

DECISIONS 1998

98-001

Appellant(s) – Mr. Alan Iwahkow, **Operator** – Talisman Energy Inc., **Location** – Teepee Creek, **Type of Appeal** – Decision

On January 15, 1998, Mr. Alan Iwahkow filed a Notice of Appeal with respect to Approval No. 1635-01-00 issued to Talisman Energy Inc. for the operation and reclamation of the Teepee Creek sour gas processing plant. The Board issued a Decision on April 30, 1998 dismissing the appeal for lack of standing and failure on the part of the Appellant to provide the Board with additional information as requested.

Cite as: *Iwahkow v. Director of Air and Water Approval Division, Alberta Environmental Protection, re: Talisman Energy Inc.*

98-002

Appellant(s) – Mr. Glen and Ms. Debra Pashniak, **Operator** – Village of Marwayne, **Location** – Marwayne, **Type of Appeal** - Discontinuance of Proceedings

On February 3, 1998, Mr. Glen and Ms. Debra Pashniak filed a Notice of Appeal with respect to Approval No. 964-01-00 issued to the Village of Marwayne to operate the Marwayne wastewater system. The appeal was withdrawn on November 6, 1998 and the Board issued a Discontinuance of Proceedings on the same day.

Cite as: *Pashniaks v. Director, Northeast Boreal and Parkland Regions, Alberta Environmental Protection.*

98-003

Appellant(s) – Consolidated Locals of the Municipality of Wood Buffalo, **Operator** – Shell Canada Limited, **Location** – Fort McMurray, **Type of Appeal** - Decision

On February 11, 1998, the Consolidated Metis Locals of the Municipality of Wood Buffalo filed a Notice of Appeal with respect to Approval No. 48275-00-00, issued to Shell Canada Limited for the construction, operation and reclamation of the Lease 13 experimental oil sands processing plant. On April 30, 1998 the Board issued a Decision dismissing the appeal as the Appellant filed his Notice of Appeal 18 days outside of the time lines pursuant to section 84(4)(c) of the *Environmental Protection and Enhancement Act* without justification or excuse that would cause the Board to exercise its discretion to proceed with this appeal.

Cite as: *Consolidated Metis Locals of the Municipality of Wood Buffalo v. Director of Air and Water Approvals Division, Alberta Environmental Protection.*

98-004

Appellant(s) – G&F Fossen Ranch Ltd., **Operator** – Discovery West Corporation (Magin Energy Inc.), **Location** – Edmonton **Type of Appeal** - Report and Recommendations

On February 10, 1998, G&J Fossen Ranch Ltd. filed a Notice of Appeal with respect to the issuance of Reclamation Certificate No. 36043, issued to Discovery West Corporation (Magin Energy Inc.). A hearing was held August 25, 1998 in Provost. On September 25, 1998 the Board issued a Report and Recommendations to the Minister recommending the appeal be dismissed which the Minister agreed to on October 5, 1998.

Cite as: *Fossen and G&J Fossen Ranch Ltd. v. Inspector of Land Reclamation, Alberta Environmental Protection re: Discovery West Corporation.*

98-005

Appellant(s) – Mr. Wayne and Ms. Laurel Penson, **Operator** – Pembina Corporation, **Location** – Valleyview, **Type of Appeal** – As listed below

Overview - On February 17, 1998, Mr. Wayne and Ms. Laurel Penson filed an appeal with respect to Reclamation Certificate No. 33463, issued to Pembina Corporation.

Report and Recommendations - Hearings were held on June 23 and July 13, 1998, in Grande Prairie. On September 18, 1998, the Board issued its Report and Recommendations to the Minister recommending that the appeal be allowed and that Talisman Energy Inc. be required to carry out further reclamation activities at the site and submit a new application for a reclamation certificate. This report was subsequently approved by the Minister on September 23, 1998.

Cite as: *Penson v. Inspector of Land Reclamation, Alberta Environmental Protection re: Pembina Corporation.*

Cost Decision - The Board issued a Cost Decision on October 5, 1998, denying the application for costs. On March 10, 1999 the Appellants filed an appeal in the Court of Queen's Bench in regard to the Board's Cost Decision. On June 18, 1999, Justice Moore granted judicial review challenging the Board's decision to not award costs and asked the Board for reconsideration.

Cite as: *Cost Decision re: Pembina Corporation.*

Decision - On December 1, 1999, the Board issued a Decision that costs should be awarded to the Pensons and further stated that the burden should be carried out by Talisman.

