

Kelly, Suzannah GCPE:EX

From: Kelly, Suzannah GCPE:EX
Sent: October 9, 2018 1:46 PM
To: Frampton, Caelie ENV:EX; Xia, Eveline ENV:EX
Cc: GCPE Communications - Environment & Climate Change Strategy; Zadravec, Don GCPE:EX; Lo, Reamick ENV:EX; Kennedy, Karla ENV:EX; Howlett, Tim GCPE:EX
Subject: UPDATED IN_Trail sulphuric acid spill
Attachments: IN_Trail Sulphuric Acid Spill_Oct 09_2018.docx

Hi Caelie and Eveline,

Attached is an updated version of the Trail sulphuric acid spill IN. It has been updated in light of the ICBC civil claim. It has approved by David Morel and has been saved to the Share Drive.

Please note that media requests will be forwarded to the MAG for response.

One KM has been added:

If asked about the ICBC civil claim:

- I am unable to discuss the details of the case as it is before the courts now.

And, the following bullets have been added to the background:

Background:

- On October 9, 2018, ICBC filed a Notice of Civil Claim (NOCC) to seek financial relief from damages caused by the recent Trail acid spills. Among the defendants are the Ministry of Transportation and Infrastructure (MOTI) and the Ministry of Environment (MOE), collectively known as Provincial Defendants.
 - ICBC is alleging corporate, municipal, and government defendants did not deploy qualified responders to the incidents, promptly neutralize the spill, respond prudently and notify the public immediately when the spills occurred, take reasonable precautions to close the highway, and properly report the incident to the authorities.
- Regarding why EEROs did not attend: The province receives between 3,500 and 4,000 spill reports each year, many of which are managed appropriately and thoroughly by the spiller. Response officer use a risk-based approach to determine which spills are attended in person. This decision is re-evaluated throughout the response as necessary.

Thank you,
Suzannah

Suzannah Kelly
Public Affairs Officer
Government Communications & Public Engagement

Ministry of Environment and Climate Change Strategy, October 09, 2018

TRAIL SULPHURIC ACID SPILL

Key Messages:

- We sympathize with vehicle owners who have been impacted by these spills.
- While spillers are responsible for costs associated with environmental clean-up due to a spill, provincial legislation does not cover compensation for damages to private property.

If asked about the ICBC civil claim:

- I am unable to discuss the details of the case as it is before the courts now.

Background:

- On October 9, 2018, ICBC filed a Notice of Civil Claim (NOCC) to seek financial relief from damages caused by the recent Trail acid spills. Among the defendants are the Ministry of Transportation and Infrastructure (MOTI) and the Ministry of Environment (MOE), collectively known as Provincial Defendants.
 - ICBC is alleging corporate, municipal, and government defendants did not deploy qualified responders to the incidents, promptly neutralize the spill, respond prudently and notify the public immediately when the spills occurred, take reasonable precautions to close the highway, and properly report the incident to the authorities.
- On September 7, 2018, CBC reported that ICBC has received approximately 2500 insurance claims from vehicle owners who had their vehicles damaged by two separate sulphuric acid spills near Trail. CBC and other media outlets had previously reported on the story.
- The first two spills occurred on April 10th and May 23rd on Hwy 3B after two transport trucks from WestCan Bulk Transport departed the Teck lead smelter. The combined total spilled was approximately 300 litres (220L in first incident and 80L in second).
- A third spill occurred Sept. 22nd. Less than a ¼ cup spilled. The DGIR for all three is 182286.
- Under the Environmental Management Act, the provincial government has the ability to cost recover response costs related to an environmental emergency. The provisions in the Spill Cost Recovery Regulation do not apply to compensation for damage to personal property. Members of the public and businesses would have recourse through civil courts for compensation to private property or business operations.
- The ministry was notified of all three spills and the responsible party took the required steps to respond.
- No environmental damage has been observed from any of the spills and no fines have been issued to-date.

Kelly, Suzannah GCPE:EX

From: Karn, David GCPE:EX
Sent: September 11, 2018 9:05 AM
To: Cotton, Brian GCPE:EX; Kelly, Suzannah GCPE:EX
Subject: Fw: DGIR 180711.pdf
Attachments: DGIR 180711.pdf; ATT00001.txt

Sent from my BlackBerry 10 smartphone on the TELUS network.

Original Message

From: Watts, Joshua ENV:EX <Joshua.Watts@gov.bc.ca>
Sent: Monday, September 10, 2018 4:39 PM
To: Karn, David GCPE:EX
Subject: DGIR 180711.pdf



Category : Code 1

Incident Date Time : 2018-05-23 19:00

MCTS # :

Spiller : WEST CAN TRUCKING

Location : TRAIL OPERATIONS
PLANT 3KM INTO
GLENMARY
SUBDIVISION

Area : TRAIL

EMBC Region : SEA

MOE Region : Kootenay
Region

Material(s): SULFURIC ACID

Amount(s): UNKNOWN

Received From:

Caller A : BRETT CHOBANUK

Org : TECK FIRE DEPT

Phone : Business 250-364-4901

Alternate :

Time :

Caller B :

Org :

Phone :

Alternate :

Time :

Received by EMBC Operations Officer : NATALIE

When Received : 2018-05-23 19:30

Affected Environment : Ground

Other :

Type of Spilling :

Other Spill Type :

Unknown

Accidents:

Sector: Unknown

Cause :

Reporting a tanker truck was leaking when he left the property, no further details at this time.

Response :

Crews are spreading lime rock to neutralize and wash down, regional fire rescue on scene, Teck Fire on scene, emerg response team mobilized, RCMP on scene, and West Can Trucking on scene.

Jurisdiction : Provincial, Municipal

Task # :191008

Amount : \$50

Issued To : JOSH WATTS

Notification :

19:38 Briefed MOE RO Josh Watts, code 1 prov/muni

19:39 Briefed PDM Rod Allen

19:42 Emailed MOE Penticton / Cranbrook

Kelly, Suzannah GCPE:EX

From: Karn, David GCPE:EX
Sent: September 11, 2018 9:05 AM
To: Cotton, Brian GCPE:EX; Kelly, Suzannah GCPE:EX
Subject: Fw: DGIR 180711 update 1
Attachments: DGIR 180711 update 1.pdf; ATT00001.htm

Sent from my BlackBerry 10 smartphone on the TELUS network.

From: Watts, Joshua ENV:EX <Joshua.Watts@gov.bc.ca>
Sent: Monday, September 10, 2018 4:40 PM
To: Karn, David GCPE:EX
Subject: Fwd: DGIR 180711 update 1

Sent from my iPhone

Begin forwarded message:

From: "EMBC ECC1 EMBC:EX" <SGPEP.ECC1@gov.bc.ca>
Date: May 23, 2018 at 20:56:13 PDT
To: "ENV EEP Duty Manager ENV:EX" <dutymanager.eep@gov.bc.ca>, "Mole, Allan ENV:EX" <Allan.Mole@gov.bc.ca>, "Novosad, Veron ENV:EX" <Veron.Novosad@gov.bc.ca>, "Wagner, Rick S ENV:EX" <Rick.Wagner@gov.bc.ca>, "Watts, Joshua ENV:EX" <Joshua.Watts@gov.bc.ca>, "Lipsett, Kandis ENV:EX" <Kandis.Lipsett@gov.bc.ca>
Subject: DGIR 180711 update 1

Operations Officer - Emergency Coordination Centre
EMERGENCY MANAGEMENT BRITISH COLUMBIA
24 hour Emergency Reporting: 1.800.663.3456 Fax: 250.952.4872
www.embc.gov.bc.ca



DGIR 180711 - UPDATE # 1

Type : INLAND UPDATE
Subject : SULFURIC ACID
Task # : 191008
Assigned To : JOSH WATTS
Incident Area : TRAIL

Original Entry Logged : 2018-05-23 19:30
Amount : \$50
ASE Number :
EMBC Region : SEA
MOE Region : Kootenay Region
MCTS# :

Location : TRAIL OPERATIONS PLANT 3KM INTO GLENMARY SUBDIVISION

Caller : LEO
Organization : CANUTEC
Primary No : Business 1-888-226-8832
Alt No :

This Update Logged : 2018-05-23 20:05
EMBC Operations Officer : NICO

Details :

Updating that there is alternating traffic on hwy 3. The Fire Department on scene advised there is no impact to waterways. The spill is currently contained, and clean up is being completed. The leak was from a faulty air valve in the top of the truck.

Notification :

2015-briefed MOE RO Watts. Add \$50 to task.
2054-briefed PDM Allen.
2059-emailed MOE Penticton/Cranbrook.

Kelly, Suzannah GCPE:EX

From: Karn, David GCPE:EX
Sent: September 24, 2018 9:41 AM
To: Kelly, Suzannah GCPE:EX
Subject: FW: DGIR 182286 - SEA - SULFURIC ACID

-----Original Message-----

From: Environmental Emergencies Spill Reports ENV:EX
Sent: Saturday, September 22, 2018 7:55 PM
To: Karn, David GCPE:EX
Subject: FW: DGIR 182286 - SEA - SULFURIC ACID

From: SGPEP.ECC1@gov.bc.ca
Sent: Saturday, September 22, 2018 7:54:55 PM (UTC-08:00) Pacific Time (US & Canada)
To: Environmental Emergencies Spill Reports ENV:EX
Subject: DGIR 182286 - SEA - SULFURIC ACID

DGIR 182286
PEP Task Number: 193354

Incident Date: 2018-09-22 18:10
Incident Time: 2018-09-22 18:10
Report Date: 2018-09-22
Report Time: 19:20

Spiller: TECK TRAIL OPERATIONS

Caller 1 / Agency:
ANDY JOHNSON / TECK METALS - Business: 250-364-4901 - :

Caller 2 / Agency:
/ - : - :

Location: HWY 22A / HWY 3B / 9550 STATION RD
Area: TRAIL
PEP Region: SEA
MOE Region: Kootenay Region

Affected Env: Ground
Spill Type: Unknown
Sector: Unknown

Jurisdictions:

- 1: Provincial
- 2: Municipal

Material: SULFURIC ACID LESS THAN 1/4 CUP

Details:

Reporting a Trimac truck with sulfuric acid drove to Hwy 22A/Hwy 3B to Quirk Siding (9550 Station Rd) and after unloading discovered the lead trailer was leaking sulfuric acid underneath the trailer and onto the ground. The supervisor inspected the nearby road on Station Rd and the test results were for a low PH. IRM is the company that owns the acid, and is the one that reported to Teck Metals.

Response:

Local FD and RCMP have been notified and Kootenay Boundary Regional Fire Rescue FD has taken command, and Teck Metals emergency response has been notified.

Notifications:

19:29 Briefed MOE RO Ashley Robertson, code 1 prov/muni
19:32 Briefed PDM Derek Sommerville
19:35 emailed MOE Surrey / Cranbrook / Admin road safety

Report Compiled By: NATALIE Operations 3 ECC - 2018-09-22 19:20

Environmental Emergency Response Officer:

Date:

Notification Coding: Code 1 / Code 2

MOE Response: Exercise / Potential / No Field Response / Field Response /
IMT Activation

Notes:

Kelly, Suzannah GCPE:EX

From: Karn, David GCPE:EX
Sent: September 24, 2018 9:41 AM
To: Kelly, Suzannah GCPE:EX
Subject: FW: DGIR 182286 UPDATE 1 - SEA

-----Original Message-----

From: Environmental Emergencies Spill Reports ENV:EX
Sent: Saturday, September 22, 2018 8:42 PM
To: Karn, David GCPE:EX
Subject: FW: DGIR 182286 UPDATE 1 - SEA

From: SGPEP.ECC1@gov.bc.ca
Sent: Saturday, September 22, 2018 8:41:55 PM (UTC-08:00) Pacific Time (US & Canada)
To: Environmental Emergencies Spill Reports ENV:EX
Subject: DGIR 182286 UPDATE 1 - SEA

PEP Task Number: 193354

Incident Date: 2018-09-22
Incident Time: 19:20
Location: HWY 22A / HWY 3B / 9550 STATION RD
Area: TRAIL
PEP Region: SEA
MOE Region: Kootenay Region

Caller / Agency:
ASHLEY ROBERTSON / MOE RO

Details:
By email - Kootenay Boundary Regional Fire reports spill may impact 14-16 km of roadway. 2 Teck Metals and 3 FD members conducting pH field testing.

Andy Johnson reports estimated volume was provided by Katy Gains (IRM), ERAP has been activated, CANUTEC has been notified, ERT mobilizes, Environmental Hygienist to assist with field testing.

Report Compiled By: PERRY Operations 1 ECC - 2018-09-22 20:22
DGIR 182286 UPDATE 1 - Subject: INLAND UPDATE

Notifications:
20:23 briefed PDM, Derek
20:23 briefed NEEC.

20:25 emailed MOE Surrey/Cranbrook, Admin Rd Safety, Canutec, Mines

Environmental Emergency Response Officer:

Date:

Notification Coding: Code 1 / Code 2

MOE Response: Exercise / Potential / No Field Response / Field Response /

IMT Activation

Notes:

Kelly, Suzannah GCPE:EX

From: Karn, David GCPE:EX
Sent: September 24, 2018 9:41 AM
To: Kelly, Suzannah GCPE:EX
Subject: FW: DGIR 182286 UPDATE 2 - SEA

-----Original Message-----

From: Environmental Emergencies Spill Reports ENV:EX
Sent: Sunday, September 23, 2018 12:06 AM
To: Karn, David GCPE:EX
Subject: FW: DGIR 182286 UPDATE 2 - SEA

From: SGPEP.ECC1@gov.bc.ca
Sent: Sunday, September 23, 2018 12:05:56 AM (UTC-08:00) Pacific Time (US & Canada)
To: Environmental Emergencies Spill Reports ENV:EX
Subject: DGIR 182286 UPDATE 2 - SEA

PEP Task Number: 193354

Incident Date: 2018-09-22
Incident Time: 19:20
Location: HWY 22A / HWY 3B / 9550 STATION RD
Area: TRAIL
PEP Region: SEA
MOE Region: Kootenay Region

Caller / Agency:
ASHLEY ROBERTSON / MOE RO

Details:
by email - At 23:00 Kootenay Boundary Regional Fire reporter no pH hits along 16km of highway assessed. 2 isolated spills identified: at gate of loading site (described as the size of a fist) and at the station where the spill was identified. Teck crews are neutralizing the 2 spill sites.

Note: MOTI was engaged by KBRF during response.

Report Compiled By: PERRY Operations 1 ECC - 2018-09-22 23:53
DGIR 182286 UPDATE 2 - Subject: INLAND UPDATE

Notifications:
23:54 briefed PDM, Derek
23:54 emailed MOE Surrey/Cranbrook, Admin Rd Safety, Canutec, Mines

Environmental Emergency Response Officer:

Date:

Notification Coding: Code 1 / Code 2

MOE Response: Exercise / Potential / No Field Response / Field Response /

IMT Activation

Notes:

Kelly, Suzannah GCPE:EX

From: Cotton, Brian GCPE:EX
Sent: October 9, 2018 10:14 AM
To: Crebo, David GCPE:EX; Karn, David GCPE:EX; Kelly, Suzannah GCPE:EX
Subject: FW: ICBC Notice of Civil Claim for Trail acid spills
Attachments: Trail NOCC media statement FINAL.docx; IN- Trail Acid Spill NOCC - 04OCT18 UPDATED.docx

FYI

From: Mandybura, Cadence GCPE:EX
Sent: Tuesday, October 9, 2018 10:13 AM
To: Cotton, Brian GCPE:EX; Bowness, Lianne GCPE:EX
Cc: Fellingner, Nicole GCPE:EX; Duffus, Robert GCPE:EX
Subject: FYI: ICBC Notice of Civil Claim for Trail acid spills

Good morning Brian and Lianne – ICBC is filing a Notice of Civil Claim later today as part of its cost recovery process for the Trail acid spills. The ministries of Transportation and Environment are both named as provincial defendants.

Attached are ICBC's issues note on the topic and their media statement that will be made public tomorrow.

Any questions, let me know. Thanks!

Cadence

Cadence Mandybura | Senior Public Affairs Officer
Ministry of Attorney General, Province of British Columbia
250 356-6305 (office) | 250 893-8513 (cell)
cadence.mandybura@gov.bc.ca



Trail Acid Spills NOCC

DATE: OCTOBER 3, 2018

ICBC Recommended Responses:

- **I understand ICBC is moving ahead with the necessary steps in trying to recover its costs from the potentially negligent parties.**
- **It's important that ICBC looks to do this in order to mitigate any impact these events may have on insurance rates.**
- **I am unable to discuss the details of the case as it is before the courts now.**

Background:

- On October 9, 2018, ICBC will file a Notice of Civil Claim (NOCC) to seek financial relief from damages caused by the recent Trail acid spills. ICBC must file by this date to comply with the limitation provisions of the Local Government Act.
- In the NOCC, ICBC listed the following entities as negligent parties:
 - Westcan, IRM and Teck, collectively known as Corporate Defendants.
 - Christopher Hutchinson and John Doe #1 (unknown name), the two commercial truck drivers who operated the Westcan vehicles during the spills.
 - Regional District of Kootenay Boundary and the City of Trail, collectively known as Municipal Defendants.
 - Ministry of Transportation and Infrastructure (MOTI) and Ministry of Environment (MOE), collectively known as Provincial Defendants.
- On April 10, and again on May 23, Westcan Bulk Transport (Westcan) spilled an estimated total of 300 litres of sulfuric acid along a long stretch of Highway 3 through Trail including five downtown intersections.
- Westcan was contracted by International Raw Materials (IRM) to transport the sulfuric acid from Teck Trail Operations.
- ICBC is seeking to subrogate its costs incurred in response to the spills including vehicles damaged by the spills, specialized testing equipment, expert fees, vehicle towing and storage costs, overtime and travel expenses paid to employees to process these claims.

Summary of Allegations

- ICBC is alleging the corporate defendants did not appropriately maintain and inspect the tankers, their drivers or employees did not properly load the sulfuric acid, failed to investigate the cause of the spills and prevent further spills from occurring again.
- Furthermore, the corporate defendants exacerbated the damages by washing the spills without a neutralizing agent and making the acid more corrosive.

ICBC ISSUES NOTE – ADVICE TO MINISTER

- ICBC is alleging the drivers did not keep a proper look-out for acid spilling while driving, properly secure the acid in the tanker, and remove the tanker from the road when the spill became apparent.
- ICBC is alleging both corporate, municipal, and government defendants did not deploy qualified responders to the incidents, promptly neutralize the spill, respond prudently and notify the public immediately when the spills occurred, take reasonable precautions to close the highway, and properly report the incident to the authorities.
- As with any regular pleadings, ICBC has listed all types of neglect from the liable parties to ensure any potential negligence is covered and can be investigated further during the discovery process.

