

From: [Environmental Emergencies Spill Reports ENV:EX](#)
To: [Riedler, Harold ENV:EX](#)
Subject: FW: DGIR 122183 UPDATE 16 - SWE
Date: Saturday, November 10, 2012 8:34:42 AM

From: SGPEP.ECC1@gov.bc.ca[SMTP:SGPEP.ECC1@GOV.BC.CA]
Sent: Saturday, November 10, 2012 8:34:39 AM
To: Environmental Emergencies Spill Reports ENV:EX
Subject: DGIR 122183 UPDATE 16 - SWE
Auto forwarded by a Rule

Incident Date/Time: 2012-11-08 7:23

Location: SQUAMISH CN YARD
Area: SQUAMISH DISTRICT
PEP Region: SWE
MOE Region: Lower Mainland Region

Caller / Agency: s.22 CITIZEN s.22

Details: Caller stated that he observed the tank in the CN rail yard still leaking fuel (from the temporary patch). The caller stated that the crew was getting ready to move the tank. Caller provided spill pads (from the original site in the estuary) and deployed them under the tank. Caller has video footage and still pictures of the scene and 'patch'

Report Compiled By: JIM Operations 2 ECC - 2012-11-10 7:57
DGIR 122183 UPDATE 16 Subject: INLAND UPDATE

Environmental Emergency Response Officer:
Date:
Notification Coding: Code 1 / Code 2
MOE Response: Exercise / Potential / No Field Response / Field Response /
IMT Activation
Notes:

From: [Environmental Emergencies Spill Reports ENV:EX](#)
To: [Riedler, Harold ENV:EX](#)
Subject: FW: DGIR 122183 UPDATE 17 - SWE
Date: Saturday, November 10, 2012 9:35:42 AM

From: SGPEP.ECC1@gov.bc.ca[SMTP:SGPEP.ECC1@GOV.BC.CA]
Sent: Saturday, November 10, 2012 9:35:39 AM
To: Environmental Emergencies Spill Reports ENV:EX
Subject: DGIR 122183 UPDATE 17 - SWE
Auto forwarded by a Rule

Incident Date/Time: 2012-11-08 7:23

Location: SQUAMISH CN YARD
Area: SQUAMISH DISTRICT
PEP Region: SWE
MOE Region: Lower Mainland Region

Caller / Agency: RICK WAGNER MOE

Details: Advised that he spoke with **s.22** . Leak seemed to be very small when the unit is stationary and feels that the spill pads will absorb the spilled material if the tank stays stationary. **s.22** will email pictures to MOE EERO Rick Wagner. Rick Wagner contacted David Brogliatti (CN Rail) . Brogliatti will attend the location and check out the tank.

Report Compiled By: JIM Operations 2 ECC - 2012-11-10 8:37
DGIR 122183 UPDATE 17 Subject: INLAND UPDATE

Environmental Emergency Response Officer:
Date:
Notification Coding: Code 1 / Code 2
MOE Response: Exercise / Potential / No Field Response / Field Response /
IMT Activation
Notes:

From: [Environmental Emergencies Spill Reports ENV:EX](#)
To: [Riedler, Harold ENV:EX](#)
Subject: FW: DGIR 122183 UPDATE 19 - SWE
Date: Saturday, November 10, 2012 12:38:41 PM

From: SGPEP.ECC1@gov.bc.ca[SMTP:SGPEP.ECC1@GOV.BC.CA]
Sent: Saturday, November 10, 2012 12:38:38 PM
To: Environmental Emergencies Spill Reports ENV:EX
Subject: DGIR 122183 UPDATE 19 - SWE
Auto forwarded by a Rule

Incident Date/Time: 2012-11-08 7:23

Location: SQUAMISH CN YARD
Area: SQUAMISH DISTRICT
PEP Region: SWE
MOE Region: Lower Mainland Region

Caller / Agency: RICK WAGNER MOE RO

Details: Requesting Squamish COS be informed of recent developments and updates. Advised he was provided pictures and video that can be forwarded to the COS Sgt if necessary.

