WHAT THOSE WHO KILLED THE TAR SANDS REPORT DON'T WANT YOU TO KNOW

Andrew Nikiforuk[1]

Just two weeks ago the Standing Committee on Environment and Sustainable Development abruptly cancelled a big report on the tar sands and the project's extreme water impacts. The parliamentarians even destroyed draft copies of their final report. After listening to testimony from scores of scientists, bureaucrats, lobbyists, aboriginal chiefs and environmental groups, the committee dropped the whole affair like a bucket of tar. (For the record, the Alberta government, a petro-state with Saudi visions of grandeur, refused to show up and testify.)

Killing reports paid for by Canadian taxpayers on a $200-billion backyard development is not the sort of behavior one associates with a "responsible energy producer," but there you have it. While federal panjandrums argue that the tar sands may be key to our economic prosperity, our politicians couldn't put aside their partisan views long enough to complete a national report on the project's formidable water liabilities. Fortunately, civilians can do what politicians can't. In the interests of accountability and transparency, I read through 300 pages of evidence and pulled out the sort of uncomfortable revelations that Ottawa doesn't want U.S. oil customers, industry investors or Canadian taxpayers to know.

The evidence, of course, all points to one embarrassing conclusion: Ottawa has managed its mandate in the tar sands as irresponsibly as the U.S. Mineral Management Services oversaw the safety of deep sea drilling in the Gulf.

Failing to Regulate

Let's begin with the sorry testimony of federal regulators. They all agreed that Environment Canada has responsibilities in the tar sands under the Canadian Environmental Protection Act, the Species at Risk Act, the Migratory Bird Convention and the Fisheries Act. But nobody appears to be standing on guard. Even though Environment Canada has a clear mandate to protect fish from tar sands pollutants, the agency has completed but one fish study on an industrial development with a geographical footprint larger than 40 Calgaries or 17 Berlins. Fred Wrona, Environment Canada's acting director general for Water Science and Technology, even admitted that a 2003 study found that oil-sand pollutants did indeed poison wild fish. "Beyond that, we have actually done no additional in-field studies looking at fish health effects." Incredible.

Asked if the government knew much about the hydrogeology of the region, Ian Matheson, director general for Habitat Management Directorate at Fisheries and Oceans, didn't reach for words like responsible, safe or secure: "I guess we know more than we used to and not as much as we want to.... There's a lot to be learned yet."

Leaking and Seeping

Cynthia Wright, acting assistant deputy minister of Environmental Stewardship branch, explained that Environment Canada was not involved in the design of tailing ponds holding six-billion barrels of toxic fish-killing and cancer-making mining waste that cover an 170 square

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kilometre area along the Athabasca River because the ponds don't contain fish. Wright also claimed the ponds don't leak. But two University of Waterloo scientists, who study tailings pollution and groundwater for living, gave evidence proving that Environment Canada was out to lunch. James Barker, an earth science professor at the University of Waterloo, testified that the tailing ponds do leak and seep. In particular "seepage of process affected water is occurring from the (Suncor's) Tar Island dike into the sediments of the Athabasca River" at a rate of 67 litres per second.

Moreover the risk of more toxic seepage from the expanding tailing ponds into groundwater would escalate as mining projects increase bitumen production. "Newer oil sands tailings operations are forced really by geography to be located closer to or on top of sandy aquifers... the risk of local groundwater contamination is fairly high." George Dixon, an expert on toxins such as naphthenic acids created by bitumen mining, also testified that he knew of at least two leaks from the tailing ponds into groundwater. He also told the committee that the Athabasca River now receives "chemical inputs" from natural bitumen deposits along the river as well as pollution from industrial mining activity. "We don't know that the relative contributions from each are. We don't know whether or not the system can accept any further loading of oil sands type materials beyond what is naturally occurring." He added, "I don't really think we have a fully integrated sustainable management strategy for water in the Athabasca drainage."

Both the availability and accessibility of water information remain a critical concern for scientists: "I've been working there for 15 years... and I have difficulty pulling data together." Dixon concluded that the research needs of the oil sands may have exceeded available human scientific resources in Canada. "It's a discomfort in that there are probably more questions that need to be asked than we're fully drawing our attention to at the present time."

Climate Change? What's that?

Although industry folks claim, with the earnestness of BP executives, that city-scaled water withdrawals from the Athabasca River for bitumen processing are safely managed, committee witnesses gave a different story. William Donahue, an Alberta research scientist and lawyer, characterized the controversial Lower Athabasca River Management Framework, a tool for policing industry withdrawals, as inadequate for the job. In particular the framework failed to incorporate a predicted 50 per cent decline in water flows in the river basin due to climate change. The federal and provincial designers of the framework, "arbitrarily decided that 90 per cent of the time, there would be no ecological effect and no need to limit flow extractions." By 2020, mining companies will either have to use 50 per cent less water or find it elsewhere warned Donahue.

Arlene Kwasniak, professor of law at the University of Calgary, pointed out even more flaws in the framework. The voluntary agreement, which directs companies to suck out less water during low river flows to save the fish, is probably unenforceable under Alberta's Water Act. "There is nothing that would require compliance, nor is that anything under predecessor legislation.... If we're going to protect the river, we're going to have to have some effective legislated control." But it doesn't exist. Even though industry has now dug up 80,000 hectares of critical peatlands and wetlands, Alberta still has no wetland policy either, said Kwasniak.

