

ALBERTA
ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

Date of Discontinuance of Proceedings – March 20, 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-

IN THE MATTER OF an appeal filed by Celine Trudel with
respect to *Environmental Protection and Enhancement Act*
Amending Approval No. 00009790-01-06 issued to Hub Oil
Company Ltd. by the Director, Southern Region, Regional
Services, Alberta Environment.

Cite as: *Trudel v. Director, Southern Region, Regional Services, Alberta Environment re:
Hub Oil Company Ltd.* (20 March 2007), Appeal No. 06-084-DOP (A.E.A.B.).

I. BACKGROUND

[1] On January 23, 2007, the Director, Southern Region, Regional Services, Alberta Environment (the “Director”), issued Amending Approval No. 00009790-01-06 (the “Amending Approval”) to Hub Oil Company Ltd. (the “Approval Holder”) authorizing the remediation and reclamation of the former Hub Oil used oil recycling facility in Calgary, Alberta. The Amending Approval extends the expiry date of Approval 9790-01-00 which authorizes the operation and reclamation of the Calgary facility for the storage and processing of hazardous recyclables and fuel blending.

[2] On February 16, 2007, the Environmental Appeals Board (the “Board”) received a letter from Ms. Celine Trudel (the “Appellant”), which the Board believed could have been intended to be a Notice of Appeal. The Appellant did not provide contact information to the Board, and the Board was unsuccessful in its attempts to contact the Appellant by telephone to discuss the appeal.

[3] On March 2, 2007, 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 the appeal, and that the Participants provide available dates for a mediation meeting, preliminary meeting or hearing.

[4] Upon further review of the Notice of Appeal, the Board wrote to the Appellant on March 9, 2007, attaching a Notice of Appeal form, and advising the Appellant that it required further information in order to process the concerns stated in the letter as an appeal. The Board requested the Appellant complete the Notice of Appeal form and return it to the Board by March 19, 2007. The Board also requested the Appellant contact the Board by telephone to discuss the appeal.

[5] 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. The Natural Resources

Conservation Board responded in the negative. The Board has not yet received a response from the Alberta Energy and Utilities Board.

[6] On March 12, 2007 the Board received a letter dated March 9, 2007 from the Appellant advising that her letter of February 12, 2007 was not a Notice of Appeal of the Amending Approval, but a letter of concern regarding the reclamation plan proposed by the Approval Holder for the former Hub Oil used oil recycling facility, in Calgary. The Appellant's March 9, 2007 letter states:

“...I would like to state I am not filing an appeal. My letter to Alberta Environment Approvals in Calgary and to the Office of the Registrar of Appeals in Edmonton dated February 12, 2007 only states my concerns on the proposed reclamation plan... I should have clarified in my letter that I was not filing an appeal but just simply voicing my concerns...”

II. DECISION

[7] Pursuant to section 95(7) of the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c W-3, and based upon the clarification and confirmation that Ms. Trudel was not filing an appeal, the Board hereby discontinues its proceedings in Appeal No. 06-084 and closes its file.

Dated on March 20, 2007, at Edmonton, Alberta.

“*original signed by*”

Dr. Steve E. Hrudehy, FRSC, PEng
Chair