



GUIDE *to the*
WATER RESOURCES ACT



**GOVERNMENT OF
NEWFOUNDLAND AND LABRADOR**

Department of Environment

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GUIDE to the WATER RESOURCES ACT

INTRODUCTION

This Guide is intended to help in understanding the *Water Resources Act* SNL 2002 cW-4.01 for Newfoundland and Labrador (WRA). The WRA was passed by the House of Assembly and became law in May 2002. The Guide presents the purpose and principles underlying the *Act* and outlines the main points of each section of the *Act*. A subject index is included.

This is a guide to the WRA, not a legal document. The Guide provides an overview of the *Act*. It is not intended to be a complete description or to replace reading the *Act* and regulations or seeking advice from a lawyer or an environmental expert. Interpretations placed on sections of the *Act* are not binding on the Crown. Amendments may be made to the WRA after publication of this Guide, therefore it is important to refer to the most recent official version of the *Act*.

There is a companion "*Guide to the Environmental Protection Act*". The EPA also became law in May 2002. The EPA and WRA and accompanying regulations comprise the environmental legislation administered by the Department of Environment, replacing eight previous acts - *Environment Act*, *Environmental Assessment Act*, *Pesticides Control Act*, *Waste Management Act*, *Waste Material Disposal Act*, *Well Drilling Act*, *Water Resources Protection Act* and *Crown Lands Act* (water rights licensing provisions). The EPA and WRA consolidate and clarify previous acts and include new or increased authority in some areas.

The 1996 report "*Assessment of the Economic Value of Water and its Contribution to the Economy of Newfoundland*" estimates the total economic value of water to be about \$250 million in the year 1995. On the grand scale, water is of course infinitely valuable, being at the heart of the natural environment and an essential part of social and economic life.

Background

In 1994, the provincial government initiated a comprehensive review of environmental legislation as part of the Regulatory Reform Program. The review looked at the adequacy of ministerial authority to safeguard the environment and ways to improve administrative efficiency and effectiveness. The WRA was designed to ensure the fair allocation, proper use and continuing availability of clean water. Preparation of the WRA by the Departments of Environment and Justice involved a scan of environmental legislation, formulation of new policies, extensive consultation and legal drafting, with Cabinet direction at many stages.

Purpose of Water Resources Act

A *Water Resources Act* has long been needed to revise and consolidate the authority of the Crown in governing the water resources of Newfoundland and Labrador. The purpose of the

WRA is to ensure the continuing availability of clean water for the environmental, social and economic well-being of the province. The policy decisions of Government embodied in the WRA were guided by the prevailing knowledge and experience in this province and the rest of Canada. Fundamental principles of environmental law and practice underlie the *Act*. Relevant social and economic considerations were also taken into account.

The prudent use of water resources depends in large measure on the cooperation and contribution of the people of the province. Government promotes and encourages this, and also has the responsibility to set and enforce rules. The WRA provides for the fair allocation and proper use of water and ensures that water quality is protected. This is achieved primarily by providing legal authority to the Minister of Environment (also to Cabinet and the Courts for specific actions) for:

- Permits for undertakings affecting water, based on national standards for environmental quality
- Licences for the allocation of water rights for specified uses, and
- Enforcement through inspections, monitoring, reporting, and in the event of a contravention, ministerial orders and Court action.

The WRA is not overly prescriptive. Discretion is provided to the Minister (Cabinet and Courts) to choose from among various actions specified in the *Act*, as circumstances warrant.

Two Aspects of Water Resources Act

There are two distinct aspects to the WRA - protection of water and water resource management. The water protection provisions are consistent with the EPA to minimize the adverse effects of human activities on water, wetlands and floodways. This is accomplished largely by means of a permitting system for undertakings affecting water bodies, and water and sewer systems. The resource management provisions are designed to ensure the fair allocation and proper utilization of the province's water resources to maximize socio-economic benefits, in the same way as traditional resources, such as lands, forests, minerals, fish and wildlife. This is accomplished in part through a new licencing system for water rights.

