NRCB | Natural Resources Conservation Board

BOARD DECISION FOLLOWING REVIEW OF ALBERTA SULPHUR TERMINALS LTD.'S EMERGENCY RESPONSE PLAN

Addendum to Board Decision NR 2009-01

NRCB Application No. 0702

Alberta Sulphur Terminals Ltd. Sulphur Forming and Shipping Facility near Bruderheim

March 2010

Section 1: Review of AST's Emergency Response Plan

On July 28, 2009 the Natural Resources Conservation Board (NRCB or Board) issued Decision Report NR 2009-01 approving Alberta Sulphur Terminals Ltd.'s (AST) proposed sulphur forming and shipping facility near Bruderheim, Alberta. The Board's approval was subject to several conditions, including a requirement that AST submit its final Emergency Response Plan (ERP) for the review and approval of the NRCB prior to any project construction.

Specifically, Board Decision NR 2009-01 included the following requirements in relation to the completion of AST's final Emergency Response Plan:

> *Alberta Sulphur Terminals Ltd. shall complete its final emergency response plan to the satisfaction of the Natural Resources Conservation Board. This Approval comes into force upon the Natural Resources Conservation Board being satisfied that the final emergency response plan adequately addresses:*
>
> - *details as to who will have the charged responsibility to notify area residents and how and when this flow of communication will occur should an incident happen;*
> - *details as to all roles and responsibilities Alberta Sulphur Terminals Ltd.'s mutual understanding partners will have with emergency response actions;*
> - *details as to how evacuation of the public from the Alberta Sulphur Terminals Ltd. designated evacuation zone is to occur;*
> - *details as to how Alberta Sulphur Terminals Ltd. (or its mutual understanding partners) will attempt to isolate the evacuation zone;*
> - *details as to how Alberta Sulphur Terminals Ltd. will address any communication difficulties (such as poor cell phone coverage) with area residents;*
> - *documentation of consultation efforts with all stakeholders within the evacuation zone (cognizant of relevant privacy restrictions concerning confidential information);*
> - *documentation of notification efforts and discussions with the Town of Bruderheim and the Town of Lamont.*

On February 3, 2010 AST filed its final Emergency Response Plan along with a report, the *Alberta Sulphur Terminals (AST) Emergency Response Plan Public Consultation and Notification Report*, both dated February 1, 2010. Residents' information deemed sensitive or confidential was excluded from the filed materials with AST's offer to provide this information if needed to complete the Board's assessment.

To conduct its assessment the Board reviewed the ERP and compared it with the requirements outlined in its decision to approve the project (Board Decision NR 2009-01). The Board's assessment process considered the relevant provisions of ERCB Directive 071 and CSA Z731 as appended to Decision NR 2009-01 (Appendix D). In undertaking its review, the Board was assisted by an emergency response planning expert employed by the Energy Resources Conservation Board (ERCB). As part of this review, the Board made use of an ERCB ERP pre-approval audit checklist to ensure all necessary components were addressed in AST's ERP.

During the Board review of the ERP, one copy of the abovementioned confidential residents' information was obtained from AST for review and audit by the ERCB emergency response planning expert assisting the Board to ensure that the emergency procedures adequately attended to any residents with unique or special needs. This information will not be retained by the NRCB or the ERCB. Access to this information was strictly limited to the ERCB emergency response planning expert who confirmed destruction of the information on completion of the audit.

During the Board's review process, although not requested, Lamont County's Emergency Services Coordinator submitted an independent review of AST's Emergency Response Plan on February 23, 2010. This submission was also provided to the Board for consideration during its review.

