

**MINISTRY OF ENVIRONMENT
DECISION NOTE**

Date: July 17, 2013
File: 280-20/ 195710
CLIFF/tracking #: 195710

PREPARED FOR: Honourable Mary Polak, Minister of Environment.

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DECISION & SIGNATURE

Honourable Mary Polak,
Minister of Environment

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**MINISTRY OF ENVIRONMENT
INFORMATION NOTE**

July 29, 2013
File: 280-20/BN
32910-30/LBSPREP
CLIFF/tracking #: 196896

PREPARED FOR: Honourable Mary Polak, Minister of Environment

ISSUE: B.C.'s land based spill response regime – Timelines and considerations for future policy direction

BACKGROUND:

The Ministry of Environment is currently developing a new spill response regime for land-based spills of hazardous materials that reflects the increasing volume of hazardous materials moved through the province. The new model will increase response capacity where the risk is greatest and will ensure B.C. communities and taxpayers are protected from the environmental and financial consequences of hazardous spills.

Ministry staff is working towards the development of a second policy intentions paper outlining the new, world-class regime. This second policy intentions paper for consultation will be released for public and stakeholder comment in November 2013 and will foreshadow legislative and policy changes to be introduced in 2014 (tentatively).

Three stakeholder working groups and an overarching advisory committee are currently exploring policy options for prevention and preparedness; response standards and environmental and natural resource recovery. Each working group is working through a list of subtopics related to their main focus. Following that work, the ministry will strike a separate working group (drawn from existing membership) to explore options for funding and governance over a compressed timeframe in the fall. The Ministry has also established forums for communication with the relevant provincial ministries, federal agencies, and the government of Alberta to keep them updated on B.C.'s work and to seek their input into establishing a world class spill response regime.

DISCUSSION:

This work is focussed on three areas:

- Identifying and developing alternative funding mechanisms for BC's environmental emergency program to ensure the sustainability of the preparedness and response regime;
- Supporting development and implementation of an industry funded provincial scale terrestrial spill prevention and response body; and,
- Establishing a mechanism to ensure fair and timely natural resource damage assessment and reparation.
- Strengthening communication, cooperation and collaboration between First Nations, government and industry for spill preparedness and response.

In exploring how to reach these outcomes, the working groups are working through a potential mandate and role for an umbrella agency; methods for verification of any mandated spill response capacity; and developing a funding mechanism that reflects risk.

The working groups are exploring a variety of options to achieve these outcomes including the creation of a body to provide strategic direction and oversight; increasing capacity and capability by implementing an industry funded response organization; new planning and response standards; and, approaches to restore the environment and natural resources impacted by spills.

NEXT STEPS:

In mid-September, the ministry will continue the dialogue with participants in the project to discuss options on funding models and governance. The discussion on funding will include the following topics:

- Identifying and developing alternative funding mechanisms for BC's environmental emergency program to ensure the sustainability of the preparedness and response regime;
- Creation of a "spill preparedness and response fund" to ensure spill response is undertaken in a timely manner and the responsible party is held accountable for spill response costs;
- Options for industry to fund "spill preparedness and response" organizations to ensure an appropriate level of capacity and capability to respond to spills in BC

Upon completion of these discussions, the external advisory committee will be asked to provide government with feedback on the options identified for enhancing spill preparedness and response in B.C.

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Attachments: *APPENDIX A: B.C. Land Based Spill Preparedness and Response Advisory Committee and Working Group Members*

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MINISTRY OF ENVIRONMENT INFORMATION NOTE

June 11, 2013
File: 280-20
CLIFF/tracking #: 195694

PREPARED FOR: Honourable Mary Polak, Minister of Environment

ISSUE: Minister Polak has agreed to be the honorary opening ceremony speaker at the sixth International Hydrogen + Fuel Cells Conference on the morning of June 17, 2013, at the Vancouver Convention Centre.

BACKGROUND:

- BC will be hosting the International Hydrogen + Fuel Cell Conference (HFC 2013) on June 16-19, 2013, in Vancouver, where approximately 600 international delegates will be in attendance.
- The Ministry of Jobs, Tourism, and Skills Training has provided \$45,000 in sponsorship towards HFC 2013.
- The conference was last held in Vancouver in May, 2011. The opening keynote address was provided by Premier Clark. The Premier announced \$870,000 in provincial funding for the development of the world's first small-scale hydrogen liquefaction plant. The plant was to be built by the Hydrogen Technology & Energy Corporation (HTEC) in North Vancouver.
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DISCUSSION:

The current state of the hydrogen fuel cell sector in BC is summarized below:

Economic Development

- BC continues to be a world-recognized centre for hydrogen and fuel cell technology, and is home to 35 hydrogen and fuel cell companies that employ 1,200 skilled workers.
- Since 2002, industry has invested more than \$1 billion in Canada's hydrogen and fuel cell sector. The majority of this investment has been in British Columbia.
- As a result of British Columbia's leadership, the fuel cell Centre of Excellence for Daimler and Ford is located in British Columbia, and Mercedes Benz's manufacturing centre for fuel cells will be located in British Columbia.

- Hyundai has begun to roll out their first 1,000 commercially available fuel cell vehicles and has arranged meetings with government officials and key stakeholders during the conference to learn about the state of the market here in British Columbia as they are looking for initial launch markets for these first vehicles.

Environmental Benefits

- The table below provides a comparison between a hydrogen fuel cell vehicle, a traditional hybrid, a battery electric and an average mid-sized gasoline vehicle:

Type of Vehicle	Example	Fuel Consumption		Emissions (grams CO ₂ e/km)		
		MPG	L/100km	Tailpipe	Upstream	Total
Hydrogen	Honda Clarity	60	3.9	0	65 - 287 ¹	65 - 287 ¹
Hybrid	Toyota Prius	50	4.7	111	47	158
Electric	Nissan Leaf	115	2.1	0	14	14
Gasoline	Toyota Camry	25	9.5	212	87	299

¹ Upstream emissions vary depending on how the hydrogen is produced: 65g/km is for electrolysis derived hydrogen, 287 is for steam reforming natural gas derived hydrogen

BC Transit's Hydrogen Fuel Cell Bus Project

- BC Transit's fuel cell bus project demonstrates leadership in sustainable transportation and is helping to create the market-pull necessary to attract additional private sector investment in fuel cell drive systems, bus platforms, and hydrogen fuelling infrastructure in British Columbia. This fleet demonstration of 20 buses has underpinned the development of industry in BC and initiated additional international sales for British Columbia companies.
- BC Transit anticipates completing a review of the fleet's performance in June, 2013, and presenting recommendations on the continuation of the fuel cell buses to its board in July, 2013. Government direction on the fuel cell buses will likely be sought in July 2013.

Hydrogen Fuelling Stations

- In March, 2011, the Province, with funding from the Climate Action and Clean Energy (CACE) Fund, provided \$450,000 in funding to support the ongoing operation and maintenance of hydrogen fuelling stations to March 2013.
- There are currently six hydrogen fuelling stations in British Columbia including: the Whistler fuelling station; the Surrey Powertech Labs Station; two stations at two Surrey City Works yards; the Vancouver Pacific Spirit NRC-IFCI Station; and, the Burnaby Ballard Station. In addition, Powertech Labs operates a mobile re-fuelling station that will soon be located permanently within the Metro Vancouver area. The only currently operating stations are the Whistler, Ballard, and Powertech stations.
- The Province also provided \$250,000 with funding from the CACE Fund in March, 2013 for the upgrade of the existing hydrogen fuelling station at Powertech Labs.

Hydrogen Liquefaction Plant

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SUMMARY:

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MINISTRY OF ENVIRONMENT INFORMATION NOTE

Date: June 21, 2013

File:

CLIFF/tracking #: 195984

PREPARED FOR: Minister Mary Polack

ISSUE: Overview of Deregulation associated with the *Environmental Management Act* (EMA) and the *Integrated Pest Management Act* (IPMA).

BACKGROUND:

- Both Acts were launched in the early 2000s as part of a deregulation push by the Environmental Protection Division to address the following factors:
 - a healthy environment and a healthy economy are not mutually exclusive
 - the old command and control system required significant Ministry resources and specialized expertise
 - rapidly advancing technology, the demand for more specialized expertise and the accelerated pace of development challenges the Ministry's ability to be efficient and effective on a case by case basis
 - our focus is shifting to setting desired outcomes for regulated proponents.
- Since 2004, 10 new and amended codes and regulations have been implemented under EMA to avoid or replace the need for site specific permits.

