



Our File: 00367688

March 3, 2016

Wendy Clark
Box 1088
Drumheller, AB

Via email: rwclark@cciwireless.ca

Dear Ms. Clark:

**Re: Regulatory Requirements
Environmental Protection and Enhancement Act (EPEA) and Water Act**

It is my understanding, on behalf of the Save the Rosebud group, you are seeking an understanding of applicable regulatory requirements a development such as Badlands Recreation Development Corp.'s proposed Motorsports Park may require. Please share this letter and the enclosed Information Letter: Regulatory Requirements for Rural Residential, Industrial and Commercial Developments Pursuant to the *Environmental Protection and Enhancement Act* (EPEA) and *Water Act* with the group.

Badland's Recreation Development Corp.'s proposed rural residential and commercial development is located between the Hamlet of Rosebud, in Wheatland County and the City of Drumheller, in Kneehill County at NW 22, SW 22 and SE 22-27-21-W4M. Based on information provided by the Corp. to my staff, they require the following regulatory authorizations:

**1. Municipal Drinking Water, Storm Water and Wastewater Systems pursuant to the
Environmental Protection and Enhancement Act**

Municipal Drinking Water

Proposed drinking water from the Kneehill Regional Water Services Commission (formerly known as the Aqua 7 Commission) must meet the Code of Practice for Water Distribution

Municipal Storm Water System

A Registration for a storm drainage system must meet the department's Wastewater and Storm Drainage Regulation and Stormwater Management Guidelines for the Province of Alberta

Municipal Wastewater System

Wastewater lagoon technology used to treat wastewater must meet the Code of Practice for Wastewater Systems Using a Wastewater Lagoon. A packaged treatment system with disposal of the wastewater by irrigation will require a wastewater Approval and must meet the Guidelines for Wastewater Irrigation.

2. Water Resource Management Activities pursuant to the *Water Act*

Storm Water Management System

The proposed system must meet the Stormwater Management Guidelines for the Province of Alberta and the *Water Act* Code of Practice for Outfall Structures on Water Bodies. A code notice was received on March 26, 2015 and is valid for one year.

Infill 2 wetlands and modify 3 wetlands

A *Water Act* Approval is required and an application was received on March 18, 2015.

Public Notice

The *Water Act* application to infill and modify wetlands and the *Environmental Protection and Enhancement Act* proposed wastewater treatment system will require joint public notice to be posted in a local newspaper(s). **Please note, until the public notice is posted, we cannot accept any written statements of concern.** Statements of concern must be submitted to the Department within the time period specified in the public notice.

Statements of concern filed regarding *Environmental Protection and Enhancement Act* and *Water Act* applications are public records and are accessible by the public. Statements should explain why the filer is directly affected and provide the full name, postal address and legal land location of the filer. Failure to file statements of concerns may affect the right to file a notice of appeal with the [Environmental Appeals Board](#).

Environmental Protection and Enhancement Act registrations and *Water Act* Codes of Practice notices are not subject to public notice.

Other Applicable Legislation

The onus is on a proponent to ensure compliance with all relevant municipal, provincial and federal legislation before proceeding with a development. The municipality is responsible for land use decisions which may include traffic impact studies and noise impact studies.

My staff and I are available to provide further clarity regarding regulatory requirements and to attend meetings. If you have any questions or comments, please contact Mr. Pervez Sunderani, EPEA Team Leader or Angela Fulton, Water Approvals Team Leader, or myself at 403-340-7052.

Sincerely,



Todd Aasen, P.Eng.
Approvals Manager

- c: Laurie Watt, Director, Municipal Services, Kneehill County
(Via email: laurie.watt@kneehillcounty.com)
Gerry Melenka, Planning and Development Manager, Wheatland County
(Via email: Gerry.melenak@wheatlandcounty.ca)
Donn Lovett, Social Media roi
(Via email: donn.lovett@gmail.com)



Information Letter

Regulatory Requirements for Rural Residential, Industrial and Commercial Developments Pursuant to the *Environmental Protection and Enhancement Act (EPEA)* and *Water Act*

Purpose

To improve public knowledge of the regulatory instruments and processes of the *Water Act* and the *Environmental Protection and Enhancement Act* for proposed rural residential, industrial and commercial developments. This document identifies two of the department's primary legislation and primary requirements applicable to (1) environmental protection and (2) water resource management.

Environmental Protection and Enhancement Act (EPEA)

Developments may require an authorization under the *Environmental Protection and Enhancement Act* for the construction and operation of drinking water, storm water and wastewater systems. Design reports and drawings require the stamp and signature of a professional registered with the Association of Professional Engineers and Geoscientists of Alberta (APEGA) and with the Permit to Practice number.

General information can be found on the department's webpages:

- [Municipal Wastewater and Storm Water Management Program](#)
- [Drinking Water and Wastewater Facility Approvals and Registration Process](#)

Municipal Drinking Water

If groundwater is the drinking water source, it must meet the [EPEA Code of Practice for Waterworks Systems Using High Quality Groundwater](#) and the [EPEA Code of Practice for a Waterworks System Consisting Solely of a Water Distribution System](#)

If potable water from an existing Municipal Potable Water Supply is the drinking water source, then the system must meet the [EPEA Code of Practice for a Waterworks System Consisting Solely of a Water Distribution System](#).