The public will not generally be affected by the requirements of the new *Act*, except in acquiring of water rights or obtaining permits for the alteration of water bodies. Existing rights are not altered by the *Act* and new licences will only be required when old rights expire.

New or Increased Authority

The WRA provides new or increased authority in the following areas:

Protection of Water

- *Act* binds the Crown
- Appeals to the Minister
- Flood risk areas - designation of areas and restrictions on development
- Dam safety - ordering of inspections, repairs, removal of abandoned dams

- Inspections - increased powers for inspectors
- Monitoring - requiring monitoring and reporting of water usage, flows and quality
- Orders - stopping harmful activity immediately, restoring environment, amending orders
- Penalties - consistent range of fines, minimum fines, ticketing, administrative penalties
- Permits - amending permits, denying permits, requiring security
- Prosecutions - consistent set of offences, enabling prosecution of corporate officers
- Public water supply areas - designating potential areas, regulating land use
- Regulations - comprehensive listing of areas where Cabinet may enact regulations
- Reservoirs - regulating levels and stream flow, controlling land use
- Wetlands - restricting harmful activities
- Whistle blower protection - for employees who report or refuse to contravene the *Act*

Water Resource Management

- Licencing system - allocating water for specified uses, amending licences
- Priority of uses - order is domestic, municipal, agricultural, industrial, power generation, or as the Minister or Cabinet decides
- Registry of water rights.

Regulations

The following regulations are in place under the WRA:

1. **Environmental Control Water and Sewage Regulations** stipulate the chemical and biological properties of substances that may be discharged to a sanitary sewer or water body.
2. **Well Drilling Regulations** set the requirements for licencing commercial well drillers and permits for non-domestic wells.
3. **Water Power Rental Regulations** provide for fees for the use of water for power generation.

Principles

The following principles reflected in the WRA provide the basis for achieving the goals of environmental protection, optimum water resource management and sustainable development for Newfoundland and Labrador:

1. **Protection of Human Health:** The protection of human health by maintaining a clean and healthy environment is a primary goal of environmental law and practice. Only by safeguarding the environment can the conditions for physical, mental and social well-being be sustained.
2. **Precautionary Approach:** Where there is a threat of serious or irreversible damage to the environment, all reasonable environmental protection measures will be taken, even if full scientific knowledge is lacking.

3. Sustainable Development: The principle of sustainable development respects the use of both renewable and non-renewable resources to satisfy human needs, improve the quality of life, and protect and preserve life-sustaining natural systems, without jeopardizing the needs of future generations.

4. Stewardship: The WRA provides the legal framework for environmental stewardship, largely by terms and conditions of permits and licences, and inspections and enforcement. The *Act* promotes stewardship through requirements for environmentally responsible practices and processes.

5. Pollution Prevention: Avoiding pollution is much preferred over expensive and often ineffective clean-up of contamination. Release of substances that may cause adverse effects is prohibited.

6. Wise Use of Water Resources: The water resource management provisions of the *WRA* are designed to ensure the fair allocation and proper use of the province's water resources. Multiple use of water is an underlying principle. The goal is to maximize socio-economic benefits in an environmentally responsible manner, in the same way as other resources, such as lands, forests, minerals, fish and wildlife. Any new allocation of water must assure that water quality and flow requirements are maintained for downstream habitat and aquatic life and existing water uses.

7. Stakeholder Involvement: Everyone has an individual and collective obligation to protect the environment and make wise use of resources. In many instances, the WRA requires Government to notify the public and provide opportunities for public participation, including environmental assessments, voluntary reporting, investigation requests, and appeals.

8. Polluter Pays: Under the WRA, those who generate pollution will be held financially responsible for its treatment, disposal and clean-up. No person should benefit financially from polluting and taxpayers should not bear the costs. It is in everyone's interest that environmentally acceptable processes and practices be adopted.

