

Status of Active Appeals

Revised: January 15, 2019

Please contact the Board at 780-427-6207 or gilbert.vannes@gov.ab.ca for more information about the appeals.

Appeal Name & Number	Description of Appeal and Status
719722 Alberta Ltd. EAB 10-031 December 14, 2018	<p>A Notice of Appeal was received from 719722 Alberta Ltd. on November 19, 2010 with respect to Alberta Environment and Sustainable Resource Development's, now Alberta Environment and Parks (AEP), November 12, 2010 decision to issue Environmental Protection Order No. EPO-2010/48-CR under the <i>Environmental Protection and Enhancement Act</i> to 719722 Alberta Ltd. in relation to the clean-up of a retail gas station located at 4710-50 Avenue in Calmar.</p> <p>Hearings were scheduled in 2012, however since AEP agreed to the adjournments and was satisfied with the progress of the delineation and remediation work, the Board granted the adjournments, and requested the parties provide regular updates on the progress of the work. No further amendments have been issued to the Order since March 2012. Updates are due from the Appellant and AEP by February 15, 2019.</p> <p>The Board received applications to intervene from the Town of Calmar, Leduc/Calmar Co-op, and two previous landowners W.W. Importers & Exporters Ltd. and Country Club Inn Ltd. In 2012, the Board issued its <u>Decision</u> granting full intervenor status to all the applicants because the Appellant intends to argue that other persons, including the intervenor applicants, should be named in the Environmental Protection Order. Therefore, the Board determined that all the applicants have a direct interest in the appeal and should be given the opportunity to participate in the appeal.</p>
Peter deGraaf and deGraaf Farming EAB 12-002 December 14, 2018	<p>A Notice of Appeal and request for a Stay were received on April 19, 2012 from Mr. Peter deGraaf and deGraaf Farming with respect to the April 2, 2012 decision of Alberta Environment and Sustainable Resource Development, now Alberta Environment and Parks (AEP), to issue Water Act Enforcement Order No. WA-EO-2012/01-SR to Mr. Peter deGraaf and deGraaf Farming for allegedly infilling a wetland without an approval at SE-19-13-17-W4M near Vauxhaull and Retlaw, Alberta.</p> <p>Mediation Meeting - A mediation meeting was held on June 22, 2012 in Lethbridge that resulted in an interim agreement. Mediation meetings are not open to the public. As a result of that interim agreement, the hearing scheduled for July 25, 2012 was cancelled. Regular status reports are to be provided and the next status reports are due on February 15, 2019.</p> <p>Hearing – The hearing scheduled for July 25, 2012 was cancelled as a result of an agreement reached at mediation. Prior to cancelling the hearing, the Board requested intervenor applications. The Board received applications to intervene from two neighbouring landowners and the Bow River Irrigation District (BRID). On July 26, 2012, the Board issued a letter stating that it was reasonable to expect that any impact to the site that is the issue in the appeal would also impact the adjacent landowners, and therefore the Board granted full intervenor status to the neighbouring landowners. The Appellants raised the possibility that some of the water issues raised in the Enforcement Order are a result of water seeping from the BRID works. This suggests to the Board that the BRID clearly has an interest in the outcome of the appeal hearing, and therefore was granted full intervenor status.</p>
Peter Greenways and Greenways Inc. EAB 12-004 December 6,	<p>A Notice of Appeal was received on May 30, 2012 from Peter Greenways and Greenways Inc. with respect to the May 30, 2012 decision of Alberta Environment and Parks (AEP) to issue to Peter Greenways and Greenways Inc. Enforcement Order No. EO-2012/01-NR for failing to properly store hazardous wastes and hazardous recyclables at Greenway's Inc., a former chrome and nickel plating facility located at 52 Street and 73 Avenue in Edmonton.</p> <p>The mediation meeting scheduled for August 22, 2012 in Edmonton was cancelled at the request of</p>

Appeal Name & Number

Description of Appeal and Status

2018

Mr. Greenways as they are complying with the Order. AEP consented to cancelling the mediation. Mediation meetings are not open to the public. The parties are to provide regular status reports on their progress, and the **next status reports are due January 30, 2019.**

NuVista Energy Ltd.

EAB 13-027

August 31, 2018

A Notice of Appeal was received on March 11, 2014 from the landowner with respect to the September 10, 2013 decision of Alberta Environment and Parks (AEP), to issue to NuVista Energy Ltd. Reclamation Certificate No. 00331855-00-00 for the NuVista Alkali 14-13-24-5 well, located at W Sec. 13, Twp. 24, Rg. 5, W4M, near Oyen.

A mediation meeting was scheduled for June 16, 2014. Mediation meetings are not open to the public. On June 9, 2014 AEP requested the mediation meeting be cancelled to allow for two site visits to assess the site conditions and growth. After consulting with the landowner and NuVista, on June 12, 2014 the Board agreed to cancel the June 16, 2014 mediation and requested the parties provide status reports by July 31, 2014 regarding the assessment of the site and discussions. The appeal was placed in abeyance until a site visit was conducted in 2016. Work has taken place on the land and site visits are occurring to monitor the site. NuVista is to provide regular status reports on their progress. On June 5, 2018, **the Board requested NuVista provide a status report by July 15, 2019.**

Westar Landfill Ltd.

EAB 14-001

January 11, 2019

A Notice of Appeal was received on April 14, 2014 with respect to the April 8, 2014 decision of Alberta Environment and Parks (AEP), to issue to Westar Landfill EPEA Environmental Protection Order No. EPO-2014/04-SSR for allegedly releasing substances from the landfill, located in Cypress County.

The Appellant requested a stay of the Order. AEP agreed to an interim stay and the EPO has been amended by extending the deadlines.

Mediation Meeting - On June 17, 2014, in consultation with the parties, a mediation meeting was held on July 15, 2014. Mediation meetings are not open to the public. A second mediation was scheduled for November 4, 2014, however the parties requested the mediation be rescheduled as the Appellant was conducting testing. The mediation was scheduled for February 4, 2015, however, the Appellant requested the mediation be cancelled as they were waiting for testing results and meeting with AEP in early January. On January 2, 2015 the Board cancelled the February 4, 2015 mediation meeting. Regular status reports were provided by the parties on their progress and a further mediation was held on November 17, 2017. Mediation Meetings are not open to the public. **The parties are to provide status reports by June 28, 2019.**

Palmer Ranch (1984) Ltd.

