

1994 BILL 30

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Second Session, 23rd Legislature, 43 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 30

ENVIRONMENTAL PROTECTION AND ENHANCEMENT  
AMENDMENT ACT, 1994

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THE MINISTER OF ENVIRONMENTAL PROTECTION

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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## BILL 30

1994

### ENVIRONMENTAL PROTECTION AND ENHANCEMENT AMENDMENT ACT, 1994

(Assented to \_\_\_\_\_, 1994)

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

SA 1992  
cE-13.3

*1 The Environmental Protection and Enhancement Act is amended  
by this Act.*

*2 Section 1 is amended*

- (a) in clause (a) by adding "of Activities" after "Schedule";*
- (b) in clause (i) by striking out "and includes the renewal of such a certificate" and substituting "including the renewal of such a certificate, and a certificate or other qualification from another jurisdiction that is accepted under the regulations as a certificate of qualification for the purposes of this Act";*
- (c) in clause (o) by striking out "Department of the Environment" and substituting "Department of Environmental Protection";*
- (d) by repealing clause (aa) and substituting the following:*
  - (aa) "hazardous substance" means a substance or mixture of substances, other than a pesticide, that exhibits characteristics of flammability, corrosivity, reactivity or toxicity, including, without limitation, any substance that is designated as a hazardous substance within the meaning of the regulations;*
- (e) in clause (cc) by striking out "900" and substituting "920";*

## Explanatory Notes

1 Amends chapter E-13.3 of the Statutes of Alberta, 1992.

2 Section 1 presently reads in part:

*1 In this Act,*

*(a) "activity" means an activity or part of an activity listed in the Schedule;*

*(i) "certificate of qualification" means a certificate of qualification issued under section 78, and includes the renewal of such a certificate;*

*(o) "Department" means the Department of the Environment;*

*(aa) "hazardous substance" means*

*(i) a substance or mixture of substances, other than a pesticide, that exhibits characteristics of flammability, corrosivity, reactivity or toxicity, and*

*(ii) any substance that is designated as a hazardous substance within the meaning of the regulations;*

*(cc) "heavy oil" means a naturally occurring viscous mixture, other than crude bitumen, that consists mainly of hydrocarbons heavier than pentane, that may contain sulphur compounds and that in its naturally occurring*

*(f) in clause (mm) by striking out “the Environment” and substituting “Environmental Protection”;*

*(g) by adding the following after clause (oo):*

*(oo.1) “oil production site” means oil production site within the meaning of the regulations;*

*(h) in clause (ss)(ii) by adding “, without limitation,” after “including”;*

*(i) in clause (bbb) by adding “or subsurface” after “surface”;*

*(j) in clause (qqq) by adding “, on” after “in”;*

*(k) in clause (uuu) by striking out “the service connection for a property” and substituting “a service connection”;*

*(l) by repealing clause (xxx) and substituting the following:*

*(xxx) “waterworks system” means any system providing potable water to a municipality, municipal development, industrial development, privately owned development, private utility or watering point, and includes any or all of the following components:*

*(i) water wells connected to water supply lines, surface water intakes or infiltration galleries that constitute the water supply;*

*(ii) water supply lines;*

*(iii) on-stream and off-stream water storage facilities;*

*(iv) water pumphouses;*

*(v) water treatment plants;*

*(vi) potable water transmission mains;*

*(vii) potable water storage facilities;*

*(viii) potable water pumping facilities;*

*(ix) water distribution systems;*

*state has a density of more than 900 kilograms per cubic metre;*

*(mm) "Minister" means the Minister of the Environment;*

*(ss) "person responsible", when used with reference to a substance or a thing containing a substance, means*

*(ii) every person who has or has had charge, management or control of the substance or thing, including the manufacture, treatment, sale, handling, use, storage, disposal, transportation, display or method of application of the substance or thing.*

*(bbb) "quarry" means any opening in, excavation in or working of the surface for the purpose of working, recovering, opening up or proving any mineral other than coal, a coal bearing substance, oil sands or an oil sands bearing substance, and includes any associated infrastructure;*

*(qqq) "vehicle" means a device in or by which a person or thing may be transported or drawn on a highway;*

*(uuu) "water distribution system" means a system of pipes, valves, fittings and appurtenances, including associated pressure reducing stations, that is used to convey potable water in a waterworks system to the service connection for a property;*

*(xxx) "waterworks system" means any system providing potable water to a municipality, municipal development, industrial development, privately owned development or private utility, and includes*

*(i) water wells, surface water intakes or infiltration galleries that constitute the water supply,*

*(ii) water supply lines,*

*(iii) on-stream and off-stream water storage facilities,*

*(iv) water pumphouses,*

*(v) water treatment plants,*

*(vi) potable water transmission mains,*

*(vii) potable water storage facilities,*

*(viii) potable water pumping facilities, and*

*(ix) water distribution systems;*

3 Section 2(h) is amended by striking out “other provinces and the Government of Canada” and substituting “governments of other jurisdictions”.

4 Section 4(1)(b) is amended by adding “, without limitation,” after “including”.

5 Section 7(1) is amended

(a) in clause (a)

(i) in subclause (i) by adding “, Food and Rural Development” after “Agriculture”;

(ii) in subclause (ii) by striking out “Trade” and substituting “Tourism”;

(iii) in subclause (iv) by striking out “Environment” and substituting “Environmental Protection”;

(iv) by repealing subclauses (vi) and (x);

(b) in clause (f) by striking out “government” and substituting “Government”.

6 Section 12 is amended

(a) in clause (b) by striking out “Government of Canada and agencies of that Government, the governments of other provinces” and substituting “governments of other jurisdictions”;

(b) in clause (h) by adding “and Government agencies” after “Government”.

**3** Section 2(h) presently reads:

*(h) the responsibility to work co-operatively with other provinces and the Government of Canada to prevent and minimize transboundary environmental impacts;*

**4** Section 4(1) presently reads:

*4(1) The Minister may*

*(a) establish advisory committees and retain experts to report to the Minister with respect to*

*(i) the content and administration of this Act, and*

*(ii) any of the policies, programs, services or other matters under the Minister's administration,*

*and*

*(b) specify the functions that the committees and experts are to perform, including the seeking of input from the public, and the manner in which and time period within which those functions are to be performed.*

**5** Updates department names and corrects error.

**6** Section 12 presently reads in part:

*12 The Minister*

*(b) shall, as the representative of the Government, maintain a continuing liaison with the Government of Canada and agencies of that Government, the governments of other provinces and agencies of those governments, and local*

7 Section 14(4) is amended by adding “, without limitation,” after “including”.

8 Section 17 is amended

(a) in subsection (1)(b) by striking out “or department”;

(b) in subsection (3) by striking out “with” and substituting “of”;

(c) by adding the following after subsection (3):

(4) The Minister may take any steps that are necessary to revoke a delegation under subsection (1) where the Minister considers it appropriate to do so.

