

1973 Bill 58

Second Session, 17th Legislature, 21 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 58

The Coal Conservation Act

HONOURABLE MR. DICKIE

First Reading

Second Reading

Third Reading

Printed by QUEEN'S PRINTER for the Province of Alberta, EDMONTON

BILL 58

1973

THE COAL CONSERVATION ACT

(Assented to _____, 1973)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

1. (1) In this Act,

1. "agent" means a person appointed by the owner of a mine site, mine or coal processing plant, to act as a representative of the owner;
2. "Board" means the Energy Resources Conservation Board under *The Energy Resources Conservation Act*;
3. "certificate of competency" means a certificate granted under *The Coal Mines Regulation Act* and entitling the holder to perform the duties of the occupation or office in respect of which the certificate is granted;
4. "coal", in addition to its ordinary meaning, includes manufactured chars, cokes and any manufactured solid coal product used or useful as a reductant or energy source or for conversion into a reductant or energy source;
5. "coal processing plant" means any installation for upgrading the quality of coal or for producing a marketable solid fuel, and includes any coal storage facility directly associated with it;
6. "exploratory program" means any geological or geophysical study, investigation, reconnaissance or survey undertaken to establish the geological or physical settings of coal in a given area, or to ascertain the nature, quality or extent of coal occurrences in such an area;
7. "manager" means the chief officer having control and daily supervision of a mine or mine site;
8. "mine" means any working from which coal is or could be extracted, whether commercially or otherwise;

Explanatory Notes

GENERAL NOTE: With the proclamation of certain provisions of The Energy Resources Conservation Act, the Energy Resources Conservation Board was given responsibilities with regard to coal resources as of January 1, 1972. The Coal Conservation Act contains provisions similar to some in The Oil and Gas Conservation Act and The Hydro and Electric Energy Act, so that the Board's duties and powers as to coal will be similar to those regarding the other energy resources. The mine safety provisions remain in The Coal Mines Regulation Act, but provisions regarding the opening, development and abandonment of mines, greatly expanded, are placed in the new Act, as are those regarding mine plans.

I. Definitions.

9. "mine site" means a location at which a facility for extracting coal by underground, strip or open pit operations exists or is to be developed, and includes
 - (i) any coal processing plant, storage facility or waste disposal facility which exists or is to be developed in connection with the mine, and
 - (ii) all connected access roads;
10. "mine surveyor" means a person qualified under *The Coal Mines Regulation Act* to survey a mine and to prepare the plans required under this Act;
11. "mining equipment" means any powered or self-powered machine or vehicle used to extract coal from a seam or to transport it from the workings or working places to an on-site storage facility, coal processing plant or rail head;
12. "open pit mine" means a mine worked by removal of overlying strata and subsequent excavation of exposed coal in terrain that is not flat or substantially flat;
13. "owner" when used in relation to a mine
 - (i) means a person who is the immediate proprietor, lessee or occupier of the mine or any part thereof, and
 - (ii) includes, but not so as to exempt the owner from liability, a contractor engaged by the owner or his agent to operate the mine or any part thereof,but does not include a person who merely receives a royalty or rent from the mine pursuant to a lease, grant or licence for the working thereof, or is merely the owner of the soil and does not hold an interest in the mine or in the coal;
14. "plan" means
 - (i) a map of a mine or any part thereof certified by the mine surveyor to be correct, or
 - (ii) a reproduction of such a map;
15. "small mine" means
 - (i) a mine which by normal continuous operation produces coal at a rate of less than 100 tons per day, or
 - (ii) any mine designated as a small mine by the Board;
16. "strip mine" means a mine worked by removal of overlying strata and subsequent excavation of exposed coal in flat or substantially flat terrain;
17. "underground mine" means any mine other than a strip mine or open pit mine;

18. "waste" means the mining or disposition of coal in a careless or improvident manner so that coal is lost or its recovery reduced, or the causing of needless deterioration of coal quality;
19. "working place" means any location in a mine at which coal or rock is being cut or otherwise loosened, and includes any part of the mine worked or actively maintained in connection with the mining program.

(2) A decision by the Board as to whether a definition in subsection (1) is applicable in a particular case is final.