Current Claims Status

- As of October 2, approximately 3,800 claims have been filed with ICBC. Almost 2000 vehicles do not have any exposure to acid and so far about 500 vehicles have been deemed total losses at a cost of approximately \$10 million. The last publicly stated number was over 3,500 claims and 400 total losses.
- These are some of the largest claims losses ICBC has ever experienced, in terms of volume and cost.

Contact: Jiana Ling
Communications
(604) 982-6824

Business Area Brenda Adlem
Contact: Legal Counsel
(604) 982-2432



media statement

For release: **Immediately**
Date: October 10, 2018

Page: 1 of 1
Ref #: 2018-XX

ICBC files Notice of Civil Claim for costs incurred from Trail sulfuric acid spills

ICBC has filed a Notice of Civil Claim (NOCC), on behalf of our customers, seeking financial relief for the loss of, or damage to, vehicles caused by the sulfuric acid spills in Trail earlier this year, as well as related costs and expenses.

In the NOCC, ICBC has listed the following entities as negligent parties:

- Westcan, IRM and Teck, collectively known as Corporate Defendants;
- Christopher Hutchinson and John Doe #1 (unknown name), the two commercial truck drivers who operated the Westcan vehicles during the spills;
- Regional District of Kootenay Boundary and the City of Trail, collectively known as Municipal Defendants; and
- Ministry of Transportation and Infrastructure and Ministry of Environment, collectively known as Provincial Defendants.

ICBC was required to file the NOCC now to ensure that there was no argument available to any of the defendants that it was out of time for bringing this action.

ICBC always has the right to consider recovering losses paid to our customers from any potential negligent party, and this is a standard step to take whenever there are costs to recover.

It is also important that ICBC takes this step, in part, to mitigate any impact these events may have on insurance rates. The current financial pressures on both ICBC's insurance rates and the corporation overall have been well documented.

To date, the losses claimed include approximately 500 vehicles that ICBC has determined to be total losses as a result of exposure to sulfuric acid from the April 10 and May 23 spills.

As this is now before the courts, ICBC has no further comment to make at this time.

- 30 -

Kelly, Suzannah GCPE:EX

From: Kelly, Suzannah GCPE:EX
Sent: October 9, 2018 11:56 AM
To: Cotton, Brian GCPE:EX
Subject: FW: REVISED: IN_Trail Sulphuric Acid Spill_Sept 7 2018
Attachments: IN_Trail Sulphuric Acid Spill_Sept 7 2018.docx


From: Poss, Angie ENV:EX
Sent: Tuesday, October 9, 2018 11:54 AM
To: Kelly, Suzannah GCPE:EX
Subject: REVISED: IN_Trail Sulphuric Acid Spill_Sept 7 2018

Suzannah – here is the note with my edits in track changes. I've added two response bullets for your consideration – use or not as you wish.

Let me know if you need anything else,

Angie



Angie Poss
Acting Director /
Response Manager
Environmental Emergency Program
Headquarters/Victoria
Cell: 778-679-8687 | Angie.Poss@gov.bc.ca
www.gov.bc.ca/spillsinfo  [@SpillsInfoBC](https://twitter.com/SpillsInfoBC)
Report a spill: 1-800-663-3456

TRAIL SULPHURIC ACID SPILL

Key Messages:

- We sympathize with vehicle owners who have been impacted by these spills.
- While spillers are responsible for costs associated with environmental clean-up due to a spill, provincial legislation does not cover compensation for damages to private property.
- If asked why EERO did not attend: The province receives between 3,500 and 4,000 spill reports each year, many of which are managed appropriately and thoroughly by the spiller. It is not possible or a responsible use of taxpayer resource to attend all of these. Response officer use a risk-based approach to determine which spills are attended in person. This decision is re-evaluated throughout the response as necessary.
- We respect ICBC's decision to cost recover to protect taxpayers from paying the price for these incidents.

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Formatted: List Paragraph,BN 1,Paperitemletter,Dot pt,Liste 1,Lst Bullet,TOC style,lp1,Bullet List - spacing,table bullets, No bullets or numbering, Widow/Orphan control

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Background:

- On September 7, 2018, CBC reported that ICBC has received approximately 2500 insurance claims from vehicle owners who had their vehicles damaged by two separate sulphuric acid spills near Trail. CBC and other media outlets had previously reported on the story.
- The spills occurred on April 10th and May 23rd on Hwy 3B after two transport trucks from WestCan Bulk Transport departed the Teck lead smelter. The combined total spilled was approximately 300 litres (220L in first incident and 80L in second).
- Under the Environmental Management Act, the provincial government has the ability to cost recover provincial response costs related to an environmental emergency. The provisions in the Spill Cost Recovery Regulation do not apply to compensation for damage to personal property. Members of the public and businesses ~~would~~may have recourse through civil courts for compensation to private property or business operations. Often these costs are settled in

GCPE ENV – CONFIDENTIAL ISSUES NOTE

private negotiations between with the responsible party and the province is not part of these discussions.

- The ministry was notified of both spills and the responsible party took the required steps to respond.
- No environmental damage has been observed from either spill and no fines have been issued to-date.

Kelly, Suzannah GCPE:EX

From: Poss, Angie ENV:EX
Sent: September 7, 2018 10:27 AM
To: Karn, David GCPE:EX; Cotton, Brian GCPE:EX; Kelly, Suzannah GCPE:EX
Cc: Kryzanowski, Kelli ENV:EX; Fallows, Norm ENV:EX
Subject: FW: Acid Spill SE
Attachments: FW: DGIR 180711 UPDATE 1 - SEA; FW: DGIR 180711 - SEA - SULFURIC ACID; FW: DGIR 180118 UPDATE 1 - SEA; FW: DGIR 180118 - SEA - SULPHURIC ACID

Follow Up Flag: Flag for follow up
Flag Status: Completed

Here is the latest:

Norm has provided the following detail below with the DGIR updates attached.

ENV provided oversight of the response remotely and we have referred it to COS for an investigation. We do not have an update from COS as to whether they are pursuing an investigation, given their other priorities.

akp

From: Fallows, Norm ENV:EX
Sent: Friday, September 7, 2018 10:24 AM
To: Kryzanowski, Kelli ENV:EX
Cc: Poss, Angie ENV:EX
Subject: RE: Acid Spill SE

Information gathered as of 10:10 hrs

April 10, 2018 DGIR 180118
May 23, 2018 DGIR 180711

- There was no physical response from us as Teck Metals had a hazmat team, specifically trained and equipped to deal with sulphuric acid, responded on site.
- It appeared that each tanker had a leak and each travelled a distance along the highway before noticing the leak. Between the time the leak was noticed and responders arrived on scene, the public was able to travel over the spilled material unknowingly and damage was done to their vehicles.
- An IRF was submitted to COS by RO V Novosad

nf

Kelly, Suzannah GCPE:EX

From: Environmental Emergencies Spill Reports ENV:EX
Sent: September 4, 2018 10:51 AM
To: Novosad, Veron ENV:EX
Subject: FW: DGIR 180118 - SEA - SULPHURIC ACID

Veron M Novosad

-----Original Message-----

From: SGPEP.ECC1@gov.bc.ca [mailto:SGPEP.ECC1@gov.bc.ca]
Sent: Tuesday, April 10, 2018 11:35 AM
To: Environmental Emergencies Spill Reports ENV:EX
Subject: DGIR 180118 - SEA - SULPHURIC ACID

DGIR 180118
PEP Task Number:

Incident Date: 2018-04-10 09:30
Incident Time: 2018-04-10 09:30
Report Date: 2018-04-10
Report Time: 10:16

Spiller: WESTCAN BULK TRANSPORT

Caller 1 / Agency:
MIKE AQUIN / WESTCAN BULK TRANSPORT - Business: 250-367-7778 - :

Caller 2 / Agency:
/ - : - :

Location: HWY 22
Area: TRAIL
PEP Region: SEA
MOE Region: Kootenay Region

Affected Env: Ground
Spill Type: Equipment Failure
Sector: Unknown
Jurisdictions:
1:

Material: SULPHURIC ACID UNKNOWN

Details:

Reporting that some sulphuric acid leaked out of the truck from a ball valve, down the highway. Soda ash and lime rock is being put down. No waterways impacted.

Response:

Notifications:

1020 - briefed MOE RO Veron Novosad, Prov code 1
1021 - briefed PDM Allen
1023 - emailed MOE Cranbrook

Report Compiled By: KAREN Operations 1 ECC - 2018-04-10 10:16

Environmental Emergency Response Officer:

Date:

Notification Coding: Code 1 / Code 2

MOE Response: Exercise / Potential / No Field Response / Field Response /

IMT Activation

Notes:

Kelly, Suzannah GCPE:EX

From: Environmental Emergencies Spill Reports ENV:EX
Sent: September 4, 2018 10:51 AM
To: Novosad, Veron ENV:EX
Subject: FW: DGIR 180118 UPDATE 1 - SEA

Veron M Novosad

-----Original Message-----

From: SGPEP.ECC1@gov.bc.ca [mailto:SGPEP.ECC1@gov.bc.ca]
Sent: Tuesday, April 10, 2018 12:37 PM
To: Environmental Emergencies Spill Reports ENV:EX
Subject: DGIR 180118 UPDATE 1 - SEA

PEP Task Number:

Incident Date: 2018-04-10
Incident Time: 10:16
Location: HWY 22
Area: TRAIL
PEP Region: SEA
MOE Region: Kootenay Region

Caller / Agency:
ANDY JOHNSON / TECK METALS - Cellular: 250-364-4901

Details:

Advised that a WestCan Trucking Company transport vehicle (unknown size) was transporting sulphuric acid from Teck Metals (25 Aldrige Ave) to the WestCan facility (7 Mile Dam Rd Trail Highway 22A - 250-367-7778) travelling southbound down Highway 22, 3B and 22A. They suspect that a valve was left open during transport causing an unknown amount of sulphuric acid to spill to the ground while en route to the WestCan Facility.

Teck Metals activated their full time fire department to neutralize any puddles with limerock starting at their facility and moving south down Highway 22 toward the WestCan facility. Teck Metals has also mobilized their emergency response team to take command of the situation and oversee the response. WestCan is applying limerock to puddles starting at their location and working toward the Teck Metals facility. RCMP has been notified and is mobilizing EMCON services for traffic control (MOTI aware and has been working on getting individuals on scene, roads NOT shut down but will be having work done on them).

Report Compiled By: JACOB Operations 4 ECC - 2018-04-10 10:40

DGIR 180118 UPDATE 1 - Subject: INLAND UPDATE

Notifications:

10:38 LM MOE RO Veron Novosad

10:42 Briefed PDM Rod Allen

11:26 Briefed MOE RO Veron Novosad

11:28 Emailed MOE Cranbrook

Environmental Emergency Response Officer:

Date:

Notification Coding: Code 1 / Code 2

MOE Response: Exercise / Potential / No Field Response / Field Response /

IMT Activation

Notes:

Kelly, Suzannah GCPE:EX

From: Environmental Emergencies Spill Reports ENV:EX
Sent: September 4, 2018 10:52 AM
To: Novosad, Veron ENV:EX
Subject: FW: DGIR 180711 - SEA - SULFURIC ACID

Veron M Novosad

-----Original Message-----

From: SGPEP.ECC1@gov.bc.ca [mailto:SGPEP.ECC1@gov.bc.ca]
Sent: Wednesday, May 23, 2018 8:51 PM
To: Environmental Emergencies Spill Reports ENV:EX
Subject: DGIR 180711 - SEA - SULFURIC ACID

DGIR 180711
PEP Task Number: 191008

Incident Date: 2018-05-23 19:00
Incident Time: 2018-05-23 19:00
Report Date: 2018-05-23
Report Time: 19:30

Spiller: WEST CAN TRUCKING

Caller 1 / Agency:
BRETT CHOBANUK / TECK FIRE DEPT - Business: 250-364-4901 - :

Caller 2 / Agency:
/ - : - :

Location: TRAIL OPERATIONS PLANT 3KM INTO GLENMARY SUBDIVISION
Area: TRAIL
PEP Region: SEA
MOE Region: Kootenay Region

Affected Env: Ground
Spill Type: Unknown
Sector: Unknown
Jurisdictions:
1: Provincial
2: Municipal

Material: SULFURIC ACID UNKNOWN

Details:

Reporting a tanker truck was leaking when he left the property, no further details at this time.

Response:

Crews are spreading lime rock to neutralize and wash down, regional fire rescue on scene, Teck Fire on scene, emerg response team mobilized, RCMP on scene, and West Can Trucking on scene.

Notifications:

19:38 Briefed MOE RO Josh Watts, code 1 prov/muni
19:39 Briefed PDM Rod Allen
19:42 Emailed MOE Penticton / Cranbrook

Report Compiled By: NATALIE Operations 1 ECC - 2018-05-23 19:30

Environmental Emergency Response Officer:

Date:

Notification Coding: Code 1 / Code 2

MOE Response: Exercise / Potential / No Field Response / Field Response /
IMT Activation

Notes:

Kelly, Suzannah GCPE:EX

From: Environmental Emergencies Spill Reports ENV:EX
Sent: September 4, 2018 10:52 AM
To: Novosad, Veron ENV:EX
Subject: FW: DGIR 180711 UPDATE 1 - SEA

Veron M Novosad

-----Original Message-----

From: SGPEP.ECC1@gov.bc.ca [mailto:SGPEP.ECC1@gov.bc.ca]
Sent: Wednesday, May 23, 2018 10:08 PM
To: Environmental Emergencies Spill Reports ENV:EX
Subject: DGIR 180711 UPDATE 1 - SEA

PEP Task Number: 191008

Incident Date: 2018-05-23
Incident Time: 19:30
Location: TRAIL OPERATIONS PLANT 3KM INTO GLENMARY SUBDIVISION
Area: TRAIL
PEP Region: SEA
MOE Region: Kootenay Region

Caller / Agency:
LEO / CANUTEC - Business: 1-888-226-8832

Details:

Updating that there is alternating traffic on hwy 3. The Fire Department on scene advised there is no impact to waterways. The spill is currently contained, and clean up is being completed. The leak was from a faulty air valve in the top of the truck.

Report Compiled By: NICO Operations 4 ECC - 2018-05-23 20:05
DGIR 180711 UPDATE 1 - Subject: INLAND UPDATE

Notifications:

2015-briefed MOE RO Watts. Add \$50 to task.
2054-briefed PDM Allen.
2059-emailed MOE Penticton/Cranbrook.

Environmental Emergency Response Officer:
Date:
Notification Coding: Code 1 / Code 2

MOE Response: Exercise / Potential / No Field Response / Field Response /

IMT Activation

Notes:

From: [Cotton, Brian GCPE:EX](#)
To: [Kelly, Suzannah GCPE:EX](#)
Subject: FW: A question about sulphuric acid
Date: September 11, 2018 2:52:50 PM
Attachments: [image001.jpg](#)
[image002.jpg](#)

FYI

From: Karn, David GCPE:EX
Sent: Tuesday, September 11, 2018 2:52 PM
To: Fallows, Norm ENV:EX
Cc: Cotton, Brian GCPE:EX
Subject: RE: A question about sulphuric acid

Point taken. Thanks.

From: Fallows, Norm ENV:EX
Sent: Tuesday, September 11, 2018 2:51 PM
To: Karn, David GCPE:EX
Subject: Re: A question about sulphuric acid

s.13

Norm

Sent from my BlackBerry

From: David.Karn@gov.bc.ca
Sent: September 11, 2018 14:01
To: Norm.Fallows@gov.bc.ca; Suzannah.Kelly@gov.bc.ca; Veron.Novosad@gov.bc.ca
Cc: Brian.Cotton@gov.bc.ca; Kelli.Kryzanowski@gov.bc.ca; David.Crebo@gov.bc.ca
Subject: RE: A question about sulphuric acid

s.13

s.13

dk

From: Fallows, Norm ENV:EX
Sent: Tuesday, September 11, 2018 12:32 PM
To: Kelly, Suzannah GCPE:EX; Novosad, Veron ENV:EX
Cc: Cotton, Brian GCPE:EX; Karn, David GCPE:EX; Kryzanowski, Kelli ENV:EX
Subject: RE: A question about sulphuric acid

Hi Kelly – I revised some of the info in red below. Hope that Helps



Norm Fallows
Provincial Duty Manager

Environmental Emergency Program
Cell: 250-847-1290
DutyManager.EEP@gov.bc.ca
www.gov.bc.ca/spillsinfo  [@SpillsInfoBC](https://twitter.com/SpillsInfoBC)
Report a spill: 1-800-663-3456

From: Kelly, Suzannah GCPE:EX
Sent: Tuesday, September 11, 2018 11:50 AM
To: Fallows, Norm ENV:EX; Novosad, Veron ENV:EX
Cc: Cotton, Brian GCPE:EX; Karn, David GCPE:EX
Subject: A question about sulphuric acid

Hi Norm and Veron,

s.13

Suzannah Kelly

Public Affairs Officer

Government Communications & Public Engagement

Ministry of Environment and Climate Change Strategy

O: 778-698-8244 | C: 778.584.2589

Kelly, Suzannah GCPE:EX

From: Kelly, Suzannah GCPE:EX
Sent: December 19, 2018 11:33 AM
To: Jackson, Vickie ENV:EX
Cc: Karn, David GCPE:EX
Subject: GCPE responses regarding sulphuric acid spills near Trail

Hi Vickie,

As requested, here are the GCPE responses to media requests about the sulphuric acid spills near Trail.

August 10

CKNW (Liza Yuzda) - As per the story below about a couple of sulphuric acid spills earlier this spring (April 10th and May 23rd) on Hwy 3B near Trail: <https://www.columbiavalleypioneer.com/news/cars-being-junked-after-acid-spill-on-kootenay-highway/>

- Were any fines/penalties levied by MoE?
- If fines haven't been levied yet, will they be in the future?)
- Is there any mechanism to alert drivers who may have driven through the area while acid was on the road, so they can see if there vehicles were impacted?

GCPE responded

April 10, 2018

- The April 10th spill was the result of equipment failure and the responsible party took steps to respond.
- The Ministry monitored the cleanup through EMBC updates during the spill clean up.
- No fines have been issued.
- Traffic control personnel were on scene and directed traffic away from the spill.

May 23, 2018

- The Environmental Emergency Program did not receive any reports of an acid spill in the area on May 23.
- The Spill Reporting Regulation requires a spiller to report all corrosive material spills over five litres or five kilograms to the spill reporting line as soon as possible after the spill occurs.
- The ministry will be looking into the incident

September 12

CBC Nelson (Bob Keating) – regarding the Trail acid spill.