9 Section 19(2) is amended by striking out “whom” and substituting “which”.

10 Section 20(a) is amended by striking out “a department or” and substituting “an”.

11 Section 23 is amended



*authorities in Alberta in relation to matters under the administration of the Minister;*

*(h) may, in co-operation with other departments of the Government, develop and implement economic and financial instruments and market-based approaches to achieve environmental protection, to achieve environmental quality goals in a cost effective manner and to provide methods of financing programs for environmental purposes;*

**7** Section 14(4) presently reads:

*(4) The Minister may develop other guidelines and objectives to meet goals or purposes toward which the Government's environmental protection efforts are directed, including procedures, practices and methods for monitoring, analysis and predictive assessment.*

**8** Section 17 presently reads:

*17(1) The Minister may in writing delegate to any employee of*

*(a) the Government or a Government agency,*

*(b) the Government of Canada or an agency or department of that Government, or*

*(c) a local authority*

*any power or duty conferred or imposed on the Minister under this Act.*

*(2) Subsection (1) does not apply to the power or duty to make regulations.*

*(3) Prior to making a delegation under subsection (1) the Minister shall obtain the consent of the appropriate Minister under whose administration the employee is, or with the Government agency, the agency of the Government of Canada or the local authority, as the case may be.*

**9** Corrects a grammatical error.

**10** Section 20(a) presently reads:

*20 The Minister may on behalf of the Government enter into agreements relating to any matter pertaining to the environment with*

*(a) the government of another jurisdiction or a department or agency of such a government,*

**11** Section 23 presently reads:

Designation of  
officials

(a) by repealing subsections (1) to (4) and substituting the following:

**23(1)** The Minister may by order designate employees of the Government as Directors for the purposes of all or a part of this Act.

(2) The Minister may, with respect to any Director, and a Director may, with respect to himself, designate any employee of the Government as an acting Director to act in the Director's place in the event of his absence or inability to act.

(3) The Minister may by order designate as an inspector, investigator or analyst for the purposes of this Act any person who in the opinion of the Minister is qualified to be so designated and who is an agent of, is under contract to or is employed by

(a) the Government,

(b) a Government agency,

(c) a local authority, or

(d) the Government of Canada or an agency of that Government.

(4) The Minister may not designate a person under subsection (3) without the approval of that person's principal or employer, as the case may be.

(b) by repealing subsection (5);

(c) in subsection (6) by striking out "or (5)".

12 Sections 28 and 29 are repealed and the following is substituted:

Environmental  
Protection and  
Enhancement  
Fund

**28(1)** The Environmental Protection and Enhancement Fund is hereby established.

(2) The Environmental Protection and Enhancement Fund shall be used for the purposes of environmental protection and enhancement and emergencies with respect to any matter that is under the administration of the Minister.

(3) The Environmental Protection and Enhancement Fund shall be held and administered by the Provincial Treasurer

*23(1) The Minister may by order designate employees of the Government under the administration of the Minister as Directors for the purposes of all or a part of this Act.*

*(2) A Director may designate any employee of the Government under the administration of the Minister as an acting Director to act in that Director's place in the event of his temporary absence or temporary inability to act.*

*(3) The Minister may by order designate as an inspector, investigator or analyst for the purposes of this Act any person who in the opinion of the Minister is qualified to be so designated and who is employed by*

*(a) a department of the Government or a Government agency,*

*(b) a local authority, or*

*(c) a department or agency of the Government of Canada*

*in the administration of a law respecting the protection of the environment.*

*(4) The Minister may not designate a person under subsection (3) without the approval of that person's employer.*

*(5) Each member of the Conservation and Reclamation Council*

*(a) is an inspector, and*

*(b) may be designated as an investigator by the Minister.*

*(6) A designation under subsection (3) or (5) may direct that the authority of the inspector, investigator or analyst be exercised subject to any terms and conditions that the Minister prescribes in the designation, including limitations on the scope of the designation.*

**12** Sections 28 and 29 presently read:

*28(1) There is hereby established the Environmental Protection and Enhancement Fund to be used for the following purposes:*

*(a) to pay for expenditures incurred in taking emergency measures under section 104, 137 or 145;*

*(b) to pay for the cost of action taken by the Director under section 204, 231 or 232;*

*(c) to pay for the costs of conservation and reclamation under section 127(2)(b);*

in accordance with this Act, and the Provincial Treasurer shall maintain a separate accounting record of the Fund.

(4) The Provincial Treasurer shall, on the requisition of the Minister, make payments out of the Environmental Protection and Enhancement Fund for the purposes of the Fund to the Department, another Government department, a government of another jurisdiction, another regulated fund within the meaning of the *Financial Administration Act*, the revolving fund or any person.

(5) The following shall be paid into the Environmental Protection and Enhancement Fund:

- (a) security transferred under subsection (10);
- (b) money recovered by the Government in respect of the Government's carrying out work or taking emergency measures under this Act or any other enactment under the administration of the Minister;
- (c) money advanced by the Provincial Treasurer from the General Revenue Fund under subsection (8);
- (d) money from a supply vote appropriated for the purposes of the Environmental Protection and Enhancement Fund;
- (e) payments made by any person or the government of another jurisdiction for the purposes of the Environmental Protection and Enhancement Fund;
- (f) with the approval of Treasury Board, fees, levies, revenue, royalties, penalties, charges, dues, rents or other sums received by the Government with respect to any matter under the administration of the Minister;
- (g) gifts, donations, bequests and transfers to the Environmental Protection and Enhancement Fund.

(6) The Provincial Treasurer may be designated as a depositor on behalf of the Environmental Protection and Enhancement Fund in the Consolidated Cash Investment Trust Fund.

(7) Investment income earned on deposits of the Environmental Protection and Enhancement Fund accrues to and forms part of the Environmental Protection and Enhancement Fund.

- (d) *to pay for the cost of machinery, equipment, services, materials and stock that are provided or used for the purposes of the revolving fund.*
- (2) *The Environmental Protection and Enhancement Fund shall be held and administered by the Provincial Treasurer in accordance with this Act, and the Provincial Treasurer shall maintain a separate accounting record of the Fund.*
- (3) *The Provincial Treasurer shall, on the requisition of the Minister, make payments out of the Environmental Protection and Enhancement Fund for the purposes of the Fund.*
- (4) *The following shall be paid into the Environmental Protection and Enhancement Fund:*
- (a) *money transferred from the Environmental Protection Security Fund under subsection (10);*
  - (b) *money recovered by the Government under section 204, 231 or 234;*
  - (c) *money advanced by the Provincial Treasurer from the General Revenue Fund under subsection (7);*
  - (d) *money from a supply vote appropriated for the purposes of the Environmental Protection and Enhancement Fund;*
  - (e) *payments made by the Government of Canada for the purposes of the Environmental Protection and Enhancement Fund;*
  - (f) *gifts, donations, bequests and transfers to the Environmental Protection and Enhancement Fund.*
- (5) *The Provincial Treasurer may be designated as a depositor on behalf of the Environmental Protection and Enhancement Fund in the Consolidated Cash Investment Trust Fund.*
- (6) *Investment income earned on deposits of the Environmental Protection and Enhancement Fund accrues to and forms part of the General Revenue Fund.*
- (7) *The Provincial Treasurer may advance from the General Revenue Fund to the Environmental Protection and Enhancement Fund money required for the purposes of the Environmental Protection and Enhancement Fund, but the amount of the advances outstanding at any time shall not exceed \$25 000 000.*
- (8) *If at any time it appears to the Provincial Treasurer that there is money in the Environmental Protection and Enhancement Fund that is not required for the purposes of the Fund, the Provincial Treasurer may transfer the money to the General Revenue Fund.*
- (9) *Any outstanding advances to the Environmental Protection and Enhancement Fund from the General Revenue Fund are reduced by a transfer of money made under subsection (8).*

**(8)** The Provincial Treasurer may advance from the General Revenue Fund to the Environmental Protection and Enhancement Fund money required for the purposes of the Environmental Protection and Enhancement Fund, but the amount of the advances outstanding at any time shall not exceed \$100 000 000.