Section 2: Panel Decision

Based on its review of the ERP, the Board accepts AST's Emergency Response Plan and it is satisfied that it meets the requirements of condition 12 in the Form of Approval to Board Decision NR 2009-01. The Board is satisfied that the AST ERP identifies responsible parties, both within the company and through its mutual aid resources, lists and describes appropriate communications systems and establishes appropriate procedures, roles and responsibilities to undertake necessary communications, evacuation and other emergency measures should a serious emergency occur. The Board notes that these plans and contingencies are supported by ongoing training, drills and exercises. The Board further notes that AST undertook required consultation activities with stakeholders within the evacuation zone and with municipal authorities through meetings and face to face communications and the distribution of information packages.

Before AST commences operations, the Board requires that AST confirm with Alberta Environment that the following matters have been satisfactorily addressed:

1. The Board recognizes that an ERP is a living document that requires regular updating. AST must reconfirm the accuracy of all contacts listed within the ERP (government, residential, businesses, etc). The Board recommends that AST perform an audit of its contact lists at least once every six months to ensure responders have reliable, up-to-date information.

2. The ERP must be amended to accurately reflect government roles and responsibilities when responding to an emergency. Corrections are needed to clarify that the ERCB would not be the lead Government of Alberta (GOA) responder should an incident occur at the AST facility. Similarly, the NRCB does not maintain regulatory oversight responsibilities for this facility. The Board believes these inaccuracies likely resulted from miscommunication from the Boards to AST. Amendments throughout the ERP should identify that Alberta Environment maintains regulatory responsibility under the Alberta Environmental Protection and Enhancement Act. While AST maintains responsibility to carry out its Emergency Response Plan, the lead GOA regulatory responder would be Alberta Environment through its Alberta Environment Support and Emergency Response Team (ASERT).

3. The ERP is unclear as to whether public facilities (such as churches, schools, etc.) within the Town of Bruderheim have been provided the Emergency Response Plan information. AST must ensure consultation with public facilities occurs and must include public facilities in its ongoing consultation plans.

4. The Board requires that AST review Section 6.5 of its ERP (Spills, lines 1748 - 1752) to ensure it remains consistent with the commitments AST made during the hearing. AST's commitments formed part of the Board's subsequent decision to approve the project. For reference, Board Decision NR 2009-01, Section 5.1.1.4: states:

> *AST stated that in the event of a liquid sulphur spill, the sulphur would solidify quickly and any resultant soil contamination would remain localized. Within the fenceline, AST would collect the contaminated sulphur and soil and have it disposed of at an approved waste management facility.*
>
> *AST indicated that if there were spills from trucks or rail cars that occurred off the property, it was the responsibility of those who have care, custody and control of the sulphur to deal with the spills.*

Further, the Board found that Lamont County's response to the ERP included sensible suggestions (*Review of AST Emergency Response Plan*, dated February 19, 2010). The Board recommends that AST have regard for the County's submission and consider adopting modifications to the ERP where deemed reasonable.

AST was required to finalize and resubmit its Emergency Response Plan for the Board's review and approval as a condition precedent to NRCB Approval No. NR 2009-01. As a result of its review and analysis of the ERP, the Board is satisfied that AST has adequately met its requirements, subject to the matters enumerated above.

DATED at CALGARY, ALBERTA, this 17th day of March, 2010.

Original signed by:

Jim Turner, Chair

Donna Tingley

Barbara McNeil

Contact the Natural Resources Conservation Board at the following offices:
Dial 310.0000 to be connected toll free.

Edmonton Office
4th Floor, Sterling Place, 9940 - 106 Street
Edmonton, AB T5K 2N2
T (780) 422.1977 F (780) 427.0607

Calgary Office
3rd Floor, 640 - 5 Avenue S.W.
Calgary, AB T2P 3G4
T (403) 662.3990 F (403) 662.3994

Email: info@nrcb.gov.ab.ca
Web Address: www.nrcb.gov.ab.ca

Copies of the *NRCB Act, Rules of Practice of the Natural Resources Conservation Board Regulation and Administrative Procedures Act* are available through the Queen's Printer. NRCB Guides are available by contacting the NRCB's Edmonton Office.