

13-033

Appellants – ConocoPhillips Canada Resources Corp., **Operator** – ConocoPhillips Canada Resources Corp., **Location** – Mountain View County

On March 31, 2014 the Board received Notices of Appeal dated March 26, 2014 from Bonavista Energy Corporation and ConocoPhillips Canada Resources Corp. These appeals were with respect to the March 13, 2014 decisions of Alberta Environment and Sustainable Resource Development (AESRD) to

- issue Environmental Protection Order No. EPO-2014/02-SSR to Bonavista Energy Corporation (EAB 13-031) and ConocoPhillips Canada Resources Corp. (EAB 13-032) for a release of substances in relation to the well site located at 11-14-29-3-W5M in Mountain View County; and
- refuse the request by ConocoPhillips Canada Resources Corp. (EAB 13-033) to cancel Approval No. 10955-02-00 which was issued in relation to the reclamation of the Crossfield Sour Gas Processing Plant located at 11-14-29-3-W5M in Mountain View County.

On April 7, 2014 AESRD advised that the decision to refuse to cancel ConocoPhillips' Approval is not a decision that is appealable under section 91(1) of the *Environmental Protection and Enhancement Act*, and requested the Board dismiss the appeal. By way of background, AESRD stated that on October 8, 2013 ConocoPhillips submitted an application for cancellation under section 70(1)(b) of EPEA. ConocoPhillips' Notice of Appeal purported to broaden the scope of the October 8, 2013 application and March 13, 2014 decision to include alternate grounds of amending or deleting conditions in the Approval. The October 8, 2013 application and March 13, 2014 decision were not made under section 70(1)(a) of EPEA. Decisions under section 70(1)(b) of EPEA are not appealable under section 91(1) of EPEA. In the Board's April 9, 2014 letter, the Board established a schedule to receive submissions on AESRD's motion

On April 15, 2014 ConocoPhillips withdrew their Notice of Appeal regarding AESRD's decision to refuse to cancel the Approval, and the Board closed its file with respect to Appeal 13-033 only.