**(9)** Interest shall be paid on outstanding advances made under subsection (8) in the amounts, at the times and in the manner specified by the Treasury Board, and such interest forms part of the General Revenue Fund.

**(10)** The Provincial Treasurer shall in the manner and amounts and at the times directed by the Minister transfer to the Environmental Protection and Enhancement Fund

- (a) security from the Environmental Protection Security Fund that is forfeited in accordance with the regulations, and
- (b) security that is forfeited under any other enactment under the administration of the Minister and is specified in the regulations.

**(11)** If at any time it appears to the Provincial Treasurer that there is money in the Environmental Protection and Enhancement Fund that is not required for the purposes of the Fund, the Provincial Treasurer, with the approval of the Treasury Board, may transfer the money to the General Revenue Fund.

**(12)** Any outstanding advances to the Environmental Protection and Enhancement Fund from the General Revenue Fund are reduced by a transfer of money made under subsection (11).

Revolving fund

**29(1)** The Minister shall establish and administer a revolving fund for the Department for the purpose of delivering services and programs under the administration of the Minister.

**(2)** The Provincial Treasurer, on the requisition of the Minister, shall advance from the General Revenue Fund to the revolving fund money required to pay for the cost of land, machinery, equipment, services, supplies, materials or stock that is provided or used for the purposes of the revolving fund.

**(3)** Where a payment is made from the revolving fund to pay for the cost of land, machinery, equipment, services, supplies, materials or stock required for the purposes of the

*(10) The Provincial Treasurer shall in the manner and amounts and at the times directed by the Minister transfer from the Environmental Protection Security Fund to the Environmental Protection and Enhancement Fund security that is forfeited in accordance with the regulations.*

*29(1) The Minister shall establish and administer a revolving fund for the Department for the purpose of performing services and programs related to environmental protection and enhancement and for purposes related to water resources management.*

*(2) The Provincial Treasurer, on the requisition of the Minister, shall advance from the General Revenue Fund to the revolving fund money required to pay for the cost of machinery, equipment, services, materials or stock that is provided or used for the purposes of the revolving fund.*

*(3) The revolving fund shall charge the Environmental Protection and Enhancement Fund for the cost of machinery, equipment, services, materials or stock that are provided or used for the purposes of the Environmental Protection and Enhancement Fund.*

*(4) The net amount of the advances under subsection (2) shall not at any time exceed \$25 000 000.*

revolving fund, the Minister may charge the Department, another Government department, a government of another jurisdiction, a regulated fund within the meaning of the *Financial Administration Act* or any person in respect of the use of the land, machinery, equipment, services, supplies, materials or stock.

(4) Amounts received or credited as charges under subsection (3) shall be credited in reduction of advances made under subsection (2).

(5) The net amount of advances under subsection (2) may not at any time exceed \$25 000 000.

*13 Section 30(3) is amended by striking out “money” and substituting “security” and by striking out “as security”.*

*14 Section 31 is amended by striking out “money paid into” and substituting “security in”.*

*15 Section 33 is amended*

*(a) in subsection (1)(a) by adding the following after subclause (v):*

*(vi) statements of concern;*

*(vii) notices of objection;*

*(b) in subsection (1)(b) by repealing subclauses (v) and (vi).*



**13** Section 30(3) presently reads:

*(3) All money required to be deposited with the Government as security in respect of an approval, a certificate of qualification or a certificate of variance or under section 89, 120, 167 or 180 shall be paid into the Environmental Protection Security Fund.*

**14** Section 31 presently reads:

*31 The Minister may in accordance with this Act direct the Provincial Treasurer with respect to the return, forfeiture, retention, transfer or expenditure of money paid into the Environmental Protection Security Fund.*

**15** Section 33(1) presently reads:

*33(1) Subject to this section,*

*(a) the following documents and information in the possession of the Department that are provided to the Department in the administration of this Act shall be disclosed to the public in the form and manner provided for in the regulations:*

*(i) information in respect of a proposed activity that is provided to the Department for the purposes of Part 2, Division 1 by a proponent within the meaning of that Part;*

*(ii) documents and information in the register referred to in section 54;*

*(iii) information that is provided to the Department as part of the application by*

*(A) an applicant for an approval or a certificate of variance;*

*16 Section 35 is amended*

*(a) in clause (a) by adding “of Activities” after “Schedule”;*

*(b) by adding the following after clause (g):*

**(h) specifying security to which section 28(10)(b) applies.**

*17 Section 37 is amended*

*(a) by repealing clause (d) and substituting the following:*

**(d) “proponent” means a person, the Government, a Government agency, the government of another jurisdiction or an agency of such a government that undertakes a proposed activity;**

- (B) *the holder of an approval, in respect of an application to change an activity or to amend a term or condition of, add a term or condition to or delete a term or condition from an approval;*
- (iv) *environmental and emission monitoring data, and the processing information that is necessary to interpret that data, that is provided by an approval holder;*
- (v) *any reports or studies that are provided to the Department in accordance with a term or condition of an approval;*
- (b) *the following documents that are created by the Department in the administration of this Act shall be disclosed to the public in the form and manner provided for in the regulations:*
  - (i) *approvals;*
  - (ii) *certificates of qualification;*
  - (iii) *certificates of variance;*
  - (iv) *environmental and emission monitoring data and the processing information that is necessary to interpret that data;*
  - (v) *statements of concern;*
  - (vi) *notices of objection;*
  - (vii) *reclamation certificates;*
  - (viii) *enforcement orders;*
  - (ix) *environmental protection orders.*

**16** Section 35 presently reads in part:

*35 The Lieutenant Governor in Council may make regulations*

- (a) *adding activities to or deleting activities from the Schedule;*

**17** Section 37 presently reads in part:

- (d) *“proponent” means a person, a department of the Government, a Government agency or a department or agency of a government of another jurisdiction that undertakes a proposed activity;*

(b) *by adding the following after clause (e):*

- (f) “written decision” for the purposes of section 65 means a written decision within the meaning of the regulations.

