



PRE-HEARING MEETING DECISION REPORT

Alberta Sulphur Terminals Ltd.
Sulphur Forming and Shipping Facility near
Bruderheim

NRCB Application No. 0702

Pre-Hearing Meeting
Lamont, Alberta

January 27, 2009

PRE-HEARING MEETING DECISION REPORT

NRCB Application No. 0702

1. Introduction

On July 13, 2007, Alberta Sulphur Terminals Ltd. (the Applicant or AST) filed an application with the Natural Resources Conservation Board (NRCB) and Alberta Environment requesting approval to construct and operate a sulphur forming and shipping facility near Bruderheim (the project). The proposed site is located in Lamont County, approximately 2.2 km east of Bruderheim.

On November 24, 2008, Alberta Environment's Regional Environmental Manager (Designated Director under the Act) confirmed the completeness of the Environmental Impact Assessment report for this project, pursuant to Section 53 of the *Environmental Protection and Enhancement Act*.

The NRCB issued a notice dated December 3, 2008 (*Notice of Pre-Hearing Conference*) informing parties that a hearing would be conducted and inviting submissions from parties wishing to make presentations at a pre-hearing meeting. The pre-hearing meeting was scheduled to hear representations respecting certain aspects of the hearing to be held for consideration of the application.

The agenda items for the pre-hearing meeting included:

- a) a discussion of the major issues to be examined at the hearing;
- b) the appropriate scope and jurisdiction of the review;
- c) the location for a hearing, the appropriate timing of a hearing, and deadlines for filing hearing submissions;
- d) a discussion of procedures to be followed at the hearing; and,
- e) other matters.

Parties were invited to make submissions on these agenda items and were advised that eligible persons who are or may be directly affected by the proposed project could also apply for advance intervener funding to assist in preparing and presenting an intervention.

The Panel established to consider this application included Jim Turner (Panel Chair), and members, Donna Tingley and Barbara McNeil. The Panel held a Pre-Hearing Meeting at the Lamont Recreation Centre in Lamont, Alberta on January 27, 2009. Parties who participated in the meeting are listed in Appendix A.

2. Issues raised for Examination at the Hearing

Five parties filed pre-hearing submissions by the established January 21, 2009 deadline. These parties are: Friends of Lamont County (FOLC); Lamont County; the Town of Bruderheim; Leslie Jans; and the Lamont Health Care Centre. All pre-hearing submissions filed in advance of the meeting were entered into the record as exhibits to the proceedings. All parties to the review were also provided copies of each other's submissions.

At the pre-hearing meeting each party was given an opportunity to discuss the agenda items detailed in the *Notice of Pre-Hearing Conference*; this included a discussion of the major issues they believed should be addressed at the future hearing. This report summarizes participants' views and presents the Panel's decision in response to the pre-hearing submissions.

PRE-HEARING MEETING DECISION REPORT

NRCB Application No. 0702

Friends of Lamont County

The Friends of Lamont County submitted a detailed list of issues it believed were relevant for further examination at the hearing. These included issues about the nature of the area surrounding the project, project need and location, and the nature of the project itself. FOLC further advanced issues dealing with impacts associated with sulphur fires, air emissions, groundwater and soil, noise and light pollution, traffic, property values, emergency response planning, public consultation, reclamation and the project's future outlook. FOLC provided an extensive list of sub-issues relating to these primary issues.

Lamont County

Lamont County advised that its development authority (Municipal Planning Commission) previously issued a decision denying a development permit application made by the Applicant. It indicated that it used this decision "*as a backdrop in reviewing the proponent's information.*" The County stated that its review of the application was ongoing and submitted the following issues as relevant for further consideration: risk management and emergency response, ongoing operational impacts, cumulative effects, and ongoing compliance and reclamation.

Town of Bruderheim

The Town of Bruderheim expressed concerns with the effect the project would have on its residents given its close proximity to the Town of Bruderheim. The Town indicated its chief concerns related to health and safety issues, including the potential long-term health risks associated with a worst-case scenario explosion. The Town emphasized that it was not anti-industry or anti-business and stated that its objective was to safeguard quality of life for its residents and community.

