

## **BATTLE LAKE WATERSHED SYNERGY GROUP**

November 5, 2009

A meeting of the Battle Lake Watershed Synergy Group was held on Thursday, November 5, 2009 at the Lakedell Agricultural Centre with Paul McLauchlin acting as Facilitator for the meeting.

### **CALLED TO ORDER:**

- Paul called the meeting to order at 7:00pm.

### **ATTENDANCE:**

- In attendance were 22 residents, industry representatives and government officials. (see attached list) Members were asked to make any corrections or additions to the attendance list when it was circulated.

### **AGENDA:**

- Paul introduced the agenda and it was approved.

### **JUNE'S MINUTES:**

- June's minutes were accepted as written.

### **OCTOBER'S MINUTES:**

- October's minutes were accepted as written.

### **REVIEW OF ACTION ITEMS:**

- #63 – Website postings will be discussed later.
- #92 – The review of the group would be left as is.
- #116 – Re-circulate the edited Noise BMP so that industry can discuss. Primary concerns were: 1. establish a base level measurement and 2. where would the measurement start at.
- #118 – discuss the “Flaring” and “Weeds” BMP later tonight.

- **#120** – Shane Koss was not in attendance, so the Synergy website on-line form would be discussed in December.
  - **#124** – Paul had received the info about the Pipeline Removal and will circulate the information among the group. Discuss further with landowner liability.
  - **#126** – same as #120.
  - **#127** – Dave Doze agrees to lead the tour but expressed concern about the size of the group. He was worried about the number of boats available. Dave felt that it is important that the people involved with the pilot project get a close, personal look at the area that's involved.
  - He suggested that perhaps industry could break up in smaller groups themselves. If too large, then logistics could be a problem.
  - Paul asked the group if anyone was interested in making this a project: Create a spring tour.
  - Steve Harrington of ERCB said he was definitely interested.
  - What time of year? Spring or fall. Maybe 2 different groups: one in the spring and one in the fall.
  - Jim Stevens explained that an open house had been held on the north side of Pigeon Lake at the VASA Lodge. They also offered industry a lake tour, which left them with a better understanding of the area.
  - Jim also asked if the PLWSG and the BLWSG could combine their open house. Therefore a bigger event, more available resources, and a larger project.
  - Dave Doze thought it should be 2 separate events instead. In the past there had been a lake excursions and a hike up Mount Butte. Then there could be 2 groups: one in the a.m. and one in the p.m. The group would switch after lunch and then not as many boats would be required. Possible dates would be June and September.
- ACTION ITEM #130**
- **#128** – Paul did bring extra computer to track BMP in real time.
  - **#129** – Jim Stevens looked into how to get some of the community events information to the meeting. He suggested the Pigeon Lake Chamber of Commerce calendar. Also, the Lakedell Ag. Society's

event calendar is available on-line. The Pipestone Flyer and Wetaskiwin Times also post community events.

- Paul will try to gather the events (attach them digitally) with November's minutes as a trial. **ACTION ITEM #131**

### **ALBERTA ENVIRONMENT UPDATE:**

- Dave Helmer sent an update to Paul saying that he would not be able to attend the meeting tonight. He also said that the MEC decision still pending.

### **ERCB UPDATE:**

- Regarding the Pilot Project Review (Action Item #92), the panel is looking to have 2 or 3 industry members and 2 or 3 landowners on it. Steve Harrington mentioned that Darcy Allen, although not officially part of the group anymore, had said that he would participate, as long as the group was alright with that. Steve also said that Rick Anderson, from Conoco-Phillips, had stated that he would, as well. However, the panel still needs 3 landowners and one more industry rep. When Steve has all the names he will submit them to the application branch in Calgary Decisions regarding where and when still need to be decided. And some of this is pending on the Trilogy hearing. Until something definitive comes from the Trilogy hearing, the Pilot Project Review will have to wait. Let Steve know if anyone is interested in being on the review panel.
- Steve also informed the group that there was new "Emergency Response Preparedness" information posted on their website
- Environmental Law Centre ([www.elc.ab.ca](http://www.elc.ab.ca)) deals with natural resource law matters, such as, gas spills, spill reporting, landfills, and so much more. It's a valuable resource that should be utilized.
- Reminded the group that the deadline for licensees on the Future of Emissions Ban Program is December 31, 2009. Steve felt that by January 2010 upstream oil and gas will have their programs in place.

