

DECISIONS 1995

95-002

Appellant(s) – Mr. Randall Lawrence and the EcoCity Society, Mr. John E. Logan, and Ms. Cornelia Bolt and the Hazeldean Community League, **Operator** – Zeidler Forest Industries Ltd., **Location** – Edmonton, **Type of Appeal** – As listed below

Overview - On January 10, 12 and 27, 1995, Mr. Randall Lawrence on behalf of himself and the EcoCity Society, Mr. John E. Logan and Ms. Cornelia Bolt on behalf of the Hazeldean Community League (Community) respectively, filed Notices of Appeal with respect to the issuance of Amending Approval No. 94-IND-125A to Zeidler Forest Industries Ltd..

Decision - After reviewing submissions by the parties, the Board issued a Decision on May 11, 1995 concluding that Mr. Lawrence, EcoScience Society and Mr. Logan are not directly affected by this approval, however, the Community is directly affected.

Cite as: *Hazeldean Community League and two citizens of Edmonton v. Director of Air and Water Approvals, Alberta Environmental Protection.*

Report and Recommendations – A pre-hearing meeting was held on June 23, 1995 and a resolution was reached. On July 6, 1995, the Board issued a Report and Recommendations to the Minister which he agreed to on July 8, 1995.

Cite as: *Hazeldean Community League v. Director of Air and Water Approvals, Alberta Environmental Protection.*

95-003

Appellant(s) – Mr. Roy Hanson, **Operator** – Fletcher Challenge Petroleum Inc., **Location** – Cadogan, **Type of Appeal** - Report and Recommendations

On January 13, 1995, Mr. Roy Hanson filed an appeal with respect to Reclamation Certificate #31851 issued to Fletcher Challenge Petroleum Inc. Specifically, the site in question was taken over by crested wheat grass which was not approved to be in the original mixture of seeds and wanted piezometer maintained for the protection of ground water and also possible gas leaks. On May 9, 1996 a pre-hearing was held which resulted in a resolution. The Board issued a Report and Recommendations to the Minister on May 22, 1996 and on June 6, 1996 the Minister agreed to the Board's report.

Cite as *Hanson v. Inspector of Land Reclamation, Alberta Environmental Protection.*

95-004

Appellant(s) – Mr. Ove Aasen, **Operator** – Renaissance Energy Ltd., **Location** – Provost, **Type of Appeal** - Report and Recommendations

On January 19, 1995, Mr. Ove Aasen filed a Notice of Appeal with respect to Reclamation Certificate No. 32034 issued to Renaissance Energy Ltd. in relation to a well site located at NW 20-38-3-W4M. A pre-hearing meeting was held on May 12, 1995 and after a thorough discussion of the issue, the Appellant accepted Renaissance's regrets for the undesirable load of gravel buried on the site, and all agreed that nothing further could be done to reclaim the site and a resolution was signed. On May 17, 1995, the Board issued a Report and Recommendations to the Minister which he agreed to on May 24, 1995.

Cite as: *Ove Aasen v. Inspector, Land Reclamation Division, Alberta Environmental Protection.*

95-006

Appellant(s) - Lesser Slave Lake Indian Regional Council, Toxics Watch Society, Environmental Resource Centre and Ed Graham, **Operator** - Chem-Security (Alberta) Ltd., **Location** - Fort Assiniboine, **Type of Appeal** – Decision

On January 26, 1995, Mr. Ed Graham filed a Notice of Appeal and on February 8, 1995, the Lesser Slave Lake Indian Regional Council, the Toxics Watch Society, and the Environmental Resource Centre filed Notices of Appeal with respect to Approval No. 94 – IND-223 issued to Chem-Security (Alberta) Ltd. authorizing the operation of the Ford, Bacon and Davis incinerator facility at the Alberta Special Waste Treatment Centre (ASWTC) near Swan Hills. On February 13, 1995, the Environmental Appeal Board (the “Board”) was advised that the Natural Resources Conservation Board (NRCB) ‘conducted reviews of two reviewable projects in relation to the ASWTC...’ resulting in the NRCB Decision Report 9101 (April 1992) and 9301 (November 1994). On June 5, 1995, the Board held a preliminary meeting which was adjourned to July 28, 1995 in order for the parties to submit ‘new’ information before the NRCB. After reviewing all the information provided, the Board issued a Decision dismissing the appeals on August 23, 1995.

