Province of Alberta

COAL CONSERVATION ACT

COAL CONSERVATION RULES

Alberta Regulation 270/1981

With amendments up to and including Alberta Regulation 140/2014

Office Consolidation

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Note

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(Consolidated up to 140/2014)

ALBERTA REGULATION 270/81

Coal Conservation Act

COAL CONSERVATION RULES

1(1) In these Rules,

(a) "Act" means the *Coal Conservation Act*;

(b) "analysis" means the quantitative determination of coal composition and, in particular, the determination of parameters normally measured by proximate or ultimate or elemental analysis and includes the determination of

(i) calorific values,

(ii) caking indices, such as the Free Swelling Index or Gieseler Fluidity Index,

(iii) ash fusion temperatures, and

(iv) inorganic constituents not routinely encompassed by proximate or ultimate analysis;

(c) "ASTM" means the American Society for Testing and Materials;

(c.1) "Directive 061" means Directive 061: How to Apply for Government Approval of Coal Projects in Alberta, published by the Regulator, as amended from time to time;

(d) "discard" means overburden wasterock or other presently unusable solid or liquid material removed or rejected during exploration, mining or processing operations;

(e) "disturbed land" means any land surfaces opened up or otherwise significantly changed in connection with an exploration or mining program or a processing operation, and includes

(i) an area on which overburden or other discard materials are dumped, and

(ii) a water-impoundment area used in connection with treatment of discard;

(f) "exploratory hole" means a drill hole, adit, shaft, trench or other excavation made in connection with an exploratory program, and, for greater certainty, "exploratory hole" does not include an evaluation well;

(g) "infill hole" means an exploratory hole located between reconnaissance holes;

(h) "operator" includes

(i) the holder of a permit, licence or approval under the Act,

(ii) any person who undertakes to perform an operation related to a mine, mine site, coal processing plant or in situ coal scheme pursuant to an agreement with a person referred to in subclause (i), and

(iii) any person who undertakes an exploratory program;

(i) "preproduction hole" means a hole drilled ahead of a working place in a mine in connection with an authorized mining program;

(j) "reconnaissance hole" means an exploratory hole designated as a reconnaissance hole by the Regulator that

(i) in Mountain and Foothills Regions, is located 400 metres or more from any other such exploratory hole, or

(ii) in the Plains Region, is located 1600 metres or more from any other such exploratory hole;

(k) "special test" means a procedure, other than analysis, by which properties of coal are determined or estimated, and includes any

(i) crushing, grinding and screening test,

(ii) washability test,

(iii) carbonization test, and

(iv) combustion test;

(l) "surface mine" means a strip mine or open pit mine or a mine worked by any other surface mining method including auger mining;

(m) "unique identifier" means a number or letter, or a combination of numbers or letters, assigned by the

Regulator to a mine licensed by it, or to a coal seam worked in a mine licensed by it, to distinguish it from other mines or seams.

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

AR 270/81 s1;314/2000;54/2013;89/2013

Part 1
Applications

Permits

2 An application for a permit under section 10 of the Act to drill holes that are to be more than 150 metres in depth to explore for coal or to obtain coal for experimental purposes shall include, where applicable,

(a) one or more maps of the area encompassed by the proposed program, showing

(i) the topography and bedrock geology,

(ii) the location of all known aquifers, watercourses, bodies of water, pipelines, roads and other private or public works in the area,

(iii) the location of completed drillholes, adits, shafts or other underground openings,

(iv) the sites of operating, suspended or abandoned underground mines,

(v) the numbered location of each proposed drillhole, and

(vi) the area, with boundaries, in which proposed drilling will take place;

(b) repealed AR 314/2000 s3;

(c) a brief discussion of known or suspected coal occurrences in the area stating target formation and horizon;

(d) a brief statement of known or suspected occurrences of any oil, gas or water likely to be encountered;

(e) a table indicating

(i) the proposed location of each drillhole in relation to actual or theoretical section boundaries or another survey system acceptable to the Regulator, and

(ii) the direction, inclination and depth of each proposed drillhole;

(f) a description of the proposed drilling program, including

(i) the type of drilling equipment to be used, and

(ii) repealed AR 314/2000 s3,

(iii) the holes and intervals to be cored;

(g) a description of the measures the applicant intends to take to abandon the holes to be drilled;

(h) any further information the Regulator may require.

AR 270/81 s2;314/2000;54/2013;89/2013

3 An application for a permit to develop a trench, adit, tunnel, shaft, slope, bulk sample pit or other excavation to explore for coal or to obtain coal for experimental or test purposes shall include, where applicable,

(a) a map of the area encompassed by the proposed program, showing

(i) the topography and bedrock geology,

(ii) the location of all known aquifers, watercourses, water bodies, pipelines, roads and other private or public works in the area,

(iii) the location, inclination and depth of completed drillholes, trenches, test pits, adits, shafts or other underground openings,

(iv) the sites of operating, suspended or abandoned mines,

(v) the proposed location of the excavation,

(vi) repealed AR 314/2000 s4,

(vii) the proposed location of explosives storage facilities, and

(viii) repealed AR 314/2000 s4,

(ix) all proposed access roads;

(b) repealed AR 314/2000 s4;

(c) a brief discussion of known or suspected coal occurrences in the area;

(d) a statement of the potential impact of the proposed program on the environment;

(e) a description of the measures the applicant intends to take

(i) to remedy or modify the potential impact of the proposed program on the environment, and

(ii) to control pollution;

(f) plans showing the methods and sequence of proposed excavation operations and the related abandonment and reclamation program;

(g) a suitable plan showing

(i) the type, location and depth of each proposed excavation, and

(ii) the proposed location of discard areas;

(h) evidence regarding the stability of all slopes resulting from the proposed excavation;

(i) cross-sections of all proposed excavations, showing

(i) the dimensions of the proposed openings,

(ii) the coal seams, together with the strata overlying and underlying them, as they are known, and

(iii) the methods of any proposed strata support;

(j) a description of the proposed program, including

(i) the types of excavating equipment to be used,

(ii) the method and sequence of excavation,

(iii) the method to be used for obtaining samples,

(iv) the disposition of all excavated materials, including coal,

(v) the methods to be used to ensure stability of discard dumps, and

(vi) the abandonment and reclamation plans for the area;

(k) repealed AR 312/2000 s4;

(l) any further information the Regulator may require.

