Symposium on Land Based Spill Preparedness and Response in British Columbia

Feedback Report

May 2016

BRITISH COLUMBIA
Ministry of Environment

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Table of Contents

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Introduction

In 2010, the Ministry of Environment (MOE) began work on the development of a world leading spill response regime. Over the last several years, MOE engaged industry, First Nations and communities through a series of workshops, advisory groups and policy papers. The third Intentions Paper entitled *Spill Preparedness and Response in BC*: *Proposed Amendments to the Environmental Management Act and Proposed Regulations* (IP3) was released in April 2016. IP3 lays out the ministry's intent for legislative, regulatory and policy changes across key components of the regime. Feedback on this paper from First Nations, industry, local governments, other government agencies and the public will be used to support the development of the regulations and policies needed to implement the regime.

As one of the methods for gathering feedback and advice on the regulations, the ministry hosted a two-day symposium in Richmond on April 20 and 21, 2016. The ministry engaged Berlineaton, a management consulting firm with over 20 years of experience delivering complex organizational effectiveness projects, including facilitating large-scale stakeholder sessions, to help them prepare for and run the symposium.

The ministry invited just under 1,800 participants and approximately 275 attended, including:

- 37 local governments
- 34 professional associations
- 24 environmental non-governmental organizations
- 22 companies from the mining, forestry, oil and gas
- 18 First Nations bands
- 6 federal government organizations
- 7 provincial government ministries
- 6 energy sector agencies
- 6 trucking and transportation sector

The symposium was designed to provide information on the ministry's intentions for continued development and implementation of the spill response regime, to solicit feedback, to identify topics for discussion and to identify participants for upcoming technical working groups.

This report contains an analysis of the themes that emerged from the questions, topics and suggestions raised over the course of the two-day symposium.

The symposium included plenary sessions at the beginning of day one and day two, and at the closing of day two. The plenaries were designed to provide an overview of why the government is pursuing world leading spill response and begin the conversation on how to get there.

Most of the symposium was dedicated to breakout sessions for seven topic areas that the ministry intends to move forward on first. Over the two days, all participants had an opportunity to attend every

breakout session. Each breakout included a presentation and a question and answer period on the following key components of the proposed changes in legislation:

1. Who is a Regulated Person?
2. Spill Contingency Plans
3. Drills, Exercises and Substance Reporting
4. Geographical Response Plans
5. Response Reporting and Times
6. Recovery and Restoration
7. Preparedness and Response Organization (PRO)

Day One: The session opened with a welcome to the traditional territories of the Coast Salish peoples from Debra Sparrow, Musqueam First Nation. Wes Shoemaker, Deputy Minister, Ministry of Environment, thanked Debra and provided opening remarks about the purpose of the symposium.

Anthony Danks, Executive Director, Ministry of Environment, then presented an overview of the Spill Response Regime. Next, Daphne Dolhaine, Legislation, Regulation and Policy Lead, Ministry of Environment, highlighted the key changes in the legislation and proposed regulations.

During the morning plenary, participants had table discussions about their expectations for the symposium and had an opportunity to note any questions or comments they had on post-it notes. The remainder of the day included four breakout sessions.

Day Two: Day two began with Anthony Danks responding to some of the frequently raised questions during day one, including requests for further details about the technical working groups and general queries about why the Ministry is pursuing world leading spill response.

Daphne Dolhaine and Ian Sharpe, Preparedness and Response Organization (PRO) Lead, Ministry of Environment, then led a plenary on the PRO. Following the plenary, participants went to their breakout rooms to ask questions and provide comments on what they heard about the PRO. After the PRO breakout session, participants attended two more breakout sessions and the symposium closed with the facilitation teams offering a summary of the themes in the seven topic areas.

The remainder of this report sets out the key questions, topics and suggestions raised by participants for each of the seven topic areas. The themes are categorized according to participant level of interest: high, moderate or low.

1. Who is a Regulated Person?

Ben Vander Steen, Duncan Ferguson and Curtis Smith from the Ministry of Environment presented this session on the proposed definition of a Regulated Person. This subject matter proved to be of high interest among participants, who had several questions and comments regarding the definition under this heading.

During the question and answer period, a number of themes emerged from the discussions. Themes are listed based on the number of times mentioned. In the table on the following pages, we have provided the questions, topics raised, and suggestions associated with each theme.

■	Indicates a **high** level of interest from participants	■	Indicates a **moderate** level of interest from participants	■	Indicates a **lower** level of interest from participants

■ Thresholds, the regulated substance list and quantities

■ Definition of a regulated person and transfer of operations between BC and other jurisdictions (USA or Alberta)

■ Consideration for the methods of transport and facilities

■ Financial matters, liability and insurance

■ Local Governments' involvement in regards to spill planning and response

■ Reporting responsibility and identifying the category of and definition of spills

■ Specific parties exempt from being captured under the spill response legislative framework

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Theme	Interest
Thresholds, the regulated substance list and quantities Topics Raised • Accumulated tankage of, for example, petroleum products exceeding 50,000 liters may be held in multiple small tanks where the likelihood of large spills is low. This notion is not addressed. • The Ministry of Environment has not considered the UN numbers. Suggestions • It is important for the Ministry of Environment to continue to evolve the list of substances and add substances to the list as this process develops. • The Ministry of Environment should review and consider the UN numbers. • Ensure that the process / methodology for the development of the prescribed list of substances and their respective thresholds are clearly communicated.	**Strong**
Definition of a regulated person and transfer operations between BC and other jurisdictions (USA or Alberta) Suggestions • The definition of a regulated person is too narrow and should include shared responsibility in the shipping/trucking mode. Some shippers are more sophisticated than others. • Regulated persons should be risk-based to avoid being burdensome. • Clarify who is the regulated person during transfer operations. • Ensure these regulations won't become a trade barrier between BC and trade partners located in other jurisdictions.	**Strong**
Consideration for the methods of transport and facilities Topics Raised • The trucking industry is being encouraged to use trucking designated parking lots. This could lead to consequences for truck parking lot operators who allow such parking/temporary storage. This is a safety issue. • Clarify how the regime will apply when a marine vessel carrying a regulated substance is in port and connected to the land.	**Moderate**