Cite as: *Reconsideration of costs decision re: Penson and Talisman Energy Inc.*

Decision - On December 9, 1999, the Board received a request from the Appellant asking the Board to reconsider their Decision of December 1, 1999. On February 18, 2000, the Board issued a Decision to not reconsider its December 1, 1999 decision and dismissed the request.

Cite as: *Penson request for reconsideration, re: Reconsideration of costs decision re: Penson and Talisman Energy Inc.*

98-006

Appellant(s) – Mr. Charles W. Forster of Legal Oil and Gas Ltd., **Operator** – Legal Oil and Gas Ltd., **Location** – Sturgeon, **Type of Appeal** – Discontinuance of Proceedings

On February 24, 1998, Mr. Charles W. Forster of Legal Oil & Gas Ltd. filed an appeal with respect to Environmental Protection Order (EPO) No. 98-01 on the grounds that it is not the operator of the site in question. A mediation meeting was held on July 17 and August 21, 1998. A hearing was set, and then changed to a mediation meeting on October 22, 1998. Following the mediation meeting, all parties consented to hold the file in abeyance pending the issuance of a new EPO by the department. The Appellants further requested that the file be held in abeyance, which was granted by the Board. On January 13, 2000, the department issued a new EPO (No. 2000-01) to Legal Oil and Gas Ltd. and Mr. Charles Forster, thereby terminating this appeal. On January 21, 2000, the appellant withdrew the appeal and the Board issued a Discontinuance of Proceedings on January 25, 2000.

Cite as: *Legal Oil and Gas Ltd. #3 v. Director, Land Reclamation Division, Alberta Environmental Protection.*

98-007

Appellant(s) – Mr. Charles W. Forster and Legal Oil and Gas Ltd., **Operator** – Legal Oil and Gas Ltd., **Location** – Sturgeon, **Type of Appeal** – As Listed Below.

Discontinuance of Proceedings - On February 24, 1998, the Board received a Notice of Appeal and request for a Stay from Mr. Dennis Thomas on behalf of Mr. Charles W. Forester and Legal Oil and Gas Ltd. with respect to the issuance of Environmental Protection Order (EPO) 98-02 and were seeking a Stay of the EPO. In a letter of March 9, 1998 from the department to Mr. Thomas, the department advised Legal Oil and Gas Ltd. it would not be required to seek a formal Stay, however, if circumstances suddenly changed, the Director may require immediate compliance with the EPO. After consultation with the parties, a mediation meeting/settlement conference took place on July 17, 1998. The Board also provided a copy of the appeal file to the Alberta Energy and Utilities Board, Union Pacific Resources and Mr. Brian

Cornelis (landowner) as potential interested parties. At the mediation meeting, it was agreed to hold the appeal in abeyance for 90 days, as well as hold a mediation meeting on October 23, 1998 and a hearing on November 6, 1998. Following the mediation meeting, the parties agreed to develop a remediation plan to resolve the EPO, and the November hearing was adjourned. From October 30, 1998 to March 15, 1999 discussions took place between the parties with respect to the remediation plan and on March 12, 1999 the Appellants suggested that the matter be returned to the Board's mediator. In consultation with the parties, a mediation meeting took place on April 26, 1999, and it was agreed to hold the appeal in abeyance for one month. Again in consultation with the parties, a mediation meeting was scheduled for December 14, 1999 and a hearing on April 17 and 18, 2000. On April 4, 2000, Bennett Jones advised the Board that they would be representing Union Pacific Resources at the hearing. On April 11, 2000, the Appellants advised the Board that they were not in a position to file their written submissions, however, were working toward a resolution of the appeal. On April 14, 2000, Mr. Thomas, on behalf of the Appellants withdrew the appeal and on the same day, the Board issued a Discontinuance of Proceedings.

Cite as: *Legal Oil and Gas Ltd. #4 v. Director, Land Reclamation Division, Alberta Environmental Protection.*

