

Edmonton (Twin Atria)
2nd Floor, Twin Atria Building
4999 – 98 Avenue
Edmonton, Alberta T6B 2X3
Canada

tel 780-638-4491
fax 780-442-1459

www.aer.ca

June 18, 2020

By Email Only

Athabasca Chipewyan First Nation
Jack Flett

Statement of Concern No. 30649
Syncrude Canada Ltd.
Application No. 040-00000026

Dear Sir:

You are receiving this letter because you filed a statement of concern (SOC) regarding Application no. 040-00000026. The Alberta Energy Regulator (AER) has reviewed your statement of concern, along with the company's application, and all applicable requirements and other submissions or information about the application. The AER has decided that a hearing is not required to consider the concerns outlined in your statement of concern.

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

- Athabasca Chipewyan First Nation (ACFN) concerns have been adequately addressed.
- The application is specific to the *Environmental Protection and Enhancement Act*; it does not include changes to existing approvals per the *Public Lands Act*, *Oil Sands Conservation Act*, or the *Water Act*.
- The concerns regarding reclamation strategies are out of scope of this application. Syncrude is required to follow the *Direction for Conservation and Reclamation Submissions – Under an Environmental Protection and Enhancement Act Approval for Mineable Oil Sands Sites* (Specified Enactment Direction 003) at the time of reclamation. ACFN will have the ability to submit a statement of concern at that time.
- The concerns regarding Crown Consultation are outside the AER's jurisdiction. They may be directed to the Aboriginal Consultation Office.
- Syncrude has met the AER's stakeholder engagement requirements.
- The concerns regarding tailing management, Syncrude is required to follow the *Lower Athabasca Regional Tailings Management Framework for the Mineable Athabasca Oil Sands (GOA, 2015)* and *Directive 085: Fluid Tailings Management for Oil Sands Mining Projects (Directive 85)*.

- The project area is within the Lower Athabasca Regional Plan (LARP), which addresses the management of cumulative impacts on the environment on a regional basis.
- The concerns regarding landfill practices are addressed in the approval;
- No changes have been made to how or what is stored on site in the landfills within this renewal. Syncrude will not receive any offsite waste, except for public safety reasons that are approved prior by the Regulator. Syncrude follows the *Standards for Landfills in Alberta (Standards)*, Government of Alberta, February 2010, as amended.
- Any leachate from the landfills is collected through Syncrude's closed loop industrial wastewater system and stored in existing tailings facilities. Syncrude also conducts groundwater monitoring around the landfills to monitor for the movement of potential contaminants through groundwater movement.
- The concerns in regard to basal water release are out of scope of this application.
- The concerns in regards to domestic wastewater is addressed in this approval. Syncrude is required to submit a Domestic Wastewater Treatment Performance Report in 2021 describing the performance of the system including the removal of fecal coliform.
- The concerns regarding traffic are outside the AER's jurisdiction and should be directed to Alberta Transportation.

inquiries 1-855-297-8311
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Based on the above, the AER has concluded that it is not necessary to hold a hearing before making a decision on the application. The AER has issued the applied-for approval and this is your notice of that decision. A copy of the approval is 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 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/regulatingdevelopment/project-application/regulatory-appeal-process>.

If you have any questions please contact SOC@aer.ca.

Sincerely,

<Original Signed By>

Steven Van Lingen
Director, Regulatory Applications
Enclosure (1): Approval

/bg

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emergency 1-800-222-6514

cc: Jane Howard, Syncrude Canada Ltd.
SOC Assessor, AER
Fort McMurray Field Centre, AER
Aboriginal Consultation Office - **FNC201701583**