

DECISIONS 1997

97-001

Appellant(s) – Mr. Donald F. Ball of Hayspur Aviation Ltd., **Operator** – Hayspur Aviation Ltd., **Location** – Camrose, **Type of Appeal** - Decision

On February 24, 1997, Mr. Donald F. Ball of Hayspur Aviation Ltd. filed a Notice of Appeal with respect to the dismissal or reduction of an administrative penalty of \$2,500 imposed by the Director of Pollution Control, and for an award of costs. The penalty relates to contravention of Section 34 of the Pesticides Sales, Handling, Use and Application Regulation and Section 99(1) of the *Environmental Protection and Enhancement Act*. Specifically, the contravention was that Mr. Ball improperly disposed of approximately 100 gallons of pesticide rinsate on a runway at the City of Camrose; and, that this improper disposal resulted in an adverse effect, and was not reported by Mr. Ball as required. A hearing was held on May 8, 1997, and the Board issued a Decision on June 6, 1997 finding that the Director was justified in applying an administrative penalty, but modifying the initial penalty downward to yield a final assessment of \$1,000. The Board denied Mr. Ball's request for an award of costs.

Cite as: *Hayspur Aviation Ltd. v. Director of Pollution Control, Alberta Environmental Protection*.

97-002

Appellant(s) – Ms. Selma Kelm, **Operator** – City of Edmonton, **Location** – Edmonton, **Type of Appeal** - Decision

On April 9, 1997, Ms. Selma Kelm filed a Notice of Appeal with respect to Amending Approval No. 639-01-04 issued to the City of Edmonton, amending an existing approval for the planning, design, construction and operation of a drainage system to include: a sanitary wastewater treatment plant, a sanitary sewage collection system, and stormwater drainage system. A preliminary meeting was held on May 1 and May 6, 1997. A Decision was issued by the Board on May 13, 1997, dismissing Ms. Kelm's appeal on the basis that she was not directly affected by the Director's decision to amend the approval to the drainage system.

Cite as: *Selma Kelm v. Director of Air and Water Approvals Division, Alberta Environmental Protection*.

97-003

Appellant(s) – Mr. Bill Lucey, **Operator** – Amoco Canada Petroleum Company Ltd., **Location** – Calgary, **Type of Appeal** – Decision

On April 10, 1997, Mr. Bill Lucey of the Confederation of Regions Political Party (Federal) filed a Notice of Appeal with respect to Amending Approval No. 11115-02-04 (OS-4-94) issued to Amoco Canada Petroleum Company Ltd. for an amendment of an earlier approval for the construction, operation and reclamation of certain multi well drilling pads and associated infrastructure (access roads, pipelines, etc.). On May 23, 1997, the Board issued a Decision on April 10, 1997, dismissing the appeal for failure to meet any of the criteria necessary for the Board to continue its jurisdiction.

Cite as: *Lucey v. Director of Land Reclamation*.

97-004

Appellant(s) – Mr. Larry Paulgaard, **Operator** – Husky Oil Operations Ltd., **Location** – Provost, **Type of Appeal** - Report and Recommendations

On April 10, 1997, Mr. Larry Paulgaard filed a Notice of Appeal with respect to Reclamation Certificate No. 29385 issued to Husky Oil Operations Ltd. A hearing was held on July 22, 1997, in Provost. On August 6, 1997, the Board issued a Report and Recommendations recommending that the appeal be dismissed, and that the condition attached to the reclamation certificate be varied by setting a term of 10 years upon that condition. The Minister agreed with the Board's recommendations on August 13, 1997.

Cite as: *Paulgaard v. Inspector of Land Reclamation Division, Alberta Environmental*

Protection.

97-005-97-016

Appellant – Mr. Nick Zon *et al.*, **Operator** – TransAlta Utilities Corporation, **Location** - Edmonton, **Type of Appeal** – As listed below

Overview - On April 16, 1997, Mr. Nick Zon filed a Notice of Appeal with respect to Approval No. 10323-01-00 issued to TransAlta Utilities Corporation for the Wabamun thermal electric power plant. A further eleven appeals were filed.

Decision - A preliminary meeting was held on September 23, 1997, and the Board issued a Decision on September 26, 1997, finding all appellants who filed Notices of Appeal with exception of Mr. Brad Cowley, who responded to the Board's request for written submissions, to be directly affected by the approval, and setting forth the matters that would be discussed at the hearing.

