

11-016-018 and 11-097-099

Appellants – Laura Peaire and Paula McGinnis, **Operator** – BURNCO Rock Products Ltd., **Location** – Duffield, **Type of Appeal** – see below

Notices of Appeal were received from Laura Peaire on July 20, 2011 and from Paula McGinnis on October 27, 2011 with respect to the June 1, 2011 decisions of Alberta Environment and Water to issue to BURNCO Rock Products Ltd. under the *Water Act*: Licence No. 00253967-00-00 authorizing the operation of a works and diversion of a total combined maximum of 80,750 cubic metres of water annually from the sources of water for commercial purposes (aggregate washing); Approval No. 00254609-00-00 authorizing the operation of a works and drainage of up to 250,000 cubic metres of water annually at a maximum rate of diversion of 0.016 cubic metres per second from pit 1A recharge pond to the Bellhouse Water Management Project for dewatering purposes; and Amending Approval No. 00204375-00-01 which extends the expiry date, changes the file number, and deletes and replaces all terms and conditions of Approval No. 00204375-00-00.

Ms. Peaire's appeals of the Approval and Amending Approval were filed outside the 7-day timeline provided in the *Water Act*. The Board received submissions to determine whether the Appellant's request for an extension of time to appeal should be granted. Upon review of the submissions, the Board granted Ms. Peaire's request for an extension of time to appeal and accepted the appeals were filed in time because Ms. Peaire relied on the information provided in Alberta Environment and Water's letter stating she had 30 days to file an appeal. (See: Preliminary Motion: Peaire v. Director, Central Region, Operations Division, Alberta Environment, re: BURNCO Rock Products Ltd. (20 September 2011), Appeal Nos. 11-017-018-ID1 (A.E.A.B.))

Ms. McGinnis' appeals of the Approval and Amending Approval were filed outside the 7-day timeline and the appeal of the Licence was filed outside the 30-day limit provided in the *Water Act*. The Board received submissions to determine whether the Appellant's request for an extension of time to appeal should be granted. Upon review of the submissions, the Board accepted the appeals were filed in time. Ms. McGinnis did not receive notice of the decisions until October 20, 2011 and her appeals were filed on October 27, 2011, which was within the 7-day time limit for the Approval and Amending Approval and the 30-day time limit for the Licence. (See: Preliminary Motion: McGinnis v. Director, Central Region, Operations Division, Alberta Environment and Water, re: BURNCO Rock Products Ltd. (01 February 2012), Appeal Nos. 11-097-099-ID1 (A.E.A.B.))

In consultation with the participants, a mediation meeting was held on January 26, 2012 in Edmonton. As a result of the resolution reached at the mediation, the appeals filed by Ms. Peaire and Ms. McGinnis were withdrawn and the Board closed its file.