Yes, It's a Huge Polluter

Contrary to Environment Canada's fairy tale presentations, David Schindler, one of world's most respected water ecologists, told the committee that the project was directly polluting the

Athabasca River. In particular, industry emissions were now depositing substantial volumes of bitumen, heavy metals and fish-killing polycyclic aromatic hydrocarbons on the landscape which then run-off into the river. (After his appearance, Schindler published a peer-reviewed paper in the prestigious Proceedings of the National Academy of Sciences showing that air pollution alone created the equivalent of an annual 5,000-barrel oil spill on the Athabasca River.)

Schindler also told the committee that once upon a time the federal government did good monitoring on the river but then turned it over to Alberta which "turned a lot of it over to industry itself. As a result we have a database that's not available to independent scientists to use."

Schindler also poked holes in claims made by Don Thompson, the president of the Oil Sands Developer's Group. Thompson told the committee there is no pollution in the Athabasca River because an industry funded multi-stakeholder group, the Regional Aquatic Monitoring Program (RAMP), couldn't find any. But Schindler described RAMP as a secretive, inconsistent and "unsuccessful" program. He noted that three federal scientists offered a scathing critique of RAMP in 2004. The scientists found that RAMP repeatedly changed what pollutants it studied and where and how it sampled them..."all the things that violate the first principles of monitoring programs."

'A Pretty Unsustainable Situation'

Although industry claims that in situ projects, which steam bitumen out of the ground, will be more water friendly than mining, that's not what the committee heard. Expert after expert all warned that the steam plants could impact a region the size of Florida by withdrawing almost as much water from the ground as the mines were now taking from the Athabasca River. Some unmapped underground aquifers in the region may even extend as far away as the Northwest Territories and Manitoba.

James Bruce, an acclaimed climate scientist and former director of Environment Canada's now defunct Inland Waters Directorate, testified that reports by the Alberta Research Council and the Council of Canadian Academies pointedly concluded that in situ projects have "gone ahead with a completely inadequate understanding of the groundwater regime in the area and they are having significant impacts on water.... We considered it a pretty unsustainable situation." Alfonso Rivera, manager of Natural Resources Groundwater Mapping Program, then confirmed the terrible accuracy of Bruce's testimony. Asked if the government of Canada had studied the impact of the tar sands on groundwater Rivera replied that "The short answer is no. We are not able to provide facts."

In fact, the government did not even know "the sustainable safe yield" for Athabasca aquifers. Nor did they know where or what contaminants might be transported by aquifers or how aquifers connected with surface water in the region. David Boerner, an administrator with the Geological Survey of Canada, explained that Canada had only mapped 12 of 30 critical aquifers in the country and that "lack of information is the real problem."

The View From Downstream

Everyone living downstream from the project (more than 40,000 people) bitterly told the committee that the federal government had repeatedly neglected its duties. Chief Bill Erasmus, regional chief of the Assembly of First Nations for the Northwest Territories, called for an immediate halt to tar sands expansion until the government prepared emergency plans in case

of catastrophic breaches in some 20 tailing ponds. (At least one is as large as the Aswan Dam on the Nile River.) He also called for a dry tailing process as well as a 10-year plan to immediately clean up six billion barrels of mining waste in the region.

Michael Miltenberger, environment and natural resources minister for the Northwest Territories, wondered why the federal government had abandoned the Mackenzie River Basin Transboundary Waters Master Agreement. After 25 years of negotiations ,the federal government, four provinces and two territories finally agreed to protect the world's third largest watershed in 1997. But ever since the world's largest energy project started to fill up Ottawa coffers, the federal government ignored an agreement. Miltenberger asked why the Transboundary board, with an annual budget of $250,000, was sitting "almost in neutral" and hadn't met for a decade? "Our futures and fates are inextricably linked in the Mackenzie River Basin and we have to recognize that." He also asked why "there's no national water strategy that allows the federal government to play a clear leadership role."

J. Owen Saunders, executive director of the Canadian Institute of Resources Law, called the abandonment of the basin's future a grave mistake. "There are important federal interests here and a clear need for federal leadership which has largely been abdicated by the federal government over the last three decades."

Chief Jim Boucher of the Fort McKay First Nation eloquently put his finger on the whole ugly problem: "Oil sands development has proceeded on an ad hoc, project-by-project basis within a fiscal and environmental regulatory framework that is seriously out of date. Lacking a coherent and overall plan and strategy, there is only an ineffective, reactive, piecemeal approach to environmental issues such as water management." Boucher knows: his people live in the middle of four mining projects just 75 kilometres north of Fort McMurray.

A Very Bad Report

So there you have it: some of the dismal evidence that the federal government didn't want to share with the world. The facts show that Canadian regulators have not behaved responsibly, honorably or prudently. Ottawa has squandered surface and groundwater resources in the region. It has failed to collect baseline data making the project both unsafe and insecure. The ponds are leaking and the project is polluting the river. The federal government has failed to issue national standards for regulating tar-sands pollutants such as naphthenic acids. It, too, has neglected to transparently monitor water quality and quantity in the world's third largest watershed.

This evidence partly explains why the committee destroyed its final report. Tory MPs that behave like wannabe bitumen salesmen explain the rest. Linda Duncan, an NDP MP who served on the querulous committee studying water and bitumen, promises to soon write her own report. Francis Scarpaleggia, the vice chair and Liberal MP, says he'll do the same. But what stuns Duncan (and should anger every blue-blooded Canadian) is simply this: "The federal government has failed to properly regulate the oil sands and in so doing they've put the resource at risk."

Isn't that what corrupt U.S. oil regulators did in the Gulf?