Province of Alberta

ENVIRONMENTAL PROTECTION AND ENHANCEMENT ACT

Revised Statutes of Alberta 2000
Chapter E-12

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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.

Regulations

The following is a list of the regulations made under the *Environmental Protection and Enhancement Act* that are filed as Alberta Regulations under the Regulations Act

	Alta. Reg.	*Amendments*
Environmental Protection and Enhancement Act		
Activities Designation	276/2003	*142/2004, 157/2005, 113/2006, 158/2008, 1/2009, 97/2011, 118/2013, 61/2015, 125/2017*
Administrative Penalty	23/2003	*163/2005, 33/2006, 34/2006, 105/2011, 130/2013, 46/2015, 122/2017, 244/2018*
Approvals and Registrations Procedure	113/93	*244/93, 216/96, 251/2001, 89/2013*
Beverage Container Recycling	101/97	*166/97, 68/99, 90/2001, 169/2001, 251/2001, 164/2006, 199/2007, 19/2008,*

177/2008, 106/2013, 97/2015, 104/2016, 13/2018, 99/2018

Conservation and Reclamation.....115/93 ..... *245/93, 167/96, 242/99, 251/2001, 27/2002, 247/2003, 315/2003, 131/2004, 160/2005, 63/2008, 68/2008, 34/2011, 105/2011, 31/2012, 62/2013, 130/2013, 169/2014, 103/2016, 62/2018, 198/2019*

Designated Material Recycling and Management.....93/2004 ..... *193/2009, 31/2012, 170/2012, 64/2014, 97/2015, 104/2016, 98/2018, 99/2018, 212/2019*

Disclosure of Information .....273/2004 ..... *119/2013, 62/2015, 124/2017*

Electronics Designation.....94/2004 ..... *151/2007, 64/2014, 97/2015, 104/2016, 98/2018, 99/2018, 213/2019*

Emissions Trading.....33/2006 ..... *170/2012, 170/2015, 180/2015, 175/2017*

Environmental Appeal Board.....114/93 ..... *212/96, 106/99, 251/2001*

Environmental Assessment .....112/93 ..... *243/93, 251/2001, 254/2007, 89/2013*

Environmental Assessment (Mandatory and Exempted Activities).....111/93 ..... *88/2000, 62/2008, 54/2017*

Environmental Protection and Enhancement (Miscellaneous) .....118/93 ..... *248/93, 191/96, 192/98, 251/2001, 27/2002, 225/2003, 269/2003, 13/2005, 161/2005, 68/2008, 187/2011, 31/2012, 62/2013, 198/2019*

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Mercury Emissions from Coal-fired Power Plants.....34/2006 ..... *200/2015, 200/2016*

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Ozone-depleting Substances and Halocarbons .....181/2000 ..... *132/2004*

Paint and Paint Container Designation.....200/2007 ..... *194/2009, 105/2011, 106/2013, 97/2015, 104/2016, 98/2018, 99/2018, 215/2019*

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Schedule

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

Definitions

1 In this Act,

(a) "activity" means an activity or part of an activity listed in the Schedule of Activities;

(b) "adverse effect" means impairment of or damage to the environment, human health or safety or property;

(c) "agricultural operation" means agricultural operation as defined in the *Agricultural Operation Practices Act*;

(d) "analyst" means an analyst designated by the Minister under section 25;

(e) "animal" means any animal other than a human;

(f) "approval" means an approval issued under this Act in respect of an activity, and includes the renewal of an approval;

(g) "Board" means the Environmental Appeals Board;

(h) "borehole" means a hole advanced into the ground for the purpose of determining engineering or geological

classification and properties or for instrumentation purposes;

(i) "certificate of qualification" means a certificate of qualification issued under section 82, including the renewal of such a certificate, and a certificate or other qualification from another jurisdiction that is accepted under the regulations as a certificate of qualification for the purposes of this Act;

(j) "certificate of title" includes a document issued under the *Metis Settlements Act* with respect to land in a settlement area under that Act that is similar in nature to a certificate of title within the meaning of the *Land Titles Act*;

(k) "certificate of variance" means a certificate of variance issued under section 78;

(k.1) "code of practice" means a document governing an activity or activities or a portion of an activity or activities that is adopted or incorporated pursuant to section 38;

(l) "conservation" means, except in sections 22 to 24, the planning, management and implementation of an activity with the objective of protecting the essential physical, chemical and biological characteristics of the environment against degradation;

(m) "Co-ordinating Council" means the Sustainable Development Co-ordinating Council continued under section 5;

(n) "council", when used with reference to a local authority, includes a settlement council under the *Metis Settlements Act*;

(o) "Department" means the Department administered by the Minister;

(p) "designated livestock operation" means a designated livestock operation within the meaning of the regulations;

(q) "designated material" means a designated material within the meaning of the regulations;

(r) "Director" means, subject to section 42, a person designated as a Director for the purposes of this Act by the Minister;

(s) "document" includes a book, sound recording, videotape, film, photograph, chart, graph, map, plan, survey, book of

account and any other information that is recorded or stored by means of a device;

(s.1) "electronic" includes created, recorded, transmitted or stored in digital form or in any other intangible form by electronic, magnetic or optical means or by any other means that have similar capabilities for creation, recording, transmission or storage;

(t) "environment" means the components of the earth and includes

(i) air, land and water,

(ii) all layers of the atmosphere,

(iii) all organic and inorganic matter and living organisms, and

(iv) the interacting natural systems that include components referred to in subclauses (i) to (iii);

(u) repealed 2019 c20 s12;

(v) "Environmental Protection Security Fund" means the fund continued under section 32;

(w) "Government" means the Government of Alberta;

(x) "Government agency" means

(i) a corporation that is an agent of the Government, or

(ii) a corporation, commission, board or other body whose members are appointed by an Act of the Legislature, the Lieutenant Governor in Council or a Minister of the Government, or any combination of them;

(y) "groundwater" means all water under the surface of the ground;

(z) "hazardous recyclable" means hazardous recyclable within the meaning of the regulations;

(aa) "hazardous substance" means a substance or mixture of substances, other than a pesticide, that exhibits characteristics of flammability, corrosivity, reactivity or toxicity, including, without limitation, any substance that is designated as a hazardous substance within the meaning of the regulations;

(bb) "hazardous waste" means hazardous waste within the meaning of the regulations;

(cc) "heavy oil" means a naturally occurring viscous mixture, other than crude bitumen, that consists mainly of hydrocarbons heavier than pentane, that may contain sulphur compounds and that in its naturally occurring state has a density of more than 920 kilograms per cubic metre;

(dd) "heavy oil site" means a location at which a facility exists or is to be developed for recovering heavy oil by drilling and includes any injection or pumping facilities and any associated infrastructures and pipelines;

(ee) "highway" means highway within the meaning of the *Traffic Safety Act*;

(ff) "industrial development" means an industrial development within the meaning of the regulations;

(gg) "inspector" means a person who is an inspector by reason of section 25 or 27;

(hh) "investigator" means a person who is an investigator by reason of section 25 or 27;

(ii) "land titles office" includes, with respect to land in a settlement area within the meaning of the *Metis Settlements Act*, the Metis Settlements Land Registry established under that Act;

(jj) "local authority" means

(i) the corporation of a city, town, village, summer village, municipal district or specialized municipality,

(ii) in the case of an improvement district, the Minister responsible for the *Municipal Government Act*,

(iii) in the case of a special area, the Minister responsible for the *Special Areas Act*,

(iv) a settlement under the *Metis Settlements Act*,

(v) a regional services commission under Part 15.1 of the *Municipal Government Act*,

(v.1) a growth management board under Part 17.1 of the *Municipal Government Act*, and

(vi) a regional health authority under the *Regional Health Authorities Act*,

but for the purposes of sections 12(b), 22 to 24, 126, 184, 185 and 186 does not include an entity referred to in subclause (v) or (vi), and for the purposes of sections 147(b), 175(n) and 180(b) does not include an entity referred to in subclause (vi);

(kk) "mine" means any opening in, excavation in or working of the surface or subsurface for the purpose of working, recovering, opening up or proving coal, a coal bearing substance, oil sands or an oil sands bearing substance, and includes any associated infrastructure;

(ll) "minerals" means all naturally occurring minerals, including, without limitation, gold, silver, uranium, platinum, pitchblende, radium, precious stones, copper, iron, tin, zinc, asbestos, salts, sulphur, petroleum, oil, asphalt, bituminous sands, oil sands, natural gas, coal, anhydrite, barite, bauxite, bentonite, diatomite, dolomite, epsomite, granite, gypsum, limestone, marble, mica, mirabilite, potash, quartz rock, rock phosphate, sandstone, serpentine, shale, slate, talc, thenardite, trona, volcanic ash, sand, gravel, clay and marl, but does not include

(i) sand and gravel that belong to the owner of the surface of land under section 58 of the *Law of Property Act*, or

(ii) clay and marl that belong to the owner of the surface of land under section 57 of the *Law of Property Act*;

(mm) "Minister" means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;

(nn) "municipal development" means a municipal development within the meaning of the regulations;

(oo) "municipality" means the geographical area of a city, town, village, summer village, municipal district, specialized municipality, improvement district, special area or settlement area within the meaning of the *Metis Settlements Act*;

(pp) "oil production site" means oil production site within the meaning of the regulations;

(qq) "oil sands" means

(i) sands and other rock materials containing crude bitumen,

(ii) the crude bitumen contained in those sands and other rock materials, and

(iii) any other mineral substances, other than natural gas, in association with that crude bitumen or those sands and other rock materials referred to in subclauses (i) and (ii);

(rr) "oil sands site" means a location at which a facility exists or is to be developed for recovering oil sands by drilling or other in situ recovery operations, and includes

(i) any injection or pumping facility, storage facility or tailings storage or disposal site that exists or is to be developed, and

(ii) any permanent access or haul road, railway, telecommunication line or pipeline on the location for the transmission of synthetic crude oil;

(ss) "owner", with regard to land, means

(i) the registered owner of the land,

(ii) a purchaser of the land whose interest as a purchaser is shown on the certificate of title to that land, or

(iii) a tenant or other person who is in lawful possession or occupation of the land;

(tt) "person responsible", when used with reference to a substance or a thing containing a substance, means

(i) the owner and a previous owner of the substance or thing,

(ii) every person who has or has had charge, management or control of the substance or thing, including, without limitation, the manufacture, treatment, sale, handling, use, storage, disposal, transportation, display or method of application of the substance or thing,

(iii) any successor, assignee, executor, administrator, receiver, receiver-manager or trustee of a person referred to in subclause (i) or (ii), and

(iv) a person who acts as the principal or agent of a person referred to in subclause (i), (ii) or (iii),

but does not include

(v) a municipality in respect of

(A) a parcel of land shown on its tax arrears list, unless after the date on which the municipality is entitled to possession of the parcel under section 420 of the *Municipal Government Act* or becomes the owner of the parcel under section 424 of that Act the municipality releases on that parcel a new or additional substance into the environment that may cause, is causing or has caused an adverse effect or aggravates the adverse effect of the release of a substance into the environment on that parcel, or

(B) a parcel of land acquired by it by dedication or gift of an environmental reserve, municipal reserve, school reserve, road, utility lot or right of way under Part 17 of the *Municipal Government Act*, unless after the date on which the land is acquired the municipality releases on that parcel a new or additional substance into the environment that may cause, is causing or has caused an adverse effect or aggravates the adverse effect of the release of a substance into the environment on that parcel,

(vi) a person who investigates or tests a parcel of land for the purpose of determining the environmental condition of that parcel, unless the investigation or test releases on that parcel a new or additional substance into the environment that may cause, is causing or has caused an adverse effect or aggravates the adverse effect of the release of a substance into the environment on that parcel, or

(vii) the Minister responsible for the *Unclaimed Personal Property and Vested Property Act*, with respect to a parcel of land to which that Act applies, unless after the date on which the Minister takes possession of the parcel of land the actions of the Minister or persons under the control of the Minister release on that parcel a new or additional substance into the environment that may cause, is causing or has caused an adverse effect or aggravates the adverse effect of the release of a substance into the environment on that parcel;

(uu) "pest" means any injurious, noxious or troublesome plant or animal life and includes any injurious, noxious or troublesome organic function of a plant or animal;

(vv) "pesticide" means

(i) a substance that is intended, sold or represented for use in preventing, destroying, repelling or mitigating any insect, nematode, rodent, predatory animal, parasite, bacteria, fungus, weed or other form of plant or animal life or virus, except a virus, parasite, bacteria or fungus in living people or animals,

(ii) any substance that is a pest control product within the meaning of the *Pest Control Products Act* (Canada) or is intended for use as such a pest control product,

(iii) any substance that is a plant growth regulator, a defoliant or a plant desiccant,

(iv) a fertilizer within the meaning of the *Fertilizers Act* (Canada) that contains a substance referred to in subclause (i), (ii) or (iii), and

(v) any other substance designated as a pesticide in the regulations,

but does not include a substance that is intended, sold or represented for use in potable water to prevent or destroy bacteria, parasites or viruses if the substance is not a pest control product within the meaning of the *Pest Control Products Act* (Canada);

(ww) "pipeline" means

(i) a pipe for the transmission of any substance and installations in connection with that pipe, or

(ii) a sewer or sewage system and installations in connection with that sewer or sewage system;

(iii) repealed 2003 c37 s2;

(xx) "pit" means an operation on or excavation from the surface of the land, including by stripping off the overburden, for the purposes of removing, opening up or proving sand, gravel, clay or marl, and includes any associated infrastructure, but does not include a mine or a quarry;

(yy) "place" includes any land, building, structure, machine, aircraft, vehicle or vessel;

(zz) "potable water" means water that is supplied by a waterworks system and is used for drinking, cooking, dish washing or other domestic purposes requiring water that is suitable for human consumption;

(aaa) "private utility" means a private utility within the meaning of the regulations;

(bbb) "privately owned development" means a privately owned development within the meaning of the regulations;

(ccc) "quarry" means any opening in, 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 includes any associated infrastructure;

(ddd) "reclamation" means any or all of the following:

(i) the removal of equipment or buildings or other structures or appurtenances;

(ii) the decontamination of buildings or other structures or other appurtenances, or land or water;

(iii) the stabilization, contouring, maintenance, conditioning or reconstruction of the surface of land;

(iv) any other procedure, operation or requirement specified in the regulations;

(eee) "recycle" means to do anything that results in providing a use for a thing that otherwise would be disposed of or dealt with as waste, including collecting, transporting, handling, storing, sorting, separating and processing the thing, but does not include the application of waste to land or the use of a thermal destruction process;

(fff) "registered owner", with respect to land, means

(i) the person registered in a land titles office as the owner of the fee simple in the land, and

(ii) except for the purposes of section 22, the person registered in a land titles office as the owner of a life estate in the land,

and in the case of patented land within the meaning of the *Metis Settlements Act* includes a person registered in the Metis Settlements Land Registry established under that Act;

(ggg) "registration" means, except in sections 23, 24, 34(n), 154(b) and 175(d), a registration issued under this Act in respect of an activity, and includes the renewal of a registration;

(hhh) "release" includes to spill, discharge, dispose of, spray, inject, inoculate, abandon, deposit, leak, seep, pour, emit, empty, throw, dump, place and exhaust;

(iii) "remediation certificate" means a remediation certificate issued under section 117;

(jjj) repealed 2003 c2 s1(24);

(kkk) "storage" means the holding of a substance or thing for a temporary period at the end of which it is processed, used, transported, treated or disposed of;

(lll) "storm drainage system" means any system for collecting, storing and disposing of storm drainage, and includes

(i) the sewers and pumping stations that make up the storm drainage collection system,

(ii) the storm drainage storage, management and treatment facilities that buffer the effects of the peak runoff or improve the quality of the storm water,

(iii) the sewers and pumping stations that transport storm drainage to the location where it is treated or disposed of, and

(iv) the storm drainage outfall structures;

(mmm) "substance" means

(i) any matter that

(A) is capable of becoming dispersed in the environment, or

(B) is capable of becoming transformed in the environment into matter referred to in paragraph (A),

(ii) any sound, vibration, heat, radiation or other form of energy, and

(iii) any combination of things referred to in subclauses (i) and (ii);

(nnn) "surface water" means water in a watercourse;

(ooo) "telecommunication line" means a system or arrangement of lines of wire or other conductors by which telephone or other kinds of communications are transmitted and received by electronic means;

(ppp) "this Act" means this Act and the regulations;

(qqq) "transmission line" means a system or arrangement of lines of wire or other conductors and transformation equipment, wholly within Alberta, whereby electric energy, however produced, is transmitted in bulk, and includes

(i) transmission circuits composed of the conductors that form the minimum set required to transmit the electric energy,

(ii) insulating and supporting structures,

(iii) substations,

(iv) operational and control devices, and

(v) all property used for the purpose of, or in connection with, the operation of the transmission line,

but does not include a power plant or electric distribution system as defined in the *Hydro and Electric Energy Act*;

(rrr) "treat" means to apply any method, technique or process, including, without limitation, neutralization and stabilization, that is designed to change the physical, chemical or biological character or composition of a substance;

(sss) "vehicle" means a device in, on or by which a person or thing may be transported or drawn on a highway;

(ttt) "waste management facility" means a facility for the collection, storage, treatment or disposal of waste;

(uuu) "wastewater system" means a system for collecting, treating and disposing of wastewater and includes any or all of the following:

(i) sewers and pumping stations that make up a wastewater collection system;

(ii) sewers and pumping stations that transport untreated wastewater from a wastewater collection system to a wastewater treatment plant;

(iii) wastewater treatment plants;

(iv) facilities that provide storage for treated wastewater;

(v) wastewater sludge treatment and disposal facilities;

(vi) sewers that transport treated wastewater from a wastewater treatment plant to the place where it is disposed of;

(vii) treated wastewater outfall facilities, including the outfall structures to a watercourse or any appurtenances for disposal of treated wastewater to land or to wetlands;

(vvv) "water" means all water on or under the surface of the ground;

(www) "water distribution system" means a system of pipes, valves, fittings and appurtenances, including associated pressure reducing stations, that is used to convey potable water in a waterworks system to a service connection;

(xxx) "water well" means an opening in the ground, whether drilled or altered from its natural state, that is used for

(i) the production of groundwater for any purpose,

(ii) obtaining data on groundwater, or

(iii) recharging an underground formation from which groundwater can be recovered,

and includes any related equipment, buildings, structures and appurtenances, but does not include a dugout;

(yyy) "watercourse" means

(i) the bed and shore of a river, stream, lake, creek, lagoon, swamp, marsh or other natural body of water, or

(ii) a canal, ditch, reservoir or other artificial surface feature made by humans,

whether it contains or conveys water continuously or intermittently;

(zzz) "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;

(aaaa) "well" means an orifice in the ground that is completed or is being drilled

(i) for the production of oil, oil sands or gas, or

(ii) for injection into an underground formation.

RSA 2000 cE-12 s1;RSA 2000 cT-6 s197;2003 c2 s1(24); 2003 c37 s2;2003 c42 s6;2006 c15 s2;2007 cU-1.5 s71; 2013 c17 s9;2019 c20 s12;2020 c21 s1

Purpose of Act

2 The purpose of this Act is to support and promote the protection, enhancement and wise use of the environment while recognizing the following:

(a) the protection of the environment is essential to the integrity of ecosystems and human health and to the well-being of society;

(b) the need for Alberta's economic growth and prosperity in an environmentally responsible manner and the need to

integrate environmental protection and economic decisions in the earliest stages of planning;

(c) the principle of sustainable development, which ensures that the use of resources and the environment today does not impair prospects for their use by future generations;

(d) the importance of preventing and mitigating the environmental impact of development and of government policies, programs and decisions;

(e) the need for Government leadership in areas of environmental research, technology and protection standards;

(f) the shared responsibility of all Alberta citizens for ensuring the protection, enhancement and wise use of the environment through individual actions;

(g) the opportunities made available through this Act for citizens to provide advice on decisions affecting the environment;

(h) the responsibility to work co-operatively with governments of other jurisdictions to prevent and minimize transboundary environmental impacts;

(i) the responsibility of polluters to pay for the costs of their actions;

(j) the important role of comprehensive and responsive action in administering this Act.

1992 cE-13.3 s2;1994 c15 s3

Application of REDA

2.1 This Act, to the extent that it applies to energy resource activities as defined in the *Responsible Energy Development Act*, shall be read and applied in conjunction with the *Responsible Energy Development Act.*

2012 cR-17.3 s88

Crown is bound

3 Except where this Act specifically provides to the contrary, the Crown is bound by this Act.

1992 cE-13.3 s3

ALSA regional plans

3.1 Where the Minister or a Director is empowered or directed to take any action under this Act, the Minister or the Director, as the case requires, must act in accordance with any applicable ALSA regional plan.

2009 cA-26.8 s76

Part 1
Administration

Consultation, Communication and Education

Advisory committees, experts

4(1) The Minister may

(a) establish advisory committees and retain experts to report to the Minister with respect to

(i) the content and administration of this Act, and

(ii) any of the policies, programs, services or other matters under the Minister's administration,

and

(b) specify the functions that the committees and experts are to perform, including, without limitation, the seeking of input from the public, and the manner in which and time period within which those functions are to be performed.

(2) The report of a committee established pursuant to subsection (1), including the recommendations and the reasons for them, shall be made public in the manner provided for in the regulations.

1992 cE-13.3 s4;1994 c15 s4

Sustainable Development Co-ordinating Council

5 The Natural Resources Co-ordinating Council is continued as the Sustainable Development Co-ordinating Council.

1992 cE-13.3 s5

Purpose of Co-ordinating Council

6(1) The Co-ordinating Council may co-ordinate, review and make recommendations to the Minister on interdepartmental matters related to sustainable development and the protection of the environment.

(2) The Co-ordinating Council shall make its recommendations and reports to the Minister, who shall submit copies in a timely manner to the members of the Executive Council.

1992 cE-13.3 s6

Members of Co-ordinating Council

7(1) The Co-ordinating Council shall consist of

(a) a Deputy Minister of each of the following departments of the Government, as designated by the Minister of each department:

(i) Agriculture, Food and Rural Development;

(ii) Economic Development;

(iii) Resource Development;

(iv) Environment;

(v) International and Intergovernmental Relations;

(vi) Health and Wellness;

(vii) Municipal Affairs;

(viii) Government Services;

(ix) Infrastructure;

(b) the Chief Executive Officer of the Alberta Energy Regulator;

(b.1) the Chair of the Alberta Utilities Commission;

(c) the chair of the Natural Resources Conservation Board;

(d) the chief executive officer of the Alberta Science, Research and Technology Authority;

(e) representatives from other Government agencies and departments who are designated by the Minister.

(2) The Deputy Minister of the Department is the chair of the Co-ordinating Council.

(3) Notwithstanding subsection (1), each member of the Co-ordinating Council may appoint in writing a person to be an alternate member of the Co-ordinating Council to act in that member's place as a member of the Co-ordinating Council in the event of that member's temporary absence or temporary inability to act.

RSA 2000 cE-12 s7;2007 cA-37.2 s82(6);2012 cR-17.3 s88

Rules of operation

8 The members of the Co-ordinating Council

(a) may appoint other officers of the Council, and

(b) may make rules governing the calling and conduct of meetings of the Council and any other matters pertaining to the conduct of its business and affairs.

1992 cE-13.3 s8

Quorum

9 A majority of the members of the Co-ordinating Council or their respective alternate members constitutes a quorum.

1992 cE-13.3 s9

Committees

10(1) The Minister may establish one or more committees consisting of employees of the Government or a Government agency or of the Government of Canada or an agency of that Government to co-ordinate and review matters related to this Act and to advise the Minister on matters related to this Act and the protection of the environment generally.

(2) The Director may establish one or more committees consisting of employees of the Government or a Government agency or of the Government of Canada or an agency of that Government to advise the Director on matters related to this Act that are referred to the committees.

(3) A committee may make rules governing its conduct, procedures and meetings.

(4) A committee shall make and submit to the Minister or the Director, as the case may be, reports and recommendations on specific matters reviewed by it.

1992 cE-13.3 s10;1998 c15 s4

Health issues

11 The Minister shall, in recognition of the integral relationship between human health and the environment, co-operate with and assist the Minister of Health in promoting human health through environmental protection.

RSA 2000 cE-12 s11;2013 c10 s37

Powers and duties of Minister

12 The Minister

(a) is responsible for the establishment of the policies, programs, services and administrative procedures of the Department, and for co-ordination with other departments of the Government and with Government agencies of matters pertaining to the environment;

(b) shall, as the representative of the Government, maintain a continuing liaison with the governments of other jurisdictions and agencies of those governments, and local authorities in Alberta in relation to matters under the administration of the Minister;

(c) shall compile, study and assess information related to the environment for the purpose of better carrying out the Minister's functions and responsibilities under this or any other Act with a view to providing that information to departments of the Government, Government agencies and the public;

(d) shall carry out and may participate in research projects related to matters pertaining to the environment;

(e) shall conduct a continuing review of research related to any matter pertaining to the environment that is being carried out by the Government or Government agencies or by others and shall promote the co-ordination of that research and of facilities used for that research;

(f) shall maintain a library consisting of publications and other information relating to matters pertaining to the environment;

(g) shall, unilaterally or in co-operation with other departments of the Government and Government agencies, develop, publish and distribute educational materials with respect to the environment and shall co-ordinate, develop and deliver educational programs and services to assist Albertans to better understand the environment and become responsibly involved in the protection and wise use of the environment;

(h) may, in co-operation with other departments of the Government and Government agencies, develop and implement economic and financial instruments and market-based approaches to achieve environmental protection, to achieve environmental quality goals in a cost effective manner and to provide methods of financing programs for environmental purposes;

(i) shall generally do any acts the Minister considers necessary to promote the protection and wise use of the environment for the benefit of the people of Alberta and future generations.

1992 cE-13.3 s12;1994 c15 s6

Economic instruments

13 The Minister may, in accordance with the regulations, establish programs and other measures for the use of economic and financial instruments and market-based approaches, including, without limitation,

(a) emission trading,

(b) incentives,

(c) subsidies,

(d) emission, effluent and waste disposal fees, and

(e) differential levies,

for the purposes of protecting the environment, achieving environmental quality goals in a cost effective manner and providing methods of financing programs and other measures for environmental purposes.

1992 cE-13.3 s13

Development of guidelines and objectives

14(1) In order to further the protection and wise use of the environment, the Minister shall, after having complied with any applicable regulations regarding public input or, in the absence of regulations, after having engaged in any public consultation that the Minister considers appropriate, develop ambient environmental quality objectives in qualitative or quantitative terms for all or part of Alberta.