AR 270/81 s3;314/2000;89/2013

4(1) An application for a permit to develop a mine site to the stage of commercial coal production shall include, where applicable,

(a) one or more topographic maps of the area included in the proposed development, showing

(i) the boundaries of the area, defined by legal subdivision, section, township, range and meridian to be included in the permit,

(ii) the location of all known aquifers, watercourses, bodies of water, pipelines, roads and other private or public works in the area,

(iii) all existing and proposed major access and haulage roads, drainage ditches, canals, dams and other stream diversions,

(iv) the location, inclination and depth of completed drillholes, trenches, test pits, adits or other underground workings,

(v) repealed AR 314/2000 s5,

(vi) the proposed location of explosives storage facilities,

(vii) the location, type and capacity of existing and proposed power generation, transmission and distribution facilities connected with the proposed program,

(viii) the sites of operating, suspended or abandoned mines and the location of all existing underground workings,

(ix) the location of existing discard disposal areas, and

(x) the location of all oil or gas wells;

(b) a geological map and related vertical cross-sections showing the geology, stratigraphy and major structural

features of the coal seams and associated strata overlying and underlying them;

(c) a statement of the applicant's rights to the coal and use of the land surface and a legal description of the lands to which those rights apply;

(d) a description of the measures the applicant intends to take

(i) to remedy or modify the impact of the proposed operation on the environment, and

(ii) to control pollution;

(e) a statement concerning the coal resources to be developed, categorized as established in place resources and established recoverable reserves, with details of the type and density of data on which the estimates are based;

(f) analyses of the coal referred to in clause (e);

(g) a statement regarding the proposed annual rate of extraction, and the proposed output in tonnes of raw and finished product;

(h) a description of the proposed mining methods and equipment to be used, supported by suitable plans and sections;

(i) a description of the abandonment and reclamation program applicable to the development supported by suitable plans and sections;

(j) a plan and description of the method proposed for removing and disposing of mine waters;

(k) a plan showing the proposed location of mine buildings;

(l) repealed AR 314/2000 s5;

(m) a general statement concerning marketing plans;

(n) any further information the Regulator may require.

(2) If an application under this section involves the development of an underground mine, the application shall include, in addition to the information required by subsection (1),

(a) a plan showing

(i) the extent of the actual development to be considered in the application,

(ii) the relation of proposed development to any discard disposal areas, associated coal processing plant, storage areas and handling and loading facilities, and

(iii) the relation of the proposed development to all existing surface and underground workings;

(b) cross-sections showing

(i) the dimensions of development openings,

(ii) the proposed methods of strata support, and

(iii) the relation of the underground workings to the surface;

(c) repealed AR 314/2000 s5;

(d) a description of anticipated ground stability and support problems;

(e) a description of the methods to be used for ensuring stability of any discard disposal areas.

(3) If an application to which this section applies involves the development of a surface mine, the application shall include, in addition to the information required by subsection (1),

(a) a plan showing the ultimate dimensions of the pits and related discard areas;

(b) repealed AR 314/2000 s5;

(c) a detailed plan and description of the proposed method and scheduling of all surface abandonment and reclamation.

AR 270/81 s4;314/2000;89/2013

5 An application for a permit or an amendment to a permit to extend or otherwise substantially modify a previously permitted exploratory or experimental project, mine site or mine shall include

(a) a statement setting out the reasons for the proposed extension or modification;

(b) a description of the proposed extension or modification;

(c) the applicable information that would be required under section 2, 3 or 4 that relates to the extended or modified project;

(d) any further information the Regulator may require.

AR 270/81 s5;89/2013

6 An application for a permit to re-open an abandoned mine site shall include the information that is required by section 4(1), (2) and (3).

AR 270/81 s6

7 Repealed AR 240/98 s2.

Licences

8(1) An application for a licence to commence mining operations at a mine site for which a permit has been granted or that is made simultaneously with an application for a permit for a mine site in respect of which the licence shall apply, shall include

(a) repealed AR 314/2000 s6;

(b) plans and related cross-sections, showing any previous exploration or experimental work in the area applied for;

(c) a statement of any deletions, alterations or additions, resulting from the development program, to any plan, section, statement or description submitted with the application for the permit;

(d) where extensive deletions, alterations or additions are indicated, the revised plans, sections, statements or descriptions;

(e) repealed AR 72/84 s2;

(f) a plan showing the location of all oil or gas wells within the licence area;

(g) any further information the Regulator may require.

(2) An application under this section for a licence to operate an underground mine shall include, in addition to the requirements of subsection (1),

(a) a plan showing

(i) the projected ultimate outline of the mine workings,

(ii) the relation of the mine workings to discard disposal areas, associated coal processing plant, storage areas and handling and loading facilities, and

(iii) the location of all existing and proposed surface openings to underground workings;

(b) cross-sections showing

(i) the dimensions of development openings,

(ii) the coal seams as they are known to occur,

(iii) details of the coal seams that are to be mined and of the strata overlying and underlying them, and

(iv) the relation of the underground workings to the surface;

(c) a description of the mining method and equipment to be used;

(d) a description of anticipated ground stability and support problems and the proposed methods of ground support;

(e) a description of the methods to be employed for ensuring stability of discard disposal areas.

(3) An application under this section to operate a surface mine shall include, in addition to the requirements of subsection (1),

(a) a plan showing the final dimensions of the pit and of all discard areas,

(b) cross-sections showing

(i) the design of pit walls,

(ii) the details of backfilling,

(iii) the coal seams as they are known to occur, and

(iv) details of the coal seams that are to be mined and of the strata overlying and underlying them,

(c) a description of the mining method and equipment to be used,

(d) a description of anticipated problems of pit wall stability, and of the factors used to determine such parameters as bench height, bench width, face slope and overall pit wall slope,

(e) a detailed plan and description of the proposed method and scheduling of all required surface abandonment and reclamation,

(f) if it is planned that the depth of a surface mine excavation will exceed 10 metres and the area of the mine will exceed 10 000 square metres, a wall design report which shall include

(i) drawings showing

(A) the contours of the ground before any site preparation,

(B) geological structures in the region of the mine excavation,

(C) specifications for the configuration of the final mine walls, including toe and crest positions, planned face slopes, average overall wall slopes, berm widths, berm intervals, and any barricade construction, and

(D) specifications for any diversionary drainage and dewatering systems,

(ii) the results of any tests, studies and investigations to determine

(A) geotechnical properties of the rock and soil in the vicinity of the walls, and

(B) groundwater conditions in the vicinity of the mine,

(iii) the design, position, nature of construction and stability analysis of any support structures to be incorporated in the walls,

(iv) a stability analysis, including a description of any design assumptions that were made,

(v) details of any testing and instrumentation which may be required to monitor wall or strata movement and groundwater conditions in the region of the mine to verify the design assumptions,

(vi) the method and rate of excavation to the final walls, and

(vii) details of any wall control blasting procedures,

and

(g) a haul road design report that is designed to ensure that the haul roads comply with section 21 of the *Mines Safety Regulation* (AR 292/95).

(4) An application for a licence to construct an external mine discard dump shall be made to the Regulator if

(a) the average gradient of the land covered by the mine discard dump will exceed 1 vertical unit to 10 horizontal units,

(b) the overall height of the mine discard dump will exceed 6 metres, or

(c) the area of land covered by the mine discard dump will exceed 10 000 square metres.

