

WATER ACT

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

Amendment No. 7

to

ENFORCEMENT ORDER NO. WA-EO-2012/06-CR

Samco Developments Ltd.
c/o Registered Office
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Yellowhead County, AB T7E 3G1

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(collectively "the Parties")

WHEREAS Enforcement Order No. WA-EO-2012/06-CR (the "EO") was issued to the Parties on October 17, 2012;

WHEREAS Samco Developments Ltd. is the registered owner of the lands legally described as SW-13-053-05-W5M (Title Number 112 326 519) (the "North Property"), in Parkland County;

WHEREAS Amendment #1 to the EO was issued to the Parties on October 25, 2013 setting out various requirements, including the requirement to submit to the Director a Geotechnical Assessment, including a complete assessment of slope stability on the North Property;

WHEREAS on October 1, 2014, the Parties submitted to the Director a report prepared by their consultant and entitled, "Geotechnical Assessment Slope Stability Evaluation Wabamun Lake - Samco Lands 9/23/2014" [the "October 2014 Report"];

WHEREAS on October 28, 2014, the Director sent a letter to the Parties advising that the October 2014 Report was deficient and requested that the Parties correct the noted deficiencies and submit a revised Geotechnical Assessment by December 12, 2014;

WHEREAS on October 29, 2014, the Director issued Amendment #2 to the EO to the Parties, which extended the deadline for the Parties to submit a revised Geotechnical Assessment to the December 12, 2014;

WHEREAS on December 19, 2014, the Director received from the Parties' consultant a report entitled, "Geotechnical Assessment Slope Stability Evaluation Wabamun Lake – Samco Lands, 12/19/2014" [the "2014 Geotechnical Assessment"];

WHEREAS the 2014 Geotechnical Assessment corrected some of the deficiencies noted in the Director's October 28, 2014 letter, the revised submission was still deficient in that it lacked the following information:

- An assessment of the susceptibility of the surface material on the North Property to erosion and sediment transport;
- Pre- and Post-disturbance calculations using the Revised Universal Soil Loss Equation – For Application in Canada (RUSLE-FAC) for the North Property; and
- A more detailed assessment of the long-term potential success of the plant cover to control erosion and stability on the North Property;

WHEREAS because the information missing in the 2014 Geotechnical Assessment is necessary to assess the adequacy of the steps taken by the Parties to prevent the further migration of any earthen material from the North Property into Wabamun Lake, on February 12, 2015, the Director issued Amendment #3 to the EO, setting out the specific requirements of a further revised Geotechnical Assessment to be submitted by June 30, 2015;

WHEREAS on July 6, 2015, the Parties submitted to the Director, a report entitled "Revised Geotechnical Assessment - Surface Erosion Potential" [the "2015 Geotechnical Assessment"];

WHEREAS on December 4, 2015, the Parties submitted to the Director, a report entitled "Addendum to Revised Geotechnical Assessment and CPESC Review of the Revised Geotechnical Assessment";

WHEREAS the 2015 Geotechnical Assessment [including the December 2015 Addendum] was also deficient, in that it did not include:

- A satisfactory detailed assessment of the susceptibility of the surface earthen materials on the North Property to erosions and sediment transport; and
- A satisfactory detailed assessment of the long-term potential success of the plant cover to control erosion and stability on the North Property;

WHEREAS in 2016 and 2017 the Director was informed of various impacts to properties neighbouring the North Property and the continued erosion of the North Property, and therefore, the Director conducted his own Director's Vegetation Assessment and Director's Erosion Assessment,

WHEREAS, based on the Director's Vegetation Assessment and Director's Erosion Assessment, the Director determined that, as a result of the continuing potential for impacts to Wabamun Lake and the East and West Neighbouring Lands, a further amendment to the EO was necessary, and on May 7, 2018, the Director issued Amendment #4 to the EO, setting out the specific requirements for a Drainage Correction Plan and an Erosion and Siltation Prevention Plan to be submitted by June 22, 2018;

WHEREAS on June 21, 2018, the Director received an email from Mrs. Cindy Dolanz, Director of Samco Developments Inc., requesting that the submission dates for each of the Drainage Correction Plan and the Erosion and Siltation Prevention Plan be extended from June 22, 2018 to August 20, 2018 to accommodate the time the Parties' consultants need to conduct mapping and analysis;

WHEREAS on June 27, 2018 the Director issued Amendment #5 to the EO extending the submission dates for each of the Drainage Correction Plan and the Erosion and Siltation Prevention Plan to August 20, 2018;

WHEREAS on August 20, 2018, the Director received an email from Mrs. Cindy Dolanz, Director of Samco Developments Ltd., again requesting that the submission dates for each of the Drainage Correction Plan and the Erosion and Siltation Prevention Plan be extended from August 20, 2018 to September 21, 2018 to accommodate scheduling matters of the Parties' consultants;

WHEREAS on August 21, 2018 the Parties' legal counsel advised that, in conjunction with extending the dates for submitting the plans, the deadlines to implement each of the Drainage Correction Plan and the Erosion and Siltation Prevention Plan should be extended from September 28, 2018 to October to allow time to implement the plans once submitted and approved by the Director;

