

## A Brief Guide to Water Enforcement, Compliance, and the New 'One Stop' Approval Process

*Submitted by the Farmers Advocate Office*

- 1.) Environmental Protection officers (EPO's) are legislated to conduct inspections and investigations under the Water Act, Public Lands Act, Environmental Protection and Enhancement Act and the Climate Change Act.
  - a. This is legislated under Part 10 Sections 118 and 127 within the Water Act
- 2.) EPO's conduct investigations and inspections after a complaint is made. They investigate the probability of a contravention of Section 36(1) and Section 49(1)

*36 (1) No person may commence or continue an activity except pursuant to an approval...*

*49(1) No person shall commence or continue a diversion of water except pursuant to a license...*

- 3.) EPO's use a Compliance Assurance Program to deliver their compliance assurance strategy which has three components:
  - a. Education
  - b. Prevention
  - c. Enforcement
- 4.) Inspections may be triaged to investigation if enough compelling "technical data" is found to move to a more in depth investigation.
  - a. **Inspections** (Sections 118-126 of the Water Act): Are used to gather technical data and verify compliance
  - b. **Investigations** (Sections 127-134 of the Water Act): Are used to "gather evidence" in order to move files forward to enforcement action.
- 5.) Landowners are issued a letter notifying them if the Department has opened an Investigation. **Alberta Environment and Parks has 2 years to issue a punitive response such as a Warning Letter or an Administrative penalty** from the date that they receive a phone call.
- 6.) **Enforcement orders** are **remedial** in nature and can be issued at any time. **There is no time limit** on an Enforcement Order.
- 7.) Enforcement orders **are appealable to the Environmental Appeals Board under Section 114 of the Water Act**. However, please note that a notice of appeal must be filed within 7 days of receiving an enforcement order.

This is the process for getting a Water Act approval:

A proposed activity under Section 1(1)(b) requires an Approval under Section 36(1) under the *Water Act*. Flood control (or flood mitigation), drainage, dewatering, erosion control, channel re-alignment,

wetland impacts, dugouts, stormwater management, etc., meets this definition of an activity under the Water Act.

- Water Act - <http://www.qp.alberta.ca/documents/Acts/w03.pdf>
- Additional information on Water legislation can be found at: <https://www.alberta.ca/water-legislation-and-resources.aspx>

Information regarding the Environmental Approvals OneStop System can be found on the department webpage at - <https://www.alberta.ca/environmental-approvals-system-onestop.aspx>

On this webpage:

- 1) Start by creating a My Alberta Digital ID (MADI) or a My Alberta Digital for Business MADI-B account by click on the MADI link - <https://www.alberta.ca/environmental-approvals-system-onestop.aspx#toc-1>
  - If the person has an account they can move on to step 2.
- 2) Then use the Quick Reference Guide – Initiate new Water Act application – General Application
  - Link to the guides on the webpage - <https://www.alberta.ca/environmental-approvals-system-onestop.aspx#toc-2>
- 3) Then once you have reach the top of page 8 of the first guide – use the Initiate new Water Act application – Flood Control Quick Reference Guide to finish the application.

All One Stop guides: - <https://www.alberta.ca/environmental-approvals-system-onestop.aspx#toc-2>

Link to the Compliance Assurance program homepage: <https://open.alberta.ca/publications/1766023>

Annual Compliance Assurance Annual Reports: <https://open.alberta.ca/publications/2367-9743>

More up to date Quarterly Reports: <https://open.alberta.ca/publications/1766023>

Fact sheet for the Public Lands Act: <https://open.alberta.ca/publications/public-lands-act>

Fact sheet for the Water Act: <https://open.alberta.ca/publications/water-act-factsheet>