- As of July 2010, Theresa Watson will be a new board member. She has been an active Board member since 2008. She is an engineer with a significant background in production and drilling. As it stands, of the 9 positions on the Board, only one is still vacant.
- Larry Goulding mentioned that the AB Court of Appeal has ruled regarding some sour well developments in the Drayton Valley area/Tomahawk. As a result of that appeal case, the Board has suspended processing all sour well licenses that are of a critical sour nature or a higher sour content until that situation is resolved. They are continuing to process the licenses, on the assumption that they would be issued but they are not being forwarded to the companies. The suspension stays in place until that matter is resolved. Regarding the Grizzly Company, residents had concerns over the size of the Emergency Planning Zone (EPZ). They considered it insufficient. Because of the wording in Directive 71 that deals with the issue, it has caused the Board of Appeals to address the matter. With regards to the Trilogy hearing, Larry said that he wasn't sure how this would affect the Trilogy decision.
- Dave Doze stated that there were concerns that some residents were denied status because they weren't actually within the zone but felt that they would be adversely affected.
- Larry explained that he couldn't speculate or share any more information.
- Then Dave suggested that the residents around here would not support a "Bill 50"-type solution. (To remove the legal obstacle, as opposed to include people who are adversely affected by it).
- Karl Zajes had a copy of a detailed article that the Edmonton Journal had in it regarding this discussion from October 29<sup>th</sup>. And if anyone wanted to read it, they should talk to Karl.
- Steve said that he would forward the information to Paul when something was decided.
- Ken Jenny inquired whether the ERCB had suspended about 150 sour wells to facilitate plans that Syncrude wanted to put through. Larry commented that in the past, Paramount had produced gas through a particular technology but that Syncrude and others in the

area believed it infringed upon their mineral rights. And they're ability to extract gas through their own means.

- Does this force one entity out? Ken Jenny then asked, "If that is the case, can ERCB suspend licenses around here if the situation is similar?" If it's for the common good?
- Larry couldn't say for sure because he didn't have enough information.

### **LANDOWNER UPDATES:**

- **Dave Doze** commented that he didn't have any petroleum projects on his land right now; perhaps he didn't need to still attend the meetings.
  - It was also brought up that if EnCana still owned mineral rights in the area, then they should still have a presence in the group.
  - Someone asked if they could find out who was Darcy Allen's boss. **ACTION ITEM #132**
- **Dan Carroll** found the minutes are unclear as to who owns the mineral rights. Could we get clarification from Darcy Allen? Paul said that he would ask. **ACTION ITEM #133**
- Change October's minutes to read: "obtained" all assets rather than "retained".
- Can Bonavista be made to attend the meetings and pay their bills? Should the group encourage them to attend? Perhaps, they just meeting. Someone could contact Darcy Allen to find out who he had talked to at Bonavista regarding the meetings. Larry suggested that rather than the ERCB making the call, maybe Paul should call Bonavista to invite them to attend. **ACTION ITEM #134.**
- **Ken Jenny** mentioned that Andy Biblow (ESSO) had called to say that the reclamation project was about 3 weeks behind. He also said it will take 15,000 to 17,000 metric tonnes needs to be removed. It's a big project. He further explained that they have a plan to make it what it was 30 years ago. ESSO claims that they have hired
- **Dan Carroll** mentioned that Chinook Pipeline (from Pincher Creek) has a sign up near the Battle Lake Church. He asked if anyone knew

what the project was. Who are they? He hadn't been able to get hold of anyone yet. Since no one seemed to know, Dan will contact the County and make more phone calls to find out more information.

