

DECISIONS 1996

96-001

Appellant(s) – Mr. Michael Bracko, **Operator** – Gregg River Resources, **Location** – Hinton, **Type of Appeal** - Discontinuance of Proceedings

On January 3, 1996, Mr. Michael Bracko filed a Notice of Appeal with respect to Approval No. 11905-00-04 issued to Gregg River Resources. The appellant objected to the development of a settling pond in one of their pits and releasing treated plant process waste water into the Gregg River. On April 2, 1996 the Board received a notice of withdrawal from Mr. Bracko and consequently issued a Discontinuance of Proceedings on the same day.

Cite as: *Mr. Michael Bracko v. Acting Director of Land Reclamation, Alberta Environmental Protection*

96-002

Appellant(s) – Alberta Cement Corporation, **Operator** – Alberta Cement Corporation, **Location** – Rocky Mountain House, **Type of Appeal** - Discontinuance of Proceedings

On February 9, 1996, Alberta Cement Corporation filed a Notice of Appeal with respect to the decision of the Director of Air and Water Approvals Division stating that permits 93-AP-009 and 93-WP-042 for the Rocky Mountain House cement manufacturing plant are null and void. On April 22, 1996 the appeal was held in abeyance pending the judicial review filed by Alberta Cement. The Memorandum of Judgment of the Honourable Justice Veit issued on July 5, 1996, stated that the decision by the Director of Air and Water Approvals Division, Environmental Protection, that the permits of Alberta Cement are null and void, was irrational. On July 11, 1996, parties were notified that the Board would be closing its file within 30 days in light of this decision. On August 12, 1996, the Board issued a Discontinuance of Proceedings.

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

96-003-96-005

Appellant(s) – Alberta Treasury Branches and the City of Drumheller, **Operator** – Alberta Treasury Branches and the City of Drumheller, **Location** – Drumheller, **Type of Appeal** - Report and Recommendations

On February 2, 1996, Alberta Treasury Branches filed a Notice of Appeal objecting to the Designation Order dated January 19, 1996 by the Director of Chemical Assessment and Management. On February 8, 1996, the City of Drumheller filed a Notice of Appeal in relation to the same Order as they had been designated parties as well. A pre-hearing was conducted on May 27, 1996 and a resolution was agreed to. A Report and Recommendations was prepared by the Board on May 31, 1996 and agreed to by the Minister on June 4, 1996.

Cite as: *Alberta Treasury Branches and the City of Drumheller v. Director of Chemical and Assessment Management Division.*

96-004

Appellant(s) – Kanata Environmental Services, **Operator** – Kanata Environmental Services, **Location** – Edmonton, **Type of Appeal** - Decision

On February 15, 1996, Kanata Environmental Services filed a Notice of Appeal with respect to Enforcement Order 96-03 to Kanata Environmental Services. On March 21, 1996 the Board issued a Decision report stating that since the Director's order was issued under section 200(1)(d) and (e) of the *Environmental Protection and Enhancement Act*, the Board can not be the proper subject of an appeal and therefore has no jurisdiction to consider the appeal filed. As a result, the Board dismissed the appeal and a copy of the Decision was sent to the Minister on March 21, 1996.

Cite as: *Kanata Environmental Service v. Director of Pollution Control*.

96-006

Appellant(s) – Mr. Bill Lucey, **Operator** – Western Steel Partnership, **Location** – Calgary, **Type of Appeal** - Decision

On March 5, 1996, Mr. Bill Lucey, Leader of the Confederation of Regions Party, filed a Notice of Appeal with respect to Approval 11602-00-01 issued to Western Steel Partnership. The approval was an amendment of an earlier approval for the demolition, decommissioning and reclamation of the primary metal production plant. The Board concluded in its Decision report of April 11, 1996 that the appeal is being dismissed as the Appellant failed to disclose any grounds that may justify an appeal and he failed to comply adequately with the Board's written request. A copy of the Decision report was sent to the Minister on April 12, 1996.

