

**COMPLIANCE ASSURANCE  
ANNUAL REPORT 2004- 2005**

**ACKNOWLEDGEMENTS**

This report documents the continued efforts of Alberta Environment's compliance assurance staff, and their pursuit of consistent, fair and effective enforcement of Alberta's environmental legislation.

The contributions of Alberta Environment's regional compliance staff in carrying out the proactive, ground-level verification of compliance, and assembling the information and projections for this report is gratefully acknowledged.

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## EXECUTIVE SUMMARY

**Alberta's environmental legislation sets out clear rules and obligations for the protection,enhancement and wise use of the environment. Ensuring compliance with this legislation is an important part of Alberta Environment's business.**

**Through education and prevention programs, and strict enforcement measures, Alberta Environment works to ensure all Albertans understand and follow the province's environmental legislation and continue to enjoy a clean and healthy environment.**

Alberta Environment is committed to measuring and reporting on the effectiveness of compliance assurance programs and activities. This report presents the compliance assessment and enforcement activities of Alberta Environment for the 2004-2005 fiscal year.

Department staff carried out a total of 1,532 proactive compliance assessments during the reporting period, including 1,355 unannounced site or field inspections and 177 unannounced audits to verify that methods and procedures met Alberta Environment's quality control and quality assurance standards. Overall, these proactive compliance initiatives showed a high rate of compliance across all regulatory areas administered by the department.

A total of 127 charges were laid for offences under the legislation administered by Alberta Environment during 2004-2005. Charges that were concluded during this period resulted in total fines exceeding \$91,020. Alberta Environment assessed an additional \$98,500 for 18 administrative penalties for less serious regulatory offences. Thirteen orders and 71 written warnings were issued during this period to compel parties to meet regulatory standards.

Other 2004-2005 program highlights include:

- 11,633 calls to Alberta Environment's toll-free, 24-hour emergency hotline about possible environmental concerns or infractions;
- Development of a compliance assurance web site and other educational tools;
- Development of key performance indicators;
- Continued refinement and implementation of the upstream oil and gas reclamation and remediation program; and,
- Eleven education and inspection programs (sweeps) focusing on specific industries or geographic areas.

## INTRODUCTION

**The overall objective of Alberta environment's compliance assurance programs is to maintain a high level of compliance with the *Environmental Protection and Enhancement Act (EPEA)* and the *Water Act*. Educational initiatives focus on members of the regulated community, which hold approvals, licences or registrations under the *Environmental Protection and Enhancement Act* or the *Water Act*, and individuals or companies whose activities might not require authorization from Alberta Environment, but could still impact the environment.**

This is Alberta Environment's seventh year of tracking and reporting the results of the department's proactive compliance assessments. Over that period, the trend shows that the vast majority of facilities whose activities are authorized by Alberta Environment are meeting or exceeding regulatory requirements. Non-compliance that is identified tends to be minor in nature, have little or no potential for adverse environmental effect and is generally corrected voluntarily.

Alberta Environment continues to plan annual proactive, unannounced inspections, audits, and sampling events to verify compliance and ensure regulated parties clearly understand their statutory obligations. By raising the level of awareness about Alberta Environment's compliance objectives, and by fostering a spirit of stewardship for the environment, the department seeks to prevent non-compliance through a heightened awareness of environmental responsibilities.

## 1.0

# EDUCATION AND INSPECTION PROGRAM

In addition to routine unannounced inspections, Alberta Environment conducts annual education and inspection programs, or sweeps, which focus on a geographic area or industry. These focused programs give Alberta Environment an opportunity to work together with local businesses to ensure they understand Alberta's environmental laws and their purposes, how to comply with them, and the consequences of non-compliance.

These programs have two parts:

- Specific, detailed information about regulations and requirements are sent to targeted businesses; and
- Unannounced inspections are done to ensure businesses are following the requirements.

This effort produces several important results:

- All businesses within a specific sector or geographic area receive the same information from Alberta Environment about environmental responsibility;
- Non-compliance can be identified and corrected cooperatively, if this is an appropriate option; and,
- Overt acts of non-compliance can be addressed using a variety of enforcement tools.