18 *Section 38(d) is amended by striking out “departments of”.*

19 *Section 42(1)(b)(i) is repealed and the following is substituted:*

- (i) make a decision that the potential environmental impacts of the proposed activity warrant further consideration under the environmental assessment process and require that further assessment of the proposed activity is undertaken, or

20 *Section 43(3) is repealed and the following is substituted:*

(3) Where the Director decides under subsection (1) that preparation of an environmental impact assessment report is not required, the Director

- (a) shall advise the proponent of that fact,
- (b) if the activity is one for which an approval is required, shall advise the proponent that it may apply for the approval, and
- (c) may refer any information on the potential environmental impacts of the proposed activity to the Director responsible for issuing the approval.

21 *Section 53 is repealed and the following is substituted:*

**18** Section 38(d) presently reads:

*(d) to provide for the involvement of the public, proponents, departments of the Government and Government agencies in the review of proposed activities.*

**19** Section 42(1)(b) presently reads:

*42(1) Where a proponent or a proposed activity is referred to the Director under section 39, where the Director gives a notice under section 41 or where a proponent on his own initiative consults with the Director in respect of the application of this Division to a proposed activity, the Director shall,*

*(b) if the proposed activity is not a mandatory activity,*

*(i) ensure that further assessment of the proposed activity is undertaken where the Director is of the opinion that the potential environmental impacts of the proposed activity warrant further consideration under the environmental assessment process, or*

*(ii) make a decision that further assessment of the proposed activity is not required and, if it is an activity for which an approval is required, advise the proponent that it may apply for the approval.*

**20** Section 43(3) presently reads:

*(3) Where the Director decides under subsection (1) that preparation of an environmental impact assessment report is not required, the Director shall advise the proponent of that fact and, if the activity is one for which an approval is required, advise the proponent that it may apply for the approval.*

**21** Section 53 presently reads:

Additional  
powers of  
Minister

**53** Where the Director submits an environmental impact assessment report to the Minister, the Minister may make any recommendations in respect of the proposed activity that he considers necessary to any person, the Government, a Government agency, a government of another jurisdiction or an agency of such a government that may be dealing with the proposed activity.

22 *Section 56 is amended by adding the following after clause (h):*

- (i) respecting the submission of and handling of statements of concern.

23 *Section 58 is amended by striking out “appropriate” and substituting “required”.*

24 *Section 59 is amended by striking out “appropriate” and substituting “required”.*

25 *Section 61 is amended by striking out “without being satisfied” and substituting “unless he is of the opinion”.*

26 *Section 65(4) is repealed and the following is substituted:*

**(4)** In addition to any other criteria the regulations require the Director to consider in making a decision under this section, where, in the opinion of the Director, the Energy Resources Conservation Board or the Natural Resources Conservation Board has made a written decision in respect of the subject-matter of an approval, the Director

- (a) shall consider that written decision, and
- (b) may consider any evidence that was before the Energy Resources Conservation Board or the Natural Resources Conservation Board in relation to that written decision.

*53 Where the Director submits an environmental impact assessment report to the Minister, the Minister may make any recommendations in respect of the proposed activity that he considers necessary to any person, department of the Government or Government agency or department or agency of any other government that may thereafter be dealing with the proposed activity.*

**22** Minister may make regulations.

**23** Section 58 presently reads:

*58 No person shall knowingly commence or continue any activity designated by the regulations as requiring an approval unless that person holds the appropriate approval.*

**24** Section 59 presently reads:

*59 No person shall commence or continue any activity designated by the regulations as requiring an approval unless that person holds the appropriate approval.*

**25** Section 61 presently reads:

*61 Unless the regulations provide otherwise, the Director may not issue an approval without being satisfied that Division 1, if applicable, has been complied with.*

**26** Section 65(4) presently reads:

*(4) In making a decision under this section the Director*

*(a) shall, in addition to any criteria that the Director is required by the regulations to consider, consider any applicable written decision of the Energy Resources Conservation Board or the Natural Resources Conservation Board in respect of the subject-matter of the approval, and*

*(b) may consider any evidence that was before the Energy Resources Conservation Board or the Natural Resources Conservation Board in relation to that written decision.*

27 *Section 67 is amended*

- (a) *in subsection (2) by striking out “subsection (1)(a)” and substituting “subsection (1)”;*
- (b) *in subsection (3)(a)(i) by adding “, is occurring” after “has occurred”.*

28 *Section 70 is amended*

- (a) *in subsection (1) by striking out “application, amendment” and substituting “application or the proposed amendment”;*
- (b) *in subsection (2) by striking out “determined” and substituting “specified”.*

29 *Section 71 is amended by adding the following after subsection (3):*

**(3.1)** In addition to providing notice of a decision under subsection (1)(e) or (3), the Director may provide notice of the decision to any other person the Director considers appropriate.



**27** Section 67 presently reads in part:

*(2) An application under subsection (1)(a) must be made in the manner provided for in the regulations.*

*(3) If the Director considers it appropriate to do so, the Director may on his own initiative in accordance with the regulations*

*(a) amend a term or condition of, add a term or condition to or delete a term or condition from an approval*

*(i) if in the Director's opinion an adverse effect that was not reasonably foreseeable at the time the approval was issued has occurred or may occur.*

**28** Section 70 presently reads:

*70(1) Where notice is provided under section 69(1) or (2), any person who is directly affected by the application, amendment, addition, deletion or change, including the approval holder in a case referred to in section 69(2), may submit to the Director a written statement of concern setting out that person's concerns with respect to the application or the proposed amendment, addition, deletion or change.*

*(2) A statement of concern must be submitted within 30 days after the last providing of the notice or within any longer period determined by the Director in the notice.*

**29** Section 71 presently reads in part:

*71(1) Where the Director*

*(a) issues an approval,*

*(b) makes an amendment, addition or deletion pursuant to an application under section 67(1)(a), or*

*(c) makes an amendment, addition or deletion pursuant to section 67(3)(a),*

*the Director shall,*

*(d) where no notice of the application or proposed changes was provided by reason of the operation of section 69(3), provide or require the provision of notice of the decision in accordance with the regulations. or*

*(e) where notice of the application or proposed changes was provided under section 69(1) or (2), provide notice or require the provision of notice of the decision in accordance with the regulations to every person who submitted a statement of concern in accordance with section 70.*

30 *Section 81(1) is amended*

(a) *in clause (c) by adding* “respecting the circumstances under which a certificate of qualification is required and the persons or classes of persons who are required to obtain a certificate of qualification” *before* “and”;

(b) *by repealing clause (e) and substituting the following:*

(e) providing for the acceptance of certificates and qualifications from other jurisdictions as certificates of qualification for the purposes of this Act;

(c) *by adding the following after clause (m):*

(m.1) defining “written decision” for the purposes of section 65;

(d) *by adding the following after clause (n):*

(o) defining “oil production site” for the purposes of this Act.

31 *Section 82(1)(d) is amended by striking out* “money that is deposited as security” *and substituting* “security given”.

32 *Section 84(7) is amended by striking out* “operates as” *and substituting* “initiates”.

