

**THE ABC'S OF
ENVIRONMENTAL
JURISDICTION**

**An Alberta guide to federal,
provincial and municipal
responsibility**

**Environmental Law Centre
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ENVIRONMENTAL LAW CENTRE



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PREFACE

Determining which level of government is responsible for an environmental issue, and which laws apply, can be tricky. Provincial authority to regulate an environmental issue frequently overlaps with federal authority over the issue. Municipalities, as creatures of provincial legislation, also have powers to influence many of the same issues.

Each week, lawyers and staff at the Environmental Law Centre respond to dozens of requests for assistance from the public, environmental organizations, lawyers, business people, and others. It is through this work that the need for a concise guide to environmental jurisdiction, including contact information for responsible government departments and agencies, was identified.

Many individuals have contributed to this Guide. In particular, we wish to thank the summer students who, with great enthusiasm, provide research assistance to the Centre's staff.

The ABC's of Environmental Jurisdiction is the result of an ongoing effort by staff at the Environmental Law Centre to make environmental law and legal processes more understandable and accessible. We hope you find this Guide useful.

SPONSOR

The Environmental Law Centre gratefully acknowledges the Alberta Law Foundation's funding support for this Guide and the Centre's ongoing operations.

Alberta **LAW**
FOUNDATION

INTRODUCTION

The ABC's of Environmental Jurisdiction is designed to provide the general public with an alphabetical guide to how environmental issues are regulated in Alberta. *The ABC's* consists of two main sections: the *Primers* and the *Entries*.

The Primers are short, general introductions to issues or subjects that arise often when looking at environmental jurisdiction. They may be referred to as needed during your review of the Entries, or as a starting point to develop familiarity with a Primer topic.

The Entries are brief descriptions of how particular activities or environmental issues are regulated in Alberta. Each Entry sets out which levels of government - federal, provincial or municipal - are involved in regulating a particular activity or issue. The most important statutes and regulations are summarized, and specific government policy documents may also be referred to. Finally, contacts are provided for further information and research.

Where background information is likely to be useful, the Entries refer the reader to individual Primers.

The Primers and the Entries are designed to provide you with a starting point for further investigation. They are general in nature, and do not describe the variety of possible circumstances that could affect which laws apply or list all government authorities that could be involved. Unless indicated otherwise, the Entries only address laws that apply on privately or provincially owned land, and not those that apply on federal lands or Indian reserves.

A word of caution about your use of the Primers and Entries

All information in the Primers and Entries is current to October 31, 2002. As you use the Primers and the Entries, it is important to keep in mind that laws, policies, and governmental responsibilities are all subject to change. Such changes can affect how a particular activity or environmental problem is regulated, and can shift responsibility for such matters within or among levels of government.

It is therefore important to ensure that the law and information you are relying on is current. We recommend the following steps:

- Make sure the law you are relying on is up to date. For information on how to locate and update law, see *Primer #1: Sources of Law and Policy – [How to find statutes \(Canada and Alberta\)](#)*.
- You can make use of the resources, websites and contacts listed in each Entry to update and supplement the information provided.
- You may also wish to contact the Environmental Law Centre directly if you have specific questions (for contact information, see [Appendix](#)).

It is important to emphasize that the information provided in the *ABC's of Environmental Jurisdiction* may not apply in all situations. The applicability of the Entries, in particular, will depend on the circumstances. You may wish to consult a lawyer to determine how the law applies to specific circumstances. *You should not rely on the summaries of law and policy in the Primers and Entries, or on the suggestions for further information and contacts, as legal advice.*

PRIMER #1: SOURCES OF LAW AND POLICY

A large variety of statutes, regulations, policy directives and common law rules affect how we relate to, enjoy, profit from, and conserve our environment. It can be confusing to sort out the distinctions between these different types of laws and policy directives. This primer describes the different types of law and policy, and explains how they are created and whether they are enforceable. It also provides guidance on how to find and read laws.

Statutes and regulations

Included in the broad category of law are statutes (also referred to as acts) and regulations. Statutes are called primary legislation because they are laws made by elected representatives in the provincial legislature or federal parliament. Statutes create the framework for regulating a subject area, such as the environment, by setting out basic rules and legal requirements. Statutes also establish the powers of government and its officials in the subject area, including the power to make regulations. Major provincial statutes that are relevant to the environment include the *Environmental Protection and Enhancement Act*¹, the *Water Act*² and the *Public Lands Act*.³ Major federal statutes relevant to the environment include the *Fisheries Act*⁴ and the *Canadian Environmental Protection Act, 1999*.⁵

Regulations flesh out the regulatory framework provided by a statute. They are referred to as subordinate legislation because they are made by cabinet or a cabinet minister, for example, rather than by the federal parliament or provincial legislature. Statutes may also give powers to make regulations to specific regulatory bodies or agencies, such as the Alberta Energy and Utilities Board.

When properly created, statutes and regulations are legally binding and enforceable. Most statutes and regulations contain a general provision making it an offence not to comply with the statute or regulation. Some create more specific offences and provide a basis for prosecution or other enforcement action against an offender. Whether or not a statute or regulation creates an offence, the government authorities that administer these laws must do so in strict accordance

¹ R.S.A. 2000, c. E-12.

² R.S.A. 2000, W-3.

³ R.S.A. 2000, c. P-40.

⁴ R.S.C. 1985, c. F-14.

⁵ S.C. 1999, c. 33.

with their provisions. If they do not, a court may, on application by an interested party, review the government action and declare it to be invalid and of no effect.

For information on the availability of statutes and regulations, see [How to find statutes](#) and [How to find regulations](#).

Policies

Who is subject to government policies?

Government policies can be directed to government employees, the public, or a segment of the public or business community most affected by particular statutes or regulations. Other government policies set out government's direction or objectives in a particular area.

Policies directed to government employees who administer laws and government programs set out how these people are expected to act when carrying out some government responsibility. For example, government authorities are often directed by policy in their decisions respecting the issuance of statutory approvals. The public expects government representatives and employees to comply with such government policies.

Policies aimed at persons and companies who are not government employees set out the expectations of the government authority with respect to that group's activities. For example, many government policies expect companies to operate specific industrial facilities in accordance with government directives.

Forms of policies

Policies take many different forms. For example, *Wetland Management in the Settled Area of Alberta: An Interim Policy* sets out the provincial government's vision for wetland management, its overall objectives, and gives priority to sustaining the benefits that functioning wetlands provide.⁶ However, the Interim Policy does not establish hard and specific rules on how government administrators are to act when confronted with an application to drain a wetland. Nevertheless, the

⁶ *Wetland Management in the Settled Area of Alberta: An Interim Policy* (Edmonton: Alberta Water Resources Commission, 1993).

administrators of water laws are expected to carry out their government's policy when carrying out legislated duties.

Other policies are more specific. These may take the form of guidelines, standards or codes that apply to persons who carry out certain activities. These policies often resemble legislation in that they set out particular rules with which the subject group is expected to comply. These more specific policies are often developed by government employees. They can also be developed by technical or scientific groups such as the Canadian Standards Association, or by policy development groups such as the Canadian Council of Ministers of the Environment. This latter group is responsible for the development of pollution control objectives and plans, including Canada-Wide Standards, which commit signing jurisdictions to reducing levels or concentrations of harmful substances. These objectives and standards are not legally binding.

Effect of policies

Although policy directives are meant to be followed by the persons to whom they apply, they are normally not backed up by legal consequences for non-compliance. This is an important way in which policies differ from laws, which are legally binding and enforceable. Non-compliance with policies may, however, have consequences other than legal enforcement action. For example, a government employee who does not follow applicable government policy might face disciplinary action. A company that does not follow government policy with respect to its operation of an industrial activity might face more stringent approval conditions the next time it applies to renew its approval.

In order for policy to be legally binding, it must be clearly incorporated into a statute or regulation. For example, a regulation might refer to requirements found in a specified guideline, giving the name, date and publisher of the guideline, and make these requirements binding on operators.

Determining the nature of a directive

To determine whether a directive that applies to the environment is law or policy, look first to how it was created and by whom. Then review the directive to determine whether it creates offences and penalties, which is generally more consistent with law. If questions remain, a lawyer should be able to advise whether a particular directive is law or policy.

The common law

Only part of our law is composed of statutes and regulations. The common law, a separate body of law, consists of principles that have been established by the courts in past decisions. While many of the cases that form the basis for the common law are centuries old, the law continues to evolve through the most recent cases.

Depending on the circumstances, the common law is enforceable by individuals, corporations and governments through the civil litigation process. Lower courts are required to follow the principles set out by higher courts. Most appeals in Alberta end at the Court of Appeal, which is the highest court in Alberta. A very small number of appeals reach the Supreme Court of Canada.

The scope of this Primer does not allow for a full review of common law rights and actions. Publications providing helpful explanations of this subject are available through the Environmental Law Centre.⁷

How to find statutes (Canada and Alberta)

Print versions

Statutes are often found in a consolidated version, called revised statutes. Revised statutes update all statutes of the federal government or a province to a particular date (e.g., *Revised Statutes of Canada 1985*; *Revised Statutes of Alberta 2000*). A statute in a consolidation (revised statutes) replaces all prior versions of the same statute. There are also annual or sessional statutes, which are published in volumes grouped by calendar year or by legislative session.

It is now common to find loose-leaf (binder) versions of statutes, which are updated on an ongoing basis. This means that amendments to statutes are incorporated as they are enacted. Although the loose-leaf versions are “unofficial” (the official source is the original statute and any amendments as they appear in the annual or sessional volumes), this format is reliable and most convenient for ensuring the law you are relying on is up to date.

If you are relying on an annual or sessional volume, or a consolidated version that has not been updated, you will need to track down any

⁷ See E. Swanson and E.L. Hughes, *The Price of Pollution: Environmental Litigation in Canada* (Edmonton: Environmental Law Centre, 1990).

amendments that may have been made to the statute since the date of the volume or consolidation. Amendments to federal statutes are listed in the Table of Public Statutes in the *Canada Gazette, Part III*. Amendments to Alberta statutes are listed in the Table of Public Statutes, found in the "Supplement" volume of the loose-leaf version of the *Revised Statutes of Alberta*.

Electronic versions

Internet versions of statutes are generally similar to loose-leaf versions, as they are updated on an ongoing basis and are "unofficial" (i.e., they cannot be relied on for legal purposes as the official versions can). Federal statutes are available at <http://laws.justice.gc.ca/en/index.html>. Provincial statutes are available at <http://www.qp.gov.ab.ca>. Both federal and provincial statutes can also be accessed through subscription database services such as QuickLaw. CD-ROMs that provide access to both sets of statutes are also available. The advantage of these computerized versions is that specific sections or terms can be searched for by the computer, often saving considerable amounts of time.

Statutes in their official, paper versions are available for viewing at certain libraries. Reference librarians at these libraries can assist you in locating statutes. For library locations and contact information, see [Where to find statutes and regulations](#).

How to find regulations (Canada and Alberta)

Print versions

Regulations are enacted under the authority of a particular statute, and are sometimes referred to as subordinate legislation. Federal regulations were last consolidated in the *Consolidated Regulations of Canada 1978* (CRC 1978). Regulations that have been enacted since that time can be found in the *Canada Gazette, Part II*. The *Canada Gazette, Part II* also includes a quarterly index of statutory instruments (regulations).

There is no consolidation of Alberta regulations. Regulations are published in the *Alberta Gazette*. They are also compiled into volumes on an annual basis, and these volumes include a table listing amendments to regulations.

Electronic versions

Computerized versions of regulations are also available on the Internet or CD-ROM, and are generally updated to include amendments on an ongoing or regular basis. As with statutes, the computerized versions of regulations are more efficient for search purposes, but are unofficial unless stated otherwise. Federal regulations are available at <http://laws.justice.gc.ca/en/index.html>. Provincial regulations are available at <http://www.qp.gov.ab.ca>.

Regulations in their official, paper versions are available for viewing at certain libraries. Reference librarians at these libraries can assist you in locating regulations. For library locations and contact information, see *Where to find statutes and regulations*.

Tips on how to read statutes and regulations

Helpful tools

Be sure to use the tools that may be included for assistance, such as tables of contents, headings and marginal notes. Tables of contents are not included in all statutes and regulations. However, where they are included, they may be of assistance in finding a particular section or subject area. Headings will often be used to indicate the subject matter of different parts of a statute or regulation. Marginal notes are found in small print in the margin next to the start of a section, and indicate the subject matter of that section. Keep in mind that schedules to statutes and regulations are part of that legislation, and may be relevant to your interests and research.

Definitions

Definitions are an important part of any statute or regulation. Words or phrases that have a commonly understood meaning in everyday language may be given a totally different meaning in a statute or regulation. Generally, definitions of terms that are used throughout a statute or regulation are found in the early sections of the legislation, often in section 1 or 2. However, definitions that apply to a particular part or sections of a statute or regulation may be found in the early sections of that part or group of sections instead.

Enabling powers

The powers given in a statute to make regulations are referred to as enabling powers. These may be found in sections near the end of the statute or at the end of particular parts of a statute. Sections setting out enabling powers are generally worded: "The Minister/Governor in Council/Lieutenant Governor in Council may make regulations prescribing/related to...". The power to make regulations is significant, since it is a largely discretionary authority to create enforceable law. This power is, however, restricted to the matters indicated in the section setting out the enabling powers.

Offences

Statutes and regulations may also contain sections creating offences under the legislation. Often these sections are located near the end of the statute or regulation, or at the end of a particular part of a statute or regulation. Offence provisions usually are worded to indicate *who* might commit the offence ("a person who..." or "any person who..."), and *what action* (or inaction) would constitute the offence ("does/fails to do something is guilty of an offence"). Often offence provisions will also indicate the penalty attached to the offence. Penalty provisions may also follow the offences in a separate section, particularly if the offence section contains a lengthy list of offences.

Interpretation of statutes and regulations

Statutes are often worded using broad terms that can sometimes be subject to different interpretations. For example, a person may be charged with an offence that could be interpreted in two or more ways, and that person will challenge the charge on that basis. When this happens, a court will decide the correct meaning of the statute, or hold it invalid if it is too vague. Courts are often guided in this task by an *Interpretation Act*, as well as by certain long-standing legal rules. Judges can also consider the debates in Parliament or the provincial legislature to get an idea of what the drafters of the statute were trying to achieve. These combined factors can lead to statutes being given a meaning that is not always the most obvious. Reference librarians at law libraries can assist you in determining whether the meaning of a particular statutory provision has been considered by the courts. For a list of libraries where this type of reference assistance is available, see below - Where to find statutes and regulations.

Regulations are not usually subject to the same kind of review by courts, but they are often accompanied by interpretive aids such as guidelines or policy manuals. A good tactic in trying to determine the interpretation of a regulation is to contact the appropriate government department, which will have any interpretive aids that exist or may be able to give an idea of the likely interpretation.

Where to find statutes and regulations

Statutes and regulations are public documents, and as such are accessible from a number of sources, such as:

- the Environmental Law Centre;
- provincial courthouses (arrangements may have to be made beforehand in some smaller centres);
- law school libraries (Universities of Alberta and Calgary);
- the Legislature library in Edmonton;
- the Alberta Environment Library;
- the Internet; and
- public libraries (although sometimes these are not as current as they could be).

The Queen's Printer, a provincial government office, offers copies of individual provincial acts or regulations for sale. You may also be able to purchase or order statutes or regulations from your local bookstore.

No matter where you decide to go for information, don't be afraid to ask the librarians for some direction if you need help. Some libraries employ research librarians who may be able to help you or lead you to the right source.

For more information

For further information about locating statutes and regulations, check the following sources.

Libraries

- Environmental Law Centre
204, 10709 Jasper Avenue
Edmonton, AB T5J 3N3
Tel: (780) 424-5099; 1-800-661-4238
Fax: (780) 424-5133
E-mail: elc@elc.ab.ca
<<http://www.elc.ab.ca>>

The Centre will fax and mail materials outside of Edmonton.

- Alberta Environment Library
Great West Life Building
6th Floor, 9920 - 108 Street
Edmonton, AB T5K 2M4
Tel: (780) 427-5870 (toll-free in Alberta by calling 310-0000)
Fax: (780) 422-0170
E-mail: env.library@gov.ab.ca
<<http://www.augustana.ab.ca/neos/neosevp>>

This library has Alberta statutes and regulations, and guidelines related to environmental legislation.

- University of Alberta, Faculty of Law
John A. Weir Memorial Law Library
2nd Floor, Law Centre
University of Alberta
Edmonton, AB T6G 2H5
Tel: (780) 492-3371 (general information/circulation)
Tel: (780) 492-5598 (reference assistance)
<<http://www.library.ualberta.ca/subject/law/index.cfm>>
- University of Calgary, Faculty of Law
Law Library
2nd Floor, Murray Fraser Hall
2500 University Drive NW
Calgary, AB T2N 1N4
Tel: (403) 220-3727 (general information/circulation)
Tel: (403) 220-7274 (reference assistance)
Fax: (403) 282-3000
<<http://www.ucalgary.ca/library/law>>

- Legislature Library
216 Legislature Building
10800 – 97 Avenue
Edmonton, AB T5K 2B6
Tel: (780) 427-2473 (toll-free in Alberta by calling 310-0000)
Fax: (780) 427-6016
E-mail: library@assembly.ab.ca

- Law Society Library
2nd Floor, Law Courts
1A Sir Winston Churchill Square
Edmonton, AB T5J 0R2
Tel: (780) 415-8590 (or toll-free: 1-866-230-8068)

- Law Society Library
7th Floor, Court House
611 – 4 Street SW
Calgary, AB T2P 1T5
Tel: (403) 297-6148 (or toll-free: 1-866-448-6148)

- Law Society Library
Court House
320 – 4 Street S.
Lethbridge, AB T1J 4C7
Tel: (403) 381-5639

- Law Society Library
Court House
4909 – 48 Avenue
Red Deer, AB T4N 3T5
Tel: (403) 340-5499

- Law Society Library
Court House
Box 759
511 Third Avenue West
Drumheller, AB T0J 0Y0
Tel: (403) 823-1721

- Law Society Library
Court House
224 Chief Red Crow Blvd.
Fort Macleod, AB T0L 0Z0
Tel: (403) 553-5029

- Law Society Library
Court House
10260 - 99 Street
Grande Prairie, AB T8V 6J4
Tel: (780) 538-8928
- Law Society Library
460 First Street SE
Medicine Hat, AB T1A 0A8
Tel: (403) 529-8636
- Law Society Library
Court House
9905 - 97 Avenue
Peace River, AB T8S 1S4
Tel: (780) 624-6418
- Law Society Library
Law Courts Building
4605 - 51 Street
Wetaskiwin, AB T9A 1K7
Tel: (780) 361-1320
- Note: smaller centres with provincial courthouses may have small libraries; check the provincial government telephone listings in your local area.

Stores

- The Queen's Printer Bookstores sell copies of Alberta statutes and regulations and also codes of practice made under the *Environmental Protection and Enhancement Act*. If you are located outside of Edmonton or Calgary, you may be able to buy copies of statutes and regulations through your local bookstore. You can order statutes and regulations, as well as some government publications, from the Queen's Printer Bookstores by fax or mail, or on-line through the Queen's Printer Internet site at <<http://www.qp.gov.ab.ca>>. The contact information for the Queen's Printer Bookstores is below:

Queen's Printer Bookstore
10611 - 98 Avenue
Main Floor, Park Plaza
Edmonton, AB T5K-2P7
Phone: (780) 427-4952 (toll-free in Alberta by calling 310-0000)
Fax: (780) 452-0668

Queen's Printer Bookstore
620 – 7th Avenue SW
Calgary, AB T2P 0Y8
Phone: (403) 297-6251 (toll-free in Alberta by calling 310-0000)
Fax: (403) 297-8450

Internet sources

- <<http://www.qp.gov.ab.ca>>

This is the site for the Alberta Queen's Printer. At this location, you can obtain access to Alberta statutes and regulations by clicking on "List Acts" or "List Regulations".

- <<http://laws.justice.gc.ca/en/index.html>>

This site provides access to federal statutes and regulations through the federal Department of Justice.

- <<http://www.acjnet.org/home.cfm>>

This site provides access to legislation by jurisdiction, and contains useful general information on the Canadian legal system.

PRIMER #2: CONSTITUTIONAL JURISDICTION OVER THE ENVIRONMENT

At the most basic level, the legal power to manage environmental matters lies with the level of government with the right to regulate the different aspects of our environment – land, water, air, wildlife, plants, other biota, and the relations between them. Determining who has the right to regulate and set policy for these aspects is no different from determining who has the right to regulate or set policy for any other matter in Canada. The place to start is with the Canadian Constitution as set out in the *Constitution Act, 1867*.⁸

The Canadian Constitution allocates what are called "heads of legislative power" between the federal and the provincial governments. The creators of the Constitution intended the allocation to be exclusive in the sense that if the Constitution gives one level of government the right to legislate a matter, it excludes the other level from legislating that matter. If one level of government passes a statute or regulation governing a matter over which the Constitution gives the other level exclusive power to legislate, a court may strike down the law as being *ultra vires*, meaning beyond the authority given by the Constitution.

The drafters of the *Constitution Act* did not consider which level of government, federal or provincial, should have the right to regulate the natural environment. Indeed, the need to protect and otherwise regulate the environment was not widely recognized until well into the twentieth century. Support for provincial or federal environmental laws must instead be found in the subject matters assigned to each jurisdiction under the Constitution. An environmental law may rely on one or more of these heads of legislative power.

Federal legislative powers

Under the Constitution, the federal government has the power to make laws concerning the environment and natural resources under its authority over the following subject matters:

- federal public property;
- trade and commerce;

⁸ *Constitution Act, 1867* (U.K.), 30 & 31 Vict., c. 3, reprinted in R.S.C. 1985, App. II, No. 5.

- revenue generation through taxation;
- navigation and shipping;
- seacoast and inland fisheries;
- Indians and lands reserved for Indians;
- the criminal law;
- extra-provincial works and undertakings, which includes the regulation of pipelines and other means of interprovincial transportation;
- works for the general advantage of Canada;
- the implementation of treaties entered into by Great Britain on behalf of Canada; and
- matters not specifically assigned to the provinces under the *Constitution Act, 1867*.⁹

Provincial legislative powers

The provinces have constitutional authority to make laws concerning the environment and natural resources under their powers over the following subject matters:

- the management and sale of provincial public lands including the timber and wood thereon;
- local works and undertakings;
- property and civil rights in the province and local or private matters;
- penalties for violating provincial law; and

⁹ Ibid., ss. 91, 92(10), 132.

- the management of natural resources. This includes the right to make laws in relation to the development, conservation and management of non-renewable natural resources and forestry resources in the province.¹⁰

Over the decades, the courts have interpreted the legislative heads of power. From these decisions we can conclude that the federal government has the power to regulate some environmental matters, including:

- federal lands (e.g. national parks or other federal reserved lands) and all resources on these lands (e.g. timber, water, range, wildlife, and mines and minerals);
- natural commercial, sport or recreational fishery habitat, whether on federal or non-federal lands, and whether on privately owned or public lands;
- extra-provincial waters; and
- migratory birds and, to a limited degree, migratory bird habitat (whether on federal or non-federal lands and whether on privately owned or public lands).

The provincial governments have the power to regulate some environmental matters, including:

- provincially owned lands, and all resources on those lands;
- activities relating to the beds and shores of all naturally occurring, permanent wetlands;
- wildlife, on private or public land, anywhere in the province except on federal land; and
- the conservation and management of non-renewable natural resources and forestry resources in the province.

Although the provinces have the right to legislate and set policy for air and water pollution and soil contamination within provincial borders, the

¹⁰ *Ibid.*, ss. 92, 92(A). List adapted from A. Lucas, "Natural Resource and Environmental Management: A Jurisdictional Primer", in *Environmental Protection and the Canadian Constitution*, (Edmonton: Environmental Law Centre, 1987)[Lucas].

federal government also has the right to legislate some aspects of interprovincial pollution as well as the right to regulate toxic substances, wherever they occur.

Under the 1930 *Natural Resources Transfer Agreement* between the federal government and the Province of Alberta, ownership of most natural resources in Alberta was transferred to the Province.¹¹ This transfer included ownership rights over water and minerals (for further information, see [Primer #4: Property Rights and the Environment](#)). As owner, the Province has the power to deal with, or regulate, these resources as any private owner would, subject only to valid federal law.

Municipalities are not given any powers by the Constitution. Any authority a municipality has to regulate environmental matters is derived from provincial legislation. Municipalities can therefore have no greater authority to manage environmental matters than the provinces (See [Primer #6: Municipalities and the Environment](#)).

The individual entries in *The ABC's of Environmental Jurisdiction* set out which level or levels of government regulate specific environmental matters, such as air quality, hazardous waste, endangered species, and others. The reader must be cautioned that some questions regarding jurisdiction over the environment remain unresolved.

Unclear constitutional jurisdiction

In some cases it is not clear which level of government, federal parliament or provincial legislature, has jurisdiction over a subject matter. In these cases, the approach of our courts has been to characterize the substance, or primary characteristic, of the regulated subject matter. Once identified, a court may determine that the matter falls clearly under provincial or federal constitutional authority. For example, a court might examine whether a provincial law prohibiting timber imports into the province concerns provincial timber resources (a matter within provincial authority), or trade and commerce (a matter within federal authority). If the substance of the law relates to provincial timber management, the court will find the provincial law to be valid. If the law relates primarily to trade and commerce, the court will declare the law to be unconstitutional, and invalid.¹²

¹¹ *Natural Resources Transfer Agreement, 1930* (*Constitution Act, 1930*, 20-21 George V, c. 26 (U.K.)).

¹² *Lucas, supra* note 10 at 33.

If this analysis does not clarify jurisdiction, the court may find that both levels of government are empowered to validly legislate some aspect of the matter. As an example, consider water pollution. Provincial legislatures may pass legislation regulating activities that cause water pollution, under their powers over property and civil rights. However, federal parliament is also authorized to regulate water pollution that affects fish under its power over inland and coastal fisheries. In this case, both federal and provincial laws may operate concurrently, meaning that both federal and provincial laws will apply. Where valid provincial law regulating a matter conflicts with valid federal law governing the same matter, the provincial law will normally be held inoperative, and the federal law will prevail.

In rare cases, our courts may find that the Constitution does not confer legislative authority upon either level of government to regulate an environmental matter. The Constitution provides that, in such cases, the federal government has jurisdiction under its power over matters not expressly assigned to the Provinces.¹³

Equivalency agreements and administrative agreements

In many cases, both the federal government and the provinces have jurisdiction to regulate an environmental matter. Increasingly, governments are cooperating to avoid the inefficiencies and potential conflicts that arise where two jurisdictions regulate the same matter directly. To this end, the *Canadian Environmental Protection Act, 1999* provides that, where provincial and federal laws are equivalent, the governments can agree that federal requirements will not apply in the province.¹⁴ Both the federal and Alberta governments have passed laws permitting such agreements between the jurisdictions.¹⁵

An equivalency agreement has been signed by the Alberta and federal governments. Under the *Agreement on the Equivalency of Federal and Alberta Regulations for the Control of Toxic Substances in Alberta*, the federal and Alberta governments agreed that certain regulations under the *Canadian Environmental Protection Act, 1999* would no longer apply in Alberta.¹⁶ The basis for the agreement was the federal

¹³ *Supra* note 8, s. 91, opening words.

¹⁴ *Infra*, note 15.

¹⁵ *Canadian Environmental Protection Act, 1999*, *supra* note 5, ss. 9 and 10; *Environmental Protection and Enhancement Act*, *supra* note 1, s. 19.

¹⁶ *An Agreement on the Equivalency of Federal and Alberta Regulations for the Control of Toxic Substances in Alberta*, C. Gaz. 1994.I.3462.

government's determination that the toxic substances addressed by the federal regulations are adequately regulated by the Province.

The federal and Alberta governments are also both authorized to enter into administrative agreements in order to streamline the administration of regulations.¹⁷ The agreements can address inspections, enforcement, monitoring, reporting, and other issues. Unlike equivalency agreements, under administrative agreements the laws of both jurisdictions continue to apply.