## EDUCATION AND INSPECTION PROGRAM

### *Operation Break Shoe*

In 2004/2005, Alberta Environment conducted eleven sweeps, including: Operation Break Shoe was conducted in the Edmonton area as a follow-up to businesses that were previously inspected in 1999 during Operation Clean Sweep. The sweep conducted unannounced inspections of small businesses that were rated as “High” and “Medium” risk for the potential to harm the environment by improper storage, handling and disposal of hazardous waste. In this geographical area, businesses’ storm water runoff enters Mill Creek Ravine via the municipal storm drainage system, which flows into the North Saskatchewan River. Historically both Alberta Environment and the City of Edmonton have responded to numerous complaints regarding the water quality in Mill Creek Ravine. Operation Break Shoe inspections focused on the storage, handling and improper disposal of hazardous waste to the drainage system. Additionally, the sweep assessed whether businesses continued to operate using the proper waste management practices identified during Operation Clean Sweep in 1999.

Alberta Environment inspected 71 businesses and issued 13 Notices of Non-Compliance. No significant non-compliance was identified during Operation Break Shoe. Follow-up was conducted with all non-complaint businesses to ensure improvements were implemented and the correct waste management practices were in place.

The operation was carried out with the assistance of the City of Edmonton Drainage and Wastewater Departments.

### *Operation Buffalo Trail*

Alberta Environment carried out Operation Buffalo Trail to educate businesses in the Town of Wainwright about the storage, handling and disposal of hazardous recyclables. During this sweep, Alberta Environment conducted 66 unannounced inspections. Thirty verbal warnings were issued along with 15 Notices of Non-Compliance. All non-compliance issues were quickly and voluntarily resolved and no enforcement action was required.

## EDUCATION AND INSPECTION PROGRAM

### *Operation Lakeland*

Operation Lakeland was designed to identify and educate businesses in and around the town of Lac La Biche about the storage, handling and disposal of hazardous recyclables. This was the first time a sweep had been conducted in the Lac La Biche area. The Town of Lac La Biche and Lakeland County were informed of the sweep objective and invited to attend. During this two-day sweep, Alberta Environment inspected 65 businesses and rated each business as high, medium or low risk to the environment. Ten Notices of Non-Compliance were issued, for infractions ranging from no secondary containment for hazardous waste, to improper site security. At four sites, samples of unknown materials (presumed hazardous waste) were collected to confirm content. Operation Lakeland gave Alberta Environment an opportunity to show a presence within the community, and to work with businesses to ensure they understand the role they play in protecting the environment. The results of this Operation showed that the majority of businesses had no knowledge of the requirements of the *Environmental Protection and Enhancement Act* and its Regulations. All non-compliance issues were quickly and voluntarily resolved and no enforcement action was required.

### *Operation Iosegun*

Operation Iosegun was conducted jointly with the Town of Fox Creek from October 26 to 28, 2004. This joint agency inspection program focused on the Industrial Park within Fox Creek, looking specifically at the storage and disposal of hazardous waste and hazardous recyclables, as well as surface runoff management. In most areas of the town, run-off from the industrial park enters the surface storm water drainage system and is not treated before it enters Fox Creek. Fox Creek is a spawning ground for walleye in Iosegun Lake.

AENV visited each facility and asked a few simple questions to determine the nature of their operations and whether they were a hazardous waste or hazardous recyclables generator. If the facility was a generator, they received an information package, along with an inspection of the facility. For facilities not meeting the appropriate requirements, a Notice of Non-Compliance was issued which clearly identified the deficiencies found during the inspection. The majority of notices were given out under the following conditions:

- No secondary containment around hazardous wastes/recyclables;
- Staining and evidence of spillage in storage areas;
- The presence of free product outside of secondary containment; and,
- Production of hazardous waste or hazardous recyclables despite a lack of required recycle dockets, manifests or records of disposal.

Of the 61 facilities initially identified, 52 were inspected during the program. The inspection program identified problems with storage and disposal, resulting in Notices of Non-Compliance being issued to 15 facilities. Another 18 required follow-up.

## EDUCATION AND INSPECTION PROGRAM

Education is an important tool that allows Alberta Environment to ensure our environment remains protected. Programs such as Operation Iosegun enable AENV to ensure industry is aware of their responsibilities and can identify situations that require remedial action to prevent adverse impacts to the environment.

### *Operation Prairie Water*

During this sweep, compliance staff inspected oil and gas exploration sites and diversion points across southern Alberta. These inspections were part of an educational *Water Act* sweep designed to remind industrial water haulers and industrial water users of their obligations under the *Water Act*, and to confirm Alberta Environment's role in ensuring the conservation and management of Alberta's water resources. The inspectors also used this sweep to gather preliminary information on the presence of nuisance bacteria in water being used for drilling operations and to identify any significant non-compliances with the *Water Act*.

