

Zadravec, Don GCPE:EX

From: Cotton, Brian GCPE:EX
Sent: Wednesday, January 31, 2018 1:41 PM
To: Haslam, David GCPE:EX; Beaupre, Darren GCPE:EX; Plank, Sarah GCPE:EX; Ritchie, Leanne GCPE:EX; Robb, Katie GCPE:EX; Bowness, Lianne GCPE:EX; Nelson, Tiffany GCPE:EX; Schollen, Tasha GCPE:EX; Zadravec, Don GCPE:EX; Thomas, Vivian P GCPE:EX; Lowther, Brett GCPE:EX
Cc: Crebo, David GCPE:EX
Subject: TMX KM doc
Attachments: KMs_TMX_Jan 2018.docx

FYI – here is the latest rolling doc of TMX key messages to include messaging on the proposed spills regs announced yesterday.

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KEY MESSAGES**

**Trans Mountain Pipeline Expansion
Ministry of Environment and Climate Change Strategy | January 31, 2018**

Key Messages

Top Lines

- Our government made a commitment to use every tool available to defend B.C.'s interests - and we are approaching the situation thoughtfully and deliberately.
- Our first step was to appear as interveners in the Federal Court of Appeal hearing.
- We've also passed initial regulations to increase responsibility, transparency and accountability for those who move potentially dangerous liquid petroleum products through our province.
- And we are proposing new regulations that would do the following:
 - Require spill response to occur in a timely fashion;
 - Ensure appropriate responses are tailored to specific geography;
 - Require compensation for community impacts;
 - Ensure provincial interests are protected in the event of marine spills; and
 - Restrict increased transportation of diluted bitumen until the behaviour of spilled bitumen is better understood and there is certainty regarding the ability to adequately mitigate spills.
- We will continue to explore other legal ways to defend the interests of British Columbians against this unnecessary project.

Permitting

- Statutory decision makers continue to consider permit applications, in accordance with the legislative authority granted to them.
- When it comes to granting permits, we will hold the company's plans to the existing high standards of environmental protection and consultation with First Nations that British Columbians expect.

Intervenor in Federal Court of Appeal

- The Trans Mountain pipeline expansion project significantly impacts British Columbia - with a disproportionate impact on B.C.'s marine coastal environment and Indigenous peoples.
- British Columbia was granted intervener status to ensure our provincial interests are heard in this matter.

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KEY MESSAGES**

- B.C.'s argument specifically outlined the failure of the federal process to properly consider the profound economic risks associated with a bitumen spill on our coast.
- British Columbians can have confidence that we will continue to defend B.C.'s coast and the economic and environmental interests that are so important to us all.

Squamish court case

- The B.C. government has a legal obligation to defend past processes, in particular the kind of First Nations consultations that are being challenged in the Squamish case, and we are committed to upholding that obligation.
- Our government cannot act retroactively. Going forward, we are committed to working with First Nations on all issues, including the way we define the standards of consultation in the future.

Burnaby vs TMX (NEB Dec.7th ruling)

- We are shocked that the NEB has ruled in favour of Kinder Morgan – and frankly, angry on behalf of all British Columbians.
- The decision to set up a short-circuit to allow Kinder Morgan to bypass municipal and provincial regulations is inappropriate, and all provinces should be concerned about the implications of this egregious ruling.
- Our government is vehemently opposed to allowing our provincial permitting process to be needlessly undermined.
- We have steadfastly assured administrative fairness while we defend B.C.'s interests by insisting on high standards for environmental protection and First Nations consultations.
- We will carefully review the decision to determine whether there are grounds for an appeal.
- We have already filed applications for both an appeal and a judicial review of the previous NEB decision, to preserve our rights to appeal and will carefully review the Reasons for decision that just been released by the NEB. (applications filed Jan.8, 2018)
- Our government will continue to explore other legal ways to defend the interests of British Columbians against this unnecessary project.

Federal intervention in the Burnaby vs TMX NEB hearing

- After promising they wouldn't intervene in an independent tribunal, the fact that Ottawa weighed in –on the side of the pipeline company – is concerning to me, and I expect to many British Columbians.

