

File No. K707



Environment and Sustainable
Resource Development

WATER ACT

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

Amendment No. 1

to

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

Samco Developments Ltd.
c/o Registered Office
2020 B 1 Avenue
Edson, Alberta T7E 1V7

Cindy Dolanz
PO Box 7544
Station Main
Edson, AB T7E 1V7

Russell Dolanz
PO Box 7544
Station Main
Edson, AB T7E 1V7

(collectively "the Parties")

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

WHEREAS clause 6 of the EO required the Parties to submit a Remedial Report and Plan by January 31, 2013;

WHEREAS on April 10, 2013, the Parties submitted to Alberta Environment and Sustainable Resource Development (ESRD), a document entitled "Remedial Report/Plan NW12-53-5-W5M, SW-13-53-5-W5M" (the "Remedial Report/Plan");

WHEREAS on April 11, 2013, ESRD conducted an inspection of both the North and South Properties;

WHEREAS on May 6, 2013, an inspection report was sent to the Parties outlining the

observations made on the April 11, 2013 inspection and a table setting out the requirements of the EO that had not been met by the Parties;

WHEREAS on May 28, 2013, the Parties submitted to ESRD an updated Remedial Report/Plan;

WHEREAS during June and July of 2013, the Parties undertook some activities on the North and South Properties;

WHEREAS on August 15, 21, and 30, 2013, ESRD conducted further inspections of the Lands and observed:

- The continued existence of un-vegetated, bare and unstable ground on large areas of the North Property;
- Severe erosion on the North Property, including large erosion gullies, sheet and rill erosion at several locations on the North Property;
- A silt retention pond constructed on the North Property had breached and water and silt were flowing over top of Lake Shore Road, into the CN Railway ditch, under the railway via a culvert, and into Wabamun Lake;
- Remedial work had been carried out on South Property, including the seeding and re-vegetating of formerly eroding areas,

WHEREAS on September 16, 2013, ESRD received from the Parties' consultant, a document entitled, "Final Remedial Report NW12-53-5-W5M, SW-13-53-5-W5M" (the "Final Report");

WHEREAS the contents of the Final Report did not satisfy the requirements of the EO, in particular, but not limited to the requirements set out in clause 7 of the EO;

WHEREAS the continued maintenance of un-vegetated, bare and unstable ground on the North Property, causes and is capable of causing in siltation of the water of Wabamun Lake and causes or is capable of causing an effect on the aquatic environment, which constitutes a continuing contravention of section 36(1) of the *Water Act*;

WHEREAS the Director is of the opinion that the implementation of the Remedial Report/Plan has been inadequate in protecting the waters of Wabamun Lake;

WHEREAS Jim Steele, Regional Compliance Manager, Upper Athabasca Region, has been appointed a Director for the purposes of issuing and amending enforcement orders under the *Act* (the "Director");

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

1. Clauses 3 – 14 inclusive of the EO are hereby deleted, cancelled or repealed, as the case may be.
2. The Parties shall, by **November 29, 2013**, provide to the Director a copy of written proof that the Parties have retained a third party qualified professional with a current designation as a Certified Professional in Erosion and Sediment Control (CPESC) (the "CPESC Consultant");
3. The Parties shall, by **February 14, 2014** provide to the Director a written plan (the

"Wabamun Lake Protection Plan"), signed by the CPESC Consultant;

4. In the Wabamun Lake Protection Plan, the Parties shall include, at a minimum, all of the following:
 - a) All actions that will be undertaken to, immediately and in perpetuity, prevent any and all earthen materials from entering Wabamun Lake from the Lands;
 - b) An implementation schedule with:
 - (i) A start date of no later than **March 3, 2013**; and
 - (ii) A completion date of no later than **August 31, 2014**.
5. The Parties shall, by **June 1, 2014**, submit to the Director a written Interim Progress Report, signed by the CPESC Consultant.
6. In the Interim Progress Report, the Parties shall include, at a minimum, at least all of the following:
 - a) A summary of the work done between March 3 and May 30, 2014 to carry out the Wabamun Lake Protection Plan;
 - b) A summary of the work planned to be done out between June 1 and August 31, 2014 to carry out the Wabamun Lake Protection Plan.
7. By **September 13, 2014**, the Parties shall submit to the Director a final written report (the "Final Report"), signed by the CPESC Consultant, describing the work undertaken to comply with the requirements of this Amendment and the Wabamun Lake Protection Plan.
8. The Parties shall, by **October 31, 2014**, submit to the Director a written geotechnical assessment (the "Geotechnical Assessment"), signed by an independent third party qualified professional currently registered with the Association of Professional Engineers and Geoscientists of Alberta (APEGA), excluding all employees of any corporation of which either or both of Mr. or Mrs. Dolanz is a director.
9. In the Geotechnical Assessment, the Parties shall include at a minimum a complete assessment of slope stability on the Lands.

DATED at the City of Spruce Grove, in the Province of Alberta, this 25th day of October 2013.

Original Signed by: Jim Steele, Director
Regional Compliance Manager
Upper Athabasca 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 Party(ies) 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.