

120430152P1

IN THE PROVINCIAL COURT OF ALBERTA
CRIMINAL DIVISION

BETWEEN:

HER MAJESTY THE QUEEN

I HEREBY CERTIFY THIS TO BE A
TRUE COPY OF THE ORIGINAL OF
WHICH IT PURPORTS TO BE A COPY.

DATED THIS 3 DAY OF Jan 2014

M. Collette
Clerk of the Provincial Court of Alberta

- and -

DAYSLAND WELDING LTD.



BEFORE THE HONOURABLE)
JUDGE L. E. Malin)
AT EDMONTON, ALBERTA)

On Friday, the 3rd day of
January, 2014.

**ORDER PURSUANT TO SECTION 234(1) OF THE
ENVIRONMENTAL PROTECTION AND ENHANCEMENT ACT**

WHEREAS Daysland Welding Ltd. has pled guilty to an offence under the
Environmental Protection and Enhancement Act, to wit:

Count 8:

On or about the 26th day of October, 2010, at or near Daysland, in the
Province of Alberta did knowingly provide false or misleading information
pursuant to a requirement under the *Environmental Protection and
Enhancement Act* to provide information, contrary to section 227(a) of the
Environmental Protection and Enhancement Act;

AND WHEREAS ~~in addition to~~ a fine of \$10,000.00 as against Daysland
Welding Ltd., imposed under the *Environmental Protection and Enhancement
Act*, inclusive of victim fine surcharge.

"has been imposed"
L.E.M.

AND WHEREAS the Court has noted the October 10, 2013 reporting letter of Melody Crozier and Roger Inkpen of Shelby Engineering Ltd. attached hereto as Schedule "A"; **AND WHEREAS** the Court notes that the Schedule "A" letter shows that all but a small portion of real property located at Plan 8821562, Lot 1B meets or exceeds the 2001 Risk Management Guidelines for Petroleum Storage Tank Sites.

AND WHEREAS the Court has noted the October 16, 2013 proposal letter of Melody Crozier and Roger Inkpen of Shelby Engineering Ltd. attached hereto as Schedule "B"; **AND WHEREAS** the Court notes that the Schedule "B" Letter contains a concrete proposal to ensure that the last remaining small portion of the real property located at Plan 8821562, Lot 1B meets or exceeds the 2001 Risk Management Guidelines for Petroleum Storage Tank Sites.

IT IS HEREBY ORDERED THAT:

1. Pursuant to the provisions of section 234(1)(b) of the *Environmental Protection and Enhancement Act*, DAYS LAND WELDING LTD. will:
 - a. Provide all necessary funds, material, equipment, and labour to implement and complete the October 16, 2013 proposal of Shelby Engineering Ltd. attached hereto as Schedule "B" with appropriate amendments to satisfy all concerns of the Crown with regards to land contouring, groundwater, and other technical issues;
 - b. Follow all directions and instructions from Shelby Engineering Ltd. necessary to implement and complete the goals expressed in the October 16, 2013 proposal of Shelby Engineering Ltd. attached hereto as Schedule "B" with appropriate amendments to address all concerns of the Crown with regards to land contouring, groundwater, and other technical issues;
 - c. Provide at least 30 days written notice via email to both Hanneke Brooymans, Environmental Investigations Liaison, Alberta Environment and Sustainable Resource Development at hanneke.brooymans@gov.ab.ca and Todd Urquhart, Environmental Protection Officer, Alberta Environment and Sustainable Resource Development at Todd.Urquhart@gov.ab.ca prior to commencing any of the Paragraph 3.0 Excavation Activities, Paragraph 5.0 Contaminated Soil Disposal, Paragraph 6.0 Hydrocarbon Resistant Liner, and Paragraph 7.0 Backfill activities outlined in the October 16, 2013 proposal of Shelby Engineering Ltd. attached hereto as Schedule "B".
 - d. Provide the necessary funds and information to Shelby Engineering Ltd. so that Shelby Engineering Ltd. completes a final report of its progress in implementing and completing its October 16, 2013 proposal of Shelby Engineering Ltd. attached hereto as Schedule "B" with appropriate amendments to satisfy all concerns of the

Crown with regards to land contouring, groundwater, and other technical issues.

- e. Forward a copy of Shelby Engineering Ltd.'s final report contemplated in paragraph 1(d) to Hanneke Brooymans, Environmental Investigations Liaison, Alberta Environment and Sustainable Resource Development at hanneke.brooymans@gov.ab.ca in order that she can forward the final report to the Court, the Crown, and any other interested party.
2. DAYSLAND WELDING LTD. will ensure that all steps set out in paragraph 1 of this Order are completed on or before January 3, 2016.
3. In the event that any of the conditions of this Order cannot be satisfied, the parties have leave to appear before this Honourable Court to seek further direction.

DATED this 3rd day of January, 2014 in Edmonton, in the Province of Alberta.

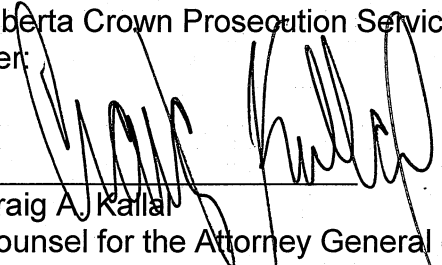
L.E. Malin

Judge of the Provincial Court of Alberta

APPROVED AS TO FORM AND CONTENT BY:

Alberta Crown Prosecution Service, Specialized Prosecutions Branch


Per:



Craig A. Kallal
Counsel for the Attorney General of Alberta

Miller Thomson LLP

Per:



Daniel C.P. Stachnik, Q.C.
Solicitor for Daysland Welding Ltd, Daysland Backhoe and Trucking Ltd., Michael James Mickla, and Ted Badry also known as Theodore Gregory Badry