Canada-Wide Standards

The Canadian Council of Ministers of the Environment (CCME) is a forum of provincial and federal ministers that promotes intergovernmental cooperation on key environmental issues. As part of this effort, CCME has developed national guidelines, standards and objectives. Under the *Canada-Wide Environmental Standards Sub-Agreement*, Canada-Wide Standards have been established to reduce levels or concentrations of several potentially harmful substances. The Canada-Wide Standards and other CCME guidelines and objectives are non-binding; decisions regarding implementation are made by each jurisdiction. Plans to comply with the Canada-Wide Standards may be negotiated through administrative agreements between the federal and provincial governments.

In many cases, Canada-Wide standards have been adopted by provincial and federal governments in the development of environmental regulation and policy.

International agreements and international commitments

Under our Constitution, only the federal government has the right to enter into international agreements such as treaties and conventions. Treaty obligations, however, can generally only be implemented through domestic laws. Where a law implementing a treaty relates primarily to a matter over which the federal Parliament has constitutional jurisdiction, Parliament has the authority to implement the treaty. In cases where treaty obligations exceed federal jurisdiction, provincial cooperation is normally required. There is some indication, however, that the courts may be willing to re-examine, and broaden, the power of the federal government to implement treaties.

¹⁷ *Supra* note 15.

PRIMER #3: STATUTORY AUTHORIZATIONS

The term “statutory authorization” means, essentially, formal permission obtained from government to do something that, without such authorization, would be illegal. The authorization is “statutory” because the requirement to obtain it is created by a statute, regulation or order passed into law by government. Common statutory authorizations include permits, licenses, approvals, registrations, certificates, notices, and statutory exemptions from having to obtain any of the foregoing.

Regardless of the form a statutory authorization takes, the law establishing the authorization normally requires an applicant to submit certain information as part of an application for authorization. Some authorizations may be issued without public input, while others require public consultation by the applicant and allow extensive public participation. Typically, the applicable statute gives the decision maker considerable discretion to issue or refuse to issue an authorization, and to impose conditions. For example, an authorization may require that the holder carry out the authorized activity in a certain manner and report to the government on a periodic basis.

In general, the law creating the requirement for statutory authorization will also provide that it is an offence to undertake specified activities without authorization, or to violate the terms and conditions under which an authorization is issued. Consequences for non-compliance vary from possible imprisonment to fines and court orders directing the offender to take specific actions. In some cases, no enforcement action may be taken.

The following is a short summary of the types of statutory authorizations that may be necessary for activities that may harm the environment.

Provincial government statutory authorizations

Environmental Protection and Enhancement Act

The *Environmental Protection and Enhancement Act* (EPEA) prohibits anyone from carrying on an activity designated by the regulations unless the person obtains the appropriate authorization.¹⁸ The three

¹⁸ *Supra* note 1, ss. 60 and 61.

main EPEA statutory authorizations are approvals, registrations and notices. The *Activities Designation Regulation* lists activities that require these statutory authorizations in order to be lawfully carried out.¹⁹ The activities generally involve physical constructions, water or land disruptions, or emissions or discharges that may have an adverse environmental effect.

Approvals are required for activities with the highest potential to cause adverse environmental effects. The approvals application process imposes many procedural requirements, including mandatory public notice and a comment period. The approval document will set out the conditions under which the activity may be carried out.

Registrations may be required for activities with less potential to cause adverse environmental effects. There is no mandatory public notice or comment period for registration activities. To lawfully carry out a registration activity the proponent must comply with a Code of Practice developed by the government (regarding Codes of Practice and other sources of policy, see [Primer #1: Sources of Law and Policy](#)).

Notices must be given to the government for certain activities. Of the three types, notices are required for activities that have the least potential to cause adverse effects.

Water Act

To lawfully withdraw water from a water source, disturb water in a natural state or drain it, a person must have statutory authorization under the *Water Act*.²⁰ *Water Act* authorizations allow the use, disturbance or drainage of water. In addition, they can exempt the holder from any further authorization requirement, or require that notice be given to the government regarding use or disturbance of water.

The most common statutory authorization under the *Water Act* is the license, which authorizes a diversion of water. The Act exempts certain household and agricultural users, and certain diversions, from the license requirement. Many activities that may disturb or cause a diversion of water require an approval under the Act. The approval will impose terms and conditions on the activity.

¹⁹ Alta. Reg. 211/96.

²⁰ *Supra* note 2, s. 36.

Municipal Government Act

Statutory approvals under the Municipal Government Act include subdivision approvals and development permits.²¹

For a review of these authorizations, see [Primer #6: Municipalities and the Environment](#).

The Energy and Utilities Board

The Alberta Energy and Utilities Board (EUB) regulates the development of energy resources in Alberta. The requirements for the statutory authorizations issued by the EUB are found in a variety of provincial legislation including the *Oil and Gas Conservation Act*²² (oil and gas wells, and gas plants), *Pipeline Act*²³ (pipelines), *Hydro and Electric Energy Act*²⁴ (transmission lines), *Coal Conservation Act*²⁵ (coal extraction), and the *Water, Gas, and Electric Companies Act*²⁶ (utilities and telecommunications).

The Natural Resources Conservation Board

The Alberta Natural Resources Conservation Board (NRCB) is responsible for regulating a variety of activities including intensive livestock operations, pulp mills, metallic and industrial mineral projects, water management projects, and large recreation and tourism projects. Statutory authorizations are issued under the *Natural Resources Conservation Board Act*²⁷ and the *Agricultural Operation Practices Act*.²⁸

Connection between EPEA, EUB and NRCB statutory authorizations

EUB and NRCB decisions also enter into the decision-making process under the *Environmental Protection and Enhancement Act*. When considering an EPEA approval application, Alberta Environment is required to consider a decision of the EUB or the NRCB relating to the proposed activity. Typically, the statutory authorization process

²¹ R.S.A. 2000, c. M-26, ss. 652 and 683.

²² R.S.A. 2000, c. O-6.

²³ R.S.A. 2000, c. P-15.

²⁴ R.S.A. 2000, c. H-16.

²⁵ R.S.A. 2000, c. C-17.

²⁶ R.S.A. 2000, c. W-4.

²⁷ R.S.A. 2000, c. N-3.

²⁸ R.S.A. 2000, c. N-7.

includes the following stages, as applicable: EPEA environmental impact assessment, NRCB or EUB approval, and then EPEA statutory authorization (approval, registration or notice).

Connection between municipal, EUB and NRCB statutory authorizations

The *Municipal Government Act* states that an authorization of the NRCB or the EUB prevails over a municipality's planning and development approval processes.²⁹ In general, this means that if the EUB or NRCB approves a project, a municipality cannot prevent it from going ahead by refusing to issue a subdivision or development permit.

Federal government statutory authorizations

Important federal legislation providing for statutory authorizations includes the *Fisheries Act*³⁰ and the *Migratory Birds Convention Act*.³¹

Fisheries Act

The *Fisheries Act* prohibits anyone from carrying on any type of work or undertaking that results in the harmful alteration, disruption or destruction of fish habitat without statutory authorization.³² The Act also prohibits the deposit of deleterious substances into water frequented by fish except in accordance with the regulations or an authorization.³³

Migratory Birds Convention Act

The *Migratory Birds Regulations* under the *Migratory Birds Convention Act* prohibits anyone from doing anything that could harm migratory birds or their nests without statutory authorization.³⁴ It also prohibits the deposit of oil, oil wastes or any other substances harmful to migratory birds in any waters frequented by them without a statutory authorization.

²⁹ *Supra* note 21, s. 619.

³⁰ *Supra* note 4.

³¹ R.S.C. 1985, c. M-7.

³² *Supra* note 4, s. 35.

³³ *Ibid.*, s. 36.

³⁴ C.R.C., c. 1035, ss. 5, 6 and 35.

PRIMER #4: PROPERTY RIGHTS AND THE ENVIRONMENT

Ownership of Land

Land in Alberta is either owned privately or owned publicly by the Province or the federal government.

Provincial public land

Approximately 60% of Alberta land is publicly owned by the provincial government. Ownership is controlled by the Land Administration Division of Alberta Sustainable Resource Development.

Provincial (public) land is divided into two administrative categories: the White (settled) Area and the Green (unsettled) Area. Public land in the Green Area is managed for resource extraction, recreation, conservation, and other uses. Public land in the White Area is managed primarily for agricultural and some resource extraction and recreational uses. Dispositions for use of public land are granted under the *Public Lands Act*³⁵ and its regulations. The types of dispositions include leases, permits, licenses, quotas, and sales.

Federal public land

The federal government owns park, military and other federal lands in Alberta. These lands are administered, and dispositions in some areas are granted, under a variety of federal statutes.

Generally speaking, the federal government has the exclusive constitutional right to make laws that govern land-related matters on Indian reserves, subject to any constitutional, aboriginal or treaty rights.³⁶

Municipal public land

See [Primer #6: Municipalities and the Environment](#).

³⁵ *Supra* note 3.

³⁶ *Supra* note 8, s. 91(24). Regarding ownership of beds and shores, aboriginal water rights, and Metis rights, see A. Kwasniak, *Alberta's Wetlands: A Law and Policy Guide* (Edmonton: Environmental Law Centre, 2001) at 18 [*Alberta's Wetlands*].

Public authorities are restricted by applicable legislation

Provincial, federal and municipal authorities are bound by applicable legislation in their management of public lands. If a government authority does not act in accordance with applicable legislation, an interested party can ask a court to set aside the authority's action.

Privately owned land

Under the common law³⁷, private ownership of land consists of a bundle of rights that belong to the owner. Lawyers sometimes call these rights an *interest* or an *estate* in land. The most comprehensive form of ownership (the largest bundle of rights) is called title in fee simple. Typical rights included in a fee simple title are the owner's right to

- sell, mortgage, lease or will the estate in land;
- use or develop land in accordance with the law;
- grant to others some of the rights in the bundle of rights, for example, by way of lease, easement, or restrictive covenant; and
- exclude others from coming onto the land.

Ownership of water

In Alberta, as in other Canadian provinces, the provincial government owns all water in the province as well as the right to divert and use water. Wherever water is found, whether on private or public land, and whether permanent or intermittent, the province owns it. The Alberta government currently asserts this ownership right in the *Water Act*³⁸ (for further information, see Entry on [Water Rights](#)). In addition to all water, the province owns the beds and shores of nearly all naturally occurring, permanent water bodies in the province.³⁹

The provincial government grants itself and others the right to use, divert or disturb water through different types of Water Act statutory authorizations (see [Primer #3: Statutory Authorizations](#)).

³⁷ For an explanation of the difference between the common law and statutory law, see *Primer #1: Sources of Law and Policy*.

³⁸ *Supra* note 2, s. 3.

³⁹ *Supra* note 3, s. 3.

Riparian rights

At common law, an owner of land adjacent to a natural watercourse or body, or, in some cases, under which groundwater exists (referred to as a “riparian owner”), has certain rights concerning the water.⁴⁰ These rights apply even where the riparian has neither ownership nor control of the water, beds or shores, but are subject to variation by statute. They include

- Right of access to the water, right to unpolluted water (quality), and rights and consequences relating to accretion and erosion. These rights do not appear to have been limited by statute.
- Rights of use and quantity (or flow). These rights have been considerably altered by statute, most recently under the *Alberta Water Act*.⁴¹
- Rights relating to prevention of flooding. The extent to which these riparian rights have been overridden by the provisions of the *Water Act* remains to be determined by the courts.

Statutory modification of private land ownership rights

Where authorized by statute, governments may regulate many aspects of what people may do with land that they own. For example, the *Land Titles Act*⁴² establishes a land registry system that sets out the procedures that must be followed in order to legally transfer, mortgage or lease land. Planning laws established under the *Municipal Government Act*⁴³ control, limit and allow land uses through zoning, other land use planning devices, and municipal bylaws (for further information, see [Primer #6: Municipalities and the Environment](#)).

Environmental laws also regulate private land ownership by limiting land uses that could damage the environment. For example, the *Environmental Protection and Enhancement Act* prohibits certain activities on land without the appropriate regulatory authorization.⁴⁴ At the same time, this Act also increases potential uses by allowing landowners to protect land by way of conservation easement, an interest

⁴⁰ For an in-depth discussion of riparian rights and Alberta legislation, see *Alberta's Wetlands*, *supra* note 36 at 49.

⁴¹ *Supra* note 2.

⁴² R.S.A. 2000, c. L-4.

⁴³ *Supra* note 21.

⁴⁴ *Supra* note 1.

in land granted to an organization that binds the land's current and future owners.⁴⁵

In limited circumstances a landowner may be entitled to compensation when government interferes with private ownership rights over privately owned land. However, a landowner generally only has a right to compensation if the statute under which the taking occurred either explicitly or implicitly gives the owner the right to compensation.⁴⁶

Ownership of minerals, including oil and gas

Jurisdiction over natural resources was transferred from the federal government to the provinces under the 1930 *Natural Resources Transfer Agreement*. This transfer is now entrenched in the Canadian Constitution.⁴⁷ As a result of the transfer, all minerals occurring on non-federal land are owned by the province unless, at some point, the minerals were included in a grant to a private owner. Since 1887, all federal and Alberta government grants of land have been subject to an implied reservation, to the government, of mines and minerals and the power to work them.⁴⁸ This means that unless expressly included in a government grant of land, all minerals are reserved out of the grant. While there is some private ownership of subsurface minerals in Alberta, the province has retained ownership to over 75% of these minerals.⁴⁹

The provincial government grants interests in minerals under a variety of statutes to allow for the extraction of oil, gas, coal and other minerals. The most common interest granted is a *profit à prendre*, which allows the grantee to enter land, extract specific resources, and then own the resource once extracted.⁵⁰ In general, private owners of mineral rights have the discretion to dispose of these rights as they wish.

⁴⁵ *Ibid.*, s. 22.

⁴⁶ For example, the *Municipal Government Act* specifically states when compensation is and is not payable in respect of expropriation, dedication and other government action.

⁴⁷ *Supra* note 11; *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (U.K.), 1982, c. 11.

⁴⁸ *Dominion Lands Act*, S.C. 1872, c. 23; *Provincial Lands Act*, S.A. 1931, c. 43. The current provision is *Public Lands Act*, *supra* note 3 at s. 35.

⁴⁹ Alberta Energy, *Annual Report, 1989-90* at 10.

⁵⁰ An oil or gas lease is an example of a *profit à prendre*.

For further information on the law pertaining to mineral development, see [*Primer #5: Mineral Development*](#).

PRIMER #5: MINERAL DEVELOPMENT

Mineral exploration, extraction, development, and site reclamation have significant environmental consequences. This Primer provides a selective overview of the laws applying to these activities.

Ownership of mines and minerals

In 1887 federal Parliament amended the *Dominion Lands Act*, the legislation governing government lands, to create an implied blanket reservation to the federal government of all mines and minerals and the power to work them.⁵¹ Mines and minerals reserved by the federal government passed to Alberta by virtue of the *Natural Resources Transfer Agreement* of 1930.⁵² Both the *Alberta Provincial Lands Act* and its successor, the *Public Lands Act* carried forth the implied reservation.⁵³ Hence, since 1887, whenever the government disposed of an interest in land, unless the disposition specifically provided otherwise, the mines and minerals and the power to work them stayed with the government. Consequently, in Alberta the provincial government owns over 75% of the mineral resources in the province, such as oil, gas, coal and metallic minerals.⁵⁴ Many of the mineral interests owned by the province concern minerals under privately owned land. In addition to these interests, the province owns minerals under publicly owned lands.

Minerals under federal lands are owned by the federal government. Minerals under Indian reserves are owned by the federal government for the benefit of the Indian bands. The remainder of this Primer will address only mineral development on private and provincially owned land.

Acquisition of rights to government-owned minerals

The provincial government disposes of interests in minerals in accordance with authority and procedure established under statutes, including the *Mines and Minerals Act*⁵⁵ and the *Petroleum and Natural Gas Tenure Regulation*.⁵⁶ Disposition of mineral rights is carried out by

⁵¹ *Dominion Lands Act*, *supra* note 48.

⁵² This agreement is attached as a schedule to the *Constitution Act, 1930*, *supra* note 11.

⁵³ *Provincial Lands Act*, *supra* note 48. The current provision is *Public Lands Act*, *supra* note 3 at s. 35(1).

⁵⁴ *Supra* note 49.

⁵⁵ R.S.A. 2000, c. M-17.

⁵⁶ Alta. Reg. 263/97.

way of a tenure agreement, mineral lease or other instrument appropriate to the mineral.

To obtain mineral rights, persons or companies are required to follow an application and bidding process administered by Alberta Energy. An interdepartmental committee⁵⁷ reviews all applications for mineral rights dispositions, assesses potential environmental impacts, and recommends whether mineral rights should be granted, refused or granted with conditions.

Factors influencing the availability of mineral rights

Provincial (public) land is divided into two administrative categories: the White (settled) Area and the Green (unsettled) Area. Public land in the Green Area is managed for resource extraction, recreation, conservation, and other uses. Public land in the White Area is managed primarily for agricultural and some resource extraction and recreational uses. These priorities influence the circumstances and conditions under which resource rights will be granted, and development allowed to proceed.

Disposition of mineral rights on public lands may also be constrained by government designation of land under provincial legislation such as the *Public Lands Act*⁵⁸, *Wilderness Areas, Ecological Reserves and Natural Areas Act*⁵⁹, and the *Provincial Parks Act*.⁶⁰

Private owners of mineral rights have the discretion to dispose of mineral estates without following the above processes.

Access to private land for exploration, survey and development

Before a mineral development company can develop a mineral interest on lands it does not own, the company must obtain surface access. Typically, there are three stages at which the company will want access rights to the surface of private lands: exploration, surveying and development.

⁵⁷ Crown Mineral Disposition Review Committee.

⁵⁸ *Supra* note 3.

⁵⁹ R.S.A. 2000, c. W-9.

⁶⁰ R.S.A. 2000, c. P-35.

Exploration

At the exploration stage, a company holding a mineral interest conducts exploration operations to determine whether or not there is enough subsurface accumulation of petroleum, natural gas or another resource to warrant further investigation and development. For oil and gas resources, the most common exploration method is seismic operation.

The Alberta *Exploration Regulation* prohibits surface entry to explore for minerals or to commit waste without the consent of the person having lawful possession of the land or that person's agent.⁶¹ Holding title in fee simple to the surface land certainly indicates "lawful possession." Lesser interests, such as leases and registered conservation easements, may also constitute possession and entitle their holders to participate in decisions regarding whether exploration will be allowed on the subject land.⁶²

Surveying

Surveying refers to land surface operations to ascertain physical characteristics or boundaries. The *Surveys Act* governs surface surveying, and authorizes a registered Alberta land surveyor and assistants to enter private property without the consent of the owner, as long as reasonable care is taken.⁶³ Private owners have no right to exclude surveyors. The Act does, however, make the survey team liable for any damages it may cause.

Development

The *Surface Rights Act* states that no one has a right of entry to the surface of land for the purpose of removing minerals or constructing structures in connection with the removal of minerals, unless either the consent of the owner and any occupants are obtained, or the Surface Rights Board issues a right of entry order.⁶⁴ Consent usually takes the form of a surface lease. If a satisfactory arrangement, including for compensation for surface disturbance, cannot be reached among the holder, the owner and any occupiers, then the holder may ask the Board to issue a right of entry order and set compensation.

⁶¹ Alta. Reg. 214/98.

⁶² For discussion on this point, see *Alberta's Wetlands: supra* note 36 at 22.

⁶³ R.S.A. 2000, c. S-26.

⁶⁴ R.S.A. 2000, c. S-24, s. 12.

Access to public land for exploration and development

As with private land, surface access rights must be obtained before a company can explore for or develop a mineral interest on public land.⁶⁵ These rights are granted in the form of a surface lease (and possibly a licence of occupation). The terms and conditions of the surface lease normally regulate surface activities to promote environmental protection.

Statutory authorizations for exploration and development

No exploration for minerals can take place unless an exploratory plan submitted by the exploration company has been approved by Alberta Sustainable Resource Development. The approval may impose conditions relating to activities that could impact the environment.

At the development stage, the company holding the mineral interest carries out drilling or related operations for the purpose of production or extraction. Before commencing these activities the company will need a permit or other statutory authorization from the Energy and Utilities Board (EUB).⁶⁶ If it appears to the EUB that its decision on an application may directly and adversely affect the rights of anyone, then the EUB is required to give notice to that person of the application, as well as an opportunity to make representations and give evidence.⁶⁷ In order to make representations regarding a resource development, individuals or groups must first establish that they will be directly and adversely affected by the development.

Conservation and reclamation

The Energy and Utilities Board imposes requirements for capping and shutting down of oil and gas wells that are no longer in use.⁶⁸ Requirements address down-hole abandonment, cementing, and surface abandonment.

⁶⁵ *Supra* note 61 at s. 4; *Public Lands Act*, *supra* note 3 at s. 47.

⁶⁶ *Supra* note 22 at s. 11.

⁶⁷ *Energy Resources Conservation Act*, R.S.A. 2000, c. E-10, s. 26(2).

⁶⁸ *Oil and Gas Conservation Regulation*, Alta. Reg. 151/71, s. 3.010(7).

A company responsible for an abandoned well, oil production site, battery or pipeline is also required to reclaim the site or right or way.⁶⁹ Once the site has been properly reclaimed, Alberta Environment will conduct an inspection and, if no further reclamation is needed, issue a reclamation certificate.⁷⁰ Until a reclamation certificate has been issued, the company has ongoing responsibility for the site and must continue to pay rent to the landowner.⁷¹

⁶⁹ *Supra* note 1 at ss. 134-146 and the *Conservation and Reclamation Regulation*, Alta. Reg. 115/93.

⁷⁰ *Supra* note 1 at s. 138.

⁷¹ *Ibid.*, s. 144. For a detailed review of conservation and reclamation requirements, see M. Griffiths and T. Marr-Laing, *When the Oilpatch Comes to Your Backyard: A Citizens' Guide to Protecting Your Rights* (Drayton Valley, Alta.: Pembina Institute for Appropriate Development, 2001) at 40-47.

PRIMER #6: MUNICIPALITIES AND THE ENVIRONMENT

Municipal powers

The *Municipal Government Act* (MGA) provides for the creation of municipalities and empowers municipalities to act.⁷² In general terms, there are two sources of municipal power under the MGA. Firstly, the Act provides that municipalities have the powers of a "natural person". This means that unless limited by statute, a municipality may do anything a natural person may do. For example, like other natural persons a municipality may borrow money, lend money, buy land, sell land, and enter into leases and so forth, without specific legislative authority.

The second source of municipal power enables municipalities to do things that other natural persons cannot do. These are specific powers conferred on municipalities by legislation and regulation. Although municipalities get most of their powers from the MGA, other statutes also give them powers. For example, the *Environmental Protection and Enhancement Act* authorizes municipalities to hold conservation easements, something most natural persons cannot do.⁷³

Like all statutory creations, municipalities have no authority beyond the powers expressly or implicitly given by legislation. If a municipality acts beyond these powers, an affected person may ask a court to judicially review the action, and to nullify it. The court will comply if it finds that the municipality or its delegates acted beyond authority given by the legislation in question. In other words, it will find the municipal action to be beyond the scope of the municipality's powers, and consequently of no effect. To understand what a municipality may and may not do respecting the environment, one must look at how laws authorize and restrict municipal action.

General municipal powers

The MGA gives municipalities considerable general powers to pass bylaws.⁷⁴ The Act intends that these powers be interpreted broadly and to "enhance the ability of councils to respond to present and future issues".⁷⁵ The bylaw making power can be used to control a variety of

⁷² *Supra* note 21.

⁷³ *Supra* note 1, s. 22.

⁷⁴ *Supra* note 21, s. 7.

⁷⁵ *Ibid.*, s. 9.

activities that affect the environment, and to promote environmental conservation.

The MGA also gives the municipality control over rivers, streams, lakes and other natural water bodies within the municipality.⁷⁶ This jurisdiction includes the air space above and the ground below such waters. Nevertheless, water bodies located on municipal land remain the property of the provincial Crown (regarding ownership of water, see *Primer #4: Property Rights and the Environment*).

Municipal planning and development

We now turn to more specific statutory powers granted to municipalities under the MGA. The MGA gives municipalities considerable authority to regulate private land use. The Act requires municipalities to map out their land use objectives. It charges municipalities with the duty to pass bylaws specifying what kind of developments will be allowed and what kind will be prohibited. The setting of priorities through statutory plans and land use bylaws has an important influence on natural values in the municipality.

After a summary of the major municipal planning instruments, specific tools available for municipalities to conserve natural areas will be briefly reviewed.

Statutory plans generally

Municipalities exercise their authority to regulate land uses through plans authorized or required by the MGA ("statutory plans"). Statutory plans have a number of purposes. These range from setting out the general direction a municipality wishes to proceed in regarding future land use to establishing firm rules for deciding subdivision and development applications.

Municipal development plans

The broadest in scope and most general of statutory plans is the municipal development plan (MDP). The municipal development plan sets out a municipality's goals and objectives for future development. It is not a regulatory plan in that it does not tell decision-makers how to decide development applications. Instead, it sets forth the municipality's policies on land use and development. The MGA requires

⁷⁶ *Ibid.*, s. 60(1).

that a MDP address priorities for future growth and anticipated infrastructure needs, including roads and transportation corridors to accommodate that growth. The MGA allows that a MDP may address many other matters including development policy concerning environmentally sensitive areas.⁷⁷

Area structure plans and area redevelopment plans

Although still general, area structure plans are more specific than the MDP. An area structure plan applies to a geographical area of primarily undeveloped land within a municipality ranging from only a few acres to several sections of land.⁷⁸ The MGA intends that area structure plans provide a framework for subdivision and development of the subject area. An area structure plan must describe the proposed sequence of development, land uses, density and the general location of major transportation routes and public utilities. An area structure plan may contain any other matters council considers necessary.⁷⁹ Area redevelopment plans are like area structure plans except that the former deal with redeveloping developed areas.⁸⁰

Land use bylaws and districting

The MGA requires every municipality to pass a land use bylaw.⁸¹ The land use bylaw is the regulatory tool by which a municipality carries out its statutory plans. The major purpose of a land use bylaw is to regulate and control the use and development of land and buildings in a municipality.⁸² A land use bylaw typically has two elements: one that creates the administrative structure to deal with subdivision and development applications; the other that creates specific rules to be applied in the subdivision and development process. The administrative structure includes a development authority to decide development permit issues, an application procedure, and a process to issue, cancel, and alter development approvals.

Under the MGA, a municipal council is required to pass a land use bylaw that divides the municipality into districts, or zones.⁸³ Most of

⁷⁷ *Ibid.*, s. 632.

⁷⁸ F. Laux, *Planning Law and Practice in Alberta*, 2nd ed., looseleaf (Toronto: Carswell, 1996) at 2-19.

⁷⁹ *Supra* note 21, s.633.

⁸⁰ *Ibid.*, s. 634.

⁷⁹ *Ibid.*, s. 639.

⁸² *Ibid.*, s. 640(1).

⁸³ *Ibid.*, s. 640(2).

us are familiar with the most common types of districts, which include residential, commercial and industrial. Other, less well-known district types can be used by municipalities to protect natural areas; these include open space districts and direct control districts.⁸⁴ The objective of open space districting is to conserve environmentally sensitive areas with unique natural qualities, or to minimize development that, owing to the physical characteristics of the land, may prove hazardous.⁸⁵ Open space districting allows only non-intensive land uses consistent with conservation. Council can directly regulate and control development in a direct control district as it considers necessary, subject to any applicable land use plan.⁸⁶

The MGA also requires that a land use bylaw set out permitted and discretionary uses for each district.⁸⁷ A land use bylaw may state that when issuing a development permit for a permitted use a development officer may impose such conditions as deemed necessary and, for a discretionary use permit, impose such conditions as required to ensure compliance with the bylaw. The MGA requires the approving authority to issue a permit if the proposed development conforms to a permitted use. Accordingly, conditions probably may only be imposed for permitted uses where the bylaw gives the development officer a discretion which may be properly exercised by way of a condition, for example, to set landscaping standards.⁸⁸ However, with discretionary uses, provided that the authority has rational planning grounds, an approving authority has greater discretion to impose conditions.⁸⁹

In the past, municipalities also have preserved environmentally sensitive land through the use of holding districting. Usually a holding district or holding zone would only apply to recently annexed rural land adjacent to urban land. The zone is meant, in effect, to restrict uses to hold off on development lest it prove to be disorderly and premature.