Leslie Jans

Ms. Leslie Jans expressed concerns for the project's potential negative impacts to her family and community. Ms. Jans' concerns included issues regarding air quality, public health, increased highway traffic, reduction of property values and risk of fires. Ms. Jans also indicated disapproval of the siting for the proposed facility.

Lamont Health Care Centre

With respect to issues for further review, the Lamont Health Care Centre expressed concerns regarding potential health and environmental impacts. It submitted that strong sulphur odours could pose a risk to nearby community residents and patients, especially to those with respiratory diseases. It also indicated concern that sulphur and its associated fumes could have a toxic effect on the environment, suggesting that this toxicity could compromise or affect the health of residents and nearby plant life. It expressed concern that other health risks could be caused by seepage into the groundwater. The Lamont Health Care Centre suggested industrial developments with greater cost/benefit to the residents and community should instead be pursued.

Alberta Sulphur Terminals Ltd.

The Applicant asked that the Board keep in mind the scope of the project when framing the hearing issues. It also stated that in previous prehearing decisions, the Board indicated the purpose of intervener submissions and participation in the process was to review and scrutinize the application before the Board. AST remarked that intervener participation, particularly where intervener funding is being sought, was not intended for the purposes of conducting new or independent studies or research, nor to collect raw data or undertake parallel studies. AST submitted that the Board should determine

PRE-HEARING MEETING DECISION REPORT

NRCB Application No. 0702

the reviewable issues based upon the Applicant's environmental impact assessment (EIA) and noted that FOLC's submission included a list of issues that largely coincided with the Applicant's EIA.

AST submitted that for the most part it accepted the primary issues advanced by FOLC; however, it believed only the major headings should form the issues and that the sub-issues should not be included. AST considered that once broader headings were put forward, all issues under the umbrella of a specific issue could be addressed, without the need to specify sub-issues for each heading.

AST expressed concern that some of FOLC's sub-issues were not really issues, but instead appeared to be presumptive statements of fact, which it believed would be prejudicial for the Panel to identify as issues without evidence to support their accuracy. The Applicant provided examples of sub-issues it believed inappropriate (minimum acceptable distance of a major sulphur facility from a community; potential for sulphur pipelines crossing land between Scotford and RR 202), suggesting they referred to matters outside the Board's jurisdiction or matters that did not form part of the AST's application.

The Applicant reiterated that it was comfortable with the broader issues being addressed at the hearing. If the Panel chose to include FOLC's sub-issues for consideration at the hearing, AST noted that it took exception to FOLC's final issue regarding the future outlook for the project. AST suggested that it would need to reapply for any future expansion "*...or any other aspect involving future work to be undertaken on the site,*" and submitted that this matter was not appropriate for the hearing, since the hearing was to consider the current application before the Board.

Reviewable Issues

The Panel considered all issues raised by parties who filed written submissions or participated in the pre-hearing meeting. To ensure it has adequate information to establish whether the project is in the public interest, the Panel determined the following matters would benefit from further examination at the hearing:

1. Project Need

- a) Design
 - Technology and suitability (best practices)
- b) Demand
 - Sulphur supply and market
- c) Project life and reclamation

2. Location of the Project and Community Effects

- a) Proximity to residences
- b) Proximity to public facilities
- c) Noise, odours, light, and traffic impacts
- d) Property values
- e) Site suitability

3. Risk, Risk Management and Emergency Response Plans

- a) Sulphur fires
- b) Spills

4. Environmental and human health effects

- a) Air emission impacts
- b) Groundwater impacts

PRE-HEARING MEETING DECISION REPORT

NRCB Application No. 0702

- c) Surface water impacts
- d) Soil impacts
- e) Effects of air contaminants on human health
- f) Effects on agriculture
 - Crops
 - Livestock

Parties raised several interconnected issues the Panel believes can be dealt with when addressing the preceding issues. As examples, the Panel accepts that parties may present information regarding sulphur handling and storage, public consultation, and cumulative effects in relation to the specified reviewable issues.