The sweep, facilitated by inspectors from both the Calgary and Lethbridge Districts, resulted in 49 inspections. During these inspections, staff discussed the requirements of the *Water Act*, provided *Water Act* fact sheets, and collected water samples. Twenty-one of these inspections resulted in Notices of Non-Compliance and five have been referred to investigations staff for possible follow-up.

The Southern Region anticipates follow-up visits next fiscal year to confirm the effectiveness of this sweep.

### *Operation Sextant*

Operation Sextant, an inspection sweep of local non-regulated facilities in the Town of Rocky Mountain House, focused on educating local businesses about proper handling, storage and disposal of hazardous waste and hazardous recyclables. During the sweep, Alberta Environment inspected 57 facilities and issued 27 verbal warnings along with two Notices of Non-Compliance. All non-compliance issues were quickly and voluntarily resolved and no enforcement action was required.

### *Operation Stettler*

Operation Stettler followed the same approach as Operation Sextant, but in the Town of Stettler. Unannounced inspections of local non-regulated facilities were conducted to assess compliance with the Waste Control Regulation and educate businesses on the proper handling, storage and disposal of hazardous waste and hazardous recyclables. Twenty-four facilities were inspected, resulting in seven verbal warnings and five notices of non-compliance. Follow-up with the non-compliant companies found that they had voluntarily complied.

## EDUCATION AND INSPECTION PROGRAM

### *Operation Water Hazard*

Operation Water Hazard was undertaken by compliance staff in the Northern Region – West District in September 2004. This sweep was developed and implemented in response to concerns raised by water management staff over water use by golf courses. The northwest area of the province is geographically vast, with a broad spread of communities. This complicates water use activity monitoring.

AENV used the sweep to identify the extent to which each golf course was using water resources, and to educate each on water licencing. Staff visited each of the 39 courses identified. During the site visits, water use was reviewed and a compliance inspection was conducted for the courses that held water licenses.

Where compliance issues were identified, staff provided education to the golf course to ensure they were aware of the licence requirements, and were able to comply with them. Golf courses that did not have water use licences were referred to water management staff, who worked with the courses to help them obtain these.

No enforcement action was required as a result of the sweep. There were a few minor issues identified from courses with licences but these were resolved through education. Water management staff have worked with the remaining courses to assist them in obtaining licences and have not needed to refer any for enforcement follow-up.

The Water for Life Strategy identifies the need to manage our water resource and to ensure its wise use. Water users identified in this sweep gained the knowledge needed to conserve the resource along with the benefit of having their right to use water clearly identified in a licence. Educational initiatives such as operation Water Hazard allow Alberta Environment to protect the resource through allocation, licencing and education.

### *Provincial Anhydrous Ammonia Sweep*

Alberta Environment has had an increasing number of complaints regarding anhydrous ammonia releases at commercial storage and handling facilities over the past several years. As a result of these complaints, a province-wide anhydrous ammonia sweep was launched. This sweep aimed to reinforce the partnership between the Government of Alberta, The Canadian Association of Agri-Retailers and individual agri-retailers. The sweep was executed in two phases. In the first phase, during the fall of 2004, Alberta Environment mailed an information package on training and how to report a release of anhydrous ammonia to 150 anhydrous ammonia vendors/transporters across the province. The second part of the sweep, which began in the spring of 2005, involved site inspections with commercial vendors and transporters, in conjunction with spring applications of anhydrous ammonia. Once summaries from these site visits have been completed, Alberta Environment will review the information collected and determine whether to propose any changes to the way anhydrous ammonia is managed in Alberta. The results of the site visits will be reported on in the 2005-2006 Annual Report.

## EDUCATION AND INSPECTION PROGRAM

### *Pulp Mill Sludge Land Spreading Survey*

Alberta Environment conducted 13 inspections of industry's mechanical pulp mill sludge handling, storing, disposal, transportation, stockpiling and land spreading methods. This included surveys, samples, interviews and assessments of pulp mills, truckers, farmers and adjacent land owners, to determine whether or not these groups were following the requirements set out in Alberta Environment's Standards and Guidelines for the Land Application of Mechanical Sludge to Agricultural Land. The survey concluded that odor issues occur when the sludge is not mixed into soil, or is poorly mixed into soil during land spreading. Greater overall success for land application of sludge would be achieved if industry employed a soil specialist to work closely with the landowners. In all, two mechanical pulp mills were surveyed, along with seven farmers, and four adjacent landowners.

