



# Environmental Appeal Board

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Decision No. 2018-EMA-046(a)

**ENVIRONMENTAL APPEAL BOARD**  
in the matter of an appeal under section 100  
of the *Environmental Management Act*, SBC 2003, c. 53

**BETWEEN:**

**Mark Spittael**

**Appellant**

**AND:**

**October 16, 2018 Decision of the Delegate of the Director, *Environmental Management Act***

**Respondent**

**CONSENT ORDER**

**WHEREAS** on March 6, 2015, a pollution abatement order ("**Order 107702**") was issued to Mark Spittael and Clarkson Contracting Ltd pursuant to section 83 of the *Environmental Appeal Board* respecting an above-ground diesel tank ("**Tank**") located on the lands and premises legally described as "Lot 2 & 3 Plan NEP12097 District Lot 12378, Land District 26" ("**Premises**");

**AND WHEREAS** on October 16, 2018, the Director's Delegate under the *Environmental Management Act* issued to Mr. Spittael an administrative penalty ("**AMP**") pursuant to section 115 of the *Environmental Management Act* for failing to comply with provision #4 of the Order 107702 ("**Decision**");

**AND WHEREAS** Mr. Spittael appeals the Decision in these proceedings;

**AND WHEREAS** Mr. Spittael and the Director's Delegate have come to an agreement to resolve the entirety of this appeal by fixing the AMP amount at CA \$2,000 on the condition that Mr. Spittael removes the Tank from the Premises by no later than January 31, 2019;

**AND WHEREAS** the Director's Delegate is satisfied the Tank was removed from the Premises on or about January 28, 2019;

**NOW THEREFORE** the Environmental Appeal Board orders, in full resolution of Mark Spittael's appeal in this matter, and by consent of the Appellant and the Respondent, that the AMP amount is fixed at CA \$2,000,

**AND** there shall be no costs payable by any party,

**AND** the Appellant, Mark Spittael, shall pay the AMP amount fixed at CA \$2,000 to the Minister of Finance within 60 days of the date of this order.

APPROVED AND CONSENTED TO:

"Mark Spittael"

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Signature of Mark Spittael  
[x] party [ ] lawyer for Appellant

"Meghan Butler"

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Signature of Meghan Butler  
[ ] party [x] lawyer for the Respondent

"Alan Andison"

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Alan Andison, Chair  
Environmental Appeal Board  
February 27, 2019