I. LEGISLATION

A. Federal

1. The House of Commons is adjourned. It is scheduled to return on September 16, 2013, at which time news reports indicate it will be prorogued and a new session commenced. At prorogation, any Bills on the Order Paper will be considered dead and will have to be reintroduced.

B. Alberta

1. The Legislative Assembly is adjourned.

C. British Columbia

1. The Legislative Assembly adjourned until further notice on July 25, 2013. There are no other changes to report.

D. Manitoba

1. There is no further progress to report on Bill 19, The Waste Reduction and Prevention Amendment and Environment Amendment Act, Bill 24, The Endangered Species Amendment Act (Ecosystem Protection and Miscellaneous Amendments), or Bill 30, The Forest Health Protection Amendment Act (Heritage Trees).

E. Northwest Territories

1. The Legislative Assembly is adjourned.

F. Nunavut

1. The Legislative Assembly is adjourned. It is scheduled to reconvene on September 5, 2013.

HIGHLIGHTS


• The Alberta Government released its Policy on Consultation with First Nations on Land and Natural Resource Management. (See V.5.) It is currently conducting two other consultations. (See III.4. and 5.)

• The Natural Resources Conservation Board released a decision considering ‘grandfathering’. See IV.D.1.
G. Saskatchewan

1. The Legislative Assembly is adjourned.

H. Yukon

1. The Legislative Assembly is adjourned.

2. The Select Committee Regarding the Risks and Benefits of Hydraulic Fracturing, established in May 2013, issued an Open Letter reporting on its activities to date and indicating that it will be developing plans for a public consultation including public hearings in Yukon communities. The Open Letter is available on the website http://www.legassembly.gov.yk.ca/pdf/frac_open_letter_aug9_2013.pdf.

II. REGULATIONS

A. Federal

1. The Minister of the Environment released the following Orders/Notices:

   a) *Amending the Domestic Substances List:*  
      - *Order 2013-87-06-01.* (Canada Gazette Part II, July 31, 2013, pp. 2023-2027.)

   b) *Notice amending the* Notice with respect to certain substances on the Domestic Substances List. The original notice was published in the December 1, 2012 issue of the Canada Gazette Part I. The amendment removes the substance Ashes (residues) [CAS No. 68131-74-8] from Part 2 substances of Schedule 1. (Canada Gazette Part I, August 3, 2013, p. 1905.)

   c) *Notice of intent to modify the* Wild Animal and Plant Trade Regulations. The notice indicates that the purpose of updating the regulations is to align them with international obligations agreed to during the 16th Conference of the Parties which signed the Convention on International Trade in Endangered Species of Wild Fauna and Flora. Further information is available on the website http://www.ec.gc.ca/cites/default.asp?lang=En&n=1BC82E16-1. (Canada Gazette Part I, August 10, 2013, pp. 1929-1930.)

   d) *Significant New Activity Notice No. 17192.* The Notice pertains to the substance multi-wall carbon nanotubes, a substance not on the Domestic Substances List. The Ministers of Environment and Health suspect that a significant new activity in relation to the substance may result in its becoming toxic pursuant to s. 64 of the Canadian Environmental Protection Act, 1999. The Notice sets out reporting requirements which must be met at least 90 days before commencing a proposed significant new activity. A significant new activity is defined as, with some exceptions not noted below:

      (a) its manufacture or import in a quantity greater than 100 kg per calendar year when it is to be used
      (i) in consumer products as defined in section 2 of the Canada Consumer Product Safety Act, excluding solid plastic products, or
      (ii) in products intended for use by or for children from 0 to 6 years old; or
      (b) in all other cases, its manufacture or import in a quantity greater than 10 000 kg per calendar year. (Canada Gazette Part I, August 24, 2013, pp. 1962-1965.)

B. Alberta


C. British Columbia

(No changes to report.)

D. Manitoba


E. Northwest Territories

(No changes to report.)

F. Nunavut

(No changes to report.)

G. Saskatchewan

(No changes to report.)

H. Yukon

1. Forest Supervisor Order 2013/01, issued on June 28, 2013, was repealed on July 2, 2013. The Order was pursuant to the *Forest Protection Act*. (*The Yukon Gazette Part II*, August 15, 2013, p. 23.)