(2) In developing objectives under subsection (1), the Minister shall give due consideration to public input that the Minister has received.

(3) Objectives developed under subsection (1) shall be made available to the public in accordance with the regulations.

(4) In addition to developing objectives under subsection (1), the Minister may develop other objectives, as well as standards, practices, codes of practice, guidelines or methods, to meet goals or purposes toward which the Government's environmental protection efforts are directed, including, without limitation, standards, practices, codes of practice, guidelines, objectives or methods for monitoring, analysis and predictive assessment.

RSA 2000 cE-12 s14;2006 c15 s3

Monitoring and Reporting

Minister's report

15 The Minister shall report on the condition of the environment in Alberta, which requirement is fulfilled by the reporting of the Chief Scientist under section 15.1(2)(d).

RSA 2000 cE-12 s15;2016 c7 s2

Chief Scientist

15.1(1) The Minister shall appoint a person as Chief Scientist to develop and implement an environmental science program to monitor, evaluate and report on the condition of the environment in Alberta.

(2) The Chief Scientist has the following responsibilities with regard to the environmental science program:

(a) to plan, co-ordinate and conduct environmental monitoring;

(b) to collect, store, manage, analyze, evaluate and assess environmental monitoring data and to ensure the information is scientifically credible, including through prior peer review where the Chief Scientist considers it appropriate;

(c) to make environmental monitoring data and related scientific evaluations and assessments available to the public and to the Science Advisory Panel established under section 15.2(1);

(d) to report to the public on the condition of the environment in Alberta on the basis of the scientific evaluations and assessments of the data collected;

(e) to establish and make public a schedule for the reporting under clause (d);

(f) to consult with the Science Advisory Panel established under section 15.2(1) and the advisory panel established under section 15.3(1) and to determine how to address any advice provided by those panels.

2016 c7 s2

Science Advisory Panel

15.2(1) The Minister shall establish a Science Advisory Panel

(a) to periodically review the scientific quality and relevance of the environmental science program, including its components and any related research programs and plans,

(b) to assess the scientific integrity of the environmental science program and comment publicly where the Science Advisory Panel considers it necessary, and

(c) to provide independent advice to the Chief Scientist and the Minister on the environmental science program, including

(i) making recommendations following the reviews referred to in clause (a) and the assessments referred to in clause (b), and

(ii) recommending priorities and methodologies.

(2) The Science Advisory Panel appointed under the *Protecting Alberta's Environment Act*, SA 2013 cP-26.8 is continued and is deemed to be the Science Advisory Panel established under subsection (1), and the appointments of the members of that Panel are continued.

(3) The Science Advisory Panel members must be recognized experts in their field of knowledge as evidenced by their frequent publications in peer-reviewed journals and by their record of scientific advice they have provided.

(4) The Minister shall appoint subsequent members of the Science Advisory Panel from a list of qualified candidates provided by the Science Advisory Panel.

(5) The Minister shall determine the remuneration and expenses payable to the members of the Science Advisory Panel.

2016 c7 s2

Indigenous Wisdom Advisory Panel

15.3(1) The Minister shall establish an advisory panel to provide advice to the Chief Scientist and the Minister about how to incorporate traditional ecological knowledge into the environmental science program.

(2) The Indigenous Wisdom Advisory Panel appointed under the *Protecting Alberta's Environment Act*, SA 2013 cP-26.8, is continued and is deemed to be an advisory panel established under subsection (1), and the appointments of the members of that Panel are continued.

(3) The Minister shall determine the remuneration and expenses payable to the members of the advisory panel referred to in subsection (1).

2016 c7 s2

General Administrative Matters

Administration of Act

16 Except as otherwise provided in this Act, the Minister is charged with the administration of this Act.

1992 cE-13.3 s16

Delegation

17(1) The Minister may in writing delegate to any person any power or duty conferred or imposed on the Minister under this Act.

(2) Subsection (1) does not apply to the power or duty to make regulations.

(3) and **(4)** Repealed 2006 c15 s4.

(4) The Minister may take any steps that are necessary to revoke a delegation under subsection (1) where the Minister considers it appropriate to do so.

RSA 2000 cE-12 s17;2006 c15 s4

Transfer of administration

18(1) The Minister may by agreement in writing or by regulation, and with the consent of the person, transfer the administration of a provision of this Act to any person and may specify the terms and conditions under which and subject to which the transfer is made.

(2) Where the administration of a provision of this Act has been transferred to another person under subsection (1) and in the Minister's opinion that person is not properly administering the provision, the Minister may, after serving written notice on the person, cause any other person designated by the Minister to administer the provision.

RSA 2000 cE-12 s18;2006 c15 s5

Agreements

19 The Minister may on behalf of the Government enter into agreements relating to any matter pertaining to the environment with

(a) the government of another jurisdiction or an agency of that government,

(b) a Government agency, or

(c) any person.

1992 cE-13.3 s20;1994 c15 s10

Emergency response plan

20 The Minister may, in co-operation with representatives of other departments of the Government and Government agencies

and with other persons, formulate plans for effective co-ordinated action in cases of emergency to prevent, alleviate, control or stop the destruction of, loss of or damage to the environment.

1992 cE-13.3 s21

Agreements with land owners

21(1) In order to protect and enhance the environment, the Minister may enter into an agreement with the registered owner of land to restrict the purposes for which that land may be used by the registered owner and the successors in title of the registered owner.

(2) An agreement under this section may provide for the payment of compensation by the Government or by the registered owner of the land.

1992 cE-13.3 s22;1996 c17 s3

22 Repealed 2009 cA-26.8 s76.

Registration of agreements

23(1) An agreement referred to in section 21 may be registered

(a) under the *Land Titles Act* with the Registrar of Land Titles, or

(b) under the regulations under the *Metis Settlements Act* with the Registrar of the Metis Settlements Land Registry in accordance with any General Council Policy made under section 222 of the *Metis Settlements Act*.

(2) When an agreement referred to in section 21 is presented for registration, the Registrar shall endorse a memorandum of the agreement on the certificate of title to the land that is the subject of the agreement.

(3) If an agreement referred to in section 21 is modified or is terminated, one of the parties to the agreement shall register a copy of the document effecting the modification or termination with the appropriate Registrar, and the Registrar shall endorse a memorandum on the certificate of title to the land noting the modification or discharging the registration, as the case may be.

(4) If an agreement referred to in section 21 expires, one of the parties to the agreement shall notify the appropriate Registrar and the Registrar shall endorse a memorandum on the certificate of title to the land discharging the registration.

RSA 2000 cE-12 s23;2009 cA-26.8 s76

Effect of registration

24(1) An agreement referred to in section 21 that is registered under section 23 runs with the land and may be enforced whether it

is positive or negative in nature and notwithstanding that the person wishing to enforce the agreement does not have an interest in any land that would be accommodated or benefitted by the agreement.

(2) Section 21 applies notwithstanding section 48 of the *Land Titles Act*.

(3) This section is, with respect to patented land as defined in section 1(1)(c) of the *Metis Settlements Land Protection Act*, subject to any General Council Policy made under section 222 of the *Metis Settlements Act*.

RSA 2000 cE-12 s24;2009 cA-26.8 s76

Designation of officials

25(1) The Minister may by order designate any person as a Director for the purposes of all or part of this Act.

(2) The Minister may, with respect to any Director, and a Director may, with respect to that Director personally, designate any person as an acting Director to act in the Director's place in the event of the Director's absence or inability to act.

(3) The Minister may by order designate any person as an inspector or investigator for the purposes of this Act.

(4) A designation under this section may direct that the authority conferred by the designation is to be exercised subject to any terms and conditions that the Minister or the Director prescribes in the designation, including limitations on the scope of the designation.

RSA 2000 cE-12 s25;2006 c15 s6

Powers of inspector

26 For the purposes of acting under this Act, an inspector has, subject to any terms and conditions of the inspector's designation, all the powers and is subject to all the duties of an investigator under sections 198(1)(a) to (e), (f)(i) and (ii) and (5), 201, 202, 203 and 208.

1992 cE-13.3 s24

Local authority inspectors and investigators

27(1) Each local authority shall designate a sufficient number of inspectors and investigators to carry out the administration of provisions of this Act that are transferred to it under section 18.

(2) A local authority shall immediately advise the Minister in writing of designations and changes to designations under subsection (1).

1992 cE-13.3 s25

Identification card

28 The Minister, in the case of an inspector or investigator designated under section 25, and a local authority, in the case of an inspector or investigator designated under section 27, shall furnish the inspector or investigator with an identification card and, on entering any place, the inspector or investigator shall, on request, produce the identification card and identify and explain the nature of the powers or duties the inspector or investigator wishes to carry out.

1992 cE-13.3 s26

Designation of approved laboratories

29 The Minister may designate laboratories as approved laboratories that may conduct laboratory analyses for the purposes of this Act.

1992 cE-13.3 s27

30 Repealed 2019 c20 s12.

31 Repealed 2003 c2 s1(24).

Environmental Protection Security Fund

32(1) The Surface Reclamation Fund is continued as the Environmental Protection Security Fund.

(2) The Environmental Protection Security Fund shall be held and administered by the Minister in accordance with this Act, and the Minister shall maintain a separate accounting record of the Fund.

(3) All security required to be deposited with the Government in respect of an approval, a code of practice, a registration, a certificate of qualification or a certificate of variance or under section 88.2, 97, 135, 174 or 189 or with respect to an approval or licence under the *Water Act* shall be paid into the Environmental Protection Security Fund.

RSA 2000 cE-12 s32;2003 c37 s3;2006 c23 s27

33 Repealed 2006 c23 s27.

Annual report re Security Fund

34(1) The Minister shall, as soon as is practicable after the end of each fiscal year, prepare a report regarding the operation of the Environmental Protection Security Fund during the preceding fiscal year.

(2) A report prepared under subsection (1) shall be placed by the Minister before the Legislative Assembly if it is then sitting and, if not, within 15 days after the commencement of the next sitting.

1992 cE-13.3 s32

Disclosure of information

35(1) Subject to this section,

(a) the following documents and information in the possession of the Department that are provided to the Department in the administration of this Act must be disclosed to the public in the form and manner provided for in the regulations:

(i) information in respect of a proposed activity that is provided to the Department for the purposes of Part 2, Division 1 by a proponent within the meaning of that Part;

(ii) documents and information in the register referred to in section 56;

(iii) information that is provided to the Department as part of the application by

(A) an applicant for an approval, a registration or a certificate of variance;

(B) the holder of an approval or registration, in respect of an application to change an activity;

(C) the holder of an approval, in respect of an application to amend a term or condition of, add a term or condition to or delete a term or condition from the approval;

(iv) environmental and emission monitoring data, and the processing information that is necessary to interpret that data, that is provided by an approval holder or a registration holder or provided pursuant to a code of practice;

(v) any reports or studies that are provided to the Department in accordance with a term or condition of an approval or a code of practice;

(vi) any reports or studies that are provided to the Department and are required by the regulations to be disclosed to the public under this section;

(vii) statements of concern;

(viii) notices of appeal;

(b) the following documents that are created by the Department in the administration of this Act shall be disclosed to the public in the form and manner provided for in the regulations:

(i) approvals and registrations;

(ii) certificates of qualification;

(iii) certificates of variance;

(iv) environmental and emission monitoring data and the processing information that is necessary to interpret that data;

(v) reclamation certificates;

(vi) remediation certificates;

(vii) enforcement orders;

(viii) environmental protection orders.

(2) Subsection (1)(a) applies only to documents and information provided to the Department on or after September 1, 1993.

(3) The Minister may disclose to the public in the form and manner provided for in the regulations any other information in the possession of the Department that the Minister considers should be public information.

(4) Where information referred to in subsection (1) or (3) is provided to the Department and relates to a trade secret, process or technique that the person submitting the information keeps confidential, the person submitting the information may make a request in writing to the Director that the information be kept confidential and not be disclosed.

(5) Where the Director receives a request for confidentiality under subsection (4), the Director shall

(a) approve the request and order that the information be kept confidential and not be disclosed where the Director considers that the request is well founded, or

(b) refuse the request where the Director considers that the request is not well founded.

(6) The Director shall forthwith notify a person who makes a request for confidentiality of the Director's refusal of the request under subsection (5)(b).

(7) Where the Director is considering a request for confidentiality or approves a request for confidentiality, no person involved in the administration of this Act may disclose any of the information to which the request relates except

(a) to any other person who is or has been involved in the administration of this Act or of another law related to the protection of the environment, or to the government of another jurisdiction or an agency of that government for the purposes of administering a law related to the protection of the environment,

(b) to the person who provided the information or any other person with the first mentioned person's consent, or

(c) as required by any other law or by an order of a court.

(8) No person to whom information is disclosed under subsection (7) may further disclose the information or use the information for any purpose other than the purpose for which it was disclosed to that person.

(9) Information relating to a matter that is the subject of an investigation or proceeding under this Act may not be released under subsection (1) or (3).

RSA 2000 cE-12 s35;2003 c37 s4

Ministerial regulations

36 The Minister may make regulations

(a) providing for the manner in which reports of advisory committees are to be made public;

(b) providing for the payment of remuneration and expenses to members of advisory committees and to experts;

(c) providing for any other matter considered necessary to carry out the purposes of advisory committees and experts;

(d) respecting transfers of administration for the purpose of section 18;

(e) establishing criteria to be applied by the Director in making any decision that the Director is authorized to make under section 44, 45, 68, 69, 82 or 83;

(f) respecting the manner of obtaining public input in the development of objectives referred to in section 14 and the manner of making the objectives available to the public;

(g) respecting the establishment of management areas for the purposes of sections 13 and 14;

(h) respecting access to information by the public;

(i) requiring the holder of a registration to disclose to the public environmental and emission monitoring data and the processing information that is necessary to interpret that data, and providing for the form and manner in which that data and information are to be disclosed to the public;

(j) respecting the provision of reports and studies for the purposes of section 35(1)(a)(vi);

(k) establishing fees for any information, documents, service or material provided in the course of the administration of this Act and for the filing of any returns, reports or other documents that are required or permitted to be filed under this Act;

(l) prescribing forms for the purposes of this Act where the power to prescribe forms is not otherwise specifically provided for;

(m) respecting the time at which and the form and manner in which a notice under section 23 must be given;

(n) respecting the documents that must accompany an agreement for registration under section 23 and respecting the form and contents of those documents.

RSA 2000 cE-12 s36;2006 c15 s7

Ministerial regulations respecting environmental monitoring programs

36.1 The Minister may make regulations respecting the establishment and operation of one or more environmental monitoring programs, including, without limitation, regulations

(a) respecting the nature and scope of an environmental monitoring program;

(b) respecting the participation in an environmental monitoring program by a person or class of persons whose actions or activities may cause an effect on the environment, including requiring a person or class of

persons to participate in an environmental monitoring program;

(c) respecting the imposition of fees on participants in an environmental monitoring program;

(d) respecting the establishment, determination, payment and recovery of fees payable for an environmental monitoring program;

(e) providing for the imposition and payment of penalties for the late payment of a fee imposed under a regulation made under clause (c);

(f) respecting the circumstances under which, and the extent to which, participation in an environmental monitoring program under a regulation made under this section may be considered compliance with requirements, as specified in the regulations, under an approval, code of practice or registration or a provision of this Act;

(g) respecting the collection, use, disclosure, reporting or publication of information respecting, arising from or associated with an environmental monitoring program;

(h) requiring a department as defined in the *Government Organization Act* or a Government agency to provide the Minister with a report, record or information relating to environmental monitoring;

(i) deeming specified environmental monitoring that is in effect immediately before the coming into force of this section to be an environmental monitoring program for the purposes of a regulation made under this section;

(j) respecting any other matter the Minister considers necessary for the establishment and operation of an environmental monitoring program.

2013 c7 s2

Lieutenant Governor in Council regulations

37(1) The Lieutenant Governor in Council may make regulations

(a) adding activities to or deleting activities from the Schedule of Activities;

(b) defining “designated livestock operation” for the purpose of this Act;

(c) authorizing and respecting the establishment of programs and other measures for the purposes of section 13;

(c.1) respecting emissions trading, including, without limitation, regulations

(i) respecting the establishment and administration of an emissions trading registry;

(ii) respecting the duties and functions of an emissions trading registry operator;

(iii) respecting the establishment of baseline emission rates;

(iv) respecting the establishment, operation and closing of emissions trading accounts;

(v) respecting the establishment, use, transfer and cancellation of emission credits;

(vi) respecting the verification and validation of emission credits;

(vii) respecting the collection of information and the use of information and records kept in an emissions trading registry;

(viii) respecting, authorizing and prohibiting the disclosure of information and records kept in an emissions trading registry;

(ix) respecting the records to be kept by persons participating in emissions trading;

(x) respecting the contents and use of forms;

(d) respecting the establishment or designation of delegated authorities;

(e) respecting the delegation to one or more delegated authorities of

(i) any of the rights, powers or duties of an inspector, investigator or Director under this Act, or

(ii) the performance of any of the Minister's duties or functions, or the exercise of any of the Minister's powers, under this Act, other than a power to make regulations and a power to delegate;

(f) authorizing a delegated authority to make bylaws and respecting the subject-matters on which those bylaws may be made;

(g) authorizing the Minister or a delegated authority to disclose

(i) information acquired in the course of or as a result of the operations of the delegated authority,

(ii) information respecting the operations of the delegated authority, or

(iii) information respecting the officers or employees of the delegated authority;

(h) authorizing a delegated authority to require persons or classes of persons specified in the regulations to provide security to ensure the carrying out of their duties under the regulations and bylaws and respecting the nature, amount and forfeiture of that security;

(i) respecting, in regard to the delegation of authority and with necessary modifications, any matter in respect of which the Lieutenant Governor in Council may make regulations under section 2 of Schedule 10 to the *Government Organization Act* in regard to a delegation under that Schedule;

(j) making applicable in regard to the delegation any of the other provisions of Schedule 10 to the *Government Organization Act*, with necessary modifications;

(k) respecting the administration of the Environmental Protection Security Fund.

(l) repealed 2019 c20 s12.

(2) The *Emissions Trading Regulation* (AR 33/2006) is validated as of the date it came into force.

RSA 2000 cE-12 s37;2006 c15 s8;2019 c20 s12

Adoption by reference

38(1) A regulation under this Act may adopt or incorporate in whole or in part, or with modifications, documents that set out standards, practices, codes, guidelines, objectives, methods or other rules of any government, organization or person, including, without limitation, any standards, practices, codes of practice, guidelines, objectives or methods developed by the Minister under section 14, as they read at a particular time or as amended or replaced from time to time, relating to any matter in respect of which a regulation may be made under this Act.

(2) Subsection (1) applies to any standard, practice, code, guideline, objective, method or other rule that has been adopted or

incorporated into a regulation before or after this section comes into force.

(3) Where a standard, practice, code, guideline, objective, method or other rule is adopted or incorporated by regulation under this Act, the Minister shall ensure a copy of the standard, practice, code, guideline, objective, method or other rule is made available to a person on request.

RSA 2000 cE-12 s38;2006 c15 s9

Part 2
Environmental Assessment Process, Approvals and Registrations

Definitions

39 In this Part,

(a) "environmental assessment process" means the procedure established under Division 1 for reviewing proposed activities;

(b) "environmental impact assessment report" means an environmental impact assessment report required to be prepared under this Part;

(c) "mandatory activity" means an activity designated as a mandatory activity under the regulations;

(d) "proponent" means a person, the Government, a Government agency, the government of another jurisdiction or an agency of that government that undertakes a proposed activity;

(e) "proposed activity" means

(i) an activity that has not been commenced,

(ii) an activity that is being carried on and for which an approval or registration, other than a renewal, is required but has not been obtained,

(iii) a change to an activity where the change is one to which section 67(1) applies and, in the Director's opinion, is of a substantial nature, and

(iv) in the case of an activity that is the subject of an approval or registration and is carried out in stages, those stages of the activity that are not yet covered by the approval or registration.

1992 cE-13.3 s37;1994 c15 s17;1996 c17 s55

Division 1
Environmental Assessment Process

Purpose of environmental assessment process

40 The purpose of the environmental assessment process is

(a) to support the goals of environmental protection and sustainable development,

(b) to integrate environmental protection and economic decisions at the earliest stages of planning an activity,

(c) to predict the environmental, social, economic and cultural consequences of a proposed activity and to assess plans to mitigate any adverse impacts resulting from the proposed activity, and

(d) to provide for the involvement of the public, proponents, the Government and Government agencies in the review of proposed activities.

1992 cE-13.3 s38;1994 c15 s18

Any Director may require assessment

41 Where any Director is of the opinion that the potential environmental impacts of a proposed activity warrant further consideration under the environmental assessment process, that Director may refer the proponent or the proposed activity to the Director who is designated for the purposes of sections 43 to 56 so that the proposed activity may be dealt with under section 44.

1992 cE-13.3 s39

Definition

42 In sections 43 to 56, "Director" means the Director who is designated for the purposes of those sections.

1992 cE-13.3 s40

Director's power to require environmental assessment

43 Where the Director is of the opinion that the potential environmental impacts of a proposed activity warrant further consideration under the environmental assessment process, the Director may by notice in writing to the proponent advise the proponent that the proposed activity must be dealt with under section 44.

1992 cE-13.3 s41

Initial review by Director

44(1) Where a proponent or a proposed activity is referred to the Director under section 41, where the Director gives a notice under section 43 or where a proponent on the proponent's own initiative consults with the Director in respect of the application of this Division to a proposed activity, the Director shall,

(a) if the proposed activity is a mandatory activity, direct the proponent by order in writing to prepare and submit an environmental impact assessment report in accordance with this Division, or

(b) if the proposed activity is not a mandatory activity,

(i) make a decision that the potential environmental impacts of the proposed activity warrant further consideration under the environmental assessment process and require that further assessment of the proposed activity be undertaken, or

(ii) make a decision that further assessment of the proposed activity is not required and, if it is an activity for which an approval or registration is required, advise the proponent that it may apply for the approval or registration.

(2) The Director may require a proponent to submit a disclosure document in the form and containing the information required by the Director to assist the Director in making a decision under subsection (1)(b).

(3) In making a decision under subsection (1)(b), the Director shall consider the following:

(a) the location, size and nature of the proposed activity;

(b) the complexity of the proposed activity and the technology to be employed in it;

(c) any concerns in respect of the proposed activity that have been expressed by the public of which the Director is aware;

(d) the presence of other similar activities in the same general area;

(e) any other criteria established in the regulations;

(f) any other factors the Director considers to be relevant.

(4) The Director shall notify the proponent

(a) in writing of a decision made under subsection (1)(b)(i), and

(b) orally or in writing of a decision made under subsection (1)(b)(ii).

(5) The proponent shall provide notice of a decision of the Director under subsection (1)(b)(i) in accordance with the regulations.

(6) Any person who is directly affected by a proposed activity that is the subject of a decision of the Director under subsection (1)(b)(i) may, within 30 days after the last notice under subsection (5) or within any longer period allowed by the Director in the notice, submit a written statement of concern to the Director setting out the person's concerns with respect to the proposed activity.

1992 cE-13.3 s42;1994 c15 s19;1996 c17 s55

Whether environmental impact assessment report required

45(1) Where the Director decides under section 44(1)(b)(i) that further assessment of a proposed activity is required, the Director shall, in accordance with the regulations,

(a) prepare a screening report regarding the need for the preparation of an environmental impact assessment report, and

(b) decide whether preparation of an environmental impact assessment report is required.

(2) The Director shall make the screening report available in accordance with the regulations.

(3) Where the Director decides under subsection (1) that preparation of an environmental impact assessment report is not required, the Director

(a) shall advise the proponent of that fact,

(b) if the activity is one for which an approval or registration is required, shall advise the proponent that it may apply for the approval or registration, and

(c) may refer any information on the potential environmental impacts of the proposed activity to the Director responsible for issuing the approval or registration.

(4) Where the Director decides under subsection (1) that preparation of an environmental impact assessment report is required, the Director shall by order in writing direct the proponent to prepare and submit the report in accordance with this Division.

(5) The Director shall provide notice of the Director's decision regarding preparation of an environmental impact assessment report under subsection (1)(b) in accordance with the regulations.

1992 cE-13.3 s43;1994 c15 s20;1996 c17 s55

Effect of statement of concern

46 The Director shall, in accordance with the regulations, give due consideration to all statements of concern that have been submitted and shall not make a decision under section 45(1)(b) until the applicable period referred to in section 44(6) has expired.

1992 cE-13.3 s44

Minister may order environmental impact assessment report

47 If the Minister is of the opinion that an environmental impact assessment report is necessary because of the nature of a proposed activity, the Minister may by order in writing direct the proponent to prepare and submit the report in accordance with this Division, notwithstanding that

(a) the Director has not ordered an environmental impact assessment report, or

(b) the proposed activity is the subject of an exemption under regulations under section 59(b).

1992 cE-13.3 s45

Terms of reference

48(1) Where a proponent is required to prepare an environmental impact assessment report, the proponent shall prepare proposed terms of reference for the preparation of the report in accordance with requirements specified by the Director and shall submit the proposed terms of reference to the Director.

(2) The proponent shall provide notice of the proposed terms of reference and make them available in accordance with the regulations.

(3) After allowing what the Director considers to be a reasonable time for the receipt of comments in respect of the proposed terms of reference, and after giving due consideration to those comments, the Director shall issue final terms of reference for the preparation of the report to the proponent.

(4) The Director shall make the final terms of reference available in accordance with the regulations.

1992 cE-13.3 s46

Contents of environmental impact assessment report

49 An environmental impact assessment report must be prepared in accordance with the final terms of reference issued by the Director under section 48(3) and shall include the following information unless the Director provides otherwise:

(a) a description of the proposed activity and an analysis of the need for the activity;

(b) an analysis of the site selection procedure for the proposed activity, including a statement of the reasons why the proposed site was chosen and a consideration of alternative sites;

(c) an identification of existing baseline environmental conditions and areas of major concern that should be considered;

(d) a description of potential positive and negative environmental, social, economic and cultural impacts of the proposed activity, including cumulative, regional, temporal and spatial considerations;

(e) an analysis of the significance of the potential impacts identified under clause (d);

(f) the plans that have been or will be developed to mitigate the potential negative impacts identified under clause (d);

(g) an identification of issues related to human health that should be considered;

(h) a consideration of the alternatives to the proposed activity, including the alternative of not proceeding with the proposed activity;

(i) the plans that have been or will be developed to monitor environmental impacts that are predicted to occur and the plans that have been or will be developed to monitor proposed mitigation measures;

(j) the contingency plans that have been or will be developed in order to respond to unpredicted negative impacts;

(k) the plans that have been or will be developed for waste minimization and recycling;

(l) the manner in which the proponent intends to implement a program of public consultation in respect of the undertaking of the proposed activity and to present the results of that program;

(m) the plans that have been or will be developed to minimize the production or the release into the environment of substances that may have an adverse effect;

(n) the final terms of reference issued by the Director under section 48(3);

(o) any other information that the Director considers necessary to assess the proposed activity.