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KEY MESSAGES**

- The federal government is arguing for a process to short-circuit the rights of municipalities and provinces.
- Governments at all levels have a responsibility to properly oversee permitting and ensure that the environment and public safety is protected.
- Frankly, all provinces should be concerned by the implications.
- Our government filed in the NEB proceeding so that we could uphold the interests of British Columbians in the permitting process and protect the ability of provinces and municipalities across the country to do the same.
- We have been clear and consistent that we will use every tool available to defend B.C.'s coast, and that is what we're doing.
- Our first step was to appear as interveners in the Federal Court of Appeal hearing.
- We've also passed initial regulations to increase responsibility, transparency and accountability for those who move potentially dangerous liquid petroleum products through our province.
- We will continue to explore other legal ways to defend the interests of British Columbians against this unnecessary project.

On delays in Kinder Morgan permitting process

- Kinder Morgan has an obligation to prepare itself for the permitting process.
- How thorough and timely they are is a matter best addressed by the company.

Proposed spill response regulations (announced Jan.30)

- The people of B.C. need to know there is an effective spill management across the province, and in particular for sensitive environments, including coastlines.
- This second phase of regulations is proposed to build on the 2017 improvements and ensure we continue to strengthen spill management in B.C.
- The contemplated regulations would require spill response to occur in a timely fashion, ensure appropriate responses tailored to specific geography, require compensation for community impacts, ensure provincial interests are protected in the event of marine spills and restrict increased transportation of diluted bitumen until the behaviour of spilled bitumen can be better understood and there is certainty regarding the ability to adequately mitigate spills.
- This is the latest step in a more robust spill response framework.

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KEY MESSAGES

- The potential for a diluted bitumen spill already poses significant risk to our environment, particularly sensitive rivers, lakes, wetlands and coastlines, as well as the thousands of existing tourism and marine harvesting jobs.
- We're seeking feedback around placing a prohibition on any increase in the bulk transportation of heavy oil by rail and pipeline until we are satisfied these products can be safely cleaned up.
- We are convening an independent scientific advisory panel to make recommendations on how heavy oils can be safely transported and cleaned up if spilled.
- British Columbians rightfully expect their government to defend B.C.'s vulnerable areas and the economic and environmental interests that are so important to the people in our province.

Protests

- The Province recognizes the right to engage in peaceful protest and lawful assembly.
- In every situation, we ask people to remain respectful of one another and encourage resolution of issues through discussion wherever possible in a lawful manner.
- We believe negotiation is the best way to resolve issues that concern asserted Aboriginal rights and title.
- If illegal acts occur, the police and the Province will exercise their independent discretion and address each situation with an appropriate and measured response.
- When responding to a critical incident, the Province will continue to respect the right to peaceful protests while ensuring the protection of people and property.

Calls for the EAO to pull the EA certificate

- The Trans Mountain Expansion Project is an interprovincial pipeline project that is federally regulated and has approval from the National Energy Board and the federal cabinet.
- The Supreme Court of British Columbia ruled in January 2016 that the BC Environmental Assessment process could place conditions on the project but it could not prevent the project proceeding if the federal government approved the project.
- This means that even if B.C. had legal grounds to pull the EA certificate, the project would still go on and the company would no longer be subject to the 37 conditions we require of them, meaning our government would lose the ability to defend B.C.'s interests.

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KEY MESSAGES

- I am confident that the Environmental Assessment Office will take the appropriate action in the event of non-compliance with any of the conditions for this project in the same manner it does with other projects.
- Our government remains clear - the Kinder Morgan pipeline is not in B.C.'s best interests. A seven-fold increase in heavy oil tankers in the Vancouver harbour would be bad for our economy, our environment, and thousands of existing jobs.

Spawning Mats

- It is incumbent upon the federal government to ensure the protection of Canadian land, air and water, by holding individuals and companies to the legal, high standards Canadians expect and deserve.
- Those standards include demonstrating proof the environment will be protected, by adhering to various permits and conditions which are designed to help mitigate against any potentially harmful environmental impacts.
- By installing spawning deterrents in several B.C watercourses before the company has satisfied federally-mandated, pre-construction conditions, the NEB found Trans Mountain in violation of Section 31 of the NEB Act.
- More to the point, the NEB has found that, in this specific instance, the company has compromised the standards set by the federal government.
- I can tell you our government is getting to work, and using every tool in its toolbox to protect B.C.'s interests.
- Our request is that the federal government work with British Columbia to ensure both levels of government are acting in the best interests of British Columbians.