Conservation of natural areas

The MGA provides municipalities with several specific tools to conserve natural areas. Under the Act, a municipality can reserve a limited

⁸⁴ Others indirectly also show promise. For example, agricultural districting may in effect keep land from being fragmented into smaller parcels.

⁸⁵ *Supra* note 78 at 6-25.

⁸⁶ *Supra* note 21, s. 641.

⁸⁷ *Ibid.*, s. 640(2).

⁸⁸ *Supra* note 78 at 9-24.

⁸⁹ *Ibid.* at 9-23.

amount of land out of lands to be subdivided in order to create a park or recreation area,⁹⁰ or to protect specified environmental areas.⁹¹ Municipalities are also empowered to enter into agreements with landowners, called easements, that bind the owner and all future owners to conserve the natural values of the land.⁹² Municipalities are also empowered to protect certain natural areas through designation under the *Historical Resources Act*.⁹³

Other preservation tools available to municipalities involve the purchase, or acquisition by gift, of land by the municipality. For example, municipalities are empowered under the MGA to designate land they acquire by purchase, gift or otherwise as municipal or environmental reserve.⁹⁴

⁹⁰ *Supra* note 21, s. 666 (municipal reserve).

⁹¹ *Ibid.*, s. 664 (environmental reserve).

⁹² *Ibid.* (environmental reserve easement) and *supra* note 1 at ss. 22-24 (conservation easement).

⁹³ R.S.A. 2000, c. H-9.

⁹⁴ *Supra* note 21, s. 665.

ACCESS TO INFORMATION

Jurisdiction

Access to government information is regulated at both the federal and provincial levels. Access to information controlled by the federal government is regulated federally, while the Province regulates information controlled by the provincial government.

Federal Government – The Laws

The federal government controls access to information with two pieces of legislation, the *Privacy Act* and the *Access to Information Act*. The *Privacy Act* concerns government use of, and personal access to, information of a personal nature. Access to environmental information controlled by government departments and institutions is regulated under the *Access to Information Act*.

The *Access to Information Act* provides that federal government institutions must, on request, allow any person or corporation present in Canada access to information controlled by that institution. This requirement applies to federal departments, agencies, boards and other bodies as listed in Act. The *Access to Information Act* also provides that certain types of information are excepted from the requirement, including information that may not be divulged for reasons of national security, law enforcement, or trade secrecy.

Federal Government – Administration

Every federal government department and institution has an Access to Information and Privacy Coordinator who handles access to information requests directed towards that particular public body.

Federal Government – Enforcement

The Information Commissioner of Canada enforces the provisions of the *Access to Information Act*.

Provincial Government – The Laws

The Province regulates access to information under the *Freedom of Information and Protection of Privacy Act* and the *Freedom of Information and Protection of Privacy Regulation*. The Act requires that provincial public bodies provide access to records under their

control upon request. This requirement applies to provincial departments, boards, local government and other bodies as set out in the Act and listed in the Regulation. Certain types of information that are excepted under the Act need not be disclosed. Disclosure procedures for specific public bodies are set out in regulations under several statutes, including the *Environmental Protection and Enhancement Act*. There are no restrictions on who can make a request for information.

Provincial Government – Administration

Every provincial public body has a Freedom of Information and Privacy Coordinator who handles access to information requests directed toward that specific body.

Provincial Government – Enforcement

The *Freedom of Information and Protection of Privacy Act* and Regulation are enforced by the Information and Privacy Commissioner (Alberta).

Further Information and Contacts

1. Contact the federal or provincial department or institution likely to hold the information you wish to access.

Contact information for federal government Access to Information and Privacy Coordinators can be found in *Info Source*, a federal government publication available at most public libraries. The information is also available by dialing the Government of Canada toll-free information line at 1-800-622-6232, or by following links provided on the Department of Justice website 'Access to Information and Privacy' webpage at <<http://canada.justice.gc.ca/en/ps/atip>>.

Telephone and fax numbers for Alberta's Information and Privacy Coordinators are listed in the 'Common Services' section of the *Government of Alberta Telephone Directory*. Full contact information is also available through the Alberta Government's Freedom of Information and Privacy webpage at <<http://www3.gov.ab.ca/foip/coordinators/index.cfm>>.

2. Further information on the procedures for accessing information as well as previous decisions pertaining to access to information is provided on the websites for the Federal Department of Justice Canada at <<http://canada.justice.gc.ca/en/ps/atip>>. Information is also available on the webpage of the Office of the Information and Privacy Commissioner of Alberta at <<http://www.oipc.ab.ca/home>>.

General inquiries regarding the provincial access to information process may also be directed to:

Office of the Information and Privacy Commissioner

410, 9925 - 109 Street

Edmonton, AB T5K 2J8

Tel: (780) 422-6860 (toll-free in Alberta by calling 310-0000)

Fax: (780) 422-5682

E-mail: generalinfo@oipc.ab.ca

3. If you are unable to find the information you need through the above sources, contact the Environmental Law Centre (see the [Appendix](#)).

AIR QUALITY (INDOOR)

Jurisdiction

Indoor air quality is regulated at the provincial level. The federal government does not directly regulate in this area, but has undertaken policy initiatives concerning indoor air quality. Municipalities also regulate activities that affect air quality.

Provincial Government – The Laws

The province regulates the materials used in building construction and imposes ventilation requirements under the *Alberta Building Code 1997*. The *Building Code Regulation* under the *Safety Codes Act* adopts the Code and gives it the force of law.

The province regulates workplace indoor air quality under the *Occupational Health and Safety Act* and its regulations. In particular, the *Ventilation Regulation* requires that employers ventilate areas where necessary to protect employees from air quality hazards.

Where an air quality problem presents a risk to public health, the *Public Health Act* authorizes inspections and provides for the issuance of orders.

Provincial Government – Administration and Enforcement

The *Alberta Building Code* is, for the most part, administered at the municipal level, and enforced by municipal building inspectors. In some municipalities, Alberta Municipal Affairs or an accredited corporation or agency carries out inspections and administers and enforces the Code.

The *Occupational Health and Safety Act* and its regulations are administered and enforced by Workplace Health and Safety, a division of Alberta Human Resources and Employment.

The *Public Health Act* is administered and enforced through the regional health authorities.

Municipal Government – Bylaws

Alberta municipalities are authorized under the *Municipal Government Act* to pass bylaws restricting activities that affect indoor air quality in public places. For example, Edmonton's *Smoking Bylaw* prohibits or restricts smoking in shops, hospitals, workplaces, restaurants and other public places.

Municipal Government – Enforcement

In many larger municipal centres, bylaw enforcement officers are responsible for enforcing bylaws. In other municipalities, the local police or RCMP detachment is responsible for enforcement.

Federal Government – Inter-jurisdictional Policy

A working group of federal and provincial departments have issued *Exposure Guidelines for Residential Indoor Air Quality*. The Guidelines do not set enforceable standards, but are used in the development of provincial building codes and ventilation requirements. Although many federal departments are involved in research and the development and implementation of guidelines, Health Canada has the lead role.

Further Information and Contacts

1. Contact the building owner or manager to discuss your concerns.
2. For general information on indoor air quality issues and federal programs, see 'Air Quality' on Health Canada's 'Health Index' webpage at <http://www.hc-sc.gc.ca/english/search/a-z/a.html>.
3. Regarding municipal air quality bylaws, contact your municipal bylaw enforcement office.
4. For general information about Workplace Health and Safety (WHS), see the WHS website at <http://www3.gov.ab.ca/hre/whs/>.

If the website does not provide the information you need, contact:

Alberta Human Resources and Employment
Workplace Health and Safety
Tel: 1-866-415-8690
Fax: (780) 422-3730
E-mail: whs@gov.ab.ca

For regional WHS contact information, see the [Appendix](#).

5. If your concern also involves a risk to public health, you may also contact your regional health authority (see the [Appendix](#)).
6. If you are unable to find the information you need through the above sources, contact the Environmental Law Centre (see the [Appendix](#)).

AIR QUALITY

(See also Entries on [Air Quality - Indoor](#), [Burning \(Open\)](#), [Flaring and Venting](#), [Incineration](#), [Intensive Livestock Operations](#), [Oil and Gas Development](#), and [Vehicle Emissions](#))

Jurisdiction

Air quality is regulated at the federal, provincial, and municipal levels. Air quality is also the subject of international agreements to which Canada is a party.

International Laws

Major international agreements to which Canada is a party include the *Convention on Long-Range Transboundary Air Pollution (1979)* and the *1991 Canada-United States Air Quality Agreement*. These agreements commit signing parties to reducing emissions that cause smog and other air quality problems.

Federal Government - The Laws

The federal government regulates air quality primarily by regulating specific pollutants, rather than the activities that affect air quality.

The federal government regulates toxic substances and international air pollution generated in Canada under the *Canadian Environmental Protection Act, 1999*. Currently, regulations are in place under the Act restricting releases of several toxic substances that affect air quality, including mercury (*Chlor-Alkali Mercury Release Regulations*), halocarbons (*Federal Halocarbon Regulations*) and ozone-depleting substances (*Ozone-depleting Substances Regulations, 1998*).

Vehicle emissions and fuel composition are regulated federally (see Entry on [Vehicle Emissions](#)).

Regulations are also in place under the Act restricting vinyl chloride emissions and emissions from lead smelters. However, these regulations do not apply in Alberta due to the operation of the *Canada-Alberta Equivalency Agreement* (See discussion on equivalency and administrative agreements in [Primer #2: Constitutional Jurisdiction over the Environment](#)).

Other federal acts and regulations regulate emissions generated by industries such as shipping, airlines and railroads.

On the policy level, the *National Emission Guidelines for Stationary Combustion Turbines* and other federal guidelines and policy documents set standards for emissions and levels of specified sources of air pollutants (for background information, see [Primer #1: Sources of Law and Policy](#)).

Federal Government – Enforcement

Environment Canada is responsible for enforcing the provisions of *Canadian Environmental Protection Act, 1999* as they apply in Alberta.

Provincial Government – The Laws

The Province regulates air quality primarily by regulating sources of potential air pollution, rather than the pollutants themselves.

The Alberta *Environmental Protection and Enhancement Act* regulates or prohibits releases of harmful substances into the environment, including releases into the air. Where the Act requires an approval for a facility, the approval may set source emission standards, require the use of pollution control equipment, and restrict operational procedures (for background information, see [Primer #3: Statutory Authorizations](#)). Emissions restrictions in approvals are set with reference to the *Alberta Ambient Air Quality Guidelines*.

The Act authorizes Alberta Environment to issue orders requiring any person responsible for a harmful release or offensive odour to stop or control the release.

The *Substance Release Regulation* under the Act sets restrictions on visible emissions and air-borne particulates. Facilities listed in the Schedule to the Regulation do not require an approval but must comply with industry-specific Codes of Practice that restrict emissions. The *Ozone-Depleting Substances and Halocarbons Regulation* under the Act restricts the release of these substances in most circumstances, except where allowed under an approval.

The *Sulphur Recovery Guidelines for Sour Gas Plants in Alberta* control sulphur emissions from plants that process sour gas. Oil and gas activity that affects air quality is also regulated by the Alberta Energy and Utilities Board through statutory authorizations, regulations and

guidelines issued under the *Oil and Gas Conservation Act* and related statutes.

Provincial Government – Enforcement

Alberta Environment enforces approval emissions limits and compliance with the *Environmental Protection and Enhancement Act*, the regulations, and the codes of practice made under the Act. The Energy and Utilities Board enforces compliance with the *Oil and Gas Conservation Act* and its regulations, including statutory authorizations issued by the Board.

Municipal Government – Bylaws

Many municipalities have passed bylaws regulating noise, smoke, dust and odours.

Municipal Government – Enforcement

In many larger municipal centres, bylaw enforcement officers are responsible for enforcing bylaws. In other municipalities, the local police or RCMP detachment is responsible for enforcement.

Further Information and Contacts

1. For general information on federal air quality regulation and programs, see Environment Canada's 'Clean Air' website at <http://www.ec.gc.ca/air/introduction_e.cfm>.
2. If you have specific questions regarding federal legislation and programs you may also contact Environment Canada (see the [Appendix](#)).
3. For general information on provincial air quality regulation and programs, see Alberta Environment's 'Welcome to Air' website at <<http://www3.gov.ab.ca/env/air.html>>.
4. If you have specific questions regarding provincial legislation and programs, you may also contact:

Alberta Environment Regional Offices (see the [Appendix](#)).

5. If you are unable to find the information you need through the above sources, contact the Environmental Law Centre (see the [Appendix](#)).

ALTERNATIVE ENERGY

Jurisdiction

Wind, solar, and other forms of alternative energy are regulated at the provincial level under major electricity and utilities legislation. Currently, there is little regulation that applies specifically to alternative energy.

Provincial Government – The Laws

The *Hydro and Electric Energy Act* requires that all power plants, including any facility for the generation of electricity, obtain an approval from the Alberta Energy and Utilities Board. Electricity distribution systems must also be approved. There are exemptions for electricity generated for personal use, and for distribution systems on land that is leased or owned by the person generating the electricity. Filing and reporting requirements are set out in the *Hydro and Electric Energy Regulation*.

The *Electric Utilities Act* regulates commercial and other aspects of electricity generation, transmission, and distribution. However, the Act does not apply to electricity generated on land owned or leased by a person for that person's sole use.

Some older generating facilities are subject to the *Independent Power and Small Power Regulation* under the *Electric Utilities Act*. Certain small-scale electricity producers are also regulated under the *Small Power Research and Development Act* and the *Small Power Research and Development Regulation*.

Provincial Government – Administration and Enforcement

Provincial laws governing alternative energy are administered and enforced by the Energy and Utilities Board. Research and development initiatives are administered by Alberta Energy.

Further Information and Contacts

1. Contact your electricity company (retailer) to discuss the availability of alternative energy through the grid.

2. For information on independent power production in Alberta, see the website of the Independent Power Producers' Society of Alberta at <<http://www.ippsa.com/>>.
3. For general information on wind energy generation, see the website of the Canadian Wind Energy Association at <<http://www.canwea.ca/>>.
4. You may obtain specific information concerning Energy and Utilities Board regulation of electricity generation through the Board's website at <<http://www.eub.gov.ab.ca/BBS/eubinfo/EnerFAQs/EnerFaq7.htm>>.
5. For general information on the electricity market, see Alberta Energy's 'Electricity' webpage at <http://www.customerchoice.gov.ab.ca/elect/index_elect.html>.
6. If your retailer is unable to answer your questions, and the information you need is not available through the above websites, you may also contact:

Alberta Energy and Utilities Board
Head Office
640 - 5th Avenue SW
Calgary, Alberta T2P 3G4
Tel: (403) 297-8311 (toll-free in Alberta by calling 310-0000)
Fax: (403) 297-7336

Alberta Energy and Utilities Board
Utilities Branch-Edmonton Office
10055 - 106 St., 10th Floor
Edmonton, Alberta T5J 2Y2
Tel: (780) 427-4901 (toll-free in Alberta by calling 310-0000)
Fax: (780) 427-6970

7. If you are unable to find the information you need through the above sources, contact the Environmental Law Centre (see the [Appendix](#)).

ANIMAL WELFARE

Jurisdiction

Animal welfare is regulated at both the federal and provincial levels.

Federal Government – The Laws

The *Health of Animals Regulations* under the *Health of Animals Act* impose requirements on the transportation of animals. The *Meat Inspection Regulations, 1990* under the *Meat Inspection Act* set out requirements for the humane treatment and slaughter of food animals.

Federal Government – Administration and Enforcement

The Canadian Food Inspection Agency administers and enforces the *Health of Animals Act*, the *Meat Inspection Act*, and the regulations under those Acts.

Provincial Government – The Laws

The *Animal Protection Act* prohibits an owner or caretaker of an animal from allowing the animal to be in distress. However, this prohibition does not apply where the distress results from reasonable and generally accepted practices of animal management, husbandry, or slaughter. The Act also authorizes peace officers to take any measures necessary to relieve an animal's distress.

The *Animal Welfare Regulation* under the *Universities Act* protects animals used for research purposes in universities.

Provincial Government – Administration and Enforcement

Alberta Agriculture, Food and Rural Development administers the *Animal Protection Act* and the *Animal Welfare Regulation*. The Act and Regulation are enforced by Special Constables appointed under the *Police Act*, as well as RCMP and municipal police.

Further Information and Contacts

1. For information on federal regulation of animal welfare, see the Canadian Food Inspection Agency's 'Animal Health' webpage at <<http://www.inspection.gc.ca/english/index/ahsae.shtml>>.

If you are unable to find the information you need on federal animal welfare regulation through the website, you may also contact:

Canadian Food Inspection Agency
Room 205, 7000 - 113 Street
Edmonton, AB T6H 5T6
Tel: (780) 495-3333
Fax: (780) 495-3359

3650 – 36 Avenue NW
Calgary, AB T2L 2L1
Tel: (403) 299-7660
Fax: (403) 221-3296

2. For further information on provincial regulation of animal welfare, contact:

Alberta Agriculture, Food and Rural Development
Technical Services Division
204 J.G. O'Donoghue Bldg.
7000 – 113 Street
Edmonton, AB T6H 5T6
Tel: (780) 422-4844 (toll-free in Alberta by calling 310-0000)
Fax: (780) 427-1057

3. If you have a concern regarding animal cruelty or abuse, contact Society for the Prevention of Cruelty to Animals:

Edmonton Office
12251 - 67 Street NW
Edmonton, AB T5B 1M8
Tel: (780) 491-3506
Fax: (780) 479-8946

Calgary Office
323 – 36 Avenue NE
Calgary AB T2E 6T6
Tel: (780) 250-7722
Fax: (780) 251-9818

Outside of Edmonton or Calgary, see “Society for the Prevention of Cruelty to Animals” in the White Pages or “Animal Welfare” in the Yellow Pages of your local telephone directory.

If your directory provides no listing, contact:

Alberta SPCA
10806 – 124 Street
Edmonton, AB T5M 0H3
Tel: 1-800-455-9003 or (780) 447-3600
Fax: (780) 447-4748

4. If you are unable to find the information you need through the above sources, contact the Environmental Law Centre (see the [Appendix](#)).

ASBESTOS

Jurisdiction

Asbestos application and removal is regulated at both the federal and provincial levels.

Federal Government – The Laws

The federal government regulates asbestos under the *Canadian Environmental Protection Act, 1999* and the *Hazardous Products Act*.

The *Hazardous Products Act* regulates potentially hazardous consumer products. Asbestos products included in Part I of Schedule I of the Act are prohibited from advertisement, sale or importation into Canada.

With respect to crocidolite asbestos, the *Hazardous Products (Crocidolite Asbestos) Regulations* under the *Canadian Environmental Protection Act, 1999* prescribe the conditions under which this particular type of asbestos may be advertised, sold or imported into Canada.

The *Asbestos Mines and Mills Release Regulations* under the *Canadian Environmental Protection Act, 1999* regulate the release of asbestos fibres from asbestos mines and mills.

Federal Government – Enforcement

The *Hazardous Products Act* is enforced by the Consumer Products Division of Health Canada. Environment Canada enforces the *Asbestos Mines and Mills Release Regulations* under the *Canadian Environmental Protection Act, 1999*.

Provincial Government – The Laws

The *Chemical Hazards Regulation*, under the *Occupational Health and Safety Act*, imposes requirements on employers to protect employees working with asbestos.

The *Alberta Building Code 1997*, given the force of law by the *Building Code Regulation* under the *Safety Codes Act*, imposes restrictions on the use of products containing asbestos in building construction. The Code also regulates the handling of asbestos during demolition.

Provincial Government – Administration and Enforcement

The *Occupational Health and Safety Act* and its regulations are enforced by Workplace Health and Safety, a division of Alberta Human Resources and Employment.

The *Alberta Building Code 1997* is, for the most part, administered at the municipal level, and enforced by municipal building inspectors. In some municipalities, Alberta Municipal Affairs or an accredited corporation or agency carries out inspections and administers and enforces the Code.

Further Information and Contacts

1. Regarding asbestos in consumer products, contact the nearest Health Canada Product Safety Bureau Regional Office:

Room 839, Canada Place
9700 Jasper Avenue
Edmonton, AB T5J 4C3
Tel: (780) 495-2626
Fax: (780) 495-2624

Room 282, Harry Hays Building
220 - 4th Avenue SE
Calgary, AB T2G 4X3
Tel: (403) 292-4677
Fax: (403) 292-4644

Further information on the Product Safety Bureau Regional Offices is available on the Health Canada website at <<http://www.hc-sc.gc.ca/ehp/ehd/psb/regional.htm>>.

2. Regarding asbestos releases from mines and mills, contact:

Chief, Minerals and Metals Division
National Office of Pollution Prevention,
Environment Canada
351 St. Joseph Boulevard
Hull, QC K1A 0H3
Tel: (819) 953-1103
Fax: (819) 953-5053

3. Regarding the use of asbestos in building construction and demolition issues, contact the authority responsible for enforcing the *Alberta Building Code 1997* in your municipality. This may be the municipality or Alberta Municipal Affairs. The authority responsible for issuing permits under the Code will be able to direct you to the appropriate authority. To determine who issues permits in your municipality, see the Department of Municipal Affairs' 'Permit Information' webpage at <<http://www3.gov.ab.ca/ma/ss/Permit.cfm>>.

Further information on the *Alberta Building Code 1997* is also available on the above website.

4. For general information about Workplace Health and Safety see the WHS website at <<http://www3.gov.ab.ca/hre/whs/>>.

If the website does not provide the information you need, contact:

Alberta Human Resources and Employment
Workplace Health and Safety
Tel: 1-866-418-8690
Fax: (780) 422-3730
e-mail: whs@gov.ab.ca

For contact information for Workplace Health and Safety Regional Offices, see the [Appendix](#).

5. If you are unable to find the information you need through the above sources, contact the Environmental Law Centre (see the [Appendix](#)).

BURNING (OPEN)

(See also Entries on [Air Quality](#), [Flaring and Venting](#) and [Incineration](#))

Jurisdiction

Open burning is regulated primarily at the provincial and municipal levels. Burning on federal lands is regulated at the federal level.

Federal Government – The Laws

The federal government regulates open burning in national parks under the *Canada National Parks Act*. Relevant regulations include the *National Parks Fire Protection Regulations* and the *National Parks Camping Regulations*.

Federal Government – Enforcement

Parks Canada administers and enforces the *Canada National Parks Act* and its regulations.

Provincial Government – The Laws

The *Environmental Protection and Enhancement Act* and the *Activities Designation Regulation* prohibit the open burning of “prohibited debris” without an approval. An approval will impose specific restrictions on the burning (see [Primer #6: Statutory Authorizations](#)). The *Activities Designation Regulation* defines prohibited debris to include substances that, when burned, produce dense smoke, offensive odours, or toxic substances. The *Substance Release Regulation* also imposes restrictions on the burning of prohibited debris.

The *Waste Control Regulation* prohibits the burning of waste at waste management facilities in any city, town or village. For facilities in other locations, this regulation restricts burning and imposes notice requirements.

Open burning of materials produced during oil or gas production is restricted by the *Oil and Gas Conservation Regulation* under the *Oil and Gas Conservation Act*. Flaring of gas is dealt with separately (see Entry on [Flaring and Venting](#)).

The *Forest and Prairie Protection Regulations* under the *Forest and Prairie Protection Act* restrict open burning in specified areas. These restrictions are directed at forest and prairie fire prevention.

Provincial Government – Enforcement

Alberta Environment is responsible for enforcing the *Environmental Protection and Enhancement Act*, its regulations, and approval restrictions. The *Oil and Gas Conservation Regulation* is enforced by the Alberta Energy and Utilities Board. Alberta Sustainable Resource Development, Fish and Wildlife Division, enforces the *Forest and Prairie Protection Act* and *Regulations*.

Municipal Government – Bylaws

Alberta municipalities are empowered to pass bylaws regulating open burning under the *Municipal Government Act*.

Municipal Government – Enforcement

In many larger municipal centres, bylaw enforcement officers are responsible for enforcing bylaws. In other municipalities, the local police or RCMP detachment is responsible for enforcement.

Further Information and Contacts

1. Contact the person responsible for the burning to discuss your concerns.
2. Regarding open burning in national parks, contact:

Parks Canada, Calgary Service Centre
Room 550
220 - 4th Avenue S.E.
Calgary, AB T2G 4X3
Tel: 1-800-748-7275

3. For information on approvals under the *Environmental Protection and Enhancement Act*, contact:

Alberta Environment
Regulatory Approvals Centre
Main Floor, Oxbridge Place
9820 - 106 Street
Edmonton, AB T5K 2J6
Tel: (780)427-6311 (toll-free in Alberta by calling 310-0000)

4. To report your concerns to Alberta Environment, call the Alberta Environment Complaint/Emergency Line at 1-800-222-6514.
5. Regarding municipal burning bylaws, contact your municipality.
6. If you are unable to find the information you need through the above sources, contact the Environmental Law Centre (see the [Appendix](#)).

CONSERVATION EASEMENTS

A conservation easement is a legal instrument that can be registered against title to land. The easement, which binds future owners, restricts uses that can be made of the land in order to preserve its natural values.

Jurisdiction

In Alberta, conservation easements are regulated at the provincial level.

Provincial Government – The Laws

The Province has provided for the creation of conservation easements under the *Environmental Protection and Enhancement Act*. In order for a conservation easement to be registrable and binding on future owners of the land, compliance with the Act is required. Only organizations that meet the requirements set out in the Act are qualified to hold (receive a grant of) a conservation easement.

Provincial Government – Enforcement

Conservation easements created under the Act are enforced by the holder of the easement, or by another qualified organization given the right to enforce by the landowner.

Further Information and Contacts

For information on conservation easements contact one of the following:

1. The Government of Alberta News Release and Backgrounder announcing the enabling legislation at <<http://www.gov.ab.ca/acn/199610/4300.html>>.
2. The Southern Alberta Land Trust Society website at <http://www.salts-landtrust.org/conservingrangelands_3.HTML#3>.

3. Regarding provincial government land conservation initiatives, see Alberta Community Development's 'Parks and Wildlife Ventures' webpage at <http://www.cd.gov.ab.ca/asrpwf/programs/parks/park_and_wildlife/index.asp>.
4. If you are unable to find the information you need through the above sources, contact the Environmental Law Centre (see the [Appendix](#)).

CONTAMINATED LAND

(See also Entry on [Underground Storage Tanks](#))

Jurisdiction

Contaminated lands owned privately, or by the Province, are regulated at the provincial level.

Provincial Government – The Laws

The Province regulates contaminated land under the *Environmental Protection and Enhancement Act*. Under the Act, Alberta Environment can issue orders requiring those responsible for a harmful release to remediate, or clean up, the spill. In very serious cases, the Act also provides for the designation of property as a contaminated site and a more involved procedure for determining responsibility for remediation.

The *Alberta Fire Code 1997*, under the *Safety Codes Act*, imposes specific clean-up requirements where there is danger to persons or property from fire or explosion. The *Safety Codes Act* provides for orders to be issued to ensure compliance with the Code.

An industry-financed orphan fund has been established under the *Oil and Gas Conservation Act* and the *Orphan Fund Delegated Administration Regulation*. The fund exists to ensure that oil and gas sites are properly abandoned where there is no responsible party available to deal with the site.

Provincial Government – Enforcement

The *Environmental Protection and Enhancement Act* and orders issued under the Act are enforced by Alberta Environment. *Alberta Fire Code* requirements are enforced by Safety Codes Officers designated under the *Safety Codes Act*.

The Alberta Energy and Utilities Board has primary administrative and enforcement responsibility for the *Oil and Gas Conservation Act* and related regulations. Regarding contamination at oil and gas sites, Alberta Environment coordinates enforcement of the *Environmental Protection and Enhancement Act* with the Board, but may take independent investigative or enforcement action. Power to administer

the orphan fund has been delegated to the Alberta Oil and Gas Orphan Abandonment and Reclamation Association.

