

Excerpts from **Is There a Regulator in the House?**

<http://halifax.mediacoop.ca/story/there-regulator-house/16247>

Everyone concerned assumes that Atlantic Industrial Services is an approved processor of fracking wastes. In an earlier article this author suggests that in accepting fracking wastes for processing **AIS appears to be operating outside the terms of its approvals from the regulator, and Nova Scotia Environment has allowed and even encouraged the company to proceed regardless.** To this allegation, provincial Environment staff replied that “the assertions in your article are without merit.”

FACT: All of the Environment department’s Industrial Approvals for AIS Debert explicitly prohibit the company from processing what are classified as waste dangerous goods. Nova Scotia Environment spokesperson Lori Errington has said repeatedly that the department has determined that the fracking wastes from Kennetcook are not waste dangerous goods, and therefore AIS is in compliance.

FACT: The NSE supervising engineer who wrote the 2008 to 2010 approvals for the Kennetcook fracking storage ponds always referred to the wastewater as waste dangerous goods, as does the consulting engineer for the driller, Triangle Petroleum. When the discrepancy was pointed out to spokesperson Errington, she queried the engineer, who backpedaled. “That is not what he meant to say,” noted Errington.

FACT: The Environment department repeatedly makes the claim that the AIS Debert facility has always been approved for treating fracking wastes. At the same time, they do not contest that the approvals prohibit AIS from processing wastewater classified as waste dangerous goods.

FACT: AIS began working in 2007 on an Environmental Assessment submitted in 2008 for a substantial expansion and upgrade of their facility **that would allow them to get approval for processing waste dangerous goods.** The largest amount of material specific content in the proposal is devoted to drilling and fracking wastes. [NOTE below]

FACT: Legislation in all Canadian jurisdictions controlling and regulating waste dangerous goods puts the responsibility and accountability for classification of wastewaters on companies like AIS that are receiving and handling. Oil and gas drilling wastes in general, and wastes from shale gas fracking in particular, are mostly classified and handled as waste dangerous goods. The processes and protocols used by regulators and industry federally - and in the producing western provinces - assume that not classifying fluid drilling and fracking wastes as waste dangerous goods are the exceptional cases.

FACT: In Nova Scotia fracking wastes somehow are never classified as waste dangerous goods. We have the three fracked wells in Kennetcook and Noel, where we are told the determination that none of the wastes there are waste dangerous goods was made by Environment- notwithstanding the several documented references by the supervising NSE engineer that the Kennetcook wastes are waste dangerous goods. Then we have AIS transporting drilling and fracking wastes from a number of wells in New Brunswick. Each of those wells, especially the fracked ones, has a different chemical mixture designed for it. And somehow, in every case AIS has supposedly determined the waste fluids are not a waste dangerous good.

QUESTION: Given this track record of Nova Scotia Environment's pliable standards for monitoring AIS, what rational basis is there for Nova Scotians to entrust the department with making the decisions of what are adequate safeguards for Atlantic Industrial Services experimenting with treating for radioactivity? This question is all the more pressing for the guinea pig residents like the author who live near the fracking waste ponds of Kennetcook and Debert.