Report Compiled By: ERIN Operations 3 ECC - 2012-11-10 12:15
DGIR 122183 UPDATE 19 Subject: INLAND UPDATE

Environmental Emergency Response Officer:
Date:
Notification Coding: Code 1 / Code 2
MOE Response: Exercise / Potential / No Field Response / Field Response /
IMT Activation
Notes:

From: [Redford, Dennis ENV:EX](#)
To: [Env Emergency Incident Contacts \(Ministry only\)](#)
Cc: [Wagner, Rick S ENV:EX](#)
Subject: Update 5- Code 1 - CN Rail spill of diesel fuel, CN Rail Line and CN Rail Yard, Squamish, BC; November 8, 2012
Date: Saturday, November 10, 2012 12:36:37 PM

We have received the following update on November 10 @ 0730hrs :

- At 0723hrs, Nov 10, 2012, a passing resident noticed a significant discharge of fuel adjacent to tank patch on damaged locomotive while CN Rail personnel were moving it in the rail yard.
- Resident immediately notified CN crew and locomotive was halted.
- Sorbant pads (retrieved from nearby remediation site) were placed under the leak; although flow had significantly decreased once locomotive was stopped.
- CN Environmental personnel have been notified and are attending the site.
- Standby EERO has requested that Squamish CO Service be notified of the incident.
- It should be noted that the reporting resident took video of the incident and posted it on You Tube.

No further updates are anticipated.

Thank you,

Dennis J. Redford
Senior Environmental Emergency Response Officer/
Acting Program Manager
Ministry of Environment
Environmental Emergency Management Program
Kamloops Office - Southern Interior Region
ph: (250) 371-6277
cell: **s.17**
fax: (250) 828-4000
Email: Dennis.Redford@gov.bc.ca













From: [Wagner, Rick S ENV:EX](#)
To: [Riedler, Harold ENV:EX](#)
Cc: [Redford, Dennis ENV:EX](#)
Subject: FW: Emailing: IMGP0363, IMGP0354, IMGP0355, IMGP0356, IMGP0357, IMGP0358, IMGP0359, IMGP0360, IMGP0361, IMGP0362
Date: Monday, November 12, 2012 1:57:22 PM
Attachments: [IMGP0363.jpg](#)
[IMGP0354.jpg](#)
[IMGP0355.jpg](#)
[IMGP0356.jpg](#)
[IMGP0357.jpg](#)
[IMGP0358.jpg](#)
[IMGP0359.jpg](#)
[IMGP0360.jpg](#)
[IMGP0361.jpg](#)
[IMGP0362.jpg](#)

These are the pictures that the local resident provided to me. He has given permission to share as you see fit.

Rick Wagner , PChem.
Environmental Emergency Response Officer
Ministry of Environment
1259 Dalhousie Drive Kamloops BC V2C 5Z5
Phone: (250) 371-6220 Cell: **s.17** Fax: (250) 828-4000
email: Rick.Wagner@gov.bc.ca



Think about the environment before printing

From: **s.22**
Sent: November 10, 2012 9:48 AM
To: Wagner, Rick S ENV:EX
Subject: Emailing: IMGP0363, IMGP0354, IMGP0355, IMGP0356, IMGP0357, IMGP0358, IMGP0359, IMGP0360, IMGP0361, IMGP0362

Good morning Rick,

Here are some photos for you. **s.22** I did the initial first response. Time I first noticed the fuel coming out was 7:17 this morning while driving by. I am uploading some video at the moment that will give you a better idea of how much fuel was pouring out while the unit was being moved.

Two things I would like to see here is 1 the contaminated soil in the yard removed and 2 a proper patch put on the tank so it can be safely moved to a repair facility.

s.22

Your message is ready to be sent with the following file or link attachments:

IMGP0363
IMGP0354
IMGP0355
IMGP0356
IMGP0357
IMGP0358

From: [Riedler, Harold ENV:EX](#)
To: [Busink, Peter ENV:EX](#)
Cc: [Doyle, Chris J ENV:EX](#); [Kervel, John ENV:EX](#); ["Jonh.Leeden@ec.gc.ca"](#); ["georges.long@ec.gc.ca"](#); [Sundquist, Lance ENV:EX](#)
Subject: CN Derailment and fuel spill - subsequent fuel spill and track maintenance issues
Date: Monday, November 12, 2012 5:03:00 PM
Attachments: [IMG0398.jpg](#)
Importance: High