Cite as: *Nick Zon et al. v. Director of Air and Water Approvals Division, Alberta Environmental Protection.*

Report and Recommendations - A hearing was held on October 7, 8 and 28, 1997, in Edmonton. On December 9, 1997, the Board issued a Report and Recommendations recommending that the approval be varied by: adding a safety clause to address human safety issues associated with open water and thin ice in winter; modified to require the approval holder to develop and document a report which outlines all the options available to reduce or eliminate the impact of thermal pollution into Lake Wabamun, and submit this report no later than April 1, 1999; amending the approval to require monitoring of the temperature of outlet water compared to ambient lake water, measured at points outside the zone of influence of thermal discharge; referencing the 3 degree Celsius delta T Alberta Ambient Surface Water Quality Interim Guideline as the new benchmark in certain clauses; adding a clause requiring two year monitoring of inlet and outlet cooling water for certain elements; amending to include chronic toxicity testing of effluent; requiring TransAlta Utilities to expand its weed harvesting program; adding a clause requiring TransAlta to document the location and accuracy of air emission measurement devices; and, reviewing the oil and grease limit to lower it to a level which more accurately reflects what TransAlta can achieve. On December 18, 1997, the Minister agreed to the Board's report.

Cite as: *Zon et al. v. Director of Air and Water Approvals Division, Alberta Environmental Protection, re: TransAlta Utilities Corporation.*

Cost Decision - On December 22, 1997, the Board issued a Cost Decision finding that no costs would be awarded.

Cite as: *Cost Decision re: Zon et al.*

97-017

Appellant(s) – Mr. Andreas Dzurny, **Operator** – Dow Chemical Canada Inc., **Location** – Fort Saskatchewan, **Type of Appeal** - Discontinuance of Proceedings

On May 21, 1997, Mr. Andreas Dzurny filed a Notice of Appeal with respect to Amending Approval No's. 236-00-15 and 237-00-10 issued to Dow Chemical Canada Inc. for the Fort Saskatchewan chemical manufacturing plant. On June 24, 1997, the appeal was withdrawn and the Board issued a Discontinuance of Proceedings on June 25, 1997.

Cite as: *Andreas Dzurny v. Director of Air and Water Approvals, Alberta Environmental Protection.*

97-018

Appellant(s) – Mr. Ian Macdonald of AT Plastics Inc., **Operator** – AT Plastics Inc., **Location** – Edmonton, **Type of Appeal** - Report and Recommendations

On May 29, 1997, Mr. Ian Macdonald of AT Plastics Inc. filed a Notice of Appeal for a reduction of an administrative penalty of \$23,175 imposed by the Director of Pollution Control for failure to conduct fish

bioassay tests in the manner and frequency as required by their Licence-to-Operate. The Board was advised that negotiations were taking place, and the parties requested that the appeal be held in abeyance until August 22, 1997. On August 22, 1997, the parties provided the Board with a resolution of the appeal. The Board issued a Report and Recommendations on August 26, 1997, recommending that the decision of the Director in the administrative penalty be confirmed, subject to all of the conditions of the resolution agreed upon by the parties. The Minister agreed with the Board's report on September 2, 1997.

Cite as: *AT Plastics Inc. v. Director of Pollution Control, Alberta Environmental Protection.*

97-019, 97-020, 97-023, 97-027

Appellant(s) – Shell Canada Limited, Messrs. James Spicer and Anton Planika, Mr. Gerald and Ms. Linda Gjerde, **Operator** – N/A, **Location** – Olds, **Type of Appeal** - Discontinuance of Proceedings

On May 30, June 3, 9 and July 8, 1997, Shell Canada Limited, Messrs. James Spicer and Anton Planika, and Mr. Gerald and Ms. Linda Gjerde respectively, filed appeals with respect to Notice of Designation as a Contaminated Site #01/97 for property in the Town of Olds. A hearing took place on January 21, 1999, and the Board advised that the parties should work together and provide written status reports. On November 26, December 8, 15 and 17, 1999, Shell Canada Limited, Messrs. Planika, and Spicer and Mr. and Ms. Gjerde withdrew their appeals and the Board issued a Discontinuance of Proceedings on December 20, 1999.

Cite as: *Shell Canada Ltd., et al. v. Director of Chemical Assessment and Management, Alberta Environmental Protection.*

97-021

Appellant(s) – Village of Duchess, the Canadian Imperial Bank of Commerce (the “CIBC”) and Shell Canada Limited. (“Shell Canada”), **Operator** – Village of Duchess, the CIBC and Shell Canada, **Location** – , **Type of Appeal** – Discontinuance of Proceedings