EAB 14-009

December 19, 2016

A Notice of Appeal was received on May 27, 2014 from Palmer Ranch (1984) Ltd., in relation to the March 31, 2014 decision of the Director, Alberta Environment and Parks (AEP), to issue Water Act Preliminary Certificate No. 00348439-00-00 to Palmer Ranch (1984) Ltd. The Preliminary Certificate states that upon compliance with conditions in the Preliminary Certificate, Palmer Ranch (1984) Ltd. will receive a licence to divert 730 cubic metres of water annually for commercial purposes (water bottling) from a well in NE 29-003-28-W4M that is hydraulically connected to the Waterton River with priority number 2000-04-04-001.

The Board agreed to set aside its May 20, 2015 Decision and hear the merits of the appeal in exchange for the Appellant withdrawing their judicial review. As of October 22, 2016 the judicial review has not been withdrawn.

Hearing - A written hearing is being held and the last submission was received November 30, 2016. On December 19, 2016, the Panel hearing this matter advised it will have questions for the parties and is addressing motions from the parties. This hearing remains open. As of September 11, 2018 there has been no change to the status of this appeal. **The parties are also in**

Appeal Name & Number

Description of Appeal and Status

discussions to resolve the appeal.

The Minister will make the final decision on the appeal. The Board must provide the Minister of Environment and Parks with its Report and Recommendations within 30 days of the hearing closing pursuant to the *Environmental Protection and Enhancement Act*. The due date to provide the Minister with the Report and Recommendations will be determined after the hearing is closed.

**M. Pidherney's
Trucking Ltd.
and 1598768
Alberta Ltd.
EAB 15-001-002**

July 4, 2017

A Notice of Appeal was received on May 8, 2015 with respect to the April 8, 2015 decision of Alberta Environment and Parks (AEP) to issue to M. Pidherney's Trucking Ltd. and 1598768 Alberta Ltd. EPEA Administrative Penalty No. 15/03-AP-RDNSR-15/03 in the amount of \$224,542.00 for operating a pit exceeding 5 hectares without authorization, and failing to report any contravention of the Code of Practice for pits, for a site at SW-5-40-9-W5M in Clearwater County.

Mediation Meeting - A mediation meeting was held on September 2, 2015 and a further mediation was held on December 6, 2016. Mediation meetings are not open to the public.

Hearing - Two issues only were being addressed through a written hearing and submissions were received in February 2017. In May 2017, the Board decided it would proceed to an oral hearing on the two issues. **The hearing is outstanding. As of July 4, 2017 the Board is reviewing comments from the parties on the hearing process set to address this appeal. As of January 15, 2019 there has been no change to the status of this appeal.**

The issues to be heard are: 1. Is the Director obligated to consider what may be an appropriate administrative penalty for a corporation who has been found to have operated a sand and gravel facility without a registration with respect to section 237(2) of the Environmental Protection and Enhancement Act on both subsections (a) and (b)? 2. If the principles of parity and proportionality do apply, what direction would the Board provide as to how a Director ought to consider these principles in the administrative penalty assessment process? Once the Board has made a decision on these issues, it will provide direction on how the remaining issues in this appeal will be dealt with.

Any person, other than the parties, who wished to make a representation before the Board on this appeal was to submit a request by January 6, 2017. The Board did not receive any applications to intervene.

The Board will make the final decision on this appeal. The Board must issue its Decision within 30 days of the hearing closing pursuant to the *Environmental Protection and Enhancement Act*.

**Lafarge Canada
Inc.
EAB 15-021**

December 21,
2018

A Notice of Appeal was received on August 28, 2015 with respect to the August 14, 2015 decision of Alberta Environment and Parks (AEP) to issue *Water Act* Approval No. 00255428-00-00 to Lafarge Canada for the construction and maintenance of an end pit lake for recreational use as a result of reclamation of a sand and gravel extraction operation, and for the construction of river flood protection works including goynes and a rock trenchfill structure for a sand and gravel extraction operation on the NE 34-061-06-W5M and SE 03-062-06-W5M, near Fort Assiniboine.

Mediation Meeting - A mediation meeting was held on December 14, 2015 in Edmonton. Mediation meetings are not open to the public. Discussions continued, however, the appeal was not resolved and the mediation was closed on September 27, 2016.

Preliminary Motions – Lafarge requested the appeal be dismissed on the basis the Appellant is not directly affected by Lafarge's approval. After receiving submissions, the Board issued its [Decision](#) on September 4, 2018 stating the appellant is directly affected and identifying the issues that will be heard at a hearing.

Hearing – **A hearing is scheduled for April 30, 2019** commencing at 8:30 am at the Board's office. **Any person, other than the parties, who wishes to make a representation to the Board**

Appeal Name & Number

Description of Appeal and Status

on this appeal must submit a request by fax (780-427-4693) or by email (gilbert.vannes@gov.ab.ca) to the Board by 4:30 pm on January 29, 2019. It is your responsibility to ensure your request is received. The request shall contain the name, address and email of the person making the request; indicate whether the person is being represented and if so, their contact information; and a summary of the nature of the person's interest in the appeal. Applications will only be considered if the information will assist the Board in making its decision, and will not duplicate the information provided by the parties. After January 29, 2019, the Board will, in its discretion, determine if other persons may make representations, and the manner in which they can be made. Once the Board makes a decision on any intervenor applications, the hearing will be open to the public for viewing only. For further information regarding the appeal, please contact the Board.

The information requested is necessary to allow the Environmental Appeals Board to perform its function. The information is collected under the authority of the *Freedom of Information and Protection of Privacy Act*, section 33(c). Section 33(c) provides that personal information may only be collected if that information relates directly to and is necessary for the processing of this appeal. The information you provide will be considered a public record.

The Minister of Environment and Parks will make the final decision on this appeal. The Board must provide the Minister with its Report and Recommendations within 30 days of the hearing closing pursuant to section 99(1) of the *Environmental Protection and Enhancement Act*.

Diamond H Farms Ltd., Peter Hebert and Gabriel Hebert
EAB 15-027-029

A Notice of Appeal was received on October 16, 2015 from Diamond H Farms Ltd., Peter Hebert and Gabriel Hebert regarding the October 9, 2015 decision of Alberta Environment and Parks (AEP) to issue to Diamond H Farms Ltd., Peter Hebert and Gabriel Hebert *Water Act* Enforcement Order No. WA-EO-2015/05-LAR for allegedly conducting activities in relation to the Columbine Creek without a *Water Act* authorization.

