

1970 Bill 60

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Third Session, 16th Legislature, 19 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 60**

**An Act to Control Air and Water Pollution for Alberta**

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MR. YURKO

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First Reading .....

Second Reading .....

Third Reading .....

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# BILL 60

1970

An Act to Control Air and Water Pollution for Alberta

(Assented to \_\_\_\_\_, 1970)

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

**1.** This Act may be cited as *The Air and Water Pollution Control Act*.

**2.** Whereas the pollution of the air and waters of the Province of Alberta constitutes a menace to public health and welfare, creates a public nuisance, is harmful to wildlife, fish and aquatic life, and impairs domestic, agricultural, industrial, recreational and other legitimate beneficial uses of air and water, and whereas the problem of air and water pollution in this Province of Alberta, is closely related to the problem of Air and Water pollution in adjoining provinces, it is hereby declared to be the public policy of this province to conserve the air and waters of the Province and to protect, maintain and improve the quality thereof for public use, for the propagation of wildlife, fish and aquatic life, and for domestic, agricultural, industrial, recreational and other legitimate beneficial uses; to maintain such a reasonable degree of quality of the air resources of the Province to protect the health, general welfare and physical property of the people, and to provide that no waste be discharged into any waters of the Province without first receiving the necessary treatment or other corrective action to protect the legitimate beneficial uses of such waters; to provide for the prevention, abatement and control of new or existing air or water pollution; and to co-operate with other agencies or jurisdictions of the Province, and agencies or jurisdictions of other Provinces, and agencies or jurisdictions of the Federal Government of Canada in carrying out these objectives.

**3.** For the purposes of this Act, the following words and phrases shall have the meanings ascribed to them in this section:

(1) Subdivision #1—Water

## **Explanatory Notes**

**1.** Short title.

**2.** Statement of policy.

**3.** Definitions.

(a) Water pollution.

- (a) "Pollution" means such contamination, or other alteration of the physical, chemical or biological properties, of any waters of the Province of Alberta, including change in temperature, taste, colour, turbidity, or odor, of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the Province as will, or is likely to, create a nuisance or render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.
- (b) "Wastes" means sewage, industrial wastes, oil field wastes, and all other liquid, gaseous, solid radioactive, or other substances which may pollute or tend to pollute any waters of the Province.
- (c) "Sewage system" means pipelines or conduits, pumping stations, and force mains, and other structures, devices, appurtenances and facilities used for collecting or conducting wastes to an ultimate point for treatment or disposal.
- (d) "Treatment works" means any plant or other works, used for the purpose of treating, stabilizing, neutralizing, oxidizing, or holding wastes.
- (e) "Disposal system" means a system for disposing of wastes, either by surface or underground methods, and includes sewerage systems, treatment works, disposal wells, and such other systems as modern technology develops for waste and sewage handling or treatment.
- (f) "Waters of the Province" means all waters within the jurisdiction of the Province of Alberta, including all streams, lakes, ponds, impounding reservoirs, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, situated wholly or partly within or bordering upon the Province, including all waters within the National Parks in the Province, but not including such lakes, ponds or other surface waters which are wholly landlocked and privately owned.
- (g) "Stream standard" or "stream standards" means such measure and or measures of purity, or quality for any waters in relation to reasonable, necessary and safe use.
- (h) "Water Quality Criteria" means a cumulative composite of all the standards taken in totality to com-

(b) Wastes.

(c) Sewage system.

(d) Treatment works.

(e) Disposal system.

(f) Waters of the province.

(g) Stream standards.

(h) Water quality criteria.

pletely and adequately define all the characteristics of a water stream or body which is used for the propagation of man, plant and animal.

(2) Subdivision #2—Air

- (a) "Air contaminant" means particulate matter, dust, fumes, aerosols, gas, mist, smoke or vapour or any combination thereof produced by processes other than naturally.
- (b) "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants in quantities, of characteristic, and of a duration which are materially injurious, obnoxious or hazardous, or can be reasonably expected to become materially injurious, obnoxious, or hazardous to human, plant or animal life or to property or which unreasonably interfere with enjoyment of life or use of property, throughout the Province or throughout such area of the Province as shall be affected thereby.
- (c) "Air contamination" means the presence in the outdoor atmosphere of one or more air contaminants which contribute to a condition of air pollution.
- (d) "Air contamination source" means any source at, from or by reason of which there is emitted into the atmosphere any air contaminant, regardless of who the person may be who owns or operates the building, premises, machinery, conveyance, or other property or equipment in, at or on which such source is located, or the facility, equipment or other property by which the emission is caused or from which the emission comes.
- (e) "Air-cleaning device" means any method, process or equipment which removes, reduces or renders less noxious air contaminants discharged into the atmosphere.
- (f) "Area of the Province" means any city, county, town, municipality or portion thereof or other substantial geographic area of the Province as may be designated by the Alberta Air and Water Pollution Control Commission.
- (g) "Ambient Standard" or "Ambient Standards" means a measure of the concentration of an air contaminant measured in the general surrounding environment at ground level or at any specified elevation.
- (h) "Emission Standard" or "Emission Standards" means a measure of the concentration of an air contaminant measured at its source or at the point of release to the general surrounding environment.