Cite as: *Lucey v. Director, Air and Water Approvals*.

96-007

Appellant(s) – Alberta-Pacific Forest Industries Inc., **Operator** – Alberta-Pacific Forest Industries Inc., **Location** – Edmonton, **Type of Appeal** - Discontinuance of Proceedings

On March 7, 1996, the Alberta-Pacific Forest Industries Inc. filed a Notice of Appeal with respect to Environmental Protection Order 95-09 issued to Alberta Pacific for a bleached market kraft pulp mill. On April 11, 1996 the appellant withdrew the appeal and the Board issued a Discontinuance of Proceedings on the same day.

Cite as: *Alberta-Pacific Forest Industries Inc. (Alberta-Pacific) v. Director of Pollution Control, Alberta Environmental Protection*.

96-008

Appellant(s) – Alberta-Pacific Forest Industries Inc., **Operator** – Alberta-Pacific Forest Industries Inc., **Location** – Edmonton, **Type of Appeal** - Discontinuance of Proceedings

On April 11, 1996, an appeal was received from Alberta-Pacific Forest Industries Inc. with respect to an amendment of April 2, 1996 to Enforcement Order 95-09 relating to the elimination of offensive odours outside the plant. On June 21, 1996 the appellant withdrew the appeal and the Board issued a Discontinuance of Proceedings on the same day.

Cite as: *Alberta-Pacific Forest Industries Inc. (Alberta-Pacific) v. Director of Pollution Control, Alberta Environmental Protection*.

96-009

Appellant(s) – Ms. Pat Allen, **Operator** – Town of Ponoka, **Location** – Lacombe, **Type of Appeal** - Report and Recommendations

On April 26, 1996, Ms. Pat Allen filed a Notice of Appeal with respect to Approval No. 15385-01-00 issued to the Town of Ponoka for the removal of 66,000,000 gallons of water from the aquifer associated with the opening, operation and reclamation of the gravel pit. On June 17, 1996 the Board conducted a pre-hearing that resulted in Ms. Allen withdrawing her appeal on the basis that her concerns would be best addressed through the Water Resources Administration Division of the Department of Environmental Protection and the County of Ponoka would continue to abide by the restrictions contained within their licence. The Board prepared a Report and Recommendations on June 27, 1996, advising the Minister need not take any further action. A copy of the report was forwarded to the Minister on the same day.

Cite as: *Pat Allen et al. v. Director of Land Reclamation, Alberta Environmental Protection*.

96-010

Appellant(s) – Alberta Power, **Operator** – Alberta Power, **Location** – Edmonton, **Type of Appeal** - Discontinuance of Proceedings

On April 26, 1996, Alberta Power filed a Notice of Appeal with respect to Approval Nos. 18260-01-00 and 18261-01-00. A procedural meeting was held on July 11, 1996. Parties requested the appeal be held in abeyance while they attempt to resolve the matter. An extension was granted and parties were asked to provide a status update September 30, 1996. As the parties were able to resolve the matter, Alberta Power withdrew their appeal on September 11, 1996 and the Board issued a Discontinuance of Proceedings on September 13, 1996.

Cite as: *Alberta Power Ltd. v. Director of Chemical Assessment and Management Division, Alberta Environmental Protection.*

96-011

Appellant(s) – Mr. Joe Zink, **Operator** – Westridge Water Supply Ltd., **Location** – Calgary, **Type of Appeal** - Report and Recommendations

On May 16, 1996, Mr. Joe Zink filed a Notice of Appeal with respect to Amending Approval 1298-00-01 issued to Westridge Water Supply Ltd. for a permanent auxiliary raw water supply intake and pipeline to replace the unapproved temporary supply line installed in 1995. A pre-hearing meeting on August 26, 1996, resulted in an unsuccessful mediation. A hearing was held on October 7, 1996, and the Board issued a Report and Recommendations on October 28, 1996 stating that the application should be returned to the Director of Air and Water Approvals for reconsideration based on new and proper evidence and the Director should exercise his discretion and consider site suitability, water quality, groundwater conditions and site drainage. The Minister agreed to the Board's report on November 13, 1996.