### *Wood Ash Land Spreading Survey*

Alberta Environment conducted 13 inspections of industry's wood ash handling, storing, disposal, transportation, stockpiling and land spreading techniques. This included surveying, sampling, interviewing and assessing industry, truckers, farmers and adjacent landowners to determine whether or not industry and farmers were following the requirements set out in Alberta Environment's Guidelines for the Use of Wood Ash as a Liming Material for Agricultural Soils. The survey concluded that those industries employing a soil specialist to work closely with farmers achieved greater overall success and adhered more closely to the guideline requirements than industries not using soil specialists. In all six industries, four farmers and three adjacent landowners were surveyed.

## 2.0

# PROACTIVE ASSESSMENTS

**Alberta Environment regulates a wide range of industrial facilities under the *Environmental Protection and Enhancement Act* and the *Water Act*. This is most commonly done through conditions set out in environmental licences, approvals and codes of practice.**

Under the Compliance Inspection Program, Alberta Environment conducts proactive, unannounced inspections and audits to verify regulated facilities meet the conditions of their licences, approvals or registrations. Most non-compliance identified through these assessments is minor in nature and has little or no potential for environmental impact. Significant non-compliance can be the subject of enforcement action.

Compliance assessments focus on specific industry sectors, ensuring that a sample of each regulated community is assessed over the long-term. These assessments are based on several criteria, including:

- Risk to the environment from a particular activity/operation;
- Compliance history of the regulated parties associated with the activity/operation;
- Trends and emerging issues determined from strategic analysis; and,
- Established goals for the number and types of assessments to be conducted annually.

Alberta Environment establishes targets for the number of unannounced inspections and sampling audits performed each year. For the 2004/2005 reporting period, the targets included inspecting 100 per cent of surface water facilities and 50 per cent of groundwater facilities. These targets were achieved.



**3.0**

## **COMPLIANCE INITIATIVES**

**Alberta Environment is committed to working with Albertans to develop new and innovative ways to meet our compliance assurance objectives and sustain our healthy environment.**

## COMPLIANCE INITIATIVES

### 3.1 ENVIRONMENTAL RESPONSE CENTRE

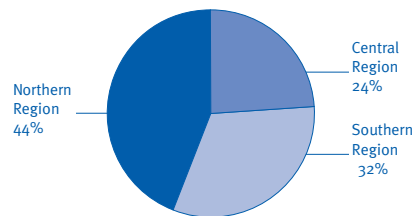
Alberta Environment's Environmental Response Centre operates a toll free, 24-hour environmental "hotline" that allows Albertans to contact the department whenever they have concerns about possible environmental infractions or potential environmental emergencies. The centre also operates an industry reporting line that allows industry to report releases or contraventions of environmental legislation.

In an effort to provide "one-window" reporting of potential environmental infractions, the Environmental Response Centre also accepts calls for Environment Canada regarding the *Canadian Environment Protection Act* and the federal *Fisheries Act* along with calls for the Natural Resources Conservation Board (NRCB) regarding the *Agricultural Operations Practices Act*.

Between, April 1, 2004, and March 31, 2005, the Environmental Response Centre handled 11,633 calls, including 3,232 public complaints and 6,161 calls from Alberta industry.

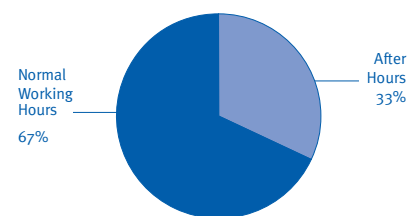
#### CALLS BY LOCATION

April 1, 2004 - March 31, 2005  
Total of 11,633 Calls



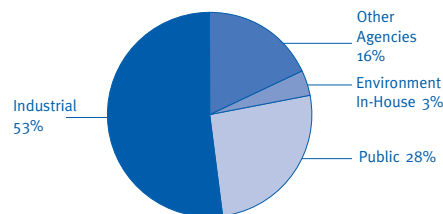
#### CALLS RECEIVED

April 1, 2004 - March 31, 2005  
Total of 11,633 Calls



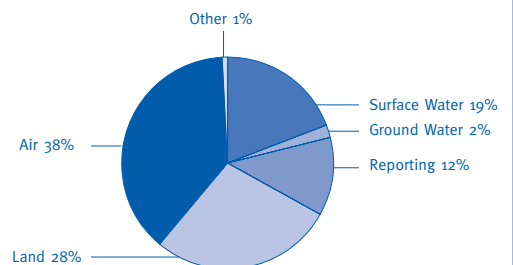
#### TYPES OF CALLS

April 1, 2004 - March 31, 2005  
Total of 11,633 Calls



#### CALL REASON

April 1, 2004 - March 31, 2005  
Total of 11,633 Calls



## COMPLIANCE INITIATIVES

### 3.2 COMPLIANCE ASSURANCE WEBSITE - OTHER EDUCATIONAL TOOLS

Recognizing the importance of the education component of our compliance assurance program, Alberta Environment developed a communication plan and focused a significant amount of effort on developing new educational materials in 2004-2005.