Further Information and Contacts

1. For information on provincial regulation of contaminated land and useful links, see Alberta Environment's 'Soil and Groundwater Assessment/Management' webpage at <<http://www3.gov.ab.ca/env/protenf/soilgrndwater/>>.

If the above webpage and links do not provide the information you need, you may also contact

Alberta Environment
Science and Standards Branch
4th Floor Oxbridge Place
9820 - 106 Street
Edmonton, AB T5K 2J6
Tel: (780) 427-9882 (toll-free in Alberta by calling 310-0000)
Fax: (780) 422-4192

2. To report a spill or contamination, call the Alberta Environment Complaint/Emergency Line at 1-800-222-6514.
3. Regarding contamination from oil and gas sites, you may also contact the Alberta Energy and Utilities Board Field Offices (see the [Appendix](#)). Where Alberta Environment or another government department is involved, the Board normally assumes the lead role in responding to complaints.
4. If you are unable to find the information you need through the above sources, contact the Environmental Law Centre (see the [Appendix](#)).

DAMS

(See also Entry on [Environmental Assessment](#))

Jurisdiction

Dams are regulated at both the federal and provincial levels.

Federal Government – The Laws

Dams that involve the harmful alteration of fish habitat require a federal permit under the *Fisheries Act*, and are subject to the regulations under the Act. Dams and other works on navigable waters also require a federal approval under the *Navigable Waters Protection Act*.

The *International River Improvements Act* and its regulations regulate certain dams on international rivers where the dam could affect use of the river in the United States. The Act requires a license for such dams. Provincial law also applies to such dams except where in conflict with the Act or its regulations.

Federal involvement in a dam project may also trigger federal environmental assessment requirements (see Entry on [Environmental Assessment](#)).

The *Prairie Farm Rehabilitation Act* provides for inter-jurisdictional agreements and the establishment of projects to mitigate the effects of drought and soil drifting on prairie farms.

Federal Government – Administration and Enforcement

Environment Canada administers the *International River Improvements Act* and its regulations. The Department of Fisheries and Oceans Canada enforces the provisions of the *Fisheries Act* dealing with harmful alteration of fish habitat. Transport Canada has administrative responsibility over the *Navigable Waters Protection Act*.

The *Prairie Farm Rehabilitation Act* is administered by the Prairie Farm Rehabilitation Administration.

Provincial Government – The Laws

The Province regulates dams primarily under the *Water Act*, which requires an approval for any dam (for background information, see [Primer #3: Statutory Authorizations](#)). The approval will impose conditions on the construction, operation, and decommissioning of the dam. The *Environmental Assessment (Mandatory and Exempted Activities) Regulation* under the *Environmental Protection and Enhancement Act* requires an environmental impact assessment before an approval can be issued for larger dams (see Entry on [Environmental Assessment](#)). Requirements for emergency planning and operations, as well as site and safety assessments, are set out in the *Water (Ministerial) Regulation* under the *Water Act*.

Dams for the generation of hydro-electricity are also regulated under the *Hydro and Electric Energy Act* and the *Hydro and Electric Energy Regulation*.

Provincial Government – Enforcement

Alberta Environment administers the *Water Act*, and enforces terms and conditions in approvals. Alberta Environment also administers the environmental impact assessment process. The *Hydro and Electric Energy Act* is administered and enforced by the Alberta Energy and Utilities Board.

Further Information and Contacts

1. Contact the proponent or operator of the dam to discuss your concerns.
2. For information on *Water Act* approvals, contact:

Alberta Environment
Regulatory Approvals Centre
Main Floor, Oxbridge Place
9820 -106 Street
Edmonton, AB T5K 2J6
Tel: (780) 427-6311 (toll-free in Alberta by calling 310-0000)

3. For general information on water power developments in Alberta see the 'Large Power Developments' page on Alberta Environment's 'Water for Life' website at <<http://www.waterforlife.gov.ab.ca/html/infobook/info10.html>>.

4. For information on small earth fill dams see the 'Small Earth Fill Dams' page on the website of Alberta Agriculture, Food and Rural Development at <<http://www.agric.gov.ab.ca/agdex/700/716a20.html>>.
5. If you are unable to find the information you need through the above sources, contact the Environmental Law Centre (see the [Appendix](#)).

DRINKING (TREATED) WATER QUALITY

(See also Entry on [Water Quality](#))

Jurisdiction

Drinking water quality is regulated primarily at the provincial level. The federal government develops drinking water policy.

Provincial Government – The Laws

Drinking water quality is regulated under the *Environmental Protection and Enhancement Act* and the *Potable Water Regulation*. The Regulation imposes requirements for the treatment of water and incorporates standards set by Health Canada in the *Guidelines for Drinking Water Quality*, giving the Guidelines the force of law. The Regulation only applies to specific types of treatment facilities, or waterworks systems.

Most water treatment facilities require an approval under the Act (for background information, see [Primer #3: Statutory Authorizations](#)). The approval will set out additional requirements and restrictions on the facility.

The owner and operator of a waterworks system, the local authority, and other parties may all be responsible to ensure that the waterworks system complies with the *Environmental Protection and Enhancement Act*, the *Potable Water Regulation*, or an approval.

Provincial Government – Enforcement

Alberta Environment enforces requirements and standards provided for in the *Environmental Protection and Enhancement Act*, the *Potable Water Regulation*, and facility approvals.

Federal Government – Inter-jurisdictional Policy Initiatives

Health Canada issues the *Guidelines for Drinking Water Quality*, which set physical, microbiological, radiological and chemical parameters for safe drinking water. The Guidelines are not enforceable unless incorporated into provincial law. The federal and provincial governments also cooperate in developing guidelines for water quality management through the Canadian Council of Ministers of the

Environment (for background information, see *Primer #1: Sources of Law and Policy*).

Further Information and Contacts

1. For information on provincial requirements and programs, see Alberta Environment's 'Alberta's Regulated Drinking Water' webpage at <<http://www3.gov.ab.ca/env/protenf/munidwater/>>.
2. If you require additional information, contact:

Alberta Environment, Environmental Assurance
Drinking Water Branch
9th Floor Oxbridge Place
9820 - 106 Street
Edmonton, AB T5K 2J6
Tel: (780) 427-9496 (toll-free in Alberta by calling 310-0000)
Fax: (780) 422-0262
3. For information on federal involvement in drinking water quality management, and on federal/provincial cooperation, see Environment Canada's 'Freshwater Website' at <http://www.ec.gc.ca/water/e_main.html>.
4. To file a complaint or report a problem, call the Alberta Environment Complaint/Emergency Line at 1-800-222-6514.
5. If you are unable to find the information you need through the above sources, contact the Environmental Law Centre (see the [Appendix](#)).

ENDANGERED SPECIES PROTECTION

Jurisdiction

Canada is a party to international treaties concerning endangered species. Domestically, endangered species protection is regulated at both the federal and provincial levels.

International Law

Canada is a party to several international treaties concerning endangered species, including the *Convention on International Trade in Endangered Species* and the *Convention on Biological Diversity*.

Federal Government – The Laws

To date, the federal government has largely relied on provincial governments to enact and enforce laws protecting endangered species. The *Canada Wildlife Act* empowers the Minister of the Environment, in cooperation with the relevant provincial governments, to take measures to protect species in danger of extinction.

However, new federal legislation will soon provide for increased federal involvement in this area. The federal *Species at Risk Act* is expected to come into force as law in 2003. This Act would provide a procedure for the listing of species at risk, and impose prohibitions on disturbing listed species and residences on federal land. These prohibitions would also apply anywhere in Canada to listed aquatic and migratory bird species. In addition, the Act would authorize the federal Cabinet to extend protection to listed non-aquatic and non-migratory bird species on non-federal lands where provincial laws are inadequate. Critical habitat of listed species may also be protected under the new Act, but only by order of the Minister or Cabinet.

The federal government also regulates the trade of endangered species across Canada's national and provincial borders under the *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act* and the *Wild Animal and Plant Trade Regulations*.

Federal Government – Administration and Enforcement

The *Canada Wildlife Act* is administered by Environment Canada, Canadian Wildlife Service. Environment Canada will also have primary administrative and enforcement responsibility for the *Species at Risk Act*, once it becomes law.

Provincial Government – The Laws

The Alberta *Wildlife Act* establishes the Alberta Endangered Species Conservation Committee to identify endangered animal and plant species and to develop recovery plans. The *Wildlife Regulation* delegates to the Alberta Conservation Association the power to implement plans to restore populations and habitat. A Schedule to the Regulation lists species determined to be endangered for the purposes of the Act and the Regulation. The Act and Regulation also impose a general prohibition on the disturbance of listed endangered animals and their residences.

Provincial Government – Enforcement

The prohibition against disturbing endangered species is enforced by Alberta Sustainable Resource Development, Fish and Wildlife Division.

Further Information and Contacts

1. For information on the proposed federal *Species at Risk Act*, see Environment Canada's 'Species at Risk' website at <http://www.speciesatrisk.gc.ca/index_e.cfm>.
2. For information on Alberta's Species at Risk program, see Alberta Sustainable Resource Development's 'Species at Risk' website at <<http://www3.gov.ab.ca/srd/fw/riskspecies/index.html>>.
3. For information on the *Convention on International Trade in Endangered Species* and federal regulation of trade in endangered species, see Environment Canada's 'CITES' website at <http://www.cites.ec.gc.ca/eng/sct0/index_e.cfm>.
4. For information on the *Convention on Biological Diversity*, see the Convention website at <<http://www.biodiv.org/>>.

5. If you are unable to find the information you need through the above sources, contact the Environmental Law Centre (see the [Appendix](#)).

ENVIRONMENTAL ASSESSMENT

Jurisdiction

Environmental assessment of projects and activities that may harm the environment is regulated at both the federal and provincial levels.

Federal Government – The Laws

The federal government regulates environmental assessment under the *Canadian Environmental Assessment Act*. In general and subject to exceptions, before a federal authority can initiate, authorize, become involved with, or contribute in any way to an undertaking involving a physical work, an environmental assessment must be carried out. The type of assessment that must be performed, and who will perform the assessment, will depend on the nature of the undertaking and other factors. The Act sets out the circumstances under which the undertaking can be allowed to proceed, depending on the results of the assessment.

The *Canadian Environmental Assessment Act* also provides opportunities for public notification and participation in the assessment process. The opportunities depend on the type of assessment required for the project under the Act.

The *Exclusion List Regulations* and *Inclusion List Regulations* exclude and include specific types of projects from the requirement for an environmental assessment. The *Law List Regulations* set out what government authorizations will trigger an environmental assessment.

Federal Government – Administration

The federal authority involved with an undertaking that requires assessment under the *Canadian Environmental Assessment Act* is responsible for the assessment of that undertaking. The Canadian Environmental Assessment Agency has administrative responsibility over the Act.

Provincial Government – The Laws

Alberta regulates environmental assessment under the *Environmental Protection and Enhancement Act*. Unlike the federal legislation, assessment requirements under the provincial Act do not depend on government involvement in a project. Activities that must undergo

assessment, and those exempted from assessment, are listed in the *Environmental Assessment (Mandatory and Exempted Activities) Regulation*. Activities that *may* be subject to assessment are listed in the *Schedule of Activities* to the *Environmental Protection and Enhancement Act*.

The nature and extent of the assessment required in each case, and the obligations of the activity's proponent in the assessment process, depend on concerns raised in an initial review. Initial reviews are conducted by officials designated under the Act. The Act sets out the circumstances under which the proponent will be allowed to proceed to obtain necessary statutory authorizations, depending on the results of the assessment (for background information, see [Primer #3: Statutory Authorizations](#)).

The *Environmental Protection and Enhancement Act* also provides for public notification and limited public participation in the assessment process.

Provincial Government – Administration

Environmental assessments under the *Environmental Protection and Enhancement Act* are administered by Alberta Environment.

Inter-jurisdictional Agreement

Under the *Canada-Alberta Agreement for Environmental Assessment Cooperation*, Alberta projects that trigger environmental assessment requirements at both the federal and provincial levels will undergo only one assessment. This assessment will be jointly administered by the Province and the federal government.

Further Information and Contacts

1. Regarding federal environmental assessment and the *Canada-Alberta Agreement for Environmental Assessment Cooperation*, see the Canadian Environmental Assessment Agency website at <http://www.ceaa.gc.ca> or contact the Canadian Environmental Assessment Agency's Regional Office in Edmonton at:

Canadian Environmental Assessment Agency
Suite 100, Revillon Building
10237 - 104 Street
Edmonton, AB T5J 1B1
Tel: (780) 422-1410
Fax: (780) 422-6202
E-mail: ceaa.alberta@ceaa.gc.ca

2. Regarding provincial environmental assessment, see Alberta Environment's 'Environmental Assessment/Evaluation' website at <http://www3.gov.ab.ca/env/protenf/assessment/index.html>.

If the website does not provide the information you need, you may also contact:

Alberta Environment
Environmental Assessment Program
15th Floor, Oxbridge Place
9820 – 106 Street
Edmonton, AB T5K 2G6
Tel: (780) 427-5828 (toll-free in Alberta by calling 310-0000)
Fax: (780) 427-1594

3. If you are unable to find the information you need through the above sources, contact the Environmental Law Centre (see the [Appendix](#)).

EXPROPRIATION

Jurisdiction

In Alberta, the federal, provincial and municipal governments are empowered to expropriate land for environmental purposes.

Federal Government – The Laws

The federal government is empowered to expropriate land for federal public works or other public purposes under the federal *Expropriation Act*. Under the Act, any person who has an objection to the expropriation is entitled to file an objection. Once an objection is filed, it must be considered before a hearing officer at a public hearing. Generally, persons with interests in expropriated land are entitled to compensation under the federal Act.

Federal Government – Administration

The Minister of Public Works and Government Services Canada is responsible for expropriation at the federal level.

Provincial Government – The Laws

The provincial government and Alberta municipalities are empowered to expropriate land for environmental purposes under several provincial statutes, including the *Provincial Parks Act*, the *Forest Reserves Act*, the *Municipal Government Act* and the *Historical Resources Act*. The Alberta *Expropriation Act*, subject to narrow exceptions, sets out the procedure to be followed by an expropriating authority. According to the procedure, an owner (as defined by the *Expropriation Act*) who objects to an expropriation is entitled to a hearing before an inquiry officer to determine whether the expropriation is fair, sound and reasonably necessary. Where the *Expropriation Act* applies, the owner of expropriated land generally must be compensated. If the owner and the expropriating authority cannot agree on compensation, compensation is fixed by the Land Compensation Board according to the procedure set out in the *Expropriation Act* and the *Expropriation Act Rules of Procedure and Practice*.

Provincial Government – Administration

Alberta Justice and Alberta Sustainable Resource Development have primary administrative responsibility over the *Expropriation Act*.

Further Information and Contacts

1. Contact the expropriating authority.
2. For information on provincial expropriation and compensation, contact:

Alberta Land Compensation Board
18th Floor, Phipps-McKinnon Building
10020 - 101A Avenue,
Edmonton, AB T5J 3G2
Tel: (780) 427-2444
Fax: (780) 427-5788

3. For general information on expropriation and compensation issues, see the website of the Alberta Expropriation Association at <<http://www.landcompensation.com>>.
4. For useful links to expropriation groups and information, see the website for the Expropriation Law Centre at <<http://www.expropriationlaw.ca/>>.
5. If you are unable to find the information you need through the above sources, contact the Environmental Law Centre (see the [Appendix](#)).

FISHERIES MANAGEMENT

(See also Entry on [Water Quality](#))

Jurisdiction

The management of fisheries is regulated at both the federal and provincial levels.

Federal Government – The Laws

The federal government regulates fisheries and fish habitat under the *Fisheries Act* and regulations under the Act. The Act restricts fishing activity, and imposes a general prohibition on both the physical alteration of fish habitat and the release of harmful substances into waters frequented by fish (see Entry on [Water Quality](#)).

However, most aspects of fisheries management have been delegated by the federal government to the Province under the federal *Alberta Fishery Regulations, 1998*. The Regulations impose restrictions on fishing and allow Alberta Fish and Wildlife to set close times, fishing quotas and fishing limits. The Regulations also incorporate many provincial requirements and restrictions relating to fisheries management.

Federal Government – Enforcement

Fisheries management and restrictions on fishing are primarily enforced by the Fish and Wildlife Division of Alberta Sustainable Resource Development.

Regarding enforcement of *Fisheries Act* prohibitions against harming or altering fish habitat, see Entry on [Water Quality](#).

Provincial Government – The Laws

The province regulates the management of fisheries under the *Fisheries (Alberta) Act*. The Act and the *General Fisheries (Alberta) Regulation* establish a licensing system for fishing, fish-raising activity, and trading in fish.

Provincial Government – Enforcement

The *Fisheries (Alberta) Act* and related regulations are enforced by the Fish and Wildlife Division of Alberta Sustainable Resource Development.

Further Information and Contacts

1. Regarding provincial and federal restrictions and requirements, see Alberta Sustainable Resource Development's 'Fishing in Alberta' website at <<http://www3.gov.ab.ca/srd/fw/fishing/index.html>>.

If the website does not provide the information you need, you may also contact your local Fish and Wildlife Office (see the [Appendix](#)).

2. Regarding federal fisheries management, see the website of the Department of Fisheries and Oceans Canada at <http://www.dfo-mpo.gc.ca/home-accueil_e.htm>.

If the website does not provide the information you need, you may contact:

Department of Fisheries and Oceans Canada
Prairies Area Edmonton District Office
4253 - 97 Street
Edmonton, AB T6E 5Y7
Tel: (780) 495-4220
Fax: (780) 495-8606

3. To report a spill or release that may be harmful to fish habitat, call the Alberta Environment Complaint/Emergency Line at 1-800-222-6514.
4. If you are unable to find the information you need through the above sources, contact the Environmental Law Centre (see the [Appendix](#)).

FLARING AND VENTING

(For background information, see [Primer #5: Mineral Development](#))

Jurisdiction

Gas flaring and venting carried out in the production of oil and gas is regulated at the provincial level. The federal government has jurisdiction to regulate toxic substances that may be associated with flaring or venting.

Federal Government – The Laws

The federal government does not regulate flaring and venting activity directly. However, Environment Canada regulates certain toxic substances that may be associated with gas flaring or venting under the *Canadian Environmental Protection Act, 1999*. Schedule 1 of the Act lists substances that are subject to federal control. The federal government also sets air quality standards under the Act through the *Canadian National Ambient Air Quality Objectives*. The Objectives are not enforceable (for background information, see [Primer #1: Sources of Law and Policy](#)).

Federal Government – Enforcement

Environment Canada enforces the toxic substances provisions of the *Canadian Environmental Protection Act, 1999* and its regulations.

Provincial Government – The Laws

The *Oil and Gas Conservation Act* and the *Energy Resources Conservation Act* provide the Alberta Energy and Utilities Board with the environmental jurisdiction to regulate gas flaring and venting in the province.

The *Oil and Gas Conservation Act* provides that no operations associated with the production of oil or gas shall be undertaken without a license from the Energy and Utilities Board. The *Oil and Gas Conservation Regulations* and *EUB Guide 60: Upstream Petroleum Industry Flaring Guide* impose limits and technical specifications for flaring, restrict venting, and set minimum distance requirements. The Regulations also provide that all flaring must comply with the *Alberta Ambient Air Quality Guidelines*, and require a Board-issued permit for the flaring of gas containing more than 5% hydrogen sulphide. *Guide*

60 also requires that visible emissions comply with opacity limits imposed by the *Substance Release Regulation* or an approval under the *Environmental Protection and Enhancement Act*, whichever is more stringent.

The Board's *Noise Control Directive* imposes controls on noise pollution resulting from oil and gas activities.

The *Environmental Protection and Enhancement Act* prohibits the release of any substance where the release may cause serious harm to the environment or human health. In general, this prohibition does not apply where the release is authorized by an approval, the regulations, or another act. Alberta Environment also sets standards for air quality through the *Alberta Ambient Air Quality Guidelines*.

For information on the difference between acts, regulations, and guidelines, see [Primer #1: Sources of Law and Policy](#).

Provincial Government – Enforcement

The Energy and Utilities Board is responsible for ongoing monitoring and enforcement of regulatory controls on gas flaring and venting. Alberta Environment coordinates enforcement of the provisions of the *Environmental Protection and Enhancement Act* with the Board, but may take independent investigative or enforcement action.

Further Information and Contacts

1. Contact the project operator or company representative to discuss your concerns.
2. Information on flaring and the Energy and Utilities Board is available on the Board's website at <<http://www.eub.gov.ab.ca/BBS/public/EnerFAQs/default.htm>>.

If the website does not provide the information you need, you may contact your nearest Energy and Utilities Board Field Centre (see the [Appendix](#)).

3. Contact the Alberta Environment Complaint/Emergency Line at 1-800-222-6514. Where Alberta Environment is involved with a flaring concern, the Energy and Utilities Board normally assumes the lead role in responding to complaints.

4. If you are unable to find the information you need through the above sources, contact the Environmental Law Centre (see the [Appendix](#)).

FOOD SAFETY

Jurisdiction

Food safety is regulated at both the federal and provincial levels.

Federal Government – The Laws

The federal government regulates the safety of foods that are prepared for resale anywhere in Canada, and those imported or exported across provincial boundaries. The principal legislation is the *Canada Agricultural Products Act*, the *Food and Drugs Act*, the *Meat Inspection Act* and the regulations under these acts.

Federal Government – Enforcement

The Canadian Food Inspection Agency, under the Department of Agriculture and Agri-Food Canada, enforces federal food safety legislation. Some operations, such as smaller food processors that do not export food across provincial or national borders, may fall under both federal and provincial jurisdiction. In these cases the Agency and the province cooperate under informal working agreements.

Provincial Government – The Laws

The *Food Regulation* under the *Public Health Act* requires all food establishments to obtain a permit, and sets maintenance requirements for specific types of food establishments. The Regulation outlines what constitutes food that is inedible or unfit for human consumption, and prohibits the sale of such items.

Dairy products are regulated under the *Dairy Industry Act* and dairy establishments must obtain a license under that Act. Abattoirs and meat facilities are regulated under the *Meat Inspection Act* and *Meat Inspection Regulation*.

Provincial Government – Enforcement

The *Food Regulation* is enforced by the Province's regional health authorities under Alberta Health and Wellness. The Food Safety Division of Alberta Agriculture, Food and Rural Development enforces food safety legislation that applies to dairy and meat facilities.

Further Information and Contacts

1. For general information on food safety, see the Canadian Food Inspection Agency's 'Food Safety' webpage at <<http://www.inspection.gc.ca/english/index/fssae.shtml>>. This site also has information on restaurant and food safety inspections.
2. Regarding federal food safety requirements, you may also contact:

Canadian Food Inspection Agency
Room 205, 7000 - 113 Street
Edmonton, AB T6H 5T6
Tel: (780) 495-3333
Fax: (780) 495-3359

3650 - 36 Street NW
Calgary, AB T2L 2L1
Tel: (403) 299-7660
Fax: (403) 292-5892

3. Information on food safety is also available on the provincial government's 'Service Alberta' website at <<http://www.servicealberta.ca/pages/category.asp?EK=791>>.
4. If the above websites do not provide the information you need, or if you need to report a food safety concern, contact your regional health authority (see the [Appendix](#)).
5. For further information on dairy and meat product safety, see the website of Alberta Agriculture, Food and Rural Development Food Safety Division at <http://www.agric.gov.ab.ca/ministry/org/food_safety_division.html>.
6. If this website does not provide the information you need, contact:

Alberta Agriculture, Food and Rural Development
Food Safety Division
3rd Floor J.G. O'Donoghue Bldg.
7000 - 113 Street
Edmonton, AB T6H 5T6
Tel: (780) 427-6159 (toll-free in Alberta by calling 310-0000)

7. If you are unable to find the information you need through the above sources, contact the Environmental Law Centre (see the [Appendix](#)).

FORESTRY

Jurisdiction

Forestry activity on provincial public land is regulated by the province. The federal government regulates forestry on federal lands and Indian reserves. Forestry activity on Indian reserves is not addressed here.

Federal Government – The Laws

The federal government promotes forestry research and development and regulates forestry activity on specified federal lands under the federal *Forestry Act* and its regulations.

Federal Government – Administration and Enforcement

The Department of Natural Resources Canada has primary administrative and enforcement responsibility for the *Forestry Act* and its regulations. The Department also undertakes research and policy initiatives through the Canadian Forest Service.

Provincial Government – The Laws

The province regulates forestry activity under the *Forests Act* and its regulations, which prohibit unauthorized cutting on public land, and establish a system of dispositions under which timber may be harvested. The dispositions impose terms and conditions for harvesting. Forests on Metis Settlements are also regulated under the *Metis Settlements Act*.

Alberta Sustainable Resource Development has established guidelines concerning forestry planning and practices (for background information, see [Primer #1: Sources of Law and Policy](#)). These include the *Alberta Timber Harvest Planning and Operating Ground Rules* and the *Resource Handbook: Operational Guidelines for Industry*.

Provincial Government – Enforcement

Alberta Sustainable Resource Development has primary responsibility for enforcement of the *Forests Act* and its regulations.

Further Information and Contacts

1. Regarding federal regulation and policy initiatives, see the Canadian Forest Service website at <http://www.nrcan.gc.ca/cfs-scf/index_e.html>.

If the above website does not provide the information you need, you may also contact:

Canadian Forest Service
Natural Resources Canada
580 Booth Street, 8th Floor
Ottawa, ON K1A 0E4
Tel: (613) 947-7341
Fax: (613) 947-7397

2. Regarding provincial legislation or forestry activity on provincial land, see Alberta Sustainable Resource Development's 'Forests' webpage at <<http://www3.gov.ab.ca/srd/forests/index.html>>.

If the above website does not provide the information you need, you may also contact:

Alberta Sustainable Resource Development
Forest Management Division
9th Floor, Great West Life Building
9920 – 108 Street
Edmonton, AB T5K 2M4
Tel: (780) 422-4590 (toll-free in Alberta by calling 310-0000)
Fax: (780) 427-0085

3. If you are unable to find the information you need through the above sources, contact the Environmental Law Centre (see the [Appendix](#)).

GAME FARMING

(See also Entry on [Intensive Livestock Operations](#))

Jurisdiction

Game farming and game farm animals are regulated at both the federal and provincial levels.

Federal Government – The Laws

The federal government regulates game farm animals under the *Health of Animals Act*, the *Health of Animals Regulations* and other regulations under the Act. The Act and the *Health of Animals Regulations* restrict import, export, and transportation of the animals and impose requirements for disease testing.

Federal Government – Administration and Enforcement

The *Health of Animals Act* and related regulations are administered and enforced by the Animal Health Division of the Canadian Food Inspection Agency.

Provincial Government – The Laws

The Province regulates game farming primarily under the *Livestock Industry Diversification Act* and its regulations. The Act requires a license for a game animal production farm and imposes restrictions on operations. The regulations list game animals that can be farmed, impose requirements for containment and identification of animals, and restrict the products that can be sold, among other measures.

Aspects of game ranching are also regulated under the *Wildlife Act*. The Act restricts the import and export of wildlife and the sale of products from game farm animals. The *Wildlife Act* also imposes a general prohibition on hunting game farm animals.

The *Agricultural Operation Practices Act* also applies to game farming (see Entry on [Intensive Livestock Operations](#)).

Provincial Government – Administration and Enforcement

Alberta Agriculture, Food and Rural Development administers and enforces the *Livestock Industry Diversification Act* and its regulations. The *Wildlife Act* is administered and enforced by Alberta Sustainable Resource Development, Fish and Wildlife Division.

Further Information and Contacts

1. For information on federal regulation of game ranching, see the Canadian Food Inspection Agency's 'Animal Health' webpage at <<http://www.inspection.gc.ca/english/anima/heasan/heasane.shtml>>.
2. For information on the regulation of game ranching in Alberta, see the 'Livestock/Animals' link on the Alberta Agriculture, Food and Rural Development website at <<http://www.agric.gov.ab.ca/>>.