Zadavec, Don GCPE:EX

From: Zadavec, Don GCPE:EX
Sent: Tuesday, January 30, 2018 1:58 PM
To: Lloyd, Evan GCPE:EX; Gibbs, Robb GCPE:EX
Cc: Kristianson, Eric GCPE:EX
Subject: FW: Spills media so far

See below

From: Crebo, David GCPE:EX
Sent: Tuesday, January 30, 2018 1:56 PM
To: Zadavec, Don GCPE:EX
Cc: Kristianson, Eric GCPE:EX
Subject: Spills media so far

Don - Coverage has been extensive...initial 'mainstream' media reporting it straight up, commenting on new "uncertainties" in the project. 'Base' media to a certain extent effusive in their praise of govt and MGH.

MGH has spoken with:

Van Sun
Globe and Mail
National Post
Reuters
CP
National Observer
deSmog
Black Press
Global web and TV
City TV
CBC TV - Vancouver
CBC TV - Calgary
CBC All Points West
CBC Almanac
CBC radio news Vancouver
CBC radio news Calgary

...plus heaps of twitter traffic and other outlets doing stories .

I expect there'll be more follow up media interest over the next couple days.

Dave Crebo
Communications Director
Ministry of Environment and Climate Change Strategy
(250) 812-5747

Zadravec, Don GCPE:EX

From: Cotton, Brian GCPE:EX
Sent: Monday, January 29, 2018 4:19 PM
To: Haslam, David GCPE:EX; Beaupre, Darren GCPE:EX; Plank, Sarah GCPE:EX; Ritchie, Leanne GCPE:EX; Robb, Katie GCPE:EX; Bowness, Lianne GCPE:EX; Nelson, Tiffany GCPE:EX; Schollen, Tasha GCPE:EX; Zadravec, Don GCPE:EX; Thomas, Vivian P GCPE:EX; Lowther, Brett GCPE:EX
Cc: Crebo, David GCPE:EX
Subject: FYI - NR and QA for spills announcement
Attachments: QA_Spills_Regs_Feb_2018_Final.docx; NR_Spills_Regs_Phase2_Jan_2018_Draft_18.docx

Please find attached our QA and NR on the next phase of proposed spill response regulations. NR going tomorrow at 10.

Thanks,
Brian Cotton
Communications Manager
Ministry of Environment and Climate Change Strategy
Phone: (250) 387-9618
Cell: (250) 818-4233

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QUESTIONS AND ANSWERS

Phase 2 Spills Regulations under the Environmental Management Act
Ministry of Environment and Climate Change Strategy
February 2018

KEY MESSAGES:

- The people of BC need to know there is an effective spill management across the province, and in particular for sensitive environments, including coastlines.
- A second phase of regulations is proposed to build on the 2017 improvements and ensure we continue to strengthen spill management in B.C.
- The contemplated regulations would require spill response to occur in a timely fashion, ensure appropriate responses tailored to specific geography, require compensation for community impacts ensure provincial interests are protected in the event of marine spills and restrict increased transportation of diluted bitumen until the behaviour of spilled bitumen can be better understood and there is certainty regarding the ability to adequately mitigate spills.
- This is the latest step in a more robust spill response framework.
- The potential for a diluted bitumen spill already poses significant risk to our environment, particularly sensitive rivers, lakes, wetlands and coastlines, as well as the thousands of existing tourism and marine harvesting jobs.
- We're seeking feedback around placing a prohibition on any increase in the bulk transportation of heavy oil by rail and pipeline until we are satisfied these products can be safely cleaned up.
- We are convening an independent scientific advisory panel to make recommendations on how heavy oils can be safely transported and cleaned up if spilled.
- British Columbians rightfully expect their government to defend B.C.'s vulnerable areas and the economic and environmental interests that are so important to the people in our province.

Questions and Answers:

1. **Are these regulations aimed at stopping the Kinder Morgan pipeline?**
 - The government is committed to protecting our vulnerable areas, including coastlines as well as our land environment.
 - These regulations, as well as our concern for the impacts of the Kinder Morgan project, derive from our commitment to strengthen provisions to protect the environment and human health.
 - Any project such as the proposed Kinder Morgan pipeline would be required to comply with these regulations.