Cite as: *Lesser Slave Lake Indian Regional Council et al v. Director of Chemicals Assessment and Management, Alberta Environmental Protection.*

95-008

Appellant(s) – Ms. Wendy Francis of the Canadian Parks & Wilderness Society and Mr. Mike McIvor on behalf of the Bow Valley Naturalists, **Operator** – N/A, **Location** – Canmore, **Type of Appeal** – N/A

On March 28, 1995, the Board advised Ms. Wendy Francis of the Canadian Parks & Wilderness Society and Mr. Mike McIvor of the Bow Valley Naturalists that their Notice of Appeal would be dismissed on the grounds that the Board has no jurisdiction under Part 3 of the *Environmental Protection and Enhancement Act* to hear an appeal from the departmental decisions which have been made to date on this matter (impact assessments).

Cite as: *Canadian Parks & Wilderness Society and Bow Valley Naturalists v. Director of Environmental Assessment, Alberta Environmental Protection.*

95-009

Appellant(s) – Mr. Rodney A. Keller, **Operator** – Municipal District of East Peace No. 131, **Location** – East Peace, **Type of Appeal** – Report and Recommendations

On April 25, 1995, the Board received a Notice of Appeal from Mr. Rodney A. Keller with respect to Approval No. SG-8-95 issued to the Municipal District of East Peace No. 131 for the opening up, operation and reclamation of a sand and gravel pit located on NE 33-84-21-W5M. A pre-hearing meeting and a hearing took place on July 5 and November 1, 1995 respectively. On November 24, 1995, the Board advised the parties that it would not make an award of costs to any party in this matter. On December 1, 1995, the Board issued a Report and Recommendations to the Minister.

Cite as: *Rodney A. Keller v. Director, Land Reclamation Division, Alberta Environmental Protection.*

95-012

Appellant(s) – Ms. Victoria Olekshy-Wallace, Ms. Valerie Olekshy-Greenslade and Ms. Risa Olekshy, **Operator** – Imperial Oil Resources Ltd., **Location** – Leduc, **Type of Appeal** – Report and Recommendations

On July 4, 1995, Ms. Victoria Olekshy-Wallace, Ms. Valerie Olekshy-Greenslade and Ms. Risa Olekshy filed a Notice of Appeal with respect to Reclamation Certificate No. 31471 issued to Imperial Oil Resources Ltd. for an abandoned well site located at NE 4-50-26-W4M. On November 8, 1995, the Board held a hearing and heard evidence of the appellants, inspectors and operator. The Board also decided that costs would not be granted to any party. On December 7, 1995, the Board issued a Report and Recommendations to the Minister recommending that the appeal be dismissed. On December 12, 1995, the Minister agreed to the Board’s report.

Cite as: *Victoria Olekshy-Wallace et al. v. Inspector, Land Reclamation Division, Alberta Environmental Protection.*

95-018

Appellant(s) – Messrs. Larry McLeod and Don Peterson, **Operator** – Shell Canada Limited, **Location** – Caroline, **Type of Appeal** – Report and Recommendations

On September 6 and October 17, 1995, Messrs. Larry McLeod and Don Peterson respectively, filed Notices of Appeal with respect to Amending Approval No. 92-AL-398C(95) issued to Shell Canada Limited for the Caroline Sour Gas Processing Plant. A pre-hearing meeting took place on December 12, 1995 in Red Deer and a resolution was reached. On December 20, 1995, the Board issued a Report and Recommendations to the Minister which he agreed to on January 3, 1996.