1992 cE-13.3 s47

Submission of report

50 The proponent shall submit the environmental impact assessment report to the Director for review.

1992 cE-13.3 s48

Provision of further information

51 The Director may, at any time after receipt of an environmental impact assessment report under section 50, require the proponent to submit to the Director any additional information respecting the proposed activity that the Director considers necessary for the review of the proposed activity.

1992 cE-13.3 s49

Publication of environmental impact assessment report

52 The Director shall require the proponent to publish the environmental impact assessment report and otherwise make it available in accordance with the regulations.

1992 cE-13.3 s50

Powers of Director

53 Where in the opinion of the Director an environmental impact assessment report is complete, the Director shall

(a) advise the Alberta Energy Regulator or the Alberta Utilities Commission, as the case may be, that the report is complete, in a case where the proposed activity is one in respect of which the approval of the Alberta Energy Regulator or the Alberta Utilities Commission, as the case may be, is required,

(b) advise the Natural Resources Conservation Board that the report is complete, in a case where the proposed activity is a reviewable project within the meaning of the *Natural Resources Conservation Board Act*, or

(c) in any other case, submit the environmental impact assessment report to the Minister together with any further information and any recommendations that the Director considers appropriate.

RSA 2000 cE-12 s53;2007 cA-37.2 s82(6);2012 cR-17.3 s88

Powers of Minister

54(1) Subject to section 64(1), where the Director submits an environmental assessment report to the Minister and the proposed activity is one in respect of which

(a) an approval or registration, or an amendment to an approval or registration, or

(b) an approval or licence or an amendment to an approval or licence under the *Water Act*

is required, the Minister may advise the proponent that the proponent may apply for the appropriate approval, registration, licence or amendment.

(2) Notwithstanding anything in this Act, the Minister may refer a proposed activity to the Lieutenant Governor in Council with the recommendation that the Lieutenant Governor in Council make an order prescribing the proposed activity as a reviewable project within the meaning of the *Natural Resources Conservation Board Act*.

1992 cE-13.3 s52;1996 cW-3.5 s175;1996 c17 s55

Additional powers of Minister

55 Where the Director submits an environmental impact assessment report to the Minister, the Minister may make any recommendations in respect of the proposed activity that the Minister considers necessary to any person, the Government, a Government agency, a government of another jurisdiction or an agency of that government that may be dealing with the proposed activity.

1992 cE-13.3 s53;1994 c15 s21

Register of environmental assessment information

56 The Director shall establish and maintain in accordance with the regulations a register containing any documents and other information that the regulations require that are provided to the Director or created or issued by the Director under this Division.

1992 cE-13.3 s54

Inter-jurisdictional agreements re environmental assessment

57 Where an enactment of Canada or of another province or territory contains provisions that operate for substantially the same purpose as corresponding provisions of this Division, the Minister may, with respect to a proposed activity that is governed in part by the laws of Alberta and in part by the laws of Canada or the other province or territory, enter into an agreement or arrangement with any Minister or agency of the Government of Canada or of the other province or territory for any or all of the following purposes:

(a) to determine what aspects of the activity are governed by the laws of both jurisdictions;

(b) to provide for the carrying out jointly by both jurisdictions of

(i) the environmental assessment process, or any part of it, for the purposes of this Division, or

(ii) the provisions in any enactment of the other jurisdiction that operate for substantially the same purpose as this Division;

(c) to provide for the adoption by one or both jurisdictions, for the purposes of their environmental assessment requirements, of

(i) all or part of the environmental assessment or review process of the other jurisdiction, and

(ii) reports and similar documents prepared by or under the authority of the laws of the other jurisdiction as part of the environmental assessment or review process of that jurisdiction.

1992 cE-13.3 s55

Ministerial regulations

58 The Minister may make regulations

(a) respecting the establishment and maintenance of a register for the purposes of section 56;

(b) establishing procedures governing the environmental assessment process;

(c) varying the application of this Division as necessary in a case where an agreement or arrangement is entered into under section 57;

(d) establishing mechanisms and procedures

(i) for the publishing, providing or making available of anything required to be published, provided or made available under this Division, and

(ii) for the providing of any notice required to be provided under this Division;

(e) respecting the preparation of screening reports for the purposes of section 45;

(f) respecting the form and content of environmental impact assessment reports;

(g) respecting the form and content of orders under sections 45(4) and 47;

(h) respecting proposed and final terms of reference for the purposes of section 48;

(i) respecting the submission of and handling of statements of concern.

1992 cE-13.3 s56;1994 c15 s22

Lieutenant Governor in Council regulations

59 The Lieutenant Governor in Council may make regulations

(a) designating mandatory activities;

(b) exempting proposed activities or classes of proposed activities from the application of the environmental assessment process.

1992 cE-13.3 s57

Division 2
Approvals, Registrations and Certificates

Prohibition

60 No person shall knowingly commence or continue any activity that is designated by the regulations as requiring an approval or registration or that is redesignated under section 66.1 as requiring an approval unless that person holds the required approval or registration.

RSA 2000 cE-12 s60;2003 c37 s5

Prohibition

61 No person shall commence or continue any activity that is designated by the regulations as requiring an approval or registration or that is redesignated under section 66.1 as requiring an approval unless that person holds the required approval or registration.

RSA 2000 cE-12 s61;2003 c37 s6

Exception

62 Nothing in section 60 or 61 prohibits the doing of any work that is specified in the regulations as being work that is permitted to enable a proponent to comply with Division 1.

1992 cE-13.3 s60

Compliance with other requirements

63 Unless the regulations provide otherwise, the Director may not issue an approval or registration unless the Director is of the opinion that Division 1, if applicable, has been complied with.

1992 cE-13.3 s61;1994 c15 s25;1996 c17 s55

No approval or registration on Minister's order

64(1) Where the Minister is of the opinion that a proposed activity should not proceed because it is not in the public interest having regard to the purposes of this Act, the Minister may at any time by notice in writing to the proponent, with a copy to the Director, order that no approval or registration be issued in respect of the proposed activity.

(2) Where the Minister has made an order under subsection (1) in respect of a proposed activity, the Director may not issue an approval or registration in respect of that proposed activity.

1992 cE-13.3 s62;1996 c17 s55

Refusal for unpaid debts

65 The Director may refuse to issue an approval or registration where the applicant is indebted to the Government.

1998 c15 s7

Application for approval or registration

66(1) An application for an approval or registration must be made in the manner provided for in the regulations and must contain and be accompanied with the information required by the regulations.

(2) The Director may require an applicant for an approval or registration to submit any additional information that the Director considers necessary.

1992 cE-13.3 s63;1996 c17 s55

Director's discretion

66.1(1) Where

(a) an application has been made for registration relating to an activity that is designated in the regulations as an activity in respect of which registration is required, and

(b) the Director is of the opinion that an approval is necessary to address environmental protection in respect of the activity,

the Director may by notice in writing to the applicant

(c) redesignate the activity as an activity in respect of which an approval is required notwithstanding the regulations, and

(d) deem the application to be an application for an approval.

(2) Where

(a) a notice has been given under section 87 or 88 relating to an activity that is designated in the regulations as an

activity in respect of which notice to the Director under Part 3 must be given, and

(b) the Director is of the opinion that an approval is necessary to address environmental protection in respect of the activity,

the Director may by notice in writing to the person giving the notice

(c) redesignate the activity as an activity in respect of which an approval is required notwithstanding the regulations, and

(d) deem the notice to be an application for an approval.

2003 c37 s7

Changes requiring approval

67(1) No person shall, with respect to an activity that is the subject of an approval, make any change to

(a) the activity,

(b) the manner in which the activity is carried on, or

(c) any machinery, equipment or process that is related to the carrying on of the activity

unless an approval or an amendment to an approval authorizing the change is issued by the Director.

(2) A person who wishes to make a change under subsection (1) shall apply to the Director in accordance with the regulations.

(3) This section does not apply to

(a) adjustments, repairs, replacements or maintenance made in the normal course of operations,

(b) changes that do not result in an increase in the release of a substance into the environment,

(c) short-term testing or temporary modifications to machinery, equipment or processes that do not cause an adverse effect,

(d) changes in the type of equipment used in the conservation or reclamation of specified land, or

(e) minor changes to conservation and reclamation plans that do not contravene the purpose or intent of the approval.

RSA 2000 cE-12 s67;2003 c37 s8

Issue of approval or registration

68(1) The Director may issue or refuse to issue an approval or registration.

(2) The Director may issue an approval subject to any terms and conditions the Director considers appropriate.

(3) The terms and conditions of an approval may be more stringent, but may not be less stringent, than applicable terms and conditions provided for in the regulations.

(4) In making a decision under this section, the Director

(a) shall, in addition to any criteria that the Director is required by the regulations to consider, consider any applicable written decision of the Alberta Energy Regulator, the Alberta Utilities Commission, the Board, as defined in the *Agricultural Operation Practices Act*, under Part 2 of that Act or the Natural Resources Conservation Board in respect of the subject-matter of the approval or registration, and

(b) may consider any evidence that was before the Alberta Energy Regulator, the Alberta Utilities Commission, the Board, as defined in the *Agricultural Operation Practices Act*, under Part 2 of that Act or the Natural Resources Conservation Board in relation to that written decision.

(5) The Director may issue an approval or registration for a specified period.

RSA 2000 cE-12 s68;2001 c16 s6;2007 cA-37.2 s82(6); 2012 cR-17.3 s88

Extension of expiry date of approval

69(1) The Director may extend the expiry date, if any, of an approval or registration for one or more periods of not more than one year each.

(2) The 2nd extension and any subsequent extensions of an approval under subsection (1)

(a) may be made only where the Director is of the opinion that the extension is necessary to allow for the effective public review of the renewal of the approval, and

(b) are, for the purposes of the provisions of this Division that require the giving of notice and for the purposes of Part 4, to be treated as if they were amendments of a term or condition of the approval made under the authority of section 70(3)(a).

1992 cE-13.3 s66;1996 c17 s9

Amendment, suspension and cancellation of approval or registration

70(1) On application by an approval or registration holder, the Director may, in accordance with the regulations,

(a) amend a term or condition of, add a term or condition to or delete a term or condition from an approval, or

(b) cancel an approval or registration,

if the Director considers it appropriate to do so.

(2) An application under subsection (1) must be made in the manner provided for in the regulations.

(3) If the Director considers it appropriate to do so, the Director may on the Director's own initiative in accordance with the regulations

(a) amend a term or condition of, add a term or condition to or delete a term or condition from an approval

(i) if in the Director's opinion an adverse effect that was not reasonably foreseeable at the time the approval was issued has occurred, is occurring or may occur,

(ii) if the term or condition relates to a monitoring or reporting requirement,

(iii) where the purpose of the amendment, addition or deletion is to address matters related to a temporary suspension of the activity by the approval holder, or

(iv) where the approval is transferred, sold, leased, assigned or otherwise disposed of under section 75,

(b) cancel or suspend an approval or registration, or

(c) correct a clerical error in an approval or registration.

(4) Without limitation to subsection (3)(b), the Director may cancel or suspend an approval or registration if the approval or registration holder is indebted to the Crown.

RSA 2000 cE-12 s70;2002 c4 s1

Director's power to modify

71 Where the Director

(a) issues an approval or registration, or

(b) amends a term or condition of, adds a term or condition to or deletes a term or condition from an approval,

the Director may do so as originally contemplated in the application or proposal or with modifications.

1992 cE-13.3 s68;1996 c17 s55

Notice of applications and proposed changes

72(1) Where the Director receives

(a) an application for an approval under section 66,

(a.1) an application for registration under section 66 or a notice under section 87 or 88 and the Director has given notice under section 66.1 that the application or notice is deemed to be an application for an approval,

(b) an application under section 67(2) in respect of a change to an activity, or

(c) an application under section 70(1)(a) to amend a term or condition of, add a term or condition to or delete a term or condition from an approval,

the Director shall, in accordance with the regulations, provide or require the applicant to provide notice of the application.

(2) Where the Director proposes to make an amendment, addition or deletion pursuant to section 70(3)(a), the Director shall provide notice to that effect in accordance with the regulations.

(3) Notwithstanding subsection (1) or (2), where the Director is satisfied that

(a) there is an emergency,

(b) the activity to which the application relates or the proposed amendment, addition, deletion or change is a routine matter within the meaning of the regulations, or

(c) adequate notice of the subject-matter of the application or the proposed amendment, addition, deletion or change has already been given,

the Director may waive the notice requirements set out in subsections (1) and (2).

(4) The Director may waive notice in accordance with subsection (3)(c) notwithstanding that some or all of the adequate notice referred to in that subsection was given before September 1, 1993.

RSA 2000 cE-12 s72;2003 c37 s9

Statement of concern

73(1) Where notice is provided under section 72(1) or (2), any person who is directly affected by the application or the proposed

amendment, addition, deletion or change, including the approval holder in a case referred to in section 72(2), may submit to the Director a written statement of concern setting out that person's concerns with respect to the application or the proposed amendment, addition, deletion or change.

(2) A statement of concern must be submitted within 30 days after the last providing of the notice or within any longer period specified by the Director in the notice.

1992 cE-13.3 s70;1994 c15 s28

Notice of decision taken

74(1) Where the Director

(a) issues an approval,

(b) makes an amendment, addition or deletion pursuant to an application under section 70(1)(a), or

(c) makes an amendment, addition or deletion pursuant to section 70(3)(a),

the Director shall do either of the things referred to in subsection (2).

(2) If subsection (1) applies, the Director shall,

(a) where no notice of the application or proposed changes was provided by reason of the operation of section 72(3), provide or require the provision of notice of the decision in accordance with the regulations, or

(b) where notice of the application or proposed changes was provided under section 72(1) or (2), provide notice or require the provision of notice of the decision in accordance with the regulations to every person who submitted a statement of concern in accordance with section 73.

(3) The Director shall give to the applicant or the approval holder, as the case may be, written notice of any decision made by the Director to issue or refuse to issue an approval or to make or refuse to make an amendment, addition or deletion under this Division.

(4) The Director shall, in accordance with the regulations, provide to any person who submitted a statement of concern in accordance with section 73 notice of any decision made by the Director to refuse to issue an approval or to refuse to make an amendment, addition or deletion under this Division.

(5) In addition to providing notice of a decision under subsection (2)(b) or (4), the Director may provide notice of the decision to any other person the Director considers appropriate.

(6) The Director shall immediately on cancelling or suspending an approval under section 70(3)(b) or (4)

(a) give notice in writing of the cancellation or suspension to the approval holder, and

(b) provide notice of the cancellation or suspension in the manner provided for in the regulations.

RSA 2000 cE-12 s74;2002 c4 s1

Transfer of approval or registration

75(1) No person shall transfer, sell, lease, assign or otherwise dispose of an approval or registration except in accordance with the regulations.

(2) The Director may impose any terms and conditions that the Director considers appropriate in respect of the transfer, sale, lease, assignment or other disposition of an approval or registration.

1992 cE-13.3 s72;1996 c17 s55

New information

76 An approval or registration holder shall forthwith submit to the Director any new and relevant information respecting any actual or potential adverse effect that results from the activity to which the approval or registration relates and comes to the approval or registration holder's attention after the issuance of the approval or registration.

1992 cE-13.3 s73;1996 c17 s55

Certificate of variance

77(1) An approval or registration holder and any other person who is engaged in any activity that is governed by the regulations may apply to the Minister for a certificate of variance to vary a term or condition of the approval or a requirement of the regulations.

(2) An application for a certificate of variance shall be accompanied with information that shows the nature and extent of all consultations that the applicant has had with persons who will be directly affected by the proposed variance.

1992 cE-13.3 s74;1996 c17 s11

Issuance of certificate of variance

78(1) The Minister may issue a certificate of variance if the Minister is of the opinion that

(a) the activity to which the certificate relates is operating or is likely to operate in contravention of a term or condition

of the approval or a requirement of the regulations as a result of factors beyond the control of the applicant,

(b) the proposed variance is not likely to cause a significant adverse effect, and

(c) refusal to grant a certificate of variance would result in serious economic hardship to the applicant without an offsetting benefit to others.

(2) The Minister may

(a) impose any terms and conditions that the Minister considers appropriate with respect to any certificate of variance,

(b) specify requirements as to the manner in which the activity to which the certificate of variance relates is to be carried on or operated, and

(c) amend a term or condition of, add a term or condition to or delete a term or condition from a certificate of variance.

(3) The Minister shall require the holder of the certificate of variance to provide notice of the issuance of the certificate, together with the reasons for the issuance of the certificate, in the form and manner directed by the Minister.

(4) A certificate of variance is in effect only during the period prescribed in it and, notwithstanding anything in this Act, during that period

(a) the terms and conditions set out in the certificate, and

(b) the terms and conditions of the approval or the requirements of the regulations that are not varied by the certificate

apply to the activity to which the certificate relates.

1992 cE-13.3 s75

Certificate of qualification required

79 No person shall commence or continue any activity or the use of any thing that is designated by the regulations as an activity or thing in respect of which a certificate of qualification is required, unless that person holds the appropriate certificate of qualification.

1992 cE-13.3 s76

Issuance of certificate of qualification

80(1) A certificate of qualification may be issued by

(a) the Director, or

(b) the authorized representative of an organization designated under subsection (2).

(2) The Director may designate organizations that are qualified to issue the kinds of certificates of qualification set out in the designation.

1996 c17 s12

Application for certificate of qualification

81(1) An application for a certificate of qualification must be made to the Director or the authorized representative of a designated organization in accordance with the regulations.

(2) The Director or authorized representative may require an applicant to submit any additional information the Director or authorized representative considers necessary.

1992 cE-13.3 s77;1996 c17 s13

Issuance of certificate of qualification

82(1) The Director or the authorized representative of a designated organization may issue or refuse to issue a certificate of qualification in accordance with the regulations.

(2) The Director may issue a certificate of qualification subject to any terms and conditions the Director considers appropriate.

(3) The terms and conditions of a certificate of qualification may be more stringent, but may not be less stringent, than applicable terms and conditions provided for in the regulations.

(4) A certificate of qualification is valid for the term prescribed in the regulations.

1992 cE-13.3 s78;1996 c17 s14

Amendment and cancellation

83(1) The Director may, in accordance with the regulations,

(a) amend a term or condition of, add a term or condition to or delete a term or condition from a certificate of qualification if the Director considers it appropriate to do so,

(b) cancel or suspend a certificate of qualification if the Director considers it appropriate to do so,

(c) correct a clerical error in a certificate of qualification, or

(d) cancel a certificate of qualification on application of the holder of the certificate of qualification.

(2) The Director may exercise a power under subsection (1) notwithstanding the fact that the certificate of qualification may have been issued by the authorized representative of a designated organization.

(3) The Director shall give notice in writing to the holder of a certificate of qualification at least 30 days in advance of making an amendment, addition or deletion under subsection (1)(a).

1992 cE-13.3 s79;1996 c17 s15

Compliance with code of practice

83.1 No person shall commence or continue any activity that is

(a) designated by the regulations as requiring a registration, and

(b) governed by a code of practice

except in accordance with that code of practice.

2003 c37 s10

Security

84(1) If required by the regulations, an applicant for or a holder of an approval, a registration, a remediation certificate, a certificate of qualification or a certificate of variance shall provide financial or other security and carry insurance in respect of the activity or thing to which the approval, registration, remediation certificate, certificate of qualification or certificate of variance relates.

(2) Subsection (1) does not apply to the Government or a Government agency.

1992 cE-13.3 s80;1996 c17 s16

Ministerial regulations

85(1) The Minister may make regulations

(a) designating activities or classes of activities in respect of which an approval or registration is required, respecting the circumstances under which an approval or registration is required and the persons or classes of persons who are required to obtain an approval or registration and specifying the kind of approval or registration that is required;

(b) exempting any activities or classes of activities related to storing and processing designated material from all or any of the provisions of this Part or of the regulations, for a period of time or permanently, with or without conditions;

(c) designating activities or things or classes of activities or things in respect of which a certificate of qualification is

required, respecting the circumstances under which a certificate of qualification is required and the persons or classes of persons who are required to obtain a certificate of qualification and specifying the kind of certificate of qualification that is required;

(d) respecting the procedure for the submission of applications for approvals, registrations and certificates of qualification and amendments to approvals, registrations and certificates of qualification, the form and content of the applications, the conditions required to be met by applicants and the kinds of plans and specifications that must accompany applications;

(e) providing for the acceptance of certificates and qualifications from other jurisdictions as certificates of qualification for the purposes of this Act;

(f) establishing the administrative and referral procedures by which applications for approvals, registrations and certificates of qualification and amendments to approvals, registrations and certificates of qualification may be dealt with;

(g) specifying requirements as to the manner in which an activity that is the subject of an approval or registration is to be tested or operated before normal operations commence;

(h) specifying work that is permitted for the purposes of section 62;

(i) respecting the transfer, sale, lease, assignment or other disposition of approvals and registrations;

(j) requiring operators of equipment that may have an impact on the environment to meet specified eligibility requirements as to training or experience or both;

(k) respecting the taking of samples of any thing and regulating the frequency, methods and procedures in respect of the sampling;

(l) respecting the submission of reports and returns in respect of activities;

(m) respecting the records to be kept in respect of an activity, the form of them and the person by whom, the place at which and the length of time for which they are to be kept;

(n) requiring the submission of records to the Director and providing for the inspection of records by the Director;

(o) defining "oil production site" for the purposes of this Act.

(2) A regulation may be made under subsection (1)(j), (k), (l), (m) or (n) whether or not it relates to an activity in respect of which an approval or registration is required.

(3) Where an activity or class of activities has been designated under subsection (1)(a) as requiring an approval and the designation is later amended so that a registration is required, the Minister may make regulations

(a) deeming the approval to be a registration;

(b) respecting the date on which the code of practice or portion of the code of practice governing that activity or class of activities is to take effect;

(c) to continue any terms and conditions of the approval until the date referred to in clause (b);

(d) providing that the expiry date of the approval no longer applies;

(e) providing for any other matter that the Minister considers necessary to facilitate the transition from an approval to a registration and a code of practice.

RSA 2000 cE-12 s85;2003 c37 s11

Lieutenant Governor in Council regulations

86(1) The Lieutenant Governor in Council may make regulations

(a) respecting the terms and conditions on which approvals and certificates of qualification may be granted and to which they are subject;

(b) prescribing the length of time for which approvals, registrations and certificates of qualification may be issued and permitting the Director to issue an approval, registration or certificate of qualification or the authorized representative of a designated organization to issue a certificate of qualification for a shorter period of time than prescribed in the regulations;

(c) respecting the form and amount of financial or other security to be given and insurance to be carried by an applicant for or a holder of an approval, a registration, a remediation certificate, a certificate of qualification or a certificate of variance;

(d) respecting the manner in which and the conditions under which any security given by an approval or registration holder or the holder of a remediation certificate, a certificate of qualification or a certificate of variance may be forfeited or returned, in whole or in part;

(e) governing and prohibiting any activity or the use of any thing for the purposes of the protection of the environment, including regulations governing the design, construction, maintenance or use of the activity or thing;

(f) governing and prohibiting the manufacture, sale or use of any equipment, device or service designed or provided for any purpose related to the protection of the environment;

(g) respecting the manner in which notice is to be provided under sections 72(1) and (2) and 74(3) and (6);

(h) establishing or providing for the means of establishing what is a routine matter for the purposes of section 72(3)(b);

(i) generally, providing for any other matters necessary for the purposes of this Part.

(2) A regulation may be made under subsection (1)(e), (f) or (i) whether or not it relates to an activity in respect of which an approval is required.

1992 cE-13.3 s82;1994 c15 s31;1996 c17 s17

Part 3
Activities Requiring Notice

Prohibition

87 No person shall knowingly commence or continue any activity that is designated by the regulations as an activity in respect of which notice must be given to the Director unless that person gives notice to the Director, in the form and manner required by the regulations, that that person is carrying on or intends to carry on the activity.

1996 c17 s18

Prohibition

88 No person shall commence or continue any activity that is designated by the regulations as an activity in respect of which notice must be given to the Director unless that person gives notice to the Director, in the form and manner required by the regulations, that that person is carrying on or intends to carry on the activity.

1996 c17 s18

Compliance with code of practice

88.1 No person shall commence or continue any activity that is

(a) designated by the regulations as an activity in respect of which notice must be given to the Director, and

(b) governed by a code of practice

except in accordance with that code of practice.

2003 c37 s12

Security

88.2(1) If required by the regulations, a person who commences or continues an activity that is governed by a code of practice shall

(a) provide financial or other security, and

(b) carry insurance

in respect of the activity that is the subject of a code of practice.

(2) Subsection (1) does not apply to the Government or a Government agency.

2003 c37 s12

Regulations

89(1) The Minister may make regulations

(a) designating activities or classes of activities in respect of which notice under sections 87 and 88 must be given and respecting the circumstances under which notice must be given and the persons or classes of persons who are required to give notice;

(b) respecting the form and contents of a notice under sections 87 and 88 and the time at which and manner in which it must be given.

(2) Where an activity or class of activities has been designated under section 85(1)(a) as requiring an approval or registration and the designation is later amended so that notice under sections 87 and 88 is required, the Minister may make regulations providing for any matter that the Minister considers necessary to facilitate that transition.

RSA 2000 cE-12 s89;2003 c37 s13

Part 4
Environmental Appeals Board

Environmental Appeals Board established

90(1) There is hereby established the Environmental Appeals Board consisting of persons appointed by the Lieutenant Governor in Council.

(2) The Board shall hear appeals as provided for in this Act or any other enactment.

(3) The Board may convene a panel of Board members to conduct a hearing of an appeal and appoint a person to chair the panel.

(4) Where a panel is convened, the panel has all the powers of the Board and is subject to all the same duties the Board is subject to, and a reference in this Act to the Board is to be read as a reference to the panel.