9. Efficient and Effective Administration: The WRA improves administrative efficiency, in line with Regulatory Reform. Government recognizes that overly prescriptive and rigid regulatory control is often not the most effective way to protect the environment and foster sustainable development. Therefore, the *Act* enables Government to be more proactive and cooperative while still maintaining clear responsibilities for environmental protection and water resource management.

10. Enabling Legislation: Rather than prescribing fixed courses of action, the WRA generally enables the Minister (Cabinet or Courts) to choose an appropriate response from specified options depending on the circumstances. This is typically done in consideration of advice from officials of the Department of Environment and other departments.

WATER RESOURCES ACT: SUMMARY

This summary of the WRA outlines the main intent of each part of the Act (in italics) and each section of the Act. The subject index beginning on page 16 may assist in finding the appropriate sections in the table. Please refer to the Act directly for the legal text.

<i>Section</i>	<i>Main Provisions</i>
1	• Title - <i>Water Resources Act</i> (WRA).
2	• Definitions for the WRA.
<i>Application of WRA</i>	
<i>The WRA applies throughout Newfoundland and Labrador to all "persons", including individuals, corporations and government. Water rights provisions are excluded for the Churchill River as the "Churchill Falls (Labrador) Corporation Limited (Lease) Act" and the "Lower Churchill Development Act" apply. Existing (pre-WRA) water rights, held mainly by municipalities and corporations, are not altered by the WRA.</i>	
3	• Exclusion from the WRA of water rights for the Upper Churchill River.
4	• Exclusion from the WRA of domestic uses of water by a landowner adjoining a river or pond, provided there is no appreciable alteration to water quality or quantity.
5	• Exclusion from the WRA of the existing water rights of St. John's, Mount Pearl, Corner Brook, and municipalities under the <i>Municipalities Act, 1999</i> .
6	• References in the WRA to water apply to both surface and ground water.
7	• The WRA binds the Provincial Crown, including departments, agencies and corporations.
PART I - WATER RIGHTS	
<i>Water rights allocate a specified amount of water for a given purpose. Part I of the WRA sets out the comprehensive requirements, procedures and authorities that apply. The water rights licencing system set out in Part I replaces the previous mix of special statutes, grants and leases. Licences under the WRA allocate water, whereas permits approve an undertaking.</i>	
<i>General Provisions</i>	
<i>The general provisions in sections 8 to 13 deal with the ownership of water vested in the Crown and water rights conferred by the Crown. The WRA does not alter existing (pre-WRA) water rights, which are mainly held by industries and municipalities.</i>	
8	• Exclusion from Part I of water rights for the Lower Churchill River.

<i>Section</i>	<i>Main Provisions</i>
9	<ul style="list-style-type: none"> • Ownership and right to use water are vested in the Crown. No rights are acquired by prescription (use). • Rights of property, use and flow conferred by a licence or statute prior to the WRA remain in effect. • A licence does not confer a right to cause adverse effects. • Previous rights to cause adverse effects are extinguished.
10	<ul style="list-style-type: none"> • Persons with existing water rights must notify the Minister and register those rights. • Cabinet may return water rights to the Crown, if in the public interest. • Existing water rights are subject to the WRA. • On expiry of existing water rights, a person must apply under the WRA. • Any pre-WRA rights to export bulk water are canceled without compensation.
11	<ul style="list-style-type: none"> • Registration is required for any pre-WRA use or diversion of water obtained without the required authorization. • The Minister may grant a licence in such cases.
12	<ul style="list-style-type: none"> • Rights to the exclusive use of water are acquired under the WRA, not by riparian ownership nor by prescription (use). • Prohibition of water export, except bottled water up to 30 litres, water used in transport of goods, and approved humanitarian uses.
13	<ul style="list-style-type: none"> • A public registry of water rights may be established by the Department to register all applications for water rights, licences, amendments, transfers, and pre-WRA rights holders.
<p><i>Licences</i></p> <p><i>Sections 14 to 28 set out the licencing provisions to grant rights for specified quantities and uses of water. Licences are not needed for domestic uses, minor riparian alteration, and cases where existing rights apply. Licences only apply where legal water rights are needed, not for common usage of rivers and lakes, e.g. fishing or recreation. Before deciding whether or not to issue a licence and terms and conditions, the Minister will take into account the potential adverse effects on downstream habitat, aquatic life and other users. The licencing system is intended to minimize waste, promote the multi-purpose use of water and generally maximize socio-economic benefits.</i></p>	
14	<ul style="list-style-type: none"> • A person may apply to use, divert or impound water or leave it in it's natural state. • The Minister, after considering potential adverse effects, may issue a licence with terms and conditions. • An application for a licence must include all required information, including any necessary authorizations from a municipal authority. • The Minister shall notify affected departments and may post a notice.

