

WATER ACT

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

Amendment No. 6 to

ENFORCEMENT ORDER NO. WA-EO-2018/07-LAR

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[Collectively "the Parties"]

WHEREAS Enforcement Order No. WA-EO-2018/07-LAR [the "EO"] was issued to the Parties on July 3, 4 and 5, 2018;

WHEREAS Amendment No. 1 to the EO was issued to the Parties on August 16, 2018;

WHEREAS Amendment No. 2 to the EO was issued to the Parties on November 22, 2018;

WHEREAS Amendment No. 3 to the EO was issued to the Parties on April 2, 2019;

WHEREAS Amendment No. 4 to the EO was issued to the Parties on September 11, 2019;

WHEREAS Amendment No. 5 to the EO was issued to the Parties on December 2, 2019;

WHEREAS on July 10, 2020, the consultant for the Parties [the "Consultant"] advised Alberta Environment and Parks ["AEP"] that the remaining reclamation works and placement of the topsoil would be best completed in drier condition and requested an extensions of the EO to October 31,2020;

WHEREAS on July 10, 2020, the Consultant requested that AEP consider allowing two waterbodies to remain on the Surface Material Lease, SML110037 ["SML37"];

WHEREAS on August 27, 2020, AEP attended SML37 and informed the Parties a second waterbody could only remain onsite if it was designed and constructed in accordance to the Alberta Guide to Wetland Construction in Stormwater Facilities [the "Guide"];

WHEREAS Environmental Protection Officer [the "EPO"], Jocelyn Beniuk-Elkins, emailed the Consultant on August 31, 2020, confirming the Guide must be followed and the Remedial Plan would need to be amended. The amendment was to include rationale as to why these changes are required and deviated from the previously approved Remedial Plan. The EPO also stated if the area of the second waterbody was re-contoured to not retain water an amendment to the Remedial Plan would not be required;

WHEREAS the Consultant emailed the proposed changes to the Remedial Plan to the Director on September 25, 2020 which included the addition of a second waterbody on SML37 that meets the design requirement in the *Guide*. The Remedial Plan stated that soil placement and planting will be completed in the fall of 2020;

WHEREAS I, Simon Tatlow, Compliance Manager, Lower Athabasca Region [the "Director"] has been designated as Director for the purposes of issuing and amending enforcement orders under the Water Act;

WHEREAS the Director is of the opinion that the EO must be amended to reflect the deadlines within the Remedial Plan and the addition of a second waterbody on SML37;

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

1. In Clause 1 of Amendment 5 to the EO, "**June 1, 2020**" is deleted and replaced with "**October 31, 2020**".
2. In Clause 2 of Amendment 5 to the EO, "**July 6, 2020**" is deleted and replaced with "**November 30, 2020**".

DATED at the City of Fort McMurray in the Province of Alberta, this 25th day of **September, 2020**.



Simon Tatlow

Compliance Manager
Regulatory Assurance Division
North Region

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:

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