

June 9, 2023

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By Email Only

Martin Ignasiak
Bennett Jones**Statement of Concern No. 32038**
Alberta Energy Regulator
Notice of Proposed Action to EPEA Approval No. 00047679-02-00

Dear Martin Ignasiak:

You are receiving this letter because you represent Montem Resources Alberta Operations Ltd. (Montem), which filed a statement of concern (SOC) expressing concerns about the above-referenced Notice of Proposed Action. The Alberta Energy Regulator (AER) has reviewed the SOC and all applicable requirements and other submissions or information. The AER has decided that a hearing is not required to consider the concerns outlined in the SOC.

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

- Section 70(3)(a)(ii) of the *Environmental Protection and Enhancement Act (EPEA)* states, “If the Director considers it appropriate to do so, the Director may on the Director’s own initiative in accordance with the regulations amend a term or condition of, add a term or condition to or delete a term or condition from an approval if the term or condition relates to a monitoring or reporting requirement.”
- The concerns raised about information deficiencies in the Notice of Proposed Action (NoPA) have been addressed. The AER provided Montem with the data from *Alberta Environment and Protected Areas* that led the AER to consider amendments to EPEA approval No. 00047679-02-00, as well as the specific, detailed wording of the amendments.
- Since the SOC was filed, the AER and Montem have engaged in correspondence throughout 2022 and during the first quarter of 2023 and in dialogue with a facilitated meeting on May 11, 2022,

about the amendments to the subject EPEA approval to add three monitoring sites and associated reporting.

- The AER has provided Montem with additional information and analyses, as well as ample opportunity to respond. Montem has been provided a fair process to understand the reasons for the approval amendments and a reasonable opportunity to provide information.

Based on the above, the AER has concluded that it is not necessary to hold a hearing before amending the approval.

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 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.

Sincerely,

<Original Signed by>

Steve Thomas
Director, Oil and Gas Subsurface, Waste & Storage
Regulatory Applications
/ma

cc: Doug Koroluk, AER
Nathan Archer, Montem Resources Alberta Operations Ltd.
SOC Inbox, AER
Field Operations South, AER
Environmental Protection & Enhancement and Water, AER