III. CONSULTATIONS

1. The Canadian Council of Ministers of the Environment is seeking comments on a draft *Guidance Manual on Sampling, Analysis and Data Management for Contaminated Sites Volume IV: Compendium of Analytical Methods for Contaminated Sites*. The document is available on the website [http://www.ccme.ca/assets/pdf/vol_iv_analytical_0.4_e_20130724_pub_rev_.pdf](http://www.ccme.ca/assets/pdf/vol_iv_analytical_0.4_e_20130724_pub_rev_.pdf) and comments are requested by October 4, 2013.

2. Notices of applications issued to the Minister of Transport, Infrastructure and Communities under the *Navigable Waters Protection Act* include the following:
British Columbia

- The Manteo Beach Club Ltd. submitted plans for a proposed marina in Okanagan Lake, in front of Lot 3762, Lakeshore Road, Kelowna. Comments on the application are requested by September 16, 2013. (*Canada Gazette Part I*, August 17, 2013, pp. 1956-1957.)
- The Hotel Eldorado Inc. submitted plans for a dock removal and construction in Okanagan Lake, at 500 Cook Road, Kelowna. Comments on the application are requested by September 23, 2013. (*Canada Gazette Part I*, August 24, 2013, pp. 2052-2053.)
- The Metlakatla Development Corporation submitted plans for an aquaculture facility located in Chatham Sound on the west shore of Digby Island, 300 m northwest of Snider Rock. Comments on the application are requested by September 23, 2013. (*Canada Gazette Part I*, August 24, 2013, p. 2054.)

Written objections to the notices based on the effect of the work on marine navigation are to be submitted to the Superintendent, Navigable Waters Protection Program, Transport Canada, in Vancouver by the date indicated.

3. The National Energy Board is considering an application by Manitoba Hydro for authorization to export up to 200 MW of firm power per year, up to 147 GWh of firm energy per year, and up to 1,610 GWh of interruptible energy per year, for a period of 15 and a half years, commencing on November 1, 2014. The export is further to the terms of the 200 MW Diversity Exchange Agreement between Manitoba Hydro and Great River Energy which was executed on July 26, 2013. The Board is seeking the views of interested parties before issuing a permit or recommending that a public hearing be held. Comments on the application are requested by September 20, 2013. For more information on the procedures governing the Board’s examination, contact the Board’s Secretary, Sheri Young, by phone at 403-292-4800 or fax 403-292-5503. (*Canada Gazette Part I*, August 17, 2013, pp. 1953-1954.)


5. Further to the Government of Alberta’s Pipeline Safety Review, the Final Report with Appendices of Group 10 Engineering was released and can be accessed from the website [http://www.energy.alberta.ca/Initiatives/1439.asp](http://www.energy.alberta.ca/Initiatives/1439.asp). The Report includes 17 recommendations to reduce risks. There is an opportunity to provide feedback on these recommendations.


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IV. CASES

A. Alberta Environment and Sustainable Resource Development

1. The Forest Management Branch released the following administrative penalties, all pursuant to violations of the *Timber Management Regulation*:

- $687.34 to Weyerhaeuser Company Limited of Edmonton for overdue two year treatment as well as late completion of retreatment surveys and incomplete/inaccurate data, violations of ss. 141.1(1), 141.6(2) and 143.2(2).
- $181.13 to Spruceland Millworks Inc. of Edmonton for overdue two year treatment and late completion of establishment surveys in violation of ss. 141.1(1) and 141.6(1).
• $1,200 to Spray Lake Sawmills (1980) Ltd. of Edmonton for failing to measure and scale in accordance with procedures and the Scaling Regulation. violations of s. 99.
• $3,136.49 to S11 Logging Company Ltd. of Edmonton for late completion of establishment surveys in violation of s. 141.6(1).
• $178.19 to Northland Forest Products Ltd. of Edmonton for an overdue performance survey in violation of s. 141.7(1).
• Two penalties to NDEH Limited Partnership of Edmonton:
  o $6,437.33 for an overdue performance survey in violation of s. 141.7(1), and
  o $4,236.60 for late completion of establishment surveys in violation of s. 141.6(1).
• $1,600 to Hinton Wood Products, operating in the Foothills Area, for not operating in accordance with the Annual Operating Plan in violation of s. 100(1)(a).
• $3,568.64 to Foothills Forest Products Inc. of Edmonton for overdue treatment and establishment surveys, late completion of retreatment surveys, and incomplete/inaccurate data, violations of ss. 141.1(1), 141.6(1), 141.6(2) and 143.2(2).
• $2,500 to Tolko Industries Ltd., operating in the Upper Hay Area, for failing to comply with terms and conditions of its timber disposition in violation of s. 100(1)(b).
• $723.66 to Dale Hansen of Edmonton for overdue performance surveys in violation of s. 141.7(1).

