



ARCS: 292-30
File: MOE-2019-90917
Your File: 3887-01

June 4, 2019

Sent via email:

Re: Request for Access to Records
Freedom of Information and Protection of Privacy Act (FOIPPA)

I am writing further to your request received by the Ministry of Environment and Climate Change Strategy. Your request is for:

Regarding three spills of sulphuric acid from trucks operated by Westcan Bulk Transport Ltd. (Westcan), Trimac Transportation Inc. (Trimac), International Raw Materials Ltd. (IRM) in the area of Trail, on April 10, 2018, May 23, 2018 and September 22, 2018, please provide the following records: investigations and/or orders regarding vehicles operated by Westcan, Trimac, or IRM which carried corrosive substances; investigations of the spills; clean-up of the spills; recommendations related to the spills; decisions related to the spills; communications with other authorities regarding the spills; any emergency response assistance plans ("ERAPs") or other emergency or spill response plans relating to the transport of sulphuric acid by Westcan, Trimac, IRM or Teck Resources Ltd. in the area of Trail, B.C.; any assessments, correspondence, decisions, bonds or indemnities relating to these ERAPs or other emergency or spill response plans; any inspections, assessments or review of processes regarding the transport of sulphuric acid by truck in the area of Trail, B.C. from 2003 to present. (Date Range for Record Search: From 01/01/2003 To 02/08/2019)

.../2

Please find enclosed a copy of the records located in response to your request. Some information has been withheld pursuant to sections 17 (Disclosure harmful to the financial or economic interests of a public body), and 22 (Disclosure harmful to personal privacy) of FOIPPA. Copies of these sections of FOIPPA are provided for your reference. A complete copy of FOIPPA is available online at:

http://www.bclaws.ca/civix/document/id/complete/statreg/96165_00

Concerning your request for information related to Emergency Response Assistance Plans (ERAPs), the Ministry is not able to demand emergency response plans nor require their implementation from any of the parties involved, as the chemical involved is not a regulated product to date. Transport Canada may require ERAPs for this chemical to be transported, in which case the ERAP must be requested through Transport Canada.

Similarly, any inspections, assessments or reviews of the process regarding the transport of sulphuric acid by truck does not fall within the Ministry of Environment and Climate Change Strategy's jurisdiction. This information would likely reside with Commercial Vehicle Safety Enforcement and/or Transport Canada.

Your file is now closed.

These records will be published on the BC Government's Open Information website a minimum of ten business days after release. To find out more about Open Information, please access the Open Information website at: www.gov.bc.ca/openinformation

If you have any questions regarding your request, please contact Regan Stewart, the analyst assigned to your request, at 778 698-5996. This number can be reached toll-free by calling from Vancouver, 604 660-2421, or from elsewhere in BC, 1 800 663-7867 and asking to be transferred to 778 698-5996.

You have the right to ask the Information and Privacy Commissioner to review this decision. I have enclosed information on the review and complaint process.

Sincerely,

Regan Stewart, Junior FOI Analyst
On behalf of Meghan Kane, Manager
Resource Team, Information Access Operations

Enclosures

<p>How to Request a Review with the Office of the Information and Privacy Commissioner</p>
--

If you have any questions regarding your request please contact the analyst assigned to your file. The analyst's name and telephone number are listed in the attached letter.

Pursuant to section 52 of the *Freedom of Information and Protection of Privacy Act* (FOIPPA), you may ask the Office of the Information and Privacy Commissioner to review any decision, act, or failure to act with regard to your request under FOIPPA.

Please note that you have 30 business days to file your review with the Office of the Information and Privacy Commissioner. In order to request a review please write to:

Information and Privacy Commissioner
PO Box 9038 Stn Prov Govt
4th Floor, 947 Fort Street
Victoria BC V8W 9A4
Telephone 250 387-5629 Fax 250 387-1696

If you request a review, please provide the Commissioner's Office with:

1. A copy of your original request;
2. A copy of our response; and
3. The reasons or grounds upon which you are requesting the review.