General information on federal regulation is also available through the 'Livestock/Animals' webpage by following the link for 'Elk'.

3. If the above websites do not provide the information you need, you may also contact:

Alberta Agriculture, Food and Rural Development
Diversified Livestock Branch
Livestock Development Division
#204, 7000 - 113 Street
Edmonton, AB T6H 5T6
Tel: (780) 427-4535 (toll-free in Alberta by calling 310-0000)
Fax: (780) 427-1057

Canadian Food Inspection Agency
Animal Health Division
Room 205, 7000 – 113 Street
Edmonton, AB T5H 5T6
Tel: (780) 495-3333
Fax: (780) 495-3359

3650 – 36 Street NW
Calgary, AB T2L 2L1
Tel: (403) 299-7660
Fax: (403) 292-5892

4. If you are unable to find the information you need through the above source, contact the Environmental Law Centre (see the [Appendix](#)).

GRAZING DISPOSITIONS

(See also Entry on *Recreational Use of Public Lands*.
For background information, see *Primer #4: Property Rights and the Environment*)

Jurisdiction

The Province regulates grazing on provincial public land. The federal government regulates grazing on federal land which is not addressed here.

Provincial Government – The Laws

The provincial government regulates grazing on public lands under the *Public Lands Act*. The Act prohibits grazing on public land without a lease, license, or permit. Detailed requirements for these dispositions are set out in the *Dispositions and Fees Regulation*. Additional regulations under the Act, expected to be issued in 2003, will specifically address public and industry access to public lands under grazing lease.

Grazing in designated areas may also be regulated under other statutes, including the *Special Areas Act*, *Forest Reserves Act*, *Provincial Parks Act*, and regulations under those Acts.

Provincial Government – Enforcement

The Public Lands Division of Alberta Sustainable Resource Development grants and enforces grazing dispositions on most public lands.

Further Information and Contacts

1. For information on grazing regulation and dispositions, see Alberta Sustainable Resource Development's 'Information on Acquiring Public Lands' webpage at <<http://www3.gov.ab.ca/srd/land/publiclands/publan06.html>>.

2. If the above website does not provide the information you need, you may also contact:

Alberta Sustainable Resource Development
Public Lands Division
Rangeland Management Branch
J.G. O'Donoghue Building
7000 - 113 St.
Edmonton, AB T5K 2G8
Tel: (780) 427-3595 (toll-free in Alberta by calling 310-0000)
Fax: (780) 422-0454

3. If you are unable to find the information you need through the above sources, contact the Environmental Law Centre (see the [Appendix](#)).

HAZARDOUS WASTE MANAGEMENT

(See also Entries on [Waste Management](#), [Transportation of Hazardous Waste](#), and [Oilfield Waste](#))

Jurisdiction

Hazardous waste management is regulated primarily at the provincial level. The federal government also regulates specific types of waste, and waste management on federal lands which is not addressed here.

Federal Government – The Laws

The *Nuclear Safety and Control Act* and the regulations under the Act regulate the management and disposal of radioactive waste, except naturally occurring radioactive waste. Specific toxic substances that may be present in hazardous waste may also be regulated under the *Canadian Environmental Protection Act, 1999*.

The Uranium and Radioactive Waste Division of Natural Resources Canada develops and implements nuclear waste management policy.

Federal Government – Administration and Enforcement

The Canadian Nuclear Safety Commission, an agency of the federal government, administers and enforces the *Nuclear Safety and Control Act*. Environment Canada administers and enforces the *Canadian Environmental Protection Act, 1999*.

Provincial Government – The Laws

The Province regulates hazardous waste under the *Environmental Protection and Enhancement Act* and its regulations, primarily the *Waste Control Regulation*.

The Act imposes a general prohibition against the disposal of hazardous waste without an approval or registration (for background information, see [Primer #3: Statutory Authorizations](#)). The *Waste Control Regulation* sets out what waste is classified as hazardous, and what types of hazardous waste may be disposed of at specific landfills and other waste management facilities. Types of waste that are excluded from the definition of hazardous waste include household hazardous waste, agricultural waste, biomedical waste and domestic sewage (see Entry on [Waste Management](#)). An approval under the

Environmental Protection and Enhancement Act will set restrictions on the operation of the facility. The Act and the *Waste Control Regulation* also restrict the storage and disposal of hazardous recyclables.

Oilfield waste is not regulated as waste under the *Environmental Protection and Enhancement Act* and the *Waste Control Regulation*, but is regulated by the Alberta Energy and Utilities Board under a parallel system (see Entry on [Oilfield Waste](#)).

The *Chemical Hazards Regulation* under the *Occupational Health and Safety Act* regulates the storage and handling of hazardous waste in the workplace. Any waste that poses a fire hazard is also regulated by the *Alberta Fire Code 1997*, under the *Safety Codes Act*.

Provincial Government – Administration and Enforcement

Alberta Environment enforces restrictions imposed in waste management approvals under the *Environmental Protection and Enhancement Act*, and the provisions of the *Waste Control Regulation*. The *Chemical Hazards Regulation* is administered and enforced by Workplace Health and Safety, a division of Alberta Resources and Employment. The *Alberta Fire Code 1997* is enforced by designated Safety Codes Officers.

Further Information and Contacts

1. Regarding radioactive waste, see Natural Resources Canada's 'Uranium and Radioactive Waste Management' webpage at <<http://www2.nrcan.gc.ca/es/erb/english/View.asp?x=17>>.

If you cannot find the information you need through the website, you may contact:

Canadian Nuclear Safety Commission
280 Slater Street
P.O. Box 1046
Ottawa, ON K1P 5S9
Tel: 1-800-668-5284 (general information line in Canada) or
Tel: (613) 995-5894
Fax: (613) 992-2915
E-mail: info@cnsccsn.gc.ca

2. For information on provincial hazardous waste management law, see Alberta Environment's 'Industrial and Hazardous Waste' webpage at <<http://www3.gov.ab.ca/env/waste/indhaz/index.html>>.

If this website does not provide the information you need, you may contact:

Alberta Environment
Science and Standards Division
4th Floor, Oxbridge Place
9820 - 106 Street
Edmonton, AB T5K 2J6
Tel: (780) 427-0606 (toll-free in Alberta by calling 310-0000)
Fax: (780) 422-4192

3. Regarding approvals under the *Environmental Protection and Enhancement Act* and approved waste management facilities, contact:

Alberta Environment
Regulatory Approvals Centre
Main Floor, 9820 - 106 Street
Edmonton, AB T5K 2J6
Tel: (780) 427-6311 (toll-free in Alberta by calling 310-0000)
Fax: (780) 422-0154

4. Regarding hazardous waste in the workplace, see the website of Workplace Health and Safety at <<http://www3.gov.ab.ca/hre/whs>>.

If this website does not provide the information you need, contact:

Alberta Human Resources and Employment
Workplace Health and Safety
Tel: 1-866-415-8690
Fax: (780) 422-3730.
E-mail: whs@gov.ab.ca

or contact your Workplace Health and Safety Regional Office (see the [Appendix](#)).

5. Regarding public health concerns, contact your regional health authority (see the [Appendix](#)).
6. If you are unable to find the information you need through the above sources, contact the Environmental Law Centre (see the [Appendix](#)).

HUNTING AND TRAPPING

(See also Entries on [Endangered Species Protection](#), [Grazing Dispositions](#), [Migratory Birds](#), [Protection of Natural Areas](#), and [Recreational Use of Public Land](#))

Jurisdiction

Hunting and trapping are regulated primarily at the provincial level. The federal government has jurisdiction to pass laws protecting endangered species and regulating the hunting of migratory birds. Federal jurisdiction over hunting and trapping on federal land and Indian reserves is not addressed here.

Federal Government – The Laws

The *Criminal Code* provides that, in some instances, persons in possession of land have a limited authority to eject trespassers.

Regarding federal wildlife laws and the enforcement of those laws, see the Entries on [Endangered Species Protection](#) and [Migratory Birds](#).

Provincial Government – The Laws

The Province regulates hunting and trapping primarily under the *Wildlife Act* and the *Wildlife Regulation*. The Act and the Regulation restrict hunting and trapping methods, set limits and open seasons, and impose license and permit requirements. The Act and the Regulation also provide for the protection of endangered species (see Entry on [Endangered Species Protection](#)).

Access to privately owned or occupied lands is regulated under the *Wildlife Act* and the *Petty Trespass Act*. Access to public lands not under statutory protection may be restricted by dispositions granted under the *Public Lands Act* (see Entries on [Grazing Dispositions](#) and [Recreational Use of Public Lands](#)).

Both the Province and the federal government restrict activities that could harm wildlife in designated natural areas (see Entry on [Protection of Natural Areas](#)).

Provincial Government – Administration and Enforcement

The *Wildlife Act* and *Wildlife Regulation* are administered and enforced by Alberta Sustainable Resource Development, Fish and Wildlife Division.

Further Information and Contacts

1. Information on the regulation of trapping in Alberta is available on Alberta Sustainable Resource Development's 'Trapping in Alberta' website at <<http://www3.gov.ab.ca/srd/fw/trapping/>>.
2. Information on the regulation of hunting in Alberta is available on Alberta Sustainable Resource Development's 'Hunting in Alberta' website at <<http://www3.gov.ab.ca/srd/fw/hunting/index.html>>.
3. If you are unable to find the information you need on the above websites, contact your local Fish and Wildlife Office (see the [Appendix](#)).
4. For further information, you may also contact the Environmental Law Centre (see the [Appendix](#)).

INCINERATION

(See also Entries on [Air Quality](#), [Burning \(Open\)](#), [Flaring and Venting](#), and [Waste Management](#))

Jurisdiction

Incineration is regulated at the provincial level. The federal government regulates toxic substances that may be associated with incineration.

Federal Government – The Laws

While the federal government regulates specific toxic substances that may be released during incineration under the *Canadian Environmental Protection Act, 1999*, incinerators themselves are not regulated federally.

Federal Government – Administration and Enforcement

Environment Canada administers and enforces the *Canadian Environmental Protection Act, 1999*.

Provincial Government – The Laws

The *Environmental Protection and Enhancement Act* regulates incinerators in the province. The *Activities Designation Regulation* provides that certain incinerators require an approval, while others require a registration (for background information, see [Primer #3: Statutory Authorizations](#)). An approval will set out restrictions on the operation of the incinerator. The *Substance Release Regulation* also sets emission limits for incinerators.

Requirements set out in the *Forest and Prairie Protection Regulations (Part I)* under the *Forest and Prairie Protection Act* also apply in specified areas. These restrictions are directed at forest and prairie fire prevention.

Provincial Government – Enforcement

Alberta Environment enforces the *Environmental Protection and Enhancement Act* and related regulations.

Further Information and Contacts

1. Contact the incinerator operator to discuss your concerns.
2. For information on approved and registered incinerators, contact:

Alberta Environment
Regulatory Approvals Centre
Main Floor, 9820 - 106 Street
Edmonton, AB T5K 2J6
Tel: (780) 427-6311 (toll-free in Alberta by calling 310-0000)

3. With specific questions or concerns, you may also contact:

Alberta Environment Regional Offices (see the [Appendix](#)).

4. If you are unable to find the information you need through the above sources, contact the Environmental Law Centre (see the [Appendix](#)).

INTENSIVE LIVESTOCK OPERATIONS

(See also Entries on [Water Quality](#) and [Water Rights](#))

Jurisdiction

Intensive livestock operations are regulated primarily at the provincial level. The federal government regulates animal health and aspects of water pollution that may be caused by the operations, and is involved in the development of policy.

Water pollution from intensive livestock operations is regulated at both the provincial and federal levels (see Entry on [Water Quality](#)).

Federal Government – The Laws

The federal government regulates farm animals under the *Health of Animals Act*, the *Health of Animals Regulations* and other regulations under the Act. The Act and the *Health of Animals Regulations* restrict import, export, and transportation of farm animals and impose requirements for disease prevention.

Federal Government – Administration and Enforcement

The *Health of Animals Act* and related regulations are administered and enforced by the Animal Health Division of the Canadian Food Inspection Agency.

Provincial Government – The Laws

The provincial government regulates intensive livestock operations, or confined feeding operations (CFOs), primarily under the *Agricultural Operation Practices Act*. The Act requires either an approval or a registration for CFOs, depending on the size and type of facility. The Act also requires authorization for certain manure storage facilities. An approval, registration or authorization will impose restrictions on the facility. Further technical and operational requirements for CFOs are set out in the *Standards and Administration Regulation*.

Public participation in the granting of approvals and registrations is governed by the Act, the *Agricultural Operations, Part 2 Matters Regulation* and the *Board Administrative Procedures Regulation*.

Water usage for CFOs is regulated under the *Water Act* (see Entry on [Water Rights](#)).

The *Animal Protection Act* prohibits an owner or caretaker of an animal from allowing the animal to be in distress. However, this prohibition does not apply where the distress results from reasonable and generally accepted practices of animal management.

The *Public Health Act* and the *Nuisance and General Sanitation Regulation* prohibit the keeping of animals in a manner or in such numbers that may be injurious or dangerous to public health.

Provincial Government – Administration and Enforcement

The Natural Resources Conservation Board administers and enforces the *Agricultural Operation Practices Act* and its regulations. The Board is also responsible for monitoring and enforcing compliance with province-wide environmental standards and Board-issued approvals. The Board reports to Alberta Sustainable Resource Development.

The *Public Health Act* and the *Nuisance and General Sanitation Regulation* are enforced by Alberta Health and Wellness through the regional health authorities.

Alberta Agriculture, Food and Rural Development enforces the *Animal Protection Act*.

Municipal Government – Municipal Development Plans

Under the *Agricultural Operation Practices Act*, municipalities no longer regulate the siting or conditions of operation for CFOs pursuant to development permits. However, the Act provides that no approval can be granted for a CFO where it would be inconsistent with the municipality's Municipal Development Plan. The approval applicant can appeal the decision to the Natural Resources Conservation Board, which must consider, but is not bound by, the Plan (for background information, see [Primer #6: Municipalities and the Environment](#)).

Common Law – Nuisance

The *Agricultural Operation Practices Act* prohibits any person from suing a CFO operator in nuisance unless the operation contravenes one of the following: the municipal land use bylaw, the regulations, a

statutory authorization under the Act, or generally accepted practices for similar operations.

Further Information and Contacts

1. Contact the CFO operator to discuss your concerns.
2. Regarding animal disease, see the Canadian Food Inspection Agency's 'Animal Health' webpage at <<http://www.inspection.gc.ca/english/anima/heasan/heasane.shtml>>.

If the above website does not provide the information you need, you may also contact:

Canadian Food Inspection Agency
Animal Health Division
Room 205, 7000 - 113 Street
Edmonton, AB T5H 5T6
Tel: (780) 495-3333
Fax: (780) 495-3359

3650 - 36 Street NW
Calgary, AB T2L 2L1
Tel: (403) 299-7660
Fax: (403) 292-5892

3. For information on provincial regulation of confined feeding operations (CFOs), see the Natural Resources Conservation Board CFO website at <<http://www.nrcb.gov.ab.ca/ILOpage.html>>.
4. To discuss approvals, registrations, standards and enforcement of the *Agricultural Operation Practices Act* and related regulations, contact your Regional Natural Resources Conservation Board Office (see the [Appendix](#)).
5. To report the release or spill of a harmful substance, call the Alberta Environment Complaint/Emergency Line at 1-800-222-6514.
6. Regarding dangers to public health, contact your regional health authority (see the [Appendix](#)).

7. If you are unable to find the information you need through the above sources, contact the Environmental Law Centre (see the [Appendix](#)).

LANDFILLS

(See also Entry on [Waste Management](#))

Jurisdiction

Landfills are regulated at the provincial level. Municipalities also regulate the siting of landfills.

Provincial Government – The Laws

The province regulates landfills under the *Environmental Protection and Enhancement Act*. Under the Act, all landfills are required to have either an approval or a registration (for background information, see [Primer #3: Statutory Authorizations](#)). An approval will set out restrictions on the operation of the landfill. Registered landfill operators must comply with the *Code of Practice for Landfills* (for background information, see [Primer #1: Sources of Law and Policy](#)).

Both approved and registered landfills must also comply with the *Waste Control Regulation* except where otherwise provided in an approval. The *Waste Control Regulation* divides landfills into classes, and restricts the siting of landfills and the disposal of different types of waste.

Provincial Government – Enforcement

Landfill compliance with restrictions set out in approvals under the *Environmental Protection and Enhancement Act*, the *Waste Control Regulation*, and the *Code of Practice for Landfills* is enforced by Alberta Environment.

Municipal Government – Bylaws

Municipal governments restrict the siting of landfills through zoning and land development powers under the *Municipal Government Act* (for background information, see [Primer #6: Municipalities and the Environment](#)).

Further Information and Contacts

1. Contact the landfill operator to discuss your concerns.
2. For information on provincial landfill regulation, follow the 'Municipal Solid Waste' links on Alberta Environment's 'Waste' webpage at <<http://www3.gov.ab.ca/env/waste/index.html>>.
3. If the above webpage does not provide the information you need, you may also contact:

Alberta Environment
Regulatory Approvals Centre
Main Floor, 9820 - 106 Street
Edmonton, AB T5K 2J6
Tel: (780) 427-6311 (toll-free in Alberta by calling 310-0000)

4. Regarding complaints or concerns, call the Alberta Environment Complaint/Emergency Line at 1-800-222-6514.
5. If you are unable to find the information you need through the above sources, contact the Environmental Law Centre (see the [Appendix](#)).

LITTER

(See also Entry on [Waste Management](#))

Jurisdiction

Litter is regulated at the provincial and municipal levels.

Provincial Government – The Laws

The Province regulates litter under the *Environmental Protection and Enhancement Act*. The Act imposes a general prohibition on the disposal of waste except at specified waste management facilities, or into containers whose contents are to be taken to such facilities. The Act also defines “waste” to which this prohibition applies. Subject to exceptions, the Act also specifically prohibits littering on public lands, on highways, into water, and on land owned by another person or a local authority. Further prohibitions against littering are set out in the *Waste Control Regulation*.

Provincial Government – Enforcement

Alberta Environment has primary enforcement responsibility for the *Environmental Protection and Enhancement Act* and the *Waste Control Regulation*. However, local municipalities also enforce the litter provisions contained in the Act and the Regulation.

Municipal Government – Bylaws

The *Municipal Government Act* provides municipalities with broad powers to pass bylaws within their jurisdiction. Several municipalities in Alberta have used this bylaw-making power to prohibit littering. For example, in Edmonton, the *Public Places Bylaw*, *Traffic Bylaw* and *Solid Waste Bylaw* prohibit littering in public places and on highways. Under the Edmonton *Nuisance Bylaw*, City inspectors can require a property owner to remedy unsightly or offensive accumulations of garbage.

Municipal Government – Enforcement

In many larger municipal centres, bylaw enforcement officers are responsible for enforcing bylaws. In other municipalities, the local police or RCMP detachment is responsible for enforcement.

Further Information and Contacts

1. In larger centers, bylaws and other information relating to litter and municipal waste are available online. For general information on litter bylaws in Edmonton, see <http://www.gov.edmonton.ab.ca/bylaw_enforcement/bylaw_enforcement.html>.

To view Edmonton bylaws, see <http://www.gov.edmonton.ab.ca/departments_services.html>.

2. For general information on municipal litter regulation in Calgary, see <<http://www.calgary.ca>> and follow the link for 'Everything from A to Z', then choose 'B' for 'Bylaws', followed by 'Waste and Garbage'.

To view Calgary bylaws, see <<http://www.calgary.ca>> and link to the 'City Business' page to find 'Did you know...Bylaws Are Available Online?'

3. Outside Edmonton and Calgary, contact your municipal clerk or see "bylaws" in the municipal pages of your local telephone directory.
4. If you require further information or wish to report a problem, contact your municipal bylaw enforcement office or planning and development department. In Edmonton, contact:

City of Edmonton
Planning & Development Department
5th Floor, 10250 - 101 Street
Edmonton AB T5J 3P4
Tel: (780) 496-5200
Fax: (780) 496-6054

In Calgary, contact:

Corporate Contact Centre
Tel: (403) 268-2489
Fax: (403) 974-3074

or mail a letter to:

Bylaw Services
The City of Calgary
P.O. Box 2100, Station 'M'
Calgary, AB T2P 2M5
Mail Code #8019

5. Regarding offences under the *Environmental Protection and Enhancement Act*, you may also call the Alberta Environment Complaint/Emergency Line at 1-800-222-6514.
6. If you are unable to find the information you need through the above sources, contact the Environmental Law Centre (see the [Appendix](#)).

MIGRATORY BIRDS

(See also Entry on [Hunting And Trapping](#))

Jurisdiction

The protection of migratory birds is regulated at both the federal and provincial levels.

Federal Government – The Laws

The federal government regulates activities that may harm migratory birds under the *Migratory Birds Convention Act*. The Act imposes a general prohibition on the possession of or commercial trade in migratory birds and nests. The *Migratory Birds Regulations* under the Act prohibits the disturbance of nests or the hunting of migratory birds without a permit, establishes hunting seasons, and restricts hunting practices. This regulation also prohibits the release of any harmful substance into waters or areas frequented by migratory birds. The *Migratory Bird Sanctuary Regulations*, also under the Act, establish migratory bird sanctuaries where activities that may harm migratory birds are prohibited.

Federal Government – Administration and Enforcement

The *Migratory Birds Convention Act* and its regulations are administered by the Wildlife Enforcement Division of Environment Canada in cooperation with the provincial government. The Act and regulations are enforced by the Canadian Wildlife Service, the RCMP and provincial law enforcement authorities.

Provincial Government – The Laws

Hunting and possession of wildlife, including migratory birds, is restricted under the *Wildlife Act* and the *Wildlife Regulation*. These restrictions are in addition to federal restrictions and requirements.

Provincial Government – Enforcement

The *Wildlife Act* and the *Wildlife Regulation* are enforced by Alberta Sustainable Resource Development, Fish and Wildlife Division.

Further Information and Contacts

1. Regarding federal legislation and enforcement, see Environment Canada's 'Migratory Birds Convention Act and Regulations' webpage at <<http://www.mb.ec.gc.ca/nature/migratorybirds/dc00s06.en.html>>.

See also Environment Canada's 'National Wildlife Areas and Migratory Bird Sanctuaries' webpage at <<HTTP://WWW.CWS-SCF.EC.GC.CA/>> and follow the 'Habitat and Stewardship' link.

2. Regarding provincial legislation and enforcement, see Alberta Sustainable Resource Development's 'Hunting in Alberta' website at <<http://www3.gov.ab.ca/srd/fw/hunting/index.html>>.
3. If the above websites do not provide the information you need, you may also contact your local Fish and Wildlife Office (see the [Appendix](#)).
4. For further information on federal regulation, you may also contact:

Environment Canada, Canadian Wildlife Service
Wildlife Enforcement Division
Room 854, 220 - 4th Avenue SE
Calgary, AB T2N 1R4
Tel: (403) 292-4177
Fax: (403) 292-4028

Environment Canada, Canadian Wildlife Service
Suite 200, 4999 – 98 Avenue
Edmonton, AB T6B 2X3
Tel: (780) 951-8700
Fax: (780) 495-2615

5. If you are unable to find the information you need through the above sources, contact the Environmental Law Centre (see the [Appendix](#)).

MINES AND MINING

(See also Entries on *Environmental Assessment, Oil And Gas Development, Surface Materials Extraction, and Water Quality*. For background information, see *Primer #5: Mineral Development*)

Jurisdiction

The mining of coal and other minerals is regulated primarily at the provincial level. Sand, gravel, clay, marl and peat extraction are regulated separately (see Entry on *Surface Materials Extraction*). The federal government regulates minerals used in the production of nuclear energy. This Entry does not review the regulation of resource development on Indian reserves or federal lands.

Federal Government – The Laws

There are currently no operating mines or processing facilities for nuclear substances in Alberta. However, the federal government is empowered under the *Nuclear Energy Act* to regulate the mining and processing of such substances. This includes the power to acquire and expropriate land for these and other purposes related to the production of nuclear energy. The *Nuclear Safety and Control Act* establishes the Canadian Nuclear Safety Commission, which regulates the mining of nuclear substances through a licensing system. Regulations under the *Nuclear Safety and Control Act*, including the *Uranium Mines and Mills Regulations*, impose further requirements.

The Uranium and Radioactive Waste Division of Natural Resources Canada develops and implements policy concerning the mining and processing of nuclear substances.

Mining operations often involve the harmful alteration of fish habitat, or the release of harmful substances into fish-bearing waters. Such activities are regulated by the federal government under the *Fisheries Act* (see Entry on *Water Quality*).

Mining operations affecting federal lands, for which a federal permit is required, or in which the federal government is otherwise involved, may trigger the federal environmental assessment process (see Entry on *Environmental Assessment*).

Federal Government – Enforcement

The Canadian Nuclear Safety Commission enforces the *Nuclear Safety and Control Act* and related regulations concerning mining.

Provincial Government – The Laws

The Province regulates mining primarily under the *Mines and Minerals Act*, the *Coal Conservation Act*, the *Oil Sands Conservation Act*, and the regulations under those Acts. Rights in Crown minerals are granted under the *Mines and Minerals Act*. Under the *Coal Conservation Act*, coal mines require authorization from the Energy and Utilities Board. The *Oil Sands Conservation Act* requires Board authorization for oil sands projects. Other mines, for which an environmental impact assessment report has been ordered, must be approved by the Natural Resources Conservation Board pursuant to the *Natural Resources Conservation Board Act* (see Entry on [Environmental Assessment](#)).

Mines and certain quarries also require approval under the *Environmental Protection and Enhancement Act* as specified in the *Activities Designation Regulation*, and may require approval under the *Water Act* as well.

For background information, see [Primer #3: Statutory Authorizations](#).

Provincial Government – Enforcement

The *Mines and Minerals Act* and its regulations are administered jointly by the departments of Energy, Environment, and Sustainable Resource Development. The Energy and Utilities Board is the provincial agency that regulates energy resource development. The Natural Resources Conservation Board administers and enforces the approvals it grants to certain metallic and industrial mineral developments.

The *Environmental Protection and Enhancement Act* and the *Water Act* are administered and enforced by Alberta Environment.

Further Information and Contacts

1. For information on federal regulation of nuclear substances and energy, see Natural Resources Canada's 'Nuclear Energy Division' webpage at <<http://www2.nrcan.gc.ca/es/erb/english/View.asp?x=67>>.
2. For information on provincial regulation of coal and other minerals, see Alberta Energy's 'Coal and Minerals' webpage at <<http://www.energy.gov.ab.ca/web/home/index.cfm>>.
3. For information on the Natural Resources Conservation Board and projects reviewable by the Board, see the Board's website at <<http://www.nrcb.gov.ab.ca/web/home/index.cfm>>.
4. If you are unable to find the information you need through the above sources, contact the Environmental Law Centre (see the [Appendix](#)).

NOISE POLLUTION

Jurisdiction

Noise is regulated at the provincial level. Municipalities also regulate noise through noise bylaws.

Provincial Government – The Laws

The provincial government regulates noise under several statutes. Under the *Public Health Act*, orders may be issued to prevent or control a noise that may harm public health. Orders may also be issued under the *Environmental Protection and Enhancement Act*, which prohibits noises that may cause a significant adverse effect unless authorized by an approval under that Act, the regulations or another Act.

The *Highway Traffic Act* restricts noise produced from most vehicles. As of May 20, 2003, vehicle noise will be regulated under the *Traffic Safety Act*, which replaces the *Highway Traffic Act*.

The Alberta Energy and Utilities Board restricts noise from oil and gas facilities under the *Oil and Gas Conservation Act* and related statutes. The restrictions are set out in the Board's *Noise Control Directive, Interim Directive ID 99-08* and *Guide 38: Noise Control Directive User Guide*.

The *Noise Regulation* under the *Occupational Health and Safety Act* sets noise exposure limits for the workplace, and requires employers to take steps to protect workers from harmful levels of noise.