October 2, 2018

Mediation Meeting - A mediation meeting was held on December 10, 2015 in St. Paul. Mediation meetings are not open to the public. **The mediation is ongoing and status reports on the parties' progress are due January 15, 2019.**

728106 Alberta Ltd. and Wolfgang Wendrich (Crowsnest Mountain Resort)
EAB 16-006

A Notice of Appeal and request for a stay were received on July 4, 2016 from Wolfgang Wendrich on behalf of Crowsnest Mountain Resort in relation to the June 30, 2016 decision of Alberta Environment and Parks (AEP) to issue to 728106 Alberta Ltd. (operating as Crowsnest Mountain Resort) and Wolfgang Wendrich, EPEA Environmental Protection Order No. EPO-2016/03-SSR for allegedly operating or maintaining a non-compliant water delivery system in a manner that may cause or is causing the potable water supplied by that system to be unfit for its intended uses.

November 18, 2016

The Board requested additional information from the Appellant regarding the stay application and on July 26, 2016 denied the stay request. Since AEP did not want to proceed to a mediation meeting, a hearing was scheduled for October 21, 2016. On September 2, 2016, AEP advised the Order was cancelled and as a result the Board cancelled the hearing. **On November 18, 2016, the Board dismissed the appeal for being moot and stated it will issue its reasons in due course. As of January 15, 2019, there has been no change to the status of this appeal.**

Town of Wainwright
EAB 16-009

A Notice of Appeal was received on July 18, 2016 regarding the July 6, 2016 decision of Alberta Environment and Parks (AEP), to issue *Water Act* Approval No. 00367709-00-00 to the Town of Wainwright to infill and disturb wetlands near SE-05-45-06-W4M in Wainwright.

January 10, 2019

Mediation Meeting – The mediation meetings scheduled for June 28, 2017 and September 7, 2017 were cancelled. Mediation meetings are not open to the public. The parties have reached an agreement and the conditions should be fulfilled by March 22, 2019. The Board requested the

Appeal Name & Number

Description of Appeal and Status

parties provide updates every two months on the progress of fulfilling the agreement. **The next status reports are due March 14, 2019.**

Hearing – The hearing scheduled for May 29, 2018 was cancelled at the request of the parties.

Cherokee Canada Inc. and 1510837 Alberta Ltd.

EAB 16-028-029 and 16-034-035

January 2, 2019

Notices of Appeal were received from Cherokee Canada Inc. and 1510837 Alberta Ltd. on October 3, 2016 regarding the October 3, 2016 decisions of Alberta Environment and Parks (AEP), to suspend an application and refuse to issue an Amending Approval without providing reasons in relation to EPEA Approval No. 9724-04-00, and to suspend an application and refuse to issue a Remediation Certificate without providing reasons to Cherokee Canada Inc. and 1510837 Alberta Ltd., with respect to a portion of the Domtar wood processing site located in Edmonton.

Alberta Environment and Parks stated no decision has been made by AEP that is appealable under section 91 of the *Environmental Protection and Enhancement Act*. On November 10, 2016, AEP provided a submission on their motion the appeals should be dismissed for not being valid appeals. Submissions were received from the parties on AEP's motion to dismiss. AEP has also provided their records regarding this matter. An oral preliminary motions hearing was held on August 3, 2017. The purpose of the preliminary motions hearing was to hear oral legal arguments from the participants on the following motions: refusal to issue an Amending Approval with respect to EPEA Approval No. 9724-04-00; refusal to issue a Remediation Certificate; the decision to suspend the application for an Amending Approval with respect to EPEA Approval No. 9724-04-00; and the decision to suspend the application for a Remediation Certificate.

On September 13, 2017 the Board issued a letter on the motions, with reasons to be issued, stating the appeals of the refusal to issue an amending approval and remediation certificate (16-028-029) are properly before the Board, and the appeals of the suspension of the applications (16-034-035) are moot. The Board issued its [Decision](#) on December 21, 2018. As of January 15, 2019, further processing of appeals 16-028-029 has not been set.

See Appeals 17-073-084 regarding the Domtar and Cherokee preliminary motions hearing and hearing with respect to the Orders. The preliminary motions hearing and hearing do not include appeals 16-028-029.

TELUS Communications Inc.

EAB 16-042

December 14, 2018

A Notice of Appeal was received on November 25, 2016 in relation to the October 28, 2016 decision of Alberta Environment and Parks (AEP) to issue *Environmental Protection and Enhancement Act* Administrative Penalty No. EPEA-16/12-AP-UAR-16/12 in the amount of \$634,315.00 to TELUS Communications for allegedly disposing waste without authorization near the Town of Hinton.

Mediation Meeting – The mediation meeting scheduled for June 27, 2018 was cancelled at the request of the parties, and held November 15, 2018. Mediation meetings are not open to the public. **Discussions are ongoing and status reports are due from the Appellant and AEP by January 31, 2019.**

Lafarge Canada Inc.

EAB 16-044

December 7, 2018

A Notice of Appeal was received on November 29, 2016 in relation to the October 28, 2016 decision of Alberta Environment and Parks (AEP) to reject Lafarge's reclamation certificate Application No. 001-00378221 in relation to the Gee Pit held under Registration No. 00015079-00-00, located at SE 33-42-26-W4M in Ponoka County.

Mediation Meeting – The parties attended a site visit in June 2017 and a mediation meeting on November 2, 2018. Mediation meetings are not open to the public. The mediation resulted in the appeal being withdrawn. **On December 7, 2018, the Board issued its [Report and Recommendations and Minister's Order](#) and closed its file.**

**Appeal Name &
Number**

Description of Appeal and Status

**Aurora Heights
Management
Ltd.**
EAB 16-045

January 2, 2019

A Notice of Appeal was received on December 7, 2016 from Aurora Heights in relation to Alberta Environment and Parks' (AEP) failure to process an application dated July 15, 2014, for a *Water Act* Approval for wetland restoration/compensation in relation to lands located at SE 34-39-27-W4M and SW 35-39-27-W4M in the Town of Blackfalds.

Alberta Environment and Parks requested the appeal be dismissed stating AEP has not made a decision that creates a right of appeal under section 115 of the *Water Act*. A schedule has been set to receive submissions on AEP's motion to dismiss the appeal and the final submission was received on February 21, 2017. On July 12, 2017, the Board Panel hearing this matter was reconstituted. On October 6, 2017 the Board stated it will hold an oral preliminary motions hearing on all the motions raised in this appeal 16-045 (failure of the Director to process an application) and in appeals 16-049-051 (enforcement order). The Board held an oral preliminary motions hearings on December 5, 2017 for appeal 16-049-051 (enforcement order) and on December 6, 2017 for appeal 16-045 (failure of the Director to process an application) in Edmonton. The preliminary motions hearing was open to the public for viewing only. **The Board issued its [Decision](#) on November 26, 2018 stating it has jurisdiction to hear the appeal of the Approval application.**

Mediation Meeting – A mediation meeting is being scheduled and is dependent on the parties' schedule.

