

Development and Status of Reclamation Certification Criteria in Alberta*

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Abstract

Alberta's Environmental Protection and Enhancement Act requires operators to conserve and reclaim land and to obtain a reclamation certificate. The government, in cooperation with industry and other stakeholders, has developed and published reclamation certification criteria for wellsites and for railways. Criteria are being developed for pipelines, borrow excavations, sand and gravel pits, and other activities. The criteria measure the success of industry's efforts to return disturbed land to equivalent land capability. Factors such as: (1) activity type and size, (2) age of the disturbance, (3) geographic location, (4) need for consistency and at the same time flexibility, (5) need for equal treatment between and within industries, (6) administrative and technical simplicity, and (7) stakeholder views are considered when developing the criteria. In 1998, Alberta's Reclamation Inspectors certified over 2400 wellsites.

This paper describes the development process for criteria with specific emphasis on the wellsite criteria, which underwent an extensive public review in 1998.

Introduction

Alberta's Environmental Protection and Enhancement Act (EPEA) came into force on September 1, 1993. EPEA requires operators of specific industrial developments to conserve and reclaim land and to obtain a reclamation certificate. The activities include coal mines, oil sands mines, quarries, sand and gravel pits, pipelines, wellsites, railways, roadways, peat operations, and transmission lines.

The objective of reclamation in Alberta is the return of equivalent land capability. This means that the ability of the land to support various land uses after conservation and reclamation is similar to the ability that existed prior to an activity being conducted on the land, but that the individual land uses will not necessarily be the same. The intent is to retain the original range of land use options for future generations. At the same time, there is flexibility to change the capability for various land uses (e.g., good forestry capability can be replaced by good wildlife capability).

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The Conservation and Reclamation Regulation gives the Director the ability to establish criteria for certification. It also lays out the information that must be submitted with an application for a certificate and the process for certification.

To date we have developed and published criteria for wellsites (Reclamation Criteria for Wellsites and Associated Facilities – 1995 Update – C&R/IL/95-3) and for railways (Reclamation Criteria for Abandoned Railways – C&R/IL/96-3). Criteria for borrow excavations (a new class of pits), pipelines (Fedkenheuer et. al. 1999), sand and gravel pits, and others will be developed in the future.

Need for Criteria

For many years, reclamation certification was conducted without any written criteria. Industry and government staff relied on general understanding and professional judgement to determine success.

Developing and publishing criteria provides a number of benefits to all stakeholders: Criteria provide industry with a clear understanding of the government's expectations for reclamation. This allows industry to plan their activities with the "target" in sight. Criteria allow reclamation success to be objectively measured. Criteria allow government, industry and consultants to train their staff in the certification process and requirements. Training leads to understanding and consistency. Finally, criteria form the basis for resolving conflicts between the interpretations of industry, landowners and the government inspector.

General Criteria Development Process

Alberta Environment develops criteria jointly with stakeholders in industry and the affected publics. There are two basic processes that we have used to develop criteria. Each has its strengths and weaknesses (Table 1).

Table 1. Strengths and Weaknesses of Criteria Development Processes.

Process	Strengths	Weaknesses
Stakeholder committees prepare first draft of criteria	• Stakeholder buy-in from the start of the process • Better for dealing with "principles" and "process" issues • Provides opportunity for better "out-of-the-box" solutions	• Generally, longer first draft development time required • Harder to deal with "technical" issues as some public members may not have a technical background

In both cases, when the draft is finished, it is sent for review and comment to a broader list of stakeholder groups. These groups represent industry and landowners that have a direct interest in land reclamation. The criteria are redrafted by government (possibly with referral to the committee) based on their comments and are published. The criteria are then tested for a period of time. Periodic reviews of the effectiveness of the criteria are conducted and revisions made if necessary.

Who are “Stakeholders”?

The stakeholder committees are made up of representatives from government, industry and the public. Generally, the members are chosen by their respective associations (e.g., Canadian Association of Petroleum Producers and Small Explorers and Producers Association of Canada select oil and gas industry members and Alberta Surface Rights Federation selects public members).

As noted above, we consult with associations or organizations that represent stakeholder groups rather than with individual companies or persons. Our experience over the last several years has shown that these stakeholder groups do not always represent the broader target groups. In some cases, they do not even represent their own members' views. This makes it difficult for all parties to know if consensus decisions within the committee will be accepted and implemented by the broader target groups.