33 *Section 86 is amended*

(a) *in subsection (1) by striking out* “subsection (2)” *and substituting* “this section”;

(b) *by adding the following after subsection (2):*

(3) The Board may, with the consent of all of the parties to an appeal,

(a) advance the date set for the hearing of the appeal, or

*(3) The Director shall, in accordance with the regulations, provide to any person who submitted a statement of concern in accordance with section 70 notice of any decision made by the Director to refuse to issue an approval or to refuse to make an amendment, addition or deletion under this Division.*

**30** Section 81(1) presently reads in part:

*81(1) The Minister may make regulations*

- (c) designating activities or things or classes of activities or things in respect of which a certificate of qualification is required, and specifying the kind of certificate of qualification that is required;*
- (e) providing for the acceptance of certificates and qualifications from other jurisdictions as equivalents to certificates and qualifications required under this Act;*

**31** Section 82(1)(d) presently reads:

*82(1) The Lieutenant Governor in Council may make regulations*

- (d) respecting the manner in which and the conditions under which any money that is deposited as security by an approval holder or the holder of a certificate of qualification or a certificate of variance may be forfeited or returned, in whole or in part;*

**32** Section 84(7) presently reads:

*(7) A notice of objection operates as an appeal of the decision objected to.*

**33** Section 86 presently reads:

*86(1) Subject to subsection (2), on receipt of a notice of objection the Board shall, within the period of time prescribed in the regulations,*

- (a) convene a panel of Board members to hear the appeal and appoint a person to chair the panel,*
- (b) set a date for the hearing of the appeal, and*
- (c) conduct the hearing of the appeal.*

- (b) make its decision under section 90 or its report to the Minister without conducting a hearing of the appeal.

34 Section 87(2) is amended by adding “of an appeal” after “conducting a hearing”.

35 Section 94 is amended by adding the following after clause (c):

- (c.1) determining what constitutes “hearing of the appeal” for the purposes of Part 3, including making different procedures applicable in that regard for the purposes of different provisions of Part 3;

36 Section 96(1)(c)(ii) is amended by striking out “to have been responsible for causing or contributing” and substituting “caused or contributed”.

*(2) The Board may, on application by any person who has submitted a notice of objection or on its own motion, extend any period of time prescribed in the regulations for the purposes of subsection (1) where the Board is of the opinion that there are sufficient grounds to do so.*

**34** Section 87(2) presently reads:

*(2) Prior to conducting a hearing the Board may in accordance with the regulations determine which matters included in notices of objection properly before it will be included in the hearing of the appeal, and in making that determination the Board may consider the following:*

- (a) whether the matter was the subject of a public hearing or review under the Natural Resources Conservation Board Act or under any Act administered by the Energy Resources Conservation Board and whether the person submitting the notice of objection received notice of and participated in or had the opportunity to participate in the hearing or review;*
- (b) whether the Government has participated in a public review in respect of the matter under section 35 of the Environmental Assessment and Review Process Guidelines Order made under the Department of the Environment Act (Canada);*
- (c) whether the Director has complied with section 65(4)(a);*
- (d) whether any new information will be presented to the Board that is relevant to the decision appealed from and was not available to the person who made the decision at the time the decision was made;*
- (e) any other criteria specified in the regulations.*

**35** Minister may make regulations respecting Environmental Appeal Board.

**36** Section 96(1)(c)(ii) presently reads:

*96(1) In this Part,*

- (c) "person responsible for the contaminated site" means*
  - (ii) any other person who the Director considers to have been responsible for causing or contributing to the release of the substance into the environment.*

37 Section 100(2) is amended by striking out “in the manner” and substituting “where”.

38 Section 106(1)(b) is repealed and the following is substituted:

- (b) respecting the making of a written report under section 100(2) and its contents and providing for the waiver of a requirement to make a written report;

39 Section 111(a)(i) is repealed and the following is substituted:

- (i) the owner of the contaminated site,
- (i.1) any of the other persons responsible for the contaminated site that the Director considers appropriate, and

40 Section 112(1) is amended by striking out “views” and substituting “concerns regarding the designation of the contaminated site and that person’s recommendations”.

41 Section 114(2) is amended

- (a) by adding “, where the information is available” after “following”;
- (b) in clause (b)(iv) by striking out “an independent third party” and substituting “another person, other than an employee, agent or person with whom the owner or previous owner has or had a contractual relationship”.

42 Section 119 is amended

- (a) in clause (b)(i) by adding “pursuant to an approval” after “land”;
- (b) in clause (f) by adding “or has been” before “carried”.

**37** Section 100(2) presently reads:

*(2) In addition to a report under subsection (1), the person shall report in writing in the manner required by the regulations.*

**38** Section 106(1)(b) presently reads:

*106(1) The Minister may make regulations*

*(b) respecting the manner in which a report under section 100(2) is to be made;*

**39** Section 111(a) presently reads:

*111 The Director shall*

*(a) give notice of his decision to designate an area of the environment as a contaminated site to*

*(i) any of the persons responsible for the contaminated site that the Director considers appropriate, and*

*(ii) the local authority of the municipality in which the contaminated site is located,*

*and*

**40** Section 112(1) presently reads:

*112(1) Any person who is directly affected by a designation of a contaminated site may submit a statement of concern to the Director setting out that person's views on any remedial measures that should be taken with respect to the contaminated site.*

**41** Section 114(2) presently reads in part:

*(2) In deciding whether to issue an environmental protection order under subsection (1) to a particular person responsible for the contaminated site, the Director shall give consideration to the following:*

*(b) in the case of an owner or previous owner of the site,*

*(iv) whether the presence of the substance in, on or under the site was caused solely by the act or omission of an independent third party;*

**42** Section 119 presently reads in part:

*119 In this Part,*

*(b) "operator" means*

Duty to  
reclaim

43 *Section 122(1) is repealed and the following is substituted:*

**122(1)** An operator must

- (a) conserve and reclaim specified land, and
- (b) unless exempted by the regulations, obtain a reclamation certificate in respect of the conservation and reclamation.

44 *Section 123 is amended*

(a) *in subsection (3) by striking out “122(1)” and substituting “122”;*

(b) *by adding the following after subsection (3):*

**(3.1)** An inspector may issue a reclamation certificate subject to any terms and conditions the inspector considers appropriate.

