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ENBRIDGE NORTHERN GATEWAY PIPELINE AND SPILL RESPONSE

Issue:

- The Environmental Emergency Program is working with stakeholders on development of an industry-funded model for enhanced terrestrial spill prevention and response.
- The Program is providing technical expertise in the Province's review of the Northern Gateway pipeline project proposed by Enbridge.
- The Government of Canada is conducting a review of the tanker safety system (See APPENDIX A).

Background:

- The Ministry of Environment - as the ministry responsible for preparedness, prevention, response and recovery for spills - is not adequately staffed and resourced to meet the existing and emerging expectations to address spills. Even a moderate-sized spill would overwhelm the province's ability to respond and could result in a significant liability for government.
- Major resource developments in the province's Northeast, coupled with several proposals to open new and expand existing transportation corridors for petrochemicals and other hazardous materials is resulting in increased attention and expectations for spill response.
- Increasing preparedness through regulation commensurate with risk is not "development vs. the environment" but rather something all levels of government and industry agree upon.
- A terrestrial spill preparedness and response policy intentions paper was released in November 2012 which spoke to three critical areas of interest to the Ministry:
 - Identifying and developing alternative funding mechanisms for BC's environmental emergency program;
 - 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.
- The public comment period ended in February 2013.
- The ministry held a symposium on terrestrial spill preparedness and response from March 26-28, 2013 in Vancouver. The symposium brought together about 200 individuals with spill preparedness and response expertise to provide input into the elements of a world class terrestrial spill response regime. The following key recommendations emerged:
 - There must be sustainable communication, cooperation and collaboration between communities, First Nations, government, industry and responders.

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- B.C. needs to work with other government agencies to ensure there are clear roles and responsibilities for all parties engaged in spill preparedness and response.
- Appropriate funding to support spill prevention, preparedness and response.
- A working group with representation from industry, First Nations, local government, the federal government and other stakeholders has been created to assist the Ministry in expanding on policy options and developing recommendations to government.

Enbridge Northern Gateway

- Enbridge is seeking approval for its \$6 billion Northern Gateway pipeline project to meet growing demands for Alberta oil sands oil in Asian and U.S. markets. Built in the same right of way, one pipeline would flow west and move over 500,000 barrels of crude oil per day out of Alberta's oil sands to tankers in Kitimat and another would flow east and move 193,000 barrels of condensate from tankers in Kitimat to Alberta to dilute oil sands bitumen for transport. If approved, the pipelines would extend across 670 km of northern B.C., crossing a variety of geographic conditions; key habitats for woodland caribou and grizzly bears, as well as fish habitats; near to provincial parks and protected areas; and crossing hundreds of streams and rivers. It would open B.C.'s coastal waters to an additional 220 tankers annually.
- There would be environmental impacts associated with the construction and operation of the pipelines and the Kitimat terminal, as well as new risks of oil spills on both land and water associated with pipelines, storage containers and tanker transport. These impacts are the subject of review by a National Energy Board panel. The Province has official intervener status in the hearing process and recently completed cross examination of Enbridge.
- The severity of a spill from the Northern Gateway pipelines would depend on the spill location and size. For example, at a rate of 500,000 barrels of crude oil per day, a pipeline spill lasting an hour could lead to 21,000 barrels spilling into B.C.'s wilderness. There are additional risks of a spill from a tanker navigating B.C.'s coastal waters. Weather conditions and the remoteness of the pipeline's route in B.C. could cause cleanup delays, leading to broader water, land and wildlife contamination. Sensitive habitats, local economies (fisheries and tourism, for example) and First Nations along the route could be affected.
- Through the cross-examination phase of the NEB hearings, the province has been seeking answers from Northern Gateway related to:
 - Mitigating/minimizing the risk of a spill to terrestrial or marine environments
 - Spill preparedness including the ability to mount a timely and adequate response to a spill given the unique weather and terrain in northern BC; and
 - The degree to which BC taxpayers are protected from financial impacts of a spill.
- B.C.'s final argument was submitted on May 31, 2013 and oral arguments begin on June 17, 2013 in Terrace.



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Action required: No Action/Decision required at this time

APPENDIX A: TANKER SAFETY AS PART OF SPILL PREPAREDNESS AND PREVENTION

The Government of Canada is taking steps to review and improve the tanker safety system. Ministry of Environment representatives made a presentation to the Tanker Safety panel on June 5, 2013. MoE will be providing more detailed written input to the Panel by June 21, 2013.

Tanker safety is a component of the marine spill preparedness and response regime. While the issues the Province raised with the panel apply to tanker safety, they also should be understood in the broader context of the overall marine spill management regime. The Province's concerns apply to all vessel traffic and all potential hazardous material spills along the BC coast.

B.C. has urged the panel to consider prevention best practices and methods as part of the review. In addition, clarity is required on the level of preparedness that exists on Canada's west coast, such as the specific location of equipment, or how personnel would be mobilised in the event of a spill. It is also important to define those areas which would be most critical to protect in the event of a spill.

Geographic response plans are needed to ensure that if there is a spill, equipment is available and can be mobilised, responders are ready, and everyone knows what to do to protect the coast in each specific region of the province. We recommend continuous improvement of response techniques. For example, exploring potential techniques for recovering diluted bitumen is required, particularly given proposals for such shipments to increase.

Additionally, accepted response industry practices have to be assessed in the Canadian context and adopted when it makes sense. Chemical dispersants and in-situ burning are available tools, decisions must be made on their applicability in Canada, and if they are deemed acceptable, these techniques should be pre-approved for use to avoid unnecessary delays.

The industry funded spill cooperative model needs to be updated and expanded to reflect the existing and projected expansion of port facilities on the BC coast and the associated increase large marine vessel movements. For example, it is critical that approved response contractors have the capability to operate in all marine environments (protected waters, semi-protected waters, open waters). Also, they should be prepared to handle all hydrocarbon types being used or transported (e.g., various oil types, including sinking oils). While hydrocarbons are top of mind, it is critical that spill regimes be designed with capacity to handle all spilled materials, in particular, all hazardous materials.



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The level of resources (including spill response assets and trained personnel) provided to the CCG for spill response appears to be inadequate and may be even more challenged with the anticipated increase in large vessel traffic on the BC coast.

The industry requirements – established by Transport Canada – are perceived as being insufficient in both scope and scale. For example, in both Washington State and Alaska industry requirements are far in excess of what is required in B.C.

The Province supports a review of Canada's liability and compensation regime, as announced by the Government of Canada. The limits of liability for marine spills create significant exposure for both provincial and federal governments. Funds should be sufficient to ensure that costs do not fall to government, individual Canadians, or local communities and businesses.

While the Government of Canada has the lead for tanker safety and marine spills, a large scale spill to the marine environment can impact BC in many ways. The Province believes it is imperative that the two levels of government collaborate extensively in the determination of world class best practices, methods and regulation, based on a coordinated approach to risk assessment and analysis of preparedness and response regimes.

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