Some of the educational tools developed this year include:

- A compliance assurance web site (<http://www3.gov.ab.ca/env/protenf/compliance>);
- A series of fact sheets (Administrative Penalties, Burning Waste, Compliance Inspection Program, Compliance Tools, *Environmental Protection and Enhancement Act*, Storing Hazardous Waste and Recyclables, Compulsory Industry Monitoring, Reporting Spills and Releases, Shoreline Modification and the Alberta *Water Act*);
- A compliance program brochure;
- A workplace poster; and,
- A compliance assurance principles and program document.

These tools will support our efforts to better educate industry and the public during sweeps and other compliance awareness events.

### 3.3 KEY PERFORMANCE INDICATORS

Recognizing the need to continually improve our compliance assurance program, Alberta Environment developed a new key performance indicator initiative in 2004-2005. This new initiative enables program managers across the province to monitor and assess trends from these key indicators within specific components of our program.

Initially a hazardous waste/recyclables index, a drinking water index and an upstream oil and gas reclamation and remediation index were developed. Through the use and monitoring of these indices and their key performance indicators, it is hoped that Alberta Environment can better assess the impact of its compliance assurance activities and therefore better prioritize efforts to achieve desired outcomes.

It is anticipated that this initiative will be expanding to include additional components of Alberta Environment's program in the next fiscal year.

## COMPLIANCE INITIATIVES

### 3.4 UPSTREAM OIL & GAS RECLAMATION AND REMEDATION PROGRAM

As a result of continued growth in Alberta's oil and gas sector, and in order to improve Alberta Environment's ability to effectively manage remediation and reclamation, the Upstream Oil and Gas Reclamation Program was revised, and launched October 1, 2003.

The program, which applies to all upstream oil and gas facilities including well sites, batteries and pipelines on private and public lands, shifted the inquiry process from a formal, onsite inspection to a thorough administrative and technical review of industry certificate applications. These were complemented by random field audits and an enhanced complaint response process.

The 2004-2005 fiscal year was the first full year for this new program. The following table provides details on the activities within the program from April 1, 2004, to March 31, 2005.

<b>Reclamation and Remediation Program</b>				
April 1, 2004 - March 31, 2005				
	<i>Total Applications Received</i>	<i>Withdrawn</i>	<i>Refuse to Accept</i>	<i>Certificate Issued</i>
<b>Central</b>	344	40	34	367
<b>Northern</b>	169	20	48	159
<b>Southern</b>	245	25	12	292
<b>Totals</b>	758	85	139	818

The 2004-2005 fiscal year was also the first year Alberta Environment audited approved reclamation certificates from the new program. The following table provides the audit results. While our audit program resulted in four investigations, no certificates were cancelled during this period.

<b>Reclamation and Remediation Program</b>					
<b>2004-2005</b>					
	<i>Surface Audit</i>	<i>Sub-surface Audit</i>	<i>Certificate Upheld</i>	<i>Referred to Investigator</i>	<i>Certificate Cancelled</i>
<b>Central</b>	10	6	9	2	0
<b>Northern</b>	14	5	13	1	0
<b>Southern</b>	11	4	14	1	0
<b>Totals</b>	35	15	36	4	0

## 4.0

# ENFORCEMENT STATISTICS

Those who do not comply with Alberta's environmental laws and regulations are held responsible for the effects their actions have on the environment. Every suspected violation that comes to the attention of Alberta Environment is assessed and responded to in an appropriate and timely manner.

## ENFORCEMENT STATISTICS

### 4.1 PROSECUTIONS

#### *Summary of Charges Laid*

All legislation enforced by Alberta Environment includes provision for prosecution.

During the 2004-2005 fiscal year, a total of 127 charges were laid under the legislation administered by Alberta Environment, including:

- 48 charges under the *Environmental Protection and Enhancement Act* (summons);
- 12 charges under the *Environmental Protection and Enhancement Act* by Summary Conviction (ticket);
- seven charges under the *Pesticide Sales, Handling, Use and Application Regulation* (summons);
- three charges under the *Pesticide (Ministerial) Regulation* (summons);
- 22 charges under the *Waste Control Regulation* (summons);
- three charges under the *Water Act* (summons);
- 18 charges under the *Criminal Code of Canada Act* (summons);
- six charges under the *Federal Fisheries Act* (summons);
- three charges under the *Pesticide Control Products Act* (summons);
- three charges under the *Pest Control Products Regulation* (summons);
- one charge under the *Dangerous Goods Transportation and Handling Act* (ticket); and
- one charge under the *Transportation of Dangerous Goods Act* (ticket).