2. In this Act and in any regulations or orders made under it, unsurveyed land may be described or referred to as if it were surveyed into sections in accordance with *The Surveys Act*, and reference to a legal subdivision, section or township in land not so surveyed shall be deemed to refer to what would be the legal subdivision, section or township if the land were so surveyed.

2. References to subdivisions of unsurveyed land.

PART 1

PURPOSES AND APPLICATION OF THE ACT

3. This Act applies to every mine and coal processing plant in Alberta, and to all coal produced and transported in the Province.

4. The purposes of this Act are

- (a) to provide for the appraisal of Alberta's coal resources,
- (b) to provide for appraisals of coal requirements in Alberta and in markets outside Alberta,
- (c) to ensure orderly, efficient and economic development of Alberta's coal resources in the public interest,
- (d) to effect conservation, and prevent waste, of the coal resources of Alberta,
- (e) to assist the Government to control pollution and ensure environment conservation in the development of the coal resources of Alberta,
- (f) to ensure the observance of safe and efficient practices in the exploration for, mining, storing, processing and transporting coal, and
- (g) to provide for the recording, and for the timely and useful dissemination, of data and information relating to exploration for coal and to the occurrence, reserves, quality, production, transportation, processing and use of coal in Alberta.

3. Application of Act.

4. Purposes of Act.

PART 2
OVERRIDING PROVISIONS

- 5.** A provision of
- (a) this Act, or
 - (b) regulations made pursuant to this Act, or
 - (c) a declaration, order or direction of the Board pursuant to this Act or in any matter over which the Board has jurisdiction, or
 - (d) an order of the Lieutenant Governor in Council under this Act,

overrides the terms and conditions of any contract or other arrangement which conflicts with the provisions of this Act, the regulations, order, declaration or direction.

6. No terms or conditions of a contract or other arrangement that conflict with a provision referred to in section 5 are enforceable or give rise to any cause of action by any party against any other party to the contract or arrangement.

5. Overriding provisions.

6. Conflicting provisions unenforceable.

PART 3

POWERS AND DUTIES OF THE BOARD

7. The Board, with the approval of the Lieutenant Governor in Council, may make such just and reasonable orders or directions as may be necessary to effect the purposes of this Act but are not otherwise specifically authorized by this Act.

8. The Board, when required by the Lieutenant Governor in Council shall, or upon its own motion may, enquire into, examine and investigate any matter referred to in section 4, and publish reports, maps, statistical material and other documents on those matters.

9. (1) The Lieutenant Governor in Council may make regulations

1. prescribing the manner in which an application under this Act or the regulations is to be made;
2. specifying the information that is to be included in or to accompany an application under this Act or the regulations;
3. requiring that an applicant deposit a specified performance bond with the Provincial Treasurer as a guarantee of proper operations and prescribing the form of such deposits;
4. restricting or prohibiting the development of a mine, mine site or coal processing plant at any point within a stated distance of a boundary, road, road allowance, lake, river, stream, pipe line or other public or private works;
5. restricting or prohibiting mining within any city, town or village or within a hamlet (as defined in *The Municipal Government Act*);
6. requiring notice to the Board, and Board approval, of
 - (i) a suspension of normal operations at a mine, mine site or coal processing plant, or
 - (ii) a resumption of operations in a previously closed or abandoned mine, mine site or coal processing plant;
7. requiring the Board's approval of any mining machinery, transportation equipment and electrical apparatus or devices intended for use in a mine or at a mine site;
8. prescribing what inspections are to be made in a mine or at a mine site and by whom such inspections are to be carried out and reported;

