

Decision 20200623E

Amendment to *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 on March 17, 2020, the Government of Alberta 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 that it would be in effect for 90 days;

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

And WHEREAS *Decision 20200520A* (the Suspension Decision) applies to the operators of In Situ oil sands projects listed in the Appendix of the Suspension Decision (the Operators), who 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 Operators raised legitimate concerns about their ability to meet monitoring requirements contained in the Approvals while complying with the COVID-19 Order and Guidelines;

And WHEREAS the Alberta Energy Regulator recognized 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 in response to the need to enable reasonable compliance with the COVID-19 Orders and Guidelines and to ensure public safety, the Alberta Energy Regulator issued the Suspension Decision, which temporarily suspends the requirements for monitoring and activities incidental to monitoring listed in the Suspension Decision;

And WHEREAS *Order in Council 080/2020*, which declared a state of public health emergency due to pandemic COVID-19, has ended and many of the COVID-19 Orders and Guidelines have been amended or rescinded;

And WHEREAS the suspensions are no longer required to ensure compliance with the COVID-19 Orders and Guidelines and the Alberta Energy Regulator continues to have its approval amendment and Letter of Authorization processes available as part of its normal day to day regulatory activities;

And WHEREAS since the issuance of the Suspension Decision, the Operators have had the opportunity to better understand COVID-19 and prepare to implement practices to minimize the risk of transmission of COVID-19;

And WHEREAS the monitoring requirements and any activities incidental to them that were suspended pursuant to the Suspension Decision require physical activities to be conducted on the land, and recommencing monitoring activities and activities incidental to them requires preparation in advance of the recommencement and therefore will require a period of time to allow for this preparation;

And WHEREAS the Environment and Parks *Ministerial Order 17/2020* and the Energy *Ministerial Order 219/2020*, which were issued in response to the COVID-19 pandemic and suspend certain reporting requirements under the *Environmental Protection and Enhancement Act*, the *Water Act*, the *Public Lands Act*, the *Coal Conservation Act*, the *Oil and Gas Conservation Act*, and the *Oil Sands Conservation Act*, will be repealed on July 15, 2020;

And WHEREAS the Suspension Decision stated that it would remain in effect until otherwise directed by the Alberta Energy Regulator;

THEREFORE, the Alberta Energy Regulator has decided the following:

- 1) This decision amends the Suspension Decision.
- 2) In Clause 2 of the Suspension Decision, the wording “otherwise directed by the Alberta Energy Regulator” is hereby removed and replaced with “July 15, 2020.”
- 3) All requirements for monitoring and activities incidental to monitoring that were suspended in the Suspension Decision will be in full force and effect as of July 15, 2020.

Dated in Calgary, Alberta, on June 23, 2020.

Alberta Energy Regulator

Martin Foy
Executive Vice President, Operations Division