

From: ["Levitt, Karen" <karen.levitt@vancouver.ca>](mailto:karen.levitt@vancouver.ca)
To: ["Direct to Mayor and Council - DL"](#)
CC: ["City Manager's Correspondence Group - DL"](#)
["Kassam, Nick" <Nick.Kassam@vancouver.ca>](#)
["Stevens, Daniel" <Daniel.Stevens@vancouver.ca>](#)
Date: 3/16/2021 9:51:12 AM
Subject: Memo - City's Oil Spill Response - RTS 14345
Attachments: Memo to Mayor and Council - Oil Spill Response _ Final.pdf
CMO - Letter to EAO re TMX Reconsideration Draft Report - 2021.02 - signed.pdf

Greetings Mayor and Council,

Please find attached memo from Nick Kassam, GM of REFM and Daniel Stevens, Director of Emergency Management in response to Council's inquiry on City's response to oil spills. This memo provides Council with:

- an overview of the jurisdiction and regulatory framework pertaining to marine oil spills,
- the City's role within the above framework, and,
- an update of current City actions aimed at strengthening marine oil spill response regimes.

Should you have any questions, please contact Nick Kassam, GM of REFM at Nick.Kassam@vancouver.ca

Best,

Karen

City of Vancouver Deputy City Manager
karen.levitt@vancouver.ca

The City of Vancouver acknowledges that it is situated on the unceded traditional territories of the Musqueam, Squamish and Tsleil-Waututh peoples.

MEMORANDUM

March 16, 2021

TO: Mayor and Council

CC: Paul Mochrie, Acting City Manager
Karen Levitt, Deputy City Manager
Lynda Graves, Administration Services Manager, City Manager's Office
Maria Pontikis, Director, Civic Engagement and Communications
Rosemary Hagiwara, Acting City Clerk
Anita Zaenker, Chief of Staff, Mayor's Office
Neil Monckton, Chief of Staff, Mayor's Office
Alvin Singh, Communications Director, Mayor's Office
Magnus Enfledt, General Manager, Vancouver Emergency Management Agency
Daniel Stevens, Director, Emergency Management
Susan Horne, Lawyer
Tobin Postma, Director, Intergovernmental Relations and Strategic Partnerships
Margot Davis, Environmental Services

FROM: Nick Kassam, General Manager, Real Estate and Facilities Management
Daniel Stevens, Director of Emergency Management

SUBJECT: City's Oil Spill Response - RTS 014345

Purpose

The purpose of the memo is to respond to Council's request for information on the City's response to oil spills.

Marine Spill Response Overview

Canada's marine oil spill preparedness and response regime is regulated by Transport Canada. Based on the principle of 'polluter pays', operators of certain-sized vessels are required by the federal government to pay fees to regional Response Organization who are responsible for maintaining plans, staff and equipment to respond to marine spills. On the West Coast of BC, there is one Transport Canada-certified Response Organization: Western Canada Marine Response Corporation (WCMRC).

The Canadian Coast Guard (CCG) is responsible for overseeing industry's response to marine spills. When a spill happens and the source of the spill is identified, the Coast Guard advises the

polluter of their responsibilities. If the polluter is able to respond effectively, the CCG oversees the response. If the polluter is unable or unwilling to respond, or if the source of the spill is unknown, the Coast Guard manages the response directly.

If a spill reaches a certain threshold of significance and impacts or has the potential to impact other jurisdictions, the Coast Guard will initiate an Incident Unified Command structure.

City's Role in Marine Spill Response

The City's role in marine spill response varies depending on the level of severity of the spill and associated risk of impacts to the local community and environment. For smaller marine spills where risks are deemed low, the City is not typically notified.

Where there is a large-scale incident and/or the Coast Guard deems that there is a potential for significant impacts, the City is notified by the Provincial Emergency Coordination Centre. As was done in response to the Marathassa spill in 2015, the City may provide a range of support response services across many departments and in collaboration with the Park Board. Services may include:

- Providing first response services support (e.g., Fire, police);
- Participating in an Unified Command structure;
- Communicating information to the community, including disseminating information to the media and public through the City's website, social media, and news releases;
- Providing expertise to support decision-making, such as knowledge about sensitive areas and integrating local government priorities and objectives into spill response actions;
- Advocating for adequate protection of community and civic assets, and environment sensitive areas, including beaches and civic infrastructure;
- Monitoring shorelines and participating in shoreline assessment surveys; and,
- Providing direct response assistance, including supporting volunteer managements services, providing traffic control and security support, installing signage and fencing, and assisting with debris removal.