WHEREAS on September 21, 2018, Samco submitted a report entitled "Samco Developments Ltd. SW 13-53-05-W5M Remedial Measures Plan" (the "2018 Report");

WHEREAS the 2018 Report was also deficient, in that it did not include:

- A separate and satisfactory detailed Drainage Correction Plan;
- A satisfactory detailed assessment of the susceptibility of the surface earthen materials on the North Property to erosions and sediment transport; and
- A satisfactory detailed description of the erosion and siltation controls and Stormwater management controls proposed on the North Property;

WHEREAS on December 4, 2018, the Director issued a letter to the Parties stating that the 2018 Report was severely deficient and did not meet the conditions of Amendment #4 of the EO;

WHEREAS AEP conducted inspections in June 2019 and March 2021 and found:

- areas of large erosion gullies and that sheet and rill erosion remained on the North Property;
- further vegetation establishment on slopes of the North Property; and
- no silt laden water leaving the North Property and entering Wabamun Lake;

WHEREAS on March 24, 2021, AEP received two reports from the Parties entitled:

1. "Erosion and Siltation Prevention Plan North Property SW 13-053-5-W5M, November 2019"; and
 2. "Drainage Correction Plan North Property SW 13-053-5-W5M, November 2019";
- (Collectively the "March 2021 Plans");

WHEREAS on September 17, 2021 AEP received two updated reports from the Parties titled:

1. "Erosion and Siltation Prevention Plan North Property SW 13-053-5-W5M, Revised 2021-09-13"; and
2. "Drainage Correction Plan North Property SW 13-053-5-W5M, Revised 2021-09-13".

(Collectively the "September 2021 Plans");

WHEREAS Maxwell Harrison, Compliance Manager, Northern Region, has been appointed a Director for the purpose of issuing and amending enforcement orders under the *Act* (the "Director");

WHEREAS the Director on the Director's own initiative may amend a term or condition of an enforcement order under the *Act*;

THEREFORE, I, Maxwell Harrison, Director, pursuant to section 137 of the *Act*, DO HEREBY ORDER THAT:

1. The Parties shall, by November 1, 2022, complete each of the activities set out in the "Erosion and Siltation Prevention Plan North Property SW 13-053-5-W5M, Revised 2021-09-13".
2. The Parties shall, by November 1, 2022, complete each of the activities set out in the "Drainage Correction Plan North Property SW 13-053-5-W5M, Revised 2021-09-13".
3. The Parties must provide notice to the Director by email 2 days prior to commencing the activities set out in:
 - a. clause 1, and
 - b. clause 2of this Amendment.
4. The Parties shall provide notice to the Director by email within 7 days of completing the activities required by:
 - a. clause 1, and
 - b. clause 2of this Amendment.
5. Within 30 days of completion of the requirements set out in clause 1 and 2 of this Amendment, the Parties shall submit to the Director a final written report [the "Final Report"] prepared and signed by an independent third-party qualified professional currently registered and in good-standing with the Association of Professional Engineers and Geoscientists of Alberta, and who holds a valid designation as a Certified Professional in Erosion and Sediment Control, excluding all employees of any corporation of which either or both of Mr. or Mrs. Dolanz is a director.
6. In the Final Report, the Parties shall include:
 - a. A detailed description of all of the activities undertaken to complete:
 - i. "Drainage Correction Plan North Property SW 13-053-5-W5M, Revised 2021-09-13", and
 - ii. "Erosion and Siltation Prevention Plan North Property SW 13-053-5-W5M, Revised 2021-09-13".

7. The Parties shall conduct inspections of the activities carried out under both clause 1 and 2 of this Amendment in accordance with the following schedule:
 - a. twice annually between April 1 and November 1,
 - b. occurring at intervals at least two months apart, and
 - c. during each of the 2023 and 2024 calendar years.
8. Within 30 days of each of the four inspections required under clause 7 of this Amendment, the Parties shall submit to the Director a new written Inspection and Maintenance Report, prepared and signed by an independent third-party qualified professional currently registered and in good-standing with either the Alberta Association of Professional Engineers and Geoscientists of Alberta, the Alberta Institute of Agrologist, or a person who holds a valid designation as a Certified Professional in Erosion and Sediment Control (the "Professional"), within 14 days of the inspections set out in clause 7.
9. In each of the Inspection and Maintenance Reports, the Parties shall include, at least all of the following:
 - a. The observations made during the inspection set out in clause 7;
 - b. A detailed evaluation and assessment of the effectiveness of the activities undertaken in accordance with Clause 1 and 2 of this Amendment; and
 - c. Any corrective action, additional work or maintenance recommended by the Professional to address existing or potential erosion or sedimentation.

DATED at the City of Edmonton, in the Province of Alberta, this 18th day of February 2022.

Maxwell Harrison, Director
Compliance Manager
Northern Region

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. A copy of section 115 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 Parties shall obtain all 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 or any other legislation.