Cost Decision – This decision concerns an application for costs submitted on behalf of Union Pacific Resources Inc. ("Union Pacific"). Union Pacific seeks costs against two parties: Legal Oil and Gas Ltd. ("Legal") and Mr. Charles W. Forster ("Forster"). The application was put forth with respect to Appeal No. 98-007 and whether Legal and Forster were responsible for contamination on a well site they had taken over from another entity. At one point, Legal and Forster suggested that Union Pacific's predecessors may have been responsible for this contamination as a result of activities related to a neighbouring well. On April 26, 2000, Union Pacific wrote to the Board in response to the Board's notice of Discontinuance and correspondence, with respect to Union Pacific's detailed claim for costs, was sent to the Board on June 20, 2000. On January 22, 2001, the Board issued a Cost Decision dismissing Union Pacific's application for costs on the grounds that Union Pacific submitted their formal request two months after the Board's Discontinuance proceedings. The Board ruled *prima facie*, which is outside the Board's jurisdiction under section 88 to award costs in respect to any proceedings "before it" and due to the delay, the Board found the application untimely and therefore in need of rejection. The Board also concluded that no specific justification was given with respect to the solicitor-client account for services and that the claim for costs was not immediately brought forth during the mediation process. If substantial costs claims can surface after the mediation or settlement process, particularly from third parties, it will make parties more reluctant to achieve settlements this way and thus increase the overall costs of proceedings before the Board.

Cite as: Cost Decision re: *Union Pacific Resources Inc.*

98-008

Appellant(s) – Mr. Charles W. Forster and Legal Oil and Gas Ltd., **Operator** – Legal Oil and Gas Ltd., **Location** – Sturgeon, **Type of Appeal** - Discontinuance of Proceedings

On February 24, 1998, Mr. Charles W. Forster of Legal Oil and Gas Ltd. filed a Notice of Appeal with respect to Environmental Protection Order No. 98-03, on the grounds that it is not the operator of the site in question. A mediation meeting was held in Edmonton on July 17, 1998. A hearing date of September 8, 1998 was set, but was adjourned by request of the Appellant. On September 23, 1998, the Board advised all parties the hearing scheduled for October 22, 1998 be changed to a mediation meeting and this request was granted. Following the mediation meeting on October 22, 1998, the Appellant agreed to withdraw their Notice of Appeal, and the Board issued a Discontinuance of Proceedings on October 22, 1998.

Cite as: *Legal Oil and Gas Ltd. #2 v. Director, Land Reclamation Division, Alberta Environmental Protection.*

98-009

Appellant(s) – Mr. Charles W. Forster of Legal Oil and Gas Ltd., **Operator** – Legal Oil and Gas Ltd., **Location** – Sturgeon, **Type of Appeal** - Report and Recommendations

On February 24, 1998, Mr. Charles W. Forster of Legal Oil and Gas Ltd. filed an appeal, concerning an Environmental Protection Order No. 98-04, on the grounds that the well site has been shut in and the

landowner prevented Legal Oil and Gas Ltd. from accessing the site. Mediations were held on July 17 and November 6, 1998, respectively. A hearing took place on June 3, 1999, and as result, on July 23, 1999, the Board issued a Report and Recommendations concluding that the Director's order was valid and that the Minister of Environment instruct the Director to establish generic criteria for deciding when to name corporate officers, in their individual capacities, in Environmental Protection Orders issued pursuant to the *Environmental Protection and Enhancement Act*. The report was approved by the Minister of Environment on August 25, 1999.

Cite as: *Legal Oil and Gas Ltd. v. Director, Land Reclamation Division, Alberta Environmental Protection*.

98-010

Appellant(s) – Mr. Bill Lucey, **Operator** – ANG Gathering and Processing Ltd., **Location** – Calgary, **Type of Appeal** - Decision

On February 25, 1998, Mr. Bill Lucey filed a Notice of Appeal with respect to Approval No. 21005-00-00, issued to ANG Gathering and Processing Ltd. for the construction and reclamation of the Central Foothills Gas Gathering System Pipeline Project. The Board issued a Decision on March 31, 1998 dismissing the appeal as Mr. Lucey's Notice of Appeal failed to meet any of the criteria related to standing necessary for the Board to continue its jurisdiction, raise specific environmental matters or show direct affects.

Cite as: *Lucey v. Director of Land Reclamation #3, re: ANG Gatering & Processing Ltd.*

98-011

Appellant(s) – Ms. Wendy Ault of Marwayne Bottle Depot, **Operator** – Marwayne Bottle Depot, **Location** – Marwayne, **Type of Appeal** - Report and Recommendations

On March 3, 1998, Ms. Wendy Ault of Marwayne Bottle Depot, filed a Notice of Appeal with respect to Administrative Penalty No. 97/25-PCD-AP-98/02, issued to the Marwayne Bottle Depot for failing to submit a quarterly container volume report by it due date. A resolution was reached and the Board issued a Report and Recommendations to the Minister on May 21, 1998 which the Minister agreed to on May 28, 1998.

