

Decision 20200520A

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

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 the operators of In Situ oil sands projects listed in the Appendix (the Operators) are the holders of approvals, registrations, licences, preliminary certificates and dispositions issued to them 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 In Situ projects operated by them;

And WHEREAS the Alberta Energy Regulator has received legitimate concerns and information demonstrating that the Operators will not be able to meet certain monitoring requirements contained in the Approvals while complying with the COVID-19 Orders and Guidelines;

And WHEREAS certain of the Approvals' monitoring requirements are incompatible with the Operators' compliance 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;

And WHEREAS the Alberta Energy Regulator, in carrying out its duties and functions imposed on it by the *Responsible Energy Development Act* and any other enactments, may do all things that are necessary for or incidental to the carrying out of any of those duties or functions;

THEREFORE, the Alberta Energy Regulator decides as follows:

- 1) The Approvals are hereby amended to temporarily suspend the requirements for monitoring and activities incidental to monitoring as follows:
 - a) Audits and verifications, including third-party audits for *Continuous Emission Monitoring System (CEMS) Code*;
 - b) Fugitive emissions Leak Detection and Repair (LDAR) programs carried out by third-party contractors. Methane monitoring requirements for In Situ operations are still required to be met. Refer to the COVID-19 web content on the Alberta Energy Regulator's website for details;
 - c) Off-lease firebreak monitoring;
 - d) Soil monitoring requirements for operators required to perform soil monitoring activities in 2020 by their *Environmental Protection and Enhancement Act* approvals;
 - e) Surface water quality testing and analysis with the exception of surface water releases to the environment;
 - f) Wildlife monitoring programs conducted internal or external to lease boundaries, including research programs, population estimates and presence studies (e.g., eDNA programs). Operational mitigation and deterrent programs are to remain in place to protect wildlife and both migratory and non-migratory birds at oil sands operations;
 - g) Wildlife monitoring programs using cameras and acoustic recording devices or other techniques to remotely capture animal presence;
 - h) All research requirements under *Environmental Protection and Enhancement Act* approvals;

- i) All reclamation monitoring programs;
 - j) All groundwater monitoring under *Environmental Protection and Enhancement Act* approvals with the exception of any monitoring necessary to protect human health and ecological receptors. The requirements for this monitoring resume by no later than September 30, 2020, with at least one monitoring event taking place in 2020;
 - k) All groundwater sampling under *Water Act* licences and approvals;
 - l) Manned gate access control when alternate access control is in place;
 - m) Monitoring of roadway watercourse crossings;
 - n) Groundwater sampling and monitoring well installations in 2020 under the Alberta Environment and Parks directive *Assessment of Thermally-Mobilized Constituents in Groundwater for Thermal In Situ Operations*;
 - o) Wetland monitoring; and
 - p) Lab testing for water released, except for domestic wastewater releases. Field measurements for pH and chlorides must be used if not performing lab analysis. Visual inspections for oil and grease and estimated discharge volumes must continue.
- 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 May 20, 2020.

Alberta Energy Regulator

Martin Foy
Executive Vice President (Interim), Operations Division

Appendix

Operator	Project
1435008 Alberta Ltd.	Hoole Grand Rapids
Andora Energy Corporation	Sawn Lake
Athabasca Oil Corporation	Corner Hangingstone Horizontal Heater Test Leismer
Baytex Energy Ltd.	Cadotte HCSS Cliffdale Pilot Gemini
Canadian Natural Resources Limited	Clearwater Experimental Germain Jackfish Joslyn Creek Kirby Manatokan East CSI Pelican Lake Pelican Upper Grand Rapids Pike Primrose and Wolf Lake Saleski Phase 1 Peace River
Cenovus Energy Inc.	Christina Lake Foster Creek Narrows Lake
Cenovus TL ULC	Telephone Lake
CNOOC Petroleum North America ULC	Long Lake
Cona Resources Ltd.	Lindbergh
Connacher Oil And Gas Limited	Great Divide
ConocoPhillips Canada Resources Corp.	Surmont
Everest Canadian Resources Corp.	STP McKay
Greenfire Hangingstone Operating Corporation	Hangingstone Demonstration
Grizzly Oil Sands ULC	Algar Lake May River
Harvest Operations Corp.	BlackGold

Operator	Project
Husky Oil Operations Limited	McMullen
	Saleski Thermal
	Sunrise
	Tucker
Imperial Oil Resources Limited	Aspen
	Cold Lake
Ipc Canada Ltd.	Blackrod
Japan Canada Oil Sands Limited	Hangingstone Expansion
MEG Energy Corp.	Christina Lake (MEG)
	Surmont
Northern Alberta Oil Ltd.	Sawn Lake
OSUM Oil Sands Corp.	Taiga
OSUM Production Corp.	Orion
PetroChina Canada Ltd.	Dover
	MacKay River (PCC)
PTTEP Canada Limited	Mariana Thornbury
SCCC Petroleum Corporation	Red Earth Pilot
	Red Earth SCCC
Suncor Energy Inc.	Dover
	Firebag
	MacKay River
	Meadow Creek East
	Meadow Creek West
Sunshine Oilsands Ltd.	Thickwood
	West Ells
Surmont Energy Ltd.	Wildwood
Value Creation Inc.	TriStar Project