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Theme	Interest
Financial matters, liability and insurance Topic Raised • This does not seem to be a risk-based approach – transfer points are often the highest risk. Suggestion • The rules and liability for the regulated person should be placed on the shipper, not necessarily the carrier. • Spill clean-up costs can be very costly - funding and insurance will need to help cover these costs for the responsible person.	Moderate

Local Governments' involvement in spill planning and response
 	
Topics Raised
• Costs impact analysis for local governments responding – sampling costs can be very high.
• Clarify how local government will be involved as:
   o Responder
   o Advisor
   o Contingency planning
   o Communications
 	
Suggestion
• Include municipalities in the planning process.
	Low

Reporting responsibility and identifying the category of and definition of spills Topics Raised • Significant spill is not defined properly and requires more clarity. • The meaning of a significant spill will have to be defined in the standards/policies/regulations. Suggestion • Define a significant spill in the standards/policies/regulations.	Low

Theme	Interest
Specific parties exempt from being captured under the spill response legislative framework Topics Raised • Concern around exemption of local government in relation to fuel storage on site since they are mandated to protect public safety. • Identify additional exemptions other than gas stations.	**Low**

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2. Spill Contingency Plans

Dave Maedel and Jennifer Wilson from the Ministry of Environment presented on spill contingency plans, including the rationale for the plans, who is responsible for producing the plans, ideas about plan content and timing, and how to ensure alignment with other requirements. Participants showed strong interest in how spill contingency plans are intended to function between jurisdictions and suggested that the Ministry of Environment should ensure that the Spill Contingency Plans are planned, developed, implemented, and updated in such a way that is agreed upon by all stakeholders.

During the question and answer period, a number of themes emerged from the discussions. Themes are listed based on the number of times mentioned. In the table on the following pages, we have provided the questions, topics raised, and suggestions associated with each theme.

Indicates a **high** level of interest from participants	Indicates a **moderate** level of interest from participants	Indicates a **lower** level of interest from participants

Addressing integration, collaboration, gaps and misalignments in Contingency Planning between jurisdictions

Ensuring an agreed upon plan and process in developing, implementing, and updating Contingency Plans

Defining and coming to agreement on the process surrounding Worst Case Scenarios and Risks Assessments

Establishing consistent communication rules and practices around information sharing, publishing, and transparency

Ensuring public trust is built through verifiable record keeping, compliance, and protection of the public's interest

Establishing definitions, and standardized calculations for response times

Selection and input of the Technical Working Groups

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Theme	Interest
Addressing integration, collaboration, gaps and misalignments in Contingency Planning between jurisdictions Topic Raised • Duplication may occur between jurisdictions, while certain elements are missing (i.e. training, mitigation). Suggestion • Develop a matrix showing where there are gaps and overlaps between jurisdictions and how can these be addressed.	**Strong**
Ensuring an agreed upon plan and process in developing, implementing, and updating Contingency Plans Suggestions • Ensure environmental protection is based on risk, values, and the protection of the public. • Clearly outline the planning and approval process. • Clearly define who will be required to provide a spill contingency plan.	**Strong**
Defining and coming to agreement on the process surrounding Worst Case Scenarios and Risks Assessments Topic Raised • The definition of worst case scenario may be different for some, and in the past has shown little interest in First Nations and wildlife. Suggestion • Criteria for worst case scenario will need to be identified.	**Moderate**
Establishing consistent communication rules and practices around information sharing, publishing, and transparency Topic Raised • It will be important to ensure information that is private/sensitive will not be shared or published, and will be kept private.	**Moderate**

Theme	Interest
Ensuring public trust is built through verifiable record keeping, compliance, and protection of the public's interest Topic Raised • The documentation suggests there could be an audit process of the contingency plans; please identify who will be responsible for verification. Suggestion • Through a collaborative effort, build public and world trust, while ensuring polluters pay for response efforts.	Low
Establishing definitions, and standardized calculations for response times Suggestion • Spills, response times, and declaration will need to be defined.	Low
Selection and input of the Technical Working Groups Topic Raised • Selection of technical working group participants and the required commitment of members need to be outlined.	Low

3. Drills, Exercises and Substance Reporting

D'Arcy Sego and Kelli Kryzanowski from the Ministry of Environment presented a session on the requirements being considered for drills and exercises, and substance reporting. Their presentation included information on the requirements being envisioned for drills and exercises, including the types and frequencies, meetings and evaluation, coordination and scheduling. A second discussion topic was what reporting requirements might be for substances and transporting. Following the presentations a number of themes emerged through engagement with participants. Of particular interest were the reporting requirements in relation to substances in transit, or being held in facilities, as well as who would have access to such reported information.

During the question and answer period, a number of themes emerged from the discussions. Themes are listed based on the number of times mentioned. In the table on the following pages, we have provided the questions, topics raised, and suggestions associated with each theme.

■	Indicates a **high** level of interest from participants	Indicates a **moderate** level of interest from participants	Indicates a **lower** level of interest from participants

- Reporting of substances in transit or being held in facilities
- Communication and access to information
- Drill models and frequencies
- Professional Response Organizations
- Local Government
- Jurisdictional issues
- Training
- Testing and unannounced drills