2. The Compliance Assurance Program released its enforcement report for the quarter April 1, 2013 – June 30, 2013. The report documents the following, which were not reported in previous issues of The Regulatory Review:

Administrative Penalties:
• $2,500 to Eng-Con Holdings Ltd. of Edmonton for failing to comply with the Code of Practice for Outfall Structures on Waterbodies by failing to take all possible measures to control erosion and sedimentation from entering Whitemud Creek. The penalty, assessed pursuant to s. 9(1) of the Water Act, has been paid.
• $3,000 to Brian Pidhirney of Leslieville for burning prohibited debris in an open fire without the required approval. The penalty, assessed pursuant to s. 61 of the Environmental Protection and Enhancement Act, has been paid.
• $3,500 to Peregrine General Pest Control Inc. of Calgary for contravening its Pesticide Service Registration by the improper application of a pesticide. The penalty, assessed pursuant to s. 163(1) of the Environmental Protection and Enhancement Act, has been paid.
• $5,500 to ISL Engineering and Land Services Ltd. of Ardrossan for a violation of s. 36(1) of the Water Act by conducting an unauthorized activity concerning a wetland which has, or may, affect the water level, change the direction of flow, and cause an effect on the aquatic environment. The penalty has been paid.
• Three joint penalties were issued to seven companies for contravening an approval in violation of s. 142(1) (e) of the Water Act. Each of the penalties has been paid. The companies are:
  o Flatiron Constructors Canada Limited,
  o Graham Infrastructure Ltd.,
  o Jardeg Construction Services Ltd.,
  o Northwestconnect Inc.,
  o Northwestconnect Investments Inc.,
  o Northwest General Partnership, and
  o Parsons Canada Ltd..

The first penalty, assessed at $5,500, pertained to Horseshoe Creek, specifically during dewatering, and not pumping water into a vegetated area the required distance from a watercourse.

The second penalty, assessed at $7,000, was for contravening an approval pertaining to Moran Lake, by failing to either install any erosion and sediment controls in certain ditches, or maintain erosion controls as appropriate.

The third penalty, assessed at $42,000, pertained to the Kirk Lake approval, and was for a number of failures pertaining to erosion controls, sediment build-up, failing to pump water during dewatering the required distance from a watercourse, and failing to immediately report the Approval contraventions.
Amended Environmental Protection Orders:

- The Orders issued to Jerry McInnis of Red Deer County, and Kingkorp Ltd., of Parkland County, and which were reported in the May 2013 issue of *The Regulatory Review*, were both amended. For each, this was Amendment No. 1, and the amendment extends specific dates.

Environmental Protection Orders were issued pursuant to ss. 113 and 140 of the *Environmental Protection and Enhancement Act* to a number of companies concerning sites for which Alberta Environment and Sustainable Resource Development has not yet issued a reclamation certificate for. The Department is concerned that work is required to reclaim the site, that a release of substances may, is, or has occurred which may, is, or has, caused an adverse effect on the environment, and consequently, the Order requires that for each site, the Company is to submit and implement an Investigative Plan, a Remedial Plan, a Reclamation Plan, and apply for a reclamation certificate once the criteria have been met. The companies are:

- Sailee Oil Ltd., operating a site in Leduc County, two sites in the MD of Wainwright, and one site in the County of Thorhild.
- 690462 Alberta Ltd., operating a site in Leduc County.
- Bracknell Corporation, operating a site in Flagstaff County.
- Coho Resources Limited, operating a site in Woodlands County.
- Slate Energy Inc., operating three sites in Sturgeon County.
- Starvest Capital Inc., operating a site in the MD of Clear Hills.
- Aspen Endeavor Resources Inc., operating a site in Strathcona County.
- Kingcorp Ltd., operating a site in Parkland County.
- Savant Energy Ltd., operating three sites in the County of Vermilion River, and one site in the County of Barrhead.