Wellsite Criteria Development Process

In 1993, government staff started to develop narrative and numeric criteria that would clearly define reclamation expectations for wellsites. The development was in response to increasing requests from industry for a clear description of the certification criteria being used. They were concerned that different inspectors were using different yardsticks to determine success.

Draft criteria were prepared by government and reviewed by industry. The result of these deliberations was the Reclamation Criteria for Wellsites and Associated Facilities (LCRC/IL/93-2). These criteria were field tested for one year and their success was evaluated in a government/industry/public stakeholder workshop (Mahnich et. al. 1993).

The input from the workshop was used by a government/industry committee to revise the criteria (Reclamation Criteria for Wellsites and Associated Facilities – C&R/IL/94-1). The revised criteria were sent for review by industry and public stakeholders. Again, there was no direct public input in the development phase of the criteria, only in the review phase.

The revised criteria were field tested for another year. The government/industry committee was reconvened and the 1995 criteria were developed and published (Reclamation Criteria for Wellsites and Associated Facilities – 1995 Update – C&R/IL/95-3). Again, there was no direct public input in the development phase of the criteria, only in the review phase.

The revised criteria have been in use since April 1995. Considerable experience has been gained by government inspectors, oil and gas industry staff, consulting professionals and landowners. This experience has allowed the parties to identify problems with the criteria and with their implementation (i.e., the policies and procedures that establish the framework for certification and criteria use).

In February and March 1998 the government initiated a public consultation process to get input from landowners, industry, consultants, and government staff on two primary issues:

Should the government change the wellsite certification process on private land from a mandatory on-site inquiry by a government inspector to a random audit of a percentage of sites?

Are changes required to make the criteria better, and if so, what changes are suggested?

Ten meetings were held across the province, with the aid of a consultant skilled in public consultation (Bill McMillan, Equus Consulting Group). Written submissions were also solicited from those who could not attend the public meetings. Approximately 830 people participated in the public meetings and an additional 51 written responses were received.

A Steering Committee, made up of government, industry and landowners, was established to review the feedback received from the meetings. The consultant provided facilitation and secretarial support for the Steering Committee. The Steering Committee decided that it would address the “process” issues around certification. They established a Technical Subcommittee (again made up of government, industry and landowners) that would address the “technical” criteria issues.

In May 1998 the Steering Committee released a summary of the input from the meetings and written responses. The summary was sent to all meeting participants. In June 1998 the Ministers of Environmental Protection and Agriculture, Food and Rural Development sent a letter to all meeting participants indicating that the proposed audit process would not proceed at this point in time. This decision reflected the almost unanimous input from stakeholders at the public meetings.

From June 1998 to March 1999 the Steering Committee continued to finalize recommendations to the Ministers addressing the “process” issues. A Final Report of the Steering Committee, containing 16 recommendations, has been prepared and sent to the

Ministers for endorsement and release to all meeting participants. The majority of the recommendations centre around improved communication between parties, especially between industry and landowners. Industry has been very proactive in developing improved communication tools (e.g., a template letter that will be sent by a company to the landowner informing him that a well is being abandoned and reclaimed and the activities that will take place on his land).

The Technical Subcommittee met a number of times, reviewed the input from the meetings, and reviewed various alternative models for evaluating reclamation criteria. The technical review of the criteria has proven to be more difficult than originally envisioned. No recommendations have been made as yet. The 1995 criteria remain in effect for the 1999 field season.

Development Process for Other Criteria

Other criteria were developed or are being developed using various versions and hybrids of the development processes shown in Table 1:

The railway criteria were developed with industry and limited landowner/public involvement (Farmer's Advocate, Alberta Association of Municipal Districts and Counties).

Criteria for borrow excavations are being developed through a Steering Committee with industry, and limited public involvement (Alberta Association of Municipal Districts and Counties).

Criteria for pipelines are being developed with industry involvement.

Conclusion

There is no one criteria development process that is "best". Experience in Alberta suggests that where time is not an issue, involving stakeholders from the very beginning produces a final product that is supported by all stakeholders. They believe that they have been heard and listened to. This process will take considerable time, especially if there are complex technical issues to address or parties who are not familiar with the regulatory process around reclamation certification.

