

WATER ACT

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

ENFORCEMENT ORDER NO. WA-EO-2016/03-RDNSR

Amendment No. 1

Ronald Henschel
49 Allsop Drive
Red Deer, Alberta T4R 2H1

Garry Will
80 Archer Drive
Red Deer, Alberta T4R 3B2

Aurora Heights Management Ltd. ("Aurora Heights")
600, 4911 – 51 Street
Red Deer, Alberta T4N 6V4

(Collectively "the Parties")

WHEREAS the Parties are the registered owners and operators of lands legally described as SE 34-39-27-W4M and SW 35-39-27-W4M (the "Lands") located within the Town of Blackfalds, Alberta, that contain portions of a wetland that was filled in without authorization, (the "Wetland");

WHEREAS Ronald Henschel and Garry Will are also corporate Directors of Aurora Heights;

WHEREAS on December 16, 2016, Enforcement Order No. WA-EO-2016/03-RDNSR (the EO) was issued to the parties which required submission of a remedial plan for the removal of soils placed in the Wetland (as defined in the EO) without authorization (Option 1), OR to expand the Wetland to the South to restore the full lateral extent and geographic size of the Wetland to its pre-disturbance size of 8.59 hectares;

WHEREAS the Parties appealed the EO to the Alberta Environmental Appeals Board (AEAB), and a stay previously issued by the AEAB was subsequently denied on November 23, 2018;

WHEREAS the dates specified in the EO for undertaking certain actions have expired, placing the Parties in non-compliance with the Order, and the Director must now amend the dates to allow the Wetland to be restored during the upcoming winter construction season;

WHEREAS section 137(1) of the *Water Act* states that the Director may amend an enforcement order;

THEREFORE, I, Michael Aiton, Regional Compliance Manager, pursuant to section 137(1) of the *Water Act*, DO HEREBY AMEND the EO as follows:

1. In clause 1, by replacing "January 31, 2017" with "January 15, 2019".
2. In clause 4, by replacing "March 30, 2017" with "March 30, 2019".
3. In clause 8, by replacing "March 30, 2017" with "March 30, 2019", and by replacing "late spring of 2017" with "late spring of 2019".

DATED at the City of Edmonton in the Province of Alberta, this 4th day of December, 2018.



Michael Aiton
Regional Compliance Manager

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.