(a) Air contaminant.

(b) Air pollution.

(c) Air contamination.

(d) Air contamination source.

(e) Air cleaning devices.

(f) Area of province.

(g) Ambient Standards.

(h) Emission standard.

(3) Subdivision #3—General

- (a) "Commission" means the Alberta Air and Water Pollution Control Commission.
- (b) "Person" means the Province or other agency or institution thereof, any urban centre, town, village, county, municipality, political subdivision, public or private corporation, individual, partnership, association, or other entity, and includes any officer or governing or managing body of any urban centre, town, village, county, municipality, political subdivision, or public or private corporation.
- (c) "Province" means the Province of Alberta.

**Creation and Organization of the Alberta Air and Water Pollution Control Commission**

4. (1) There is hereby created and established in the Province of Alberta the Alberta Air and Water Pollution Control Commission, which shall be composed of a total of twelve members selected or designated as follows:

- (a) The Director of The Environmental Health Division of the Provincial Department of Health.
- (b) The Director of the Water Resources Division of the Provincial Department of Agriculture.
- (c) The Chairman of the Oil and Gas Conservation Board of the Province of Alberta.
- (d) The Director of Fish and Wildlife of the Provincial Department of Lands and Forests.
- (e) The Director of the Industrial Health Services Division of the Provincial Department of Health.
- (f) One member to be selected by the Alberta Urban Municipalities Association.
- (g) One member to be selected by the Alberta Association of Municipal Districts and Counties.
- (h) One member to be selected by the Alberta Fish and Game Association.
- (i) One member to be selected by the Alberta Division of the Canadian Manufacturers Association.
- (j) One member to be selected by the Farmers Union of Alberta or its successor.
- (k) One member to be selected by the Alberta Federation of Labour.
- (l) One member to be selected by the Association of Professional Engineers of Alberta.

(2) The five civil servants shall retain their membership on the Commission as long as they shall retain their respective positions in the Alberta Civil Service. The term



(a) Commission

(b) Person.

(c) Province.

**4. 1. Composition of the Commission.**

**4. 2. Terms of office.**

of office of those members selected by the organizations listed shall be five (5) years, except for the first terms which shall be three (3) years for those selected by the Alberta Fish and Game Association and the Farmers Union of Alberta and four (4) years for those selected by the Alberta Association of Municipal Districts and Counties and the Association of Professional Engineers of Alberta. The Commission shall ensure that any vacancy occurring in its membership shall be filled within one year from the date of vacancy. The Commission shall carry out the functions and duties conferred on it by this Act.

(3) There shall be the following associate members of the Commission who shall have the right to meet with the Commission at any time and shall be subject to the call of the Commission at all times, and who shall have the right of full discussion in matters pending before the Commission, but who shall have no vote thereon;

- (a) The Provincial Epidemiologist.
- (b) The Provincial Bacteriologist.
- (c) Head, Water Pollution Control Section, Environmental Health Services Division of the Provincial Department of Health.
- (d) Head, Air Pollution Control Section, Environmental Health Services Division of the Provincial Department of Health.
- (e) The Medical Officer of the City of Edmonton.
- (f) The Medical Officer of the City of Calgary.
- (g) The Deputy Minister of the Department of Highways and Transport.

Any or all of the aforesaid associate members shall have the right to designate in writing some other official or person employed by the respective organization to represent the person designated herein as an associate member.

(4) Each Provincial agency member of the Commission may, by official order filed with the Executive Secretary of the Commission, designate a representative of his department to perform the duties of the member making the designation. Such person, if any, so designated shall have the powers and be subject to the duties and responsibilities of the officer appointing him.

(5) There shall be the following associate members of the Commission who shall have the right to meet with the Commission at any time and attend all or any Commission meetings or settings, and who shall have the right of full discussion in matters pending before the Commission, but who shall have no vote thereon, and furthermore whose primary task will be to act as official critics of any or all Commission action, or lack of action, and whose additional task will be to monitor the complaints of the public at large

**4. 3. Associate technical members.**

**4. 4. Member designate.**

**4. 5. Associate elected members.**

and appraise the Commission of such complaints both privately and publicly. It is recognized that such associate members as are designated will review and reflect on Commission decisions both privately and publicly, and that all such associate members will be representatives of the people having been duly elected by the people in elections legally sanctioned by the statutes of the Province of Alberta.

