

ALBERTA
ENVIRONMENTAL APPEALS BOARD

Addendum

Date of Report and Recommendations – May 31, 2005

Date of Addendum – October 11, 2006

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 an appeal filed by Tartan Energy Inc. with
respect to *Environmental Protection and Enhancement Act*
Environmental Protection Order No. 2005/03-NR issued to Tartan
Energy Inc., by the Director, Northern Region, Regional Services,
Alberta Environment.

Addendum for: *Tartan Energy Inc. v. Director, Northern Region, Regional Services, Alberta Environment* (13 June 2005), Appeal No. 04-123-R (A.E.A.B.).

Cite as: Addendum: *Tartan Energy Inc. v. Director, Northern Region, Regional Services, Alberta Environment* (11 October 2006), Appeal No. 04-123-A (A.E.A.B.).

TABLE OF CONTENTS

I. BACKGROUND	1
II. REMOVE.....	1
III. REPLACE WITH	2
IV. ADD.....	2

I. BACKGROUND

[1] Alberta Environment issued an Environmental Protection Order with respect to five wells with contamination to Tartan Energy Inc. The Environmental Appeals Board received a Notice of Appeal from Tartan Energy Inc. appealing Alberta Environment's decision to issue the Environmental Protection Order.

[2] The Board held a mediation meeting on May 31, 2005 in Edmonton, following which an agreement was reached between the parties. The Minister of Environment accepted the agreement and Ministerial Order No. 17/2005 was issued.

[3] After the Ministerial Order was issued, the parties came to a further agreement. The Board recommended the Minister of Environment approve the new agreement, rescind Ministerial Order No. 17/2005, and replace it with Ministerial Order No. 24/2006.

II. REMOVE

[4] Remove the following from Part IV Resolution and from Part V Draft Order in the Board's Report and Recommendations¹:

"12. The Company is responsible under this Order to undertake work with respect to the following:

Well Sites	Lease Areas
Site 10 of 16	1.70 acres
Site 11 of 16	0.17 acres
Site 14 of 16	0.72 acres
Site 3 of 21	0.26 acres
Site 7 of 21	1.39 acres

The Lease Areas are based on surveys of the well sites, including the survey attached."

¹ *Tartan Energy Inc. v. Director, Northern Region, Regional Services, Alberta Environment* (13 June 2005), Appeal No. 04-123-R (A.E.A.B.).

III. REPLACE WITH

[5] Replace in Part IV Resolution, and Part V Draft Order with the following:

“12. The Company is responsible under this Order to undertake work with respect to the following:

Well Sites	Lease Areas
Site 10 of 16	1.70 acres
Site 11 of 16	0.17 acres
Site 14 of 16	0.72 acres
Site 3 of 21	0.26 acres
Site 7 of 21	0.14 acres

The Lease Areas are based on surveys of the well sites, including the survey attached.”

IV. ADD

[6] Add the following footnote to end of paragraph 17 of the Report and Recommendations:

¹ After the Ministerial Order was issued, the parties came to a further agreement. The Board recommended the Minister of Environment approve the new agreement. The Minister of Environment subsequently approved the new agreement, rescinded Ministerial Order No. 17/2005, and replaced it with Ministerial Order No. 24/2006.

[7] Add to Ministerial Order No. 17/2005 immediately above the title “Rescinded”.

[8] Add Ministerial Order No. 24/2006.



ALBERTA ENVIRONMENT

Office of the Minister

Ministerial Order

24/2006

Environmental Protection and Enhancement Act

R.S.A. 2000, c. E-12

Order Respecting Environmental Appeals Board Appeal No. 04-123

I, Guy Boutilier, Minister of Environment, rescind Ministerial Order 17/2005, and pursuant to section 100 of the *Environmental Protection and Enhancement Act*, make the order in the attached Appendix, being an Order Respecting Environmental Appeals Board Appeal No. 04-123.

Dated at the City of Edmonton, in the Province of Alberta, this 11 day of October, 2006.

Guy Boutilier
Minister

Appendix

Order Respecting Environmental Appeals Board Appeal No. 04-123

With respect to the decision of the Director, Northern Region, Regional Services, Alberta Environment (the “Director”), to issue Environmental Protection Order No. EPO 2005/03-NR I, Guy Boutilier, Minister of Environment:

1. Order that the decision of the Director to issue EPO 2005/03-NR is confirmed subject to the following variations.
2. EPO 2005/03-NR is amended by adding immediately after clause 11, the following:

