

WATER ACT

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

Amendment No.1

to

ENFORCEMENT ORDER NO. EO-WA-35839

Michael Chymycz
Box 6111
Drayton Valley, Alberta
T7A 1R5

WHEREAS on November 19, 2021, the Director issued a *Water Act* Enforcement Order no. EO- WA-35839 (the "Order") to Michael Chymycz requiring that he remedy unauthorized impacts he caused to wetlands and a creek located on his property located at NE-10-51-8 W5M and NW-10-51-8-W5M (the "Lands");

WHEREAS on December 15, 2021, the Director notified Mr. Chymycz via email that failure to submit the name of the Authenticating Wetland Professional by the December 15, 2021 as required in Clause 3 of the Order would put him in non-compliance with the Order;

WHEREAS on December 15, 2021, Mr. Chymycz failed to submit the name of the Authenticating Wetland Professional required in Clause 3 of the Order;

WHEREAS the Director notified Mr. Chymycz through email on November 24 and December 21, 2021, that the Director was willing to consider alternative proposals to remedy the impacts to the affected wetlands and creek;

WHEREAS on December 28, 2021, Mr. Chymycz proposed and advised that he planned to fill in the ditches "as conditions permit";

WHEREAS Mr. Chymycz has communicated to AEP through email that he has not taken any action to remedy the impacts he caused to wetlands and a creek located on the Lands;

WHEREAS according to section 137(1) of the *Act* the Director may on the Director's own initiative amend a term or condition of an enforcement order;

THEREFORE, I, Maxwell Harrison, Director, pursuant to Section 137(1) of the *Water Act*, HEREBY DO AMEND the Order as follows:

1. In Clause 3 of the Order, the date of "December 15, 2021" be deleted and replaced by "**June 6, 2022**".

2. In Clause 4 of the Order, the date of “February 28, 2021” be deleted and replaced by “**July 9, 2022**”.
3. In Clause 8 of the Order, the date of “March 31, 2022” be deleted and replaced by “**September 2, 2022**”.
4. In Clause 11 of the Order, the date of “May 30, 2022” be deleted and replaced by “**September 30, 2022**”.

DATED at the City of Edmonton, in the Province of Alberta, this 24th day of May 2022.

Maxwell Harrison, Director
Compliance Manager
North Region – Capital District

Section 115 of the *Water Act* may provide a right of appeal against this decision to the Alberta Environment 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:
Alberta Environmental Appeals Board
30 6 Peace Hills Trust Tower, 10011-109 Street,
Edmonton, Alberta, TSJ 3S8
Telephone 780-427-6207; Fax 780-427-4693.**

Notwithstanding the above requirements, the Parties shall obtain all other necessary approvals or authorizations required to comply 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 the *Water Act* or any other legislation.