

**WATER ACT**

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

**Amendment No. 1**

to

ENFORCEMENT ORDER NO. EO-WA-38739

Capital Power Generation Services Inc.  
2500-10220 103 Ave NW  
Edmonton, AB T5J 0K4  
(the “Party”)

**WHEREAS** ENFORCEMENT ORDER NO. EO-WA-38739 (the “EO”) was issued to the Party on November 30, 2022;

**WHEREAS** an Environmental Protection Officer (EPO) with Alberta Environment and Parks (AEP) sent a Notice of Non-Compliance on September 13<sup>th</sup>, 2021, requesting that the Party:

1. retain an Authenticating Wetland Professional (the “Professional”) to assess the impact to the wetland;
2. provide a response to AEP by September 27<sup>th</sup>, 2021 with information on the Professional’s wetland assessment credentials; and
3. submit a Compliance Wetland Assessment Report (CWAR) stamped and signed by the Professional by November 12<sup>th</sup>, 2021.

**WHEREAS** the Party submitted a partial CWAR on November 10<sup>th</sup>, 2021, and were still waiting on a response from the AEP Water Boundaries Unit, and a full CWAR was submitted on November 23, 2021;

**WHEREAS** the report titled “Capital Power Genesee Wetland Replacement Options – AEP Reference No. 382368” created by Golder Associates dated August 9, 2022 was submitted to AEP on August 29, 2022;

**WHEREAS** the EO ordered that “No later than January 15, 2022, the Party shall submit confirmation of agreement to the Director to pay the AEP Wetland Replacement program a service fee of \$19,100 for the replacement of 1.00 hectare of wetland area as a result of the Activity on the Impacted Wetland”;

**WHEREAS** the Party is are required to submit confirmation of agreement to the Director to pay the AEP Wetland Replacement program a service fee of \$19,100 for the replacement of 1.00 hectare of wetland area as a result of the Activity on the Impacted Wetland no later than January 15, 2023 and not January 15, 2022;

**WHEREAS** the Ministry name at the time off the offence was “Alberta Environment and Parks” but has since changed to “Alberta Environment and Protected Areas” (EPA);

**THEREFORE**, I, Maxwell Harrison, Director, pursuant to Section 137(1) of the *Water Act*,  
HEREBY ORDER THAT:

1. The following is deleted:

**“WHEREAS** an AEP Environmental Protection Officer (“EPO”) sent the Party a Notice of Non-Compliance (Notice) on September 9, 2021 requesting that the Party:

1. retain an Authenticating Wetland Professional (the “Professional”) to assess the impact to the wetland;
2. provide a response to AEP by September 23, 2021 with information on the Professional’s wetland assessment credentials; and
3. submit a Compliance Wetland Assessment Report (CWAR) stamped and signed by the Professional by November 8, 2021.”

And is replaced by:

**“WHEREAS** the Party received the Letter of Non-Compliance from an Environmental Protection Officer (EPO) with Alberta Environment and Parks (AEP) on September 13<sup>th</sup>, 2021, requesting that the Party:

1. retain an Authenticating Wetland Professional (the “Professional”) to assess the impact to the wetland;
2. provide a response to AEP by September 27<sup>th</sup>, 2021 with information on the Professional’s wetland assessment credentials; and
3. submit a Compliance Wetland Assessment Report (CWAR) stamped and signed by the Professional by November 12<sup>th</sup>, 2021.”

2. The following is deleted:

**“WHEREAS** the Party submitted a full CWAR on November 23, 2021;”

And is replaced by:

**“WHEREAS** the Party submitted a partial CWAR on November 10<sup>th</sup>, 2021, but had yet to receive a response from the AEP Water Boundaries Unit regarding Crown Ownership, and a completed CWAR was provided on November 23, 2021;”

3. The following is deleted:

**“WHEREAS** the Party submitted a report on August 9, 2022, titled “Capital Power Genesee Wetland Replacement Options – AEP Reference No. 382368” (the “Report”) created by Golder Associates, that outlined six options including off-site wetland replacement options;”

And is replaced by:

**“WHEREAS** the Party submitted a report to AEP on August 29, 2022, titled “Capital Power Genesee Wetland Replacement Options – AEP Reference No. 382368” (the “Report”) created by Golder Associates, that outlined six options including off-site wetland replacement options;

4. Clause 2 is deleted and is replaced by:

“No later than January 15, 2023, the Party shall submit confirmation of agreement to the Director to pay the EPA Wetland Replacement program a service fee of \$19,100 for the replacement of 1.00 hectare of wetland area as a result of the Activity on the Impacted Wetland.”

DATED at the City of Edmonton, in the Province of Alberta, this 7<sup>th</sup> day of December 2022.

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Maxwell Harrison  
Compliance Manager  
Regulatory Assurance Division  
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 #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 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 this or any other legislation.**