

ALBERTA
ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

Date of Discontinuance of Proceedings – May 6, 2005

IN THE MATTER OF sections 91, 92 and 95 of the
Environmental Protection and Enhancement Act, R.S.A. 2000, c.
E-12,

-and-

IN THE MATTER OF an appeal filed by Whitecourt Power
Limited Partnership with respect to *Environmental Protection and
Enhancement Act* Approval No. 291-01-00 issued to Whitecourt
Power Limited Partnership by the Director, Northern Region,
Regional Services, Alberta Environment.

Cite as: *Whitecourt Power Limited Partnership v. Director, Northern Region, Regional
Services, Alberta Environment re: Whitecourt Power Limited Partnership* (6 May
2005), Appeal No. 04-084-DOP (A.E.A.B.).

EXECUTIVE SUMMARY

Alberta Environment issued an Approval under the *Environmental Protection and Enhancement Act* to Whitecourt Power Limited Partnership authorizing the construction, operation and reclamation of the Whitecourt Thermal Electric Power Plant in Woodlands County.

The Board received a Notice of Appeal from Whitecourt Power Limited Partnership appealing some of the conditions of the Approval.

While the Board was processing the appeal, Alberta Environment and Whitecourt Power Limited Partnership requested a one year abeyance of the appeal. The Board held a conference call to discuss the matter with the parties, and as a result, the Appellant withdrew the appeal. The Board therefore closes its file in this matter.

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I. BACKGROUND

[1] On December 31, 2004, the Director, Northern Region, Regional Services, Alberta Environment (the “Director”), issued Approval No. 291-01-00 under the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12, (the “Approval”) to Whitecourt Power Limited Partnership authorizing the construction, operation and reclamation of the Whitecourt Thermal Electric Power Plant in Woodlands County.

[2] On January 27, 2005 the Environmental Appeals Board (the “Board”) received a Notice of Appeal from Whitecourt Power Limited Partnership (the “Appellant”) appealing the Approval.

[3] On January 31, 2005, the Board wrote to the Appellant, and the Director (collectively the “Parties”) acknowledging receipt of the Notice of Appeal and notifying the Director of the appeal. The Board also requested the Director provide the Board with a copy of the records (the “Record”) relating to these appeals, and that the Parties provide available dates for a mediation meeting or hearing.

[4] According to standard practice, the Board wrote to the Natural Resources Conservation Board and the Alberta Energy and Utilities Board asking whether this matter had been the subject of a hearing or review under their respective legislation. Both boards responded in the negative.

[5] On February 14, 2005, the Board received a copy of the Record from the Director and on February 16, 2005, forwarded a copy of the Record to the Appellant.

[6] On March 15, 2005, in consultation with the Parties, the Board scheduled a mediation meeting for April 7, 2005 in Whitecourt, Alberta.

[7] On March 18, 2005, the Board received a letter from the Director requesting an abeyance of the appeal for one year. The Director’s letter stated:

“...Officials from Alberta Environment met with Whitecourt Power on March 17 and are taking steps towards resolution of the issues that led to the appeal being filed. It is the opinion of the parties that a mediation meeting at this time is

premature. We request that the Board cancel the mediation meeting scheduled for April 7, 2005, and put the appeal in abeyance for one year.”

[8] On March 31, 2005, the Board received a letter from the Appellant requesting an abeyance of one year.

[9] On March 31, 2005, the Board cancelled the mediation meeting and on April 4, 2005, wrote to the Parties advising that the Board was concerned with the request for a one year abeyance. The Board requested the Parties provide available dates for a conference call to discuss the matter with the Board’s General Counsel. On April 7, 2005, the Board scheduled the conference call for April 15, 2005.

[10] As a result of the conference call, the Appellant agreed to withdraw the appeal and on April 25, 2005, the Board received a letter from the Appellant stating:

“In regards to our conference call on April 15th...we confirm that Whitecourt Power Limited Partnership would like to officially withdraw our appeal.”

II. DECISION

[11] Pursuant to section 95(7) of the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12, and based on the withdrawal of the appeal by the Appellant, the Board hereby discontinues its proceedings in Appeal No. 04-084 and closes its file.

Dated on May 6, 2005, at Edmonton, Alberta.

William A. Tilleman, Q.C.
Chair