There is all kinds of conflicting information about what happened in Trail April 10th and May 23rd.

Teck says the first spill occurred between 8 and 9:30 AM April 10th.

Yet I have had several eye witnesses tell me they saw acid on the road long before 8:00 AM and their cars are ruined.

GCPE responded

1) When was MOT or Environment notified of this first spill?

Same day it occurred at 10:16am.

2) What action was taken?

The April 10th spill was the result of equipment failure and the responsible party took steps to respond. Response was taken by Teck crews specially trained for acids. The Ministry monitored the cleanup through EMBC updates during the spill cleanup.

3) How long was the highway closed?

Traffic control personnel were on scene and directed traffic away from the spill.

4) Is Teck, IRM or Westcan facing any charges, if so what are they. If not, why not?

No fines to date have been issued. No acid left the roadway and none affected waterways. Sulphuric acid is not very volatile, but it is corrosive. To neutralize it, materials with alkali are applied. When the spill was discovered, Teck Metals sent its fire department to spread lime rock on the acid puddles, working from the Teck facility toward the acid's destination, WestCan. At the same time, Westcan crews applied lime rock to puddles, working in the opposite direction. These efforts neutralized all the acid. The materials were then disposed of according to regulations.

5) What was the provinces role in the closing the highway or the clean up?

Ministry of Transportation and Infrastructure staff coordinated their efforts with the Ministry of Environment & Climate Change Strategy to ensure the appropriate cleanup was done and roadways were returned to safe operation.

Cleanup was carried out in accordance with Transport Canada's Transportation of Dangerous Goods standards. Due to the limited amount of material spilled and the thorough cleanup process, no health or environmental impacts have been reported or are expected.

We will continue to monitor these roadways, as well as the Victoria Street Bridge, to ensure there are no further impacts to safe operation.

On May 23rd there as a second leak between 7 and 7:30.

1) When was MOT or Environment notified of this second spill?

Same day it occurred – 7:30pm

2) What action was taken?

As above

3) How long was the highway closed?

As above

4) Is Teck, IRM or Westcan facing any charges, if so what are they. If not, why not?

As above

5) What was the province's role in the closing the highway or the clean up?

As above

6) Will the province facilitate or participate in a public meeting in Trail to discuss what happened there?

While spillers are responsible for costs associated with environmental clean-up due to a spill, provincial legislation does not cover compensation for damages to private property.

September 24

Global TV (Simon Little) - We've learned of another leak of sulphuric acid near Trail B.C.

Has the ministry been notified? What can you tell us about the incident and the province's response?

GCPE MoTI responded

The ministry is aware of an incident near the intersection of Highway 22a and 7 mile dam road involving a minor sulphuric acid spill.

Ministry of Transportation and Infrastructure staff arrived on scene last night and coordinated their efforts with the Ministry of Environment & Climate Change Strategy to ensure the appropriate cleanup was done and roadways were returned to safe operation.

Cleanup was carried out in accordance with Transport Canada's Transportation of Dangerous Goods standards.

Due to the limited amount of material spilled and the thorough cleanup process, no health or environmental impacts have been reported or are expected.

We will continue to monitor these roadways, to ensure there are no further impacts to safe operation.

Suzannah Kelly

Public Affairs Officer

Government Communications & Public Engagement

Ministry of Environment and Climate Change Strategy

O: 778-698-8244 I C: 778.584.2589

Kelly, Suzannah GCPE:EX

From: Fallows, Norm ENV:EX
Sent: September 11, 2018 12:49 PM
To: Kelly, Suzannah GCPE:EX
Subject: RE: A question about sulphuric acid

I can confirm that a referral request was initiated to the COS for an introduction of hazardous waste to the environment under EMA. You would have to contact Sgt Ben Beetlestone as to where they are in their process. I would say that "the matter is currently being investigation by the COS to determine whether a convention under EMA had occurred."

Norm

From: Fallows, Norm ENV:EX
Sent: Tuesday, September 11, 2018 12:33 PM
To: Kelly, Suzannah GCPE:EX
Subject: RE: A question about sulphuric acid

Kelly – just sent you a revised statement – note should be in your in box

From: Kelly, Suzannah GCPE:EX
Sent: Tuesday, September 11, 2018 12:29 PM
To: Fallows, Norm ENV:EX; Novosad, Veron ENV:EX
Cc: Cotton, Brian GCPE:EX; Karn, David GCPE:EX
Subject: RE: A question about sulphuric acid

Hi all,

Just noticed a pretty egregious typo in the first sentence.

Apologies,
Suzannah

From: Kelly, Suzannah GCPE:EX
Sent: Tuesday, September 11, 2018 11:50 AM
To: Fallows, Norm ENV:EX; Novosad, Veron ENV:EX
Cc: Cotton, Brian GCPE:EX; Karn, David GCPE:EX
Subject: A question about sulphuric acid

Hi Norm and Veron,

s.13

Suzannah Kelly

Public Affairs Officer

Government Communications & Public Engagement

Ministry of Environment and Climate Change Strategy

O: 778-698-8244 | C: 778.584.2589

Kelly, Suzannah GCPE:EX

From: Kelly, Suzannah GCPE:EX
Sent: October 9, 2018 1:18 PM
To: Morel, David P ENV:EX
Subject: Re: UPDATED IN_Trail Sulphuric Acid Spill_Oct 09_2018

Thanks.

Sent from my iPhone

On Oct 9, 2018, at 12:48 PM, Morel, David P ENV:EX <David.Morel@gov.bc.ca> wrote:

Ok with me.

David

From: Kelly, Suzannah GCPE:EX
Sent: Tuesday, October 9, 2018 12:02 PM
To: Morel, David P ENV:EX <David.Morel@gov.bc.ca>
Cc: Cotton, Brian GCPE:EX <Brian.Cotton@gov.bc.ca>
Subject: UPDATED IN_Trail Sulphuric Acid Spill_Oct 09_2018

Hi Dave,

For your approval, here is an updated IN about the Trail sulphuric acid spill. The background has been updated to include the civil suit and one simple KM has been added.

Thank you,
Suzannah

Suzannah Kelly

Public Affairs Officer

Government Communications & Public Engagement
Ministry of Environment and Climate Change Strategy
O: 778-698-8244 | C: 778.584.2589

Kelly, Suzannah GCPE:EX

From: Haslam, David GCPE:EX
Sent: September 7, 2018 9:06 AM
To: Cotton, Brian GCPE:EX; Crebo, David GCPE:EX
Cc: Karn, David GCPE:EX; Beaupre, Darren GCPE:EX; Kelly, Suzannah GCPE:EX
Subject: RE: Teck acid spill

thanks

From: Cotton, Brian GCPE:EX
Sent: Friday, September 7, 2018 9:02 AM
To: Haslam, David GCPE:EX; Crebo, David GCPE:EX
Cc: Karn, David GCPE:EX; Beaupre, Darren GCPE:EX; Kelly, Suzannah GCPE:EX
Subject: RE: Teck acid spill

Yeah the ICBC story cropped up a month ago and now CBC has stumbled on it so it's getting some reoccurring coverage it seems. This is all we responded with:

CKNW (Liza Yuzda) - As per the story below about a couple of sulphuric acid spills earlier this spring (April 10th and May 23rd) on Hwy 3B near Trail: <https://www.columbiavalleypioneer.com/news/cars-being-junked-after-acid-spill-on-kootenay-highway/>

- Were any fines/penalties levied by MoE?
- If fines haven't been levied yet, will they be in the future?)
- Is there any mechanism to alert drivers who may have driven through the area while acid was on the road, so they can see if there vehicles were impacted?

April 10, 2018

- The April 10th spill was the result of equipment failure and the responsible party took steps to respond.
- The Ministry monitored the cleanup through EMBC updates during the spill clean up.
- No fines have been issued.
- Traffic control personnel were on scene and directed traffic away from the spill.

May 23, 2018

- The Environmental Emergency Program did not receive any reports of an acid spill in the area on May 23.
- The Spill Reporting Regulation requires a spiller to report all corrosive material spills over five litres or five kilograms to the spill reporting line as soon as possible after the spill occurs.
- The ministry will be looking into the incident.

From: Haslam, David GCPE:EX
Sent: Friday, September 7, 2018 8:59 AM
To: Crebo, David GCPE:EX
Cc: Cotton, Brian GCPE:EX; Karn, David GCPE:EX; Beaupre, Darren GCPE:EX
Subject: Teck acid spill

Guys. Tim Howlett via my MO is asking if there is an IN on the recent Teck acid spill on a highway. Apparently folks are putting in claims to ICBC and it's a bit of a concern. I don't have anything. We checked the hub and saw that you responded to a media request. Anything you can share. Thx

David Haslam
Communications Director
Ministry Energy, Mines and Petroleum Resources
250-361-7989

Kelly, Suzannah GCPE:EX

From: Karn, David GCPE:EX
Sent: September 7, 2018 10:23 AM
To: Poss, Angie ENV:EX
Cc: Cotton, Brian GCPE:EX; Kelly, Suzannah GCPE:EX; Fallows, Norm ENV:EX; Kryzanowski, Kelli ENV:EX
Subject: RE: RE: Review Request: Media Request - CKNW - Acid Spill Kootenays

Yes, Suzannah will be the contact. Thanks, Angie.

dk

From: Poss, Angie ENV:EX
Sent: Friday, September 7, 2018 10:20 AM
To: Karn, David GCPE:EX
Cc: Cotton, Brian GCPE:EX; Kelly, Suzannah GCPE:EX; Fallows, Norm ENV:EX; Kryzanowski, Kelli ENV:EX
Subject: RE: RE: Review Request: Media Request - CKNW - Acid Spill Kootenays

DK – Norm is looking into the latest updates on this and will get back to you ASAP. I believe Kandis did a referral to COS so there may be a need to connect with them for additional messaging and/or limits to what we can release if an investigation is underway.

Brian – David Morel has asked for an issues note from GCPE. Can I leave that request with you? Happy to support with background as needed. Norm will be your (Suzannah's?) contact with Kandis away today.

Angie

From: Karn, David GCPE:EX
Sent: Friday, September 7, 2018 9:32 AM
To: Poss, Angie ENV:EX
Cc: Cotton, Brian GCPE:EX; Kelly, Suzannah GCPE:EX
Subject: RE: Review Request: Media Request - CKNW - Acid Spill Kootenays

Morning Angie.

The CBC has now done a story on the Trail acid spill <https://www.cbc.ca/news/canada/british-columbia/trail-spill-write-offs-1.4813610>. It lead World Report this morning so we may get some more media interest. In our last response (below) we said that the ministry would be looking into the May 23rd incident. Can you check if that's true and what was found.

Thanks

dk

From: Karn, David GCPE:EX
Sent: Thursday, August 9, 2018 4:12 PM
To: Poss, Angie ENV:EX
Cc: Cotton, Brian GCPE:EX; Jonker, Jennifer B ENV:EX
Subject: RE: Review Request: Media Request - CKNW - Acid Spill Kootenays

Thanks, Angie. I'm not entirely sure it went past COS as the request came s.22
be good.

I believe these bullets will

JJ I'll run these past David Morel.

dk

From: Poss, Angie ENV:EX
Sent: Thursday, August 9, 2018 4:02 PM
To: Karn, David GCPE:EX
Cc: Cotton, Brian GCPE:EX; Jonker, Jennifer B ENV:EX
Subject: RE: Review Request: Media Request - CKNW - Acid Spill Kootenays

Definitely a miscommunication. I understood from the original chain that COS had provided bullets and background. If they had not and the content comes only from EPD, then I propose these, slightly amended, bullets:

APPROVED RESPONSE:

April 10, 2018

- s.13
- The Ministry monitored the cleanup through EMBC updates during the spill clean up.
- s.13
- Traffic control personnel were on scene and directed traffic away from the spill.

May 23, 2018

- The Environmental Emergency Program did not receive any reports of an acid spill in the area on May 23.
- The Spill Reporting Regulation requires a spiller to report all corrosive material spills over five litres or five kilograms to the spill reporting line as soon as possible after the spill occurs.
- The ministry will be looking into the incident.

s.15

From: Karn, David GCPE:EX
Sent: Thursday, August 9, 2018 3:49 PM
To: Poss, Angie ENV:EX
Cc: Cotton, Brian GCPE:EX; Jonker, Jennifer B ENV:EX
Subject: FW: Review Request: Media Request - CKNW - Acid Spill Kootenays

Angie, Can we assume that EEP will speak to COS regarding an investigation so that your suggested response can be approved.

dk

From: Sprado, Tobe ENV:EX
Sent: Thursday, August 9, 2018 1:36 PM
To: Karn, David GCPE:EX
Cc: Jonker, Jennifer B ENV:EX; Beetlestone, Ben ENV:EX; Milne, Andrew ENV:EX; Caravetta, Joe ENV:EX; Ito, Miwa ENV:EX
Subject: FW: Review Request: Media Request - CKNW - Acid Spill Kootenays

David – last week, Miwa Ito had sought this same information on behalf of Jennifer Jonker, Division Issues Manager for Environmental Protection. Not sure if there is duplication occurring here or not, but you should run this by her. The COS had no involvement with any of these two acid spills nor has the COS been requested by Environmental Protection to look into these two spill incidents. There may be a communications breakdown between COS and EP. Environmental Protection is the program that should be responding to this media request as I am under the impression their Environmental Emergency Response officers were made aware of these spills.

Thanks

Inspector Tobe Sprado

OIC Okanagan Region | Conservation Officer Service | Ministry of Environment and Climate Change Strategy
102 Industrial Place, Penticton, BC V2A 7C8
Telephone: 250-490-8269

From: Karn, David GCPE:EX
Sent: Thursday, August 9, 2018 11:34 AM
To: Murai, Launa Y ENV:EX
Subject: Media Request - CKNW - Acid Spill Kootenays

Launa,

Just want to run this past COS. To whom should I send it.

Reporter

Liza Yuzda, Reporter
CKNW AM 980

Deadline as soon as possible please

Request

As per the story below about a couple of sulphuric acid spills earlier this spring (April 10th and May 23rd) on Hwy 3B near Trail:

<https://www.columbiavalleepioneer.com/news/cars-being-junked-after-acid-spill-on-kootenay-highway/>

- Were any fines/penalties levied by MoE?
- If fines haven't been levied yet, will they be in the future?)
- Is there any mechanism to alert drivers who may have driven through the area while acid was on the road, so they can see if there vehicles were impacted?

APPROVED RESPONSE:

April 10, 2018

- The April 10th spill was the result of equipment failure and the responsible party took all necessary steps to respond.
- The Ministry monitored the cleanup through EMBC updates during the spill clean up.
- As the responsible party took all reasonable actions, no fines have been issued or further investigation will be undertaken.
- Traffic control personnel were on scene and directed traffic away from the spill.

May 23, 2018

- The Environmental Emergency Program did not receive any reports of an acid report in the area on May 23.
- The Spill Reporting Regulation requires a spiller to report all corrosive material spills over five litres or five kilograms to the spill reporting line as soon as possible after the spill occurs.

- The ministry will be looking into the incident.

Kelly, Suzannah GCPE:EX

From: Poss, Angie ENV:EX
Sent: October 9, 2018 10:52 AM
To: Kelly, Suzannah GCPE:EX
Subject: RE: INPUT REQUEST - ICBC Notice of Civil Claim for Trail acid spills

Hi Suzannah.

Just left you a message. Give me a call when you are free. I have some thoughts on the KMs and some background for you that may be useful.

Angie

From: Kelly, Suzannah GCPE:EX
Sent: Tuesday, October 9, 2018 10:28 AM
To: Poss, Angie ENV:EX
Subject: INPUT REQUEST - ICBC Notice of Civil Claim for Trail acid spills

Hi Angie,

ICBC is filing a Notice of Civil Claim later today as part of its cost recovery process for the Trail acid spills. The ministries of Transportation and Environment are both named as provincial defendants.

Attached are ICBC's issues note on the topic and their media statement that will be made public tomorrow.

Here are some highlights:

- **I am unable to discuss the details of the case as it is before the courts now.**
 - In the NOCC, ICBC listed the following entities as negligent parties:
 - Westcan, IRM and Teck, collectively known as Corporate Defendants.
 - Christopher Hutchinson and John Doe #1 (unknown name), the two commercial truck drivers who operated the Westcan vehicles during the spills.
 - Regional District of Kootenay Boundary and the City of Trail, collectively known as Municipal Defendants.
 - Ministry of Transportation and Infrastructure (MOTI) and Ministry of Environment (MOE), collectively known as Provincial Defendants.
 - ICBC is alleging both corporate, municipal, and government defendants did not deploy qualified responders to the incidents, promptly neutralize the spill, respond prudently and notify the public immediately when the spills occurred, take reasonable precautions to close the highway, and properly report the incident to the authorities.

Can I chat with you or someone about what happened? How would you respond (off the record while this is before the courts) to the allegations above? Also, do you recommend any KMs beyond the one above?

Thanks so much,
Suzannah

Suzannah Kelly

Public Affairs Officer

Government Communications & Public Engagement
Ministry of Environment and Climate Change Strategy

O: 778-698-8244 | C: 778.584.2589

Kelly, Suzannah GCPE:EX

From: Crebo, David GCPE:EX
Sent: October 9, 2018 12:55 PM
To: Howlett, Tim GCPE:EX; Cotton, Brian GCPE:EX; Frampton, Caelie ENV:EX; Xia, Eveline ENV:EX; Robb, Katie GCPE:EX; Karn, David GCPE:EX
Cc: Morel, David P ENV:EX; Kelly, Suzannah GCPE:EX
Subject: RE: ICBC Notice of Civil Claim for Trail acid spills
Attachments: Trail NOCC media statement FINAL.DOCX; IN- Trail Acid Spill NOCC - 04OCT18 UPDATED.DOCX

Sure.

Looping in Katie at MoTI GCPE as well as Karn in our shop.

From: Howlett, Tim GCPE:EX
Sent: Tuesday, October 9, 2018 12:53 PM
To: Cotton, Brian GCPE:EX; Frampton, Caelie ENV:EX; Xia, Eveline ENV:EX
Cc: Crebo, David GCPE:EX; Morel, David P ENV:EX; Kelly, Suzannah GCPE:EX
Subject: RE: ICBC Notice of Civil Claim for Trail acid spills

Thanks Brian,

I think we should plan to forward any media requests to MAG for response.

From: Cotton, Brian GCPE:EX
Sent: Tuesday, October 9, 2018 12:01 PM
To: Frampton, Caelie ENV:EX; Xia, Eveline ENV:EX
Cc: Crebo, David GCPE:EX; Howlett, Tim GCPE:EX; Morel, David P ENV:EX; Kelly, Suzannah GCPE:EX
Subject: FW: ICBC Notice of Civil Claim for Trail acid spills

FYI – ICBC putting out attached statement tomorrow naming ministries of Transportation and Environment as provincial defendants as part of a notice of civil claim around the Trail acid spills. ICBC's IN also attached.

