

IN THE ALBERTA COURT OF JUSTICE (CRIMINAL)

Between:

HIS MAJESTY THE KING

- and -

**1656758 ALBERTA INC. OPERATING UNDER THE FIRM NAME AND STYLE OF
ENVIRO CONTAINER AND CLEANING SOLUTIONS**

AGREED STATEMENT OF FACTS

1. 1656758 Alberta Inc. operating under the firm name and style of Enviro Container and Cleaning Solutions ("Enviro Container") stands charged:

On or between the 12th day of October, 2021 and the 29th day of April, 2022, at or near Blackfalds, Alberta, did commence or continue a diversion of water for any purpose or operate a works except under a licence or as otherwise authorized by the *Water Act* contrary to section 142(1)(n) of the *Water Act*, notice of the offence having first come to the attention of the Director on April 29, 2022.

Enviro Container

2. Founded in 2012, Enviro Container is an active corporation incorporated pursuant to the laws of the Province of Alberta. It is an Intermediate Bulk Container reconditioning and recycling facility providing services to industrial and agricultural companies. Enviro Container's Clients are located in British Columbia, Alberta, Manitoba, Saskatchewan, and Ontario.

Incident

3. In 2022, Alberta Environment and Protected Areas ("Alberta Environment") officers learned that Enviro Container was operating a new site near Blackfalds, Alberta. An Alberta Environment officer decided to inspect the new site on April 29, 2022. During the inspection, the officer observed that Enviro Container was washing and processing empty plastic totes (each tote being a plastic container that can sit on a standard pallet and can store about 1,000 litres of liquid or solid). Alberta Environment obtained information that around

300 totes per day were being washed at the site, and that washing activities at the site had only commenced in approximately October 2021.

4. On April 29, 2022, and through further investigation, Alberta Environment learned that Enviro Container was using well water to wash the totes.
5. In 1996 and prior to Enviro Container owning the site, a water well was drilled on the Enviro Container site. That well was never registered as a commercial water well. Enviro Container was using water diverted from the water well without an appropriate licence.
6. Enviro Container had installed and used one large water tank for their tote washing activities. The tank was filled from the water well as no other source of water was present.
7. Alberta Environment did not collect any information that would allow a calculation of how much water was being used at the location. No information is known about how frequently water cycled through any tank. No information is known about how much water was used to wash each tote.
8. Had Enviro Container applied for a commercial water well licence, Alberta Environment would not have been able to issue one. Given the way that the water well was drilled, water was being drawn from multiple aquifers or underground sources of water. In Alberta, a commercial water well licence can only draw water from a single aquifer or source point. A separate water well would have been needed for each aquifer or underground layer of water from which water was being drawn in this well.
9. The nature of the aquifer under the property currently makes it unfeasible for Enviro Container to drill a water well for commercial registration at the site. Enviro Container has had to make alternate arrangements to obtain water to conduct its activities including washing containers at a cost.
10. Enviro Container was cooperative with Alberta Environment at all relevant times.

Agreement of Parties


11. The parties agree:

- (a) 1656758 Alberta Inc. operating under the firm name and style of Enviro Container and Cleaning Solutions will plead guilty to Count 1 (s. 142(1)(n) of the *Water Act*) on Information #240352971P1;
- (b) The facts contained within the Agreed Statement of Facts are fully admitted and acknowledged by Enviro Container and will solely form the facts to be considered by the Justice pronouncing sentence upon Enviro Container;
- (c) The parties will jointly submit that Enviro Container should receive a penalty of \$12,000 for Count 1 on Information #240352971P1; and
- (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.

All of which is respectfully submitted this 26 day of November, 2024.

ALBERTA CROWN PROSECUTION SERVICE


Per:



Craig A. Kallal
Solicitor for the Alberta Crown
Prosecution Service,
Appeals and Specialized
Prosecutions Office

WILLMS & SHIER ENVIRONMENTAL LAWYERS LLP

Per:



Jacquelyn Stevens
Solicitor and Agent for 1656758
Alberta Inc. operating under the firm
name and style of Enviro Container
and Cleaning Solutions