7. Board Orders to effect purposes of Act.

8. Examinations and investigations by Board.

9. Regulations.

9. prescribing the data and samples that shall be taken, the manner in which they are to be taken, and the methods by which samples shall be tested or analyzed;
10. requiring the submission to the Board of samples, cores, test data, survey logs and other relevant data or information;
11. designating and registering coal seams, coal deposits, coal fields and coal-bearing zones;
12. prescribing the manner in which measurements shall be taken and the units in which measurements shall be expressed;
13. prescribing the manner and form of records to be kept, the persons by whom and the place at which they are to be kept, the length of time for which they are to be kept, and providing for their submission to the Board;
14. specifying what reports shall be made, the persons who are to make them, the authority or person to whom they are to be submitted, the times at which they shall be made, and their form, nature and extent;
15. specifying which records, reports or information submitted to, or otherwise acquired by, the Board under this Act shall be confidential, and when and to whom the information contained therein may be made available;
16. with respect to small mines
 - (i) exempting small mines from the regulations or any part thereof, and
 - (ii) prescribing particular regulations in respect thereof;
17. prescribing the measures which the holder of a permit, licence or approval under this Act shall take at a mine site or coal processing plant to prevent pollution of air, water and land;
18. prescribing the manner in which lands and bodies of water disturbed by mine site development, mining or coal processing shall be reclaimed or restored;
19. prescribing forms to be used under this Act or the regulations;
20. establishing a schedule of fees
 - (i) pertaining to an application under this Act or the regulations, or
 - (ii) for any map, report, document or other record of the Board, or

(iii) for any other service provided by the Board;

21. generally, prescribing measures to conserve coal or to prevent its waste or improvident disposition, and stipulating any other provisions reasonably incidental to the efficient development of mines, mine sites and coal processing plants, and to production therefrom.

(2) Where a regulation pursuant to subsection (1) authorizes the Board to issue a permit or licence or to approve an operation, the Board may prescribe particular conditions under which it grants the permit, licence or approval.

(3) Notwithstanding any regulations under subsection (1), clause 2 which specify the information that must be included with or accompany an application under this Act or the regulations, the Board may act upon an application that does not contain all such information, or may require additional information.

(4) Where no form has been prescribed pursuant to subsection (1), clause 19 for use under this Act or the regulations, the Board may accept such form or format of submission as it considers adequate.

PART 4

DEVELOPMENT, OPERATION AND ABANDONMENT OF MINES

Commencement of Operations

10. (1) No person shall

(a) in connection with an exploratory or experimental program for coal, drill holes to a depth in excess of 500 feet or develop an adit, tunnel, shaft or other excavation, or

(b) develop a mine site or mine, without first making application for, and obtaining, a permit from the Board.

(2) Notwithstanding subsection (1), a site for a mine may be surveyed without a permit.

11. No person shall

(a) commence mining operations at a site at which such operations have not previously been undertaken, or

(b) begin mining operations at an abandoned mine, or

(c) resume mining operations at a mine at which normal working has been suspended for a period of more than 12 months,

without first making application for, and obtaining, a licence from the Board.

12. When an application is made for

(a) a permit to develop a new strip or open pit mine, or

(b) a licence to resume operations at a previously abandoned strip or open pit mine,

the application shall be accompanied by a proposed scheme for reclamation of all lands that may be disturbed.

13. (1) No holder of a permit or licence shall materially alter or go beyond the program of operations upon which his permit or licence was granted.

(2) An application for a permit or licence to depart from or extend an authorized program shall

(a) include a statement setting out the reasons for the proposed departure or extension,

(b) describe the proposed departure or extension, and

(c) be supplemented with such further information as the Board may require.

10. Permit for mine development or drilling.

11. Licence to commence or resume mining operations.

12. Reclamation scheme to accompany application for licence or permit.

13. Board approval of departure from or extension of operations.

14. Upon receiving an application under section 10, 11 or 13, the Board may, after considering the circumstances of the particular case,

- (a) deny the application, or
- (b) require that an appropriately amended or modified application be made, or
- (c) grant a permit or licence subject to such conditions, restrictions or stipulations as it may consider appropriate and set out in the permit or licence.

Notice of Change in Ownership

15. (1) Where a change in the ownership of a mine site, mine or any substantial part thereof occurs, the former owner and the new owner shall forthwith send the Board written notice of the transaction and furnish such particulars about the change as the Board may request.

(2) Upon receipt of the notice and particulars sent in accordance with subsection (1), the Board shall

- (a) amend the permit for the development of the mine site or mine or the licence to operate the mine to reflect the change in ownership, or
- (b) cancel the permit for the development of the mine site or mine or the licence to operate the mine and issue a new permit or licence to a new owner.

Suspension of Normal Operations and Abandonment

16. (1) Except in an emergency, no licensee shall suspend normal operations at, or abandon, a mine or any substantial part thereof without prior permission of the Board, and the suspension or abandonment, if permitted, shall be subject to such conditions as the Board may prescribe.