Cite as: *Ault v. Director of Pollution Control Division, Alberta Environmental Protection*.

98-012

Appellant(s) – North Springbank Water Co-op Ltd., **Operator** – Emerald Bay Water and Sewer Co-op Ltd., **Location** – M.D. of Rocky View, **Type of Appeal** - Decision

On March 6, 1998, North Springbank Water Co-op Ltd. filed a Notice of Appeal and request for a Stay with respect to Approval No. 198892-00-00, issued to Emerald Bay Water and Sewer Co-op Ltd. This approval concerned the construction and operation of a Class II wastewater treatment plant and a Class I wastewater collection system and a storm drainage system. On April 17, 1998, the Board issued a Decision dismissing the appeal as the first Notice of Appeal was filed on July 31, 1997, over six months after the 30 day deadline without sufficient reasons.

Cite as: *North Springband Water Co-op Limited, Municipal district of Rocky View v. Director of Southern East Slopes and Prairie Regions, Alberta Environmental Protection*.

98-013

Appellant(s) – R.L. Stonehouse, **Operator** – Reeve of the County of Red Deer, **Location** – Red Deer, **Type of Appeal** - Discontinuance of Proceedings

On March 9, 1998, R.L. Stonehouse of the County of Red Deer, filed a Notice of Appeal with respect to Approval No. 1176-01-00, issued to the Reeve of the County of Red Deer No. 23 for the operation of a Class I wastewater treatment plant and a Class I wastewater collection system for the Hamlet of Spruce View. The appeal was subsequently withdrawn on March 24, 1998 and the Board issued a Discontinuance of Proceedings on March 25, 1998.

Cite as: *County of Red Deer No. 23 v. Director of Northeast Boreal and Parkland Regions, Alberta Environmental Protection.*

98-014, 98-016-020, 98-024-226

Appellant(s) – Mr. Walter Hardy *et al.*, **Operator** – ADM Agri-Industries Ltd., **Location** – Lloydminster, **Type of Appeal** - Report and Recommendations

On March 10, 1998, Mr. Walter Hardy *et al.* filed a Notice of Appeal with respect to Approval No. 144-00-00, issued to ADM Agri-Industries Ltd. for the Lloydminster oilseed crushing plant. As a result of a mediation meeting held in Lloydminster on May 14, 1998, a resolution was reached and agreed to by the parties. The Board issued a Report and Recommendations to the Minister on May 28, 1998, which the Minister approved on June 1, 1998.

Cite as: *Hardy et al. v. Regional Director of Northeast Boreal & Parkland Regions, Alberta Environmental Protection.*

98-015

Appellant(s) – Mr. Bill Lucey, **Operator** – Bow River Pipe Lines Ltd., **Location** – Calgary, **Type of Appeal** - Decision

On March 16, 1998, Mr. Bill Lucey filed a Notice of Appeal with respect to Approval No. 48460-00-00, issued to Bow River Pipe Lines Ltd. for the construction and reclamation of the Mainline Expansion – Princess Station North Loop. On April 3, 1998, the Board issued a Decision dismissing the appeal due to failure to meet criteria related to standing, insufficient environmental matters raised, lack of standing and a failure to respond to the Board's request for information.

Cite as: *Lucey v. Acting Director of Land Reclamation #4, re: Bow River Pipe Lines Ltd.*

98-021

Appellant(s) – Mr. George Miasnikoff and Urban Ore Farms Limited, **Operator** – Mr. George Miasnikoff and Urban Ore Farms Ltd., **Location** – Devon, **Type of Appeal** - Discontinuance of Proceedings

On March 20, 1998, Mr. George Miasnikoff and Urban Ore Farms Limited filed a Notice of Appeal with respect to Environmental Protection Order No. 98-06, for the removal and disposal of Coke Fines and associated materials. A mediation meeting was held in Devon on June 8, 1998, and the parties decided to continue to negotiate. A further mediation meeting was held on August 12, 1998. Following this mediation, and in conjunction with a mediation agreement signed in relation to a corresponding Environmental Protection Order, the Board received a letter from the Appellant stating he would withdraw his appeal. As a result, the Board issued a Discontinuance of Proceedings on August 13, 1998.