- (a) Two elected MLA's of the political party forming the Government of the Province of Alberta and designated by the Provincial Premier.
  - (b) Two elected MLA's of the Official Opposition in the Alberta Legislature and designated by the Leader of the Opposition.
  - (c) At the invitation of the Premier of the Province the Mayor of the City of Edmonton in consultation with the duly elected aldermen of the same city are to select an alderman of their choice for representation as an associate member.
  - (d) At the invitation of the Premier of the Province the Mayor of the City of Calgary in consultation with the duly elected aldermen of the same city are to select an alderman of their choice for representation as an associate member.
- (6) The Province agency members (civil servants) and associate technical members of the Commission who are civil servants, shall receive no additional salary or per diem for their services as members of the Commission.

5. (1) Within ninety (90) days after the day this Act has been assented to and the selection of all Commission Members, the Members of the Commission shall meet in Edmonton and organize, electing one (1) of the members Chairman and one (1) Vice-Chairman, and both shall serve for a term of two (2) years maximum. The Commission shall hold meetings upon the call of the Chairman but under no circumstances are meetings to be held less than once per calendar quarter. The Commission may hold special meetings and open hearings at any place in the Province, but the Secretary of the Commission shall give reasonable written notice of such special meeting or hearing, stating the hour, date, place and purpose of such meeting, such written notice to be delivered to the office of each member and associate member of the Commission and the Executive Secretary thereof at least forty-eight (48) hours prior to the meeting or hearing; provided further, that the Chairman or Vice-Chairman of the Commission must call such special meeting upon receipt of a written request therefor filed by two (2) members of the Commission with written notice to be given as herein provided.

(2) A majority of the members of the Commission shall constitute a quorum.

4. 6. Compensation for services.

5. Commission meetings.

Quorum.

### **Administrative Employees**

6. (1) At its first regular meeting after organization or as soon thereafter as practical, the Commission shall appoint an Executive Secretary who shall be a person fully trained and experienced in pollution control. The Executive Secretary shall continue in office at the pleasure of the Commission and his salary shall be fixed by the Commission, to be payable monthly, and he shall have reimbursed to him all actual and necessary expenses incurred in carrying out his official duties while away from home, upon presentation of proper vouchers. The Executive Secretary shall exercise administrative supervision of air and water pollution and water quality control programs adopted by the Commission and in the interim between meetings of the Commission shall have authority to perform in the name of the Commission all functions and duties delegated to him by the Commission. The Commission may delegate any of the powers and duties vested in it by this Act to the Executive Secretary except the adoption and promulgation of standards, rules and regulations; the revocation of permits; and the issuance, modification, or revocation of orders.
- (2) The Commission is hereby designated as the Provincial Water pollution control agency for this Province for all purposes of the *Federal Government Canada Water Act* and any additional Acts which duly became law, and the Commission is also hereby designated as the Provincial Air pollution control agency for this Province for all purposes of any air quality control legislation enacted by the Federal Government of Canada; and in both instances shall be empowered to receive and disperse funds within the limits of the appropriations to it by the Federal Government of Canada or from any other source.
- (3) The Commission shall have representation at all meetings of the Alberta Advisory Committee on Pollution Control and its sub-committees organized and directed by the Provincial Department of Health, and shall give due weight and consideration to all recommendations and suggestions made by this Committee and its sub-committees, but it is not bound by any condition in this Act to adopt or take action on any such recommendations or suggestions as are made.

### **Power and Duties of the Commission**

7. The Commission shall have and may exercise the following powers and duties:

**6. Administrative employees.**  
(1) Executive Secretary.

(2) Representations on other jurisdictions.

(3) Recommendations by other committees.