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QUESTIONS AND ANSWERS

2. **Are you not concerned Kinder Morgan will challenge this in court?**
 - We don't want to speculate what the company may or may not do.
 - Our job is to protect our vulnerable areas, including coastlines, and defend the interests of British Columbians, and that is what we're doing.
 - Part of the process is to hear directly from First Nations, stakeholders, and the general public about this proposed regulation.
3. **What gives you the legal authority to propose not allowing an increase in bulk shipments of bitumen?**
 - The Environmental Management Act provides this authority.
4. **How long would a potential prohibition last?**
 - The proposed prohibition against an increase in transportation of heavy oil by pipeline and rail would be in place while the Independent panel completes its work.
 - A potential prohibition could be lifted once government is satisfied that heavy oils can be safely transported and cleaned up.
5. **Reports suggest there have been advances in converting dilbit to solid form, including pellets. Would the proposed regulation apply to that type of product?**
 - The proposed regulation would only apply to heavy oil in spillable (liquid) forms. Solid forms of dilbit will not be included at this time.
6. **Are you confident the Advisory Committee will find solutions around recovering bitumen? What if they don't?**
 - Credible reports such as the report of the Royal Society of Canada Expert Panel on the Behaviour and Environmental Impacts of Crude Oil Released into Aqueous Environment (RSC Panel Report) in fall 2015 have concluded that the science is lacking or highly uncertain regarding the behavior, fate, and effects of diluted bitumen in certain conditions.
 - This made-in-B.C. advisory committee will study the behavior of bitumen under the conditions that would exist on B.C.'s coast and in rivers, watercourses, and wetlands.
 - We are confident that within two years the committee could provide findings based on scientific research applicable to B.C.
 - These recommendations would be the basis for further spills regulations to ensure adequate environmental protections are in place with respect to diluted bitumen.
 - A potential prohibition would be repealed once those measures were in place.
7. **Isn't the federal government/NEB already studying bitumen and ways to effectively address a spill? Isn't this new committee redundant?**
 - The new committee will study behaviour of bitumen in conditions that are specific to B.C.'s coast and in rivers, watercourses, and wetlands.
 - The federal and provincial work should complement one another and provide for a better understanding of the behaviour of bitumen a variety of environments.
 - The advisory committee will consider all relevant information, including the work of the federal government.

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QUESTIONS AND ANSWERS

8. What other regulations are being proposed?

- For Phase 2, the province will also be looking for feedback in four other areas:
 1. Response times, to ensure timely responses following a spill;
 2. Geographic response plans, to ensure resources are available to support an immediate response that take into account unique characteristics of a given sensitive area;
 3. Compensation for community impacts in the case of spills;
 4. Maximizing application of regulations to marine spills.

9. Who will be consulted?

- We will consult with First Nations as well as industry, local governments and other stakeholders.
- Additionally, an intentions paper will be posted for public comment.

10. How will government be consulting on these proposals?

- We will have several dedicated regional sessions around B.C. to facilitate First Nations input and engagement.
- We will provide a web function where the public can provide input for consideration.
- Where specific input is required on a particular topic, the ministry may establish short-term working groups comprised of invited representatives.

11. When do you expect these regulations would come into effect?

- Its expected Phase 2 regulations would come into effect in 2019.

12. Who would pay the costs to comply with these regulations?

- Regulated persons - the people and companies who transport potentially hazardous products - bear the responsibilities prior to a spill under these proposed regulations.
- Once a spill occurs, all Responsible Persons – the spillers and owners- are responsible for complying with regulations for all post spill response and recovery actions.
- The spill response regulations follow the “polluter pays” principle adopted by the B.C. government, the federal government, and other jurisdictions.

13. Will these regulations apply to the marine environment?

- The B.C. government will continue to develop a robust spill prevention, response and recovery program that improves spill response and recovery, and complements the federal marine spill regime to protect our coastal waters.
- The contingency planning elements do not apply to marine shippers, and marine shippers will not be Regulated Persons under the provincial regulations.
- However, aspects of the regulations such as recovery plans and lessons learned reports can be applied in marine spills.
- While the federal government is the lead for ship source spills, the Province typically supports spill response actions in order to protect provincial interests, such as shoreline impacts and wildlife.
- The new regulations help support marine spill response through enhanced response and recovery provisions.
- In November 2016, the federal government released their \$1.5 billion Oceans Protection Plan.

