

**Water Act**

**Being Chapter W-3 R.S.A. 2000 (the "Act")**

WATER MANAGEMENT ORDER NO. 36019 (WMO-WA-36019)

Rbee Aggregate Consulting Ltd.  
9702 100 St  
Morinville, Alberta  
T8R 1G3

And

Alberta Transportation  
Marlene Cobick  
3<sup>rd</sup> Floor, Provincial Building  
Bag 900, Box 29  
9621 96 Avenue  
Peace River, Alberta  
T8S 1T4

(Collectively "the Parties")

WHEREAS Alberta Transportation is the holder of approval No. 0023027-01-01 made pursuant to the *Water Act* (the "Approval"), which authorizes work for dewatering a pit on Crown land legally described as the NE 23 70 06 W6M ("the Lands"), within the County of Grande Prairie, No. 1.

WHEREAS from the works described in the Approval the Wapiti River is the receiving body of water;

WHEREAS the Wapiti River is a fish bearing river that flows throughout the year;

WHEREAS Rbee Aggregate Consulting Ltd. (the "Company") is a corporate entity registered in Alberta that subcontracts and operates a gravel pit on the Lands;

WHEREAS on March 26, 2021, Alberta Environment and Parks ("AEP") received a complaint regarding the dewatering of a gravel pit causing bank erosion and discharging sediment laden water into the Wapiti River.

WHEREAS on March 29, 2021, an AEP Inspector inspected the Lands, took photographs, and identified:

- a pump on-site that was dewatering an impoundment holding water ("the impoundment") located within the pit via a hose;

- an erosion gully was formed on the south side of the Lands, along the bank leading towards the Wapiti River

WHEREAS on March 29, 2021, the AEP Inspector communicated to “the Company” to discontinue the dewatering of the impoundment until all required authorizations are confirmed; and sediment and erosion concerns are addressed;

WHEREAS on April 6, 2021, Ryan McQuade from R Bee Crushing Ltd. provided an approval 0023027-01-00 made pursuant to the *Water Resources Act* and an amended approval 0023027-01-01 held by Alberta Transportation made pursuant to the *Water Act* to the Inspector.

WHEREAS on April 6, 2021, AEP received a second complaint of an unknown volume of sediment release into the Wapiti River due to erosion of the bank on the Lands.

WHEREAS on April 6, 2021 R Bee Crushing Ltd. self reported to AEP a release of sediment to the Wapiti River potentially caused by the dewatering.

WHEREAS on April 7, 2021 the AEP Inspector returned to inspect the Lands, took photographs, and identified:

- the pump and the hose were removed;
- a culvert had been installed with earthen materials;
- the elevation of the bank had been reduced at the point of installation;
- rock and boulders had been placed adjacent to the culvert outlet;
- the water level in the impoundment had dropped significantly in comparison to the observed water level during the March 29, 2021 inspection;
- the volume and velocity of the water discharging had increased significantly and;
- further erosion of the bank initially identified during the March 29, 2021 inspection.

WHEREAS on April 7, 2021 the AEP Inspector reviewed the Approval - and identified the following:

- Clause B requires that construction associated with the works was to be completed by March 9, 1996.
- A stamp extending the term within which construction is to be completed to March 8, 1998.
- Clause 1 under General Conditions states that the Licencee is responsible for the construction, operation and maintenance of the work and for any damages that may result therefrom;
- Clause 1 under Construction, Operation and Maintenance Conditions states that the Licencee is responsible for the erosion control works as may be necessary to maintain the works in a stable condition

WHEREAS the Parties are each a “person responsible” for the activity or works described herein pursuant to section 1(1) (kk) of the *Act*, and section 1(5) of the *Water (Ministerial) Regulation* (AR 205/98) (the “*Regulation*”);

WHEREAS the dewatering is an “activity” under section 1(1)(b)(i) of the *Act*, and the Wapiti River is a “water body” as defined in section 1(1)(ggg) of the *Act*;

WHEREAS the installation of a culvert for the purpose of dewatering is also a “works” under section 1(1) (mmm) of the *Act*;

WHEREAS the dewatering does require an approval under the *Act* or the *Regulation*;

WHEREAS the changes made to the works associated with the dewatering (collectively the “dewatering activities”) is not authorized in approval 0023027-01-01;

WHEREAS the Inspector is of the opinion that the dewatering activities have caused erosion to the Lands resulting in the siltation of water which has caused or may cause an adverse effect on the aquatic environment including fish and fish habitat of the Wapiti River;

WHEREAS the Inspector is of the opinion that the dewatering activities may cause a significant adverse effect on the Lands or other property upstream or downstream in the vicinity of the dewatering activities;

WHEREAS the Inspector is of the opinion that the dewatering activities must be suspended in order to prevent further adverse effects to the aquatic environment or to property from occurring;

WHEREAS Robyn Pirie, Inspector, North Region has been designated as an Inspector for the purposes of issuing water management orders under the *Act*;

THEREFORE, I, Robyn Pirie, Inspector, pursuant to sections 97(1)(b)(d)(h) and 99(2) of the *Water Act* DO HEREBY ORDER THAT:

The Parties shall immediately

1. Suspend operation of the dewatering activities;
2. Take all reasonable measures to contain and isolate any erodible materials associated with the pit operation or construction from migrating toward or to the Wapiti River on the Lands
3. Install reasonable stabilization materials / erosion and sedimentation control measures where gully erosion is identified on the Lands in a manner sufficient to stop further gully erosion and the siltation of water.
4. Assess all surface water contributions to the Lands and document for the Inspectors review any additional contributions that would otherwise not be associated with the Approval that does not include precipitation events;
5. The Parties shall implement all the work described in clauses 1 through 4 effect of immediately with a completion date of no later than Monday, April 12, 2021.

DATED at the City of Grande Prairie in the Province of Alberta, this 8th day of April, 2021



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Robyn Pirie  
Inspector  
Regulatory Assurance Division  
North Region

**Section 115 of the *Water Act* may provide a right of appeal against this decision to the Alberta Environmental Appeals Board. A copy of section 115 is provided below. 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 – 109<sup>th</sup> Street, Edmonton, Alberta, T5J 3S8; Telephone: (780) 427-6207; Fax: (780) 427-4693.**

**Notwithstanding the above requirements, the Parties shall obtain all other necessary approvals from any regulatory agency (provincial or federal) in complying with this order.**