

2011 Bill 209

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Fourth Session, 27th Legislature, 60 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 209**

**TAILINGS PONDS RECLAMATION  
STATUTES AMENDMENT ACT, 2011**

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MS BLAKEMAN

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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## BILL 209

2011

### TAILINGS PONDS RECLAMATION STATUTES AMENDMENT ACT, 2011

(Assented to \_\_\_\_\_, 2011)

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

#### Energy Resources Conservation Act

##### Amends RSA 2000 cE-10

**1(1)** The *Energy Resources Conservation Act* is amended by  
this section.

**(2)** The following is added after section 48:

##### Annual report

**48.1(1)** In this section,

- (a) “Directive 074” means Directive 074 “Tailings Performance Criteria and Requirements for Oil Sands Mining Schemes” published by the Board;
- (b) “Minister” means the Minister designated under section 16 of the *Government Organization Act* as the Minister responsible for this Act.

**(2)** The Board must prepare an annual report at the end of each fiscal year outlining its activities during that fiscal year.

**(3)** The annual report prepared under this section must contain a report on

## **Explanatory Notes**

### **Energy Resources Conservation Act**

**1**(1) Amends chapter E-10 of the Revised Statutes of Alberta 2000.

(2) Annual report.

- (a) every instance of an operator failing to meet the reduction of fluid tailings level stipulated in Directive 074,
  - (b) every instance where a project has significant changes to its overall tailings management plan under Directive 074 whether or not this requires an amendment to the previous approval,
  - (c) any amendment granted by the Board to a plan for a dedicated disposal area (DDA), an overall tailings management plan or an annual tailings management plan and the reasons for granting that amendment, and
  - (d) any instance where an operator has failed to meet or submit an annual tailings management plan.
- (4) When completed but no later than September 30 each year, the Board must provide the annual report to the Minister, who must table it in the Assembly if it is then sitting or, if it is not sitting, make it public and table it within 15 days of the commencement of the next sitting of the Assembly.

## **Oil Sands Conservation Act**

### **Amends RSA 2000 cO-7**

**2(1) The *Oil Sands Conservation Act* is amended by this section.**

**(2) The following is added after section 19:**

### **Directive 074**

#### **Amendment or repeal**

**19.1(1)** In this section and sections 19.2 and 19.3,

- (a) “Directive 074” means Directive 074 “Tailings Performance Criteria and Requirements for Oil Sands Mining Schemes” published by the Board;
- (b) “Minister” means the Minister designated under section 16 of the *Government Organization Act* as the Minister responsible for this Act.

**(2)** No amendment to Directive 074, including its repeal, may be made unless

## **Oil Sands Conservation Act**

**2(1)** Amends chapter O-7 of the Revised Statutes of Alberta 2000.

(2) Directive 074.

- (a) the Board has published a notice of the proposed change on its public website or on the Minister's department's website or both,
  - (b) the notice complies with the requirements of this section, and
  - (c) the time period specified in the notice, during which members of the public and stakeholders may submit comments, has expired.
- (3) The notice referred to in subsection (2)(a) must contain
- (a) a summary of the proposed amendment,
  - (b) a statement of the time period during which members of the public and stakeholders may submit written comments on the proposed amendment and the manner in which those comments must be submitted, and
  - (c) any other information that the Board considers appropriate.
- (4) The time period referred to in subsection (3)(b) must not end until at least 30 days after the Board gives the notice.
- (5) After receiving the comments submitted in accordance with a notice under subsections (2) and (3), the Board must report to the Minister on what, if any, changes to Directive 074 the Board considers appropriate.
- (6) Following the submission of the Board's report to the Minister, the Minister must table the report in the Assembly if it is then sitting or, if it is not sitting, make it public and table it within 15 days of the commencement of the next sitting of the Assembly.
- (7) Not less than 30 days after the Minister has tabled the report or otherwise makes the report public under subsection (6) the Board may make the changes to Directive 074 outlined in the report.

### **Non-compliance**

**19.2** No amendment or waiver to the phase-in sequence of reduction in fluid tailings or to the overall tailings management plan by an operator will be granted by the Board unless the operator can demonstrate extraordinary circumstances or undue hardship.



**Making information public**

**19.3** Notwithstanding section 20(1)(q) of this Act, any information submitted by an operator concerning compliance with Directive 074 may be made publicly available by the Board.









