

ALBERTA  
ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

Date of Discontinuance of Proceedings – October 21, 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-**

**IN THE MATTER OF** an appeal filed by Canadian National  
Railway Company with respect to *Environmental Protection and  
Enhancement Act* Environmental Protection Order No. EPO-  
2005/12-CR Amendment No. 2, issued to Canadian National  
Railway Company by the Director, Central Region, Environmental  
Management, Alberta Environment.

Cite as: *Canadian National Railway Company v. Director, Central Region,  
Environmental Management, Alberta Environment*, (21 October 2008), Appeal  
No. 08-008-DOP (A.E.A.B.).

## **I. BACKGROUND**

[1] On July 9, 2008, the Director, Central Region, Environmental Management, Alberta Environment (the “Director”), issued Environmental Protection Order No. EPO-2005/12-CR Amendment No. 2 (the “Order”) under the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12, to Canadian National Railway Company for clean up work, as a result of a train derailment that resulted in the release of oil into Lake Wabamun and adjacent area.

[2] On July 17, 2008 the Environmental Appeals Board (the “Board”) received a Notice of Appeal from Canadian National Railway Company (the “Appellant”) appealing the Order.

[3] On July 17, 2008, 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 that the Participants provide available dates for a mediation meeting, preliminary motions hearing or hearing.

[4] On July 18, 2008, the Board received a letter from the Appellant requesting the Board hold the appeal in abeyance until August 22, 2008, while they are in discussions with the Director. The Board was also advised by the Director on July 18, 2008 that he was in agreement with the abeyance. The Board wrote to the Appellant and the Director on July 18, 2008, granting the request, advising that the Record and available dates for a mediation meeting, preliminary motions hearing or hearing would not be required at this time, and requesting status reports by August 22, 2008.

[5] On August 22, 2008, the Board received a letter from the Appellant requesting a further abeyance of the appeal until October 6, 2008, and advising that the Director was in agreement with the abeyance. The Board wrote to the Participants on August 25, 2008, granting the request.

[6] On October 7, 2008, the Board wrote to the Participants because status reports were not received. The Board requested the Participants provide status reports by October 10,

2008. As a result of a telephone call from the Director on October 8, 2008, the Board extended the deadline for status reports until October 17, 2008.

[7] On October 16, 2008, the Board received a letter from the Appellant, advising they have worked out a satisfactory arrangement with the Director, and are withdrawing their appeal.

## **II. DECISION**

[8] 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. 08-008 and closes its file.

Dated on October 21, 2008, at Edmonton, Alberta.

*“original signed by”*

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Dr. Steve E. Hruddy, FRSC, PEng  
Chair