

Creating a World Leading Spill Response Regime for BC - Update for EMA



Lemon Creek spill



Mt Polley tailings pond breach



Marathassa (English Bay) spill



TransMountain pipeline strike (Burnaby)

Current State

- Approximately 4000 spills reported per year (3/4 land based).
 - Most are small requiring minimal response or oversight
- Various levels of spill capacity across the province to deal with significant spills.
- Sources:
 - **Vessel / Vehicle Fuels**
 - **Cargo**
 - **Facilities**
 - **Illegal Dumping**
 - **Pipelines**
 - **Rail**
 - **Trucking**



Issue



10-Year Forecast Growth in Commodities (2024)



Issue

- Lack of public trust.
- Public concern about spills is acute.
- Much improved regime is required to meet expectations for Premier's five conditions.



Gaps

- Standard requirements for preparedness & response across industries
- Assured timely & effective response
- Funding for training, education, and immediate FN & community participation in spill response
- Restoration requirements
- Capacity to address orphaned spills

Gaps

- Comprehensive plans for:
 - Coordination & communication
 - Oiled wildlife
 - Volunteer management
 - Waste management
 - Environmental monitoring
 - Evacuation planning
 - Shoreline clean-up and assessment
 - Habitat recovery



Work to Date

- 2010** • Initial Cabinet proposal for an improved spill response regime
- 2012** • 5 conditions for heavy oil pipeline development
• First intentions paper released
- 2013** • Engagement:
 - Minister's Roundtable
 - industry working groups & advisory committee meetings
 - Meeting with Federal government, First Nations & ENGO's• Nuka report on world leading marine spill response
- 2014** • Continued engagement – Advisory Committee, First Nations & ENGO's
• Second intentions paper released

What We Heard

Broad support for enhanced regime using these 7 Design Principles:

- Polluter pays
- Requirements should be risk based
- Avoid unnecessary duplication
- Fair and transparent
- Opportunities for Communities and First Nations in preparedness, response & recovery
- Strong government oversight
- Continuous improvement



Government Direction

1. New regulatory requirements for spill preparedness, response and recovery;
2. The establishment of a provincially certified, industry funded province-wide Preparedness and Response Organization (PRO); and
3. Continued exploration of industry funding options for:
 - the provincial Environmental Emergency Program;
 - enhanced planning and response participation by First Nations and communities.

What We're Developing

Enhanced Oversight of all Sectors

PRO

New
Requirements

Roles

Members

Funding

Preparedness

Response

Recovery

Legislation Update

- **Next Steps:**
 - Legislation planned to be introduced in the House in the Spring session
 - Legislation brought into force through regulations



Legislation Update

Legislation Includes:

- Preparedness
- Response
- Recovery
- Offences and Penalties
- Enabling a PRO
- Advisory committees
- Ministers report to legislature

Does not include:

- Funding
- Liability insurance (required elsewhere)



Regulations

- **EMA amendments give Minister/LGiC power to make regulations in the following areas:**
 - Preparedness
 - Response
 - Recovery
 - In relation to the certification of the PRO
 - Ministers report to the legislature

Regulations

- **Regulations intended to be completed for Spring 2017 regime announcement**
 - Regulated persons (substance and volume)
 - Spill contingency plans
 - Geographic Response Plans
 - Area Response Plans
 - Record keeping
 - Drills and exercises
 - Response times
 - Notification, record keeping, reporting
 - Incident Command System
 - Recovery



Engagement

- Engagement on 2017 regulations to begin once legislation is introduced in the House
- Creating 3rd intentions paper following previous engagement on this project (2012, 2014) & stakeholder expectations
- 3rd Intentions paper will focus on:
 - Progress on regime development
 - 2017 regulations
 - Benefits of PRO
- Primary public consultation will be through MOE website

Engagement Meetings

- **First Nations Fisheries Council contracted to organize and lead six regional FN meetings**
 - March – April
 - Issues identified will inform subsequent FN engagement
- **Industry/community workshop to explain new regime and identify issues**
 - March/April
- **Technical Working Groups focus on regulation development**
 - April – Fall 2016

Critical Path to Spring 2017

Action	Target Date
Finalize enabling legislation	Spring 2016
Develop 3 rd intentions paper <ul style="list-style-type: none"> Proposed preparedness, response, and restoration regulations Benefits of PRO 	Spring 2016
Engage with industry, regulators, communities, and First Nations on 3 rd intentions paper	Once legislation read in the House
Return to Cabinet with funding options for regime	Spring 2016
Enabling legislation comes into force	Summer 2016
Finish engagement	Fall 2016
Create regulations	Winter 2016
New regime launch	Spring 2017