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

96-012

Appellant(s) – Mr. Victor Durish of Gammon Resources Ltd., **Operator** – Gammon Resources Ltd., **Location** – Calgary, **Type of Appeal** – Report and Recommendations

On May 23, 1996, Mr. Victor Durish, President of Gammon Resources Ltd., filed a Notice of Appeal with respect to Environmental Protection Order 96-07. Specifically, Gammon Resources objected that no other operators are responsible for the condition of the land. Pre-hearing meetings took place on July 18, 1996 and August 13, 1996, however, mediation was unsuccessful. A hearing took place on October 21, 1996, in Calgary. The Board issued a Report and Recommendations on November 20, 1996, stating that the Inspector acted correctly in issuing the EPO to Gammon alone. The Minister agreed to the Board's report on November 25, 1996. The Appellant filed the decision of the Minister with the Court of Queen's Bench which was subsequently withdrawn by the Appellant.

Cite as: *Gammon Resources Ltd. v. Inspector of Land Reclamation Division, Alberta Environmental Protection.*

96-013

Appellant(s) – Mr. David and Mrs. Ethel Jessey, **Operator** – Municipal District (M.D.) of Rocky View No. 44, **Location** – Langdon, **Type of Appeal** - Discontinuance of Proceedings

On June 14, 1996, the Environmental Appeal Board received a Notice of Appeal from Mrs. Adrienne Waller on behalf of Mr. David and Mrs. Ethel Jessey with respect to Approval No. 918-01-00 issued to the M.D. of Rocky View No. 44 for the operation, of a Class I wastewater treatment plant (wastewater stabilization ponds) and a Class I wastewater collection system for the Hamlet of Langdon. In consultation with the parties, the Board scheduled a mediation for August 27, and a hearing for September 10, 1996. At the mediation meeting, it was agreed to hold the appeal in abeyance until January 15, 1997, pending submission of a status report by the Department, and adjourning the hearing scheduled for September. On January 9, 1997, the Approval Holder requested a further adjournment in order to consult with third parties not before the Board, and to complete a sewage effluent engineering study brought forward to the

Municipal Council. In consultation with the parties, the Board held a mediation meeting on April 23, 1997 in Calgary. As no resolution was reached at the mediation, a hearing was scheduled for July 15 and 16, 1997. However, after requests by the Approval Holder, Appellants and the Department, the Board held the appeal in abeyance pending negotiations between the parties. On May 10, 2000, the Board received a letter from the Appellant's legal counsel advising that an agreement had been reached between the parties and that the appeal would be withdrawn. On May 15, 2000, the Board issued a Discontinuance of Proceedings.

Cite as: *Jessey v. Director, Air and Water Approvals, Alberta Environmental Protection*
re: *Municipal District (M.D.) of Rocky View No. 44.*

96-014

Appellant(s) – Mr. Joe Przybylski, **Operator** – Cool Spring Dairy, **Location** – Whitelaw, **Type of Appeal** – Discontinuance of Proceedings

On June 14, 1996, Mr. Joe Przybylski filed a Notice of Appeal with respect to a decision of the Director, Pollution Control Division, to Cool Spring Dairy Ltd. in Whitelaw. On June 14, 1996 Mr. Przybylski was advised that it may be pre-mature for the involvement of the Board at this time as an approval had not yet been issued. On July 30, 1996, Mr. Przybylski was asked for a response to the Board's June 14, 1996 letter asking if he wished to pursue any further action. No further correspondence was received and the Board issued a Discontinuance of Proceedings on July 3, 1996.