Cite as: *Mr. Larry McLeod and the Mountain View Land Holders Group v. J. Nagendran, Acting Director, Air and Water Approvals Division, Alberta Environmental Protection.*

95-019

Appellant(s) – Ms. Gwen McKendrick, **Operator** – Foothills Water Utility Corp., **Location** – Cochrane, **Type of Appeal** - Report and Recommendations

On September 26, 1995, Mr. Grant McNabb, agent for Ms. Gwen McKendrick, filed a Notice of Appeal with respect to Approval No. 95-MUN-229 issued to Foothills Water Utility Corp. for a waterworks system. On October 18, 1995 a further appeal was filed by Mr. Jack and Ms. Betty Bancroft. The Bancrofts were concerned that the approval had been given to Foothills to service Phase 1 land, of which they owned a significant portion. On October 19, 1995 a further appeal was received from Marvin Laye objecting to the route of the pipeline. On October 25, 1995, the Bancroft's withdrew their appeal. On November 9, 1995 the Board received a notice of withdrawal from Mr. Laye. Upon publication of a Notice of Hearing, the Town of Cochrane, the Municipal District of Rocky View No. 44 and Foothills were granted party status. The Board held a pre-hearing on February 21, 1996. Foothills expressed a willingness to work with the appellant in order to address any concerns. A resolution was agreed to by all parties on February 21, 1996. The Board issued a Report and Recommendations on March 6, 1996 and the Minister agreed with the report on March 11, 1996.

Cite as: *McKendrick v. Director of Air and Water Approvals Division, Alberta Environmental Protection.*

95-020

Appellant(s) – Custom Environmental Services Ltd., **Operator** – Custom Environmental Services Ltd, **Location** – Edmonton, **Type of Appeal** - Report and Recommendations

On October 26, 1995, Custom Environmental Services Ltd. filed an appeal with respect to Approval No. 95-IND-085 as it would curtail the company's waste management and recycling activities. A hearing was set for January 15, 16 and 17, 1996. After considering all evidence, the Board issued a Report and Recommendations stating it confirms the Director's issuance of the approval on February 14, 1996. The Minister agreed with the Board's report on February 21, 1996. The Board's decision was to undergo judicial review, however, the Appellant subsequently discontinued this action on March 3, 1997 in the Court of Queen's Bench.

Cite as: *Custom Environmental Services Ltd. v. Director, Chemicals Assessment and Management, Alberta Environmental Protection.*

95-025

Appellant(s) – Mr. Ed Graham *et al.* **Operator** – Chem Security (Alberta) Ltd., **Location** – Edmonton, **Type of Appeal** – As listed below

Overview - On December 20, 1995, Mr. Ed Graham of Fort Assiniboine filed an appeal with respect to Approval No. 95-IND-237 which was renewed to Chem-Security (Alberta) Ltd. This appeal relates to the operation of the Alberta Special Waste Treatment Centre. This was the first permanent approval for the operation of the incinerator issued pursuant to the *Environmental Protection and Enhancement Act*. On

December 21, 1995, the Lesser Slave Lake Indian Regional Council and on January 3, 1996, the Toxics Watch Society filed appeals. The Toxics Watch Society subsequently withdrew their appeal.

Decision – On June 28, 1996, the Board issued a Decision advising that Mr. Charlie Chalifoux is the person directly affected and whose appeal may be heard. As well, the Board ordered that matters with regard to PCB fugitive emissions and off-site water discharge will be held on or before September 16, 1996 with Mr. Chalifoux being the sole Appellant. The Board's Decision was the subject of judicial review, and as a result, the scheduled hearing for November 19-21, 1996, was adjourned. The case was heard in special chambers on October 3, 1996, by Justice D.H. Medhurst. On January 13, 1997, Justice Medhurst issued a decision stating that the application by Chem-Security is dismissed. On January 17, 1997, Chem-Security filed an appeal of Justice Medhurst's decision. The appeal was heard on May 16, 1997, by Justices of the Court to Appeal, Berger, Picard and Hunt. On July 16, 1997, the Court issued a decision stating that the appeal by Chem-Security is dismissed.

Cite as: *Ed Graham et al. v. Director of Chemicals Assessment and Management, Alberta Environmental Protection.*

Interim Decision – A preliminary meeting was held on April 14, 1997, and the Board issued an Interim Decision advising all parties to file written briefs on items brought forth at the meeting, as well as set guidelines for a Stay hearing.

Cite as: *Charlie Chalifoux v. Director of Chemicals Assessment and Management, Alberta Environmental Protection.*

Discontinuance of Proceedings - On May 11, 1999, Mr. Chalifoux withdrew his appeal and on July 9, 1999, the Board issued a Discontinuance of Proceedings.

Cite as: *Chalifoux v. Director of Chemicals Assessment and Management, Alberta Environmental Protection re: Chem-Security (Alberta) Ltd.*
