

1975 Bill 48
(Second Session)

First Session, 18th Legislature, 24 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 48

THE COAL CONSERVATION AMENDMENT ACT, 1975

THE MINISTER OF ENERGY AND NATURAL RESOURCES

First Reading

Second Reading

Third Reading

BILL 48

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(Second Session)

THE COAL CONSERVATION AMENDMENT ACT, 1975

(Assented to _____, 1975)

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

1. *The Coal Conservation Act is hereby amended.*

2. *Section 1, subsection (1) is amended*

(a) *as to clause 3 by adding after the words "The Coal Mines Regulation Act" the words "or The Coal Mines Safety Act",*

(b) *by striking out clause 8 and by substituting the following:*

8. "mine" means any working, other than a drill hole made while exploring for coal, from which coal is or could be extracted, whether commercially or otherwise;

(c) *as to clause 9, subclause (i) by striking out the words "waste disposal" and by substituting the words "discard disposal",*

(d) *by striking out clause 10 and by substituting the following:*

10. "mine surveyor" means a person qualified under *The Coal Mines Safety Act* to survey a mine and to prepare the plans required under this Act;

3. *Section 13 is struck out and the following is substituted therefor:*

13. (1) The holder of a permit or licence shall not extend or materially alter the program of operations upon which his permit or licence was granted unless the Board, upon application, amends the permit or licence to authorize the extension or alteration.

(2) An application under subsection (1) to amend a permit or licence shall

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

Explanatory Notes

1. This Bill will amend chapter 65 of the Statutes of Alberta, 1973.

2. Amendment of definitions resulting from the enactment on June 6, 1974 of The Coal Mines Safety Act, either to achieve greater consistency with that Act or to update references. Section 1, subsection (1), clauses 3, 8, 9 and 10 presently read:

1. (1) In this 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;
 8. "mine" means any working from which coal is or could be extracted, whether commercially or otherwise;
 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;

3. Section 13 is rewritten in order to have an extension or alteration of an authorized program of operations dealt with by way of amending the original permit or licence authorizing the program rather than making it the subject of a separate permit or licence.

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.

- (b) describe the proposed extension or alteration, and
- (c) be supplemented with such other information as the Board may require.

4. *Section 14 is amended*

- (a) *by renumbering the section as subsection (1),*
- (b) *as to renumbered subsection (1), by striking out clause (c) and by substituting the following:*
 - (c) grant a permit or licence or an amendment of a permit or licence, as the case may be, subject to such conditions, restrictions or stipulations as it may consider appropriate and set out in the permit or licence or amendment.
- (c) *by adding the following subsection:*
 - (2) Notwithstanding subsection (1), clause (c), the Board shall not grant an application under section 10, 11 or 13 unless in its opinion it is in the public interest to do so having regard to the present and future requirements for coal in Alberta.

5. *Section 21 is amended by striking out subsection (3) and by substituting the following:*

(3) Where an application is made under section 10, subsection (1), clause (b) with respect to a mine or proposed mine that is or will be capable of producing more than 50,000 tons of coal per year by normal operations, the Board shall not grant the permit unless the Lieutenant Governor in Council has first authorized the granting of the permit.

6. *The following Part is added after section 27:*

PART 5.1

INDUSTRIAL DEVELOPMENT PERMITS

27.1 (1) No coal produced in Alberta, or any product derived therefrom, shall be used in Alberta as a raw material, reductant or fuel in any industrial or manufacturing operation unless the Board, upon application, has granted a permit authorizing such use for that purpose in accordance with this section.

(2) Notwithstanding subsection (1), a permit under this section is not required

- (a) for the operation of a power plant as defined in *The Hydro and Electric Energy Act*, or
- (b) where the quantity of coal used each year
 - (i) in an industrial or manufacturing operation, and

4. Sections 10, 11 and 13 of the Act deal with applications of various kinds to develop mine sites, commence or resume mining operations and to alter or extend mining operations.

Section 14 presently reads:

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.

5. Section 21, subsection (3) presently reads:

(3) 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.

The result of the proposed subsection (3) is that Orders in Council will only be required at the time when the permit to develop a 50,000 ton per year mine is first considered. A further Order in Council would not be needed to authorize the commencement of operations under a Board licence.

6. This new provision will protect Alberta's coal supply in a manner similar to the way in which the Industrial Development Permit provisions in The Oil and Gas Conservation Act protect Alberta's gas supply: see section 42 of that Act.

- (ii) in producing a product derived from coal to be used in the industrial or manufacturing operation,
does not exceed 250,000 tons.

(3) Upon receipt of an application pursuant to subsection (1) together with any information prescribed or required by the Board, the Board may,

- (a) if so authorized by the Lieutenant Governor in Council, grant a permit for the use of coal or products derived from coal proposed in the application upon the terms and conditions set out in the permit,
or
- (b) refuse the application.

(4) The Board may hold a hearing with respect to an application under this section.

(5) The Board shall not grant a permit under this section unless in its opinion it is in the public interest to do so having regard to, among other considerations,

- (a) the efficient use without waste of coal or products derived from coal, and
- (b) the present and future availability of coal in Alberta.

(6) A permit granted pursuant to this section

- (a) shall be referred to as an "industrial development permit";
- (b) shall be in the form prescribed by the order of the Lieutenant Governor in Council authorizing the granting of the permit and shall be subject to any terms and conditions prescribed by the Lieutenant Governor in Council;
- (c) shall authorize the use of the coal or products derived from coal for the purpose or purposes prescribed in the permit;
- (d) may prescribe the term for which the permit is granted;
- (e) may prescribe the maximum quantities of coal or products derived from coal that may be used annually or during the term of the permit;
- (f) shall be subject to any other terms and conditions contained in the permit.

(7) The Lieutenant Governor in Council may make regulations exempting from the operation of this Part

- (a) any person or class of persons, or
- (b) any industrial or manufacturing operation or any part thereof or any class of industrial or manufacturing operation.

7. (1) This Act, except section 2, clauses (a) and (d), comes into force on the day upon which it is assented to.

(2) Section 2, clauses (a) and (d) come into force on the date upon which The Coal Mines Safety Act is proclaimed in force.