Environmental Management Act

- EMA protects human health and the environment by:
 - establishing regulatory requirements to govern discharges to the environment
 - setting order powers to prevent and correct detrimental environmental impacts and to respond to environmental emergencies
 - regulating contaminated sites
 - fostering compliance (e.g., Conservation Officer Service)
 - facilitating natural justice (e.g., the Environmental Appeal Board).

Integrated Pest Management Act

- IPMA governs the sale and use of pesticides in British Columbia (BC) through regulating the sale and use of pesticides in BC including standards for use of Integrated Pest Management and for human health and environmental protection.

DISCUSSION:

Environmental Management Act

- In BC, introductions of waste from prescribed industries, trades, businesses, operations and activities require authorization.
- Deregulation involves:
 - updating environmental standards to ensure world leading requirements using a Best Achievable Technology approach
 - shifting from site specific authorizations to rules of general application

- moving from prescriptive to outcome based models
 - using a risk based approach to authorizations.
- Since 1990, the Ministry has gone from almost 100 per cent site specific authorization under EMA to 50 per cent today. We are targeting 20 per cent or fewer site specific authorizations by 2030.

Integrated Pest Management Act

- In BC, all pesticide use on public land, for specified industrial uses, and when they are provided as a service requires an authorization.
- Deregulation, under the IPMA involves:
 - moving the pesticide regulatory regime from one where all pesticide uses were reviewed and approved to a risk and results-based system where only pesticide uses of high concern require approval by statutory decision (permit)
 - require proponents to develop a plan for pesticide uses of medium concern
 - licensing low concern pesticide sale and uses.
- This change reduced the number of authorizations that required appealable decisions from several hundred per year to fewer than five per average year.

PRIORITIES:

Environmental Management Act

- The Ministry is pursuing improvements for proponents and protection of the environment by:
 - continuing to develop, in consultation with stakeholders, high priority regulations and codes to ensure efficient deployment of Ministry resources and effective stewardship of the environment by dischargers
 - cancelling permits by regulation, in full consultation with selected sectors
 - streamlining authorizations (e.g., improvements to Municipal Waste Management planning)
 - separating out spill response provisions to match the proposed industry funded cost recovery model.
- The Ministry is also re-assessing the Waste Discharge Regulation to identify opportunities for:
 - transitioning sectors from site specific authorizations to outcome based regulations or codes, and
 - reducing the number of sectors requiring authorization, and managing these sector's impacts through other non-regulatory approaches (e.g., voluntary industry lead Best Management Practices).

Integrated Pest Management Act

- Legislative changes to achieve additional deregulation are not proposed at this time.
- Guidelines to support regulation continue to be developed.

SUMMARY:

- EMA and IPMA are key statutes for protecting protection of human health and the environment in BC.
- Significant deregulation under both statutes has occurred over the past decade.

- There are future deregulation opportunities under EMA, as the Ministry moves forward with initiatives like depermitting, performance and outcome based regulations, and implementation of voluntary measures.

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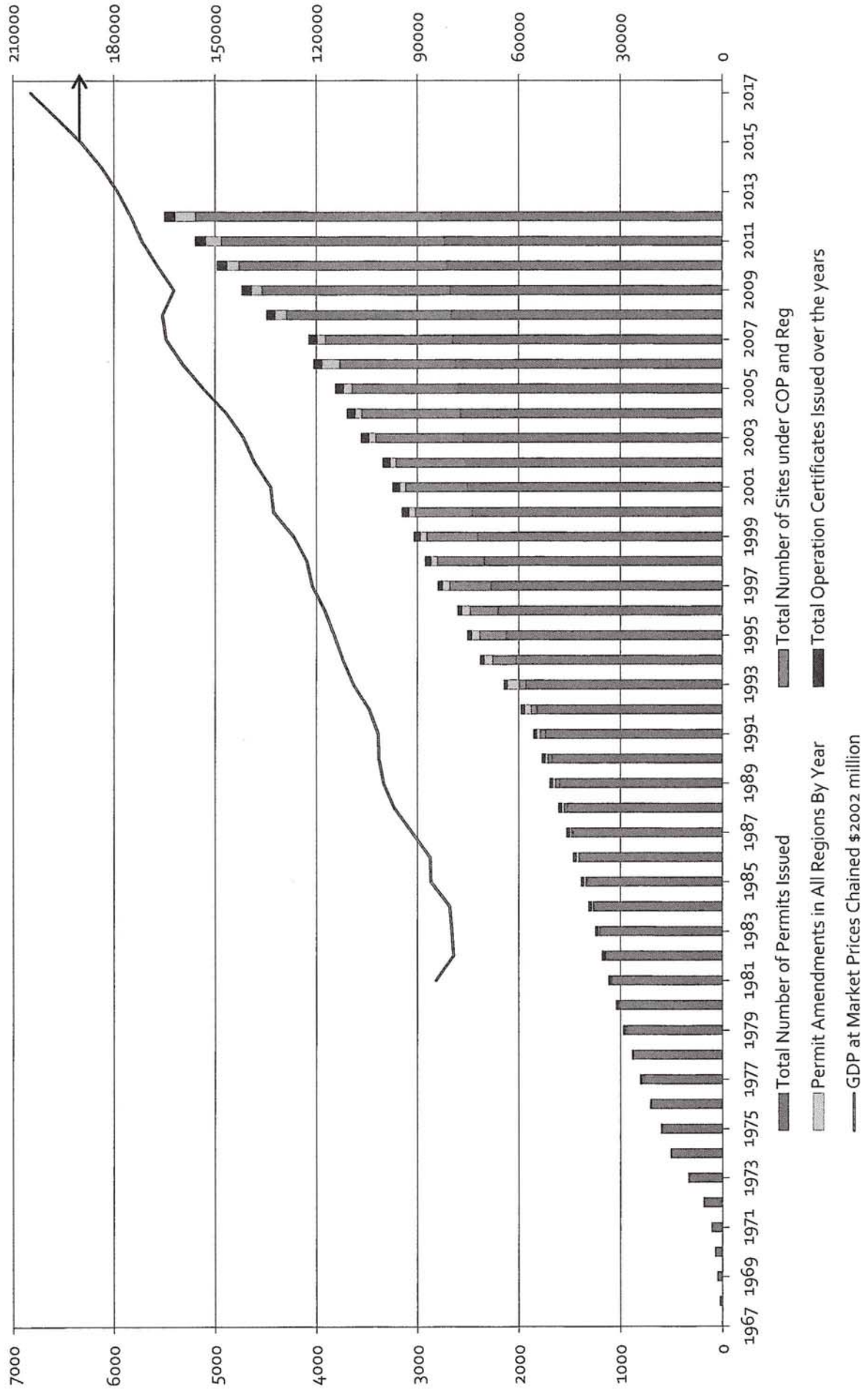
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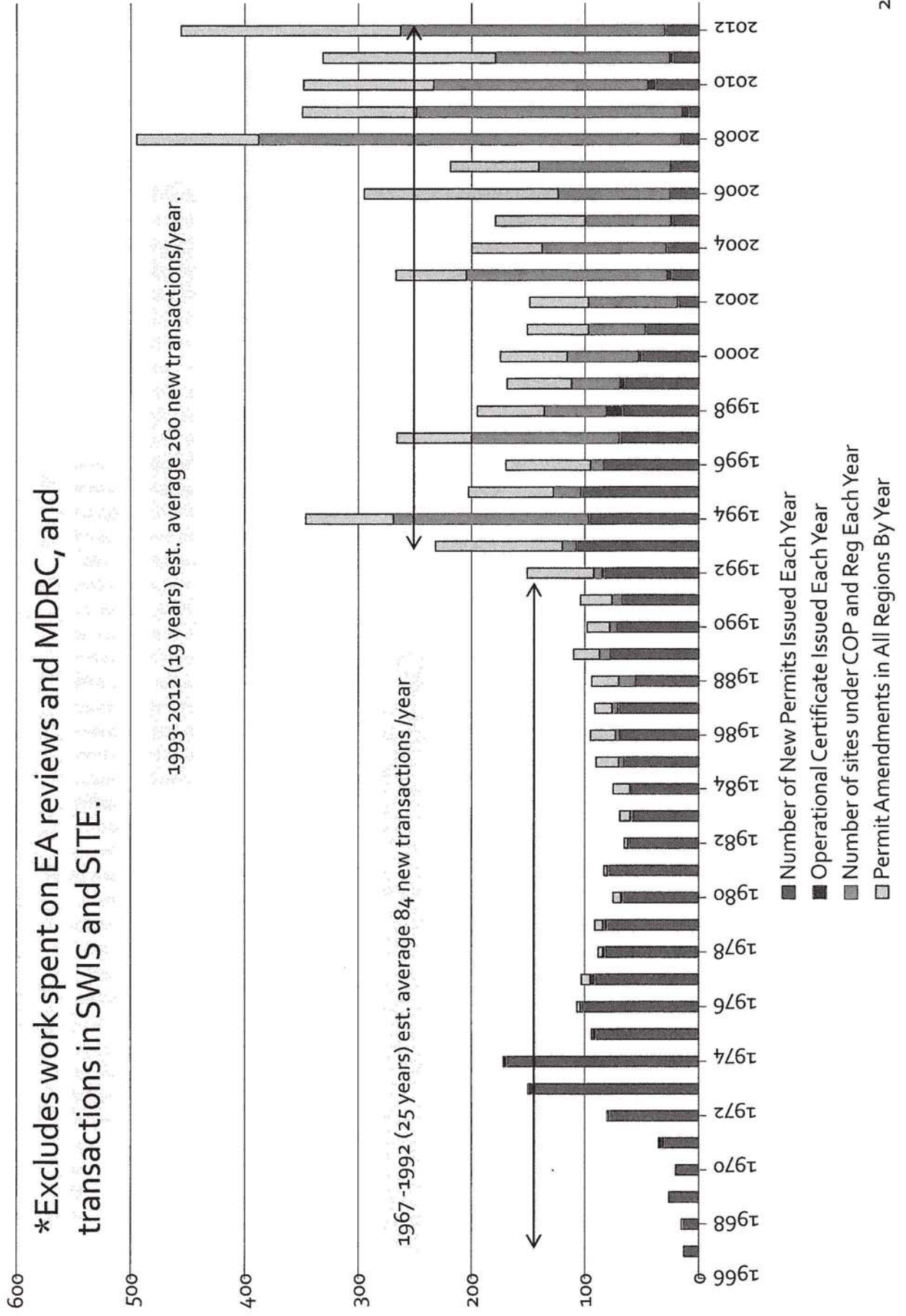
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EMA Authorizations



