

ALBERTA ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

Date of Discontinuance of Proceedings – August 21, 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 an appeal filed by Eric Jarvis and Pat Brock with respect to *Environmental Protection and Enhancement Act* Reclamation Certificate No. 00252819-00-00 issued to Penn West Petroleum by the Inspector, Central Region, Environmental Management, Alberta Environment.

Cite as: *Jarvis and Brock v. Inspector, Central Region, Environmental Management, Alberta Environment*, re: *Penn West Petroleum* (21 August 2009), Appeal No. 09-010-DOP (A.E.A.B.).

I. BACKGROUND

[1] On July 14, 2009, the Inspector, Central Region, Environmental Management, Alberta Environment (the “Inspector”), issued under the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E12, Reclamation Certificate No. 00252819-00-00 (the “Certificate”) to Penn West Petroleum (the “Certificate Holder”) for the wellsite at 07-10-58-22-W4M near Redwater, Alberta.

[2] On August 4, 2009, the Environmental Appeals Board (the “Board”) received a Notice of Appeal from Mr. Eric Jarvis and Ms. Pat Brock, the landowners, (the “Appellants”) appealing the Certificate.

[3] On August 5, 2009, the Board wrote to the Appellants, the Certificate Holder, and the Inspector (collectively the “Participants”) acknowledging receipt of the Notice of Appeal and notifying the Certificate Holder and the Inspector of the appeal. The Board also requested the Inspector provide the Board with a copy of the records (the “Record”) relating to this appeal, 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 the boards responded in the negative.

[5] On August 12, 2009, the Board received an email from the Certificate Holder explaining the Appellants were referring to the wellsite at 02-10-58-22-W4M in their Notice of Appeal and related documentation, and not wellsite 07-10-58-22-W4M which is the site the Certificate applies to. On the same date, the Board received a letter from the Appellants confirming the error and withdrawing their appeal.

II. DECISION

[6] Pursuant to section 95(7) of the *Environmental Protection and Enhancement Act*, and based upon the withdrawal of the appeal by the Appellants on August 14, 2009, the Board hereby discontinues its proceedings in Appeal No. 09-010 and closes its file.

Dated on August 21, 2009, at Edmonton, Alberta.

Justice D.W. Perras (ret.)
Chair