

## **WATER ACT**

BEING CHAPTER W-3 R.S.A. 2000 (the "Water Act")

Amendment No. 1 to

ENFORCEMENT ORDER NO. WA-EO-2019/09-LAR

Yvon and Lea Lapointe  
Box 7935  
Bonnyville, Alberta  
T9N 2H6

(collectively "the Parties" or "Lapointe")

WHEREAS Enforcement Order No. WA-EO-2019/09-LAR was issued by the Director to the Parties on October 2, 2019;

WHEREAS Lapointe appealed Enforcement Order No. WA-EO-2019/09-LAR to the Environmental Appeals Board, which held a joint hearing of this appeal along with the appeal of a companion enforcement order issued to Donald Lapierre and 645639 Alberta Ltd. (No. WA-EO-201/08-LAR) on March 22-23, 2021 (collectively "Lapierre");

WHEREAS on June 4, 2021, Ministerial Order 64/2021 (the "MO") was signed by the Minister of Alberta Environment and Parks ("AEP"), which varied the Enforcement Orders issued to both Lapierre and Lapointe following the Environmental Appeals Board hearing and issuance of its Report and Recommendation;

WHEREAS the MO amended the Lapointe Enforcement Order as follows:

2. The first sentence of Condition 2 is repealed and replaced with the following:

"The Parties shall submit to the Director by **August 1, 2021**, for the Director's approval, a written Remedial Plan ("the Plan") signed and stamped by a Professional with experience in hydrology and restoration of natural surface water flows, that shall have as its objective restoring the natural surface drainage patterns across the Land that existed prior to the commencement of the infilling activities and construction of the berm, by:"

3. Condition 3(E) is repealed and replaced with the following:

"A schedule for implementing the Plan with a completion date no later than **December 31, 2021.**"

4. The following is added after condition 5:

"The Parties are required to accept a total combined maximum peak flow of 4 L/s/ha during a 1:100 year 24 hour event from both Lot 1 and Lot B."

(hereinafter, the Enforcement Order issued to Lapointe as amended by the MO will be referred to as the "Lapointe EO");

WHEREAS by email of August 16, 2021, the Director extended the deadline for providing the Remedial Plans by both Lapierre and Lapointe to September 10, 2021 due to ongoing discussions between Lapierre and Lapointe regarding the proposed related remedial works;

WHEREAS by email of October 6, 2021, the Director again extended the deadline for the receipt of Remedial Plans by both Lapierre and Lapointe to November 15, 2021, at the request of the parties;

WHEREAS on December 6, 2021, after receipt of Remedial Plans from each Lapierre and Lapointe and review of same, the Director sent a supplementary information request to each of them regarding specific items in their respective plans for which he required further clarification and details;

WHEREAS on January 17, 2022, Lapointe provided supplementary information in response to the Director's December 6<sup>th</sup>, 2021 request;

WHEREAS the Director has reviewed the Remedial Plan from Lapointe and is satisfied that it meets the requirements of the Lapointe EO, and hereby approves the Lapointe Remedial Plan;

WHEREAS the Director is of the opinion that the December 31, 2021 date for completion of the remedial work set out in clause 3 of the MO must be extended given that the Remedial Plan has now been approved for implementation;

WHEREAS I, Simon Tatlow, Superintendent for Alberta Environment and Parks and the Director, have authority under the *Water Act* to issue and amend enforcement orders;

THEREFORE, I, Simon Tatlow, Director, pursuant to sections 137(1)(a) of the *Water Act*, DO HEREBY AMEND the Lapointe EO as follows:

1. Clause 3(e) (as modified by clause 3 of the MO) is amended to delete "**December 31, 2021**" and replace it with "**July 31, 2022**".

2. The following is added after clause 6:

7. The Parties shall breach the berm (Berm 2) at the northwest corner of the Lapierre Lot B property where the swale from Lot B enters the Lapointe property in a manner that is sufficient to allow water to flow from south to north without interruption no later than **March 20, 2022.**"

DATED at the Town of Fairview in the Province of Alberta, this 15<sup>th</sup> day of February 2022.

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Simon Tatlow  
Superintendent  
Environmental Investigations Section  
(The Director)

**Notwithstanding the above requirements, the Parties shall obtain all other necessary approvals in complying with this order.**

**Take notice that this enforcement order is a remedial tool only, and in no way precludes any enforcement proceedings being taken regarding this matter under this Act or any other legislation. Failure to comply with this order may result in further enforcement proceedings.**

**Section 115 of the *Water Act* may provide a right of appeal against this decision to the Alberta Environmental Appeals Board. There may be a strict time limit for filing such an appeal. For further information, please contact the Board Secretary at:**

**#306 Peace Hills Trust Tower,  
10011 – 109th Street  
Edmonton, Alberta, T5J 3S8  
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