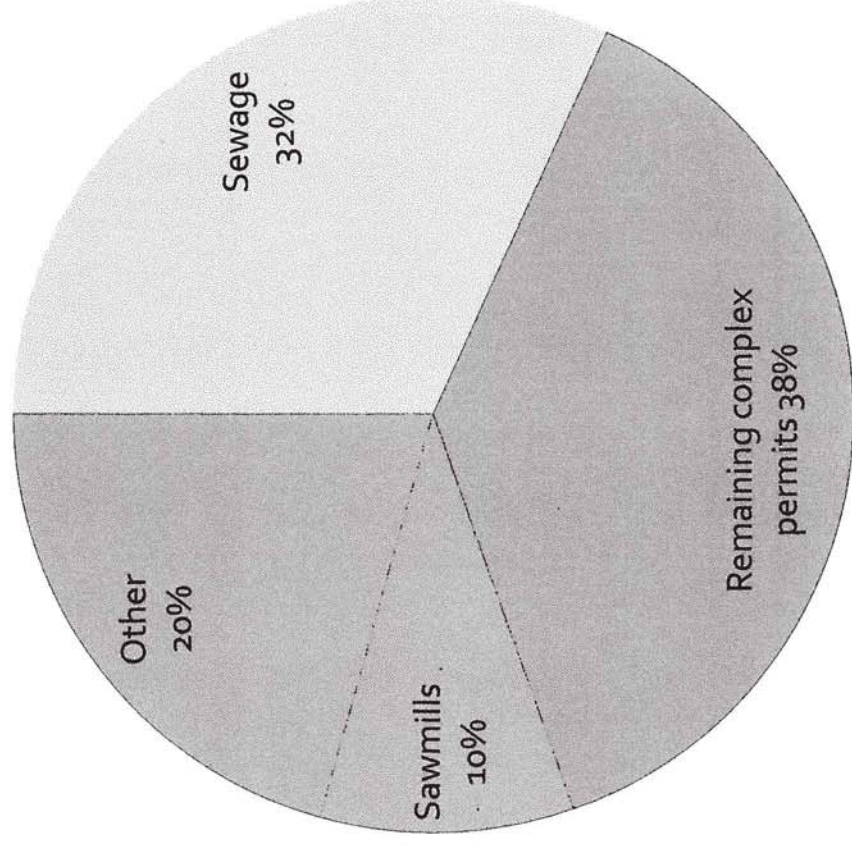
Number of New EMA Transactions Issued Each Year*

*Excludes work spent on EA reviews and MDRC, and transactions in SWIS and SITE.



Actual Permit Composition in 2012:

Breakdown of Existing Permits by Sector



**MINISTRY OF ENVIRONMENT
INFORMATION NOTE**

June 14, 2013

File:

CLIFF/tracking #: 195751

PREPARED FOR: Honourable Mary Polak, Minister of Environment

DATE AND TIME OF MEETING: June 17, 1:45 – 2:15

ATTENDEES: Mining Association of British Columbia

ISSUE(S): Initial meeting to discuss issues

BACKGROUND:

The Mining Association of BC represents the collective needs and interests of coal, metal, industrial mineral companies and smelters in British Columbia.

DISCUSSION:

The mining industry wants to have greater understanding of how the Ministry of Environment will incorporate new water quality guidelines into waste discharge permits, and whether the application of policies and guidelines will be consistent across the province.

A water quality guideline (WQG) is a benchmark which indicates the concentration at which a substance can be expected to produce detrimental environmental effects, and is taken into consideration by the statutory decision-makers under the provincial *Environmental Management Act* in determining whether to issue a waste discharge permit.

Emerging science is pointing to significant environmental challenges facing some existing and proposed mining projects with respect to water quality parameters. Nitrates, sulphate and selenium are substances of concern.

The MABC provided detailed comments as part of the external engagement process for the review of the proposed BC selenium Water Quality Guidelines (WQGs). Comments from all stakeholders are under review and will be taken into consideration in the finalization of the guidelines. A response addressing MABC's comments will be prepared before the end of August 2013, at which time the selenium guidelines should be finalized. MoE staff continue to work with the MABC to respond to questions on WQGs development and to address industry concerns related to the use of guidelines in permitting.

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The Mining and Smelting Sector in 2011 reported 2,766,000 tCO₂e. The Mining Climate Action Working Group (MCAWG) includes all of the major companies and operations in this sector in BC. The MCAWG was established in 2008 and has been the main point of consultation for the mining sector on climate and energy policy.

The Mining Association of British Columbia has provided comments and collaborated on the design of the province's climate action program to make certain that BC maintains a competitive environment for mining with a strong economy.

Linkages with government

B.C.'s mining strategy – called *Seizing global demand: British Columbia's mineral exploration and mining strategy* – supports six overarching goals to strengthen our province's mining sector:

1. Enhancing B.C.'s competitive edge;
2. Streamlining regulatory processes;
3. Ensuring the health and safety of B.C.'s workers;
4. Protecting the environment;
5. Building partnerships with First Nations; and
6. Developing a skilled workforce.

The BC Jobs Plan stated that the Government of BC will create eight new mines and expand nine existing mines by 2015.

The B.C. government supports the implementation of updated water quality guidelines in a manner that protects the environment, while maintaining and fostering a thriving, globally competitive mining industry.

The Ministry of Environment is currently working on updating and developing documents that will outline the permitting process and the use of scientific information (including WQGs) in permitting decisions. MABC believes that government should find a balance between environmental protection and economic development.

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SUGGESTED RESPONSE

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**MINISTRY OF ENVIRONMENT
INFORMATION NOTE**

June 14, 2013
Previous note
File:
CLIFF/tracking #: 195743

PREPARED FOR: Honourable Mary Polak, Minister of Environment

DATE AND TIME OF MEETING: June 18, 9:15 – 9:45

ATTENDEES: Association of Mining Exploration of BC

ISSUE(S): Initial meeting to discuss issues

BACKGROUND:

The Association of Mining Exploration of BC (AMEBC) is the predominant voice of mineral exploration and development in British Columbia representing geoscientists, prospectors, engineers, entrepreneurs, exploration companies, suppliers, mineral producers, and associations who are engaged in mineral exploration and development in BC.

DISCUSSION:

Minister Lake last met with the AMEBC in January 2012 at Minerals Roundup to discuss the following:

Environmental Assessment

The role of the Environmental Assessment Office (EAO) is to review proposed mining projects that exceed thresholds for new, expanded or modified mines as set out in the Reviewable Projects Regulation. EAO can also review sub-threshold mine projects where requested by the proponent or where the Minister requires it. Any proposed change to a certified mining project that is inconsistent with its EA certificate must go through an EA amendment process.

EAO works closely with mine permitting agencies early in the EA process to identify information gaps and resolve critical issues. Agencies provide advice to EAO and guidance to proponents through EAO Working Groups, and advise EAO on information requirements for concurrent review of permit applications (under the Concurrent Approvals Regulation).