(2) Where operations are suspended because of emergency conditions in a mine or at a mine site, the licensee or his agent or manager shall immediately advise the Board of the circumstances which forced the suspension and of the steps being taken to resume normal working.

(3) The permission for an abandonment operation by the Board does not relieve the licensee, or any other person liable, of the burden of other or further abandonment operations that may from time to time become necessary.

17. (1) If, in the opinion of the Board, the suspension of normal operations at, or an abandonment of, a mine or any substantial part thereof is not in accordance with the procedures or conditions permitted or prescribed by the Board under section 16, the Board or any person author-

14. Disposition of application by the Board.

15. Notice of change of ownership to Board.

16. Suspension or abandonment of mine operations with Board approval.

17. Remedial action by Board re suspension or abandonment operations.

ized by it is entitled to have access to and may enter upon the mine site or any workings or structures thereon, and do whatever the Board considers necessary because of the failure to comply with the procedures or conditions permitted or prescribed.

(2) The Provincial Treasurer may use all or any part of the performance bond or deposit which the regulations require of the holder of a permit or licence to defray all direct and incidental costs of work done by the Board under subsection (1).

(3) Any costs under this section which remain unpaid after use or expenditure of the performance bond or deposit by the Provincial Treasurer under subsection (2) are a debt payable to the Board by the holder of the permit or licence.

18. No agreement between the holder of a permit or licence, an owner or a person having an interest in a mine or in the coal, and any other person

(a) relieves the holder of a permit or licence of the obligation

(i) to perform the required abandonment operation, or

(ii) to comply with the relevant provisions, orders, directives or conditions prescribed by the Board,

or

(b) precludes or prevents the conduct of any operation necessary for the purposes of clause (a), subclause (i), or

(c) relieves the holder of a permit or licence, as between himself and any other person, of liability with respect to any such operation and the costs and expenses thereof.

19. The Board may, by order, require any person having in his possession or custody any plan of an abandoned mine or mine site or seam to deliver it to the Board for inspection and copying.

Cancellation of Permits and Licences

20. (1) If the holder of a permit or licence fails to comply with any provision of this Act, the regulations or the terms and conditions of the permit or licence, the Board may, by order, cancel or suspend the permit or licence, or make such other order as it thinks necessary and appropriate under the circumstances.

18. Statutory obligations of permittee or licensee not affected by agreement.

19. Delivery of plans to the Board for inspection or copying.

20. Cancellation of permits and licences.

(2) Except where there exists, in the Board's opinion, an immediate danger to a person or to public or private property, the Board shall not

- (a) cancel or suspend a permit or licence under subsection (1) until it has given the holder at least 30 days' notice to rectify his default, or
- (b) require any action that would result in any significant expense, loss or deprivation to the holder of a permit or licence under this Act without due notice and an opportunity to be heard by the Board.

General

21. (1) No permit or licence to develop or operate a mine capable of producing more than 50,000 tons per year by normal continuous operations shall be issued by the Board pursuant to this Part unless the Lieutenant Governor in Council has first authorized the issue of the permit or licence.

(2) Prior to the Board issuing a permit or licence pursuant to this Part, it shall refer the application to the Minister of the Environment for his approval of the application as it affects matters of the environment.

(3) The Lieutenant Governor in Council may make his authorization under subsection (1) subject to such terms and conditions as he considers necessary or desirable.

(4) The Minister of the Environment may give his approval with or without conditions, but where conditions are imposed, the Board shall, if it grants a permit or licence, make the permit or licence subject to the same conditions imposed by the Minister of the Environment when he gave his approval.

22. The performance of an operation in accordance with a permit or licence under this Part does not relieve a person from the requirements or liabilities arising under any other Act or otherwise.

21. Authorization of the Lieutenant Governor in Council and approval of the Minister of the Environment.

22. Compliance with Board requirements does not affect other obligations.

PART 5
OPERATIONS AND ABANDONMENT OF COAL
PROCESSING PLANTS

23. (1) No person shall

- (a) construct or begin operations at a new coal processing plant, or
- (b) resume operations at a previously shut-in or abandoned coal processing plant, or
- (c) resume normal operation at an extensively rebuilt, modified or re-equipped coal processing plant, or
- (d) operate facilities directly connected with a coal processing plant,

without making application for, and obtaining, an approval from the Board.

