
ALBERTA
ENVIRONMENTAL APPEAL BOARD

Discontinuance of Proceedings

Date of Discontinuance - October 15, 1997

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 Mr. Jerome Kasha with
respect to Reclamation Certificate No. 32565 issued by the Inspector
of Land Reclamation Division, Alberta Environmental Protection to
Imperial Oil Resources Limited.

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

BACKGROUND

On October 7, 1996, Mr. Jerome Kasha (the Appellant) filed a Notice of Appeal to the Environmental Appeal Board (the Board) with respect to Reclamation Certificate No. 32565 issued by the Inspector of Land Reclamation Division to Imperial Oil Resources Limited (Imperial Oil). Reclamation Certificate No. 32565 certified that the surface of land held by Imperial Oil Resources Limited within SE Sec. 19 Tp. 50 Rge. 26 W4M in connection with or incidental to Co-op Leduc No. 10 well, complied with the conservation and reclamation requirements of Part 5 of the *Environmental Protection and Enhancement Act* (the Act).

By copy of the letter dated October 7, 1996, the Board requested that the Department of Environmental Protection (the Department) provide all related correspondence, documents and materials. On that same date, the Board wrote to Imperial Oil informing them that an appeal was received by Mr. Kasha and that the Board would be in contact with them when material was received from the Department.

All correspondence requested by this Board was received from the Department of Environmental Protection and a copy was sent to Mr. Kasha and Imperial Oil on October 15, 1996. Along with the information sent, the Board requested comments to the following from the Appellant:

1. Please provide more detail on the poor growth of the vegetation.
2. You provided a sketch of the area. In that sketch could you give more detail on the exact nature of the affected zone. For example, where does the rock occur?

The Board requested comments to the following procedural issues from the parties:

1. In the event that the Board decides to proceed with this appeal, do you wish to have a pre-hearing meeting under section 11 of the Environmental Appeal Board Regulation? If so, what would you contemplate to be the agenda for that meeting?
1. In your opinion, are there any other persons who have an interest in this matter?

On October 7, 1996, the Board had requested the Alberta Energy and Utilities Board (AEUB) and the Natural Resources Conservation Board (NRCB) both advise whether the matter was the subject of a public hearing or review under either of their Boards. On October 11, 1996, the NRCB advised that this appeal did not deal with a matter that had been the subject of any hearing or review under their Board. On October 23, 1996, the AEUB advised that the terms of the reclamation certificate are not within the jurisdiction of the AEUB and that no review or public meetings were held relating to this matter.

A pre-hearing meeting was held on November 29, 1996, in Leduc, Alberta. Following the meeting that occurred between the Kashas, the Department and Imperial Oil, it was agreed that the Board would hold the appeal in abeyance until September 1, 1997. The Department indicated that they would be in direct contact with Mr. and Mrs. Kasha and Imperial Oil in relation to the issue of possible contamination on the Kasha's farm. The Department also indicated they would be conducting testing/sampling on the site to determine the extent of contamination, if existing, and work with Imperial Oil to resolve the matter.

The Board received a copy of a letter dated December 5, 1996, addressed to Ms. Joanne Nutter of Imperial Oil from R.W. Onciul, Manager, Northern Region, Land Reclamation Division, Alberta Environmental Protection stating:

“Following the November 29, 1996 EAB pre-hearing meeting in Leduc, I would like to confirm the proposed actions that were understood at the meeting.

As discussed and agreed upon by all parties, as soon as weather conditions in the spring of 1997 permit, I will schedule an inspection with the inspector from Alberta Environmental Protection for the County of Leduc, a staff member from the Contaminated Sites & Decommissioning Branch, Imperial Oil Resources Limited and Mr. and Mrs. Kasha.

The purpose of the inspection will be to examine the lease location to assess the lease for the presence or absence of oil field wastes.

If contamination is confirmed, Imperial Oil will be required to remediate the affected areas to standards acceptable to Alberta Environmental Protection.”

On May 5, 1997, the Board wrote to the parties requesting a status report. On May 16, 1997, Ms. Joanne Nutter of Imperial Oil advised the Board of the following:

“Mr. Dave Slade, Surface Coordinator, from our office has been in contact with Mr. Jerome Kasha and Mr. Rick Ostertag of Alberta Environmental Protection on this matter. We are currently in the process of arranging a mutually convenient time for on-site inspection and sampling.”

The Board wrote to the parties on September 16 and September 23, 1997, requesting a status report. On September 24, 1997, Mr. Kasha advised the Board of the following:

“Imperial Oil has completed excavation of the contaminated soil in the area of the abandoned well and adjacent buried sump. The excavations have been filled with clean sand and clay. Imperial’s contractor is today in the process of spreading topsoil. I understand that it is their intention to sod the affected areas.

As the work is not yet complete, I am a bit reluctant to state that I am fully satisfied. However, from what I can see, they appear to be doing a very good job.”

On October 3, 1997, the Board received a letter from Mr. Kasha stating:

“I am advising that I am dropping the appeal. The reclamation is now complete and the site has been restored to my complete satisfaction. In addition, Imperial Oil Resources Ltd. has provided me with a letter confirming their willingness to warrant the work in the areas discussed.”

DECISION

Pursuant to section 87(7) of the *Environmental Protection and Enhancement Act*, and based on Mr. Kasha’s letter dated October 2, 1997, the Board hereby discontinues its proceedings in this matter and will be closing its file.

Dated on October 15, 1997, at Edmonton, Alberta.

William A. Tilleman, Chair