The mining industry, as a whole, has concerns regarding certain environmental issues such as water quality guidelines, cumulative effects assessment and mining development in caribou habitat areas, which are Ministry of Environment led initiatives.

Some proponents, however, have concerns regarding the progress of the EA of their projects, particularly where there is the likelihood of residual (i.e. after mitigation measures) significant adverse effects. EAO is working with proponents to address these issues.

The mining industry will likely reiterate the importance of a timely EA process to the industry, and note that EA delays of only a few months can cause project timelines to slip for a full year, especially where key seasonal construction periods are missed.

Through an enhanced outreach program, EAO is committed to working closely with the AME BC and MABC, and their members, to address areas of mutual interest to help ensure timely EA decisions.

Permitting

Government reorganization in October 2010 resulted in exploration and mining permits that now have fully co-ordinated processes, including:

- One window for submission (Front Counter BC)
- One set of co-ordinated consultation with First Nations for all project permits
- Co-ordinated permit reviews – including referral of all aspects of a project – a project is reviewed as a whole resulting in a streamlined process and more integrated, durable decisions

Government has hired more resources to work on permitting processes to address the backlog of Notices of Work (exploration permits) resulting in a 42 per cent reduction in backlog permits in the system over 60 days since October, 2011. These additional resources have been funded by contingency funds, and are scheduled to end in September 2013.

Mine development projects now undergo a co-ordinated permitting process. Huckleberry expansion project review included the *Mines Act*, *Environmental Management Act*, *Forest Act*, *Mineral Tenures Act* and *Water Act* permits concurrently. First Nations were part of the co-ordinated review process.

Land Access & Use

“No registration reserves”¹ are used to address conflict issues such as Caribou or other wildlife concerns until a solution can be reached. The tool is used sparingly, and is intended to protect investors from putting work into an area that may have future constraints.

Aboriginal Relations & Initiatives

B.C. is working toward agreements that put First Nations at the table for discussions about resource extraction in their traditional territories.

In many cases, First Nations are anxious to work with government and industry to develop the natural resources in their traditional territories, provided it can be done in an environmentally sound manner.

B.C. shares the desire of First Nations for increased economic opportunities and jobs in their communities, and supports the view that it is in everyone’s best interest to have industry engage the First Nation as early in the process as possible.

BC Jobs Plan

Canada Starts Here: The B.C. Jobs plan charts a course to create long-term jobs and investment in our province. It is about converting the strengths of British Columbia into competitive advantages to turn opportunity into lasting economic benefit for all British Columbians.

The three pillars of the B.C. Jobs Plan are: expanding markets for B.C. goods and services in Asia; enhancing our infrastructure to get those goods and services to market more efficiently; and working with employers and communities on job creation across the province.

¹ The **No Registration Reserve** (NRR), previously termed No Staking Reserve (NSR), prohibits a free miner from registering a mineral claim and/or a placer claim over a parcel of land.

Government is committed to ensuring that B.C. has eight new mines in operation by 2015 and that nine more are expanded.

Mineral Tenure Compensation

The establishment of parks and conservancies under the *Protected Areas of British Columbia Act* or the *Park Act* at times requires the taking of mineral tenures.

The Province recognizes the need for providing fair compensation to support the certainty of investment on Crown land.

Compensation is negotiated between the Province and the owner of the Mineral Tenure.

The province usually uses the services of a 3rd party evaluator to inform those negotiations. If the province and the owner of the mineral tenure cannot agree on a fair value, the dispute may be settled by a single arbitrator appointed by the Minister.

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MINISTRY OF ENVIRONMENT INFORMATION NOTE

June 25, 2013

File:

CLIFF/tracking #: 196348

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PREPARED FOR: The Honourable Mary Polak, Minister of Environment

ISSUE: New Prosperity – Supplementary note highlighting Environmental Protection Division (EPD) issues

BACKGROUND:

This note is intended to provide some supplementary context from the EPD. For a detailed description on the New Prosperity project and where it stands in the environmental assessment process, please refer to the Environmental Assessment Office.

DISCUSSION:

Topic specific panel hearings under the Canadian *Environmental Assessment Act* are to be held in Williams Lake starting on July 26th. Ministry staff are providing technical expertise on the project for Federal consideration.

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A detailed assessment of the project submission has not been completed yet as the process is in screening mode.

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NEXT STEPS:

Proceed with the public hearing utilizing the written submission process to ensure the integrity of the original EA certificate issued by the province is maintained.

Attachments: none

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DM	WS	July 8
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Author	CAC	June 25

MINISTRY OF ENVIRONMENT MEETING INFORMATION NOTE

Date: July 8, 2013
File: 50400-25/PACK GEN
CLIFF/tracking #: 196710

PREPARED FOR: The Honourable Mary Polak, Minister of Environment

DATE AND TIME OF MEETING: July 9, 2013, 3:15 pm.

ATTENDEES: Minister Polak; Allen Langdon, Chair, Multi-Materials BC (MMBC); Don Stickney, Vice President, Public Affairs and Government Relations, Fleishman Hillard; Wes Shoemaker, Deputy Minister, Ministry of Environment; Jim Standen, Assistant Deputy Minister, Environmental Protection Division; David Ranson, Executive Director, Environmental Standards Branch.

ISSUE: Meeting with senior representative of Multi-Material BC (MMBC) to discuss product stewardship, the MMBC approved stewardship plan for packaging and printed paper (PPP), and upcoming developments related to the implementation of the MMBC plan.

BACKGROUND:

In May 2011, the Recycling Regulation (the Regulation) was amended to include PPP including all paper printed with text or graphics (e.g., newspapers, flyers, and phonebooks) with the exception of bound books.

Under the amended Regulation, producers of PPP are required to:

- submit a stewardship plan detailing how they will finance and manage the recycling of PPP to the Ministry by November 19, 2012; and
- have, and comply with, an approved stewardship plan by May 19, 2014.

Two stewardship plans were received by the November 19, 2012 deadline. Multi-Material British Columbia (MMBC) submitted a plan for all packaging and printed paper and Brewers Distributor Limited (BDL) submitted a plan for beer container packaging (e.g. cases, etc.).

Following extensive regulatory review, MMBC's plan was approved by the Director of Waste Management, on April 15, 2013.

DISCUSSION:

MMBC is currently preparing for plan implementation which is set to occur May 19, 2014. Key topics related to plan implementation MMBC may wish to discuss during the meeting include: impending changes to MMBC's organizational structure; update on transitional issues; and anticipated benefits to British Columbians associated with the implementation of the MMBC plan.

MMBC Organizational Update

Ministry staff have been advised that on Tuesday, July 9, 2013, the interim MMBC board of directors will dissolve and decision making authority of MMBC will transition to the Canadian Stewardship Services Alliance (CSSA).

CSSA is a national stewardship organization that supports the harmonization of product stewardship programs across Canada.

The ministry has been assured that the public facing MMBC brand for BC residents will not change as MMBC will henceforth operate as a subsidiary of CSSA.

Transition Update

Local governments currently providing residential PPP or garbage curbside collection have been offered “first right of refusal” via a financial incentive, or Market Clearing Price (MCP), to continue to provide PPP collection.

Local governments must notify MMBC by September 16, 2013, of their intention to accept the incentives and provide collection service when the program commences on May 19, 2014. Key issues for local governments revolve around implementation/operational aspects of the plan including: scope of collection services, MCP financial mechanisms, and collector agreements.

MMBC has commenced with producer notification to advise producers of their obligations under the Recycling Regulation. The newspaper sector, represented by John Hinds, CEO of the Canadian Newspaper Association, has indicated to MMBC that newspapers have concerns with the costs of joining the MMBC program.

MMBC is continuing dialogue and consultation with stakeholders during this time to address outstanding concerns. BC’s results-based Regulation includes core requirements applying to all programs and schedules for each regulated product category, allowing producers the flexibility to meet performance targets with whatever system they choose.

Benefits of EPR for PPP

The economic and environmental benefits from an Extended Producer Responsibility (EPR) program for PPP are estimated to be substantial given PPP still comprise approximately 20-30% (by weight) of the material deposited in BC landfills.

In May 2014, the MMBC program will provide an additional 102,000 households in BC with curbside collection of PPP, increasing the overall number of households with curbside recycling to 1,443,725.

MMBC’s stewardship plan commits to expanding the materials collected curbside which will increase the convenience for residents. MMBC will require that a common list of PPP be collected from residents across BC. There will be no differences between what residents in one municipality can recycle compared to their neighbours.

