excavation;
- (b) repealed AR 157/2005 s3;
- (c) “infrastructure” means any works, buildings, structures, facilities, equipment, apparatus, mechanism, instrument or machinery belonging to or used in connection with a pit, and includes any storage site or facility, disposal site or facility, access road, haul road, railway or telecommunication line;
- (d) “pit” means an opening or excavation in or working of the surface or subsurface for the purpose of removing any sand, gravel, clay or marl, where the area of the pit and any associated infrastructure, including stockpiles, connected with the pit, is on or after November 1, 2004 greater than or equal to 5 hectares (12.5 acres), but does not include
 - (i) a borrow excavation,

- (ii) a pit on public land,
- (iii) a pit, or a portion of a pit, where the surface or subsurface of the land has not been disturbed by pit operations since August 15, 1978, or
- (iv) a pit, or a portion of a pit, on which a waste management facility is operating or operated pursuant to a valid approval or registration under the Act;
- (e) “public land” means land of the Crown in right of Alberta to which the *Public Lands Act* applies.

(4) The following definitions apply for the purposes of Division 5 of Schedule 2:

- (a) “hamlet” means an unincorporated community that has been designated as a hamlet in accordance with the *Municipal Government Act*;
- (b) “high quality groundwater” means groundwater that
 - (i) does not require treatment to comply with the applicable physical, chemical and radiological Maximum Acceptable Concentration or Interim Maximum Acceptable Concentration, except for fluoride, specified in the *Guidelines for Canadian Drinking Water Quality*, published by Health Canada, as amended or replaced from time to time, for the parameters listed 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,
 - (ii) contains a concentration of naturally occurring fluoride of less than or equal to 2.4 milligrams per litre, and
 - (iii) is not under the direct influence of surface water;
- (c) “industrial development” means any development on the site of a plant referred to in section 2 of the Schedule of Activities in the Act;
- (d) “municipal development” means a 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;

- (e) “private utility” means a waterworks system that is 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;
- (f) “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
 - (i) a single family dwelling, or
 - (ii) a farmstead;
- (g) “watering point” means a waterworks system that provides potable water in bulk to the public;
- (h) “waterworks system” means any system providing potable water to a city, town, specialized municipality, village, summer village, hamlet, settlement area as defined in the *Metis Settlements Act*, municipal development, industrial development, privately owned development or private utility, and includes any or all of the following components:
 - (i) water wells connected to water supply lines, surface water intakes or infiltration galleries that constitute the water supply;
 - (ii) water supply lines;
 - (iii) on-stream and off-stream water storage facilities;
 - (iv) water pumphouses;
 - (v) water treatment plants;
 - (vi) potable water transmission mains;
 - (vii) potable water storage facilities;
 - (viii) potable water pumping facilities;
 - (ix) water distribution systems;

- (x) watering points.

AR 276/2003 s3;142/2004;157/2005;113/2006

Definitions - notice activities

4 The following definitions apply for the purposes of Schedule 3:

- (a) “Class II compost facility” means a waste management facility where only vegetative matter or manure is decomposed through a controlled bio-oxidation process, including a thermophilic phase, that results in a stable humus-like material, but does not include
 - (i) a residential composter, or
 - (ii) a manure storage facility as defined in the *Agricultural Operation Practices Act*;
- (a.1) “exploration operation” means any investigation, work or act to determine the presence of coal or oil sands by test drilling, excavation or other means that results in surface disturbance or that may cause an adverse effect, but excludes any exploration operation that is the subject of a permit, licence or approval under the *Exploration Regulation* (AR 214/98);
- (b) “residential composter” means a composter that
 - (i) is located at a residence,
 - (ii) is used to decompose manure, food scraps or vegetative matter resulting from gardening, horticulture, landscaping or land clearing, and
 - (iii) uses a controlled bio-oxidation process that results in a stable humus-like material;
- (c) “storage site” means a waste management facility where waste, other than hazardous waste, is
 - (i) stored,
 - (ii) sorted, compacted, shredded, ground or processed, or
 - (iii) collected and held for removal to another waste management facility.

AR 276/2003 s4;157/2005

Designation of activities

5(1) The activities listed in Schedule 1 are designated as activities in respect of which an approval is required.

(2) The activities listed in Schedule 2 are designated as activities in respect of which a registration is required.

(3) The activities listed in Schedule 3 are designated as activities in respect of which notice to the Director under Part 3 of the Act must be given.