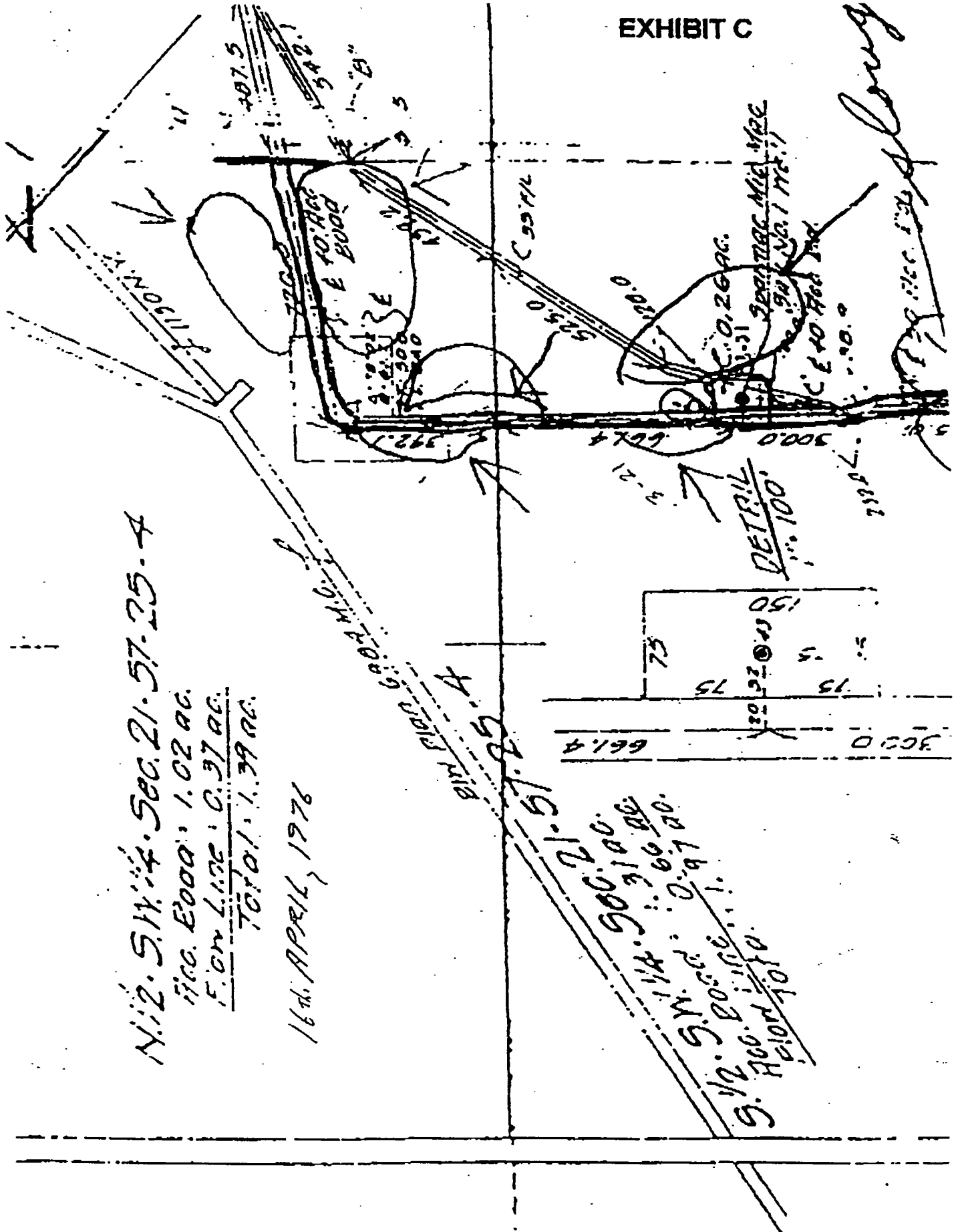
“12. The Company is responsible under this Order to undertake work with respect to the following:

Well Sites	Lease Areas
Site 10 of 16	1.70 acres
Site 11 of 16	0.17 acres
Site 14 of 16	0.72 acres
Site 3 of 21	0.26 acres
Site 7 of 21	0.14 acres

The Lease Areas are based on surveys of the well sites, including the survey attached.

13. The Company is responsible under this Order to undertake work with respect to the road associated with the Sites from the boundary between LSD 3 and 6 in 21-57-25-W4M to the south and east to the highway, which includes: LSD 3 in 21-57-25-W4M, LSD 14 in 16-57-25-W4M, and LSD 9, 10 and 11 in 16-57-25-W4M.”

EXHIBIT C



N. 1/2 S. 14. Sec. 21. 57. 25. A
 1700 EOOD: 1.02 AC.
 F. ON L. 1700: 0.37 AC.
 TOTAL: 1.39 AC.

16th APRIL, 1976

S. 1/2 S. 20. Sec. 14. 21. 57. 25. A
 1000 P. 1000
 1000 P. 1000
 1000 P. 1000
 1000 P. 1000

Long