

ALBERTA ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

Date of Discontinuance of Proceedings – November 9, 2007

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 Tom and Gena Kotke with respect to *Environmental Protection and Enhancement Act* Approval No. 19028-01-00 issued to the City of Lethbridge by the Director, Southern Region, Regional Services, Alberta Environment.

Cite as: *Kotke v. Director, Southern Region, Regional Services, Alberta Environment, re: City of Lethbridge* (9 November 2007), Appeal No. 06-079-DOP (A.E.A.B.).

I. BACKGROUND

[1] On October 25, 2006, the Director, Southern Region, Regional Services, Alberta Environment (the “Director”), issued Approval No. 19028-01-00 under the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12 (the “Approval”) to the City of Lethbridge (the “Approval Holder”) authorizing the construction, operation and reclamation of the Lethbridge Regional Landfill, in the County of Lethbridge, 10 km North of the City of Lethbridge, Alberta.

[2] On December 5, 2006 the Environmental Appeals Board (the “Board”) received a Notice of Appeal from Mr. Tom and Ms. Gena Kotke (the “Appellants”) appealing the Approval.

[3] On December 7, 2006, the Board wrote to the Appellants, the Approval Holder and the Director (collectively the “Participants”) acknowledging receipt of the Notice of Appeal and notifying the Approval Holder and the Director of the appeals. 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 preliminary meeting, 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 January 4, 2007, the Board received a copy of the Record from the Director, and on January 19, 2007, forwarded a copy to the Appellants and the Approval Holder.

[6] On January 18, 2007, in consultation with the Participants, the Board scheduled a mediation meeting for March 23, 2007, to be held in Lethbridge, Alberta. Following productive and detailed discussions at the mediation meeting, the participants agreed to continue discussions and provide status reports to the Board by July 15, 2007.

[7] On July 12, 2007, the Board received an e-mail from the Director requesting additional time to file his status report. The Board granted the request. Status reports were

received by the Board on July 23, 2007. The Participants advised that they did not reach a resolution and requested the Board schedule a Hearing.

[8] In consultation with the Participants, the Board scheduled a Hearing for December 5, 2007, to be held in Lethbridge, Alberta.

[9] On November 2, 2007, the Board received a letter from the Appellants advising the Participants had reached a settlement and they wished to withdraw their appeal.

II. DECISION

[10] 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 Appellants, the Board hereby discontinues its proceedings in Appeal No. 06-079 and closes its file.

Dated on November 9, 2007, at Edmonton, Alberta.

Dr. Steve E. Hrudehy, FRSC, PEng
Chair