Relevant line from ICBC IN below:

- ICBC is alleging both corporate, municipal, and government defendants did not deploy qualified responders to the incidents, promptly neutralize the spill, respond prudently and notify the public immediately when the spills occurred, take reasonable precautions to close the highway, and properly report the incident to the authorities.

Suzannah is working on updating our IN and will be sending it up the chain for approvals.

Thanks,
Brian

From: Mandybura, Cadence GCPE:EX
Sent: Tuesday, October 9, 2018 10:13 AM
To: Cotton, Brian GCPE:EX; Bowness, Lianne GCPE:EX
Cc: Fellingner, Nicole GCPE:EX; Duffus, Robert GCPE:EX
Subject: FYI: ICBC Notice of Civil Claim for Trail acid spills

Good morning Brian and Lianne – ICBC is filing a Notice of Civil Claim later today as part of its cost recovery process for the Trail acid spills. The ministries of Transportation and Environment are both named as provincial defendants.

Attached are ICBC's issues note on the topic and their media statement that will be made public tomorrow.

Any questions, let me know. Thanks!

Cadence

Cadence Mandybura | Senior Public Affairs Officer
Ministry of Attorney General, Province of British Columbia
250 356-6305 (office) | 250 893-8513 (cell)
cadence.mandybura@gov.bc.ca



Trail Acid Spills NOCC

DATE: OCTOBER 3, 2018

ICBC Recommended Responses:

- **I understand ICBC is moving ahead with the necessary steps in trying to recover its costs from the potentially negligent parties.**
- **It's important that ICBC looks to do this in order to mitigate any impact these events may have on insurance rates.**
- **I am unable to discuss the details of the case as it is before the courts now.**

Background:

- On October 9, 2018, ICBC will file a Notice of Civil Claim (NOCC) to seek financial relief from damages caused by the recent Trail acid spills. ICBC must file by this date to comply with the limitation provisions of the Local Government Act.
- In the NOCC, ICBC listed the following entities as negligent parties:
 - Westcan, IRM and Teck, collectively known as Corporate Defendants.
 - Christopher Hutchinson and John Doe #1 (unknown name), the two commercial truck drivers who operated the Westcan vehicles during the spills.
 - Regional District of Kootenay Boundary and the City of Trail, collectively known as Municipal Defendants.
 - Ministry of Transportation and Infrastructure (MOTI) and Ministry of Environment (MOE), collectively known as Provincial Defendants.
- On April 10, and again on May 23, Westcan Bulk Transport (Westcan) spilled an estimated total of 300 litres of sulfuric acid along a long stretch of Highway 3 through Trail including five downtown intersections.
- Westcan was contracted by International Raw Materials (IRM) to transport the sulfuric acid from Teck Trail Operations.
- ICBC is seeking to subrogate its costs incurred in response to the spills including vehicles damaged by the spills, specialized testing equipment, expert fees, vehicle towing and storage costs, overtime and travel expenses paid to employees to process these claims.

Summary of Allegations

- ICBC is alleging the corporate defendants did not appropriately maintain and inspect the tankers, their drivers or employees did not properly load the sulfuric acid, failed to investigate the cause of the spills and prevent further spills from occurring again.
- Furthermore, the corporate defendants exacerbated the damages by washing the spills without a neutralizing agent and making the acid more corrosive.

ICBC ISSUES NOTE – ADVICE TO MINISTER

- ICBC is alleging the drivers did not keep a proper look-out for acid spilling while driving, properly secure the acid in the tanker, and remove the tanker from the road when the spill became apparent.
- ICBC is alleging both corporate, municipal, and government defendants did not deploy qualified responders to the incidents, promptly neutralize the spill, respond prudently and notify the public immediately when the spills occurred, take reasonable precautions to close the highway, and properly report the incident to the authorities.
- As with any regular pleadings, ICBC has listed all types of neglect from the liable parties to ensure any potential negligence is covered and can be investigated further during the discovery process.

Current Claims Status

- As of October 2, approximately 3,800 claims have been filed with ICBC. Almost 2000 vehicles do not have any exposure to acid and so far about 500 vehicles have been deemed total losses at a cost of approximately \$10 million. The last publicly stated number was over 3,500 claims and 400 total losses.
- These are some of the largest claims losses ICBC has ever experienced, in terms of volume and cost.

Contact: Jiana Ling
Communications
(604) 982-6824

Business Area Brenda Adlem
Contact: Legal Counsel
(604) 982-2432



media statement

For release: **Immediately**
Date: October 10, 2018

Page: 1 of 1
Ref #: 2018-XX

ICBC files Notice of Civil Claim for costs incurred from Trail sulfuric acid spills

ICBC has filed a Notice of Civil Claim (NOCC), on behalf of our customers, seeking financial relief for the loss of, or damage to, vehicles caused by the sulfuric acid spills in Trail earlier this year, as well as related costs and expenses.

In the NOCC, ICBC has listed the following entities as negligent parties:

- Westcan, IRM and Teck, collectively known as Corporate Defendants;
- Christopher Hutchinson and John Doe #1 (unknown name), the two commercial truck drivers who operated the Westcan vehicles during the spills;
- Regional District of Kootenay Boundary and the City of Trail, collectively known as Municipal Defendants; and
- Ministry of Transportation and Infrastructure and Ministry of Environment, collectively known as Provincial Defendants.

ICBC was required to file the NOCC now to ensure that there was no argument available to any of the defendants that it was out of time for bringing this action.

ICBC always has the right to consider recovering losses paid to our customers from any potential negligent party, and this is a standard step to take whenever there are costs to recover.

It is also important that ICBC takes this step, in part, to mitigate any impact these events may have on insurance rates. The current financial pressures on both ICBC's insurance rates and the corporation overall have been well documented.

To date, the losses claimed include approximately 500 vehicles that ICBC has determined to be total losses as a result of exposure to sulfuric acid from the April 10 and May 23 spills.

As this is now before the courts, ICBC has no further comment to make at this time.

- 30 -

Kelly, Suzannah GCPE:EX

From: Kelly, Suzannah GCPE:EX
Sent: December 19, 2018 10:34 AM
To: Karn, David GCPE:EX
Subject: RE: BB support group

Yeah. The Trail Times ran its first story on May 24, but it doesn't look like we were contacted. There's an FOI request, so Vickie Jackson has asked for any media requests related to the spills.

From: Karn, David GCPE:EX
Sent: December 19, 2018 10:33 AM
To: Kelly, Suzannah GCPE:EX <Suzannah.Kelly@gov.bc.ca>
Subject: Re: BB support group

You talking about the acid spill on the road?

Sent from my BlackBerry 10 smartphone on the TELUS network.

From: Kelly, Suzannah GCPE:EX
Sent: Wednesday, December 19, 2018 10:24 AM
To: Karn, David GCPE:EX
Subject: RE: BB support group

While I've got you... do you remember when the media picked up the Trail sulphur spill story? I'm going through the media reports and can't find anything April – July. The spills happened in April and May. It's strange.

From: Karn, David GCPE:EX
Sent: December 19, 2018 10:12 AM
To: Kelly, Suzannah GCPE:EX <Suzannah.Kelly@gov.bc.ca>
Subject: Re: BB support group

Clearly it's just Grewar and I as the luddites. Ryckman and Hunter are tech types.

Sent from my BlackBerry 10 smartphone on the TELUS network.

From: Kelly, Suzannah GCPE:EX
Sent: Wednesday, December 19, 2018 10:06 AM
To: Karn, David GCPE:EX
Subject: BB support group

I've got the names of your Blackberry compatriots: Scott Ryckman, Colin Grewar, and Carolyn Hunter.

Kelly, Suzannah GCPE:EX

From: Kelly, Suzannah GCPE:EX
Sent: September 24, 2018 9:58 AM
To: Cotton, Brian GCPE:EX
Cc: Karn, David GCPE:EX
Subject: IN_Trail Sulphuric Acid Spill_Sept 24 2018
Attachments: IN_Trail Sulphuric Acid Spill_Sept 24 2018.docx

Hi Brian,

I've added one minor bullet to the BG of the trail IN and changed minor language in current bullets to reflect three spills.

- A third spill occurred Sept. 22nd. Less than a ¼ cup spilled. The DGIR for all three is 182286.

Should I save it to the LAN and SharePoint? Does this need to go through further approvals? Lastly, do we want to add any of the MOTI points (below)?

The ministry is aware of an incident near the intersection of Highway 22a and 7 mile dam road involving a minor sulphuric acid spill.

Ministry of Transportation and Infrastructure staff arrived on scene last night and coordinated their efforts with the Ministry of Environment & Climate Change Strategy to ensure the appropriate cleanup was done and roadways were returned to safe operation.

Cleanup was carried out in accordance with Transport Canada's Transportation of Dangerous Goods standards.

Due to the limited amount of material spilled and the thorough cleanup process, no health or environmental impacts have been reported or are expected.

We will continue to monitor these roadways, to ensure there are no further impacts to safe operation.

Cheers,
S.

Ministry of Environment and Climate Change Strategy, September 24, 2018

TRAIL SULPHURIC ACID SPILL

Key Messages:

- We sympathize with vehicle owners who have been impacted by these spills.
- While spillers are responsible for costs associated with environmental clean-up due to a spill, provincial legislation does not cover compensation for damages to private property.

Background:

- On September 7, 2018, CBC reported that ICBC has received approximately 2500 insurance claims from vehicle owners who had their vehicles damaged by two separate sulphuric acid spills near Trail. CBC and other media outlets had previously reported on the story.
- The first two spills occurred on April 10th and May 23rd on Hwy 3B after two transport trucks from WestCan Bulk Transport departed the Teck lead smelter. The combined total spilled was approximately 300 litres (220L in first incident and 80L in second).
- A third spill occurred Sept. 22nd. Less than a ¼ cup spilled. The DGIR for all three is 182286.
- Under the Environmental Management Act, the provincial government has the ability to cost recover response costs related to an environmental emergency. The provisions in the Spill Cost Recovery Regulation do not apply to compensation for damage to personal property. Members of the public and businesses would have recourse through civil courts for compensation to private property or business operations.
- The ministry was notified of all three spills and the responsible party took the required steps to respond.
- No environmental damage has been observed from any of the spills and no fines have been issued to-date.

Kelly, Suzannah GCPE:EX

From: Kelly, Suzannah GCPE:EX
Sent: October 9, 2018 10:34 AM
To: Cotton, Brian GCPE:EX
Subject: IN_Trail Sulphuric Acid Spill_Oct 09_2018
Attachments: IN_Trail Sulphuric Acid Spill_Oct 09_2018.docx

I've sent an email to Angie but haven't talked to her yet. In case you're asked in the meantime, here's an updated IN.

SK

Ministry of Environment and Climate Change Strategy, October 09, 2018

TRAIL SULPHURIC ACID SPILL

Key Messages:

- We sympathize with vehicle owners who have been impacted by these spills.
- While spillers are responsible for costs associated with environmental clean-up due to a spill, provincial legislation does not cover compensation for damages to private property.

If asked about the ICBC civil claim:

- I am unable to discuss the details of the case as it is before the courts now.

Background:

- On October 9, 2018, ICBC filed a Notice of Civil Claim (NOCC) to seek financial relief from damages caused by the recent Trail acid spills. Among the defendants are the Ministry of Transportation and Infrastructure (MOTI) and the Ministry of Environment (MOE), collectively known as Provincial Defendants.
 - ICBC is alleging corporate, municipal, and government defendants did not deploy qualified responders to the incidents, promptly neutralize the spill, respond prudently and notify the public immediately when the spills occurred, take reasonable precautions to close the highway, and properly report the incident to the authorities.
- On September 7, 2018, CBC reported that ICBC has received approximately 2500 insurance claims from vehicle owners who had their vehicles damaged by two separate sulphuric acid spills near Trail. CBC and other media outlets had previously reported on the story.
- The first two spills occurred on April 10th and May 23rd on Hwy 3B after two transport trucks from WestCan Bulk Transport departed the Teck lead smelter. The combined total spilled was approximately 300 litres (220L in first incident and 80L in second).
- A third spill occurred Sept. 22nd. Less than a ¼ cup spilled. The DGIR for all three is 182286.
- Under the Environmental Management Act, the provincial government has the ability to cost recover response costs related to an environmental emergency. The provisions in the Spill Cost Recovery Regulation do not apply to compensation for damage to personal property. Members of the public and businesses would have recourse through civil courts for compensation to private property or business operations.
- The ministry was notified of all three spills and the responsible party took the required steps to respond.
- No environmental damage has been observed from any of the spills and no fines have been issued to-date.

Ministry of Environment and Climate Change Strategy, January 15, 2019

TRAIL SULPHURIC ACID SPILL

Key Messages:

- We sympathize with vehicle owners who have been impacted by these spills.
- While spillers are responsible for costs associated with environmental clean-up due to a spill, provincial legislation does not cover compensation for damages to private property.

If asked about the ICBC civil claim:

- I am unable to discuss the details of the case as it is before the courts now.

Background:

- On October 9, 2018, ICBC filed a Notice of Civil Claim (NOCC) to seek financial relief from damages caused by the recent Trail acid spills. Among the defendants are the Ministry of Transportation and Infrastructure (MOTI) and the Ministry of Environment (MOE), collectively known as Provincial Defendants.
 - ICBC is alleging corporate, municipal, and government defendants did not deploy qualified responders to the incidents, promptly neutralize the spill, respond prudently and notify the public immediately when the spills occurred, take reasonable precautions to close the highway, and properly report the incident to the authorities.
 - This issue remains active and MOE is working with the Ministry of Justice and Attorney-General and MOTI.
- On September 7, 2018, CBC reported that ICBC has received approximately 2500 insurance claims from vehicle owners who had their vehicles damaged by two separate sulphuric acid spills near Trail. CBC and other media outlets had previously reported on the story.
- The first two spills occurred on April 10th and May 23rd on Hwy 3B after two transport trucks from WestCan Bulk Transport departed the Teck lead smelter. The combined total spilled was approximately 300 litres (220L in first incident and 80L in second).
- A third spill occurred Sept. 22nd. Less than a ¼ cup spilled. The DGIRs for these incidents are: 180118 180711 and 182286.
- Another incident involving a truck carrying acid occurred near Rossland on Aug. 11th (DGIR 181722). Diesel fuel was released in this incident but no acid was spilled.
- Under the Environmental Management Act, the provincial government has the ability to cost recover response costs related to an environmental emergency. The provisions in the Spill Cost Recovery Regulation do not apply to compensation for damage to personal property. Members of the public and businesses would have recourse through civil courts for compensation to private property or business operations.
- The ministry was notified of all three spills and the responsible party took the required steps to respond.
- No environmental damage has been observed from any of the spills.
- Regarding why EEROs did not attend: The province receives between 3,500 and 4,000 spill reports each year, many of which are managed appropriately and thoroughly by the spiller. Response officer use a risk-based approach to determine which spills are attended in person. This decision is re-evaluated throughout the response as necessary.

D'Argis, Krista GCPE:EX

From: Karn, David GCPE:EX
Sent: Tuesday, October 9, 2018 1:09 PM
To: Crebo, David GCPE:EX
Subject: RE: ICBC Notice of Civil Claim for Trail acid spills

I second the motion.

From: Crebo, David GCPE:EX
Sent: Tuesday, October 9, 2018 12:55 PM
To: Howlett, Tim GCPE:EX; Cotton, Brian GCPE:EX; Frampton, Caelie ENV:EX; Xia, Eveline ENV:EX; Robb, Katie GCPE:EX; Karn, David GCPE:EX
Cc: Morel, David P ENV:EX; Kelly, Suzannah GCPE:EX
Subject: RE: ICBC Notice of Civil Claim for Trail acid spills

Sure.
Looping in Katie at MoTI GCPE as well as Karn in our shop.

From: Howlett, Tim GCPE:EX
Sent: Tuesday, October 9, 2018 12:53 PM
To: Cotton, Brian GCPE:EX; Frampton, Caelie ENV:EX; Xia, Eveline ENV:EX
Cc: Crebo, David GCPE:EX; Morel, David P ENV:EX; Kelly, Suzannah GCPE:EX
Subject: RE: ICBC Notice of Civil Claim for Trail acid spills

Thanks Brian,

I think we should plan to forward any media requests to MAG for response.

From: Cotton, Brian GCPE:EX
Sent: Tuesday, October 9, 2018 12:01 PM
To: Frampton, Caelie ENV:EX; Xia, Eveline ENV:EX
Cc: Crebo, David GCPE:EX; Howlett, Tim GCPE:EX; Morel, David P ENV:EX; Kelly, Suzannah GCPE:EX
Subject: FW: ICBC Notice of Civil Claim for Trail acid spills

FYI – ICBC putting out attached statement tomorrow naming ministries of Transportation and Environment as provincial defendants as part of a notice of civil claim around the Trail acid spills. ICBC's IN also attached.

Relevant line from ICBC IN below:

- ICBC is alleging both corporate, municipal, and government defendants did not deploy qualified responders to the incidents, promptly neutralize the spill, respond prudently and notify the public immediately when the spills occurred, take reasonable precautions to close the highway, and properly report the incident to the authorities.

Suzannah is working on updating our IN and will be sending it up the chain for approvals.

Thanks,
Brian

From: Mandybura, Cadence GCPE:EX
Sent: Tuesday, October 9, 2018 10:13 AM

To: Cotton, Brian GCPE:EX; Bowness, Lianne GCPE:EX
Cc: Fellingner, Nicole GCPE:EX; Duffus, Robert GCPE:EX
Subject: FYI: ICBC Notice of Civil Claim for Trail acid spills

Good morning Brian and Lianne – ICBC is filing a Notice of Civil Claim later today as part of its cost recovery process for the Trail acid spills. The ministries of Transportation and Environment are both named as provincial defendants.

Attached are ICBC's issues note on the topic and their media statement that will be made public tomorrow.

Any questions, let me know. Thanks!