Theme	Interest
Reporting of substances in transit or being held in facilities Topics Raised • Road closures lead to changes in routing. Concern voiced as to the requirement to report these last-minute changes. Suggestions • Primary routes and loads reported annually/bi-annually with major changes reported as required. • Ensure trucking companies based outside of BC are also required to report to ensure even competitive field. • Substances, amounts and routes should not be made public as this could lead to competitive advantages. • Provide information as to what needs to be included in the report and to whom the report is submitted.	**Strong**
Communication and access to information Topic Raised • Private corporate information should not be made publically available. Suggestions • More engagement with industry is required to determine what information should be provided to assist with effective response planning and preparedness. • Clarify who will be privy to the information reported. • Clarify how information will flow and how will it be used.	**Strong**
Drill models and frequencies Topics Raised • Testing every three years is not adequate. • Having industry self-evaluate would not be effective. • If this is to be world-leading, and the other jurisdictions are testing every 3 years how is having BC follow a similar 3 year cycle make BC world leading? Suggestions • Increase the frequency of drills in the event that exercise responses do not meet minimum requirements. • Initially, government should evaluate drills and exercises and once proficiency	**Moderate**

Theme	Interest
has been proven then industry can begin to self-evaluate. • Require an increase in frequency of drills when responses show deficiencies that can be addressed through drills and exercises.	
Local Government Topic Raised • If there were multiple exercises during the year in the same jurisdiction, local authorities do not have the capacity to be involved in each one. Suggestion • It is important to involve local government in these exercises.	**Moderate**
Jurisdictional issues Topic Raised • When exercising in different jurisdictions sometimes the environment is different, thus necessitating a different response; therefore, it may not be appropriate to accept exercises conducted outside of BC. Would require strong oversight of out of jurisdiction exercises. Suggestion • When completing an exercise in a different jurisdiction, equipment needs change to match those required for different environments.	**Low**
Training Suggestions • Establish training standards including a list of approved trainers. • Develop a policy for standards of training.	**Low**
Testing and unannounced drills Suggestions • Legislation should include mandated exercises and testing. • There is a need to articulate the pros and cons of an unannounced drill and share that information with the public. • Clarify what exactly will be tested in the contingency plan. • Elaborate on what an unannounced drill will comprise.	**Low**

Theme	Interest
• Identify who will be required to attend the drills and exercises.	

4. Geographic Response Plans

Laurie Boyle and Pader Brach from the Ministry of Environment presented on Geographic Response Plans. The presentation included information on what Geographic Response Plans are, why they are important, how they might be developed and used, and what the requirements might be for timelines. Of particular interest to participants was the process and nature of the creation and intent of the Geographic Response Plan, and in particular, how it relates to the Area Response Plan (ARP).

During the question and answer period, a number of themes emerged from the discussions. Themes are listed based on the number of times mentioned. In the table on the following pages, we have provided the questions, topics raised, and suggestions associated with each theme.

▪ Indicates a **high** level of interest from participants	▪ Indicates a **moderate** level of interest from participants	▪ Indicates a **lower** level of interest from participants

▪ **The creation, content and intent of the Geographic Response Plan**

▪ **Purpose, function and construct of the advisory group/committee**

▪ **Creation, implementation and integration of the Geographic Response Plan**

▪ **Jurisdictional matters between Provincial, Federal and Local Governments**

▪ **Information sharing and data management**

Theme	Interest
The creation, content and intent of the Geographic Response Plan (GRP) Topic Raised • The process for creating a geographic response plan is highly resource intensive. There is concern as to who is responsible for creating, maintaining and paying for the GRP. Suggestions • Clarify how the GRP relates to the ARP. GRPs should include GIS mapping with layers, with historical information, populated areas, industry, high risk areas, and cultural areas. • The GRP should be constantly updated due to changing information.	**Strong**
Purpose, function and construct of the advisory group/committee Topics Raised • Government's participation in the creation of the GRP should be limited and left to stakeholders and other interested parties. • There is not enough information on the role and purpose of the advisory group. Suggestions • A trusted committee should include First Nations, first responders, communities, provincial government, wildlife agencies, local government, recreational users, school boards, health authorities, neighbouring jurisdictions, industry representatives, experts and, PROs. • Clarify if there will be a single advisory group or many depending on the location as there may be a requirement for multiple GRPs in an area.	**Strong**
Creation, implementation and integration of the GRP Topic Raised • Duplication is an issue and needs to be considered since creating the GRP will eat up resources. Suggestions • This regulatory piece needs to fit into existing response and recovery standards as laid out through EMBC. • Large industry may already have plans that can be used as frameworks. • Integrate existing response plans into the required GRP.	**Moderate**

Theme	Interest
Jurisdictional matters between Provincial, Federal and Local Governments Suggestions • The language in GRPs needs to be clear between all agencies; a GRP has to be the same thing to every interested party including Federal, Provincial and local government as well as First Nations and industry. • Tie Federal requirements into the provincial GRPs. • Ensure GRPs consider spills that extend beyond the geographical area laid out in the plan.	Low
Information sharing and data management Topic Raised • Although it is important to be transparent, some information must be kept secure since it may be sensitive/private information pertaining to private business. • Baseline data will be required. Suggestion • The information collected ought to be accessible to the public.	Low

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5. Response Reporting and Times

Graham Knox and Sheila Richardson from the Ministry of Environment presented the Response Reporting and Times breakout. Their presentation covered what the requirements might be for spill reporting, sampling and monitoring response times. During the facilitated discussion following the presentation, participants showed particular interest in how the Ministry of Environment defined appropriate timelines and milestones as well as the components of sampling and monitoring.

During the question and answer period, a number of themes emerged from the discussions. Themes are listed based on the number of times mentioned. In the table on the following pages, we have provided the questions, topics raised, and suggestions associated with each theme.

