Modernizing Alberta's *Environmental Protection and Enhancement Act* (*EPEA*)



OCTOBER 2026

Classification: Public

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Contents

Overview **4**

Overview and Context 4

Purpose of this Discussion Document 4

Maintaining Foundations of Alberta's Environmental Protection Framework .. 4

Objectives and Scope of the Review 5

1. Removing Barriers and Red Tape **6**

1.1 Modernizing Administrative Requirements 6

1.2 Risk-based and Proportionate Regulation 6

1.3 Approval Renewals 7

1.4 Remediation and Reclamation 8

2. Encouraging Investment **9**

2.1 Innovation and Experimental Approaches 9

2.2 Designated Zones 9

2.3 Environmental Impact Assessments and Regional Assessment Approaches 10

3. Providing Certainty **11**

3.1 Definitions, Activities and Regulatory Triggers 11

3.2 Emerging Industries and Technologies 11

3.3 Public Participation and Transparency 12

Additional Feedback **12**

Next Steps **12**

Overview

Overview and Context

The Environmental Protection and Enhancement Act (EPEA) has served as Alberta's primary environmental legislation for more than 30 years. EPEA provides the foundation for environmental approvals and impact assessments along with conservation, reclamation and compliance assurance across the province. The Act plays an important role in balancing environmental protection with responsible economic development and investment.

Alberta continues to grow and evolve. New technologies, evolving industries, and increasing expectations for regulatory efficiency create opportunities to modernize regulatory processes while maintaining strong environmental outcomes. Environment and Protected Areas (EPA) is reviewing EPEA to identify opportunities to improve certainty, reduce unnecessary administrative burden, encourage investment, and ensure the legislation remains effective and relevant for the future.

The review will help inform policy recommendations and potential legislative amendments for consideration during the Spring 2027 legislative session.

Purpose of this Discussion Document

This document is intended to support engagement with municipalities, industry, environmental organizations, regulators, Indigenous organizations, and interested Albertans. It:

- outlines the objectives and scope of the review;
- identifies foundational principles that will continue to guide environmental protection in Alberta;
- presents key themes identified through preliminary information gathering; and
- seeks feedback on opportunities to improve the effectiveness and efficiency of EPEA that will help inform future policy and legislative recommendations.

Maintaining Foundations of Alberta's Environmental Protection Framework

The review is focused on modernization, certainty and efficiency, not changing the core environmental principles of EPEA. The core principles within the Act, introduced in 1992 after significant public engagement, will remain the same. These include:

- Protecting the environment for human health and the well-being of society.
- Economic growth and prosperity in an environmentally responsible manner and having environmental protection and economic decisions at the earliest stages of planning.
- Making decisions that support long-term environmental, social and economic wellbeing for current and future generations
- Preventing and mitigating adverse environmental impacts.
- The responsibility of a proponent (not the government) to assess environmental impacts of a proposed activity.
- The polluter pays principle, whereby those responsible for environmental impacts bear the costs of addressing those impacts.
- Government leadership in environmental research, technology and protection standards.

- Shared stewardship of land, air, water and natural resources amongst all Albertans.
- Providing opportunity for public input into processes affecting the environment.
- The responsibility to work cooperatively with governments of other jurisdictions to prevent and minimize transboundary environmental impacts.
- The important role of comprehensive and responsive action in administering the Act.
- Any future amendments to EPEA would continue to be guided by these principles.

Objectives and Scope of the Review

This discussion document seeks feedback on opportunities to improve regulatory certainty, efficiency, effectiveness, and investment competitiveness in Alberta through potential amendments to EPEA and these five foundational regulations:

- Activities Designation Regulation
- Approvals and Registration Procedures Regulation
- Environmental Assessment (Mandatory and Exempted Activities) Regulation
- Environmental Assessment Regulation
- Environmental Protection and Enhancement (Miscellaneous) Regulation

The review is organized around three themes, while maintaining the foundational principles of the Act:

1. Removing Barriers and Red Tape
2. Encouraging Investment
3. Providing Certainty

1. Removing Barriers and Red Tape

The government is exploring changes to increase regulatory efficiency and remove unnecessary red tape while maintaining environmental protections. Removing unnecessary red tape helps create a more efficient and effective environmental regulatory system by focusing resources on activities that have the highest potential environmental impacts. By eliminating outdated or duplicative requirements and adopting a risk-based approach where possible, regulatory processes can better support responsible development and continuous environmental improvement.

