

ENERGY RESOURCES CONSERVATION BOARD

Calgary Alberta**SECURE ENERGY SERVICES INC.
SECTION 39 REVIEW OF
AMENDMENT D TO APPROVAL WM 126
FOX CREEK AREA****2013 ABERCB 006
Proceeding No. 1747279**

DECISION

[1] The Energy Resources Conservation Board (ERCB/Board) hereby directs the ERCB's Nonroutine Group staff (NRS) to remove conditions 6 and 7 of Amendment D to Approval WM 126 issued to Secure Energy Services Inc. (Secure) on August 8, 2012. Accordingly, the review hearing set down to consider Proceeding No. 1747279 is cancelled.

PROCEEDING NO. 1747279

[2] On November 29, 2012, the ERCB determined that Secure met the test for a review of Approval WM126 under section 39 of the *Energy Resources Conservation Act*. The decision was based on the fact that NRS staff had erred by imposing conditions 6 and 7 to Approval WM 126 without the procedural fairness that was owed to Secure. Conditions 6 and 7 state the following:

6. Alberta generated hazardous non-oilfield waste are restricted to recyclables and must be processed to generate a recoverable material; should the recoverable material be hydrocarbon, it must be measurable within the received recyclable and reported in the waste plant report submitted to the Petroleum Registry of Alberta (PRA).

7. Imported non-oilfield waste streams are restricted to recyclables (non-hazardous or hazardous) and must be:

(a) generated from oil and gas exploration or production operations; and

(b) processed to generate a recoverable material; should the recoverable material be hydrocarbon, it must be measurable within the received recyclable and reported in the waste plant report submitted to the PRA.

DISCUSSION

[3] The Board was scheduled to hold a public hearing in Calgary, Alberta, on June 4, 2013, before Board Member T.C. Engen (Presiding Member) and Board Members T.L. Watson, P.Eng and R.C. McManus.

[4] The purpose of the hearing was to assess the need for and reasonableness of conditions 6 and 7 to Approval WM126. The Board has completed a review of the materials filed on the

record to date. The Board also visited Secure's Fox Creek Waste Management facility on April 10, 2013.

[5] The Board notes that conditions 6 and 7 in Secure's approval were not added in response to an immediate threat to public safety or an impending environmental impact. Accordingly, the Board is of the opinion that, in this instance, these conditions should have only been applied following engagement with both internal and external stakeholders.

[6] Given that there is an absence of such stakeholder engagement, the Board directs NRS to remove conditions 6 and 7 from Approval WM126.

[7] The Board finds that the subject conditions should properly be reviewed outside of the hearing process. Accordingly, a public hearing will not be held.

Dated in Calgary, Alberta, on April 23, 2013.

ENERGY RESOURCES CONSERVATION BOARD

<original signed by>

T.C. Engen
Presiding Member