■	Indicates a **high** level of interest from participants	■	Indicates a **moderate** level of interest from participants	■	Indicates a **lower** level of interest from participants

■ Defining appropriate response timelines and milestones

■ Defining the elements of sampling and monitoring

■ Addressing changes to spill reporting

■ Disclosing, releasing and communicating sensitive information and data

■ Roles, responsibilities and accountabilities of involved stakeholders

■ Reliance on Qualified Professionals

■ Scope of response plans

Theme	Interest
Defining appropriate response timelines and milestones Topic Raised • Effective methods and spill volume are important in developing response times. Suggestions • Do not be too prescriptive on response times, as they need to be flexible depending on the situation. • Could prescribe a response process rather than a timeline. • Include first responders in developing timelines.	**Strong**
Defining the elements of sampling and monitoring Suggestions • Sampling and monitoring teams need to communicate with response teams so that both are aware of each other's roles and responsibilities. • Need to balance transparency and credibility in sampling. • Spill assessment, not sampling, needs to determine how to respond. • Define sampling and monitoring requirements and identify who will conduct background monitoring.	**Strong**
Addressing changes to spill reporting Topics Raised • There are overlaps between the proposed report and current reports with other jurisdictions. Ensure duplication does not occur. • Spill reporting regulations already exist –clarify how much the reporting regulations will change. Suggestions • The Province must look at ways to streamline and simplify the report process. • Smaller spills do not need the comprehensive reporting required in the reporting legislation.	**Moderate**
Disclosing, releasing and communicating sensitive information and data Topics Raised • Releasing raw data to the public without context can create unintended concerns and issues.	**Moderate**

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Theme	Interest
• Local authorities require access to sensitive data; develop a process for informing local authorities. • Public health / Health Authorities require information on what has been spilled. Suggestions • Utilize centralized databases and information lines to share and consolidate information. • Consider publishing data sooner than what has been done in the past.	
Roles, responsibilities and accountabilities of involved stakeholders Topic Raised • Need to have clarification on the definition of a regulated person and person responsible. Suggestions • The province must define responsibilities based on various scenarios. • Identify how the response team will fit into the structured approach.	**Low**
Reliance on Qualified Professionals Topic Raised • Duplication of sampling and monitoring work between Qualified Professionals working in industry versus in the government is a concern. Suggestions • Clarification is needed on defining a Qualified Professional. • Clarify how professional reliance will be utilized in sampling and monitoring	**Low**
Scope of response plans Suggestion • Must look beyond hydrocarbons in building plans and legislation. Look at other hazards.	**Low**

6. Recovery and Restoration

Carley Coccola and Leon Gaber from the Ministry of Environment presented the breakout session on Recovery and Restoration. Their presentation covered concepts and definitions, what recovery looks like in BC and in other jurisdictions, the proposed recovery process, and the work already underway. During the facilitated discussion, it was clear that participants were particularly interested in issues around enforcement procedures as well as liability issues. Ensuring adequate consultation with First Nations was another key concern expressed by participants.

During the question and answer period, a number of themes emerged from the discussions. Themes are listed based on the number of times mentioned. In the table on the following pages, we have provided the questions, topics raised, and suggestions associated with each theme.

Indicates a **high** level of interest from participants	Indicates a **moderate** level of interest from participants	Indicates a **lower** level of interest from participants

Establishing appropriate fines, recovery claims, enforcement procedures, compensation and insurance

Involving and consulting with First Nations

Determining adequate preparation that ensures a streamlined recovery and restoration process

Defining the endpoint for recovery and restoration

Determining appropriate timelines and processes for recovery and restoration plans without duplication

Natural Resource Damage Assessment (NRDA) and decision making

Theme	Interest
Establishing appropriate fines, recovery claims, enforcement procedures, compensation and insurance Topics Raised • Identify the approach that will be taken to compensate First Nations. • Concern expressed on how orphan spills will be addressed. • Concern also raised about how the regulations will be enforced on those without money to pay for the recovery operation	**Strong**

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Theme	Interest
Suggestions • Develop a recovery claim template including identification of claimable expenses • Ensure that prevention and enforcement are a priority.	
Involving and engaging with First Nations Topics Raised • First Nations want direct involvement in recovery planning. • First Nations to define meaningful engagement. • Socio-cultural impacts of spills on First Nations must be taken into account. Suggestion • First Nations must be involved in recovery plans and restoration activities.	**Strong**
Determining adequate preparation that ensures a streamlined recovery and restoration process Topics Raised • Determine how the pre-spill baseline is determined. • Identify the measures to be taken prior to a spill, who the responsible persons are, and what needs to be done.	**Moderate**
Defining the endpoint for recovery and restoration Topic Raised • Some participants noted the vast majority of spills may not need further action. Suggestions • Directly involve stakeholders to determine the definition of clean, and the endpoint for recovery and restoration. • Identify the actions to be taken to meet the set objectives for recovery and restoration.	**Moderate**

Theme	Interest
Determining appropriate timelines and processes for recovery and restoration plans without duplication Topics Raised • Need to consider the appropriate sequencing of regulations. • Consider the contaminated sites regime and potential duplications. Suggestions • Identify the timeframe for recovery. • Identify the content of the recovery plan. • Determine who is involved in the recovery process. • Clarify timing of when do you develop a recovery plan.	**Moderate**
NRDA and decision making Suggestions • Identify the decision maker who initiates recovery and restoration. • Continue to utilize the NRDA.	**Low**

7. Preparedness and Response Organization (PRO)

The PRO session was presented in a plenary by Daphne Dolhaine and Ian Sharpe. Their presentation included information on what the PRO is and how it might function. Following the plenary, participants went to breakout sessions to ask questions and provide feedback. This subject proved to be of high interest with participants who shared many questions, comments and suggestions.

During the question and answer period, a number of themes emerged from the discussions. Themes are listed based on the number of times mentioned. In the table on the following pages, we have provided the questions, topics raised, and suggestions associated with each theme.

