



A BRIEF GUIDE TO WATER ENFORCEMENT, COMPLIANCE, AND THE NEW ‘ONE-STOP’ APPROVAL PROCESS

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Environmental Protection Officers (EPOs) are legislated to conduct inspections and investigations under the Water Act, Public Lands Act, Environmental Protection and Enhancement Act and the Climate Change Act. This is legislated under Part 10 Sections 118 and 127 within the Water Act.

EPOs conduct investigations and inspections after a complaint is made. They investigate the probability of a contravention of Section 36 (1) *No person may commence or continue an activity except pursuant to an approval...* and Section 49 (1) *No person shall commence or continue a diversion of water except pursuant to a license...*

EPOs use a Compliance Assurance Program to deliver their compliance assurance strategy which has three components:

- a. Education;
- b. Prevention; and
- c. Enforcement.

Inspections may be triaged to investigation if enough compelling “technical data” is found to move to a more in-depth investigation. Inspections (Sections 118-126 of the Water Act) are used to gather technical data and verify compliance. Investigations (Sections 127-134 of the Water Act) are used to “gather evidence” in order to move files forward to enforcement action.

Landowners are issued a letter notifying them if the Department

has opened an Investigation. Alberta Environment and Parks has two years to issue a punitive response such as a Warning Letter or an Administrative penalty from the date that they receive a phone call.

Enforcement Orders are remedial in nature and can be issued at any time. There is no time limit on an Enforcement Order. Enforcement Orders are appealable to the Environmental Appeals Board under Section 114 of the Water Act. However, please note that a notice of appeal must be filed within seven days of receiving an enforcement order.

This is the process for getting a Water Act approval: A proposed activity under Section 1(1)(b) requires an Approval under Section 36(1) the Water Act. Flood control (or flood mitigation), drainage, dewatering, erosion control, channel re-alignment, wetland impacts, dugouts, stormwater management, etc., meets this definition of an activity under the Water Act. (www.qp.alberta.ca/documents/Acts/w03.pdf) Additional information on Water legislation can be found at: www.alberta.ca/water-legislation-and-resources.aspx.

Information regarding the Environmental Approvals One-Stop System can be found on the department webpage at [\[approvals-system-onestop.aspx\]\(http://approvals-system-onestop.aspx\)
On this webpage:](http://www.alberta.ca/environmental-</p></div>
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- 1) Start by creating a My Alberta Digital ID (MADI) or a My Alberta Digital for Business MADI-B account by click on the MADI link www.alberta.ca/environmental-approvals-system-onestop.aspx#toc-1. If the person has an account they can move on to step 2.
- 2) Then use the Quick Reference Guide – Initiate new Water Act application – General Application. Link to the guides on the webpage www.alberta.ca/environmental-approvals-system-onestop.aspx#toc-2.
- 3) Then once you have reach the top of page 8 of the first guide, use the Initiate new Water Act application – Flood Control Quick Reference Guide to finish the application.

Quick links to more information:

Guides on the webpage: www.alberta.ca/environmental-approvals-system-onestop.aspx#toc-2
Compliance Assurance program homepage: open.alberta.ca/publications/1766023.
Annual Compliance Assurance Annual Reports: open.alberta.ca/publications/2367-9743.
More up-to-date ‘Quarterly Reports’: open.alberta.ca/publications/1766023.
Fact sheets for the Public Lands Act: open.alberta.ca/publications/public-lands-act and the Water Act: open.alberta.ca/publications/water-act-factsheet.