

**Capital Power GP Holdings Inc.  
Application for Genesee Mine Expansion Project  
Wetaskiwin Coalfield**

2014 ABAER 009

CCA Applications No. 1703019 & 1780894, EPEA Application No. 007-10404,  
WA Applications No. 16576 & 00210935

## **Decision**

[1] Three parties filed requests to participate in response to the notice of hearing issued by the Alberta Energy Regulator (AER) in this proceeding. All three requests to participate were subsequently withdrawn. The hearing panel has therefore decided to cancel the public hearing and refer the applications to AER staff for further review and disposition without a hearing.

## **Background**

[2] Capital Power applied under the *Coal Conservation Act* (Applications No. 1703019, 17808940), the *Environmental Protection and Enhancement Act* (Application No. 007-10404), and the *Water Act* (Applications No. 16576 and 00210935) for approvals to expand the Genesee coal mine. The expansion project is an extension of the existing surface mine, haul roads, and associated infrastructure, and would result in about 3691 hectares (ha) of new disturbance, with about 1309 ha of that occurring during the first 10 years of the project.

[3] The expansion project would be located about 75 kilometres (km) southwest of Edmonton, Alberta, and about 20 km north of the village of Warburg. The project would extend the Genesee mine to the south, west, and east of the current mining areas, into Township 50, Ranges 2 and 3, West of the 5th Meridian. The expansion project would provide about 5.5 million tonnes of coal per year to the Genesee Generating Station for 36 years.

[4] In response to Capital Powers notice of application, the AER received approximately twenty statements of concern from residents and landowners located near the Genesee mine. The AER subsequently determined to conduct a hearing of these applications.

[5] On June 5, 2014, the AER issued a notice of hearing that stated any party who wished to participate in a hearing of the expansion project applications must file a hearing submission that includes a description of the party's concerns, information on how the party believes it may directly and adversely affected by the applications, and a statement about the nature and scope of the party's intended hearing participation.

[6] Concurrent with the issuance of the notice of hearing, the AER initiated a commissioner-led Alternate Dispute Resolution (“ADR”) process under Part 1.1 of the *Alberta Energy Regulator Rules of Practice*. Commissioners who were not assigned to the hearing panel led that process. The applicant, the parties who filed requests to participate as well as other interested parties engaged in the ADR process and, as a result, the AER received written withdrawals of each of the three requests to participate.

## Applications

[7] *Coal Conservation Act* Applications No. 1703019 and 1780894:

Capital Power applied under the *Coal Conservation Act*, Part 4, sections 11 and 13, to amend mine permit C99-8B and amend mine licence C2005-12C, allowing development to proceed for all mine areas proposed for development for the years 2014 to 2024.

[8] *Environmental Protection and Enhancement Act (EPEA)* Application No. 007-10404:

Capital Power applied under *EPEA*, Part 2, Division 2, for a 10-year renewal of its existing Approval No. 10404-02-00, including an amendment to approve the proposed mining area for the years 2014 to 2024. The development requires about 1309 ha of new disturbance during the 10-year renewal period. Soil material would be conserved for reclamation. Disturbed areas would be reclaimed for primary agriculture, wildlife habitat, and water-body features, including one end-pit lake having a total area of about 2 ha.

[9] *Water Act* Applications No. 16576 and 00210935:

Capital Power applied under the *Water Act*, sections 37(1) and 50(1), for an approval and licences to manage surface water and groundwater in the mine operating area for the years 2014 to 2024, which includes the area of the existing mine and the mine extensions into Sections 3–11, and 14, Township 50, Range 2, West of the 5th Meridian, and into Sections 8–11 and 17–20, Township 50, Range 3, West of the 5th Meridian. Capital Power proposes dewatering groundwater in an interval from the surface to 65 metres below the surface. It requests a renewal of its existing surface water runoff diversion licence, and requests a new licence to divert about 1 673 100 cubic metres of surface water runoff annually from the mine extension area for cooling purposes.

[10] With the withdrawals identified above, there are no requests to participate in a hearing of Capital Power’s expansion project applications. As the panel has not identified any additional concerns it has determined that a public hearing will not be held and that the matter should be returned to the AER’s Authorizations Branch for final disposition.

Dated in Calgary, Alberta, on July 30, 2014.

**Alberta Energy Regulator**

*<original signed by>*

Rob McManus, M.E.Des.  
Presiding Hearing Commissioner