

February 14, 2024

By Email Only

Kennedy Halvorson  
Alberta Wilderness Association**Statement of Concern No. 32408  
CST Canada Coal Limited (CST Coal)  
Application No. 1948872**

Dear Kennedy Halvorson:

You are receiving this letter because you filed a statement of concern (SOC) about Application No. 1948872. 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:

- The AER acknowledges the concerns relating to prior environmental incidents and ongoing AER investigations; however, these concerns are operational in nature and are outside the scope of the subject application. In addition, the subject application is submitted in accordance with the Coal Conservation Act (CCA), which does not address legislative requirements issued within an existing Environmental Protection and Enhancement Act (EPEA) approval.
- The concerns regarding any future coal exploration and development applications are out of scope of the subject application. If CST Coal plans to submit additional applications relating to new coal exploration projects, the SOC filer will have the ability to provide a statement of concern at that time. Furthermore, this application is for an amendment to an existing mining approval, with operations currently ongoing.
- The AER acknowledges the concerns regarding the future of Coal mining in Alberta. These concerns are related to policy outside the jurisdiction of the AER and should be addressed by the Government of Alberta, Ministry of Energy.

- The concerns relating to impacts to water are out of scope of the subject application. All water collection perimeters and ditching practices for the No. 8 Mine have been previously established and there are no changes made under the subject application to its water collect and release criteria practices. CST Coal must continue to meet all environmental requirements issued under the existing EIA approval, in accordance with EPEA Approval No. 00155804-01-01, as amended.

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](mailto:SOC@aer.ca).

Sincerely,

<Original signed by>

Steven Van Lingen  
Director, Oil Sand Mining & Coal  
Regulator Applications  
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Attachment (1): Approval

cc: Mitch Clegg, CST Canada Coal Limited  
Brad Gilmour, Bennett Jones  
SOC Inbox, AER  
Corey MacGarva, AER  
Field Operations Northwest, AER