Cite as: *Miasnikoff and Urban Ore Farms Ltd. v. Director of Pollution Control, Alberta Environmental Protection.*

98-022

Appellant(s) – Mr. George Miasnikoff and Urban Ore Farms Limited, **Operator** – Mr. George Miasnikoff and Urban Ore Farms Ltd., **Location** – Devon, **Type of Appeal** - Report and Recommendations

On March 20, 1998, Mr. George Miasnikoff and Urban Ore Farms Limited filed a Notice of Appeal with respect to Environmental Protection Order No 98-07, for the implementation of a number of steps in a reclamation plan. A mediation meeting was held in Devon on June 8, 1998 and the parties decided to continue to negotiate. A further mediation meeting was held in Devon on August 12, 1998. Following this mediation, a resolution was reached by the parties and the Board issued a Report and Recommendations to the Minister on August 13, 1998 which the Minister approved on August 18, 1998.

Cite as: *Miasnikoff and Urban Ore Farms Ltd. v. Inspector of Land Reclamation, Alberta Environmental Protection.*

98-230

Appellant(s) – Mr. Brian Bildson, **Operator** – Smoky River Coal Ltd., **Location** – Grande Prairie, **Type of Appeal** – As listed below

Overview - On June 9, 1998, Mr. Brian Bildson filed a Notice of Appeal with respect to Approval No.'s 11929-12 and 11933-00-05 issued to Smoky River Coal Ltd. for the construction and operation of the No. 12 Mine South B2 Project.

Decision – On October 19, 1998, the Board issued a Decision concluding that Mr. Bildson satisfied the requirements in s. 84(1)(a)(iv) of the Act, and satisfied his burden proving that he is directly affected by the approvals. Also, the Board advised that it would proceed to a preliminary meeting to see whether or not the Board should consider the Appellant's appeal in light of previous EUB proceedings.

Cite as: *Bildson v. Acting Director of North Eastern Slopes Region, Alberta Environmental Protection, re: Smoky River Coal Limited.*

Decision – The Board held a preliminary meeting on November 10, 1998 and the Board issued a Decision on December 8, 1998 dismissing the appeal under section 87(5)(b)(i) of the *Environmental Protection and Enhancement Act*.

Cite as: *Bildson v. Acting Director of North Eastern Slopes Region #2, Alberta Environmental Protection re: Smoky River Coal Limited.*

98-231, 98-233, 98-234

Appellant(s) – Mr. Rudy and Ms. Gertie Mizera *et al.*, **Operator** – Beaver Regional Waste Management Services Commission, **Location** – Ryley, **Type of Appeal** – As listed below

Overview - On June 17, 22, 27 and 28, 1998, Mr. Rudy and Ms. Gertie Mizera, Mr. Adelhardt H. Glombick on behalf of Glombick Farms, Ms. Marilyn Fenske and Ms. Alice Mahlum respectively, filed appeals with respect to Approval No. 20754-00-01/ Amending Approval No. W1075, issued to Beaver Regional Waste Management Services Commission for the construction, operation and reclamation of a Class II landfill.

(98-231-98-234) Decision - A mediation meeting was held on September 9, 1998, in Ryley and a further mediation meeting was held on November 12, 1998, in Edmonton. No resolution was reached at the mediation meeting, and a preliminary meeting was held on November 25, 1998. The Board issued a Decision on December 21, 1998, stating that Ms. Fenske, Mr. Glombick and Mr. and Ms. Mizera are directly affected and dismissed Ms. Mahlum's appeal as she failed to convince the Board that the amendment impacts her directly and personally.

Cite as: *Mizera et al. v. Director, Northeast Boreal and Parkland Regions, Alberta Environmental Protection, re: Beaver Regional Waste Management Services Commission.*

(98-231-98-233) Report and Recommendations - The hearing took place on March 15, May 11, 12 and 17, 1999. At the end of the hearing, the Board requested cost submissions by June 14, 1999. Mr. Mark and Ms. Faye Garstad and Ms. Cindy and Mr. Doyle Booth acted as intervenors and supported the evidence of the Appellants. On July 13, 1999, the Board issued a Report and Recommendations that was approved by the Minister on August 25, 1999.

Cite as: *Mizera et al. v. Director, Northeast Boreal, Parkland Regions #2, Alberta Environmental Protection, re: Beaver Regional Waste Management Services Commission.*

(98-231, 232 and 233) Cost Decision – On November 29, 1999, the Board issued a Cost Decision, allowing costs to be paid by Beaver Regional Waste Management Services Commission within 60 days of the issuance of this decision.

