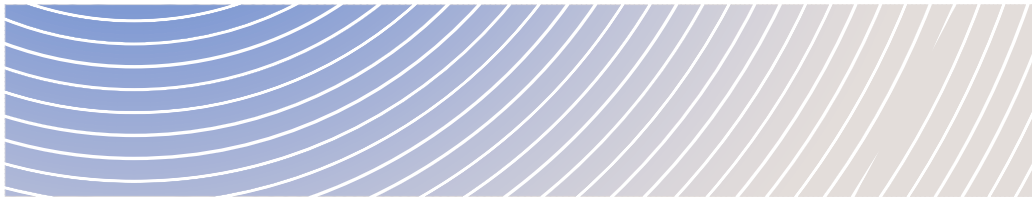


Cooperation Plan



VALUE CHAIN SOLUTIONS – HEARTLAND COMPLEX
EXPANSION PROJECT

JUNE 25, 2021



Impact Assessment
Agency of Canada

Agence d'évaluation
d'impact du Canada

Canada



Cooperation Plan

COOPERATION PLAN FOR THE IMPACT ASSESSMENT OF THE VALUE CHAIN SOLUTIONS HEARTLAND COMPLEX EXPANSION PROJECT

June 25, 2021

1. Introduction

On March 15, 2021, the Impact Assessment Agency of Canada (the Agency) determined that an impact assessment is required for the Value Chain Solutions – Heartland Complex Expansion Project (the Project), pursuant to Canada's *Impact Assessment Act*. Likewise, on June 25, 2019, the Alberta Energy Regulator (AER) determined that an environmental impact assessment (EIA) report is required for the Project, pursuant to the *Environmental Protection and Enhancement Act*.

This Cooperation Plan (this Plan) is prepared and published by the Agency to set out the Agency's intentions for cooperation with other jurisdictions for the assessment of the Project. This Plan is intended to be flexible and does not preclude the Agency or the AER from modifying the cooperative approach described in this Plan in order to accommodate changes that may occur during the assessment process.

2. Description of the proposed project

Value Chain Solutions Inc. (the Proponent) is proposing the Project to expand its approved Heartland bitumen upgrader and refinery, located in Alberta's Industrial Heartland, about 18 kilometres northeast of Fort Saskatchewan. The expansion would increase the facility's input capacity from 29,890 m³ of diluted bitumen per day to 119,240 m³ per day. The Project is designed to upgrade and refine diluted oil sands bitumen to produce a variety of products. The Project would include activities such as construction of processing units and associated infrastructure to enable upgrading and refining, and the expansion of a petroleum storage facility and railway facilities

For more information on the impact assessment of the Value Chain Solutions – Heartland Complex Expansion Project or to view the information and comments received, visit the Canadian Impact Assessment Registry (the Public Registry) at <https://iaac-aeic.gc.ca/050/evaluations/proj/81148>.



3. Approach to cooperation

The Agency will strive to cooperate with the AER to create efficiencies and certainty for all participants, including the Proponent, the public, and Indigenous groups, throughout the assessment of the Project. Where possible, the Agency may coordinate activities with the AER, including harmonizing timelines and streamlining processes, in order to best share expertise and reduce redundancies in the review process. Each jurisdiction will retain its own decision-making authority in accordance with their respective legislative requirements.

Within 45 days after the Notice of Commencement is posted to the Canadian Impact Assessment Registry, the Minister of Environment and Climate Change may refer the impact assessment to a review panel, if the Minister is of the opinion that it is in the public interest. Should the federal assessment be referred to review panel, the Agency will explore with the AER the option of establishing a joint review panel to support the shared objective of “one project, one assessment”. Should this occur, the Agency and the AER will work cooperatively to develop a Joint Review Panel Agreement that would include the Joint Review Panel’s Terms of Reference. The agreement would describe cooperation specific to the Joint Review Panel process, including a description of time limits associated with the assessment, secretariat support to the joint review panel and other matters specific to that process.

4. Review of proponent information

The following table outlines key federal and provincial activities and deliverables for which cooperation opportunities are anticipated to support the review of information submitted by the Proponent.

