Alberta's New Energy Regulator and Pipeline Breaches: Will We See Better Disclosure?

The pipeline spill in early June 2013 of over 9.5 million litres of industrial waste water north of Zama City raises disturbing questions regarding the Alberta Energy Resources Conservation Board's (ERCB) timeliness when informing the public about this kind of incident.

Ten days – that's the time lag between when Apache Canada reported this spill to government and when the ERCB informed the public. Even then it was only after the spill was reported to a television station that any government announcement was forthcoming.

Responding to questions about that delay, ERCB claimed that they did not initially know the volume of the spill. According to ERCB spokesperson Bob Curran: "If we had known that up-front we would have made the announcement at that time."

Yet Curran is also on the record as saying that, "Volume isn't always indicative of the severity of a spill… You can have small volumes that get into a waterway that are much more problematic than larger volumes that are mostly contained on a lease site."

AWA agrees with this latter statement: it is why we strongly believe that it is in the public interest to have immediate and full disclosure of such spills as soon as they occur. NuVista, a petroleum company operating in Hay-Zama Wildland Park, immediately and voluntarily publicizes even the smallest leak there – a one litre spill inside a controlled berm. Such full transparency and timely disclosure should come, must come from the Government of Alberta.

Both the severity and the volume of the Zama City spill were high. While the level of hydrocarbons in the spilled "produced water" was low, there were still high levels of salt and other elements in the water that are extremely damaging to ecosystems, especially to that area's marshy wetlands. This is not a small problem. Salt water spills may be just as damaging as, or even more damaging than, oil spills. They kill the vegetation and are difficult to remediate.

That the Zama City spill happened in an area used by First Nations for trapping is yet another indicator of why timely disclosure is so important.

A jurisdictional split between Alberta Environmental Protection (AENV) and the ERCB may help to explain why the disclosure took so long. In his master's thesis Saltwater Spill Site Assessment and Remediation in Northern Alberta, D'Arcy White identifies a memorandum of understanding between the two agencies as "interpreted by upstream producers to mean that any spill report filed with the ERCB meets the reporting requirements of AENV." Yet at the same time, "less attention may be given to saltwater spills than to a more tangible crude oil spill, especially in remote areas. Unless a spill report is made directly to AENV indicating a surface water body is affected, or human health or property is at risk, follow-up and compliance confirmation is neither timely nor consistent between AENV Districts."

White goes on to propose optimistically that the new Alberta Energy Regulator (AER) may help to resolve this schism. AWA would like to share White's optimism. We hope Alberta's new regulator will make more timely and appropriate releases.

Thus far, admittedly, the response from the AER has been wanting. In the case of four blowouts in Canadian Natural Resources Limited's (CNRL's) Primrose oil sands operation, it took up to a month for the AER to pass information about

the blowouts on to the public (see Carolyn Campbell's article in this issue of WLA). While the potential is there we are still waiting to see it realized.