Current City Action

Significant opportunities exist to strengthen current spill response regimes. To support these efforts, the City is participating in the development of the Greater Vancouver Integrated Response Plan for Marine Pollution Incidents (GVIRP). This is a planning exercise being led by the Coast Guard, involving various multiple federal and provincial agencies, Indigenous

communities, local and regional governments, as well as the private sector (e.g., WCMRC, Vancouver Aquarium). The intent of GVIRP is to serve as a guide to better facilitate multi-agency response to significant marine pollution incidents in the Greater Vancouver Area. The City also recently participated in the 2021 Winter Ocean's Protection Plan forum.

Additionally, the City is actively participating in the BC Environmental Assessment Office's (EAO) reconsideration process for the Trans Mountain Expansion Project (TMX). The City has put forward a number of recommendations for strengthening the Provincial approval certificate, with a particular focus on reducing risks of spills from Project-related shipping. On January 15th, 2021, Council received a memo providing a summary of the City's input that had been submitted to the Province at that time. Since the January memo, the City has submitted an additional letter as part of the formal public consultation period further advocating for strengthened spill response measures (see Attached).

Sincerely,

A handwritten signature in black ink that reads "Nick Kassam". The signature is written in a cursive, slightly slanted style.

Nick Kassam
General Manager, Real Estate and Facilities Management

604.871.6859 | nick.kassam@vancouver.ca

February 25, 2021

Nathan Braun
Acting Assistant Deputy Minister and
Acting Deputy Chief Executive Assessment Officer BC EAO Office
Nathan.Braun@gov.bc.ca

Meaghan Hoyle
Project Assessment Director
BC Environmental Assessment Office
Meaghan.Hoyle@gov.bc.ca

Beth-Ann Salzar
Project Assessment
BC Environmental Assessment Office
Beth-Ann.Salzar@gov.bc.ca

Dear Mr. Braun, Ms. Hoyle and Ms. Salzar,

RE: Trans Mountain Expansion Project – EAO’s Reconsideration Draft Report

Thank you for the opportunity to comment on the draft EAO’s Analysis for the NEB Reconsideration Report (Draft Report) as part of the public consultation period. As you are aware, the City of Vancouver (the City) is opposed to the Trans Mountain Pipeline Expansion Project (the Project) given the significant unmitigated risks posed to local environments, economies and communities. Of particular concern are potential environmental and socio-economic effects from Project-related marine shipping, the area of focus of the EAO’s review.

At the request of the Province, the City has actively participated in the EAO review since its commencement in early 2020. The City participated with the intent to support the EAO in making meaningful amendment recommendations to the Ministers in an effort to better mitigate risks and protect coastal communities. To this end, the City dedicated resources to review and provide comments on preliminary drafts of the EAO reconsideration report.

The City also contributed proposed Environmental Assessment Certificate (EAC) conditions. After careful analysis, the City put forward recommendations for 17 amendments to the EAC conditions. The City also worked collaboratively with Squamish and Tsleil-Waututh Nations and the three parties put forward a jointly supported list of 30 amendments (inclusive of the City’s original 17 proposed amendments).

The EAO’s Draft Report is proposing two amendments to the EAC conditions that partially reflect two of the conditions put forward by the City. The City supports the two amendments

proposed in the EAO's Reconsideration Report. However, the City does not consider these amendments sufficient for reducing risks to coastal communities, particularly with respect to those risks pertaining to a Project-related marine spill.

Local governments and communities are on the front lines of spill response and bear the majority of associated impacts, including long-term recovery effects. Products spilled into marine environments wash ashore, impacting local businesses, residents, community facilities and amenities, and local environments. Effective spill response and recovery depends on the effective participation of all levels of government. Despite incurring impacts and playing key roles in spill response and recovery, local governments and communities are not resourced to respond to marine spills in general, and specifically not to the unique products (i.e., diluted bitumen) being transported by the Project. Sole reliance on federal spill response regimes that provide high-level response guidance and which do not provide resourcing to local communities is insufficient to protect BC coastal communities from Project-related spills. It is critical that effective local response measures that integrate with local governments are developed upfront, prior to the occurrence of any Project-related spills. Coastal communities must be provided with the resources necessary to be prepared and industry should be held accountable for bearing the full costs of spill preparedness, response and recovery.

Substantive opportunities exist within the confines of the Provincial review process to strengthen EAC conditions to more meaningfully mitigate risks and harmful effects of Project-related marine shipping on BC coastal communities. The City urges the EAO to reconsider the City's proposed amendments provided in our letters dated October 23, 2020 and December 11, 2020 and to incorporate further recommendations into the Provincial Reconsideration Report.

Please do not hesitate to contact me or Margot Davis, Manager, Environmental Services (604-968-2961/ Margot.Davis@vancouver.ca) if you have any questions or if further discussion about the City's proposed conditions would be beneficial.

Yours truly,

A handwritten signature in black ink, appearing to read 'P. Mochrie', enclosed within a hand-drawn oval.

Paul Mochrie
Acting City Manager

| paul.mochrie@vancouver.ca