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ALBERTA  
ENVIRONMENTAL APPEAL BOARD

Discontinuance of Proceedings

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Date of Discontinuance of Proceedings: March 26, 2001

**IN THE MATTER OF** Sections 84, 85, and 87 of the  
*Environmental Protection and Enhancement Act*, S.A. 1992, c. E-  
13.3

**-and-**

**IN THE MATTER OF** an appeal filed by His Worship Mayor C.  
Gordon Wilson on behalf of the Summer Village of Point Alison,  
with respect to Approval 10323-02-00 issued under the  
*Environmental Protection and Enhancement Act* on November 30,  
2000 to TransAlta Utilities Corporation by the Director, Northern  
East Slopes Region, Environmental Service, Alberta Environment.

Cite as: *Summer Village of Point Alison. v. Director, Northern East Slopes Region, Environmental Service, Alberta Environment, re: TransAlta Utilities Corporation.*

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## **I. BACKGROUND**

[1] On November 30, 2000 the Director, Northern East Slopes Region, Environmental Service, Alberta Environment (the “Director”) issued Approval 10323-02-00 (the “Approval”) under the *Environmental Protection and Enhancement Act*, S.A. 1992, c. E-13.3 (the “Act”) to TransAlta Utilities Corporation (the “Approval Holder” or “TransAlta”) for the operation and reclamation of the Wabamun Thermal Electric Power Plant (the “Wabamun Power Plant”), in the Village of Wabamun, in the Province of Alberta.

[2] On December 28, 2000 and January 2, 3, 4, and 10, 2001 the Environmental Appeal Board (the “Board”) received Notices of Appeal from the following parties (collectively the “Appellants”):

1. Mr. K.F. Bailey on behalf of Ms. Gwen Bailey and the Summer Village of Point Alison;
2. Mr. Steven J. Ferner on behalf of Enmax Energy Corporation (“Enmax”);
3. Mr. Nick Zon;
4. Mr. Blair Carmichael;
5. Mr. D.R. Thomas, Q.C. on behalf of Ms. Donna Thomas and the Summer Village of Kapasiwin;
6. Mr. I. Samuel Kravinchuk on behalf of Mr. James Paron;
7. His Worship Mayor William Purdy on behalf of the Village of Wabamun;
8. Mr. David Doull;
9. Mr. F. Locke Boros on behalf of the Lake Wabamun Enhancement and Protection Association (“LEWPA”); and
10. His Worship Mayor C. Gordon Wilson, again, on behalf of the Summer Village of Point Alison.<sup>1</sup>

[3] The Board acknowledged receipt of each of the Notices of Appeal and requested that the Director provide a copy of the records related to this matter. The Board also advised the Approval Holder of the appeals and provided the Approval Holder and the Director with copies of the Notices of Appeal.

[4] According to standard practice, the Board wrote to the Natural Resources Conservation Board (the “NRCB”) and the Alberta Energy and Utilities Board (the “AEUB”) asking whether this matter has been the subject of a hearing or review under their respective legislation. The NRCB advised that they did not hold a hearing or review under their legislation.

[5] With respect to the AEUB’s jurisdiction, the Board received a copy of AEUB Decision Report 81-6. This report advised that TransAlta currently holds AEUB Approval No. HE 8109 for the Wabamun Power Plant. AEUB Decision Report 81-6 forms the basis for Approval No. HE 8109.<sup>2</sup>

[6] On January 2, 2001 the Director advised that he would prepare one set of records in respect of all the appeals and would provide the records at the expiry of the appeal period. The Board received the Director’s records on February 8, 2001 and forwarded copies to each of the Appellants on February 12, 2001.

[7] The Board advised all parties on February 16, 2001 that it would hold an oral preliminary meeting on March 1, 2001, at the Board’s offices in Edmonton.

## **II. PRELIMINARY MEETING**

[8] The Board convened an oral preliminary meeting on March 1, 2001 to determine which of the issues included in the Notice of Appeal were properly before the Board. At the preliminary meeting on March 1, 2001, the Summer Village of Point Alison was one of the Appellants determined to be directly affected by the Approval and was granted standing.

## **III. MEDIATION MEETING/SETTLEMENT CONFERENCE**

[9] Following the preliminary meeting on March 1, 2001, the Board held mediation meeting/settlement conferences on March 13, 14 and 19, 2001. The mediations were unsuccessful and an appeal hearing was subsequently set for April 18 and 19, 2001.

[10] On March 19, 2001, the Board received a letter from His Worship Mayor Gordon Wilson advising the following:

“Please be advised that the Summer Village of Point Alison is withdrawing its appeal...We are pleased to advise that we have entered into a partnership agreement with TransAlta Utilities to rectify and remediate our concerns. We look forward to once again working with TransAlta.”

#### **IV. DECISION**

[11] Pursuant to section 87(7) of the Environmental Protection and Enhancement Act, and Based on Mayor Wilson’s letter of March 19, 2001, the Board hereby discontinues its proceedings in Appeal No. 01-011 and will be closing its file.

Dated on March 26, 2001, at Edmonton, Alberta.

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Dr. William A. Tilleman, Chair

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<sup>1</sup> Two separate appeals were filed on behalf of the Summer Village of Point Alison. The first was filed by Mr. K.F. Bailey (included in the Notice of Appeal of Ms. Gwen Bailey) and the second filed by His Worship Mayor C. Gordon Wilson. In a letter dated February 15, 2001 Point Alison confirmed that His Worship Mayor C. Gordon Wilson would be representing the Summer Village of Point Alison.

<sup>2</sup> This information was subsequently confirmed by the AEUB in a letter dated March 12, 2001. Further, with respect to the AEUB’s jurisdiction, the Board was advised that on April 27, 1999 Mr. Zon wrote to the AEUB and made a “... formal request to conduct a review hearing.” This request for a review was presumably made pursuant to section 42 of the *Energy Resources Conservation Board Act*, R.S.A. 1980, c. E-11. On November 2, 1999 the AEUB wrote to Mr. Zon and advised that his application to review was denied.