

ALBERTA ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

Date of Mediation Meeting – May 29, 2006
Date of Discontinuance of Proceedings – June 1, 2006

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 George Kerekanich
with respect to *Environmental Protection and Enhancement Act*
Reclamation Certificate No. 00222660-00-00 issued to Penn West
Petroleum Ltd. by the Director, Northern Region, Regional
Services, Alberta Environment.

Cite as: *Kerekanich v. Director, Northern Region, Regional Services, Alberta Environment re: Penn West Petroleum Ltd.* (01 June 2006), Appeal No. 05-056-DOP (A.E.A.B.).

I. BACKGROUND

[1] On September 15, 2005, the Director, Central Region, Regional Services, Alberta Environment (the “Director”), issued Reclamation Certificate No. 00222660-00-00 (the “Certificate”) to Penn West Petroleum Ltd. (the “Certificate Holder”) for the Petromet et al. Shadow 13-35-74-18 Well and Borrow Pit near High Prairie, Alberta.

[2] On January 16, 2006, the Environmental Appeals Board (the “Board”) received a Notice of Appeal from Mr. George Kerekanich (the “Appellant”) appealing the Certificate.

[3] On January 18, 2006, the Board wrote to the Appellant, the Certificate Holder and the Director (collectively the “Participants”) acknowledging receipt of the Notice of Appeal and notifying the Certificate Holder and the Director of the appeal. The Board also requested the Director provide the Board with a copy of the records (the “Record”) relating to this appeal, and that the Participants provide available dates for a mediation meeting, preliminary 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 8, 2006, the Board received a copy of the Record from the Director, and on February 10, 2006, forwarded a copy to the Appellant and the Certificate Holder.

[6] On February 17, 2006, the Board wrote to the Participants confirming telephone conversations with the Certificate Holder and Appellant, where they advised that they were in discussions with a view to resolving the appeal. The Board requested the Certificate Holder and Appellant advise the Board if they resolved the appeal. The Board also proceeded to schedule a mediation meeting for May 29, 2006, when a site visit could also be conducted.

[7] On March 7, 2006, the Board wrote to the Participants advising the mediation meeting and site visit was scheduled for May 29, 2006, in High Prairie, Alberta.

[8] On May 17, 2006, after telephone conversations with the Certificate Holder and the Appellant, regarding their resolution discussions, the Board wrote to the Participants confirming that the mediation meeting scheduled for May 29, 2006 would go ahead.

II. MEDIATION MEETING

[9] Pursuant to section 11 of the Environmental Appeal Board Regulation, A.R. 114/93, the Board conducted a mediation meeting in High Prairie, Alberta with Dr. M. Anne Naeth as the Presiding Board Member (the “Mediator”).

[10] In conducting the mediation meeting, the Mediator reviewed the appeal and the mediation process and explained the purpose of the mediation meeting. She then circulated copies of the Participants’ Agreement to Mediate. All persons in attendance signed the Agreement and discussions ensued.

[11] Following productive and detailed discussions at the mediation meeting, a Resolution was reached and the Appellant withdrew his appeal.

III. DECISION

[12] 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. 05-056 and closes its file.

Dated on June 1, 2006, at Edmonton, Alberta.

Steve E. Hrudey, D.Sc. (Eng.), P.Eng.
Chair