Provincial Government – Enforcement

Orders under the *Public Health Act* are issued through the regional health authorities. Alberta Environment issues orders under the *Environmental Protection and Enhancement Act* and enforces EPEA prohibitions and noise restrictions that may be set out in approvals under that Act. Alberta Transportation enforces traffic noise restrictions. The Energy and Utilities Board enforces restrictions on noise from oil and gas activities. Workplace noise exposure limits and safety requirements are enforced by Alberta Workplace Health and Safety under the Department of Human Resources and Employment.

Municipal Government – Bylaws

Alberta municipalities are empowered under the *Municipal Government Act*, the *Highway Traffic Act* and the *Traffic Safety Act* to pass bylaws restricting noise. For example, the *Edmonton Noise Bylaw* restricts noise levels, duration of noise and locations where noise may be produced (for background information, see [Primer #6: Municipalities and the Environment](#)).

Municipal Government – Enforcement

In many larger municipal centres, bylaw enforcement officers are responsible for enforcing bylaws. In other municipalities, the local police or RCMP detachment is responsible for enforcement.

Further Information and Contacts

1. Contact the party responsible for the noise to discuss your concerns.
2. Regarding municipal noise, contact your municipality's bylaw enforcement office, the local police, or the RCMP.
3. Regarding traffic noise, you may also contact:

Alberta Transportation
Twin Atria Building
4999 - 98 Avenue
Edmonton, AB T6B 2X3
Transportation Information Line: (780) 427-2731
(toll-free in Alberta by calling 310-0000)
Fax: (780) 466-3166

4. Regarding potential harm to persons, property or the environment from noise pollution, contact:

Alberta Environment Regional Offices (see the [Appendix](#)), or
Alberta Environment Complaint/Emergency Line at 1-800-222-6514.

5. Regarding workplace noise, see Workplace Health and Safety's publication, 'Noise Regulation – An Explanation' on the Workplace Health and Safety website at <<http://www3.gov.ab.ca/hre/whs/publications/pdf/li012.pdf>>.

You may also contact Workplace Health and Safety Directly (see the [Appendix](#)).

6. Regarding noise from oil and gas activity, see the Energy and Utilities Board's *Guide 38a: What You Should Know About Energy Industry Noise* on the Board's website at <<http://www.eub.gov.ab.ca/BBS/public/oilgas/g38a-2000.htm>>.

If the above website does not provide the information you need, you may also contact the Alberta Energy and Utilities Board Field Offices (see the [Appendix](#)).

7. Regarding public health issues, contact your regional health authority (see the [Appendix](#)).
8. If you are unable to find the information you need through the above sources, contact the Environmental Law Centre (see the [Appendix](#)).

OIL AND GAS DEVELOPMENT

(See also Entries on *Flaring and Venting*, *Oil and Gas Exploration*, *Oilfield Waste*, and *Pipelines*. For background information, see *Primer #5: Mineral Development*)

Jurisdiction

The drilling, production, and processing of oil and gas are regulated primarily at the provincial level. This Entry does not review the regulation of resource development on Indian reserves or federal lands.

Federal Government – The Laws

The federal government does not directly regulate oil and gas development on provincial lands.

The federal government does regulate certain toxic substances that may be associated with oil and gas development under the *Canadian Environmental Protection Act, 1999*. Schedule 1 of the Act lists substances that are subject to federal control. The federal government also sets non-binding air quality standards under the Act through the *Canadian National Ambient Air Quality Objectives*.

Federal Government – Enforcement

Environment Canada has primary administrative responsibility over enforcement of the *Canadian Environmental Protection Act, 1999* provisions and regulations controlling toxic substances.

Provincial Government – The Laws

The *Oil and Gas Conservation Act* and the *Energy Resources Conservation Act* provide the Alberta Energy and Utilities Board with the environmental jurisdiction to regulate oil and gas development in Alberta.

The *Oil and Gas Conservation Act* provides that no operations associated with the production of oil or gas shall be undertaken without a license from the Board. In addition, the *Oil and Gas Conservation Regulations* and the Board's *Guide 56: Energy Development Application Guide and Schedules* impose technical and operational requirements on oil and gas.

The *Environmental Protection and Enhancement Act* and the *Activities Designation Regulation* require an approval for larger processing and storage facilities. Approvals issued under the Act impose restrictions on facility operations and releases into the environment.

The *Environmental Protection and Enhancement Act* also requires registration for all gas compressors, pumping stations, and sweet gas processing plants, which must comply with the *Code of Practice for Compressors, Pumping Stations and Sweet Gas Processing Plants*. The Code is incorporated by reference into the *Substance Release Regulation* and has the force of law (for background information, see [Primer #1: Sources of Law and Policy](#)).

The *Environmental Protection and Enhancement Act* prohibits the release of any substance where the release may cause serious harm to the environment or human health. This prohibition does not apply where the release is authorized by an approval under that Act, the regulations, or another Act.

Provincial Government – Enforcement

The Energy and Utilities Board enforces regulatory controls on oil and gas development. Alberta Environment coordinates enforcement of the provisions of the *Environmental Protection and Enhancement Act* with the Board, but may take independent investigative or enforcement action.

Further Information and Contacts

1. Contact the project operator or company representative to discuss your concerns.
2. For information on provincial regulation of oil and gas development, see the 'Public Information' webpage on the Energy and Utilities Board website at <<http://www.eub.gov.ab.ca/BBS/public/default.htm>>.

You may also contact the Alberta Energy and Utilities Board Field Offices (see [Appendix](#)). Where Alberta Environment or another government department is involved, the Board normally assumes the lead role in responding to complaints.

3. Regarding environmental complaints or concerns, call the Alberta Environment Complaint/Emergency Line at 1-800-222-6514.
4. If you are unable to find the information you need through the above sources, contact the Environmental Law Centre (see the [Appendix](#)).

OIL AND GAS EXPLORATION

(For background information, see *Primer #5: Mineral Development*)

Jurisdiction

Oil and gas exploration is regulated primarily at the provincial level. Exploration on federal lands and Indian reserves is regulated at both the federal and provincial levels, and is not addressed here.

Provincial Government – The Laws

The Province regulates oil and gas exploration primarily under the *Mines and Minerals Act*. The Act imposes license and permit requirements for exploratory activity, and requires that any exploration program be approved. The *Exploration Regulation* requires the consent of the landowner, or the provincial government in the case of Crown land, before exploratory work commences. Consent is required in other circumstances from a number of parties. The Regulation also restricts exploration in specified areas.

Provincial Government – Enforcement

Licenses, permits and approvals, in addition to any conditions or terms imposed, are administered and enforced by Alberta Sustainable Resource Development.

Further Information and Contacts

1. For general information on exploratory work in the province, see Alberta Sustainable Resource Development's 'Exploration' webpage at <<http://www3.gov.ab.ca/srd/land/LAD/geo.html>>.
2. Regarding concerns over geophysical exploration, follow the link for 'Geophysical Inspector' on the above webpage.

You may also contact the Geophysical Inspector Program through:

Alberta Sustainable Resource Development
Public Lands Division
3rd Floor, 9915 - 108 Street
Edmonton AB T5K 2G8
Tel: (780) 427-3932
E-mail: LFS.Seismic@gov.ab.ca

Your inquiry will be forwarded to an Inspector, who will respond.

3. Information for farmers may be obtained by viewing the 'Seismic Operations and Farmers' Rights' page on the Alberta Agriculture, Food and Rural Development website at <<http://www.agric.gov.ab.ca/agdex/800/878-2.html>>.

Farmers may also contact:

Office of the Farmers' Advocate
Alberta Agriculture, Food and Rural Development
#305, 7000 - 113 Street
Edmonton AB T6H 5T6
Tel: (780) 427-2433
Fax: (780) 427-3913

4. If you are unable to find the information you need through the above sources, contact the Environmental Law Centre (see the [Appendix](#)).

OILFIELD WASTE

(See also Entry on [Environmental Assessment](#). For background information, see [Primer #5: Mineral Development](#))

In general, oilfield waste is unwanted material resulting from the construction or operation of a well, pipeline, or oil and gas related facility.

Jurisdiction

Oilfield waste is regulated at the provincial level. Oilfield waste on federal lands and Indian reserves is regulated federally, and is not addressed here.

Provincial Government – The Laws

Oilfield waste is regulated under the *Oil and Gas Conservation Act* and the *Oil and Gas Conservation Regulations*. Under the Regulations, no oilfield waste management facility may operate without an approval from the Alberta Energy and Utilities Board. Requirements to be followed by generators and receivers of oilfield waste are set out in the Board's *Guide 58: Oilfield Waste Management Requirements for the Upstream Petroleum Industry*. Guide 58 requires, among other steps, that generators classify their waste and provide accompanying documentation for the waste. Waste receivers must comply with requirements set out in approvals and the Regulations, as well as treatment and disposal requirements set out in the Guide. The Guide also provides that in some cases an environmental impact assessment will be required before an approval is issued (see Entry on [Environmental Assessment](#)).

The disposal of drilling waste is also regulated under the *Oil and Gas Conservation Act* and *Oil and Gas Conservation Regulations*. The Regulations impose specifications for storage pits and, in certain circumstances, require alternate disposal methods. Other requirements are set out in the Energy and Utilities Board's *Guide 50: Drilling Waste Management*. No approval is required to dispose of drilling waste.

The Regulations specifically incorporate the Board's Guide 58 and Guide 50, giving the provisions of the Guides the force of law (for background information, see [Primer #1: Sources of Law and Policy](#)).

Under the *Environmental Protection and Enhancement Act*, oilfield waste facilities are specifically not required to obtain an approval, and are not subject to the *Waste Control Regulation*. In some cases, where such a facility is part of a larger site, an approval may be required for the site.

The *Environmental Protection and Enhancement Act* also imposes a general prohibition on any release, including a release of oilfield waste, that may cause a significant adverse effect on the environment. This prohibition does not apply where the release was authorized by an approval, the regulations, or under another statute.

Provincial Government – Enforcement

The Energy and Utilities Board enforces the *Oil and Gas Conservation Act*, the *Oil and Gas Conservation Regulations*, and approval terms and conditions. However, the Board has indicated that compliance with requirements for the handling and disposal of oilfield waste, and the operation of related facilities, is primarily the responsibility of industry.

Further Information and Contacts

1. Contact the company responsible for the waste to discuss your concerns.
2. Regarding oilfield and drilling waste, see Guides 50 and 58 on the Energy and Utilities Board website at <<http://www.eub.gov.ab.ca/BBS/products/catalog/guides.htm>>.
3. Regarding drilling waste, see also *EUB Guide 50-1: A Landowner's Guide to Drilling Waste Disposal from Oil and Gas Wells*, available in hard copy only, through the Energy and Utilities Board Information Services webpage at <<http://www.eub.gov.ab.ca/BBS/products/catalog/g1-howto.htm>>.
4. With questions or concerns, you may also contact the Alberta Energy and Utilities Board Field Offices (see the [Appendix](#)).
5. If you are unable to find the information you need through the above sources, contact the Environmental Law Centre (see the [Appendix](#)).

ORGANIC AGRICULTURE AND FOODS

(See also Entry on *Packaging and Labelling*)

Jurisdiction

The certification of organic farms may be regulated at the provincial and federal levels. Organic standards for food products are regulated at the federal level.

Federal Government – The Laws

The federal government does not certify organic farms or food products. However, the federal government has adopted a national standard that specifies the minimum criteria that must be met when food products are defined as organic. Under the *Food and Drugs Act* and the *Consumer Packaging and Labelling Act*, it is an offence to label or sell any food in a false or misleading manner.

Food producers and processors can demonstrate compliance with the *National Standard of Canada for Organic Agriculture* by asking an independent certifying body to inspect the production unit and products to verify the compliance of all stages of production, processing, packaging and distribution. Independent certifying bodies are accredited by the Standards Council of Canada to verify that the Standard is being applied.

Federal Government – Enforcement

The Canadian Food Inspection Agency, which reports to the Minister of Agriculture and Agri-Food, is responsible for the enforcement of the *Food and Drugs Act* and the *Consumer Packaging and Labelling Act* as they relate to food.

Provincial Government – The Laws

There is currently no Alberta law regulating the certification of organic farms or food products. Some aspects of the production and marketing of organic chickens are regulated by the *Alberta Chicken Producers Marketing Regulation* under the *Marketing of Agricultural Products Act*.

Provincial Government – Administration

The *Alberta Chicken Producers Marketing Regulation* is administered by Alberta Agriculture, Food and Rural Development.

Further Information and Contacts

1. For information on organic certification in Canada and national standards, see the website of the Canadian Organic Advisory Board at <<http://www.coab.ca/>>.
2. Information on the National Standard of Canada for Organic Agriculture is also set out in a Canadian Food Inspection Agency press release at <<http://www.inspection.gc.ca/english/corpaffr/newcom/1999/19990629e.shtml>>.
3. General information on retail food is available on the Canadian Food Inspection Agency 'Labelling/Retail Food' webpage at <<http://www.inspection.gc.ca/english/toc/labetie.shtml>>.
4. For information on organic food production in Alberta, see Alberta Agriculture, Food and Rural Development's 'Consumer Information' webpage at <<http://www.agric.gov.ab.ca/navigation/food/consumer/index.html>>.

If the above websites do not provide the information you need, you may also contact:

Alberta Agriculture, Food and Rural Development
Organic Specialist
304 J. G. O' Donoghue Building
7000 - 113 Street
Edmonton AB T6H 5T6
Tel: (780) 422-4873 (toll-free in Alberta by calling 310-0000)
Fax: (780) 422-0783

5. If you are unable to find the information you need through the above sources, contact the Environmental Law Centre (see the [Appendix](#)).

PACKAGING AND LABELLING

(See also Entries on *Food Safety, Organic Agriculture and Foods, Pesticides, and Recycling*)

Jurisdiction

Packaging and labelling are regulated at both the federal and provincial levels.

Federal Government – The Laws

The federal government regulates the packaging and labelling of pre-packaged consumer products under the *Consumer Packaging and Labelling Act* and the *Consumer Packaging and Labelling Regulations*. The Act and Regulations are primarily concerned with the consistency and accuracy of information on packages and labels. Packaging and labelling are also regulated under other federal legislation, including the *Pest Control Products Act, Food and Drugs Act, Hazardous Products Act* and regulations under these Acts. These Acts are primarily concerned with safety and with standardization in packaging and labelling.

Federal Government – Enforcement

The Competition Bureau of Industry Canada has primary enforcement responsibility over the *Consumer Packaging and Labelling Act* and the *Consumer Packaging and Labelling Regulations*. The Canadian Food Inspection Agency, under Agriculture and Agri-Food Canada, enforces the provisions of the *Consumer Packaging and Labelling Act* and the *Food and Drugs Act* as they apply to food products. Pesticide packaging and labelling requirements are enforced primarily by the Pest Management Regulatory Agency, under Health Canada (see Entry on *Pesticides*). Requirements imposed by the *Hazardous Products Act* are generally enforced by the Consumer Products Division of Health Canada.

Provincial Government – The Laws

The Province regulates packaging under the *Environmental Protection and Enhancement Act* (see Entry on *Recycling*). Pesticide containers are regulated under the *Pesticide Sales, Handling, Use and Application Regulation* (see Entry on *Pesticides*). *The Ozone-Depleting Substances and Halocarbon Regulations* restrict materials that can be used in

packaging. Currently, other types of consumer packaging are not provincially regulated.

Provincial Government – Enforcement

Alberta Environment enforces the *Environmental Protection and Enhancement Act* and related regulations.

Further Information and Contacts

1. Regarding federal packaging and labelling requirements for non-food, pre-packaged consumer products, see the Competition Bureau's 'Consumer Information' webpage at <<http://strategis.ic.gc.ca/SSG/cp01031e.html>>.
2. For information on non-food product safety, see Health Canada's 'Consumer Products' webpage at <<http://www.hc-sc.gc.ca/ehp/ehd/psb/consumer.htm>>.
3. Regarding federal packaging and labelling requirements for food products, visit the Canadian Food Inspection Agency website at <<http://www.inspection.gc.ca/english/toc/labetie.shtml>>.
4. If you are unable to find the information you need through the above sources, contact the Environmental Law Centre (see the [Appendix](#)).

PESTICIDES

Jurisdiction

Pesticides are regulated at both the federal and provincial levels. Municipalities are also empowered to regulate the use of pesticides.

Federal Government – The Laws

The federal government regulates pesticides under the *Pest Control Products Act*. The Act requires pre-market assessment and registration of pesticides, and restricts packaging, labelling, storage, display and use. Import, export and the inter-provincial transportation of pesticides are also restricted. The *Pest Control Products Regulations* impose further standards and restrictions, and prohibit any use that is inconsistent with the pesticide label and directions. A new *Pest Control Products Act*, considerably broader than the existing Act, is expected to replace the existing Act in 2003.

The *Food and Drug Regulations* under the *Food and Drugs Act* set maximum residue limits on chemicals applied to food products.

Federal Government – Administration and Enforcement

The *Pest Control Products Act* is administered and enforced by the Pest Management Regulatory Agency under Health Canada. Restrictions on the application of chemicals to food products are enforced by the Canadian Food Inspection Agency under Agriculture and Agri-Food Canada.

Provincial Government – The Laws

The province regulates the sale, transportation, use, handling and disposal of pesticides under the *Environmental Protection and Enhancement Act*. The Act requires an approval for any pesticide application within 30 metres of a water body, except as provided in the *Environmental Code of Practice for Pesticides*.

The *Pesticide (Ministerial) Regulation* classifies pesticides, sets out certification requirements for commercial applicators, and provides for the registration of vendors.

The *Pesticide Sales, Handling, Use and Application Regulation* restricts application methods and the transportation and disposal of pesticides.

Vendors and commercial applicators of pesticides must comply not only with the *Environmental Protection and Enhancement Act* and the regulations, but also with the Code of Practice, parts of which are incorporated into the *Pesticide Sales, Handling, Use and Application Regulation* and have the force of law (for background information, see [Primer #1: Sources of Law and Policy](#)).

Provincial Government – Enforcement

Alberta Environment enforces the pesticide provisions in the *Environmental Protection and Enhancement Act* and related regulations.

Municipal Government – The Bylaws

There are currently no municipal pesticide control bylaws in force in the province, but Alberta municipalities are empowered to enact such bylaws under the *Municipal Government Act*.

Further Information and Contact

1. Contact the vendor or applicator to discuss your concerns.
2. Regarding federal regulation of pesticides, see the Pest Management Regulatory Agency 'Consumer Information' webpage at <<http://www.hc-sc.gc.ca/pmra-arla/english/consum/consum-e.html>>.
3. If the above webpage does not provide the information you need regarding federal regulation, you may also contact:

Pest Management Regulatory Agency
2720 Riverside Drive
Ottawa, ON K1A 0K9
Tel: 1-800-267-6315
Fax: (613) 736-3798

4. Regarding provincial legislation and requirements, see Alberta Environment's 'Pesticide Management' webpage at <<http://www3.gov.ab.ca/env/protenf/pesticide/index.html>>.

5. Regarding provincial regulation of pesticides, contact:

Alberta Environment
Regulatory Approvals Centre
Main Floor, 9820 - 106 Street
Edmonton, AB T5K 2J6
Tel: (780) 427-6311 (toll-free in Alberta by calling 310-0000)
Fax: (780) 422-0154

6. Regarding spills, complaints, or emergencies, call the Alberta Environment Complaint/Emergency Line at 1-800-222-6514.
7. Regarding municipal bylaws, contact your local municipality.
8. If you are unable to find the information you need through the above sources, contact the Environmental Law Centre (see the [Appendix](#)).

PESTS AND NUISANCES

(See also Entry on *Pesticides*)

Jurisdiction

Pests and nuisances are regulated at both the provincial and federal levels. Municipalities are also empowered to regulate pests and nuisances.

Federal Government – The Laws

The federal government regulates pest and nuisance control under the *Plant Protection Act* and regulations under the Act. The Act imposes a general prohibition on the growing or producing of any pest that may injure plants, and restricts the import and export of pests. Under the Act, an area can also be declared infested, which gives the Minister of Agriculture and Agri-Food broad powers to control or destroy the pest.

Federal Government – Administration and Enforcement

The Canadian Food Inspection Agency of Agriculture and Agri-Food Canada administers and enforces the *Plant Protection Act*.

Provincial Government – The Laws

The provincial government regulates the control of pests and nuisances under several statutes.

Under the *Agricultural Pests Act*, the Minister of Agriculture, Food and Rural Development may declare, by way of regulation, an animal, insect, plant or disease to be a pest or a nuisance if it is harming land, livestock, or property. Big game, certain birds, and endangered animals, as defined in the *Wildlife Act* and *Wildlife Regulation*, cannot be declared pests or nuisances. The *Agricultural Pests Act* authorizes landowners to control and destroy nuisances, but landowners and local authorities are required to take steps to control and destroy pests. The *Pest and Nuisance Control Regulation* lists declared pests and nuisances, and restricts their handling.

The *Wildlife Act* prohibits the unauthorized destruction of a beaver dam or the house, nest, or den of designated animals. The *Wildlife Regulation* specifies the animals to which this prohibition applies. However, under the *Water Act*, Alberta Environment can authorize the

removal of a natural obstruction, including a beaver dam, where the obstruction interferes with water rights or property.

Weeds are regulated under the *Weed Control Act* and the *Weed Regulation*. The Regulation lists weeds that are subject to control under the Act.

The *Forest and Prairie Protection Act* authorizes Alberta Sustainable Resource Development to take any control measures for pests that may be injurious to forest trees. The *Forests Act* and the regulations under that Act also restrict activity that may contribute to infestation or disease.

Under the *Public Health Act*, orders may be issued to prevent or control a pest or nuisance that may harm public health.

Provincial Government – Administration and Enforcement

The *Agricultural Pests Act* is administered and enforced by Alberta Agricultural, Food and Rural Development. The *Wildlife Act* and *Wildlife Regulation* are administered and enforced by Alberta Sustainable Resource Development, Fish and Wildlife Division. The *Forests Act* is administered and enforced by Alberta Sustainable Resource Development, Land and Forest Division. The *Public Health Act* is administered and enforced through the regional health authorities.

Alberta Agriculture, Food and Rural Development has delegated enforcement responsibility for the *Weed Control Act* and the *Weed Regulation* to local municipalities.

Municipal Government –Bylaws

Municipalities have the authority to pass bylaws in relation to animals, weeds and other potential pests and nuisances under the *Municipal Government Act*.

Municipal Government – Enforcement

In many larger municipal centres, bylaw enforcement officers are responsible for enforcing bylaws. In other municipalities, the local police or RCMP detachment is responsible for enforcement.

Further Information and Contacts

1. Regarding federal regulation of pests under the *Plant Protection Act*, see Canadian Food Inspection Agency 'Plant Protection' webpage at <<http://www.inspection.gc.ca/english/index/pppve.shtml>>.
2. Regarding agricultural pests and nuisances, see Alberta Agricultural, Food and Rural Development's 'Pests and Diseases' webpage at <<http://www.agric.gov.ab.ca/>>.

If this webpage does not provide the information you need, contact:

Alberta Agriculture, Food and Rural Development
Information Centre
Postal Bag 600
Stettler, AB T0C 2L0
Tel: 1-866-882-7677
Fax: (403) 742-7527

3. Regarding provincial weed regulation, see Alberta Sustainable Resource Development's 'Invasive Plants – Provincial Legislation' webpage at <http://www3.gov.ab.ca/srd/forests/health/w_weeds.html>.
4. Regarding pest infestations that may harm forest trees, see Alberta Sustainable Resource Development's 'Forest Health' webpage at <<http://www3.gov.ab.ca/srd/forests/health/index.html>>.
5. Regarding *Water Act* authorizations, contact:

Alberta Environment Regional Offices (see the [Appendix](#)).
6. Regarding public health issues, contact your regional health authority (see the [Appendix](#)).
7. Regarding pest control bylaws, contact your municipality.
8. If you are unable to find the information you need through the above sources, contact the Environmental Law Centre (see the [Appendix](#)).

PIPELINES

(See also Entry on *Environmental Assessment*. For background information, see *Primer #5: Mineral Development*)

Jurisdiction

Pipelines are regulated at both the provincial and federal levels. Generally speaking, the Province regulates Alberta pipelines that do not cross provincial boundaries. The federal government regulates inter-provincial and international pipelines, and pipelines that are integral to specified federal projects.

Federal Government – The Laws

The federal government regulates inter-provincial and international pipelines, and pipelines integral to certain federal projects, primarily under the *National Energy Board Act* and its regulations.

The National Energy Board is the federal government agency responsible for the regulation of federal pipelines. The *National Energy Board Act* requires a Board-issued Certificate of Public Convenience and Necessity for all federal pipelines. The Certificate will impose terms and conditions on the pipeline. The Act and its regulations also set out requirements for the location, construction and operation of pipelines, and for public consultation and hearings.

The approval of federal cabinet, which is required before the Board can issue a pipeline certificate, triggers an environmental assessment under the *Canadian Environmental Assessment Act* (see Entry on *Environmental Assessment*).

Federal Government – Enforcement

Requirements for federal pipelines are administered and enforced by the National Energy Board.

Provincial Government – The Laws

The Province regulates intra-provincial pipelines primarily under the *Pipeline Act*. The Act requires a license or special authorization for construction or operation of any pipeline. The license will impose conditions and restrictions on the pipeline. The Act also addresses acquisition of land, requirements in case of leak or spill, rights with

respect to the pipeline right of way, and discontinuation and abandonment of the pipeline. The *Pipeline Regulation* and the *Oil and Gas Conservation Regulations* impose further technical and operational requirements.

Additional requirements respecting pipelines are set out in guides published by the Alberta Energy and Utilities Board, the government agency that regulates provincial pipelines. The Board's *Guide 56: Energy Development Application Guide and Schedules* sets out notification and consultation requirements, and other pipeline application requirements (for background information, see [Primer #1: Sources of Law and Policy](#)).

Certain pipelines also require an approval under the *Environmental Protection and Enhancement Act* and the *Activities Designation Regulation*. All pipelines must also comply with the *Environmental Protection Guidelines for Pipelines*, issued by Alberta Environment, which impose requirements for pipeline planning, routing, construction and reclamation. Additional requirements under the *Code of Practice for Pipelines and Telecommunication Lines Crossing a Water Body*, also issued by Alberta Environment, apply where a pipeline crosses a water body.

Provincial Government – Administration and Enforcement

The *Pipeline Act* and its regulations are administered and enforced by the Energy and Utilities Board under the Department of Energy. Requirements and approvals under the *Environmental Protection and Enhancement Act* are administered and enforced by Alberta Environment.

Further Information and Contacts

1. Contact the pipeline company to discuss your concerns.
2. For further information on federal regulation of pipelines, see the Information Bulletins provided at http://www.neb.gc.ca/pubs/index_e.htm.

If this website does not provide the information you need, you may also contact:

National Energy Board
444 - 7 Avenue SW
Calgary, AB T2P 0X8
Tel: (403) 292-4800
(Board offices can be reached toll-free by calling 1-800-899-1265)
Fax: (403) 292-5503

3. For information on landowner rights and provincial pipelines, see the Energy and Utilities Board's *Guide 17-3: Pipeline and Surface Rights- A Guide for Landowners and Occupants*, available at <<http://www.eub.gov.ab.ca/BBS/products/catalog/guides.htm>>. The Board's Guides 30 and 56 are also available through this site.
4. With any concerns, you may also contact the Alberta Energy and Utilities Board Field Offices (see the [Appendix](#)).
5. For information on pipeline approvals under the *Environmental Protection and Enhancement Act*, contact:

Alberta Environment
Regulatory Approvals Centre
Main Floor, Oxbridge Place
9820 - 106 Street
Edmonton, AB T5K 2J6
Tel: (780) 427-6311 (toll-free in Alberta by calling 310-0000)

6. Alberta Environment Guidelines and Codes of Practice are available through the Alberta Environment 'Infocentre' website at <<http://www3.gov.ab.ca/env/info/infocentre/publisting.cfm>>.
7. Regarding enforcement issues under the *Environmental Protection and Enhancement Act*, contact:

Alberta Environment Regional Offices (see the [Appendix](#)) or

Alberta Environment Complaint/Emergency Line at 1-800-222-6514.