(5) An application under subsection (4) shall include, in addition to the requirements of subsection (1), a design report containing

(a) maps and, where applicable, recent aerial photographs showing the location and physical features of the dump area, including local drainage system,

(b) drawings showing

(i) the contours of the ground before dumping,

(ii) typical cross-sections through the dump and foundation material, and

(iii) the location of diversionary drainage systems,

(c) results of tests, studies and investigations to determine

(i) geotechnical properties of the discard material and the rock and soil in the vicinity of the dump, and

(ii) groundwater conditions in the vicinity of the dump,

(d) details of base preparation including provisions for subsurface drainage of the dump,

(e) the position, nature of construction and a stability analysis of any wall or other retaining structure incorporated in the dump,

(f) the method and rate of dumping and the maximum amount of material to be discarded in the dump,

(g) an overall stability analysis of the dump and foundations, including an outline of the geotechnical parameters used,

(h) details of testing and instrumentation required to monitor ground water, settlement or lateral movement in the vicinity of the dump and to verify the design parameters described in clause (g), and

(i) construction specifications, rate of construction and description of safeguards to accommodate seasonal runoff and flash storms.

AR 270/81 s8;72/84;314/2000;89/2013

9 An application for a licence to commence commercial mining operations at an abandoned mine or an application to resume mining operations at a mine at which normal working has been suspended for a period of more than 12 months shall, in addition to the information required by section 8(1), (2) and (3), include

(a) a suitable plan and related cross-sections showing details of the mine workings at the time of abandonment or suspension,

(b) a statement about the condition of the mine workings, with particular reference to water, caved area and other potential hazards, and

(c) a description of the proposed procedures for restoring the mine workings to conditions allowing safe and efficient operation.

AR 270/81 s9

10 An application for an amendment of a licence to extend or otherwise substantially modify a mining operation shall include

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

(b) a description of the proposed extension or modification,

(c) the applicable information that would be required under section 8, relating to the extended or modified project, and

(d) any further information the Regulator may require.

AR 270/81 s10;89/2013

11 Repealed AR 240/98 s2.

Consent to Suspension of Operations or Abandonment of Mine

12(1) An application for consent to suspend normal operations at or to abandon an underground mine or substantial part of an underground mine, shall, to the extent applicable, include

(a) a topographic map showing the mine workings in relation to surface workings, discard areas, other connected facilities and public or private works in the immediate area;

(b) a mine plan and associated vertical cross-sections, showing the mine workings surveyed up to the time of the proposed abandonment;

(c) a description of the methods and materials to be used for filling and sealing all openings to the surface;

(d) details concerning any waters that may enter or be discharged from the mine workings after abandonment;

(e) details of methods proposed for the control of effluents from the abandoned mine workings;

(f) details pertaining to the stability of remaining discard disposal areas;

(g) a description of the methods used or proposed for abandoning and reclaiming disturbed areas;

(h) repealed AR 314/2000 s7;

(i) any further information the Regulator may require.

(2) An application for consent to suspend normal operations at or to abandon a surface mine or substantial part of a surface mine shall, to the extent applicable, include

(a) a topographic map showing

(i) the final pit outline, discard areas, impoundments and other changes in the land surface affected by the mining program,

(ii) access and haulage roads, electric transmission and distribution lines, coal processing plant and other related structures and facilities, and

(iii) highways, dwellings and other public or private works in the area,

(b) a mine plan and associated vertical cross-sections showing the mining and reclamation operations surveyed up to the time of the proposed suspension or abandonment,

(c) details pertaining to the stability of remaining discard dumps,

(d) details pertaining to the proposed surface abandonment and reclamation program and the current status of any previously initiated abandonment and reclamation program,

(e) repealed AR 314/2000 s7,

(f) any further information the Regulator may require.

(3) On satisfactory completion of abandonment operations, the permittee may apply to the Regulator for an abandonment approval.

AR 270/81 s12;314/2000;89/2013

13 Repealed AR 240/98 s2.

Approvals Respecting Coal Processing Plants

14(1) An application for approval of the construction of a new coal processing plant shall, to the extent applicable, include

(a) a topographic map showing

(i) all sources of process water,

(ii) the location of all proposed emergency discharge ponds and dams, and

(iii) the location of all coal handling, storage and loading facilities and other structures and operations associated with the proposed plant;

(b) details of the plant process, capacity and potential for expansion;

(c) a flow diagram and materials balance for the plant when operating at full capacity;

(d) repealed AR 314/2000 s8;

(e) an analysis of plant feed, plant products and tailings;

(f) a description of the emergency discharge pond construction, supported by adequate drawings and physical data;

(g) details regarding the content and other properties of plant discard;

(h) details of proposed facilities and procedures for monitoring all process streams entering and leaving the plant site;

(i) a description of the proposed measures to be taken to abandon facilities and reclaim lands disturbed by the project;

(j) a description of the plant operations in relation to pollution control and environment conservation;

(k) details of methods proposed for controlling dust from coal storage, handling and loading facilities;

(l) a statement of the applicant's right to use the plant site;

(m) evidence respecting the safety and stability of all construction slopes;

(n) a design report on any liquid discard impoundment, including, to the extent applicable,

(i) maps and, where available, recent aerial photographs showing the location of the impoundment or dam, the physical features of the downstream area that might be affected by a dam failure, the watershed upstream from the dam structures and the dimensions of the dam banks,

(ii) drawings showing

(A) the layout, in plan and typical cross-sections, of all embankments, including any anticipated future extensions, and

(B) the location of diversionary drainage systems and the design of any spillways to be installed,

(iii), (iv) repealed AR 314/2000 s8,

(v) an analysis of the integrity of the design, including

(A) the results of any geotechnical studies and site investigations including logs of sampled

drillholes, field permeability tests and groundwater levels,

(B) a description of the pertinent engineering properties of the foundation materials and of the dam construction materials, and

(C) repealed AR 314/2000 s8,

(D) an overall stability analysis of the impoundment and foundation, including an outline of any assumptions that were made,

and

(vi) - (ix) repealed AR 314/2000 s8,

(x) the rate of deposition and the maximum amount of any tailings permitted to be deposited in the impoundment;

(o) any further information the Regulator may require.

(2) The design report referred to in subsection (1)(n) must be based on site specific information, address issues related to coal conservation, ensure the geotechnical stability of the structure and be designed to ensure that Part 6 of the *Water (Ministerial) Regulation* (AR 205/98) is met, so far as applicable.

AR 270/81 s14;314/2000;89/2013

15 An application for approval of the resumption of operations at a previously shut in or abandoned coal processing plant shall, in addition to the information required by section 14 and to the extent applicable, include

(a) a description of the existing plant and related facilities with particular reference to potential safety hazards,

(b) a description of the procedures to be used for restoring the plant, and

(c) any further information the Regulator may require.

AR 270/81 s15;314/2000;89/2013

16 An application for approval to extensively rebuild, modify or re-equip a coal processing plant shall, to the extent applicable, include

(a) the information that would be required for an application to which section 14 applies, relating to the rebuilding, modification or re-equipping,

(b) the reasons for the rebuilding, modification or re-equipping,

(c) a description of the rebuilding modification or re-equipping, and

(d) any further information the Regulator may require.