**Aurora Heights
Management
Ltd., Ronald
Henschel and
Garry Will**
EAB 16-049-051

January 2, 2019

Notices of Appeal were received from Aurora Heights Management Ltd., Ronald Henschel and Garry Will on December 17, 2016 in relation to the December 16, 2016 decision of Alberta Environment and Parks (AEP) to issue Enforcement Order No. WA-EO-2016/03-RDNSR to Aurora Heights Management Ltd., Ronald Henschel and Garry Will for allegedly infilling a wetland without an approval at SE-34-39-27-W4M and SW-35-39-27-W4M in the Town of Blackfalds.

The Board reviewed the stay application from the Appellants and on January 30, 2017 granted a temporary stay until submissions can be received from AEP and the Appellants. The final submission was received on February 17, 2017 and the Board will make a final decision on the stay application. On July 12, 2017 the Board Panel hearing this matter was reconstituted. A decision on the stay application is outstanding. On October 6, 2017 the Board stated it will hold an oral preliminary motions hearing on all the motions raised in this appeal (16-045) (failure of the Director to process an application) and in appeals 16-049-051 (enforcement order). There were objections to holding one preliminary motions hearing for both appeals. The Board held oral preliminary motions hearings on December 5, 2017 for appeal 16-049-051 (enforcement order) and on December 6, 2017 for appeal 16-045 (failure of the Director to process an application) in Edmonton. The preliminary motions hearing was open to the public for viewing only. **The Board issued its [Decision](#) on November 26, 2018 lifting the temporary stay on the Order.**

Mediation Meeting – A mediation meeting is scheduled for March 6, 2019. Mediation meetings are not open to the public.

**Domtar Inc.,
Cherokee
Canada Inc.,
1510837 Alberta
Ltd.**
EAB 16-052-054

May 18, 2018

Notices of Appeal were received from Domtar Inc., Cherokee Canada Inc. and 1510837 Alberta Ltd. on December 22 and 23, 2016 in relation to the December 20, 2016 decision of Alberta Environment and Parks (AEP) to issue Environmental Protection Order No. EPO-2016/05-RDNSR to Domtar Inc., Cherokee Canada Inc. and 1510837 Alberta Ltd. for the clean-up of a site where a wood processing plant that produced treated wood products operated from 1924 to 1987, located at 4439-127 Avenue in Edmonton.

Domtar, Cherokee and 1510837 Alberta Ltd. filed stay applications and the Board determined that a temporary stay will be granted until the Board receives submissions. The last submission on the stay was received March 28, 2017.

A preliminary motions hearing was held on September 19, 2017 to address the appeals of the

Appeal Name & Number**Description of Appeal and Status**

Environmental Protection Order (EPO) (16-052-054) and the Enforcement Order (EO) (16-055-056). The preliminary motions hearing was open to the public for viewing only.

Following the September 19, 2017 preliminary motions hearing, the Board issued a letter on September 22, 2017 stating: the Appellants document production motions were withdrawn; the stay request of the EPO was adjourned sine die with the interim stay of the EPO remaining in place; the interim stay of the EO remains in place while the Board determines if the appeal of the EO is valid; the motion on the consolidation of the appeals was withdrawn as it was agreed the parties' counsel and Board counsel will discuss the processing of the appeals after the Board makes a decision on the validity of the EO appeal. The letter also stated that additional information will become available as result of sampling conducted by AEP.

The Board issued its [Decision](#) on May 4, 2018 containing the reasons for its decisions from the September 19, 2017 preliminary motions hearing.

On May 18, 2018, the Director, AEP, cancelled the EPO as a result of the new 2018 orders that were issued (see appeals 17-073-084).

See 17-073-084 for details regarding the preliminary motions hearing and hearing for the 2018 Orders and the 2016 Order (EAB 16-055-056).

**Cherokee
Canada Inc.,
1510837 Alberta
Ltd.
EAB 16-055-056**

Notices of Appeal were received from Cherokee Canada Inc. and 1510837 Alberta Ltd. on December 23, 2016 in relation to the December 16, 2016 decision of Alberta Environment and Parks (AEP) to issue Enforcement Order No. EPEA-EO-2016/03-RDNSR to Cherokee Canada Inc. and 1510837 Alberta Ltd. for the clean-up of a site where a wood processing plant that produced treated wood products operated from 1924 to 1987, located at 4439-127 Avenue in Edmonton.

June 8, 2018

The Appellants requested a stay of the Enforcement Order. The Board granted an interim stay and received submissions from the parties. AEP has requested the appeal be dismissed citing the Board has no jurisdiction in this case. The last submission on this motion was received March 22, 2017.

A preliminary motions hearing was held on September 19, 2017 to address the appeals of the Environmental Protection Order (EPO) (16-052-054) and the Enforcement Order (EO) (16-055-056). The preliminary motions hearing was open to the public for viewing only.

Following the September 19, 2017 preliminary motions hearing, the Board issued a letter on September 22, 2017 stating: the Appellants document production motions were withdrawn; the stay request of the EPO was adjourned sine die with the interim stay of the EPO remaining in place; the interim stay of the EO remains in place while the Board determines if the appeal of the EO is valid; the motion on the consolidation of the appeals was withdrawn as it was agreed the parties' counsel and Board counsel will discuss the processing of the appeals after the Board makes a decision on the validity of the EO appeal. The letter also stated that additional information will become available as result of sampling conducted by AEP. On October 31, 2017, the Board advised the parties that the Board has jurisdiction to hear the appeals of the EOs and that reasons for this decision will be issued in due course.

The Board issued its [Decision](#) on May 4, 2018 containing the reasons for its decisions from the September 19, 2017 preliminary motions hearing. The decision only contains the Board's reasons for deciding it has jurisdiction to hear the appeal and does not address the other motions as the parties agreed to defer discussions on stay, document production and consolidation of appeals.

See 17-073-084 for details regarding the preliminary motions hearing and hearing for the 2018 Orders (18-005-010) and the 2016 Order (16-055-056).

**Mohinder Gill
and Five Pillar
Holdings Ltd.**

A Notice of Appeal was received on February 7, 2017 from Mohinder Gill and Five Pillar Holdings Ltd. with respect to Alberta Environment and Parks' (AEP) January 12, 2017 decision to cancel Water Act Licence No. 20320 and to issue Water Management Order No. WMO-2017/01-SSR for a water well that supplied water to the Wheatland Hotel in the Town of Strathmore.

Appeal Name & Number

Description of Appeal and Status

EAB 16-057, 061-063

December 11, 2017

Mediation Meeting - The mediation meeting held May 10, 2017 was unsuccessful.