<i>Section</i>	<i>Main Provisions</i>
15	<ul style="list-style-type: none"> • Priority of uses if there is more than 1 application for the same body of water: domestic, municipal, agricultural, commercial/industrial, power generation, other (recreation, conservation ...). • Regarding a licence application, the Minister may grant or refuse a licence, require more information, or require alteration of the proposal. • Cabinet may alter the above priorities of water use for a specific body of water. • Applying first does not give priority. • A person may apply for a higher priority use than an existing licence and the Minister may approve the application and cancel or diminish the lower priority use. • A person losing a licence is entitled to compensation from the new licensee. In case of a disagreement, the <i>Arbitration Act</i> applies.
16	<ul style="list-style-type: none"> • The Minister may reserve unappropriated water for future allocation, if in the public interest.
17	<ul style="list-style-type: none"> • Cabinet may give first priority water use to Hydro. • Cabinet may revoke existing water rights held by Hydro for an applicant with a higher priority use.
18	<ul style="list-style-type: none"> • The Minister may amend a licence after giving notice and considering objections. • Priority uses apply or as the Minister decides.
19	<ul style="list-style-type: none"> • In an emergency, the Minister may suspend licences and designate water uses.
20	<ul style="list-style-type: none"> • A licensee needs the consent of property owners to occupy land.
21	<ul style="list-style-type: none"> • Allocation of water among licence holders according to priority of use. • The Minister may investigate a complaint and reallocate water.
22	<ul style="list-style-type: none"> • The Minister may reduce the licenced quantity of water to the lesser of the amount used or the capacity of works.
23	<ul style="list-style-type: none"> • The Minister shall investigate complaints of non-compliance and either order a licence holder to take corrective action, or dismiss the complaint.
24	<ul style="list-style-type: none"> • A licence holder loses rights if works are not completed in accordance with the licence. Works may be forfeited to the Crown. • The Minister may confirm rights needed for operation of completed works.
25	<ul style="list-style-type: none"> • A licence to flood land conveys no other rights. • The Crown retains the right in the <i>Lands Act</i> to authorize other uses of flooded land, provided a licensee's rights are not infringed upon. • Flooded lands may not be fenced without the Minister's approval.