AR 270/81 s16;314/2000;89/2013

17 An application for approval of the operation of major facilities directly connected with a coal processing plant that are not dealt with in an application under section 14, 15 or 16, shall include

(a) the information that would be required for an application to which section 14 applies, relating to the facility,

(b) a detailed description of the facility and its operation, and

(c) any further information the Regulator may require.

AR 270/81 s17;89/2013

18 Repealed AR 240/98 s2.

Consent to Suspension of Operations or Abandonment of Plant

19(1) An application for the consent of the Regulator for the suspension, for more than 3 months, of normal operations of a coal processing plant or major facility directly connected with a coal processing plant shall include

(a) a statement setting out the reasons for the proposed suspension, and

(b) any further information the Regulator may require.

(2) An application for the consent of the Regulator to shut down a coal processing plant or major facility directly connected with a coal processing plant, shall include, where applicable,

(a) a statement setting out the reasons for the proposed shut-down,

(b) a description of the procedures proposed for abandoning the plant and ensuring the elimination of safety hazards,

(c) a plan and associated cross-sections of the discard disposal areas,

(d) details pertaining to the stability of remaining coal storage piles, discard disposal areas and the emergency discharge ponds following reclamation,

(e) a general description of the abandonment and reclamation program and its probable impact on the environment, including measures to be taken to control pollution, and

(f), (g) repealed AR 314/2000 s11,

(h) any further information the Regulator may require.

AR 270/81 s19;314/2000;89/2013

20 Repealed AR 240/98 s2.

Abandonment of Drillholes

21(1) An exploration drillhole that penetrates a coal seam that is thicker than 1.5 metres must be cemented through the coal seam to at least 3 times the thickness of the coal seam above the coal seam.

(1.1) For the purposes of subsection (1), an interbedded zone of coal and inorganic matter less than 1/3 of whose volume is inorganic matter and no layer of whose inorganic matter exceeds 0.3 metre is considered one coal seam.

(2) The operator shall advise the Regulator in writing of the procedure used in the abandonment of each exploration drillhole.

(3) Where any drill rod, drill bit, logging tool, or other metal object is abandoned in an exploration drillhole the information required by subsection (2) shall include

(a) the location of the drillhole,

(b) the approximate deviation of the drillhole, and

(c) the approximate depth of the metal.

(4) An operator who considers a coal seam to be recoverable by surface mining methods or unrecoverable by underground mining methods may apply to the Regulator for exemption from this section.

AR 270/81 s21;314/2000;89/2013

Approvals Respecting In Situ Coal Schemes

21.1(1) An application under section 29(a) of the Act for an approval for an in situ coal scheme must be made in accordance with Directive 061 and shall include any additional information required by the Regulator.

(2) An application under section 29(b) of the Act for an amendment to an approval for a suspended in situ coal scheme to resume operations at the in situ coal scheme must be made in accordance with Directive 061 and shall include any additional information required by the Regulator.

(3) An application under section 31.2 of the Act for an amendment to an approval for an in situ coal scheme to authorize an extension or material alteration of the program of operations for which the approval was granted must be made in accordance with Directive 061 and shall include any additional information required by the Regulator.

AR 54/2013 s6;159/2013

21.2(1) The holder of an approval for an in situ coal scheme shall not suspend or abandon the in situ coal scheme unless the Regulator grants an amendment to the approval for the in situ coal scheme authorizing the carrying out of suspension or abandonment operations, as the case may be.

(2) The holder of an approval for an in situ coal scheme may apply for suspension or abandonment of the in situ coal scheme by making an application for an amendment to the approval for the in situ coal scheme, in accordance with Directive 061, to authorize the carrying out of suspension or abandonment operations, as the case may be.

(3) If the holder of an approval for an in situ coal scheme is required to suspend or abandon the in situ coal scheme under section 31.4 of the Act, the holder shall submit an application for an amendment to the approval for the in situ coal scheme, in accordance with Directive 061, to authorize the carrying out of suspension or abandonment operations, as the case may be, and shall not commence suspension or abandonment operations or suspend or abandon the in situ coal scheme until the Regulator has granted an amendment to the approval to authorize the carrying out of the suspension or abandonment operations.

(4) An application under subsection (2) or (3) shall include any additional information required by the Regulator.

(5) After carrying out suspension or abandonment operations at an in situ coal scheme, the holder of the approval for the in situ coal

scheme shall apply to the Regulator for an amendment to the approval for the in situ coal scheme to show the status of the in situ coal scheme as suspended or abandoned, as the case may be.

AR 54/2013 s6;159/2013

21.3 An application under section 31.3 of the Act to transfer an approval for an in situ coal scheme must be made in accordance with Directive 061 and shall include any additional information required by the Regulator.

AR 54/2013 s6;159/2013

21.4 If there is a change in the name of the holder of an approval for in situ coal scheme, the holder shall apply for an amendment to the approval in accordance with Directive 061 and shall include any additional information required by the Regulator.

AR 54/2013 s6;159/2013

Exploratory Holes and In Situ Coal Schemes

21.5(1) Before operating an in situ coal scheme within which an exploratory hole is located, the holder of the approval for the in situ coal scheme shall abandon the exploratory hole to surface with thermal cement or as otherwise directed by the Regulator.

(2) Before operating an in situ coal scheme within which an exploratory hole that has been abandoned is located, the holder of the approval for the in situ coal scheme shall re-abandon the exploratory hole to surface with thermal cement or as otherwise directed by the Regulator.

AR 54/2013 s6;159/2013

22 Repealed AR 314/2000 s13.

General

23 All maps, plans, cross-sections or other diagrams required by this Part shall be on a suitable scale and shall contain a scale-bar.

AR 270/81 s23

24 The Regulator may, after consultation with the applicant and other interested persons, vary a program or alter a condition prescribed in any permit, licence, permission, approval or consent granted under this Part.

AR 270/81 s24;89/2013

25 Repealed AR 314/2000 s14.

Part 2
Environment Conservation

Environment Management

26 An operator shall institute and carry out a program of environment management within a mine site for which he holds a permit, including pollution control and surface abandonment and reclamation, in a manner satisfactory to the Regulator.

AR 270/81 s26;314/2000;89/2013

27 Repealed AR 314/2000 s16.

Control of Fluids Encountered

28(1) Every operator shall conduct its operations in a manner that any flow of oil, gas or water encountered during exploration or mining can be controlled and, if required by the Regulator, contained.

(2) If a flow of oil or gas is encountered during an exploration program, the permittee shall

(a) inform the Regulator by the quickest available means, and

(b) take immediate steps to contain the flow by plugging the hole in a manner prescribed by or satisfactory to the Regulator.

AR 270/81 s28;54/2013;89/2013

Storage of Coal

29 A storage site for coal must be designed, located and constructed, in a manner satisfactory to the Regulator, to prevent the uncontrolled loss of coal and to prevent fire hazards.

