

IN THE PROVINCIAL COURT OF ALBERTA CRIMINAL DIVISION

Between:

HER MAJESTY THE QUEEN

and

RYAN JEFFERY SANDERSON

AGREED STATEMENT OF FACTS

Background

1. On Information 200188712P1, Ryan Jeffery Sanderson ("Mr. Sanderson") stands charged that:

On or between the 1st day of January 2015 and the 31st day of December 2016, at or near the Town of Bow Island, in the Province of Alberta, did provide false or misleading information pursuant to a requirement to provide information contrary to section 227(b) of the *Environmental Protection and Enhancement Act*, notice of the offence having first come to the attention of the Director on February 13, 2018.

2. The Town of Bow Island ("Bow Island") has around 2,043 residents. Bow Island, under an Alberta Environment and Parks registration, operates a drinking water distribution system. Bow Island does not directly treat water. Instead, Bow Island obtains drinking water from a treatment facility and then distributes the water to the residents of Bow Island.
3. Mr. Sanderson was registered with Alberta Environment and Parks ("AEP") as a Level 2 Water Distribution Operator, a Level 1 Wastewater Treatment Operator, and a Level 2 Wastewater Collection Operator. To obtain the Water Distribution Operator designation, he had signed various documents acknowledging his obligations under the *Potable Water Regulation* and the *Code of Practice for a Waterworks System Consisting Solely of a*

Water Distribution System. Pursuant to those obligations, he was required to properly record and maintain the records of any water distribution system on which he worked.

4. Bow Island was required to do lead sampling on a yearly basis. Too much lead in the system can be dangerous to people who consume the water.

Narrative

5. In September 2017, Bow Island hired a new operator to work under the existing operator. Over time, Bow Island became worried about the performance of Mr. Sanderson. Bow Island increasingly gave more responsibility to the new operator.
6. The new operator started to do the sampling on the water distribution system. Over time, he was looking at existing records as well. In November 2017, the new operator learned that some chlorine samples were missing.
7. After some time, on January 19, 2018, Mr. Sanderson met with the Bow Island Public Works Manager and the new operator. Mr. Sanderson admitted that he had used the 2014 lead sampling test results as the results for both 2015 and 2016.
8. From January 23-25, 2018, Mr. Sanderson was suspended from his employment for contravening the *Code of Practice*.
9. On February 13, 2018, the Bow Island Public Works Manager contacted AEP to advise that the lead sample results from their 2015 and 2016 annual reports had been copied from their 2014 annual report. The Bow Island Public Works Manager blamed the error on Mr. Sanderson.
10. When AEP inspected Bow Island's operations on February 15, 2018, AEP noted that the 2015 and 2016 lead sampling results were identical to the 2014 results as had been reported.
11. Mr. Sanderson's employment with Bow Island was terminated on February 26, 2018. Bow Island took the position that the termination was for cause.

Agreements

12. The parties agree:
 - a. Mr. Sanderson will plead guilty to Count 6 on Information 200188712P1 described in paragraph 1 of this Agreed Statement of Facts.
 - b. The facts contained within the Agreed Statement of Facts are fully admitted and acknowledged by Mr. Sanderson and will solely form the facts to be considered by the Judge pronouncing sentence upon Mr. Sanderson. The parties will be at liberty to make further submissions about those facts to the Court.
 - c. The parties will jointly submit that Mr. Sanderson should be sentenced to gaol for 6 months to be served in the community pursuant to an conditional sentence order followed by 2 years probation both on agreed conditions for Count 6 on information 200188712P1.

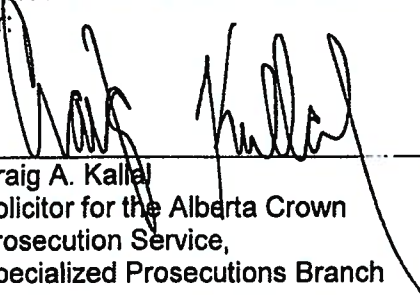
- d. This Agreed Statement of Facts may be filed and relied upon even if signed in counterpart or by facsimile copies of the signatures of any person or both.

CONSENTED TO WITH RESPECT TO FORM AND SUBSTANCE this 31 day of ~~September~~,
2020.

August

Alberta Crown Prosecution Service

Per:



Craig A. Kallal
Solicitor for the Alberta Crown
Prosecution Service,
Specialized Prosecutions Branch

Niblock & Company LLP

Per:



Bryce R. Farrell
Solicitor and Agent for Ryan Jeffery Sanderson