Our File: DGIR 122183

Attention: Peter Busink, Conservation Officer, Conservation Officer Service (Squamish),
Ministry of Environment
Chris Doyle, Inspector, Conservation Officer Service, Ministry of Environment

Peter and Chris:

The following information and videos on u-tube, provided by a resident, **s.22** show:

1. an apparent lack of diligence by CN Rail to prevent further fuel spills that has resulted in a subsequent and preventable spill within the Squamish Rail yard, and
2. a section of track still left in need of repair/maintenance (refer to **s.22** "Rail Safety" section of the email).

s.22 shows in his video the presence of loose rail spikes and broken rail anchors and broken rails. These images showing a need for repair/maintenance were obtained after CN had made repairs to the track in response to the derailment and recommenced rail traffic as usual.

We will be preparing an Investigation Review Form (IRF) requesting COS follow-up. However, I wanted to provide you with this information ASAP so that you can consider having someone look at the current condition of the track and contaminated areas (including **s.22** described "Site 2") and the area within the Rail Yard where fuel continued to pour on Nov 11th from the same un-patched locomotive tank within the southern section of the Squamish rail yard, three days after this tank was initially breached by a loose rail on Nov 8th. Note that the rusted condition of the loose spikes, broken rail anchors and broken rails suggest that they were not within the rail area that initially failed.

Admittedly, I'm no rail expert to know what condition of disrepair or lack of maintenance would potentially lead to another rail accident. Therefore, I have notified George Long, Senior Response Officer, Environment Canada (georges.long@ec.gc.ca, work: 514-283-0191, cell: **s.17**), of this newly acquired information, with a request that Mr. Long convey this information to Transport Canada. Note that some of the alleged impacted area is within a Provincial Wildlife Management Area (referred to Site 2 in **s.22** report), whereas Site 1 (the site that was dug-up) is believed to be on private property owned by BC Rail. Jonh Leeman of Environment Canada Compliance and Enforcement conducted legal sampling with BC MOE EERO John Kervel on June 8 2012. Jonh Leeden's contact information is Office: 604-666-3568, cell: **s.17**

Our entire Emergency Response Program staff will be in training on Wednesday and Thursday of

this week. I would therefore appreciate hearing from your office, tomorrow, as to whether there will be any follow-up by a member of COS at this time or whether you will be waiting to receive and assess our IRF (Investigation Review Form) before considering any further follow-up from your end. My cell phone number is **s.17** Thank you.

Harold Riedler
Senior Emergency Response Officer
Coastal Region - Surrey Office
Environmental Emergencies Program
Ministry of Environment
Phone: 604-582-5278
harold.riedler@gov.bc.ca

From: Wagner, Rick S ENV:EX
Sent: Monday, November 12, 2012 1:55 PM
To: Riedler, Harold ENV:EX
Cc: Redford, Dennis ENV:EX
Subject: FW: CN Rail fuel spill report

FYI, here is another email from the local resident for your information and follow up.

Rick Wagner , PChem.
Environmental Emergency Response Officer
Ministry of Environment
1259 Dalhousie Drive Kamloops BC V2C 5Z5
Phone: (250) 371-6220 Cell: **s.17 Fax: (250) 828-4000**
email: Rick.Wagner@gov.bc.ca



Think about the environment before printing

From: **s.22**
Sent: November 11, 2012 9:18 PM
To: Wagner, Rick S ENV:EX
Subject: Fw: CN Rail fuel spill report

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

From: **s.22**
To: [Rob Kirkham](#) ; [Patricia Heintzman](#) ; [Bryan Raiser](#) ; cashekian@squamish.ca ; drace@squamish.ca ; tprior@squamish.ca ; schapelle@squamish.ca ; [Ron Sander](#) ; cspeaker@squamish.ca
Sent: Sunday, November 11, 2012 9:17 PM
Subject: CN Rail fuel spill report

Sunday Nov. 11,2012

As most of you know already, CN Rail spilled an unknown amount of Fuel oil into the Squamish river Estuary on Thursday morning. I have put this report together to inform staff and council about the details of that incident, and to ask for help in answering some questions. For clarity I would like to break down the spill sites into 4 different areas, talk a bit about rail safety, and then at the end list in point form some questions for you.