Preliminary Motions - AEP has requested the appeal be dismissed for being moot. On June 2, 2017, the Board requested AEP provide their detailed motion and once received the Board will set a schedule to receive submissions. On September 25, 2017 the Board received AEP's detailed motion and submission requesting the appeal be dismissed. AEP stated the information contained in the Director's Record and in the submission show that no legal use can be made of the groundwater well at Lot 8, Block 1, Plan 7711503, in the Town of Strathmore, or diversions of groundwater from it. AEP further stated, any decision the Minister could make regarding the appeals of the cancellation of Water Act Interim Licence No. 11738 and the issuance of Water Management Order No.WMO-2017/01-SSR would be moot, and therefore the appeals should be dismissed. Submissions were received on the issues. **The last submission was filed on November 24, 2017, and the Board Panel will now make a decision on AEP's motion to dismiss the appeal.** The Board panel convened on December 11, 2017 and **as of January 15, 2019 there has been no change to the status of this appeal.**

KGL Constructors

EAB 16-059-060, 17-001-004, 007-012, 015-016, 019-028

June 23, 2017

Twenty-four Notices of Appeal and requests for a stay were received between on March 15, 2017 and April 25, 2017 with respect to Alberta Environment and Parks' (AEP) decisions of March 10 and 24, 2017 to issue to KGL Constructors *Water Act* Approvals. Approval 00390716-00-00 authorizes KGL to disturb 4 wetlands at the Elbow River and Weaselhead crossing at NE 26-023-02-W5M and SE 35-023-02-W5M. Approval 003986014-00-00 authorizes KGL to realign and infill a portion of the Elbow River at NE 26-023-02-W5M and SE 35-023-02-W5M, in the City of Calgary for the construction of the southwest Calgary ring road.

Alberta Environment and Parks requested the appeals be dismissed stating the Appellants are not directly affected and did not file Statements of Concern with AEP, which are pre-requisites for filing an appeal with the Board. The Board has requested the Appellants: answer the questions regarding their stay requests; state how the environmental impacts of the work under the Approvals directly and personally affect them; state if they filed a statement of concern with AEP in response to the advertised public notice for KGL's Approvals; and state whether the notice of the application for the project was adequate. The Appellants provided the information and **on June 23, 2017, the Board dismissed 22 of the 24 appeals for not filing a Statement of Concern with AEP. Reasons for dismissing the appeals will be issued in due course.**

The 2 remaining appeals have been challenged by AEP stating the Appellant is not directly affected. Directions from the Board on these two appeals (Maureen Bell's appeals) are outstanding. As of January 15, 2019 there has been no change to the status of Ms. Bell's appeals.

For information regarding the hearing held on October 23-25, 2017 for Mr. Brookman and Ms. Tulick's appeals of KGL's Approval 00388473-00-00 for disturbing wetlands and changing the direction of the water – see Appeals 17-047 & 17-050 listed below.

Town of Beaverlodge

EAB 17-029-042

January 17, 2018

Fourteen Notices of Appeal and requests for a stay were received between April 26, 2017 and May 16, 2017 with respect to the December 12, 2016 decision of the Director, Alberta Environment and Parks (AEP), to issue *Water Act* Approval No. 00372572-00-00 to the Town of Beaverlodge for the construction of two fish passage structures to facilitate fish movement past the weir located at SW 34-071-10-W6 and SE 34-071-10-W6M on the Beaverlodge River.

The Board requested the appellants provide an explanation on the timing of the appeals considering the *Water Act* provides for a 7 day period for filing appeals of *Water Act* approvals. The Approval was issued December 12, 2016 and the appeals were filed between April 26 and May 16, 2017.

On July 20, 2017 the Board stated it is of the view that the Appellants have made a *prima facie* case for a stay. Therefore, given the nature of the project, which includes construction of works in a

Appeal Name & Number

Description of Appeal and Status

watercourse, the Board has decided to grant an interim (temporary) stay of the Approval, pending a determination of whether the appeals before the Board are valid.

The purpose of the stay is to allow the Board to complete the submission process and determine whether the appeals before the Board are valid. The Board reviewed the submissions and **on November 8, 2017 dismissed 12 of the appeals** for not filing a Statement of Concern with AEP (in this case a prerequisite to filing an appeal with the Board), **and dismissed 2 appeals** for filing the appeals late as there was no basis for the Board to grant an extension to the filing deadline. **The Board's November 8, 2017 letter also stated the stay (stop order) was lifted and reasons for the Board's decisions to dismiss all of the appeals will be issued in due course. As of January 15, 2019 the reasons remain outstanding.**

Reconsideration Request - On November 9 and December 11, 2017 the Appellants requested the Board reconsider its November 8, 2017 decision to dismiss the appeals. Submissions were received on whether the Board should undertake the reconsideration request. **The last submission was received on January 17, 2018 and the Board Panel will make a decision. As of January 15, 2019 the Board has not made a decision.**

**Associated
Aggregates Inc.**
EAB 17-046

April 17, 2018

A Notice of Appeal was received on August 4, 2017 in relation to the July 28, 2107 decision of the Director, Alberta Environment and Parks (AEP), to issue *Water Act* Enforcement Order No. WA-EO-2017/04-RDNSR to Associated Aggregates Inc. Associated Aggregates operates a sand and gravel pit on public lands located at E1/2-14-49-7-W5M in Drayton Valley. The Order states that Associated Aggregates Inc. has contravened section 36(1) of the *Water Act*, by commencing excavation which resulted in the South End Pit Lake, including the Constructed Berm, without an approval.

Preliminary Motions – The Board will receive submissions on the Appellant's stay request and the AEP's motion to dismiss the appeal which argues that the Order is not appealable under section 115(1)(p) of the *Water Act*. On September 1, 2017 the Board issued an interim stay of the Order to allow the Board to consider the submissions on AEP's motion and the stay application. On September 6, 2017 the Board determined that the appeal was valid and stated reasons will be issued in due course. **As of January 15, 2019, the Board's reasons remain outstanding.**

Mediation Meeting – A mediation meeting was held on March 23, 2018 that resulted in a **resolution of the appeal**. Mediation Meetings are not open to the public.

Hearing – The hearing scheduled for April 25, 2018 has been cancelled as a result of the successful mediation.

**KGL
Constructors**
EAB 17-047-051
& 17-054-061

March 20, 2018

Thirteen Notices of Appeal were received between August 11, 2017 and August 18, 2017, along with requests for a stay. These appeals are in relation to the August 11, 2017 decision of the Director, Alberta Environment and Parks (AEP) to issue to KGL Constructors *Water Act* Approval No. 00388473-00-00 authorizing KGL to permanently disturb (in-fill) 24 wetlands for a total of 22.07 ha of wetland loss and change the location of water for the purpose of dewatering wetlands. The work is being done as part of the south west Calgary ring road project.