Attachment 1: Transition Note, May 2013 - Recycling, Eco-fees and Packaging

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Manager	MA	Jul 8, 2013
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MINISTRY OF ENVIRONMENT MEETING INFORMATION NOTE

July 25, 2013
File: 56020-20/BCSF
ARCS: 280-20/BN
CLIFF/tracking #: 197009

PREPARED FOR: Honorable Mary Polak, Minister of Environment

DATE AND TIME OF MEETING: July 31, 2013 at 11:30 AM

ATTENDEES:

- BC Salmon Farmers Association represented by Mary Ellen Walling, Executive Director
- Honourable Mary Polak, Minister of Environment
- Honourable Steve Thompson, Minister of Forests, Lands and Natural Resource Operations
- Honourable Patt Pimm, Minister of Agriculture
- (by phone) Jim Hofweber, Executive Director, Environmental Protection Division (MoE); and Daphne Dolhaine, Manager, Integrated Pest Management (MoE)

ISSUE: Tenures for, and growth of, the BC aquaculture industry; national strategy for the development of a regulatory framework for aquaculture; possible request for support to use pesticides to manage sea lice in Pacific marine waters.

BACKGROUND:

The BC Salmon Farmers Association represents companies employing more than 6,000 people who work on salmon farms and provide services and supplies for the industry.

Regulatory authority for aquaculture

In 2009, the BC Supreme Court ruled that marine finfish aquaculture is a “fishery” and therefore a matter of federal jurisdiction. BC transferred authority over the aquaculture industry to the federal government through the 2010 Memorandum of Understanding - “Canada-British Columbia Agreement on Aquaculture Management.”

However, some regulatory aspects of the industry have remained a provincial responsibility. The release of wastewater (sewage and operational effluent) and the use of pesticides in water by these facilities currently require provincial authorizations under the *Environmental Management Act* and *Integrated Pest Management Act*, respectively.

Since 2012, the federal government has been developing federal regulation under the *Fisheries Act* to address a variety of issues related to the release of aquaculture substances. Discussions on all aspects of implementation, including national standards, have been ongoing through the Canadian Council of Fisheries and Aquaculture Ministers (CCFAM) Strategic Management Committee (SMC).

The Ministry of Agriculture is the lead agency for CCFAM and the SMC, but MoE is the lead agency for reviewing the drafts of federal proposals for regulations pertaining to effluent and pesticide use. Federal counterparts (Fisheries and Oceans Canada [DFO] and Environment Canada) have been exploring whether and how the regulation of pesticides for aquaculture might be administered by the federal government.

At a federal/territory/provincial call in June 2013, provincial Assistant Deputy Ministers were notified that the regulatory proposal for the most recent regulatory initiative had stalled at the federal level due to legal opinion on contraventions to the *Canadian Environmental Protection Act* Disposal at Sea Regulation and the roles of Environment Canada and DFO requiring further negotiation and perceived risk.

Managing Sea Lice in BC

Sea lice infestations at aquaculture sites present risks to both the health of the farmed stock and potentially to wild migratory salmon as a result of transmission processes.

Drugs and pesticides have been developed to manage sea lice. In Canada, drugs are regulated by Health Canada's Veterinary Drugs Directorate (VDD). The drug SLICE®, which is administered in fish feed, is the only approved therapeutic measure permitted for use at aquaculture sites in British Columbia.

Pesticides are regulated by Health Canada Pest Management Regulatory Agency (PMRA). PMRA evaluates and registers pesticides and establishes conditions and limitations for the use of pesticides through extensive health and environmental reviews. There are currently no fully registered pesticides for use at aquaculture facilities in Canada.

SLICE® appears to continue to be effective at managing sea lice on salmon farms in BC. On Canada's east coast, however, sea lice have become resistant to SLICE®. Some pesticides have been approved for use at east coast salmon farm sites through the PMRA Emergency Registration process.

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Regulation of pesticides in BC

BC regulates the sale of pesticides and the use of pesticides on public land, in water, and for specified commercial activities under the *Integrated Pest Management Act* (IPMA). Regulations pursuant to this Act contain provisions for training, human health and environmental protection, public notification, consultation, reporting, and record keeping.

Agricultural use of pesticides that occurs on private land does not require authorization under IPMA. However, application of a pesticide to a body of water requires a permit under IPMA. A provincial permit to use pesticides for aquaculture has never been adjudicated. This is in part because there are no pesticides registered to manage pests of aquaculture. SLICE®, which is currently used to manage sea lice, is not a pesticide (it is a veterinary drug), thus is not regulated under the *Integrated Pest Management Act*.

If the federal government grants an emergency registration to use pesticide for sea lice, a permit under the BC *Integrated Pest Management Act* for the use on specific sites would be required.

Use of pesticides in marine water

Any pesticide use in marine water would have to comply with federal *Canadian Environmental Protection Act* Disposal at Sea Regulation and with the federal *Fisheries Act* Section 36 which prohibits the deposit of harmful substances into waters frequented by fish.

Any pesticide used would have to be registered by Health Canada's Pest Management Regulatory Agency.

Currently, pesticide use in BC waters would require a provincial pesticide use permit issued under the British Columbia *Integrated Pest Management Act*. The permitting process includes public consultation and First Nations consultation. A permit contains terms and conditions and may be appealed to the Environmental Appeal Board.

MINISTRY POSITION:

Any proposed pesticide use for aquaculture would require review and approval by BC MoE under the BC *Integrated Pest Management Act*. Any application by an aquaculture operator will be given prompt review and a timely decision.

We are working with DFO and Environment Canada on clarifying roles and responsibilities with respect to use of pesticides for aquaculture and discharges from aquaculture sites into marine environments with a view to streamlining these processes.

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Reviewed by	Initials	Date
A/DM	LH	July 29/13
DMO	VJ	July 29/13
ADM	JS	July 26/13
Ex Dir.	JH	July 26/13
Mgr.		

**MINISTRY OF ENVIRONMENT
MEETING INFORMATION NOTE**

July 23, 2013
File: 44150-20\Ajax
CLIFF #: 196874

PREPARED FOR: The Honourable Mary Polak, Minister of Environment

DATE AND TIME OF MEETING: July 31, 2013 at 3:15 p.m. conference call

ATTENDEES: Ministers Polak, Bennett & Oakes, Wes Shoemaker, Mayor Milobar, Jim Hofweber and Cassandra Caunce by phone; EAO attending as well

ISSUE: Status of Ajax Mine Project highlighting issues from an EPD perspective

BACKGROUND:

KGHM Ajax Mining Inc. proposes to develop a new copper-gold open pit mine with a production capacity of 60,000 tonnes of ore per day. The mine's life expectancy is 23 years and is partially located within the city boundaries of Kamloops.

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DISCUSSION:

Regional EPD staff have reviewed the Application Information Requirements (AIR) for the project and the EAO has since given their approval on the application requirements this past June. The proximity of the mine to the city, air quality, noise and vibrations have been identified as the biggest concerns for the project. Additionally, First Nations have strongly voiced their concerns regarding water quality and quantity.

There are a large number of concerns being voiced in the community on how this project will affect air quality and public health.

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Regional EPD staff have been working with both KGHM and the EAO to ensure that concerns are addressed in the application when the EA process formally begins.

Once KGHM submits its application for the project, the EAO, with assistance from EPD, will have 30 days to evaluate the application for completeness. Once the application is

deemed sufficient to move forward (accepted), the formal application review process begins and must be completed in 180 days. During this period, the public will also have a 45 to 60 day opportunity to comment on the application.

s.13, s.16

SUGGESTED RESPONSE:

s.13

Attachments: Map (inserted in document below)

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[Insert additional rows if needed]

Reviewed by	Initials	Date
DM		
DMO		
ADM		
Exec. Dir	JLM	July 29
Dir./Mgr.	CAC	July 24
Author	CAC	

MINISTRY OF ENVIRONMENT INFORMATION NOTE

June 24, 2013
File: 280-20
CLIFF/tracking #: 195983

PREPARED FOR: Honourable Mary Polak, Minister of Environment

ISSUE: Federal-Provincial Relations – Current Status and Key Initiatives

BACKGROUND:

In Canada, the Constitutional Division of powers for environmental protection and management is not completely clear, as environmental statutory responsibilities have evolved since the Canadian Constitution came into effect in 1867.

Areas of overlap include the following:

- Fish, Fisheries and Fish Habitat
- Wildlife
- Pollution (release of identified toxins/contaminants)
- Environmental Assessment
- Pesticides (registration for manufacture and use vs. regulation of use)
- Air Quality/Weather Modification
- Climate Change

In British Columbia, the Ministry of Environment (MOE) engages with the federal government through Environment Canada, Department of Fisheries and Oceans (DFO), Transport Canada, Natural Resources Canada, and through our Intergovernmental Relations Office, the Department of Foreign Affairs and International Trade (DFAIT).