(4) Notwithstanding subsections (1) to (3), an activity undertaken at an oilfield waste management facility as defined in section 2(1)(l) does not require an approval, a registration or the provision of notice under Part 3 of the Act.

Combined authorizations

6(1) Where an operation or undertaking consists of or includes more than one activity listed in Schedule 1, the applicant may submit one or more applications to the Director relating to those activities and the Director may issue one or more approvals authorizing those activities.

(2) Where an operation or undertaking consists of or includes more than one activity listed in Schedule 2, the applicant may submit one or more applications to the Director relating to those activities and the Director may issue one or more registrations authorizing those activities.

(3) Where an operation or undertaking consists of or includes

- (a) at least one activity listed in Schedule 1, and
- (b) at least one activity listed in Schedule 2,

the applicant may submit one or more applications to the Director relating to those activities and the Director may issue one or more approvals authorizing those activities.

Notice

7 A notice for the purposes of Part 3 of the Act must be in a form acceptable to the Director and must contain the following information:

- (a) name and address of the person responsible for the activity;
- (b) location and description of the activity;
- (c) proposed dates for construction commencement, construction completion and commencement of operation of the activity;

- (d) any other information required by the Director in respect of the activity.

Transitional - approvals

8 A deemed approval that was continued under section 4 of the *Activities Designation Regulation* (AR 110/93) and section 8 of the *Activities Designation Regulation* (AR 211/96) expires

- (a) in the case of an approval referred to in section 4(14) of the *Activities Designation Regulation* (AR 110/93), in accordance with section 243(6) of the *Environmental Protection and Enhancement Act*, SA 1992 cE-13.3, or
- (b) in any other case, on the date on which the licence, permit or approval would have expired had the *Activities Designation Regulation* (AR 110/93) not been made.

Transitional - permits

9(1) Where before the coming into force of the *Activities Designation Regulation* (AR 211/96) a person held a permit to operate that was issued under the *Public Health Act* and was in respect of

- (a) an activity listed in Schedule 1, Division 1 of this Regulation, that permit is deemed to be an approval for the purposes of the Act, or
- (b) an activity listed in Schedule 2, Division 1 of this Regulation, that permit is deemed to be a registration for the purposes of the Act.

(2) Unless cancelled sooner, a deemed approval under subsection (1)(a) expires

- (a) on the expiry date specified in the permit, if the permit contained an expiry date and the expiry date was on or before September 12, 2006, or
- (b) on September 12, 2006, if the permit contained no expiry date or the expiry date was after September 12, 2006.

(3) A deemed registration referred to in subsection (1)(b) has no expiry date.

AR 276/2003 s9;157/2005

Transitional - waste management

10(1) A permit to operate that is referred to in section 243.1 of the *Environmental Protection and Enhancement Act*, SA 1992 cE-13.3 and that was in respect of

- (a) an activity listed in Schedule 1, Division 1 of this Regulation is deemed to be an approval for the purposes of the *Environmental Protection and Enhancement Act*, RSA 2000 cE-12, or
- (b) an activity listed in Schedule 2, Division 1 of this Regulation is deemed to be a registration for the purposes of the *Environmental Protection and Enhancement Act*, RSA 2000 cE-12.

(2) Unless cancelled sooner, a deemed approval under subsection (1)(a) expires

- (a) on the expiry date specified in the permit, if the permit contained an expiry date and the expiry date was on or before September 12, 2006, or
- (b) on September 12, 2006, if the permit contained no expiry date or the expiry date was after September 12, 2006.

(3) A deemed registration referred to in subsection (1)(b) has no expiry date.

AR 276/2003 s10;157/2005

Transitional - Schedule 1, Division 3 activities

10.1(1) Where before the coming into force of this section, a person held an approval that was in respect of an activity that was listed in clause (h) of Division 3 of Schedule 1 to this Regulation, the approval expires on the earliest of

- (a) the expiry date specified in the approval,
- (b) the date specified in writing by the Director following an application in writing from the approval holder for an amendment to the approval,
- (c) the date specified in writing by the Director following an application in writing from the approval holder to cancel the approval,
- (d) November 1, 2009, if on or before that date the Director
 - (i) has not received a registration application for the purposes of clause (b) of Division 3 of Schedule 2

from the approval holder in respect of the same activity that is the subject of the approval, or

- (ii) has received an application referred to in subclause (i) but, in the opinion of the Director, the application is not complete,
- (e) June 1, 2011, if on or before November 1, 2009 the Director has received a registration application for the purposes of clause (b) of Division 3 of Schedule 2 from the approval holder in respect of the same activity that is the subject of the approval and the application, in the opinion of the Director, is complete, and
- (f) the date a registration for the purposes of clause (b) of Division 3 of Schedule 2 is issued in respect of the activity.

