

WATER ACT

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

Amendment No. 1

to

ENFORCEMENT ORDER NO. WA-EO-2016/01-LAR

A & T Construction and Transit Mix Ltd.
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[Collectively "the Parties"]

WHEREAS Enforcement Order No. WA-EO-2016/01-LAR [the "EO"] was issued to the Parties on March 23, 2016;

WHEREAS clause 1 of the EO ordered the Parties to, among other things, cease any further placement of concrete, fill or other material in the Wetland;

WHEREAS the Parties have constructed a truck wash facility on the Lands, and have indicated they have complied with clause 1 of the EO;

WHEREAS clauses 2 and 3 of the EO required the Parties to submit to the Director, for the Director's approval, the name and qualifications of a QWSP to prepare a Wetland Restoration Plan, and that Plan would be submitted to the Director for review and approval;

WHEREAS the Parties submitted reports entitled "TetraTech EBA Final Wetland Remediation Plan SW 01-67-14-W4M" dated September 2015 and "TetraTech EBA, Wetland Remediation Plan SW 01-67-14-W4M" dated October 2015 (Compensation Version) [collectively "the TetraTech Plans"] which were prepared by QWSPs;

WHEREAS the Director is of the opinion that the Tetrattech Plans satisfied clauses 4(D)(1), (2) and (3) of the EO;

WHEREAS the Parties and Alberta Environment and Parks ["AEP"] met on April 4, 2016 and September 14, 2016 and exchanged various correspondence between March 23, 2016 and November 3, 2016 discussing the EO requirements for a Wetland Restoration Plan;

WHEREAS the Parties submitted to the Director a written Wetland Restoration Plan prepared by 3 Element Environmental dated November 1, 2016;

WHEREAS the Director has approved 3 Element Environmental as an Interim Wetland Science Practitioner ["IWSP"], and has approved the Wetland Restoration Plan, subject to the further conditions set out in this amended Order, on November 4, 2016 [the "Approved Wetland Restoration Plan"];

WHEREAS I, Neil Brad, Regional Compliance Manager, Lower Athabasca Region (the "Director") has been designated as Director for the purposes of issuing and amending enforcement orders under the *Water Act*;

WHEREAS the Director is of the opinion that the EO must be amended to reflect the new timelines and the approach in the Approved Wetland Restoration Plan;

THEREFORE, I, Neil Brad, Director, pursuant to section 137(1)(a) of the *Water Act* DO HEREBY AMEND the EO, and ORDER:

1. Clauses 1-9 of the EO are hereby deleted, and replaced with the following:
 1. The Parties shall implement the work described in the Approved Wetland Restoration Plan for the 0.45 hectares identified in the Plan pursuant to the schedule of implementation in the Plan which will have a completion date no later than **December 31, 2016**.
 2. The Parties shall, no later than **December 31, 2016**, submit to the Director a description of the plan for the end use of any concrete that is removed from the Wetland.
 3. The Parties shall, no later than **December 31, 2016**, conduct an Alberta Wetland Rapid Evaluation Tool (ABWRET) assessment for the 0.2 hectares identified in the Approved Wetland Restoration Plan in order to provide wetland mitigation and replacement in accordance with the *Alberta Wetland Policy* (September 2013) and any applicable Wetland Directives published by Alberta Environment and Parks. The Parties shall provide to the

Director a copy of the invoice for the replacement paid to Ducks Unlimited.

4. The Parties shall, no later than **July 31, 2017**, submit to the Director an interim written report (the "Interim Report") signed by a QWSP or IWSP describing the work undertaken to comply with this Order.
5. The Parties shall, no later than **December 31, 2019**, submit to the Director a final written report (the "Final Report") signed by a QWSP or IWSP describing the long term monitoring work and the condition of the Wetland in accordance with the Approved Wetland Restoration Plan.

DATED at the City of Edmonton in the Province of Alberta, this 4th day of November, 2016

Original Signed by: Neil Brad
Regional Compliance Manager
Lower Athabasca 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 – 109th 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.