**7. Powers and duties.**

- (1) General supervision of the administration and enforcement of this Act and all rules and regulations and orders promulgated thereunder.
- (2) To develop comprehensive programs for the prevention, control and abatement of new or existing pollution of the air and waters of the Province.
- (3) To coordinate and approve all work and programs undertaken by all other Provincial Government agencies in the fields of Air and Water pollution.
- (4) To advise, consult, contract and cooperate with other agencies of the Province, the Federal Government, other Provinces, and interprovincial agencies, and affected groups, political subdivisions and industries in furtherance of the purposes of this Act, and shall have the authority to enter into compacts with any other Province or Provinces for the purpose of achieving the objectives of this Act with respect to interprovincial streams and waters.
- (5) Functioning of the Commission is dependent upon receipt of grants, gifts, or appropriations by the Provincial legislature or the Federal Government, and the entire existence and functioning of the Commission is dependent upon the appropriation of such funds.
- (6) To examine, investigate, and adopt methods of raising funds for major public installations or programs directly associated with the regulation and control of air and water pollution including such alternatives as administering the collection of charges and further to recommend to Government such proposals offering tax relief and incentive programs designed to accelerate air and water pollution regulation and control.
- (7) To encourage, coordinate, participate in, or conduct studies, investigations, research and demonstrations relating to air and water quality and pollution and causes, prevention, control and abatement, and supervision as it may deem advisable and necessary for the discharge of its duties under this Act.
- (8) To collect and disseminate information relating to air and water quality, and pollution, and the prevention, control, supervision and abatement thereof.
- (9) To adopt, modify, repeal and promulgate, after due notice and hearing, and to enforce rules and regulations implementing or effectuating the powers and duties of the Commission under this Act and as the Commission may deem necessary to prevent, control and abate existing or potential pollu-



- (1) Administration of Act.
- (2) Anti-pollution programs.
- (3) Co-ordination and approval of work and programs.
- (4) Relationship with other agencies.
- (5) Administration of funds.
- (6) Raising of funds.
- (9) Registration of pollution.

tion; the Commission shall require that every Commercial, Industrial and Municipal organization or body shall yearly (between March 15 and May 15) register with the Commission the identifying details of each and every pollution stream or streams discharged to the general environment and the Commission shall subsequently issue to the organization or body an annual permit for operation of such facility; such details shall include the point of discharge of the pollutant or pollution to the atmosphere or general environment or to a water body or bodies, an estimate of its total volume, its frequency of discharge, and the concentration of each and all pollutants.

- (10) The Commission, after diligent and adequate consultation with all Provincially interested and or affected bodies, shall classify all bodies of water, or streams and rivers of water, within the Province according to use; classification shall be according to one or more or any combination of the following use classifications; Contact Recreation; Non-contact Recreation; Propagation of Fish and Wildlife; Fishing, Aesthetics; Mining and Recovery of Minerals; Navigation; Domestic Raw Water Supply; Irrigation and Diversion; Hydroelectric; Industrial Supply; Industrial Cooling Supply.

After establishing use classifications the Commission shall then establish overall water quality criteria and water quality standards for each and all body of water, streams and rivers of water, within the Province. Furthermore the Commission shall establish minimum standards of quality of all effluents being discharged into any body, stream or river of water within the Province. Such standards shall be published and issued by the Commission as binding regulations.

- (11) The Commission, after adequate and diligent consultation with qualified technical experts and bodies and a thorough review and understanding of action in similar jurisdictions, shall establish air quality ambient standards for the control and regulation of air pollution control of any or all designated areas within the Province. Furthermore the Commission shall establish minimum emission standards as it shall deem necessary for the adequate protection of people, plants and animals, for commercial, industrial, and municipal installations releasing odourous, obnoxious, hazardous, poisonous, irritating, or otherwise disagreeable "Air Contaminants" to the atmosphere or general surroundings.

Furthermore the Commission shall establish, when in its opinion it becomes necessary to do so,

(10) Water use classification and quality standards.

(11) Air pollution standards.

Automobile exhaust emission standards.

discharge concentrations of hydrocarbons, carbon monoxide and oxides of nitrogen from all new and used diesel-powered vehicles, and all new internal combustion motor vehicles operated within all or designated areas of the Province. The Commission shall approve and certify all classes of devices that are found adequate in limiting the exhaust concentrations from internal combustion vehicles only such devices as are certified shall be recognized as conforming within the provisions of this Act. Internal combustion vehicles shall be construed to be all commercial vehicles, motor vehicles, implements of husbandry, motorcycles, passenger vehicles, trucks, truck tractors, buses, snowmobiles.