■	Indicates a **high** level of interest from participants	■	Indicates a **moderate** level of interest from participants	■	Indicates a **lower** level of interest from participants

■ Oversight and accountability of the PRO

■ Leadership and function of the PRO

■ Financial and capacity considerations of the PRO

■ Communication and stakeholder relationships

■ Certification, membership and number of PROs

■ Jurisdiction and boundary issues

■ Advisory groups

■ Response plans and legislated response times

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Theme	Interest
Oversight and accountability of the PRO Topics Raised • The proposed PRO model, as it currently appears, lacks in accountability and creates risk to the public. • There is not enough government oversight. • There will be a number of liability issues related to the PRO. • Accountability of the PRO is a concern; Provincial Government oversight will be required. Suggestion • Local Governments and First Nations need to be included in the development of ARPs/GRPs.	**Strong**
Leadership and function of the PRO Topics Raised • There is lack of clarity on what the PRO will contribute during actual responses. • Leadership and authority of the PRO must be clearly identified. Suggestion • The PRO should provide a co-ordinated and cooperative function and be the entity that operates a network.	**Strong**
Financial and capacity considerations of the PRO Topics Raised • A PRO cost would be prohibitive if it was qualified and able to respond to every possible spill in BC since it would be challenging to have enough people qualified for every response. • Outline the incentives for industry to be a PRO. Suggestions • Consider a tiered fee model by sector or type of facility since responses could be different for each. • Clarify how the PRO will be funded.	**Strong**

Theme	Interest
Communication and stakeholder relationships Topic Raised • The Ministry of Environment will need to make information and reporting data of the PRO transparent and accessible to the public. Suggestion • Communication, outreach and partnership building should occur during the planning stages and during responses with a view to building public trust and a sense of transparency.	**Moderate**
Certification, membership and number of PROs Topics Raised • If there are multiple PROs, it could become a competitive situation. • Will all regulated persons have to join the PRO? Suggestions • Members of the PRO should include hazmat response contractors. • Clearly identify when a regulated person would be compelled by regulation to join the PRO- either before or after certification is approved.	**Moderate**
Jurisdiction and boundary issues Topic Raised • Confirm if the will the PRO have authority/applicability over federally regulated land.	**Low**
Advisory groups Suggestions • Advisory committee should be the backbone of the ARP and establish the first set of standards to be applied. • Ministry of Environment should consider mandating community advisory groups to review plans, responses and advise the PRO.	**Low**

Theme	Interest
Response plans and legislated response times Topics Raised • Not all response functions can be done by the PRO. • Ministry of Environment needs to consider that in remote areas the PRO may not be able to meet the legislated timeline. Suggestion • Legislated response times should consider population density.	**Low**

Post-Symposium Survey Results

At the end of day 2 of the symposium, the facilitators asked participants to provide feedback on how they felt the symposium had gone and provide a score out of 10, with "10" indicating the highest level of satisfaction and "1" the lowest. The average score out of 10 was 6.8 or 68%. After the symposium, the Ministry of Environment emailed all 275 participants an online survey and 61 people responded (22%). Survey respondents were asked a number of questions, including how they would score the overall two-day symposium out of 10. From the 61 responses received, the average score out of 10 was 6.9. Participants were also asked to provide written feedback on what they enjoyed most about the two-day symposium, and here are a few sample comments:

> "*It brought the issues to the forefront, and was a good opportunity to ask questions*"

> "*Opportunities to gain perspectives from multiple interested stakeholders*"

> "*There was good dialogue from a number of different parties.*"

Participants also provided recommendations for improvement and here are a few sample suggestions:

> "*More time allocated to subjects that had extensive discussion*"

> "*Send out information packages earlier to allow time for preparation*"

> "*Have developed perspectives and positions prior to the session to create more value.*"

The complete survey results are available in Appendix 1.

Next Steps

All of the presentations provided at the symposium are available on the BC Spill Response Regime website under Current Spill Regime Engagement. The third Intentions Paper is available on the Spill

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Response Online Engagement website. The ministry will continue to receive feedback on the third Intentions Paper from all parties until June 30, 2016.

- Individuals can provide input at https://engage.gov.bc.ca/spillresponse/.
- Organizations are invited to send their comments on letterhead as an attachment to spillresponse@gov.bc.ca. For transparency, these letters will then be posted to the discussion forum website mentioned above.

At the same time, the ministry is continuing to gather additional input through a series of engagement sessions across the province with First Nations.

The ministry is also establishing technical working groups to help with the development of the regulatory framework needed to augment the spill response legislation. During the symposium, participants were encouraged to identify themselves as being interested in participating in these working groups, and many did. The ministry is finalizing the number and topics of the technical working groups and will select participants based on those who expressed interest and will ensure a diversity of perspectives are represented on each working group. These technical working groups will meet over the summer and the majority of technical working groups are expected to provide recommendations to the Province in late summer. Some technical working groups may continue working into 2017 as there will be a need to sequence the regulation development over a longer period of time.

For more information on the BC Spill Response Regime development process or to express interest in participating in the technical working groups, please email spillresponse@gov.bc.ca.

For further ongoing email updates on the BC Spill Response Regime, please subscribe to the BC Spill Response Regime E-Link from www.gov.bc.ca/spillresponse .

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Appendix 1: Detailed Post-Symposium Survey Results

The Post Session Survey was administered to the participants at the end of the two-day symposium. The purpose of this survey was to provide feedback and information to incorporate into planning activities for future sessions and meetings. Information gathered fall into the following categories:

- Overall score out of 10
- Preparation
- Agenda
- Delivery
- Results

The graphed results report the percentage of respondents that agree (scoring either 4 or 5), to a series of statements related to their perception of how they viewed the session. Any scores where less than 80% agree are generally noted for future action.

The total number of responses was 61 out of 275 (22%).

The overall score out of 10 was 6.9 or 69%.