Stay - On August 12, 2017 the Board issued a stay of the Approval. However, on August 18, 2017, the Board modified the stay. The stay is now limited to the work authorized by the Approval in relation to Wetlands 06 (the Beaver Pond), 07, 08 and 09. The wetlands are outlined in the Approval. The stay was modified on September 11, 2017 to remove a reference to Watercourse 01 because there is no work being conducted in Watercourse 01. On September 19, 2017 KGL requested the Board remove the stay on wetlands 07, 08 and 09. The Appellants requested the stay be expanded to include 24 wetlands and Watercourse 01. After receiving submissions on both applications, on October 2, 2017, the Board denied both applications to revise the stay, therefore the stay remains in place for Wetlands 06 (the Beaver Pond), 07, 08 and 09 only. On October 26, 2017, the Board received a request from KGL, based on an agreement reached between KGL and the Appellants, to remove Wetland 09 from the stay. On October 27, 2017, the Board stated that

Appeal Name & Number**Description of Appeal and Status**

based on the request by the parties and as discussed at the hearing, the Board has released the stay in relation to Wetland 09. The release of the stay with respect to Wetland 09 will accommodate the tie in of the concrete pipe to convey the water that would otherwise flow in Watercourse 01. All other terms of the stay remain in place for Wetlands 06 (Beaver Pond), 07 and 08. On October 30, 2017, the Board received a request from the Appellants for a stay in relation to Wetland 11. Submissions were received and on November 2, 2017, **the Board denied the stay with reasons to be issued. As of January 15, 2019 the reasons remain outstanding.**

Standing - Of the 13 appeals 3 were accepted and 10 were dismissed. The appeals of Mr. Jeff Brookman (17-047) and Ms. Allie Tulick (17-050) will proceed to a hearing. One Appellant that was accepted withdrew their appeal. The other appeals were dismissed for: not being directly affected; or their appeal did not relate to the wetlands covered by this Approval (they appear to be related to the berms and bridge that are not part of this Approval); or they did not file a statement of concern with AEP (a prerequisite to filing a Notice of Appeal in this case); or they did not file a valid statement of concern with AEP (filed their statement of concern 10 days late). **The Board is to issue its reasons for its decisions. As of January 15, 2019 the reasons remain outstanding.**

Hearing - A hearing was held on **October 23, 24 and 25, 2017**. Initial hearing submissions were received from the Appellants, AEP and the Director on October 4 and response submissions are due October 11, 2017. Intervenors were required to file submissions on October 4, 2017 only. Intervenors were decided (see below). The hearing is open to the public for viewing only.

Intervenor Applications - Any person, other than the parties, who wished to make a representation before the Board on these appeals was to submit a request to the Board by September 15, 2017. On September 28, 2017, the Board permitted the following intervenors to give a 10 minute presentation at the hearing, be cross-examined by the parties adverse in interest and questioned by the Board: Alberta Transportation, Rocky View County, Ms. Sherie Angevine, Ms. Maureen Bell, Ms. Janice Fraser, Mr. Charles Hansen, Mr. Barry Lester, Mr. Leon Nellissen, Ms. Sarah Nevill, Weaselhead Society, Calgary Nature, and Mr. Manoj Sharma. The intervenors were required to file a submission on October 4, 2017. Rocky View County advised that it would not be presenting at the hearing. Ms. Sherie Angevine withdrew her intervenor request.

The hearing was open to the public for viewing only.

Report to the Minister and Minister's Decision - The Minister of Environment and Parks will make the final decision on these appeals. The Board must provide the Minister with its Report and Recommendations within 30 days of the hearing closing pursuant to section 99(1) of the *Environmental Protection and Enhancement Act*. The Report and Recommendations was provided to the Minister on November 24, 2017.

On January 29, 2018, the Minister made her decision on these appeals by issuing a Ministerial Order and Reasons of the Minister. The Minister accepted the Board's recommendations but added additional requirements to the Approval. [The Board's Report and Recommendations, the Minister's Order and the Minister's Reasons are contained in one PDF.](#)

Final Costs – At the hearing, the Appellants and KGL reserved their right to apply for costs. The Appellants filed a cost application. **On March 20, 2018 comments on the Appellants' application were received from KGL and AEP. The Board Panel will now make a decision on the cost application. As of January 15, 2019, there has been no change to the status of this appeal.**

**Tollestrup
Construction &
Honey Holdings**
EAB 17-052 & 17-
053

December 18,
2018

A Notice of Appeal was filed on August 16, 2017 with respect to the August 10, 2107 decision of the Director, Alberta Environment and Parks (AEP), to issue *Water Act* Enforcement Order No. WA-EO-2017/05-SSR to Tollestrup Construction (2005) Inc. and Honey Holdings Ltd. for allegedly conducting an activity without authorization which may have impacted a wetland on lands at SE-11-009-22-W4M, SW-12-009-22-W4M, NW-01-009-22-W4M, and NE-01-009-22-W4M in Lethbridge.

A stay application was received from the Appellants on August 25, 2017. The Board requested comments from AEP on the application by September 22, 2017 and final comments from the Appellants by September 29, 2017. On September 28, 2017, the Appellant requested the appeal be placed in abeyance while discussions take place with AEP. On October 4, 2017 the Board

Appeal Name & Number

Description of Appeal and Status

granted the abeyance, suspended the submission schedule on the stay, and requested the parties provide regular status reports on their discussions. **The next status reports are due by January 25, 2019.**

Sears Canada Inc., Concord North Hill GP Ltd. and Suncor Energy

EAB 17-069-070 & 18-013

January 11, 2019

Notices of Appeal were received on March 6 and 7, 2018 from Sears Canada Inc. and Concord North Hill GP Ltd. with respect to the decision of the Director, Alberta Environment and Parks (AEP), to issue Environmental Protection Order No. EPO-2018/01-SSR, under the *Environmental Protection and Enhancement Act* to Sears Canada Inc. and Concord North Hill GP Ltd. for a release of a substance which has caused, is causing or may cause an adverse effect on the environment in relation to lands located at Plan 8210266, Block 21, in the City of Calgary. On October 17, 2018 Suncor Energy appealed AEP's October 11, 2018 decision to issue Amendment No. 2 of Environmental Protection Order No. EPO-2018/01-SSR and requested a stay of the Order. Amendment No. 2 adds Suncor Energy as a responsible party.