On June 3, 6 and 12, 1997, the Board received appeals from the Village of Duchess, the CIBC and Shell Canada respectively regarding a Notice of Designation as a Contaminated Site 03/97, including Lots 1-6, Block 1, Plan 1868BA and adjacent affected land. On July 10, the Board also received a letter from Mr. Alan Harvie on behalf of Mr. Ed and Ms. Tammy Asuchak that were not appealing the designation, but requested standing to appear before the Board in any hearing pertaining to the appeals filed. On August 26, 1997, after the Asuchaks requested to be declared an official “party” to the appeal and the parties were consulted, their request was granted in consultation with the parties. The Board held a mediation meeting on August 27, 1997 in Calgary, Alberta and on August 28, 1997 the Board provided the parties with information they agreed to at the mediation and advised that the Director would be submitting a status report to the Board by October 15, 1997. In consultation with the parties, the Board scheduled a hearing, however, it was adjourned to permit rezoning the land by the Village of Dutchess. On May 19, 2000, by copy of a letter sent from the Director to the Village of Duchess, the Board was advised that the Notice of Designation 03/97 was cancelled by the Director on the grounds that 1. The site was zoned for commercial use and has been returned to ownership by the Village, 2. The contamination remaining on site did not constitute a significant adverse effect to the environment, and 3. The contamination that extends off the site appeared to be confined to the municipal roadway. On May 23, 29 and July 4, 2000, the Village of Dutchess, Shell Canada and the CIBC respectively, wrote to the Board withdrawing their appeals and on October 18, 2000, the Board issued a Discontinuance of Proceedings.

Cite as: *Village of Dutchess et al. v. Director, Chemicals Assessment and Management, Alberta Environmental Protection.*

97-024

Appellant(s) – Legal Oil and Gas Ltd. , **Operator** – Legal Oil and Gas Ltd., **Location** – Sturgeon, **Type of Appeal** - Decision

On June 11, 1997, Legal Oil and Gas Ltd. filed appeals with respect to the decisions of the Director, Land Reclamation Division contained in letters dated May 14, 1997 and June 4, 1997. According to the Appellants, these letters had the effect of amending Environmental Protection Order No. 96-03, issued to

Legal Oil and Gas Ltd. on March 11, 1996. A preliminary meeting was held on December 10, 1997, to deal with the jurisdiction of the Board to hear the issues raised by the Appellants. A Decision was issued by the Board on December 22, 1997, dismissing the appeal for want of jurisdiction.

Cite as: *Legal Oil and Gas Ltd. v. Director of Land Reclamation Division, Alberta Environmental Protection.*

97-026

Appellant(s) – Mr. Nazmin Nurani and Ms. Zeini Virji-Nurani, Roper Bottle Depot **Operator** – Roper Bottle Depot, **Location** – Edmonton, **Type of Appeal** – As listed below

Overview - On July 7, 1997, Mr. Nazmin Nurani and Ms. Zeini Virji-Nurani filed an appeal with respect to the failure of the Department of Environment to approve Application No. BC 97-0003 for a new Universal Beverage Container Depot.

Report and Recommendations - On July 31, 1997, a mediation took place, however, a resolution was not reached, and as a result, a hearing was scheduled for August 18, 1997, in Edmonton. The Board issued a Report and Recommendations to the Minister on August 22, 1997, recommending that the appeal be allowed and the approval be granted. The Minister agreed with the Board's report on September 2, 1997.

Cite as: *Nurani and Virji-Nurani v. Director of Action on Waste, Alberta Environmental Protection.*

(97-026 and 97-039) Decision – On September 10, 1997 the Alberta Bottle Depot Association requested the Board revoke its decision and direct a new hearing on this matter. On September 26, 1997, the Board advised that it would hold a hearing on October 6, 1997, to determine whether it should reconsider its decision and, if so, to hold a new hearing in the matter. On September 29, 1997, Mr. Nazmin Nurani and Zeini Virji-Nurani brought judicial review proceedings in the Court of Queen's Bench of Alberta on the basis that the Board had no jurisdiction to reconsider its decision in that the Board was *functus officio* in that regard. On October 6, 1997, a Notice of Appeal was filed with the Board by Mr. Ronald Kruhlak on behalf of the Alberta Bottle Depot Association (Mr. David Custer, President) appealing the decision of the Director and requesting that the Approval be revoked as well as making formal application for a stay of the decision. On November 27, 1997, Justice Tellex W. Gallant issued reasons for judgement finding that the Board is not *functus* and does have jurisdiction to hold the rehearing, and refusing the order. (*Nazmin Nurani et al. v. Environmental Appeal Board* (November 27, 1997), Edmonton 9703-18343 (Alta. Q.B.)) On January 29, 1998, the Board issued a Decision to reconsider its earlier Report and Recommendations and to proceed with a new (*de novo*) hearing to consider if the Director was correct in denying the Appellants' application to operate a bottle depot. A hearing date was set for April 7, 1998, and then rescheduled for April 29, 1998, in Edmonton.