AR 270/81 s29;314/2000;89/2013

30 Repealed AR 314/2000 s18.

31, **32** Repealed AR 314/2000 s19.

Part 3
Submission of Information, Data and Materials

33 In this Part, "operator" includes a licensee within the meaning of section 106 of the *Mines and Minerals Act*.

AR 270/81 s33;314/2000;251/2001

Particulars Respecting Exploratory Holes

34(1) An operator shall describe each exploratory hole drilled or made in connection with a coal exploration or evaluation program by particulars including

(a) the location, inclination and direction of the hole;

(b) the total depth of the hole in metres;

(c) the ground elevation of the hole in metres;

(d) the date on which the hole was completed;

(e) if the hole has been drilled,

(i) its diameter,

(ii) the means by which it was drilled and logged,

(iii) the cored intervals, and

(iv) where a hole exceeds 150 metres in depth, the down-hole inclination and direction at intervals not exceeding 30 metres;

(f) if a hole is made otherwise than by drilling, the approximate dimensions of the hole.

(2) An operator shall describe hole locations

(a) in terms of the distances in metres west and south of the north-east corner of the section in the township, range and meridian where the hole is located, or

(b) by reference to another survey system so long as the other survey system is tied into the provincial survey system, to the satisfaction of the Regulator.

(3) Repealed AR 314/2000 s21.

AR 270/81 s34;314/2000;89/2013

35(1) An operator shall provide to the Regulator hole particulars, other than for preproduction drillholes, as soon as possible after the suspension of field operations, but in any event not later than one year after an exploratory hole has been completed.

(2) If directed by the Regulator, an operator shall provide to the Regulator hole particulars from preproduction drillholes.

(3) An operator shall advise the Regulator as soon as possible of any corrections to information previously supplied to the Regulator.

AR 270/81 s35;314/2000;89/2013

Logs

36 Each exploratory hole that is drilled must

(a) be described by a lithological log, from total depth to surface, if practicable, and

(b) be geophysically logged by a logging device that measures, from total depth to surface if practicable,

(i) natural radioactivity of the strata penetrated,

(ii) formation response to induced radioactivity of the strata penetrated,

(iii) bulk or formation density of the strata penetrated, and

(iv) natural resistivity of the strata and fluids penetrated.

AR 270/81 s36;54/2013

36.1 Each well that is associated with an in situ coal scheme, including any evaluation well, must be geophysically logged by a logging device that measures,

(a) from total depth to surface, if practicable,

(i) natural radioactivity of the strata penetrated,

(ii) formation response to induced radioactivity of the strata penetrated, and

(iii) bulk or formation density of the strata penetrated,

and

(b) from total depth to base of surface casing,

(i) natural resistivity of the strata and fluids penetrated, and

(ii) spontaneous potential of the strata.

AR 54/2013 s9

37 Repealed AR 314/2000 s23.

Submission of Data

38(1) An operator shall submit to the Regulator copies of all lithological, geophysical and mechanical logs and related information in respect of each

(a) hole, other than a preproduction drillhole, and

(b) well associated with an in situ coal scheme, including any evaluation well.

(1.1) The logs and information referred to in subsection (1) must be submitted as soon as possible after the suspension of field operations, but in any event within one year after the hole or well has been completed.

(2) If directed by the Regulator, an operator shall provide to the Regulator single copies of all lithological and mechanical logs and related information from preproduction drillholes obtained in accordance with section 36 and, if possible, provide them at the same time as the hole particulars required by section 34.

AR 270/81 s38;314/2000;54/2013;89/2013

39 The location of the exploratory hole shall be clearly indicated on each log submitted to the Regulator.

AR 270/81 s39;89/2013

Exploration Reports

40 An operator shall, annually and at the conclusion of an exploration program, provide a report to the Regulator, in a form satisfactory to the Regulator, on all coal exploration activities conducted during the year.

AR 270/81 s40;314/2000;89/2013

Analyses and Special Test Data

41 If so directed by the Regulator, an operator of an exploration program who performs or commissions analyses or special or other tests, other than by effecting preproduction drillholes, on coal or

non-coal material shall, within 3 months of their completion, provide to the Regulator copies of the results of those analyses or tests.

AR 270/81 s41;314/2000;89/2013

Core Segments, Samples and Analyses

42(1) If so directed by the Regulator, the operator of a coal mine shall submit to the Regulator core segments that are the most typical and representative of the mine area.

(2) For the purposes of subsection (1), an entire core segment or a portion of a core segment that is equal to at least 1/2 of the core segment cut axially may be submitted.

AR 270/81 s42;314/2000;54/2013;89/2013

42.1(1) The operator of an exploratory program undertaken for the purpose of developing an in situ coal scheme shall core each evaluation well and analyze each core segment.

(2) The operator shall submit every core segment of an evaluation well and all analyses of the core segments to the Regulator.

(3) The full length of each core segment and at least half of the width of each core segment cut axially must be submitted under subsection (2).

(4) If a well associated with an in situ coal scheme is cored, every core segment and all analyses of the core segments must be submitted to the Regulator.

(5) For the purposes of subsection (1), core segments must be taken of each targeted coal seam and the strata above each targeted coal seam.

AR 54/2013 s11;159/2013

43 Repealed AR 314/2000 s28.

Identification and Transmittal of Core Segments, Samples and Analyses

44 Samples and core segments required to be submitted under section 42(1) or section 42.1 shall be submitted to the Core Research Centre of the Regulator in a manner acceptable to that Centre, as soon as possible but not later than 3 months after the completion of the field program or any major phase of the field program.

AR 270/81 s44;314/2000;54/2013;89/2013

45(1), (2), (3) Repealed AR 314/2000 s30.

(4) Shipments of sample containers and core boxes shall be addressed to:

Alberta Energy Regulator
Core Research Centre
3545 Research Way N.W.
Calgary, Alberta
T2L 1Y7

AR 270/81 s45;314/2000;254/2007;89/2013

46(1) A person shipping samples to the Regulator shall take care that samples and materials do not deteriorate before transmittal.

(2), (3) Repealed AR 314/2000 s31.

AR 270/81 s46;314/2000;89/2013

46.1 Analyses required by section 42.1 shall be submitted to the Regulator as soon as possible but not later than 3 months after the completion of the field program or any major phase of the field program.

AR 54/2013 s14;159/2013

Expenses

47(1) An operator who submits data, logs, cores or other materials under this Part to the Regulator shall bear the cost of submitting them.

(2) Core boxes that are received by the Regulator in damaged condition or poorly marked, or that do not meet the specifications set by the Core Research Centre, may be replaced or relabelled by the Regulator and, in that event, the operator shall pay to the Regulator on request the expenses incurred by it for the replacement or relabelling.

AR 270/81 s47;314/2000;89/2013

Exemptions

48(1) An operator may apply to the Regulator for and the Regulator may grant an exemption from particular provisions of this Part.

