

ALBERTA  
ENVIRONMENTAL APPEAL BOARD

Report and Recommendations

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Date of Mediation Meeting – September 18, 2001  
Date of Report and Recommendations – September 28, 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 the Town of Lac La  
Biche with respect to Approval No. 911-02-00 issued to the Town  
of Lac La Biche by the Director, Approvals, Northeast Boreal  
Region, Regional Services, Alberta Environment for the  
construction, operation and reclamation of a waterworks system  
for the Town of Lac La Biche.

Cite as: *Town of Lac La Biche v. Director, Approvals, Northeast Boreal Region, Regional Services, Alberta Environment.*

**MEDIATION MEETING BEFORE**

Dr. Ted E. Best

**APPEARANCES**

Appellant: Town of Lac La Biche, represented by Mr. David Sarsfield, C.A.O.

Director: Mr. Kem Singh, Director, Approvals, Northeast Boreal Region, Regional Services, Alberta Environment represented by Mr. Randy Didrikson, Alberta Justice.

Board Staff: Ms. Lisa Awid, Projects Officer.

Other Participants: Mr. Everett Nabe, DCL Siemens Engineering Ltd, Mr. Erwin Duigou, Town Foreman, Town of Lac La Biche, Mr. Duane Young, Mayor, Town of Lac La Biche and Mr. Asoke Weerasinghe, Team Leader, Municipal Approvals, Approvals, Northeast Boreal Region, Alberta Environment.

Observer: Ms. Gloria Hammermeister, Alberta Justice.

## EXECUTIVE SUMMARY

Alberta Environment issued an Approval under the *Environmental Protection and Enhancement Act* to the Town of Lac La Biche for the construction, operation and reclamation of a waterworks system for the Town of Lac La Biche, Alberta. The Town of Lac La Biche appealed Table 5-1(2a) and Table 6-1 of the Approval which reflect the turbidity requirements for treated and raw water, respectively.

In consultation with the parties, the Board held a mediation meeting/settlement conference in Lac La Biche on September 18, 2001, where an agreement was reached by the parties and is included on page 4 of this Report and Recommendations. The Board is recommending that the Minister approve this agreement.

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## **I. BACKGROUND**

[1] On June 8, 2001, the Director, Approvals, Northeast Boreal Region, Regional Services, Alberta Environment (the “Director”) issued Approval No. 911-02-00 (the “Approval”) to the Town of Lac La Biche for the construction, operation and reclamation of a waterworks system for the Town of Lac La Biche, Alberta.

[2] On July 13, 2001, the Environmental Appeal Board (the “Board”) received a Notice of Appeal from the Town of Lac La Biche (the “Appellant”) with respect to Table 5-1(2a) and Table 6-1 of the Approval. These tables reflect the turbidity of treated water and raw water turbidity, respectively.

[3] The Board acknowledged receipt of the Notice of Appeal on July 13, 2001, and requested that the parties submit available dates for a hearing or mediation meeting/settlement conference. The letter also requested a copy of all correspondence, documents and materials relevant to this appeal (the “Record”) from the Director. On July 20, 2001 the Board received a copy of the initial Record and forwarded it to the Appellant.

[4] According to standard practice, the Board wrote to the Natural Resources Conservation Board and the Alberta Energy and Utilities Board asking whether this matter had been the subject of a hearing or review under their respective Board’s legislation. Both Boards responded in the negative.

[5] On July 25, 2001, in consultation with the parties, the Board advised the parties that a mediation meeting/settlement conference would be held on September 18, 2001 in Lac La Biche, Alberta with Dr. Ted Best as the presiding Board member. The Board attached a copy of the notice of mediation meeting/settlement conference that would be published in the *Lac La Biche Post* on July 31, 2001, as well as the Participants’ Agreement to Mediate and mediation ground rules.

[6] On August 1, 2001, the Director forwarded the remainder of the Record to the Board which was forwarded to the Appellant on August 8, 2001.

[7] On August 31 and September 12, 2001, the Director and the Appellant, respectively, provided the names of those who would be in attendance at the mediation meeting/settlement conference. The Director also requested that Ms. Gloria Hammermeister, a new lawyer with Alberta Justice be allowed to observe. In consultation with the Appellant, the request was granted. Lastly, the Appellant's letter advised that documents were "missing" from the Record and therefore, proceeded to submit four pieces of correspondence to be added to the file. The subsequent information was placed on the file and provided to the Director on September 14, 2001.

## **II. THE MEDIATION MEETING/SETTLEMENT CONFERENCE**

[8] Pursuant to section 11 of the Environmental Appeal Board Regulations, A.R. 114/93, the Board conducted a mediation meeting/settlement conference in Lac La Biche, Alberta on September 18, 2001, with Dr. Ted Best as the presiding Board member.

[9] According to the Board's standard practice, it called a mediation meeting to facilitate through settlement conference the resolution of the appeal; or failing that, to structure procedural arrangements for a formal hearing of the appeal. The Board invited representatives from each party to participate in the mediation meeting/settlement conference.