#### *Charges Concluded*

Of the 127 charges laid, 113 charges were concluded, resulting in fines totaling \$91,020 including:

- five convictions for offences under *Environmental Protection and Enhancement Act*, resulting in \$67,573 in penalties;
- five convictions for an offence under the *Pesticide Sales, Handling, Use and Application Regulation*, resulting in \$1,000 in penalties;
- two convictions for offences under the *Waste Control Regulation*, resulting in \$21,125 in penalties; and,
- A further \$1,322 in penalties from tickets.

These penalty amounts include creative sentencing amounts and reflect the cash-value equivalent of the creative sentence. Alberta Environment supports and promotes the use of creative sentencing to make penalties more meaningful and result in clear benefits for the environment. Under the *Environmental Protection and Enhancement Act*, creative sentencing orders have been an option in Alberta since 1993.

The total expressed for **charges** relates to charges concluded during this reporting period and may include charges laid in previous reporting periods. Some charges laid during this reporting period may be **pending** and awaiting resolution in the courts. The number of **convictions** represents the outcome for charges laid in previous years as well as those charges concluded during the current report period.

## ENFORCEMENT STATISTICS

### 4.2 ADMINISTRATIVE PENALTIES

An administrative penalty is a monetary penalty issued in response to an incidence of non-compliance. A single Administrative Penalty can address a number of violations by a regulated party.

In 2004-2005, a total of 18 administrative penalties were issued under legislation administered by Alberta Environment, including:

- 11 administrative penalties issued under the *Environmental Protection and Enhancement Act* resulting in \$73,000 in penalty assessments
- two administrative penalties issued under the *Pesticides Sales, Handling, Use and Application Regulation* resulting in \$5,500 in penalty assessments;
- one administrative penalty issued under the *Pesticides (Ministerial) Regulation* resulting in \$2,000 in penalty assessments;
- one administrative penalty issued under the *Substance Release Regulation* resulting in \$4,500 in penalty assessments; and
- three administrative penalties issued under the *Water Act* resulting in \$13,500 in penalty assessments.

### 4.3 ORDERS

Orders are used to compel a regulated party to remedy a contravention and, where appropriate, to identify actions to prevent future contraventions.

In 2004-2005, a total of 13 orders were issued under legislation administered by Alberta Environment, including:

- 11 Orders issued under the *Environmental Protection and Enhancement Act*
  - two Enforcement Orders
  - nine Environmental Protection Orders; and
- two Enforcement Orders under the *Water Act*.

### 4.4 WRITTEN WARNINGS

Written warnings are issued for minor contraventions or when the potential for an adverse environmental effect is noted. Warnings, normally given to firsttime offenders, are designed to be a deterrent, and a means to encourage voluntarily compliance, while also serving as the formal record of an offence. Repeat non-compliance may lead to a more significant enforcement response.

In 2004-2005, a total of 71 written warnings were issued under legislation administered by Alberta Environment.

### 4.5 APPEALS

The *Environmental Protection and Enhancement Act* and the *Water Act* both have provisions for companies or individuals to appeal an order or administrative penalty to the Environmental Appeal Board, an independent. All prosecutions can be appealed to a higher court.

In 2003-2004, two administrative penalties and four orders were appealed.

Detailed information on specific enforcement activities is available online at [www.gov.ab.ca/env/protenf.html](http://www.gov.ab.ca/env/protenf.html).

**5.0**

## **APPENDICES**

**REGIONAL OFFICES**

**TABLE 1 – Enforcement Summary**

**ACTS, REGULATIONS AND CODES  
OF PRACTICE ADMINISTERED BY  
ALBERTA ENVIRONMENT**

**GLOSSARY**

## REGIONAL OFFICES



### NORTHERN REGION

#### Edmonton

#111, Twin Atria Building  
4999-98 Avenue  
Edmonton, Alberta T6B 2X3  
Tel: 780.427.7617  
Fax: 780.427.7824

### CENTRAL REGION

#### Red Deer

#304, Provincial Building  
4920-51 Street  
Red Deer, Alberta T4N 6K8  
Tel: 403.340.7052  
Fax: 403.340.5022

### SOUTHERN REGION

#### Calgary

#303, Deerfoot Square Building  
2938-11 Street NE  
Calgary, Alberta T2E 7L7  
Tel: 403.297.7880  
Fax: 403.297.6069

To contact your local Alberta Environment office, call the regional office nearest you or dial 310-0000.

