



Province of Alberta

ENVIRONMENTAL PROTECTION AND ENHANCEMENT ACT

ADMINISTRATIVE PENALTY REGULATION

Alberta Regulation 23/2003

With amendments up to and including Alberta Regulation 46/2015

Office Consolidation

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(Consolidated up to 46/2015)

ALBERTA REGULATION 23/2003

Environmental Protection and Enhancement Act

ADMINISTRATIVE PENALTY REGULATION

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Definitions

1 In this Regulation,

- (a) “Act” means the *Environmental Protection and Enhancement Act*;
- (b) “Director” means a person designated by Ministerial Order as Director for the purposes of this Regulation.

Notice of administrative penalty

2(1) The provisions set out in the Schedule are the provisions in respect of which a notice of administrative penalty may be given under section 237 of the Act.

(2) A notice of administrative penalty must be given in writing and must contain the following information:

- (a) the name of the person required to pay the administrative penalty;
- (b) particulars of the contravention;
- (c) the amount of the administrative penalty and the date by which it must be paid;
- (d) a statement of the right to appeal to the Environmental Appeal Board given under section 91(1)(n) of the Act.

(3) A notice of administrative penalty may not be issued more than 2 years after the later of

- (a) the date on which the contravention to which the notice relates occurred, or
- (b) the date on which evidence of the contravention first came to the notice of the Director.

Penalty assessment

3(1) Subject to subsections (2) and (3), the amount of an administrative penalty for each contravention that occurs or continues is the amount set out in the Base Penalty Table but that amount may be increased or decreased by the Director in accordance with subsection (2).

BASE PENALTY TABLE
Type of Contravention

		Major	Moderate	Minor
Potential for Adverse Effect	Major	\$5000	\$3500	\$2500
	Moderate	3500	2500	1500
	Minor to None	2500	1500	1000

(2) In a particular case, the Director may increase or decrease the amount of the administrative penalty from the amount set out in the Base Penalty Table on considering the following factors:

- (a) the importance to the regulatory scheme of compliance with the provision;
- (b) the degree of wilfulness or negligence in the contravention;
- (c) whether or not there was any mitigation relating to the contravention;
- (d) whether or not steps have been taken to prevent reoccurrence of the contravention;
- (e) whether or not the person who receives the notice of administrative penalty has a history of non-compliance;
- (f) whether or not the person who receives the notice of administrative penalty has derived any economic benefit from the contravention;

- (g) any other factors that, in the opinion of the Director, are relevant.

(3) The maximum administrative penalty that may be imposed for the purposes of section 237(2)(a) of the Act is \$5000 for each contravention or for each day or part of a day on which the contravention occurs and continues, as the case may be.

Payment of penalty

4 A person who is served with a notice of administrative penalty shall pay the amount of the penalty within 30 days of the date of service of the notice.

Repeal

5 The *Administrative Penalty Regulation* (AR 143/95) is repealed.

Expiry

6 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on June 30, 2017.

AR 23/2003 s6;105/2011;130/2013;46/2015

Schedule

Provisions in Respect of Which an Administrative Penalty is Payable

1 *Environmental Protection and Enhancement Act*

- sections 61, 67(1), 75(1), 76, 79, 83.1, 88, 88.1, 88.2, 108(2), 109(2), 110(1), (2), 111, 112, 137, 138, 148, 149, 155, 157, 163(1), (3), 169, 170, 173, 176, 178, 179(1), (2), 180, 181, 182, 188(1), 191, 192, 209, 227(b), (c), (e), (g), (i), 251.

2 *Beverage Container Recycling Regulation* (AR 101/97)

- sections 6, 7, 8, 9, 10(1), (2), 11(1), (2), (4), 12, 13, 14, 15, 16, 17(1).

3 *Conservation and Reclamation Regulation* (AR 115/93)

- section 3(2), 3.1(2), (3).

3.1 Emissions Trading Regulation

- sections 16(1), 25(1) and (4), 44, 55, 58(1)(a), (b), (c), (d), (2).

4 Lubricating Oil Material Recycling and Management Regulation (AR 82/97)

- sections 6(3), 7.

4.1 Mercury Emissions from Coal-fired Power Plants Regulation

- sections 2(1), (2), (5), (7), (8), (9), 3(1), 4(2), (3), (4), 5(2), (3), (4), 6(3), 7(1), (4), (5), 8(4), 10(2), 11(1), (2), (3).

5 Ozone-Depleting Substances and Halocarbons Regulation (AR 181/2000)

- sections 2(1), (3), (4), (5), (6), 3, 4(1), 5, 6, 7, 8(2).

6 Pesticide Sales, Handling, Use and Application Regulation (AR 24/97)

- sections 5(1), 6(1), (3), 7, 8, 9, 10, 12, 13, 14(1), 16(2), 17(1), (2), (3), (4), (6), 18, 20, 21, 22, 23(2), (3), (4), 24, 25, 26(1), (2), 27, 28, 29, 30, 31(1), (2), (3), 32.

7 Pesticide (Ministerial) Regulation (AR 43/97)

- sections 3(1), (3), 6(2), (3), 7(1), 9(1), 11, 12, 13(2), 14, 17, 18, 19, 20(2).

8 Potable Water Regulation (AR 277/2003)

- sections 2, 3, 4(1), (2), (4), 5, 6(1), (3), 7(1), (3), 8, 9, 10, 11, 12, 13, 14, 16, 17(1), (2), (3), (5).

8.1 Release Reporting Regulation (AR 117/93)

- sections 4(1), (3), (5), 4.1(2), (3), (4), (5), (6).

9 Substance Release Regulation (AR 124/93)

- sections 5, 7, 9(5), (6), 11(4), (5), 12, 13, 14, 14.1, 16(2).

10 Tire Recycling and Management Regulation (AR 206/96)

- sections 6(1), 8(3), 9, 10(1), (3), 13(2), (3), 14.

11 *Waste Control Regulation (AR 192/96)*

- sections 3.1, 6, 7, 8, 9, 10, 11(1), (2), 12(3), (4), (5), (6), 13(1), 14(2), (3), 15(1), (2), 16, 18(1), (2), 19, 20, 21, 23(1), 24(1), (2), (5), (6), 25(1), (3), 26, 37, 39(2), (3), 41(2).

12 *Wastewater and Storm Drainage Regulation (AR 119/93)*

- sections 3, 3.2(1), (4), (5), 4, 5(1), (1.1), (3), 5.1, 6, 6.1(1), (3), 6.2, 7(1), 8(1), (3), (5), (6), (7), 9(1), (3), (5), (6), (7), 9.1(1).

13 *Wastewater and Storm Drainage (Ministerial) Regulation (AR 120/93)*

- sections 2, 4, 5(1), (2), (5).

14 *Environmental Protection and Enhancement (Miscellaneous) Regulation (AR 118/93)*

- section 8.1(2), (5), (6), (7).

AR 23/2003 Sched.;163/2005;33/2006;34/2006



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