

ENVIROVISTA PROGRAM FOR ENVIRONMENTAL EXCELLENCE

STEWARDSHIP AGREEMENT

THIS AGREEMENT (the "Agreement") is made as of the ___ day of _____, 200__

BETWEEN:

HER MAJESTY THE QUEEN IN RIGHT OF ALBERTA
as represented by the Minister of the Environment
("Alberta Environment")

-and-

ABC COMPANY
a corporation incorporated under the laws of Alberta carrying on business at its
ABC Company facility located at _____
(the "Approval Holder")

WHEREAS:

Alberta Environment has developed a new framework called the EnviroVista Program (the "Program") to promote environmental excellence and stewardship among qualified holders of approvals under the Environmental Protection and Enhancement Act ("EPEA");

ABC Company holds approval number _____ issued under the Environmental Protection and Enhancement Act to (describe the activity as described on the approval);

The Approval Holder has applied and been accepted to participate in the Champion Level of the Program with respect to its ABC Company Facility located in _____ (the "Facility");

By participating in the Champion Level, the Approval Holder has committed to achieving environmental performance measures and other commitments ("Commitments" or "EnviroVista Commitments") with respect to the Facility, as described herein;

In return for participating in the Champion Level, Alberta Environment has committed to providing certain support and recognition to the Approval Holder, as described herein, and

Alberta Environment and the Approval Holder have agreed to enter into this Agreement to set forth their respective rights and obligations in the context of the Champion Level of the Program.

NOW THEREFORE in consideration of the mutual covenants and terms and conditions herein contained, Alberta Environment and the Approval Holder agree as follows:

DEFINITIONS

1. In this Agreement:
 - (a) “Environmental Management System” means...
 - (b) “EnviroVista Champion Level” or “Champion Level” means...
 - (c) “EnviroVista Leader Participation Criteria” means...
 - (d) “EnviroVista Program” or “Program” means...
 - (e) “EnviroVista Program Advisory Committee” or “EVPAC” means...
- etc...

ENVIROVISTA COMMITMENTS

2. The Approval Holder agrees to:
 - (a) continue to meet the criteria required for continued membership in the EnviroVista Program;
 - (b) perform and deliver the functions, duties, matters and services described in Schedule “A” to this Agreement (hereinafter referred to as the “EnviroVista Commitments”), and
 - (c) comply with the requirements of Approval Number XXX-01-00-EV, as amended, (attached hereto as Schedule “B” to this Agreement).
3. The Approval Holder shall, on or before March 31st of each year following the year that the information was collected, submit to Alberta Environment (and post on the Facility’s web-site) an annual EnviroVista progress report that includes, at a minimum, the following:
 - (a)
 - (b)
 - (c); and

ALBERTA ENVIRONMENT COMMITMENTS

4. Alberta Environment agrees to:
 - (a) provide the support and recognition to the approval holder as outlined in Schedule “C” to this Agreement.

NOTICE OF DEFAULT

5. (1) In the case of a finding by the Director of a default by the Approval Holder in carrying out any of the provisions of this Agreement, the Director may give written notice thereof to the Approval Holder and may specify the time within which to remedy the default.
- (2) In making a decision to give notice under subsection (1), the Director shall consider any advice and recommendations from the EnviroVista Program Advisory Committee.

TERMINATION OF CONTRACT

6. The Approval Holder may terminate this Agreement, and thus its participation in the EnviroVista Champion Level of the EnviroVista Program, for any reason by notifying Alberta Environment in writing at least 180 days in advance of the termination date.
7. (1) Alberta Environment may terminate this Agreement at any time, with or without notice to the Approval Holder, if the Approval Holder:
 - (a) breaches any term, condition or provision of this Agreement unless that breach has been remedied by the approval holder to the satisfaction of the Director as a result of a notice of default;
 - (b) engages in any business, enterprise or undertaking that interferes with its ability to perform under this Agreement;;
 - (c) is adjudged bankrupt or makes a general assignment for the benefit of creditor or if a receiver of any type is appointed on account of the Approval Holder's insolvency, or if in the opinion of Alberta Environment, appears to be insolvent or
 - (d) transfers, assigns or otherwise conveys legal responsibility for the operation of the Facility to another party.
- (2) Alberta Environment may terminate this Agreement if the Government of Alberta, in its sole discretion, terminates (i) the EnviroVista Program, or (ii) the EnviroVista Champion Level of the EnviroVista Program.
- (3) In the event of termination under subclause or (2) above, Alberta Environment shall notify the Approval Holder in writing at least 180 days in advance of the termination date.
- (4) Termination of this Agreement constitutes termination of the Approval Holder's participation in the Champion Level of the EnviroVista Program.

8. Upon or after termination of this Agreement, Alberta Environment shall be discharged from and have no further obligation under this Agreement to the Approval Holder.

GENERAL

9. This Agreement and the rights and obligations of the parties herein shall be governed and construed according to the laws of the Province of Alberta.
10. No change, modification or alteration of this Agreement shall be valid unless it is in writing and signed by the parties hereto, and no course of dealing between the parties shall be construed to alter the terms hereof.
11. Alberta Environment may, from time to time, waive the performance by the Approval Holder of any provision of this Agreement, either before or after the performance is done but a waiver (a) shall not take effect or be binding upon Alberta Environment unless it is in writing signed by Alberta Environment or under its authority, and (b) shall not limit or affect Alberta Environment's rights with respect to any other breach or non performance whether prior or subsequent thereto.
12. The Approval Holder shall not assign this Agreement.
13. This Agreement sets forth the entire agreement between the parties hereto and shall be deemed to have superseded any and all previous agreements and understandings, whether written or oral, between the parties respecting all rights and obligations as herein described.

