

2014 ABEAB 33**Appeal No. 13-031 & 13-032**

Appellants – Bonavista Energy Corporation and ConocoPhillips Canada Resources Corp.,

Operators – Bonavista Energy Corporation and ConocoPhillips Canada Resources Corp.,

Location – Mountain View County

Notices of Appeal were received on March 26, 2014 from Bonavista Energy Corporation (Bonavista) and ConocoPhillips Canada Resources Corp., (ConocoPhillips) in relation to the March 21, 2014 decision of Alberta Environment and Sustainable Resource Development (AESRD) to issue Environmental Protection Order No. EPO-2014/02-SSR to Bonavista Energy Corporation and ConocoPhillips Canada Resources Corp. for the release of substances in relation to the well site located at 11-14-29-3-W5M in Mountain View County.

On April 10, 2014 ConocoPhillips filed an amendment to their Notice of Appeal. On August 15, 2014 the Board issued a decision dismissing the amended Notice of Appeal. After reviewing the written submissions received May 1, 2014, the Board did not accept the amended Notice of Appeal. The Board found the change made to the Order was a clerical correction, which is not appealable under the legislation. Even if the Board had found the amendment to the Order to be more than a clerical correction and it amounted to an actual amendment of the substantive terms of the Order, there is no appeal right of an amendment to an environmental protection order in the legislation. Since the amendments to the Notice of Appeal were submitted after the time period to file a Notice of Appeal, the Board did not have the jurisdiction to accept the amended Notice of Appeal.

Cite as: *ConocoPhillips Canada Resources Corp. and Bonavista Energy Corporation v. Director, South Saskatchewan Region, Alberta Environment and Sustainable Resource Development* (14 August 2014), Appeal Nos. 13-031 and 032-D1 (A.E.A.B.).

In consultation with the parties, a mediation meeting was held on June 5, 2014 in Calgary. As a result of the resolution reached at the mediation, Bonavista and Conoco withdrew their appeals on October 9 and 10, 2014 and the Board closed its files.