Cite as: *Alberta Bottle Depot Association request for reconsideration, re: Nurani and Virji-Nurani v. Director of Action on Waste, Alberta Environmental Protection.*

Decision - The Board in its Decision of May 22, 1998, stated that it did not find there was a basis to set aside their previous Report and Recommendations, and approval for the establishment of the Roper Bottle Depot stands. On June 18, 1998, the Alberta Bottle Depot Association filed an application in the Court of Queen's Bench (9803-10403) regarding the Board's decision of May 22, 1998. The Honourable Justice Shannon dismissed the action against the Board on March 4, 1999.

Cite as: *Nurani and Virji-Nurani #2 v. Director of Action on Waste, Alberta Environmental Protection.*

Cost Decision – On March 6, 2000, the Board issued a Cost Decision concluding that the costs of these various proceedings should be born by the parties themselves and that it is not an appropriate case for any award under section 20 of the Environmental Appeal Board Regulation.

Cite as: *Cost Decision re: Nurani and Virji-Nurani.*

97-029

Appellant(s) – Mr. Perry Nelson, **Operator** – Renaissance Energy Ltd., **Location** – Edmonton, **Type of Appeal** - Report and Recommendations

On July 17, 1997, Mr. Perry Nelson filed a Notice of Appeal challenging Reclamation Certificate No. 33825 issued to Renaissance Energy Ltd.. The grounds of the appeal were whether the well site was properly reclaimed, and therefore, free from contamination. A hearing was held on November 17, 1997, in Edmonton. The Board issued a Report and Recommendations on December 1, 1997, recommending that the appeal be dismissed. The Minister agreed with the Board's report on December 3, 1997.

Cite as: *Nelson v. Inspector of Land Reclamation Division, Alberta Environmental Protection.*

97-030

Appellant(s) – Mr. Eugene Bitz, **Operator** – Imperial Oil Resources Ltd., **Location** – Oyen, **Type of Appeal** - Report and Recommendations

On July 30, 1997, Mr. Eugene Bitz filed a Notice of Appeal challenging Reclamation Certificate No. 33950 issued to Imperial Oil Resources Ltd. A mediation meeting was held on August 20, 1997, in Oyen. On August 20, 1997, a resolution was agreed to by all parties and the Board issued a Report and Recommendations recommending that the decision of the Inspector of Land Reclamation Division be confirmed, subject to all of the conditions of the resolution. The Minister agreed to the Board's report on August 27, 1997.

Cite as: *Bitz v. Inspector of Land Reclamation Division, Alberta Environmental Protection.*

97-031 and 97-032

Appellant(s) – Ms. Fay Ash and Mr. Don Munroe, **Operator** – City of Calgary, Calgary Parks and Recreation and Golf Course Operations #136 (47150), **Location** – Calgary, **Type of Appeal** – As listed below

Overview - On August 11, 1997, Ms. Fay Ash and Mr. Don Munroe filed appeals with respect to Approval No's. 18445-01 and 47150 issued to the City of Calgary, Calgary Parks and Recreation (18445-01) and Golf Course Operations #136 (47150) for the application of pesticide within 30 horizontal metres of an "open body of water".

(97-031 and 97-032) Decision - The Board held a preliminary meeting on October 23, 1997, in Calgary. The Board issued a Decision on November 13, 1997, finding Ms. Ash directly affected by the Director's decision; dismissing Mr. Munroe's appeal as he is not directly affected; and the issue of surface water quality as it relates to these approvals to be the only matter that will be addressed at the hearing. On November 21, December 21, 1997 and January 13, 1998, Ms. Ash filed requests to the Board for interim costs for legal representation, and to call witnesses.

Cite as: *Ash and Munroe v. Director of Southern East Slopes and Prairie Regions, Environmental Regulatory Service, Alberta Environmental Protection.*

(97-032) Decision – On January 27, 1998, the Board issued a Decision granting the Appellant, Ms. Ash's request to adjourn the oral hearing scheduled for January 26, 1998. The Board also recommended that the Appellant reconsider settlement negotiations and wished to stress that it takes no position at this time as to whether it agrees with the submission of Ms. Ash or any other participant.

Cite as: *Ash v. Director of Southern East Slopes and Prairie Regions, Environmental Regulatory Service, Alberta Environmental Protection, re: Adjournment and Other Motions.*

(97-032) Cost Decision – On February 5, 1998, the Board issued a Cost Decision stating that interim costs would not be awarded because the Appellant failed to satisfy her burden of proof. As well, costs should be denied for a witness based upon conclusory, un-sworn statements and indeterminate background documents.