Cadence

Cadence Mandybura | Senior Public Affairs Officer
Ministry of Attorney General, Province of British Columbia
250 356-6305 (office) | 250 893-8513 (cell)
cadence.mandybura@gov.bc.ca

D'Argis, Krista GCPE:EX

From: Karn, David GCPE:EX
Sent: Monday, September 24, 2018 9:41 AM
To: Kelly, Suzannah GCPE:EX
Subject: FW: DGIR 182286 - SEA - SULFURIC ACID

-----Original Message-----

From: Environmental Emergencies Spill Reports ENV:EX
Sent: Saturday, September 22, 2018 7:55 PM
To: Karn, David GCPE:EX
Subject: FW: DGIR 182286 - SEA - SULFURIC ACID

From: SGPEP.ECC1@gov.bc.ca
Sent: Saturday, September 22, 2018 7:54:55 PM (UTC-08:00) Pacific Time (US & Canada)
To: Environmental Emergencies Spill Reports ENV:EX
Subject: DGIR 182286 - SEA - SULFURIC ACID

DGIR 182286
PEP Task Number: 193354

Incident Date: 2018-09-22 18:10
Incident Time: 2018-09-22 18:10
Report Date: 2018-09-22
Report Time: 19:20

Spiller: TECK TRAIL OPERATIONS

Caller 1 / Agency:
ANDY JOHNSON / TECK METALS - Business: 250-364-4901 - :

Caller 2 / Agency:
/ - : - :

Location: HWY 22A / HWY 3B / 9550 STATION RD
Area: TRAIL
PEP Region: SEA
MOE Region: Kootenay Region

Affected Env: Ground
Spill Type: Unknown
Sector: Unknown

Jurisdictions:

- 1: Provincial
- 2: Municipal

Material: SULFURIC ACID LESS THAN 1/4 CUP

Details:

Reporting a Trimac truck with sulfuric acid drove to Hwy 22A/Hwy 3B to Quirk Siding (9550 Station Rd) and after unloading discovered the lead trailer was leaking sulfuric acid underneath the trailer and onto the ground. The supervisor inspected the nearby road on Station Rd and the test results were for a low PH. IRM is the company that owns the acid, and is the one that reported to Teck Metals.

Response:

Local FD and RCMP have been notified and Kootenay Boundary Regional Fire Rescue FD has taken command, and Teck Metals emergency response has been notified.

Notifications:

19:29 Briefed MOE RO Ashley Robertson, code 1 prov/muni
19:32 Briefed PDM Derek Sommerville
19:35 emailed MOE Surrey / Cranbrook / Admin road safety

Report Compiled By: NATALIE Operations 3 ECC - 2018-09-22 19:20

Environmental Emergency Response Officer:

Date:

Notification Coding: Code 1 / Code 2

MOE Response: Exercise / Potential / No Field Response / Field Response /
IMT Activation

Notes:

D'Argis, Krista GCPE:EX

From: Karn, David GCPE:EX
Sent: Wednesday, September 12, 2018 4:29 PM
To: 'BOB KEATING'
Subject: RE: Request from CBC.

Bob, in response to your query.

Questions:

1) When was MOT or Environment notified of this first spill?

Same day it occurred at 10:16am.

2) What action was taken?

The April 10th spill was the result of equipment failure and the responsible party took steps to respond.

Response was taken by Teck crews specially trained for acids.

The Ministry monitored the cleanup through EMBC updates during the spill cleanup.

3) How long was the highway closed?

Traffic control personnel were on scene and directed traffic away from the spill.

4) Is Teck, IRM or Westcan facing any charges, if so what are they. If not, why not?

No fines to date have been issued. No acid left the roadway and none affected waterways. Sulphuric acid is not very volatile, but it is corrosive. To neutralize it, materials with alkali are applied. When the spill was discovered, Teck Metals sent its fire department to spread lime rock on the acid puddles, working from the Teck facility toward the acid's destination, WestCan. At the same time, Westcan crews applied lime rock to puddles, working in the opposite direction. These efforts neutralized all the acid. The materials were then disposed of according to regulations.

5) What was the provinces role in the closing the highway or the clean up?

Ministry of Transportation and Infrastructure staff coordinated their efforts with the Ministry of Environment & Climate Change Strategy to ensure the appropriate cleanup was done and roadways were returned to safe operation.

Cleanup was carried out in accordance with Transport Canada's Transportation of Dangerous Goods standards.

Due to the limited amount of material spilled and the thorough cleanup process, no health or environmental impacts have been reported or are expected.

We will continue to monitor these roadways, as well as the Victoria Street Bridge, to ensure there are no further impacts to safe operation.

On May 23rd there as a second leak between 7 and 7:30.

1) When was MOT or Environment notified of this second spill?

Same day it occurred – 7:30pm

2) What action was taken?

As above

3) How long was the highway closed?

As above

4) Is Teck, IRM or Westcan facing any charges, if so what are they. If not, why not?

As above

5) What was the province's role in the closing the highway or the clean up?

As above

6) Will the province facilitate or participate in a public meeting in Trail to discuss what happened there?

While spillers are responsible for costs associated with environmental clean-up due to a spill, provincial legislation does not cover compensation for damages to private property.

From: BOB KEATING [mailto:bob.keating@cbc.ca]
Sent: Monday, September 10, 2018 3:28 PM
To: Pope, Danielle GCPE:EX; Karn, David GCPE:EX
Subject: Request from CBC.

Hello David and Danielle,

There is all kinds of conflicting information about what happened in Trail April 10th and May 23rd.

Teck says the first spill occurred between 8 and 9:30 AM April 10th.

Yet I have had several eye witnesses tell me they saw acid on the road long before 8:00 AM and their cars are ruined.

Questions:

- 1) When was MOT or Environment notified of this first spill?
- 2) What action was taken?
- 3) How long was the highway closed?
- 4) Is Teck, IRM or Westcan facing any charges, if so what are they. If not, why not?
- 5) What was the provinces role in the closing the highway or the clean up?

On May 23rd there as a second leak between 7 and 7:30.

- 1) When was MOT or Environment notified of this second spill?
- 2) What action was taken?
- 3) How long was the highway closed?
- 4) Is Teck, IRM or Westcan facing any charges, if so what are they. If not, why not?
- 5) What was the province role in the closing the highway or the clean up?
- 6) Will the province facilitate or participate in a public meeting in Trail to discuss what happened there?

Thank you

Bob

D'Argis, Krista GCPE:EX

From: Karn, David GCPE:EX
Sent: Monday, September 10, 2018 4:09 PM
To: Caravetta, Joe ENV:EX; Forsdick, Doug O ENV:EX
Cc: Beetlestone, Ben ENV:EX; Cotton, Brian GCPE:EX; Doyle, Chris J ENV:EX; Jacobi, Steven ENV:EX; Lymburner, Wade ENV:EX
Subject: RE: Acid Spill SE

Thank you, Joe.

From: Caravetta, Joe ENV:EX
Sent: Monday, September 10, 2018 3:59 PM
To: Karn, David GCPE:EX; Forsdick, Doug O ENV:EX
Cc: Beetlestone, Ben ENV:EX; Cotton, Brian GCPE:EX; Doyle, Chris J ENV:EX; Jacobi, Steven ENV:EX; Lymburner, Wade ENV:EX
Subject: RE: Acid Spill SE

David here is what we can say so far, this is from Inspector Lymburner of the MIU

As of the last couple days EERO NOVOSAD replied to Steve indicating that he never attended the scene of the acid spill and only became aware of the incident as a result of a media inquiry. There appears to be some indication that the acid spill was neutralized with other materials and there was no impact on waterways, but who confirmed this and how is unclear and not documented in the IRF.^{s.22} but indicated he will try and contact NOVOSAD direct tomorrow.

Overall it appears that the IRF process was somewhat lacking from the start. From what I can determine it appears that the form is used to refer matters to the COS wherein they can review the materials / evidence / reports to determine if an investigation is warranted. In this case it appears there is no such items to even review, therefore no investigational review can occur. Steve has been doing what he can to obtain this but the opportunity may have passed as it appears that there is no longer any scene to examine and I fear no additional materials available from the EERO who created the IRF to begin with. I do not see any other COORS file that Ben may have created to address his actions after receiving the IRF, so don't know what actions, if any the COS has taken beyond Steve's work.

Steve did create a COORS file (201806106) outlining the receipt of the initial IRF and his requests for additional information. I passed this on to the Chief and Dave for their awareness as well. At this time, additional information is needed to make any final decisions regarding MIU taking this investigation. At present MIU has not, but have documented the effort to try and obtain materials by which to make their investigational assessment.

David - Ben is also off today (typically off Sundays and Mondays) when he returns tomorrow I'll ask him if there is anything he can add as well

Hopefully this helps - If there is anything else I can help with please give a shout

Cheers

INSPECTOR JOE CARAVETTA
OIC Kootenay Boundary Region
Conservation Officer Service
Ministry of Environment and Climate Change Strategy
PO Box 2877, 1621-A 10th Ave Fernie BC, V0B 1M0

From: Karn, David GCPE:EX
Sent: Monday, September 10, 2018 4:38 PM
To: Caravetta, Joe ENV:EX; Forsdick, Doug O ENV:EX
Cc: Beetlestone, Ben ENV:EX; Cotton, Brian GCPE:EX
Subject: RE: Acid Spill SE

FYI, CBC has just put in another request. We'll need to know if they're investigating the spills themselves or just why we weren't notified about 2nd spill.

dk

From: Caravetta, Joe ENV:EX
Sent: Friday, September 7, 2018 2:34 PM
To: Forsdick, Doug O ENV:EX; Karn, David GCPE:EX
Subject: RE: Acid Spill SE

Guys – I can confirm on Monday^{s.22} – he is the investigating officer –
I did check coors and did not see anything shown in it related to this matter.

If it can wait till Monday I can provide an accurate answer as to our present involvement

Cheers Joe

From: Forsdick, Doug O ENV:EX
Sent: Friday, September 7, 2018 3:24 PM
To: Karn, David GCPE:EX; Caravetta, Joe ENV:EX
Subject: Re: Acid Spill SE

Joe ???

Sent from my iPhone

On Sep 7, 2018, at 2:22 PM, Karn, David GCPE:EX <David.Karn@gov.bc.ca> wrote:

Doug,

The April 10th spill was reported to ministry – can you confirm if COS is investigating the spills or just why we weren't notified about 2nd spill (May 23rd).

From: Forsdick, Doug O ENV:EX
Sent: Friday, September 7, 2018 1:22 PM
To: Karn, David GCPE:EX
Subject: Fwd: Acid Spill SE

Sent from my iPhone

Begin forwarded message:

From: "Caravetta, Joe ENV:EX" <Joe.Caravetta@gov.bc.ca>
Date: September 7, 2018 at 1:16:14 PM PDT
To: "Forsdick, Doug O ENV:EX" <Doug.Forsdick@gov.bc.ca>
Subject: RE: Acid Spill SE

Chief

The spill was reported to the ERO's on April 10, the spill was not referred to us until August 9 and A/Sgt. Beetlestone is investigating, but as you can imagine much of the physical evidence is long gone and ^{s.22} I can provide more next week ^{s.22}

Please advise if you need anything further

Cheers joe

D'Argis, Krista GCPE:EX

From: Karn, David GCPE:EX
Sent: Monday, September 10, 2018 3:49 PM
To: Pope, Danielle GCPE:EX
Cc: Bowness, Lianne GCPE:EX; Robb, Katie GCPE:EX; Weiss, Jamie GCPE:EX; Cotton, Brian GCPE:EX
Subject: RE: FYI - TRAN Media Request: Trail acid spill

Thanks.

From: Pope, Danielle GCPE:EX
Sent: Monday, September 10, 2018 3:48 PM
To: Karn, David GCPE:EX
Cc: Bowness, Lianne GCPE:EX; Robb, Katie GCPE:EX; Weiss, Jamie GCPE:EX
Subject: FYI - TRAN Media Request: Trail acid spill

Hi David,

FYI – I've declined this one and have suggested they loop back with you directly if they want to try again later on. I've noted that all Ministers are full with UBCM for now.

Thanks,
Danielle

Reporter

Rachel Sanders, Reporter
CBC - Vancouver
Rachel.Sanders@cbc.ca
604-662-6653

Deadline ASAP

Request

Reporter says: We're covering the Trail acid spill this week and I'm wondering if Minister Trevena might be available for an interview about it on tomorrow morning's program?
This would be a phone interview with Chris Walker at Daybreak South specifically about the Trail acid spill. We're hoping she could do a six-minute interview starting at about 7:40 AM.

Background

Recommendation

Ministry staff coordinated their efforts with the Ministry of Environment & Climate Change Strategy to ensure the appropriate cleanup was done and roadways were returned to safe operation. Cleanup was carried out in accordance with Transport Canada's Transportation of Dangerous Goods standards.

Due to the limited amount of material spilled and the thorough cleanup process, no health or environmental impacts have been reported or are expected. We will continue to monitor these roadways, as well as the Victoria Street Bridge, to ensure there are no further impacts to safe operation.

D'Argis, Krista GCPE:EX

From: Karn, David GCPE:EX
Sent: Monday, September 10, 2018 2:58 PM
To: Pope, Danielle GCPE:EX
Cc: Bowness, Lianne GCPE:EX; Weiss, Jamie GCPE:EX; Cotton, Brian GCPE:EX
Subject: Re: FYI: TRAN Media Request: Acid spill - Trail

Thanks, Danielle.

Sent from my BlackBerry 10 smartphone on the TELUS network.

From: Pope, Danielle GCPE:EX
Sent: Monday, September 10, 2018 2:56 PM
To: Karn, David GCPE:EX
Cc: Bowness, Lianne GCPE:EX; Weiss, Jamie GCPE:EX
Subject: FYI: TRAN Media Request: Acid spill - Trail

Hey David,

Just an FYI on the below as to what we're sending about the spill in Trail.

Thanks,
Danielle

Reporter

Sarah Penton, Host
CBC - Radio West
sarah.penton@cbc.ca
250-861-3781 x 224 c: 250-826-3096

Deadline ASAP

Request

Reporter says: I'm following up on a story we did this morning regarding two acid spills in Trail this past spring.

<https://www.cbc.ca/news/canada/british-columbia/trail-spill-write-offs-1.4813610>

Many people in the area are upset because they don't feel like they were notified of the spill or of the danger it caused. This happened on a provincial highway. I'd like to know how the ministry of transportation dealt with this situation.

I'm interviewing the mayor on our afternoon show today. Any information you could pass along would be much appreciated.

Background

Recommendation

Ministry staff coordinated their efforts with the Ministry of Environment & Climate Change Strategy to ensure the appropriate cleanup was done and roadways were returned to safe operation.

Cleanup was carried out in accordance with Transport Canada's Transportation of Dangerous Goods standards.

Due to the limited amount of material spilled and the thorough cleanup process, no health or environmental impacts have been reported or are expected.

We will continue to monitor these roadways, as well as the Victoria Street Bridge, to ensure there are no further impacts to safe operation.

D'Argis, Krista GCPE:EX

From: Karn, David GCPE:EX
Sent: Friday, August 10, 2018 1:13 PM
To: 'Liza Yuzda'
Subject: RE: ENV

Will do.

From: Liza Yuzda [mailto:liza@cknw.com]
Sent: Friday, August 10, 2018 1:02 PM
To: Karn, David GCPE:EX
Subject: Re: ENV

Can you let me know what comes of the ministry looking into the other incident. Don't know if you're aware these spills led to 300+ Icbc Damage claims - many of the vehicles expected to be written off.

Sent from my iPhone

On Aug 10, 2018, at 12:55 PM, Karn, David GCPE:EX <David.Karn@gov.bc.ca> wrote:

Liza,

In response to your query:

As per the story below about a couple of sulphuric acid spills earlier this spring (April 10th and May 23rd) on Hwy 3B near Trail:

<https://www.columbiavalleypioneer.com/news/cars-being-junked-after-acid-spill-on-kootenay-highway/>

- Were any fines/penalties levied by MoE?
- If fines haven't been levied yet, will they be in the future?)
- Is there any mechanism to alert drivers who may have driven through the area while acid was on the road, so they can see if there vehicles were impacted?

April 10, 2018

- The April 10th spill was the result of equipment failure and the responsible party took steps to respond.
- The Ministry monitored the cleanup through EMBC updates during the spill clean up.
- No fines have been issued.
- Traffic control personnel were on scene and directed traffic away from the spill.

May 23, 2018

- The Environmental Emergency Program did not receive any reports of an acid spill in the area on May 23.
- The Spill Reporting Regulation requires a spiller to report all corrosive material spills over five litres or five kilograms to the spill reporting line as soon as possible after the spill occurs.
- The ministry will be looking into the incident.

dkarn

From: [Cotton, Brian GCPE:EX](#)
To: [Morel, David P ENV:EX](#)
Cc: [Kelly, Suzannah GCPE:EX](#); [Karn, David GCPE:EX](#); [Poss, Angie ENV:EX](#)
Subject: RE: For ADM approval - sulphur spills IN
Date: September 11, 2018 2:55:24 PM
Attachments: [IN Trail Sulphuric Acid Spill Sept 7 2018.docx](#)

Hi David,

Just wanted to give you an update on this in case you were unaware. We were under the impression that the 2nd spill wasn't reported to ENV (in fact we even responded to media back in August saying it wasn't reported). However, Veron has now provided us with the DGIRs showing we were notified. We've also chatted to the COS and they are not going to be investigating so we've take out any reference to the COS from the IN.

From: Morel, David P ENV:EX
Sent: Sunday, September 9, 2018 3:33 PM
To: Cotton, Brian GCPE:EX
Cc: Kelly, Suzannah GCPE:EX; Karn, David GCPE:EX; Poss, Angie ENV:EX
Subject: RE: For ADM approval - sulphur spills IN

Sorry missed this on Friday messaging is good.

David

From: Cotton, Brian GCPE:EX
Sent: Friday, September 7, 2018 2:32 PM
To: Morel, David P ENV:EX <David.Morel@gov.bc.ca>
Cc: Kelly, Suzannah GCPE:EX <Suzannah.Kelly@gov.bc.ca>; Karn, David GCPE:EX <David.Karn@gov.bc.ca>; Poss, Angie ENV:EX <Angie.Poss@gov.bc.ca>
Subject: RE: For ADM approval - sulphur spills IN

Updated messaging below.

We're asking COS for confirmation but just in case you know the answer....are they investigating both spills or are they investigating why the ministry wasn't notified of the more minor second spill? If it's the latter we'll leave the existing message below. If not we'll change it they're simply investigating the spills.

- We sympathize with vehicle owners who have been impacted by these spills.
- While spillers are responsible for costs associated with environmental clean-up due to a spill, provincial legislation does not

cover compensation for damages to private property.

- The Conservation Officer Service is currently investigating why the second spill was not reported to the ministry.

From: Morel, David P ENV:EX
Sent: Friday, September 7, 2018 2:12 PM
To: Cotton, Brian GCPE:EX
Cc: Kelly, Suzannah GCPE:EX; Karn, David GCPE:EX; Poss, Angie ENV:EX
Subject: Re: For ADM approval - sulphur spills IN

Ok with background but key messages need some work. Polluter pay principle not really relevant as it applies to environment not private property.