RSA 2000 cE-12 s90;2003 c42 s6

Notice of appeal

91(1) A notice of appeal may be submitted to the Board by the following persons in the following circumstances:

(a) where the Director issues an approval, makes an amendment, addition or deletion pursuant to an application under section 70(1)(a) or makes an amendment, addition or deletion pursuant to section 70(3)(a), a notice of appeal may be submitted

(i) by the approval holder or by any person who previously submitted a statement of concern in accordance with section 73 and is directly affected by the Director's decision, in a case where notice of the application or proposed changes was provided under section 72(1) or (2), or

(ii) by the approval holder or by any person who is directly affected by the Director's decision, in a case where no notice of the application or proposed changes was provided by reason of the operation of section 72(3);

(b) where the Director refuses

(i) to issue an approval, or

(ii) to make an amendment, addition or deletion in respect of an approval pursuant to an application under section 70(1)(a),

the applicant may submit a notice of appeal;

(c) where the Director cancels or suspends an approval under section 70(3)(b) or (4), the approval holder may submit a notice of appeal;

(d) where the Director cancels a certificate of qualification under section 83(1)(b), the holder of the certificate of qualification may submit a notice of appeal;

(e) where the Director issues an enforcement order under section 210(1)(a), (b) or (c), the person to whom the order is directed may submit a notice of appeal;

(f) where an inspector issues an environmental protection order regarding conservation and reclamation under section 140 or 141, the person to whom the order is directed may submit a notice of appeal;

(g) where the Director issues an environmental protection order under section 129,

(i) the person to whom the order is directed, and

(ii) any person who is directly affected by the designation of the contaminated site

may submit a notice of appeal;

(h) where the Director issues an environmental protection order, except an environmental protection order directing the performance of emergency measures under section 114, 151 or 160 and an environmental protection order referred to in clause (g), the person to whom the order is directed may submit a notice of appeal;

(i) where an inspector issues a reclamation certificate under section 138, or the Director or an inspector amends a reclamation certificate under section 139, the operator and any person who receives a copy of the certificate or amendment under section 145 may submit a notice of appeal;

(j) where the Director or an inspector cancels a reclamation certificate, the operator may submit a notice of appeal;

(k) where the Director or an inspector refuses to accept an application for a reclamation certificate or an inspector refuses to issue a reclamation certificate, the operator may submit a notice of appeal;

(l) where the Director or an inspector issues, amends or cancels a remediation certificate under section 117, any person who receives notice of the issuance, amendment or cancellation as provided for in the regulations may submit a notice of appeal;

(l.1) where the Director or an inspector refuses to accept an application for a remediation certificate or refuses to issue a remediation certificate under section 117, any person who receives notice of the refusal as provided for in the regulations may submit a notice of appeal;

(m) where the Director designates an area as a contaminated site under section 125, any person who is directly affected by the designation may submit a notice of appeal;

(n) where the Director requires a person to pay an administrative penalty under section 237, the person to whom the notice is directed may submit a notice of appeal;

(o) where the Director refuses a request for confidentiality under section 35(5)(b), the person to whom the notice is directed under section 35(6) may submit a notice of appeal;

(p) persons authorized under Part 9 of the *Water Act*, in accordance with Part 9 of the *Water Act*.

(2) Notwithstanding subsection (1)(b), where the Director refuses to issue an approval pursuant to an order of the Minister under section 64, no notice of appeal may be submitted in respect of that refusal.

(3) Where an activity prescribed in the regulations for the purposes of this subsection is the subject of an approval and is carried out in stages, and where the Director issues an approval in respect of a stage, no notice of appeal may be submitted in respect of a stage that is already covered by the approval.

(4) A notice of appeal must be submitted to the Board

(a) not later than 7 days after receipt of a copy of the enforcement order or the environmental protection order, in a case referred to in subsection (1)(e), (f) or (h),

(b) not later than one year after receipt of a copy of the reclamation certificate, in a case referred to in subsection (1)(i) relating to the issuing of a reclamation certificate, and

(c) not later than 30 days after receipt of notice of the decision appealed from or the last provision of notice of the decision appealed from, as the case may be, in any other case.

(5) The Board may, on application made before or after the expiry of the appeal period referred to in subsection (4), extend that period, where the Board is of the opinion that there are sufficient grounds for doing so.

(6) A notice of appeal submitted to the Board under this Act or in accordance with the *Water Act* must contain the information and be made in the manner provided for in the regulations.

(7) A notice of appeal initiates an appeal of the decision objected to.

RSA 2000 cE-12 s91;2002 c4 s1;2003 c37 s14;
2003 c42 s6;2006 c15 s10

Additional information

92 Where the Board receives a notice of appeal, it may by written notice given to the person who submitted the notice of appeal require the submission of additional information specified in the written notice by the time specified in the written notice.

1992 cE-13.3 s85;1998 c15 s9

Extension of time

93 The Board may, before or after the expiry of the prescribed time, advance or extend the time prescribed in this Part or the regulations for the doing of anything where the Board is of the opinion that there are sufficient grounds for doing so.

1996 c17 s21

Hearing of appeal

94(1) On receipt of a notice of appeal under this Act or under the *Water Act*, the Board shall conduct a hearing of the appeal.

(2) In conducting a hearing of an appeal under this Part, the Board is not bound to hold an oral hearing but may instead, and subject to the principles of natural justice, make its decision on the basis of written submissions.

(3) The Board may, with the consent of the parties to an appeal, make its decision under section 98 or its report to the Minister without conducting a hearing of the appeal.

1992 cE-13.3 s86;1994 c15 s33;1996 cW-3.5 s175;
1996 c17 s22;1998 c15 s9

Powers and duties of Board

95(1) The Board has all the powers of a commissioner under the *Public Inquiries Act*.

(2) Prior to conducting a hearing of an appeal, the Board may, in accordance with the regulations, determine which matters included in notices of appeal properly before it will be included in the hearing of the appeal, and in making that determination the Board may consider the following:

(a) whether the matter was the subject of a public hearing or review under Part 2 of the *Agricultural Operation Practices Act*, under the *Natural Resources Conservation Board Act* or under any Act administered by the Alberta Energy Regulator or the Alberta Utilities Commission and whether the person submitting the notice of appeal received notice of and participated in or had the opportunity to participate in the hearing or review;

(b) whether the Government has participated in a public review in respect of the matter under the *Canadian Environmental Assessment Act* (Canada);

(c) whether the Director has complied with section 68(4)(a);

(d) whether any new information will be presented to the Board that is relevant to the decision appealed from and was not available to the person who made the decision at the time the decision was made;

(e) any other criteria specified in the regulations.

(3) Prior to making a decision under subsection (2), the Board may, in accordance with the regulations, give to a person who has submitted a notice of appeal and to any other person the Board considers appropriate, an opportunity to make representations to the Board with respect to which matters should be included in the hearing of the appeal.

(4) Where the Board determines that a matter will not be included in the hearing of an appeal, no representations may be made on that matter at the hearing.

(5) The Board

(a) may dismiss a notice of appeal if

(i) it considers the notice of appeal to be frivolous or vexatious or without merit,

(ii) in the case of a notice of appeal submitted under section 91(1)(a)(i) or (ii), (g)(ii) or (m) of this Act or section 115(1)(a)(i) or (ii), (b)(i) or (ii), (c)(i) or (ii), (e) or (r) of the *Water Act*, the Board is of the opinion

that the person submitting the notice of appeal is not directly affected by the decision or designation,

(iii) for any other reason the Board considers that the notice of appeal is not properly before it,

(iv) the person who submitted the notice of appeal fails to comply with a written notice under section 92, or

(v) the person who submitted the notice of appeal fails to provide security in accordance with an order under section 97(3)(b),

and

(b) shall dismiss a notice of appeal if in the Board's opinion

(i) the person submitting the notice of appeal received notice of or participated in or had the opportunity to participate in one or more hearings or reviews under Part 2 of the *Agricultural Operation Practices Act*, under the *Natural Resources Conservation Board Act* or any Act administered by the Alberta Energy Regulator or the Alberta Utilities Commission at which all of the matters included in the notice of appeal were adequately dealt with, or

(ii) the Government has participated in a public review under the *Canadian Environmental Assessment Act* (Canada) in respect of all of the matters included in the notice of appeal.

(6) Subject to subsections (4) and (5), the Board shall, consistent with the principles of natural justice, give the opportunity to make representations on the matter before the Board to any persons who the Board considers should be allowed to make representations.

(7) The Board shall discontinue its proceedings in respect of a notice of appeal if the notice of appeal is withdrawn.

(8) Subject to the regulations, the Board may establish its own rules and procedures for dealing with matters before it.

RSA 2000 cE-12 s95;2001 c16 s6;2003 c42 s6;
2007 cA-37.2 s82(6);2012 cR-17.3 s88

Costs

96 The Board may award costs of and incidental to any proceedings before it on a final or interim basis and may, in accordance with the regulations, direct by whom and to whom any costs are to be paid.

1992 cE-13.3 s88

Stay of decision

97(1) Subject to subsection (2), submitting a notice of appeal does not operate to stay the decision objected to.

(2) The Board may, on the application of a party to a proceeding before the Board, stay a decision in respect of which a notice of appeal has been submitted.

(3) Where an application for a stay relates to the issuing of an enforcement order or an environmental protection order or to a water management order or enforcement order under the *Water Act* and is made by the person to whom the order was directed, the Board may, if it is of the opinion that an immediate and significant adverse effect may result if certain terms and conditions of the order are not carried out,

(a) order the Director under this Act or the Director under the *Water Act* to take whatever action the Director considers to be necessary to carry out those terms and conditions and to determine the costs of doing so, and

(b) order the person to whom the order was directed to provide security in accordance with the regulations under this Act or under the *Water Act* in the form and amount the Board considers necessary to cover the costs referred to in clause (a).

(4) Notwithstanding subsections (1) and (2), the Environmental Appeals Board or any court shall not grant a stay with respect to a water management order respecting the administering priority under the *Water Act*.

RSA 2000 cE-12 s97;2003 c42 s6

Decision of Board

98(1) In the case of a notice of appeal submitted under section 91(1)(n) or (o) of this Act or a notice of appeal submitted under section 115(1)(j), (l) or (q) of the *Water Act*, the Board shall, within 30 days after the completion of the hearing of the appeal, make a written decision on the matter.

(2) In its decision, the Board may

(a) confirm, reverse or vary the decision appealed and make any decision that the Director whose decision was appealed could make, and

(b) make any further order the Board considers necessary for the purposes of carrying out the decision.

(3) On making its decision, the Board shall immediately

(a) give notice of the decision to all persons who submitted notices of appeal or made representations to the Board and to all other persons who the Board considers should receive notice of the decision, and

(b) make the written decision available in accordance with the regulations.

1992 cE-13.3 s90;1996 cW-3.5 s175;1996 c17 s24;1998 c15 s9

Report to Minister

99(1) In the case of a notice of appeal referred to in section 91(1)(a) to (m) of this Act or in section 115(1)(a) to (i), (k), (m) to (p) and (r) of the *Water Act*, the Board shall within 30 days after the completion of the hearing of the appeal submit a report to the Minister, including its recommendations and the representations or a summary of the representations that were made to it.

(2) The Minister may extend the 30-day period referred to in subsection (1) on application by the Board before or after the expiry of the period.

1992 cE-13.3 s91;1996 cW-3.5 s175;1998 c15 s9

Decision by Minister

100(1) On receiving the report of the Board, the Minister may, by order,

(a) confirm, reverse or vary the decision appealed and make any decision that the person whose decision was appealed could make,

(b) make any direction that the Minister considers appropriate as to the forfeiture or return of any security provided under section 97(3)(b), and

(c) make any further order that the Minister considers necessary for the purpose of carrying out the decision.

(2) The Minister shall immediately give notice of any decision made under this section to the Board and the Board shall, immediately on receipt of notice of the decision, give notice of the decision to all persons who submitted notices of appeal or made representations or written submissions to the Board and to all other persons who the Board considers should receive notice of the decision.

1992 cE-13.3 s92;1996 c17 s25;1998 c15 s9

Reconsideration by Board

101 Subject to the principles of natural justice, the Board may reconsider, vary or revoke any decision, order, direction, report, recommendation or ruling made by it.

1996 c17 s26

Privative clause

102 Where this Part empowers or compels the Minister or the Board to do anything, the Minister or the Board has exclusive and final jurisdiction to do that thing and no decision, order, direction, ruling, proceeding, report or recommendation of the Minister or the Board shall be questioned or reviewed in any court, and no order shall be made or process entered or proceedings taken in any court to question, review, prohibit or restrain the Minister or the Board or any of its proceedings.

1996 c17 s26

Publication of Board's report

103 On complying with section 100(2), the Board shall publish or otherwise make available the Board's report and recommendations, or a summary of them, and a notice of the Minister's decision in the manner the Board considers appropriate.

1992 cE-13.3 s93;1996 c17 s27

Filing of order

104 An order of the Board under section 96 or 97, a decision of the Board under section 98 and a decision of the Minister under section 100 may be filed with the clerk of the Court of Queen's Bench and, on filing, are enforceable as if they were judgments of the Court.

1996 c17 s28

Ministerial regulations

105 The Minister may make regulations

(a) respecting the form and content of a notice of appeal;

(b) respecting the conduct of proceedings before the Board;

(c) determining what constitutes "hearing of the appeal" for the purposes of Part 4, including making different procedures applicable in that regard for the purposes of different provisions of Part 4;

(d) prescribing the criteria to be considered by the Board in directing interim or final costs to be paid;

(e) respecting the manner in which written decisions of the Board are to be made available for the purposes of section 98(3);

(f) authorizing the Board to charge fees for services or materials provided by the Board or things done by the Board under this Act, and prescribing the amounts of those fees or the manner in which the amounts are to be determined;

(g) generally, for regulating the conduct and work of the Board.

1992 cE-13.3 s94;1994 c15 s35;1996 c17 s29;1998 c15 s9

Lieutenant Governor in Council regulations

106 The Lieutenant Governor in Council may make regulations

(a) respecting the appointment and membership of the Board and providing for the remuneration and travel and living expenses that are payable to members of the Board;

(b) prescribing additional criteria to be considered by the Board for the purposes of section 95(2)(e);

(c) prescribing the activities to which section 91(3) applies;

(d) respecting financial or other security for the purposes of section 97(3)(b).

1992 cE-13.3 s95

Regulations under the Alberta Public Agencies Governance Act prevail

106.1 If regulations under the *Alberta Public Agencies Governance Act* apply in respect of the appointment or membership of the Board or remuneration or expenses referred to in section 106(a), those regulations prevail, to the extent of any conflict or inconsistency, over any regulations made under section 106(a).

2009 cA-31.5 s38

Part 5
Release of Substances

Interpretation and application

107(1) In this Part,

(a) "owner of a substance" means the owner of the substance immediately before or during the release of the substance;

(b) "person having control of a substance" means the person having charge, management or control of the substance;

(c) "person responsible for the contaminated site" means

(i) a person responsible for the substance that is in, on or under the contaminated site,

(ii) any other person who the Director considers caused or contributed to the release of the substance into the environment,

(iii) the owner of the contaminated site,

(iv) any previous owner of the contaminated site who was the owner at any time when the substance was in, on or under the contaminated site,

(v) a successor, assignee, executor, administrator, receiver, receiver-manager or trustee of a person referred to in any of subclauses (ii) to (iv), and

(vi) a person who acts as the principal or agent of a person referred to in any of subclauses (ii) to (v)

but does not include

(vii) a municipality in respect of a parcel of land shown on its tax arrears list, unless after the date on which the municipality is entitled to possession of the parcel under section 420 of the *Municipal Government Act* or becomes the owner of the parcel under section 424 of that Act the municipality releases on that parcel a new or additional substance into the environment that may cause, is causing or has caused an adverse effect or aggravates the adverse effect of the release of a substance into the environment on that parcel, or

(viii) a person who investigates or tests a parcel of land for the purpose of determining the environmental condition of that parcel, unless the investigation or test releases on that parcel a new or additional substance into the environment that may cause, is causing or has caused an adverse effect or aggravates the adverse effect of the release of a substance into the environment on that parcel.

(2) Sections 110 to 112 apply only to releases of substances that are not authorized by an approval or the regulations.

1992 cE-13.3 s96;1994 c15 s36;1996 c30 s69

Division 1
Releases of Substances Generally

Prohibited release where approval or regulation

108(1) No person shall knowingly release or permit the release of a substance into the environment in an amount, concentration or level or at a rate of release that is in excess of that expressly prescribed by an approval, a code of practice or the regulations.

(2) No person shall release or permit the release of a substance into the environment in an amount, concentration or level or at a rate of release that is in excess of that expressly prescribed by an approval or the regulations.

(3) For the purposes of this section, if there is a conflict between an approval or a code of practice and the regulations as to an amount, concentration, level or rate of release of a substance, the most stringent requirement prevails.

RSA 2000 cE-12 s108;2003 c37 s15

Prohibited release where no approval or regulation

109(1) No person shall knowingly release or permit the release into the environment of a substance in an amount, concentration or level or at a rate of release that causes or may cause a significant adverse effect.

(2) No person shall release or permit the release into the environment of a substance in an amount, concentration or level or at a rate of release that causes or may cause a significant adverse effect.

(3) Subsections (1) and (2) apply only where the amount, concentration, level or rate of release of the substance is not authorized by an approval, a code of practice or the regulations.

(4) No person may be convicted of an offence under this section if that person establishes that the release was authorized by another enactment of Alberta or Canada.

RSA 2000 cE-12 s109;2003 c37 s16

Duty to report release

110(1) A person who releases or causes or permits the release of a substance into the environment that may cause, is causing or has caused an adverse effect shall, as soon as that person knows or ought to know of the release, report it to

(a) the Director,

(b) the owner of the substance, where the person reporting knows or is readily able to ascertain the identity of the owner,

(c) any person to whom the person reporting reports in an employment relationship,

(d) the person having control of the substance, where the person reporting is not the person having control of the substance and knows or is readily able to ascertain the identity of the person having control, and

(e) any other person who the person reporting knows or ought to know may be directly affected by the release.

(1.1) Where

(a) a person released or caused or permitted the release of a substance into the environment before September 1, 1993, and

(b) the activity that resulted in the release was permanently discontinued before that date,

the person shall as soon as that person is aware that an adverse effect has occurred or is occurring in respect of that release, report the release to the persons specified in subsection (1).

(2) The person having control of a substance that is released into the environment that may cause, is causing or has caused an adverse effect shall, immediately on becoming aware of the release, report it to the persons referred to in subsection (1)(a), (b), (c) and (e) unless the person having control has reasonable grounds to believe that those persons already know of the release.

(3) A police officer or employee of a local authority or other public authority who is informed of or who investigates a release of a substance into the environment that may cause, is causing or has caused an adverse effect shall immediately notify the Director of the release unless the police officer or employee has reasonable grounds to believe that it has been reported by another person.

RSA 2000 cE-12 s110;2006 c15 s11

Manner of reporting

111(1) A person who is required to report to the Director pursuant to section 110 shall report in person, by telephone or by electronic means and shall include the following in the report, where the information is known or can be readily obtained by that person:

(a) the location and time of the release;

(b) a description of the circumstances leading up to the release;

(c) the type and quantity of the substance released;

(d) the details of any action taken and proposed to be taken at the release site;

(e) a description of the location of the release and the immediately surrounding area.

(2) In addition to a report under subsection (1), the person shall report in writing where required by the regulations.

(3) A person who reports under subsections (1) and (2) shall give to the Director any additional information in respect of the release that the Director requires.

(4) A person who reports under subsection (1) or (2) shall comply with any additional requirements set out in the regulations.

RSA 2000 cE-12 s111;2003 c37 s17

Duty to take remedial measures

112(1) Where a substance that may cause, is causing or has caused an adverse effect is released into the environment, the person responsible for the substance shall, as soon as that person becomes aware of or ought to have become aware of the release,

(a) take all reasonable measures to

(i) repair, remedy and confine the effects of the substance, and

(ii) remediate, manage, remove or otherwise dispose of the substance in such a manner as to prevent an adverse effect or further adverse effect,

and

(b) restore the environment to a condition satisfactory to the Director.

(2) Where

(a) a substance was released into the environment before September 1, 1993, and

(b) the activity that resulted in the release was permanently discontinued before that date,

the person responsible for the substance shall as soon as that person is aware that the substance may cause, is causing or has caused an adverse effect, take the actions specified in subsection (1).

RSA 2000 cE-12 s112;2006 c15 s12

Environmental protection order for release

113(1) Subject to subsection (2), where the Director is of the opinion that

(a) a release of a substance into the environment may occur, is occurring or has occurred, and

(b) the release may cause, is causing or has caused an adverse effect,

the Director may issue an environmental protection order to the person responsible for the substance.

(2) Where the release of the substance into the environment is or was expressly authorized by and is or was in compliance with an

approval, code of practice or registration or the regulations, the Director may not issue an environmental protection order under subsection (1) unless in the Director's opinion the adverse effect was not reasonably foreseeable at the time the approval or registration was issued, the code of practice was adopted or the regulations were made, as the case may be.

(3) An environmental protection order may order the person to whom it is directed to take any measures that the Director considers necessary, including, but not limited to, any or all of the following:

(a) investigate the situation;

(b) take any action specified by the Director to prevent the release;

(c) measure the rate of release or the ambient concentration, or both, of the substance;

(d) minimize or remedy the effects of the substance on the environment;

(e) restore the area affected by the release to a condition satisfactory to the Director;

(f) monitor, measure, contain, remove, store, destroy or otherwise dispose of the substance, or lessen or prevent further releases of or control the rate of release of the substance into the environment;

(g) install, replace or alter any equipment or thing in order to control or eliminate on an immediate and temporary basis the release of the substance into the environment;

(h) construct, improve, extend or enlarge the plant, structure or thing if that is necessary to control or eliminate on an immediate and temporary basis the release of the substance into the environment;

(i) report on any matter ordered to be done in accordance with directions set out in the order.

(4) An environmental protection order may be issued under this section in respect of a substance released before, on or after September 1, 1993.

(5) Where

(a) a substance was released into the environment before September 1, 1993, and

(b) the activity that resulted in the release was permanently discontinued before that date,

the Director may issue an environmental protection order to the person responsible for the substance only if an adverse effect has occurred or is occurring.

RSA 2000 cE-12 s113;2003 c37 s18;2006 c15 s13

Emergency environmental protection order

114(1) Where an inspector, an investigator or the Director is of the opinion that

(a) a release of a substance into the environment may occur, is occurring or has occurred, and

(b) the release may cause, is causing or has caused an immediate and significant adverse effect,

the inspector, investigator or Director may issue an environmental protection order to the person responsible for the substance directing the performance of emergency measures that the inspector, investigator or Director considers necessary.

(2) Subsection (1) applies whether or not the release of the substance into the environment is or was expressly authorized by or is or was in compliance with an approval, a registration or the regulations.

1992 cE-13.3 s103;1996 c17 s55

Emergency measures and notification

115(1) Where an inspector, an investigator or the Director is of the opinion that

(a) a release of a substance into the environment may occur, is occurring or has occurred, and

(b) the release may cause, is causing or has caused an immediate and significant adverse effect,

the inspector, investigator or Director may take any emergency measures that the inspector, investigator or Director considers necessary to protect human life or health or the environment.

(2) Subsection (1) applies whether or not the release of the substance into the environment is or was expressly authorized by and is or was in compliance with an approval, a code of practice, a registration or the regulations.

(3) The inspector, investigator or Director shall forthwith notify Alberta Public Safety Services, the local authority of the municipality in which the substance is located and the medical

officer of health of the health unit or health region under the *Regional Health Authorities Act* in which the substance is located of the emergency measures taken under subsection (1).

RSA 2000 cE-12 s115;2003 c37 s19

Environmental protection orders re odour

116(1) Where the Director is of the opinion that a substance or thing is causing or has caused an offensive odour, the Director may issue an environmental protection order to the person responsible for the substance or thing.

(2) Subsection (1) does not apply in respect of an offensive odour that results from an agricultural operation that is carried out in accordance with generally accepted practices for such an operation or in respect of which recommendations under Part 1 of the *Agricultural Operation Practices Act* indicate that the agricultural operation follows a generally accepted agricultural practice.

(3) An environmental protection order under this section may order the person to whom it is directed to take any or all of the following measures:

(a) investigate the situation;

(b) take any action specified by the Director to prevent the offensive odour;

(c) minimize or remedy the effects of the offensive odour;

(d) monitor, measure, contain, remove, store, destroy or otherwise dispose of the substance or thing causing the offensive odour or lessen or prevent the offensive odour;

(e) install, replace or alter any equipment or thing in order to control or eliminate the offensive odour;

(f) construct, improve, extend or enlarge a plant, structure or thing if that is necessary to control or eliminate the offensive odour;

(g) take any other action the Director considers to be necessary;

(h) report on any matter ordered to be done in accordance with directions set out in the order.

RSA 2000 cE-12 s116;2001 c16 s6

Remediation certificates

117(1) The Director or an inspector may issue a remediation certificate in respect of land where

(a) a release of a substance into the environment has occurred,

(b) the release has caused, is causing or has the potential to cause an adverse effect, and

(c) remediation of the land has been carried out in accordance with

(i) the terms and conditions of any applicable approval,

(ii) the terms and conditions of an environmental protection order made in respect of the release,

(iii) the directions of an inspector or the Director, or

(iv) this Act.

(2) Repealed 2006 c15 s14.

(3) An application for a remediation certificate must be made to the Director or an inspector in a form and manner acceptable to the Director or inspector.

(3.1) The Director or an inspector may refuse to accept an application for a remediation certificate if, in the Director's or inspector's opinion, the application is not complete or not accurate.

(3.2) The Director or an inspector may refuse to issue a remediation certificate where the applicant is indebted to the Government.

(4) The Director or an inspector may issue or refuse to issue a remediation certificate, and may issue the remediation certificate subject to any terms and conditions the Director or inspector considers appropriate.

(5) The Director or an inspector may

(a) amend a term or condition of, add a term or condition to or delete a term or condition from a remediation certificate if the Director or inspector considers it appropriate to do so,

(b) cancel a remediation certificate issued in error,

(c) correct an error in a remediation certificate, or

(d) cancel a remediation certificate if any of the terms or conditions in the remediation certificate have not been complied with.

RSA 2000 cE-12 s117;2006 c15 s14

Effect of remediation certificate

118 Where a remediation certificate is issued, no environmental protection order requiring the doing of further work in respect of the same release of the same substance may be issued under this Act after the date prescribed or determined for the purposes of this section in accordance with the regulations.

1996 c17 s30

Reclamation certificate unaffected

119 The issuing of a remediation certificate does not affect any person's obligation to obtain a reclamation certificate under this Act.

