

May 19, 2023

[www.aer.ca](http://www.aer.ca)

By Email Only

Meaghan M. Conroy  
**MLT Aikins LLP**

**Statement of Concern No. 32198**  
**TransAlta Corporation (TransAlta)**  
***Coal Conservation Act (CCA) No. 1940926***  
***Environmental Protection and Enhancement Act (EPEA) No. 015-00011187, as Amended***

Dear Meaghan M. Conroy:

You are receiving this letter because you filed a statement of concern (SOC) on behalf of Lac Ste. Anne Métis Community Association (LSAMCA) about Applications No. **1940926** and **015-00011187**. The Alberta Energy Regulator (AER) has reviewed your SOC, along with the applications, and all applicable requirements and other submissions or information about the applications. The AER has decided that a hearing is not required to consider the concerns outlined in your SOC.

In our review of your concerns, we considered the following:

- Although the project is located within the Lac Ste. Anne Métis Community Association (LSAMCA) traditional harvesting territory, the statement of concern does not, without further factual connection, establish that LSAMCA may be directly and adversely impacted by the applications. Further information is required to establish a sufficient degree of location or connection between the Applications and the potential interference or impacts on the rights asserted.
- The AER acknowledges the concerns regarding the delay in reclamation and the impacts to wildlife, soil, and groundwater. TransAlta Highvale reclamation activities are underway, and the overall reclamation timeline is not significantly impacted. The TransAlta reclamation plans have been scheduled to continue until 2046, while the ash recovery project is expected to conclude by 2044.
- The AER acknowledges the concern about impacts on air quality and dust; TransAlta has indicated that it will employ a smaller fleet to excavate fly ash compared to its mining operations.

In addition, TransAlta must submit an updated Dust Management Plan to the AER by September 30, 2023. Furthermore, TransAlta states that the exhaust and fugitive emissions associated with the ash recovery project are lower than those of the permitted active coal mining operation. The combined activity of mine reclamation and ash recovery is less than 10% of active mining operational hours, which is reasonable to rationalize the net change in mining activity emissions.

- In relation to concerns regarding noise and nuisance, TransAlta will be required to ensure compliance with AER *Directive 038: Noise Control*. No noise impact assessment was required for the applications.
- The AER has no jurisdiction to assess the adequacy of Crown consultation associated with the rights of aboriginal peoples; the Aboriginal Consultation Office determines when consultation is required and adequate.
- The concerns in relation to capacity funding for a technical review are relative to compensation which is outside the jurisdiction of the AER and should be addressed through the Government of Alberta.

Based on the above, the AER has concluded that it is not necessary to hold a hearing before making a decision on the applications. The AER has issued the applied-for approval and licences, and this is your notice of those decisions. A copy of the approval and licences are enclosed.

All AER-regulated parties must comply not only with the conditions of their authorizations but with all of the AER's regulatory requirements. To ensure industry compliance, the AER has developed its *Integrated Compliance Assurance Framework*, which embodies the three main components of all effective compliance assurance programs, those being education, prevention, and enforcement. You can find out more about how the AER verifies industry compliance and responds to noncompliance here: <https://aer.ca/regulating-development/compliance/compliance-assurance-program>.

You may file a regulatory appeal on the AER's decision to issue the approval and licences if you meet the criteria within section 36 of the *Responsible Energy Development Act*. Filing instructions and forms are located here: <https://www.aer.ca/regulating-development/project-application/regulatory-appeal-process>.

If you have any questions, please contact [SOC@aer.ca](mailto:SOC@aer.ca).

Sincerely,

<Original Signed By>

Steven Van Lingen  
Director, Oil Sands Mining and Coal  
Regulatory Applications  
/ma

Enclosures (3): Approval and Licences

cc: Shanon Leggo, TransAlta Corporation

Aman Ahlawat, AER

Doug Koroluk, AER

ADR Inbox, AER

SOC Inbox, AER

Environmental Protection & Enhancement and Water, AER

Aboriginal Consultation Office - FNC202251879