Suggest something more along lines of points below (of course written clear in communication use)

Sympathize with vehicle owners impacted by spill.

The spill has been referred to COS to investigate.

While spillers are responsible for costs associated with environmental clean up related to a spill, legislation does not cover compensation for damages to private property.

Sent from my iPhone

On Sep 7, 2018, at 1:37 PM, Cotton, Brian GCPE:EX <Brian.Cotton@gov.bc.ca> wrote:

Hi David,

Here is the issues note for your approval. Angie has reviewed and approved.

Thanks,
Brian

<IN_Trail Sulphuric Acid Spill_Sept 7 2018.docx>

Ministry of Environment and Climate Change Strategy, September 7, 2018

TRAIL SULPHURIC ACID SPILL

Key Messages:

- The Responsible Party is responsible for all cleanup costs under B.C.'s polluter pay model.
- Under B.C.'s Environmental Management Act, the Province can only cover response costs associated with response to environmental damage; the legislation does not apply to compensation for damage to personal or public property.
- No environmental impacts have been observed as a result of the two spills.
- The responsible party has taken the appropriate response actions to mitigate any environmental impact.
- The Conservation Officer Service is investigating why the second spill was not reported to the ministry.

Background:

- On September 7, 2018, CBC reported that ICBC has received approximately 2500 insurance claims from vehicle owners who had their vehicles damaged by two separate sulphuric acid spills near Trail. CBC and other media outlets had previously reported on the story.
- The spills occurred on April 10th and May 23rd on Hwy 3B after two transport trucks from WestCan Bulk Transport departed the Teck lead smelter. The combined total spilled was approximately 300 litres (220L in first incident and 80L in second).
- Under the Environmental Management Act, the provincial government has the ability to cost recover response costs related to an environmental emergency. The provisions in the Spill Cost Recovery Regulation do not apply to compensation for damage to personal property. Members of the public and businesses would have recourse through civil courts for compensation to private property or business operations.
- The April 10 spill was the result of equipment failure and the responsible party took the required steps to respond. The ministry was notified of the incident and monitored cleanup. No fines have been issued.
- The May 23rd spill was not reported to the ministry. The Spill Reporting Regulation requires a spiller to report all corrosive material spills over five litres or five kilograms to the spill reporting line as soon as possible after the spill occurs. The COS is currently investigating why there was no notification.

From: [Karn, David GCPE:EX](#)
To: [Cotton, Brian GCPE:EX](#); [Kelly, Suzannah GCPE:EX](#)
Subject: Fw: DGIRs 180118 / 180711
Date: September 11, 2018 9:05:38 AM
Attachments: [DGIR 180118.pdf](#)
[DGIR 180118 Update 1.pdf](#)
[DGIR 180118 Update 2.pdf](#)
[DGIR 180711.pdf](#)
[DGIR 180711 update 1.pdf](#)

Sent from my BlackBerry 10 smartphone on the TELUS network.

From: Mole, Allan ENV:EX <Allan.Mole@gov.bc.ca>
Sent: Monday, September 10, 2018 4:51 PM
To: Karn, David GCPE:EX
Cc: Fallows, Norm ENV:EX
Subject: DGIRs 180118 / 180711

Good afternoon David,

Please see the attached DGIR reports and their associated updates. If you have any questions please let me know.

Regards,



Allan Mole, A.Sc.T

Environmental Emergency Response Officer
Environmental Emergency Program
Southern Interior Region/Kamloops
778-694-9011 | 250-371-6308
allan.mole@gov.bc.ca
Report a spill: 1-800-663-3456



Category : Code 1
Incident Date Time : 2018-04-10 09:30
MCTS # :

Spiller :	WESTCAN BULK TRANSPORT		
Location :	HWY 22		
Area :	TRAIL	EMBC Region : SEA	MOE Region : Kootenay Region
Material(s):	SULPHURIC ACID		
Amount(s):	UNKNOWN		
Received From:			
Caller A : MIKE AQUIN		Caller B :	
Org : WESTCAN BULK TRANSPORT		Org :	
Phone : Business 250-367-7778		Phone :	
Alternate :		Alternate :	
Time :		Time :	
Received by EMBC Operations Officer : KAREN		When Received : 2018-04-10 10:16	
Affected Environment : Ground		Other :	
Type of Spilling :		Other Spill Type :	
Equipment Failure			
Accidents:			
Sector: Unknown			
Cause :			
Reporting that some sulphuric acid leaked out of the truck from a ball valve, down the highway. Soda ash and lime rock is being put down. No waterways impacted.			
Response :			
Jurisdiction :			
Task # :	Amount : \$	Issued To :	
Notification :			
1020 - briefed MOE RO Veron Novosad, Prov code 1			
1021 - briefed PDM Allen			
1023 - emailed MOE Cranbrook			



DGIR 180118 - UPDATE # 1

Type : INLAND UPDATE
Subject : SULPHURIC ACID
Task # :
Assigned To :
Incident Area : TRAIL

Original Entry Logged : 2018-04-10 10:16
Amount : \$
ASE Number :
EMBC Region : SEA
MOE Region : Kootenay Region
MCTS# :

Location : HWY 22

Caller : ANDY JOHNSON
Organization : TECK METALS
Primary No : Cellular 250-364-4901
Alt No :

This Update Logged : 2018-04-10 10:40
EMBC Operations Officer : JACOB

Details :

Advised that a WestCan Trucking Company transport vehicle (unknown size) was transporting sulphuric acid from Teck Metals (25 Aldrige Ave) to the WestCan facility (7 Mile Dam Rd Trail Highway 22A - 250-367-7778) travelling southbound down Highway 22, 3B and 22A. They suspect that a valve was left open during transport causing an unknown amount of sulphuric acid to spill to the ground while en route to the WestCan Facility.

Teck Metals activated their full time fire department to neutralize any puddles with limerock starting at their facility and moving south down Highway 22 toward the WestCan facility. Teck Metals has also mobilized their emergency response team to take command of the situation and oversee the response. WestCan is applying limerock to puddles starting at their location and working toward the Teck Metals facility. RCMP has been notified and is mobilizing EMCON services for traffic control (MOTI aware and has been working on getting individuals on scene, roads NOT shut down but will be having work done on them).

Notification :

10:38 LM MOE RO Veron Novosad
10:42 Briefed PDM Rod Allen
11:26 Briefed MOE RO Veron Novosad
11:28 Emailed MOE Cranbrook



DGIR 180118 - UPDATE # 2

Type : INLAND UPDATE
Subject : SULPHURIC ACID
Task # :
Assigned To :
Incident Area : TRAIL

Original Entry Logged : 2018-04-10 10:16
Amount : \$
ASE Number :
EMBC Region : SEA
MOE Region : Kootenay Region
MCTS# :

Location : HWY 22

Caller : ANDY JOHNSON
Organization : TECK METALS
Primary No : 250-364-4901
Alt No :

This Update Logged : 2018-04-10 14:57
EMBC Operations Officer : JACOB

Details :

Advised 220 liters total sulphuric acid spilled. Limerock operation was ceased and power/water trucks were used in conjunction with a sweeper and PH strips along the way. Sent samples to onsite office to ensure all acid was neutralized.

Notification :

14:59 Briefed MOE RO Josh Watts
15:01 Briefed PDM Rod Allen
15:02 Emailed MOE Penticton/Cranbrook



Category : Code 1

Incident Date Time : 2018-05-23 19:00

MCTS # :

Spiller : WEST CAN TRUCKING

Location : TRAIL OPERATIONS
PLANT 3KM INTO
GLENMARY
SUBDIVISION

Area : TRAIL

EMBC Region : SEA

MOE Region : Kootenay
Region

Material(s): SULFURIC ACID

Amount(s): UNKNOWN

Received From:

Caller A : BRETT CHOBANUK

Org : TECK FIRE DEPT

Phone : Business 250-364-4901

Alternate :

Time :

Caller B :

Org :

Phone :

Alternate :

Time :

Received by EMBC Operations Officer : NATALIE

When Received : 2018-05-23 19:30

Affected Environment : Ground

Other :

Type of Spilling :

Other Spill Type :

Unknown

Accidents:

Sector: Unknown

Cause :

Reporting a tanker truck was leaking when he left the property, no further details at this time.

Response :

Crews are spreading lime rock to neutralize and wash down, regional fire rescue on scene, Teck Fire on scene, emerg response team mobilized, RCMP on scene, and West Can Trucking on scene.

Jurisdiction : Provincial, Municipal

Task # :191008

Amount : \$50

Issued To : JOSH WATTS

Notification :

19:38 Briefed MOE RO Josh Watts, code 1 prov/muni

19:39 Briefed PDM Rod Allen

19:42 Emailed MOE Penticton / Cranbrook



DGIR 180711 - UPDATE # 1

Type : INLAND UPDATE
Subject : SULFURIC ACID
Task # : 191008
Assigned To : JOSH WATTS
Incident Area : TRAIL

Original Entry Logged : 2018-05-23 19:30
Amount : \$50
ASE Number :
EMBC Region : SEA
MOE Region : Kootenay Region
MCTS# :

Location : TRAIL OPERATIONS PLANT 3KM INTO GLENMARY SUBDIVISION

Caller : LEO
Organization : CANUTEC
Primary No : Business 1-888-226-8832
Alt No :

This Update Logged : 2018-05-23 20:05
EMBC Operations Officer : NICO

Details :

Updating that there is alternating traffic on hwy 3. The Fire Department on scene advised there is no impact to waterways. The spill is currently contained, and clean up is being completed. The leak was from a faulty air valve in the top of the truck.

Notification :

2015-briefed MOE RO Watts. Add \$50 to task.
2054-briefed PDM Allen.
2059-emailed MOE Penticton/Cranbrook.

From: [Cotton, Brian GCPE:EX](#)
To: [Karn, David GCPE:EX](#)
Subject: Fwd: Acid Spill SE
Date: September 7, 2018 10:53:26 AM

This will help with IN

Begin forwarded message:

From: "Poss, Angie ENV:EX" <Angie.Poss@gov.bc.ca>
Date: September 7, 2018 at 10:49:55 AM PDT
To: "Morel, David P ENV:EX" <David.Morel@gov.bc.ca>
Cc: "Cotton, Brian GCPE:EX" <Brian.Cotton@gov.bc.ca>, "Kryzanowski, Kelli ENV:EX" <Kelli.Kryzanowski@gov.bc.ca>, "Fallows, Norm ENV:EX" <Norm.Fallows@gov.bc.ca>, "Kelly, Suzannah GCPE:EX" <Suzannah.Kelly@gov.bc.ca>
Subject: FW: Acid Spill SE

Hi David,

As discussed, here is a brief paragraph on cost recovery.

Under the Environmental Management Act, the Provincial government has the ability to cost response costs related to an environmental emergency. The provisions in the Spill Cost Recovery Regulation do not apply to damage to public property. Members of the public and businesses would have recourse through civil courts for compensation to private property or business operations.

As part of the regulatory and legislative work Ben's team has been leading, there was some consideration of expanding cost recovery provisions to include community costs, however this is not currently moving forward.

Angie

From: Poss, Angie ENV:EX
Sent: Friday, September 7, 2018 10:34 AM
To: Morel, David P ENV:EX; Kryzanowski, Kelli ENV:EX
Subject: RE: Acid Spill SE

Absolutely. There were two separate incidents. Here are the media bullets from previous request on this topic:

APPROVED RESPONSE:

April 10, 2018

4s.13

s.13

- The Ministry monitored the cleanup through EMBC updates during the spill clean up.
- s.13
- Traffic control personnel were on scene and directed traffic away from the spill.

May 23, 2018

- The Environmental Emergency Program did not receive any reports of an acid spill in the area on May 23.
- The Spill Reporting Regulation requires a spiller to report all corrosive material spills over five litres or five kilograms to the spill reporting line as soon as possible after the spill occurs.
- The ministry will be looking into the incident.

EEP has since looked into the May 23 incident and determined that in each incident, the tanker had a leak and each travelled a distance along the highway before noticing the leak. Between the time the leak was noticed and responders arrived on scene, the public was able to travel over the spilled material unknowingly and damage was done to their vehicles.

EEP provided oversight of the response to the April 10 incident remotely. The May 23 incident was not reported to us as per the spill reporting requirements so there was no ability to provide oversight at the time of the incident. However an EERO reviewed the response afterwards and found it to be adequate. In both incidents Teck Metals had a hazmat team, specifically trained and equipped to deal with sulphuric acid, that responded on site. We have referred the second incident to COS for investigation of non-reporting.

Happy to provide more detail as needed.
Angie

From: Morel, David P ENV:EX
Sent: Friday, September 7, 2018 10:30 AM
To: Poss, Angie ENV:EX; Kryzanowski, Kelli ENV:EX
Subject: RE: Acid Spill SE

Can you give me the date of the spill at least approximate? Did we attend or take any action?

Thanks

David

From: Poss, Angie ENV:EX
Sent: Friday, September 7, 2018 10:18 AM

To: Kryzanowski, Kelli ENV:EX <Kelli.Kryzanowski@gov.bc.ca>; Morel, David P ENV:EX <David.Morel@gov.bc.ca>

Subject: RE: Acid Spill SE

Hi David,

This is a historical spill and has been in the media cycle two or three times already. I'm not sure why it has popped up again today. GCPE is already looped in through past media enquiries and we'll continue to work with them today to update as needed. There is a COS investigation here so there will be limits to what we can publicly disclose during that investigation.

I will pass on your request for an issues note to Brian.

Angie

From: Kryzanowski, Kelli ENV:EX
Sent: Friday, September 7, 2018 9:41 AM
To: Morel, David P ENV:EX
Cc: Poss, Angie ENV:EX
Subject: RE: Acid Spill SE

Morning,

Our Duty Manager hasn't received any notices about this. We're looking into it and will connect with GCPE and update ASAP.

KK

From: Morel, David P ENV:EX
Sent: September 7, 2018 9:32 AM
To: Kryzanowski, Kelli ENV:EX <Kelli.Kryzanowski@gov.bc.ca>
Subject: Acid Spill SE

There is media today about the acid spill in south east that has damaged a number of vehicles. Do we have any information about spill/ where we involved or will we be involved? Likely good to work with GCPE to get an issues not done with GCPE.

Thanks

David

From: [Cotton, Brian GCPE:EX](#)
To: [Karn, David GCPE:EX](#)
Subject: Fwd: APPROVED: Media Request: Acid Spill - Kootenays
Date: August 8, 2018 3:00:02 PM

I guess we can move this one up to MO.

Thanks,
Brian

Begin forwarded message:

From: "Jonker, Jennifer B ENV:EX" <Jennifer.Jonker@gov.bc.ca>
Date: August 8, 2018 at 2:54:50 PM PDT
To: "Cotton, Brian GCPE:EX" <Brian.Cotton@gov.bc.ca>
Subject: **APPROVED: Media Request: Acid Spill - Kootenays**

Brian –

ADM approved.

RESPONSE:

April 10, 2018

- The April 10th spill was the result of equipment failure and the responsible party took all necessary steps to respond.
- The Ministry monitored the cleanup through EMBC updates during the spill clean up.
- As the responsible party took all reasonable actions, no fines have been issued or further investigation will be undertaken.
- Traffic control personnel were on scene and directed traffic away from the spill as soon as possible.

May 23, 2018

- The Ministry has no reports of any acid spills in May in the Kootenay area.

From: Bell, Danielle L GCPE:EX
Sent: July 31, 2018 11:38 AM
To: Jonker, Jennifer B ENV:EX <Jennifer.Jonker@gov.bc.ca>
Subject: Media Request: Acid Spill - Kootenays

Hello,

Reporter

Liza Yuzda, Reporter
CKNW AM 980

Deadline as soon as possible please

Request

As per the story below about a couple of sulphuric acid spills earlier this spring (April 10th and May 23rd) on Hwy 3B near Trail:

- Were any fines/penalties levied by MoE?
- If fines haven't been levied yet, will they be in the future?)
- Is there any mechanism to alert drivers who may have driven through the area while acid was on the road, so they can see if there vehicles were impacted?

<https://www.columbiavalleypioneer.com/news/cars-being-junked-after-acid-spill-on-kootenay-highway/>

From: [Cotton, Brian GCPE:EX](#)
To: [Kelly, Suzannah GCPE:EX](#); [Karn, David GCPE:EX](#)
Subject: RE: A question about sulphuric acid
Date: September 11, 2018 1:06:28 PM

I added this back into the BG of the note but from what the COS is saying it looks like there's no contravention.

- The COS is currently looking into the matter to see if a contravention under the Environmental Management Act occurred and if it warrants an investigation.

From: Kelly, Suzannah GCPE:EX
Sent: Tuesday, September 11, 2018 12:56 PM
To: [Karn, David GCPE:EX](#); [Cotton, Brian GCPE:EX](#)
Subject: Fwd: A question about sulphuric acid

FYI, COS is investigating and fines could be levied for violations of the EMA.

See below.

Sent from my iPhone

Begin forwarded message:

From: "Fallows, Norm ENV:EX" <Norm.Fallows@gov.bc.ca>
Date: September 11, 2018 at 12:48:39 PM PDT
To: "Kelly, Suzannah GCPE:EX" <Suzannah.Kelly@gov.bc.ca>
Subject: RE: A question about sulphuric acid

I can confirm that a referral request was initiated to the COS for an introduction of hazardous waste to the environment under EMA. You would have to contact Sgt Ben Beetlestone as to where they are in their process. I would say that "the matter is currently being investigation by the COS to determine whether a convention under EMA had occurred."

Norm

From: Fallows, Norm ENV:EX
Sent: Tuesday, September 11, 2018 12:33 PM
To: Kelly, Suzannah GCPE:EX
Subject: RE: A question about sulphuric acid

Kelly – just sent you a revised statement – note should be in your in box

From: [Grieve, Chandler GCPE:EX](#)
To: [Eberle, Hugh TRAN:EX](#); [Lorimer, Mike TRAN:EX](#); [Karn, David GCPE:EX](#)
Cc: [Crebo, David GCPE:EX](#); [Cotton, Brian GCPE:EX](#); [Cousins, Paula TRAN:EX](#); [Kurylowich, Dennis TRAN:EX](#); [Robb, Katie GCPE:EX](#)
Subject: Re: Another Acid Spill in Trail
Date: September 23, 2018 1:10:12 PM

Ok – after the suggested responses – I will send this off at 1:30 PM unless I hear otherwise– thanks so much everyone!!!

The ministry is aware of an incident near the intersection of Highway 22a and 7 mile dam road involving a minor sulphuric acid leak.

Ministry of Transportation and Infrastructure staff arrived on scene last night to ensure the appropriate cleanup was done and roadways were returned to safe operation.

Cleanup was carried out in accordance with Transport Canada's Transportation of Dangerous Goods standards. In total, ministry staff determined less than a litre of sulphuric acid leaked onto the road.