Prosecutions:

A Provincial Court Judge issued a penalty in the amount of $10,000 to Jason Ulliac and Ulliac Oilfield Consulting Ltd., after Mr. Ulliac pleaded guilty to knowingly providing false or misleading information concerning the amount of water diverted from a water body, in violation of s. 142.2(a) of the *Water Act*. The penalty consists of a $1,000 fine and the allocation of $9,000 to the RiverWatch Institute of Alberta. Mr. Ulliac is also prevented from seeking professional designations related to the oil sands industry for one year, and will arrange for the publishing of an article about the offence in a weekly news publication. (See also *The Regulatory Review*, May 2013, IV. 8.)

B. **Alberta Environmental Appeals Board Decisions**

(No decisions to report.)

C. **Alberta Energy Regulator Decisions**

1. **Decision 2013 ABAER 014: Dover Operating Corp., Application for a Bitumen Recovery Scheme, Athabasca Oil Sands Area.** The Regulator approved the Application subject to conditions.

2. **Decision 2013 ABAER 015: Koch Oil Sands Operating UCL, Applications for Oil Sands Evaluation Wells, Undefined Field.** The Regulator accepted the request to withdraw the applications and cancelled the public hearing.

3. The Regulator issued an order under s. 22 of the *Oil and Gas Conservation Act* to Plains Midstream Canada and will be conducting an audit of the company’s Alberta operations “in response to the company’s failure to follow a number of regulatory requirements.” A news release pertaining to this is available on the website [http://www.aer.ca/documents/news-releases/AERNR2013-19.pdf](http://www.aer.ca/documents/news-releases/AERNR2013-19.pdf).

D. **Natural Resources Conservation Board Decisions**

1. **Grandfathering Decision under the Agricultural Operation Practices Act Re: The Locke Stock and Barrel Company Ltd. (Charles & Louise Locke).** This decision reports on the new investigation ordered by Alberta Queen’s Bench into the Board’s prior determination that the CFO was grandfathered under s. 18.1 of the Act. The Board determined that the
facilities in question were not grandfathered under s. 18.1(1) of the *Agricultural Operation Practices Act*. (See also *The Regulatory Review*, September 2012, IV. 7.)

Pursuant to the above, the Board issued *Enforcement Order No. 13-08* requiring the Company to take all necessary steps to bring the operation into compliance with the Act and its regulations. A written plan on how the operation will be brought into compliance is to be submitted by August 26, 2013, and implemented once approved by the Inspector.

E. **Other Jurisdictions**

1. Manitoba Conservation and Water Stewardship issued an Environmental Protection Order to Samborski Environmental Ltd., operators of a garden supply and commercial composting site in the Rural Municipality of Macdonald. The Order requires the company to stop accepting any additional material within 30 days and to remove all the compost within that time.

F. **Cases of Interest**

1. The Federal Court of Appeal released a decision in *Alberta Wilderness Association v. Canada (Attorney General)*. This particular decision relates to the appellants request for the production of documents concerning the status of the Sage-grouse and relevant protections. The Court ruled that the Government was invalidly broadening the claim of Cabinet confidence.

2. Ecojustice reports that, on behalf of several environmental organizations, it has filed an action against the Government of Canada for its refusal to protect Canadians from harmful pesticides already banned from use in other countries. The action alleges that the “Minister of Health and the Pest Management Regulatory Agency (PMRA) acted unlawfully when they refused to review the approval of pest-control products containing three pesticides: chlorthal-dimethyl, trifluralin and trichlorfon.”

V. **MISCELLANEOUS**

1. Upcoming workshops/conferences that may be of interest include:

   - *The Future of Energy Regulation and Policy Development: Conflict, Compromise or Cooperation?* presented at the School of Public Policy, University of Calgary, September 26, 2013. Additional information is available on the website [http://policieschool.ucalgary.ca/?q=upcoming-events](http://policieschool.ucalgary.ca/?q=upcoming-events).


5. The Alberta Government released its Policy on Consultation with First Nations on Land and Natural Resource Management, 2013. The new policy is anticipated to take effect in the fall of 2013. The policy, as well as First Nation Consultation
Corporate Guidelines and a First Nation Consultation Matrix, can be accessed from the website http://www.aboriginal.alberta.ca/1.cfm.


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