(2) An application under subsection (1) shall include

- (a) a map or plan showing the exact location of the coal processing plant and all connected facilities in relation to
 - (i) the mine or mines from which the plant draws coal,
 - (ii) all nearby bodies of water, and
 - (iii) inhabited buildings and other private or public works,
- (b) an outline of what steps are proposed for controlling pollution from the coal processing plant and its connected facilities, and
- (c) such further information as the Board may require.

24. (1) No approval relating to a coal processing plant capable of treating more than 50,000 tons of coal per year by normal continuous working shall be issued by the Board pursuant to this Part unless the Lieutenant Governor in Council has first authorized the issue of the approval.

(2) Prior to the Board issuing an approval pursuant to this Part, it shall refer the application to the Minister of the Environment for his approval of the application as it affects matters of the environment.

(3) The Lieutenant Governor in Council may make his authorization under subsection (1) subject to such terms and conditions as he considers necessary or desirable.

(4) The Minister of the Environment may give his approval with or without conditions, but where conditions are imposed, the Board shall, if it grants an approval, make its

23. Application for Board approval to commence operations of a coal processing plant.

24. Authorization of the Lieutenant Governor in Council and approval of the Minister of the Environment.

approval subject to the same conditions imposed by the Minister of the Environment when he gave his approval.

25. Where at any time after the issue of an approval under section 23, it appears to the Board that operations at a coal processing plant or facilities connected with the plant fail to comply with the conditions of the approval, the Board may order the plant or affected parts thereof to be shut down until it is satisfied that the conditions will be complied with.

26. (1) Where a change in ownership of a coal processing plant occurs, the former owner and the new owner shall

- (a) immediately notify the Board in writing and furnish such particulars respecting the change as the Board may request, and
- (b) apply to the Board for an amendment of the approval or for a new approval to reflect the change of ownership.

(2) Where a coal processing plant has been materially altered, expanded or re-equipped, the holder of the approval shall apply to the Board for an amendment of the approval before resuming operations.

27. (1) Where it is intended to shut down permanently a coal processing plant or a major facility directly connected with it, or where normal operations are to be suspended for more than three months, the holder of the approval shall advise the Board of the planned shut-down or suspension and obtain its consent.

(2) The shut-down or suspension shall comply with such conditions as the Board may set out in its consent.

(3) Where, in connection with a shut-down or suspension under subsection (1), the holder of the approval fails to comply with the conditions prescribed in the Board's approval or consent, the Board may

- (a) direct other qualified personnel to do whatever is necessary to remedy the failure, and
- (b) charge all attendant costs to the holder of the approval.

25. Order to shut down plant for non-compliance with the conditions of the approval.

26. Amendment of approval following a change of ownership or alteration, expansion or re-equipping of plant.

27. Shut-down or suspension of plant operations.

PART 6
INSPECTIONS

28. (1) At any reasonable time, any Board member or a person authorized by the Board

- (a) shall have unrestricted access to mine sites, mines and coal processing plants, and to all roads and other works connected with them,
- (b) is free to enter upon any lands that must be crossed to reach a mine site, mine, coal processing plant or connected works,
- (c) is entitled to make inspections, investigations or tests at a mine site, mine, coal processing plant and connected works, and to take samples there, and
- (d) has the right to examine all books, records and documents pertaining to a mine site, mine, coal processing plant and connected works.

(2) A person authorized by the Board to exercise any of the powers referred to in subsection (1) shall, at any time while exercising these powers, produce his certificate of authority when requested to do so.

(3) Any holder of a permit, licence or approval under Part 4 or 5, or any person in charge of a mine site, mine or coal processing plant, or any contractor or employee of such persons, shall assist any Board member or person authorized by the Board in the exercise of powers conferred by subsection (1).

28. Inspection by Board.

PART 7
REGISTERS, RECORDS AND REPORTS

Registered Addresses

29. (1) Every holder of a permit or licence under Part 4 or an approval under section 23 shall register his address with the Board and, if resident outside Alberta,

- (a) register with the Board an address for service in Alberta,
- (b) appoint an agent in Alberta to carry out his duties and responsibilities under this Act, and
- (c) advise the Board in writing of the name and address of the agent.