<i>Section</i>	<i>Main Provisions</i>
26	<ul style="list-style-type: none"> • A licence conveys no rights to use or occupancy of the bed of a body of water, other than for approved works. • Additional rights may be granted to a person under the <i>Lands Act</i>, provided the licence holder's rights are not interfered with and prior notification and an opportunity to be heard is given.
27	<ul style="list-style-type: none"> • A licence holder shall not affect any existing Crown property (roads, buildings, etc.) without the Minister's written approval.
28	<ul style="list-style-type: none"> • A licence holder may apply and the Minister may approve the transfer of licence.
<p><i>Fees and Charges</i></p> <p><i>Fees are intended to offset the Department's cost of providing administrative and technical services for regulatory activities. Fees are generally set out in ministerial policies and are reviewed periodically.</i></p> <p><i>Water use charges may be levied on water used for electricity generation and industrial purposes, with their introduction subject to Cabinet approval. The purpose of such charges has not been to raise substantial revenue, rather the aim is to develop an awareness that water is a publicly owned natural resource that must be used prudently. It is not intended to impose water use charges on municipalities.</i></p>	
29	<ul style="list-style-type: none"> • Cabinet may establish administrative fees and water use charges.
<p>PART II - PROTECTION OF WATER</p> <p><i>The water protection provisions in the WRA are consistent with the Environmental Protection Act intended to minimize the adverse effects of human activities on water. This is accomplished largely by means of a permitting system for undertakings affecting water bodies, which include wetlands and floodways.</i></p>	
<p><i>General Provisions</i></p> <p><i>The general provisions in sections 30 to 32 enable the Minister to support or implement research and educational programs. These will be put in place according to need and available resources.</i></p>	
30	<ul style="list-style-type: none"> • The Minister may undertake mapping and research; and control development on wetlands, floodplains and shorelines.
31	<ul style="list-style-type: none"> • The Minister may require a licensee to install and operate stream flow stations and monitor water quality. • The Minister may require a licensee to collect data and keep records on water flow and quality and pay the costs.
32	<ul style="list-style-type: none"> • The Minister may enter into agreements with provincial and federal governments on water resource management, including interprovincial rivers.

Flood Controls

The Minister has authority to designate flood risk and flood control areas and restrict land development in those areas to protect life and property in the public interest. Currently municipalities restrict development in 36 designated flood risk areas.

<i>Section</i>	<i>Main Provisions</i>
33	<ul style="list-style-type: none"> • The Minister may: <ul style="list-style-type: none"> - Designate flood risk areas and floodways - Regulate land development in those areas - Require flood control measures - Establish a flood forecast centre.
34	<ul style="list-style-type: none"> • The Minister may designate flood control areas where periodic flooding occurs and may regulate land development in those areas.
35	<ul style="list-style-type: none"> • During a flood, the Minister may provide technical assistance and shall coordinate efforts with the Emergency Measures Organization.

Water and Sewer Works

New water and sewer works and alterations to existing works must be approved by the Minister.

36-38.	<ul style="list-style-type: none"> • A municipality, corporation, or individual planning new water and sewer works or alterations to existing works, with a sewage flow exceeding 4546 litres per day, must submit plans and obtain approval from the Minister before proceeding. • If construction on water and sewer works is carried out without authorization, the Minister may investigate and order changes at the expense of the municipality. • The Minister may attach terms and conditions to a permit for water and sewer works or refuse a permit in the public interest. • If there is an adverse effect in water, the Minister may order alterations to the water and sewer works at the expense of the municipality. • Water and sewer works are to be properly maintained, as the Minister may direct. • A municipality may not operate water and sewer works without ministerial approval.
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Protected Water Supply Areas

Sections 39 to 42 set out the Minister's authority in protecting present and potential public water supply areas. Municipalities are responsible for any compensation to property owners arising from the designation of protected water supplies.

40	<ul style="list-style-type: none"> • The Minister may order correction of harmful conditions if drinking water is threatened.
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<i>Section</i>	<i>Main Provisions</i>
41	<ul style="list-style-type: none"> • The Minister may require water quality testing and the owner shall do so and submit reports. • The Minister may take action to remedy any adverse effects.
42	<ul style="list-style-type: none"> • The municipality responsible for a public water supply is required to pay compensation for property injuriously affected under section 39. • The amount of compensation is to be agreed by the parties or determined under the <i>Arbitration Act</i>.
<p><i>Dams and Reservoirs</i></p> <p><i>Throughout Newfoundland and Labrador, there are over 500 dams and reservoirs. Sections 43 to 47 set out the Minister's authority for the enforcement of safety inspections and standards for dams, and the control of activities and water levels in reservoirs. The owner remains responsible for abandoned dams.</i></p>	
43	<ul style="list-style-type: none"> • A dam owner or operator shall maintain the dam in good repair, do inspections, submit reports to the Minister, and abide by the findings of those reports.
44	<ul style="list-style-type: none"> • A dam owner or operator shall notify the Minister of hazardous conditions and take corrective action. • The Minister has free access to the land and may order a dam owner or operator to do timely safety inspections and submit reports. • The Minister may order timely dam improvements for public safety. • Permits are needed prior to works proceeding.
45	<ul style="list-style-type: none"> • The Minister may order a dam owner or operator to maintain, raise or lower water levels and flows. In case of non-compliance, the Minister may act and recover costs.
46	<ul style="list-style-type: none"> • The Minister may order timely clearing of vegetation in reservoirs.
47	<ul style="list-style-type: none"> • The Minister may designate reservoir development areas and regulate land use activities.