Below are the results from the quantitative component of the survey. In general, anything scoring less than 80% is an area of opportunity for improvement.
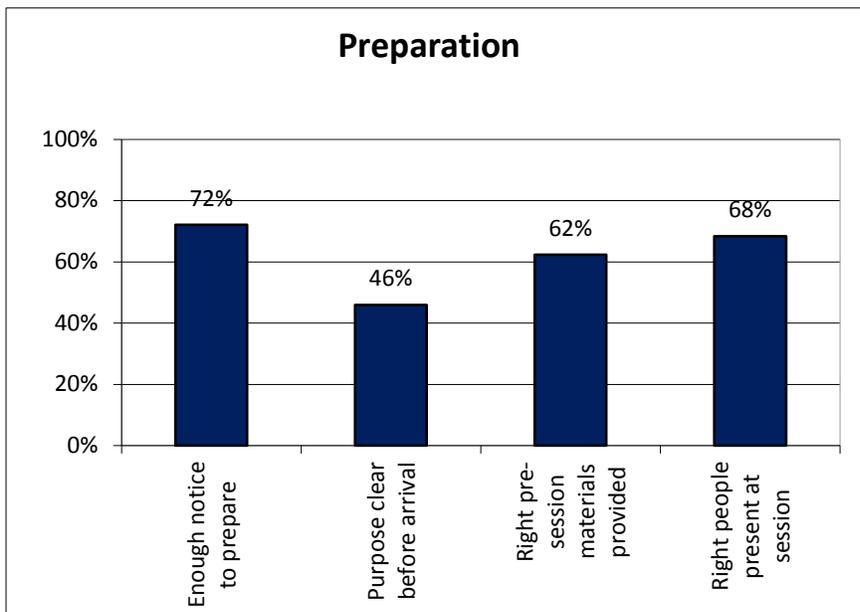
72% of respondents indicated that they had enough notice to prepare.

68% of respondents indicated that the right people were present at the session.

62% of respondents indicated that the right session material was provided.

46% of respondents indicated that the session's purpose was clear.

Delivery
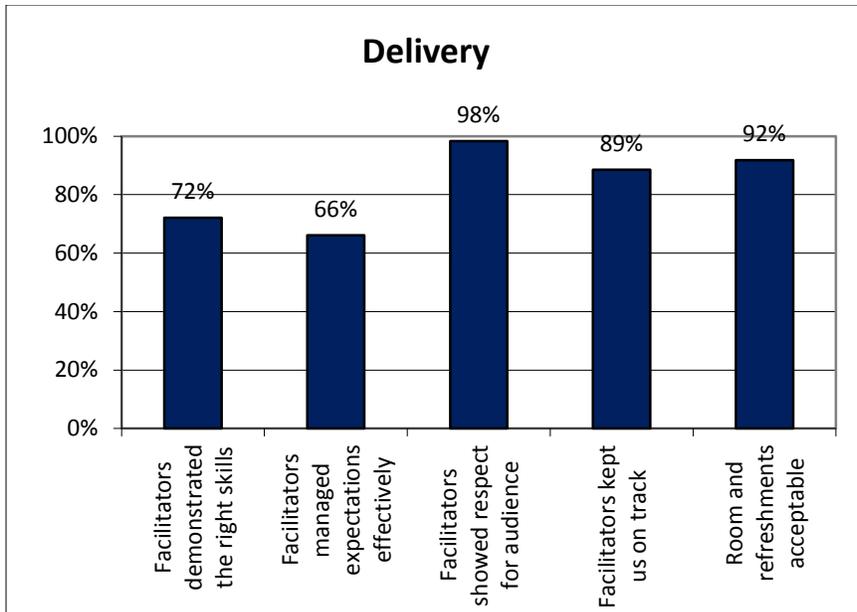
98% of respondents indicated that the facilitators showed respect for the audience.

92% indicated that the room and refreshments provided were acceptable.

89% of respondents indicated that the facilitators kept the session on track.

72% of respondents indicated that the facilitators demonstrated the right skills.
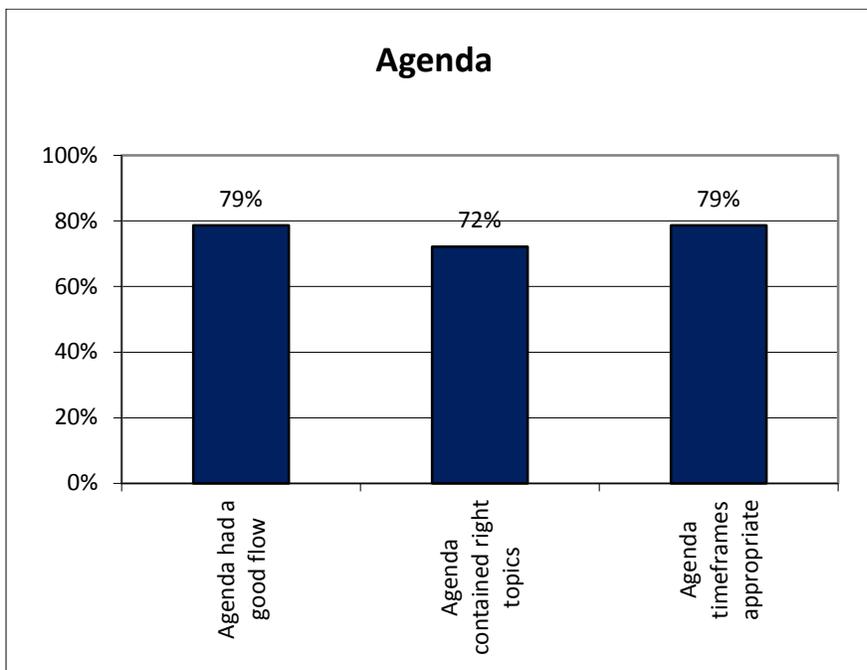
Agenda

79% of respondents indicated that the agenda had good flow and that the agenda timeframes were appropriate.

72% of respondents indicated that the agenda contained the right topics.

66% indicated that the facilitators managed expectations effectively.

