

It's a wrap: Hockey Fights and Contaminated Sites

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A wrap-up from October 3rd Green Regs 'n' Ham



Environmental
Law Centre presents

THE 5TH ANNUAL GREEN REGS 'N' HAM BREAKFAST

CONTAMINATED SITES AND HOCKEY FIGHTS: MUNICIPAL ENVIRONMENTAL CHALLENGES



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Tackling a topic that is of increasing concern to Albertans was on the agenda for an early morning breakfast talk on Tuesday, October 3rd 2017. Government representatives, environmental lawyers, industry professionals, law students and others gathered at the University of Calgary downtown campus to hear local experts discuss contaminated sites and orphaned wells, and the challenges

and opportunities they pose for municipalities.

Paul Leong (Senior Technical Advisor, Environmental & Safety Management, The City of Calgary) and Nigel Bankes (Professor, University of Calgary, Chair of Natural Resources Law) were joined by the Honourable Shaye Anderson, Minister of Municipal Affairs at the ELC's most recent Green Regs 'n' Ham.

Jason Unger, Executive Director, set the stage for the discussion with an overview of the issue of contaminated sites and other underutilized sites across Alberta should be an ongoing concern for not only municipalities but Albertans as a whole.

Paul Leong
Senior Technical Advisor, Environmental & Safety Management, The City of Calgary
Nigel Bankes
Professor, University of Calgary, Chair of Natural Resources Law

About Redwater

**All's Well that Ends Well:
Addressing End-of-Life Liabilities for Oil and Gas Wells – A report by CD Howe Institute**

Professor Nigel Bankes discussed the significant challenges faced by provincial authorities as a result of the recent Orphan Well Association v Grant Thornton Limited decision (often referred to as the "Redwater decision" by the Alberta Court of Appeal. That case has raised significant issues concerning outstanding liabilities of the oil and gas industry and how federal law is undermining provincial management of assets, sparking legal interventions from adjoining BC and Saskatchewan.

Citing the recent CD Howe Institute All's Well that Ends Well: Addressing End-of-Life Liabilities for Oil and Gas Wells, Bankes notes that what is needed is to bring an intergenerational equity lens to how we develop and regulate industries, including requiring upfront financial security for remediation and reclamation of sites. In essence this requires that the current generation pay the costs of development today to ensure the

From [CD Howe Institute Website](#) "First, the authors recommend the province introduce an upfront bonding requirement. However, this bonding requirement should be less than the full expected liability cost. This recognizes that society should accept some risk in exchange for greater economic activity, as well as aligning with the time profile of a well's net asset value." "Second, once a well enters the inactive phase, the province should require companies to hold insurance to cover the cost of cleaning up the well. In comparison to a strict time limit on inactive wells, an insurance requirement would allow firms to weigh the increased cost of holding unproductive wells against the potential value of returning them to production."

environmental burdens and liabilities do not impair the quality of life of future generations. [Banks has provided his full comments here.](#)

The ELC recognizes the Brundtland Report's definition of intergenerational equity as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs". World Commission on Environment and Development (WCED). Our Common Future. Oxford: Oxford University Press, 1987 (the "Brundtland Report").



Shaye Anderson, Minister of Municipal Affairs CORE ENVIRONMENTAL PRINCIPLES

Shaye Anderson, Minister of Municipal Affairs, was also in attendance and spoke about the Government's changes to the Municipal Government Act and the new City Charters, with the intention of providing municipalities a bigger role in managing environmental issues in their jurisdictions. His recent visits to many of Alberta's towns and cities demonstrated to him the need to ensure that there are sufficient and effective tools for municipalities to address issues such as contaminated sites. Anderson spoke about the importance of a healthy environment to a municipality and noted that economic

sustainability and environmental sustainability are not exclusive and go hand in hand. Minister Anderson also noted the importance of the Environmental Law Centre as an independent and balanced voice for all Albertans. *(We appreciated the shout-out!)*



Jason Unger, Paul Leong, Minister Anderson and Nigel Bankes taking questions from the audience

So, who ended up in the penalty box?