- (12) To issue, modify, or revoke orders (a) prohibiting, controlling or abating discharges of contaminants and wastes into the air and waters of the Province; (b) requiring the construction of new disposal systems, or air cleaning devices, or any parts thereof, or the modification, extension or alteration of existing disposal systems, or air cleaning devices or any parts thereof, or the adoption of other remedial measures to prevent, control or abate air and water pollution; and (c) setting standards of water quality or ambient or emission air standards, or evidencing any other determination by the Commission under this Act.
- (13) To hold such hearings, to issue notices of hearings and subpoenas requiring the attendance of such witnesses and the production of such evidence, to administer oaths, and to take such testimony as the Commission deems necessary.
- (14) To require the prior submission of plans, specifications, and other data relative to, and to inspect the construction of and performance of, disposal systems, Commercial and Industrial Plants or Installations, or any air cleaning devices or any part thereof in connection with the issuance of such permits or approval as are required by this Act.
- (15) To issue, continue in effect, revoke, modify or deny, under such conditions as it may prescribe, to prevent, control, or abate pollution, permits for the discharge of contaminants and wastes into the air and waters of the Province, for the installation, modification or operation of disposal systems, or air cleaning devices or any parts thereof.
- (16) To require proper maintenance and operation of disposal systems, or air cleaning devices.
- (17) To exercise all incidental powers necessary to carry out the purposes of this Act.

(12) Orders - issue - revoke - modify.

(13) Hearings.

(14) Submission of plans and specifications.

(15) Issue, revoke and modify permits.

(16) Maintenance of systems.

(17) Incidental powers.

- (18) The commission shall in such manner as it sees fit delegate the duties and powers relating to air and water quality and pollution control to the Provincial agency members or associate members presently engaged in the several fields of water or air control of pollution. In cases of differences of opinion between such Provincial agencies as to their respective field of operation, the Commission shall delegate said responsibility to the proper agency, and the Commission's action shall be final.
- (19) Nothing contained in this Act shall be deemed to grant to the Commission any jurisdiction or authority to make any rule or regulation, recommendation or determination or to enter any order with respect to air conditions existing solely within the buildings, or shops or to affect the relations between employers and employees with respect to or arising out of any air condition.

#### **Protection of Confidential Information**

8. Any information relating to confidential processes, devices, or methods, or manufacture, or production obtained by the Commission or its employees in the administration of this Act shall be kept confidential. Anyone violating this section shall be liable to civil action for damages arising therefrom and shall also be guilty and punishable as provided by Alberta law.

#### **Prohibitions; Permits Required**

9. (1) Air—It shall be unlawful for any person to build, erect, alter, replace, use or operate any equipment which will cause the issuance of air contaminants unless he holds a permit from the Commission, except repairs or maintenance of equipment for which a permit has been previously issued. The Commission may revoke or modify any permit issued hereunder or deny any permit when it is necessary in the opinion of the Commission to prevent, control or abate air pollution. A permit shall be issued for the operation or use of any equipment or any facility in existence upon the effective date of any rule or regulation requiring a permit if proper application is made therefor, and no such permit shall be modified or revoked without prior notice and hearing as herein provided. Any person who is denied a permit by the Commission or who has such permit revoked or modified shall be afforded an opportunity for a hearing in connection therewith upon written application made within thirty

(18) Delegation of duties to agencies.

(19) Scope of jurisdiction of Act.

**3.** Confidential information.

(30) days after service of notice of such denial, revocation or modification. The operation of any existing equipment or facility for which a proper permit application has been made shall not be interrupted pending final action thereon.

The Commission under such rules and regulations as it may prescribe, may require the submission of such plans, specifications, and other information as it deems necessary to carry out the provisions of this Act or to carry out the rules and regulations adopted pursuant to the provisions of this Act. The Commission shall act on applications within ninety (90) days of their receipt in the Commission's principal office.

- (2) Water—It shall be unlawful for any person to cause pollution of any waters of the Province or to place or cause to be placed any wastes in a location where they are likely to cause pollution of any waters of the Province; and to discharge any wastes into any waters of the Province which reduce the quality of such waters below the water quality standards established therefor by the Commission. Any such action is hereby declared to be a public nuisance and in direct contradiction of the best interests of the Province.

It shall be unlawful for any person to carry on any of the following activities unless he holds a current permit therefor from the Commission as may be required for the disposal of all wastes which are or may be discharged thereby into the waters of the Province.

- (a) the construction, installation, modification or operation of any disposal system or part thereof or any extension or addition thereto;
- (b) the increase in volume or strength of any wastes in excess of the permissive discharges specified under any existing permit;
- (c) the construction, installation, or operation of any industrial, commercial, or other establishment including irrigation projects or any extension or modification or addition thereto, the operation of which would cause an increase in the discharge of wastes into the waters of the Province or would otherwise alter the physical, chemical or biological properties of any waters of the Province in any manner not already lawfully authorized;
- (d) the construction or use of any new outlet for the discharge of any wastes into the waters of the Province. As stated in 7 (9) of this Act all persons engaged in Commercial, or In-



(2) Unlawful to pollute waters of Province.

(a) Need for permits for construction of sewage installations.

(b) Increase in volume of wastes.