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Results
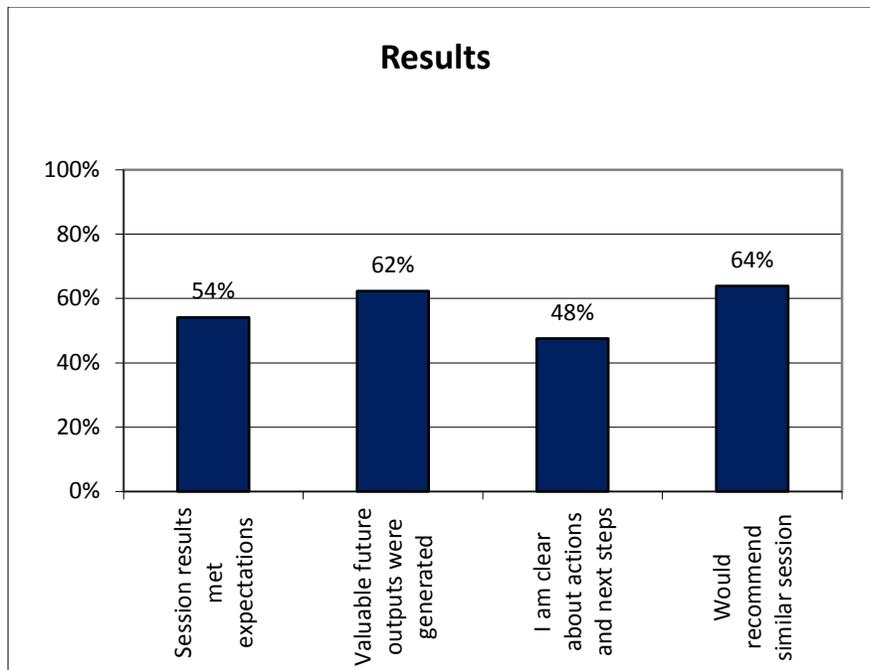
62% of respondents indicated that outputs were generated that will prove valuable in the future.

64% of respondents indicated that they would recommend a session like this to others with similar goals in mind.

54% of respondents indicated that the results of the session met their expectations.

48% of respondents indicated that they were clear about actions and next steps following this session.

Written Comments about the Session

I enjoyed this session because:

- The various perspectives showed a lot of insight and diversity.

- The intentions of the BC Government were made clear.

- It afforded an opportunity to ask questions; however, succinct responses were not always available, or the issue raised had not been previously considered.

- It brought the issues to the forefront. Good opportunity to ask questions.

- Opportunity to meet great people, informative

- F2F discussions with all stakeholders is important.

- Well organized and attended by a range of stakeholders.

- The mixture of stakeholders present provided insight into a variety of concerns regarding the proposed legislation.

- Opportunity to meet with other professionals

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- It provided direction to the BC MOE objectives.

- The facilitators were excellent!!

- Opportunities to gain perspectives from multiple interested stakeholders

- There was an opportunity to meet with stakeholders of different backgrounds.

- Participant diversity

- It brought together a cross section of interests, provided an overview of intentions, and solicited feedback, discussion and input.

- Informative on moving ahead

- There was good dialogue from a number of different parties.

- Many questions and answers were discussed that got me thinking.

- A very productive way of engaging all stakeholders for development of regulations

- I will be running a similar process for other Provincial legislation and this session set an excellent example.

- Good chance to interact on spill response discussion and network with other industries and various stakeholders. I appreciate the level of work that has went into preparation and coming along this far in the process, and my organization is thankful for the opportunity to be involved in the process and provide feedback on the issues discussed.

- Well prepared with good set up. Good location.

- This was a great opportunity to get everyone in the room.

- It was extremely well organized and the right people were present.

- Great opportunity to meet and reconnect with others with common interests.

- The discussions were very interesting and all of the participants joined in the discussions

- Meeting other persons interested in achieving the maximum from the event.

- Nice to see engagement of industry in policy strategy. Also terrific networking benefit with Ministry and industry players.

- It brought a wide range of stakeholders together.

- Interaction with other stakeholders

- It was helpful to hear the perspectives of other stakeholders

- The open concept and the assigned seating, allowing differing groups to communicate and therefore networking between many stake holders.

- Good overview of status of regulation to date; good attendance by a broad diversity of groups/organizations

- The conversations were respectful across all represented parties.

- The session was very informative and provided an effective explanation of the proposed amendments to the EMA. The conference ran very smoothly and the room was full of individuals with a wealth of knowledge and experience in the appropriate topic areas and breakout groups were a good mix of perspectives.

My recommendations for improvement are:

- There were some inconsistent messages to the group regarding who is regulated and if municipalities were regulated or not.

- In the breakout sessions there was not enough time to provide feedback.

- Allow for smaller groups to afford more fulsome discussions/conversations.

- The 1st breakout session should have been presented to everyone.

- More time in the sessions were needed. Even 15 minutes longer would've made a big difference.

- PRO discussion moved forward; Regulated Person should have had similar discussion format as PRO, both before the breakouts started

- Need to explain the application and interpretation of Bill 21 and how it relates to the intentions paper. Bill 21 not shown

- The session would have been much more useful if at least ideas for the proposed legislation had been presented. The session seemed premature in that only concepts were presented. The presenters were generally unable to answer questions about the nature of the regulations as it appeared the process had not been thought through yet.

- Send out info packages earlier to allow time for prep

- Have a separate meeting with regulators that will have regulatory duplication.

- Clarity on a "PRO".

- Provide more information on existing regulatory requirements (gaps)

- More time allocated to subjects that had extensive discussion.

- We will need more environmental personnel to check and enforce this new regime

- There needs to be further inclusion of rail lines, fixed facilities that manufacture dangerous goods / hazardous materials and trucking companies / organizations.

- Provide the questions in advance of what you would like to achieve, so we can prepare an answer ahead of time.

- Leveraging the experience of the professionals in the audience for managing expectations and the path forward for example - does it make sense to put the entire financial burden of the regime on the private sector?

- None...this session was very well run and delivered.

- 1) Share a list of attendees with name and organization prior to or upon registration at the event. 2) On issues that are not yet determined (example worst case spill), provide a suggested context for discussion - this could help bring discussion forward a lot farther than just having to refer issues to future technical working groups, who then may need to get further feedback that could have been obtained from the initial session.

- Much discussion on redundancy and duplication yet the facilitators need to be aware of other regulator data. There is much redundancy.

- The negative with so many people is you do not achieve as much. The groups were not prepared for the questions and most times did not have the answers or expertise.

- Break out locations were a bit confusing. More signage possibly, more direction.