Cite as: *Joe Przybylski v. Director of Pollution Control, Alberta Environmental Protection.*

96-015-96-017, 96-19-96-67

Appellant(s) – Ms. Lorraine Vetsch *et al.*, **Operator** – Laidlaw Environmental Services (Ryley) Ltd., **Location** – Ryley **Type of Appeal** – Decision

From June 18 – July 16, 1996, 59 Notices of Appeal were filed by Ms. Lorraine Vetsch *et al.* with respect to Approval No. 10348-01-00 issued to Laidlaw Environmental Services (Ryley) Ltd. Ms. Julia Greer, Ms. Elizabeth Schwob, Ms. Alice Dupuit withdrew their appeals. On August 6, C.R. Savoie, Ms. Peggy Biche filed appeals, but were dismissed as they were filed after the 30 day time period. On September 30 and October 1, 1996, a preliminary meeting was held and the Board issued a Decision on October 28, 1996 stating that no appellant other than Mrs. Kozdrowski convinced the Board that they were directly affected. A hearing of this appeal will be held on or before January 24, 1997 with Mrs. Bernice Kozdrowski as the appellant (refer to 96-059 below).

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

96-018

Appellant(s) – Paul First Nation, **Operator** – TransAlta Utilities Ltd., **Location** – Duffield, **Type of Appeal** – Discontinuance of Proceedings

On July 2, 1996, the Paul First Nation filed a Notice of Appeal with respect to Approval No's. 9830-01-00 and 18528-00-00 issued to TransAlta Utilities Ltd.. The appellant stated that the approvals were not adequate to address the water level of Lake Wabamun or the air emissions from the Sundance Thermal Electric Power Plant. A notice of withdrawal was received from the appellant on July 19, 1996, and the Board issued a Discontinuance of Proceedings on August 27, 1996.

Cite as: *Paul Band First Nation v. Director of Air and Water Approvals, Alberta Environmental Protection.*

96-023

Appellant(s) – Ms. Julia Greer, **Operator** – Laidlaw Environmental Services (Ryley) Ltd., **Location** – Ryley, **Type of Appeal** – Discontinuance of Proceedings

On July 4, 1996, Ms. Julia Greer filed a Notice of Appeal with respect to Approval No. 10348-01-00 issued to Laidlaw Environmental Services (Ryley) Ltd. for the operation and reclamation of a hazardous waste

storage and hazardous recyclable and processing facility, and the construction, operation and reclamation of a hazardous waste landfill near Beaverhill Lake. On August 1, 1996, Ms. Greer advised the Board that she did not wish to receive any further information in regard to the appeal and on August 26, 1996, she requested that the Board remove her from the Laidlaw 'project'. On August 27, 1996, the Board issued a Discontinuance of Proceedings.

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

96-025

Appellant(s) – Ms. Elizabeth W. Schwob, **Operator** – Laidlaw Environmental Services (Ryley) Ltd., **Location** – Ryley, **Type of Appeal** – Discontinuance of Proceedings

On July 5, 1996, Ms. Elizabeth W. Schwob filed a Notice of Appeal with respect to Approval No. 10348-01-00 issued to Laidlaw Environmental Services (Ryley) Ltd. for the operation and reclamation of a hazardous waste storage and hazardous recyclable and processing facility, and the construction, operation and reclamation of a hazardous waste landfill near Beaverhill Lake. On July 28, 1996, Ms. Schwob advised the Board that she considered herself not to be directly affected by the approval. On August 22, 1996, Ms. Schwob withdrew her appeal and the Board issued a Discontinuance of Proceedings on the same day.