Permits

Sections 48 to 52 set out the Minister's authority for a permitting system to minimize adverse effects of development activities on water bodies, floodplains and wetlands.

<i>Section</i>	<i>Main Provisions</i>
48	<ul style="list-style-type: none"> • Activities to alter a body of water, including shorelines and floodplains, require a permit. Activities needing a permit are prescribed in the <i>Act</i> or regulations. • Applicants must submit all required information. • The Minister may grant a permit after considering potential adverse effects and the effectiveness and purpose of the proposal. • The Minister may refuse to issue a permit. • A permit may specify terms and conditions, including security requirements. • If a person proceeds without a permit, the Minister may investigate and order alterations or removal at the person's expense.
49	<ul style="list-style-type: none"> • The Minister may amend a permit due to adverse effects or on request, giving reasons and with 30 days notice. • The Minister may suspend, cancel or consent to the transfer of a permit.
50	<ul style="list-style-type: none"> • A permit holder must immediately provide the Minister with any new information on adverse effects.
51	<ul style="list-style-type: none"> • In an emergency, the Minister may suspend or alter permit requirements. • The Minister may, by regulation, specify emergency water uses not requiring a permit.
52	<ul style="list-style-type: none"> • The Minister may approve the short term alteration of a water body without a permit.
PART III - WELL DRILLING	
<i>Part III carries over the provisions of the previous Well Drilling Act for licencing well drillers and issuing permits for non-domestic wells. The aim is to ensure adequate flows and prevent contamination.</i>	
53	<ul style="list-style-type: none"> • Definitions for Part III
54	<ul style="list-style-type: none"> • Part III applies to sources of ground water and wells drilled.
55-57.	<ul style="list-style-type: none"> • Well drillers require a licence to operate. • The Minister may issue a licence on application and payment of a fee. • Licences expire at the end of each calendar year and must be renewed.
58	<ul style="list-style-type: none"> • Well drillers must apply and the Minister may issue a permit for a non-domestic well. Reports must be submitted to Minister.

<i>Section</i>	<i>Main Provisions</i>
59	<ul style="list-style-type: none"> • Well drillers shall: <ul style="list-style-type: none"> - Report to the Minister within one month of completion of a well - Permit inspections of the site and records - Test well yield - Test for water quality at an accredited laboratory, within one month of drilling - Keep records as prescribed in the regulations.
60	<ul style="list-style-type: none"> • The Minister may establish well withdrawal rates to protect adjacent wells or aquifers and to avoid adverse effects and the owner shall comply.
61	<ul style="list-style-type: none"> • The Minister may establish a protection zone around a non-domestic well. The well owner shall notify the public and comply. A permit for a development activity will only be granted if water quality is not impaired.
62	<ul style="list-style-type: none"> • The Minister may order studies and monitoring of groundwater availability, withdrawal rates, flow, water quality, etc.
63	<ul style="list-style-type: none"> • Well drillers shall show their licence to an inspector on request.
<p>PART IV - REGULATIONS <i>Part IV extends Cabinet's authority to make regulations in those areas listed in section 64. Previous regulations continued under the WRA may be amended and new regulations developed as needed. Section 65 enables fees for administration of the WRA. Government bears the cost of environmental protection as a benefit to society as a whole; however, costs may be recovered that are attributable to a specific person or project.</i></p>	
64	<ul style="list-style-type: none"> • Cabinet may make regulations to carry out the provisions of the WRA. • This section specifies areas in which regulations may be made.
65	<ul style="list-style-type: none"> • The Minister may set fees and forms for administration of the WRA.
<p>PART V - INSPECTION <i>The authority for inspections and investigations is set out in Part V. Inspectors have broad powers to inspect the property and records of licence and permit holders to determine compliance and the existence of any adverse effects. Protection for employees is also provided in this Part.</i></p>	
66	<ul style="list-style-type: none"> • The Minister may: <ul style="list-style-type: none"> - Designate inspectors for the purposes of the Act - Authorize employees to act on the Minister's behalf. • RNC and RCMP officers are designated as inspectors.
67	<ul style="list-style-type: none"> • Inspectors have the powers of peace officers, as defined in the <i>Criminal Code of Canada</i>.

