



ENVIRONMENTAL PROTECTION AND ENHANCEMENT ACT

BEING CHAPTER E-12 R.S.A. 2000 (the "Act")

ENVIRONMENTAL PROTECTION ORDER NO. EPO-2014/01-SSR

Alberta Utilities Commission
Fifth Avenue Place
Fourth Floor, 425 First Street S.W.
Calgary, AB T2P 3L8

WHEREAS the Alberta Utilities Commission (AUC) is a corporation established pursuant to section 2 of the *Alberta Utilities Commission Act* (RSA 200, c. 37.2);

WHEREAS up to June 1, 2013, Dockman & Associates Ltd. held Approval No. 151716-00-00 [the "Approval"] for the construction, operation and reclamation of the East Airdrie (Sharp Hill) Waterworks System [the "Waterworks System"] on land legally described as NE ¼ of 28-026-29-W4M in Rock View County in the Province of Alberta, which Approval expired on June 1, 2013;

WHEREAS on May 30, 2013, the Director of the Department of Environment and Sustainable Resource Development (ESRD) issued to Dockman & Associates Ltd. and Mr Michael Dockman Enforcement Order No. EO-2013/03/SR [the "EO"], which both identified a number of contraventions of the Approval, and temporarily authorized the continued operation of the Waterworks System;

WHEREAS on September 20, 2013, the Director of ESRD issued to Dockman & Associates Ltd. and Mr Michael Dockman Amendment No. 1 to the EO (the "Amended Order") which, among other conditions, stated that the Amended Order would expire on January 20, 2014 unless Dockman & Associates Ltd. and Mr Michael Dockman submitted to ESRD a complete application for an approval to operate the Waterworks System;

WHEREAS ESRD has not received a complete application from Dockman & Associates Ltd. or Mr Michael Dockman;

WHEREAS the Director is of the opinion that during Dockman & Associates Ltd.'s operation of the Waterworks System, the water produced by the Waterworks System has become unfit for its intended use as potable water for human consumption and the concentration of substances in the potable water supplied by the system has varied from the specified concentration set out in the Approval and adopted by the EO and the Amended Order. Specifically, there have been:

- Chronic exceedences of the fluoride concentration limits in treated water; and
- Repeated shut-downs of the Waterworks System, necessitating the issuance of a boil water advisory by Alberta Health Services on December 21, 2013 over concerns about potential bacterial infiltration of the water lines;

WHEREAS on January 24, 2014, pursuant to section 119 of the *Public Utilities Act*, the AUC issued Decision 2014-017, which states, in part, that the AUC seizes, takes possession of property and takes over management of the Waterworks System, and has employed a third-party service provider to operate and maintain the Waterworks System to provide water service to the East Airdrie Water System service area, effective January 24, 2014;

WHEREAS a "person responsible for a waterworks system" is defined, in part, in section 147 of the *Environmental Protection and Enhancement Act* [EPEA] as the operator of the waterworks system;

WHEREAS the AUC's Decision 2014-017 makes the AUC a "person responsible for a waterworks system"

WHEREAS Craig Knaus, District Compliance Manager, South Saskatchewan Region [the "Director"] has been appointed a Director under EPEA for the purposes of issuing Environmental Protection Orders;

THEREFORE I, Craig Knaus, District Compliance Manager, South Saskatchewan Region, pursuant to section 150 of the *Environmental Protection and Enhancement Act*, DO HEREBY ORDER:

1. The AUC shall operate the East Airdrie (Sharp Hill) Waterworks System as a Water Distribution System that, at all times, uses as the source of its water supply potable water from a waterworks system that holds a current approval or registration under the *Environmental Protections and Enhancement Act*.
2. The AUC shall at all times while operating the East Airdrie (Sharp Hill) Waterworks System as a Water Distribution System, comply with all of the requirements set out in
 - a. Part 1;
 - b. Section 2.2 of Part 2;
 - c. Part 4;
 - d. Part 5;
 - e. Part 7; and
 - f. Part 8of the Code of Practice for a Waterworks System Consisting Solely of a Water Distribution System (effective June 1, 2012).
3. The AUC shall not divert any water from the groundwater wells that, prior to the expiration of the Amended Order, provided source water for the East Airdrie (Sharp Hill) Waterworks System;
4. The AUC shall, in addition to the monitoring required by the Code of Practice for a Waterworks System Consisting Solely of a Water Distribution System, monitor, as follows:
 - a. The total daily volume of water used; and
 - b. The reservoir level once per day

at least 5 days per week.

5. The AUC shall, every Monday, submit a written weekly update [the "Weekly Report"] to Mr Larry West at larry.west@gov.ab.ca;
6. In the Weekly Report, the AUC shall include at least all of the following information for the immediately preceding week:
 - a. The name of the waterworks system that holds a current approval or registration under the *Environmental Protections and Enhancement Act* that AUC is using for source water;
 - b. The information collected in accordance with Clause 4 of this Order;
 - c. The analytical results for the Bacteriological monitoring conducted pursuant to section 5.1.4 of the Code of Practice for a Waterworks System Consisting Solely of a Water Distribution System; and
 - d. The analytical results for the Chlorine residual monitoring conducted pursuant to section 5.1.4 of the Code of Practice for a Waterworks System Consisting Solely of a Water Distribution System.
7. The AUC shall provide written notice to the Director at least 7 days before ceasing operation of the East Airdrie (Sharp Hill) Waterworks System as a Water Distribution System.

DATED at the City of Calgary in the Province of Alberta, this 24th day of January, 2014.

Original Signed by: Craig Knaus
District Compliance Manager
South Saskatchewan Region

Section 91 of the Environmental Protection and Enhancement 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. A copy of section 91 is enclosed. For further information, please contact the Board Secretary at #306 Peace Hills Trust Tower, 10011 – 109 Street, Edmonton, Alberta, T5J 3S8; telephone (780) 427-6207; fax (780) 427-4693.

Notwithstanding the above requirements, the Party(ies) shall obtain all necessary approvals in complying with this order.

Take notice that this environmental protection 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.