
ALBERTA
ENVIRONMENTAL APPEAL BOARD

Discontinuance of Proceedings

Date of Discontinuance of Proceedings - August 13, 1998

IN THE MATTER OF Sections 84, 85, 87, 91, 92, 93 and 102 of the
Environmental Protection and Enhancement Act, (S.A. 1992, ch. E-
13.3 as amended);

-and-

IN THE MATTER OF appeals filed by Mr. George Miasnikoff and
Urban Ore Farms Ltd., with respect to Environmental Protection
Order No. 98-06 issued to Urban Ore Farms Ltd. and Mr. George
Miasnikoff on March 13, 1998, by Mr. Fred. J. Schulte, Director of
Pollution Control, Alberta Environmental Protection.

Cite as: Miasnikoff and Urban Ore Farms Ltd. v. Director of Pollution Control, Alberta
Environmental Protection.

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MEDIATION MEETING BEFORE

Dr. John P. Ogilvie, Vice Chair

APPEARANCES

Appellant: Mr. George Miasnikoff and Urban Ore Farms Ltd.

Other Parties: Mr. Gilbert Van Nes, counsel, Alberta Justice, representing Alberta Environmental Protection, Mr. Chris Powter, Inspector of Land Reclamation and Mr. Fred Schulte, Director of Pollution Control; Mr. Greg Balko and Mr. Scott Livingstone, Alberta Environmental Protection

Mr. Thomas Marriott, counsel, Brownlee Fryett, representing the County of Leduc; Mr. Bill Cowan, Reeve, County of Leduc and Mr. Eugene Lee

Mr. Bill Keller, Urban Ore Farms Ltd.

BACKGROUND

[1] On March 13, 1998, Mr. Fred J. Schulte, Director of Pollution Control, Alberta Environmental Protection (Director), issued Environmental Protection Order No. 98-06 (EPO) to Urban Ore Farms Ltd. and Mr. George Miasnikoff ordering that they undertake in the following:

- “1. Within 14 days of the receipt of this Order, the Parties shall provide, for acceptance by the Director, a report detailing the following:
 - (a) the proposed location for disposal of the Coke Fines and associated calcium carbonate and soil that has been contaminated by the Coke Fines,
 - (b) written authorization from the operator who is accepting the Coke Fines and associated materials for disposal,
 - (c) proposed provisions that will be taken to ensure the containment of Coke Fines and associated materials during their excavation and transport for disposal. ...

6. Commencing the last Friday following the service of this Order, the Parties shall submit a monthly status report to the Director, outlining the action taken to date to comply with this order and the action proposed for the next month. The monthly reports shall continue to be submitted until advised otherwise in writing by the Director.”

[2] On March 20, 1998, the Environmental Appeal Board (the Board) received a letter dated March 19, 1998, from Mr. George Miasnikoff, President, Urban Ore Farms Ltd. (the Appellant) advising that this was his Notice of Appeal and request for a Stay with respect to Environmental Protection Order No. 98-06.

[3] The Board wrote to Mr. Miasnikoff on March 20, 1998, acknowledging receipt of the appeal, and by copy of this letter, requested the Department of Environmental Protection (the Department) provide copies of all related correspondence, documents and materials related to this matter.

[4] According to standard practice, the Board wrote to the Natural Resources Conservation Board (NRCB) and the Alberta Energy and Utilities Board (AEUB) asking whether this matter had been the subject of a hearing or review under their respective Boards' legislation. Replies were subsequently received from both the NRCB and the AEUB stating that they did not hold any hearing or review under either of their Boards' legislation.

[5] Correspondence dated April 17, 1998, requested by the Board from the Department was received and provided to the Appellant on April 20, 1998. Additional correspondence dated May 28, 1998, received from the Department was also provided to the Appellant on this date.

[6] On April 20, 1998, the Board received a letter dated April 17, 1998, from Mr. Thomas Marriott advising that he was representing the County of Leduc.

[7] A mediation meeting was held in Devon on June 8, 1998. The Appellant and the Department agreed to continue the negotiation process and schedule a future mediation meeting.

[8] On August 12, 1998, a second mediation meeting was held in the Town of Devon.

[9] Following this second meeting, and in conjunction with a mediation agreement signed in relation to a corresponding Environmental Protection Order, the Board received a letter from Mr. Miasnikoff and Urban Ore Farms Ltd. dated August 12, 1998, stating:

“Further to my appeal in reference to EPO 98-06 and the mediation meeting held today, I hereby withdraw my appeal with the Environmental Appeal Board.”

DECISION

[10] Pursuant to section 87(7) of the *Environmental Protection and Enhancement Act*, and based on Mr. Miasnikoff's and Urban Ore Farms Ltd. letter of August 12, 1998, the Board hereby discontinues its proceedings in appeal 98-021 and will be closing its file.

Dated August 13, 1998, at Edmonton, Alberta.

Dr. John P. Ogilvie