- **Michael Black** asked what was happening with Shane Koss and Baytex regarding their project. He said that there were a few residents that would like to meet formally with him regarding the project.
- He also reminded the group that because hunting season, close and lock your gates to prevent trespassing.
- **Nancy Watson** had nothing to report.
- **Terry Wildman** showed a magazine reporting that last fall; the National Energy Board (NEB) took over the jurisdictional control of TransCanada Nova's pipeline systems. Terry's explained that Alberta's rules and Ottawa's rules are very different. For example, set backs are 60' in Alberta, but 260' in Ottawa. There would not be any compensation for the extra 200'. It will make landowners liable for various things. The article says the differences will affect set backs, land usage, liability, and payments. There are many implications.
- **Steve Harrington (ERCB)** expressed that if the group wanted to pursue more information, then he could get someone from NEB to come to a meeting to discuss concerns. **ACTION ITEM #135**
- **Paul** suggested a presentation first, then a Q & A.
- **The article** can be found online at [www.policycentre@caepla.org](mailto:www.policycentre@caepla.org) or [www.landownerassociation.ca](http://www.landownerassociation.ca)
- **Terry Wildman** has informed the group that Bonavista was re-entering a well on SW32-46-4-2-W5. They expect to be on site for 8 days.
- **Mike Todorow** still has unresolved issues regarding Baytex and water contamination on his land. He says that the residual contamination that has been left on his property has not been addressed. He'll wait until next month when Shane is back.

- **Mike** also explained that he had been corresponding with Steve (ERCB), regarding who was financially responsible for the removal of an abandoned pipeline (in the event that the pipeline had to be removed); the landowner or the company that had last owned it? Part 10 of the Alberta Pipeline Act does not address this issue. How does a landowner resolve this issue? Because there is no legal obligation by industry to remove a pipeline, it ends up being a big fight or battle to get it done. BLWSG should address this issue in the BMP that addresses abandoned pipelines or landowner liability.
- **MEC** stated that, although it is not standard practice with all industry, their new policy is remove the pipeline themselves to prevent damage that might be done if someone else removes it. Usually, it's up to the landowner, unless a contract is in place.
- **Karl Zajes (Surface Rights Council)** reminded the landowners the importance of reading your contract carefully before signing. Karl also said that if land is being developed, abandoned pipelines will be listed on a bank's environmental report. It's very important that proper abandonment and reclamation needs to be addressed prior to signing. The new reclamation criteria for well sites and associated facilities should be in effect by 2010. Right now they are still operating on 1995 criteria.
- **Terry Wildman** stated that when an abandoned pipeline leaks the environmental costs to clean up the mess falls to the landowner if nothing is in place.
- **MEC** reported that abandoned pipelines are supposed to be capped on both ends.
- **Karl** announced that on Nov.26, at the Round Hill Community hall in Camrose, there would be a presentation on the New Reclamation Criteria by Doug Calva of AB Environment. It begins at 8pm. He also suggested that AB Environment come to BLWSG to speak on the criteria being put in place. **ACTION ITEM #136**
- **Karl** also mentioned that on the 2<sup>nd</sup> Tuesday, the **Surface Rights Council** monthly meeting is held at the Warburg Community Hall at 7:30pm.

- **Jim Stevens (PLWSG)** reported that a company named Quattro plans to drill on the west side of Pigeon Lake. He's not entirely sure what they are doing; drilling a new well or accessing an existing pool.
- **Jim** also said that **Wetaskiwin Synergy** is holding a presentation at the Lone Ridge Hall on November 17<sup>th</sup> on "Working Wells".
- PLWSG has had teams of people studying the low water levels to understand the impact of these levels. They are trying to get ahead of any problems prior to June (after the snow and ice melts). He also asked AB Environment what their approach was for issuing water licensing. Jim wondered why sub-terrain aquifers weren't included in water licensing.
- Attach a copy of "Conditions at Pigeon Lake" to the meeting minutes.

#### **COFFEE BREAK:**

- Paul called for a coffee break at 8:24pm.
- Meeting reconvened at 8:37pm.

