

**Proceeding 431**

June 26, 2023

**Hearing Commissioners' Office**

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Canada

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By mail and email

E. Trenchie	Imperial Oil Resources Limited	AER Enterprise Reclamation Group
	Attn: T. Q. Che	Attn: C. Ross

**RE: Regulatory Appeal 1942961  
Reclamation Certificate 30672381 dated October 5, 2020  
Ed Trenchie  
Imperial Oil Resources Limited (Imperial)  
AER Enterprise Reclamation Group (ERG)  
(Collectively, parties)**

Dear Parties:

## **BACKGROUND**

On October 5, 2020, the Alberta Energy Regulator's Enterprise Reclamation Group (ERG) approved reclamation certificate No. 30672381. On May 8, 2023, AER Delegates approved Mr. Trenchie's Request for Regulatory appeal (but dismissed the portions of Mr. Trenchie's Request related to compensation). This panel of hearing commissioners (the panel) was appointed in May 2023 to determine whether the former well site on Mr. Trenchie's land, meets the applicable reclamation criteria.

In making its determination, the panel can confirm, vary, suspend or revoke the AER's decision to grant the reclamation certificate of October 5, 2020. For clarity, decisions of the panel are decisions of the Regulator.

As instructed by the panel, I am writing in follow-up to the Notice of Hearing issued by the panel on June 2, 2023.

## **PARTICIPATION**

As per Section 1(j)(ii) of the *Alberta Energy Regulator Rules of Practice (Rules)*, the notice of hearing stated that Imperial, E. Trenchie, and ERG are parties to the hearing. The parties were required to confirm, by June 16, 2023, their intention to participate in the hearing and the nature and scope of their participation.

The panel received confirmation from Imperial, Mr. Trenchie, and ERG of their intentions to participate in the hearing. The panel did not receive any other requests to participate prior to the deadline of June 16, 2023.

Imperial stated that it intends to fully participate in all aspects of the hearing, including providing evidence and participating in cross-examination and final argument. Mr. Trenchie indicated he would like to participate in the hearing. ERG indicated its intention to participate in the hearing on a “limited basis only” and stated that the decision-maker who issued the reclamation certificate will be available to answer any questions in relation to how they made their decision.

The panel confirms that Imperial and Mr. Trenchie may participate fully in this hearing, including by way of making representations or submissions, questioning witnesses, and making argument. The panel notes ERG’s intention to take a limited role in the hearing and appreciates that it will make the decision-maker available to answer any questions. The panel confirms that ERG may also participate fully in this hearing and define the extent of their participation as they see fit. The panel asks, however, that if ERG plans to participate in a manner greater than which they have described, that they inform the panel and the other parties of their intention to do so as soon as they can.

## **HEARING ISSUES**

In reviewing the Record of the Decision Maker and Mr. Trenchie’s confirmation of intent to participate, the panel proposes to consider and hear evidence on whether the reclamation certificate should be confirmed, varied, suspended or revoked, and will consider the following issues:

1. Soil on the site is not being returned to its original state.
2. The presence of weeds.
3. The south portion of the site being low and holding water.

The panel asks that the parties comment on whether the issues listed above are acceptable and whether there are any other issues they wish to raise.

Please note that the panel has no jurisdiction over and cannot consider any financial compensation, other than potentially awarding costs for Mr. Trenchie's participation in the proceeding.

## HEARING LOCATION

The panel is contemplating an in-person hearing to be held in Redwater. The panel requests that the parties provide comments on the hearing location.

## INFORMATION REQUESTS

The information request process is set out in section 12 of the *Rules* and allows a party to request another party to provide any information necessary to clarify:

- the evidence filed,
- simplify the issues,
- obtain a full understanding of the matters being considered, or
- to expedite the proceeding.

The panel requests that the parties to comment if a formal information request process may be necessary for this proceeding.

## HEARING DATES

The panel has set aside the **weeks of November 13 and November 20** for a **two-day** hearing and would like to ask the parties to provide their availability for an in-person hearing for those two weeks.

## CONCLUSION

In summary, the panel requests comments from the parties on each of the following matters:

- specifying the issues for which the parties are allowed to make submissions, representations, and argument;
- the parties' preferred hearing location;
- whether to include a process for formal information requests; and
- the parties' availability during the week of November 13 or November 20.

Please provide your comments to [Hearing.Services@aer.ca](mailto:Hearing.Services@aer.ca) **no later than 4:00 pm (MST) on July 17, 2023**. The parties may then provide a response to each other's comments to [Hearing.Services@aer.ca](mailto:Hearing.Services@aer.ca) **no later than 4:00 pm (MST) on July 31, 2023**.

If you have any questions, contact Andrew Lung at 403-297-6797 or [Hearing.Services@aer.ca](mailto:Hearing.Services@aer.ca)

Sincerely,



Andrew Lung, C.E.T.  
Hearing Services

cc: S. Poitras, AER Legal Counsel