45 *Section 125 is repealed and the following is substituted:*

Environmental  
protection  
order

**125** Subject to any applicable approval and the regulations, an inspector may

- (a) at any time before the issuance of a reclamation certificate in a case where the operator is required to obtain a reclamation certificate, or
- (b) at any time, in a case where the operator is not required to obtain a reclamation certificate,

issue an environmental protection order regarding conservation and reclamation to an operator directing the performance of any work or the suspension of any work if in the inspector’s opinion the performance or suspension of



- (i) *an approval holder who carries on or has carried on an activity on or in respect of specified land.*
- (f) *“specified land” means specified land within the meaning of the regulations on or in respect of which an activity is carried on, but does not include*
  - (i) *land used solely for the purposes of an agricultural operation,*
  - (ii) *subdivided land that is used or intended to be used solely for residential purposes, or*
  - (iii) *any part of any unsubdivided land that is the site of a residence and the land used in connection with that residence solely for residential purposes;*

**43** Section 122(1) presently reads:

*122(1) An operator must conserve and reclaim specified land and secure a reclamation certificate in respect of the conservation and reclamation.*

**44** Section 123 presently reads in part:

*(3) An inspector may issue a reclamation certificate with respect to all or only a part of the specified land, and in the latter case section 122(1) continues to apply with respect to the remaining specified land.*

**45** Section 125 presently reads:

*125 Subject to any applicable approval and the regulations, an inspector may at any time before the issuance of a reclamation certificate issue an environmental protection order regarding conservation and reclamation to an operator directing the performance of any work or the suspension of any work that in the inspector's opinion is necessary in order to conserve and reclaim specified land.*

the work is necessary in order to conserve and reclaim specified land.

*46 Section 126 is amended by striking out “, after conducting a reclamation inquiry in accordance with the regulations,”.*

*47 Section 130(a) is amended by striking out “immediately”.*

*48 Section 131 is repealed.*

**46** Section 126 presently reads:

*126 Where, after conducting a reclamation inquiry in accordance with the regulations, an inspector is satisfied that an operator*

- (a) has done or permitted to be done anything that has caused an adverse effect in a location other than the specified land in respect of which the operator is or was carrying on an activity, or*
- (b) has caused or allowed a substance to leave or escape from the specified land in respect of which the operator is or was carrying on an activity,*

*the inspector may issue an environmental protection order regarding conservation and reclamation to the operator in accordance with the regulations.*

**47** Section 130(a) presently reads:

*130 Where an environmental protection order regarding conservation and reclamation or a reclamation certificate is issued under this Part, in addition to giving a copy of the order or certificate to the operator, the person issuing the order or certificate*

- (a) shall immediately give a copy of the order or certificate to the owner of the land concerned, and*

**48** Section 131 presently reads:

*131(1) The Land Surface Conservation and Reclamation Council is continued as the Conservation and Reclamation Council, consisting of the following persons:*

- (a) an employee in the Department who shall be the chair of the Council and shall be appointed by the Minister;*
- (b) 2 employees in the Department of Forestry, Lands and Wildlife, who shall be deputy chairs of the Council and shall be designated by the Minister of Forestry, Lands and Wildlife and appointed by the Minister of the Environment;*
- (c) employees under the administration of the Minister who are appointed by the Minister;*
- (d) other employees of the Government or of Government agencies who are appointed by the Minister;*

49 Section 132 is amended

- (a) in clause (a) by adding “and the time within which” after “which”;
- (b) in clause (g) by adding “, and providing for the exempting of operators or classes of operators from any of the security or insurance requirements” after “operators”;
- (c) in clause (h) by striking out “money that is deposited as security” and substituting “security given”;
- (d) by adding the following after clause (j):
  - (j.1) exempting operators or activities or classes of operators or activities from the requirement for a reclamation certificate;
- (e) by repealing clause (n);
- (f) by repealing clause (o) and substituting the following:
  - (o) respecting the payment of remuneration and expenses to local authorities for services provided by inspectors who are designated under section 23(3)(c) and are exercising authority under Part 5 in the municipality in respect of which they are designated.
- (g) by repealing clauses (p) and (q).

50 Section 133(a) is repealed.

51 Section 146(a) is amended by adding “, “watering point” ” after “privately owned development” ”.

52 Section 154(e) is repealed and the following is substituted:

*(e) persons appointed by local authorities in accordance with the regulations.*

*(2) The Council shall carry out the functions and duties relating to conservation and reclamation of land that are assigned to it in accordance with the regulations.*

**49** Section 132 presently reads in part:

*132 The Lieutenant Governor in Council may make regulations*

- (a) respecting the manner in which specified land must be conserved and reclaimed;*
- (g) respecting the form and amount of financial or other security to be given and insurance to be carried by operators;*
- (h) respecting the manner in which and the conditions under which any money that is deposited as security by an operator may be forfeited or returned, in whole or in part;*
- (n) providing for the appointment by local authorities of persons as members of the Conservation and Reclamation Council;*
- (o) respecting the payment of remuneration and expenses to members of the Conservation and Reclamation Council appointed under section 131(1)(e);*
- (p) assigning to the Conservation and Reclamation Council functions and duties relating to conservation and reclamation of land, or providing for the manner of assigning those functions and duties;*
- (q) governing the practice and procedure of the Conservation and Reclamation Council and general matters relating to the administration of the affairs of the Council.*

**50** Section 133(a) presently reads:

*133 In this Part,*

- (a) "abandon" means, with regard to a well, to leave unattended or not to maintain for future use;*

**51** Section 146(a) presently reads:

*146 The Minister may make regulations*

- (a) defining "industrial development", "municipal development", "privately owned development" and "private utility" for the purposes of this Act;*

**52** Section 154(e) presently reads:

- (e) respecting the manner in which and the conditions under which a hazardous substance may be collected, stored, handled, treated, disposed of or transported or offered for transport;

53 *Section 161 is amended*

- (a) *in clause (c) by striking out “recycling” after “means a”;*
- (b) *by adding the following after clause (k):*
  - (l) “waste minimization” means waste minimization within the meaning of the regulations.

54 *Section 168 is amended*

- (a) *in clause (a) by adding “and defining “waste minimization” ” before “for”;*
- (b) *in clause (g) by striking out “money that is deposited as security” and substituting “security given”;*
- (c) *in clause (o) by striking out “and recycled” and substituting “, processed, recycled and disposed of”;*
- (d) *in clause (v) by adding “, recycling” after “processing”;*
- (e) *in clause (y) by adding “and surcharges” after “material”;*
- (f) *in clause (z) by striking out “such a recycling fund” and substituting “such a fund”;*
- (g) *by adding the following after clause (dd):*
  - (dd.1) respecting the importation, storage, collection, transportation, treatment and recycling of hazardous recyclables;
- (h) *in clause (ff) by adding “, whether as a corporation or otherwise,” after “body”.*

154 *The Minister may make regulations*

- (e) *respecting the manner in which and conditions under which a hazardous substance may be stored, handled, transported or offered for transport;*

53 Section 161(c) presently reads:

161 *In this Part,*

- (c) *“industry operated recycling fund” means a recycling fund established in regulations under section 168(z);*

54 Section 168 presently reads in part:

168 *The Lieutenant Governor in Council may make regulations*

- (a) *further defining “retailer” for the purposes of this Division;*
- (g) *respecting the manner in which and the conditions under which any money that is deposited as security by a manufacturer or distributor of designated material for sale in Alberta or by a retailer may be forfeited or returned, in whole or in part;*
- (o) *respecting the manner in which designated material is to be stored, collected, transported and recycled;*
- (v) *authorizing and respecting the payment of fees or commissions to manufacturers, distributors and retailers in respect of the collection, transportation, storage, processing and disposal of designated material;*
- (y) *respecting the provision of information, reports and returns in respect of designated material, including what information, reports and returns must be provided, who must provide them, the person to whom they must be provided and the manner in which and the times at which they must be provided;*
- (z) *respecting the establishment, operation, transfer and winding-up of industry operated recycling funds and respecting the manner in which and the purposes for which money in such a recycling fund may be used;*
- (ff) *providing for the establishment of a management board or other body for any purpose in connection with a regulation under this section;*

55 *Section 174(1) is repealed and the following is substituted:*

Environmental  
protection  
order to clean  
up unsightly  
property

**174(1)** If an inspector or investigator considers any property when viewed from a highway to be unsightly property, the inspector or investigator may issue an environmental protection order to clean up the unsightly property.