Conversely, some issues that were advanced for Board consideration are not relevant to its review of AST's application. For example, issues regarding the future of AST's project development beyond what is proposed in their application are outside the Board's mandate to consider the existing application. Similarly, concerns regarding the potential for sulphur pipelines, a sulphur block, or for other oilfield wastes or by-products to be stored on site in the future are not matters properly before the Board. Likewise, matters raised that suggested future plans for treating and storing hazardous wastes in the project development area are not germane to the Board's review of AST's current application for a sulphur forming and storage facility.

At the hearing, the Panel will hear evidence and argument relating to the reviewable issues listed above. The Panel is also prepared to consider additional matters, provided that they are properly within its jurisdiction and are specifically relevant to its mandate of determining public interest.

3. Location of the Hearing

All parties had an opportunity to comment on their preferred location for the hearing. In their written submission, the Friends of Lamont County submitted that the hearing be conducted in Lamont. No other locations were proposed in parties' pre-hearing submissions.

At the pre-hearing meeting, Board counsel suggested Fort Saskatchewan may be a better choice for logistical reasons, including access to meeting rooms and internet service for uploading documents and facilitating daily hearing transcription. Internet access in the hearing facility is necessary to provide parties with access to daily transcripts. Parties who provided comment on the hearing location agreed that Fort Saskatchewan would be an acceptable location.

After reading the submissions and hearing from the participants, the Panel directed staff to research the availability of a venue in Fort Saskatchewan. Accordingly, the Lakeview Inn (10115 - 88 Avenue, Fort Saskatchewan) has been reserved for this proceeding. With internet access, this facility will accommodate daily transcription services. To facilitate efficient access to transcripts, the Board will contract for daily transcripts to be posted online.

PRE-HEARING MEETING DECISION REPORT

NRCB Application No. 0702

4. Timing for the Hearing

The Friends of Lamont County suggested that the appropriate timing for commencing the hearing would be April 14, 2009. This was contingent upon a series of other prerequisites dealing with the exchange of information between parties and the issuance of this *Pre-Hearing Meeting Decision Report* within two weeks of the proceeding.

Parties were for the most part agreeable to the suggested hearing dates. With respect to limitations, Ms. Jans requested that further meetings be scheduled in the evenings to accommodate her attendance.

In considering the requests and limitations for various parties to participate directly or have expertise available to participate, the Panel endeavours to be as accommodating as possible, while respecting a fair and efficient process. After careful consideration, the Panel has determined that the hearing will commence at 9:00 am on April 14, 2009. Given the number of expected participants and reviewable issues, the Panel believes the hearing will be completed within four days. Over the course of the hearing, the Panel expects parties will be available to convene between 9:00 am and 5:00 pm daily.

The Panel will consider evening sittings, should the need arise, in order to complete the hearing on Friday, April 17, 2009. Also, if necessary to accommodate Ms. Leslie Jans' participation, the Board is prepared to schedule an evening sitting to hear Ms. Jans' direct evidence.

5. Submission Filing Deadlines and Information Request Procedure

Written hearing submissions addressing the issues set for review must be filed with the Board by 4:30 pm on March 30, 2009. Alberta Sulphur Terminals Ltd. will then have an opportunity to respond to the written submissions by 12:00 noon on April 9, 2009.

FOLC asked that a formal Information Request (IR) procedure be established to allow for the efficient exchange of information between the Applicant and interested parties prior to the hearing submission deadline. Although an IR procedure does not typically form part of the Board's review process, the Panel recognizes that the Applicant and pre-hearing participants were amenable to this process.

Therefore, the Panel advocates that should parties have further information requests for the Applicant, they should be filed with AST by February 23, 2009. AST will then respond to these information requests by March 9, 2009. Any documents exchanged between parties during the IR procedure should also be filed with the Board and will be made available on the NRCB's website. The Panel anticipates that parties will effectively communicate with each other and will identify expert panels in advance of the hearing.

Electronic copies of all submissions are to be provided to the NRCB (please forward by email to: susan.schlemko@gov.ab.ca). All submissions will be uploaded onto the NRCB's website to provide parties convenient access to each other's written interventions. After filing, please allow one business day for submissions to be uploaded onto the NRCB's website.

