

**IN THE MATTER OF THE ENVIRONMENTAL ASSESSMENT ACT S.B.C. 2002, c.43
(the Act)
AND
CONUMA COAL RESOURCES LIMITED NON-COMPLIANCE
WITH ENVIRONMENTAL ASSESSMENT CERTIFICATE M06-02
ORDER UNDER SECTION 34(1)**

WHEREAS:

- A. On June 1, 2006, Environmental Assessment (EA) Certificate M06-02 was issued to Western Canadian Coal Corp. for the Brule Mine Project (Project).
- B. On August 24, 2009 EA Certificate M06-02 was amended to update Condition 1 of Schedule A. This amendment specified that the transportation of coal to the load out facility at the Willow Creek Mine be via the Falling Creek Connector Road (FCCR).
- C. The August 24, 2009 amendment also included a change to Commitment 31 of Schedule B, requiring the Project to use secured in place, lay-flat, tarps on its haul trucks when traveling to and from the Project and Willow Creek loadout facility.
- D. On December 13, 2016, EA Certificate M06-02 was amended, naming Conuma Coal Resources Limited (Certificate Holder) as the Certificate Holder.
- E. Following a complaint from a member of the public, the undersigned conducted an inspection of the Project against the requirements of Certificate M06-02. The inspection determined that coal trucks have been hauling from the Brule Mine to the Willow Creek loadout facility via the FCCR. However, empty, uncovered, coal trucks have been returning to Brule Mine via a route that utilizes the Willow Creek Forest Service Road, Highway 97, Highway 29, the Sukunka Forest Service Road and the Blind Creek Forest Service Road.
- F. The undersigned has determined that the Certificate Holder was not compliant with Condition 1 of the EA Certificate by allowing coal trucks to use routes other than the FCCR, and to not cover coal trucks with secured in place, lay-flat, tarps at all times.
- G. Section 34 of the Act specifies that the Minister may order the Certificate Holder to cease an activity that is not compliant with the certificate.
- H. The undersigned has received written delegation of the Minister's powers under Section 34 of the Act.

NOW THEREFORE:

Pursuant to Section 34(1) of the Act, I order that the Certificate Holder:

- 1) Cease the use of routes other than the FCCR by empty or loaded coal trucks, for the purposes of accessing the Willow Creek loadout facility and returning to the Brule Mine, unless the EA Certificate is amended to authorize another method of transport.
- 2) Cover coal trucks must use secured in place, lay-flat tarps at all times when travelling between the Brule Mine and the Willow Creek loadout facility.



Justin Carlson,
Compliance and Enforcement Officer
Environmental Assessment Office

Dated November 1, 2017