

WATER ACT

BEING CHAPTER W-3 R.S.A. 2000 (the “Water Act”)

Amendment No. 1 to**ENFORCEMENT ORDER NO. EO-WA-28619**

Municipal District of Bonnyville No. 87
4905 50 Avenue
Bag 1010
Bonnyville, AB
T9N 2J7

[“the Municipality”]

WHEREAS Enforcement Order No. EO-WA-28619 [the “EO”] was issued to the Municipality on May 12, 2021 to remediate an unauthorized drainage ditch [the “Ditch”] to Palm Creek located on the lands legally described as NW 15-63-2-W4M [the “Lands”] in the Municipal District of Bonnyville No. 87, in the Province of Alberta;

WHEREAS the Ditch was to be remediated in accordance with the Project Design Report called, “Country Lane & Country Side Estates Stormwater Drainage Project 2019” [the “Plan”];

WHEREAS on August 13, 2021, Alberta Environment and Parks [“AEP”] Environmental Protection Officer [the “EPO”] received communication from the Municipality requesting a meeting to discuss the EO’s remedial works deadline of September 30, 2021;

WHEREAS on September 2, 2021, a conference call was held between the Municipality and AEP to discuss the EO and extending the deadline to complete the remedial works. The Municipality stated they would be unable to complete all the tasks required under Clause 2 due to issues with tendering the contract to complete the EO and the larger storm management plan for the area. The Municipality requested the deadline be extend by a year;

WHEREAS on September 2, 2021, AEP requested the Municipality complete an inspection of the Ditch and Lands to confirm there are no erosion or sedimentation concerns needing to be addressed prior to spring 2022 freshet;

WHEREAS on September 9, 2021, the EPO and an employee of the Municipality attended the Lands and observed:

- Sparse vegetation growth within the Ditch;
- Erosion rills;
- Noxious weeds present in the disturbed soil;
- Historically placed boulder baffles and degraded straw bales present in the Ditch; and

- A watercourse crossing with a culvert over the Ditch [the “Farm Crossing”].

WHEREAS on September 21, 2021 AEP received communication from the Municipality with a proposed action plan to complete certain tasks under Clause 2 by November 15, 2021 and defer the other items to September 30, 2022;

WHEREAS on October 1, 2021, Heather Dent, AEP Compliance Manager, Boreal East District [the “Director”], approved the proposed action plan with the addition of a monitoring plan to be initiated in spring 2022;

WHEREAS on October 15, 2021 Barr Engineering Co. [“Barr”] on behalf of the Municipality provided AEP with a plan to monitor and inspect erosion and sediment control [“ESC”] measures following spring freshet in 2022. The plan included the collection of water samples in the field to monitor turbidity during freshet and any major storm events to ensure temporary ESC measures are reducing sedimentation to Palm Creek;

WHEREAS I, Heather Dent, the Director, has been designated as a Director for the purpose 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 deadlines;

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

Remedial Plan

1. In Clause 2 of the EO, “**September 30, 2021**” is deleted and replaced with **November 15, 2021** for the following:
 - (a) Avoid wetland impacts in accordance with Section 4.4.1 of the Plan;
 - (b) Repair and armour the Ditch slopes with riprap to protect the embankment from erosion at wetland locations in accordance with Section 4.4.2 of the Plan; and
 - (c) Install the Outfall Structure in accordance with Section 4.4.4 of the Plan and the Code of Practice for Outfall Structures on Water Bodies.
2. In Clause 2 of the EO, “**September 30, 2021**” is deleted and replaced with “**September 30, 2022**” for the following:
 - (a) Avoid wetland impacts in accordance with Section 4.4.1 of the Plan;
 - (b) Installation of a water-control structure in accordance with Section 4.4.2 and drawing number C-200 detail 1 of the Plan;
 - (c) Re-grade and seed the Ditch slopes to minimize erosion in accordance with Section 4.4.2 of the Plan; and
 - (d) Install rock check dams in accordance with Section 4.4.2 and Drawing number C-200 detail 3 of the Plan.
3. In Clause 2 of the EO, the addition of the following:

- (a) Placement of fill material, non-woven geotextile material and Class III riprap at the culvert located at Range Road 423 to fill and correct scour holes to be completed no later than **November 15, 2021**; and
 - (b) Excavation to a depth of 450 mm at the culvert outlet of the Farm Crossing and placement of Class III riprap and non-woven geotextile material to prevent scouring and erosion. To be completed no later than **September 30, 2022**.
4. The Municipality must provide the Director with notice via email immediately upon completing the work required by Clause 1 of this Amendment.

Monitoring Plan

5. Commencing on **April 1, 2022**, monitoring and maintenance of ESC installed in the fall 2021 will occur during the spring 2022 freshet and heavy precipitation events including but not limited to turbidity monitoring of surface water.
6. In Clause 6 of the EO, "**April 1, 2022**" is deleted and replaced with "**April 1, 2023**".

DATED at the City of Edmonton in the Province of Alberta, this the 26th day of October, 2021.

Heather Dent
Compliance Manager
Boreal District – East Region

Notwithstanding the above requirements, the Parties shall obtain all other necessary approvals from any regulatory agency (provincial or federal) 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 Act or any other legislation. Failure to comply with this order may result in further enforcement proceedings.

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. For further information, please contact the Board Secretary at:

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