

BY E-MAIL AND MAIL

October 25, 2017

Jodi McNeill  
**Oil Sands Environmental Coalition**

**SUNCOR ENERGY INC.**  
**APPLICATIONS NO. 1857270, 1857274, 1890348, AND 075-94**  
**STATEMENT OF CONCERN NO. 30386 AND 30387**

Dear Jodi McNeill:

You are receiving this letter because you filed statements of concern (SOC) on behalf of the Oil Sands Environmental Coalition (OSEC) concerning the subject applications filed by Suncor Energy Inc. (Suncor). The Alberta Energy Regulator (AER) is appreciative of OSEC's contributions during the review of the applications, including your involvement in the Enhanced Review Process (ERP) technical meeting on July 17 and 18, 2017, and your feedback on the draft approval conditions.

The AER notes that many of the concerns OSEC raised are reflected in the attached 20171025A, including:

- OSEC recommended additional or modified RTR criteria. The AER's decision is in the *Ready-to-reclaim (RTR) criteria* section.
- OSEC expressed concerns with public consultation and stakeholder involvement and has recommended an annual forum or workshop to be held to discuss tailings management. The AER's decision is in the *Stakeholder Engagement* section.
- OSEC expected that any future changes to RTR criteria do not result in a change to Suncor's profile. The AER's decision is in the *Profile of New Fluid Tailings* section.
- OSEC recommended an alternative profile deviation trigger and suggested that this threshold be applied to both the growth and decline phases. The AER's decision is in the *Thresholds* section.
- OSEC recommended that Suncor develop metrics and report on the performance of MD9 in designated benchmark years. The AER's decision is in the *DDA1/MD9 – Technology Selection* section.
- OSEC recommended conditions of approval that focused on shortening reclamation timelines. The AER's decision is in the *General Technology Section*.

- OSEC sought clarity on whether Suncor would be allowed to place treated tailings in DDA2 prior to authorization of an updated plan. The AER's decision is in the *DDA2 – Technology Selection* section.
- OSEC expressed concerns with DDA3 and aquatic closure, and a lack of demonstrated success of PASS technology. The AER's decision is in the *DDA3 – PASS Technology – Technology Selection* section
- OSEC raised concern with the lack of a viable terrestrial option for DDA3, and recommended alternative submission timing for the terrestrial implementation plan. The AER's decision is in the *DDA3 – Terrestrial Closure Option – Technology Selection/Research* section.
- OSEC recommended inclusions for Suncor's measurement plan, such as measurement locations, frequency, and methods. The AER's decision is in the *RTR Criteria -Measurement and Averaging* section.
- OSEC recommended RTR criteria for MD9, DDA2, DDA3, and Ponds 5, 6, and 7. The AER's decision is in the *Sub-objective 1 RTR Criteria – DDA1/MD9, Sub-objective 1 RTR Criteria – DDA2, Sub-objective 1 RTR Criteria – DDA3, Pond 5 – Sub-objective 1 RTR Criteria, Pond 6 – Sub-objective 1 RTR Criteria, and Pond 7 – Sub-objective 1 RTR Criteria* sections.
- OSEC did not support water management system or groundwater monitoring as part of Suncor's RTR criteria. The AER's decision is in the *Sub-objective 2 RTR Criteria for all Deposits* section.
- OSEC expressed concerns about water quality and either explicitly or implicitly with respect to water release. The AER's decision is in the *Water Quality and Water Release in Upper Pit Lake and Millennium End Pit Lake* section.

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OSEC raised concerns or provided recommendations that are not related to the AER's decision on Suncor's applications, and therefore may not be fully reflected in the attached 20171025A. These concerns or recommendations were with respect to policy, *Directive 085*, compliance and enforcement, and Mine Financial Security Program.

Based on the foregoing, the AER is satisfied that the concerns outlined in your SOC, and brought forth during the ERP have been addressed to the satisfaction of the AER.

The AER has decided that a hearing is not required under an enactment or otherwise necessary to consider the concerns outlined in your SOC, and has issued the applied-for approvals. This is your notice of those decisions. A copy of the approvals and 20171025A are attached.

Under the *Responsible Energy Development Act* an eligible person may file a request for a regulatory appeal on an appealable decision. Eligible persons and appealable decisions are defined in section 36 of the *Responsible Energy Development Act* and section 3.1 of the *Responsible Energy Development Act General Regulation*. If you wish to file a request for regulatory appeal, you must submit your request in the form and manner and within the timeframe required by the AER. You can find filing requirements and forms on the AER website, <http://www.aer.ca/applications-and-notices/appeals>.

If you have any questions, contact LaiLoni Boswell at 403-297-2450 or [lailoni.boswell@aer.ca](mailto:lailoni.boswell@aer.ca).

Sincerely,

*<original signed by>*

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Paul Ferensowicz  
Senior Advisor, Operations

Enclosure (3): **20171025A**  
**OSCA Approval No. 8535N**  
**EPEA Approval No. 94-02-18**

cc: Jason Heisler, Suncor  
Ken Bisgrove, Suncor  
Stacey McArthur, Suncor  
AER SOC Coordinator  
AER Fort McMurray Field Centre