56 *Section 180 is amended by renumbering it as section 180(1) and by adding the following after subsection (1):*

**(2)** Subsection (1) does not apply to the Government or a Government agency.

57 *Section 183 is amended*

*(a) in clause (c) by adding “importation,” before “storage”;*

*(b) in clause (f) by striking out “money that is deposited as security” and substituting “security given”.*

58 *Section 203(2) is repealed and the following is substituted:*

**(2)** This section applies whether or not a conviction has been adjudged against the person to whom the enforcement order is directed for an offence under this Act in respect of the subject-matter that gave rise to the issuing of the enforcement order.

59 *Section 208 is repealed and the following is substituted:*

Protection  
from liability

**208** No action for damages may be commenced against

(a) a person who is an employee or agent of or is under contract to the Government,

(b) a person who is designated as an inspector, investigator or analyst under section 23(3)(b), (c) or (d),

(c) a person who is an employee of the Government, a Government agency, a local authority or the Government of Canada or any agency of that



**55** Section 174(1) presently reads:

*174(1) If an inspector or investigator or the Director considers any property when viewed from a highway to be unsightly property, the inspector, investigator or Director may issue an environmental protection order to clean up the unsightly property.*

**56** Section 180 presently reads:

*180 If required by the regulations, the holder of a personal identification number shall provide financial or other security and carry insurance.*

**57** Section 183(c) and (f) presently read:

*183 The Lieutenant Governor in Council may make regulations*

*(c) respecting the storage, collection, transportation, treatment and disposal of hazardous waste;*

*(f) respecting the manner in which and the conditions under which any money that is deposited as security by the holder of a personal identification number may be forfeited or returned, in whole or in part;*

**58** Section 203(2) presently reads:

*(2) This section applies whether or not a conviction has been adjudged for an offence under this Act.*

**59** Section 208 presently reads:

*208 No action for damages may be commenced against*

*(a) an employee within the meaning of the Public Service Act who*

*(i) is under the administration of the Minister,*

*(ii) is acting under the direction of an employee referred to in subclause (i), or*

*(iii) is acting pursuant to a delegation under section 17.*

*(b) an agent of the Government,*

Government, where there has been a delegation under section 17,

- (d) a person who is an employee or agent of, or is under contract to, the Government, a Government agency or a local authority, where there has been a transfer of administration under section 18,
- (e) a member of the Environmental Appeal Board, or
- (f) a member, employee or agent of, or a person under contract to, a regulatory board,

for anything done or not done by that person in good faith while carrying out his duties or exercising his powers under this Act including, without limitation, any failure to do something when that person has discretionary authority to do something but does not do it.

60 *Section 213 is amended*

- (a) *in clause (c) by adding “, except under section 99(3)” after “this Act”;*
- (b) *in clauses (d) and (e) by adding “, a reclamation certificate” after “variance”.*

61 *Section 219 is repealed and the following is substituted:*

Liability of  
public officials

**219(1)** Where a person who is acting under the direction of

- (a) a Minister of the Government,
- (b) an official of the Government,
- (c) a mayor, reeve or member of a council of a local authority, or
- (d) a commissioner

commits an offence under this Act, the Minister, official, mayor, reeve, member of council or commissioner is also guilty of the offence and is liable for the punishment provided for the offence, if he knew or ought reasonably to

- (c) *a member of the Environmental Appeal Board.*
- (d) *a member of the Conservation and Reclamation Council.*
- (e) *a member or employee of a regulatory board.*
- (f) *an employee or agent of a Government agency, a local authority or the Government of Canada or any department or agency of that Government, where there has been a delegation under section 17, or*
- (g) *an employee or agent of a Government agency or a local authority, where there has been a transfer of administration under section 18*

*for anything done or not done by that person in good faith while carrying out his duties or exercising his powers under this Act including, without limitation, failing to do something when that person has discretionary authority to do something but does not do it.*

**60** Section 213(c), (d) and (e) presently read:

*213 A person who*

- (c) *fails to provide information as required under this Act,*
- (d) *knowingly contravenes a term or condition of an approval, a certificate of variance or a certificate of qualification,*
- (e) *contravenes a term or condition of an approval, a certificate of variance or a certificate of qualification,*

*is guilty of an offence.*

**61** Section 219 presently reads:

*219 Where a person who is acting under the direction of*

- (a) *a Minister of the Government,*
- (b) *an official of the Government,*
- (c) *a mayor, reeve or member of a council of a local authority, or*
- (d) *a commissioner*

*commits an offence under this Act, the Minister, official, mayor, reeve, member of council or commissioner is also guilty of the offence if he directed, authorized, assented to, acquiesced in or participated in its commission, whether or not the other person has been prosecuted for or convicted of the offence.*

have known of the circumstances that constituted the commission of the offence and had the influence or control to prevent its commission, whether or not the other person has been prosecuted for or convicted of the offence.

(2) No person shall be convicted of an offence by reason of the operation of subsection (1) if that person establishes on a balance of probabilities that he took all reasonable steps to prevent the commission of the offence by the other person referred to in subsection (1).

62 *Section 223(1) is repealed and the following is substituted:*

Administrative  
penalties

**223(1)** Where the Director is of the opinion that a person has contravened a provision of this Act that is specified for the purposes of this section in the regulations, the Director may, subject to the regulations, by notice in writing given to that person require that person to pay to the Government an administrative penalty in the amount set out in the notice for each day or part of a day the contravention occurs or continues.

63 *Section 225(f) is amended by adding “, or the manner of determining the amounts,” after “amounts”.*

64 *Section 229(1)(c) is amended by striking out “amend” and substituting “correct”.*

65 *Section 230(2) is repealed and the following is substituted:*

(2) This section applies whether or not a conviction has been adjudged against the person to whom the environmental protection order is directed for an offence under this Act in respect of the subject-matter that gave rise to the issuing of the environmental protection order.