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QUESTIONS AND ANSWERS

- As part of the federal plan, B.C. will also see enhanced resources for the Coast Guard along the entire coast including new rescue stations, increased tug capacity (two tugs for B.C.) and new communications equipment.
- 14. Won't these regulations lead to increased costs, more red tape, and therefore decreased investment and job creation?**
- These regulations are about ensuring good decision making and proper oversight. There is no intent to hold up sustainable economic development.
 - The regulations are intended to protect and uphold public trust while ensuring the environment and human health are protected.
- 15. Why are only petroleum products covered: why not other potentially hazardous substances?**
- Liquid hydrocarbons represent the bulk of spill volume in British Columbia, and given the characteristics of liquid hydrocarbons (mobility, impact on environment) they are the top priority for the updated spills regulations.
- 16. The initial legislation was passed by the former government, who were previously characterized as "inadequate caretakers of the environment." Isn't this a rubber stamp on their work?**
- These regulations do activate the broad legislation, passed in 2016, that was supported by both sides of the House.
 - It is in the regulations where the government's commitment to a robust spill response mechanism is made clear.
 - With the initial regulations announced in October I directed the Ministry to alter some of the provisions that were previously communicated in the Ministry's 2017 Policy Paper:
 - For instance, under those regulations, the Minister reports to the legislature every year, rather than every 2 years.
 - Many of those regulations will come into effect sooner than originally planned under the previous administration (e.g. an initial 6 month deadline for rail and pipe contingency plans – though a 6 month extension is available)
 - The Phase 2 regulations continue to advance a robust spills regime that British Columbians want and deserve.
- 17. National Energy Board recently took action to prevent Burnaby from slowing down construction with permits? Do you expect the NEB to take similar actions against the province?**
- We don't want to speculate what the NEB may or may not do.
 - Our job is to protect our vulnerable areas, including coastlines, and defend the interests of British Columbians, and that is what we're doing.

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QUESTIONS AND ANSWERS

18. How much heavy oil is currently being moved across B.C. by various means?

- Part of the process of consulting on this regulation will be to refine and assess the data available on existing volumes being transported by rail and pipe in BC, so that we can limit any increases until we have determined whether this product can be transported safely and cleaned up effectively if spilled. For some context on volumes though:
 - We know that there were about 4,300 train car loads of heavier oils exported to the US, through BC in 2016. That's over 3 million barrels. Not all of that is dilbit, but much of it is.
 - By pipe, the Transmountain Pipeline transports approximately 17 million barrels of heavy oil per year. Once the Transmountain Pipeline is expanded, it will transport approximately 197 million barrels per year of heavy oil.
 - There are also other proposed projects that are proposing substantial increases in dilbit transportation. For example, the proposed Pacific Future Energy Refinery (north of Kitimat) and the Kitimat Clean project would both substantially increase heavy oil by rail shipments though both are in the early stages of the EAO process.
 - With respect to trucking, there were no recorded shipments of heavy crude oil imported or exported through BC by road in 2015/2016. Further data on heavy oil shipments by truck are not available.

19. Is B.C. still on track for developing and implementing a world-leading spill response regime?

- Yes, the proposed regulations as well as those approved in October are another step in that direction.

NEWS RELEASE

[release number]
January 30, 2018

Ministry of Environment and Climate
Change Strategy

Additional measures being developed to protect B.C.'s environment from spills

VICTORIA –The provincial government is proposing a second phase of regulations to improve preparedness, response, and recovery from potential spills.

The first phase of the regulations, approved in October 2017, establish a standard of preparedness, response and recovery necessary to protect B.C.'s environment. With some exceptions for B.C. Oil and Gas Regulated entities, the phase one regulations apply to pipelines transporting any quantity of liquid petroleum products, and rail or trucking operations transporting over 10,000 litres of liquid petroleum products.

For the second phase, the province will be looking for feedback in five areas:

- Response times, to ensure timely responses following a spill;
- Geographic response plans, to ensure resources are available to support an immediate response that take into account unique characteristics of a given sensitive area;
- Compensation for loss of public and cultural use of land, resources or public amenities in the case of spills;
- Maximizing application of regulations to marine spills; and,
- Restrictions on the increase of diluted bitumen ("dilbit") transportation until the behaviour of spilled bitumen can be better understood and there is certainty regarding the ability to adequately mitigate spills.

"The people of B.C. need to know that there is effective spill management across the province, and in particular for our most sensitive and vulnerable areas, including coastlines," said George Heyman, Minister of Environment and Climate Change Strategy. "We believe spills should not happen. But if hazardous pollutants have potential to spill, our government will ensure that spillers must be prepared and able to fully mitigate the environmental damage before they proceed."