Cite as: *Elizabeth W. Schwob v. Director of Chemical Assessment and Management, Alberta Environmental Protection.*

96-031

Appellant(s) – Ms. Alice Dupuit, **Operator** – Laidlaw Environmental Services (Ryley) Ltd., **Location** – Ryley, **Type of Appeal** – Discontinuance of Proceedings

On July 9, 1996, Ms. Alice Dupuit filed a Notice of Appeal with respect to Approval No. 10348-01-00 issued to Laidlaw Environmental Services (Ryley) Ltd. for the operation and reclamation of a hazardous waste storage and hazardous recyclable and processing facility, and the construction, operation and reclamation of a hazardous waste landfill near Beaverhill Lake. On August 14, 1996, Ms. Dupuit withdrew her appeal and the Board issued a Discontinuance of Proceedings on August 22, 1996.

Cite as: *Alice Dupuit v. Director of Chemical Assessment and Management, Alberta Environmental Protection.*

96-059

Appellant(s) – Ms. Bernice Kozdrowski, **Operator** – Laidlaw Environmental Services (Ryley) Ltd., **Location** – Ryley, **Type of Appeal** – As listed below

Overview: From June 18-July 16, 1996, 59 Notices of Appeal were filed with respect to Approval No. 10348-01-00 issued to Laidlaw Environmental Services (Ryley) Ltd. (LES) for the operation and reclamation of a hazardous waste storage and hazardous recyclable and processing facility, and the construction, operation and reclamation of a hazardous waste landfill near Beaverhill Lake. On July 10, 1996, Ms. Bernice Kozdrowski filed a Notice of Appeal with respect to this approval.

Report and Recommendations - A preliminary meeting was held on September 30, 1996, and October 1, 1996. A Decision was issued by the Board on October 28, 1996, stating that Ms. Bernice Kozdrowski is directly affected and that a hearing by the Board will take place prior to January 24, 1997 (note 96-015-96-17, 96-019-96-067 above). The hearing of January 22 and 23, 1997, was postponed and rescheduled for March 4, 5, 6 and 7, 1997. A Report and Recommendations was issued by the Board on June 12, 1997, recommending that: the clay liner for the landfill cell be thickened to 1.5 metres from 0.6 metres; the liner be installed using methods and materials that satisfy strict specifications designed to reduce the hydraulic conductivity of the liner system; and, that water wells surrounding the cells be checked regularly and frequently to allow early detection of contaminants. The Board recommended that, provided the cell design

be improved as outlined, the appeal be dismissed. The Minister agreed to the Board's report on June 18, 1997.

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

Cost Decision - On July 7, 1997, the Board issued a Cost Decision, allowing costs of \$9,796.24, to be paid by Laidlaw Environmental Services (Ryley) Limited, and allocated to the appellant, Ms. Bernice Kozdrowski, as well as, Mr. Mitch Bronaugh, Dr. MacMillan, Ms. Marilynn Fenske and Ms. Leslie Price.

Cite as: *Cost Decision re: Bernice Kozdrowski*

Decision – On January 30, 1998, LES' counsel requested that the Board 'reconsider Recommendation #1' on the Board's June 12, 1997 Report and Recommendations. On April 7, 1998, the Board issued a Decision stating that the 'public interest' will not be served by granting LES' reconsideration request and also that by refusing LES' request, the Board wishes to make it clear that it has not altered its original decision, or issued a new order or direction.

Cite as: *Laidlaw Environmental Services (Ryley) Ltd. request for reconsideration, re: Bernice Kozdrowski v. Director of Chemicals Assessment and Management, Alberta Environmental Protection.*

Decision – On August 24, 1998, the Appellant's representative, Mr. Mitch Bronaugh, wrote to the Board requesting that the Board 'reconsider' its June 12, 1997 Report and Recommendations "to determine on question: whether the 'clay' liner allowed by...[Director] satisfies the conditions of the Board's...[Report]". On February 9, 1999, the Board issued a Decision denying the Appellant's reconsideration request.

