
ALBERTA ENVIRONMENTAL APPEALS BOARD

Report and Recommendations

Date of Report and Recommendations – March 9, 2015

IN THE MATTER OF sections 91, 92, 95, and 99 of the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12;

-and-

IN THE MATTER OF an appeal filed by Anadarko Petroleum Corporation with respect to the cancellation of Reclamation Certificate No. 245656-00-00 under the *Environmental Protection and Enhancement Act*, by the Director, Northern Region, Alberta Environment and Sustainable Resource Development.

Cite as: *Anadarko v. Director, Northern Region, Alberta Environment and Sustainable Resource Development* (9 March 2015), Appeal No. 10-016-R (A.E.A.B.).

BEFORE:

Justice Delmar W. Perras (ret.), Board Chair.

PARTIES:

Appellant:

Anadarko Petroleum Corporation.

Director:

Mr. Greg Smith, * Director, Northern Region, **
Alberta Environment and Sustainable Resource
Development, represented by Ms. Erika
Gerlock, Alberta Justice and Solicitor General.

* Mr. Greg Smith was the Director who cancelled the reclamation certificate. Since the decision was made, he is no longer a Director with Alberta Environment and Sustainable Resource Development.

** Since the decision was made to cancel the reclamation certificate, the region in which the site is located is now referred to as the Peace Region.

EXECUTIVE SUMMARY

Alberta Environment and Sustainable Resource Development (AESRD) cancelled a reclamation certificate that was issued to Anadarko Petroleum Corporation (“Anadarko”). Anadarko appealed the decision to cancel the reclamation certificate.

At the request of AESRD and Anadarko, the Board held the appeal in abeyance while discussions proceeded and work on the site progressed.

In October 2014, AESRD confirmed the site met reclamation criteria, and AESRD and Anadarko requested the Board recommend to the Minister that the reclamation certificate be reinstated.

After receiving confirmation from the landowners on February 13, 2015, that they had no concerns with the site, the Board recommended to the Minister that AESRD’s decision to cancel the reclamation certificate be reversed and the reclamation certificate be reinstated.

TABLE OF CONTENTS

I. INTRODUCTION	1
II. BACKGROUND	1
III. RECOMMENDATIONS	3

I. INTRODUCTION

[1] This is the Environmental Appeals Board's Report and Recommendations to the Minister of Environment and Sustainable Resource Development regarding the appeal of a cancellation of a reclamation certificate.

[2] Alberta Environment and Sustainable Resource Development ("AESRD") issued a reclamation certificate to Anadarko Petroleum Corporation ("Anadarko" or the "Appellant") on February 7, 2008, for a well site located near Gordondale. AESRD cancelled the reclamation certificate on August 3, 2010, after it conducted a contamination audit. Anadarko appealed the cancellation of the reclamation certificate.

[3] AESRD and the Appellant requested the Environmental Appeals Board (the "Board") hold the appeal in abeyance while discussions continued and additional work was done on the site. Regular status reports were received by the Board from AESRD and the Appellant.

[4] In October 2014, AESRD confirmed the site met reclamation criteria, and AESRD and the Appellant jointly requested the Board recommend to the Minister to reinstate the reclamation certificate. Following several attempts to contact the landowners, the Board finally received confirmation from the landowners on February 13, 2015, that they had no concerns with the site.

[5] The Board reviewed the record and subsequent correspondence and recommended to the Minister that the decision to cancel the reclamation certificate be reversed and the reclamation certificate be reinstated.

II. BACKGROUND

[6] On February 7, 2008, the Director, Northern Region, Alberta Environment and Sustainable Resource Development (the "Director"), issued Reclamation Certificate No. 245656-00-00 (the "Certificate") to Anadarko under the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12 ("EPEA"). The Certificate was issued with respect to well site Gordondale 7-22-79-11-W6M, (the "Site"), located near Gordondale, Alberta.

[7] On August 3, 2010, the Director cancelled the Certificate based on information obtained during a contamination audit.

[8] On August 31, 2010, the Board received a Notice of Appeal from Anadarko appealing the cancellation of the Certificate.

[9] On September 7, 2010, the Board acknowledged receipt of the appeal and notified the Director of the appeal. The Board also requested the Director provide the Board with a copy of the records (the "Record") relating to the cancellation of the Certificate, and that the Appellant and Director (collectively, the "Parties") provide available dates for a mediation meeting. The Record was received on October 5, 2010, and a copy was provided to the Parties on October 12, 2010.

[10] On October 8, 2010, the Board notified the landowners, Ms. Aune and Mr. Edward Anderson, of the appeal.

[11] The Parties requested the Board put the appeal in abeyance while discussions were continuing and additional work and assessments were completed on the Site. The Board granted the abeyance and received regular updates on the progress of the discussions and work completed.

[12] On April 16, 2014, the Board notified the Parties that, pursuant to the *Responsible Energy Development Act*, S.A. 2012, R-17.3, the jurisdiction regarding the Certificate passed to the Alberta Energy Regulator (the "AER") on March 29, 2014, but under the transition provisions, any appeals filed with the Board prior to that date were to be completed under the previous legislation by the Board.

[13] On October 7, 2014, the Director confirmed the Site meets the reclamation criteria. The Director notified AER of the intended recommendation to the Board and they had no concerns. The Parties jointly recommended the Certificate be reinstated.

[14] After several attempts to contact the landowners, on February 13, 2015, it was confirmed the landowners had no issue with the Certificate being reinstated.

III. RECOMMENDATIONS

[15] In accordance with section 99 of the *Environmental Protection and Enhancement Act*, the Board recommends the Minister:

1. reverse the Director's decision to cancel the Certificate; and
2. reinstate Reclamation Certificate No. 245656-00-00.

[16] Further, with respect to sections 100(2) and 103 of EPEA, the Board recommends that copies of this Report and Recommendations, and the decision by the Minister, be sent to the following:

- Ms. Dana Howard and Ms. Linda Kuhn, Anadarko Petroleum Corporation;
- Ms. Aune and Mr. Edward Anderson; and
- Ms. Erika Gerlock, Alberta Justice and Solicitor General, on behalf of the Director, Northern Region, Alberta Environment and Sustainable Resource Development.

Dated on March 9, 2015, at Edmonton, Alberta.

- original signed by -

D.W. Perras
Board Chair



ALBERTA
ENVIRONMENT AND PARKS

*Office of the Minister
MLA, Lethbridge West*

**Ministerial Order
32/2015**

Environmental Protection and Enhancement Act
R.S.A. 2000, c. E-12.

**Order Respecting Environmental Appeals Board
Appeal No. 10-016**

I, Shannon Phillips, Minister of Environment and Parks, pursuant to section 100 of the *Environmental Protection and Enhancement Act*, make the order in the attached Appendix, being an Order Respecting Environmental Appeals Board Appeal No. 10-016.

Dated at the City of Edmonton, in the Province of Alberta, this 26th day of August, 2015.

- original signed -

Shannon Phillips
Minister

Appendix

Order Respecting Environmental Appeals Board Appeal No. 10-016

With respect to the decision of the Director, Northern Region, Alberta Environment and Parks, to cancel Reclamation Certificate No. 245656-00-00 under the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12, that was issued to Anadarko Petroleum Corporation, I, Shannon Phillips, Minister of Environment and Parks, order that Reclamation Certificate No. 245656-00-00 be reinstated.