- Regional Office
- Local Office

TABLE 1

## ENFORCEMENT SUMMARY

LEGISLATION	Charges Laid	Convictions	Penalty Amount	Appeal of Sentence	Creative Sentencing Orders	Written Warnings	Administrative Penalties Assessed	Administrative Penalty Assessed Value	Appeal of Administrative Penalties	Orders
	<b>EPEA and Regulations</b>									
EPEA	48	5	\$67,573	0	3	40	11	\$73,000	1	11
Summary Conviction (EPEA)	12	12	\$1,322	0	n/a	0	0	n/a	0	0
Pesticides Sales, Handling, Use and Application Regulation	7	1	\$1,000	0	0	4	2	\$5,500	0	0
Pesticide (Ministerial) Regulation	3	0	2	0	0	2	1	\$2,000	0	0
Waste Control Regulation	22	2	\$21,125	0	1	0	0	n/a	0	0
Substances Release Regulation	0	0	0	0	0	1	1	\$4,500	0	0
Activities Designation Regulation	0	0	0	0	0	1	0	n/a	0	0
<b>Subtotal EPEA</b>	<b>92</b>	<b>20</b>	<b>20</b>	<b>0</b>	<b>4</b>	<b>48</b>	<b>15</b>	<b>\$85,000</b>	<b>1</b>	<b>11</b>
<b>Water Act and Regulations</b>										
Water (Ministerial) Regulation	0	0	0	0	0	1	0	0	0	0
Water Act	3	0	0	0	0	22	3	\$13,500	1	2
<b>Subtotal</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>23</b>	<b>3</b>	<b>\$13,500</b>	<b>1</b>	<b>2</b>
<b>Other Legislations</b>										
Criminal Code of Canada	18	0	0	0	0	0	0	0	0	0
Fisheries Act	6	0	0	0	0	0	0	0	0	0
Pesticide Control Products Act	3	0	0	0	0	0	0	0	0	0
Pesticide Control Products Regulations	3	0	0	0	0	0	0	0	0	0
Dangerous Goods Transportation and Handling Act (ticket)	1	0	0	0	0	0	0	0	0	0
Transportation of Dangerous Goods Act(ticket)	1	0	0	0	0	0	0	0	0	0
<b>Subtotal other legislation</b>	<b>32</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total Enforcement Action</b>	<b>127</b>	<b>20</b>	<b>\$91,020</b>	<b>0</b>	<b>4</b>	<b>71</b>	<b>18</b>	<b>\$98,500</b>	<b>2</b>	<b>13</b>
<b>TOTAL MONETARY PENALTIES</b>	<b>\$189,520</b>									

## ACTS, REGULATIONS AND CODES OF PRACTICE ADMINISTERED BY ALBERTA ENVIRONMENT

### ***Environmental Protection and Enhancement Act***

- Activities Designation Regulation
- Administrative Penalty Regulation
- Approvals and Registrations Procedure Regulation
- Beverage Container Recycling Regulation
- Conservation Easement Registration Regulation
- Conservation and Reclamation Regulation
- Designated Material Recycling and Management Regulation
- Disclosure of Information Regulation
- Administrative Penalty Regulation
- Electronics Designation Regulation
- Environmental Appeal Board Regulation
- Environmental Assessment Regulation
- Environmental Assessment (Mandatory and Exempted Activities) Regulation
- Environmental Protection & Enhancement (Miscellaneous) Regulation
- Forestry Resources Improvement Regulation
- Lubricating Oil Material Environmental Handling Charge Bylaw
- Lubricating Oil Material Recycling and Management Bylaw
- Ozone-Depleting Substances and Hydrocarbons Regulation
- Pesticide (Ministerial) Regulation
- Pesticide Sales, Handling, Use and Application Regulation
- Potable Water Regulation
- Release Reporting Regulation
- Substance Release Regulation
- Tire Designation Regulation
- Waste Control Regulation
- Wastewater and Storm Drainage Regulation
- Wastewater and Storm Drainage (Ministerial) Regulation
- Code of Practice for Asphalt Paving Plants
- Code of Practice for Concrete Producing Plants
- Code of Practice for Compost Facilities
- Code of Practice for Compressor and Pumping Stations and Sweet Gas Processing Plants
- Code of Practice for Exploration Operations
- Code of Practice for Foundries
- Code of Practice for Landfills
- Code of Practice for Hydrologic Tracing Analysis Studies
- Code of Practice for Pesticides
- Code of Practice for Pits
- Code of Practice for Discharge of Hydrostatic Test Water from Hydrostatic Testing of Petroleum Liquid and Natural Gas Pipelines