1996 c17 s30

Regulations

120 The Lieutenant Governor in Council may make regulations

(a) respecting the procedure for the submission of applications for remediation certificates and the plans, specifications and other information that must accompany applications;

(b) respecting the manner in which remediation is to be carried out;

(c) respecting the establishment of standards or criteria to be used to determine whether remediation has been completed in a satisfactory manner;

(d) respecting the provision to the Director or an inspector of information and reports relating to the remediation;

(e) prescribing dates or the manner of determining dates for the purposes of section 118, generally or in respect of different classes of land or releases of substances;

(f) respecting terms and conditions that may be contained in remediation certificates;

(g) respecting the giving of notices for the purposes of section 117.

RSA 2000 cE-12 s120;2006 c15 s15

Ministerial regulations

121 The Minister may make regulations

(a) classifying releases for the purposes of this Division and exempting any release or any class of release from the application of this Division, and attaching terms and conditions to any such exemption;

(b) respecting the making of a report under section 111 and its contents and providing for the waiver of a requirement to make a report under section 111(2) where in the opinion of the Director no adverse effect is likely to occur as a result of the release or the adverse effect caused by the release has been adequately controlled.

RSA 2000 cE-12 s121;2003 c37 s20

Lieutenant Governor in Council regulations

122(1) The Lieutenant Governor in Council may make regulations

(a) regulating and prohibiting the removal or rendering ineffective of any device, procedure or thing that reduces or prevents or is intended to reduce or prevent the release of any substance and that is attached or connected to or forms part of any thing;

(b) respecting the measures, including levels of remedial requirements, that may be required in an environmental protection order for the purposes of section 113(3)(e), including the incorporation or adoption for that purpose of documents that set out restoration guidelines;

(c) regulating the quantity and purity of water to be applied to land for the purpose of irrigation or watering of plant life if the water so applied may directly or indirectly cause an adverse effect;

(d) regulating or prohibiting any use of land or any action in respect of land as a result of which any substance is released on or under any land, including land

(i) adjacent to or underlying a watercourse, or

(ii) adjacent to or overlying an aquifer;

(e) prescribing the concentration, including the maximum concentration, of a substance that may be released into the environment;

(f) prescribing the amount, including the maximum amount, of a substance that may be released into the environment;

(g) prescribing the level, including the maximum level, of a substance that may be released into the environment;

(h) prescribing the rate, including the maximum rate, at which a substance may be released into the environment;

(i) respecting the method or type of method or instrument for measuring or determining

(i) the concentration of a substance released into the environment,

(ii) the weight of a substance released into the environment,

(iii) the rate of release of a substance into the environment, and

(iv) visible emissions;

(j) prescribing the point at which a measurement pursuant to the regulations is to take place;

(k) prescribing the maximum visible emissions permitted to be released;

(l) establishing a program for the certification of visible emission readers, including regulations respecting

(i) the manner in which visible emission readers are taught and certified,

(ii) the issuing, suspension and cancellation of certificates of qualification, and

(iii) the regulation of the activities of visible emission readers;

(m) generally, for the protection of the environment and the regulation of sources of substances.

(2) Before regulations are made under subsection (1)(e), (f), (g), (h) or (k), the Minister shall engage in any public consultation with respect to the proposed regulations that the Minister considers appropriate.

1992 cE-13.3 s107;1995 c23 s11

Division 2
Contaminated Sites

Application

123 This Division applies regardless of when a substance became present in, on or under the contaminated site.

1992 cE-13.3 s108

Non-recoverable costs

124 The Minister may establish programs and other measures the Minister considers necessary to pay for the costs of restoring and securing contaminated sites and the environment affected by contaminated sites in circumstances where a person responsible for

the contaminated site cannot be identified or is unable to pay for the costs.

1992 cE-13.3 s109

Designation of contaminated sites

125(1) Where the Director is of the opinion that a substance that may cause, is causing or has caused a significant adverse effect is present in an area of the environment, the Director may designate an area of the environment as a contaminated site.

(2) Subsection (1) applies notwithstanding that any or all of the following may apply:

(a) a reclamation certificate or remediation certificate has been issued in respect of the contaminated site;

(b) an administrative or enforcement remedy has been pursued under this Act or under any other law in respect of the contaminated site;

(c) the substance was released in accordance with this Act or any other law;

(d) the release of the substance was not prohibited under this Act;

(e) the substance originated from a source other than the contaminated site.

(3) The Director may cancel a designation of a contaminated site.

1992 cE-13.3 s110;1996 c17 s31

Notice of designation

126 The Director shall

(a) give notice of the Director's decision to designate an area of the environment as a contaminated site to

(i) the owner of the contaminated site,

(ii) any of the other persons responsible for the contaminated site that the Director considers appropriate, and

(iii) the local authority of the municipality in which the contaminated site is located,

and

(b) provide notice of the Director's decision to designate an area of the environment as a contaminated site in accordance with the regulations.

1992 cE-13.3 s111;1994 c15 s39

Statement of concern

127(1) Any person who is directly affected by a designation of a contaminated site may submit to the Director a statement of concern setting out that person's concerns regarding the designation of the contaminated site and that person's recommendations on any remedial measures that should be taken with respect to the contaminated site.

(2) A statement of concern must be submitted

(a) within 30 days after receipt of the notice under section 126(a) or the last provision of the notice under section 126(b), or

(b) within any longer period allowed by the Director in the notice.

1992 cE-13.3 s112;1994 c15 s40

Remedial action plans and agreements

128(1) A person responsible for the contaminated site may

(a) prepare for the approval of the Director a remedial action plan in respect of the contaminated site, and

(b) enter into an agreement with the Director, with other persons responsible for the contaminated site, or with both the Director and other persons responsible, providing for the remedial action to be taken in respect of the contaminated site and providing for the apportionment of the costs of taking that action.

(2) An agreement under subsection (1)(b) to which the Director is not a party is not valid unless it is approved by the Director.

(3) Where an agreement made under subsection (1)(b) is carried out in accordance with its terms, the Director may not issue an environmental protection order under section 129 to any of the persons responsible for the contaminated site who are parties to the agreement in respect of any matter that is provided for in the agreement.

1992 cE-13.3 s113

Environmental protection order re contaminated site

129(1) Where the Director designates a contaminated site, the Director may issue an environmental protection order to a person responsible for the contaminated site.

(2) In deciding whether to issue an environmental protection order under subsection (1) to a particular person responsible for the contaminated site, the Director shall give consideration to the following, where the information is available:

(a) when the substance became present in, on or under the site;

(b) in the case of an owner or previous owner of the site,

(i) whether the substance was present in, on or under the site at the time that person became an owner;

(ii) whether the person knew or ought reasonably to have known that the substance was present in, on or under the site at the time that person became an owner;

(iii) whether the presence of the substance in, on or under the site ought to have been discovered by the owner had the owner exercised due diligence in ascertaining the presence of the substance before the owner became an owner, and whether the owner exercised such due diligence;

(iv) whether the presence of the substance in, on or under the site was caused solely by the act or omission of another person, other than an employee, agent or person with whom the owner or previous owner has or had a contractual relationship;

(v) the price the owner paid for the site and the relationship between that price and the fair market value of the site had the substance not been present in, on or under it;

(c) in the case of a previous owner, whether that owner disposed of the owner's interest in the site without disclosing the presence of the substance in, on or under the site to the person who acquired the interest;

(d) whether the person took all reasonable care to prevent the presence of the substance in, on or under the site;

(e) whether a person dealing with the substance followed accepted industry standards and practice in effect at the time or complied with the requirements of applicable enactments in effect at the time;

(f) whether the person contributed to further accumulation or the continued release of the substance on becoming aware of the presence of the substance in, on or under the site;

(g) what steps the person took to deal with the site on becoming aware of the presence of the substance in, on or under the site;

(h) any other criteria the Director considers to be relevant.

(3) In issuing an environmental protection order under subsection (1), the Director shall give consideration to whether the Government has assumed responsibility for part of the costs of restoring and securing the contaminated site and the environment affected by the contaminated site pursuant to a program or other measure under section 124.

(4) An environmental protection order made under subsection (1) may

(a) require the person to whom the order is directed to take any measures that the Director considers are necessary to restore or secure the contaminated site and the environment affected by the contaminated site, including, but not limited to, any or all of the measures specified in section 113,

(b) contain provisions providing for the apportionment of the cost of doing any of the work or carrying out any of the measures referred to in clause (a), and

(c) in accordance with the regulations, regulate or prohibit the use of the contaminated site or the use of any product that comes from the contaminated site.

1992 cE-13.3 s114;1994 c15 s41

Notice of environmental protection order

130 In addition to serving an environmental protection order issued under section 129 on the person to whom it is directed, the Director shall

(a) give notice of the issuance of the order to the local authority of the municipality in which the contaminated site is located, and

(b) provide notice of the issuance of the order in accordance with the regulations.

1992 cE-13.3 s115

Compensation

131 The Minister may

(a) in accordance with any applicable regulations, or

(b) in the absence of any applicable regulations, in the manner and amount the Minister considers appropriate

pay compensation to any person who suffers loss or damage as a direct result of the application of this Division.

1992 cE-13.3 s116

Ministerial regulations

132 The Minister may make regulations regulating and prohibiting the use of a contaminated site or the use of any product that comes from a contaminated site.

1992 cE-13.3 s117

Lieutenant Governor in Council regulations

133 The Lieutenant Governor in Council may make regulations

(a) authorizing the payment of compensation by the Government for the purposes of section 131, including regulations respecting

(i) the circumstances under which compensation will be paid, and

(ii) the manner in which a claim for compensation is assessed and made and the determination of the amount payable;

(b) respecting the manner in which notice is to be provided under sections 126(b) and 130(b).

1992 cE-13.3 s118

Part 6
Conservation and Reclamation

Definitions

134 In this Part,

(a) "expropriation board" means the board, person or other body having the power to order termination of a right of entry order as to the whole or part of the land affected by the order;

(b) "operator" means

(i) an approval or registration holder who carries on or has carried on an activity on or in respect of specified land pursuant to an approval or registration,

(ii) any person who carries on or has carried on an activity on or in respect of specified land other than pursuant to an approval or registration,

(iii) the holder of a licence, approval or permit issued by the Alberta Energy Regulator or the Alberta Utilities Commission for purposes related to the carrying on of an activity on or in respect of specified land,

(iv) a working interest participant in

(A) a well,

(B) a mine,

(C) a coal processing plant,

(D) an oil sands processing plant, or

(E) a plant or facility that is subject to the Large Facility Liability Management Program administered by the Alberta Energy Regulator

on, in or under specified land,

(v) the holder of a surface lease for purposes related to the carrying on of an activity on or in respect of specified land,

(vi) a successor, assignee, executor, administrator, receiver, receiver-manager or trustee of a person referred to in any of subclauses (i) to (v), and

(vii) a person who acts as principal or agent of a person referred to in any of subclauses (i) to (vi);

(c) "reclamation certificate" means a reclamation certificate issued under this Part;

(d) "reclamation inquiry" means a reclamation inquiry conducted under this Part;

(e) "right of entry order" means

(i) an order granting right of entry that is made

(A) by the Surface Rights Board under the *Surface Rights Act*,

(B) under a former Act within the meaning of that term in the *Surface Rights Act*, or

(C) by a body that is empowered to grant a right of entry under the *Metis Settlements Act* in respect of land that is located in a settlement area;

(ii) an order for the expropriation of land or an interest in land required for the purposes of a pipeline or transmission line that is made by the Surface Rights Board or the Alberta Utilities Commission or a predecessor of either of them or by a body that is empowered to make such an order under the *Metis Settlements Act* in respect of land that is located in a settlement area;

(f) "specified land" means specified land within the meaning of the regulations on or in respect of which an activity is or has been carried on, but does not include

(i) land used solely for the purposes of an agricultural operation,

(ii) subdivided land that is used or intended to be used solely for residential purposes,

(iii) any part of any unsubdivided land that is the site of a residence and the land used in connection with that residence solely for residential purposes, or

(iv) land owned by the Crown in right of Canada;

(g) "surface lease" means a lease, easement, licence, agreement or other instrument granted or made before or after the coming into force of this Part under which the surface of land has been or is being held;

(h) "surrender" means a surrender, relinquishment, quit claim, release, notice, agreement or other instrument by which a surface lease is discharged or otherwise terminated as to the whole or part of the land affected by the surface lease;

(i) "termination" means the termination of a right of entry order by an expropriation board as to the whole or part of the land affected by the order;

(j) "working interest participant" means a person who owns or controls all or part of a beneficial or legal undivided interest in an activity described in clause (b)(iv) under an agreement that pertains to the ownership of that activity.

RSA 2000 cE-12 s134;2006 c15 s16;2007 cA-37.2 s82(6); 2012 cR-17.3 s88

Security by operator

135(1) If required by the regulations, an operator shall provide financial or other security and carry insurance in respect of the activity carried on by the operator on specified land.

(2) Subsection (1) does not apply to the Government or a Government agency.

1992 cE-13.3 s120

Reclamation inquiry

136 An inspector shall, when required to do so by the regulations, conduct a reclamation inquiry in accordance with the regulations.

1992 cE-13.3 s121

Duty to reclaim

137(1) An operator must

(a) conserve specified land,

(b) reclaim specified land, and

(c) unless exempted by the regulations, obtain a reclamation certificate in respect of the conservation and reclamation.

(2) Where this Act requires that specified land must be conserved and reclaimed, the conservation and reclamation must be carried out in accordance with

(a) the terms and conditions in any applicable approval or code of practice,

(b) the terms and conditions of any environmental protection order regarding conservation and reclamation that is issued under this Part,

(c) the directions of an inspector or the Director, and

(d) this Act.

RSA 2000 cE-12 s137;2003 c37 s21

Issuance of reclamation certificate

138(1) An application for a reclamation certificate must be made by the operator to the Director or an inspector in the form and manner and within the time provided for in the regulations.

(1.1) The Director or an inspector may refuse to accept an application for a reclamation certificate if, in the Director's or inspector's opinion, the application is not complete and accurate.

(2) An inspector may refuse to issue a reclamation certificate where the applicant is indebted to the Government.

(3) An inspector may issue a reclamation certificate to the operator if the inspector is satisfied that the conservation and reclamation have been completed in accordance with section 137(2).

(4) An inspector may issue a reclamation certificate with respect to all or only a part of the specified land, and in the latter case section 137 continues to apply with respect to the remaining specified land.

(5) An inspector may issue a reclamation certificate subject to any terms and conditions the inspector considers appropriate.

(6) An approval in respect of an activity on specified land expires on the date that the final reclamation certificate is issued under this Part unless the approval specifies a different expiry date.

RSA 2000 cE-12 s138;2003 c37 s22

Amendment and cancellation of certificate

139(1) The Director or an inspector may

(a) amend a term or condition of, add a term or condition to or delete a term or condition from a reclamation certificate if the Director or the inspector considers it appropriate to do so,

(b) cancel a reclamation certificate issued in error,

(c) cancel a reclamation certificate where no reclamation inquiry was conducted prior to the issuance of the certificate and the Director or the inspector is of the opinion that further work may be necessary to conserve and reclaim the specified land to which the certificate relates, or

(d) correct a clerical error in a reclamation certificate.

(2) The Director or the inspector shall promptly give notice of any amendment, addition, deletion or cancellation to the same persons to whom a copy of the original reclamation certificate was given under section 145.

(3) Where a reclamation certificate is cancelled under this section, then for the purposes of this Part it is considered never to have been issued.

RSA 2000 cE-12 s139;2003 c37 s23

Environmental protection order

140 Subject to any applicable approval or code of practice and the regulations, an inspector may

(a) at any time before the issuance of a reclamation certificate in a case where the operator is required to obtain a reclamation certificate, or

(b) at any time, in a case where the operator is not required to obtain a reclamation certificate,

issue an environmental protection order regarding conservation and reclamation to an operator directing the performance of any work or the suspension of any work if in the inspector's opinion the performance or suspension of the work is necessary in order to conserve and reclaim specified land.

RSA 2000 cE-12 s140;2003 c37 s24

Environmental protection order re off-site damage

141 Where an inspector is satisfied that an operator

(a) has done or permitted to be done anything that has caused an adverse effect in a location other than the specified land in respect of which the operator is or was carrying on an activity, or

(b) has caused or allowed a substance to leave or escape from the specified land in respect of which the operator is or was carrying on an activity,

the inspector may issue an environmental protection order regarding conservation and reclamation to the operator in accordance with the regulations.

1992 cE-13.3 s126;1994 c15 s46

Environmental protection order after reclamation certificate

142(1) If, after a reclamation certificate has been issued, an inspector is of the opinion that further work is necessary to conserve and reclaim the specified land and the work relates to matters that were not apparent at the time the reclamation certificate was issued, the inspector may

(a) issue an environmental protection order regarding conservation and reclamation to

(i) the person to whom the reclamation certificate was issued,

(ii) a successor, assignee, executor, administrator, receiver, receiver-manager or trustee of a person referred to in subclause (i), or

(iii) a person who acts as principal or agent of a person referred to in subclause (i) or (ii)

directing the performance of any work that the inspector considers necessary to conserve and reclaim the specified land, or

(b) carry out any work that the inspector considers necessary to conserve and reclaim the specified land.

(2) No environmental protection order regarding conservation and reclamation may be issued under this section

(a) in any case where the reclamation certificate in respect of the specified land was issued under the *Land Surface Conservation and Reclamation Act*, RSA 1980 cL-3, or

(b) in any other case, after the date prescribed or determined in accordance with the regulations for the purposes of this section with respect to different classes of specified land set out in the regulation.

(3) The costs of carrying out work under subsection (1)(b) are the responsibility of the Government.

RSA 2000 cE-12 s142;2003 c37 s25

Emergency environmental protection order

143 Where an inspector is of the opinion that an immediate and significant adverse effect may occur, is occurring or has occurred on specified land as a result of the carrying on of an activity on or in respect of specified land, the inspector may issue an environmental protection order to the operator directing the suspension of any work on the specified land.

1992 cE-13.3 s128

No surrender or termination without reclamation certificate

144(1) Notwithstanding anything in any other Act or any surface lease or right of entry order,

(a) no surrender of a surface lease is effective or binding on any person, and

(b) no expropriation board shall order the termination of a right of entry order

insofar as the surrender or termination relates to any interest of the registered owner, until a reclamation certificate has been issued in respect of the specified land affected by the surrender or termination.

(2) Subsection (1), insofar as it relates to right of entry orders, applies only to

(a) right of entry orders pertaining to transmission lines in effect after August 15, 1978, and

(b) right of entry orders of any other kind, where the lease or order is in effect on or after June 1, 1963.

(3) Notwithstanding subsection (1), an expropriation board may order the termination of a right of entry order without a reclamation certificate in any case where

(a) the parties to the right of entry order have entered into a surface lease with respect to the specified land affected by the order and have requested the termination,

(b) the specified land affected by the right of entry order has been acquired or expropriated by the Government or by a local authority, or

(c) the expropriation board is satisfied that the operator has not exercised any rights under the right of entry order.

(4) The surrender or termination of a surface lease or right of entry order as to all or any part of the specified land in respect of which a reclamation certificate is issued is not affected by an appeal under section 91(1)(i).

1992 cE-13.3 s129

Copies of orders and certificates

145 Where an environmental protection order regarding conservation and reclamation or a reclamation certificate is issued under this Part, in addition to giving a copy of the order or certificate to the operator, the person issuing the order or certificate

(a) shall give a copy of the order or certificate to the owner of the land concerned, and

(b) may give a copy of the certificate to any other person whom the person issuing the certificate considers to be directly affected by the activity to which the certificate relates.

1992 cE-13.3 s130;1994 c15 s47

Lieutenant Governor in Council regulations

146 The Lieutenant Governor in Council may make regulations

(a) respecting the manner in which and the time within which specified land must be conserved and reclaimed;

(b) respecting the establishment of standards or criteria to be used to determine whether conservation and reclamation have been completed in a satisfactory manner, including, without limitation, the standard of reclamation of specified land to its equivalent capability;

(c) respecting the manner in which any kind of activity on or in respect of specified land may or must be conducted for

purposes in connection with or incidental to the conservation and reclamation of the land;

(d) requiring and governing the suspension of work that is necessary in order to conserve and reclaim specified land;

(e) respecting the number and kinds of inspectors who may conduct a reclamation inquiry;

(f) providing for procedures respecting the conduct of reclamation inquiries;

(g) respecting financial or any other security to be given or insurance to be carried by operators or classes of operators;

(h) repealed 2006 c15 s17;

(i) requiring an operator to give notice of the suspension of or cessation of an activity on or in respect of specified land, and respecting the time at which and the manner in which that notice must be given;

(j) defining "specified land" for the purposes of this Part;

(k) exempting operators or activities or classes of operators or activities from the requirement for a reclamation certificate;

(l) providing for the issuing of different classes of reclamation certificates;

(m) respecting the terms and conditions that may be contained in an environmental protection order regarding conservation and reclamation and in a reclamation certificate;

(n) respecting the procedure for the submission of applications for reclamation certificates, the form and content of applications and the plans and specifications that must accompany applications;

(n.1) respecting the procedure for the submission of applications for records of progressive reclamation, the form and content of applications and the plans and specifications that must accompany applications;

(n.2) respecting the terms and conditions that may be placed on a record of progressive reclamation;

(n.3) respecting any restrictions on the issuance of an environmental protection order under section 140 where a record of progressive reclamation has been issued;

(o) prescribing dates or the manner of determining dates for the purposes of section 142(2)(b), generally or in respect of different classes of specified land or activities;

(p) respecting the payment of remuneration and expenses to local authorities for services provided by inspectors who are designated under section 25(3) and are exercising authority under Part 6 in the municipality in respect of which they are designated.

RSA 2000 cE-12 s146;2003 c37 s26;2006 c15 s17; 2017 c22 s17

Part 7
Potable Water

Definitions

147 In this Part,

(a) "disinfection" means a process that has as its objective destroying or inactivating pathogenic micro-organisms in water;

(b) "person responsible for a waterworks system" means

(i) the owner of the waterworks system,

(ii) the operator of the waterworks system,

(iii) the local authority that contracts to obtain potable water from the waterworks system,

(iv) the local authority that grants a franchise for the supply of potable water by the waterworks system,

(v) any successor, assignee, executor or administrator, receiver, receiver-manager or trustee of a person referred to in subclause (i), (ii), (iii) or (iv), and

(vi) any person who acts as principal or agent of a person referred to in subclause (i), (ii), (iii), (iv) or (v).

1992 cE-13.3 s140

Release of substances prohibited

148 No person shall release a substance or permit the release of a substance into any part of a waterworks system

(a) that causes or may cause the potable water supplied by the system to be unfit for any of its intended uses, or

(b) that causes or may cause the concentration of the substance or of any other substance in the potable water supplied by the system to vary from the specified concentration for the substance set out in any applicable approval or code of practice or the regulations.

RSA 2000 cE-12 s148;2003 c37 s27

Duty of person responsible

149 The person responsible for a waterworks system shall ensure that the potable water supplied by the system does not contain a substance in a concentration that varies from the specified concentration for the substance set out in any applicable approval or the regulations.

1992 cE-13.3 s142

Environmental protection order

150(1) Notwithstanding that an approval or registration has been issued or that the approval holder is in compliance with the terms and conditions of the approval or the registration holder is in compliance with a code of practice, the Director may issue an environmental protection order to the person responsible for a waterworks system where the Director is of the opinion that the waterworks system is being operated or maintained in a manner that

(a) may cause, is causing or has caused the potable water supplied by that system to be unfit for any of its intended uses, or

(b) may cause, is causing or has caused the concentration of a substance in the potable water supplied by that system to vary from the specified concentration for the substance set out in any applicable approval or code of practice or the regulations.

(2) An environmental protection order may order the person responsible for the waterworks system to take any or all of the following measures:

(a) to construct, improve, extend or enlarge the waterworks system or any part of the waterworks system or to install, replace, repair or alter any equipment or thing relating to the waterworks system;

(b) to operate or maintain the waterworks system according to any terms and conditions that the Director considers necessary;

(c) to take any other action the Director considers necessary to protect or restore the quality of the potable water;

(d) to report on any matter relating to the construction or operation of the waterworks system.

RSA 2000 cE-12 s150;2003 c37 s28

Emergency environmental protection order

151 Where an inspector, an investigator or the Director is of the opinion that any potable water supplied by a waterworks system may cause, is causing or has caused an immediate and significant adverse effect on human life or health, the inspector, investigator or Director may issue an environmental protection order to the person responsible for the waterworks system directing the performance of emergency measures that the inspector, investigator or Director considers necessary.

1992 cE-13.3 s144

Emergency measures

152 Where an inspector, an investigator or the Director is of the opinion that any potable water supplied by a waterworks system may cause, is causing or has caused an immediate and significant adverse effect on human life or health, the inspector, investigator or Director may take any emergency measures the inspector, investigator or Director considers necessary to protect human life or health.

RSA 2000 cE-12 s152;2003 c37 s29

Ministerial regulations

153 The Minister may make regulations

(a) defining “industrial development”, “municipal development”, “privately owned development”, “watering point” and “private utility” for the purposes of this Act;

(b) prescribing substances for the purposes of this Part and providing for the establishment of specified concentrations for those substances in potable water;

(c) prescribing methods for determining the concentration of a substance in potable water;

(d) governing the design, construction, maintenance or operation of

(i) any type of waterworks system or part of a waterworks system, or

(ii) any equipment, device or apparatus used in connection with any type of waterworks system;

(e) governing the purity of potable water;

(f) governing and prohibiting the manufacture, sale or use of any equipment, process, chemical, substance or thing to be used in the treatment or disinfection of potable water.

1992 cE-13.3 s146;1994 c15 s51

Part 8
Hazardous Substances and Pesticides

Definitions

154 In this Part,

(a) "apply" includes deposit, add, emit and discharge;

(b) "certificate of registration" means a certificate issued under the authority of the *Pest Control Products Act* (Canada) or the *Fertilizers Act* (Canada) indicating that a substance is registered under either of those Acts;

(c) "extermination", with respect to a pest, means the destruction, prevention or control of the pest by means of a pesticide;

(d) "label" means, with respect to a pesticide, a label within the meaning of the *Pest Control Products Act* (Canada) or the *Fertilizers Act* (Canada);

(e) "sell" includes keep for sale, display for sale, offer for sale and advertise for sale.

1992 cE-13.3 s147

Division 1
Hazardous Substances and Pesticides Generally

Storing and handling

155 A person who keeps, stores or transports a hazardous substance or pesticide shall do so in a manner that ensures that the hazardous substance or pesticide does not directly or

indirectly come into contact with or contaminate any animals, plants, food or drink.

