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# ALBERTA ENVIRONMENTAL APPEAL BOARD

## Decision

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Date of Decision: February 11, 2000

**IN THE MATTER OF** Sections 84, 86 and 87 of the *Environmental Protection and Enhancement Act*, (S.A. 1992, ch. E-13.3 as amended);

**-and-**

**IN THE MATTER OF** an appeal filed December 10, 1999 by Jack Fleming, Duncan Fleming and Cecilie Fleming with respect to Code of Practice for Small Landfills Registration Number 77849 issued to the Willow Creek Regional Waste Management Services Commission by the Director, Prairie Region, Alberta Environment.

Cite as: Fleming v. Director, Prairie Region, Alberta Environment, *re: Willow Creek Regional Waste Management Services Commission*.

## TABLE OF CONTENTS

BACKGROUND.....1

DECISION .....2

## BACKGROUND

[1] On December 10, 1999, the Environmental Appeal Board (Board) received a Notice of Appeal from Mr. Jack Fleming, Mr. Duncan Fleming and Ms. Cecilie Fleming (Appellants) purporting to appeal the registration, by the Director, Prairie Region, Alberta Environment (Department), of a Code of Practice for Small Landfills filed by the Willow Creek Regional Waste Management Services Commission.

[2] The Director signed the original registration form (Code of Practice for Small Landfills) on November 10, 1999, and gave it number Registration Number 77849.

[3] The Board forwarded the Notice of Appeal to affected parties for comment. The Director responded on December 15, 1999 by saying, in part:

The records provided under cover of your December 13th, 1999 letter [that is the records included with the Fleming's appeal] show that the landfill in question was registered under the Code of Practice for Landfills. Such registrations are not appealable to the Board in accordance with s. 84 of the *Environmental Protection and Enhancement Act*.

[4] The Board forwarded this response to Mr. Fleming for comment on December 20, 1999. The reply, received January 20, 2000, documents a series of extra concerns they have with this project. However, it does not identify any decision, approval or other matter that, once issued, could give a right of appeal under section 84 of the *Environmental Protection and Enhancement Act*<sup>1</sup>.

[5] The Board has no blanket authority to hear appeals in environmental matters. It may only process and hear appeals when the party appealing does so based on one of the specific events listed in section 84. Without that, the Board lacks the authority to proceed. In this case, the Board is of the opinion that the matters raised by the Flemings, although important to them for the reasons set out in their correspondence, are not matters properly before the Board. Therefore, the appeal must be

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<sup>1</sup> S.A. 1992, ch. E-13.3 (as amended).

dismissed.

**DECISION**

[6]           The Board concludes that the appeal must be dismissed.

Dated on February 11, 2000 at Edmonton, Alberta.

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Dr. William A. Tilleman, Q.C.