

November 29, 2021

www.aer.ca

By Email Only

Nina Lothian
Pembina Institute (Pembina)**Statement of Concern No. 32025**
Teck Resources Limited (Teck)
Application No. 1934252

Dear Nina Lothian:

You are receiving this letter because you filed a statement of concern (SOC), on behalf of Pembina Institute about Application No. 1934252. The Alberta Energy Regulator (AER) has reviewed your SOC, along with the 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 SOC.

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

- Teck has applied pursuant to section 13 of the *Oil Sands Conservation Act (OSCA)* for a Category 1 amendment to change specific dates relating to the time bound conditions set out in its current Frontier Project, OSCA Approval 12916. Teck has requested that the timebound conditions be modified to reference the ‘commencement of operations’ as opposed to firm dates.
- Regarding Pembina’s concerns around amending the original timebound conditions set out in Approval 12916, Condition 64 of the original approval states the AER may: a) upon its own motion, or b) upon the application of an interested person rescind or amend this approval at anytime if, in the opinion of the AER, circumstances so warrant.
- Regarding Pembina’s concerns about a perpetual approval and the potential for environmental standards to change, the proposed changes are not indefinite and are still time bound to the commencement of the operation. In addition, the associated *Environment Protection and*

Enhancement Act (EPEA) approval for this project was issued for a 10 year term and Teck would be required to apply for renewal of its EPEA approval before its current EPEA approval expires. This concern has been addressed to the satisfaction of the AER.

- There is insufficient evidence to demonstrate that Pembina may be directly and adversely affected by this amendment application.
- Pembina's concerns over Teck's lack of Federal approvals, which would allow the project to proceed, relate to a matter outside the jurisdiction of the AER.

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 attached.

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/regulating-development/project-application/regulatory-appeal-process>.

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

Sincerely,

<Original signed by>

Steven Van Lingen
Director, Oil Sand Mining & Coal
Regulator Applications
/as

Attachment 1: Approval

cc: Lindsay Sutton, Teck Resources Limited
SOC Inbox, AER
Adriana Ledi, AER

Field Operations Northeast, AER