Cite as: *Cost Decision re: Mizeras, Glombick, Fenske, et al.*

98-235

Appellant(s) – Mr. Edward W. Grumbach, **Operator** – Town of Rimbey, **Location** – Rimbey, **Type of Appeal** - Report and Recommendations

On June 29, 1998, Mr. Edward W. Grumbach filed a Notice of Appeal with respect to Approval No. 1104-01-01, issued to the Mayor of the Town of Rimbey for the operation of two Class I wastewater treatment plants, a Class II wastewater collection system and a storm drainage system. On September 30, 1998, a mediation meeting took place. Following this mediation, a resolution was reached and the Board issued a Report and Recommendations to the Minister on October 1, 1998 which the Minister approved on October 5, 1998.

Cite as: *Grumbach v. Regional Director, Parkland Region, Alberta Environmental Protection re: Town of Rimbey.*

98-236

Appellant(s) – Mr. Dennis Fenske, **Operator** – Beaver Regional Waste Management Services Commission, **Location** – Tofield, **Type of Appeal** - Decision

On June 25, 1998, Mr. Dennis Fenske filed a Notice of Appeal with respect to Approval No. W1075, issued to Beaver Regional Waste Management Services Commission for the construction, operation and reclamation of a Class II landfill. The Board issued a Decision on July 14, 1998 dismissing the appeal on the grounds the Mr. Fenske failed to adequately respond and establish a basis for proceeding with the appeal.

Cite as: *Fenske v. Director, Northeast Boreal and Parkland Regions, Alberta Environmental Protection re: Beaver Regional Waste Management Services Commission.*

98-237

Appellant(s) – Mr. Alan Gaskell, **Operator** – TransAlta Utilities Corporation, **Location** – Whitewood, **Type of Appeal** - Decision

On July 9, 1998, Mr. Alan Gaskell filed a Notice of Appeal with respect to Approval No. 11851-01-01 issued to TransAlta Utilities Corporation for the opening up, operation and reclamation of the Whitewood Coal Mine. The Board held a preliminary meeting on October 1, 1998 to consider the parties' positions on the jurisdiction of the Board to hear the appeal. On October 21, 1998 the Board issued a Decision dismissing the appeal, as the appeal did not fall within the Board's jurisdiction.

Cite as: *Gaskell v. Regional Director, North Eastern Slopes Region, Alberta Environmental Protection re: TransAlta Utilities Corporation.*

98-238

Appellant(s) – Mr. Norman Zeer, **Operator** – County of Newell, **Location** – Newell, **Type of Appeal** - Decision

On July 17, 1998, Mr. Norman Zeer filed a Notice of Appeal of Approval No. 49121-00-00 issued to the County of Newell No. 4 for the opening up, construction and reclamation of sand and gravel pit. The Board held a mediation meeting on September 28, 1998, however, the parties agreed to further review the details presented at the mediation. As a result of resolution on January 21, 1999, the Board issued a Report and Recommendations to the Minister on January 28, 1999 wherein the Minister agreed to on February 3, 1999.

Cite as: *Zeer v. Director, Bow Region, Alberta Environmental Protection re: County of Newell No. 4.*

98-239

Appellant(s) – Continental Lime Ltd., **Operator** – Continental Lime Ltd., **Location** – Exshaw, **Type of Appeal** - Discontinuance of Proceedings

On June 30, 1998, Continental Lime Ltd. filed a Notice of Appeal with respect to Approval No. 227-01-00, issued to Continental Lime Ltd. noting that the final approval issued by the department did not ensure

consistency with other industrial approvals. On September 29, 1998, the Appellant withdrew the appeal and the Board issued a Discontinuance of Proceedings on September 30, 1998.

Cite as: *Continental Lime Ltd. v. Director, Alberta Environmental Protection.*

98-240

Appellant(s) – Mr. Aldo Corti of Solve-Ex Corporation, **Operator** – Solve-Ex Corporation, **Location** – Athabasca, **Type of Appeal** - Discontinuance of Proceedings

On August 12 1998, Solve-Ex Corporation filed an appeal with respect to the refusal to amend Approval No. 16781-01-02 issued to Solve-Ex Corporation, for the construction and operation of a plant for the recovery of mineral values from the mature fine tailings generated by the two oil sands commercial operations in Athabasca. On October 21, 1998, a mediation meeting was held. On October 22, 1998, the Board wrote to the parties illustrating that the appeal would be held in abeyance while the parties continued negotiations until December 1, 1998, and then further until December 14, 1999. By request of the Board, a second mediation was scheduled for April 20, 1999. On April 9, 1999, Mr. Corti withdrew his appeal and the Board issued a Discontinuance of Proceedings on April 12, 1999.

