

1986 BILL 202

First Session, 21st Legislature, 35 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 202

CLEARWATER ALBERTA ACT

MR. YOUNIE

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 202
Mr. Younie

BILL 202

1986

CLEARWATER ALBERTA ACT

(Assented to , 1986)

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Definitions

1 In this Act,

- (a) “Board” means the Water Resources Conservation Board established by section 9;
- (b) “contaminant” means any biological, chemical or physical agent or combination thereof prescribed as a contaminant;
- (c) “Council” means the Water Advisory Council established by section 10;
- (d) “Minister” means the Minister of Environment;
- (e) “private water system” means any water system that has fewer than 15 service connections or regularly serves fewer than 25 individuals;
- (f) “public water supplier” means a person who operates a public water system;
- (g) “public water system” means any water system that has 15 or more service connections or regularly serves 25 or more individuals;

(h) “substance” means anything that affects the odour, appearance or taste of drinking water and is prescribed as a substance;

(i) “user” when used in connection with a water system or public water supplier, means a person who obtains water from the system or supplier;

(j) “water system” means any works for the collection, distribution and supply, to one or more third parties for a charge, of water that may be used as drinking water.

Application of
Act

2 This Act operates notwithstanding the *Public Health Act*, the *Clean Water Act* and the regulations under those Acts.

Obligations of
suppliers

3 Every public water supplier shall

(a) carry out the tests prescribed in the regulations to determine the contaminant and substance levels in the water;

(b) supply to the Minister not later than the 7th day of each month a Monitoring Surveys Report, which shall contain the prescribed information on all tests conducted pursuant to clause (a) for the previous month;

(c) publish, in the prescribed manner any test result that indicates a level of contaminants or substances higher than the prescribed acceptable level in a newspaper that circulates in the community where the supplier’s regular users reside not later than the 15th day of each month;

(d) supply the result of any test that indicates a level of contaminants or substances higher than the prescribed acceptable level to every user together with the next regular water bill;

(e) keep full records of all tests conducted under clause (a) and make them available to any person upon request;

(f) where a test reveals that maximum permitted contaminant levels or maximum permitted substance levels are exceeded or prescribed standards are not adhered to, take immediate steps to cause the water to comply with this Act and the regulations, and

(g) where a test reveals the maximum permitted contaminant levels or maximum permitted substance levels are exceeded or prescribed standards are not adhered to a degree or in a manner which the Minister, on receipt of the test results, has certified to constitute a present danger to the public health or safety,

(i) take immediate steps to cause the water to comply with this Act and the regulations, and

(ii) make an alternate supply of safe drinking water available to all users until the main supply complies with this Act and the regulations.

Draft
regulations
concerning
contaminants

4(1) The Minister shall within 180 days of the commencement of this Act publish in The Alberta Gazette a notice setting forth proposed regulations under section 14(2)(b) or (c) and calling for briefs and submissions in connection therewith.

(2) Any person within 90 days after the publication of a notice may require the Board to hold a hearing into any of the proposed regulations by delivering a notice of objection to the Board.

(3) The Board shall within 60 days of a notice of objection hold any hearing required under subsection (2), expeditiously and may consolidate any such hearings where common issues are raised.

Report

5 Upon completion of all hearings under section 4, the Board shall report its findings and conclusions to the Minister and shall provide a copy of the report to every person who delivered a notice of objection under section 4.

Supplying
unsafe water

6(1) No public water supplier shall cause or permit to be supplied to users,

(a) water containing any contaminant that exceeds the applicable maximum permitted level; or

(b) water containing any substance that contravenes a prescribed standard or exceeds the applicable maximum permitted level.

(2) No person shall deposit in, add to, emit or discharge into a public water system or a private water system any contaminant or substance so as to cause the water to exceed the maximum permitted level for the contaminant or substance or to contravene a prescribed standard.

Penalties

7 Any person who contravenes this Act or the regulations is guilty of an offence and on conviction is liable to,

(a) in the case of a contravention of section 6 that relates to a contaminant, a fine not exceeding \$50 000; and

(b) in the case of any other contravention, a fine not exceeding \$25 000.

