

1992 BILL 235

Fourth Session, 22nd Legislature, 41 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 235

NON-DEGRADATION OF WATER QUALITY ACT

MR. BRUSEKER

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 235
Mr. Bruseker

BILL 235

1992

NON-DEGRADATION OF WATER QUALITY ACT

(Assented to , 1992)

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

Definitions

1 In this Act,

(a) "Board" means the Natural Resources Conservation Board;

(b) "Director of Standards and Approvals" means the Director of Standards and Approvals of the Department;

(c) Except as is provided in Section 6, "Degradation" means that as a result of the activities of man

(i) the level of coliform bacterial, dissolved oxygen, toxic and deleterious substances in surface water, where quality is higher than the established water quality standards, has become worse,

(ii) the applicable water quality standard for hydrogen ion concentration (pH), turbidity, temperature, colour, suspended solids or oils has been violated in surface water where quality is higher than the established water quality standards,

(iii) the concentration in groundwater, outside of

applicable mixing zones, of a pollutant for which maximum contaminant levels have been established, has become worse,

(iv) the concentration in groundwater of other pollutants, outside of applicable mixing zones, has become worse and will adversely affect existing beneficial uses reasonably expected to occur in the future;

(d) "Department" means the Department of the Environment;

(e) "Ecological reserve" has the meaning given to it in the *Wilderness Areas, Ecological Reserves and Natural Areas Act*;

(f) "Groundwater" means water which may be obtained from a geologic formation, group of formations or part of a formation which lies below the surface of the land;

(g) "Minister" shall mean the Minister of the Environment;

(h) "Natural area" has the meaning given to it in the *Wilderness Areas, Ecological Reserves and Natural Areas Act*;

(i) "New point source" means a point source for which no previous permit has issued;

(k) "Enlarged point source" means a point source in respect of which a permit has been issued and in relation to which construction or major modification has commenced or from which discharges have increased since the issuance of a permit but does not mean a point source from which discharges have increased if the increase does not exceed the limits prescribed in the regulations or an existing permit for that source which was issued prior to modification commencing;

(l) "Park" has the meaning given to it in the *Provincial Parks Act*;

(m) "Permit" means a permit issued by the Director of Standards and Approvals under *The Clean Water Act*;

(n) "Receiving Waters" means ground water or surface water into which any substance is discharged either directly or indirectly as a result of commercial, industrial, public or private activity;

(o) "Surface Water" means

(i) the bed and shore of a river, stream, lake, creek, lagoon, swamp, marsh or other natural body of water, or

(ii) a canal, ditch, reservoir or other man-made surface feature, which contains or conveys water continuously or intermittently but does not mean bodies of water used solely for treating, transporting, or impounding pollutants.

Degradation
Prohibited

2 Degradation of water in parks, wilderness areas, natural areas and ecological reserves is prohibited.

Prohibition

3 No person shall engage in any industrial, commercial, public or private project, development or activity that has the effect of degrading ground water or surface water in the Province without prior authority in the form of a permit issued by the Director of Standards and Approvals.

Permit

4(1) The Director of Standards and Approvals shall make a permit issued to a new or enlarged point subject to conditions as may be necessary to ensure that the quality of receiving waters which are of higher quality than established water quality standards will not be degraded by the discharge for which the permit is issued.

(2) A permit issued for a new or enlarged point source may be made subject to conditions ensuring the nondegradation of water quality including, but not limited to

(a) provision by the permit holder of waste treatment sufficient to maintain existing water quality,

(b) monitoring of the water quality both upstream and downstream or upgradient and downgradient of the point of discharge with sufficient frequency to determine whether and how the quality of receiving waters is being affected by the discharge,

(c) provisions for varying discharge levels, including periods of zero discharge, dependent upon natural variations and fluctuations in the quality of the receiving water including seasonal variations.

(3) The terms and conditions to which a permit may be subject

may be imposed for as period of time less than the time for which the permit itself is valid.

Annual Permit

5 If it appears to the Director of Standards and Approvals that the terms and conditions of any existing permit are inadequate for purposes of preventing the degradation of surface water or ground water in the Province, the Director of Standards and Approvals may amend the permit or vary, amend, delete add to or otherwise alter the terms and conditions of the permit in accordance with the provisions of the *Clean Water Act*.

Exception from Definition

6 For purposes of this Act,

(a) changes in surface water quality or groundwater quality whether or not applicable groundwater quality standards for dissolved substances are violated, resulting from nonpoint source pollutants from lands where all reasonable land, soil and water management or conservation practices have been applied,

(b) temporary changes in surface water quality resulting from short-term construction or rehabilitation activities performed in accordance with permits to construct, and

(c) changes in surface water quality which occur in a mixing zone

are not considered degradation.

Petition

7 (1) The holder of a permit which requires that the permit holder maintain the quality of receiving waters at levels higher than the water quality standards established in the regulations may petition the Director of Standards and Approvals for an amendment to that permit.

(2) The Director of Standards and Approvals may place the Petition before the Board and the Board shall conduct a review.

(3) Approval by the Board shall in no circumstances be construed as allowing degradation which may cause risk of harm, detriment or injury to public health, recreation, safety, welfare or to livestock, wild flora and fauna or any other beneficial use to which the receiving waters may be put at the time of the review.

Regulations

- 8** The Lieutenant Governor in Council may make regulations
- (a) prescribing terms and conditions to be attached a permit;
 - (b) prescribing baseline standards for water quality throughout the Province;
 - (c) prescribing regulations in relation to water management and irrigation practices;
 - (d) in relation to any other matter necessary to give effect to this Act.