

ALBERTA  
ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

Date of Discontinuance of Proceedings – March 31, 2008

**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 Blue Rock Minerals (2002) Inc. with respect to the results of an assessment conducted by Alberta Environment in relation to Water Well Complaint Reference No. 194924/Incident No. 289630 at SW-33-36-03-W5M.

Cite as: *Blue Rock Minerals (2002) Inc. v. Director, Central Region, Environmental Management, Alberta Environment*, (31 March 2008), Appeal No. 07-144-DOP (A.E.A.B.).

## **I. BACKGROUND**

[1] On November 15, 2007, the Director, Central Region, Environmental Services, Alberta Environment (the “Director”) received a complaint from Mr. Lee Eddy, Blue Rock Minerals (2002) Inc., that nearby gas well activities may have impacted their water well at SW-33-36-03-W5M, near Markerville, Alberta. As a result of the complaint Alberta Environment conducted an assessment, and issued the results of the assessment, by letter on February 12, 2008.

[2] On February 14, 2008, the Environmental Appeals Board (the “Board”) received a Notice of Appeal from Mr. Lee Eddy, Blue Rock Minerals (2002) Inc. (the “Appellant”), appealing the results of the assessment.

[3] On February 25, 2008, the Board wrote to the Appellant and the Director (collectively the “Participants”), acknowledging receipt of the appeal and notifying the Director of the appeal. The Board stated in its February 25, 2008 letter:

“Upon review of Mr. Eddy’s Notice of Appeal, and the February 12, 2008 letter from Alberta Environment, it appears to the Board that the decision Mr. Eddy is appealing is not within the jurisdiction of the Environmental Appeals Board. The types of appeals the Board can deal with are listed in section 91 of the *Environmental Protection and Enhancement Act* and section 115 of the *Water Act*. The Board’s legislation is attached for your reference.

At this time Mr. Eddy and Mr. Sprague are asked to provide their comments to the Board on whether this appeal is properly before the Board. Your comments are to be provided by March 10, 2008. Upon receipt of your comments the Board will determine the next step in addressing the appeal.”

[4] On March 10, 2008 the Board received a letter from the Director stating:

“...the appeal should be dismissed for want of jurisdiction. Legislation gives the Alberta Environmental Appeals Board jurisdiction to hear appeals from specific types of Alberta Environment decisions. The Board does not have general authority to review any and all manner of Alberta Environment actions by way of appeal. The circumstances and actions that Mr. Eddy raises concerns with in the notice of appeal are outside of the specific types of matters capable of being appealed to the Alberta Environmental Appeals Board.”

[5] On March 11, 2008, the Board acknowledged receipt of the Director’s letter and requested the Appellant provide his comments by March 14, 2008.

[6] On March 17, 2008, the Board received a letter from the Appellant stating:  
“Please take note, that I will not be continuing my appeal...”

## **II. DECISION**

[7] Pursuant to section 95(7) of the *Environmental Protection and Enhancement Act*, and based upon the withdrawal of the appeal by the Appellant, the Board hereby discontinues its proceedings in Appeal No. 07-144 and closes its file.

Dated on March 31, 2008, at Edmonton, Alberta.

*“original signed by”*

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Dr. Steve E. Hrudehy, FRSC, PEng  
Chair