Site #1

This would be where most of the fuel oil was spilled. From what I witnessed, the response was swift, and containment was mostly achieved. We were fortunate with low high tides and good weather. Here is a short video overview of site #1 operations.

<http://www.youtube.com/watch?v=J96MmHBX59k>

Site #2

I am not sure how this site got contaminated. I am assuming that the damaged Locomotive was dragged a few feet north of the broken rail and attempts made to slow the flow of oil coming out of the tank. I have attached a photo showing site #2 .

Site #3

The damaged Locomotive was then parked in front of the yard office with the broken rail still stuck inside the fuel tank. I did not see any containment here.

Site #4

This is the strangest part of my weekend. While I was driving by the South end of the CN Rail yard, on my way back to site #1, I see the train crew taking the damaged locomotive. As they moved the unit, fuel oil was POURING OUT of the damaged fuel tank. The following then happened;-

Timeline

Saturday , Nov.10,2012 7:17 am

7:17 noticed fuel coming out of CN locomotive while they were switching

7:20 Stopped CN train, asked them to phone in for CN spill response.

7:30 drove down to estuary scene and got spill pads from CN crew there.

7:41 got permission from Kevin , CN train crew member (unit 2438) to go in and control leak with spill pads.

7:51 pads in place

7:55 phone RAPP line to start file on incident.

Video link to fuel leaking

<http://www.youtube.com/watch?v=s4LYD07ZQIQ>

Rail safety

When BCRail was running the show, they used one small 4axle switching unit to service the Squamish Terminals. CN now uses 3 locomotives, all heavy 6 axle units. Here is a small overview of what I saw on my walk out. Video link

<http://www.youtube.com/watch?v=NPEqXoqNoBc>

Questions-

- 1) In my mind this is the most important question. Will the district of Squamish withdraw their support for the construction of the 7ave truck route ? This spill is nothing compared to the threat this poses to the estuary. Rail is still the safest way to transport goods.
- 2) Ask CNRAIL to stop using 6 axle units to do their switching , and go back to a small 4 axle switcher?
- 3) Ask CNRail to make repairs to the track down there, and to maintain it to the highest of standards given the sensitive area it travels through ?
- 4) Ask CNRail to check with the district of Squamish before moving the damaged 4601 to ensure a PROPER temp. repair has been made to the tank?
- 5) Ask CNRail to clean up site #2 #3 and #4.
- 6) Ask CNRail to hire someone to replant site #1 in the early spring.

Thank you,

s.22

From: [Environmental Emergencies Spill Reports ENV:EX](#)
To: [Riedler, Harold ENV:EX](#)
Subject: FW: DGIR 122183 UPDATE 22 - SWE
Date: Friday, November 16, 2012 1:32:41 PM

From: SGPEP.ECC1@gov.bc.ca[SMTP:SGPEP.ECC1@GOV.BC.CA]
Sent: Friday, November 16, 2012 1:32:38 PM
To: Environmental Emergencies Spill Reports ENV:EX
Subject: DGIR 122183 UPDATE 22 - SWE
Auto forwarded by a Rule

Incident Date/Time: 2012-11-08 7:23

Location: SQUAMISH CN YARD
Area: SQUAMISH DISTRICT
PEP Region: SWE
MOE Region: Lower Mainland Region

Caller / Agency: JOHN KERVEL VIA EMAIL MOE

Details: RO Kervel attended a site meeting with David Brogliatto, Environment Officer and Mike Linder of CN Rail.

RO received the following information;

David Brogliatto will provide the Habitat Restoration draft plan to RO, DFO, and Steve Rochette of FLNRO by November 19 2012. David also confirmed a total of 9 monitoring wells have been established. 7 within the affected marsh area and 2 on the west side of the tracks. SC Levelin and Triton environmental consultants will continue to monitor the restoration progress. Triton will assess the wells everyday until the product is not visible on the ground within the affected area. On November 19th 2012 CN Rail will assess the product spilled within the Rail Yard. They will contract the work to excavate the affected ground and use a qualified professional to make the assessment. David Brogliatto confirmed that the plug used to stop ongoing release of Diesel was inadequate. Subsequent to that, also proper start/stop procedures were not done.