Cite as: *Kozdrowski request for reconsideration, re: Bernice Kozdrowski v. Director of Chemicals Assessment and Management, Alberta Environmental Protection.*

96-068

Appellant(s) – Mr. David Slater of Paramount Resources Ltd., **Operator** – Paramount Resources Ltd., **Location** – Calgary, **Type of Appeal** - Discontinuance of Proceedings

On July 18, 1996, Mr. David Slater of Paramount Resources Ltd. filed a Notice of Appeal with respect to the magnitude of an Administrative Penalty (\$4,500) for failing to provide monthly reports as required by their Approval 93-AL-112 for the Saleski Sour Gas Plant. On September 13, 1996, Paramount advised the Board that they would be withdrawing their appeal and the Board issued a Discontinuance of Proceedings on the same day.

Cite as: *Paramount Resources Ltd. v. Director of Pollution Control, Alberta Environmental Protection.*

96-069

Appellant(s) – Mr. Nick Zon, **Operator** – TransAlta Utilities Corporation, **Location** – Edmonton, **Type of Appeal** - Discontinuance of Proceedings

On July 18, 1996, Mr. Nick Zon filed a Notice of Appeal with respect to Approval No's. 18528-00-00 and 9830-01-00 issued to TransAlta Utilities Corporation. Further information was requested from counsel for the appellant and was received. On September 24, 1996, the Board issued a Discontinuance of Proceedings as it is not persuaded that there are sufficient grounds for granting the extension of the time for filing an appeal, particularly in light of the fact that the matter in question appears to reside primarily under the *Water Resources Act*.

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

96-070

Appellant(s) – Messrs. Joe and Robert Przybylski, **Operator** – Cool Spring Dairy Farms Ltd., **Location** – Whitelaw, **Type of Appeal** – As listed below

Overview - On August 13, 1996, Messrs. Joe and Robert Przybylski filed a Notice of Appeal with respect to Approval No. 18756-00-00 issued to Cool Spring Dairy Farms Ltd. for the construction, operation and reclamation of the Whitelaw forage drying facility.

Decision - A hearing was set for February 25, 1997, but was rescheduled pending resolution of a prosecution of the approval holder. The Appellants then applied for a Stay of the decision of the Director pending the appeal. On April 1, 1997, the Board issued a Decision granting the Stay requested by the Appellants and stating that a hearing date for the appeal would be set upon agreement with the parties following the resolution of the prosecution.

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

Report and Recommendations - A hearing was held on June 4 and 6, 1997. On June 6, 1997, the Board issued a Report and Recommendations containing an agreed upon resolution signed by all parties, and including the withdrawal of the appeal by the appellants. The Minister agreed with the Board's report on June 10, 1997.

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

96-071

Appellant(s) – Mr. David and Ms. Claire Andrews, **Operator** – Sulfer Works Ltd., **Location** – Irricana, **Type of Appeal** - Discontinuance of Proceedings

On August 20, 1996 Mr. David and Ms. Claire Andrews filed a Notice of Appeal with respect to the decision of the Head of the Environmental Impact Assessment Branch to not require Sulfer Works Ltd. to submit to an impact assessment study. On August 21, 1996 the appellant was advised that as there was no approval issued it was premature/lack of jurisdiction for the Board to get involved and the Board issued a Discontinuance of Proceedings on August 28, 1996.

Cite as: *David and Claire Andrews v. Director of Environmental Assessment, Alberta Environmental Protection.*

96-072

Appellant(s) – Mr. Bill Lucey, **Operator** – Suncor Inc. Oil Sands Group, **Location** – Calgary, **Type of Appeal** - Decision

On August 26, 1996, Mr. Bill Lucey of the Confederation of Regions Political Party filed a Notice of Appeal with respect to Approval No. 95-00-18 issued to Suncor Inc. Oil Sands Group. On October 15, 1996, the Board issued a Decision report stating that the appeal was dismissed for lack of sufficient information as requested by the Board. A copy of the Decision was forwarded to the Minister on October 15, 1996.

