

ALBERTA ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

Date of Discontinuance of Proceedings – June 5, 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 Daylight Energy with
respect to the February 14, 2008 decision of Sustainable Resource
Development to cancel Reclamation Certificate No. MSL014114
issued on May 6, 2004 to Vintage Petroleum with respect to the
VPCI Puskwaskau 15–25–074–26-W5M well.

Cite as: *Daylight Energy v. Executive Director, Land Use Operations Branch, Sustainable Resource Development* (5 June 2008), Appeal No. 07-147-DOP (A.E.A.B.).

I. BACKGROUND

[1] On May 6, 2004 Sustainable Resource Development issued Reclamation Certificate No. MSL014114 (the “Certificate”) to Vintage Petroleum with respect to the VPCI Puskwaskau 15-25-074-26-W5M well, in the Municipal District of Greenview. Daylight Energy is the successor to Vintage Petroleum.

[2] On February 14, 2008, the Executive Director, Sustainable Resource Development (the “Director”) cancelled the Certificate as a result of an audit of the site that found Canadian thistle on the site and road allowance that was not present in the offsite controls.

[3] On March 11, 2008, the Environmental Appeals Board (the “Board”), received a Notice of Appeal from Daylight Energy (the “Appellant”) appealing the cancellation of the Certificate.

[4] On March 13, 2008, the Board wrote to the Appellant and the Director (collectively the “Participants”) acknowledging receipt of the Notice of Appeal. The Board also requested the Director provide a copy of the Records (the “Record”) relating to this appeal, and that the Participants provide the Board with their available dates for a mediation meeting, preliminary motions hearing, or a hearing.

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

[6] On April 10, 2008, the Board received the Record from the Director. In his April 10, 2008 letter, the Director also advised he would not consent to attending a mediation meeting. On April 11, 2008, the Board advised the Participants that based on available dates received from the Participants, and the Director’s decision not to attend a mediation meeting, they are requested to hold June 27, 2008 for a Hearing. The Board also provided the Participants with a copy of the Record. On April 17, 2008, the Board wrote to the Participants confirming the Hearing would be held on June 27, 2008, at the Board’s office.

[7] The Board placed a Notice of Hearing advertisement in the Rycroft Central Peace Signal on April 29, 2008, and on April 30, 2008 in the Valleyview Valley Views newspapers, notifying the public of the Hearing and stating that any applications for intervention were to be provided to the Board by May 12, 2008. No applications were received.

[8] On June 4, 2008, the Board received a letter from the Appellant withdrawing the appeal.

II. DECISION

[9] 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. 07-147 and closes its file.

Dated on June 5, 2008, at Edmonton, Alberta.

Dr. Steve E. Hrudey, FRSC, PEng
Chair