#### **INDUSTRY UPDATES:**

##### **Advantage:**

- Monte Hurt reported that things were relatively quiet, no big plans. They plan to make 2 applications for down-spacing, (meaning 2 wells down to the same pool) at Sec 25-46-2-W5 and Sec 23-46-2-W5. Residents have been notified.
- Michael Black asked to have a copy regarding their intent because the BLWSG hadn't been notified. A copy of the letter from Advantage will be circulated with the meeting minutes.

##### **ACTION ITEM #137**

##### **Scollard:**

- Doug Anderson said that no new plans, only regular operations.



**Baytex:**

- Terry Kreese informed that they were doing service operation at 12-23-46-W2. Job would be finished by the next day.

**MEC Operating:**

- Duane Kremp stated that they were doing operations on 12-25-46-2. They should be completed tomorrow. No other plans.

**PennWest:**

- Alan Browse explained that they had no plans other than down-hole repairs as needed. They are also visiting residents for ERP/EPZ updates.

**Trilogy:**

- Sent their regrets for not attending the meeting. As well as, they have nothing to report, no decision has been made.

**Conoco-Phillips:**

- Rick Anderson sent his regrets to Paul, informing him that he would be unable to attend tonight's meeting.

**BMP – “FLARING”**

- Michael Black explained the intent of the BMP. Most important point for the resident's in the area: to use incinerator's as much as possible. He expressed that mostly that has been successful.
- Terry Wildman asked if there was any difference between sweet gas flares or sour gas flares and how they are dealt with.
- Larry Goulding informed that anything over 5% needs a formal ERCB permit. Also, that if a company needs a well head off, then a supplemental application is required. Directive 60 addresses flaring.

- Terry felt that this BMP should read as only for sweet gas. Because there would be other aspects to follow if it was a sour gas flare.
- Dave Doze expressed that they have tried to encourage in-line testing and that the least acceptable practise is flaring. Any plant flaring should go through an incinerator. He also felt that he thinks the BMP should read as: “the operator will only flare where in-line testing or incineration is impossible. Flaring should only be done in an emergency situation, such as a knock-down.
- Pat Schmaltz reported that it’s almost always possible to get an incinerator on site unless it’s an emergency knock-down. Planned events use in-line or incinerator. Check what the regulation actually is.
- Dave Doze reminded the group that the purpose of the BLWSG BMP is do better than what the regulation states.
- Paul felt that flaring hasn’t been done as frequently in the past 5 years. Industry has changed their practices quite a bit.
- It was stated that an emergency is usually caused by a power outage, equipment failure or a fire.
- There aren’t a lot of CMB wells in our area but the possibility could increase in the future.
- Remove the CBM bullet because it’s should still be handled the same as the sweet gas.
- Monte Hurt (Advantage) asked what the current directive was regarding the “Good Neighbour Notification” policy and how do they administer those contacts. The directive is 1.5km. Since they are part of what the actual directive is, is it necessary to have it exist in the BMP?
- Larry Goulding (ERCB) explained that some pipeline is blocked in. When someone asked why only 24-hours notice was given prior to a planned incineration, Larry could not explain why that timeline was that length. He did mention that some residents want to be informed and that others don’t necessarily require notification. Larry says that sometimes they have to deal with

complaints regarding being called too often. A good balance is needed. Mike Todorow felt whether a resident wants notification or not is a different matter than whether more than 24-hours notice is possible. Paul asked, “could a practical answer be chosen but perhaps raise the bar above standards so that a resident may respond appropriately”. It was suggested that 48-hours notice would be preferred if at all possible, but 24-hours notice be the minimum notification.

- Ken Jenny expressed concern that if a family event is planned, it can be ruined by an operation happening next door on a neighbour’s land. But because it’s not his land, he isn’t notified but yet he’s certainly affected by the operation. How can that situation be dealt with?
- The ERCB does have a “Good Neighbour Notification” Policy in place now that wasn’t there 6 years ago. Directive 60 states that within 1.5 km, residents will be notified, but it doesn’t deal with residents that are outside of that range. Concern was over how to track those residents outside the directive distance.
- Dave Doze thought that good communication was the key. Because of the topography of the area, he stated that when living on one side of the lake, he can see what’s happening on the other side, but perhaps aren’t even aware of what is happening a few miles away from them.
- Ken Jenny expressed that he understands more of how industry operates than he did before but would appreciate respect between residents, industry and their contractors. He felt that if he could hear it, see it or smell it, then he is affected by the operation and has a right to know what is going on.
- Larry Goulding explained that ERCB’s guidelines for length of flaring are: Standard is 72 hours maximum. Exceptions depend on the fracing fluid used and whether it can be cleaned up within that window. If not, then industry can go beyond that time frame but must keep records as to the reason. He also said that many call the ERCB to keep them informed anyways because it can help to field calls and inform residents.

