

1971 Bill 125

Fourth Session, 16th Legislature, 20 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 125

**An Act respecting the Department of Environmental
Control**

MR. YURKO

First Reading

Second Reading

Third Reading

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1971

AN ACT RESPECTING THE DEPARTMENT OF ENVIRONMENTAL CONTROL

(Assented to _____, 1971)

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

1. This Act may be cited as the Department of Environmental Control Act.

2. Functioning of the Department is dependent upon monetary appropriations by the Provincial Legislature and the entire existence and functioning of the Department is dependent upon passing of this Act by the Legislature of Alberta and the subsequent appropriation of such funds as are necessary to conduct the business of the Department.

3. In this Act,

- (a) "Department" means the Department of Environmental Control.
- (b) "Minister" means the Minister of the Department of Environmental Control.
- (c) "Environment" includes,
 - (i) the air, gases, vapours and all combinations of such, above the land and water bodies bounded by the boundaries of the Province of Alberta and all manmade or natural influences or intrusions thereon;
 - (ii) All the water bodies, above ground or underground, within the boundaries of the Province of Alberta and all manmade or natural structures, intrusions, influences, that may accordingly affect such bodies.
 - (iii) All land, both surface and extended to depths which can be influenced by man, and such combinations of land and minerals, or land in in any natural combination with liquids, gases or minerals and the intrusion or influence of manmade or natural structures thereupon or therein.

Explanatory Notes

- 1.** Short title.
- 2.** Appropriation of funds.
- 3.** Interpretation.

4. There shall be a Department of the Public Service of the Province, which shall be called the Department of Environmental Control, and over which shall preside the member of the Executive Council appointed by the Lieutenant Governor in Council under the seal of the Province to act as Minister of Environmental Control.

5. Subject to the Public Service Act, the Lieutenant Governor in Council may appoint a Deputy Minister of Environmental Control and such professional trained personnel, officers, clerks and servants as are required to carry on the business of the Department, and may prescribe their duties and provide for their remuneration.

6. Subject to The Public Service Act and The Regulations Act, the Department shall

- (a) administer such Acts and perform such functions as may be assigned to the Department by Act of the Legislature or by order of the Lieutenant Governor in Council;
- (b) the following Acts shall be administered by the Department of Environmental Control:
 - (i) The Environment Conservation Act;
 - (ii) The Air, Water, and Soil Pollution Control Act;
 - (iii) The Land Surface Use and Reclamation Act;
 - (iv) The Agricultural and Forestry Chemicals Use and Handling Control Act;
 - (v) The Provincial Litter and Disposal Container Act;
 - (vi) The Irrigation Districts and Projects Act;
 - (vii) The Water Resources Conservation and Management Act;
 - (viii) The Waterworks and Sewage Disposal Act;
 - (ix) The Environmental Research Trust Act.
- (c) Under the direct supervision of the Deputy Minister and as directed by the Minister of the Department of Environmental Control,
 - (i) establish and supervise the functions of a sub-department (division) specializing in detailed economic analysis and evaluation, and cost-benefit analysis with respect to proposed major alterations of the environment involving the conservation and utilization of the natural resources of this Province. The division will also investigate such matters as pollution taxes or levies, water use fees, insurance against major pollution catastrophies and methods of financing major anti-pollution projects, and make recommendations to the Minister;