1992 cE-13.3 s148

Environmental protection order regarding contaminated matter

156 Where the Director is of the opinion that any crop, food, feed, animal, plant, water, produce, product or other matter has been or may be contaminated by a hazardous substance or pesticide, the Director may issue an environmental protection order

(a) to any person prohibiting or restricting, either permanently or for any length of time the Director considers necessary, the sale, handling, use or distribution of the crop, food, feed, animal, plant, water, produce, product or other matter;

(b) to any person ordering the crop, food, feed, animal, plant, water, produce, product or other matter to be destroyed, decontaminated or otherwise rendered harmless;

(c) to any person requiring the replacement of the hazardous substance or pesticide with another substance;

(d) to the seller of the hazardous substance or pesticide requiring the seller to accept the return of the hazardous substance or pesticide;

(e) to any person requiring the taking of any other measures with regard to the hazardous substance or pesticide that the Director considers appropriate in order to protect human life or health or the environment.

1992 cE-13.3 s149

Sale or distribution prohibited

157 No person shall sell or distribute any crop, food, feed, animal, plant, water, produce, product or other matter

(a) that contains a hazardous substance or pesticide in excess of the permissible concentrations as established by this Act, the *Food and Drugs Act* (Canada) or the *Pest Control Products Act* (Canada), or

(b) that the person knows or ought reasonably to know has been contaminated by a hazardous substance or pesticide.

1992 cE-13.3 s150

Environmental protection order

158(1) Where the Director is of the opinion that the manufacture, use, handling, transportation, storage, sale, disposal or application of a hazardous substance or pesticide may cause, is causing or has caused an adverse effect, the Director may, subject to subsection (2), issue an environmental protection order to the person responsible for the hazardous substance or pesticide.

(2) Where the manufacture, use, handling, transportation, storage, sale, disposal or application of the hazardous substance or pesticide is expressly authorized by an approval or registration, the Director may issue an environmental protection order under subsection (1) only if, in the Director's opinion, the adverse effect was not reasonably foreseeable at the time the approval or registration was issued.

1992 cE-13.3 s151;1996 c17 s55

Contents of environmental protection order

159 An environmental protection order under section 158 may order the person to whom it is directed to do any or all of the following:

(a) to stop, limit or control the manufacture, application or release of the hazardous substance or pesticide into the environment

(i) permanently, or

(ii) for a specified period of time

in the circumstances set out in the environmental protection order;

(b) to comply with any directions of the Director relating to the manner in which the hazardous substance or pesticide or any thing in which the hazardous substance or pesticide is or was contained may be used, handled, transported, stored, sold, manufactured or disposed of;

(c) to comply with any directions of the Director with regard to the clean-up of the hazardous substance or pesticide or the clean-up or restoration of any site affected by the hazardous substance or pesticide.

1992 cE-13.3 s152

Emergency environmental protection order

160 Where an inspector, an investigator or the Director is of the opinion that an immediate and significant adverse effect may occur, is occurring or has occurred as a result of the manufacture, use, handling, transportation, storage, sale, disposal or application of a hazardous substance or pesticide, the inspector, investigator or Director may issue an environmental protection order to the person responsible for the hazardous substance or pesticide directing the performance of emergency measures that the inspector, investigator or Director considers necessary.

1992 cE-13.3 s153

Ministerial regulations

161 The Minister may make regulations

(a) generally, for carrying out the purposes of this Part regarding information on and assessment of hazardous substances;

(b) classifying hazardous substances for the purposes of this Act;

(c) respecting the quantity or concentration of a hazardous substance that may be released into the environment either alone or in combination with any other substance from any source;

(d) respecting the manner and conditions under which a hazardous substance may be released into the environment, either alone or in combination with any other substance;

(e) respecting the manner in which and the conditions under which a hazardous substance may be collected, stored, handled, treated, disposed of or transported or offered for transport;

(f) requiring and respecting the submission to the Minister of information relating to a hazardous substance;

(g) respecting the conducting of sampling, analyses, tests, measurements or monitoring of a hazardous substance and the submission of the results to the Minister;

(h) requiring and respecting the submission of samples of a hazardous substance to the Minister;

(i) respecting circumstances or conditions under which the Minister may, for the administration of this Part, modify

(i) any requirement of the regulations for sampling, analyses, tests, measurements or monitoring, or

(ii) the methods and procedures specified in the regulations for conducting any required sampling, analyses, tests, measurements or monitoring;

(j) requiring manufacturers, distributors or sellers to recall products or materials containing a hazardous substance.

1992 cE-13.3 s154;1994 c15 s52

Lieutenant Governor in Council regulations

162 The Lieutenant Governor in Council may make regulations

(a) designating anything as a hazardous substance for the purposes of this Act;

(b) respecting the places or areas where a hazardous substance may be released into the environment;

(c) respecting commercial, manufacturing or processing undertakings in the course of which a hazardous substance may be released into the environment;

(d) respecting the quantity of a hazardous substance that may be imported into Alberta or that may be manufactured, processed, used or sold;

(e) respecting the purposes for which a hazardous substance or a product containing the hazardous substance may be imported into Alberta or may be manufactured, processed, used or sold;

(f) respecting and prohibiting the importation into Alberta or the manufacturing, processing, use or sale of a hazardous substance or a product containing a hazardous substance;

(g) respecting the quantity or concentration in which a hazardous substance may be used;

(h) respecting the quantity or concentration of a hazardous substance that may be contained in any product that is imported into Alberta or that is manufactured, processed, used or sold;

(i) respecting the packaging and labelling of a hazardous substance;

(j) providing for any other matter that is necessary to carry out the purposes of this Part.

1992 cE-13.3 s155

Division 2
Pesticides

Prohibitions re sale, use and disposal

163(1) Subject to subsection (2), no person shall

(a) sell, distribute, use, apply, handle, store or transport a pesticide,

(b) operate or clean any machinery, equipment, vehicle, aircraft or vessel used in connection with the sale, distribution, use, application, handling, storage or transportation of a pesticide, or

(c) use or clean a pesticide container

except in accordance with the regulations with respect to that pesticide and the label for that pesticide.

(2) If there is a conflict between any applicable provision of the regulation and the provision on the label referred to in subsection (1), the most stringent provision prevails.

(3) No person shall dispose of a pesticide, a mixture containing a pesticide, a thing that is treated or contaminated with a pesticide or a container that has been used to hold a pesticide in a manner other than the manner prescribed in the regulations.

1992 cE-13.3 s156;1996 c17 s37

Information on alternatives

164 Where under the regulations an approval or registration is required in respect of the use or application of a pesticide, the Director may require the applicant for the approval or registration to submit information justifying the use or application of the pesticide where, in the opinion of the Director, there are alternative pest control methods that could be used.

1992 cE-13.3 s157;1996 c17 s55

Ministerial regulations

165 The Minister may make regulations classifying pesticides for the purposes of this Part and the regulations under section 166.

1992 cE-13.3 s158

Lieutenant Governor in Council regulations

166 The Lieutenant Governor in Council may make regulations

(a) designating substances as pesticides for the purposes of this Act;

(b) governing and prohibiting the sale, use, application, distribution, packaging, storage, handling and transportation of pesticides;

(c) requiring that any pesticide be registered before being sold, supplied or used and respecting the manner in which those pesticides are to be registered;

(d) respecting the submission to the Minister of information relating to pesticides;

(e) respecting and prohibiting the importation of a pesticide into Alberta, whether or not the pesticide is registered under the *Pest Control Products Act* (Canada) or under the laws of another jurisdiction;

(f) prescribing the forms of notices to be given and the procedures to be followed in

(i) the carrying out of exterminations in buildings, structures or vehicles, and

(ii) the carrying out of any activity respecting the application of a pesticide for which an approval or registration is required;

(g) respecting the labelling of pesticides and pesticide containers;

(h) respecting containers for pesticides, other than containers in which pesticides are sold or offered for sale;

(i) governing signs, markings or other identification to be used

(i) on vehicles, aircraft, vessels, machinery and equipment used in pesticide application, in extermination or in the transportation of pesticides, and

(ii) on facilities or places used to store pesticides;

(j) respecting the use, operation and cleaning of vehicles, aircraft, vessels, machinery, equipment and containers used in connection with the use, application, distribution, packaging, storage, handling or transportation of pesticides;

(k) regulating the construction of any enclosed space in which movable property may be placed for storage during the period of pesticide application and extermination and airing out;

(l) respecting the records to be kept by persons responsible for the transportation of pesticides in or on a vehicle operated on a highway;

(m) respecting the minimization of pesticide waste and the recycling of pesticide containers;

(n) respecting the disposal of

(i) pesticide waste that is not designated as hazardous waste,

(ii) pesticides, mixtures containing pesticides and things that are treated with or contaminated by a pesticide, and

(iii) packaging, containers and equipment used in connection with a pesticide;

(o) providing for any other matter that is necessary to carry out the purpose of this Part as it relates to pesticides;

(p) exempting any person, land, water or thing or class of person, land, water or thing from the application of sections 163 and 164 or the regulations under this Division.

1992 cE-13.3 s159;1996 c17 s55

Adoption of federal requirements

167 Regulations under section 166 may adopt any or all of the requirements prescribed by the *Pest Control Products Act* (Canada) and the regulations under that Act as the requirements for the purposes of this Part in respect of the labelling, selling, handling, use, transportation and storage of pesticides.

1992 cE-13.3 s160

Part 9
Waste Minimization, Recycling and Waste Management

Division 1
Waste Minimization and Recycling

Definitions

168 In this Part,

(a) "depot" means a place established, operated as a business or used by any person for the collection of designated material;

(b) "dispose of" in sections 176 to 182 includes discharge, deposit, dump, throw, drop, discard, abandon, spill, leak, pump, pour, emit or empty;

(c) "industry operated recycling fund" means a fund established in regulations under section 175(aa);

(d) "packaging" means a container in which a commodity is sold and includes, but is not limited to, a wrapper, bag, box, tray, bottle or can;

(e) "public land" means land of the Government, other than

(i) a highway,

(ii) land in an improvement district that is administered by the Minister responsible for the *Municipal Government Act*, and

(iii) land in a special area that is administered by the Minister responsible for the *Special Areas Act*;

(f) "recycle docket" means a register or label respecting the contents of a shipment of a hazardous recyclable made in accordance with the regulations;

(g) "Recycling Fund" means the Recycling Fund established under section 171;

(h) "retailer" means

(i) a person who sells a designated material in Alberta, and

(ii) any other person who provides a designated material for use in Alberta and is defined in the regulations as a retailer,

and includes anyone acting or purporting to act on behalf of such a person;

(i) "surcharge" means surcharge as defined in the regulations;

(j) "unsightly property" means any property on which there is waste that causes the property to look unsightly;

(k) "waste" means, for the purposes of sections 178 to 183 and section 187,

(i) any solid or liquid material or product or combination of solid or liquid material or product, including, but not limited to,

(A) rubbish, refuse, garbage, paper, packaging, containers, bottles, cans, manure, human or animal excrement, sewage or the whole or a part of an animal carcass, or

(B) the whole or part of any article, raw or processed material, vehicle or other machinery that is disposed of

and

(ii) any other thing that is designated as waste in the regulations;

(l) "waste minimization" means waste minimization within the meaning of the regulations.

1992 cE-13.3 s161;1994 cM-26.1 s642(22);
1994 c15 s53;1996 c17 s38;1998 c15 s16

Prohibition

169 No person shall consign for shipment any hazardous recyclable unless

(a) the hazardous recyclable is accompanied with a recycle docket, and

(b) the hazardous recyclable is being consigned to a facility that is authorized under this Act to recycle that hazardous recyclable.

1992 cE-13.3 s162;1996 c17 s55;1998 c15 s17

Surcharge for designated material

170 A person who manufactures or distributes a designated material for sale in Alberta and a retailer shall

(a) collect the surcharge prescribed for the designated material in accordance with the regulations, and

(b) where the regulations require it, deposit the surcharge in

(i) an industry operated recycling fund, or

(ii) the Recycling Fund.

1992 cE-13.3 s163

Recycling Fund

171(1) There is hereby established the Recycling Fund, which shall be used to provide or pay for any or all of the following:

(a) establishing and administering waste minimization and recycling programs and initiatives;

(b) education programs related to waste minimization and recycling;

(c) research and development activities related to waste minimization and recycling;

(d) the promotion and development of activities and economic instruments to encourage waste minimization;

(e) the appropriate disposal of designated material as waste.

(2) The Recycling Fund must be administered by the Minister in accordance with this Act.

(3) The following must be paid into the Recycling Fund:

(a) the surcharges on designated material, as provided for in the regulations;

(b) gifts, donations and bequests to the Fund.

(4) The Minister may be a participant under section 40 of the *Financial Administration Act* on behalf of the Recycling Fund.

(5) Investment income earned on deposits of the Recycling Fund accrues to and forms part of the Fund.

(6) Where surcharges have been paid into the Recycling Fund in respect of a designated material and an industry operated recycling fund is established afterwards in respect of that designated material, the Minister may transfer from the Recycling Fund to the industry operated recycling fund an amount equal to the surcharges so paid plus accrued interest.

RSA 2000 cE-12 s171;2004 c7 s19

Industry operated recycling funds

172(1) Where

(a) an industry operated recycling fund is established in respect of a designated material,

(b) a management board or other body is established and charged with the administration of the fund under the regulations, and

(c) the management board or other body is a Provincial corporation within the meaning of the *Financial Administration Act*,

the fund shall be used as provided in subsection (2).

(2) If subsection (1) applies, the fund shall be used to provide or pay for any or all of the following:

(a) establishing and administering a waste minimization and recycling program for the designated material;

(b) education programs for the purposes of the waste minimization and recycling program;

(c) expenditures incurred in the collection, transportation, storage, processing and disposal of the designated material for the purposes of the waste minimization and recycling program;

(d) research and development activities related to waste minimization and recycling in respect of the designated material;

(e) promotion and development for marketing the products resulting from recycling the designated material.

(3) The following shall be paid into an industry operated recycling fund:

(a) the surcharges, as provided for in the regulations;

(b) gifts, donations and bequests to the fund.

(4) The management board or other body referred to in subsection (1) may be a participant under section 40 of the *Financial Administration Act* on behalf of the industry operated recycling fund.

(5) Investment income earned on deposits of an industry operated recycling fund accrues to and forms part of the fund.

(6) Salaries, fees and other overhead costs incurred in the administration of an industry operated recycling fund shall be paid out of the fund.

RSA 2000 cE-12 s172;2004 c7 s19

Collection and recovery of designated material

173 A person who manufactures or distributes a designated material for sale in Alberta and a retailer shall, in accordance with the regulations, provide in Alberta depots and other methods for the collection and recovery of the designated material.

1992 cE-13.3 s166

Security

174(1) If required by the regulations, a manufacturer or distributor of a designated material for sale in Alberta and a retailer shall provide financial or other security and carry insurance in respect of its operations in Alberta related to the manufacture, distribution or sale of the designated material.

(2) Subsection (1) does not apply to the Government or a Government agency.

1992 cE-13.3 s167

Lieutenant Governor in Council regulations

175 The Lieutenant Governor in Council may make regulations

(a) further defining “retailer” and defining “waste minimization” for the purposes of this Division;

(b) designating designated material for the purposes of this Act and creating different classes of designated material for different purposes;

(c) prohibiting the manufacture, sale or distribution of specified designated material;

(d) providing for a system of registration of persons who distribute or wish to distribute a designated material in Alberta and retailers, and respecting requirements for registration and all matters related to the system of registration;

(e) respecting terms and conditions that must be met by a person in order to distribute a designated material in Alberta and a retailer;

(f) respecting the form and amount of financial or other security to be given and insurance to be carried by a manufacturer or distributor of designated material for sale in Alberta or by a retailer;

(g) respecting the manner in which and the conditions under which any security given by a manufacturer or distributor of designated material for sale in Alberta or by a retailer may be forfeited or returned, in whole or in part;

(h) requiring the development and implementation of a waste minimization, recycling or recovery plan for designated material by manufacturers or distributors of the designated material or by any other person;

(i) requiring that designated material be recycled;

(j) respecting methods for the recovery of designated material;

(k) respecting surcharges for the purposes of sections 170, 171 and 172, including, without limitation, regulations establishing or providing for the manner of establishing the classes of designated material for which surcharges are payable, prescribing the amount of a surcharge or the method of determining it and providing for the manner in which and the times at which surcharges are to be collected, paid or refunded;

(l) respecting the advertising of surcharges;

(m) requiring manufacturers, distributors or retailers of designated material to collect the designated material and

specifying the manner in which the collection is to be carried out;

(n) requiring a local authority to provide a collection system for designated material;

(o) respecting the manner in which designated material is to be stored, collected, transported, processed, recycled and disposed of;

(p) respecting the establishment and operation of depots, including the qualifications of persons who may operate them;

(q) respecting the amount and kind of designated material a retailer is required to accept at the retailer's place of business for recycling;

(r) specifying designated material for which payment must be made by a retailer or depot operator on its return for recycling;

(s) requiring a retailer or depot operator to pay for designated material returned for recycling;

(t) specifying the amount that a retailer or depot operator is to pay for designated material returned for recycling;

(u) requiring manufacturers or distributors to pay depot operators and retailers in respect of the collection of designated material and prescribing the amount of the payments or the manner in which they are to be calculated;

(v) authorizing and respecting the payment of fees or commissions to manufacturers, distributors and retailers in respect of the collection, transportation, storage, processing, recycling and disposal of designated material;

(w) respecting the completion, filing, retention, use and disposition of recycle dockets for the purposes of section 169, and of any other documents used under this Division;

(x) exempting any person from the application of all or part of section 169;

(y) requiring the keeping of records in respect of designated material and surcharges, including who must keep them and the manner in which they must be kept and what they must contain, requiring the submission of those records to

the Director and providing for the inspection of those records by the Director;

(z) respecting the provision of information, reports and returns in respect of designated material and surcharges, including what information, reports and returns must be provided, who must provide them, the person to whom they must be provided and the manner in which and the times at which they must be provided;

(aa) respecting the establishment, operation, transfer and winding-up of industry operated recycling funds and respecting the manner in which and the purposes for which money in such a fund may be used;

(bb) prohibiting the distribution of a designated material where no industry operated recycling fund has been established in respect of that designated material;

(cc) governing the packaging and labelling of designated material;

(dd) governing the post-consumer waste content of commodities;

(ee) respecting and prohibiting the use of packaging materials including, without limitation, regulations

(i) imposing requirements on manufacturers and distributors of commodities with respect to the type, size and composition of packaging that may or must be used and with respect to the disposal of packaging,

(ii) to reduce or mitigate the adverse effects created by packaging,

(iii) to establish measures to encourage source reduction and reuse and recycling of packaging, and

(iv) to establish standards and codes with respect to packaging and labelling of commodities;

(ff) designating any thing as a hazardous recyclable for the purposes of this Act, including designating classes of hazardous recyclables;

(gg) respecting the design, location, establishment, construction, operation and reclamation of facilities for recycling hazardous recyclables;

(hh) respecting the importation, storage, collection, transportation, treatment and recycling of hazardous recyclables;

(ii) respecting the recycling of hazardous recyclables and how hazardous recyclables are to be dealt with when they are no longer recyclable and must be treated as hazardous waste;

(jj) providing for the establishment of a management board or other body, whether as a corporation or otherwise, for any purpose in connection with a regulation under this section;

(kk) authorizing a management board or other body established under regulations under clause (jj) to make bylaws, and respecting the subject-matters on which those bylaws may be made.

1992 cE-13.3 s168;1994 c15 s54;1996 c17 s39;1998 c15 s18

Division 2
Waste

General prohibition

176 No person shall dispose of waste except

(a) at a waste management facility, or in a container the contents of which will be taken to a waste management facility, that is the subject of the appropriate approval, registration or notice required under this Act, or

(b) in accordance with the written authorization of the Director.

1996 c17 s40;1998 c15 s19

Deemed disposal

177 For the purposes of sections 178 to 182, waste is deemed to be disposed of on public land, on a highway, on land owned or administered by a local authority, on land owned by another person or on, into or under water or ice, as the case may be, if the waste is in another location and by natural forces moves or is moved to the public land, highway, land owned or administered by the local authority, land owned by another person or on, into or under the water or ice.

1998 c15 s20

Waste on public land

178 No person shall dispose of waste on public land except

(a) in a container placed for the purpose of collecting it, or

(b) in accordance with the *Forest and Prairie Protection Act*, the regulations under that Act and the regulations under this Act.

1992 cE-13.3 s169

Waste on highways

179(1) No person shall dispose of waste on a highway except in a container placed for the purpose of collecting it.

(2) No person shall transport waste in or on a vehicle on a highway unless the waste is adequately contained, secured or covered to prevent it from falling off or being blown off the vehicle while being transported.

(3) If waste is disposed of from a vehicle other than a bus or taxi and it cannot be determined which of 2 or more occupants of the vehicle transporting the waste is responsible for the disposal, the operator of the vehicle is deemed to be the person who disposed of the waste.

(4) If waste is disposed of from a vehicle other than a bus or taxi and it cannot be determined who is the operator of the vehicle transporting the waste, the owner of the vehicle is deemed to be the person who disposed of the waste unless the owner proves to the satisfaction of a court that at the time of the offence the vehicle was not being operated or parked or left by the owner or by any other person with the owner's consent, express or implied.

1992 cE-13.3 s170

Waste on land owned by local authority

180 No person shall dispose of waste on any land owned or administered by a local authority except

(a) at a waste management facility that is constructed and operated in accordance with this Act,

(b) through a refuse disposal system established by a local authority,

(c) in a container placed for the purpose of collecting waste,

(d) by burning the waste

(i) in accordance with a permit, licence or other consent issued by a local authority, or

(ii) pursuant to an approval or registration under this Act,

or

(e) in any other manner specified in the regulations.

1992 cE-13.3 s171;1996 c17 s41

Waste on water or ice

181 No person shall dispose of waste on, into or under water or ice except in accordance with an approval, a code of practice or a registration or as otherwise provided for under this Act.

RSA 2000 cE-12 s181;2003 c37 s30

Waste on another person's land

182 No person shall dispose of waste on any land owned by another person unless the owner of that land agrees to the disposal of the waste on the land.

1992 cE-13.3 s173

Environmental protection order to clean up unsightly property

183(1) If an inspector or investigator considers any property when viewed from a highway to be unsightly property, the inspector or investigator may issue an environmental protection order to clean up the unsightly property.

(2) The environmental protection order shall be directed to

(a) the registered owner, or

(b) the person in control

of the property that is the subject of the environmental protection order.

(3) The environmental protection order may require the person to whom it is directed to do any or all of the following within a period of time specified in the order, which must not be more than 60 days from the date of the making of the order:

(a) remedy the condition of the property in the manner and to the extent directed in the order;

(b) demolish or remove any waste causing or contributing to the unsightliness of the property;

(c) construct any thing to prevent the property from being visible from a highway;

(d) do any other thing to remedy the unsightliness of the property.

1992 cE-13.3 s174;1994 c15 s55

Liability of local authority for costs of cleaning up

184(1) When an environmental protection order under section 183 is issued in respect of land that is located in a municipality and the person to whom it is directed fails to comply with the order, the Director may, in writing, direct the local authority of that municipality to perform any work required under the order.

(2) When expenses are incurred by a local authority for any work performed as a result of a direction by the Director under subsection (1), the local authority may serve a statement of the expenses, together with a demand for payment,

(a) in the case of occupied land, on the occupant and on the registered owner of the land, or

(b) in the case of unoccupied land, on the registered owner of the land.

(3) A copy of the statement of expenses and demand for payment that is served pursuant to subsection (2) shall be served on the council of the local authority in a case where the local authority is a city, town, village, summer village or municipal district or a settlement under the *Metis Settlements Act*.

1992 cE-13.3 s175;1994 cM-26.1 s642(22);1995 c24 s99(4)

Collection of expenses as taxes

185 If the person on whom the statement of expenses and demand for payment are served fails to pay the amount set out in the statement within 30 days, the local authority may cause the amount paid by it to be placed on the tax roll as an additional tax against the land concerned and the amount may be collected in the same manner as taxes are collected.

1992 cE-13.3 s176

Review of environmental protection order to clean up

186(1) Where an environmental protection order is issued under section 183, the person to whom the order is directed may submit a request to the local authority of the municipality in which the property is located for a review of the order.

(2) A request for review must be made in writing within 21 days after the date the person requesting the review receives the order.

(3) A request for review shall be heard by a committee appointed by

(a) the Minister responsible for the *Municipal Government Act*, where the land concerned is located in an improvement district,

(b) the Minister responsible for the *Special Areas Act*, where the land concerned is located in a special area, or

(c) the council of the local authority where the land concerned is located in a municipality that is a city, town, village, summer village or municipal district or a settlement under the *Metis Settlements Act*.

(4) A committee appointed under subsection (3)(c) must include at least one elected member of the council of the local authority referred to in subsection (3)(c).

(5) The committee may confirm, rescind or vary the order reviewed.

1992 cE-13.3 s177;1994 cM-26.1 s642(22);1995 c24 s99(4)

Lieutenant Governor in Council regulations

187 The Lieutenant Governor in Council may make regulations

(a) designating anything as waste and exempting anything from the definition of waste;

(b) respecting the provision of waste collection containers;

(c) respecting the collection, storage, treatment or disposal of waste on, into or under land, water or ice;

(d) respecting the procedure relating to requests for review of environmental protection orders under section 183 to clean up unsightly property and the conduct of the review;

(e) respecting the design, location, establishment, construction, operation and reclamation of waste management facilities;

(f) exempting any person from the application of all or any of the provisions of this Division or the regulations under this Division.

1992 cE-13.3 s178;1996 c17 s43;1998 c15 s21

Division 3
Hazardous Waste

Identification number for hazardous waste

188(1) Except in accordance with a regulation made under section 193(a), a person shall not

(a) generate hazardous waste and permit that hazardous waste to leave the premises where it was generated,

(b) collect hazardous waste from the premises referred to in clause (a),

(c) consign or transport hazardous waste, or

(d) accept hazardous waste for transportation, treatment or disposal or store or provide storage facilities for hazardous waste where the hazardous waste is generated by another person,

unless the person first referred to or that person's employer has been issued a personal identification number by the Director.

(2) An application for a personal identification number must be made in the form and manner provided for in the regulations.

RSA 2000 cE-12 s188;2013 c7 s3

Refusal for unpaid debts

188.1 The Director may refuse to issue a personal identification number where the applicant is indebted to the Government.

2002 c4 s1

Security

189(1) If required by the regulations, the holder of a personal identification number shall provide financial or other security and carry insurance.

(2) Subsection (1) does not apply to the Government or a Government agency.