(2) Where, before the coming into force of this section, a person had submitted an application to the Director for an approval that was in respect of an activity that was listed in clause (h) of Division 3 of Schedule 1 to this Regulation, the Director may, notwithstanding anything in this Regulation, issue an approval in respect of the activity and the approval expires on the earliest of

- (a) the expiry date specified in the approval,
- (b) November 1, 2009, if on or before that date the Director
 - (i) has not received a registration application for the purposes of clause (b) of Division 3 of Schedule 2 from the approval holder in respect of the same activity that is the subject of the approval, or
 - (ii) has received an application referred to in subclause (i) but, in the opinion of the Director, the application is not complete,
- (c) June 1, 2011, if on or before November 1, 2009 the Director has received a registration application for the purposes of clause (b) of Division 3 of Schedule 2 from the approval holder in respect of the same activity that is the subject of the approval and the application, in the opinion of the Director, is complete, and
- (d) the date a registration for the purposes of clause (b) of Division 3 of Schedule 2 is issued in respect of the activity.

AR 142/2004 s4;158/2008

Transitional - Schedule 2, Division 2 activities

11(1) Where before the coming into force of the *Activities Designation Regulation* (AR 211/96) a person held an approval that was in respect of an activity listed in clause (a), (b) or (c) of Division 2 of Schedule 2 of this Regulation,

- (a) that approval is deemed to be a registration for the purposes of the Act,
- (b) the holder of that approval must apply under the Act for a registration in respect of that activity within the time prescribed by the Director, and
- (c) the approval expires on the date on which it would have expired had the *Activities Designation Regulation* (AR 211/96) not come into force, unless it is sooner cancelled or is replaced by a registration obtained pursuant to clause (b).

(1.1) Where, before the coming into force of this subsection, a person held a registration that was in respect of an activity listed in clause (a), (b), (d), (e) or (f) of Division 1 of Schedule 2 to this Regulation, that registration has no expiry date.

(2) Where before the coming into force of this Regulation a person held an approval that was in respect of an activity listed in clause (d), (e) or (f) of Division 2 of Schedule 2 of this 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.

(3) Where, before the coming into force of this section, a person held an approval that was in respect of an activity listed in clause (a)(iii.1) or (iv.1) of Division 2 of Schedule 2,

- (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 276/2003 s11;157/2005;113/2006

Transitional - Schedule 2, Division 4 activities

12 Where before the coming into force of the *Activities Designation Regulation* (AR 211/96) a person held an approval that was in respect of an activity listed in Schedule 2, Division 4 of this Regulation, that approval

- (a) is deemed to be a registration for the purposes of the Act, and
- (b) expires on the date on which it would have expired had the *Activities Designation Regulation* (AR 211/96) not come into force, unless it is sooner cancelled.

Transitional - Schedule 3 activities

13 Where before the coming into force of the *Activities Designation Regulation* (AR 211/96) a person held a permit to operate that was issued under the *Public Health Act* and was in respect of an activity listed in Schedule 3 of this Regulation, that permit is deemed to be notice for the purposes of the Act.

Repeal

14 The *Activities Designation Regulation* (AR 211/96) is repealed.

15 Repealed AR 125/2017 s2.

Coming into force

16 This Regulation comes into force on October 1, 2003.

Schedule 1**Division 1
Waste Management**

- (a) the construction, operation or reclamation of a fixed facility where more than 10 tonnes per month of waste are treated by physical, chemical, thermal or biological processes, but does not include
 - (i) an analytical laboratory,
 - (ii) a facility that engages in research, or
 - (iii) an activity listed in Schedule 2, Division 1;
- (b) the operation of a mobile incinerator that treats waste that contains
 - (i) halogenated organic compounds in an amount of more than 1000 milligrams per kilogram of waste,