<i>Section</i>	<i>Main Provisions</i>
68	<ul style="list-style-type: none"> Two or more persons, with a supporting affidavit, may request that the Minister investigate an alleged contravention.
69	<ul style="list-style-type: none"> The Minister is required to conduct an investigation of a complaint made under section 68 and report to the parties involved within 90 days.
70	<ul style="list-style-type: none"> All sites relating to permits, other than private dwellings, are subject to inspections.
71	<ul style="list-style-type: none"> Inspectors may enter the site or premises of permit holders to inspect for compliance, adverse effects, releases, and remedial actions. Inspectors may take samples, test substances and review records.
72	<ul style="list-style-type: none"> Where a contravention is suspected and with a warrant, an inspector may enter a premises, with owner's assistance, to search and seize evidence and make inquiries. An inspector may act without a warrant in exigent circumstances.
73	<ul style="list-style-type: none"> Inspectors may have assistants to carry out duties under the WRA.
74	<ul style="list-style-type: none"> An employer is prohibited from dismissing, disciplining or intimidating an employee who refuses to contravene or reports a contravention. It is an offence to willfully provide false information.
75	<ul style="list-style-type: none"> Public employees are not liable, if they are performing their duties in good faith. Liability of the Crown is not affected.

PART VI - ORDERS AND OTHER REMEDIES

Part VI authorizes the Minister to issue an order if there is reason to believe the Act or an approval has been contravened. Orders may be issued for purposes including stopping an activity, controlling harmful releases or carrying out remedial action. In cases of non-compliance, the Minister has authority to carry out the order at the person's expense.

76	<ul style="list-style-type: none"> Where a contravention is suspected, on reasonable grounds, the Minister, his/her designate, or an inspector may issue an order requiring a person, at the person's own expense, within timelines to: <ul style="list-style-type: none"> Stop an activity immediately Take steps to protect or restore the environment Reduce or eliminate a substance release Remedy an adverse effect Require other actions including: altering equipment, submitting plans, doing and reporting on site investigations, providing security to ensure compliance, keeping records, or submitting expert's reports. Terms and conditions may be more stringent in sensitive areas.
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<i>Section</i>	<i>Main Provisions</i>
77	<ul style="list-style-type: none"> • The Minister may amend or revoke an order.
78	<ul style="list-style-type: none"> • An order: <ul style="list-style-type: none"> - May deal with multiple substances or undertakings causing adverse effects and may be directed at more than one person - Continues in effect until it is revoked by the Minister - Is binding on the heirs, executors, trustees or receivers of person receiving order - Applies regardless of when the contravention occurred.
79	<ul style="list-style-type: none"> • If a person does not comply with an order within the time specified, the Minister may carry out the order, at the person's expense. • A person may not recover costs for stop order from the Crown. • An order filed with the Court constitutes a judgement.
80	<ul style="list-style-type: none"> • Persons named in an order are jointly and individually responsible for carrying out the order and paying the costs, unless an agreement with the Minister stipulates otherwise. • For a receiver or trustee, liability is limited to the value of the assets administered unless the receiver contributes to the adverse effect.
81	<ul style="list-style-type: none"> • An insurance settlement may be used to pay the Minister for expenses incurred to carry out an order, subject to the terms of the policy. • The Minister may share a settlement with the persons suffering loss. • The Minister may take Court action against an insurer.
82	<ul style="list-style-type: none"> • The Minister may cancel a licence or permit at the request of a licence holder. • The Minister may cancel a licence or permit, giving notice, where: <ul style="list-style-type: none"> - Rights are not exercised - There is non-compliance with the <i>Act</i>, regulations, permit, licence, or order - False information is provided or fraud is committed - There was an error in issuance - Land ownership is terminated. • The Minister may issue rights to another person. • A person may appeal to the Minister, who shall investigate and make a decision. • In case of cancellation, the person is not relieved of liability for any damage.
PART VII - SECURITY, LEASES AND EXPROPRIATION	
83	<ul style="list-style-type: none"> • The Minister may require financial or other security and may determine the manner of forfeiture or return.
84	<ul style="list-style-type: none"> • The Minister may enter into an agreement with a municipality on management of land used for an undertaking or water use.