(c) Alteration of physical, chemical or biological properties of Provincial waters.

(d) Persons denied permits.

dustrial or Municipal enterprises involving either air or water pollution or both shall be required to register the degree and amount of pollution released between the months of March 15 and May 15 annually and thereby shall make application and obtain permits and such permits shall be issued after the Commission has reviewed the application for compliance with this Act. Any person who is denied a permit by the Commission or who has such permit revoked or modified shall be afforded an opportunity for a hearing in connection therewith upon written application made within thirty (30) days after service of notice of such denial, revocation or modification. The operation of any existing equipment or facility for which a proper permit application has been made shall not be interrupted pending final action thereon.

- (e) The Commission under such rules and regulations as it may prescribe, may require the submission of plans, specifications, and other information as it deems necessary to carry out the provisions of this Act. The Commission shall act on applications within ninety (90) days of their receipt in the Commission's principal offices.

#### **Setting, Amending, Repealing and Adopting Standards of Water Quality**

- 10. (1) In order to carry out the purposes of this Act the Commission shall classify all waters in the Province according to use and then set standards of water quality for each body of water in the Province. Such use classifications and subsequent standards of quality for each or any body of water within the Province may be amended from time to time as determined to be necessary by the Commission.
- (2) Prior to establishing, amending, or repealing the use classifications and standards of water quality the Commission shall, after due notice, conduct public hearings thereon. Notice of public hearing shall specify the waters for which use classification and new standards are sought to be adopted, amended or repealed and the time, date and place of such hearing. Such notice shall be given by publication once a week for three (3) successive weeks in *The Alberta Gazette* and in a newspaper or newspapers published or having a general circulation in each county or municipality in which the waters to be affected may be situated, and by mail-

(e) Submission of plans and specifications to Commission.

**10.** Setting, amending, repealing and adopting standards of water quality.

(1) Reclassification of waters.

(2) Publishing of notices of hearings.

ing notice to all county and municipal officials in the counties and municipalities affected, as well as to all persons and agencies who have had their names placed on the mailing list of the Commission.

- (3) When use classification and standards of water quality have been adopted as provided herein, the Commission shall give notice thereof in the same manner as provided in subsection (2) of this section, and may further give notice thereof by registered mail to all persons holding permits who may be affected thereby. Upon the adoption of such standards of water quality, all persons affected thereby shall thereupon comply therewith. Provided however, that where necessary and proper, the Commission may specify a reasonable time for persons discharging wastes into waters of the Province to comply with such standards.

#### **Proceedings Before the Commission**

- 11.** (1) Whenever the Commission has reason to believe that a violation of any provision of the Act or regulation or of any order of the Commission has occurred, it may cause a written complaint to be served upon the alleged violator or violators. The complaint shall specify the provisions of the Act or regulation or order alleged to be violated, the facts alleged to constitute a violation thereof, and shall order that necessary corrective action be taken within a reasonable time to be prescribed in such order. Any such order shall become final unless the person or persons named therein request in writing a hearing before the Commission no later than thirty (30) days after the date such order is served. In lieu of such order, the Commission may require that the alleged violator appear before the Commission at a time and place specified in the notice and answer the charges complained of. The notice shall be delivered to the alleged violator or violators in accordance with the provisions of subsection (4) of this section not less than thirty (30) days before the time set for the hearing.
- (2) The Commission shall afford an opportunity for a fair hearing in accordance with the provisions of this Act to the alleged violator or violators at the time and place specified in the notice or any modification thereof. On the basis of the evidence produced at the hearing, the Commission shall make findings of fact and conclusions of law and enter such order as in its opinion will best further the purposes of this Act and shall give written notice of

(3) Notice of changes.

**11. Action on violation of Act.**

(2) Opportunity for fair hearing.

such order to the alleged violator and to such other persons as shall have appeared at the hearing or made written request for notice of order.

- (3) Any person who is denied a permit by the Commission or who has such permit revoked or modified shall be afforded an opportunity for a fair hearing as provided in subsection (2) of this section in connection therewith upon written application to the Commission within thirty (30) days after receipt of notice from the Commission of such denial, revocation or modification. On the basis of such hearing the Commission shall affirm, modify or revoke its previous determination.
- (4) Except as otherwise expressly provided, any notice, or other instrument issued by or under authority of the Commission may be served on any person affected thereby personally or by publication, and proof of such service may be made in like manner as in case of service of a summons in a civil action, such proof to be filed in the office of the Commission; or such service may be made by mailing a copy of the notice, order, or other instrument by registered mail, directed to the person affected at his last known post-office address as shown by the files or records of the Commission, and proof thereof may be made by the affidavit of the person who did the mailing, filed in the office of the Commission.

