

October 30, 2024

Calgary Head Office
Suite 1000, 250 – 5 Street SW
Calgary, Alberta T2P 0R4
Canada

By email only

www.aer.ca

CVW CleanTech Inc.
Attention: Kevin Moran

**Statement of Concern No. 32547
Canadian Natural Resources Limited (Canadian Natural)
Application No. 1952256 and 022-00149986 (the Applications)
CVW CleanTech Inc. (CleanTech)**

Dear Kevin Moran,

You are receiving this letter because you filed a statement of concern (SOC) regarding *Oil Sands Conservation Act* Application No. 1952256 and *Environmental Protection and Enhancement Act* Application No. 022-00149986. The Applications concern the Naphtha Recovery Unit Tailings Treatment (NRUTT) project located at Horizon Oil Sands Processing Plant and Mine (Horizon) in Northern Alberta.

The Alberta Energy Regulator (AER) has reviewed your SOC along with the Application, and submissions received related to the SOC and the AER has decided to disregard your SOC pursuant to section 6.2 of the *Alberta Energy Regulator Rules of Practice* (Rules).

Section 6.2 (1)(a) of the Rules permits the AER to disregard a SOC where “the person who filed the statement of concern has not demonstrated that the person may be directly and adversely affected by the application...”.

In reaching our decision to disregard your SOC, we had consideration for the following:

- CleanTech was previously engaged with Canadian Natural on a contractual basis and was involved in ongoing discussions with Canadian Natural respecting the potential use of CleanTech’s technology for tailings treatment at Horizon. Ultimately, Canadian Natural decided not to utilize Clean Tech’s technology.
- CleanTech has no stated proximity to Canadian Natural’s NRUTT project. CleanTech has provided no information to demonstrate or suggest that it is located or participates in any activities on nor near Horizon. There is nothing in CleanTech’s SOC or other information provided by it that demonstrates that CleanTech may be directly harmed by the Applications or the project, directly or otherwise. Additionally, the AER has no other information that demonstrates CleanTech may be directly and adversely affected by the Applications.

- CleanTech's stated concerns do not relate to direct impacts to CleanTech itself. Rather, CleanTech states that it makes its concerns in the interests of the environment and all Albertans and Canadians generally.

In our review of your concerns, we also noted the following:

- It is not within the AER's mandate to endorse technology, decide which technologies an applicant considers for its projects nor ensure that operators make "best" economic and operational decisions in every circumstance. Those are often cost-benefit decisions that operators are entitled to make themselves.
- The AER cannot direct an operator to utilize a particular vendor (or vendor's technology). A dispute between a vendor and an operator about the vendor's product is a private dispute not properly before the AER. In this case, CleanTech's concerns regarding CNRL's change in technology for the project appear to be a contractual dispute between two commercial parties and outside the jurisdiction of the AER.

Whether an SOC filer may be directly and adversely affected by an application made to the AER or by a decision of the AER, is to be considered by the AER in light of the information before it. Based on the foregoing, CleanTech has not demonstrated that it may be directly and adversely affected by the Applications. The AER has therefore decided to disregard your SOC.

While not determinative of the decision to disregard your SOC, the AER also notes that CleanTech's concerns about the Applications are generally beyond the scope of the Applications, outside the AER's jurisdiction, relate to matters of policy, or lacking merit.

The AER has not yet made a decision on the Applications. If a hearing on the Applications is held, a notice of hearing will be published on aer.ca. Alternatively, if the Applications are decided without a hearing, public notice of the decision will be published on aer.ca.

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

Sincerely,

<Original signed by>

Steven Van Lingen

Director, Oil Sand Mining & Coal
AER Regulatory Applications

cc: Shailaz Dhalla, Lawson Lundell