However, where time is a factor, having one party (usually government) produce a "straw dog" for industry and the public to review and comment on may be necessary. For this strategy to be successful, the authors must be prepared to accept more criticism of the first draft and be fully prepared to change it than if the draft had been prepared with all stakeholders. There will be stakeholders who feel that they haven't been properly consulted. This can be addressed by keeping the criteria a "living document" that can be revised at a later date with a more open process. Initial meetings in this second phase will have to leave time for stakeholders to air grievances about the first phase. Then work can proceed.

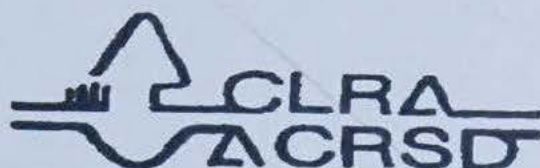
A compromise between the two approaches (used in the development of the railway criteria) is to have a multi-stakeholder committee but get their approval for one party to prepare a “straw-dog” for review.

References

- Fedkenheuer, A.W., W.W. Pettapiece and J.D. Burke, 1999. Pipeline Reclamation Certification Standards – A Capability Assessment Approach. IN: Perspectives in Land Reclamation and Restoration. Canadian Land Reclamation Association and the Saskatchewan Environmental Industry and Managers Association. September 28-30, 1999, Saskatoon, Saskatchewan.
- Mahnic, R.J., L.J. Knapik, T.R. Bossenberry and G.C. Mott, 1993. Proceedings of the Alberta Wellsite Reclamation Criteria Workshop. Alberta Conservation and Reclamation Council Report No. RRTAC 93-10. ISBN 0-7732-6044-7.

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Presented by:



Canadian Land Reclamation Association/
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Including the Canadian Land Reclamation Association's
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Conference Program / Table of Contents

Monday, September 27th

7:00 - 9:00 Registration Booth Open

Tuesday, September 28th

7:15 - 7:45 AM Registration

7:45 - 8:00 AM Bus Loading from Saskatoon Inn Lobby

8:00 AM Field Tour Departure (no delays)

7:00 - 10:00 PM Wine and Cheese, Registration

Wednesday, September 29th

Page #

7:30 Registration

8:00 - 8:05 Introductory Remarks – Saskatchewan Room ‘B’
Tracy Patterson (CLRA) and Theresa Salamone (SEIMA) n/a

8:05 – 8:25 Opening remarks from Saskatchewan Environment and
Resource Management n/a

8:25 – 10:05 Saskatchewan Policy – Saskatchewan Room ‘B’
Session Chair: Lorne Veitch – Saskatchewan Agriculture and
Food, Lands Branch, Swift Current

8:25 – 8:45 Drilling waste management guidelines.
Todd Han, Saskatchewan Energy and Mines..... n/a

8:45 – 9:05 Saskatchewan upstream petroleum sites remediation guidelines.
Todd Han, Saskatchewan Energy and Mines..... n/a

9:05 – 9:25 Surface lease policy and seismic activity on agricultural Crown
Lands.
Wilf Pyle, Saskatchewan Agriculture and Food 2

9:25 – 9:45 Lease conditions and restoration criteria on Saskatchewan
Agriculture and Food Crown Land.
Todd Jorgenson, Saskatchewan Agriculture and Food 12

9:45 – 10:05 Environmental liability and contaminated site management in
Saskatchewan.
Victor Chang, Saskatchewan Environment and Resource
Management 14

10:05 – 10:30 Refreshments

10:30 – 12:10 Concurrent Sessions

Session A: Remediation – Saskatchewan Room 'A'

Session Chair: Darlene Howat – Department of Renewable Resources, University of Alberta

- 10:30 – 10:50 Bioremedial options.
Allan Jobson, StanTec..... 46
- 10:50 – 11:10 In-situ biodegradation of ethanol-amine in low permeability soils.
Stuart Lunn and Ron Goodman, Esso..... 48
- 11:10 – 11:30 Yield and nutrient uptake of wheat on oil well sites: effects of topsoil depth and organic amendments
Akinremi, O.O., Lethbridge Research Centre; F.J. Larney, Semi-Arid Prairie Agriculture Research Station; R.L. Lemke, Semi-Arid Prairie Agriculture Research Station; and V. Klaassen, PanCanadian Petroleum Ltd..... 161
- 11:30 – 11:50 Investigation of microbial bioremediation in a gold mill tailings pond.
Carl Paton, Cameco Corporation and Ram D. Mehta, Prairie Biological Research Ltd. 71
- 11:50 – 12:10 Use of crop selection and cattle manure to bioremediate a heavy oil-polluted loamy sand for grain production.
Bix Biederbeck, Agriculture and Agri-Food Canada..... 82