(2) A holder of a permit, licence or approval under Part 4 or 5 who is resident in Alberta

- (a) may carry out his duties and responsibilities under this Act directly or through an agent, and
- (b) if he appoints an agent, shall notify the Board in writing of the name and address of the agent.

(3) The appointment of an agent in accordance with subsection (1) or (2) and the registration of his appointment and address with the Board does not relieve the holder of the permit, licence or approval of any duty or responsibility under this Act.

(4) If any of the registered addresses, or the agent appointed in accordance with subsection (1) or (2), is changed, the holder of the permit, licence or approval shall register the change with the Board within 15 days thereof.

(5) Where the holder of a permit or licence under Part 4 has not appointed an agent, the manager shall be deemed to be an agent with respect to all operations at the particular mine site or mine.

Mine Plans

30. (1) The holder of a permit or licence under Part 4 shall keep in an office at the mine or mine site true plans showing

- (a) the boundaries of each lease or other grant of coal
 - (i) in which any part of the mine site or mine lies, or
 - (ii) which comprises an adjoining area from which the holder of the permit or licence has a right to mine and recover coal,
- (b) the legal description of all lands from which coal is being or will be mined,

29. Registration of addresses with the Board.

30. Mine plans to be kept at a mine.

- (c) the outer boundaries of the area surveyed in the most recent survey, and the date upon which that survey was made,
 - (d) the boundaries of all mine workings and working places,
 - (e) the elevation of all workings and working places relative to sea level and their positions relative to the surface,
 - (f) the location of all mine entrances, exits, ventilation shafts, effluent discharge openings and the like relative to the surface,
 - (g) the general direction and degree of dip of each coal seam,
 - (h) a section of each coal seam and of the strata in which it lies and immediately adjoining strata, and
 - (i) the position, direction and dip of all known faults, the throw or displacement of strata affected by the faults, and all known washouts, dikes or sills in the mine.
- (2) Where more than one seam is being worked in an underground mine, separate plans shall be kept for each seam in which operations are being conducted.

31. (1) Plans prepared pursuant to section 30 shall

- (a) be made by a mine surveyor,
- (b) be on a scale consistent with good engineering practice,
- (c) show all workings and working places surveyed up to a date not more than three months previous, and
- (d) indicate in sketched form all extensions of workings and working places made up to a date not more than one month previous.

(2) The Board in its discretion may vary the requirements of subsection (1), clauses (c) and (d) with respect to any mine.

32. Copies of plans prepared in accordance with section 30 shall

- (a) be furnished to the Board annually or at such lesser intervals as the Board may direct,
- (b) be produced on demand to any Board member or person authorized by the Board, and
- (c) upon request, be made to show the progress of all workings up to the time at which they are being produced.

31. Requirements as to mine plan.

32. Furnishing the copies of mine plans.

33. The holder of a permit or licence under Part 4 shall

- (a) keep in an office at the mine a plan showing the location and elevation of the mine workings and working places relative to all highways, pipe lines and known aquifers that lie within the land contained in the lease or grant conferring the right to mine and recover the coal, and
- (b) notify the Board in writing as soon as the vertical planes within which the workings lie approach within 500 feet of such highways, pipe lines or aquifers.

34. (1) Where a plan is not furnished or kept in accordance with the requirements of this Part, the Board may

- (a) direct the holder of the permit or licence to furnish or prepare a correct plan within 30 days, or
- (b) appoint a mine surveyor to prepare a correct plan and deliver it to the Board and the holder of the permit or licence.

(2) Where a plan is prepared and delivered by a mine surveyor in accordance with subsection (1), the Board shall charge the holder of the permit or licence with all attendant costs and expenses incurred thereby.

35. Any owner, agent or manager of a mine, or any owner of coal, is entitled to obtain from the Board information as to whether or not a mine or an adjoining mine site is being worked into his territory.