1.1 Modernizing Administrative Requirements

Many administrative requirements within EPEA were established before modern digital tools and communication methods were widely available. Current provisions may require notices to be published in specific locations or formats, require paper-based access to documents, or rely on physical inspection processes even where information is already stored electronically. There may be opportunities to modernize these requirements by enabling digital notice, electronic notification and service, online access to information, and digital records requests.

Seeking feedback on:

Potential opportunities to:

- update public notice, notification, and service requirements to allow electronic communication methods and remove unnecessary requirements to publish notices in prescribed physical locations or formats;
- remove redundant requirements for proponents to publish or provide copies of Environmental Impact Assessment materials where those materials are already made publicly available through Alberta.ca;
- modernize investigative authorities to allow investigators to request or access current forms of digital information without first completing an on-site inspection; and/or
- remove or update outdated administrative provisions that no longer serve a regulatory purpose.

Key considerations: Online notice and digital information access may improve timeliness, flexibility and regulatory efficiency; however, amendments should consider access barriers for Albertans with limited technology access and the need for clear transition practices

1.2 Risk-based and Proportionate Regulation

Current regulatory processes may apply similar administrative requirements to activities with significantly different risk profiles. EPA is undertaking work to move toward risk-informed business processes that align with the Government of Alberta's Common Risk Management Framework. More flexible and proportionate approaches could allow regulatory effort to be focused where environmental risks are greatest while maintaining strong environmental outcomes. This may include expanding the use of registrations for lower-risk activities, reducing unnecessary administrative requirements, and creating more efficient tools to manage minor project changes that do not materially change environmental risk.

Under EPEA, some activities may be suitable for a registration rather than more detailed approval where the activity is well understood, lower risk, and can be effectively managed through standardized requirements. Expanding the use of registrations for appropriate lower-risk activities could reduce the time and resources required for both proponents and regulators, while allowing EPA to focus more detailed review on activities that present greater potential for environmental impacts.

Alberta's "Automatic Yes Toolkit" was designed to ensure health, safety and environmental protections remain in place while increasing certainty, speeding up timelines and creating more opportunities for businesses and individuals to thrive. Codes of practice under EPEA align with the permit by rule under the "Automatic Yes Toolkit". These regulatory tools provide a faster regulatory pathway, while also providing enforceable operating rules.

Seeking feedback on:

Potential opportunities to:

- expand the use of registrations for lower-risk activities where standardized requirements are sufficient to manage environmental risks (e.g. wastewater lagoons, power plants under 10 MW);
- enable statutory decision-makers to use Letters of Authorization for minor deviations or variances where an approval amendment would be disproportionate to the environmental risk;
- enable greater ability to issue Certificates of Variance for minor temporary variances to approval conditions; and/or
- other opportunities to improve regulatory efficiency without compromising environmental protection.

Additional information about Alberta's common risk management framework can be found on the Alberta government website: Common risk management framework–Open Government.

1.3 Approval Renewals

Many approvals issued under the Act require periodic renewal regardless of performance history, environmental risk, or whether the activity has demonstrated ongoing compliance. Routine approval renewals may not always provide significant regulatory value or improved environmental outcomes in specific cases where an activity is well understood, has stable operations, and has maintained strong environmental performance over time. There may be opportunities to reduce reliance on fixed-term approval renewals while maintaining the ability to update approvals when necessary to ensure environmental outcomes remain protected.

Seeking feedback on:

Potential opportunities to:

- reduce reliance on fixed-term approval renewals where activities have demonstrated ongoing compliance and environmental performance;
- extend approval terms for all approvals or specific categories of approvals with well-understand impacts; and/or
- expand the ability to update approvals when necessary to protect environmental outcomes, including where there are operational changes, new information, technological advancements, changing environmental conditions, or evolving regulatory requirements.

1.4 Remediation and Reclamation

The Act requires a duty to take remedial measures where an unauthorized substance release occurs. This requires a duty to manage and remediate the contamination and can include the removal or treatment of contaminated soil and groundwater.