The greatest interaction takes place with Environment Canada on a number of files where responsibility is shared, but most recently there has been a sharp increase working with DFO due to major changes to the federal *Fisheries Act*, and with Transport Canada, due to the possibility of greatly increased tanker traffic along coastal British Columbia.

DISCUSSION:

British Columbia has an excellent working relationship with the federal government in matters related to the environment, having built strong connections through formal institutions such as the Canadian Council of Ministers of the Environment (CCME) and the *Canadian Environmental Protection Act* National Advisory Committee (CEPA-NAC), and through less formal channels at the ministerial and staff levels.

Although much work can be done through the Pacific Yukon Regional offices of Environment Canada and DFO, these ministries have been centralized over the last few years, with policy and decision making coming out of Ottawa. Often, staff in the

Vancouver offices are looking to Victoria to help provide British Columbia's priorities and perspective directly to Ottawa.

Priority files today include:

Development of Base-Level Industrial Requirements for Air Emissions

Working with Environment Canada, using the *Canadian Environmental Protection Act* (CEPA), MOE and Energy Ministry staff are representing our environmental and economic interests, ensuring sector BLIERS are developed in a way that benefits our air quality while providing a level playing field for industry.

Federal Greenhouse Gas (GHG) emission regulatory development

s.13, s.16

Bill C-38 and revisions to the *Fisheries Act*

Ministry of Environment is the lead across the provincial NR sector ensuring the province speaks with one voice when having input into changes to the *Fisheries Act*, and the restructuring of the Department.

s.13, s.16

s.13, s.16

The Elk River Valley, selenium and Area-Based Management Planning (ABMP)

s.13, s.16

The Federal Tanker Review Panel, Transport Canada and Oil and Gas development

Working across the NR sector, BC MOE and the Ministry of Transportation and Infrastructure are putting our position forward

s.13, s.16

s.13, s.16

CONCLUSION:

BC's interests in working with the federal government in the area of environment are many and varied. Key goals are to reduce duplication and overlap, allowing for best placed jurisdiction to manage for positive environmental and human health outcomes. In most instances, the Province believes we are best placed to work with our stakeholders

and communities. This perspective has been reinforced by our clients who often ask us to advocate on their behalf to the federal government.

BC is often seen as a leader on environmental issues, and in many instances is pushing the federal government and other provinces and territories to adopt our approaches around climate action – specifically a tax on carbon, to model our Extended Producer Responsibility program and for the federal government to recognize and take into account our existing regulatory framework before requiring duplicative regimes where we have already shown leadership.

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Reviewed by	Initials	Date
DM	WS	June 25
DMO	JJ	June
ADM	MZ	June 24
Exec Director	AD/LP	June 24
Author	AD	June 24

**MINISTRY OF ENVIRONMENT
MEETING INFORMATION NOTE**

Date: July 11, 2013
Date of previous note - # 168473
October 5, 2012
File: 280-20
CLIFF/tracking #: 196474

PREPARED FOR: Honourable Mary Polak, Minister of Environment

DATE AND TIME OF MEETING: July 15, 2013; 2:30 pm

ATTENDEES:

Lori Halls, Assistant Deputy Minister, BC Parks and Conservation Officer Service Division
Doug Caul, Associate Deputy Minister, EAO
John Mazure, Executive Lead, Environmental Assessments
Michelle Carr, Executive Director, Policy and Quality Assurance
Mark Werner, President, Guide Outfitters Association of BC
Scott Ellis, Executive Director, Guide Outfitters Association of BC

ISSUE: Guide Outfitters Association of BC has requested a meeting to discuss guide outfitting within BC Parks and the BC environmental assessment process.

BACKGROUND:

The Guide Outfitters Association of BC (GOABC) represents the majority of guide outfitters in the Province. Guide Outfitter territory certificates and licences are granted under the *Wildlife Act*. Allocation of species and the numbers of animals in each species available for hunting is done under the *Wildlife Act*, administered by the Ministry of Forests, Lands and Natural Resource Operations (FLNRO).

Each owner of a guide outfitting territory holds a certificate for that territory, and all guided hunting operations conducted under that certificate must be done by a licensed guide outfitter. The owner and the licensed guide are often the same person, but can be separate individuals.

BC Parks

- If the guide outfitting territory includes lands managed by BC Parks under the *Park Act* or the *Environment and Land Use Act*, then a Park Use Permit is required before the guide outfitter can undertake commercial guiding. The GOABC identified in a letter dated April 26, 2012, and again in a meeting with FLNRO and BC Parks staff on July 5, 2012, two specific issues: common reporting requirements and common length of term for authorizations under the *Wildlife Act* and Park Use Permits under the *Park Act*.

- Recent amendments to the *Wildlife Act* have changed the length of the guide outfitting certificate to 25 years, and policy for *Land Act* tenures allows for term lengths of 30 years for licenses of occupation and leases for adventure tourism businesses. BC Parks' current policy directs that Park Use Permits for guide outfitting are issued for a maximum of 10 years.
- A number of coastal conservancies were established by BC Parks starting in 2006, and these designations explicitly recognize the importance of these areas to First Nations for social, ceremonial and cultural uses. BC Parks has committed to developing joint Conservancy Management Plans with the coastal first nations whose territories overlap conservancy boundaries.
- There are a number of historical guide outfitter territories that overlap with these conservancies, which include rights for grizzly hunts. The First Nations are not supportive of these big-game hunting activities and have indicated they will not support signing a Management Plan that will allow these guided hunting activities to continue.

In addition the GOABC has raised concerns regarding the use of civil forfeiture as an enforcement tool.

BC Civil Forfeiture Office and the Conservation Officer Service (COS)

- In 2006, the BC Civil Forfeiture Office (CFO) was created with a goal of targeting the profit motive behind crime and other illegal activities. The intention was for the program to fulfill this objective by working collaboratively and effectively with law enforcement agencies to seek the forfeiture of assets obtained through illicit behaviour, or used to further wrongdoing.
- The COS has been referring cases to the CFO since 2010. These cases are in relation to a variety of environmental violations, including violations of the *Wildlife Act*, the *Environmental Management Act*, and the *Water Act*. Where the COS identifies assets that were obtained through, or used to engage in unlawful activity, an application for forfeiture of those assets can be made to the CFO.
- Currently the COS has 3 referrals being considered by the CFO, including one case involving a guide outfitter. Applications for civil forfeiture are made through the civil law process and the civil standard of proof (balance of probabilities) applies, and applications are not reliant on criminal charges or convictions.
- The Conservation Officer Service remains committed to building a strong relationship and improve communications with guide outfitters.

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DISCUSSION:

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s.13, s.15, s.22

Consideration of Guide Outfitters in Environmental Assessment Process:

- EAO requires proponents to identify and consider existing land uses (e.g. *Land Act* and *Wildlife Act* tenures) as part of a project's application information requirements and application. As well, the EA process requires proponents to prepare a Public Consultation Plan that identifies how input from stakeholders such as potentially affected guide outfitters will be sought. As part of the EA process, potential adverse project effects to various stakeholders' interests are assessed, including proposals to reduce or mitigate.

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SUGGESTED RESPONSE:

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s.13, s.15, s.22

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Reviewed by	Initials	Date
DM	WS	July 12/13
ADM	LH	July 11/13
Ex. Director	TB	via email 7/10
Author	MB	July 10/13

**MINISTRY OF ENVIRONMENT
MEETING INFORMATION NOTE**

June 27, 2013
Previous note: April 24, 2013
File: 280-20
CLIFF/tracking #: 195683

PREPARED FOR: Honourable Mary Polak, Minister of Environment.

DATE AND TIME OF MEETING: July 4, 2013 9:30AM – 10:00AM

ATTENDEES: MLA Claire Trevena (North Island); Deputy Minister Wes Shoemaker;
ADM Lori Halls

ISSUE: MLA Claire Trevena wishes to discuss the proposed land acquisition project involving three private land parcels on Quadra Island for park purposes.

BACKGROUND:

Approximately 405 hectares of privately owned land are located between Small Inlet and Octopus Islands marine parks on Quadra Island (Attachment 1). The three parcels of land are owned by Washington State forest company, Merrill and Ring, L.P.

BC Parks has had a long standing interest in acquiring these lands which increase connection between the two parks and protect ecological, cultural and recreation features. The lands were identified for protection in the 1995 Vancouver Island Land Use Plan.

s.13, s.17

DISCUSSION:

s.13, s.17, s.21

The local community has a strong interest in seeing the lands acquired by BC Parks and added to the parks system. ' s.13, s.21

s.13, s.21 The local MLA, Claire Trevena (North Island) has been on record in Hansard numerous times during the past three years requesting updates and supporting the acquisition. A private sale of these lands will likely trigger serious concerns in the local community and with the local MLA. Government can expect pressure to acquire these lands.