Suncor Stay Request – On November 26, 2018 the Board granted an interim stay. Submissions were received to determine whether the stay would remain in place until the appeal was heard. **On January 11, 2019 the Board stated the stay would remain in place, with conditions, until the Minister makes a decision on the appeals or unless the Board orders otherwise. The Board directs the monitoring and sampling to continue and the development only of the remediation plan to continue. The stay applies only to the implementation of the remediation plan.** Counsel for the Director advised that a remediation plan has been provided. **The Board will provide reasons for its decision in due course.**

Mediation Meeting – AEP no longer wishes to participate in a mediation meeting. **The Board advised it may still be worthwhile to explore mediation with the Appellants as any agreements could be presented to the Director. The Board requested the Appellants provide schedules from February 4 to March 15, 2019 for a mediation meeting, by January 17, 2019.**

Hearing – There are no common dates for a hearing and parties are to revisit their schedules and provide 2 consecutive days from February 19 to June 28, 2019 for a 2-day hearing, by January 17, 2019.

1809668 Alberta Inc. and Harvest Hills Golf Course Ltd.

EAB 17-071 & 17-072

June 21, 2018

A Notice of Appeal was received on March 8, 2018 from Calgary River Forum Society with respect to the February 6, 2018 decisions of the Director, Alberta Environment and Parks (AEP), to issue: *Water Act* Licence No. 00392661-00-00 to 1809668 Alberta Inc. for the operation of a works and the diversion of up to 126,719 cubic metres of water annually for irrigation purposes; and *Water Act* Licence Amendment No. 00027286-00-04 to Harvest Hills Golf Course Ltd. reducing the allocation of water and removing two concrete weirs.

AEP requested the Board determine if the Society has standing to appeal and whether they are directly affected by the Licence. The Board set a schedule to receive submissions on AEP's motions and the last submission was received June 20, 2018. The Board will determine if the appeals are valid. **As of January 15, 2019 there has been no change to the status of this appeal.**

Cherokee Canada, 1510837 Alberta Ltd., Domtar Inc.

EAB 17-073-084
EAB 16-055-056
EAB 18-005-010

Notices of Appeal were received on December 23, 2016, March 23, 2018 and July 19, 2018 from Cherokee Canada, 1510837 Alberta Ltd. and Domtar Inc. with respect to the December 16, 2016, March 16, 2018 and July 19, 2018 decisions of the Director, Alberta Environment and Parks (AEP), to issue Orders for the clean-up of a site located at 44 Street and 127 Avenue in Edmonton that operated as a wood processing and treatment plant from 1924 to 1987. The site was previously owned by Domtar.

AEP issued the following 7 Orders:

Appeal Name & Number

Description of Appeal and Status

December 9, 2018

- EPEA-EO-2016/03-RNSR (berm);
- Amendment No. 1 to EPEA-EO-2016/03-RNSR (Amendment No. 1 adds Domtar Inc. as a party to the Order and amends the remedial requirements);
- EPEA-EO-2018/02-RDNSR (proposed residential area of Parcel Y at Plan 1321679, Block 1, Lot 1, not including the berm);
- EPEA-EO-2018/03-RDNR (municipal Greenbelt area located at SW and NW 18-53-23-W4M, which is next to the site);
- EPEA-EO-2018/04-RDNSR (Parcel X of the site which is located next to the south boundary of a CN Railway line, Yellowhead Trail, 50 Street to the west, Parcels C and Y to the east, and residential homes north and east of the site);
- Amendment No. 2 EPEA-EO-2018/02 (Parcel Y residential area)
- EPEA-EO-2018/06-RDNSR (Parcel C located adjacent to the CNR line and extends into Parcel X)

Preliminary Motions

The hearing scheduled for July 23-27 and August 27-31, 2018 has been adjourned because of preliminary motions raised by AEP related to the allegation of bias by the Board Chair regarding decisions made with respect to the Cherokee/Domtar appeals. An oral preliminary motions hearing was held on July 24-26, 2018 as well as a case management meeting. The preliminary motions hearing and case management meeting were open to the public for viewing only.

On August 2, 2018, the Board issued a [Decision](#) with respect to the July 24-26, 2018 preliminary motions hearing. The Board decided that it did not need to decide whether a reasonable apprehension of bias existed. It decided to rehear and re-decide the preliminary matters that were decided by the Board Chair. With respect to jurisdiction, the Board decided it did have jurisdiction stating AEP's argument that the orders are not appealable is not consistent with the overall scheme of the legislation. With respect to the Appellants' stay requests, the Board decided that the requirements to issue a stay have been met because excavating and removing the contaminated material from the property may not be the best way to deal with the materials and that the status quo is to remain until a full hearing is held and the Minister makes a decision on the appeals. Finally, with respect to the Orders issued July 19, 2018, AEP requested the issue of jurisdiction and the stay requests be addressed at an oral motions hearing and Cherokee requested the full hearing panel hear the motions. Therefore, with respect the July 19, 2018 Orders, the Board has granted a stay until the matter can be heard. A preliminary motions hearing took place on August 14, 2018 and on August 20, 2018 the Board stated it had jurisdiction to hear the appeals and the stays of the July 2018 orders would remain in place until the Minister made her decision. The preliminary motions hearings were open to the public for viewing only.

Hearing

The hearing was held on August 27-31, September 12-15 and October 11-13, 2018. The hearing was open to the public for viewing only.

Intervenors

Any person, other than the parties, who wished to make a representation before the Board at the hearing on these appeals was to submit a request to the Board by June 11, 2018. The City of Edmonton and Alberta Health Services were permitted to participate in these appeals. The hearing was open to the public for viewing only.

For further information on these appeals, please contact the Board.

Final Decision

The Minister of Environment and Parks will make the final decision on all of these appeals. The Board must provide the Minister with its Report and Recommendations within 30 days of the hearing closing pursuant to section 99(1) of the *Environmental Protection and Enhancement Act*. Closing hearing submissions were received and the hearing closed on November 23, 2018. The Board requested and received an extension from the Minister to provide her with the Board's Report and Recommendations. **The Board is to provide the Minister with its Report and Recommendations by January 31, 2019.**