Action for
damages

8(1) Any person may, by action, recover damages caused by a contravention of this Act or the regulations from the person who committed the contravention.

(2) Any person may apply for judicial review of the Minister's exercise or non-exercise of any power or fulfillment or non-fulfillment of any duty conferred or imposed on the Minister by this Act, whether or not the person applying is specially affected or has suffered special damages.

(3) Nothing in this Act limits or prevents the use of any remedy in law existing prior to the commencement of this Act.

Water
Resources
Conservation
Board established

9(1) The Water Resources Conservation Board is hereby established and shall consist of not fewer than 5 persons appointed by the Lieutenant Governor in Council, who shall hold office during pleasure and none of whom shall be members of the public service.

(2) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman and another of the members as vice-chairman.

(3) Three members of the Board constitute a quorum.

(4) The members of the Board may be paid such remuneration and expenses as the Lieutenant Governor in Council from time to time determines providing that money has been appropriated to the purpose by the Legislature.

(5) The chairman may authorize one member of the Board to conduct a hearing by the Board and the member has all the powers of the Board for the purpose of the hearing.

(6) The report of such member may be adopted as the decision of the Board by 2 other members of the Board, one of whom shall be the chairman or vice-chairman or may be otherwise dealt with as the Board considers proper.

(7) When the Minister is satisfied that the Board has completed the duties assigned to it by sections 4 and 5, he shall notify the Lieutenant Governor in Council who shall thereupon, by order, terminate the existence of the Board.

Water Advisory
Council
established

10(1) The Water Advisory Council is hereby established and shall consist of not fewer than 10 and not more than 15 persons appointed by the Lieutenant Governor in Council, each to hold office for a term of not more than 3 years.

(2) The Lieutenant Governor in Council may appoint one of the members of the Council as chairman and another of the members as vice-chairman.

(3) The composition of the Council shall be such as to provide for competent and knowledgeable persons in matters relating to drinking water quality.

(4) A retiring member of the Council is eligible for reappointment.

(5) The members of the Council may be paid such remuneration and expenses as the Lieutenant Governor in Council from time to time may determine providing that money has been appropriated to the purpose by the Legislature.

Duties of Council

11 The Council, through its chairman, shall

(a) advise the Minister as to the results of current research related to,

(i) drinking water quality, and

(ii) contaminants and substances and their effects, and

(b) consider any matter affecting drinking water quality that the Council or the Minister considers advisable and advise the Minister thereon.

Research

12 The Minister may cause research to be conducted into,

(a) the causes, diagnosis, treatment, control and prevention of health effects associated with contaminants or substances,

(b) the quality, quantity and availability of private water supplies,

(c) the sources of surface and ground water contamination, and

(d) methods of treating or purifying drinking water.

Testing of
private water
system

13(1) The Minister shall, at the joint request of not less than 1/3 of all of the users of a private water system, cause the water to be tested in accordance with the regulations to establish contaminant and substance levels in compliance with prescribed standards.

(2) Subsection (1) does not apply where the Minister is satisfied that the system has been tested within the 5 days prior to his receiving the request.

(3) The Minister shall promptly provide the requesting users with the results of any test referred to in section 12(a) or (b).

Regulations

14(1) The Lieutenant Governor in Council may make such regulations as are advisable to protect and enhance drinking water quality throughout Alberta.

(2) Without limiting the generality of subsection (1), the Lieutenant Governor in Council may make regulations,

- (a) designating any biological, chemical or physical agent or combinations thereof as contaminants and prescribing maximum permissible contaminant levels;
- (b) designating anything as a substance, prescribing standards for substances in water and prescribing maximum permissible substance levels;
- (c) respecting procedures for water tests to be conducted under section 3(a) and section 13;
- (d) prescribing the form of a Monitoring Surveys Report; and
- (e) prescribing greater frequencies than monthly for water tests to be conducted under section 3(a) and prescribing the circumstances under which such more frequent tests shall be conducted.

Binds Crown

15 This Act binds the Crown.

Repeals c. W-
S.1. RSA 1980

16 *The Water Resources Commission Act is repealed.*

In accordance with section 4(1) of the Interpretation Act, this Bill comes into force on the date it receives Royal Assent.