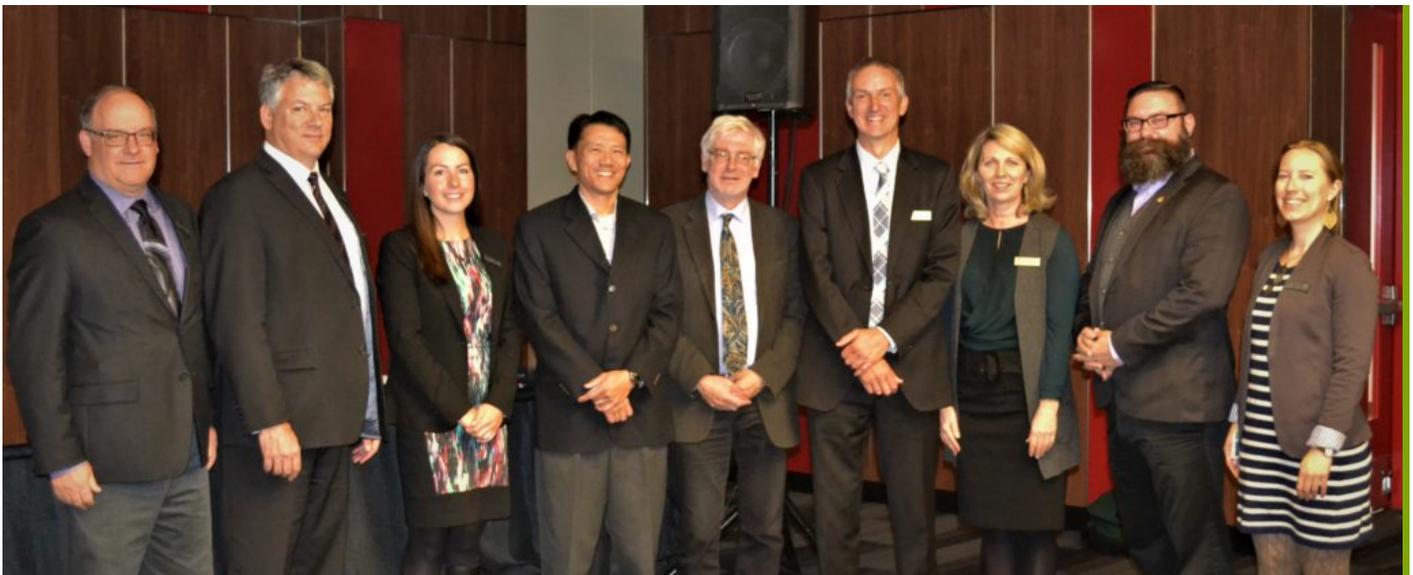
Luckily there were few punches thrown (Don Cherry would have been disappointed) and in post-game wrap up the speakers welcomed questions from the audience. No one was sent to the penalty box (which remains to be seen in the ongoing “hockey fight” in Calgary

Management and regulation of contaminated sites and legacy oil and gas sites are a high priority for government, industry, municipalities and many Albertans. The ELC will continue to give 110%, keep our stick on the ice, and our heads up in the neutral zone to ensure decisions result in a clear win for the environment and for Albertans.

SPECIAL THANKS TO



and to Burnett Duckworth Palmer LLP for sponsoring a table for 8 University of Calgary law students to attend.



Dave Poulton (ELC Director), Ian Murray (ELC Director), Alison Koper (ELC Director), Paul Leong (City of Calgary), Nigel Bankes (University of Calgary), Jason Unger (ELC Executive Director), JoAnn Jamieson (ELC Board President), Hon. Shaye Anderson (Minister of Municipal Affairs), Michelle Forrieter (ELC Director)

ABOUT THE ENVIRONMENTAL LAW CENTRE:

The Environmental Law Centre (ELC), a public interest environmental law charity, believes that law is the one of the most powerful tools to protect the environment. Since it was founded in 1982, the ELC has been and continues to be Alberta's only registered charity dedicated to providing credible, comprehensive and objective legal information regarding natural resources, energy and environmental law, policy and regulation in the Province of Alberta. The ELC's mission is to educate and champion for strong laws and rights so all Albertans can enjoy clean water, clean air and a healthy environment.

As a charity, the Environmental Law Centre depends on your financial support.

[Help us](#) to continue to educate and champion for strong environmental laws, through tools such as [our blog](#) and all of [our other resources](#), so that all Albertans can enjoy a healthy environment.

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