

10-022 & 10-044

Appellants – Michael and Fiona Filipski, **Operator** – Rocky View County, **Location** – Bragg Creek, Alberta, **Type of Appeal** – Discontinuance

A Notice of Appeal and request for a Stay were received on September 30, 2010 from Fiona and Michael Filipski with respect to the September 9, 2010 decision of the Director, Alberta Environment, to issue EPEA Approval No. 267306-00-00 to Rocky View County authorizing the construction and reclamation of an outfall system for the Hamlet of Bragg Creek in Rocky View County. The Board held the first appeal in abeyance pending Alberta Environment's decision on the application for the remainder of the facility. On December 2, 2010 Alberta Environment issued EPEA Amending Approval No. 267306-00-02 to Rocky View County for the construction, operation and reclamation of a wastewater system in the Hamlet of Bragg Creek and area in Rocky View County. On December 22, 2010, a second Notice of Appeal was received from Fiona and Michael Filipski with respect to the Amending Approval.

The Appellants withdrew their request for a Stay as the outfall system was already built. Rocky View County requested the Filipskis' appeals be dismissed for not being directly affected and for not filing a valid Statement of Concern with Alberta Environment, a prerequisite to filing an appeal with the Board. As not all parties were amenable to pursuing mediation, the Board advised it would proceed to provide a copy of Alberta Environment's records and set a schedule to receive submissions on the County's motions. In response to various questions of the Filipskis by the County, the Filipskis withdrew their appeals on February 11, 2011 and the Board closed its file.