

ALBERTA ENVIRONMENTAL APPEALS BOARD

2022 ABEAB 38

Appeal Nos. 20-063-065

Cite: *Buck v. Director, Compliance, Regulatory Assurance Division North, Alberta Environment and Parks, et al.* (10 November 2022), Appeal Nos. 20-063-065 (A.E.A.B.), 2022 ABEAB 38.

Appellant – Jeffery Buck, **Operators** - JMB Crushing Systems Inc. and 2161889 Alberta Ltd. (JMB), JMB’s current and former corporate directors, including Jeffrey Buck in his capacity as a former corporate director, and other involved individuals and corporations, **Location** – various locations in Alberta, **Type of Decision and Date** – Discontinuance November 10, 2022

Alberta Environment and Parks’ Directors (AEP) issued Environmental Protection Orders EPO-EPEA-35659-01, EPO-EPEA-35659-02, EPO-EPEA-35659-03, EPO-EPEA-35659-04, EPO-EPEA-35659-05, EPO-EPEA-35659-06, EPO-EPEA-35659-07, EPO-EPEA-35659-08, EPO-EPEA-35659-09, and EPO-EPEA-35659-10 under the *Environmental Protection and Enhancement Act* (EPEA) and Enforcement Order EO-WA-35659-01 under the *Water Act* to JMB Crushing Systems Inc. and 2161889 Alberta Ltd. (JMB), JMB’s current and former corporate directors, including Jeffrey Buck (the Appellant) in his capacity as a former corporate director, and other involved individuals and corporations. The environmental protection orders and enforcement order were related to sand and gravel operations at various locations in Alberta.

On March 31, 2021, the Appellant filed Notices of Appeal with the Board, objecting to being named as a party to the Orders. The Board noted eight of the Notices of Appeal were filed after the expiry of the seven-day time limit specified in EPEA and the *Water Act*, and requested the Appellant provide reasons for filing the appeals late and an explanation as to why the Board should extend the time period for filing an appeal. AEP provided a response submission and the Appellant filed a rebuttal submission. On May 20, 2022, the Board issued a decision dismissing the late-filed Notices of Appeal EAB 20-055-062, and found three Notices of Appeal EAB 20-063-065 were filed on time.

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On May 20, 2022, the Board requested the Appellant and AEP advise if they wished to proceed to a mediation meeting or a hearing regarding appeals EAB 20-063-065. AEP advised on May 31, 2022 that AEP had conducted site visits and work was being undertaken according to an approved remedial plan. They further advised that an update would be provided after AEP conducted follow up inspections.

On November 10, 2022, the Appellant advised the Board that he was withdrawing his appeals. Based on the withdrawal of appeals EAB 20-063, 064 and 065, the Board discontinued its proceedings and closed its files on November 10, 2022.