(2) An application under subsection (1)

(a) shall be in writing, and

(b) except insofar as it may be occasioned by unforeseen conditions in the field, shall be made at least 2 weeks before the commencement of field operations.

AR 270/81 s48;89/2013

Release of Information

49 The Regulator may permit a member of the public to view

(a) an application or submission by an applicant or intervener in any proceedings before the Regulator pursuant to the Act or these Rules and to which the *Alberta Energy Regulator Rules of Practice* apply, whether or not the matter results in a hearing or is otherwise disposed of by the Regulator, or

(b) any record, report or information filed by an applicant or intervener in connection with a proceeding referred to in clause (a).

AR 270/81 s49;89/2013

50(1) The Regulator may permit a member of the public to view records, reports or information submitted to it or acquired by it, regarding

(a) the location, elevation, diameter or approximate dimensions, depth, inclination and completion date of every exploratory hole drilled or made in connection with a coal exploration program, and

(b) the name and registered address of the operator by whom or on whose behalf an exploratory hole was completed.

(2) This section does not apply to preproduction holes.

AR 270/81 s50;89/2013

51 The Regulator, after 2 years from the date on which a reconnaissance hole or a well associated with an in situ coal scheme other than an evaluation well was completed, may permit a member of the public to view

(a) the logs or lithological descriptions, and

(b) cores, core segments or fragments from the reconnaissance hole or well, together with an indication of the ASTM class or classes to which coal encountered in the hole or well is assigned on the basis of its composition.

AR 270/81 s51;314/2000;54/2013;89/2013

52 The Regulator, after 5 years from the date on which an infill hole or evaluation well was completed, may permit a member of the public to view

(a) the logs or lithological descriptions,

(b) in the case of an infill hole, cores, core segments or fragments from the infill hole, together with an indication of the ASTM class or classes to which coal encountered in the hole is assigned on the basis of its composition, and

(c) in the case of an evaluation well, cores, core segments or fragments from the evaluation well.

AR 270/81 s52;54/2013;89/2013

53 Information released under section 51 or 52 may, if the Regulator so directs, include data relating to

(a) the composition or properties of the coal as determined by current standard laboratory methods, or

(b) properties of materials encountered other than coal,

or both, as the case may be.

AR 270/81 s53;314/2000;54/2013;89/2013

54 Repealed AR 314/2000 s35.

55 The Regulator may make hole data and related information available before the time at which it would be available under section 51 or 52 if

(a) repealed AR 314/2000 s36,

or

(b) the Regulator, after consultation with the operator, decides that earlier release of the data and related information is in the public interest.

AR 270/81 s55;314/2000;54/2013;89/2013

56 Repealed AR 314/2000 s37.

57(1) An operator who conducts an exploration program for which it is required to submit data and information to the Regulator, may apply to the Regulator for an order designating an exploratory hole as a confidential hole.

(2) If the Regulator grants the application, it shall, notwithstanding any other provision of this Part, hold all information respecting the hole confidential, except the location, elevation, diameter or approximate dimensions, depth and inclination of the hole, for the period that it stipulates in the particular case.

(3) If the Regulator, after consultation with the operator, decides that the release of information under this section is in the public interest, it may release any information before the expiration of the period stipulated under subsection (2).

AR 270/81 s57;89/2013

Information Relating to Mines, Coal Processing Plants and in Situ Coal Schemes

58 Subject to section 59, a member of the public may, with the permission of the Regulator, at any time after commencement of commercial operations, view information and data relating to

(a) the operation of a mine or coal processing plant and the coal produced or processed in a mine or coal processing plant except information or data that includes specific reference to costs of operation, production, processing or product pricing, and

(b) the operation of an in situ coal scheme, the coal converted by in situ coal gasification or in situ coal liquefaction and the synthetic coal gas or synthetic coal liquid produced or processed at an in situ coal scheme except information or data that includes specific reference to costs of operation, production, processing or product pricing.

AR 270/81 s58;54/2013;89/2013

59(1) An operator using an untried or unproven mining, coal processing or in situ coal conversion method, in whose opinion premature disclosure of information respecting the method may seriously prejudice the operator's competitive position, may apply to the Regulator for an order designating the mine, coal processing plant, or in situ coal scheme at which the method is being used as an experimental scheme.

(2) Where the Regulator grants an application under subsection (1), it shall hold all information and data submitted to or otherwise acquired by the Regulator concerning the experimental scheme confidential for 5 years.

(3) If the Regulator, after consultation with the operator, decides that the release of information under this section is in the public

interest, it may release the information before the expiration of the 5 year period.

AR 270/81 s59;54/2013;89/2013

General

60(1) Notwithstanding any provision of these Rules, the Regulator may use confidential information for the purpose of preparing reports, maps and supporting information which it may publish from time to time.

(2) If the Regulator uses confidential information in accordance with subsection (1) the report, map or supporting information prepared by it shall be confined to

(a) a delineation of the field or deposit involved,

(b) an indication of the general geological identity, configuration, size, direction and degree of dip of the field or deposit involved,

(c) a disclosure of the Regulator's estimate of resources and reserves,

(d) in the case of a near-surface coal deposit, a qualitative notation that the reserves are considered to be recoverable by surface mining, and

(e) in the case of coal recoverable by underground methods, the average depth or range of depths at which the coal occurs.

AR 270/81 s60;89/2013

61 Nothing in this Part requires the Regulator

(a) to obtain, for the purpose of making it available to the public, any information, data or materials that it does not otherwise have pursuant to the Act or these Rules,

(b) to publish or make available any data otherwise than on request, or

(c) to make any data or materials available otherwise than on view at facilities provided by the Regulator for the purpose, in the ordinary routine observed at the offices and on payment to the Regulator of its usual fees for those services.

AR 270/81 s61;89/2013

Part 4
Records and Reports

Records

62(1) If a mine is being developed, operated, modified or abandoned, the holder of the permit or licence for the mine, as the case may be, shall keep at the mine office complete records of the operation, in a form satisfactory to the Regulator, showing

(a) the quantity of coal extracted,

(b) the quantity of coal in storage, and

(c) the quantity of rock or overburden removed at the mine.

(d) repealed AR 314/2000 s38.

(2) The holder referred to in subsection (1) shall, at the direction of and for the period of time specified by the Regulator, submit to the Regulator a copy of the records referred to in subsection (1) and retain duplicate copies of those records as part of that holder's or the mine operator's record.

(3) Any suspension of operations at the mine shall be noted on the report.

AR 270/81 s62;314/2000;54/2013;89/2013

62.1 The holder of an approval for an in situ coal scheme shall keep complete records of operations in a form satisfactory to the Regulator.

AR 54/2013 s23;159/2013

Reports

63, **64** Repealed AR 314/2000 s39.

65(1) The operator of a mine shall submit to the Regulator not later than the 15th day of each month on forms furnished or approved by the Regulator a full report for the preceding month of

(a) raw coal production,

(b) raw coal disposition,

(c) raw coal in storage,

(d) value of sales, and

(e) discard material removed.

