

# Alberta Water Act: Dugouts, Borrow Pits and Other Pits/ Excavations

## Requirements

Under the *Water Act*, a person who commences or continues an activity or a diversion of water requires authorization. Where excavations into the ground are proposed and may collect and hold water, or where this impounded water is used, an authorization under the *Water Act* is required unless the activity or diversion of water is exempted by the legislation. Excavations that may trigger *Water Act* authorizations are dugouts, borrow pits, sand and gravel pits, or other pits/ excavations that are created for resource extraction or other purposes.

## Definitions

- “Dugout” means an excavation that holds water for farm use
- “Borrow pit” means an excavation made to provide soil materials for construction at another location
- “Pit” is as defined in the *Environmental Protection and Enhancement Act*, as amended
- “End pit lake” means a body of water that is created by and remains after the reclamation of a pit

## Authorizations

The *Water Act* requires that an **Approval** be obtained by a person who commences or continues an “activity” and that a **Licence** be obtained by a person who commences or

continues a “diversion of water”, unless exempted by the legislation. It is the functional outcome of the project that determines whether a project is an activity or a diversion of water.

### Dugouts:

Dugouts may be exempted from requiring authorization under specific conditions. If the dugout does not meet the conditions of the exemption, an approval and/ or a licence is required. Additional information regarding the exemptions for dugouts can be found in the Dugouts fact sheet available on the department’s website at:

- [Education/ Guidelines](#)

### Borrow Pits:

There are no exemptions under the *Water Act* that apply to borrow pits. Borrow pits are not usually intended to hold water as this would be contradictory to the purpose of material supply. However, if water is impounded following excavation, whether intentionally or not, an authorization under the *Water Act* may be required.

### Pit/ End Pit Lakes:

Pits/ end pit lakes are similar to borrow pits as there are no exemptions under the *Water Act*. A pit that exposes and impounds surface or groundwater may require authorization under the *Water Act*.

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## **Disturbance of Groundwater:**

Excavations commonly disturb groundwater. An authorization under the *Water Act* may be required for the disturbance of groundwater.

## **Dewatering:**

Dewatering activities are often proposed during excavations. Dewatering may be exempted from requiring authorization under the *Water Act* under specific conditions. If the dewatering activity does not meet the conditions of the exemption, an approval and/ or a licence may be required.

**\*Note: Any activity impacting a wetland must comply with Alberta's Wetland Policy.**

- [Alberta Wetland Policy](#)

## **To Apply**

The *Water Act* Application form for a *Water Act* authorization can be found on the Alberta Environment and Parks website at:

- [Water Act Forms](#)

When making an application for a Licence to use surface water, the Guidelines for Licensing Water Diversion Projects must be followed.

When making an application under the *Water Act* for an Authorization to use or disturb groundwater, the Alberta Environment Guide to Groundwater Authorization (March 2011) must be followed.

These guidelines can be found on the department's website under "Standards & Guidelines" at:

- [Education/ Guidelines](#)

For *Water Act* applications related to energy activities, the application forms can be found on the Alberta Energy Regulator's website at:

- [Alberta Energy Regulator](#)

## **Enforcement**

Conducting an activity in Alberta without an approval or diverting water without a licence may result in enforcement action and a possible fine of up to \$50,000 for an individual and up to \$500,000 for a company or organization.

If you observe what you believe to be an illegal water related activity, please contact the Environmental Emergencies toll free number at 1-800-222-6514.