Cite as: *Lucey #2 v. Director, Air and Water Approvals.*

96-073

Appellant(s) – Mr. Bill Bell of Penn West Petroleum Ltd., **Operator** – Penn West Petroleum Ltd., **Location** – Calgary, **Type of Appeal** - Discontinuance of Proceedings

On September 12, 1996, Mr. Bill Bell on behalf of Penn West Petroleum Ltd. filed a Notice of Appeal with respect to Amending Approval No. 9804-01-02. The approval was for the expansion of the Minnehik-Buck Lake sour gas plant for the processing of natural gas. Specifically, Penn West objects to the terms and conditions of the approval. On November 13, 1996, Mr. Bell advised the Board that Penn West Petroleum would be withdrawing their appeal as they have resolved the matter with the Department of Environmental Protection. As a result, the Board issued a Discontinuance of Proceedings on November 14, 1996.

Cite as: *Penn West Petroleum Ltd. v. Director of Air and Water Approvals, Alberta*

Environmental Protection.

96-074

Appellant(s) – Mr. Steven G. Hertzog of BPCO a Division of Emco Limited, **Operator** – Canadian Turbo, **Location** – Edmonton, **Type of Appeal** - Discontinuance of Proceedings

On September 19, 1996, Mr. Steven G. Hertzog of BPCO a Division of Emco Limited filed a Notice of Appeal with respect to Approval No. 9956-01-01 issued to Canadian Turbo for the decommissioning and reclamation of the Edmonton Used Oil Recycling Plant. The appeal was withdrawn by the appellant, BPCO, and the Board issued a Discontinuance of Proceedings on September 19, 1997.

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

96-075

Appellant(s) – Mr. Robert Steinborn of Land Petroleum International Inc., **Operator** – Land Petroleum International Inc., **Location** – Calgary, **Type of Appeal** - Report and Recommendations

On September 23, 1996, Mr. Robert Steinborn of Land Petroleum International Inc. filed a Notice of Appeal with respect to Environmental Protection Order 96-11 relating to the Majeau well. A mediation was held on December 9, 1996, in Edmonton, and included the landowner, Mr. Frank Wegewitz and a resolution was reached. On February 10, 1997, the Board issued a Report and Recommendations to the Minister. The Minister agreed to the report on March 17, 1997.

Cite as: *Land Petroleum International Inc. v. Inspector of Land Reclamation Division, Alberta Environmental Protection.*

96-076

Appellant(s) – Mr. Donald Sommers, **Operator** – Chauvco Resources Ltd., **Location** – Champion, **Type of Appeal** - Discontinuance of Proceedings

On September 30, 1996, Mr. Donald Sommers filed a Notice of Appeal with respect to Reclamation Certificate #30906 issued to Chauvco Resources Ltd. The grounds for the appeal are extreme soil compaction and mixed soil classes resulting in poor crop growth in well area. A mediation took place on December 5, 1996, in Champion, Alberta, with the appellant and Chauvco agreeing to private terms. The appeal was then withdrawn by Mr. Sommers, and the Board issued a Discontinuance of Proceedings on December 6, 1996.

Cite as: *Donald R. Sommers v. Inspector of Land Reclamation Division, Alberta Environmental Protection.*

96-077

Appellant(s) – Mr. Jerome Kasha, **Operator** – Imperial Oil Ltd., **Location** – Leduc, **Type of Appeal** - Discontinuance of Proceedings

On October 7, 1996, Mr. Jerome Kasha filed a Notice of Appeal with respect to Reclamation Certificate #32565 issued to Imperial Oil Ltd. The appellant advised that rocks, grease and contaminants were not removed satisfactorily from the area adjacent to the former well site. A mediation took place on November 29, 1996, in Leduc, Alberta. It was agreed by all parties that the file would be held in abeyance until September 1, 1997, in order that the department could examine the soil for possible contamination. On October 3, 1997, the appeal was withdrawn by Mr. Kasha and the Board issued a Discontinuance of Proceedings on October 15, 1997.