(2) The holder of a permit to develop a mine site or a licence to operate a mine shall submit to the Regulator

(a) in the 3rd quarter of each calendar year, a mine plan for the following year's proposed operation, and

(b) in the 1st quarter of each calendar year a report supported by maps or other appropriate materials describing, for the previous year

(i) the general progress of mining at the mine, and

(ii) the general progress of abandonment and reclamation at the mine.

(iii) repealed AR 314/2000 s40.

(3) Notwithstanding subsection (2), the holder of a permit to develop a small mine or a licence to operate a small mine shall submit to the Regulator

(a) an annual report in a form approved by the Regulator, and

(b) with an application for renewal of a licence, a plan showing the mine development over the 5 years preceding the application for renewal.

AR 270/81 s65;117/88;314/2000;54/2013;89/2013

66 The holder of an approval for the construction and operation of a coal processing plant shall submit to the Regulator not later than the 15th day of each month on forms furnished or approved by the Regulator a full report for the preceding month of

(a) repealed AR 314/2000 s41,

(b) production and disposition of plant products, and

(c) value of sales.

AR 270/81 s66;314/2000;54/2013;89/2013

66.1 The holder of an approval for an in situ coal scheme shall

(a) provide reports in accordance with the directions of the Regulator respecting gases and liquids injected into and produced from the in situ coal scheme,

(b) submit to the Regulator, by March 31 of each year, a comprehensive report on the in situ coal scheme operation

for the preceding calendar year that includes any information required by the Regulator, and

(c) make reports to the Regulator by presentation when required by the Regulator.

AR 54/2013 s24;89/2013

General

67(1) No person shall knowingly make a false statement in any record or return required to be kept or made under the Act or these Rules.

(2) No person shall wilfully alter, remove, deface or destroy any record or recording of measurements until expiration of the period during which that report or record is required to be kept under the Act or these Rules.

(3) No person shall enter into any record or report that is required to be kept or made under the Act or these Rules as a measured amount, a quantity not actually determined by measurement, but if a measurement cannot be made in a particular case, the quantity may be estimated and recorded with a notation that it is an estimate.

(4) No person shall alter, remove, deface or destroy an entry or marking made by the Regulator or its representatives in or on any record or recording of measurements required to be kept under the Act or these Rules.

AR 270/81 s67;89/2013

68 Each record required to be kept under the Act or these Rules shall be retained at the place and by the person specified in these Rules for a period of at least one year from the time the record is made but the Regulator may require that any record or type of record be kept for a longer period specified by it.

AR 270/81 s68;89/2013

Part 5
Restricted and Prohibited Areas

69(1) Except if undertaken immediately ahead of working places in connection with an authorized mining program, no person shall drill for coal within 400 metres of any operating, suspended or abandoned underground mine workings unless he has written permission from the Regulator to do so.

(2) The Regulator, in a particular case, may prohibit drilling within a greater distance of underground mine workings than the distance prescribed in subsection (1).

AR 270/81 s69;89/2013

70 No mining or processing of coal and no operation directly related to mining or processing of coal shall be conducted in any city, town or village or within 400 metres of the corporate limits of a city, town or village without the prior approval of the appropriate planning authority and the written permission of the Regulator.

AR 270/81 s70;89/2013

71 An application for a permit to conduct underground operations in a city, town or village shall include a report by a professional engineer competent in coal strata rock mechanics, showing that the proposed mining method will not damage any highway, street, lane or public place in the city, town or village.

AR 270/81 s71

72 The Regulator may, as a condition of granting a permit under section 70, direct the applicant to

(a) deposit a bond in an amount to be fixed by the Regulator to indemnify the city, town or village against any loss or damage,

(b) submit to the Regulator at specified intervals, reports and plans, prepared by a professional engineer competent in mining or a mine surveyor, on measurements of surface subsidence, or

(c) submit to the clerk or secretary-treasurer of the city, town or village, at specified intervals, a map or plan showing the exact location of all working places in relation to surface structures in the immediate vicinity of the mine workings.

AR 270/81 s72;89/2013

73(1) No coal shall be mined without the written permission of the Regulator,

(a) within 400 metres of any major private or public works, highway, railway, airport or pipeline other than a coal pipeline, or

(b) within 400 metres of any other active mining operation or any existing oil or gas well.

(2) An application for permission under subsection (1) shall include any information the Regulator requires in a particular case.

AR 270/81 s73;89/2013

Part 6
Regulator Registers and Designation of Coal Seams and Coal Fields

Regulator Registers

74(1) The Regulator shall maintain, at its office in Calgary, a copy of every permit, licence and approval issued under the Act in respect of a mine site, mine, coal processing plant or in situ coal scheme.

(2), **(3)** Repealed AR 314/2000 s41.

(4) The Regulator may grant or refuse an application to change an official name.

AR 270/81 s74;314/2000;54/2013;89/2013

75 The Regulator shall

(a) maintain, at its office in Calgary, records of

(i) mine sites,

(ii) mines, categorized as underground, strip mines or open pit mines,

(iii) coal processing plants, and

(iv) in situ coal schemes,

and

(b) enter in the appropriate register

(i) the current name of each mine site, mine, coal processing plant and in situ coal scheme,

(ii) the unique identifier of each mine at a mine site at which more than one mine has been or is being developed or operated,

(iii) the unique identifier of each coal seam,

(A) in a mine where more than one coal seam has been or is being worked, and

(B) in an in situ coal scheme where more than one coal seam has been or is being converted by in situ coal gasification or in situ coal liquefaction,

(iv) the location of each mine site, mine, coal processing plant and in situ coal scheme, and

(v) the names of the holder of each permit, licence or approval and of the holder's agent.

AR 270/81 s75;314/2000;54/2013;89/2013

Designation of Seams

76 The Regulator or, with the approval of the Regulator, the holder of a permit, licence or approval, may assign an official designation to a coal seam.

AR 270/81 s76;314/2000;54/2013;89/2013

Designation of Fields

77(1) The Regulator shall designate the name and limits of a coal field.

(2) The Regulator shall publish annually or at any other intervals it considers proper, a complete list and map of designated coal fields and tentatively designated coal fields.

(3) For the purposes of compiling the list or map referred to in subsection (2), the Regulator may, to the extent it considers necessary, draw on any source of information available to it.

AR 270/81 s77;89/2013

Part 7
Measurements

78 The units, standard conditions and methods of measurement prescribed in this Part shall be used whenever the measurement of coal, processed coal, coal products, water, gas and discard materials from exploration for or from mining or processing of coal is required by

(a) an Act of Alberta,

(b) a regulation or rule made under an Act of Alberta, or

(c) an order, direction, term or condition made or imposed by the Minister of Environment and Sustainable Development or the Regulator,

whether the provisions deal with conservation, preservation, utilization, taxation, royalties or any other matter.