More opportunities for cooperation may be identified and developed at each stage of the regulatory process. The following are examples of how cooperation may be implemented.

Federal process	Provincial process	Cooperation opportunity
Drafting of the Tailored Impact Statement Guidelines (TISG) by the Agency	The Final Terms of Reference for the preparation of the EIA report was issued on March 10, 2020 by the AER.	The Agency considered the requirements contained in the Terms of Reference during the drafting of the TISG, in order to harmonize requirements, where applicable.



Federal process	Provincial process	Cooperation opportunity
Preparation of the Impact Statement by the Proponent	Preparation and submission of the EIA report and applications (the Integrated Application) by the Proponent.	The Agency and the AER may coordinate meetings with federal and provincial subject-matter experts to support the Proponent in meeting the assessment requirements contained in the TISG and Final Terms of Reference.
Review of the Impact Statement by the Agency	Technical review of the Integrated Application by the AER. Completeness of the EIA report will be determined by the AER.	The Agency and the AER may cooperate during the review of the Proponent's information, including the identification of potential deficiencies and information requests, planning of comments periods, and information sharing.
Review of the Impact Statement by the Review Panel, including public hearings and preparation of its Impact Assessment report, if applicable.	Public hearing* by a panel of AER commissioners, and decision report writing. <i>*The AER decision to conduct a hearing by a panel typically occurs after the technical review of the EIA report has been completed.</i>	If the AER conducts a public hearing, and a Joint Review Panel Agreement is in effect, the Agreement will outline all matters specific to the joint review process. The Agency and the AER may consider alternatives for cooperation, should a Joint Review Panel not be established.
General engagement	General engagement	Throughout the impact assessment and application review processes, the Agency and the AER will aim to coordinate engagement activities to increase awareness of their processes, highlight areas for cooperation, and foster meaningful participation.

5. Timelines and time management

The Agency and the AER may align milestones and activities during the assessment process, when appropriate.



The Agency recognizes that efforts to align respective timelines do not supersede legislative obligations concerning time limits, which are prescribed in the *Impact Assessment Act*, the *Environmental Protection and Enhancement Act*, and other relevant provincial legislation.

6. Sharing of information

All information relevant to the impact assessment of the Project will be posted by the Agency or Review Panel on the Canadian Impact Assessment Registry. As such, the AER will have access to the public record for the impact assessment. The Registry contains all comments and submission from participants in the assessment, including the public, Indigenous groups, federal departments, provincial ministries, in addition to all information submitted by the Proponent.

The Agency will also post on the Registry any relevant information received from the AER (e.g. Supplemental Information Requests).

The Agency and the AER will respect requirements related to privacy and protection, including protection of Indigenous knowledge, when sharing or publicly posting information.

Should a Joint Review Panel be established, provisions regarding the sharing of information and the record of the review will be outlined in the Joint Review Panel Agreement.

7. Indigenous consultation and engagement

The Agency will lead Crown Consultation on behalf of the Government of Canada for this assessment.

For further information on Canada's Indigenous Consultation and Engagement activities, please consult the Indigenous Engagement and Partnership Plan.

8. Proposed conditions

The Agency and the AER may consult with each other regarding conditions related to decisions, to facilitate consistency and improve regulatory efficiencies when appropriate.

9. Interpretation

This Plan is not a legal document and does not change any existing federal, provincial, or Indigenous legislative or regulatory jurisdiction, right, power, privilege, prerogative or immunity by virtue, nor does it create any new legal powers, duties, or legally binding obligations.



10. Contact Information

The Agency office designated for administering the impact assessment for the Project is:

Impact Assessment Agency of Canada
Prairie and Northern Regional Office
Canada Place
9700 Jasper Avenue Northwest, Suite 1145
Edmonton AB T5J 4C3
Tel.: 780-495-2037
Fax: 780-495-2876
Email: iaac.heartland.aeic@canada.ca

The AER's office designated for the Project is:

Alberta Energy Regulator
Calgary Head Office
Suite 1000, 250 – 5 Street SW
Calgary, AB T2P 0R4
Inquiries@aer.ca
www.ea.alberta.ca
https://dds.aer.ca/iar_query/FindApplications.aspx