- (ii) polychlorinated biphenyls in an amount of more than 50 milligrams per kilogram of waste,
 - (iii) lead in an amount of more than 100 milligrams per kilogram of waste, or
 - (iv) mercury in an amount of more than 2 milligrams per kilogram of waste;
- (c) the construction, operation or reclamation of a facility for the collection and processing of waste or recyclables to produce fuel, where more than 10 tonnes of waste or recyclables per month are used to produce the fuel;
- (d) repealed AR 157/2005 s8;
- (e) the construction, operation or reclamation of a facility that is engaged in the storage of hazardous recyclables that are generated by a person other than the person responsible for the facility within the meaning of the *Waste Control Regulation* (AR 192/96), where
- (i) hazardous recyclables are stored at the facility for a continuous period of more than 365 days, or
 - (ii) more than 10 tonnes of hazardous recyclables are stored at the facility at any one time;
- (f) the construction, operation or reclamation of a facility that is engaged in the storage of hazardous waste that is generated by a person other than the person responsible for the facility within the meaning of the *Waste Control Regulation* (AR 192/96), where
- (i) hazardous waste is stored at the facility for a continuous period of more than 365 days, or
 - (ii) more than 10 tonnes of hazardous waste are stored at the facility at any one time;
- (g) repealed AR 157/2005 s8;
- (h) the construction, operation or reclamation of a fixed facility for processing hazardous recyclables, except a facility for processing
- (i) spent process and lube oil filters for volume reduction and liquid removal by compaction or draining, or
 - (ii) hazardous recyclables in an amount of less than 10 tonnes per month;

- (i) the construction, operation or reclamation of a landfill where
 - (i) hazardous waste is disposed of,
 - (ii) more than 10 000 tonnes per year of waste is disposed of, or
 - (iii) the landfill is located in a ravine, gully or coulee or over a buried valley;
- (j) the construction, operation or reclamation of a facility for cleaning empty containers where the nominal capacity of the facility is greater than 10 000 litres per day of combined container volume;
- (k) the burning of prohibited debris by means of an open fire;
- (l) the construction, operation or reclamation of a Class I or Class II compost facility that accepts more than 20 000 tonnes of waste per year for composting.

NOTE: The exemption provided in clause (a) in respect of a facility that engages in research does not apply to the facility's carrying out of a technology demonstration to determine the suitability of a waste treatment process prior to its commercial application if

- (a) the technology used in the treatment process has not been used in Alberta before,**
- (b) the operating period, excluding construction, set-up time and decommissioning but including down time, exceeds 3 months, or**
- (c) the total amount of waste that is processed during the operating period exceeds 500 tonnes.**

Division 2 Substance Release

Part 1: Repealed AR 113/2006 s5;

Part 2: Chemical

- (b) the construction, operation or reclamation of
 - (i) a chemical manufacturing plant;

- (ii) a chemical storage facility;
- (iii) a sulphur manufacturing or processing plant;
- (iv) a sulphur storage facility;
- (v) a fertilizer manufacturing plant;
- (vi) a fertilizer storage facility;
- (vii) an explosives manufacturing plant;
- (viii) a pesticide manufacturing plant;
- (ix) a petrochemical manufacturing plant;
- (x) a coke or carbon manufacturing plant;
- (xi) a brine processing plant;

Part 3: Construction

- (c) the construction, operation or reclamation of
 - (i) a building products manufacturing plant;
 - (ii) an insulation manufacturing plant;
 - (iii) a cement plant;

Part 4: Food or Animal By-Products

- (d) the construction, operation or reclamation of
 - (i) a rendering plant;
 - (ii) a meat plant;
 - (iii) a tannery;
 - (iv) a sugar refinery;
 - (v) a vegetable plant;
 - (vi) a distillery;
 - (vii) an oil seed processing plant;
 - (viii) a malting plant;
 - (ix) a milk products plant;

Part 5: Metals

- (e) the construction, operation or reclamation of
 - (i) an electroplating plant;
 - (ii) a foundry;
 - (iii) a lead smelter;
 - (iv) a metal manufacturing plant;
 - (v) an iron and steel mill;

Part 6: Mineral Processing

- (f) the construction, operation or reclamation of
 - (i) a glass manufacturing plant;
 - (ii) a lime plant;

Part 7: Wastewater

- (g) the construction, operation or reclamation of a wastewater system that uses a wastewater treatment plant other than a wastewater lagoon, and
 - (i) that
 - (A) serves 2 or more service connections within a city, town, specialized municipality, village, summer village, hamlet, municipal development or settlement area as defined in the *Metis Settlements Act*,
 - (B) is owned by a regional services commission, or
 - (C) is a private utility,
 - or
 - (ii) that serves an industrial development or privately owned development and
 - (A) discharges treated wastewater off the site of the development, or
 - (B) is designed to treat more than 25 cubic metres of wastewater per day;

NOTE: Clause (g) does not apply to

- (i) the extension of the wastewater collection system forming part of a wastewater system,**
- (ii) replacement of a portion of the wastewater collection system forming part of a wastewater system,**
- (iii) irrigation using treated wastewater from a wastewater system, or**
- (iv) application of sludge from a wastewater system to land,**

where the wastewater system is approved or registered under the Act.