For access to the hearing submissions on the NRCB website, parties can enter the following address into their web browser: <http://www.nrcb.gov.ab.ca/nrp/Currentapplications.aspx?id=3610> and select hearing submissions. If any registered intervener does not have internet access, they may contact Board staff to make alternate arrangements to receive other parties' filed submissions.

PRE-HEARING MEETING DECISION REPORT

NRCB Application No. 0702

6. Hearing Procedures

The Friends of Lamont County submitted that the usual NRCB hearing procedures were appropriate and the Applicant agreed. This would include opportunities for providing direct evidence, cross-examination and final arguments. Other participants did not comment on the hearing procedures.

The Panel will conduct the hearing in its usual manner. Any participant unfamiliar with the NRCB hearing process is encouraged to contact NRCB staff for guidance. If sufficient interest is shown, staff would be pleased to hold an information session to assist parties in understanding what to expect at the hearing and how best to prepare for their participation. Participants unfamiliar with the review process are also encouraged to review the NRCB's "*Guide to the Review Process under the NRCB Act.*" Copies of this informative guide may be obtained from the NRCB's Edmonton office or may be accessed through the NRCB's website.

As all parties are required to provide complete written submissions in advance of the hearing, the Panel intends to limit the time for each party to introduce their direct evidence and witnesses to approximately one hour. Only those parties who establish that they may be directly affected by AST's application will be afforded the opportunity to cross-examine other participants and present final arguments (See Standing of Parties in item 7 below).

Any party who chooses to file a complete submission in advance of the hearing will have the opportunity to present that submission at the hearing and will be asked to respond to questions from directly affected participants.

7. Other Preliminary Matters

Standing of Parties and Hearing Participation

Parties who the Board determines may be directly affected by a reviewable project are given standing to review information relevant to the application, to furnish evidence relevant to the application, to cross-examine and to provide argument during a hearing. Standing is important as it allows parties the opportunity to cross-examine the Applicant's evidence and to present final arguments.

At the pre-hearing meeting, standing was only discussed in relation to FOLC's membership. FOLC submitted that several of its members owned or resided on lands adjacent to or in close proximity to the project area. AST conceded that some FOLC members owned land or lived adjacent to project lands and it did not challenge their standing. That said, AST suggested that if these members changed their position regarding the project, it wished to reserve the right to challenge the standing of remaining group members who did not own or occupy lands immediately adjacent to the project. The Panel agrees that this is a reasonable approach and it is prepared to revisit the issue of standing, if the need arises.

The Panel determined that all parties who filed pre-hearing submissions and registered at the pre-hearing meeting will have standing to fully participate in the hearing. This includes: Friends of Lamont County, Lamont County, Town of Bruderheim, Leslie Jans, and Lamont Health Care Centre.

Should further parties come forward, the Panel will address their standing at the outset of the proceeding. If such parties are unable to establish that they may be directly affected by the project, the Panel will allow them an opportunity to file a written submission and appear at the hearing, but will limit

PRE-HEARING MEETING DECISION REPORT

NRCB Application No. 0702

their participation to presenting their submission and responding to questions from directly affected parties.

Site Visit

The Panel will be conducting a site visit to view the proposed project site and surrounding area. Within their March 30, 2009 submissions, parties are invited to provide the Panel with a list of those items they wish the Panel to have special regard for during their site visit. Any suggestions from AST as to the items they wish the panel to view must also be submitted to the Board by March 30, 2009.

8. Advance Funding Requests

Under the *NRCB Act* parties who, in the opinion of the Panel, are or may be “directly affected” by a reviewable project may apply for intervener funding to assist their participation in the review process. The Panel may make an award of costs to assist in the preparation and presentation of an intervention at a Panel proceeding. If in the Panel's opinion it is reasonable to do so, the Panel may make an advance award of costs. The onus rests with the intervener requesting an advance award of costs to demonstrate the need for advance costs and to make the case that the work being funded will contribute to the Panel's understanding of the project's effects.

In reaching a determination of whether an individual or group of individuals might be directly affected, the Panel considers whether the potential effect on that individual or group is different, special or unique from effects on the general public. The NRCB has interpreted the term “*directly affected*” to exclude the broad public who may be indirectly affected by a project.