Cite as: *Solve Ex Corporation v. Director, Northeast Boreal Region, Alberta Environmental Protection.*

98-241

Appellant(s) – Ms. Marilyn Fenske, **Operator** – Beaver Regional Waste Management Services Commission, **Location** – Ryley, **Type of Appeal** - Decision

On August 18, 1998, Ms. Marilyn Fenske filed a Notice of Appeal with respect to Interim License No. 26835, issued to Beaver Regional Waste Management Services Commission which authorized the construction of facilities for storing and diverting surface runoff, in conjunction with a storm water management plan for a Class II landfill. The Board issued a Decision on October 20, 1998 dismissing the appeal as the Board lacks jurisdiction to hear appeals of the Interim Licences.

Cite as: *Fenske v. Manager, Alberta Environmental Protection re: Beaver Regional Waste Management Services Commission.*

98-242

Appellant(s) – Mr. Bob Collins, **Operator** – Gulf Canada Resources Limited, **Location** – Fenn, **Type of Appeal** - Discontinuance of Proceedings

On, August 15, 1998, Mr. Bob Collins filed an appeal with respect to Reclamation Certificate No. 33489, issued to Gulf Canada Resources Limited for lands within SW Sec. 35 Tp. 36 Rge. 20 W4M in connection with or incidental to CPR Robert No. 4 well. A mediation meeting was held on November 5, 1998. Following the mediation, the appeal had been held in abeyance until January 25, 1999, and on March 8, 1999 a request was received from Mr. Collins asking that the file continue to be held in abeyance until November 30, 1999. On March 16, 1999, Gulf Canada objected to the abeyance. As there was no agreement amongst the parties to hold the appeal in abeyance, the Board advised it would proceed to a hearing on August 24, 1999. On August 4, 1999, Mr. Collins withdrew his appeal as he came to a verbal agreement with Gulf Canada Resources Limited and the Board issued a Discontinuance of Proceedings on this same day.

Cite as: *Collins v. Inspector, Land Reclamation, Alberta Environmental Protection re: Gulf Canada Resources Limited.*

98-243

Appellant(s) – Mr. Richard Stelter, **Operator** – GMB Property Rentals Inc., **Location** – Edson, **Type of Appeal** - Decision

On August 27, 1998, Mr. Richard Stelter filed a Notice of Appeal with respect to the Variation of Approval No. 1069-01-00 issued to GMB Property Rentals Inc., for the operation of a Class 1 wastewater treatment

plant. The Director issued the Variation of approval in response to a Ministerial Order, which followed from a previous Board hearing on an appeal by the Appellant of Approval No. 1069-01-00. On February 9, 1999, the Board issued a Decision dismissing the appeal as the *Environmental Protection and Enhancement Act* is not designated to allow a new appeal to the Board from a variation of an approval due to a Ministerial Order.

Cite as: *Stelter v. Director, Environmental Sciences Division, Alberta Environmental Protection*
re: *GMB Property Rentals Ltd.*

98-244

Appellant(s) – Ms. Joanne Vang, **Operator** – Mr. C.Chase Hoffman, **Location** – Turner Valley, **Type of Appeal** - Report and Recommendations

On September 14, 1998, Ms. Joanne Vang filed a Notice of Appeal with respect to Approval No. 17867-00-00 issued to Mr. C. Chase Hoffman for the opening up, construction and reclamation of a sand and gravel pit on SW 17-20-2 W5M located near Turner Valley. A mediation meeting was held on December 18, 1998 in Turner Valley and a resolution was reached. The Board issued a Report and Recommendations to the Minister on December 21, 1998 which the Minister agreed to in January 7, 1999.

Cite as: *Vang v. Regional Director, Bow Region, Alberta Environmental Protection*
re: *C. Chase Hoffman.*

98-245

Appellant(s) – Mr. Donald Jordan, **Operator** – Mayor, Town of Rimbey, **Location** – Rimbey, **Type of Appeal** – Decision

On June 11, 1998 Dr. Donald Jordan filed a Notice of Appeal with respect to Approval No. 1104-01-00, issued to the Mayor of the Town of Rimbey for the operation of two Class I wastewater collection system and a storm drainage system for the Town of Rimbey. The Board issued a Decision on October 7, 1998 dismissing the appeal as there were no sufficient reasons for an extension of the deadline for filing the appeal given by the Appellant.