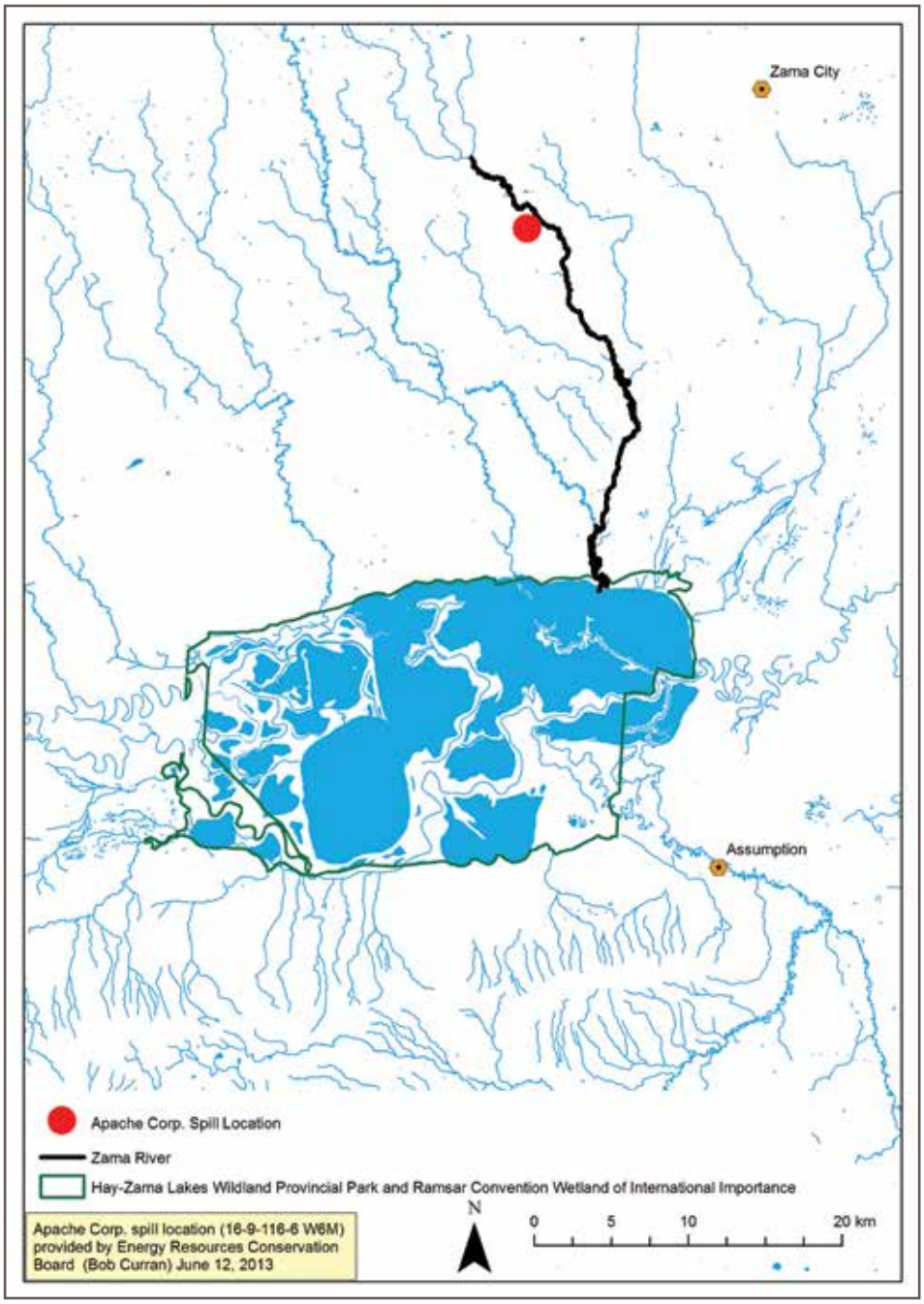
This will likely become more and more important as time goes on. AWA has raised concerns in the past regarding Alberta's aging pipeline infrastructure and the increasing number of annual spills and blowouts that may result.

These ruptures are a direct function of the tens of thousands of miles of pipeline that currently cross Alberta. In total, there are about 400,000 km of pipeline in Alberta and the ERCB estimates that there are about 2.4 failures per year for every 1,000 km of pipeline. Thus we can "expect" to see about 900 breaks per year with the current infrastructure. The Zama City and CNRL spills are just a couple of the more recent, and more visible, accidents.

While the majority of those roughly 900 annual failures may be minor the cumulative effect of even the minor breaks nevertheless remains considerable. With that many failures, we can anticipate that there will be several major breaks per year. That number may only increase as more kilometres of pipeline are added to the province's web.

AWA continues to meet with the AER to express our concerns about issues such as this that fall under its newfound jurisdiction. We will continue to press the AER to effect changes regarding how events such as the Zama City spill are investigated and disclosed.

- Sean Nichols



Map, courtesy of Global Forest Watch Canada, indicating the location of the Zama City pipeline spill in northwest Alberta