Session B: Revegetation and the ESSA – Saskatchewan Room 'C'

Session Chair: Suzanne Gill – Alberta Agriculture, Food, and Rural Development, Public Lands Branch

- 10:30 – 10:50 Native prairie revegetation on wellsites in southeastern Alberta.
Etienne Soloudre and M. Anne Naeth, and Andy Hammermeister, University of Alberta..... 106
- 10:50 – 11:10 Vegetation characteristics on a pipeline right-of-way twelve years after construction in Southern Alberta.
Kelly Ostermann, University of Alberta 109
- 11:10 – 11:30 Bioengineering and reclamation to stabilize a lakeshore slope.
Jim Schaefer, University of Alberta..... 112
- 11:30 – 11:50 Restoration based on ecological function: grazing management in an endangered Australian ecosystem.
Kim Allcock, David Board, David Hik, Alan Newsome, Roger Pech CSIRO Wildlife and Ecology, Australia, and University of Alberta..... 146
- 11:50 – 12:10 Employment Futures: What does Environmental Science Student Association have to offer?
Margaret Wilson, University of Saskatchewan..... 157

12:10 – 1:45 **Lunch** -- Saskatchewan Room 'B'

1:45 – 3:25 **Concurrent Sessions**

Session C: Native Plants and Revegetation – Saskatchewan Room 'A'
Session Chair: Anne Naeth – Department of Renewable
Resources, University of Alberta

1:45 - 2:05 Relative performance of native prairie grasses and forbs for
revegetation of a pipeline disturbance on native prairie.
David Walker, Walker and Associates..... 126

2:05 – 2:25 Revegetation of wellsite disturbances on Fescue Prairie in east-
central Alberta.
Jay Woosaree, Alberta Research Council..... 118

2:25 – 2:45 The evolving native plant industry in Saskatchewan.
Nora Stewart and Andy Hammermeister, Native Plant
Society of Saskatchewan..... 115

2:45 – 3:05 Cameco, Key Lake greening project, in harmony with nature -
(1978-1999 & beyond).
Lotfi Haji, Cameco..... n/a

3:05 – 3:25 Rare Plant Rescue During Pipeline Construction (*Erigeron*
compositus Pursh. var. *glabratus* Macoun, Fern-leaf Fleabane on
the 1998 Foothills Pipe Lines Expansion Project.)
David Walker, Walker and Associates..... n/a

Session D: Soils and Restoration– Saskatchewan Room 'C'
Session Chair: Mike Solohub – Department of Soil Science,
University of Saskatchewan

1:45 - 2:05 Soil information resources for the prairies.
Alvin Anderson and Glenn Padbury, Agriculture and
Agri-Food Canada n/a

2:05 – 2:25 Setting reclamation standards: When is soil decompacted?
Richard Johnson, Alberta Research Council..... 175

2:25 – 2:45 Using oily waste to restore productivity in a severely eroded
loamy sand.
M.C.P. Jarvis^{1,3}, V.O. Biederbeck², K.G. Hanson², T.A.
Fonstad³ ;¹ Imperial Oil Resources, ² Semiarid Prairie
Agricultural Center, and ³, University of Saskatchewan 68

2:45 – 3:05 Remediation of potash slime tails through use of cross-linked
polyacrylamide hydrogel.
Kathleen Cameron, University of Saskatchewan..... 169

3:05 – 3:25 Fifteen years of subsoil/mine spoil development on a

reconstructed profile.

Danielle Bailey and Donald Pluth, University of Alberta..... 174

3:25 – 4:00 Refreshments

4:00 CLRA National Annual General Meeting – Sask. Room ‘C’

5:30 – 6:30 Cocktail Hour – Saskatchewan Room ‘B’

6:30 Banquet and Awards – Saskatchewan Room ‘B’

Awards

Banquet Presentation: New forms of work organization in the Canadian mining industry.

Dr. Bob Russell, Department of Sociology, University of Saskatchewan n/a

Thursday, September 30th

8:10 - 8:15 Announcements

8:15 - 10:00 Alberta Policy – Saskatchewan Room ‘B’
Session Chair: Steven Deugau – Knox Resources Inc.