The Act also requires a duty to reclaim specified land. This requires soil conservation and reclamation for most regulated industrial activities and for all activities on public lands. It also includes a requirement to decontaminate the land. Reclamation refers to returning a site to "equivalent land capability," which is a condition where it can support uses as it would have prior to being utilized by industry. Decontamination, or remediation, of the land is required to complete reclamation requirements.

Reclamation and remediation requirements are intended to ensure land is returned to an appropriate and safe condition. In some cases, however, current legislative tools may limit the ability of regulators to recognize that reclamation outcomes have been achieved.

There may be opportunities to improve the efficiency, certainty, and effectiveness of remediation and reclamation programs by removing barriers to achieving reclamation as an outcome, enabling flexible pathways for sites where reclamation requirements have been met, and supporting redevelopment where residual contamination can be safely managed.

Seeking feedback on:

Potential opportunities to:

- provide flexibility to regulators in cases where reclamation requirements have been met, including enabling Regulator-initiated issuance of reclamation certificates where appropriate; and/or
- Create a new risk-informed pathway for lands with residual contamination that are suitable for defined uses, while maintaining environmental protection and long-term accountability.

Additional information about remediation can be found on the EPA website: Contaminated site remediation | Alberta.ca.

Additional information about reclamation can be found on the EPA website: Land conservation and reclamation | Alberta.ca.

2. Encouraging Investment

Encouraging investment is an important consideration in environmental regulatory processes. Investment supports economic growth, job creation, technological innovation and the development of environmentally responsible projects. A well-designed regulatory framework can encourage investment while maintaining strong environmental protections by providing timely decisions, transparent requirements, and consistent application of regulatory standards. This balance helps attract capital toward sustainable development which contributes to long-term environmental and social outcomes. An investment-friendly regulatory environment enables organizations to commit resources with confidence while ensuring environmental risks are managed.

2.1 Innovation and Experimental Approaches

Emerging technologies and innovative activities may not always fit within existing regulatory frameworks. There may be opportunities to create regulatory pathways that support experimentation, pilot projects, and the testing of new technologies while maintaining appropriate environmental safeguards. Transparent requirements for innovative and experimental approaches supports the advancement of technologies that contribute to both environmental outcomes and economic development.

Seeking feedback on:

Potential opportunities to create a specialized regulatory pathway for pilot projects and demonstration technologies.

2.2 Designated Zones

Designated zones are intended to support investment attraction and efficient regulatory decision-making in areas where environmental conditions, infrastructure needs and regulatory expectations are well understood. EPEA does not currently define designated zones or provide specific authority to create tailored regulatory approaches within those zones. Formal recognition of designated zones could provide legislative backing for zone-specific requirements, more predictable application processes, rapid approval pathways where appropriate, and clearer timing expectations while continuing to maintain environmental protection standards.

Seeking feedback on:

Whether additional tools within EPEA could:

- formally recognize designated zones ; and
- Establishing criteria for designation and zone-specific requirements through regulation.

Additional information on designated industrial zones can be found on the EPA website: Industrial Heartland Designated Industrial Zone | Alberta.ca.

2.3 Environmental Impact Assessments and Regional Assessment Approaches

An Environmental Impact Assessment (EIA) report is required where a proposed project could result in significant adverse environmental effects or where a public interest decision is required. The environmental assessment process allows proponents, government decision-makers, Indigenous communities, stakeholders and the public to understand potential local, regional and cumulative environmental effects, the planned mitigations and determine whether a proposed project is in the public interest. There may be opportunities to focus EIA requirements on activities with the greatest potential for environmental effects, clarify when expansions or modifications should require additional assessment, and provide more certainty up front on information requirements for the EIA report.

The review considers whether mandatory and discretionary activity lists should be modernized so EIAs are focused on higher-risk activities and emerging sectors. This could include updating size or capacity thresholds, reviewing definitions, considering activities that have never triggered an EIA in Alberta, and comparing Alberta's approach with other jurisdictions. The review is also considering whether regional assessments could reduce duplication by allowing broader regional information and cumulative effects analysis to inform project-level EIA determinations and information requirements.