AR 270/81 s78;314/2000;89/2013

79(1) If a quantity of coal mined, processed, converted by in situ coal gasification or in situ coal liquefaction, stored, used in operations, rejected as discard, or disposed of in other ways is required to be measured by the Act or these Rules, it shall be

(a) measured in a manner satisfactory to the Regulator, and

(b) recorded and reported in tonnes.

(2) If an analyses of coal is required under the Act, these Rules or an order or direction of the Regulator, it shall be performed in accordance with the appropriate ASTM standard procedures or any modifications of those procedures that the Regulator considers acceptable and the results of an analysis so performed shall be expressed on

(a) an "as received" basis, or

(b) a "capacity moisture" or "equilibrium moisture" basis.

(3) An assignment of a rank to a coal shall be in accordance with the ASTM coal classification scheme.

AR 270/81 s79;314/2000;54/2013;89/2013

80(1) If a quantity of overburden, rock or soil removed in a surface mining operation is required to be measured under the Act, these Rules, or an order or direction of the Regulator, it shall be measured in bank cubic metres, and, where known, the swell factor shall be stated.

(2) Repealed AR 314/2000 s47.

AR 270/81 s80;314/2000;89/2013

81(1) If the measurement of gas is required for any purpose under the Act or these Rules or an order or direction of the Regulator, its volume shall be computed as the number of cubic metres it would occupy at standard conditions of 101.325 kilopascals and 15 degrees Celsius.

(2) Whenever the pressure and temperature at which the measurement is made differs from the standard conditions

prescribed in subsection (1), gas volumes shall be converted to volumes at standard conditions in accordance with the Ideal Gas Laws and appropriately corrected for deviation from the Ideal Gas Laws.

(3) If a flow of gas released from a coal seam in an underground mine is required to be measured under the Act, these Rules or an order or direction of the Regulator, it shall be recorded and reported as cubic metres of gas at standard conditions per hour per square metre of exposed coal face.

AR 270/81 s81;89/2013

81.1 If the measurement of gas or liquid injected into or produced from a well associated with an in situ coal scheme is required for any purpose under the Act or these Rules or an order or direction of the Regulator, the measurement shall be made in accordance with the directions of the Regulator.

AR 54/2013 s30;89/2013;159/2013

Part 8
Performance Bonds, Security and Fees

Performance Bonds

82(1) The Regulator may, when considering an application under the Act or these Rules to assure compliance with the Act and these Rules, require the applicant to deposit with the Regulator a security in an amount not exceeding

(a) $500 per hectare of land directly affected by the proposed development if that land is within the Plains Region, or

(b) $2500 per hectare of land directly affected by the proposed development if that land is in the Foothills or Mountain Regions.

(2) For the purposes of subsection (1), land directly affected includes specially built access and haul roads, water diversion schemes and other facilities directly connected with or constructed to serve the mine site, mine or processing plant.

(3) The security deposit referred to in subsection (1) may be in cash, letter of credit, negotiable bearer bonds or security bonds acceptable to the Regulator and shall be paid at the time or in the manner that the Regulator determines.

AR 270/81 s82;27/2002;68/2008;24/2009;89/2013

83 If a development contains more than one mine or processing plant, the Regulator may require a separate security deposit for each mine or plant.

AR 270/81 s83;89/2013

84(1) Whenever the Regulator finds, in connection with the suspension of normal operation or an abandonment under section 12 or 19, that it is necessary to take remedial action because of the failure of the holder of the permit, licence or approval to comply with the prescribed conditions or procedures, it shall notify the holder of the permit, licence or approval accordingly.

(2) When the Regulator takes remedial action under subsection (1), it may use the security deposit held to pay for expenditures incurred for such remedial work.

(3) Costs referred to in subsection (1) that exceed the security deposit shall be payable to the Regulator by the holder of the permit, licence or approval.

AR 270/81 s84;27/2002;68/2008;24/2009;89/2013

85 If an abandonment operation under section 12 or 19 has been completed and the Regulator has issued an approval of the operation, the Regulator shall return to the depositor the whole security deposit or whatever part remains after payment of expenditures charged against the security deposit under section 84.

AR 270/81 s85;27/2002;68/2008;24/2009;89/2013

Security

85.1(1) The holder of an approval for an in situ coal scheme shall provide a security to the Regulator in the amount required by the Regulator to guarantee the proper and safe suspension and abandonment of the in situ coal scheme and the carrying out of any other activities necessary to ensure the protection of the public and the environment with respect to the in situ coal scheme.

(2) If the Regulator considers that the amount of a security provided under subsection (1) is not sufficient to guarantee the proper and safe suspension and abandonment of an in situ coal scheme or the carrying out of any other activities necessary to ensure the protection of the public and the environment with respect to the in situ coal scheme, the holder of the approval for the in situ coal scheme shall provide a security to the Regulator for any additional amount that the Regulator considers necessary.

(3) A security provided under this section must be in one of the following forms, as determined by the Regulator:

(a) cash;

(b) an irrevocable letter of credit in a form acceptable to the Regulator.

(4) If, in the opinion of the Regulator, the holder of an approval for an in situ coal scheme has not properly and safely suspended or abandoned the in situ coal scheme or carried out an activity necessary to ensure the protection of the public or the environment with respect to the in situ coal scheme, the Regulator may use all or any part of the security provided under subsection (1) by the holder of the approval to defray all direct and incidental costs of properly and safely suspending or abandoning the in situ coal scheme or carrying out the activity.

(5) On the request of the holder of an approval for an in situ coal scheme, the Regulator shall return all of a security provided under subsection (1) by the holder, together with any earned interest, if the Regulator is satisfied that the holder

(a) has fully met all of the obligations and carried out all of the activities in respect of which the security was provided, and

(b) has met any other requirements of the Regulator for the security to be returned in full.

(6) On the request of the holder of an approval for an in situ coal scheme, the Regulator may return part of a security provided under subsection (1) by the holder, if the Regulator is satisfied that the holder

(a) has partially met the obligations and carried out the activities in respect of which the security was provided, and

(b) has met any other requirements of the Regulator for the security to be returned in part.

AR 54/2013 s32;159/2013

Fees

86 Repealed AR 240/98 s2.

87 The fees payable to the Regulator for any map, report, document or other record of the Regulator or for any service provided by the Regulator shall be the amount of money that the Regulator requires to recover its costs of copying or producing the record or of providing the service.

AR 270/81 s87;240/98;89/2013

88 Notwithstanding section 87, if an application is made by, or a record or service is provided to a university, a technical institute, the Alberta Research Council, the Institute of Sedimentary & Petroleum Geology, a government department or any similar institution, no fee is payable under that section.

AR 270/81 s88

Part 9
Repeal and Expiry

89 The *Coal Conservation Regulations* (Alta. Reg. 229/74) are repealed.

AR 270/81 s89

90 For the purpose of ensuring that these Rules are reviewed for ongoing relevancy and necessity, with the option that it may be repassed in their present or an amended form following a review, these Rules expires on June 30, 2019.

AR 314/2000 s48;63/2003;24/2009;54/2013;89/2013;
140/2014

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