

ALBERTA
ENVIRONMENTAL APPEAL BOARD

Discontinuance of Proceedings

Date of Mediation Meeting – September 16, 2002
Date of Discontinuance of Proceedings – September 18, 2002

IN THE MATTER OF Sections 91, 92 and 95 of the
Environmental Protection and Enhancement Act, R.S.A. 2000, c.
E-12;

-and-

IN THE MATTER OF a Notice of Appeal filed by Mr. Albert
Walter Potter and Ms. Mary Ann Potter with respect to Amending
Approval No. 918-02-02, issued to the Municipal District of Rocky
View No. 44 authorizing the construction, operation and
reclamation of a wastewater system and a storm drainage system
for the Hamlet of Langdon, by the Director, Southern Region,
Regional Services, Alberta Environment.

Cite as: *Potter v. Director, Southern Region, Regional Services, Alberta Environment re:
Municipal District of Rocky View No. 44* (18 September 2002), Appeal No. 02-
016-DOP (A.E.A.B.).

MEDIATION MEETING BEFORE: Fredrick C. Fisher, Q.C.

APPEARANCES:

Appellant: Mr. Albert Walter Potter, Ms. Mary Ann Potter represented by Mr. Peter Peterson, MCP Consulting; Ms. Suzanne Delaine.

Department: Mr. Brock Rush, Director, Southern Region, Regional Services, Alberta Environment, Mr. Craig Reich, Alberta Environment represented by Ms. Charlene Graham, Alberta Justice.

Approval Holder: Mr. Stuart Jewison and Frank Misura, Municipal District of Rocky View No. 44, represented by Mr. Glen Scott, Browlee Fryett.

Board Staff: Ms. Denise Black, Board Secretary.

EXECUTIVE SUMMARY

Alberta Environment issued an Amending Approval to the Municipal District of Rocky View No. 44, authorizing the construction, operation and reclamation of a wastewater system and a storm drainage system for the Hamlet of Langdon in the Municipal District of Rocky View No. 44.

The Board received a Notice of Appeal from Mr. Albert Walter Potter and Ms. Mary Ann Potter appealing the Amending Approval.

The Board held a mediation meeting in Calgary, Alberta, following which a resolution was reached by the parties and the Appellants withdrew their appeal. The Board therefore closes its file.

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I. BACKGROUND

[1] On May 3, 2002, the Director, Southern Region, Regional Services, Alberta Environment (the “Director”) issued Amending Approval No. 918-02-02 (the “Approval”) under the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12, to the Municipal District of Rocky View No. 44 (the “Approval Holder”), authorizing the construction, operation, and reclamation of a wastewater system and a storm drainage system located in the NE ¼ 22-23-27-W4M in the Hamlet of Langdon.

[2] On June 12, 2002, the Environmental Appeal Board (the “Board”) received a Notice of Appeal dated June 11, 2002 from Mr. Albert Walter Potter and Ms. Mary Ann Potter (the “Appellants”) appealing the Approval. On June 14, 2002, the Board wrote to the Appellants, the Approval Holder and the Director (collectively the “Parties”) acknowledging receipt of the Notice of Appeal, requesting the Director provide the Board with a copy of the records (the “Record”) relating to the Approval, requested the Parties provide available dates for a mediation meeting or hearing, and advise the Board, if in their opinion, there are other parties that may have an interest in the appeal.

[3] 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 legislation. Both Boards responded in the negative.

[4] On June 26, 2002, the Board received a letter from the Approval Holder providing the Board with a list of possible interested persons. On June 27, 2002, the Board acknowledged receipt of the letter and notified the possible interested parties of the appeal¹.

[5] On June 28, 2002, the Board received a copy of the Record from the Director, and on that same date provided a copy to the Appellants and Approval Holder.

[6] On August 7, 2002, in consultation with the Parties, the Board scheduled the mediation meeting to be held in Calgary, Alberta, on September 16, 2002.

¹ Mr. Peter Loats, Mr. Brian Lee, Mr. Jerry Brunen and Mr. Jim Weber.

II. THE MEDIATION MEETING

[7] Pursuant to section 11 of the Environmental Appeal Board Regulation, A.R. 114/93, the Board conducted a mediation meeting in Calgary, Alberta, on September 16, 2002, with Dr. Frederick C. Fisher, as the presiding Board Member.

[8] In conducting the mediation meeting, Dr. Fisher reviewed the appeal and the mediation process and explained the purpose of the mediation meeting. He then circulated copies of the Participants' Agreement to Mediate. All Parties signed the Agreement and discussions ensued.

[9] Following productive and detailed discussions, a resolution evolved at the September 16, 2002 mediation meeting and the Appellants withdrew their appeal.

III. DECISION

[10] Pursuant to section 95(7) of the Act and based on the withdrawal of the appeal by the Appellants at the mediation meeting, the Board hereby discontinues its proceedings in Appeal No. 02-016 and will be closing its file.

Dated on September 18, 2002, at Calgary, Alberta

William A. Tilleman, Chair