

ALBERTA ENVIRONMENTAL APPEAL BOARD

Discontinuance of Proceedings

Date of Withdrawal: June 21, 1996

IN THE MATTER OF Sections 84, 85, 86 and 87 of the Environmental Protection and Enhancement Act (S.A. 1992, ch. E-13.3 as amended);

-and-

IN THE MATTER OF an appeal filed by Alberta-Pacific Forest Industries Inc. (Alberta-Pacific), with respect to a letter dated April 2, 1996, regarding Environmental Protection Order No. 95-09 issued by the Director of Pollution Control, Alberta Environmental Protection to Alberta-Pacific Forest Industries Inc. (Alberta-Pacific) and the letter of withdrawal from Mr. Dennis Thomas on behalf of Alberta-Pacific dated June 21, 1996, the Board hereby discontinues its proceedings in this matter and will be closing its file pursuant to section 87(7) of the *Environmental Protection and Enhancement Act*.

Cite as: Alberta-Pacific Forest Industries Inc. (Alberta-Pacific) v. Director of Pollution Control, Alberta Environmental Protection.

BACKGROUND

On April 11, 1996, Alberta-Pacific Forest Industries Inc. (Alberta-Pacific) filed a Notice of Appeal with respect to a letter dated April 2, 1996, regarding Environmental Protection Order No. 95-09 issued by the Director of Pollution Control to Alberta-Pacific for a bleached market kraft pulp mill located at Sections 29 and 32, Township 68, Range 19, West of the 4th Meridian operated by Alberta-Pacific. The details of the letter they objected were stated as follows:

- “1. The reference to the Odour Identification Reduction Program as being Revision #2, dated January 2, 1996 is in error and the correct reference should be to the *Alberta-Pacific Odour Identification and Reduction Program Revision #3, dated February 9, 1996 (the "Program")*.
2. The April 2 Letter amends Environmental Protection Order #95-09 (the "EPO") and paragraph 2 of the April 2 Letter has the effect of requiring Alberta-Pacific to eliminate all offensive odours which may be detected outside the limits of its plant site.”

Mr. Dennis Thomas, counsel for Alberta-Pacific advised in his cover letter along with the Notice of Appeal that no action take place on this appeal until they have met with the Director and his staff.

On April 22, 1996, the Board wrote to Mr. Thomas requesting information on any further developments to this appeal. Mr. Thomas wrote to the Board on April 24, 1996, advising that discussions between Alberta Environmental Protection and Alberta-Pacific were still taking place and that he would update the Board further in two weeks. An additional request was made on May 8, 1996, by Mr. Thomas to have the file held over for another two weeks pending the outcome of continued discussions. A response was received on May 24, 1996, from Mr. Thomas that Alberta-Pacific is waiting for a response from Alberta Environmental Protection and are hopeful the appeal will be resolved. He once again requested the file be held over another two weeks.

On June 21, 1996, written notification was received from Mr. Thomas stating, "We have now received instructions from our client, Alberta-Pacific Forest Industries Inc., to withdraw the appeal

and accordingly, on behalf of our client, we hereby withdraw Appeal No. EAB 96-008.

The Board then advised all parties in writing of this information on June 25, 1996, indicating that pursuant to section 87(7) of the *Environmental Protection and Enhancement Act*, the Board hereby discontinues its proceedings in this matter and will be closing its file.

DECISION

The appeal is therefore withdrawn.

Dated on June 25, 1996, at Edmonton, Alberta.

William A. Tilleman, Chair