8:15 - 8:35 Development and status of reclamation certification criteria in Alberta.
Chris Powter, Alberta Environmental Protection..... 18

8:35 - 8:55 Pipeline reclamation certification standards - a capability assessment approach.
Al Fedkenheuer, TransCanada Transmission Ltd. 24

8:55 - 9:15 Alberta's new native plant guidelines.
Heather Gerling, Alta. Agric. Food and Rural Dev. 31

9:15 - 9:35 Alberta's orphan well program.
Pat Foo, Alberta Energy and Utilities Board 39

9:35 – 9:55 Qualified reclamation practitioners in Alberta.
David Lloyd, Alberta Environmental Protection 40

9:55 – 10:30 Refreshments

10:30 – 12:00 Focus Sessions (Plenary) – Saskatchewan Room ‘B’
Session Chair: Kerby Loewen – Prairie Seeds Inc.

10:30 – 11:15 1)The Great Sandhills
Planning and development authority for Saskatchewan Rural Municipalities and planning districts.
Ralph Leibel, Saskatchewan Municipal Government..... 128

	Use of ecological management planning in Western Saskatchewan Wayne Pepper and Jim Ireland, ERIN Consulting Ltd.	136
11:15 – 12:00	2) Focus Session - Legal Considerations in the Environmental Sector Julian Bodnar, Barrister and Solicitor (Stevenson Gillis Hjelte Tangjerd).....	n/a
	Gary Meschishnick, Barristor and Solicitor Wallace Meschishnick Clackson Zawada	n/a
12:00 – 1:30	Lunch – Saskatchewan Room ‘A’	
1:30 – 3:10	Concurrent Sessions	
Session A:	Remediation – Saskatchewan Room ‘C’ Session Chair: Lisa Groves – EnviroTest Labs	
1:30 – 1:50	Phytoremediation as an in-situ technique for the restoration of oil-contaminated sites. C.M. Frick, J.J. Germida, and R.E. Farrell, University of Saskatchewan	95
1:50 – 2:10	Integration of toxicity testing and chemical analyses for site assessment and remediation. Deib Birkholz, Enviro-Test Laboratories and Stephen Goudey, HydroQual Laboritories Ltd.	98
2:10 – 2:30	Evaluating soil amendments for brine spill remediation. Ken Greer, Western Ag. Consulting and Jeff Schoenau, University of Saskatchewan	n/a
2:30 – 2:50	Decommissioning and reclamation of an abandoned herbicide plant. Ralph Bock, Saskatchewan Environment and Resource Management	n/a
2:50 – 3:10	Surface water management with the Little River Pond Mill. Kathleen Cameron, Sunset Solar Systems Ltd.....	99
Session B:	Ecosystem Restoration – Saskatchewan Room ‘B’ Session Chair: Corinne Tchorzewski – Saskatchewan Environment and Resource Management, Sustainable Land Management Branch	
1:30 – 1:50	Physical restoration of the Kingsmere River in Prince Albert National Park. Michael Fitzsimmons, Prince Albert National Park and Guy Melville, Saskatchewan Research Council	138
1:50 – 2:10	Fire management for Prince Albert National Park - planned and random ignition prescribed burns.	

	Jeff Weir, Prince Albert National Park	141
2:10 – 2:30	Ecosystem management applied to riparian and aquatic habitat restoration. Karl Lauten, Saskatchewan Environment and Resource Management	144
2:30 – 2:50	Working relationship of SERM and industry in the West Boreal EcoRegion of Saskatchewan. Randy Slater, Saskatchewan Environment and Resource Management; Stan McBride, Wascana; and Shawn Daschuk, NESL	n/a
2:50 – 3:10	Composite Tailings (CT) reclamation research & development at Syncrude Canada Limited's oilsands mining operation. Clara Qualizza, Syncrude Canada Ltd.	n/a
3:10 – 3:30	Refreshments	
3:30 - 4:40	Social and Forestry Issues – Plenary – Sask. Room ‘B’ Session Chair: Sheila Lamont – Saskatchewan Conservation Data Centre	
3:30 – 3:50	Ecosystem based management in El Salvador. Jim Ireland and Wayne Pepper, ERIN Consulting Ltd.	154
3:50 – 4:10	Public participation in a multi-stakeholder process. Mark Liskowich, Northern Mines Monitoring Secretariat	156
4:10 – 4:30	Innovative regeneration applications to reclaim harvested sites in the boreal forest. Derek Sidders, Canadian Forest Service	n/a
4:30 – 4:40	Closing Remarks – Saskatchewan Room ‘B’	