Part 8: Oil and Gas

- (h) the construction, operation or reclamation of
 - (i) an oil refinery;
 - (ii) an oil sands processing plant;
 - (iii) an enhanced recovery in-situ oil sands or heavy oil processing plant;
 - (iv) a sour gas processing plant;
 - (v) a sweet gas processing plant;
 - (vi) a bulk petroleum storage facility;
 - (vii) a brine storage pond;
 - (viii) a syngas plant;

Part 9: Power Plants

- (i) the construction, operation or reclamation of a power plant;

Part 10: Services

- (j) the operation of a rail car washing facility;
- (k) hydrostatic testing;

- (l) in-situ surface water treatment;

Part 11: Wood Products

- (m) the construction, operation or reclamation of
 - (i) a wood processing plant;
 - (ii) a wood treatment plant;
 - (iii) a pulp and paper manufacturing plant;
 - (iv) a pulp manufacturing plant;

Part 12: Biotechnology

- (n) the construction, operation or reclamation of a biotechnology products manufacturing plant;

Part 13: Manufacturing

- (o) the construction, operation or reclamation of an electrical and electronic components plant.

**Division 3
Conservation and Reclamation**

- (a) the construction, operation or reclamation of a mine;
- (b) the construction, operation or reclamation of an oil production site;
- (c) the construction or reclamation of a pipeline;
- (d) the construction, operation or reclamation of a transmission line;
- (e) the construction, operation or reclamation of a quarry;
- (f) the construction, operation or reclamation of a peat operation;
- (g) the construction, operation or reclamation of a coal processing plant.
- (h) repealed AR 142/2004 s5.

**Division 4
Miscellaneous**

- (a) subject to the *Pesticide (Ministerial) Regulation* (AR 43/97), the application of pesticides in, on or within 30 horizontal metres of an open body of water.

**Division 5
Potable Water**

- (a) the construction, operation or reclamation of a waterworks system
- (i) that
- (A) serves a city, town, specialized municipality, village, summer village, hamlet, settlement area as defined in the *Metis Settlements Act*, industrial development, municipal development or privately owned development,
- (B) is a private utility or a watering point, or
- (C) is owned by a regional services commission, and
- (ii) that uses as the source of its water supply
- (A) surface water, or
- (B) groundwater other than high quality groundwater.

NOTE: Clause (a) does not apply to

- (i) **the extension of the water distribution system forming part of a waterworks system;**
- (ii) **replacement of a portion of the water distribution system forming part of a waterworks system, or**
- (iii) **the addition or modification of treated water storage, forming part of a waterworks system,**

where the waterworks system is approved or registered under the Act.

AR 276/2003 Sched.1;142/2004;157/2005;113/2006;1/2009

Schedule 2**Division 1
Waste Management**

- (a) the construction, operation or reclamation of a facility where land treatment of waste is carried out;
- (b) the construction, operation or reclamation of a small incinerator;
- (c) the construction, operation or reclamation of a landfill where not more than 10 000 tonnes per year of waste is disposed;
- (d) the construction, operation or reclamation of a facility for energy recovery;
- (e) the construction, operation or reclamation of a Class I compost facility that accepts not more than 20 000 tonnes of waste per year for composting;
- (f) the construction, operation or reclamation of a fixed facility for the land treatment of soil containing hydrocarbons.

**Division 2
Substance Release**

- (a) the construction, operation or reclamation of
 - (i) an asphalt paving plant;
 - (ii) a compressor and pumping station;
 - (iii) a concrete producing plant;
 - (iii.1) a forage drying facility;
 - (iv) a foundry;
 - (iv.1) a sawmill plant;
 - (v) a sweet gas processing plant;
 - (vi) a tanker truck washing facility;
- (b) hydrologic tracing analysis;
- (c) hydrostatic testing;