Cite as: *Cost Decision re: The City of Calgary (Fay Ash).*

(97-032) Report and Recommendations – A hearing took place on April 8 and May 8, 1998 and the Board issued a Report and Recommendations to the Minister on June 8, 1998. The approval was affirmed by the Board subject to a number of specific recommendations which the Minister approved on June 9, 1998. The Board also made a number of general recommendations which the Minister did not approve.

Cite as: *Ash v. Director of Southern East Slopes and Prairie Regions, Environmental Regulatory Service, Alberta Environmental Protection Re: City of Calgary.*

(97-032) Cost Decision – On July 2, 1998, the Board issued a Cost Decision denying the City's and Ms. Ash's applications for costs and advised that all parties shall bear their own costs in this appeal.

Cite as: *Cost Decision #2 re: The City of Calgary (Fay Ash).*

97-033

Appellant(s) – Mr. Bill Lucey, **Operator** – NOVA Gas Transmission Ltd., **Location** – Calgary, **Type of Appeal** - Decision

On August 11, 1997, Mr. Bill Lucey of the Confederation of Regions Political Party (Federal) filed a Notice of Appeal with respect to Approval No. 46545-00-00 issued to NOVA Gas Transmission Ltd.. The Board issued a Decision on September 22, 1997, dismissing the appeal on the basis that it did not meet any of the criteria related to standing necessary for the Board to continue its jurisdiction.

Cite as: *Lucey v. Acting Director of Land Reclamation, Alberta Environmental Protection.*

97-034

Appellant(s) – Mr. Allan Johnstone of Northern Enviro Network, **Operator** – Weyerhaeuser Canada Ltd., **Location** – Edmonton, **Type of Appeal** - Decision

On August 11, 1997, Mr. Allan Johnstone of Northern Enviro Network filed a Notice of Appeal with respect to Approval No. 113-01-00 issued to Weyerhaeuser Canada Ltd. for the operation and reclamation of a pulp manufacturing plant, a Class II water treatment plant, a sawmill, a planer mill and woodroom, and construction of an industrial landfill at the plant. The Board held a preliminary meeting on October 16, 1997, in Edmonton. The Board issued a Decision on October 30, 1997 dismissing the appeal on the basis that Mr. Johnstone was not directly affected by the Acting Director's decision to issue the approval.

Cite as: *Johnstone v. Acting Director of Air and Water Approvals Division, Alberta Environmental Protection.*

97-035

Appellant(s) – Mr. Wayne Henuset of Willow Park Bottle Depot, **Operator** – Willow Park Bottle Depot, **Location** – Calgary, **Type of Appeal** - Report and Recommendations

On August 22, 1997, Mr. Wayne Henuset of Willow Park Bottle Depot filed a Notice of Appeal with respect to the failure of the Director of Chemicals Assessment and Management Division to approve Application No. BC 96-0028 for a beverage container depot. A mediation meeting was held on September 9, 1997. No resolution was reached at the mediation meeting, and a hearing was held on February 27, 1998. The Board issued a Report and Recommendations to the Minister on March 26, 1998 recommending that the appeal be allowed and the Director be directed to issue an approval for the Willow Park Bottle Depot. The Minister agreed with this recommendation on March 26, 1998.

Cite as: *Henuset v. Director of Chemicals Assessment and Management Division, Alberta Environmental Protection.*

97-036

Appellant(s) – Mr. Peter D. Watson, **Operator** – Mr. Peter D. Watson, **Location** – Grandview, **Type of Appeal** - Discontinuance of Proceedings

On September 4, 1997, Mr. Peter D. Watson filed a Notice of Appeal and a request for a Stay with respect to Enforcement Order No. 97-05 issued to Mr. Watson after investigators learned that a home was being

constructed over- top of an existing water well. A hearing originally scheduled for October 21, 1997, was adjourned at the request of Mr. Watson to November 18, 1997. On November 14, 1997, Mr. Watson withdrew his appeal, and the Board issued a Discontinuance of Proceedings.

Cite as: *Watson v. Acting Director of Pollution Control, Alberta Environmental Protection.*

97-037

Appellant(s) – Mr. Bill Lucey, **Operator** – PanCanadian Petroleum Limited, **Location** – Calgary, **Type of Appeal** - Decision

On September 23, 1997, Mr. Bill Lucey of the Confederation of Regions Political Party (Federal) filed a Notice of Appeal with respect to Approval No. 46949-00-00 issued to PanCanadian Petroleum Limited. The Board issued a Decision on November 20, 1997, dismissing the appeal on the basis that it did not meet any of the criteria related to standing necessary for the Board to continue its jurisdiction.