The Panel received one request for advance funding, submitted by the Friends of Lamont County. The Panel believes that parties were given a reasonable opportunity to address their eligibility for funding. The Panel accepts that the Friends of Lamont County group includes local residents who live or work within the project area who could be affected by the proposed project. The Panel believes the kind and degree of the potential effects upon these people makes them special or unique from effects that apply to the general public.

Advance cost awards are provided to assist eligible parties who require financial assistance to prepare for and to participate effectively and efficiently in the review process. The Board believes that it is an applicant's responsibility to conduct the studies and research necessary to assemble and present the information needed to determine whether or not a project is in the public interest. Funds provided to eligible interveners are to enable them to engage experts to assist them in understanding the information, the potential effects of the proposed project on them, and to test the applicant's reasoning in this regard. The Board does not believe that interveners should receive costs to conduct parallel studies to that of the applicant or to embark on original data gathering exercises.

Final cost awards are determined upon submission of a final cost claim after the public hearing. The Panel notes that the amount of a final cost award may vary from the amount recognized in advance, based upon the conduct and presentation of the party or its experts during the hearing. When final cost awards are requested, interveners must provide an accounting of expenditures (with receipts) and be prepared to explain how the funds were efficiently used. The accounting of expenditures should provide the Panel with sufficient information to understand the nature of activity undertaken and how it contributed to a better understanding of the reviewable issues.

PRE-HEARING MEETING DECISION REPORT

NRCB Application No. 0702

Friends of Lamont County

The Friends of Lamont County submitted a request for funding in the amount of \$203,617.00, requesting half of this amount (\$101,808.50) as an advance funding request. FOLC proposed this budget would accommodate the budgets for their experts (\$101,887.00), legal assistance (\$93,230.00) and funds for members' honoraria and expenses (\$8,500.00).

FOLC proposed Dr. Hyne would conduct an assessment of AST's proposed sulphur product storage and the moisture content of the sulphur product. FOLC indicated "*the properties of various types of formed solid elemental sulphur, including potential for formation of fugitive dust emissions, will be examined and their relation to the type and method of forming, storage and handling used.*" FOLC suggested Dr. Hyne would address these issues and their significance to FOLC members. FOLC advised that Dr. Hyne would assist the Board with understanding the type of facility proposed, its suitability to the area and how the company proposed to handle, store and form sulphur. He suggested this would assist the Board's determination of whether the project is in the public interest in terms of the risks it presented to FOLC members. FOLC proposed a budget of \$16,159.00 for Dr. Hyne's work.

The Panel acknowledges that Dr. Hyne's work will primarily focus on conducting a critical assessment of AST's application and EIA and that he will report on his findings regarding the proposed forming, handling and storage of sulphur at the facility. The Panel accepts that this assessment will provide a valuable contribution to further understanding the project's potential impacts on FOLC members. The Panel therefore recognizes the full amount requested for Dr. Hyne.

FOLC proposed Dr. Batterman would review the air quality sections of the project application and EIA and "*...provide an analysis of impacts from a worst-case scenario, including an application of dispersion modelling to estimate worst-case concentrations that members of the FOLC may be exposed to.*" FOLC proposed a budget of \$13,268.00 for Dr. Batterman's work.

The Panel acknowledges that Dr. Batterman's expertise will largely concentrate on assessing the EIA and application materials in relation to air quality and that he will report on his findings. The Panel did not clearly understand what was intended by a "*de novo*" analysis of impacts identified in his proposed budget; however, it expects overall that the value of work to be completed by Dr. Batterman reasonably merits the full award requested.

FOLC submitted that Dr. Coppock would be retained to provide a critical assessment of the application and EIA, in relation to potential impacts on the health of livestock belonging to FOLC members. FOLC submitted a budget of \$20,905.00 to conduct this work.

The Panel expects that it would benefit from Dr. Coppock's toxicology expertise in providing a clearer understanding of potential project impacts. However, the Panel believes the amount of time estimated for Dr. Coppock's review of the application, submissions, and literature search is greater than is necessary. Similarly, the Panel believes that some of the proposed work (eg. interviewing livestock owners) could be conducted more cost effectively if completed by a non-expert. The Board therefore recognizes \$8,000.00 as reasonable for the proposed work relating to livestock health impacts.