RO provided a face to face up date to Randel Lewis, Squamish Nation.

RO also provided a face to face update with the district of Squamish. Mayor Rob Kirkman and Corien Speaker, Chief Administration Officer elected to receive the update because their Environmental person was not in today.

RO attempted to contact Edith Tobe, Squamish River Watershed Society. RO left contact information and a brief update via the messaging system.

Report Compiled By: KAREN Operations 1 ECC - 2012-11-16 12:55
DGIR 122183 UPDATE 22 Subject: INLAND UPDATE

Environmental Emergency Response Officer:

Non-Compliance Form

Compliance and Enforcement Policy and Procedure

Version 2 - May, 2009

Section A: Record of Non-Compliance

File #: 31010-50/IRP-EP

Who Completes This Section?

The program area for the purpose of:

- 1) Tracking internal divisional response to non-compliance
- 2) Referring an investigation to the COS, i.e. investigation is not subject to IRP or
- 3) Requesting a pre-investigation review by the IRT or RMCT

The COS for the purpose of:

- 1) Initiating a pre-investigation review. *(This form is not for use by the COS to refer incidents of non-compliance to a program area for potential response. An occurrence report is used for that purpose.)*

Date Initiated: 2012 - 11 - 26 **Initiator:** John Kervel

Company/Individual: CN Rail

Address: Mile 40 in the Squamish Yard by McNamee Place and Buckley Avenue North to CN Squamish Rail Yard Facility (1132 Pioneer Street, Squamish B.C. V8B-0R5)

Licence/Approval/Permit #: N/A

Date of Non-Compliance: 2012 - 11- 08 and 2012 - 11 - 10

Regulatory requirement contravened: Environmental Management Act - Part (2) Section (6) Subsection (4), and Spill Reporting Regulations - Part 2 (1)

Non-Compliance Decision Matrix:

Environmental, human health or safety - Level of Impact: Level 3

Likelihood of Compliance - Category: Category A

Summary: On November 8, 2012 CN Rail had a release of diesel that occurred at Mile 40 in the Squamish Rail Yard. This release was due to a broken track rail (Eastern Rail) that punctured the bottom of a Port side fuel tank on the first locomotive. Approximately 2000 US Gallons (7500 liters) released on the tracks at Mile 40. Subsequent to the spill, the diesel migrated East into BC Rail property. The affected East side slope area from the track is approximately 80 m2 in size. Before clean-up and assessment the locomotive was moved approximately 3 kilometres North to the CN Rail Yard Facility. While the locomotive was in transit moving North, the rail track was still embedded within the Port side fuel tank. Rail crews initially cut the affected track at the site of impact. The damaged track was subsequently replaced to allow further CN Rail operations to continue. The incident initially happened at 06:45hrs on November 8, 2012. The response to clean-up started at 15:15hrs on November 8, 2012. Response measures taken on November 8, 2012 included the following;

Trenching of the adjacent eastern slope of the tracks, digging a series of "Bell Holes" (small open pits), deploying spill pads, spill socks, and river boom in an attempt to prevent further migration of diesel.

On November 10, 2012, resident s.22 provided photos and youtube videos showing an apparent lack of diligence by CN Rail to prevent further fuel spills that resulted in a subsequent and preventable spill within the Squamish Rail yard. Emergency Management BC (formerly known as PEP) did not receive a spill report that acknowledged s.22