Seeking feedback on:

Potential opportunities to:

- better aligning environmental assessment requirements with project risk, activity scale, cumulative effects information, and potential environmental effects;
- enable the creation of regional assessments and clarify how regional assessment information should influence project-specific EIA determinations and requirements;
- consider whether mandatory activity thresholds should be updated, and whether any activities should be added, removed or redefined;
- clarify the role and need of an EIA for expansions or modifications to an existing authorized facility, including how materially greater impacts should be defined;
- improve certainty regarding assessment triggers and decision-making processes;
- simplify and improve certainty on how information requirements for the EIA report are set;
- clarify how EIA findings and public interest decision conditions may be carried forward into subsequent authorizations, amendments, renewals, monitoring and reporting requirements; and/or
- reduce duplication between regional and project-specific assessments.

Additional information on environmental assessment can be found on the EPA website: Environmental Impact Assessments | Alberta.ca.

3. Providing Certainty

The government is exploring changes to provide greater certainty for Albertans, industry, and the environment. Increasing certainty supports clear rules, clear processes, efficient decision-making, encourages economic development, ensures clear opportunities for participation, and ultimately ensures regulatory objectives are achieved in a consistent and credible manner. Certainty also means ensuring EPEA regulatory requirements are right-sized and that regulated parties have clarity about which requirements apply and how they will be administered.

3.1 Definitions, Activities and Regulatory Triggers

Clear definitions and activity classifications are foundational to effective regulations. There may be opportunities to modernize and clarify terminology, reduce ambiguity, and ensure regulatory requirements are proportionate to activity scale and actual environmental risk. This could include updating activity definitions, adding or clarifying definitions that are routinely disputed or inconsistently interpreted, and reducing ambiguity in statutory language.

Seeking feedback on:

Potential opportunities to:

- update activity definitions to ensure regulation is proportionate to actual environmental risk;
- add or clarify definitions that are routinely disputed or inconsistently interpreted; and/or
- reduce ambiguity in statutory language.

3.2 Emerging Industries and Technologies

New industries, technologies, and forms of development may create environmental considerations that were not contemplated when EPEA was originally developed. There may be opportunities to create additional regulatory clarity for emerging industries and technologies by ensuring that regulatory requirements are clear, appropriate, and proportionate to environmental risk.

Examples include topping plants, mobile activities, and other technologies that may not align cleanly with existing activity descriptions or EIA thresholds. Clearer activity classifications, approval pathways and assessment expectations could improve investor confidence and provide regulatory clarity and certainty to regulated parties, while ensuring environmental risks are assessed and managed consistently.

Seeking feedback on:

Potential opportunities to review and update activity definitions, regulatory triggers and thresholds to ensure emerging industries and technologies are directed into appropriate regulatory pathways based on their activities and environmental risk (e.g. topping plants, petrochemical processing, biodigesters, mobile activities).

3.3 Public Participation and Transparency

Public confidence in environmental decision-making depends on transparent processes and access to information. There may be opportunities to improve disclosure of information, communicate decisions more clearly, and establish greater predictability in regulatory processes.

Public participation and transparency remain foundational to EPEA. Modernization should preserve meaningful opportunities for public input while improving clarity on what information is available, who may participate in specific processes, and how a person can participate in the regulatory process.

Seeking feedback on:

Potential opportunities to:

- clarify participation and standing requirements so it is clear how a person can participate in the regulatory process;
- improve transparency and accountability throughout the regulatory process; and/or
- improve predictability of regulatory timelines.

Additional Feedback

The Government of Alberta welcomes feedback on these themes and any other opportunities to modernize EPEA while maintaining the Act's foundational environmental protection principles.

Where possible, participants are encouraged to provide specific examples, challenges, and recommendations.

Next Steps

Feedback received through engagement will be reviewed and considered as government develops policy recommendations. Input will help inform policy recommendations and potential legislative amendments for consideration during the Spring 2027 legislative session.

Participants who wish to provide written feedback, please submit feedback to EPA.EPEAReview@gov.ab.ca.

The Government of Alberta will consider all feedback received as it contemplates legislative changes. Information on changes will continue to be communicated to impacted Albertans.


Alberta