

ALBERTA ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

Date of Discontinuance of Proceedings – March 25, 2009

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 appeals filed by Parkland County, and Elmer Bassani and the Bassani family, with respect to *Environmental Protection and Enhancement Act* Approval No. 49589-01-00 issued to Northland Material Handling Inc. by the Director, Central Region, Environmental Management, Alberta Environment.

Cite as: *Parkland County et al. v. Director, Central Region, Environmental Management, Alberta Environment*, re: *Northland Material Handling Inc.* (25 March 2009), Appeal Nos. 08-013 & 08-015-DOP (A.E.A.B.).

I. BACKGROUND

[1] On July 29, 2008, the Director, Central Region, Regional Services, Alberta Environment (the “Director”), issued Approval No. 49589-01-00 under the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12 (the “Approval”) to Northland Material Handling Inc. (the “Approval Holder”) authorizing the construction, operation and reclamation of the Northlands Class III Landfill in Parkland County where more than 10,000 tonnes per year of waste is disposed, including associated pit.

[2] The Environmental Appeals Board (the “Board”) received Notices of Appeal from Parkland County on August 21, 2008, and from Mr. Elmer Bassani and the Bassani family on August 27, 2009 (collectively the “Appellants”) appealing the Approval.

[3] On August 25 and August 29, 2008, the Board wrote to the Appellants, the Approval Holder and the Director (collectively the “Participants”) acknowledging receipt of the Notices 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 these appeals, and that the Participants provide available dates for a mediation meeting, preliminary motions hearing or hearing.

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

[5] On September 19, 2008, the Board received a copy of the Record from the Director, and on September 24, 2008 forwarded a copy to the Appellants and the Approval Holder. In the September 24, 2009 letter, Board counsel requested a conference call with the Participants to obtain further information regarding the appeals.

[6] A conference call was held between Board counsel and the Participants on October 23, 2009. Board counsel advised he would provide the Participants with an opinion, though not a normal practice of the Board, as a courtesy to counsel to the Participants in this matter.

[7] On February 25, 2009, Board counsel wrote to the Participants and provided his legal opinion on the concern that the Notices of Appeal did not appear to disclose a valid ground of appeal and requested the Appellants advise the Board in writing by March 13, 2009, as to whether they wished to have the Board make a formal determination. If both or either of the Appellants wished to seek a formal determination, the Board would establish a submission process.

[8] On March 9, 2009 and March 24, 2009, the Board received letters from the Appellants withdrawing their appeals.

II. DECISION

[9] Pursuant to section 95(7) of the *Environmental Protection and Enhancement Act*, and based upon the withdrawal of the appeals by the Appellants, the Board hereby discontinues its proceedings in Appeal Nos. 08-013 and 08-015 and closes its files.

Dated on March 25, 2009, at Edmonton, Alberta.

“*original signed by*”

Dr. Steve E. Hruddy, FRSC, PEng
Chair