Cite as: *Kasha v. Inspector of Land Reclamation Division, Alberta Environmental Protection.*

96-078

Appellant(s) – Mr. Hugh Weis of Superior Vet and Farm Supply, **Operator** – Superior Vet and Farm Supply, **Location** – Edmonton, **Type of Appeal** – Decision

On October 7, 1996, Mr. Hugh Weis of Superior Vet and Farm Supply filed a Notice of Appeal seeking to reduce an administrative penalty of \$6,000 imposed by the Director of Pollution Control. The penalty relates to Approval No. 4736-01 issued by the Director of Chemicals Assessment and Management Division. A hearing was held on March 25, 1997, in the Board's office. The Board issued a Decision on April 10, 1997, confirming the decision of the Director of Pollution Control.

Cite as: *Superior Vet and Farm Supply v. Director of Pollution Control, Alberta Environmental Protection.*

96-079

Appellant(s) – Mr. Sylvester Woytkiw, **Operator** – Norcen Energy Resources Limited, **Location** – Elk Point, **Type of Appeal** – Discontinuance of Proceedings

On October 25, 1996, Mr. Sylvester Woytkiw filed a Notice of Appeal with respect to Reclamation Certificate #33631, issued to Norcen Energy Resources Limited. Mr. Woytkiw stated drilling by Norcen has affected his drinking water. A mediation held January 14, 1997, in Elk Point, was successful. The appeal was withdrawn and the Board issued a Discontinuance of Proceedings on January 24, 1997.

Cite as: *Sylvester Woytkiw v. Inspector of Land Reclamation Division.*

96-080

Appellant(s) – Mr. Paul Emile and Ms. Yvonne Gamache, **Operator** – Mobil Oil Canada, **Location** – Fort Kent, **Type of Appeal** - Report and Recommendations

On November 6, 1996, Mr. Paul Emile and Ms. Yvonne Gamache filed a Notice of Appeal with respect to Reclamation Certificate #28441 issued to Mobil Oil Canada. The grounds for appeal were that vegetation would not grow in the area reclaimed and that the land be reclaimed to its original state. A mediation was held on February 4, 1997, in Fort Kent, where it was agreed by all parties that the Board would hold its file in abeyance until May 15, 1997. A hearing was held on June 9, 1997, in Edmonton. The Board issued a Report and Recommendations on June 27, 1997, recommending that the decision of the Inspector of Land Reclamation Division to issue the reclamation certificate be upheld. The Minister agreed to the Board's report on July 11, 1997.

Cite as: *Gamache v. Inspector of Land Reclamation Division, Alberta Environmental Protection.*

96-081

Appellant(s) – Castledowns Bottle Depot, **Operator** – 692987 Alberta Ltd., **Location** – Edmonton, **Type of Appeal** – As listed

Overview - On December 20, 1996, Castledowns Bottle Depot Ltd., filed a Notice of Appeal and request for Stay with respect to approval issued to 692987 Alberta Ltd. for application number BC96-0026.

Decision - The Appellant objected to the guidelines the Director considered when making his decision and applied for a Stay of the decision of the Director pending the appeal. A Stay hearing was held at the Board office on January 23, 1997, after which the Board issued a Decision to dismiss the Stay application on the same day.

Cite as: *Castledowns Bottle Depot Ltd. v. Acting Director of Action on Waste Division, Alberta Environmental Protection.*

Report and Recommendations - A hearing was held on February 18, 1997, at the Board office, and the Board issued a Report and Recommendations on March 3, 1997, recommending that the appeal be dismissed and that the Director examine the standards used in dealing with applications for beverage recycling depot approvals to clearly define them. The Minister agreed with the Board's report on March 18, 1997.

Cite as: *Castledowns Bottle Depot Ltd. v. Acting Director of Action on Waste Division, Alberta Environmental Protection.*