An independent scientific advisory panel will be established to make recommendations to the Minister of Environment and Climate Change Strategy on if and how heavy oils can be safely transported and cleaned up if spilled.

"The potential for a diluted bitumen spill already poses significant risk to our inland and coastal environment and the thousands of existing tourism and marine harvesting jobs," said Heyman. "British Columbians rightfully expect their government to defend B.C.'s coastline and our inland waterways, and the economic and environmental interests that are so important to the people in our province, and we are working hard to do just that."

The process to receive feedback on the proposed regulations will feature engagement with First Nations, to begin as soon as possible. To ensure the views of the broad range of stakeholders are heard, government will meet with industry, local governments and environmental groups over the coming weeks and months.

As well, the general public will be able to provide input online through written comments, once an intentions paper is released. The intentions paper will provide an overview of the proposed regulations, and is expected to be posted before the end of February 2018.

A backgrounder follows.

BACKGROUND

Proposed regulations under the Environmental Management Act (EMA) to improve liquid petroleum spill response and recovery:

1. Response times

Response times are the established timeframes within which response resources will be activated and arrive at a spill site. Currently, the Ministry of Environment and Climate Change Strategy does not regulate in this area. Establishing response time requirements would align with practices of other regulators and in neighbouring jurisdictions.

2. Geographic response plans

Geographic response plans (GRPs) identify sensitive, natural, cultural, or significant economic resources at risk from spills, and outline the response actions that are appropriate for that site to minimize impacts to these resources should a spill occur. GRPs are map-based and each one has a variety of information that is useful to responders, particularly in the first 48 to 72 hours of a response.

3. Loss of public use

Loss of public use refers to the requirement that spillers provide some form of restitution for the impacts of spills on the use and/or enjoyment of public spaces and resources, such as the use of beaches, parks, and forests, the enjoyment of wildlife, wilderness spaces, food resources, recreation, and drinking water, as well as the intrinsic value of archaeological and cultural sites.

4. Marine application

The Province seeks to broaden existing ministry authority to ensure provincial interests are fully addressed in marine spill prevention, preparedness, response and recovery. While the primary responsibility for marine spills lies with federal agencies, a spill of any significance will impact and involve all orders of government. The provincial government has a responsibility to ensure there is a regulatory framework in place that protects its coastal resources.

5. Diluted bitumen transportation restrictions

The Province will create an independent scientific advisory panel to help address the scientific uncertainties outlined in the report of the Royal Society of Canada Expert Panel on the Behaviour and Environmental Impacts of Crude Oil Released into Aqueous Environments. The recommendations of the advisory panel will inform future regulatory development and approaches to spill response.

In order to protect B.C.'s environmental and economic interests while the advisory panel is proceeding, the Province is proposing regulatory restrictions to be placed on the increase of diluted bitumen ("dilbit") transportation.

Contact:
Media Relations
Ministry of Environment and Climate Change Strategy
250-953-3834

Zadravec, Don GCPE:EX

From: Zadravec, Don GCPE:EX
Sent: Monday, January 29, 2018 3:50 PM
To: Lloyd, Evan GCPE:EX; Kristianson, Eric GCPE:EX; Gibbs, Robb GCPE:EX
Subject: FW: NR_Spills_Regs_Phase2_Jan_2018_Draft_18
Attachments: NR_Spills_Regs_Phase2_Jan_2018_Draft_18.docx

FYI

From: Klassen-Jeffery, Victoria GCPE:EX
Sent: Monday, January 29, 2018 3:44 PM
To: GCPE Editors
Cc: GCPE Communications - Environment & Climate Change Strategy
Subject: NR_Spills_Regs_Phase2_Jan_2018_Draft_18

Hello all;
The News release and backgrounder for 10 am tomorrow, province-wide, is attached.
Cheers
Tori

Victoria Klassen Jeffery
Senior Public Affairs Officer

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NEWS RELEASE

[release number]
January 30, 2018

Ministry of Environment and Climate
Change Strategy

Additional measures being developed to protect B.C.'s environment from spills

VICTORIA –The provincial government is proposing a second phase of regulations to improve preparedness, response, and recovery from potential spills.