- Larry did say that coal bed methane has a longer flaring duration time as do larger oil well sites.
- Tracking the “Good Neighbour Notification” policy and residents that are outside that policy, how that gets dealt with seemed very important to residents. As it is now, notification for planned flaring is neighbours within 1.5km and for emergency flaring it is within 500m.
- Dave Doze also explained that 1.5km doesn’t seem like a very large distance. In some cases, his house is one distance from a flaring operation and it might not be as important that he be notified but his livestock could be closer.
- Michael Black will re-word the BMP, and bring back the edit version for further discussion.

## **MEETING ADJOURNED**

- Paul adjourned the meeting at 9:30pm.

**NEXT MEETING IS THURSDAY, DECEMBER 3, 2009.**

## ATTENDANCE LIST

INDIVIDUAL	REPRESENTING
Mike Downie	Advantage
Monte Hurt	Advantage
Terry Kreesse	Baytex
Pat Schmaltz	Baytex
Nancy Watson	County of Wetaskiwin
Steve Harrington	ERCB
Larry Goulding	ERCB
Greg Doane	MEC Operating Co.
Duane Kremp	MEC Operating Co.
Jason Shihinski	MEC Operating Co.
Raymond Karlson	PennWest
Cliff Ellis	PennWest
Michael Black	Resident
Dan Carroll	Resident
Dave Doze	Resident
Jim Stevens	Resident
Mike Todorow	Resident
Terry Wildman	Resident
Doug Anderson	Scollard
Karl Zajes	Surface Rights Consultant
Paul McLaughlin	Facilitator
Michelle Payne	Recording Secretary

## ACTION ITEMS

#	ACTION	RECOMMENDED DATE	PERSON RESPONSIBLE	DONE
	<b>From April 2/08 Meeting</b>			
<b>63</b>	Determine items to be posted on website.	Each meeting	All in attendance	
	<b>From Dec. 4/08 Meeting</b>			
<b>92</b>	Pilot Project Review	ASAP; after Trilogy	Leads and ERCB	
	<b>From May 7/09 Meeting</b>			
<b>116</b>	Re-circulate edited Noise BMP among industry to discuss how to implement recommendations.	Next meeting	All industry reps.	
<b>118</b>	Discuss "Weeds" BMP	December/09	All in attendance	
	<b>From June/09 Meeting</b>			
<b>120</b>	Select committee for Synergy AB website	Next meeting	All in attendance	
	<b>From Oct 1/09 Meeting</b>			
<b>126</b>	Fill in Synergy AB website form as a group	When Shane Koss in attendance	All in attendance	
	<b>From Nov. 5/09 Meeting</b>			
<b>130</b>	Organize a lake excursion and hike with Dave Doze as tour guide.	June 2010	All in attendance	
<b>131</b>	Paul will gather community events and email them with the minutes as a trial.	Dec/09	Paul McLauchlin	
<b>132</b>	Find out who Darcy Allen's boss is.	Dec/09	Paul McLauchlin	
<b>133</b>	Ask for clarification from Darcy Allen re: mineral rights; October's minutes are unclear.	Dec/09	Paul McLauchlin	
<b>134</b>	Ask NEB for a presentation and Q&A	Dec/09	Steve Harrington	
<b>135</b>	Invite AB Environment to address BLWSG regarding New Reclamation Criteria for 2010.	Dec./09	Paul McLauchlin or Karl Zajes	
<b>136</b>	Circulate the letter from Advantage with November's minutes.	Dec/09	Paul McLauchlin	