- (d) the construction, operation or reclamation of a wastewater system that uses a wastewater lagoon as the wastewater treatment plant, and
- (i) that
 - (A) serves 2 or more service connections within a city, town, specialized municipality, village, summer village, hamlet, municipal development or settlement area as defined in the *Metis Settlements Act*,
 - (B) is owned by a regional services commission, or
 - (C) is a private utility,

or

 - (ii) that serves an industrial development or privately owned development and
 - (A) discharges treated wastewater off the site of the development, or
 - (B) is designed to treat more than 25 cubic metres of wastewater per day;
- (e) the construction, operation or reclamation of a wastewater collection system
- (i) that
 - (A) serves 2 or more service connections within a city, town, specialized municipality, village, summer village, hamlet, municipal development or settlement area as defined in the *Metis Settlements Act*,
 - (B) is owned by a regional services commission, or
 - (C) is a private utility,

or

 - (ii) that
 - (A) serves an industrial development or privately owned development, and
 - (B) is designed to collect more than 25 cubic metres of wastewater per day;

- (f) the construction, operation or reclamation of a storm drainage system for storm drainage in a city, town, specialized municipality, village, summer village, hamlet, settlement area as defined in the *Metis Settlements Act*, municipal development or privately owned development, but does not include a storm drainage system that collects, stores or disposes of storm drainage solely from agricultural land or land on which farms are located.

NOTE: Clauses (d), (e) and (f) do not apply to

- (i) the extension of a storm drainage collection system forming part of a storm drainage system,**
- (ii) the replacement of a portion of a storm drainage collection system forming part of a storm drainage system,**
- (iii) the extension of a wastewater collection system forming part of a wastewater system,**
- (iv) the replacement of a portion of a wastewater collection system forming part of a wastewater system,**
- (v) the addition or modification of a storm drainage treatment facility forming part of a storm drainage system,**
- (vi) irrigation using treated wastewater from a wastewater system, or**
- (vii) application of sludge from a wastewater system to land,**

where the wastewater system or storm drainage system is approved or registered under the Act.

Division 3 Conservation and Reclamation

- (a) repealed AR 157/2005 s9.
- (b) the construction, operation or reclamation of a pit.

**Division 4
Pesticides**

- (a) subject to the *Pesticide (Ministerial) Regulation* (AR 43/97),
 - (i) storing or selling pesticides listed in Schedules 1, 2 or 3 of the *Pesticide (Ministerial) Regulation* (AR 43/97) as a wholesale vendor;
 - (ii) selling pesticides listed in Schedules 1 or 2 of the *Pesticide (Ministerial) Regulation* (AR 43/97) as a retail vendor;
 - (iii) offering a pesticide service involving the use and application of pesticides listed in Schedules 1, 2 or 3 of the *Pesticide (Ministerial) Regulation* (AR 43/97).

**Division 5
Potable Water**

- (a) the construction, operation or reclamation of a waterworks system
 - (i) that
 - (A) serves a city, town, specialized municipality, village, summer village or settlement area as defined in the *Metis Settlements Act*,
 - (B) is a private utility, or
 - (C) is owned by a regional services commission, and
 - (ii) that uses high quality groundwater as the source of its water supply;
- (b) the construction, operation or reclamation of a waterworks system
 - (i) that
 - (A) serves a city, town, specialized municipality, village, summer village or settlement area as defined in the *Metis Settlements Act*,
 - (B) is a private utility, or
 - (C) is owned by a regional services commission, and

- (ii) that consists solely of a water distribution system that uses as the source of its water supply potable water from a waterworks system that holds a current approval or registration under the Act;
- (c) the construction, operation or reclamation of a waterworks system
 - (i) that serves a hamlet or a municipal development,
 - (ii) that uses high quality groundwater as the source of its water supply, and
 - (iii) that has
 - (A) 15 or more service connections, or
 - (B) 3 or more kilometres of water distribution system;
- (d) the construction, operation or reclamation of a waterworks system
 - (i) that serves a hamlet or a municipal development,
 - (ii) that consists solely of a water distribution system that uses as the source of its water supply potable water from a waterworks system that holds a current approval or registration under the Act, and
 - (iii) that has
 - (A) 15 or more service connections, or
 - (B) 3 or more kilometres of water distribution system.

NOTE: Clauses (a), (b), (c) and (d) do not apply to

- (i) the extension of the water distribution system forming part of a waterworks system,**
- (ii) replacement of a portion of the water distribution system forming part of a waterworks system, or**
- (iii) the addition or modification of treated water storage in a waterworks system,**

where the waterworks system is approved or registered under the Act.

AR 276/2003 Sched.2;142/2004;157/2005;113/2006

Schedule 3

- (a) the construction, operation or reclamation of a Class II compost facility;
- (b) the construction, operation or reclamation of a storage site;
- (c) the conduct or reclamation of an exploration operation.

AR 276/2003 Sched.3;157/2005



Printed on Recycled Paper 