Other Records

36. (1) The holder of a permit or licence under Part 4 shall

- (a) keep in an office at the mine
 - (i) an up to date register of the names, residence addresses and designated positions of all managerial personnel employed at or in connection with the mine site or mine, and of the certificates of competency, if any, held by all such persons, and
 - (ii) a record of the daily production and disposition of coal from the mine or mines worked at the site,
- (b) furnish true copies of the register required by clause (a), subclause (i) to the Board annually or at such lesser intervals as the Board may from time to time determine, and

33. Mine workings in relation to highways, pipe lines and known aquifers.

34. Remedial action by Board where requirements re plans are not complied with.

35. Availability of information from the Board re mine workings.

36. Records to be kept by permittee or licensee under Part 4.

- (c) furnish true copies of the record required by clause (a), subclause (ii) to the Board monthly or at such other intervals as the Board may from time to time determine.
- (2) Where a mine works more than one seam, the record required by subsection (1), clause (a), subclause (ii) shall show the production and disposition of coal from each seam separately.
- (3) Where more than one mine is operated at a mine site, the record required by subsection (1), clause (a), subclause (ii) shall show the production and disposition of coal from each mine separately.

37. (1) The holder of an approval under section 23 shall

- (a) keep at the office of the coal processing plant or, where the plant is operated as an integral part of a mine site, at the mine office
 - (i) an up to date register of the names, residence addresses and designated positions of all managerial personnel employed at or in connection with the plant, and
 - (ii) a record of the daily intake, output and disposition of coal,
 - (b) furnish true copies of the register required by clause (a), subclause (i) to the Board annually or at such lesser intervals as the Board may from time to time determine, and
 - (c) furnish true copies of the record required by clause (a), subclause (ii) to the Board monthly or at such other intervals as the Board may from time to time determine.
- (2) Where a plant uses different kinds of processes for upgrading or otherwise treating coal, the record required by subsection (1), clause (a), subclause (ii) shall show the intake, output and disposition of coal for each process separately.

37. Records to be kept by an approval holder under section 23.

PART 8

PROVISIONS OF GENERAL APPLICATION

Powers of the Lieutenant Governor in Council and of the Board

38. In the event of an emergency or grave economic disturbance, the Lieutenant Governor in Council may suspend particular provisions of this Act in respect of either all mines or any class of mines, and for such period of time as he may order.

39. The Board may, with the authorization of the Lieutenant Governor in Council,

- (a) if suspension is thought necessary for the conduct of experimental operations likely to lead to safer, more effective or more economical coal mining procedures, suspend any provision of this Act for such period and subject to such conditions as it may prescribe, and
- (b) make regulations to provide for any method of coal mining not contemplated in this Act and vary the provisions of this Act so far as necessary for such a method.

Investigations

40. (1) The Board upon the request of the Lieutenant Governor in Council shall, or at its own initiative when it appears necessary or expedient may,

- (a) hold an investigation of any matter connected with the development and operation of a mine site, mine, coal processing plant and connected facilities, or
- (b) direct an examiner appointed by it to conduct such an investigation.

(2) The Board or an examiner holding an investigation under subsection (1) may conduct the investigation in such manner and under such conditions as he considers most effectual, and for this purpose has all the powers of a commissioner appointed under *The Public Inquiries Act*.

(3) Upon completion of an investigation, the Board, upon the instruction of the Lieutenant Governor in Council or on its own motion, as the case may be, may make a report of the investigation public at such time and in such manner as it thinks fit.

41. (1) If it appears to the Board that the method of development or operation at a mine or coal processing plant is such that

- (a) coal is not being recovered in accordance with good conservation practices, and

38. Emergency powers of Lieutenant Governor in Council to suspend provisions of the Act.

39. Power of Board to vary and suspend provisions of Act in special cases.

40. Investigations by the Board.

41. Board's powers to effect changes for development or operations.

(b) the coal could be more efficiently recovered by other practical and reasonable mining or processing procedures,
the Board may direct the holder of the permit, licence or approval within 90 days to

(c) alter his program of development or operations by the institution of more effective methods, and

(d) submit full particulars of planned program changes to the Board.

(2) If the holder of the permit, licence or approval to whom a direction was issued under subsection (1) does not take steps to improve development or operations at the mine or coal processing plant and obtain the Board's consent to the changes within 90 days after the direction is issued, the Board may, upon expiry of that period, order suspension of development or operations at the mine or coal processing plant, or in any specified part thereof, until improvements have been effected and the Board has concurred in the future program.

42. (1) No person shall commit waste.

(2) No prosecution under subsection (1) may be instituted without the written consent of the Board.

