



ALBERTA
ENVIRONMENT AND SUSTAINABLE RESOURCE DEVELOPMENT

Office of the Minister

MLA, West Yellowhead

December 13, 2013

Ms. Melissa Gorrie, Staff Lawyer
Mr. Fraser Thomson, Staff Lawyer
Ecojustice
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Dear Ms. Gorrie and Mr. Thomson:

Thank you for your letter dated November 15, 2013, to my predecessor, to the ministers of Energy and Health, and to Mr. Jim Ellis, Chief Executive Officer of the Alberta Energy Regulator, who also received your letter. I have consulted with my colleagues and am pleased to respond on behalf of these ministries and the Alberta Energy Regulator.

The Obed coal mine is inspected for compliance with our *Environmental Protection and Enhancement Act* by Environment and Sustainable Resource Development staff, including dam safety staff and environmental protection officers. The Alberta Energy Regulator inspects coal mines every year, and inspections are more frequent if concerns are identified in an audit or in applications submitted by operators. Since 2011, the Alberta Energy Regulator has inspected the mine five times. Most recently, the regulator inspected the Obed Mountain coal mine on October 3, 2013. No non-compliance issues were found by the regulator at this or any previous inspections that required enforcement action.

Environment and Sustainable Resource Development issued an environmental protection order to Coal Valley Resources Inc. and Sherritt International Corporation on November 19, 2013. This order requires the company to develop and implement a number of recovery, management, and assessment plans, and meet immediate requirements to contain the mine wastewater solids and prevent any further solids from entering the Athabasca River. In addition, the order requires ongoing and significant monitoring be conducted by Sherritt and Coal Valley Resources, and regular reporting to Environment and Sustainable Resource Development.

Our department is working with numerous agencies, including the Alberta Energy Regulator, Alberta Health Services, Fisheries and Oceans Canada, and Environment Canada to ensure all regulatory concerns are addressed. This includes measures being taken by Coal Valley in response to the spill, monitoring aquatic and terrestrial impacts, and taking appropriate measures to remediate the impacts identified as directed under the environmental protection order.

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Environment and Sustainable Resource Development is conducting an investigation into this incident. As such, much of the information you have requested is under investigation and cannot be released. The results of the investigation will be used to determine whether enforcement action will be taken.

Government of Alberta fisheries staff have done preliminary impact assessments on fish habitats, as have Fisheries and Oceans Canada and Coal Valley's consultants. Snow and ice have made it difficult to fully evaluate impacts, but this work will continue once conditions improve. Environment and Sustainable Resource Development staff continue to evaluate the impacts of the spill on the environment and wildlife.

Alberta Health is working with Environment and Sustainable Resource Development and agencies such as the Alberta Energy Regulator and Alberta Health Services to understand the potential impacts to human health from this spill. Alberta Health is also working with Health Canada to ensure First Nation communities are aware and informed of any potential impacts.

As a precaution, Alberta Health and Alberta Health Services have advised community water treatment plants, industrial work camps, and all other users to avoid withdrawing water from the Athabasca River when the plume is near their water intakes. Alberta Health will review monitoring plans submitted to the Government of Alberta to assess whether or not the appropriate indicators of human health impacts are included in long-term monitoring. These indicators will be used to monitor this drinking water source and fish or other wildlife potentially consumed by the public.

Water sampling has been conducted by both Environment and Sustainable Resource Development and Sherritt International Corporation. The preliminary results of our department's datasets (which have been analyzed by both Environment and Sustainable Resource Development and Alberta Health Services) have been available online at www.environment.alberta.ca/04252.html since November 19, 2013. Additional results were posted on this site on December 2. The Government of Alberta will continue to release data and provide summary reports to the public as they become available.

Sincerely,



Robin Campbell
Minister

cc: Honourable Fred Horne
Minister of Health

Honourable Diana McQueen
Minister of Energy

Jim Ellis
Chief Executive Officer, Alberta Energy Regulator