- Code of Practice for Tanker Truck Washing Facilities
- Code of Practice for a Waterworks System Consisting Solely of a Water Distribution System
- Code of Practice for Wastewater Systems Consisting Solely of a Wastewater Collection System
- Code of Practice for Wastewater Systems Using a Wastewater Lagoon
- Code of Practice for Waterworks Systems Using High Quality Groundwater

### ***Water Act***

- Oldman River Basin Water Allocation Order
- South Saskatchewan Basin Water Allocation Regulation
- Water (Ministerial) Regulation
- Water (Offenses and Penalties) Regulation
- Code of Practice for Outfall Structures on Water Bodies
- Code of Practice for Pipelines and Telecommunication Lines Crossing A Water Body
- Code of Practice for the Temporary Diversion of Water for Hydrostatic Testing of Pipelines
- Code of Practice for Watercourse Crossings

### **Other Legislation**

*Criminal Code of Canada*

*Dangerous Goods Transportation and Handling Act*

*Fisheries Act*

*Pesticide Control Act*

*Pest Control Products Regulations*

*Provincial Offenses Procedures Act*

*Transportation of Dangerous Goods Act*

## GLOSSARY

### **Administrative Penalty**

An enforcement tool under *Environmental Protection and Enhancement Act* and the *Water Act* that is used to correct an inappropriate action, practice or behaviour. As such, Administrative Penalties may be considered an educational tool that is reinforced with a penalty.

### **Appeal**

Appeal of an administrative enforcement response (Order, Administrative Penalty, etc.) to an independent body or of a prosecution to a higher-level court.

### **Audit**

A site or field examination to verify that designated methods and procedures for data gathering and/or collection meet all quality assurance/quality control criteria.

### **Charge**

“...an accusation of a crime by a formal complaint (includes violation ticket), information or indictment” (Black’s Law Dictionary).

### **Charges Concluded**

All charges concluded during the fiscal year and their outcomes (penalties, convictions), including charges withdrawn, stayed, dismissed or resulting in an acquittal.

### **Charges Laid**

All charges laid during the fiscal year, regardless of whether they were concluded.

### **Charges Pending**

All charges laid before and during the fiscal year that have not been concluded as of March 31 of the fiscal year.

### **Compliance Assessment**

An activity undertaken to determine whether a regulated party’s activity or operation complies with a statute, regulation, authorization or Code of Practice (these include inspections, reviews and audits/sample events).

### **Compliance Assessment Target**

The number of assessments planned for the fiscal year.

### **Compliance Assessments Conducted**

The number of assessment activities (i.e., inspections, reviews or audits/sample events) actually undertaken during the fiscal period.

### **Compliance**

The state of conformity with the law.

### **Creative Sentencing**

A form of penalty that may be issued by the sentencing court after a conviction. They are typically imposed along with a fine and do not diminish the total value of the overall penalty imposed. They are intended to secure the offender’s good conduct in a way that has a public benefit by having the offender undertake or direct money toward activities that are tied to the root cause or harm arising from the offense in question. Creative sentencing orders may direct the offender to fund specific research projects, undertake or fund identified education programs, or improve industry standards, among other things.

## GLOSSARY

### **Enforcement Response**

An official or legislated reaction to non-compliance by a regulated party. Alberta Environment's enforcement responses are designed to either remedy, deter or punish.

### **Inspection**

A site or field evaluation of a regulated activity to verify that specific requirements are being met. A specific check of compliance.

### **Investigation**

An evidence-gathering activity undertaken to substantiate or dismiss an alleged contravention, which may involve taking statements, securing physical evidence, and carrying out search warrants.

### **Notice of Non-Compliance**

A field document issued to an individual or company outlining areas of non-compliance to encourage immediate action in order to come back into compliance.

### **Order**

Used to compel a person to remedy a contravention and, as appropriate, to identify actions to prevent future contraventions.

### **Regulated Community**

All persons and entities regulated under legislation for which Alberta Environment is responsible.

### **Regulated Party**

An individual entity regulated under legislation for which Alberta Environment is responsible.

### **Regulated Sector**

A specific group or type of regulated party (e.g., the oil and gas sector).

### **Review**

An assessment of compulsory monitoring reports, registrations, records and other required submissions for compliance with a statute, approval, code of practice or regulation.

### **Written Warning**

A document used to deter a specific recipient and to create a record of the contravention.



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