

Water Act: Upstream Oil and Gas Activity in and near a Water Body

FACTS AT YOUR FINGERTIPS

Choose sites that **AVOID** disturbance to sensitive areas, including areas in or near water bodies. .

This Fact Sheet provides information on the requirements under Alberta's *Water Act* for Upstream Oil and Gas activity in or near a water body (primarily well sites and facilities, including roadways). Proponents must investigate alternative approaches for energy development and, where feasible, are expected to select those that **avoid** disturbance to sensitive areas which includes areas in or near water bodies.

Legislative Requirements

Alberta's *Water Act* requires that proponents obtain an approval before conducting an activity in a water body. "Activity" is defined in the *Water Act* Section 1(1)(b). Details on how to obtain an approval can be found at: *Water Act: Approvals* Fact Sheet: <http://environment.gov.ab.ca/info/library/8262.pdf>.

Administrative Guide for Approvals to Protect Surface Water Bodies Under the *Water Act* can be found at: <http://environment.gov.ab.ca/info/library/6208.pdf>.

Work in or near water bodies may also require authorization or consideration of:

- Energy Resources and Conservation Board (ERCB) under the ***Oil and Gas Conservation Act***
- Conservation and Reclamation under the ***Environmental Protection and Enhancement Act***
- the local municipality under the *Municipal Governments Act*
- Alberta Sustainable Resource Development under the ***Public Lands Act***
- Federal Legislation:
 - ***Federal Fisheries Act***
 - ***Migratory Birds Convention Act***
 - ***Navigable Waters Protection Act***

Application Requirements

In addition to requirements in the *Water Act: Approvals* Fact Sheet and guide, an application submission must include an assessment of sensitivities, including:

- local drainage patterns around and across the site and access road;
- local hydrologic conditions and potential for the site to flood;
- soil characteristics and texture in terms of both changes from upland conditions and potential infiltration or transportation of contaminants and sediments in surface or groundwater;
- presence of native plants/plant communities or rare plants/communities within or adjacent to the project
- potential of the site to support wildlife during all or part of their life-cycle – although there should be particular attention to sensitive species or species at risk provincially and federally, all wildlife must be considered in the assessments
- presence of fish-bearing waters and fish habitat, if applicable, and
- relationship to adjacent upland habitats.

The applicant must retain a qualified environmental professional (s) to address all site sensitivities, including:

- (i) spill management plans,
- (ii) environmental protection plans,
- (iii) sediment and erosion control plans,
- (iv) drainage management plans,
- (v) contingency plans,
- (vi) access management (minimal disturbance) plans.
- (vii) reclamation plans,
- (viii) long-term monitoring plans,
- (ix) maintenance plans,
- (x) quality assurance/quality control programs.

In addition, the site must be designed to maximize the distance between high-risk equipment (e.g., tanks, flare stack) and the water body.

Applicants must assess and address all site sensitivities..

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Enforcement

Under the *Water Act*, anyone who conducts an activity in a water body without an Alberta Environment approval or diverts water without a licence may face enforcement action with a fine up to \$50,000 for an individual and \$500,000 for a company or organization. Anyone seeing a water-related activity that could be illegal should contact Alberta Environment.

Please call the **Alberta Environment Emergency and Complaint Hotline at 1-800-222-6514** to report water-related activities or diversions you suspect are unauthorized.