The first phase of the regulations, approved in October 2017, establish a standard of preparedness, response and recovery necessary to protect B.C.'s environment. With some exceptions for B.C. Oil and Gas Regulated entities, the phase one regulations apply to pipelines transporting any quantity of liquid petroleum products, and rail or trucking operations transporting over 10,000 litres of liquid petroleum products.

For the second phase, the province will be looking for feedback in five areas:

- Response times, to ensure timely responses following a spill;
- Geographic response plans, to ensure resources are available to support an immediate response that take into account unique characteristics of a given sensitive area;
- Compensation for loss of public and cultural use of land, resources or public amenities in the case of spills;
- Maximizing application of regulations to marine spills; and,
- Restrictions on the increase of diluted bitumen ("dilbit") transportation until the behaviour of spilled bitumen can be better understood and there is certainty regarding the ability to adequately mitigate spills.

"The people of B.C. need to know that there is effective spill management across the province, and in particular for our most sensitive and vulnerable areas, including coastlines," said George Heyman, Minister of Environment and Climate Change Strategy. "We believe spills should not happen. But if hazardous pollutants have potential to spill, our government will ensure that spillers must be prepared and able to fully mitigate the environmental damage before they proceed."

An independent scientific advisory panel will be established to make recommendations to the Minister of Environment and Climate Change Strategy on if and how heavy oils can be safely transported and cleaned up if spilled.

"The potential for a diluted bitumen spill already poses significant risk to our inland and coastal environment and the thousands of existing tourism and marine harvesting jobs," said Heyman. "British Columbians rightfully expect their government to defend B.C.'s coastline and our inland waterways, and the economic and environmental interests that are so important to the people in our province, and we are working hard to do just that."

The process to receive feedback on the proposed regulations will feature engagement with First Nations, to begin as soon as possible. To ensure the views of the broad range of stakeholders are heard, government will meet with industry, local governments and environmental groups over the coming weeks and months.

As well, the general public will be able to provide input online through written comments, once an intentions paper is released. The intentions paper will provide an overview of the proposed regulations, and is expected to be posted before the end of February 2018.

A backgrounder follows.

BACKGROUND

Proposed regulations under the Environmental Management Act (EMA) to improve liquid petroleum spill response and recovery:

1. Response times

Response times are the established timeframes within which response resources will be activated and arrive at a spill site. Currently, the Ministry of Environment and Climate Change Strategy does not regulate in this area. Establishing response time requirements would align with practices of other regulators and in neighbouring jurisdictions.

2. Geographic response plans

Geographic response plans (GRPs) identify sensitive, natural, cultural, or significant economic resources at risk from spills, and outline the response actions that are appropriate for that site to minimize impacts to these resources should a spill occur. GRPs are map-based and each one has a variety of information that is useful to responders, particularly in the first 48 to 72 hours of a response.

3. Loss of public use

Loss of public use refers to the requirement that spillers provide some form of restitution for the impacts of spills on the use and/or enjoyment of public spaces and resources, such as the use of beaches, parks, and forests, the enjoyment of wildlife, wilderness spaces, food resources, recreation, and drinking water, as well as the intrinsic value of archaeological and cultural sites.

4. Marine application

The Province seeks to broaden existing ministry authority to ensure provincial interests are fully addressed in marine spill prevention, preparedness, response and recovery. While the primary responsibility for marine spills lies with federal agencies, a spill of any significance will impact and involve all orders of government. The provincial government has a responsibility to ensure there is a regulatory framework in place that protects its coastal resources.

5. Diluted bitumen transportation restrictions

The Province will create an independent scientific advisory panel to help address the scientific uncertainties outlined in the report of the Royal Society of Canada Expert Panel on the Behaviour and Environmental Impacts of Crude Oil Released into Aqueous Environments. The recommendations of the advisory panel will inform future regulatory development and approaches to spill response.

In order to protect B.C.'s environmental and economic interests while the advisory panel is proceeding, the Province is proposing regulatory restrictions to be placed on the increase of diluted bitumen ("dilbit") transportation.

Contact:
Media Relations
Ministry of Environment and Climate Change Strategy
250-953-3834

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For the second phase, the province will be looking for feedback in four areas:

- Response times, to ensure timely responses following a spill;
- Geographic response plans, to ensure resources are available to support an immediate response that take into account unique characteristics of a given sensitive area;
- Compensation for loss of public and cultural use of land, resources or public amenities in the case of spills;
- Maximizing application of regulations to marine spills.