As outlined in a recent Information Note 190007 (Attachment 3), this is a complex acquisition project with multiple parts. To date the following funding has been secured:

s.13, s.17, s.21

SUGGESTED RESPONSE:

- Government remains interested in acquiring these parcels and recognizes the involvement of the community on Quadra Island, Marine Parks Forever Society, and

the regional government to assist in acquisition.

s.13, s.17

Attachment 1: map

Attachment 2: Decision Note 140643

Attachment 3: Information Note 190007

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DM	WS	June 27/13
DMO	JJ	June 27/13
ADM	LH	June 27/13
Exec. Dir PPM	MIN	June 27/13
	BB DN	June 26/13
Author	MIN	June 27/13
	BB D/IN	June 26/13

**MINISTRY OF ENVIRONMENT
INFORMATION NOTE**

August 19, 2013
File: 84360-20/0007
Previous CLIFF: 178306
CLIFF/tracking #: 196933

PREPARED FOR: Honourable Mary Polak, Minister of Environment.

ISSUE: Update on the

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BACKGROUND:

s.13, s.16

Pages 37 through 38 redacted for the following reasons:

s.13, s.16

s.13, s.16

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Reviewed by	Initials	Date
DM	WS	Aug 21/13
DMO	VJ	Aug 20/13
ADM	LH	Aug 19/13
Exec Dir Reg	TB	Aug 19/13
Exec Dir PPM	BB	Jul 22/13
Mgr PLA	KM	Jul 22/13
Dir./Mgr.	VH	Jul 18/13
Author	JA	Jun 10/13

MINISTRY OF ENVIRONMENT MEETING INFORMATION NOTE

July 25, 2013
X-Ref: 165021, 144564,
167670
File: 50400-25/PACK-GEN
CLIFF/tracking #: 197014

PREPARED FOR: Honourable Mary Polak, Minister of Environment

DATE AND TIME OF MEETING: July 30, 2013; 10:00 – 10:30

ATTENDEES: Minister Polak; John Hinds, CEO, Newspapers Canada; Wes Shoemaker, Deputy Minister, Ministry of Environment; Jim Standen, Assistant Deputy Minister, Environmental Protection Division; David Lawes, Manager, Waste Prevention.

ISSUE: Meeting with Newspapers Canada, to discuss their industry concerns regarding the inclusion of Packaging and Printed Paper (PPP) to the Recycling Regulation (the Regulation). It is likely that issues regarding Multi Material BC program implementation will be discussed.

BACKGROUND:

Newspapers Canada (NC) is a trade and lobby organization representing over 830 newspapers throughout Canada.

Industry Product Stewardship is a British Columbia (BC) Government strategy to make producers more responsible for their products, including collection and recycling.

The BC Government has developed four key principles that provide the strategic context for all Product Stewardship programs:

1. Producer/User Responsibility- Responsibility for waste management is shifted from general taxpayers to producers and users.
2. Level Playing Field- All brand-owners for a particular product category are subject to the same stewardship responsibilities (including for historical waste).
3. Results based- Programs focus on results and provide brand-owners with flexibility to determine the most cost effective means of achieving the desired outcomes with minimal government involvement.
4. Transparency and Accountability.

In 2009, the Ministry was approached by the Retail Council of Canada, The Canadian Federation of Independent Grocers, the Canadian Restaurant and Foodservices Association, Food and Consumer Products of Canada and Newspapers Canada indicating their desire to have packaging and printed paper regulated in BC through a collaborative, business driven approach.

Following a two year industry consultation process with these trade associations, the Regulation was amended on May 19, 2011, to include the PPP product category. To comply with the Regulation, producers of PPP must have a product stewardship plan to

the Ministry by November 19, 2012, and ensure a stewardship program is in place by May 19, 2014.

Multi-Material BC (MMBC) is a stewardship agency representing the producers of PPP and has developed an approved product stewardship plan in response to the regulatory requirements.

DISCUSSION:

NC was a member of the MMBC plan, but resigned from the interim board in April 2012 in order to undertake a feasibility study for potentially developing their own stewardship program independent of MMBC. As at November 19, 2012, several NC members had indicated their intent to join the MMBC program. MMBC and NC have since been unable to come to an agreement on a cost allocation formula. NC are likely to want to discuss the following with the Minister as it pertains to the newspaper sectors obligations under the Regulation:

Regulatory exemption- The newspaper industry have previously requested an exemption to the Regulation as they believe that their industry performs a special role in the democratic process and public education (from NC website on product stewardship) and cannot absorb any additional costs that may be associated with operating a product stewardship program.

Timelines- NC has expressed concerns with the timelines for product stewardship program implementation and in recent correspondence addressed to the Minister has requested a two-year extension for their sector to develop their own product stewardship plan.

MMBC transition to CSSA governance- As at Tuesday, July 9, 2013, the interim MMBC board of directors dissolved and decision making authority of MMBC transitioned to the Canadian Stewardship Services Alliance (CSSA). CSSA is a national stewardship organization that supports the harmonization of product stewardship programs across Canada.

NC cite the transition of decision making authority from MMBC to CSSA as central to their issue regarding cost allocation. NC advises that previous five-year agreement in principle negotiated between newspapers and MMBC in 2012 has since been retracted by CSSA.

SUGGESTED RESPONSE:

s.13

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Reviewed by	Initials	Date
DM		
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ADM	JS	July 29/13
Dir.	KO	July 25/13
Mgr.	DL	July 25/13
SH	MA	July 25/13
Author	JB	July 25/13

MINISTRY OF ENVIRONMENT INFORMATION NOTE

July 12, 2013
File: 280-20/BN
CLIFF/tracking #: 196471

PREPARED FOR: Honourable Mary Polak, Minister of Environment

ISSUE: Policy intentions and work plan to amend the Integrated Pest Management Regulation.

BACKGROUND:

In Canada, pesticides are regulated by federal, provincial, and municipal governments. Health Canada evaluates and registers pesticides before they can be used. They establish conditions and limitations for the use of pesticides which are stated on the product labels.

Provinces impose additional restrictions on pesticide sale or use. This is achieved through the licensing of companies and by requiring training and certification of pesticide applicators.

Seven provinces have implemented restrictions on the use of lawn and landscape pesticides. Approximately 40 BC municipalities have bylaws restricting the use of pesticides on municipal and private residential land.

Under the *Integrated Pest Management Act* (IPMA), the Minister prescribes in regulation when a licence is required to use pesticides.

The *Integrated Pest Management Act* was amended in March 2013 to enable development of regulations that change the way pesticides are used on private landscaped areas. These amendments allow the Minister to impose greater restrictions on how pesticides are used in BC. Regulations must be developed to bring any changes into effect.

DISCUSSION:

Currently, no registered pesticide, or pesticide use, is banned outright and no licence is required for landowners to use pesticides on private land (except for certain industrial applications).

Advocacy groups and individuals have lobbied for province-wide prohibition on the sale and/or use of pesticides for cosmetic purposes. The Union of BC Municipalities had asked the Province to ban the sale of pesticides used for cosmetic purposes. Industry groups involved in pesticide application (for both landscape and industrial purposes) are opposed to further restrictions on pesticides used for cosmetic purposes.

Two public consultations on the issue were held: one by the Ministry of Environment and one by a Special Committee of the Legislature.

In the Spring of 2013, Government announced its intention to address public concern about cosmetic use of pesticide by developing a regulation that achieves the following:

- Only licensed people will be allowed to use pesticides in private landscaped areas.
- The Minister will name specific pesticides that unlicensed people could continue to use.
- The Minister would make exceptions for health or safety reasons, including allowing the use of glyphosate (e.g., RoundUp) to manage poisonous plants, noxious weeds, or plants growing in driveways, walkways and parking lots.
- Municipalities and First Nations with regulation-making powers may opt out of the new requirement.