Cite as: *Lucey #2 v. Acting Director of Land Reclamation, Alberta Environmental Protection.*

97-038

Appellant(s) – Mr. Maurice and Ms. Paulette Rivard, **Operator** – Town of Bonnyville, **Location** – Bonnyville, **Type of Appeal** - Report and Recommendations

On September 30, 1997, Mr. Maurice and Ms. Paulette Rivard filed a Notice of Appeal with respect to Approval No. 439-01-01 issued to the Mayor of the Town of Bonnyville for the construction of a wastewater storage cell and groundwater monitoring wells. A mediation meeting was held on January 19, 1998. As a result of a resolution reached at the mediation meeting, the Board issued a Report and Recommendations to the Minister on January 20, 1998 which the Minister approved on January 27, 1998.

Cite as: *Rivard v. Director of Northeast Boreal and Parkland Regions, Alberta Environmental Protection.*

97-039 & 97-063

Appellant(s) – Mr. Dave Custer of the Alberta Bottle Depot Association, **Operator** – Mr. Nazmin Nurani and Ms. Zeini-Virji-Nurani, Roper Bottle Depot, **Location** – Edmonton, **Type of Appeal** - Discontinuance of Proceedings

On October 6, 1997, the Alberta Bottle Depot Association filed a Notice of Appeal with respect to Approval No. 97-BCD-022 issued to Mr. Nazmin Nurani and Ms. Zeini Virji-Nurani for the operation of a Beverage Container and Recycling Depot, Roper Bottle Depot (Appeal No. 97-039). On December 19, 1997, a second Notice of Appeal was filed with respect to Amending Approval 97-BCD-022-1 issued to the Nurani for the operation of the Roper Bottle Depot. In the Notices of Appeal, the Appellant requested that the approval and amendment be revoked. Written submissions were requested by the Board. On June 16, 1998, the Appellant withdrew the appeals and the Board issued a Discontinuance of Proceedings on June 17, 1998.

Cite as: *Alberta Bottle Depot Association v. Director of Chemicals Assessment and Management Division, Alberta Environmental Protection.*

97-040

Appellant(s) – Mr. Bill Lucey, **Operator** – Petro-Canadian Oil and Gas, **Location** – Calgary, **Type of Appeal** - Decision

On October 20, 1997, Mr. Bill Lucey of the Confederation of Regions Political Party (Federal) filed a Notice of Appeal with respect to Approval No. 47345-00-00 issued to Petro-Canada Oil and Gas for the construction and reclamation of the Willesden Green to Ferrier Pipeline Project. The Board issued a Decision on November 20, 1997, dismissing the appeal on the basis that Mr. Lucey had not, to the Board's satisfaction, raised specific environmental matters related to Petro-Canada's approval, nor had he shown that either he or the Confederation of Regions Political Party (Federal) or any of its members are plausibly directly affected by the Acting Director's decision.

Cite as: *Lucey #3 v. Acting Director of Land Reclamation, Alberta Environmental Protection.*

97-041

Appellant(s) – Mr. Bill Lucey, **Operator** – Syncrude Canada Ltd. **Location** – Calgary, **Type of Appeal** - Decision

On October 28, 1997, Mr. Bill Lucey of the Confederation of Regions Political Party (Federal) filed a Notice of Appeal with respect to Application No. 960552 and Decision No. 97-13 issued by the Alberta Energy and Utilities Board to Syncrude Canada Ltd. for the Aurora Mine. The Board issued a Decision on November 28, 1997, dismissing the appeal for lack of jurisdiction.

Cite as: *Lucey v. Alberta Energy and Utilities Board #1, re: Syncrude Canada Ltd.*

97-042, 97-043 and 97-044

Appellant(s) – Mr. Bill Lucey, **Operator(s)** – Rio Alto Explorations Ltd., Renaissance Energy Ltd., and ProGas Limited **Location** – Calgary, **Type of Appeal** – Decision

On November 5, 1997, Mr. Bill Lucey of the Confederation of Regions Political Party (Federal) filed appeals with regard to Application No.s 1010333, 1010453 and 1010793 being processed by the Alberta Energy and Utilities Board for Rio Alto Exploration Ltd., Renaissance Energy Ltd., and ProGas Limited for gas removal from Alberta. The Board issued a Decision on November 28, 1997, dismissing the appeals on the basis that it does not have jurisdiction to proceed with the appeals.

