

ALBERTA
ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

Date of Discontinuance of Proceedings – December 18, 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 section 115 of the *Water Act*, R.S.A. 2000, c. W-3;

-and-

IN THE MATTER OF an appeal filed by IPSCO Inc. with respect to *Water Act* Licence No. 00153559-00-00 issued to IPSCO Inc. by the Director, Central, Region, Regional Services, Alberta Environment.

Cite as: *IPSCO Inc. v. Director, Central Region, Regional Services, Alberta Environment* (18 December 2006), Appeal No. 06-010-DOP (A.E.A.B.).

I. BACKGROUND

[1] On August 30, 2001, the Director, Central Region, Regional Services, Alberta Environment (the “Director”), issued Licence No. 00153559-00-00 (the “Licence”) under the *Water Act*, R.S.A. 2000, c. W-3, to IPSCO Inc. (the “Licence Holder”) authorizing the diversion of 8,634 cubic metres of water annually from the well in 14-03-039-27-W4M for commercial purposes (fabrication plant) near Red Deer, Alberta.

[2] On April 20, 2006, the Environmental Appeals Board (the “Board”) received a Notice of Appeal from IPSCO Inc. (the “Appellant”) appealing the decision of the Director to refuse to amend IPSCO Inc.’s *Water Act* Licence by increasing the allocation from 8,640 cubic meters to 10,000 cubic meters.

[3] On April 21, 2006, the Board wrote to the Appellant and the Director (collectively the “Participants”) acknowledging receipt of the Notice of Appeal and notifying the Director of the appeal. The Board also requested the Director provide the Board with a copy of the records (the “Record”) relating to this appeal, and the Participants provide available dates for a mediation meeting, preliminary meeting or hearing.

[4] 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.

[5] On May 4, 2006, the Board received a letter from the Director advising the Board that the Participants to this appeal were in discussions and requesting the Board hold the appeal in abeyance. On May 11, 2006, the Board requested the Appellant provide the Board with written confirmation, by May 19, 2006, that he wished to hold the appeal in abeyance. The Board received the Appellant’s letter of May 19, 2006 confirming the request for an abeyance. The Board requested the Participants provide status reports by July 7, 2006.

[6] On July 17, 2006 and August 3, 2006, the Board granted abeyances with respect to this appeal. Participants were requested to provide the Board with a status report by September 30, 2006.

[7] On September 26, 2006, the Appellant wrote the Director requesting a reply from Alberta Environment in response to the Appellant's application by October 15, 2006. To facilitate this, the Appellant requested an abeyance until October 31, 2006. The Board granted the extension to October 31, 2006, to allow Alberta Environment an opportunity to provide a response to the Appellant's application.

[8] On October 31, 2006, the Director wrote advised the Board that the Director issued a licence to the Appellant in response to their application. The Board acknowledged receipt of the Director's letter on October 31, 2006, and requested that the Appellant advise the Board by November 3, 2006, if they would be withdrawing their appeal.

[9] On November 6, 2006, the Board received a letter, dated November 1, 2006, from the Appellant advising that a licence had been granted by Alberta Environment, and requested the Board hold the appeal in abeyance until they receive "...confirmation from Alberta Environment that no appeals have been placed against our license, which we expect to do by 15 December 2006." On November 7, 2006, the Board acknowledged receipt of this letter and requested the Appellant advise by December 15, 2006, if they would be withdrawing their appeal.

[10] On December 8, 2006, the Board received a letter dated December 7, 2006, from the Appellant stating: "Please accept this letter as notification that IPSCO Inc. is removing our appeal (EAB 06-010) with regards to our Water Well Licence No. 0013559-00-00." The Board acknowledged the Appellant's letter on December 8, 2006.

II. DECISION

[11] Pursuant to section 95(7) of the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c.E-12, and based on the withdrawal of the appeal by the Appellant on December 7, 2006, the Board hereby discontinues its proceedings in Appeal No. 06-010 and closes its file.

Dated on December 18, 2006, at Edmonton, Alberta.

“original signed by”

Steve E. Hruday, F.R.S.C., P.Eng.
Chair