(3) In a prosecution under this section, no person shall be considered to have committed waste unless he has failed to comply with a Board order or direction through which waste could have been avoided.

43. (1) Every person who

(a) whether as a principal or otherwise, contravenes or fails to comply with any provision of this Act or of the regulations or of any order or direction made pursuant to this Act, or

(b) either alone or in conjunction or participation with others causes any holder of a permit, licence or approval to contravene or to default in complying with any such provision, or

(c) instructs, orders, directs or causes any officer, agent or employee of any holder of a permit, licence or approval to contravene or to default in complying with any such provision,

is guilty of an offence.

(2) Every person who contravenes or fails to comply with any provision of this Act or of the regulations, or any order or direction of the Board, or any terms or conditions of a permit, licence or approval granted under the provisions of this Act, is guilty of an offence.

42. Offence of waste.

43. General offence provision.

44. Any prosecution of an offence under this Act shall be commenced within 18 months from the time when the subject matter of the prosecution arose, and not afterwards.

45. (1) Every person who is guilty of an offence under this Act is liable on summary conviction

- (a) if a corporation, to a fine of not less than \$300 nor more than \$1,000, and
- (b) if a person other than a corporation, to a fine of not less than \$50 nor more than \$500 and, in default of payment, to a term of imprisonment not exceeding six months.

(2) Every person who is guilty of a continuing offence under this Act is liable on summary conviction

- (a) if a corporation, to a fine of not less than \$300 nor more than \$1,000 for the first day upon which the offence occurs and of not less than \$100 nor more than \$500 for each subsequent day during which the offence occurs, and
- (b) if a person other than a corporation, to a fine of not less than \$50 nor more than \$500 for the first day upon which the offence occurs and of not less than \$25 nor more than \$250 for each subsequent day during which the offence occurs.

(3) A person other than a corporation who defaults in payment of a fine imposed for a continuing offence is liable to a term of imprisonment not exceeding six months.

(4) The penalties imposed for a breach of any of the provisions of this Act or the regulations shall be in addition to any penalty imposed by any other Act for the same offence or matter.

46. Notwithstanding any prosecution under this Act, the Board may apply to the Supreme Court of Alberta by way of originating notice of motion for an order

- (a) to enjoin a person from committing waste, or
- (b) to enjoin a violation of any regulation or of any order or direction of the Board, or
- (c) to require compliance with any regulation, order or direction of the Board.

44. Time limit for prosecution extended to 18 months.

45. Penalties.

46. Injunction to prevent further contravention. Prosecution does not affect cause of action.

PART 9

TRANSITIONAL, CONSEQUENTIAL AND REPEAL

47. Where before the commencement of this Act, a permit, licence or approval issued pursuant to an Act in force at that time and for an operation or installation which requires a permit, licence or approval under this Act, the holder of the permit, licence or approval under the other Act shall be deemed, until further order of the Board, to be the holder of a permit, licence or approval under the provisions of this Act for the same operation or installation but the Board may alter the permit, licence or approval and make it subject to such conditions as it considers the particular case to require.

48. *The Coal Mines Regulation Act is amended*

- (a) *as to section 81, subsection (1) by striking out the words "he thinks fit" and by substituting the words "it thinks fit",*
- (b) *as to section 81, subsection (6) by striking out the words "appointed by him" and by substituting the words "appointed by it",*
- (c) *by striking out sections 103 to 107,*
- (d) *as to section 108 by striking out clauses (d) and (e),*
- (e) *by striking out sections 109 to 127 and sections 129 to 131,*
- (f) *as to section 395, subsection (3) by striking out the words "twentieth day" and by substituting the words "fifteenth day",*
- (g) *as to sections 395, 396 and 397 by striking out the word "Director" wherever it occurs and by substituting the word "Board", and*
- (h) *as to section 398, subsection (1) by striking out clause (b) and by substituting the following:*
 - (b) *sent by prepaid registered letter addressed to the Board or the Director, as the case may be, at the office of the Board in Calgary.*

49. *The Urban Mining Operations Act is repealed.*

50. This Act comes into force on the day upon which it is assented to.

47. Transitional provisions re prior permits, licences and approvals.

48. Amends chapter 52 of the Revised Statutes of Alberta 1970.

49. Repeals chapter 353 of the Revised Statutes of Alberta, 1955.