FOLC indicated that Mr. Gettel would be retained to prepare a report addressing the impact of the project on FOLC members' property values, particularly for those with lands adjacent to the project. FOLC proposed a budget of \$7,875.00 for Mr. Gettel's expertise in assessing land value effects associated with the project.

PRE-HEARING MEETING DECISION REPORT

NRCB Application No. 0702

The Panel determined that insufficient reason was provided to merit advance funds for Mr. Gettel's proposed work, given that the work consisted of a new appraisal rather than a review and assessment of the relevant portion of the EIA. That said, there may be merit in Mr. Gettel providing a general understanding of what he believes the project's impacts would be on neighbouring land values. Despite not granting an advance funding award for Mr. Gettel, should FOLC decide to retain his expertise and should he provide information the Board finds useful in making its public interest decision, the Board will re-evaluate this funding request during its consideration of final cost awards. If Mr. Gettel is retained for these purposes, the Board expects that it would consider funding a request for an amount no higher than that submitted in the advance funding request.

FOLC submitted that Mr. Picard would provide "*expert evidence about potential fugitive emissions and to recommend how the control of those emissions might be improved over and above what is proposed in the EIA in order to minimize the impacts of the Project on members of the FOLC.*" FOLC submitted that Mr. Picard would prepare a report and present his findings at the hearing, proposing a budget of \$19,530.00 for his work.

The Panel noted that FOLC's submission identified Dr. Batterman's work would also include reviewing the air quality sections of AST's application and EIA. The Panel recognizes that Mr. Picard's proposed work relates more specifically to potential fugitive emissions; however, the Panel does not believe that a case has been made to substantiate this as a reviewable issue. Therefore, the Panel does not support the request for advance funding for the work proposed by Mr. Picard. However, should FOLC decide to engage Mr. Picard and should he provide evidence to the Panel that the Board finds helpful in making its public interest decision, which evidence is clearly distinct from other expertise provided to the Panel, the Board will re-evaluate this funding

FOLC indicated that it would retain Mr. Farquaharson to review the noise impact and noise survey contained in the EIA and to provide an opinion regarding the survey and the impacts noise would have on FOLC members. It proposed a budget of \$24,250.00 for Mr. Farquaharson's work.

The Panel notes the proposed budget for Mr. Farquaharson is intended to fund a "*...comprehensive independent reassessment of the environmental noise impacts of the project,*" and includes conducting new baseline sound surveys, cataloguing existing noise sources, documenting the noise impact of a similar facility, re-examining the noise impact assessment from AST's proposed project and report, and presenting his findings at the hearing. The Panel believes that a significant portion of this work would duplicate that provided in the EIA. The Panel does not accept the reasonableness of re-measuring existing baseline data. The Panel is, however, interested in Mr. Farquaharson's critical review of the Applicant's EIA and application and accepts an award of \$8,000.00 as a reasonable amount to fund this work.

FOLC submitted that its members required specialized legal assistance with the hearing process in order to organize their intervention, prepare and present evidence and cross-examine AST's panel of experts. It also requested honoraria and expenses for FOLC members, to account for formation of their group, 15 members attending five hearing days and associated expenses for meals and mileage. FOLC proposed a budget of \$93,230.00 to fund its legal representation.

The Panel accepts that expert legal assistance is appropriate for the purposes of FOLC's participation. The Panel further accepts that the preparation time required by legal counsel is compounded by the number of experts and FOLC members. The Panel expects that some efficiencies may be gained if a representative of FOLC is delegated to coordinate its members.

PRE-HEARING MEETING DECISION REPORT

NRCB Application No. 0702

The Panel evaluated FOLC's legal budget and accepted it on the basis of a slight reduction to pro-rate the hearing time to four days instead of five. This reduced the number of hours for counsel to attend and travel to and from the hearing (along with the associated GST). The Panel therefore recognizes \$87,570.00 as a reasonable award to fund FOLC's legal representation. At the close of the hearing, the Panel expects that FOLC's final cost award for legal representation will not exceed this amount, unless the hearing is substantially longer than that proposed.

