
ALBERTA
ENVIRONMENTAL APPEAL BOARD

Discontinuance of Proceedings

Date of Discontinuance of Proceedings – 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 as Amended.

-and-

IN THE MATTER OF an appeal filed by Ms. Lisa Wesner of
Newpark Environmental Services Inc., on behalf of APF Energy
Corporation with respect to the refusal of the Inspector, Bow
Region, Regional Services, Alberta Environment to issue a
Reclamation Certificate to APF Energy Corporation for the Cairn
et al Wayne 08-16-027-20-W4M Well.

Cite as: *APF Energy Corporation v Inspector, Bow Region, Regional Services, Alberta
Environment.*

EXECUTIVE SUMMARY

On August 31, 2001, the Board received a Notice of Appeal from APF Energy Corporation with respect to the decision of Alberta Environment to refuse to issue a reclamation certificate for the Cairn et al Wayne 08-16-027-20 W4M Well, in Drumheller, Alberta.

The Appellant advised the Board that since the last inquiry a portion of the site in question has been assessed and documented, and an application for reclamation will be resubmitted.

As a result of the withdrawal of the appeal, and pursuant to section 87(7) of the *Environmental Protection and Enhancement Act*, the Board is closing its file in this matter.

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I. BACKGROUND

[1] On July 31, 2001, an inquiry was held to determine the readiness of the Cairn et al Wayne 08-16-027-20 W4M Well operated by APF Energy Corporation Inc. by the Inspector, Bow Region, Regional Services, Alberta Environment (the “Inspector”) for receipt of a reclamation certificate. The Inspector subsequently refused the application on August 30, 2001.

[2] On August 31, 2001 the Environment Appeal Board (the “Board”) received a Notice of Appeal from Ms. Lisa Wesner, Newpark Environmental Services Inc. on behalf of APF Energy Corporation (the “Appellant”) appealing the decision of the Inspector to refuse to issue a reclamation certificate.

[3] On September 6, 2001, the Board acknowledged receipt of the Notice of Appeal and on that same date requested a copy of all correspondence, documents and material relative to the appeal (the “Record”) from the Inspector. Both parties were also asked for available dates for a mediation meeting /settlement conference or hearing.

[4] According to standard practice, the Board wrote to the Natural Resource 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 legislation. Both Boards responded in the negative.

[5] On September 17, 2001, the Board received the Record from the Inspector and forwarded a copy to the Appellant. In this same letter the Inspector requested that the Appellant clarify whether they had filed the appeal on behalf of APF Energy Corporation as well as identifying the grounds for appeal.

[6] The Board received a letter on September 18, 2001 from the Appellant outlining their available dates for a mediation meeting/settlement conference or hearing.

[7] On September 19, 2001, the Board acknowledged the Appellant’s letter of September 18, 2001 and the Inspectors letter of September 13, 2001, and requested the Appellant provide the information requested by the Inspector.

[8] On September 24, 2001, the Board received a letter from the Appellant stating “It is believed that the lease and all three access roads meet criteria, and an application for reclamation certificate will be resubmitted to Alberta Environmental Protection for review. It is for the above stated reasons that APF Energy Corporation wishes to withdraw the appeal filed on August 31, 2001.”

II. DECISION

[9] Pursuant to section 87(7) of the *Environmental Protection and Enhancement Act* S.A. 1992, c. E13-3 and based on Ms. Wesner’s letter of September 24, 2001, the Board hereby discontinues its proceedings in Appeal No. 01-089 and will be closing its file.

Dated on September 28, 2001 at Edmonton, Alberta.

William A Tilleman, Q.C.