

# ALBERTA ENVIRONMENTAL APPEALS BOARD

## Addendum

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**Date of Report and Recommendations – May 31, 2005**

**Date of Addendum – October 11, 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 Tartan Energy Inc. with  
respect to *Environmental Protection and Enhancement Act*  
Environmental Protection Order No. 2005/03-NR issued to Tartan  
Energy Inc., by the Director, Northern Region, Regional Services,  
Alberta Environment.

Addendum for: *Tartan Energy Inc. v. Director, Northern Region, Regional Services, Alberta Environment* (13 June 2005), Appeal No. 04-123-R (A.E.A.B.).

Cite as: Addendum: *Tartan Energy Inc. v. Director, Northern Region, Regional Services, Alberta Environment* (11 October 2006), Appeal No. 04-123-A (A.E.A.B.).

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## **I. BACKGROUND**

[1] Alberta Environment issued an Environmental Protection Order with respect to five wells with contamination to Tartan Energy Inc. The Environmental Appeals Board received a Notice of Appeal from Tartan Energy Inc. appealing Alberta Environment's decision to issue the Environmental Protection Order.

[2] The Board held a mediation meeting on May 31, 2005 in Edmonton, following which an agreement was reached between the parties. The Minister of Environment accepted the agreement and Ministerial Order No. 17/2005 was issued.

[3] After the Ministerial Order was issued, the parties came to a further agreement. The Board recommended the Minister of Environment approve the new agreement, rescind Ministerial Order No. 17/2005, and replace it with Ministerial Order No. 24/2006.

## **II. REMOVE**

[4] Remove the following from Part IV Resolution and from Part V Draft Order in the Board's Report and Recommendations<sup>1</sup>:

"12. The Company is responsible under this Order to undertake work with respect to the following:

Well Sites	Lease Areas
Site 10 of 16	1.70 acres
Site 11 of 16	0.17 acres
Site 14 of 16	0.72 acres
Site 3 of 21	0.26 acres
Site 7 of 21	1.39 acres

The Lease Areas are based on surveys of the well sites, including the survey attached."

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<sup>1</sup> *Tartan Energy Inc. v. Director, Northern Region, Regional Services, Alberta Environment* (13 June 2005), Appeal No. 04-123-R (A.E.A.B.).

### **III. REPLACE WITH**

[5] Replace in Part IV Resolution, and Part V Draft Order with the following:

“12. The Company is responsible under this Order to undertake work with respect to the following:

Well Sites	Lease Areas
Site 10 of 16	1.70 acres
Site 11 of 16	0.17 acres
Site 14 of 16	0.72 acres
Site 3 of 21	0.26 acres
Site 7 of 21	0.14 acres

The Lease Areas are based on surveys of the well sites, including the survey attached.”

### **IV. ADD**

[6] Add the following footnote to end of paragraph 17 of the Report and Recommendations:

<sup>1</sup> After the Ministerial Order was issued, the parties came to a further agreement. The Board recommended the Minister of Environment approve the new agreement. The Minister of Environment subsequently approved the new agreement, rescinded Ministerial Order No. 17/2005, and replaced it with Ministerial Order No. 24/2006.

[7] Add to Ministerial Order No. 17/2005 immediately above the title “Rescinded”.

[8] Add Ministerial Order No. 24/2006.