observed spill of diesel (a flammable liquid) and therefore, compliance with the Spill Reporting Regulation, Part 2 (1), stating, "For the purposes of section 79 (5) of the Act, a person who had possession, charge or control of a substance immediately before its spill shall immediately report the spill to PEP by telephoning 1-800-663-3456." In addition, the November 10, 2012 spill, as observed by s.22 suggests that CN Rail did not comply with the Environmental Management Act, Part 2, Section 6, Subsection (4), stating "Subject to subsection (5), a person must not introduce waste into the environment in such a manner or quantity as to cause pollution." Further more, s.22 findings suggest that the condition of the rail tracks are in disrepair and that there appears to be a lack of maintenance that brings into question the track's structural integrity prior to and following this incident. Upon receipt of the s.22 video via email, H. Riedler, Senior Environmental Emergency Response Officer notified the Environment Canada Emergency Program duty officer with request for a Transport Canada investigation. s.22 also notes that the alleged impacted area is within a Provincial Wildlife Management Area. s.22 observations of the November 10, 2012 diesel spill within the CN Rail Yard in Squamish, prompted s.22 s.22 to travel 3 kilometers south to the original November 8, 2012 locomotive diesel spill location. s.22 spoke to a CN employee by the name of "Kevin" and received permission for s.22 to obtain and deploy spill pads at the area where the damaged locomotive rested and s.22 applied the absorbent within the immediate area of the damaged Port side fuel tank. On November 16, 2012, BC MOE EERO John Kervel received confirmation, in conversation with David Brogliatto during an on-site meeting, that the temporary plug, utilized to stop the damaged fuel tank leak of diesel, was inadequate. The CN works crews did not comply with start/stop procedures when the damaged locomotive was moved within the CN Rail Yard.

Please Attach, if applicable:

- | | |
|----------------------------------------------------------------------------------|-------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Photos | <input type="checkbox"/> Inspection Form |
| <input checked="" type="checkbox"/> Correspondence with any/all agencies | <input checked="" type="checkbox"/> File Notes/sketch/site map |
| <input type="checkbox"/> Permit/Approval/Licence | <input type="checkbox"/> Record of past non-compliance |
| <input type="checkbox"/> Company/Property searches (BC Online) | <input type="checkbox"/> Non-compliance entry in program database |

Additional Notes: BC MOE EERO John Kervel met with Environment Canada Enforcement Officer John Leeden at approximately 11:15hrs at the CN Rail Yard Office On November 8, 2012. Subsequent to this meeting, Mr. Kervel and Mr. Leeden were met with a CN representative (did not acquire name). EERO John Kervel followed this CN representative 3 kilometers South from the CN Rail Yard to the initial rail accident /diesel spill scene. On the way South, EERO Kervel made note of a strong hydrocarbon smell at two rail road crossings. EERO Kervel and EC Enforcement Officer Leeden arrived at the initial diesel fuel spill site at 11:51 hrs on November 8, 2012. EERO Kervel met with Mike Peterson - Assistant Superintendent Transportation CN Rail, Mike Linder - CN Environmental Officer, John Leeden - Environment Canada, John DeSchutter - Sr. Superintendent Quantum Murray and Edith Tobe - Squamish River Watershed Society. EERO assisted Environment Canada Enforcement Officer Leeden with obtaining samples of diesel contaminated soil at the initial diesel spill location. John Leeden had taken two soil samples, one from beneath a tie underneath the rail way (see attached photos) and one from the estuary. Also John Leeden had taken one sample from the locomotive. EERO Kervel was not present when the final sample was obtained from the locomotive.

The following attachments are provided in support of this report:

- Photos taken by EERO Kervel were taken on November 8, 9 and 16, 2012.
- Photos taken by Conservation Officer, Peter Busink, were taken on November 8th 2012.
- Photos taken by s.22 on November 10, 2012.

- Correspondence with agencies, responsible party and stakeholders from November 8, 2012 to November 20, 2012, inclusive.
- Key correspondence included with associated updates from DGIR 122183.

Section B: Purpose of Form

Who Completes This Section?

The program area for the purpose of:

- 1) Tracking internal divisional response to non-compliance
- 2) Referring an investigation to the COS, i.e. investigation is not subject to IRP or
- 3) Requesting a pre-investigation review by the IRT or RMCT

Note: Program areas that are only completing sections A & B should print and retain only pages 1 and 2.

The COS for the purpose of:

- 1) Initiating a pre-investigation review. (This form is not for use by the COS to refer incidents of non-compliance to a program area for potential response. An occurrence report is used for that purpose.)

Indicate the purpose for completing this form (select one option below only):

- ☐ 1. Recommendation of internal divisional response to non-compliance.