Cite as: *Jordan v. Regional Director of Parkland Region, Alberta Environmental Protection*
re: *Town of Rimbey.*

98-246 and 98-248

Appellant(s) – Mr. Buff Parry of the Rocky Mt. Cree Smallboy Camp, Mr. Dale Ladouceur, **Operator** – Cardinal River Coals, Ltd., **Location** – 70 km south of Hinton, **Type of Appeal** - Decision

On October 16 and November 2, 1998, L. Buff Parry on behalf of the Rocky Mountain Cree Smallboy Camp (“Camp”) and Mr. Dale Ladouceur respectively, filed Notices of Appeal with respect to Approval No. 46972-00-00 issued to Cardinal River Coals Ltd. The approval authorized the pre-development activities which represent the first phase of the overall mining project. On January 18, 1999, the Board issued a Decision to dismiss the Camp’s appeal as it was without merit, and Mr. Ladouceur’s appeal as he did not submit a Statement of Concern.

Cite as: *Parry et al. v. Regional Director, Northern East Slopes Region, Alberta Environmental Protection*, re: *Cardinal River Coals Ltd.*

98-247

Appellant(s) – Bodo Oilfield Maintenance Ltd., **Operator** – Bodo Oilfield Maintenance Ltd., **Location** -- Bodo, **Type of Appeal** – Decision

On October 22, 1998, Bodo Oilfield Maintenance Ltd. filed an appeal with respect to Administrative Penalty #98/05-PCD-AP-98/19. An administrative penalty was issued to Bodo Oilfield Maintenance Ltd. for the contravention of Sections 5(1) and 16(a) of the Pesticide Sales, Handling, Use and Application Regulation (AR 126/93). A hearing was held on March 18, 1999, and the Board issued a Decision on August 16, 1999, allowing the appeal and varying the penalty.

Cite as: *Bodo Oilfield Maintenance Ltd. v. Director, Enforcement and Monitoring Division, Alberta Environmental Protection.*

98-249

Appellant(s) – Mr. Werner Schulz, **Operator** – Renaissance Energy Ltd., **Location** – Westlock, **Type of Appeal** - Discontinuance of Proceedings

On November 12 1998, Mr. Werner Schulz filed a Notice of Appeal with respect to Reclamation Certificate No. 37213, issued to Renaissance Energy Ltd. On December 30, 1998 the Appellant withdrew his appeal and the Board issued a Discontinuance of Proceedings on the same day.

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

98-250

Appellant(s) – Mr. Terry O’Neill, **Operator** – Town of Olds, **Location** – Olds, **Type of Appeal** - Decision

On November 30, 1998, Mr. Terry O’Neill filed an appeal of Amending Approval No. 1037-01-01, issued to the Town of Olds to construct a storm water detention pond to serve Park Meadows subdivision with discharge to the Town of Olds’ storm drainage system and ultimately Olds Creek. From December 14, 1998 to February 12, 1999, the appeal was pending as Mr. O’Neill was requested to provide the Board with further details about the appeal. On March 12, 1999, the Board issued a Decision dismissing this appeal pursuant to sections 85 and 87 of the *Environmental Protection and Enhancement Act*.

Cite as: *O’Neill v. Regional Director, Parkland Region, Alberta Environmental Protection*
re: *Town of Olds.*

98-251

Appellant(s) – Mr. Ron Groves on behalf of Cabre Exploration Ltd., **Operator** – Cabre Exploration Ltd., **Location** – Provost, **Type of Appeal** – As listed below

Overview - On December 16, 1998, Mr. Ron W. Groves on behalf of Cabre Exploration Ltd. filed an appeal with respect to the decision of the Department of Environment to refuse to issue a Reclamation Certificate to Cabre Exploration Limited.

Report and Recommendations - The Board held a mediation on April 6, 1999. As no resolution was reached, hearings took place on August 18 and September 3, 1999. The Board issued a Report and Recommendations allowing the appeal on October 29, 1999, which the Minister agreed to on December 16, 1999. At the end of the hearing, all parties agreed to make written closing arguments and cost applications.

Cite as: *Cabre Exploration Ltd. v. Conservation and Reclamation Officer, Alberta Environmental Protection.*

Cost Decision – On January 26, 2000 the Board issued a Cost Decision concluding that since Cabre did not seek costs against the landowner, the costs appropriately remain Cabre’s own responsibility, and should not be borne by the public through the Board or department, and therefore, no costs were awarded in the appeal.

Cite as: *Cost Decision re: Cabre Exploration Ltd.*