Due to the limited amount of material spilled and the thorough cleanup process, no health or environmental impacts have been reported or are expected.

We will continue to monitor these roadways, to ensure there are no further impacts to safe operation.

From: "Eberle, Hugh TRAN:EX" <Hugh.Eberle@gov.bc.ca>
Date: Sunday, September 23, 2018 at 12:53 PM
To: "Lorimer, Mike TRAN:EX" <Mike.Lorimer@gov.bc.ca>, "Grieve, Chandler GCPE:EX" <Chandler.Grieve@gov.bc.ca>
Cc: "Crebo, David GCPE:EX" <David.Crebo@gov.bc.ca>, "Cotton, Brian GCPE:EX" <Brian.Cotton@gov.bc.ca>, "Cousins, Paula TRAN:EX" <Paula.Cousins@gov.bc.ca>, "Kurylowich, Dennis TRAN:EX" <Dennis.Kurylowich@gov.bc.ca>, "Robb, Katie GCPE:EX" <Katie.Robb@gov.bc.ca>
Subject: Re: Another Acid Spill in Trail

Speaking of MOE, not even sure they were on site last night so we should also remove the reference to coordinating our efforts with them.

On Sep 23, 2018, at 12:48 PM, Lorimer, Mike TRAN:EX <Mike.Lorimer@gov.bc.ca> wrote:

Are we checking with GCPE at MOE for any response as well?

Sent from my iPhone

On Sep 23, 2018, at 11:58 AM, Grieve, Chandler GCPE:EX <Chandler.Grieve@gov.bc.ca> wrote:

Sorry – forgot to include response:

The ministry is aware of an incident near the intersection of Highway 22a and 7 mile dam road involving a minor sulphuric acid spill.

Ministry of Transportation and Infrastructure staff arrived on scene last night and coordinated their efforts with the Ministry of Environment & Climate Change Strategy to ensure the appropriate cleanup was done and roadways were returned to safe operation.

Cleanup was carried out in accordance with Transport Canada's Transportation of Dangerous Goods standards.

Due to the limited amount of material spilled and the thorough cleanup process, no health or environmental impacts have been reported or are expected.

We will continue to monitor these roadways, to ensure there are no further impacts to safe operation.

From: "Grieve, Chandler GCPE:EX" <Chandler.Grieve@gov.bc.ca>
Date: Sunday, September 23, 2018 at 11:57 AM
To: "Crebo, David GCPE:EX" <David.Crebo@gov.bc.ca>
Cc: "Cotton, Brian GCPE:EX" <Brian.Cotton@gov.bc.ca>, "Cousins, Paula TRAN:EX" <Paula.Cousins@gov.bc.ca>, "Lorimer, Mike TRAN:EX" <Mike.Lorimer@gov.bc.ca>, "Kurylowich, Dennis TRAN:EX" <Dennis.Kurylowich@gov.bc.ca>, "Eberle, Hugh TRAN:EX" <Hugh.Eberle@gov.bc.ca>, "Robb, Katie GCPE:EX" <Katie.Robb@gov.bc.ca>
Subject: FW: Another Acid Spill in Trail

Ok – Mike signed off on this response. If anyone has any issues – let me know before 1:00 PM. I will send it off to the reporter then.

From: "Grieve, Chandler GCPE:EX" <Chandler.Grieve@gov.bc.ca>
Date: Sunday, September 23, 2018 at 11:10 AM
To: "Robb, Katie GCPE:EX" <Katie.Robb@gov.bc.ca>, "Cousins, Paula TRAN:EX" <Paula.Cousins@gov.bc.ca>

Cc: "Kurylowich, Dennis TRAN:EX" <Dennis.Kurylowich@gov.bc.ca>, "Eberle, Hugh TRAN:EX" <Hugh.Eberle@gov.bc.ca>

Subject: Re: Another Acid Spill in Trail

We have just received a media inquiry from Global BC on this. They have received a statement from the company involved in the accident.

They are looking for confirmation of what happened, what is the situation of the roads.,,etc

I have drafted a rough response below – please add any details if we can..do we know if traffic is impacted at all?

The ministry is aware of an incident near the intersection of Highway 22a and 7 mile dam road involving a minor sulphuric acid spill.

Ministry of Transportation and Infrastructure staff arrived on scene last night and coordinated their efforts with the Ministry of Environment & Climate Change Strategy to ensure the appropriate cleanup was done and roadways were returned to safe operation.

Cleanup was carried out in accordance with Transport Canada's Transportation of Dangerous Goods standards.

Due to the limited amount of material spilled and the thorough cleanup process, no health or environmental impacts have been reported or are expected.

We will continue to monitor these roadways, to ensure there are no further impacts to safe operation.

From: "Robb, Katie GCPE:EX" <Katie.Robb@gov.bc.ca>

Date: Sunday, September 23, 2018 at 8:31 AM

To: "Cousins, Paula TRAN:EX" <Paula.Cousins@gov.bc.ca>

Cc: "Grieve, Chandler GCPE:EX" <Chandler.Grieve@gov.bc.ca>, "Kurylowich, Dennis TRAN:EX" <Dennis.Kurylowich@gov.bc.ca>, "Eberle, Hugh TRAN:EX" <Hugh.Eberle@gov.bc.ca>

Subject: Re: Another Acid Spill in Trail

Big thanks !

Katie Robb

Communications Director | Ministry of Transportation and Infrastructure
Government Communications & Public Engagement

M: [250.920.8371](tel:250.920.8371)

On Sep 23, 2018, at 9:23 AM, Cousins, Paula TRAN:EX
<Paula.Cousins@gov.bc.ca> wrote:

You bet.

Dennis - would you mind following up on this?

Thanks,
Paula

Sent from my iPhone

On Sep 23, 2018, at 8:21 AM, Robb, Katie GCPE:EX
<Katie.Robb@gov.bc.ca> wrote:

Thanks Paula - if not too much trouble to ask, it would be good to know. Last time the local mla office has some specific feedback and questions about their obligations and plans to communicate with the community. Would be great to pass that on to the MO so they can share with their colleagues as needed and so we have the context for media inquiries.

Katie Robb

Communications Director | Ministry of
Transportation and Infrastructure
Government Communications & Public
Engagement
M: [250.920.8371](tel:250.920.8371)

On Sep 23, 2018, at 9:17 AM, Cousins, Paula
TRAN:EX <Paula.Cousins@gov.bc.ca> wrote:

Good Morning Katie,

I'm not sure what the public
notification plans are. Would you like
me to ask staff to follow up?

Sent from my iPhone

On Sep 23, 2018, at 7:25 AM, Robb,
Katie GCPE:EX
<Katie.Robb@gov.bc.ca> wrote:

Thanks Paula. Will tri-
mac be putting out a
public notice / update
on the incident?

Katie Robb

Communications
Director | Ministry of
Transportation and
Infrastructure
Government
Communications &
Public Engagement
M: 250.920.8371

On Sep 22, 2018, at
11:30 PM, Cousins,
Paula TRAN:EX
<Paula.Cousins@gov.bc.ca>
wrote:

Update:
It is
reported
that Tri-
mac was
the carrier
(previous
incidents
were
Westcan).
CVSE is on
route.

From what
we have
been told,
the only
confirmed
quantities
are a
quarter
sized and
fist sized
puddle of
sulphuric
acid at the

intersection
of hwy 22a
and 7 mile
dam road.

Teck
Emergency
response
crews
continue
to test the
Hwy for
acid.

The truck
carrying
the acid is
still at the
site.

CANUTEC
has been
notified,

Sent from
my iPhone

On Sep 22,
2018, at
8:47 PM,
Cousins,
Paula
TRAN:EX
<Paula.Cousins@gov.bc.ca>
wrote:

Good
Evening,

We
have
been
notified
of
another
acid
spill

in
the
trail
area.
Staff
are
responding,
including
environmental
services.

Will
send
more
details
as
they
come
available.

P

Sent
from
my
iPhone

Begin
forwarded
message:

From:
"Kurylowich,
Dennis
TRAN:EX"
<Dennis.Kurylowich@gov.bc.ca>

Date:
September
22,
2018
at
8:43:33
PM
PDT

To:
"Cousins,

Paula
TRAN:EX"
<Paula.Cousins@gov.bc.ca>
Cc:
"Eberle,
Hugh
TRAN:EX"
<Hugh.Eberle@gov.bc.ca>,
"Ward,
Katie
TRAN:EX"
<Katie.Ward@gov.bc.ca>,
"Odland,
Jason
J
TRAN:EX"
<Jason.Odland@gov.bc.ca>,
"Sutton,
Joanne
TRAN:EX"
<Joanne.Sutton@gov.bc.ca>,
"Jones,
Marvin
B
TRAN:EX"
<Marvin.Jones@gov.bc.ca>,
"Spearman,
Kristen
TRAN:EX"
<Kristen.Spearman@gov.bc.ca>,
"Kinnear,
Greg
TRAN:EX"
<Greg.Kinnear@gov.bc.ca>,
"Lorimer,
Mike
TRAN:EX"
<Mike.Lorimer@gov.bc.ca>,
"Knight,
Jeff
J
TRAN:EX"
<Jeff.Knight@gov.bc.ca>,
"Todd,
Trevor
TRAN:EX"
<Trevor.Todd@gov.bc.ca>,

"Haywood,
Steven
TRAN:EX"
<Steven.Haywood@gov.bc.ca>

Subject:

Re:

Acid

Spill

Paula,
It
is
my
understanding
that
emergency
services
have
closed
the
road
and
or
established
traffic
flows
in
the
lanes
not
effected.
The
majority
of
the
route
is
4
lanes.
We
are
currently
in
the
process
of
notifying

CVSE.
Our
people
have
just
started
response.
Dennis

Dennis
Kurylowich
Operations
Manager
Ministry
of
Transportation
and
Infrastructure
Service
Area
09
Grand
Forks,
B.C.
1-
250-
442-
4310

On
Sep
22,
2018,
at
8:40
PM,
Cousins,
Paula
TRAN:EX
<Paula.Cousins@gov.bc.ca>
wrote:

Thanks
Dennis.
Is
CVSE
on
route?
What
is
the
protocol
to
help
minimize
damage?

Steve
-
what
recourse
do
we
have
here?
This
is
unacceptable.

Sent
from
my
iPhone

On
Sep
22,
2018,
at
8:38
PM,
Kurylowich,
Dennis
TRAN:EX
<Dennis.Kurylowich@gov.bc.ca>
wrote:

Good
evening
all,

Sorry
to
ruin
your
night
of
pre-
season
hockey,
however,
we
just
had
a
report
of
another
acid
spill
in
the
Trail
area.

This
was
reported
by
emergency
services
to
MoTi.
The
details
at
this
time
are
unclear,
early
reports
are
it

is
similar
to
past
spills
and
occurred
over
the
haul
route
from
Teck
to
the
railhead.

Our
RAM
is
monitoring,
just
a
heads
up
this
will
garner
more
media
attention.

Emergency
services
is
on
scene
and
Teck
is
responded.

More
details
as
we
know.

Dennis

Dennis
Kurylowich
Operations
Manager
Ministry
of
Transportation
and
Infrastructure
Service
Area
09
Grand
Forks,
B.C.
1-
250-
442-
4310

From: [Cotton, Brian GCPE:EX](#)
To: [Lipsett, Kandis ENV:EX](#); [Karn, David GCPE:EX](#); [Novosad, Veron ENV:EX](#); [Jonker, Jennifer B ENV:EX](#); [Poss, Angie ENV:EX](#)
Subject: RE: QUESTION: Media Request: Acid Spill - Kootenays
Date: August 9, 2018 9:41:27 AM

Thanks Kandis – what we need to answer is if the Ministry didn't receive a spill report, what is it doing in terms of looking into why the RP didn't file a report? That's the next logical question from the reporter as there was clearly an incident which ICBC is now paying out people for so people are going to be wondering why ENV isn't involved or isn't doing anything.

Thanks,
Brian

From: Lipsett, Kandis ENV:EX
Sent: Thursday, August 9, 2018 9:34 AM
To: Karn, David GCPE:EX; Novosad, Veron ENV:EX; Jonker, Jennifer B ENV:EX; Poss, Angie ENV:EX
Cc: Cotton, Brian GCPE:EX
Subject: RE: QUESTION: Media Request: Acid Spill - Kootenays

Hi David,

Veron reviewed our database and found one spill report. Further to the database review an investigation would be highly resource intensive. Unless I am directed, the tool we have to look into spill reports is our current database.

Regards,



Kandis Lipsett, BSc. PChem

Senior Environmental Emergency Response Officer
Environmental Emergencies Program
Southern Interior Region/Penticton
250-490-8243 | 250-488-5429 Kandis.Lipsett@gov.bc.ca
Report a spill: 1-800-663-3456

From: Karn, David GCPE:EX
Sent: August-09-18 9:27 AM
To: Novosad, Veron ENV:EX; Jonker, Jennifer B ENV:EX; Lipsett, Kandis ENV:EX; Poss, Angie ENV:EX
Cc: Cotton, Brian GCPE:EX
Subject: RE: QUESTION: Media Request: Acid Spill - Kootenays

Dear all, as the article indicates there were spills on the respective dates (Apr 10, May 23). As MOE was apparently not notified of the later spill will MoE be investigating?

dk

From: Novosad, Veron ENV:EX
Sent: Wednesday, August 8, 2018 3:59 PM
To: Karn, David GCPE:EX; Jonker, Jennifer B ENV:EX; Lipsett, Kandis ENV:EX; Poss, Angie ENV:EX
Cc: Cotton, Brian GCPE:EX
Subject: Re: QUESTION: Media Request: Acid Spill - Kootenays

I have provided Kandis all info previously, if another check is required, I will not be able to do anything until tomorrow afternoon as I will be travelling to Nelson.

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: "Karn, David GCPE:EX" <David.Karn@gov.bc.ca>
Date: 2018-08-08 4:53 PM (GMT-07:00)
To: "Jonker, Jennifer B ENV:EX" <Jennifer.Jonker@gov.bc.ca>, "Lipsett, Kandis ENV:EX" <Kandis.Lipsett@gov.bc.ca>, "Novosad, Veron ENV:EX" <Veron.Novosad@gov.bc.ca>, "Poss, Angie ENV:EX" <Angie.Poss@gov.bc.ca>
Cc: "Cotton, Brian GCPE:EX" <Brian.Cotton@gov.bc.ca>
Subject: RE: QUESTION: Media Request: Acid Spill - Kootenays

I suggest we wait for Veron to weigh in tomorrow. Thanks all.

From: Jonker, Jennifer B ENV:EX
Sent: Wednesday, August 8, 2018 3:51 PM
To: Lipsett, Kandis ENV:EX; Novosad, Veron ENV:EX; Poss, Angie ENV:EX
Cc: Cotton, Brian GCPE:EX; Karn, David GCPE:EX
Subject: RE: QUESTION: Media Request: Acid Spill - Kootenays

Kandis, thanks for responding so quickly. David??

From: Lipsett, Kandis ENV:EX
Sent: August 8, 2018 3:49 PM
To: Jonker, Jennifer B ENV:EX <Jennifer.Jonker@gov.bc.ca>; Novosad, Veron ENV:EX <Veron.Novosad@gov.bc.ca>; Poss, Angie ENV:EX <Angie.Poss@gov.bc.ca>
Cc: Cotton, Brian GCPE:EX <Brian.Cotton@gov.bc.ca>; Karn, David GCPE:EX <David.Karn@gov.bc.ca>
Subject: RE: QUESTION: Media Request: Acid Spill - Kootenays

Good Afternoon,

I am concerned with this statement: The ministry was not informed (if true) of a spill on May 23rd but understands that the RP has responded similar to the April 10th spill as it seems purely speculative. The ministry of environment does not have any record for a spill of this nature reported on this date, May 23.

These statements are accurate:
April 10, 2018

- The April 10th spill was the result of equipment failure and the responsible party took all necessary steps to respond.
- The Ministry monitored the cleanup through EMBC updates during the spill clean up.
- As the responsible party took all reasonable actions, no fines have been issued or further investigation will be undertaken.
- Traffic control personnel were on scene and directed traffic away from the spill as soon as possible.

Veron is out of the office as he is an hour ahead. He may respond with more tomorrow.



Kandis Lipsett, BSc. PChem

Senior Environmental Emergency Response Officer
 Environmental Emergencies Program
 Southern Interior Region/Penticton
 250-490-8243 | 250-488-5429 Kandis.Lipsett@gov.bc.ca
 Report a spill: 1-800-663-3456

From: Jonker, Jennifer B ENV:EX
Sent: August-08-18 3:45 PM
To: Lipsett, Kandis ENV:EX; Novosad, Veron ENV:EX; Poss, Angie ENV:EX
Cc: Cotton, Brian GCPE:EX; Karn, David GCPE:EX; Jonker, Jennifer B ENV:EX
Subject: QUESTION: Media Request: Acid Spill - Kootenays
Importance: High

Hi Kandis, Veron and Angie,

We have the below ADM approved response (see the back and forth to get to this response attached, FYI). Media is saying ICBC is paying out on 19 vehicles impacted by the May 23rd spill. We want to make sure the below is accurate (that we received NO reports). GCPE suggesting that we may want to consider the highlighted sentence instead. Thoughts?

ADM APPROVED RESPONSE:

April 10, 2018

- The April 10th spill was the result of equipment failure and the responsible party took all necessary steps to respond.
- The Ministry monitored the cleanup through EMBC updates during the spill clean up.
- As the responsible party took all reasonable actions, no fines have been issued or further investigation will be undertaken.
- Traffic control personnel were on scene and directed traffic away from the spill as soon as possible.

May 23, 2018

- The Ministry has no reports of any acid spills in May in the Kootenay area. The ministry was not informed (if true) of a spill on May 23rd but understands that the RP has responded similar to the April 10th spill.

From: Karn, David GCPE:EX
Sent: August 8, 2018 3:31 PM
To: Jonker, Jennifer B ENV:EX <Jennifer.Jonker@gov.bc.ca>
Cc: Cotton, Brian GCPE:EX <Brian.Cotton@gov.bc.ca>
Subject: RE: APPROVED: Media Request: Acid Spill - Kootenays

That may be true (reported) but ICBC is paying out on sulphuric acid on vehicles impacted.

'On Thursday ICBC confirmed to the Times that 19 claims from the May 23 spill have been submitted.

"Our focus is on assisting customers with their claims," the spokesperson stated via email. "ICBC will be seeking to recover the cost of these claims where possible."

In two separate incidents, 80 litres of sulphuric acid was spilled on the same stretch of highway through Trail.