- The breakout topics needed to be kept in order. It was hard starting in topic 2 without the definitions presented in topic 1 "regulated person".

- To be better prepared and provide information for all streams that this would effect. There is a lacking of knowledge and consideration regarding the trucking industry for this issue. There is also a very little compassion for how this will affect the industry. There is also no marrying of information that has been research, studying and drafted by other industry leaders and federal officials. There is a lot of duplication of work as some of this work is or has been completed by others. There appear to be large holes in the work conducted by the MoE and there is still a lot of research that is required of MoE before it can roll this regime out or even to have the bill pass by the leg.

- The order of the break-out groups was challenging because going to #1 (who is the regulated person) was fairly important for understanding the implications of the others. Next time I would include that in the overview for everyone, prior to dividing into break-outs. Also heard many people saying that it was difficult to get into the discussion questions because the details of (and analysis behind) what was being proposed were still unclear.

- Perhaps more compensation for travel should be made available to community members.

- At some point this process must move past engagement and into technical aspects if the MOE wishes to meet their timelines.

- Better understanding of expectations from the group.

- The staff tasked with facilitating the sessions must be enabled to respond to questions. The focus on industry and overwhelming number of industry stakeholders present created a biased perspective that does not necessarily reflect the public perspective.

- Start with minimizing risk of spills by reducing volume and frequency of transport/piping of risky

material. The lack of any discussion of this was a serious flaw. Ensure that MOE personnel do not dominate the discussion times by rebutting any criticism of the plan.

- I believe there should have been specific choices/directions presented. Too often the crowd felt that there was no specific message.

- Have developed perspectives and positions prior to the session to create more value.

- Basically the facilitators wanted feedback and the attendees were looking for clarity, on the feedback I believe that was received however as per clarity, there was not a lot given but rather more of a "we will take that back and get back to you" type approach. Also it was noted by many that different answers to the same question at the same session where given differently, follow up conversation (group table setting) found confusion with some of the feedback

- Session appeared to be more an opportunity for MOE to gather information rather than to share answers - there are clearly a lot of gaps remaining. Not all facilitators responded to questions consistently - resulting in some confusion amongst participants as conflicting information was provided at times

- The sessions seemed rather rushed at times and the discussion was kept to a predetermined topic. There was often limited allowance for other conversations to occur or recommendation was to discuss in another session.

- For components of the EMA amendments that are still unclear I would have recommended providing different options that MOE is considering. It seems like MOE has done a lot of thinking about the different options out there and it would have been useful to understand the possible alternatives and their implications. For example having one PRO vs. many PROs. Case studies from other jurisdictions may have been useful as well.

Other comments:
- The PRO idea is not too well thought out from my perspective. Lots of work to do to solidify the direction and structure of the PRO. An emphasis on existing capacity and no duplication is very important to make this work.

- Ensure that Local Government has an opportunity to sit in on this type of session or have someone go to the Local Governments and present maybe at the Regional District Level so their roles and responsibilities are clearly understood.

- The 3rd intentions paper needs to be promoted and more advanced of workshop. I didn't know or receive a copy until a few days of the workshop which was important to assess how Bill 21 EMA could be applied.

- I think the sessions was the right length, well intentioned and did a good job of getting stakeholders together. It did however only present concepts and the workability of those concepts in BC had not been thought through, with MOE reps unable to answer questions, thus it seemed a bit premature in the regulatory process.

- Thanks

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- This workshop would have been served more appropriately if it was a "this is how BC MOE is going to do the work and can we get your input" versus "BC MOE is not 100 per cent sure how the work is going to be completed and we need your input".

- Staff did a good job dealing with frustrated people looking for answers, which was a difficult task with such a large group of people. However, there were probably a lot of people who were hoping to get more answers from the workshop.

- What is estimated time line?

- Spill response structure and approach can be set up similar to emergency response with police, ambulance/paramedics and fire dept. where the primary response of from the government to protect human health and the environment. Support services can be obtained from the private organizations and the responsible parties. Cost recovery of govt expenses can also be done from the responsible parties.

- Well laid out workshop on a very complex issue. There is still a lot of work to be done but from the workshop I think we are heading down the right path to get to a world class spill response regime.

- Very little education on existing controls, administration, best practices, and the heavy work done by the federal government. Very similar to both ERAPS and E2 plans. Very disappointed in the knowledge of the facilitators and presenters.

- It was great and I appreciated the collaborative approach. I did find some of the info a little too technical. Thank you

- MOE staff gave multiple visions for the Technical Working groups. In order to commit resources to these technical working groups a clear understanding that they are not going to be continued engagement sessions is required

- The third intentions paper differed greatly from previous versions. The lack of accountability and the reliance on industry to develop and test its own process is unacceptable. Government has a role to play in balancing industry interests with public safety and in regulating industry to the benefit of the public. Full comments will be provided in response to the intentions paper. It was disappointing that despite consultation with communities, the PRO is being developed based on a position paper by major industry lobbyists.

- Ideally more environmental groups would be included but I could see why they may not as the end outcome really seemed set already.

- The symposium appeared to be of greater value to ministry staff than participants. As a participant, it would have been helpful if presenters were able to respond with clearer answers to questions, rather than defer to the impending working group sessions. This process reduced the value proposition for participants. It was a positive forum, though! Thank you.

- Overall the session and overall set up was well organized, great to allow for open communication and to allow different points of views to be shared, allowing for some to get better understanding

of others issues and creating a positive go forward.

- My one main comment is regarding the use of the Q&A format of the interaction between MOE and participants. The Q&A style of interaction used in most of the breakout groups did not seem appropriate given the level of detail available on the proposed amendments. Most questions were acknowledged as relevant and important considerations; however, no answers were really given. The Q&A did not encourage participants to build off each other's comments and by the end of the second day participants seemed less willing to ask questions when they knew what the response would be: "We know that is a concern and are considering options to address it." It seemed like the main objective for MOE was to recruit technical working group members and I feel the symposium was a bit of a missed opportunity to gather more meaningful feedback from participants.

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