1992 cE-13.3 s180;1994 c15 s56

Cancellation or suspension of personal identification number

190 The Director may cancel or suspend a personal identification number

(a) if the holder of the personal identification number is indebted to the Government, or

(b) if for any other reason the Director considers it appropriate to do so.

RSA 2000 cE-12 s190;2002 c4 s1

Manifest required for hazardous wastes

191 Except in accordance with a regulation made under section 193(a), no person shall consign or transport or accept for transportation, storage, treatment or disposal any hazardous waste unless the waste is accompanied with a manifest that

(a) is completed in accordance with the regulations,

(b) accurately identifies the quantity, composition and points of origin and destination of the hazardous waste, and

(c) contains the personal identification number of each person consigning, transporting or accepting the waste.

RSA 2000 cE-12 s191;2013 c7 s4

Disposal of hazardous waste

192 No person shall dispose of hazardous waste except in accordance with an approval, a code of practice or a registration or as otherwise provided for under this Act.

RSA 2000 cE-12 s192;2003 c37 s31

Lieutenant Governor in Council regulations

193 The Lieutenant Governor in Council may make regulations

(a) respecting the exemption of a person or class of persons from the application of all or any of the provisions of this Division or the regulations under this Division and respecting the terms and conditions to which such an exemption is or may be subject;

(b) designating any thing as hazardous waste for the purposes of this Act, including designating classes of hazardous waste;

(c) respecting the design, location, establishment, construction, operation and reclamation of a facility for the storage, collection, treatment or disposal of hazardous waste;

(d) respecting the importation, storage, collection, transportation, treatment and disposal of hazardous waste;

(e) respecting the application for and the issuance of personal identification numbers for the purposes of section 188;

(f) respecting the form and amount of financial or other security to be given and insurance to be carried by a holder of a personal identification number;

(g) respecting the manner in which and the conditions under which any security given by the holder of a personal identification number may be forfeited or returned, in whole or in part;

(h) respecting the completion, retention, use, disposition and filing of manifests and copies of manifests, and prescribing the form of the manifest.

RSA 2000 cE-12 s193;2013 c7 s5

Part 10
Enforcement

Definitions

194 In this Part,

(a) "justice" means a justice of the peace or a judge of the Provincial Court, and includes 2 or more justices where 2 or more justices are, by law, required to act or, by law, act or have jurisdiction;

(b) "loss or damage" includes personal injury, loss of life, loss of use or enjoyment of property and pecuniary loss, including loss of income;

(c) "order to enter and inspect" means an order issued under section 201;

(d) "peace officer" means peace officer within the meaning of the *Police Act*;

(e) "search warrant" means a search warrant issued by reason of the operation of section 3 of the *Provincial Offences Procedure Act*.

RSA 2000 cE-12 s194;2008 c32 s12

Investigations and Inspections

Establishment of programs by Minister

195 The Minister may establish programs to promote the reporting of

(a) acts or omissions that are detrimental to the environment, and

(b) offences under this Act.

1992 cE-13.3 s185

Application for investigation

196(1) Any 2 persons ordinarily resident in Alberta who are not less than 18 years of age and who are of the opinion that an offence has been committed under this Act may apply to the Director to have an investigation of the alleged offence conducted.

(2) The application shall be accompanied with a solemn declaration

(a) stating the names and addresses of the applicants,

(b) stating the nature of the alleged offence and the name of each person alleged to be involved in its commission, and

(c) containing a concise statement of the evidence supporting the allegations of the applicants.

1992 cE-13.3 s186

Investigation on receipt of application

197(1) On receipt of an application under section 196, the Director shall acknowledge receipt of the application and shall investigate all matters that the Director considers necessary for a determination of the facts relating to the alleged offence.

(2) Within 90 days after receiving the application, the Director shall report to the applicant on the progress of the investigation and the action, if any, proposed to be taken in respect of the alleged offence.

(3) The Director may discontinue an investigation if the Director is of the opinion that the alleged offence does not require further investigation.

(4) Where an investigation is discontinued, the Director shall

(a) prepare a statement in writing stating the reasons for its discontinuance, and

(b) send a copy of the statement to the applicants and to any person whose conduct was investigated.

1992 cE-13.3 s187

Right of entry and inspection

198(1) For the purpose of the administration of this Act, an investigator may, without a search warrant or order to enter and inspect and subject to section 199, at any reasonable time do any or all of the following:

(a) enter and inspect any place to determine

(i) the extent, if any, to which a substance may cause, is causing or has caused an adverse effect,

(ii) the cause of any adverse effect that may occur, is occurring or has occurred, and

(iii) how an adverse effect may be prevented, eliminated or ameliorated and the environment protected or restored;

(b) enter and inspect any place in which the investigator reasonably believes waste can be found;

(c) enter and inspect any place in or from which the investigator reasonably believes a substance is being, has been or may be released into the environment;

(d) enter and inspect any place that the investigator reasonably believes is likely to contain documents related to

(i) an activity or thing that is, or is required to be, the subject of an approval, code of practice, registration, certificate of variance, reclamation certificate, remediation certificate, environmental protection order or enforcement order, or

(ii) the release of a substance into the environment;

(e) enter and inspect any place that the investigator reasonably believes is, or is required to be, the subject of or referred to in an approval, code of practice, registration, certificate of variance, reclamation certificate, remediation certificate, environmental protection order or enforcement order;

(f) stop and inspect any vehicle, aircraft or vessel that the investigator reasonably believes

(i) is being operated in contravention of this Act,

(ii) is releasing or has released a substance that causes or is likely to cause an adverse effect, or

(iii) is being used in the commission of an offence under this Act;

(g) stop and inspect any vehicle, aircraft or vessel to ascertain whether it or the manner in which it is being operated complies with this Act;

(h) where any thing may release, is releasing or has released into the environment a substance that may cause, is causing or has caused an adverse effect,

(i) require the person having charge, management or control of the thing to detain the thing at the place where it is found, or

(ii) remove the thing or cause it to be removed from the place where it is found and give a receipt for it;

(i) require the production of any documents that are required to be kept under this Act or any other documents that are related to the purpose for which the investigator is exercising any power under clauses (a) to (h).

(2) An investigator may not detain or remove a thing under subsection (1)(h) for more than 5 days, excluding holidays, without

the consent of the person having charge, management or control of it or the owner of it, except under the authority of an order issued under subsection (3).

(3) Where a justice is satisfied on evidence under oath by an investigator that there is reasonable ground to believe that a thing detained or removed under subsection (1)(h) should be detained or removed for longer than 5 days, excluding holidays, to protect or conserve the environment, the justice may issue or renew an order authorizing an investigator to detain or remove the thing for the period of time set out in the order.

(4) An investigator who applies for an order under subsection (3) shall give reasonable notice of the application to the person having charge, management or control of the thing to be detained or removed or the owner of it.

(5) In the course of exercising powers under subsection (1), the investigator may do any or all of the following:

(a) require that any thing be operated, used or set in motion under conditions specified by the investigator;

(b) use any machine, structure, material or equipment in the place the investigator is inspecting in order to carry out the inspection;

(c) take samples of any substance or thing;

(d) conduct tests or take measurements;

(e) make copies of or take extracts from any documents referred to in subsection (1)(i);

(f) use any computer system at any place to examine any data contained in or available to the computer system;

(g) record or copy any information by any method;

(h) reproduce any record from data in the form of a printout or other intelligible output;

(i) take a printout or other output for examination or copying;

(j) use any copying equipment to make copies;

(k) take any photographs or audio-video records;

(l) make reasonable inquiries of any person, orally or in writing.

(6) An investigator may remove documents that the investigator is entitled to examine or copy or otherwise reproduce but shall give a receipt to the person from whom they were taken and shall promptly return them on completion of the examination.

(7) An investigator who exercises the power set out in subsection (5)(l) may exclude from the questioning any person except counsel for the individual being questioned.

RSA 2000 cE-12 s198;2003 c37 s32

Private dwelling place

199 An investigator may not enter a private dwelling place or any part of a place that is designed to be used and is being used as a permanent or temporary private dwelling place except

(a) with the consent of the occupant of the place, or

(b) under the authority of an order to enter and inspect or a search warrant.

1992 cE-13.3 s189

Duty to stop a vehicle or vessel

200 The operator of a vehicle or vessel shall stop the vehicle or vessel when required to do so by an investigator who is readily identifiable as an investigator.

1992 cE-13.3 s190

Order to enter and inspect

201(1) Where a justice is satisfied on evidence under oath by an investigator

(a) that there is reasonable ground for believing that it is appropriate for the administration of this Act for the investigator to do anything set out in section 198, and

(b) that the investigator may not be able to effectively carry out duties under this Act without an order under this section because

(i) no person is present to grant access to a place that is locked or is otherwise inaccessible,

(ii) a person has denied the investigator access to a place or there is reasonable ground for believing that a person may deny the investigator access to a place,

(iii) a person has prevented the investigator from doing anything set out in section 198 or denied the investigator access to any thing as a result of which the investigator is unable to do anything set out in section 198,

(iv) there is reasonable ground for believing that a person may prevent an investigator from doing anything set out in section 198, or may deny the investigator access to any thing as a result of which the investigator may be unable to do anything set out in section 198,

(v) it is impractical, because of the remoteness of the place to be inspected or because of any other reason, for the investigator to obtain an order under this section without delay if access is denied, or

(vi) there is reasonable ground for believing that an attempt by the investigator to do anything set out in section 198 without the order might defeat the purpose of that section or endanger human life or health or the environment,

the justice may issue an order to enter and inspect authorizing the investigator to do anything set out in section 198 that is specified in the order for the period of time set out in the order.

(2) The period of time referred to in subsection (1) may not extend beyond 30 days after the date on which the order is made, but the order may be renewed for any reason set out in subsection (1) for one or more periods each of which is not more than 30 days.

(3) An application under subsection (2) may be made before or after the expiry of the period.

1992 cE-13.3 s191

Order without notice

202 An order under section 201 may be issued or renewed on application without notice.

1992 cE-13.3 s192

Powers to be exercised at reasonable time

203 An investigator exercising powers under section 201 must do so at a reasonable time unless otherwise authorized in the order under that section.

1992 cE-13.3 s193

Seizure without order or search warrant

204(1) An investigator may, without a court order or a search warrant, seize any thing that is produced to the investigator, or that is in plain view, during an inspection under section 198 or 201 if the investigator has reasonable grounds to believe that there has been an offence committed under this Act and that the thing will afford evidence as to the commission of the offence.

(2) The investigator may remove the thing seized or may detain it in the place where it is seized.

(3) The investigator shall inform the person from whom the thing was seized as to the reason for the seizure and shall give the person a receipt for it.

1992 cE-13.3 s194

Bringing seized thing before judge

205 An investigator who seizes any thing under the authority of section 204 shall deal with it in the same way as if it were seized under the authority of a search warrant.

1992 cE-13.3 s195

Tele-warrant

206(1) Where an investigator has reasonable grounds to believe that

(a) an offence has been committed under this Act,

(b) there is in a place any thing that will afford evidence as to the commission of the offence, and

(c) it would be impracticable to appear personally before a justice to make an application for a search warrant,

the investigator may submit an information on oath to a justice by telephone or other means of telecommunication.

(2) An information submitted by telephone or other means of telecommunication shall be on oath and shall be recorded verbatim by the justice, who shall, as soon as practicable, cause to be filed with the clerk of The Provincial Court of Alberta nearest to the area in which the tele-warrant is intended for execution the record or a transcription of the record certified by the justice as to time, date and contents.

(3) For the purposes of subsection (2), an oath may be administered by telephone or other means of telecommunication.

(4) An information on oath submitted by telephone or other means of telecommunication shall include

(a) a statement of the circumstances that make it impracticable for the investigator to appear personally before a justice,

(b) a statement of the alleged offence, the place to be searched and the things alleged to be liable to seizure,

(c) a statement of the investigator's grounds for believing that things liable to seizure in respect of the alleged offence will be found in the place to be searched, and

(d) a statement as to any prior application for a tele-warrant under this section or any other search warrant in respect of the same matter of which the investigator has knowledge.

(5) A justice who is satisfied that an information on oath submitted by telephone or other means of telecommunication

(a) is in respect of an offence committed under this Act and conforms to the requirements of subsection (4),

(b) discloses reasonable grounds for dispensing with an information presented personally and in writing, and

(c) discloses reasonable grounds for the issuance of a search warrant in respect of the offence,

may issue a tele-warrant to an investigator conferring the same authority respecting search and seizure as may be conferred by a search warrant issued by a justice before whom the investigator appears personally, and may require that the tele-warrant be executed within any time period that the justice may order.

(6) Where a justice issues a tele-warrant under subsection (5),

(a) the justice shall complete and sign the tele-warrant in the form prescribed in the regulations, noting on its face the time, date and place of issuance,

(b) the investigator, on the direction of the justice, shall complete, in duplicate, a facsimile of the tele-warrant in the form prescribed in the regulations, noting on its face the name of the issuing justice and the time, date and place of issuance, and

(c) the justice shall, as soon as practicable after the tele-warrant has been issued, cause the tele-warrant to be filed with the clerk of The Provincial Court of Alberta nearest to the area in which the tele-warrant is intended for execution.

(7) An investigator who executes a tele-warrant under subsection (5) shall, before entering the place to be searched or as soon as is practicable after entry, give a facsimile of the tele-warrant to any person present and ostensibly in control of the place.

(8) An investigator who, in any unoccupied place, executes a tele-warrant issued under subsection (5), shall on entering the place

or as soon as is practicable after entry, cause a facsimile of the tele-warrant to be suitably affixed in a prominent place within the place.

(9) An investigator to whom a tele-warrant is issued under subsection (5) shall file a written report with the clerk of The Provincial Court of Alberta nearest to the area in which the tele-warrant was intended for execution as soon as is practicable but within a period not exceeding 7 days after the tele-warrant has been executed, which report shall include

(a) a statement of the time and date the tele-warrant was executed, or if the tele-warrant was not executed, a statement of the reasons why it was not executed,

(b) a statement of the things, if any, that were seized pursuant to the tele-warrant and the location where they are being held, and

(c) a statement of the things, if any, that were seized in addition to the things mentioned in the tele-warrant and the location where they are being held, together with a statement of the investigator's grounds for believing that those additional things had been obtained by, or used in, the commission of an offence.

(10) The clerk of The Provincial Court of Alberta with whom a written report is filed pursuant to subsection (9) shall, as soon as is practicable, cause the report, together with the information on oath and the tele-warrant to which it pertains, to be brought before a justice to be dealt with in respect of any thing that was seized and is referred to in the report, in the same manner as if the things were seized pursuant to a search warrant issued by a justice on an information presented personally by an investigator.

(11) In any proceeding in which it is material for a court to be satisfied that a search or seizure was authorized by a tele-warrant issued under subsection (5), the absence of the information on oath, transcribed and certified by the justice as to time, date and contents, or of the original tele-warrant, signed by the justice and carrying on its face a notation of the time, date and place of issuance, is, in the absence of evidence to the contrary, proof that the search or seizure was not authorized by a tele-warrant issued under subsection (5).

1992 cE-13.3 s196

Disposal of things seized

207(1) Where a person is convicted of an offence under this Act and any thing relating to the conviction that was seized under this Part is then being detained, the thing shall, on the expiration of the time for taking an appeal from the conviction or on the final conclusion of the proceedings, as the case may be,

(a) be forfeited to the Government, if the court so directs, or

(b) be restored to the person from whom it was seized or to any other person who is entitled to possession of it, subject to any terms and conditions imposed by the court.

(2) Where a thing is forfeited under subsection (1)(a),

(a) the Minister may dispose of or destroy the thing, and

(b) the costs of the forfeiture and disposal or destruction are recoverable from the offender.

1992 cE-13.3 s197

Assistance by peace officer

208 An investigator may be accompanied by a peace officer while exercising powers or carrying out duties under this Part.

1992 cE-13.3 s198

Assistance to inspectors and investigators

209 The owner of and every person found in any place in respect of which an inspector or investigator is exercising powers or carrying out duties under this Part shall

(a) give the inspector or investigator all reasonable assistance to enable the inspector or investigator to exercise those powers and carry out those duties, and

(b) furnish all information relative to the exercising of those powers and the carrying out of those duties that the inspector or investigator may reasonably require.

1992 cE-13.3 s199

Enforcement Orders

Enforcement orders by Director

210(1) Where in the Director's opinion a person has contravened this Act, except section 178, 179, 180, 181 or 182, the Director may, whether or not the person has been charged or convicted in respect of the contravention, issue an enforcement order ordering any of the following:

(a) the suspension or cancellation of an approval, registration or certificate of qualification;

(b) the stopping or shutting down of any activity or thing either permanently or for a specified period;

(c) the ceasing of the construction or operation of any activity or thing until the Director is satisfied the activity or thing

will be constructed or operated in accordance with this Act;

(d) the doing or refraining from doing of any thing referred to in section 113, 129, 140, 150, 156, 159, 183 or 241, as the case may be, in the same manner as if the matter were the subject of an environmental protection order;

(e) specifying the measures that must be taken in order to effect compliance with this Act.

(2) Where an enforcement order specifies measures that must be taken under subsection (1)(e), the measures may impose requirements that are more stringent than applicable requirements in the regulations.

(3) An enforcement order issued under subsection (1) shall contain the reasons for making it and must be served on the person to whom it is directed.

1992 cE-13.3 s200;1996 cW-3.5 s175;1996 c17 s55;1997 c18 s6

Enforcement order concerning waste

211(1) Where an investigator or the Director has reason to believe that a person has contravened section 178, 179, 180, 181 or 182, the investigator or the Director may issue an enforcement order to that person in the form and containing the matters provided for in the regulations.

(2) If a person to whom an enforcement order is issued under subsection (1) complies with the order, no prosecution may be commenced for the offence under section 178, 179, 180, 181 or 182, as the case may be, in respect of the facts that gave rise to the order.

(3) An enforcement order issued under subsection (1) shall contain the reasons for making it and shall be served on the person to whom it is directed.

1992 cE-13.3 s201;1997 c18 s6

Amendment and cancellation of enforcement orders

212(1) The Director may

(a) amend a term or condition of, add a term or condition to or delete a term or condition from an enforcement order,

(b) cancel an enforcement order, or

(c) amend a clerical error in an enforcement order.

(2) The Director may amend an enforcement order by adding to the list of persons to whom the order is directed.

(3) The Director may exercise powers under subsection (1) or (2) notwithstanding that the original enforcement order may have been issued by an investigator.

(4) A copy of an enforcement order issued under subsection (1) must be served on the same person to whom the original order was directed.

(5) A copy of an enforcement order issued under subsection (2) must be served on

(a) any person whose name was added to it, and

(b) the same person to whom the original order was directed.

1992 cE-13.3 s202;1998 c15 s22

Court order for compliance

213(1) If the person to whom an enforcement order is directed fails to comply with the enforcement order, the Minister may apply to the Court of Queen's Bench for an order of the Court directing that person to comply with the enforcement order.

(2) This section applies whether or not a conviction has been adjudged against the person to whom the enforcement order is directed for an offence under this Act in respect of the subject-matter that gave rise to the issuing of the enforcement order.

1992 cE-13.3 s203;1994 c15 s58

Failure to comply with enforcement order

214(1) If the person to whom an enforcement order is directed fails to comply with the enforcement order, the Director may take whatever action the Director considers necessary to carry out the terms of the enforcement order.

(2) Costs incurred by the Director under this section are recoverable by the Government

(a) in an action in debt against the person to whom the enforcement order was directed, or

(b) by order of the Minister directing any person who purchases land to which the enforcement order relates including, without limitation, a purchase on the sale of the land to realize a security interest, to pay to the Minister instead of to the vendor an amount not exceeding the amount owing in respect of the costs.

(3) If the identity of a purchaser to whom an order could be issued under subsection (2)(b) cannot be ascertained, the Minister may nevertheless issue the order, and may take steps to ensure

compliance with the order if the identity of the person becomes known to the Minister after the order is issued.

(4) For the purposes of this section, the costs referred to in subsection (2) include, without limitation,

(a) any costs incurred in investigating and responding to

(i) any matter to which an enforcement order relates, or

(ii) the failure to comply with an enforcement order,

and

(b) in a case where the enforcement order relates to a contaminated site under section 125, compensation paid to a person in accordance with section 131.

(5) A purchaser who pays an amount to the Minister under subsection (2)(b) is discharged from any obligation to pay that amount to the vendor.

1992 cE-13.3 s204;1996 c17 s47;1998 c15 s23

Joint and several liability

215 Where an enforcement order is issued to more than one person, all persons named in the order are jointly responsible for carrying out the terms of the order and are jointly and severally liable for payment of the costs of doing so, including any costs incurred by the Director under section 214(2).

1992 cE-13.3 s205

Civil Remedies

Priority for costs

216 Costs incurred by the Director under section 214 or 245 and costs incurred by an inspector or investigator or the Director in taking emergency measures under section 115 or 152 constitute a charge in favour of the Government,

(a) in the case of costs incurred under section 214 or 245, on the land to which the order relates and on any other land that

(i) is contiguous to the land to which the order relates,

(ii) is used for the same or a related purpose, and

(iii) is owned by the person who owns the land to which the order relates or by the person to whom the order is directed,

and

(b) in the case of costs incurred under section 115 or 152, on the land on which the emergency measures were taken and on any other land that

(i) is contiguous to the land on which the emergency measures were taken,

(ii) is used for the same or a related purpose, and

(iii) is owned by the same person who owns the land on which the emergency measures were taken,

and the charge is enforceable in the same way as a mortgage or other security on land and ranks above any other claim, right or charge against the land, notwithstanding any other law of Alberta.

1998 c15 s24

Other civil remedies unaffected

217 Subject to sections 220 and 250, no civil remedy for an act or omission is suspended or affected by reason only that the act or omission is an offence under this Act or gives rise to a civil remedy under this Act, and nothing in this Act shall be construed so as to repeal, remove or reduce any remedy available to any person at common law or under any Act of Parliament or of a provincial legislature.

1992 cE-13.3 s206

Extension of limitation period

218(1) A judge of the Court of Queen's Bench may, on application, extend a limitation period provided by a law in force in Alberta for the commencement of a civil proceeding where the basis for the proceeding is an alleged adverse effect resulting from the alleged release of a substance into the environment.

(2) An application under subsection (1) may be made before or after the expiry of the limitation period.

(3) In considering an application under subsection (1), the judge shall consider the following factors, where information is available:

(a) when the alleged adverse effect occurred;

(b) whether the alleged adverse effect ought to have been discovered by the claimant had the claimant exercised due diligence in ascertaining the presence of the alleged adverse effect, and whether the claimant exercised such due diligence;

(c) whether extending the limitation period would prejudice the proposed defendant's ability to maintain a defence to the claim on the merits;

(d) any other criteria the court considers to be relevant.

1998 c15 s25

Civil cause of action

219 Subject to section 220, where a person is convicted of an offence under this Act, any person who suffers loss or damage as a result of the conduct that constituted the offence may, in a court of competent jurisdiction, sue for and recover from the convicted person an amount equal to the loss or damage proved to have been suffered.

1992 cE-13.3 s207

Protection from liability

220 No action for damages may be commenced against

(a) a person who is an employee or agent of or is under contract to the Government or is an employee or agent of or is under contract to a Government agency,

(b) a person who is designated as an inspector or investigator under section 25,

(c) a person to whom the Minister has, under section 9 of the *Government Organization Act*, delegated a power, duty or function under this Act,

(d) any person, including any employee of the Government, a Government agency, a local authority or the Government of Canada or an agency of that Government, to whom a power or duty has been delegated under section 17,

(d.1) any person, including any employee of the Government, a Government agency, a local authority or the Government of Canada or an agency of that Government, to whom the administration of a provision of this Act has been transferred under section 18,

(e) a member of the Environmental Appeals Board, or

(f) a member, employee or agent of, or a person under contract to, a delegated authority referred to in section 37(d),

for anything done or not done by that person in good faith while carrying out that person's duties or exercising that person's powers under this Act including, without limitation, any failure to do something when that person has discretionary authority to do something but does not do it.

RSA 2000 cE-12 s220;2003 c42 s6;2013 c7 s6;
2017 c22 s17

Action for condition of land prohibited

221(1) Subject to subsection (2), no action for damages may be commenced against a municipality with respect to the state and condition of a parcel of land, or any improvements to it, shown on the tax arrears list of the municipality.

(2) Subsection (1) does not apply if, after the date on which the municipality is entitled to possession of the parcel under section 420 of the *Municipal Government Act* or after the date on which the municipality becomes the owner of the parcel under section 424 of the *Municipal Government Act*, the municipality

(a) releases on that parcel a new or additional substance into the environment that may cause, is causing or has caused an adverse effect, or

(b) aggravates the adverse effect of the release of a substance into the environment on that parcel.

(3) This section does not relieve a municipality of liability respecting a parcel of land, or any improvement to it, that was owned by the municipality before the parcel was placed on the municipality's tax arrears list.

1996 c30 s69

Injunction re commission of offence

222(1) Where, on the application of the Director, it appears to the Court of Queen's Bench that a person has done, is doing or is about to do any act or any thing constituting or directed toward the commission of an offence under this Act, the Court may issue an injunction ordering any person named in the application

(a) to refrain from doing that act or thing, or

(b) to do any act or thing that it appears to the Court may prevent the commission of an offence under this Act.

(2) A copy of the application and supporting material must be given to the party or parties named in the application at least 48 hours prior to the time set for the hearing unless the Court is of the opinion that the urgency of the situation is such that giving notice would not be in the public interest.

RSA 2000 cE-12 s222;2009 c53 s61

Recovery of costs by the Government

223 The Government may recover in an action in debt against any person who is convicted of an offence under this Act the costs incurred by the Government

(a) in administering, investigating and responding to any matter related to the offence,

(b) in carrying out or causing to be carried out any preventive or remedial action made necessary by the act or omission that constituted the offence, and

(c) in compensating a person in accordance with section 131 where the compensation is payable as a result of the offence.

1992 cE-13.3 s210

Registration of orders

224(1) In this section, "order" means

(a) a designation of an area of the environment as a contaminated site under section 125,

(b) an enforcement order, and

(c) an environmental protection order.

(2) The Director may submit a certified copy of an order to

(a) the Registrar of Land Titles under the *Land Titles Act*, or

(b) the Registrar of the Metis Settlements Land Registry under the *Metis Settlements Act*.

(3) On receiving a certified copy of an order under subsection (2), the Registrar shall

(a) endorse a memorandum of the order on the certificate of title to the land to which the order relates, or

(b) record the order against the Metis title register for the land to which the order relates,

as the case may be.