"The people of B.C. need to know that there is effective spill management across the province, and in particular for our most sensitive and vulnerable areas, including coastlines," said George Heyman, Minister of Environment and Climate Change Strategy. "We would prefer that spills don't happen at all. But if they do, our government will ensure that spillers are prepared to mitigate the environmental damage."

Stakeholder meetings will continue into spring 2018, beginning with First Nations and also including industry, local and federal governments, environmental groups and the response community. An intentions paper will also be posted for public comment.

In addition, the provincial government will bring forward a new regulation to prohibit any increase in the bulk transportation of heavy oil, including by rail and pipeline. The prohibition would be lifted once government is satisfied that heavy oils can be safely transported and cleaned up.

"The potential for a diluted bitumen spill already poses significant risk to our inland and coastal environment and the thousands of existing tourism and marine harvesting jobs," said Heyman. "British Columbians rightfully expect their government to defend B.C.'s coastline and our inland

waterways, and the economic and environmental interests that are so important to the people in our province, and we are working hard to do just that.”

An independent scientific advisory panel will be established to make recommendations to the Minister of Environment and Climate Change Strategy on if and how heavy oils can be safely transported and cleaned up if spilled.

A backgrounder follows.

BACKGROUND

Proposed regulations to improve liquid petroleum spill response and recovery:

1. Response times

Response times are the established timeframes within which response resources will be activated and arrive at a spill site. Currently, the Ministry of Environment and Climate Change Strategy does not regulate in this area. Establishing response time requirements would align with practices of other regulators and in neighbouring jurisdictions.

2. Geographic response plans

Geographic response plans (GRPs) identify sensitive, natural, cultural, or significant economic resources at risk from spills, and outline the response actions that are appropriate for that site to minimize impacts to these resources should a spill occur. GRPs are map-based and each one has a variety of information that is useful to responders, particularly in the first 48 to 72 hours of a response.

3. Loss of public use

Loss of public use refers to the requirement that spillers provide some form of restitution for the impacts of spills on the use and/or enjoyment of public spaces and resources, such as the use of beaches, parks, and forests, the enjoyment of wildlife, wilderness spaces, food resources, recreation, and drinking water, as well as the intrinsic value of archaeological and cultural sites.

4. Marine application

The Province seeks to broaden existing ministry authority to ensure provincial interests are fully addressed in marine spill prevention, preparedness, response and recovery. While the primary responsibility for marine spills lies with federal agencies, a spill of any significance will impact and involve all orders of government. The provincial government has a responsibility to ensure there is a regulatory framework in place that protects its coastal resources.

Prohibition on an increase in the bulk transport of heavy oil:

- The prohibition is intended as an interim measure enacted under the BC Environmental Management Act to ensure the protection of B.C.'s environment, given the unpredictable nature of heavy oils when spilled.
- The Province will create an independent scientific advisory panel to help address the scientific uncertainties outlined in the report of the Royal Society of Canada Expert Panel on the Behaviour and Environmental Impacts of Crude Oil Released into Aqueous Environments. The recommendations of the advisory panel will inform future regulatory development and approaches to spill response.

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QUESTIONS AND ANSWERS

Phase 2 Spills Regulations under the Environmental Management Act
Ministry of Environment and Climate Change Strategy
February 2018

KEY MESSAGES:

- The people of B.C. need to know there is effective spill management across the province, and in particular for our most sensitive and vulnerable areas, including coastlines.
- A second phase of regulations is proposed to build on the 2017 improvements and ensure we continue to strengthen spill management in B.C.
- The contemplated regulations would require spill response to occur in a timely fashion, ensure appropriate responses tailored to specific geography, require compensation for community impacts, and ensure provincial interests are protected in the event of marine spills.
- This is the latest step in a more robust spill response framework.
- The potential for a diluted bitumen spill already poses significant risk to our environment, particularly sensitive rivers, lakes, wetlands and coastlines, as well as the thousands of existing tourism and marine harvesting jobs.
- We're also placing a temporary prohibition on any increase in the bulk transportation of heavy oil by rail and pipeline until we are satisfied these products can be safely cleaned up.
- We are convening an independent scientific advisory panel to make recommendations on how heavy oils can be safely transported and cleaned up if spilled.
- British Columbians rightfully expect their government to defend B.C.'s vulnerable areas and the economic and environmental interests that are so important to the people in our province.

Questions and Answers:

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