#### **Commission Hearings**

**12.** The hearings herein provided may be conducted by the Commission itself at a regular or special meeting of the Commission, or by any member of the Commission acting in its behalf, or the Commission may designate hearing officers who shall have the power and authority to conduct such hearings in the name of the Commission at any time and place. A verbatim record of the proceedings of such hearings shall be taken and filed with the Commission, together with findings of fact and conclusions of law made by the Commission. Witnesses who are subpoenaed shall receive the same fees and mileage as in civil actions. In case of contumacy or refusal to obey a notice of hearing or subpoena issued under this section, the court shall have jurisdiction upon application of the Commission or its representative, to issue an order requiring such person to appear and testify or produce evidence as the case may require and any failure to obey such order of the court may be punished by such court as contempt thereof.

(3) Appeal against denial of permit.

(4) Serving of notice.

## **12. Hearings.**

**Commission Inspections and Investigations; Maintenance  
of Records**

- 13.** (1) The Commission or its duly authorized representative shall have the power to enter at reasonable times upon any private or public property, and the owner, managing agent or occupant of any such property shall permit such entry for the purpose of inspecting and investigating conditions relating to pollution or the possible pollution of any air or waters of the Province, and to have access to such records as the Commission may require under subsection (2) of this section.
- (2) The Commission may require the maintenance of records relating to the operation of disposal systems, and any authorized representative of the Commission may examine and copy such records or memoranda pertaining to the operation of disposal systems. Copies of such records shall be submitted to the Commission upon request.

the Commission shall file a written complaint to such effect with the governing authorities of the municipality with a copy of such complaint forwarded to the Provincial Board of Health.

If the Municipality or County does not correct the malfunction of its lagoon or treatment plant and so advise the Commission within forty-five (45) days that such malfunction is corrected, the commission shall immediately re-inspect the facility and take such action as provided by law to correct the conditions causing pollution.

**14.** Emergency rules, regulations and orders—in the event an emergency is found to exist by the Commission which, in its judgment, requires the making, changing, renewal or extension of a rule, regulation or order without first having a hearing, such emergency rule, regulation or order shall have the same validity as if a hearing with respect to the same had been held after due notice. The emergency rule, regulation, or order permitted by this section shall remain in force no longer than forty-five (45) days from its effective date and in any event it shall expire when the rule, regulation or order, made after due notice and hearing with respect to the subject matter of such emergency rule, regulation or order becomes effective.

**15.** Record of rules, regulations and orders—all rules, regulations and orders made by the Commission shall be in writing and shall be filed in full by the Secretary of the Commission in a book, for such purposes, to be kept by the Commission which shall be a public record and open to inspection at all times during all reasonable hours. A copy



**13. Right of entry.**

(2) Maintenance of records.

(3) Inspection fee.

**14. Emergency rules, regulations and orders.**

**15. Record of rules and regulations.**

of any rule, regulation or order certified by the Executive Secretary or Chairman of the Commission shall be received in evidence in all courts of the Province with the same effect as the original.

**16.** Request for hearing; any interested person shall have the right to request the Commission to call a hearing for the purpose of taking action in respect of any matter within the jurisdiction of the Commission by making a request therefor in writing. Upon receipt of any such request, the Commission shall conduct such investigations as it deems necessary and may call a special hearing as provided in other sections of this Act, or may schedule such matter for its next regular meeting and after such hearings and with all convenient speed and in any event within thirty (30) days at the conclusion of such hearing shall take such action on the subject matter thereof as it may deem appropriate.

**17.** Transcript of hearings; all hearings before the Commission shall be recorded either by a court reporter or by tape or mechanical recorders and subject to transcription upon order of the Commission or any interested party, but in the event that the request for transcription originates with an interested party, such party shall pay the cost thereof.

#### **Penalties**

**18. (1)** Any person found guilty of violating any of the provisions of this Act, or any written order of the Commission in pursuance thereof, and upon conviction thereof, shall be punished by a fine of not less than two hundred dollars (\$200) and not more than five thousand dollars (\$5,000.00) and the cost of prosecution, or by imprisonment in the Province jail not to exceed one (1) year, or both such fine and imprisonment in the discretion of the court, and, in addition thereto, may be enjoined from continuing such violation by proper proceedings brought in the Provincial courts. Each day upon which a violation of the provisions of this Act occurs shall be deemed a separate and additional violation for the purpose of this Act.

(2) Notwithstanding subsection (1) of this section a fine of one hundred dollars (\$100) shall be levied against any person failing to have and maintain an automobile exhaust device approved by the Commission and required as stated in such regulations as may be brought forth by the Commission.

