

ALBERTA ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

Date of Discontinuance of Proceedings – December 6, 2007

IN THE MATTER OF sections 91, 92, and 95 of the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12; and section 115 of the *Water Act*, R.S.A. 2000, c. W-3;

-and-

IN THE MATTER OF appeals filed by Don Meredith, Paula McGinnis, Laura Peaire, Mike Agostini, Brenda Reddekopp, Jean Morrison, Jana Siminiuk, and Gordon Phillips with respect to *Water Act* Approval No. 00204375-00-00, *Environmental Protection and Enhancement Act* Approval No. 203803-00-00, *Water Act* Licence No. 00203992-00-00 issued to Burnco Rock Products Ltd., and *Water Act* Amending Approval No. 00022289-00-01 and *Water Act* Amending Approval No. 00022289-00-02 issued to Parkland County by the Director, Central Region, Regional Services, Alberta Environment.

Cite as: *Meredith et al. v. Director, Central Region, Regional Services, Alberta Environment, re: Burnco Rock Products Ltd. and Parkland County* (6 December 2007), Appeal Nos. 06-011, 012, 013, 038 & 039-DOP (A.E.A.B.).

I. BACKGROUND

[1] On March 23, 2006, the Director, Northern Region, Regional Services, Alberta Environment (the “Director”), issued under *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12 (EPEA), and section 115 of the *Water Act*, R.S.A. 2000, c. W-3; *Water Act* Approval No. 00204375-00-00, EPEA Approval No. 203803-00-00, and *Water Act* Licence No. 00203992-00-00 to Burnco Rock Products Ltd. for the operation of a gravel pit near Duffield, Alberta; and *Water Act* Amending Approval Nos. 00022289-00-01 and 00022289-00-02 to Parkland County (collectively the “Approvals and Licence”). The Approvals and Licence were issued in relation to the opening up, operation and reclamation of a gravel pit on NW 22-53-03-W5M and SE 16-53-03-W5M, near Duffield, Alberta.

[2] Between April 27 and May 23, 2006, the Environmental Appeals Board (the “Board”) received 34 Notices of Appeal from the following persons:

Mr. Don Meredith, Appeal Nos. 06-011, 06-012, 06-013, 06-038, 06-039;
 Ms. Paula McGinnis, Appeal Nos. 06-014, 06-015, 06-016, 06-017, 06-018;
 Ms. Laura Peaire, Appeal Nos. 06-019, 06-020, 06-021, 06-042, 06-043;
 Mr. Mike Agostini, Appeal Nos. 06-022, 06-023, 06-024, 06-044, 06-045;
 Ms. Brenda Reddekopp, Appeal Nos. 06-028, 06-029, 06-030;
 Ms. Jean Morrison, Appeal Nos. 06-025, 06-026, 06-027, 06-047, 06-048;
 Ms. Jean Siminiuk, Appeal Nos. 06-032, 06-033, 06-034, 06-048, 06-049; and
 Mr. Gordon Phillips, Appeal No. 06-046

(collectively the “Appellants”) appealing the Approvals and Licence.

[3] This Discontinuance of Proceedings deals with the appeals filed by Mr. Don Meredith only.

[4] Between May 1 and 23, 2006, the Board wrote to the Burnco Rock Products Ltd. and Parkland County (the “Approval Holders”), the Director, and the Appellants (collectively the “Parties”) acknowledging receipt of the Notices of Appeal and notifying the Director and Approval Holders of the appeals. The Board requested the Director provide the Board with a copy of the records (the “Record”) relating to these appeals and that the Parties provide available dates for a mediation meeting, preliminary meeting, or hearing.

[5] According to standard practice, the Board wrote to the Natural Resources Conservation Board and the Alberta Energy and Utilities Board asking whether this matter had been the subject of a hearing or review under their respective legislation. Both boards responded in the negative.

[6] On June 5, 2006, the Board received a copy of the Record from the Director, and on June 13, 2006, forwarded a copy to the Appellants and the Approval Holders.

[7] On July 12, 2006, Ms. McGinnis applied for a Stay of the Approvals. On August 8, 2006, the Board notified the Parties by letter that the Stay request was denied. The Board provided its reasons for its decision in the same letter.

[8] In consultation with the Parties, the Board scheduled a mediation meeting for August 16, 2006. A series of subsequent meetings were also held (September 10, 2006, January 11, 19, and 23, 2007, and February 12, 2007) in an attempt to resolve the appeals. No resolution was reached, and on August 17, 2007, the Board notified the Parties that the appeals would be proceeding to a Hearing on December 12 and 13, 2007.

[9] On November 28, 2007, the Board received an e-mail from Mr. Meredith withdrawing his appeals.

II. DECISION

[10] Pursuant to section 95(7) of the *Environmental Protection and Enhancement Act*, and based upon the withdrawal of the appeals by Mr. Meredith, the Board hereby discontinues its proceedings in Appeal Nos. 06-011, 012, 013, 038 and 039 and closes its file.

Dated on December 6, 2007, at Edmonton, Alberta.

Dr. Steve E. Hrudey, FRSC, PEng
Chair