Appeal Name & Number	Description of Appeal and Status
<p>Minister of Transportation EAB 18-001 May 8, 2018</p>	<p>A Notice of Appeal was received on April 30, 2018 with respect to the April 13, 2018 decision of the Director, Alberta Environment and Parks (AEP), to issue <i>Water Act</i> Approval No. 00411192-00-00 to Her Majesty the Queen in Right of Alberta represented by the Minister of Transportation (Transportation) for the disturbance associated with the drilling and reclamation of 3 boreholes located at SW 10-024-04-W5M in Rocky View County, Alberta.</p> <p>The appellants requested a stay of the approval and at the request of the Board, provided further information on May 7, 2018. On May 4, 2018, Transportation advised that the boreholes were drilled April 27 and further work was undertaken the week of May 6, 2018. As of May 8, 2018, the Board is reviewing the file. As of January 15, 2019, there has been no change to the status of this appeal.</p>
<p>Aurora Heights Management Ltd. EAB 18-004 December 17, 2018</p>	<p>A Notice of Appeal was received on July 19, 2018 from Aurora Heights Management Ltd. regarding the July 13, 2018 decision of the Director, Alberta Environment and Parks (AEP), to refuse an application from Aurora Heights for an amendment to <i>Water Act</i> Approval No. 00354103-00-00. AEP refused the application because there is no adequate stormwater management system in the northwest portion of the Town of Blackfalds. Further, AEP stated an adequate outlet for the area needs to be finalized by the Town of Blackfalds and approved by AEP prior to any further developments occurring.</p> <p>Mediation Meeting – A mediation meeting was held on November 22, 2018 and discussions are ongoing. Mediation meetings are not open to the public. Status reports are due from the parties on January 18, 2019.</p>
<p>Cherokee Canada, 1510837 Alberta Ltd., Domtar Canada EAB 18-005-010</p>	<p>See appeals EAB 17-073-084 above.</p>
<p>Crowsnest-Pincher Creek Landfill Association EAB 18-011 and 18-012 December 6, 2018</p>	<p>Notices of Appeal were received on August 20 and 22, 2018 with respect to the July 23, 2018 decision of the Director, Alberta Environment and Parks (AEP), to issue an amended approval to the Crowsnest/Pincher Creek Landfill Association for the Class II landfill where more than 10,000 tonnes per year of non-hazardous waste is disposed of. The amendment is for the construction, operation, and reclamation of an incinerator at the landfill.</p> <p>Mediation Meeting – A mediation meeting is scheduled for January 22, 2019. Mediation meetings are not open to the public.</p>
<p>Donald Belland EAB 18-014 December 21, 2018</p>	<p>A Notice of Appeal was received on October 26, 2018 with respect to the October 23, 2018 decision of the Director, Red Deer North Saskatchewan Region, Alberta Environment and Parks (AEP), to issue <i>Water Act</i> Enforcement Order No. WA-EO-2018/09-RDNSR to Donald Belland for allegedly commencing or continuing an activity without an approval at SW-5-58-9-W4M in the County of St. Paul No. 19.</p> <p>Mediation Meeting – A mediation meeting is scheduled for February 14, 2019. Mediation meetings are not open to the public.</p>

Appeal Name & Number	Description of Appeal and Status
<p>Zaia Abraham & Romy Tittel EAB 18-015 January 11, 2019</p>	<p>A Notice of Appeal and request for a stay were received on November 7, 2018 with respect to the October 31, 2018 decision of the Director, South Saskatchewan Region, Alberta Environment and Parks (AEP), to issue <i>Water Act</i> Enforcement Order No. WA-EO-2018/08-SSR to Zaia Abraham and Romy Tittel requiring them to cease using a water well on their property located at Lot 68, Plan 9010544 in Rocky View County.</p> <p>The Board reviewed the stay application and on December 21, 2018 denied the request.</p> <p>Mediation Meeting – A mediation meeting is scheduled for March 13, 2019. Mediation meetings are not open to the public.</p>
<p>Fred Wishloff, Allied Paving Co. Ltd. EAB 18-016 December 17, 2018</p>	<p>A Notice of Appeal was received on November 13, 2018 with respect to the November 5, 2018 decision of the Director, Lower Athabasca Region, Alberta Environment and Parks (AEP), to issue Administrative Penalty No. EPEA-18/07-AP-LAR, in the amount of \$28,000, under the <i>Environmental Protection and Enhancement Act</i> to Fred Wishloff, Allied Paving Co. Ltd, for allegedly contravening sections 109(2), 110(1), 112 and 182 of the <i>Environmental Protection and Enhancement Act</i> relating to the release of asphalt oil into the environment at two locations within the industrial park located at NW 34-66-14-W4M in Lac La Biche County.</p> <p>A mediation meeting is scheduled for March 19, 2019. Mediation meetings are not open to the public.</p>
<p>Lehigh Hanson Materials Ltd. EAB 18-017 January 11, 2019</p>	<p>A Notice of Appeal was received on November 14, 2018 with respect to the October 31, 2018 decision of the Director, Upper Athabasca Region, Alberta Environment and Parks (AEP), to issue Approval No. 00291305-00-00, under the <i>Water Act</i> to Lehigh Hanson Materials Ltd. for aggregate extraction below the water table, pit to pit dewatering, construction of settling ponds, and construction and maintenance of end pit waterbodies located at SW 24-054-02-W5M and S1/2 23-054-02-W5M in Lac Ste Anne County.</p> <p>Lehigh and AEP requested the appeal be held in abeyance while discussions are taking place. Status reports are due from the parties by January 18, 2019.</p>
<p>Waste Connections of Canada (Progressive Waste Solutions Canada) EAB 18-018 December 14, 2018</p>	<p>A Notice of Appeal was received on November 23, 2018 with respect to the November 23, 2018 decision of the Director, Alberta Environment and Parks (AEP), to refuse a request of confidentiality under s.35(5)(b) of the <i>Environmental Protection and Enhancement Act</i> in relation to the release of Waste Connections of Canada annual report for the Coronation Landfill. The appeal relates to EPEA Approval No. 70686-02-00 issued to Progressive Waste Solutions Canada Inc.</p> <p>Mediation Meeting – A mediation meeting is being scheduled for February 2019.</p>
<p>West Fraser Mills Ltd. EAB 18-019 January 11, 2019</p>	<p>A Notice of Appeal and request for a stay were received on December 28, 2018 with respect to the November 30, 2018 decision of the Director, Upper Athabasca Region, Alberta Environment and Parks (AEP), to issue EPEA Approval No. 108-03-00 to West Fraser Mills Ltd. for the construction, operation and reclamation of the Slave Lake Chemithermomechanical Pulp Manufacturing Plant.</p> <p>Stay Request – AEP advised it would agree to a temporary stay of certain clauses in the Approval until the conclusion of a mediation or by June 28, 2019, whichever is earliest. If</p>

Appeal Name & Number	Description of Appeal and Status
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	West Fraser wishes to file a stay application, it is due by January 21, 2019. AEP advised they will provide the Director's records by February 15, 2019.
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Environmental Appeals Board
#306, 10011-109 Street
Edmonton, AB T5J 3S8
Phone: 780-427-6207
Fax: 780-427-4693
Email: gilbert.vannes@gov.ab.ca