8. If you are unable to find the information you need through the above sources, contact the Environmental Law Centre (see the [Appendix](#)).

POWER TRANSMISSION LINES

(See also Entry on [Environmental Assessment](#))

Jurisdiction

Power transmission lines are regulated primarily at the provincial level, with federal involvement where lines cross provincial or international boundaries. Municipalities also have powers over power transmission lines in the municipality.

Federal Government – The Laws

The federal government regulates international and interprovincial power transmission lines under the *National Energy Board Act* and regulations under the Act. In general, provincial law also applies to the portions of the line within the province.

Power transmission lines involving the federal government may also trigger federal environmental assessment requirements (see Entry on [Environmental Assessment](#)).

Federal Government – Administration and Enforcement

The *National Energy Board Act* and its regulations are administered and enforced by the National Energy Board.

Provincial Government – The Laws

The provincial government regulates power transmission lines that are wholly within the Province primarily under the *Hydro and Electric Energy Act* and the *Hydro and Electric Energy Regulation*. The Act requires a permit for any power transmission line. Certain transmission lines also require an approval under the *Environmental Protection and Enhancement Act* and the *Activities Designation Regulation*.

The *Environmental Assessment (Mandatory and Exempted Activities) Regulation* requires an environmental impact assessment for specified power transmission lines, and exempts others from this requirement (see Entry on [Environmental Assessment](#)).

Provincial Government – Administration and Enforcement

The *Hydro and Electric Energy Act* and regulations are administered by the Alberta Energy and Utilities Board. Alberta Environment is responsible for enforcing the *Environmental Protection and Enhancement Act*.

Municipal Government – Bylaws

The *Municipal Government Act* provides municipalities with broad jurisdiction to control development (for background information, see [Primer #6: Municipalities and the Environment](#)). However, the Act specifically and narrowly restricts the ability of municipalities to control the siting of transmission lines.

Further Information and Contacts

1. Regarding federal and international regulation of power transmission lines, follow the links under 'Electricity' on the National Energy Board 'Publications' webpage at <http://www.neb.gc.ca/pubs/index_e.htm>.
2. Regarding provincial regulation of power transmission lines, see the Energy and Utilities Board's *Guide 17-1: Transmission Lines and the Regulatory Process in Alberta* at <<http://www.eub.gov.ab.ca/BBS/products/catalog/guides.htm>>.

For information on approvals under the *Environmental Protection and Enhancement Act* and approved power transmission lines, contact:

Alberta Environment
Regulatory Approvals Centre
Main Floor, Oxbridge Place
9820 106 Street
Edmonton, AB T5K 2J6
Tel: (780) 427-6311 (toll-free in Alberta by calling 310-0000).

3. If you are unable to find the information you need through the above sources, contact the Environmental Law Centre (see the [Appendix](#)).

PROTECTION OF NATURAL AREAS

(See also Entries on [Conservation Easements](#) and [Migratory Birds](#))

Jurisdiction

Protection of natural areas is regulated at the federal, provincial and municipal levels.

Federal Government – The Laws

The federal government establishes and manages protected areas in Alberta under the *Canada National Parks Act*. The Act and related regulations set out restrictions and prohibitions on activity within designated areas. Lands may also be protected as National Wildlife Areas under the *Canada Wildlife Act* and the *Wildlife Area Regulations*. In addition, the federal government establishes and regulates activity in migratory bird sanctuaries under the *Migratory Birds Convention Act* and the *Migratory Bird Sanctuary Regulations* (see Entry on [Migratory Birds](#)).

A new federal law, the *Canada National Marine Conservation Areas Act*, is expected to come into force in 2003.

Federal Government – Administration and Enforcement

The *Canada National Parks Act* and related regulations are administered and enforced by Parks Canada. The Canadian Wildlife Service has primary responsibility for the enforcement of federal law relating to bird sanctuaries and National Wildlife Areas.

Provincial Government – The Laws

The province regulates the protection of natural areas under three statutes. The *Provincial Parks Act* and related regulations establish a system for the designation and management of provincial parks and recreation areas. The *General Regulation* under the Act restricts activities within designated areas.

The *Wilderness Areas, Ecological Reserves and Natural Areas Act* provides three additional categories of legal protection for natural areas, and restricts activities in each.

The *Willmore Wilderness Park Act* governs Willmore Wilderness Park.

Provincial Government – Administration and Enforcement

The *Provincial Parks Act*, the *Wilderness Areas, Ecological Reserves and Natural Areas Act*, and the *Willmore Wilderness Park Act* are administered and enforced by the Parks and Protected Areas Division of Alberta Community Development, and by Alberta Environment.

Municipal Government – Planning Powers

The *Municipal Government Act* provides Alberta municipalities with many tools to protect natural areas, including broad planning powers and the power to require that parts of land proposed to be subdivided be set aside as natural areas (for background information, see [Primer #6: Municipalities and the Environment](#)).

Further Information and Contacts

1. Regarding national parks and other protected areas, see Parks Canada's website at <http://www.parksCanada.gc.ca/index_e.asp>.

If the website does not provide the information you need, contact:

Parks Canada
Calgary Service Centre
Room 550
220 - 4th Avenue SE
Calgary, AB T2G 4X3
Tel: 1-800-748-7275

2. Regarding migratory bird sanctuaries or National Wildlife Areas, see Environment Canada's 'National Wildlife Areas and Migratory Bird Sanctuaries' webpage at <http://www.cws-scf.ec.gc.ca/hww-fap/hww-fap.cfm?id_species=87&lang=e>.

If the website does not provide the information you need contact:

Canadian Wildlife Service
Environment Canada
Suite 200, 4999 – 98 Avenue
Edmonton, Alberta T6B 2X3
Tel: (780) 951-8700
Fax: (780) 495-2615

3. Regarding provincial protected areas, see Alberta Community Development's 'Preserving Alberta' webpage at <http://www.cd.gov.ab.ca/preserving/parks/index.asp>.

If the website does not provide the information you need contact:

Alberta Community Development
Parks and Protected Areas Division
2nd Floor, Oxbridge Place
9820 - 106 Street
Edmonton, AB T5K 2J6
Tel: 1-866-427-3582
Fax: (780) 427-5980

4. Regarding municipal protection of natural areas, contact your local municipality.
5. If you are unable to find the information you need through the above sources, contact the Environmental Law Centre (see the [Appendix](#)).

PULP AND PAPER MILL EMISSIONS

Jurisdiction

Pulp mill emissions and effluent are regulated at the federal and provincial levels.

Federal Government – The Laws

The federal government regulates certain pulp mill effluent under the *Canadian Environmental Protection Act, 1999* and the *Fisheries Act*.

The *Pulp and Paper Mill Effluent Chlorinated Dioxins and Furans Regulations* under the *Canadian Environmental Protection Act, 1999* prohibit the emission of measurable quantities of specified dioxins and furans resulting from the wood pulp bleaching process.

The *Pulp and Paper Effluent Regulations* under the *Fisheries Act* restrict the discharge of specified substances from pulp and paper mills into water frequented by fish.

Federal Government – Enforcement

Currently, the *Pulp and Paper Mill Effluent Chlorinated Dioxins and Furans Regulations* do not apply in Alberta because of the operation of the *Alberta Equivalency Order* and the *Agreement on the Equivalency of Federal and Alberta Regulations for the Control of Toxic Substances in Alberta*. This means that the federal and provincial governments agree that any matter to which this federal regulation would normally apply in Alberta is adequately regulated under provincial legislation. For further information on this agreement, see [Primer #2: Constitutional Jurisdiction over the Environment](#).

The federal Department of Fisheries and Oceans has delegated to Environment Canada the right to enforce prohibitions in the *Fisheries Act* and the *Pulp and Paper Effluent Regulations* on harmful releases into fish-bearing waters.

Enforcement of this prohibition is also coordinated between Environment Canada and Alberta Environment pursuant to the *Canada-Alberta Administrative Agreement for the Control of Deposits of Deleterious Substances Under the Fisheries Act*. Under the Agreement, Alberta Environment carries out inspections and monitoring relating to harmful substances in fish-bearing waters.

Provincial Government – The Laws

The *Environmental Protection and Enhancement Act* regulates pulp mill emissions and effluents in the province. The Act requires any person operating a pulp mill in the province to have an approval (for background information, see [Primer #3: Statutory Authorizations](#)). The approval will set out emission and effluent limits for the pulp mill.

Provincial Government – Enforcement

Alberta Environment enforces emission and effluent limits on approvals for pulp mills.

Further Information and Contacts

1. Contact the pulp mill operator or representative to discuss your concerns.
2. Regarding federal legislation, you may also contact:

Environment Canada
Alberta Office
Room 200, 4999 - 98 Avenue
Edmonton AB T6B 2X3
Tel: (780) 951-8600
Fax: (780) 495-2615

3. For information regarding approvals under the *Environmental Protection and Enhancement Act* and approved facilities, contact:

Alberta Environment
Regulatory Approvals Centre
Main Floor, 9820 - 106 Street
Edmonton, AB T5K 2J6
Tel: (780) 427-6311 (toll-free in Alberta by calling 310-0000)
Fax: (780) 422-0154

4. With specific questions or concerns regarding pulp and paper mill effluent and emissions, or regarding federal or provincial regulation, you may also contact:

Alberta Environment Regional Offices (see the [Appendix](#)).

5. If you are unable to find the information you need through the above sources, contact the Environmental Law Centre (see the [Appendix](#)).

RECREATIONAL USE OF PUBLIC LANDS

(See also Entries on *Grazing Dispositions, Hunting and Trapping, and Protection of Natural Areas*)

Jurisdiction

Recreational use of federal lands is regulated at the federal level. The province regulates the use of all provincial public lands.

Federal Government – The Laws

The federal government regulates recreational activity in national parks, wilderness areas, and park reserves under the *Canada National Parks Act* and its regulations (see also Entry on *Protection of Natural Areas*). The *National Parks General Regulations* prohibits activities that may harm the natural environment and imposes a permit system for many activities. The *National Parks Camping Regulations* restrict camping activity and also impose a permit system.

The *Canada Wildlife Act* and the *Wildlife Area Regulations* designate and restrict activity in National Wildlife Areas. There are currently no National Wildlife Areas in Alberta.

Federal Government – Enforcement

The *Canada National Parks Act* and its regulations are enforced by Parks Canada. The *Canada Wildlife Act* and associated regulations are enforced by the Canadian Wildlife Service of Environment Canada.

Provincial Government – The Laws

The recreational use of provincial public land is regulated under several statutes and regulations.

Under the *Provincial Parks Act* and regulations, the Province designates and controls the recreational use of provincial parks and recreation areas. The *General Regulation* under the Act restricts camping and the use of off-road vehicles in these areas, and requires a permit for certain activities, such as picking or removing plants or carrying a firearm.

Recreational uses are also regulated under the *Wildlife Act*, which restricts activity in habitat conservation areas. The *Forest and Prairie Protection Act* and the *Forest and Prairie Protection Regulations* restrict travel through forest protection areas and the use of campfires during fire season.

The *Forests Act* provides for the designation of forest recreation trails and areas. These are designated under the *Forest Recreation Regulation*, which also restricts activity in the trails and areas.

The *Public Lands Act* and the *Dispositions and Fees Regulation* regulate commercial trail riding operations and other uses requiring a disposition. Dispositions include leases, licenses, permits, agreements and easements.

Alberta Sustainable Resource Development policy provides that where the *Public Lands Act* and related regulations do not require a disposition, land may be used for any temporary activity, so long as no damage is caused to the area used. Where the land is already under disposition, permission of the disposition holder must generally be obtained. Provincial legislation clarifying the rights and responsibilities of disposition holders and recreational users is expected in 2003 (*Agricultural Dispositions Statutes Amendment Act, 2003*).

Most temporary or seasonal commercial recreational use of public lands (such as for guided tours, etc.) does not require authorization. However, any ongoing commercial recreational use of one area requires an approval through the Alberta Tourism Recreational Leasing Process.

Provincial Government – Administration and Enforcement

Alberta Sustainable Resource Development is responsible for administration and enforcement of the *Public Lands Act*, the *Forests Act*, and the regulations under those Acts. Administration and enforcement responsibility for provincial parks and recreation areas lies with Alberta Community Development, Parks and Protected Areas Division. The *Wildlife Act* is enforced by Alberta Sustainable Resource Development, Fish and Wildlife Division, as are the *Forest and Prairie Protection Act* and its regulations.

Further Information and Contacts

1. Regarding national parks and other protected areas, see Parks Canada's website at <http://www.parksCanada.gc.ca/index_e.asp>.

If the website does not provide the information you need, contact:

Parks Canada
Calgary Service Centre
Room 550
220 - 4th Avenue SE
Calgary, AB T2G 4X3
Tel: 1-800-748-7275

2. Regarding migratory bird sanctuaries or National Wildlife Areas, see Environment Canada's 'National Wildlife Areas and Migratory Bird Sanctuaries' webpage at <http://www.cws-scf.ec.gc.ca/hww-fap/hww-fap.cfm?id_species=87&lang=e>.

If the website does not provide the information you need, contact:

Canadian Wildlife Service
Environment Canada
Suite 200, 4999 – 98 Avenue
Edmonton, AB T6B 2X3
Tel: (780) 951-8700
Fax: (780) 495-2615

3. Regarding provincial protected areas, visit Alberta Community Development's 'Preserving Alberta' webpage at <<http://www.cd.gov.ab.ca/preserving/parks/index.asp>>.

If the website does not provide the information you need, contact:

Alberta Community Development
Parks and Protected Areas Division
2nd Floor, Oxbridge Place
9820 - 106 Street
Edmonton, AB T5K 2J6
Tel: 1-866-427-3582
Fax: (780) 427-5980

4. Regarding recreational use of unprotected provincial public land, see Alberta Sustainable Resource Development's 'Recreational Access and Use of Public Land' webpage at <<http://www3.gov.ab.ca/srd/land/publiclands/publan14a.html>>.

Further information on dispositions is available on the Department's 'Information On Acquiring Public Lands' webpage at <<http://www3.gov.ab.ca/srd/land/publiclands/publan06.html>>.

Regarding the Alberta Tourism Recreational Leasing Process, see the Alberta Economic Development's 'Tourism Development' webpage at <<http://www.alberta-canada.com/tdb/planreg.cfm>>.

If these websites do not provide the information you need, contact:

Alberta Sustainable Resource Development
Public Lands Division
7000 - 113 St.
Edmonton, AB T5K 2G8
Tel: (780) 427-3595 (toll-free in Alberta by calling 310-0000)
Fax: (780) 422-0454

or contact the Public Lands Office in your area.

5. If you are unable to find the information you need through the above sources, contact the Environmental Law Centre (see the [Appendix](#)).

RECYCLING

(See also Entry on *Waste Management*)

Jurisdiction

Recycling is regulated at the provincial level. Municipalities are responsible for local recycling programs.

Provincial Government – The Laws

The province regulates recycling under the *Environmental Protection and Enhancement Act*. Manufacturers and distributors of designated materials must collect a surcharge on, and provide for the recovery of, those materials. At present, only beverage containers, tires, and lubricating oil material are regulated. Applicable provincial regulations include the *Beverage Container Recycling Regulation*, the *Tire Recycling and Management Regulation*, and the *Lubricating Oil Material Recycling and Management Regulation*. The regulations set out requirements for the recycling of specific materials.

Provincial Government – Enforcement

Alberta Environment enforces the recycling provisions of the *Environmental Protection and Enhancement Act* and related regulations.

Municipal Government – Programs

Residential recycling programs are a municipal responsibility, and are not regulated by the province. Several Alberta municipalities have instituted residential recycling programs pursuant to powers granted them under the *Municipal Government Act*.

Further Information and Contacts

1. For information on provincial recycling programs and requirements, see Alberta Environment's 'Residential Sources' webpage at <<http://www3.gov.ab.ca/env/waste/aow/waste/residential.html>> and follow the links.

2. You may also contact Alberta Environment Recycling Information Line at 427-6982 (toll-free by calling 1-800-463-6326) or E-mail: WasteNot@gov.ab.ca.
3. For information on Edmonton's recycling programs, see the City's 'Recycling' webpage at <http://www.gov.edmonton.ab.ca/am_pw/waste_management/recycling_prgms.html>.
4. For information on Calgary's recycling programs, see the City's homepage at <<http://www.calgary.ca>> and follow the links from 'City Living' to 'Residential Resource', and then to 'Waste and Recycling'.
5. For information on recycling programs in other municipalities, see 'Waste Management' in the municipal pages of your local telephone directory.
6. If you are unable to find the information you need through the above sources, contact the Environmental Law Centre (see the [Appendix](#)).

ROADS

(See also Entry on [Water Quality](#))

The environmental impact from roads and road building can include removal of vegetation, soil erosion, wetland drainage, road kill, and habitat fragmentation, and damage from road salt run-off.

Jurisdiction

Responsibility for the design, placement, building and maintenance of public roads is divided between the three levels of government: federal, provincial, and municipal. Regulation of roads on federal land and Indian reserves is not addressed here.

Federal Government – The Laws

The environmental impacts of roads and road building are not currently directly regulated by the federal government. The federal government does regulate activities, including road building, where fish habitat may be affected (see Entry on [Water Quality](#)).

Regarding road salt, a federal evaluation of options for reducing environmental damage from the salt is underway. Road salt is under consideration for inclusion in Schedule I of the *Canadian Environmental Protection Act, 1999*, which would allow the salt to be regulated under the Act.

Federal Government – Administration and Enforcement

The *Canadian Environmental Protection Act, 1999* is administered and enforced by Environment Canada.

Provincial Government – The Laws and Policy

Under the *Municipal Government Act*, the Province has title to all Alberta roads except roads within cities.

The *Public Highways Development Act* gives management and control of all primary highways in Alberta to the Province. Provincial control also extends to forestry roads and roads and highways in improvement districts. Alberta Transportation is responsible for the repair, maintenance and drainage of highways under provincial control.

Under the *Public Highways Development Act*, the Minister of Transportation may designate secondary roads in the province, and regulate the design, maintenance and use of secondary roads. Management and control of most secondary and other non-primary roads, however, lies with the municipalities. Each municipality is responsible for the repair and maintenance of the roads under its control.

The *Environmental Protection and Enhancement Act* and the *Conservation and Reclamation Regulation* impose reclamation requirements on the construction and abandonment of roads.

Alberta Environment has also issued *Environmental Protection Guidelines for Roadways*, which set out the Department's expectations for road construction, abandonment and reclamation.

Provincial Government – Administration and Enforcement

The *Public Highways Development Act* is administered and enforced by Alberta Transportation. The *Environmental Protection and Enhancement Act* and related regulations are enforced by Alberta Environment.

Municipal Government – Bylaws

Municipalities, including municipal districts, exercise management and control over most roads (primary highways are the principal exception). Urban municipalities have responsibility to repair, maintain and control roads, and are also empowered under the *Municipal Government Act* and the *Public Highways Development Act* to enact bylaws to determine setbacks, placement of shrubs and trees, and other design issues.

Municipal Government – Administration and Enforcement

Roads under municipal control are administered by individual municipalities. Bylaws are enforced by bylaw enforcement officers or, where none, by RCMP or local police authorities.

Further Information and Contacts

1. Regarding highways and roads in national parks, contact the administration office of the park in question.

2. Regarding federal efforts to reduce environmental harm from road salt, see Environment Canada's 'Road Salts' News Release – Archive webpage at <http://www.ec.gc.ca/Press/2001/011130-2_b_e.htm#4>.
3. Regarding environmental problems on roads other than primary highways, contact your local municipal government office.
4. Regarding environmental problems on primary highways, roads in improvement districts and forestry roads, contact the local Alberta Transportation Regional Office. Contact information is available through the Department's general information line at (780) 427-2731 (toll-free in Alberta by calling 310-0000).
5. Regarding environmental concerns, you may also call the Alberta Environment Complaint/Emergency Line at 1-800-222-6514.
6. If you are unable to find the information you need through the above sources, contact the Environmental Law Centre (see the [Appendix](#)).

SEWAGE

Jurisdiction

Sewage treatment and discharge is regulated primarily at the provincial level. The federal government has jurisdiction to regulate sewage on federal land.

Federal Government – The Laws

The federal government may regulate sewage treatment and disposal on federal lands and in other limited circumstances. The *National Parks of Canada Water and Sewer Regulations* under the *Canada National Parks Act* govern the treatment and disposal of sewage in national parks. On other federal lands, the federal government may cooperate with the province to develop and impose standards and restrictions for wastewater treatment.

Federal Government – Enforcement

The *Canada National Parks Act* and its regulations are enforced by Parks Canada.

Provincial Government – The Laws

The province regulates municipal sewage under the *Environmental Protection and Enhancement Act*, which requires an approval for any wastewater system. An approval will ordinarily impose discharge restrictions and other limits on the operation of the system. The *Wastewater and Storm Drainage Regulation* also imposes requirements for wastewater systems, which must be complied with unless an approval provides otherwise. Further standards and design requirements are set out in the *Standards and Guidelines for Municipal Waterworks, Wastewater and Storm Drainage Systems*, which are incorporated into the Regulation and have the force of law.

The *Wastewater and Storm Drainage (Ministerial) Regulation* sets requirements for the training and certification of system operators.

Private sewage systems and plumbing within the property line are regulated under the *Safety Codes Act* and the *Private Sewage Disposal Systems Regulation*.

Provincial Government – Enforcement

Alberta Environment enforces the *Environmental Protection and Enhancement Act* and its regulations. The *Safety Codes Act* and related regulations are primarily enforced by designated Safety Codes Officers.

Further Information and Contacts

1. Regarding sewage treatment and disposal in national parks, contact the administration office of the park in question.
2. Regarding wastewater treatment and disposal, see Alberta Environment's 'Municipal Wastewater' webpage at <<http://www3.gov.ab.ca/env/waste/muniwwater/>>.
3. Regarding private sewage systems, see Alberta Municipal Affairs' 'Plumbing and Private Sewage' webpage at <<http://www3.gov.ab.ca/ma/ss/Plumbing.cfm>>.
4. For information regarding approvals and approved facilities, contact:

Alberta Environment
Regulatory Approvals Centre
Main Floor, Oxbridge Place
9820 - 106 Street
Edmonton, AB T5K 2J6
Tel: (780)427-6311 (toll-free in Alberta by calling 310-0000).

5. If you are unable to find the information you need through the above sources, contact the Environmental Law Centre (see the [Appendix](#)).

SURFACE MATERIALS EXTRACTION

(See also Entry on [Environmental Assessment](#))

Jurisdiction

Surface materials extraction includes gravel, sand, marl, clay, peat and topsoil. Extraction of these substances is regulated primarily at the provincial level. Extraction on federal lands is regulated at the federal level, and is not addressed here.

Provincial Government – The Laws

Under the *Law of Property Act*, surface materials belong, in general, to the landowner and not to the owner of the mineral rights. Extraction is primarily regulated under the *Environmental Protection and Enhancement Act* and the *Activities Designation Regulation*.

Under the *Environmental Protection and Enhancement Act*, approvals are required for most larger sand, gravel, clay or marl pits, unless they are on public land. Approvals are also required for peat operations for which an environmental assessment is required under the Act (see Entry on [Environmental Assessment](#)). An approval will impose restrictions on the excavation (for background information, see [Primer #3: Statutory Authorizations](#)).

Surface access is also necessary for surface materials extraction. Dispositions to enter and occupy the land are granted by the landowner or, for public land, by the provincial government. Public land dispositions are governed by the *Public Lands Act* and the *Dispositions and Fees Regulation*. The Regulation prohibits the operator from doing anything likely to cause damage to or adversely affect the interest of other persons. Dispositions in designated areas are granted under the *Special Areas Disposition Regulation* of the *Special Areas Act* and other provincial Acts.

Excavations that affect waterbodies may also require an approval under the *Water Act*.

Provincial Government – Administration and Enforcement

Conditions in approvals granted under the *Environmental Protection and Enhancement Act* are enforced by Alberta Environment. Dispositions for surface materials extraction on public land are administered by the Public Lands Division of Alberta Sustainable Resource Development.

Further Information and Contacts

1. Contact the excavation operator and the landowner to discuss your concerns.
2. For information on surface material extraction on Crown land, see Alberta Energy's 'Surface Materials Toolkit' webpage at <http://www.energy.gov.ab.ca/com/Coal+and+Minerals/Other+Minerals/Surface+Materials+Toolkit.htm>.
3. For matters relating to exploration and development of surface materials on Crown land, you may also contact:

Public Lands Division
Alberta Sustainable Resource Development
2nd Floor, 9915 - 108 Street
Edmonton, AB T5K 2G8
Tel: (780) 427-3570 (toll-free in Alberta by calling 310-0000)
Fax: (780) 422-3120

4. For information on approvals under the *Environmental Protection and Enhancement Act* and approved projects, contact:

Alberta Environment
Regulatory Approvals Centre
Main Floor, Oxbridge Place
9820 - 106 Street
Edmonton, AB T5K 2J6
Tel: (780) 427-6311 (toll-free in Alberta by calling 310-0000)

5. If you are unable to find the information you need through the above sources, contact the Environmental Law Centre (see the [Appendix](#)).

TRANSPORTATION OF DANGEROUS GOODS

(See also Entry on [*Transportation Of Hazardous Waste*](#))

Jurisdiction

Transportation of dangerous goods regulation is primarily directed at human and traffic safety, not environmental protection. Generally, transportation of such goods across provincial and national borders, and on federal lands, is under federal jurisdiction. Transportation within Alberta is regulated by the provincial government.

Federal Government – The Laws

Dangerous goods transportation across provincial or national borders, and on federal lands, is regulated by the federal government under the *Transportation of Dangerous Goods Act* and the *Transportation of Dangerous Goods Regulations*. The Act imposes safety standards and requirements, and establishes a permit system for activities that would otherwise be contrary to the Act.

The Regulations set out detailed requirements and standards for the transportation of dangerous goods, including classification, documentation and labelling requirements. Specific requirements for every mode of transport are provided.

Specific requirements for dangerous goods transportation are also provided under other federal legislation dealing with particular substances, modes of transport or transport areas.

Federal Government – Enforcement

The Transport Dangerous Goods Directorate of Transport Canada has primary responsibility for enforcement of the *Transportation of Dangerous Goods Act* and the *Transportation of Dangerous Goods Regulations*.

Some dangerous goods also classify as hazardous waste. Environment Canada has administrative and enforcement responsibility over the hazardous waste portions of the *Transportation of Dangerous Goods Regulations*.

Provincial Government – The Laws

The Alberta *Dangerous Goods Transportation and Handling Act* imposes standards and safety procedures, and requires a permit to transport dangerous goods in a manner contrary to the Act. The *Dangerous Goods Transportation and Handling Regulation* adopts the federal *Transportation of Dangerous Goods Regulations*, subject to modifications and additional provisions set out in the provincial regulation.

The *Environmental Protection and Enhancement Act* requires that dangerous goods be transported in a manner that avoids contact with animals, plants, food or drink.

Provincial Government – Enforcement

Alberta Transportation, Dangerous Goods and Rail Safety Branch, enforces the *Dangerous Goods Transportation and Handling Act* and the *Dangerous Goods Transportation and Handling Regulation*. Alberta Environment enforces the *Environmental Protection and Enhancement Act*.

Municipal Government – Bylaws

Municipalities are empowered by the Alberta *Dangerous Goods Transportation and Handling Act* to pass bylaws designating dangerous goods routes and restricting the transportation of such goods within the municipality. Such bylaws must be approved by the Minister of Transportation.

Municipal Government – Enforcement

In many larger municipal centres, bylaw enforcement officers are responsible for enforcing bylaws. In other municipalities, the local police or RCMP detachment is responsible for enforcement.

Further Information and Contacts

1. Regarding federal legislation and inter-provincial or international transportation issues, see Transport Canada's 'Transport Dangerous Goods Directorate' webpage at <<http://www.tc.gc.ca/tdg/menu.htm>>.

