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**To: Canadian Remedial Action Plan Implementation Committee (CRIC)**

**From: WATCH**

**Contact: Kris Lee, chair**

**Re: Proposal on delisting of Restriction of Drinking Water Beneficial Use Impairment.**

**Date: approved by members April 8, 2015 Annual Meeting**

**Rationale:**

We acknowledge that

1. the volume and frequency of spills to the St. Clair River has been reduced in the last decade partly due to spill containment projects, stricter enforcement of regulations as well as downsizing and relocation of industries from Sarnia
2. the current delisting criteria of no water intake shut downs due to spills for 2 consecutive years does not establish a "weight of evidence" benchmark for the future protection of water intakes in Walpole and Wallaceburg.
3. a number of direct river users still remain who could be impacted and need protection
4. there is a gap in the government data collection system (leading indicators) to quantitatively document and measure continual improvement and to ensure that there is no slippage within industrial infrastructures
5. the role of the MOECC focusses on enforcement after an incident, a complaint from the public or when an Environmental Compliance Approval application is made.

**Description of Proposal**

We request that CRIC oversee a survey of spill prevention technology and response capability for direct dischargers. The results of the survey will help demonstrate the progress and establish a quantitative benchmark tracking system as a line of evidence for this goal.

The focus of the survey should be on the direct dischargers to the river as it is the most efficient and effective way to further reduce and mitigate the effects of spills moving forward.

The tracking will require a frequency of re-evaluation to demonstrate accountability and credibility through progress. To make the process as seamless as possible, we recommend a 3 year cycle as majority of the companies are Responsible Care members and this coincides with the 3 year verification process as a member. The Responsible Care membership requires companies, as part of their commitment to the community, to document and demonstrate waste reduction and continual improvement.

We recommend the following survey questions be used for data collection and tracking of changes. Although we respect CRIC's right to edit the wording of the questions, we request that they reflect the intent.

1. Is the cooling water effluent discharged continuously or to containment and then batch released?
2. Is the process water effluent discharged continuously or to containment and then batch released?
3. Is there a plan (goals) with timeline targets to continuously reduce the number of OTCW heat exchangers?

4. If a leak is detected, what is the process to divert effluent (process and cooling) to prevent off site impact?
5. If a leak is detected, how quickly will the leak be diverted and/or process shut down safely?
6. In order to demonstrate accountability, this process and results should be posted on a publicly accessible domain.

We also suggest that the results of the survey be publicly accessible through the companies' community dialogue processes such as websites etc. and that option to house this information in one publicly accessible location, such as the MOECC website, be explored.

Once the questionnaires have been completed by industry, we request that EC and MOECC review them and where data is incomplete, use the appropriate mechanisms available to acquire the information to the extent possible. If EC and MOECC, through the CRIC, is not legally able to authorize the collection of the spill mitigation information, then we request that the functional role of the agencies be explicitly described.

### **Suggested next steps for CRIC**

1. Draft the survey and solicit input from WATCH and experts.
2. Consult with affected representatives (Walpole and Wallaceburg communities and direct users) to see whether the survey is complete from their point of view and solicit ideas on how to communicate with the local community. Draft a concise communication plan.
3. Collect and review survey results. Follow up with industry as required.
4. Conduct community consultation to share results and discuss satisfaction and confidence with Spill Prevention and Response systems and the Re-Evaluation Process.
5. On that basis, and as one of the action items for delisting, determine whether the *Restriction of Drinking Water* BUI can be delisted.
6. Explore the option for industry to sponsor the process with facilitation either by CRIC or an outside consultant.