Municipal Stormwater System

The department's [EPEA Wastewater and Storm Drainage Regulation](#) and [Stormwater Management Guidelines for the Province of Alberta](#) must be met and either a Letter of Authorization or Registration for a Storm Drainage System may be issued

Municipal Wastewater

Wastewater lagoon technology used to treat wastewater must meet the [EPEA Code of Practice for Wastewater Systems Using a Wastewater Lagoon](#)

Packaged treatment systems with disposal of the wastewater by irrigation require a wastewater Approval and must meet our [EPEA Guidelines for Municipal Wastewater Irrigation](#)

Municipal Sanitary Waste

Municipal sanitary waste must be handled by landfill, in accordance with the [EPEA Activities Designation Regulation](#) and must meet our [EPEA Standards for Landfills in Alberta](#)

Water Act

Water Act Approvals and Licences are required for activity which impacts water bodies including aquifers, rivers, streams lakes, and wetlands.

General information can be found on the department's webpages:

- [Water Management Activity Guidelines and Fact Sheets](#)
- [Water Act forms](#)

Proposed development within a floodplain may cause significant increases in flood water levels and lead to increased impacts on users located in the floodplain. Hydrologic and hydraulic studies carried out by a qualified professional may be required.

The department's [Stepping Back from the Water Guide](#) provides beneficial management practices for new development near water bodies to assist in minimizing the impacts and risks associated with development near water bodies and conserving riparian areas adjacent to rivers, streams, lakes, and wetlands.

Design reports and drawings require the stamp and signature of a professional registered with the Association of Professional Engineers and Geoscientists of Alberta (APEGA) and with the Permit to Practice number.

Drinking Water

If groundwater is the drinking water source, a licence may be required and must meet the [Water Act Guide to Groundwater Authorization 2011](#) and the [EPEA Code of Practice for Waterworks Systems Using High Quality Groundwater](#)

Stormwater Management System

The department's [Stormwater Management Guidelines for the Province of Alberta](#) must be met by either an Approval and/or the [Water Act Code of Practice for Outfall Structures on Water Bodies](#).

The following two documents provide specific guidance:

[Policy number 6.0 of Municipal Policies and Procedures Manual April 2001](#)

[Standards and Guidelines for Municipal Waterworks, Wastewater and Storm Drainage Systems: Part 5 Stormwater Management Guidelines March 2013](#)

Impacts to Wetlands

The goal of the [Alberta Wetland Policy 2013](#) is to conserve, restore, protect and manage Alberta's wetlands to sustain the benefits they provide to the environment, society and economy. To achieve this goal, wetlands are managed by avoiding and minimizing adverse effects, and, where necessary, replacing permanent loss of wetland area.

Under the Alberta Wetland Policy Implementation process, a proposed activity that may impact a wetland consists of three stages:

1. Planning and Legislative Alignment
2. Wetland Assessment
3. Application Submission

Applicable to all three stages are the Wetland Mitigation Hierarchy and the Qualified Wetland Science Practitioner (QWSP) Program.

Activities that may impact a wetland, must follow these Directives which are located on our [Alberta Wetland Policy Implementation webpage](#):

- [Wetland Identification and Delineation Directive](#)
- [Wetland Assessment and Impact Report Directive](#)
- [Wetland Mitigation Directive](#)

Application Process

The overall application process for both *EPEA* and the *Water Act* is:

1: Application Submission

The completed and signed application form, together with supporting information is received by the Regulatory Approvals Centre (RAC) (address is on the application form). The application is forwarded to the appropriate district office by RAC. The amount of supporting information required depends on the scale and purpose of the application.

2: Administrative Review

The administrative review verifies that all required information is included with the application. If required information is missing or additional information is needed, the applicant is notified by the appropriate district office and the application process is put on hold until all required information is received. *Water Act* licence fees may be required at this step.

3: Public Notice and First Nations Consultation

When required by the department, the applicant will receive instructions to carry out public notice and/or First Nations consultation. The type of public notice and/or First Nations consultation required depends on the scale, location and purpose of the application.

Environmental Protection and Enhancement Act registrations and *Water Act* Codes of Practice notices are not subject to public notice.

3.1. Public Notice

Public notice provides an opportunity for those directly affected by the applicant's application submission to submit Statements of Concern (SOC).

The applicant must conduct the required public notice and respond to those who submitted a valid SOC in writing. SOCs must be submitted within 7 days of the public notice for an Approval and 30 days for a Licence. However, the Director may specify a longer period.

Required public consultation/review must be completed and SOCs dealt with to the satisfaction of the Director before the next step in the application process is conducted.

If the application is for a *Water Act* Licence Renewal or Transfer of Water under a Licence, public review may also be required.

3.2. First Nations Consultation

The Crown's duty to consult with First Nations is required where land management and resource development have the potential to adversely impact First Nations' Rights and Traditional Uses.

Alberta's First Nations consultation process is carried out by the following policy and guideline:

- [Government of Alberta's Policy on Consultation with First Nations on Land and Natural Resource Management, 2013](#)
- [Government of Alberta's Guidelines on Consultation with First Nations on Land and Natural Resource Management, July 28, 2014.](#)

4: Technical Review

The technical review considers the management of water in the region and the protection of the aquatic environment, in addition to the requirements defined in the *Water Act* and the *Water (Ministerial) Regulations*.

At this stage all of the information provided at each of the previous steps is reviewed and assessed to determine if the issuance of an authorization can be recommended. If required information is missing or additional information is needed, the applicant is notified by the appropriate district office and the application process is put on hold until all required information is received.

5: Designated Director Decision

The Designated Director, under the Acts, renders a statutory decision as to whether an authorization can be issued or not and notifies the applicant and those who filed valid statements of concern of the decision. The applicant or SOC filers may appeal this decision as defined in the Acts.

NOTE: Other legislation may also be relevant to the development. The onus is on the applicant to ensure compliance with all relevant legislation before proceeding with a development.