4. Organization and administration of Department.

5. Deputy Minister and Department personnel.

6. Duties of Department.

- (ii) establish and supervise the functions of a sub-department engaged in public relations, with respect to pollution regulation and control and environmental management, between government departments, between governments, between government and the public, and between governments and industry;
 - (iii) establish and supervise the functions of a sub-department which will have the responsibility of preparing for, and handling major pollution catastrophies within the Province; establishment of inter-governmental task forces for cleaning up major pollution spills or potentially destructive environmental phenomenon;
 - (iv) establish a comprehensive pollution data bank for Alberta, and the necessary personnel force to disseminate information and maintain liaison and information transfer with other jurisdictions;
 - (v) establish a policy and legislation review committee of competent personnel, which may include elected representatives, to monitor the performance of each Board, Authority and Commission and the current relevance of each Act under the administration of the Minister of Environmental Control and to make appropriate recommendations to the Minister and expedite such changes to legislation as may be directed by the Minister.
7. (a) The Minister, with the approval of the Lieutenant Governor in Council, may establish and collect water use fees from all persons using the public waters of the Province, both surface and underground, for such uses as the waters have been specified or classified for in other Government Acts.
- (b) The Minister, with the approval of the Lieutenant Governor in Council, may establish and collect pollution charges for either air, water, or soil pollution, where such pollution is maintained below established and approved standards. When pollution exceeds established standards effective penalties and fees shall appropriately be levelled. Subject to approval by the Lieutenant Governor in Council, the Minister shall have the power to shut a plant or plants down where such plants are flagrantly violating established standards and endangering the health and welfare of the public.
- (c) The Minister, with the approval of the Lieutenant Governor in Council, may establish and collect technical fees for technical services offered by the De-

- 7. (a) Water use fees.**
- (b) Pollution charges.**
- (c) Fees for technical services.**

partment to industry, municipalities, and persons desirous of such services. Such services to include pollution monitoring services, analytical services, engineering services, management services and any other technical services within the capability of the Department.

8. (1) The Minister, with the approval of the Lieutenant Governor in Council, may enter into and carry out an agreement with a city, town, village, county, municipality, public or private corporation, or any other provincial government or the federal government or the recognized agency or agencies of such governments, with respect to designing or causing to be designed, construction or causing to be constructed, operation or causing to be operated, establishing or causing to be established, any structure, agency, organization, or physical entity for the control and regulation of air, water and/or soil pollution or management which is deemed to be necessary or desirable.

(2) Any agreement entered into under subsection (1) shall fix, where a physical structure is involved,

- (a) the total cost of construction;
- (b) the period of construction;
- (c) the contributing annual and total costs to the Province for operation, supervision, management, engineering, design, advertising, and liaison with or for the said project;
- (d) the proportion of capital costs provided by the Province;
- (e) the proportion of operating, supervision or management costs provided by the Province;
- (f) the terms of payment to be made by the Province;
- (g) the termination date of the agreement.

9. (1) Officers of cities, towns, villages, municipal districts, counties, public institutions, incorporated companies, public officers of the Province or any of its agencies, medical practitioners, and any recognized organization or persons resident in the Province who is in possession of knowledge or data on matters relating to Environmental Control;

- (a) shall promptly answer all communications from the Department;
- (b) shall from time to time collect and tabulate information according to instructions received from the Department, and
- (c) shall make diligent efforts to supply correct information on all questions submitted to them.

8. Department agreements.

9. (1) Information required by Department.

(2) Charges for information.

(3) Penalties for failure to supply information.

(2) Where undue efforts have been necessary to compile requested information or carry out Department instructions, the party upon whom such efforts have been imposed shall be at liberty to submit a bill for compensation for such services. The Department shall duly consider the nature of all requests for payment for such services but shall not in any way be obligated to pay same.

(3) Any party who fails to comply with a written request as per subsection (1) is guilty of an offence and liable on summary conviction to a fine of \$500.

10. Legal proceedings, on behalf of the Department, regarding contract enforcement, recovery of damages for a tort or breach of contract, pollution violations, or such other legal action as may be necessary, shall be instituted in the name of the Province by the Attorney General.

11. (a) The Minister shall make and submit to the Lieutenant Governor in Council an annual report on all its undertakings and duties under the control of the Department, which also shall include directly or under separate cover the report of each Board, Commission, Authority, or Agency so required by the Act giving birth to such entity.

(b) The report or reports shall

(i) be laid before the Legislative Assembly within fifteen days after the commencement of the session next following the end of the year for which the report is made, and

(ii) contain such information and data as is necessary for the Legislative Assembly to appraise and judge the workings of the Department.

(c) The Department from time to time shall issue such other reports, circulars and publications as the Minister of Environmental Control deems advisable.

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

10. Legal action and suits.

11. Reports