(4) Notwithstanding any other Act, an endorsement or record under this section does not lapse and shall not be cancelled except on the receipt by the Registrar of a notice in writing from the Director requesting the cancellation.

(5) On making an endorsement or record under this section, the Registrar shall notify the Director to that effect, and the Director shall notify in writing

(a) the registered owner of the land to which the order relates and all other persons who have a registered interest against the land, or

(b) the person against whose Metis title the order is recorded and all other persons who have a recorded interest against the Metis title,

as the case may be.

1998 c15 s26

Injunction re loss or damage

225 Any person who has suffered, is suffering or is about to suffer loss or damage as a result of conduct that is contrary to this Act may apply to the Court of Queen's Bench for an injunction ordering the person engaged in the conduct to

(a) refrain from doing any act that it appears to the Court causes or will cause the loss or damage, or

(b) do any act or thing that it appears to the Court prevents or will prevent the loss or damage.

1992 cE-13.3 s211

Offences and Penalties

Limitation period

226 A prosecution for an offence under this Act may not be commenced more than 2 years after the later of

(a) the date on which the offence was committed, or

(b) the date on which evidence of the offence first came to the attention of the Director.

1992 cE-13.3 s212

Offences

227 A person who

(a) knowingly provides false or misleading information pursuant to a requirement under this Act to provide information,

(b) provides false or misleading information pursuant to a requirement under this Act to provide information,

(c) fails to provide information as required under this Act, except under section 110(3),

(d) knowingly contravenes a term or condition of an approval, a code of practice, a certificate of variance, a reclamation certificate, a remediation certificate or a certificate of qualification,

(e) contravenes a term or condition of an approval, a code of practice, a certificate of variance, a reclamation certificate, a remediation certificate or a certificate of qualification,

(f) knowingly contravenes an enforcement order,

(g) contravenes an enforcement order,

(h) knowingly contravenes an environmental protection order,

(i) contravenes an environmental protection order, or

(j) contravenes section 60, 61, 67, 75, 76, 79, 87, 88, 108, 109, 110(1) or (2), 111, 112, 137, 148, 149, 155, 157, 163, 169, 170, 173, 176, 178, 179, 180, 181, 182, 188, 191, 192, 209 or 251

is guilty of an offence.

RSA 2000 cE-12 s227;2003 c37 s33

Penalties

228(1) A person who commits an offence referred to in section 60, 87, 108(1), 109(1) or 227(a), (d), (f) or (h) is liable

(a) in the case of an individual, to a fine of not more than $100 000 or to imprisonment for a period of not more than 2 years or to both fine and imprisonment, or

(b) in the case of a corporation, to a fine of not more than $1 000 000.

(2) A person who commits an offence referred to in section 61, 67, 75, 76, 79, 88, 108(2), 109(2), 110(1) or (2), 111, 112, 137, 148, 149, 155, 157, 163, 169, 170, 173, 176, 188, 191, 192, 209, 227(b), (c), (e), (g) or (i) or 251 is liable

(a) in the case of an individual, to a fine of not more than $50 000, or

(b) in the case of a corporation, to a fine of not more than $500 000.

(3) A person who commits an offence referred to in section 178, 179, 180, 181 or 182 is liable

(a) in the case of an individual, to a fine of not more than $250, or

(b) in the case of a corporation, to a fine of not more than $1000.

1992 cE-13.3 s214;1996 cW-3.5 s175;1996 c17 s49;1997 c18 s6

Due diligence defence

229 No person shall be convicted of an offence under section 61, 67, 75, 76, 79, 88, 108(2), 109(2), 110(1) or (2), 111, 112, 137, 148, 149, 155, 157, 163, 169, 170, 173, 176, 188, 191, 192, 209, 227(b), (c), (e), (g) or (i) or 251 if that person establishes on a balance of probabilities that the person took all reasonable steps to prevent its commission.

1992 cE-13.3 s215;1996 c17 s50

Additional fine where monetary benefits acquired by offender

230 Where a person is convicted of an offence under this Act and the court is satisfied that as a result of the commission of the offence monetary benefits accrued to the offender, the court may order the offender to pay, in addition to a fine under section 228, a fine in an amount equal to the court's estimation of the amount of those monetary benefits.

1992 cE-13.3 s216

Continuing offences

231 Every person who is guilty of an offence under this Act is liable on conviction for each day or part of a day on which the offence occurs or continues.

1992 cE-13.3 s217

Liability of directors and officers

232 Where a corporation commits an offence under this Act, any officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is guilty of the offence and is liable to the punishment provided for the offence, whether or not the corporation has been prosecuted for or convicted of the offence.

1992 cE-13.3 s218

Liability of public officials

233(1) Where a person who is acting under the direction of

(a) a Minister of the Government,

(b) an official of the Government,

(c) a member of a council of a local authority, or

(d) the chief administrative officer or a designated officer of a local authority

commits an offence under this Act, the Minister, official, member of council, chief administrative officer or designated officer is also guilty of the offence and liable for the punishment provided for the offence, if the Minister, official, member of council, chief administrative officer or designated officer knew or ought reasonably to have known of the circumstances that constituted the

commission of the offence and had the influence or control to prevent its commission, whether or not the other person has been prosecuted for or convicted of the offence.

(2) No person shall be convicted of an offence by reason of the operation of subsection (1) if that person establishes on a balance of probabilities that the person took all reasonable steps to prevent the commission of the offence by the other person referred to in subsection (1).

1992 cE-13.3 s219;1994 cM-26.1 s642(22);1994 c15 s61

Court orders relating to penalty

234(1) When a person is convicted of an offence under this Act, in addition to any other penalty that may be imposed under this Act, the court may, having regard to the nature of the offence and the circumstances surrounding its commission, make an order having any or all of the following effects:

(a) prohibiting the offender from doing anything that may result in the continuation or repetition of the offence;

(b) directing the offender to take any action the court considers appropriate to remedy or prevent any harm to the environment that results or may result from the act or omission that constituted the offence;

(c) directing the offender to publish, in the prescribed manner and at the offender's cost, the facts relating to the conviction;

(d) directing the offender to notify any person aggrieved or affected by the offender's conduct of the facts relating to the conviction, in the prescribed manner and at the offender's cost;

(e) directing the offender to post a bond or pay money into court in an amount that will ensure compliance with any order made pursuant to this section;

(f) on application to the court by the Minister made within 3 years after the date of conviction, directing the offender to submit to the Minister any information with respect to the conduct of the offender that the court considers appropriate in the circumstances;

(g) directing the offender to compensate the Minister, in whole or in part, for the cost of any remedial or preventive action that was carried out or caused to be carried out by the Government and was made necessary by the act or omission that constituted the offence;

(h) directing the offender to perform community service;

(i) requiring the offender to comply with any other conditions the court considers appropriate in the circumstances for securing the offender's good conduct and for preventing the offender from repeating the same offence or committing other offences.

(2) Where an offender contravenes an order made under subsection (1)(c), the Minister may publish the facts in compliance with the order.

(3) Where the court makes an order under subsection (1)(g) or the Minister incurs publication costs under subsection (2), the costs constitute a debt due to the Government.

(4) An order made under subsection (1) comes into force on the day on which it is made or on any other day specified in the order and continues in force for the period specified in the order, not to exceed 3 years.

1992 cE-13.3 s220

Compensation for loss of property

235(1) Where a person is convicted of an offence under this Act, the court may, at the time sentence is imposed and on the application of a person aggrieved, order the offender to pay to the person an amount by way of satisfaction or compensation for loss of or damage to property suffered by that person as a result of the commission of the offence.

(2) A person in whose favour an order is made under subsection (1) may file the order with the clerk of the Court of Queen's Bench and, on filing, the order may be enforced as if it were a judgment of the Court of Queen's Bench in civil proceedings.

1992 cE-13.3 s221

Variation of court orders

236(1) Subject to subsection (2), where a court has made an order under section 234, the court may, on application by the offender or the Minister of Justice and Solicitor General, require the offender to appear before it and, after hearing the offender and the Minister of Justice and Solicitor General, may make any or all of the following orders if it considers that the circumstances of the offender have changed so as to warrant such an order:

(a) an order changing the original order or the conditions specified in it;

(b) an order relieving the offender absolutely or partially from compliance with any or all of the order;

(c) an order reducing the period for which the original order is to remain in effect;

(d) an order extending the period for which the original order is to remain in effect for an additional period not to exceed one year.

(2) Before making an order under subsection (1), the court may direct that notice be given to any persons the court considers to be interested and the court may hear any of those persons.

(3) Where an application made under this section in respect of an offender has been heard by a court, no other application under this section may be made with respect to the offender except with the permission of the court.

RSA 2000 cE-12 s236;2013 c10 s34;2014 c13 s25

Administrative penalties

237(1) Where the Director is of the opinion that a person has contravened a provision of this Act that is specified for the purposes of this section in the regulations, the Director may, subject to the regulations, by notice in writing given to that person require that person to pay to the Government an administrative penalty in the amount set out in the notice for each contravention.

(2) A notice of administrative penalty may require the person to whom it is directed to pay either or both of the following:

(a) a daily amount for each day or part of a day on which the contravention occurs and continues;

(b) a one-time amount to address economic benefit where the Director is of the opinion that the person has derived an economic benefit directly or indirectly as a result of the contravention.

(3) A person who pays an administrative penalty in respect of a contravention may not be charged under this Act with an offence in respect of that contravention.

(4) Subject to the right to appeal a notice of administrative penalty to the Environmental Appeals Board, where a person fails to pay an administrative penalty in accordance with the notice of administrative penalty and the regulations, the Minister may file a copy of the notice of administrative penalty with the clerk of the Court of Queen's Bench and, on being filed, the notice has the same force and effect and may be enforced as if it were a judgment of the Court.

RSA 2000 cE-12 s237;2002 c4 s1;2003 c42 s6

Publication of information

237.1 Subject to the regulations, the Director shall publish particulars of enforcement action taken under this Act.

2002 c4 s1

Ministerial regulations

238 The Minister may make regulations

(a) governing the issuing, form and content of enforcement orders;

(b) governing the issuing, form and content of orders under section 201;

(c) governing the establishment of programs for the purposes of section 195;

(d) governing the publication of particulars of enforcement action for the purposes of section 237.1 including, without limitation, what information must or may be published and the times at which and the manner in which it is to be published.

RSA 2000 cE-12 s238;2002 c4 s1

Lieutenant Governor in Council regulations

239 The Lieutenant Governor in Council may make regulations

(a) providing with respect to any provision of the regulations that its contravention constitutes an offence;

(b) prescribing penalties, including imprisonment, in respect of offences created under clause (a);

(c) prescribing the form and content of tele-warrants and facsimiles for the purposes of section 206;

(d) prescribing the manner in which facts relating to convictions are to be published and notice is to be given for the purposes of section 234(1)(c) and (d);

(e) prescribing the form and content of notices of administrative penalties for the purposes of section 237;

(f) prescribing contraventions in respect of which an administrative penalty may be imposed and prescribing the amounts, or the manner of determining the amounts, of the administrative penalties that may be imposed, but in the case of an administrative penalty referred to in section 237(2)(a), the administrative penalty may not exceed $5000 for each contravention or for each day or part of a

day on which the contravention occurs and continues, as the case may be;

(g) prescribing limitation periods for the giving of notices of administrative penalties;

(h) respecting any other matter necessary for the administration of the system of administrative penalties.

RSA 2000 cE-12 s239;2002 c4 s1

Part 11
Miscellaneous Provisions

Environmental Protection Orders

Joint and several liability under environmental protection orders

240(1) Where an environmental protection order is directed to more than one person, all persons named in the order are jointly responsible for carrying out the terms of the order and are jointly and severally liable for payment of the costs of doing so, including any costs incurred by the Director under section 245(2).

(2) Subsection (1) does not apply to an environmental protection order under section 129 that provides for apportionment of costs.

(3) Notwithstanding subsection (1), where an environmental protection order is directed to a person who is acting in the capacity of executor, administrator, receiver, receiver-manager or trustee, that person's liability is limited to the value of the assets that person is administering unless the situation identified in the order resulted from or was aggravated by the gross negligence or wilful misconduct of the executor, administrator, receiver, receiver-manager or trustee.

1992 cE-13.3 s226;1998 c15 s29

General requirements of environmental protection orders

241(1) In addition to any other requirements that may be included in an environmental protection order, such an order may contain provisions

(a) requiring the person to whom it is directed

(i) to maintain records on any relevant matter,

(ii) to report periodically to the Director,

(iii) to prepare environmental audits for submission to the Director,

(iv) to submit to the Director any information, proposal or plan specified by the Director setting out any

action to be taken by the person with respect to the subject-matter of the order, and

(v) to take any other measure that the person issuing the order considers necessary to

(A) facilitate compliance with the order, or

(B) protect or restore the environment,

(b) fixing the manner or method of, or the procedures to be used in, carrying out the measures required by the order, and

(c) fixing the time within which any measure required by the order is to be commenced and the time within which the order or any portion of the order is to be complied with.

(2) An environmental protection order shall be served on the person to whom it is directed.

1992 cE-13.3 s227

Ministerial regulations

242 The Minister may make regulations governing the issuing, form and content of environmental protection orders.

1992 cE-13.3 s228

Amendment and cancellation of environmental protection orders

243(1) The Director may

(a) amend a term or condition of, add a term or condition to or delete a term or condition from an environmental protection order,

(b) cancel an environmental protection order, or

(c) correct a clerical error in an environmental protection order.

(2) The Director may amend an environmental protection order by adding to the list of persons to whom the order is directed.

(3) The Director may exercise powers under subsection (1) or (2) notwithstanding that the original environmental protection order may have been issued by an inspector or investigator.

(4) A copy of an environmental protection order amended under subsection (1) shall be served on the same person to whom the original order was directed.

(5) A copy of an environmental protection order amended under subsection (2) must be served on

(a) any person whose name was added to it, and

(b) the same person to whom the original order was directed.

1992 cE-13.3 s229;1994 c15 s64;1998 c15 s30

Court order for compliance

244(1) If the person to whom an environmental protection order is directed fails to comply with the environmental protection order, the Minister may apply to the Court of Queen's Bench for an order of the Court directing that person to comply with the environmental protection order.

(2) This section applies whether or not a conviction has been adjudged against the person to whom the environmental protection order is directed for an offence under this Act in respect of the subject-matter that gave rise to the issuing of the environmental protection order.

1992 cE-13.3 s230;1994 c15 s65

Failure to comply with environmental protection order

245(1) If the person to whom an environmental protection order is directed fails to comply with the environmental protection order, the Director may take whatever action the Director considers necessary to carry out the terms of the order.

(2) Costs incurred by the Director under this section are recoverable by the Government

(a) in an action in debt against the person to whom the environmental protection order was directed, or

(b) by order of the Minister directing any person who purchases land to which the environmental protection order relates including, without limitation, a purchase on the sale of the land to realize a security interest, to pay to the Minister instead of to the vendor an amount not exceeding the amount owing in respect of the costs.

(3) If the identity of a purchaser to whom an order could be issued under subsection (2)(b) cannot be ascertained, the Minister may nevertheless issue the order, and may take steps to ensure compliance with the order if the identity of the person becomes known to the Minister after the order is issued.

(4) For the purposes of this section, the costs referred to in subsection (2) include, without limitation,

(a) any costs incurred in administering, investigating and responding to

(i) any matter to which the environmental protection order relates, or

(ii) the failure to comply with the environmental protection order,

and

(b) in a case where the environmental protection order relates to a contaminated site under section 125, compensation paid to a person under section 131.

(5) A purchaser who pays an amount to the Minister under subsection (2)(b) is discharged from any obligation to pay that amount to the vendor.

1992 cE-13.3 s231;1994 c15 s66;1996 c17 s51;1998 c15 s31

Environmental protection order where person unidentifiable

246(1) Where this Act authorizes the issuance of an environmental protection order but none of the persons to whom the order could be issued are identifiable, the Director may nevertheless issue the order and take whatever action the Director considers necessary to carry out the terms of the order.

(2) The costs of carrying out the terms of an environmental protection order under this section are recoverable in accordance with section 245(2) against any person to whom the environmental protection order referred to in subsection (1) could have been issued, where the identity of such a person becomes known to the Director after the order is issued.

1992 cE-13.3 s232

General requirements re emergency environmental protection order

247(1) An inspector or investigator shall make all reasonable efforts to consult with the Director before issuing an environmental protection order directing the performance of emergency measures under section 114, 151 or 160.

(2) An environmental protection order directing the performance of emergency measures under section 114, 151 or 160 shall contain the reasons for making it and where it is issued by an inspector or investigator, the inspector or investigator shall submit a copy of it to the Director immediately after issuing it.

1992 cE-13.3 s233;1996 cW-3.5 s175

Recovery of costs for emergency measures

248 The costs of carrying out emergency measures under section 115 or 152 are recoverable by the Government in an action in debt against the person who is responsible for the need to take the emergency measures.

1992 cE-13.3 s234;1996 cW-3.5 s175

Miscellaneous

Use of assistants

249 An inspector or investigator or the Director, in carrying out any duties or exercising any powers under this Act, may be accompanied by any persons who are employees or agents of the Government, a Government agency or a local authority that the inspector, investigator or Director considers necessary to enable the inspector, investigator or Director to carry out those duties and exercise those powers.

1992 cE-13.3 s235

Right of entry

250(1) The powers in this section are in addition to any power to enter under Part 10.

(2) An inspector or investigator or the Director may, without incurring liability for doing so, enter any place for the purpose of carrying out any work or doing any other thing that the inspector, investigator or Director is authorized under this Act to carry out or do.

(3) A person referred to in section 249 may enter any place without being accompanied by an inspector or investigator or the Director without incurring liability for doing so when authorized to do so by the inspector, investigator or Director.

(4) Where an environmental protection order or an enforcement order orders the person to whom it is directed to carry out any work or do any thing in respect of a place, that person and any other person carrying out the work or doing the thing on that person's behalf may, without incurring liability for doing so, enter the place for the purpose of carrying out the work or doing the thing required by the order.

(5) Where a judge of the Provincial Court is satisfied on evidence under oath that a person has been prevented from entering a place or has been denied access to a place that person is authorized to enter under this section, the judge may issue an order authorizing that person to enter the place for the purpose of carrying out any work or doing any thing that the person is authorized to carry out or do.

(6) An application under subsection (5) must be made by

(a) the inspector, investigator or Director, as the case may be, in a case referred to in subsection (2) or (3), or

(b) the Director, in a case referred to in subsection (4).

(7) A person entering any place under the authority of this section

(a) shall do so at a reasonable time unless authorized otherwise in an order, and

(b) shall give reasonable prior notice of intention to enter the place to the occupant of the place or, if there is no occupant, to the owner if it is practicable in the circumstances to do so.

1992 cE-13.3 s236;1994 c15 s67

Interference

251 No person shall interfere with

(a) an inspector or investigator or the Director who is exercising powers or carrying out duties, or attempting to do so, under this Act,

(b) a person accompanying an inspector or investigator or the Director under the authority of section 249, or

(c) a person referred to in section 250(4) who is carrying out any work or doing any thing pursuant to an environmental protection order or enforcement order.

1992 cE-13.3 s237;1994 c15 s68

Court order re interference

252 If a person interferes with another person contrary to section 251,

(a) the inspector, investigator or Director, as the case may be, in a case referred to in section 251(a) or (b), or

(b) the Director, in a case referred to in section 251(c),

may apply to the Court of Queen's Bench for an order prohibiting the person from so interfering, and the Court may make any order it considers appropriate.

1992 cE-13.3 s238;1994 c15 s69

Vicarious responsibility

253 For the purposes of this Act, an act or thing done or omitted to be done by a director, officer, official, employee or agent of a corporation in the course of that person's employment or in the exercise of that person's powers or the performance of that

person's duties is deemed also to be an act or thing done or omitted to be done by the corporation.

1992 cE-13.3 s239

Documentary evidence

254(1) In any proceeding under this Act,

(a) an analyst's certificate or an analyst's report of the results of an analysis purporting to be signed by an analyst,

(b) a certificate purporting to be signed by a person authorized to issue an approval, a registration, a certificate of qualification or a certificate of variance stating that on a specified day or during a specified period a person named in the certificate was or was not the holder of an approval, a registration, a certificate of qualification or a certificate of variance,

(c) a certificate setting out with reasonable particularity the conviction and sentence of a person for an offence under this Act purporting to be signed by

(i) the person who entered the conviction, or

(ii) the clerk of the court in which the conviction was entered,

and

(d) a statement purporting to be signed by the Director setting out the day on which the Director became aware of the subject-matter of any proceedings

shall be admitted in evidence as proof, in the absence of evidence to the contrary, of the contents of the certificate, report or statement, without proof of the signature or official character of the person signing the certificate, report or statement.

(2) A notice, approval, registration, environmental protection order, enforcement order, certificate of variance, certificate of qualification or consent purporting to be signed by the person authorized to issue, make or give it is admissible in evidence without proof of the signature or official character of the person signing it.

1992 cE-13.3 s240;1994 c15 s70;1996 c17 s52

Certificate of analyst

255(1) No certificate or report of an analyst may be received in evidence unless the party intending to produce it has given to the party against whom it is intended to be produced reasonable notice of that intention together with a copy of the certificate.

(2) The party against whom a certificate or report of an analyst is produced may, with the permission of the court, require the attendance of the analyst for the purpose of cross-examination.

RSA 2000 cE-12 s255;2014 c13 s25

Service

256 Where any notice, request, order, direction or other document is required to be given in writing or served under this Act, it is deemed to be sufficiently given or served if it is

(a) personally given to or served on the person to whom it is directed,

(b) sent by mail addressed to the person to whom it is directed at the last known address for that person, or

(c) in the case of a registered owner of land, sent by mail to the address for the registered owner shown on the assessment roll.

1992 cE-13.3 s242

Schedule of Activities

1 The release of substances that cause or may cause an adverse effect.

2 The construction, operation or reclamation of a plant, structure or thing for

(a) the manufacture or processing of petroleum products,

(b) the manufacture or processing of natural gas, its products or its derivatives,

(c) the manufacture or processing of chemical and allied products,

(d) the manufacture or processing of pulp and paper products,

(e) the manufacture or processing of stone, clay or glass products,

(f) the manufacture or processing of cement and lime products,

(g) the manufacture or processing of fertilizer products,

(h) the manufacture or processing of primary metal or metal products,

(i) the manufacture or processing of wood or wood products,

(j) the manufacture of asphalt or ready-mixed concrete,

(k) the processing of coal, heavy oil, oil sands or minerals,

(l) the processing of food,

(m) the manufacture or processing of secondary food products, beverages or animal by-products,

(n) the generating of thermal electric power or steam,

(o) the generating of hydro-electric power,

(p) the processing of wastewater sludges,

(q) the application to land of non-livestock generated wastes, wastewaters and wastewater sludges,

(r) the manufacture of animal feed,

(s) seed cleaning or forage drying,

(t) the storage, treatment, processing or disposal of hazardous waste,

(u) the combustion of solid, liquid or gaseous fuels or wastes,

(v) the storing and processing of hazardous recyclables,

(w) the storing and processing of designated material,

(x) the manufacture or use of biotechnology products,

(y) the manufacture or processing of explosives,

(z) the manufacture or processing of sulphur products,

(aa) the storage, treatment, processing or disposal of batteries,

(bb) the processing or mining of salt,

(cc) the surface storage of brine associated with hydrocarbon storage facilities,

(dd) the coating of pipe or wire,

(ee) the cleaning of containers,

(ff) the blending of chemicals and paints,

(gg) the preserving of wood,

(hh) the process of electroplating,

(ii) any other industrial, manufacturing or processing purpose,

(jj) the generating of wind electric power, or

(kk) the generating of solar electric power.

3 The drilling, construction, operation or reclamation of a well other than a water well.

4 The drilling or reclamation of a water well or borehole.

5 The construction, operation or reclamation of

(a) a pipeline, transmission line, telecommunication line or battery,

(b) a mine, quarry or pit,

(c) a heavy oil site, oil sands site or oil production site,

(d) a waste management facility,

(e) landfarms for petroleum, drilling or other waste,

(f) a highway, railway or aircraft landing strip,

(g) an incinerator,

(h) a waterworks system,

(i) a wastewater system,

(j) a storm drainage system,

(k) any facility for the control of water, air or land contamination or for the control of the quality of water, air or land,

(l) a site for subsurface disposal of solid or liquid waste, except private subsurface sewage disposal systems,

(m) facilities for recreational or tourism purposes,

(n) designated livestock operations,

(o) intensive aquaculture operations,

(p) bulk distribution facilities,

(q) research facilities,

(r) analytical laboratories,

(s) automotive repair shops,

(t) a site for the demolition of automobiles,

(u) a site where scrap metal is stored,

(v) aircraft maintenance facilities, or

(w) any structure forming part of a broadcasting undertaking as defined in the *Broadcasting Act* (Canada), including a microwave tower.

6 Exploration operations that result or may result in surface disturbance.

7 The excavation and removal of topsoil for the purpose of sale.

8 The application of a pesticide, the distribution and selling of a pesticide at wholesale and retail levels or the offering of a service to use or apply a pesticide.

9(1) Any activity, diversion of water, operation of a works or transfer of an allocation of water under a licence for which an approval, licence or an approval of a transfer of an allocation of water under the *Water Act* is required.

(2) The definitions in the *Water Act*, except the definition of activity, apply to subsection (1).

(3) For the purposes of subsection (1), "activity" means

(a) placing, constructing, operating, maintaining, removing or disturbing works, maintaining, removing or disturbing ground, vegetation or other material or carrying out any undertaking, including, but not limited to, groundwater exploration, in or on any land, water or water body, that

(i) alters, may alter or may become capable of altering the flow or level of water, whether temporarily or permanently, including, but not limited to, water in a water body, by any means, including drainage,

(ii) changes, may change or may become capable of changing the location of water or the direction of flow of water, including water in a water body, by drainage or otherwise,

(iii) causes, may cause or may become capable of causing the siltation of water or the erosion of any bed or shore of a water body, or

(iv) causes, may cause or may become capable of causing an effect on the aquatic environment;

(b) altering the flow, direction of flow or level of water or changing the location of water for the purposes of removing an ice jam, drainage, flood control, erosion control, channel realignment or a similar purpose;

(c) drilling or reclaiming a water well or borehole;

(d) anything defined as an activity in the regulations under the *Water Act* for the purposes of that Act.

10 The disposal of snow.

11 Any other undertaking or thing defined as an activity in the regulations under section 37(1)(a).

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2017 c22 s17

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