

ALBERTA
ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

Date of Mediation Meeting – January 22, 2007

Date of Discontinuance of Proceedings – January 25, 2007

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 Joseph Pitt with respect to *Water Act* Approval No. 00230839-00-00 issued to Alberta Highway Services Ltd. by the Director, Central Region, Regional Services, Alberta Environment.

Cite as: *Pitt v. Director, Central Region, Regional Services, Alberta Environment re: Alberta Highway Services Ltd.* (25 January 2007), Appeal No. 06-069-DOP (A.E.A.B.).

I. BACKGROUND

[1] On September 13, 2006, the Director, Central Region, Regional Services, Alberta Environment (the “Director”), issued Approval No. 00230839-00-00 under the *Water Act*, R.S.A. 2000, c.W-3, (the “Approval”) to Alberta Highway Services Ltd. (the “Approval Holder”) authorizing the construction, operation and maintenance of a stormwater management system in E1/2 24-038-28-W4M, near Red Deer, Alberta.

[2] On September 26, 2006 the Environmental Appeals Board (the “Board”) received a Notice of Appeal from Mr. Joseph Pitt (the “Appellant”) appealing the Approval.

[3] On September 26, 2006, the Board wrote to the Appellant, the Approval Holder and the Director (collectively the “Participants”) acknowledging receipt of the Notice of Appeal and notifying the Approval Holder and 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 that 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 October 23, 2006, the Board received a copy of the Record from the Director, and on October 31, 2006, forwarded a copy to the Appellant and the Approval Holder.

[6] On November 20, 2006, in consultation with the Participants, the Board scheduled a mediation meeting for November 20, 2006, in Red Deer, Alberta.

II. MEDIATION MEETING

[7] Pursuant to section 11 of the Environmental Appeal Board Regulation, A.R. 114/93, the Board conducted a mediation meeting in Red Deer, Alberta on November 20, 2006, with Mr. Ron V. Peiluck, Vice-Chair as the presiding Mediator (the “Mediator”).

[8] In conducting the mediation meeting the Mediator reviewed the appeal and the mediation process and explained the purpose of the mediation meeting. He then circulated copies of the Participants' Agreement to Mediate. All participants signed the Agreement and discussions ensued.

[9] At the mediation meeting, an interim resolution was reached and the Participants agreed to a second mediation meeting that would include Alberta Infrastructure and Transportation, the City of Red Deer, and Red Deer County.

[10] On November 23, 2006, the Board wrote to the Participants, and Alberta Infrastructure and Transportation, the City of Red Deer, and Red Deer County and requested they provide their available dates for the second mediation meeting.

[11] On January 8, 2007, in consultation with the Participants, Alberta Infrastructure and Transportation, the City of Red Deer, and Red Deer County, the Board scheduled the second mediation meeting for January 22, 2007, in Red Deer.

[12] Following productive and detailed discussions at the January 22, 2007 mediation meeting, the Appellant withdrew his appeal.

III. DECISION

[13] Pursuant to section 95(7) of the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. W-3, and based upon the withdrawal of the appeal by the Appellant, the Board hereby discontinues its proceedings in Appeal No. 06-069 and closes its file.

Dated on January 25, 2007, at Edmonton, Alberta.

“original signed by”

Dr. Steve E. Hrudehy, FRSC, PEng
Chair