The Panel notes that FOLC also requested \$8,000.00 in honoraria (\$500.00 for forming a group and \$7,500.00 for members attending the hearing) and \$500.00 for related member expenses. The Panel acknowledges that the NRCB's intervener funding guide refers to these costs in both its advance funding request form and final funding request forms. However, the Board's practice is not to fund these costs as an advance award. The Panel will reconsider these costs upon evaluation of the final cost award, and expects adjustments will be made to respect honoraria provisions in the NRCB funding guide and to prorate these costs to reflect a four day hearing.

Panel Decision for Advance Funding

The Panel recognizes \$132,997.00, including GST, as an appropriate amount to enable FOLC to conduct a critical assessment of the EIA and application materials related to the reviewable issues and to assist the Panel in better understanding potential impacts to FOLC members. The Panel directs that AST provide FOLC with the sum of \$66,498.50 (that being 50% of the total recognized), as an advance cost award in order to assist in FOLC's preparation for the hearing.

Summary of Advance Cost Awards

Friends of Lamont County	Requested funding	Panel recognized funding	Advance approved
Dr. Hyne	\$ 16,159.00	\$ 16,159.00	\$ 8,079.50
Dr. Stuart Batterman	13,268.00	13,268.00	6,634.00
Dr. Robert Coppock	20,905.00	8,000.00	4,000.00
Mr. Brian Gettel	7,875.00	* 0.00	0.00
Mr. David Picard	19,530.00	* 0.00	0.00
Mr. James Farquaharson	24,150.00	8,000.00	4,000.00
Mr. Richard Secord & Ms. Eva Chipiuk	93,230.00	87,570.00	43,785.00
Members' honoraria and expenses	8,500.00	* 0.00	0.00
Total:	\$ 203,617.00	\$ 132,997.00	\$ 66,498.50

(*To be re-evaluated upon consideration of final cost awards).

The Panel emphasizes that its decision regarding the advance funding award is preliminary in nature. The Panel acknowledges that further evidence brought forward at the hearing could cause the Panel to come to different conclusions regarding eligibility or cost matters.

PRE-HEARING MEETING DECISION REPORT

NRCB Application No. 0702

9. Summary of Decision

The Panel has scheduled a hearing to commence at 9:00 am on April 14, 2009 at the Lakeview Inn (10115 - 88 Avenue) in Fort Saskatchewan. A notice of the hearing date and location will also be published one month prior to the hearing.

Written submissions addressing the issues set for review must be filed with the Panel by 4:30 pm on March 30, 2009 (these submissions may include a list of items parties wish the Panel to have special regard for during their planned site visit. Any submission from AST concerning the planned site visit must also be filed by March 30, 2009.). AST will then have an opportunity to respond to the written submissions by 12:00 noon on April 9, 2009.

Electronic copies of all submissions are to be emailed to the NRCB at: susan.schlemko@gov.ab.ca . If any party is unable to file electronically, they should contact Susan Schlemko at (780) 422-1977 to make other arrangements.

All submissions will be uploaded onto the NRCB's website to allow parties convenient access to each other's written interventions. After filing, please allow one business day for submissions to be uploaded onto this website. For access to the hearing submissions online, parties can enter the following address into their web browser: <http://www.nrcb.gov.ab.ca/nrp/Currentapplications.aspx?id=3610> and select hearing submissions.

Registered parties may contact Board staff, if an alternate form of service is required to access submissions.

DATED at Edmonton, Alberta on February 13, 2009.

NATURAL RESOURCES CONSERVATION BOARD

Original signed by:

Jim Turner
Panel Chair

Donna Tingley
Panel Member

Barbara McNeil
Panel Member

PRE-HEARING MEETING DECISION REPORT

NRCB Application No. 0702

Appendix A: Pre-Hearing Meeting Participants Lamont, Alberta, January 27, 2009

Alberta Sulphur Terminals Ltd.
Daron Naffin
Shawn Munro

Friends of Lamont County
Richard Secord
Eva Chipiuk

Lamont County
Dave Dmytryshyn
Marie Kurylow

Town of Bruderheim
Katharina Hueggenberg

Leslie Jans

Lamont Health Care Centre
Kent Harrold

Natural Resources Conservation Board
Bill Kennedy