Cite as: *Lucey v. Alberta Energy and Utilities Board #2, 3 and 4, re: Rio Alto Exploration Ltd., Renaissance Energy Ltd. and ProGas Limited.*

97-045

Appellant(s) – Mr. Bill Lucey, **Operator** – Wild Rose Pipe Line Inc., **Location** – Calgary, **Type of Appeal** - Decision

On November 5, 1997, Mr. Bill Lucey of the Confederation of Regions Political Party (Federal) filed a Notice of Appeal with respect to Application No. 001-20842 issued to Wild Rose Pipe Line Inc. for the Athabasca Pipeline Project. The Board issued a Decision on December 1, 1997, dismissing the appeal on the basis of prematurity since no decision has been made by the Director pursuant to section 84, which would permit the filing of an appeal.

Cite as: *Lucey v. Director of Land Reclamation #2, re: Wild Rose Pipe Line Inc.*

97-046

Appellant(s) – Mr. Bill Lucey, **Operator** – Canadian Natural Resources Limited, **Location** – Calgary, **Type of Appeal** - Decision

On November 7, 1997, Mr. Bill Lucey of the Confederation of Regions Political Party (Federal) filed a Notice of Appeal with respect to Application No. 1009362 granted to Canadian Natural Resources Limited by the Alberta Energy and Utilities Board, authorizing removal of gas from Alberta. The Board issued a Decision on December 1, 1997, dismissing the appeal on the basis that the Board does not have jurisdiction to proceed with the appeal. In dismissing the appeal the Board stated that it is troubled by the manner in which Mr. Lucey continues to set forth his notices of objection and responses to the Board's request for further information.

Cite as: *Lucey v. Alberta Energy and Utilities Board #5, re: Canadian Natural Resources Limited.*

97-047

Appellant(s) – Mr. Bill Lucey, **Operator** – Canadian Western Gas Company, **Location** – Calgary, **Type of Appeal** - Decision

On November 12, 1997, Mr. Bill Lucey of the Confederation of Regions Political Party (Federal) filed a Notice of Appeal with respect to Decision U97130 made by the Alberta Energy and Utilities Board pertaining to Canadian Western Gas Company. The Board issued a Decision on December 1, 1997, dismissing the appeal, with directions to the Registrar of Appeal to reject and return to Mr. Lucey any documents which the office may receive from Mr. Lucey which do not on their face: plausibly refer to a decision within the scope of section 84 of the *Environmental Protection and Enhancement Act*; disclose that Mr. Lucey is plausibly directly affected by the decision in question; and, demonstrate compliance with the Rules of Practice of the Environmental Appeal Board regarding the content of Notices of Appeal.

Cite as: *Lucey v. Alberta Energy and Utilities Board #6*, re: *Canadian Western Gas Company*.

97-048, 97-052, 97-054-061

Appellant(s) – Mr. Barry Marquardon *et al.*, **Operator** – Yuan Yi (Canada) Co. Ltd., **Location** – Lethbridge, **Type of Appeal** - Decision

On December 8, 9, 11, 12, 1997, Mr. Barry Marquardon *et al.* filed appeals with respect to the issuance of Approval No. 47294-00-00 to Yuan Yi (Canada) Co. Ltd. for the construction, operation and reclamation of a red meat processing plant in the City of Lethbridge. On February 13, 1998, a preliminary meeting was held whereby the parties were given the opportunity to provide written submissions. The parties requested that the appeals be held in abeyance which was granted by the Board. On February 4, 1999, the Board was notified that the department cancelled the approval issued to Yuan Yi (Canada) Ltd. On March 12, 1999, the Board advised the parties that the file would be closed by March 19, 1999, unless there were any objections – no objections were received. On March 23, 1999, the Board issued a Decision to close its files with respect to the appeals pursuant to Part 3 of the *Environmental Protection and Enhancement Act*.

Cite as: *Marquardon et al. v. Director of Southern East Slopes and Prairie Regions, Alberta Environmental Protection*, re: *Yuan Yi (Canada) Ltd.*

97-049

Appellant(s) – Mr. Bill Lucey, **Operator** – Engage Energy Canada, L.P., **Location** – Calgary, **Type of Appeal** - Decision

On November 25, 1997, Mr. Bill Lucey of the Confederation of Regions Political Party (Federal) filed a Notice of Appeal with respect to Application No. 960861 granted to Engage Energy Canada, L.P. by the Alberta Energy and Utilities Board. The Board issued a Decision on December 2, 1997, dismissing the appeal for want of jurisdiction but also without prejudice to Mr. Lucey to refile an appeal if he can submit that this appeal is somehow related to a corresponding environmental approval or decision pursuant to the *Environmental Protection and Enhancement Act*.