This term of this Agreement shall be until _____.

[INSERT ALBERTA ENVIRONMENT STANDARD AGREEMENT SIGNATURE BLOCK]

Schedule A – EnviroVista Champion Commitments

The Approval Holder commits to meeting the following EnviroVista Commitments:

[The following are examples of EnviroVista Commitments that could be included in this Schedule, as referenced in section 2 of the Agreement. Appreciating that these are only examples and would not necessarily be included in every SA, some comments are provided in square brackets]

- (a) Updating the site noise model for the Facility and identifying abatement opportunities where possible.
- (b) The following with respect to public involvement and consultation:
 - (i) continuing open communication with stakeholders by means of website postings and/or mailouts;
 - (ii) preparing and making public *[clearly stipulate how]* an annual performance report with respect to progress toward and achievement of EnviroVista Commitments *[should clearly delineate what needs to be included in report and include clearly delineated performance benchmarks];*
 - (iii) holding an open house at the Facility approximately bi-annually *[should specify purpose for open house];*
 - (iv) providing EH&S communication *[consisting of what?]* twice per year in a community newspaper; and
 - (v) participating in *[list specific]* trade shows to highlight the various environmental initiatives within the region and at the Facility.
- (c) The following with respect to industry leadership:
 - (i) participating in the *[specify which one(s)]* community notification program to ensure that the public is aware of industrial issues and responds to emergencies; and
 - (ii) participating in *...[name(s) of environmental initiative(s)].*
- (d) Reducing:
 - (i) flaring *[define parameters and locations for temporary flaring]* at *[name of units within the Facility];*
 - (ii) fugitive emissions through...; and
 - (iii) emissions of *[name of contaminant]* by *[amount/percentage].*

- (e) Reducing and maintaining emissions levels to achieve the following performance targets:

Contaminant	Performance Target	Date

Schedule B –Regulatory Incentives

[The modified/amended/renewed Approval, referenced in section 2 of the Agreement, will be attached here.]

SAMPLE

Schedule C – Alberta Environment Commitments

Participants at the EnviroVista Champion level will have access to the following incentives. Participants may select any or all of the incentives. In its application for the Champion level, a facility may propose additional incentives for consideration by ALBERTA ENVIRONMENT.

Alberta Environment commits to provide the facility

1. Letters to Elected Officials and Senior Management Officials

ALBERTA ENVIRONMENT will provide letters recognizing the leadership shown by the facility, commending the facility for its stewardship commitments and explaining the exclusive nature of the program. Facilities may request that letters be sent to the local MLA, to other Government of Alberta Ministers and senior officials, to local officials (ex. Mayors or Reeves) to corporate managers in the parent company of the facility and to others identified by the facility (ex. other provincial Ministers, federal officials or Ministers, to financial institutions).

2. Recognition.

ALBERTA ENVIRONMENT will develop a Champion level web page on the EnviroVista site. Champion level participants will receive a special certificate of recognition and will have use of a special logo, distinct from the Leader logo. ALBERTA ENVIRONMENT will use its web site to greater effect in recognizing Champion participants, possibly including pictures, stories and testimonials as well as links to the a facility or corporate web page. ALBERTA ENVIRONMENT in its annual conference and in its participation in other public events (ex: Special Weeks) will give special mention to Champion level participants and their achievements. Senior ALBERTA ENVIRONMENT officials, and the Minister will publicly recognize participants in the Champion level when speaking in public.

3. Coordinated Communications with Participating Facilities.

ALBERTA ENVIRONMENT will coordinate with Champion level facilities on press releases at the time of entry in to the program. Communications would focus on the voluntary beyond regulatory compliance nature of the program and on the partnership approach to environmental management where the department and facility share responsibility for improvement in environmental outcomes. Such coordination will also be available if a facility withdraws is subjected to Program sanctions related to the Stewardship Agreement.

4. Support for Applications for Environmental and other Awards

ALBERTA ENVIRONMENT will provide written support for all participating Champion level facilities' applications for third party environmental awards (ex: Consulting Engineers of Alberta Environmental Awards, Canadian Council of Ministers of the Environment Pollution Prevention Awards, Alberta Emerald Awards...). Regulator support of applications for such awards can provide additional credibility and is often a requirement for a complete submission. ALBERTA ENVIRONMENT will post notices on its web page recognizing EnviroVista winners of these awards.

5. Ongoing Participation in Program Development

The program continues to evolve. The Champion level when established puts the basic program framework in place, however there are many enhancements that could be pursued. Bringing other regulatory agencies in to the program (ex. EUB, SRD), offering sector wide participation, offering corporate wide participation, having categories of Champion level agreements (ex. emission related, reclamation related...) are a few concepts that could be explored. Three seats on the EnviroVista Public Advisory Committee are available to Champion level participants.

6. Policy Forums

The Minister of Alberta Environment will meet annually with executives of Champion level facilities to discuss new policy direction by ALBERTA ENVIRONMENT. These forums are an opportunity for company executives to provide input on policy formation and potential regulatory changes.

7. Regulatory and Process Changes

In the longer term, Champion level participants can use the program as a means for identifying regulatory changes that would be incentives to continue to participate in the Program (ex: evergreen approvals, or longer terms between approval renewals for participants...). Champion level participants can also use the program to recommend process changes (ex: increased use of Director discretion to allow amendments to an approval, provided the changes will have no adverse effect on the environment).

8. Fees and Priority Treatment in Applications

For Champion level applicants fees currently charged by ALBERTA ENVIRONMENT for approvals, amendments and renewals will be waived. ALBERTA ENVIRONMENT will move Champion level applications for amendments, renewals and approvals to the front of the applications line.