[10] In conducting the mediation meeting/settlement conference, Dr. Best circulated copies of the Participants' Agreement to Mediate, discussed the appeal and mediation process and explained the purpose of the mediation meeting. At the conclusion of his discussion, all parties signed the agreement.

[11] Following productive and detailed discussions, a resolution evolved and the parties signed the attached settlement (page 7 of this Report and Recommendations).

### III. RECOMMENDATIONS

[12] The Board recommends that the Minister of Environment approve the conditions of the Resolution entered into between the parties on September 18, 2001, and included on page 4 of this Report and Recommendations. Attached for the Minister's consideration is a draft Ministerial Order implementing this recommendation.

[13] Further, with respect to section 92(2) and 93 of *the Environmental Protection and Enhancement Act*, S.A. 1992 c. E13-3, the Board recommends that copies of this Report and Recommendations and of any decision by the Minister be sent to the following parties:

- The Town of Lac La Biche, represented by Mr. David Sarsfield; and
- Mr. Kem Singh, Director, Approvals, Northeast Boreal Region, Regional Services, Alberta Environment, represented by Mr. Randy Didrikson, Alberta Justice.

Dated on September 28, 2001 at Edmonton, Alberta.

original signed by

Dr. Ted E. Best

**IV. RESOLUTION**



**V. DRAFT MINISTERIAL ORDER**

**Ministerial Order  
/2001**

**Environmental Protection and Enhancement Act  
S.A. 1992, c.E 13.3**

**Order Respecting EAB Appeal No 01-065**

I, Dr. Lorne Taylor, Minister of Environment, pursuant to section 92(1) of the *Environmental Protection and Enhancement Act*, S.A. 1992, c.E-13.3, make the order in the attached Appendix, being an Order respecting Environmental Appeal Board Appeal No. 01-065.

Dated at the City of Edmonton in the Province of Alberta, this \_\_\_\_ day of \_\_\_\_\_, 2001.

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Honourable Dr. Lorne Taylor  
Minister of Environment

**Draft Appendix**

Order Respecting Environmental Appeal Board Appeal No. 01-065

With respect to the decision of Mr. Kem Singh, Director, Approvals, Northeast Boreal Region, Regional Services, Alberta Environment (the “Director”), to issue Approval No. 911-02-00 (the “Approval”) dated June 8, 2001 under the *Environmental Protection and Enhancement Act* to the Town of Lac La Biche, I, Dr. Lorne Taylor, Minister of Environment order that:

1. the decision of the Director to issue the Approval is confirmed subject to the amendments included in this Order;
2. the decision of the Director is varied by amending Table 5-1 of the Approval by deleting the following provision:  
“Based on the average daily raw water turbidity and the highest daily turbidity recorded after each filter.”;
3. the decision of the Director is varied by amending section 5.1.2 of the Approval by deleting that section and replacing it as follows:  
“5.1.2 In addition to the limits specified in Table 5-1 or Table 5-2, the waterworks system shall be maintained and operated to produce and distribute water which meets the maximum acceptable concentrations specified in the Guidelines for Canadian Drinking Water Quality (GCDWQ), as amended.”;
4. the decision of the Director is varied by amending the Approval by adding, immediately after section 5.1.2, the following table:

**TABLE 5-2: LIMITS**

**EXISTING PLANT WITH ULTRAVIOLET DISINFECTION**

<b>PARAMETERS</b>	<b>DESIGNATED SAMPLING LOCATION</b>	<b>LIMIT</b>
Turbidity of Treated Water	Prior to entering the clearwell reservoir	≤ 1 NTU if raw water turbidity is > 2.5 NTU
		≤ 0.8 NTU if raw water turbidity is 1.6-2.5 NTU
		≤ 50% of raw water turbidity if raw water turbidity is < 1.6 NTU
Turbidity of Treated Water	Random location in the water distribution system	≤ 5 NTU
pH of Treated Water	Entering the water distribution system	6.5 - 8.5
Free Chlorine Residual of Treated Water	In the water distribution system	≥ 0.1 mg/L in 95% of samples per month
Free Chlorine Residual of Treated Water	After a minimum of 20 minutes of contact	0.5 mg/L

5. the decision of the Director is varied by amending the Approval by adding, immediately after Table 5-2, the following:

“5.1.3 Notwithstanding the requirements of 5.1.1, the approval holder may request written authorization from the Director to operate the existing waterworks system to comply with the limits specified in Table 5-2, if an ultraviolet disinfection treatment system is installed at the existing water treatment plant in a manner satisfactory to the Director.”;
6. the decision of the Director is varied by amending section 6.1.1 of the Approval by deleting that section and replacing it as follows:

“The approval holder shall monitor the waterworks system as required in Table 6-1, unless otherwise authorized in writing by the Director.”; and
7. the decision of the Director is varied by amending the Approval by adding, immediately after section 6.1.1, the following:

“6.1.1.1 The requirement for conducting continuous treated water particle counting from each filter at the existing water treatment plant will be removed upon the Director providing written authorization in accordance with section 6.1.1. This written authorizat on of the Director will not be unreasonably withheld.”.