

March 20, 2000

Our File: P-99-881

Kim Eastlick  
Alberta Energy and Utilities Board  
Regulatory Support Branch  
Environment, Safety and Technical Services  
640 - 5 Avenue SW  
Calgary, AB T2P 3G4

Dear Mr. Eastlick:

**RE: Stakeholder Consultation - Review of Sulphur Recovery Guidelines**

Further to our conversation at the EUB-ENGO meeting on January 29/00, I have reviewed the Stakeholder Consultation Document in relation to the review of the sulphur recovery guidelines and offer a few comments below on behalf of the Environmental Law Centre. Given that our mandate focuses on environmental law and policy, I have restricted these comments to those matters. We appreciate having the opportunity to participate in the Board's consultation on these guidelines.

We commend the Board for its incorporation of the precautionary principle as one of the guiding principles of this review (point 1.3) and strongly support its use in the application of the sulphur recovery guidelines. This approach is consistent with current trends in environmental law and policy. Its adoption by the Board should also assist in shifting informational onuses to those best able to bear them, namely the operators and producers rather than neighbouring landowners and others who may potentially be affected by oil and gas operations.

The discussion of alternatives for grandfathered facilities makes a number of references to requirements for upgrading if approved sulphur inlet capacities were increased by more than 25% above rates approved in 1988. It is not clear to us whether this would apply only to one-time increases of 25% or more, or would also catch smaller incremental increases that over time would total 25% or more. We believe that the guidelines should apply the latter approach, as it would more effectively and fully deal with concerns about the effects of sulphur emissions.

With respect to the proliferation guidelines, we believe that the concerns about proliferation point to a real and significant need for consideration of cumulative effects. The matter of cumulative effects needs to be addressed by both the Board and Alberta

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Environment, as both agencies have a role in regulating the types of activities discussed in the guidelines. Both agencies should be dealing with cumulative effects as part of their approvals processes, by including cumulative effects information as part of the required material for application for approval. Both should also ensure that cumulative effects are a factor that is taken into consideration in granting approvals and setting approval terms and conditions.

We appreciate the opportunity to provide our input on the sulphur recovery guidelines. Please feel free to contact me should you have any questions or require clarification of any of our comments.

Yours truly,

Cindy Chiasson  
Staff Counsel

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