

DM Meeting: Proposed Coal Mining Effluent Regulations

WHAT: Joint BC, AB, SK, NS Deputy Ministers' Meeting

WHEN: October 6, 2020 (11:30 - 12:30 MST)

WHERE: Toll-free: 1-866-792-1317
Conference ID: s.17

Attendees:

Alberta Environment and Parks
Bev Yee, Deputy Minister (Chair)
Ronda Goulden, Assistant Deputy Minister

Saskatchewan Environment
Sarah Harrison, Deputy Minister
Wes Kotyk, Assistant Deputy Minister

British Columbia
Kevin Jardine, Deputy Minister, Environment and Climate Change Strategy
Fazil Mihar, Deputy Minister, Energy Mines and Petroleum Resources

Nova Scotia Environment
Scott Farmer, Deputy Minister

Meeting Objectives:

- To discuss concerns with the proposed Coal Mining Effluent Regulations (CMER).
- To strategize on a coordinated approach among the four impacted provinces to better influence proposed changes and process for moving the regulations forward.

Meeting Agenda:

	Item	Purpose	Lead
11:30 - 11:40	Introductions and meeting objectives		Bev Yee
11:40 – 11:45	Update on draft federal CMER <ul style="list-style-type: none"> • Verbal update 	Information & Discussion	Ronda Goulden
11:45-12:10	Key jurisdictional feedback to the federal government to date <ul style="list-style-type: none"> • Provincial highlights • Areas of consensus and opportunities for alignment 	Information & Discussion	All AB, BC, SK, NS
12:10 – 12:25	Options for messaging back to the federal government: <ul style="list-style-type: none"> • Joint DM meeting with ECCC Deputy Minister • Joint or Individual Ministerial letters • Other opportunities before Gazette Part 1 in Spring 2021 	Discussion	All
12:25 - 12:30	Next Steps	Summary	Bev Yee

MEETING

Joint DM Meeting with AB, BC, SK, and NS on proposed Coal Mining Effluent Regulation (CMER)

Date

PURPOSE

- Environment and Climate Change Canada (ECCC) is developing a coal mining effluent regulation. Alberta and other impacted provinces (BC, SK and NS) are concerned ECCC is not responsive to feedback.
- The meeting will confirm the alignment of concerns and strategize a coordinated response to ECCC.

MEETING DETAILS

Meeting/Event Date and Time:	<ul style="list-style-type: none"> • Joint DM Meeting on CMER (AB, BC, SK, NS) • October 6, 2020 11:30 AM to 12:30 PM 	
Location:	<ul style="list-style-type: none"> • Teleconference: 1-866-792-1317 (ID: s.17) 	
Attendees:	Alberta Environment and Parks Bev Yee, Deputy Minister (Chair) Ronda Goulden, ADM	Saskatchewan Environment Sarah Harrison, Deputy Minister Wes Kotyk, ADM
	British Columbia Kevin Jardine, DM, Environment and Climate Change Strategy Fazil Mihlar, DM, Energy Mines and Petroleum Resources	Nova Scotia Environment Scott Farmer, Deputy Minister

CONSIDERATIONS FOR DEPUTY MINISTER

- ECCC is planning to publish the proposed Coal Mining Effluent Regulation (CMER) in Canada Gazette, Part 1 early in 2021, and Part 2 in fall 2021.
- s.13; s.16
- Alberta, NS, SK and BC submitted concerns on the CMER to ECCC. The concerns of the four impact provinces are well aligned.
- ECCC has not acknowledged concerns received, which is contributing to the provinces' shared concerns.
- ECCC has indicated the publishing of the draft CMER in Gazette 1 is part of the consultation process.
- s.13; s.16

BACKGROUND

- BC, NS, SK and AB have shared their perspectives with each other.
- In general the provinces' shared concerns include:
 - The proposed regulation will have significant impact on the industry and the economies.
 - There appears to be regulatory overlap with provincial jurisdiction which could create unnecessary regulatory burden for industry.

- The approach ECCC is taking does not reflect the site-specific differences and associated risks with the mines.
- There is significant difference between the coal mines and their environmental impacts across the country and this should be reflected in the approach.

- More detail on each of the provinces' perspectives is below.

Alberta:

- Alberta recommends implementation of regulation through a risk-based, outcomes-focused approach. This could include broader applicability of the alternative approach, or even site-specific application.
- The proposed CMER could have significant negative economic impacts on Alberta and Canadian communities. Thorough socio-economic and risk-based analysis is essential.
- Focusing on risks to outcomes and their mitigation will help to ensure the regulation focuses on the social, economic and environmental outcomes Canadians expect.
- Alberta has requested an opportunity to review an updated draft of the regulations, prior to publication in the Canada Gazette Part 1. The proposed CMER introduces new effluent limits and environmental effects monitoring requirements for coal mines, which apply a one-size-fits-all approach to coal mines, and fail to consider the significant diversity among facilities.
- At minimum, the proposed regulatory changes will have cost implications for the coal sector, yet unknown impacts on water quality and aquatic ecosystem health in Alberta.

s.13; s.16