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Attachments:

1. Proposed Changes to the Integrated Pest Management Regulation
2. Work Plan: Drafting Regulations and Implementation

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DM		
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ADM	JS	July 25
Exec. Dir.	DR	July 15
Mgr.	DD	Jun 28

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Bullets for Chamber of Commerce meeting on Packaging and printed Paper EPR

- Industry Product Stewardship is a British Columbia (BC) Government strategy to make producers more responsible for their products, including collection and recycling.
- The BC Government has developed four key principles that provide the strategic context for all Product Stewardship programs:
 1. Producer/User Responsibility- Responsibility for waste management is shifted from general taxpayers to producers and users.
 2. Level Playing Field- All brand-owners for a particular product category are subject to the same stewardship responsibilities (including for historical waste).
 3. Results based- Programs focus on results and provide brand-owners with flexibility to determine the most cost effective means of achieving the desired outcomes with minimal government involvement.
 4. Transparency and Accountability.
- In 2009, the Ministry was approached by the Retail Council of Canada, The Canadian Federation of Independent Grocers, the Canadian Restaurant and Foodservices Association, Food and Consumer Products of Canada and Newspapers Canada indicating their desire to have packaging and printed paper regulated in BC through a collaborative, business driven approach.
- Following a two year industry consultation process with these trade associations and other affected commercial interests, the Regulation was amended on May 19, 2011, to include the PPP product category. To comply with the Regulation, producers of PPP must have a product stewardship plan to the Ministry by November 19, 2012, and ensure a stewardship program is in place by May 19, 2014. A great deal of progress has been made towards this goal and MMBC is expecting to have its program up and functional by the 2014 deadline.
- In 2011 and 2012, the Ministry engaged in discussions with local governments, industry associations (including Canadian Federation of Independent Businesses) and key private sector waste management firms to discuss the transition process.
- In the fall of 2012, Multi-Material BC engaged in consultation with stakeholders on their Product Stewardship Plan. MMBC has committed to further discussion with the small business sector regarding how the MMBC plan can help small business meet their obligations where they are captured by the regulation (i.e meet the definition of a producer).
- Recent concerns with the administrative requirements of the MMBC plan have been mistakenly attributed as government requirements. The Province takes a very results based approach to product stewardship and as such imposes very few regulatory requirements. It is up to industry to determine how best to meet their obligations under the Regulation and so any concerns with administrative burden are most appropriately directed to MMBC as the author of the plan.

Suggested response:

- I appreciate that the Chamber of Commerce supports the intent and goals of the Recycling Regulation and Packaging and Printed Paper industry stewardship in BC.
- Small business were consulted in 2010, prior to the regulation being amended, through engagement by the Minister and ministry staff with the Small Business Roundtable, Retail BC (which has since become Shelf Space BC and now amalgamated with RCC) and Ministry of Small Business staff that regularly liaise with the small business community.
- MoE is aware of the transitional issues facing small businesses such administrative burden and cost certainty and is supporting MMBC in their efforts to rectify those issues.
-

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**MINISTRY OF ENVIRONMENT
INFORMATION NOTE**

July 8, 2013

File:

CLIFF/tracking #: 196748

PREPARED FOR: Minister Mary Polak

ISSUE: Objection by Avanti Minerals to constraints placed on methods for derivation of Site Specific Water Quality Objective development for Kitsault mine

BACKGROUND: In a July 3, 2013 letter to Jim Standen, ADM, Environmental Protection Division (EPD) from Shane Uren of Avanti Minerals, Mr. Uren objected to the Province's insistence on using natural background hardness in the derivation of site specific ambient water quality objectives (SSWQOs) for metals present in proposed Kitsault mine effluent discharges. Each of the metals under consideration in this letter has properties that cause hardness dependant toxicity to aquatic life.

The letter stated that the use of site water hardness in derivation of SSWQOs for these metals is appropriate, and should be allowed. Mr. Uren also objected to the manner in which the provincial policy document describes the procedures as a "must", and that this amounts to fettering of the *Environmental Management Act* (EMA) decision maker's discretion.

Mr. Uren made three requests to resolve these two issues:

1) Amend the provincial SSWQO development guidance document to make clear that officials have discretion to consider the environmental impacts of mine induced hardness in cases where:

- (a) there is a reasonable basis to conclude that such induced hardness will in fact exist during the time periods for which the SSWQOs will be applicable, and
- (b) the factors and actions causing the change of hardness are legitimate and necessary functions of the activity being authorized

2) Make clear, within the SSWQO derivation guidance document, that such policies are intended to serve as a guidance only, and that officials must not rigidly apply specific provisions of the policy to any facts where there are valid reasons to do otherwise, and

3) Instruct officials in EPD on principles of fettering of discretion and that these principles do not mean rigidly applying a policy, or refusing to make exceptions when valid reasons for such exceptions exist.

s.13

Ministry of Environment staff are currently reviewing the policy document in question. Circumstances which may allow mine influenced water hardness to be used either solely

or in combination with un-influenced site water hardness are being considered. Such circumstances being considered include there being historic mining related quality issues which dictate an approach that focuses on ensuring that further degradation of water quality does not occur.

Of key importance in determining how to account for water hardness in SSWQO derivation is that water hardness itself, at higher concentrations can cause toxicity to aquatic life. Without considering such potential effects in the high hardness water predicted during Kitsault mine operations, SSWQOs for key metal contaminants would be inappropriate. Scientific means which can be used to include these potential effects in the derivation of SSWQOs for the Kitsault project are available. If such methods can be agreed upon, then there may be a resolution to the issue.

There is another complicating factor that may influence whether an EMA decision maker may use discretion in this instance which was not mentioned by Mr. Uren. The Environmental Assessment Certificate for the Kitsault mine project requires (as a certificate condition) that the derivation of SSWQOs be “in accordance with” the current provincially published guideline document, or a superseding document. This could be interpreted as moving from guidance to an enforceable requirement, thus eliminating the discretion of the EMA decision maker.

s.13, s.16

s.13, s.16

s.13

Attachments:

- 1) Appendix 1: July 3, 2013 letter from Avanti Minerals to Jim Standen
- 2) Appendix 2: Kevin Rieberger's July 4, 2013 email explanation of how hardness dependant toxicity may be incorporated in SSWQO development for some metals

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**MINISTRY OF ENVIRONMENT
MEETING INFORMATION NOTE**

August 16, 2013
File: 280-20
CLIFF 197142 (151668)

PREPARED FOR: Honourable Mary Polak, Minister of Environment

DATE AND TIME OF MEETING: September 4 or 5, 2013 (TBC); Time (TBC).

ATTENDEES: John Challinor, Director of Corporate Affairs, Nestlé Waters Canada; Laurie Throness, MLA Chilliwack-Hope; John Martin, MLA Chilliwack; Susan Johnston, Mayor of Hope; and staff representatives from the Ministry of Environment.

ISSUE: Nestlé Waters Canada Bottling Operations in British Columbia.

BACKGROUND:

Nestlé Waters Canada (Nestlé) is a subsidiary of Nestlé Waters North America and is British Columbia's largest manufacturer and distributor of bottled water products. The company has extended an invitation to visit its groundwater bottling plant in Hope.

The Nestlé website states: "our ultimate goal: to be recognized as best-in-class in sustainability within the beverage and water bottle industry". The company also indicates that its environmental practices include: managing and protecting spring sources, monitoring the quality of water, reducing packaging and increasing recycling efforts.

Recent press coverage has also singled out Nestlé as a large groundwater user that does not require a water use authorization or pay the Crown any water rentals for extracting a provincial resource.

The tour of Nestlé's Hope operation provides Minister Polak with an opportunity to hear about the company's stewardship activities and interests associated with its operations including the ^{s.12}, the environmental impact of its products, and the proposed expansion of the TransMountain Pipeline.

DISCUSSION:

s.13, s.12

s.13

Recycling

The province's Extended Producer Responsibility (EPR) policy is implemented through the Recycling Regulation under the *Environmental Management Act*. The Regulation requires industry to take responsibility for the entire life cycle of the products and materials that they produce, including collection and recycling of beverage containers.

The Recycling Regulation has been expanded to include all packaging and printed paper. The Regulation now requires industry to develop a Product Stewards Plan. Multi-Materials BC (representing producers of packaging and printed paper) is in the process of developing a Provincial Stewardship Plan, which will help maintain plan standards.

Nestlé, which also operates a product packaging facility in Chilliwack, maintains EPR for the life cycle management of their products, including collection and recycling – for example, the company helped to create the City of Richmond's "Go Recycle" initiative.

TransMountain Pipeline (TMP)

The TMP runs close to the well water source Nestlé uses for bottling and the company has expressed concern about the planned expansion of the pipeline. TMP filed a project description with the NEB in May of 2013, describing its proposed expansion plans. Nestlé indicates that it is engaging in productive dialogue with TMP.

SUGGESTED RESPONSE:

s.13, s.16, s.12

MOE also appreciates Nestlé's continued support for Extended Producer Responsibility in connection with BC's Recycling Regulation, and in particular the company's efforts in helping to establish Richmond's "Go!Recycle" Program.

The proposed expansion of the inter-provincial TMP is being assessed by the NEB. The Province will also be participating in the review of this project.

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