



ENVIRONMENTAL PROTECTION AND ENHANCEMENT ACT

BEING CHAPTER E-12 R.S.A. 2000 (the "Act")

ENVIRONMENTAL PROTECTION ORDER NO. EPO-2013/19-CR

Kingkorp Ltd.
Range Road #1
Evansberg Alberta T0E 0T0

WHEREAS Kingkorp Ltd., formerly known as Calistar Construction Services Ltd., (the "Operator") has operated a gravel pit (the "Pit") on portion of land legally described as NW-4-53-7-W5M (the "Land"), in Parkland County, in the Province of Alberta;

WHEREAS the Operator obtained Amending Approval No. 208754-00-01 (the "Approval") on July 12, 2004 for the opening up, operation and reclamation of the Pit on the Land;

WHEREAS Robert and Linda Mattice own the Land (the "Landowners");

WHEREAS the Land is "specified land" within the meaning of section 134(f) of the *Act* and section 1(t) of the *Conservation and Reclamation Regulation*, AR 115/93 (the "*Regulation*");

WHEREAS section 137 of the *Act* requires an operator to conserve and reclaim specified land; a reclamation certificate is required unless exempted by the *Regulation*;

WHEREAS section 1(l) of the "Code of Practice for Pits" (Alberta Environment, 2004) (the "Code of Practice") reads that a "pit" is any opening or excavation in or working of the surface or subsurface for purposes of removing any sand, gravel, clay or marl... with a total surface area of 5 hectares (12.5 acres) or more;

WHEREAS by letter dated October 1, 2004, Alberta Environment (as it was then known) advised the Operator that, as a result of regulatory changes, it must obtain a registration for the Pit under the Code of Practice. The Operator was advised that its Approval would only remain in force until November 1, 2008;

WHEREAS by letters dated October 3, 2008 and April 17, 2009, Alberta Environment again advised the Operator that it must obtain a registration for the Pit; Alberta Environment extended the expiry date of the Approval to November 1, 2009;

WHEREAS by letter dated July 14, 2010, the Operator asked Alberta Environment to intervene and assist the Operator to access the Land;

WHEREAS by letter dated August 30, 2010, Alberta Environment advised the Operator of its obligation under the *Act* to obtain a registration for the Pit by September 30, 2010;

WHEREAS between August 30, 2010 and December 20, 2011, correspondence was exchanged between the Operator, Alberta Environment and the Landowners regarding access to the Land;

WHEREAS by letter dated December 20, 2011, Alberta Environment and Water (as it was then known) advised the Operator that it must apply for a registration by February 29, 2012;

WHEREAS by letter dated May 4, 2012, Alberta Environment and Water sent a Notice of Investigation to the Operator regarding its failure to register and reclaim the Pit on the Land;

WHEREAS between June 11, 2012 and July 31, 2012, e-mails were exchanged between Alberta Environment and Sustainable Resource Development ("ESRD") (as it is now known) and the Operator to arrange a survey of the Land;

WHEREAS on August 2, 2012 ESRD staff met with the Operator and the Landowners on the Land to ensure access was granted to the Land and communicate the necessary cooperation needed between the parties in order to achieve regulatory compliance;

WHEREAS between September 4, 2012 and November 2, 2012, e-mails were exchanged between ESRD and the Operator as to when ESRD could expect the Operator to apply for a registration for the Pit;

WHEREAS to date ESRD has not received a registration application from the Operator nor issued a registration for the Pit;

WHEREAS on March 29, 2013 ESRD attended the Land and observed that the Land had not been reclaimed. ESRD has not received any information from the Operator or from the Landowners indicating that the Land has been reclaimed;

WHEREAS Faye Hutchings, District Compliance Manager (Acting), Central Region, has been appointed an inspector under the *Act* for the purposes of issuing an environmental protection order under section 140 of the *Act* (the "Manager");

WHEREAS the Manager is of the opinion that the Operator has failed to conserve and reclaim the Pit, and to meet the reclamation obligations in the *Act*, the *Regulation* and the Code of Practice;

WHEREAS the Manager is of the opinion that the Operator has contravened section 61 of the *Act* by continuing any activity that is designated in the regulation as requiring a registration;

THEREFORE, I, Faye Hutchings, District Compliance Manager (Acting), Central Region, pursuant to section 140 of the *Act*, DO HEREBY ORDER:

1. The Operator shall **immediately** cease operation of the Pit, including all activities at the Pit relating to the working, recovery, removal or sale of soil, gravel, sand or any other material from the Land.
2. The Operator shall, by **May 31, 2013**, submit to the Manager, for the Manager's approval, a written reclamation plan for the Pit (the "Plan").

3. The Plan shall include and comply with all reclamation requirements in the *Act*, the *Regulation*, and the Code of Practice.
4. In addition to Paragraph 3, the Plan shall also include:
 - a) the application of reclamation requirements in Section 5.2 of the Code of Practice and requirements of the Activities Plan in Schedule 2, Part 2 of the Code of Practice;
 - b) a clear description of any portion of the Land to be reclaimed or any infrastructure remaining on the Land;
 - c) a proposal for reasonable access times and dates for the reclamation work which shall provide minimal disruption to the Landowners; and
 - d) a schedule of implementation for the proposed reclamation work which shall have no later than **August 30, 2013** as the completion date.
5. The Operator shall implement the Plan in accordance with the schedule of implementation as approved by the Manager.
6. Within 14 days of completion of all reclamation work under the Plan, the Operator shall submit a final written report (the "Final Report") to the Manager detailing the work undertaken to comply with this Order.
7. On or before **September 30, 2014**, the Operator shall apply to ESRD for a reclamation certificate for the Pit pursuant to the requirements in the *Act* and *Regulation*, and shall supply any further information as required by ESRD in order to process the application for the reclamation certificate.

DATED at the City of ^{Spruce Grove} ~~Edmonton~~ in the Province of Alberta, this 16 day of April, 2013.

Original signed by:

Faye Hutchings
District Compliance Manager (Acting)
Central Region

Section 91 of the *Environmental Protection and Enhancement Act* may provide a right of appeal against this decision to the Alberta Environmental Appeals Board. There may be a strict time limit for filing such an appeal. A copy of section 91 is enclosed. For further information, please contact the Board Secretary at #306 Peace Hills Trust Tower, 10011 - 109 Street, Edmonton, Alberta, T5J 3S8; telephone (780) 427-6207; fax (780) 427-4693.

Notwithstanding the above requirements, the Party(ies) shall obtain all necessary approvals in complying with this order.

Take notice that this environmental protection order is a remedial tool only, and in no way precludes any enforcement proceedings being taken regarding this matter under this Act or any other legislation.