If the above webpage does not provide the information you need, you may also contact:

Transport Canada
Transport Dangerous Goods Directorate
Calgary sub-office
Room 838, 220 - 4th Avenue SE
Calgary, AB T2G 4X3
Tel: (403) 292-6016

2. Regarding provincial legislation and transportation within the province, see Alberta Transportation's 'Dangerous Goods Handling' webpage at <<http://www.trans.gov.ab.ca/CommercialOps/DGHandling.asp>>.

If the above website does not provide the information you need, you may also contact:

Alberta Transportation
Dangerous Goods and Rail Safety Branch
Main Floor, 4999 - 98th Avenue
Edmonton, AB T6B 2X3
Tel: (780) 422-9600 or 1-800-272-9600
Fax: (780) 427-1044

3. Regarding municipal bylaws, contact your local municipal government office.
4. If you are unable to find the information you need through the above sources, contact the Environmental Law Centre (see the [Appendix](#)).

TRANSPORTATION OF HAZARDOUS WASTE

(See also Entry on [Transportation of Dangerous Goods](#))

Jurisdiction

The transportation of hazardous waste is regulated at both the provincial and federal levels.

Federal Government – The Laws

The federal government regulates the transportation of hazardous waste and recyclables under the *Canadian Environmental Protection Act, 1999*.

The *Export and Import of Hazardous Waste Regulations* regulate the movement of hazardous waste into and out of Canada, and are currently under revision by Environment Canada. The Department is also developing new regulations that will integrate some of the controls on inter-provincial transport of hazardous waste set out in the *Transport of Dangerous Goods Regulations* (see Entry on [Transportation of Dangerous Goods](#)).

Federal Government – Administration and Enforcement

The Transboundary Movement Branch of Environment Canada has primary responsibility for administration and enforcement of federal hazardous waste transportation requirements. Some federal regulatory requirements are administered and enforced by provincial authorities.

Provincial Government – The Laws

The Province regulates the transportation of hazardous waste under the *Environmental Protection and Enhancement Act* and the *Waste Control Regulation*. The Act and the Regulation set requirements for the identification of carriers, and the tracking, or “manifesting”, of hazardous waste. Hazardous recyclables under transport must also be accompanied by specified documentation.

The *Waste Control Regulation* also sets out what wastes are classified as hazardous, imposes storage requirements, and restricts the importation of hazardous waste and recyclables.

If hazardous waste falls within the definition of dangerous goods under federal or provincial legislation, that legislation may also apply to transportation of the waste (see Entry on [Transportation of Dangerous Goods](#)).

Provincial Government – Administration and Enforcement

The hazardous waste transportation provisions of the *Environmental Protection and Enhancement Act* and the *Waste Control Regulation* are administered and enforced by Alberta Environment.

Municipal Government – Bylaws

Municipalities are empowered to pass bylaws restricting transportation of hazardous waste that constitutes dangerous goods (see Entry on [Transportation of Dangerous Goods](#)).

Further Information and Contacts

1. Regarding transportation of hazardous waste across provincial or national borders, or on federal lands, see Environment Canada's 'Transboundary Movement Branch' website at <http://www.ec.gc.ca/tmb/eng/tmbhp_e.html>.

If the website does not provide the information you need, contact:

Transboundary Movement Branch
Toxics Pollution Prevention Directorate
Environment Canada
351 St. Joseph Blvd., PVM - 12th floor
Hull, QC K1A 0H3
Tel: (819) 997-3377 or
1-800-668-6767 and ask for this branch and directorate by name.

2. Regarding transportation of hazardous waste within the province, see Alberta Environment's 'Industrial and Hazardous Waste' webpage at <<http://www3.gov.ab.ca/env/waste/indhaz/index.html>>.

If the webpage does not provide the information you need, contact:

Alberta Environment
Science and Standards Branch
9820 - 106 Street
Edmonton, AB T5K 2J6
Tel: (780) 427-0606 (toll-free in Alberta by calling 310-0000)
Fax: (780) 422-4192

3. If you are unable to find the information you need through the above sources, contact the Environmental Law Centre (see the [Appendix](#)).

UNDERGROUND STORAGE TANKS

(See also Entry on [Contaminated Land](#))

Jurisdiction

Underground storage tanks containing petroleum products are regulated at the provincial level. The federal government regulates storage tanks on federal lands, which are not addressed here.

Provincial Government – The Laws and Policy

The Province regulates underground storage tanks under several statutes. The *Alberta Fire Code 1997*, adopted by regulation under the *Safety Codes Act*, imposes technical requirements on tanks and operations, from construction to removal. The Code and the Act also impose response and reporting requirements.

Contamination that may arise due to leaking tanks is regulated under the *Environmental Protection and Enhancement Act* and the Code (see Entry on [Contaminated Land](#)). Alberta Environment also issues *Risk Management Guidelines for Petroleum Storage Tank Sites*. These guidelines include standards for specific contaminants, and recommend procedures for conducting investigations and site clean-up.

Requirements for underground storage tanks used in oil and gas production activities are set out in the Alberta Energy and Utilities Board's *Guide 55: Storage Requirements for the Upstream Petroleum Industry*.

Provincial Government – Administration and Enforcement

The Department of Municipal Affairs has primary administrative responsibility for the *Safety Codes Act* and the *Alberta Fire Code 1997*, which are enforced by designated Safety Codes Officers. The Officers are also responsible for emergency response where there is danger from fire or explosion.

Pursuant to the *Storage Tank System Management Regulation*, the Petroleum Tank Management Association of Alberta, a non-profit society, is authorized to administer certain provisions in the *Safety Codes Act* and the *Alberta Fire Code 1997* concerning storage tank

systems. Municipalities and other bodies may also have administrative authority where accredited under the *Safety Codes Act*.

Alberta Environment administers and enforces the *Environmental Protection and Enhancement Act*. The Department also responds to environmental emergencies.

Further Information and Contacts

1. For general information on underground storage tank regulation in Alberta, see the website of the Petroleum Tank Management Association of Alberta at <<http://www.ptmaa.ab.ca/>>.

You may also contact:

Petroleum Tank Management Association of Alberta
Suite 980, 10303 Jasper Avenue
Edmonton, AB T5J 3N6
Tel: (780) 425-8265 or 1-866-222-8265
Fax: (780) 425-4722

2. Alberta Environment's *Risk Management Guidelines for Petroleum Storage Tank Sites* is available through the Alberta Environment Information Centre website at <<http://www3.gov.ab.ca/env/info/infocentre/publist.cfm>>.

Hard copies of the Guidelines are available through:

Alberta Environment
Information Centre
Main Floor, 9920 - 108 Street
Edmonton, AB T5K 2M4
Tel: (780) 422-2079 (toll-free in Alberta by calling 310-0000)
Fax: (780) 427-4407

3. Regarding contaminated land issues, see contact information under Entry on *Contaminated Land*.

For further information, you may also contact:

Alberta Environment
Regulatory Approvals Centre
Main Floor, 9820 - 106 Street
Edmonton, AB T5K 2J6
Tel: (780) 427-6311 (toll-free in Alberta by calling 310-0000)
Fax: (780) 422-0154

4. If you are unable to find the information you need through the above sources, contact the Environmental Law Centre (see the [Appendix](#)).

VEHICLE EMISSIONS

(See also Entry on *Air Quality*)

Jurisdiction

Although automobile and other vehicle emissions may be regulated at both the federal and provincial levels, these emissions are currently regulated only by the federal government.

Federal Government – The Laws

The federal government does not regulate tailpipe emissions directly.

Specifications for emissions control equipment on new vehicles are imposed by the *Motor Vehicle Safety Regulations* under the *Motor Vehicle Safety Act*. New regulations for vehicle emissions will be issued under *Canadian Environmental Protection Act, 1999*, to take effect in 2004.

The federal government also regulates emissions under the *Diesel Fuel Regulations*, *Gasoline Regulations*, *Benzene in Gasoline Regulations* and *Sulphur in Gasoline Regulations*. These regulations restrict fuel composition, which directly affects vehicle emissions.

The *Motor Vehicle Fuel Consumption Standards Act*, which has been enacted but is not yet in force, allows Cabinet to set fuel consumption standards by regulation, and imposes restrictions on vehicles that are imported or shipped across provincial borders.

Federal Government – Enforcement

Vehicle emissions standards established under the *Motor Vehicle Safety Act* and the *Motor Vehicle Safety Regulations* are enforced by Environment Canada. The *Canadian Environmental Protection Act, 1999* and related regulations are also enforced by Environment Canada.

Further Information and Contacts

1. For information on federal emissions regulation, see the Environment Canada webpage 'Exhaustion: A Guide to Transportation Emissions' at <<http://www.ec.gc.ca/emission/toce.html>>.

or the Environment Canada webpage 'On-Road Vehicle And Engine Emission Regulations Backgrounder' at <www.ec.gc.ca/Press/2003/030102_b_e.htm>.

2. For information on recent federal policy and regulatory initiatives, see the Environment Canada webpage 'Vehicles, Engines and Fuels' at <<http://www.ec.gc.ca/transport/vehiclesfuels.htm>>.
3. If you are unable to find the information you need through the above sources, contact the Environmental Law Centre (see the [Appendix](#)).

WASTE MANAGEMENT

(See also Entries on *Incineration*, *Hazardous Waste Management*, *Landfills*, *Litter*, *Oilfield Waste*, and *Transportation of Hazardous Waste*)

Jurisdiction

Waste management is regulated primarily at the provincial level. The federal government also regulates specific types of waste, and waste management on federal lands.

Federal Government – The Laws

The federal government regulates non-hazardous waste management with the *National Parks Garbage Regulations* under the *Canada National Parks Act* and the *Indian Reserve Waste Disposal Regulations* under the *Indian Act*.

Federal Government – Administration and Enforcement

Waste management in national parks is administered and enforced by Parks Canada. The *Indian Reserve Waste Disposal Regulations* are administered by the federal Department of Indian Affairs and Northern Development.

Provincial Government – The Laws

The province regulates waste under the *Environmental Protection and Enhancement Act* and the *Waste Control Regulation*.

a) Hazardous Waste

See Entry on *Hazardous Waste Management*.

b) Non-Hazardous Waste

All waste that is not classified as hazardous under the *Waste Control Regulation*, and is not otherwise excluded from the application of the Regulation, must be disposed of at an authorized waste management facility (see Entries on *Landfills* and *Litter*).

c) Biomedical Waste

Biomedical waste, which is defined in the *Waste Control Regulation*, is currently regulated as non-hazardous waste. The *Code of Practice for*

Landfills, given the force of law under the *Waste Control Regulation*, adopts standards for the disposal of biomedical waste in landfills.

The *Public Health Act* allows for regulations to be made concerning biomedical waste, but there are no biomedical waste regulations currently in place. The general nuisance provisions of the Act allow for orders to be issued in relation to biomedical waste.

Provincial Government – Enforcement

Alberta Environment enforces terms and conditions in waste management approvals issued under the *Environmental Protection and Enhancement Act*. The Department also enforces the *Waste Control Regulation* and the *Code of Practice for Landfills*. The *Public Health Act* is enforced through the regional health authorities.

Further Information and Contacts

1. Regarding waste in national parks, contact the administrative office of the park in question.
2. Regarding regulation of waste on Indian reserves, contact:

Indian Affairs and Northern Development Canada
630 Canada Place
Edmonton, AB T5J 4G2
Tel. (780) 495-2773

3. For information on provincial waste management law, see the Alberta Environment's 'Waste' webpage at <<http://www3.gov.ab.ca/env/waste/index.html>>.

If this website does not provide the information you need, contact:

Alberta Environment
Environmental Risk and Waste Management Programs
4th Floor, Oxbridge Place
9820 - 106 Street
Edmonton, AB T5K 2J6
Tel: (780) 427-0606 (toll-free in Alberta by calling 310-0000)

4. Regarding waste facility approvals and registrations, contact:

Alberta Environment
Regulatory Approvals Centre
Main Floor, 9820 - 106 Street
Edmonton, AB T5K 2J6
Tel. (780) 427-6311 (toll-free in Alberta by calling 310-0000)
Fax. (780) 422-0154

5. Regarding public health issues, contact your regional health authority (see the [Appendix](#)).
6. If you are unable to find the information you need through the above sources, contact the Environmental Law Centre (see the [Appendix](#)).

WATER QUALITY

(See also Entries on [Water Rights](#) and [Drinking \(Treated\) Water Quality](#))

Jurisdiction

Water quality is regulated at both the federal and provincial levels. Rights to water quality still exist under the common law as well.

Federal Government – The Laws

The federal government regulates water quality primarily by regulating specific types of releases and pollutants, rather than the activities that affect water quality.

The federal government protects fish habitat under the *Fisheries Act*, which imposes a general prohibition on the release of any harmful substance into waters frequented by fish. Regulations under the Act allow the release of specific harmful substances under restricted conditions.

The federal government also regulates certain toxic substances under the *Canadian Environmental Protection Act, 1999*, its regulations and guidelines.

Federal Government – Enforcement

The federal Department of Fisheries and Oceans has delegated to Environment Canada the right to enforce the *Fisheries Act* prohibition on harmful releases into waters frequented by fish.

Enforcement of this prohibition is also coordinated between Environment Canada and Alberta Environment pursuant to the *Canada-Alberta Administrative Agreement for the Control of Deposits of Deleterious Substances Under the Fisheries Act*.

The *Canadian Environmental Protection Act, 1999* and related regulations are enforced by Environment Canada.

Provincial Government – The Laws and Policy

The Province regulates water quality primarily by regulating the sources of potential water pollution, rather than the pollutants themselves.

The primary provincial legislation governing water quality is the *Environmental Protection and Enhancement Act*. Activities that may cause water pollution may require an approval or a registration under the Act (for background information, see [Primer #3: Statutory Authorizations](#)). The terms and conditions of an approval may restrict the amounts and concentrations in which a substance can be released into water. Registered facilities must comply with an industry-specific Code of Practice, many of which are given the force of law under the *Substance Release Regulation* (for background information, see [Primer #1: Sources of Law and Policy](#)).

More specifically, the *Environmental Protection and Enhancement Act* regulates hazardous substances, pesticides, wastes, and potable water, all of which have implications for water quality. The following regulations apply: *Substance Release Regulation*, *Pesticide Sales, Handling, Use and Application Regulation*, *Potable Water Regulation*, and *Waste Control Regulation*.

The Act also prohibits the release of substances into the environment (in this case, into water) that may cause a significant adverse effect. However, this does not apply if the release is authorized by an approval, the regulations or another Act.

The *Surface Water Quality Guidelines for Use in Alberta*, issued by Alberta Environment, sets standards for substances and conditions in surface waters.

Provincial Government – Enforcement

The *Environmental Protection and Enhancement Act*, its regulations, and Codes of Practice incorporated into the *Substance Release Regulation* are enforced by Alberta Environment.

Common Law – Riparian Rights

At common law, an owner of land that abuts a natural water course or body is entitled to have the water flow through his or her land without alteration in quality. This right applies to groundwater as well, if it

flows through the land in a defined underground channel. These rights are subject to modification by legislation. Common law rights are enforced in the courts through the civil litigation process.

Further Information and Contacts

1. For general information on federal regulation of water quality and pollution, see Environment Canada's 'Water Pollution' webpage at <http://www.ec.gc.ca/water/en/manage/poll/e_poll.htm>.
2. Regarding federal regulation of specific substances, see Environment Canada's 'Pollution' webpage at <http://www.ec.gc.ca/pollution_e.html>.
3. For general information on provincial regulation of water, see Alberta Environment's 'Water' webpage at <<http://www3.gov.ab.ca/env/water.cfm>>.
4. For information on approvals under the *Environmental Protection and Enhancement Act* and approved facilities, contact:

Alberta Environment
Regulatory Approvals Centre
Main Floor, 9820 - 106 Street
Edmonton, AB T5K 2J6
Tel: (780) 427-6311 (toll-free in Alberta by calling 310-0000)
Fax: (780) 422-0154

5. Codes of Practice are available by performing a catalogue search for 'Code of Practice' on the Queen's Printer website at <http://www.qp.gov.ab.ca/catalogue/catalog_results.cfm>.
6. If the above sources do not provide the information you need, you may also contact:

Alberta Environment Regional Offices (see the [Appendix](#))

7. Regarding any harmful release into any waters in the province, call the Alberta Environment Complaint/Emergency Line at 1-800-222-6514.

8. If you are unable to find the information you need through the above sources, contact the Environmental Law Centre (see the [Appendix](#)).

WATER RIGHTS

(See also Entries on [Water Quality](#) and [Drinking \(Treated\) Water Quality](#))

Jurisdiction

The Government of Alberta is owner of all water in the Province, and controls the right to use and divert any water.

Provincial Government – The Laws

The Province regulates water use under the *Water Act*. In general, the Act requires a license for any diversion of water and an approval for any activity that may alter the flow or condition of water. The Act also establishes a priority system for water users. Certain household and agricultural users who own land adjacent to a water body or over groundwater are entitled to divert a restricted amount of water for specified purposes, without an approval or license. Further exceptions are set out in the *Water Act* and the *Water (Ministerial) Regulation*.

Provincial Government – Administration and Enforcement

The *Water Act* and its regulations are administered and enforced by Alberta Environment.

Common Law – Riparian Rights

At common law, an owner of land adjacent to a natural watercourse or body, or, in some cases, under which groundwater exists, has certain rights concerning the water. Although these rights have been considerably altered by legislation, riparian owners remain entitled to the water's quality and to access the water.

For background information on the common law and riparian rights, see [Primer #4: Property Rights and the Environment](#).

Common Law – Enforcement

Common law rights are enforced in the courts through the civil litigation process.

Further Information and Contacts

1. Regarding provincial legislation and water rights, see Alberta Environment's 'Water Legislation' webpage at <<http://www3.gov.ab.ca/env/water/Legislation/Index2.html>>.
2. For information on provincial regulations and *Water Act* licenses and approvals, contact:

Alberta Environment Regional Offices (see the [Appendix](#)).
3. If you are unable to find the information you need through the above sources, contact the Environmental Law Centre (see the [Appendix](#)).

APPENDIX

I. Environmental Law Centre

204, 10709 Jasper Avenue
Edmonton, AB T5J 3N3
Tel. (780) 424-5099 (Alberta toll-free: 1-800-661-4238)
Fax. (780) 424-5133
E-mail: elc@elc.ab.ca
Website: www.elc.ab.ca

II. Government of Alberta

A. Alberta Energy and Utilities Board (Alberta Energy)

Northern Field Centre Locations

Bonnyville Field Centre

PO Box 5169
Northlands Development Building
209, 4901 - 50th Avenue
Bonnyville, AB T9N 2G4
Tel: (780) 826-5352 *
Fax: (780) 826-2366
Email: bonnyville.fieldcentre@gov.ab.ca

Drayton Valley Field Centre

Box 7048
5136 - 51st Ave.
Drayton Valley, AB T7A 1S3
Tel: (780) 542-5182 *
Fax: (780) 542-2540
Email: draytonvalley.fieldcentre@gov.ab.ca

Fort McMurray Sub-office

Box 15, Provincial Bldg.
9915 Franklin Ave.
Fort McMurray, AB T9H 2K4
Tel: (780) 743-7214 *
Fax: (780) 743-7141

Grande Prairie Field Centre

9815 - 115 St.

Grande Prairie, AB T8V 7R3

Tel: (780) 538-5138 *

Fax: (780) 538-5582

Email: grandeprairie.fieldcentre@gov.ab.ca

High Level Sub-office

PO Box 3069

205 Fahlman Building

9808-9814 100 Ave.

High Level, AB T0H 1Z0

Tel: (780) 926-5399 *

Fax: (780) 926-4721

Email: highlevel.office@gov.ab.ca

St. Albert Field Centre

Main Floor

30 Sir Winston Churchill Avenue

St. Albert, Alberta T8N 3A3

Tel: (780) 460-3800 *

Fax: (780) 460-3802

Email: stalbert.fieldcentre@gov.ab.ca

Southern Field Centre Locations**Medicine Hat Field Centre**

#302, 346 - 3 Street SE

Medicine Hat, AB T1A 0G7

Tel: (403) 527-3385 *

Fax: (403) 529-3103

Email: medicinehat.fieldcentre@gov.ab.ca

Midnapore Field Centre

320, 295 Midpark Way SE

Calgary, AB T2X 2A8

Tel: (403) 297-8303 *

Fax: (403) 297-5283

Email: midnapore.fieldcentre@gov.ab.ca

Red Deer Field Centre

210 Provincial Building
4920 - 51st St.
Red Deer, AB T4N 6K8
Tel: (403) 340-5454 *
Fax: (403) 340-5136
Email: reddeer.fieldcentre@gov.ab.ca

Wainwright Field Centre

801 - 2nd Ave.
Wainwright, AB T9W 1C4
Tel: (780) 842-7570 *
Fax: (780) 842-7536
Email: wainwright.fieldcentre@gov.ab.ca

EUB publications are available from:

Alberta Energy and Utilities Board Information Services
640 – 5 Ave. SW
Calgary, AB T2P 3G4
Tel: (403) 297-8190 *
Fax: (403) 297-7040
E-mail: eub.info_services@eub.gov.ab.ca

*Toll-free by calling 310-0000.

B. Alberta Environment**Regional Offices**

Alberta Environment operates through three regional offices. Each office is responsible for approvals and compliance in the region. Regional boundaries can be viewed on the Alberta Environment 'Infocentre' website at [http://www3.gov.ab.ca/env/info/infocentre/ contactsenv.cfm](http://www3.gov.ab.ca/env/info/infocentre/contactsenv.cfm).

Northern Region

Main Floor, Twin Atria Building
4999 – 98 Avenue
Edmonton, AB T6B 2X3
Tel: (780) 427-7617 *
Fax: (780) 427-7824

Central Region

Room 304, Provincial Building
5th Floor, 4920 – 51 Street
Red Deer, AB T4N 6K8
Tel: (403) 340-7052 *
Fax: (403) 430-5022

Southern Region

Deerfoot Square Building
3rd Floor, 2938 – 11 St. NE
Calgary, AB T2J 7J2
Tel: (403) 297-5959 *
Fax: (403) 297-6069

* Toll-free by calling 310-0000

Regulatory Approvals Centre

Questions regarding approvals or approved facilities or activities should be directed to:

Regulatory Approvals Centre

Main Floor, 9820-106 Street
Edmonton, AB T5K 2M4
Tel: (780) 427-6311 *
Fax: (780) 422-0154

For information on Alberta Environment publications, contact:

Information Centre

Main Floor, 9920 – 108 Street
Edmonton, AB T5K 2M4
Tel: (780) 944-0313 *
Fax: (780) 427-4407

*Toll-free by calling 310-0000.

**C. Fish and Wildlife Regional and Area Offices
(Alberta Sustainable Resource Development)**

Contact information for District Offices is available at <http://www3.gov.ab.ca/srd/info/contactssrd.cfm>. Contact information is also available through the Alberta Government toll-free information line at 310-0000.

Edson Regional Office

Provincial Building
#203, 111 - 54 St.
Edson, AB T7E 1T2
Tel. (780) 723-8527 *
Fax. (780) 723-7963

**Grande Prairie Area &
District Office**

Provincial Building
#1701, 10320 – 99 Street
Grande Prairie, AB T8V 6J4
Tel. (780) 538-5265 *
Fax. (780) 538-5622

High Prairie Area & District Office

Provincial Building
5226 – 53 Avenue
High Prairie, AB T0G 1E0
Tel. (780) 523-6520 *
Fax. (780) 523-6525

Lac La Biche Area Office

Provincial Building
9503 Beaverhill Road
Lac La Biche, AB T0A 2C0
Tel. (780) 623-5235 *
Fax. (780) 623-5239

Lethbridge Regional Office

Provincial Building
200 – 5th Avenue South
Lethbridge, AB T1J 4C7
Tel. (403) 382-4229 *
Fax. (403) 381-5337

Medicine Hat Area Office

Provincial Building
#301, 346 – 3rd Street SE
Medicine Hat, AB T1A 4J6
Tel. (403) 528-5228 *
Fax. (403) 528-5212

**Peace River Regional &
Area & District Office**

Provincial Building
9621 – 96 Avenue
Peace River, AB T8S 1T4
Tel. (780) 624-6405 *
Fax. (780) 624-6455

Red Deer Regional Office

Provincial Building
#501, 4920 – 51 Street
Red Deer, AB T4N 6K8
Tel. (403) 340-7654 *
Fax. (403) 340-7662

Rocky Mountain House Regional Office

New Provincial Building
2nd Floor, 4919 – 51 Street
Rocky Mountain House, AB T0M 1T0
Tel. (403) 845-8230 *
Fax. (403) 844-4216

*Toll-free by calling 310-0000.

**D. Natural Resources Conservation Board Offices
(Alberta Sustainable Resource Development)**

The NRCB has six offices in Alberta.

Please contact either the Edmonton or Calgary office for general enquiries or applications for natural resource developments.

Please contact the nearest office (Barrhead, Fairview, Red Deer or Lethbridge) for general enquiries about confined feeding operations.

Call the NRCB's toll-free response line at 1-866-383-6722 (1-866-383-NRCB) if you have a concern about an existing confined feeding operation.

Barrhead Office

6203 – 49 Street
Box 4560
Barrhead, AB T7N 1A4
Tel: (780) 674-8303 *
Fax: (780) 674-8362

Calgary Office

3rd Floor, EUB Building
640 5 Avenue SW
Calgary, AB T2P 2G4
Tel: (403) 662-3990 *
Fax: (403) 662-3994

Edmonton Office

4th Floor, Sterling Place
9940 – 106 Street
Edmonton, AB T5K 2N2
Tel: (780) 422-1977 *
Fax: (780) 427-0607

Fairview Office

Provincial Building
10209 – 109 Street
Box 159
Fairview, AB T0H 1L0
Tel: (780) 835-7111 *
Fax: (780) 835-3600

Lethbridge Office

NRCB Agricultural Centre
100, 5401 - 1st Avenue S
Lethbridge, AB T1J 4V6
Tel: (403) 381-5166 *
Fax: (403) 381-5806

Red Deer Office

301 Provincial Building
4920 – 51 Street
Red Deer, AB T4N 6K8
Tel: (403) 340-5241*
Fax: (403) 340-5599

*Toll-free by calling 310-0000.

**E. Regional Health Authorities
(Alberta Health and Wellness)**

For Regional Health Authority contact information, see the 'Regional Health Authorities Map & List' webpage of Alberta Health and Wellness at <http://www.health.gov.ab.ca/system/rhas/rhamap_current.htm>.

The Regional Health Authorities are currently being consolidated. For the most up to date contact information, call the Alberta Government toll-free information line at 310-0000.

**F. Workplace Health and Safety
(Alberta Human Resources and Employment)**

Alberta Human Resources And Employment
Workplace Health and Safety
Call Centre (for all regions)
Tel: 1-866-415-8690
Fax: (780) 422-3730
E-mail: whs@gov.ab.ca

Northern Region**Edmonton Office**

10th Floor, Seventh Street Plaza
South Tower
10030 – 107 Street
Edmonton, AB T5J 3E4

Grande Prairie Office

3101 Provincial Building
10320 – 99 Street
Grande Prairie, AB T8V 6J4

Southern Region

Calgary Office

Guinness House
Elveden Centre
727 – 7 Avenue SW
Calgary, AB T2P 0Z5

Medicine Hat Office

Medicine Hat Provincial Building
Room 103, 346 – 6 Street SE
Medicine Hat, AB T1A 0G7

Lethbridge Office

Lethbridge Provincial Building
Room 360, 200 – 5 Avenue S
Lethbridge, AB T1J 4C7

Red Deer Office

Red Deer Provincial Building
2nd Floor, 4920 – 51 Avenue
Red Deer, AB T4N 6K8

III. Environment Canada

Questions about national programs and services:

Environment Canada
National Office
Ottawa, ON K1A 0H3
Tel: (819) 997-2800 or 1-800-668-6767 [In Canada only]
Fax: (819) 953-2225
E-mail: enviroinfo@ec.gc.ca

Questions about programs or services delivered in Alberta:

Environment Canada
Alberta Regional Office
Room 200, 4999 – 98 Avenue
Edmonton, AB T6B 2X3
Tel: (780) 951-8600
Fax: (780) 495-2615