

ALBERTA ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

Date of Discontinuance of Proceedings – January 23, 2008

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 Husky Oil Operations Limited with respect to *Environmental Protection and Enhancement Act* Approval No. 57-02-00 issued to Husky Oil Operations Limited by the Director, Central Region, Environmental Management, Alberta Environment.

Cite as: *Husky Oil Operations Limited v. Director, Central Region, Environmental Management, Alberta Environment* (23 January 2008), Appeal No. 06-088-DOP (A.E.A.B.).

I. BACKGROUND

[1] On March 1, 2007, the Director, Central Region, Environmental Management, Alberta Environment (the “Director”), issued Approval No. 57-02-00 under the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12 (the “Approval”) to Husky Oil Operations Limited authorizing the construction, operation and reclamation of the Ram River sour gas processing plant for the processing of natural gas, near Caroline, Alberta.

[2] On March 30, 2007, the Environmental Appeals Board (the “Board”) received a Notice of Appeal from Husky Oil Operations Limited (the “Appellant”) appealing the Approval.

[3] On April 1, 2007, the Board wrote to the Appellant and the Director (collectively the “Participants”) 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 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 May 7, 2007, the Board received a letter from the Appellant requesting the Board hold the appeal in abeyance for 60 days in order for the Participants to discuss a potential resolution to the appeal. On May 7, 2007, the Board wrote to the Participants, granting the abeyance and requesting status reports by July 9, 2007.

[6] On June 21, 2007, the Board received a letter from the Appellant requesting the Board hold the appeal in abeyance for a further 60 days in order for the Participants to continue to discuss a resolution. On June 28, 2007, the Board wrote to the Participants, granting the abeyance, and requesting the Participants provide the Board with a status report by August 20, 2007 and requesting the Participants provide available dates for a hearing, if the appeal was not resolved.

[7] On August 20 and 21, 2007, the Board received letters from the Participants providing dates for a hearing. The Appellant also advised that the Participants were continuing to work towards a resolution and were optimistic that the appeal would be resolved.

[8] On August 29, 2007, the Board wrote to the Participants stating:

“The Board is pleased that the participants appear to be making some progress, however the Board is concerned at the length of time it is taking the participants to resolve the appeal. In this regard, the Board has decided to schedule a Hearing in January 2008. By scheduling the Hearing in January 2008, the Board is giving the participants time to continue with their discussions in an effort to resolve the appeal prior to the date of the Hearing.”

The Board advised it would confirm the date for the Hearing as soon as possible.

[9] On September 12, 2007, the Board wrote to the Participants advising the Hearing was scheduled for January 31, 2008.

[10] On November 5, 2007, the Board wrote to the Participants requesting a status report. A status report was received from the Appellant on November 9, 2007, advising that the Participants were still working towards a resolution and requesting Board defer the establishment of the Hearing, pending a further update by December 14, 2007. The Board wrote to the Participants on November 14, 2007, stating:

“The Board understands the parties are making progress and will be in a position to provide the Board with a further status report by December 14, 2007. In addition, the Board understands that should the appeal not be resolved, the parties may not be prepared in time for a Hearing on January 31, 2008. Because the parties appear to be close to a resolution, the Board will consider the request regarding the hearing date, and will await status reports from the parties by December 14, 2007.

[11] On December 14, 2007, the Board received a status report from the Appellant advising the Participants were progressing towards a resolution. On December 20, 2007, the Board acknowledged the letter and requested the Participants provide a status report by January 3, 2008. The status report was received on January 2, 2008, advising:

“...Husky...has limited further information. Husky anticipates receiving further information later this week, or early next week, and will provide a more substantive update forthwith upon receipt of that expected information...”

[12] On January 4, 2008, the Board acknowledged the Appellant’s letter stating,

“...in light of the progress being made by the parties, please be advised that the Board has decided to adjourn the hearing scheduled for January 31, 2008...”
The Board requested the Participants provide status reports by January 11, 2008.

[13] On January 14, 2008, the Board received a letter from the Appellant advising that they wish to withdraw their appeal.

II. DECISION

[14] Pursuant to section 95(7) of the *Environmental Protection and Enhancement Act*, and based upon the withdrawal of the appeal by the Appellant, the Board hereby discontinues its proceedings in Appeal No. 06-088 and closes its file.

Dated on January 23, 2008, at Edmonton, Alberta.

Dr. Steve E. Hrudehy, FRSC, PEng
Chair