Cite as: *Lucey v. Alberta Energy and Utilities Board #7*, re: *Engage Energy Canada, L.P.*

97-050

Appellant(s) – Mr. Bill Lucey, **Operator** – Cabre Exploration Ltd., **Location** – Calgary, **Type of Appeal**- Decision

On November 26, 1997, Mr. Bill Lucey of the Confederation of Regions Political Party (Federal) filed a Notice of Appeal with respect to Application No.'s 970459 and 1010982 being processed by the Alberta Energy and Utilities Board for Cabre Exploration Ltd. The Board issued a Decision on December 15, 1997, dismissing the appeal on the basis that it does not have jurisdiction to proceed with the appeal.

Cite as: *Lucey v. Alberta Energy and Utilities Board #8*, re: *Cabre Exploration Ltd.*

97-051

Appellant(s) – Mr. Richard Stelter, **Operator** – G.M.B. Property Rentals Ltd., **Location** – Edson, **Type of Appeal** – As listed below

Overview - On December 4, 1997, Mr. Richard Stelter filed a Notice of Appeal with respect to the issuance of Approval No. 1069-01-00 to G.M.B. Property Rentals Ltd. for the operation of a Class 1 wastewater treatment plant (wastewater stabilization ponds).

Decision – The Appellant applied for costs and a Stay of the decision of the Director. The Board held a mediation meeting on February 9, 1998 whereby no resolution was reached. On April 23, 1998, a hearing took place. On May 14, 1998, the Board issued a Decision to grant the Stay.

Cite as: *Stelter v. Director of Air and Water Approvals Division, Alberta Environmental Protection Stay decision re: GMB Property Rentals Ltd.*

Report and Recommendations - On May 22, 1998, the Board issued a Report and Recommendations stating that “the Board recommends that the appeal be allowed to the extent that the approval be varied to require, by amendment, a means of wastewater discharge to the McLeod River which does not infringe the valid interests of the Appellant and which avoids the fisheries concerns which were raised by department staff”. The Minister agreed with the Board’s report on May 28, 1998.

Cite as: *Stelter v. Director of Air and Water Approvals Division, Alberta Environmental Protection re: GMB Property Rentals Ltd.*

Cost Decision - The Appellant also made application for costs to be applied against the department. On June 18, 1998, a Cost Decision was issued stating no costs would be awarded.

Cite as: *Cost Decision re: GMB Property Rentals Ltd. (Richard Stelter).*

97-053

Appellant(s) – Mr. Art Dueck of Dueck Equipment Ltd. **Operator** – Yuan Yi (Canada) Co. Ltd., **Location** – Lethbridge, **Type of Appeal** - Discontinuance of Proceedings

On December 9, 1997, Mr. Art Dueck of Dueck Equipment Ltd., filed a Notice of Appeal with respect to the issuance of Approval No. 47294-00-00 to Yuan Yi (Canada) Co. Ltd. for the construction, operation and reclamation of a red meat processing plant in the City of Lethbridge. On March 25, 1998, Mr. Dueck withdrew his appeal and the Board issued a Discontinuance of Proceedings on March 31, 1998.

Cite as: *Dueck v. Director of Southern East Slopes and Prairie Regions, Alberta Environmental Protection.*

97-062 & 97-065

Appellant(s) – 425167 Alberta Ltd., Y & S Recycling Ltd. **Operator** – Mr. Nazim Nurani and Ms. Zeini Virji-Nurani, Roper Bottle Depot, **Location** – Edmonton, **Type of Appeal** - Discontinuance of Proceedings

On December 18, 1997, 425167 Alberta Ltd., operating as Bottle Bin Bottle Depot (Appellant) filed a Notice of Appeal with respect to Amending Approval No. 97-BCD-022-1 issued to Mr. Nazim Nurani and Ms. Zeini Virji-Nurani for the operation of the Roper Bottle Depot (Appeal No. 97-062). A second Notice of Appeal was filed by Y & S Recycling Ltd., operating as Capilano Bottle Depot (Appellant) with respect to the same amending approval issued to the Nurani. On June 23, 1998, the appeals were withdrawn and the Board issued a Discontinuance of Proceedings on June 29, 1998.

Cite as: *Bottle Bin Depot and Capilano Bottle Depot v. Director of Chemicals Assessment and Management Division, Alberta Environmental Protection.*

97-064

Appellant(s) – Danadam Consulting Incorporated, **Operator** – Mr. Stanley and Ms. Sharon Csuti **Location** – Edmonton, **Type of Appeal** - Decision

On December 23, 1997, Danadam Consulting Incorporated filed a Notice of Appeal with respect to Approval No. 97-BCD-036 issued to Mr. Stanley and Ms. Sharon Csuti for the operation of a beverage container depot operating as Callingwood Bottle Depot. On February 11, 1998, the Board issued a Decision dismissing their appeal on the basis of standing.

Cite as: *Danadam Consulting Incorporated v. Director of Chemicals Assessment and*

Management Division, Alberta Environmental Protection.