



ALBERTA ENVIRONMENT

Environmental Protection and Enhancement Act
R.S.A. 2000, c.E-12

MINISTERIAL ORDER
23/2004

Designation of Public Information Under
the *Environmental Protection and Enhancement Act*

I, Lorne Taylor, Ph.D., Minister of Environment, pursuant to s.35(3) of the *Environmental Protection and Enhancement Act*, and having regard to s.88(1) of *Freedom of Information and Protection of Privacy Act* make the order in the attached Appendix, being the Designation of Public Information Under the *Environmental Protection and Enhancement Act*.

DATED at the City of Edmonton, in the Province of Alberta, this 9th day of November , 2004.

Original signed by:

Dr. Lorne Taylor
Minister of Environment

APPENDIX

Designation of Public Information Under the *Environmental Protection and Enhancement Act*

1. Pursuant to s. 35(3) of the *Environmental Protection and Enhancement Act* and s. 88(1) of the *Freedom of Information and Protection of Privacy Act*, the following records and information in the possession of the Department shall, as of April 1, 2005, be available to the public without the need for a formal request under the *Freedom of Information and Protection of Privacy Act* regardless of the format of the information or records and the date of receipt or date of production of the information or records:

- a) written Warnings;
- b) a Notice of an Administrative Penalty;
- c) specified penalty violation Tickets issued under the *Provincial Procedures and Offences Act*, for an offence of the *Environmental Protection and Enhancement Act*;
- d) Inquiry Reports prepared under the *Conservation and Reclamation Regulation* [AR 115/93];
- e) records intended as Statements of Concern;
- f) directions of an Inspector or a Director;
- g) Notice of Decision of a Director;
- h) decisions of a Director provided to an applicant, approval holder, registration holder, licensee, preliminary certificate holder or Statement of Concerns filers;
- i) any information or records submitted to the Department pursuant to Part 5 of the *Environmental Protection and Enhancement Act*;
- j) reports and records required under a Code of Practice that are to be prepared or maintained and that are to be submitted to the Department or to be made available to the Department for inspection upon the request of the Department;
- k) scientific and/or technical information, studies, reports, records submitted to the Department pursuant to Part 5 of the *Environmental Protection and Enhancement Act* relating to the environmental condition of a site, including tests and assessments, relating to the delineation or remediation of such sites, or any correspondence between the submitter and the Department pertaining to such information or records;

- l) names and addresses of persons consigning, transporting or accepting hazardous waste, the total quantity, or quantity per class, of hazardous waste consigned, transported or received by the facility or person, but not including information linking generators to carriers or receivers of hazardous waste, or information on individual waste stream names, composition and quantity;
- m) information or records submitted to the Department that relate to an application under the *Environmental Protection and Enhancement Act*, or its regulations, excluding an application for a reclamation certificate;
- n) any correspondence from the Department to the applicant relating to the submitted information or records, excluding correspondence relating to an application for a reclamation certificate;
- o) information or records submitted to the Department in accordance with a regulation under the *Environmental Protection and Enhancement Act*, an approval, authorization, notice or direction, and any correspondence from the Department to the submitter relating to the submitted information or records, excluding information or records submitted to the Department and correspondence from the Department relating to the submitted information or records that relate to an application for a reclamation certificate.

Notwithstanding the foregoing, this Order does not apply to any information or records (i) that relate to a matter that is the subject of an open or ongoing investigation or proceeding or (ii) that is subject to a Director's determination in favour of confidentiality under s. 35(5) of the Environmental Protection and Enhancement Act.