

ENVIRONMENTAL PROTECTION AND ENHANCEMENT ACT

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

ENVIRONMENTAL PROTECTION ORDER NO. EPO-2016/04-LAR

Cold Lake Regional Utility Services Commission
5513 - 48 Avenue
Cold Lake, Alberta
T9M 1A1

[the "Commission"]

WHEREAS Cold Lake Regional Utility Services Commission (the "Commission") operates a wastewater system pursuant to Approval No. 1585-04-00 (the "Approval") issued under the *Environmental Protection and Enhancement Act* (the "Act");

WHEREAS the wastewater system includes an 800mm forcemain between Building No.9 located at NW-11-35-62-2-W4 and the Cold Lake Sewage Treatment Plant located at NW-13-62-2-W4 (the "forcemain"). The forcemain traverses NW-25-62-2-W4 with portions of the forcemain located beneath a wetland on NW-25-62-2-W4;

WHEREAS the lands described as NW-25-62-2-W4 are located in the Municipal District of Bonnyville, owned by Lakist Holdings Inc., and subject to an easement registered on title by the Town of Grand Centre; the Town of Grand Centre was one of the communities that amalgamated to form the City of Cold Lake;

WHEREAS on August 17, 2016 the Commission identified a break in the forcemain, and the location of the forcemain break was subsequently identified as being located at NW-25-62-2-W4 in the wetland (the "forcemain break");

WHEREAS the forcemain break caused untreated wastewater (the "Substance") to be released into the environment (the "Release");

WHEREAS the Commission reported the forcemain break to Alberta Environment and Parks (the "Department") on August 17, 2016;

WHEREAS the Commission also contacted the Lakist Holdings Inc., other adjacent landowners, the Municipal District of Bonnyville, and Alberta Health Services on August 17, 2016 regarding the forcemain break;

WHEREAS the Commission has taken steps to contain the Release and prevent further release including:

- constructing berms in NW-25-62-2-W4 to south of and north of the forcemain break,

- digging three containment pits on SW-36-62-2-W4 and one containment pit on NW-25-62-2-W4,
- blocking a culvert between SW-36-62-2-W4 and SE-36-62-2-W4, and
- completion of a new 900mm forcemain and repair of the existing 800mm forcemain;

WHEREAS on or about August 18, 2016, the Commission collected water samples from multiple locations on NW-25-62-2-W4, SW-36-62-2-W4, SE-36-62-2-W4, NW-36-62-2-W4 and NE-36-62-2-W4;

WHEREAS the samples show the presence of Total Coliforms in concentrations of CFU/100 mL 5,400,000 and 2,200,000 on NW-25-62-2-W4 and 1500s on SE-36-62-2-W4;

WHEREAS elevated Total Coliforms in the samples at NW-25-62-2-W4 indicates a high level of bacteria that may also indicate the presence of pathogens such as *Escherichia coli* that can have an adverse effect on human health and the aquatic environment;

WHEREAS the release of the Substance was not authorized by the Approval or under the Act,

WHEREAS pursuant to section 112 of the Act, the Commission has a duty to take all reasonable measures to:

- repair, remedy and confine the effects of the Substance;
- remediate, manage, remove or otherwise dispose of the Substance in such a manner as to prevent an adverse effect or further adverse effect; and
- restore the environment to a condition satisfactory to the Director;

WHEREAS Neil Brad, Regional Compliance Manager, Lower Athabasca Region, is designated as a Director for the purposes of issuing environmental protection orders under the Act (the "Director"),

WHEREAS the Director is of the opinion that the Substance is a "substance", as defined in section 1(mmm) of the Act;

WHEREAS the Director is of the opinion that a release of a substance into the environment has occurred, and that the substance has caused, is causing, or may cause an adverse effect;

WHEREAS the Commission is a "person responsible" for the Substance, as defined in section 1(tt) of the Act;

THEREFORE, I, Neil Brad, Regional Compliance Manager, Lower Athabasca Region, pursuant to section 113 of the *Environmental Protection and Enhancement Act*, DO HEREBY ORDER:

1. The Commission shall immediately and continuously prevent any further release of the Substance.
2. The Commission shall immediately and continuously prevent migration of the Substance released.

