



Compliance and Enforcement Tools

FACTS AT YOUR FINGERTIPS

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Alberta Environment uses a balance of education, prevention and enforcement to ensure compliance with Alberta's environmental legislation.

Where non-compliance is identified either through mandatory reporting or a compliance inspection, all of the circumstances of the alleged contravention are evaluated to determine if the responsible party was duly diligent in their efforts to comply.

Those who do not comply with legislative requirements are held accountable for the effects of their actions on the environment.

If a company or individual did not take reasonable measures to prevent the contravention, enforcement action may result.

THE INVESTIGATION

Investigations may involve taking statements, securing physical evidence and carrying out search warrants.

At the beginning of an investigation, a Notice of Investigation may be sent to the person(s) or company being investigated.

While not a legislative requirement, the notice is to advise someone that Alberta Environment is investigating them and identify what potential offences are on the subject of the investigation.

ENFORCEMENT

Alberta Environment's choice of enforcement responses depends on the circumstances of the particular case and has one or more of the following purposes:

- **Remedy** - to correct non-compliance, to correct the cause of an environmental problem and to prevent or minimize any adverse effects on the environment
- **Deter** - to generally discourage future violators and/or specifically discourage repeated violations by a specific party
- **Penalize** - to impose a monetary, criminal or other penalty on a violator

ENFORCEMENT TOOLS

Alberta Environment has a variety of tools available under the *Environmental Protection and Enhancement Act* and the *Water Act* to ensure compliance, including:

- Written Warnings
- Orders
- Administrative Penalties
- Prosecutions

Written Warnings

Written Warnings are issued when there is the potential for an adverse environmental effect or for minor contraventions. Warnings are normally given to first-time offenders who have committed lesser infractions.

The desired outcome of a warning is to have the recipient voluntarily come into compliance after having been made aware of the offence. Repeated non-compliance may lead to a more significant enforcement response.

Administrative Penalties

Administrative Penalties are monetary penalties designed to deal with minor offences such as failure to file reports required under an approval or code of practice.

An adverse environmental effect does not have to occur in order for an Administrative Penalty to be issued.

Orders

Orders are issued when immediate action is required to prevent or stop an adverse environmental effect.

Alberta Environment issues three types of orders:

- **Environmental Protection Order** - issued to prevent or stop contraventions of the *Environmental Protection and Enhancement Act* and ensure action is taken to fix environmental problems
- **Water Management Order** - issued to prevent or stop contraventions under the *Water Act* and ensure action is taken to fix environmental problems

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- **Enforcement Order** - issued to compel a regulated party to remedy a contravention and, where appropriate, require actions to prevent future contraventions

Prosecutions

All legislation enforced by Alberta Environment includes provisions for prosecution. Penalties depend on the severity of the contraventions and can include fines and potentially jail time.

Creative Sentencing

Creative sentences are used to make prosecution penalties more meaningful and result in clear benefits for the environment.

Coupled with a standard fine, creative sentences are imposed in situations where a monetary penalty may be inappropriate because of limited financial resources of the accused.

APPEALS

Alberta's environmental legislation allows for companies or individuals to appeal an Order or an Administrative Penalty to the Environmental Appeals Board. All prosecutions may be appealed to a higher court.

FOR MORE INFORMATION

For more information about the compliance and enforcement tools used by Alberta Environment, contact the regional office nearest you.

NORTHERN REGION

Edmonton

#111, Twin Atria Building
4999-98 Avenue
Edmonton, Alberta T6B 2X3
Tel: 780.427.7617
Fax: 780.427.7824

CENTRAL REGION

Red Deer

#304, Provincial Building
4920-51 Street
Red Deer, Alberta, T4N 6K8
Tel: 403.340.7052
Fax: 403.340.5022

SOUTHERN REGION

Calgary

#303, Deerfoot Square Building
2938-11 Street NE
Calgary, Alberta, T2E 7L7
Tel: 403.297.7880
Fax: 403.297.6069