<i>Section</i>	<i>Main Provisions</i>
85	<ul style="list-style-type: none"> • Cabinet may expropriate land for an undertaking or water use.
<p>PART VIII - APPEALS <i>Part VII extends a person's right to appeal ministerial decisions and orders.</i></p>	
86	<ul style="list-style-type: none"> • A person may appeal to the Minister within 60 days of an order. • The Minister has 30 days to dismiss the appeal or change the decision. • A person may appeal to the Minister if a new licence affects that person's water rights. The Minister may hold hearings and notify the parties of the decision.
87	<ul style="list-style-type: none"> • A person may appeal to the Court within 30 days of an order. • Procedures for a Court appeal are specified. • An order remains in force pending the outcome of the appeal.
88	<ul style="list-style-type: none"> • An offence under the EPA does not bar a person from civil action.
89	<ul style="list-style-type: none"> • Service of a notice, order, approval, etc. may be by registered mail or personal delivery to a designated person, director or corporate officer.
<p>PART IX - OFFENCE AND PENALTY <i>Part IX stipulates environmental offences and penalties. Monetary penalties are intended to act as a deterrent and to pass on the costs of prosecutions and clean-up to the offender.</i></p>	
90	<ul style="list-style-type: none"> • A person who contravenes the Act, order, licence, or permit is guilty of an offence.
91	<ul style="list-style-type: none"> • Provision for maximum and minimum fines and imprisonment for a conviction of an offence, as follows: <ul style="list-style-type: none"> - Individuals - \$1,000 to \$10,000 and up to six months in jail - Corporations - \$1,000 to \$1,000,000. • The Court may impose a range of non-monetary penalties, in addition to fines.
92	<ul style="list-style-type: none"> • Government may recover the costs of conviction, environmental emergency measures, and other eligible costs from a person convicted of an offence.
93	<ul style="list-style-type: none"> • Certain Crown documents used as evidence in Court do not require an original signature to be admissible.
94	<ul style="list-style-type: none"> • The Minister may appoint analysts for examinations of substances in connection with an inspection or investigation.
<p>PART X - TRANSITIONAL, AMENDMENTS AND REPEAL</p>	
95	<ul style="list-style-type: none"> • Existing (pre-WRA) approvals must all be renewed within two years of the WRA coming into force.

<i>Section</i>	<i>Main Provisions</i>
100. 101.	<ul style="list-style-type: none">• To make them subject to the WRA amend the:<ul style="list-style-type: none">- <i>Hydro Corporation Act</i>- <i>Mineral Act</i>
103	<ul style="list-style-type: none">• Repeal the:<ul style="list-style-type: none">- <i>Crown Lands Act</i>- <i>Water Resources Protection Act</i>- <i>Well Drilling Act</i>

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