

## **Decision 20200429A**

### **Unilateral Amendment to Approval Conditions regarding Monitoring in response to COVID-19 Under the *Environmental Protection and Enhancement Act, Water Act, and Public Lands Act***

#### **Imperial Oil Resources Limited [Imperial]**

#### **Kearl Processing Plant and Mine and Cold Lake In Situ Project [the Projects]**

WHEREAS the Government of Alberta has declared a state of public health emergency due to pandemic Covid-19 and the significant likelihood of pandemic influenza, by Order in Council 080/2020;

And WHEREAS the Government of Alberta has issued a number of Covid-19 orders under the *Public Health Act* and the Chief Medical Officer of Health has issued guidelines to ensure the safety of Albertans and its workers (Covid-19 Orders and Guidelines);

And WHEREAS Imperial is the holder of approvals, registrations, licences, preliminary certificates and dispositions issued to it by the Alberta Energy Regulator, or its predecessor, under the *Environmental Protection and Enhancement Act, the Water Act and the Public Lands Act* (the Approvals) related to the Projects;

And WHEREAS Imperial has raised legitimate concerns about its ability to meet monitoring requirements contained in the Approvals while complying with the Covid-19 Orders and Guidelines;

And WHEREAS the Alberta Energy Regulator recognizes the importance of ensuring environmental monitoring and protection as part of responsible energy development;

And WHEREAS the Alberta Energy Regulator recognizes that enabling reasonable compliance with the Covid-19 Orders and Guidelines to ensure public safety and safety of essential workers is also an important aspect of responsible energy development;

And WHEREAS the Alberta Energy Regulator has the authority to amend approval conditions relating to monitoring requirements on its own initiative under the *Environmental Protection and Enhancement Act*;

And WHEREAS the Alberta Energy Regulator has the authority to amend approval conditions relating to monitoring requirements on its own initiative under the *Water Act*;

And WHEREAS the Alberta Energy Regulator has the authority to amend approval conditions relating to monitoring requirements on its own initiative under the *Public Lands Act*;

And WHEREAS the *Alberta Land Stewardship Act* acknowledges that actions may need to be taken for the purpose of public health or safety, or in response to an emergency, that are inconsistent with a regional plan;

And WHEREAS the Alberta Energy Regulator finds it necessary and appropriate to balance the need for monitoring of environmental conditions with the need to ensure public safety and safety of essential workers during this public health emergency;

THEREFORE, the Alberta Energy Regulator decides as follows:

- 1) The Approvals, which were issued under the *Environmental Protection and Enhancement Act*, the *Water Act* and the *Public Lands Act*, are hereby amended to temporarily suspend the requirements for monitoring and activities incidental to monitoring listed in the Appendix attached hereto until otherwise directed by the Alberta Energy Regulator or as stated in the Appendix.
- 2) For greater certainty, this decision is in effect immediately and remains in effect until otherwise directed by the Alberta Energy Regulator.

Dated in Calgary, Alberta, on April 29, 2020.

**Alberta Energy Regulator**

Martin Foy  
Executive Vice President (Interim), Operations Division

## Appendix

- 1) Groundwater sampling under the Directive for the Assessment of Thermally-Mobilized Constituents in Groundwater for Thermal In Situ Operations;
- 2) Volatile organic compounds (VOC) / reduced sulphur compound (RSC) monitoring, including fugitive emissions surveys carried out by contractors;
- 3) All stack testing, Relative Accuracy Test Audit (RATA) and Cylinder Gas Audit (CGA) activities. The requirement for this monitoring resumes by no later than September 30, 2020;
- 4) Fugitive emissions Leak Detection and Repair (LDAR) programs, carried out by contractors;
- 5) Audits and verifications including third-party audits for Continuous Emissions Monitoring (CEM) Code;
- 6) On site monitoring studies planned under the Fort McKay Air Quality and Odours Project, except for odour assessment and communication protocols already in place and the Fort McKay Acute Response Trigger (FMART) process;
- 7) Wildlife monitoring programs using cameras and acoustic recording devices or other techniques to remotely capture animal presence;
- 8) Wildlife and bird monitoring programs conducted internal or external to lease boundaries, including research programs, population estimates and presence studies (e.g. eDNA programs). Operational deterrent programs are to remain in place (including scare cannons) to protect both migratory and non-migratory birds at oil sands operations;
- 9) Research and demonstration activities, carried out by contractors and non-essential personnel;
- 10) Rare plant monitoring field work;
- 11) Yellow rail helicopter surveys/monitoring;
- 12) Off-lease firebreak monitoring;
- 13) Research requirements for fen, pit lakes and other water bodies; and
- 14) Wetlands monitoring.