(3) Any person who violates any of the provisions of, or fails to perform any duty imposed by this Act or any rule

**16.** Request for hearing.

**17.** Recording of hearings.

**18.** Penalties for pollution.

(2) Penalty for lack of auto exhaust device.

(3) additional penalties.

or regulation issued hereunder or who violates any order of determination of the Commission promulgated pursuant to this Act, and causes the death of fish or other wildlife shall be liable, in addition to the penalties provided in subsection (1) hereof, to pay to the Province an additional amount equal to the sum of money reasonably necessary to restock such waters or replenish such wildlife as determined by the Commission after consultation with the Province Fish and Wildlife Division of the Department of Lands and Forests and the Alberta Fish and Game Association. Such amount may be recovered by the Commission on behalf of the Province in civil action brought about in the Provincial courts.

#### **Appeals to Provincial Courts**

**19.** In addition to any other remedies that might now be available, any person or interested party aggrieved by any order of the Commission shall have a right to file a sworn petition with the Commission setting forth grounds and reasons for his complaint and asking for a hearing of the matter involved. The Commission shall thereupon fix the time and place of such hearing and shall notify the petitioners thereof. In such pending matters, the Commission and its members shall have the same full powers as to subpoenaing witnesses, administering oaths, examining witnesses under oath, and conducting the hearing, as is now vested by law to the Provincial Courts, with the additional power that the Executive Secretary may issue all subpoenas, both at the instance of the petitioner, and of the Commission. At such hearings the petitioner, and any other interested party may offer, present witnesses and submit evidence.

Following such hearing the final order of determination of the Commission upon such matters shall be conclusive, unless the petitioner, or such other interested party appearing at the hearing, shall, within fifteen (15) days after the adjournment of the meetings at which said final order was made, appeal to the Supreme Court of the Province. The Supreme Court of the Province shall review all questions of law and of fact.

#### **Commission Minutes and Public Records**

**20.** The Executive Secretary of the Commission shall keep the minutes of the Commission, including all orders, rules and regulations promulgated in a record book, or books, especially prepared for that purpose, which records containing such orders, rules and regulations shall be a public record and shall be open to the public for inspection during all reasonable public hours; and a certified copy of any rules, regulations or orders shall be received in evidence in all courts of the Province, with the same effect as the original.

**19.** Appeals to the courts.

**20.** Minutes and public records.

#### **Publication of Commission Rules, Regulations and Orders**

**21.** Rules, regulations and orders of the Commission shall be published in the following manner; those having general application through the Province shall be published once in *The Alberta Gazette* and once in such newspapers having general circulation throughout the Province; those of special character having local application only shall be published once in *The Alberta Gazette* and once in such local newspapers where such rules, regulations and orders are applicable; but if no such newspaper is so published or circulated, a copy of such rules, regulations and orders shall be posted in three (3) conspicuous places in which they are applicable, and such posting and listing in *The Alberta Gazette* shall be all that is required under this Act whether such notice remain so posted or not.

#### **Oath and Bond of the Executive Secretary**

**22.** Before entering upon the duties of his office, the Executive Secretary of the Commission shall take and subscribe to oath of office and shall, in addition thereto, swear or affirm that he holds no other position or office in any political subdivision of the Province, or any position under any political committee or party. Such oath or affirmation, shall be filed with the Provincial Secretary, and he shall execute and file with the Provincial Treasurer a bond in the sum of ten thousand dollars (\$10,000) conditioned on the faithful performance of his duties and that he will account for and pay over pursuant to the law, all monies received by him in the enforcement of this Act. He shall be reimbursed for the premium on his bond from the general funds of the Commission.

#### **Commission Seal**

**23.** The Commission shall have a seal for the authentication of its orders and proceedings, upon which shall be inscribed the words "Alberta Air and Water Pollution Control Commission", and which shall be judicially noticed.

#### **Annual Report**

**24.** The Commission shall be required to file annually during the sitting of the Alberta Legislature an annual report summarizing the affairs and business of the Commission that transpired during the preceding calendar year within 15 days after the commencement of the Legislature.

#### **Severability**

**25.** If any section, subsection, sentence, clause, phrase or word or words of this Act is for any reason held to be unconstitutional, such judgment shall not affect the validity of any remaining portion of the Act.

**26.** This Act comes into force on the day upon which it is assented to.

**21.** Publication of Commission rules, regulations and orders.

**22.** Oath and bond of Executive Secretary.

**23.** Commission seal.

**24.** Annual report.

**25.** Severability.

**26.** Effective date.