Delineation, Removal, and Management Plan

3. **The Commission shall, by September 8, 2016, submit to the Director a written Delineation, Removal, and Management Plan signed by a professional engineer currently registered with the Association of Professional Engineers and Geoscientists of Alberta (APEGA), or a professional biologist currently registered with the Alberta Society of Professional Biologists (ASPB), or a professional agrologist currently registered with the Alberta Institute of Agrologists;**

4. **The Delineation, Removal, and Management Plan shall include at least all of the following:**
 - a. **A detailed plan to describe the volume and composition of the Substance released.**

 - b. **Identification of environmental and health risks associated with the Substance.**

 - c. **A detailed plan to complete delineation of the vertical and lateral extent of the Substance in all:**
 - i. **soil,**
 - ii. **subsoil,**
 - iii. **surface water, and**
 - iv. **groundwater**

on and under NW-25-62-2-W4, and on and under all lands impacted by the Release.

 - d. **A description of all measures and techniques that will be used to identify and delineate the Substance.**

 - e. **A detailed plan for removal and disposal, or containment and management, of the Substance.**

 - f. **The name and location of the proposed disposal sites for material to be removed, including: the Substance; soil and subsoil; surface water and groundwater.**

 - g. **A detailed plan to treat surface water and groundwater impacted by the Substance.**

 - h. **A schedule for implementing the Delineation, Removal and Management Plan with a completion date of no later than December 1, 2016.**

5. **The Commission shall implement the Delineation, Removal, and Management Plan as approved in writing by the Director in accordance with the schedule of implementation approved by the Director.**

Wetland Assessment and Restoration Plan

6. The Commission shall by **September 8, 2016** submit to the Director a written Wetland Assessment and Restoration Plan signed by a professional biologist currently registered with the Alberta Society of Professional Biologists (ASPB), and who is also a qualified wetland science practitioner (QWSP).
7. The Wetland Assessment and Restoration Plan shall include at least all of the following:
 - a. classification of all areas covered by water on NW-25-62-2-W4 and SW-36-62-2-W4 pursuant to the Alberta Wetland Classification System (AWCS), including detailed description of wetland characteristics supporting the classifications;
 - b. determination of the boundaries and area covered by water on NW-25-62-2-W4 and SW-36-62-2-W4 in accordance with the Alberta Wetland Policy and Alberta Wetland Delineation Directive, and including transition zones from aquatic to terrestrial vegetation;
 - c. A detailed description of all
 - i. flora species;
 - ii. fauna species;
 - iii. rare species; and
 - iv. endangered speciespresent on NW-25-62-2-W4 and SW-36-62-2-W4;
 - d. detailed description of how the the area covered by water on NW-25-62-2-W4 and SW-36-62-2-W4 will be restored to its pre-release condition;
 - e. A monitoring plan for assessing progressive
 - i. habitat restoration;
 - ii. re-establishment of fauna;
 - iii. re-establishment of flora; and
 - iv. return to water levels and water quality consistent with pre-release conditions;
 - f. A schedule of implementation for the Wetland Assessment and Restoration Plan with a completion date of no later than **June 1, 2017**.
8. The Commission shall implement the Wetland Assessment and Restoration Plan as approved in writing by the Director in accordance with the schedule of implementation approved by the Director.

9. The Commission shall submit a written status report to the Department, by 4:00 pm every second Tuesday, commencing September 13, 2016, until advised otherwise in writing by the Director. The written status report shall contain a summary of the progress on the work required to be undertaken or prepared by this Order.

DATED at the City of Edmonton in the Province of Alberta, this 2nd day of September, 2016.

Original signed by:

Neil Brad,
Regional Compliance Manager,
Lower Athabasca 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.