Related story here: [Trail acid spill](#)

Related story here: [Changes made after acid spills](#)

The first time happened the morning of April 10 and extended the 16-km run from the Trail plant to the Waneta re-load station. The second spill occurred around 6 p.m. May 23 and stretched along Highway 3B from the smelter to Shavers Bench.

The owner of the sulphuric acid is IRM (International Raw Materials).'

So perhaps we can amend the May 23rd response to something like this: The ministry was not informed (if true) of a spill on May 23rd but understands that the RP has responded similar to the April 10th spill.

From: Jonker, Jennifer B ENV:EX
Sent: Wednesday, August 8, 2018 3:18 PM
To: Karn, David GCPE:EX
Cc: Cotton, Brian GCPE:EX
Subject: RE: APPROVED: Media Request: Acid Spill - Kootenays

Staff said that we did not have any reports of any acid spills in the Kootenays in May.

From: Karn, David GCPE:EX
Sent: August 8, 2018 3:16 PM
To: Jonker, Jennifer B ENV:EX <Jennifer.Jonker@gov.bc.ca>
Cc: Cotton, Brian GCPE:EX <Brian.Cotton@gov.bc.ca>
Subject: FW: APPROVED: Media Request: Acid Spill - Kootenays

Jennifer, can we talk about this. How can ENV say no acid spill occurred May 23rd when the story clearly does.

From: Cotton, Brian GCPE:EX
Sent: Wednesday, August 8, 2018 3:00 PM
To: Karn, David GCPE:EX
Subject: Fwd: APPROVED: Media Request: Acid Spill - Kootenays

I guess we can move this one up to MO.

Thanks,
Brian

Begin forwarded message:

From: "Jonker, Jennifer B ENV:EX" <Jennifer.Jonker@gov.bc.ca>
Date: August 8, 2018 at 2:54:50 PM PDT
To: "Cotton, Brian GCPE:EX" <Brian.Cotton@gov.bc.ca>
Subject: **APPROVED: Media Request: Acid Spill - Kootenays**

Brian –

ADM approved.

RESPONSE:

April 10, 2018

- The April 10th spill was the result of equipment failure and the responsible party took all necessary steps to respond.
- The Ministry monitored the cleanup through EMBC updates during the spill clean up.
- As the responsible party took all reasonable actions, no fines have been issued or further investigation will be undertaken.
- Traffic control personnel were on scene and directed traffic away from the spill as soon as possible.

May 23, 2018

- The Ministry has no reports of any acid spills in May in the Kootenay area.

From: Bell, Danielle L GCPE:EX
Sent: July 31, 2018 11:38 AM

To: Jonker, Jennifer B ENV:EX <Jennifer.Jonker@gov.bc.ca>

Subject: Media Request: Acid Spill - Kootenays

Hello,

Reporter

Liza Yuzda, Reporter
CKNW AM 980

Deadline as soon as possible please

Request

As per the story below about a couple of sulphuric acid spills earlier this spring (April 10th and May 23rd) on Hwy 3B near Trail:

- Were any fines/penalties levied by MoE?
- If fines haven't been levied yet, will they be in the future?)
- Is there any mechanism to alert drivers who may have driven through the area while acid was on the road, so they can see if there vehicles were impacted?

<https://www.columbiavalleypioneer.com/news/cars-being-junked-after-acid-spill-on-kootenay-highway/>

Howlett, Tim GCPE:EX

From: Howlett, Tim GCPE:EX
Sent: Tuesday, October 9, 2018 12:12 PM
To: Hannah, Matt GCPE:EX; Machell, Aileen GCPE:EX
Subject: FW: ICBC Notice of Civil Claim for Trail acid spills
Attachments: Trail NOCC media statement FINAL.docx; IN- Trail Acid Spill NOCC - 04OCT18 UPDATED.docx

From: Cotton, Brian GCPE:EX
Sent: Tuesday, October 9, 2018 12:01 PM
To: Frampton, Caelie ENV:EX; Xia, Eveline ENV:EX
Cc: Crebo, David GCPE:EX; Howlett, Tim GCPE:EX; Morel, David P ENV:EX; Kelly, Suzannah GCPE:EX
Subject: FW: ICBC Notice of Civil Claim for Trail acid spills

FYI – ICBC putting out attached statement tomorrow naming ministries of Transportation and Environment as provincial defendants as part of a notice of civil claim around the Trail acid spills. ICBC's IN also attached.

Relevant line from ICBC IN below:

- ICBC is alleging both corporate, municipal, and government defendants did not deploy qualified responders to the incidents, promptly neutralize the spill, respond prudently and notify the public immediately when the spills occurred, take reasonable precautions to close the highway, and properly report the incident to the authorities.

Suzannah is working on updating our IN and will be sending it up the chain for approvals.

Thanks,
Brian

From: Mandybura, Cadence GCPE:EX
Sent: Tuesday, October 9, 2018 10:13 AM
To: Cotton, Brian GCPE:EX; Bowness, Lianne GCPE:EX
Cc: Fellingner, Nicole GCPE:EX; Duffus, Robert GCPE:EX
Subject: FYI: ICBC Notice of Civil Claim for Trail acid spills

Good morning Brian and Lianne – ICBC is filing a Notice of Civil Claim later today as part of its cost recovery process for the Trail acid spills. The ministries of Transportation and Environment are both named as provincial defendants.

Attached are ICBC's issues note on the topic and their media statement that will be made public tomorrow.

Any questions, let me know. Thanks!

Cadence

Cadence Mandybura | Senior Public Affairs Officer
Ministry of Attorney General, Province of British Columbia
250 356-6305 (office) | 250 893-8513 (cell)
cadence.mandybura@gov.bc.ca



Trail Acid Spills NOCC

DATE: OCTOBER 3, 2018

ICBC Recommended Responses:

- **I understand ICBC is moving ahead with the necessary steps in trying to recover its costs from the potentially negligent parties.**
- **It's important that ICBC looks to do this in order to mitigate any impact these events may have on insurance rates.**
- **I am unable to discuss the details of the case as it is before the courts now.**

Background:

- On October 9, 2018, ICBC will file a Notice of Civil Claim (NOCC) to seek financial relief from damages caused by the recent Trail acid spills. ICBC must file by this date to comply with the limitation provisions of the Local Government Act.
- In the NOCC, ICBC listed the following entities as negligent parties:
 - Westcan, IRM and Teck, collectively known as Corporate Defendants.
 - Christopher Hutchinson and John Doe #1 (unknown name), the two commercial truck drivers who operated the Westcan vehicles during the spills.
 - Regional District of Kootenay Boundary and the City of Trail, collectively known as Municipal Defendants.
 - Ministry of Transportation and Infrastructure (MOTI) and Ministry of Environment (MOE), collectively known as Provincial Defendants.
- On April 10, and again on May 23, Westcan Bulk Transport (Westcan) spilled an estimated total of 300 litres of sulfuric acid along a long stretch of Highway 3 through Trail including five downtown intersections.
- Westcan was contracted by International Raw Materials (IRM) to transport the sulfuric acid from Teck Trail Operations.
- ICBC is seeking to subrogate its costs incurred in response to the spills including vehicles damaged by the spills, specialized testing equipment, expert fees, vehicle towing and storage costs, overtime and travel expenses paid to employees to process these claims.

Summary of Allegations

- ICBC is alleging the corporate defendants did not appropriately maintain and inspect the tankers, their drivers or employees did not properly load the sulfuric acid, failed to investigate the cause of the spills and prevent further spills from occurring again.
- Furthermore, the corporate defendants exacerbated the damages by washing the spills without a neutralizing agent and making the acid more corrosive.

ICBC ISSUES NOTE – ADVICE TO MINISTER

- ICBC is alleging the drivers did not keep a proper look-out for acid spilling while driving, properly secure the acid in the tanker, and remove the tanker from the road when the spill became apparent.
- ICBC is alleging both corporate, municipal, and government defendants did not deploy qualified responders to the incidents, promptly neutralize the spill, respond prudently and notify the public immediately when the spills occurred, take reasonable precautions to close the highway, and properly report the incident to the authorities.
- As with any regular pleadings, ICBC has listed all types of neglect from the liable parties to ensure any potential negligence is covered and can be investigated further during the discovery process.

Current Claims Status

- As of October 2, approximately 3,800 claims have been filed with ICBC. Almost 2000 vehicles do not have any exposure to acid and so far about 500 vehicles have been deemed total losses at a cost of approximately \$10 million. The last publicly stated number was over 3,500 claims and 400 total losses.
- These are some of the largest claims losses ICBC has ever experienced, in terms of volume and cost.

Contact: Jiana Ling
Communications
(604) 982-6824

Business Area Brenda Adlem
Contact: Legal Counsel
(604) 982-2432



media statement

For release: **Immediately**
Date: October 10, 2018

Page: 1 of 1
Ref #: 2018-XX

ICBC files Notice of Civil Claim for costs incurred from Trail sulfuric acid spills

ICBC has filed a Notice of Civil Claim (NOCC), on behalf of our customers, seeking financial relief for the loss of, or damage to, vehicles caused by the sulfuric acid spills in Trail earlier this year, as well as related costs and expenses.

In the NOCC, ICBC has listed the following entities as negligent parties:

- Westcan, IRM and Teck, collectively known as Corporate Defendants;
- Christopher Hutchinson and John Doe #1 (unknown name), the two commercial truck drivers who operated the Westcan vehicles during the spills;
- Regional District of Kootenay Boundary and the City of Trail, collectively known as Municipal Defendants; and
- Ministry of Transportation and Infrastructure and Ministry of Environment, collectively known as Provincial Defendants.

ICBC was required to file the NOCC now to ensure that there was no argument available to any of the defendants that it was out of time for bringing this action.

ICBC always has the right to consider recovering losses paid to our customers from any potential negligent party, and this is a standard step to take whenever there are costs to recover.

It is also important that ICBC takes this step, in part, to mitigate any impact these events may have on insurance rates. The current financial pressures on both ICBC's insurance rates and the corporation overall have been well documented.

To date, the losses claimed include approximately 500 vehicles that ICBC has determined to be total losses as a result of exposure to sulfuric acid from the April 10 and May 23 spills.

As this is now before the courts, ICBC has no further comment to make at this time.

- 30 -

Howlett, Tim GCPE:EX

From: Cotton, Brian GCPE:EX
Sent: Thursday, September 13, 2018 9:11 AM
To: Howlett, Tim GCPE:EX
Cc: Crebo, David GCPE:EX; Frampton, Caelie ENV:EX
Subject: House Binder _TOC
Attachments: Table of contents_House Binder_September 2018.docx

Table of contents for House Binder attached. EAO has a couple changes coming to their section but this should do for now.

MANDATE LETTER

Issues Notes:

- 1. Carbon Tax**
- 2. Climate Solutions & Clean Growth Advisory Council**
- 3. EA Revitalization**
- 4. Kinder Morgan**
- 5. Professional Reliance Review**
- 6. Species at Risk**

BC PARKS

- 1. BC Parks – Core Messaging**
- 2. Campsite Expansion**
- 3. Discover Camping**
- 4. Parking**
- 5. Park Fees**
- 6. Ranger Numbers**
- 7. South Okanagan**
- 8. Tetrahedron Park Use Permit**
- 9. NTP Occupation**
- 10. Overcrowding**
- 11. Silverdaisy Harvesting**
- 12. PWD Camping Permits**

CONSERVATION OFFICER SERVICE (COS)

- 1. Conservation Officer Service – Core Messaging**
- 2. Staffing**
- 3. Carnivore Procedure**
- 4. Enforcement**
- 5. COS FOI**
- 6. Human-Bear Conflict**
- 7. Lemon Creek Charges**

CLIMATE ACTION SECRETARIAT (CAS)

- 1. Carbon Neutral Government – Core Messaging**
- 2. Climate Action & Leadership – Core Messaging**
- 3. Carbon Tax**
- 4. Clean Growth Strategy**
- 5. Climate Change Impacts & Adaption**
- 6. Climate Solutions & Clean Growth Advisory Council**
- 7. Federal GHG Inventory**
- 8. Fuel Switch Protocol**
- 9. Methane Reduction Strategy**
- 10. Office of the Auditor General Climate Action Audit**
- 11. Pan Canadian Framework on Clean Growth and Climate Change**

5. ENVIRONMENTAL SUSTAINABILITY AND STRATEGIC POLICY (ESSPD)

- 1. Invasive Quagga and Zebra Mussels**
- 2. Livestock Watering – Intentions Paper**
- 3. Nicola River Watershed Pilot**

4. Professional Reliance Review
5. Species at Risk in B.C.
6. Water Pricing & Rate Review
7. Water Sustainability Act – Regulation Amendments
8. White Nose Syndrome – Bats

6. ENVIRONMENTAL PROTECTION DIVISION

1. B.C.'s Environmental Emergencies Program – Core Messaging
2. Marine Spills and Tanker Traffic – Core Messaging
3. Recycling/EPR – Core Messaging
4. Statutory Decision-Makers – Core Messaging
5. Air Zone Reports
6. Anmore Green Estates
7. Aquaculture Pesticide Use Permits
8. B.C./U.S. Spill Response
9. Biosolids/OMRR
10. Burnaby Sediment – Kinder Morgan
11. Capital Regional District (CRD) Sewage Treatment
12. CRD - Shellfish
13. EMA Fees 2018
14. Fish Processing Plants Audit
15. Gibraltar Mine
16. Goward Rd. Contaminated Soil
17. Heiltsuk Marine Centre Proposal

- 18. Home Heating Oil Tank Spills/Leaks**
- 19. Hullcar Aquifer Report**
- 20. Mt. Polley**
- 21. Neonicotinoids**
- 22. Newspaper Recycling Plan**
- 23. Ocean Protections Plan (Federal)**
- 24. Oil by Rail**
- 25. Pender Island Well Contamination**
- 26. Revolution Ranch**
- 27. RTA – Kitimat Smelter**
- 28. South Island Aggregates Final Closure Plan**
- 29. Spill Response Progress**
- 30. Teck Area-based Management Plan (ABMP)**
- 31. Trail Sulphuric Acid Spill**
- 32. Tulsequah Chief**
- 33. Used Motor Oil Recycling**

ENVIRONMENTAL ASSESSMENT OFFICE (EAO)

Issues Notes:

- 1. Blackwater Gold Mine**
- 2. Centerm Exemption**
- 3. EA Projects**
- 4. EA Revitalization**
- 5. EAO Compliance and Enforcement**
- 6. Federal Caribou Habitat Protection Order**
- 7. Federal Proposed Impact Assessment Act**

- 8. Harper Creek**
- 9. Jumbo**
- 10. Mt. Milligan**
- 11. Pattullo Bridge Replacement**
- 12. Prosperity Amendment Request**
- 13. Site C**
- 14. Sukunka Coal Mine**
- 15. Trans Mountain Expansion**

Howlett, Tim GCPE:EX

From: Zacharias, Mark ENV:EX
Sent: Friday, September 7, 2018 11:35 AM
To: Denlinger, Becky EMBC:EX; Lloyd, Evan GCPE:EX; Yuma Morisho, Okenge PREM:EX; Main, Grant TRAN:EX; Howlett, Tim GCPE:EX; Frampton, Caelie ENV:EX
Cc: Morel, David P ENV:EX; Kennedy, Karla ENV:EX
Subject: Acid spills

Good morning. We have an IN to be finalized shortly. Background below

April 10, 2018

- The April 10th spill was the result of equipment failure and the responsible party took steps to respond.
- The Ministry monitored the cleanup through EMBC updates during the spill clean up.
- No fines have been issued.
- Traffic control personnel were on scene and directed traffic away from the spill.
- EEP provided oversight of the response to the April 10 incident remotely.

May 23, 2018

- The Environmental Emergency Program did not receive any reports of an acid spill in the area on May 23.
- The Spill Reporting Regulation requires a spiller to report all corrosive material spills over five litres or five kilograms to the spill reporting line as soon as possible after the spill occurs.
- The tanker had a leak and travelled a distance along the highway before noticing the leak. Between the time the leak was noticed and responders arrived on scene, the public was able to travel over the spilled material unknowingly and damage was done to their vehicles.
- This incident was not reported to us as per the spill reporting requirements so there was no ability to provide oversight at the time of the incident.
- Teck Metals had a hazmat team, specifically trained and equipped to deal with sulphuric acid, that responded on site.
- We have referred this incident to COS for investigation of non-reporting.

Cost Recovery

Under the Environmental Management Act, the Provincial government has the ability to cost response costs related to an environmental emergency. The provisions in the Spill Cost Recovery Regulation do not apply to damage to public property. Members of the public and businesses would have recourse through civil courts for compensation to private property or business operations.

Regards, Mark

Howlett, Tim GCPE:EX

From: Howlett, Tim GCPE:EX
Sent: Friday, September 7, 2018 9:25 AM
To: Hannah, Matt GCPE:EX
Subject: Fwd: Teck acid spill

Tim Howlett
Issues Management
250.208.4828

Begin forwarded message:

From: "Sanderson, Melissa EMPR:EX" <Melissa.Sanderson@gov.bc.ca>
Date: September 7, 2018 at 9:08:02 AM PDT
To: "Howlett, Tim GCPE:EX" <Tim.Howlett@gov.bc.ca>
Subject: Fwd: Teck acid spill

Sent from my iPhone

Begin forwarded message:

From: "Haslam, David GCPE:EX" <David.Haslam@gov.bc.ca>
Date: September 7, 2018 at 9:07:23 AM PDT
To: "Sanderson, Melissa EMPR:EX" <Melissa.Sanderson@gov.bc.ca>, "Andrews, Scott EMPR:EX" <Scott.Andrews@gov.bc.ca>
Subject: FW: Teck acid spill

ECCS does not have an IN. Below are responses to media requests:

CKNW (Liza Yuzda) - As per the story below about a couple of sulphuric acid spills earlier this spring (April 10th and May 23rd) on Hwy 3B near Trail:
<https://www.columbiavalleepioneer.com/news/cars-being-junked-after-acid-spill-on-kootenay-highway/>

- Were any fines/penalties levied by MoE?
- If fines haven't been levied yet, will they be in the future?)
- Is there any mechanism to alert drivers who may have driven through the area while acid was on the road, so they can see if there vehicles were impacted?

April 10, 2018

- The April 10th spill was the result of equipment failure and the responsible party took steps to respond.
- The Ministry monitored the cleanup through EMBC updates during the spill clean up.
- No fines have been issued.

- Traffic control personnel were on scene and directed traffic away from the spill.

May 23, 2018

- The Environmental Emergency Program did not receive any reports of an acid spill in the area on May 23.
- The Spill Reporting Regulation requires a spiller to report all corrosive material spills over five litres or five kilograms to the spill reporting line as soon as possible after the spill occurs.
- The ministry will be looking into the incident.