Action: Other

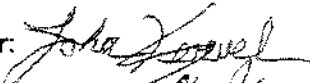
Notes: A form 2 investigation process is recommended based on:

- the potential impact that a rail road track failure can have to public safety, human health and the environment due to subsequent release of dangerous goods and the information gathered within this report suggesting rail traffic was allowed to continue on a section of track found in disrepair a short distance from the area of the accident (initial track failure site).

- a CN staff member admitting that CN Rail failed to follow procedures to prevent an additional spill of fuel from the same damaged locomotive, a couple of days after the initial spill on November 8, 2012, and

- the November 8, 2012 diesel spill occurring within an area considered to have high wildlife habitat value and the subsequent loss of a section of this habitat due to required excavation of contaminated soil that was generated by the spill.

Initiator:



Date: November 26, 2012

Section Head:



Date: November 26, 2012

ROUTING:

Initiator: Forward sections A & B of this form to your Section Head.

- ☒ 2. Referral to the COS for investigation (i.e. investigation is not subject to the IRP).

ROUTING:

Initiator: Forward sections A & B of this form to the COS Field Supervisor in location of non-compliance.

- ☐ 3. Request for pre-investigation review.

Complete Section C: Request for Pre-Investigation Review

Kang, Gina ENV:EX

From: Riedler, Harold ENV:EX
Sent: Wednesday, April 3, 2013 10:18 AM
To: Kervel, John ENV:EX
Subject: FW: CN RAIL Diesel Spill-8th November 2012
Attachments: 20130403094339.pdf

John,

Please review and discuss with me in regard to whether we should change the way we respond to these incidents in light of this feedback from COS. Pending on what we determine in our discussion, it would be beneficial to share the lessons learned with our regional staff. Again, I wanted to thank you for the excellent work on your part in response to this incident. Harold.

Harold Riedler
Senior Emergency Response Officer
Coastal Region - Surrey Office
Environmental Emergency Program
BC Ministry of Environment
Phone: 604-582-5278
harold.riedler@gov.bc.ca

From: Hollamby, Theo ENV:EX
Sent: Wednesday, April 3, 2013 10:03 AM
To: Taekema, Ken ENV:EX; Riedler, Harold ENV:EX
Subject: CN RAIL Diesel Spill-8th November 2012

COORS # 201209188

CN RAIL Diesel Spill-8th November 2012

Dear Harold

As per your request for further investigation of the CN Rail Diesel on the 8th of November 2012.

Relevant role players have been contacted and with information received, it was determined that no criminal charges or any further actions would be taken by the COS in regards to the said spill.

Reasons for conclusion:

-Information from Mr. John LEEDEN from Environment Canada, Compliance and Enforcement. Contact Numbers: Office 604-666-3568 and Cellular **s.17** noted that he did contact Transport Canada in regards to the suspected reasons for the spill.

Leeden noted that Transport Canada did not show any interest in the spill.

(It was concluded that if Transport Canada could not give an objective report after investigation for the reason for the spill, no due diligence would be able to be proved.)

-Most of the amount of diesel that was spilled went onto the rail bed. (BC Rail Property-Federal) The diesel that spilled onto the east side of the rail track did not reach to the waterline edge.

This land belongs to BC Rail and thus under the control of CN Rail.

-The mentioned second spill occurred in the rail yard. (It would not be possible to determine the amount of diesel spilled on that occasion.)

-CN Rail did conduct and is still in the process of the remediation of the contaminated site. There is no Order or notification given to CN Rail for the cleanup of the spill. They have the authority and responsibility to proceed on an Independent Remediation.

This process will get reported to Brownsfield & Remediation Assurance-EP. (Contaminated Soils) This method was confirmed by Alan McCAMMON-EP.

A scanned copy of the IRF has been attached. It was signed off by A/Insp. Jacobi and the said rational has been added as an annexure.

We therefore conclude this matter as finalized at this stage.

Kind Regards

Theo Hollamby
Detective Sergeant
Provincial Investigations Branch
Conservation Officer Service
Tel: 1-604-582-5285
Cell: s.17
Fax: 1-604-582-5281
E-Mail: Theo.Hollamby@gov.bc.ca