

ALBERTA ENVIRONMENTAL APPEALS BOARD

Appellants – 2161889 Alberta Ltd., Byron Levkulich, and Aaron Patsch, **Operators** – 2161889 Alberta Ltd., Byron Levkulich (former Director of 2161889 Alberta Ltd., JMB Crushing Systems Inc.), Aaron Patsch (former Director of 2161889 Alberta Ltd., JMB Crushing Systems Inc.), Jeffrey Buck (former Director of 2161889 Alberta Ltd., JMB Crushing Systems Inc.), Lisa Ball (former Director of 2161889 Alberta Ltd.), 5141466 Alberta Ltd. o/a JLG Ball Enterprises, and Robert W. Beaverford, **Location** – Athabasca County, **Type of Decision and Date** – Discontinuance, February 7, 2022

Notices of Appeal were received on March 19, 2021 from 2161889 Alberta Ltd., Byron Levkulich and Aaron Patsch (Appellants) with respect to the March 12, 2021 decision of the Director, Boreal North Region, Alberta Environment and Parks, to issue *Water Act* Enforcement Order No. EO-WA-35659-01 (EO) to 2161889 Alberta Ltd., Byron Levkulich (former Director of 2161889 Alberta Ltd., JMB Crushing Systems Inc.), Aaron Patsch (former Director of 2161889 Alberta Ltd., JMB Crushing Systems Inc.), Jeffrey Buck (former Director of 2161889 Alberta Ltd., JMB Crushing Systems Inc.), Lisa Ball (former Director of 2161889 Alberta Ltd.), 5141466 Alberta Ltd. o/a JLG Ball Enterprises, and Robert W. Beaverford in relation to a gravel pit on public land located at W-13-065-18-W4M in Athabasca County.

On March 12, 2021, AEP also issued *Environmental Protection and Enhancement Act* Environmental Protection Order No. EPO-EPEA-35659-07 (EPO) to the same persons in relation to the gravel pit but the Appellants only appealed the EO.

In consultation with the parties, a mediation was held on June 15, 2021. The mediation did not resolve the appeals, however, the Appellants continued to work with the Director to resolve the appeals.

On January 25, 2022, the Director issued Amendment No. 2 to both the EO and EPO by adding Mantle Materials Group Ltd., previously 2161889 Alberta Ltd., as persons responsible and to reflect the approved consolidated remedial plan. Mantle Materials Group was conducting work in accordance with the consolidated remedial plan.

In a letter dated February 4, 2022, the Appellants advised they resolved the issues with the Director and were withdrawing their appeals.

Based on the withdrawal of the appeals, the Board discontinued its proceedings and closed its files on February 7, 2022 with respect to the appeals of 2161889 Alberta Ltd., Byron Levkulich and Aaron Patsch.

Cite: *2161889 Alberta Ltd., et al. v. Director, Boreal North Region, Alberta Environment and Parks* (7 February 2022), Appeal Nos. 20-046-048 (A.E.A.B.), 2022 ABEAB 9.