66 *Section 231(3)(a) is amended by striking out “an” wherever it occurs and substituting “the”.*

**62** Section 223(1) presently reads:

*223(1) Where the Director is of the opinion that a person has contravened a provision of this Act or the regulations that is specified in the regulations, the Director may, subject to the regulations, by notice in writing given to that person require that person to pay to the Government an administrative penalty in the amount set out in the notice for each day the contravention continues.*

**63** Section 225(f) presently reads:

*225 The Lieutenant Governor in Council may make regulations*

*(f) prescribing contraventions in respect of which an administrative penalty may be imposed and prescribing the amounts of the administrative penalties that may be imposed, not to exceed \$5000 for each contravention;*

**64** Section 229(1)(c) presently reads:

*229(1) The Director may*

*(c) amend a clerical error in an environmental protection order.*

**65** Section 230(2) presently reads:

*(2) This section applies whether or not a conviction has been adjudged for an offence under this Act.*

**66** Section 231(3)(a) presently reads:

67 Section 236 is amended

(a) by adding the following after subsection (3):

**(3.1)** Where an environmental protection order or an enforcement order orders the person to whom it is directed to carry out any work or do any thing in respect of a place, that person and any other person carrying out the work or doing the thing on that person's behalf may, without incurring liability for doing so, enter the place for the purpose of carrying out the work or doing the thing required by the order.

(b) by adding the following after subsection (4):

**(4.1)** An application under subsection (4) must be made by

- (a) the inspector, investigator or Director, as the case may be, in a case referred to in subsection (2) or (3), or
- (b) the Director, in a case referred to in subsection (3.1).

68 Section 237 is repealed and the following is substituted:

Interference

**237** No person shall interfere with

- (a) an inspector or investigator or the Director who is exercising powers or carrying out duties, or attempting to do so, under this Act,
- (b) a person accompanying an inspector or investigator or the Director under the authority of section 235, or
- (c) a person referred to in section 236(3.1) who is carrying out any work or doing any thing pursuant to an environmental protection order or enforcement order.

*(3) For the purposes of this section the costs referred to in subsection (2) include, without limitation,*

*(a) any costs incurred in administering, investigating and responding to*

*(i) any matter to which an environmental protection order relates, or*

*(ii) the failure to comply with an environmental protection order,*

*and*

**67** Section 236 presently reads in part:

*236(1) The powers in this section are in addition to any power to enter under Part 10.*

*(2) An inspector or investigator or the Director may, without incurring liability for doing so, enter any place for the purpose of carrying out any work or doing any other thing that the inspector, investigator or Director is authorized under this Act to carry out or do.*

*(3) A person referred to in section 235 may enter any place without being accompanied by an inspector or investigator or the Director without incurring liability for doing so when authorized to do so by the inspector, investigator or Director.*

*(4) Where a judge of the provincial court is satisfied on evidence under oath that a person has been prevented from entering a place or has been denied access to a place that person is authorized to enter under this section, the judge may issue an order authorizing that person to enter the place for the purposes of carrying out any work or doing any thing that the person is authorized to carry out or do.*

**68** Section 237 presently reads:

*237 No person shall interfere with an inspector or investigator or the Director who is exercising powers or carrying out duties, or attempting to do so, under this Act.*

69 *Section 238 is repealed and the following is substituted:*

Court order re  
interference

**238** If a person interferes with another person contrary to section 237,

(a) the inspector, investigator or Director, as the case may be, in a case referred to in section 237(a) or (b), or

(b) the Director, in a case referred to in section 237(c),

may apply to the Court of Queen's Bench for an order prohibiting the person from so interfering, and the Court may make any order it considers appropriate.

70 *Section 240(1)(c) is amended by striking out "made" wherever it occurs and substituting "entered".*

71 *Section 243 is amended*

(a) *by repealing subsection (1) and substituting the following:*

Transitional -  
approvals

**243(1)** *Where immediately before the coming into force of this section a complete application has been made for*

(a) *a reclamation certificate under the Land Surface Conservation and Reclamation Act, or*

(b) *an approval, licence, permit, certificate or other authority under an Act referred to in section 247, or a renewal of such an approval, licence, permit, certificate or authority,*

*the application shall be dealt with under that Act as if it had not been repealed, but the reclamation certificate, approval, licence, permit, certificate, authority or renewal, once issued, is deemed to be a reclamation certificate or an approval or certificate, as the case may be, under this Act.*



**69** Section 238 presently reads:

*238 If a person interferes with an inspector or investigator or the Director contrary to section 237, the inspector, investigator or Director may apply to the Court of Queen's Bench for an order prohibiting that person from so interfering, and the Court may make any order it considers appropriate.*

**70** Section 240(1)(c) presently reads:

*240(1) In any proceeding under this Act,*

*(c) a certificate setting out with reasonable particularity the conviction and sentence of a person for an offence under this Act purporting to be signed by*

*(i) the person who made the conviction, or*

*(ii) the clerk of the court in which the conviction was made,*

*and*

**71** Section 243 presently reads in part:

*243(1) Where immediately before the coming into force of this section a complete application for an approval, licence, permit, certificate or other authority under an Act referred to in section 247 (or for a renewal of such an approval, licence, permit, certificate or authority) has been made, the application shall be dealt with under that Act as if it had not been repealed, but the approval, licence, permit, certificate, authority or renewal once issued is deemed to be an approval or certificate under this Act.*

*(6) Where a deemed approval referred to in subsection (4)(a)*

*(a) does not have an expiry date, or*

*(b) has an expiry date that is more than 5 years after the date on which this section comes into force,*

*that approval expires 5 years after this section comes into force.*

(b) in subsection (6) by striking out “Where” and substituting “Subject to section 123(4) and unless otherwise specified in the regulations, where”;

(c) by adding the following after subsection (10):

**(10.1)** Subsection (10) does not apply in respect of the construction or operation of a pipeline, transmission line, telecommunication line or battery, but subsection (10) does not eliminate the requirement to obtain an approval in respect of the reclamation of the pipeline, transmission line, telecommunication line or battery.

(d) by repealing subsection (11).

72 Section 244(1) is amended by striking out “outstanding” and substituting “in effect”.

73 The Schedule of Activities is amended

(a) by repealing item 5(c) and substituting the following:

(c) a heavy oil site, oil sands site or oil production site,

(b) in item 11 by adding “under section 35(a)” after “regulations”.

74(1) Subject to subsections (2) to (4), this Act comes into force on the date on which it is assented to.

(2) Sections 2(g), (h), (i), (k) and (l), 4, 7, 8(c), 11(a), 27(b), 30(d), 37, 38, 44(b), 51, 52, 54(d), (e) and (g), 57(a), 71 and 73(a) are deemed to have come into force on September 1, 1993.

(3) Sections 12 and 16(b) are deemed to have come into force on January 13, 1994.

(4) Sections 11(b) and (c), 17(b), 26, 30(c), 48, 49(e), (f) and (g) and 50 come into force on Proclamation.

*(11) A reclamation certificate under the Land Surface Conservation and Reclamation Act is not an approval, licence, permit, certificate or other authority for the purposes of this section.*

**72** Section 244(1) presently reads:

*244(1) Subject to this section, a notice or order listed in a provision in Column A of the following Table that is outstanding on the coming into force of this section may be amended, cancelled and enforced as if it were an order under the corresponding provision of this Act listed in Column B.*

**73** The Schedule of Activities presently reads in part:

*5 The construction, operation or reclamation of*

*(c) a heavy oil site or oil sands site,*

*11 Any other undertaking or thing defined as an activity in the regulations.*

**74** Coming into force.