



Province of Alberta

EMISSIONS MANAGEMENT AND  
CLIMATE RESILIENCE ACT

**ADMINISTRATIVE PENALTY  
REGULATION**

**Alberta Regulation 140/2007**

With amendments up to and including Alberta Regulation 148/2019

Current as of January 1, 2020

Office Consolidation

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### **Note**

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(Consolidated up to 148/2019)

**ALBERTA REGULATION 140/2007**

**Emissions Management and Climate Resilience Act**

**ADMINISTRATIVE PENALTY REGULATION**

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**Definition**

**1** In this Regulation, “Act” means the *Emissions Management and Climate Resilience Act*.

AR 140/2007 s1;148/2019

**Notice of administrative penalty**

**2(1)** The provisions set out in the Schedule are the provisions in respect of which a notice of administrative penalty may be given under section 38 of the Act.

**(2)** A notice of administrative penalty must be given in writing and must contain the following information:

- (a) the name of the person required to pay the administrative penalty;
- (b) particulars of the contravention;
- (c) the amount of the administrative penalty and the date by which it must be paid;
- (d) a statement of the right to appeal to the Environmental Appeals Board given under section 42 of the Act.

**Penalty assessment**

**3(1)** Subject to subsections (2) and (3), the amount of an administrative penalty for each contravention that occurs or

continues is \$1500 but that amount may be increased or decreased by the director in accordance with subsection (2).

**(2)** In a particular case, the director may increase or decrease the amount of the administrative penalty from the amount set out in subsection (1) on considering the following factors:

- (a) the severity of the contravention;
- (b) the degree of wilfulness or negligence in the contravention;
- (c) whether or not there was any mitigation relating to the contravention;
- (d) whether or not steps have been taken to prevent reoccurrence of the contravention;
- (e) whether or not the person who receives the notice of administrative penalty has a history of non-compliance;
- (f) any other factors that, in the opinion of the director, are relevant.

**(3)** The maximum administrative penalty that may be imposed for the purposes of section 38(2)(a) of the Act is \$7500 for each contravention or for each day or part of a day on which the contravention occurs and continues, as the case may be.

AR 140/2007 s3;106/2015

#### **Payment of penalty**

**4** A person who is served with a notice of administrative penalty shall pay the amount of the penalty within 30 days of the date of service of the notice.

#### **Expiry**

**5** For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on December 31, 2022.

AR 140/2007 s5;137/2014;226/2014;106/2015;254/2017

### **Schedule**

#### **Provisions in Respect of Which an Administrative Penalty is Payable**

**1** *Emissions Management and Climate Resilience Act*

- sections 23, 26 and 44(a), (b), (c), (d) and (e).

**1.1 and 2** Repealed AR 133/2019 s37.

**3** *Specified Gas Reporting Regulation* (AR 251/2004)

- sections 3(1), 4 and 9(b) and (c).

**4** *Technology Innovation and Emissions Reduction Regulation*

sections 4(10), 5(14), 7(4) and (5), 12(1), (2) and (3), 13(5), (6), (7), (8), (9), (10) and (12), 14(3), (4), (5) and (9), 15(1), (2), (3), (5) and (6), 16(1), (4) and (5), 18(1), (2) and (3), 22(5), 25(1) and (2), 26(1), (2), (3) and (4), 31(1), (2), (3), (4), (5) and (6) and 33(c), (d), (e), (f), (g) and (h).

AR 140/2007 Sched;106/2015;255/2017;96/2018;133/2019;148/2019







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