



EnviroFor Reporter

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ENVIROFOR NEWS:

Parliament Adjourned

The 37-day sitting of Parliament saw a total of 17 Government Bills introduced this fall session, all of which have now received Royal Assent. None of the 11 non-government bills progressed passed First Reading. To review and check the current status of all the bills, visit the bills page via the link on the left navigation.

A reminder that if you would like to track the progress of these bills, or to track changes to any laws that bills amend, please feel free to make use of our [BC Legislative Digest](#) tracking tool, and have us monitor and alert you to changes for laws of your choosing.

Anita Mathur from OGC to Contribute Annotations

Quickscribe is thrilled to announce that Anita Mathur, Legislation Specialist at the Oil and Gas Commission (OGC), will soon begin contributing annotations to the [Oil and Gas Activities Act](#) and associated regulations. Anita worked for several years as an engineer in the oil and gas industry in Calgary in Reservoir Engineering, Production Engineering, and Joint Ventures. She later received her MA (Law) from the University of Cambridge and LL.M. from Osgoode Hall in Energy and Infrastructure Law. Anita uses her hybrid engineering-law knowledge to focus on continuous adjustments to the operational regulations at the OGC to meet a dynamic and ever-changing industry and the regulations that govern it. Anita's first annotations will focus on providing some guidance as the Oil and Gas Commission updates the requirements of the [Emergency Management Regulation](#) by repealing and replacing the existing regulation with a [new one](#), effective March 1, 2018. For your convenience, Quickscribe plans to publish a red-text, early consolidation of the new regulation within the next few business days.

New Feature/Bug Fixes

Quickscribe recently uploaded a number of minor bug fixes and enhancements. Included in the recent updates is a resolution for an issue that prevented some IP users from viewing Expert Annotations without first logging in with a user name and password. The monthly Reporters are now being indexed so that they will be included in keyword searches. The keyword search results will be displayed under the "other" tab on the search results page.

Tip: Log in to EnviroFor Online prior to clicking Reporter links.

View [PDF](#) of this Reporter.

FEDERAL LEGISLATION — For notification of federal amendments, we recommend you use our [Section Tracking](#)  tool.

[\[Previous Reporters \]](#)

ENERGY AND MINES NEWS

New Emergency Management Regulation – *Oil & Gas Activities Act*

The Oil and Gas Commission is updating the requirements of the Emergency Management Regulation by repealing and replacing the existing regulation with a new one, effective March 1, 2018. The new regulation generally reflects current industry practice, specifically by adopting the recently published CSA Z246.2. In

addition, the [new regulation](#) promotes the use of an incident command system, puts more emphasis on training, and advocates a two-tier system for preparation and submission of emergency response plans. For your convenience, Quickscribe plans to publish an early consolidation of the new regulation in the next few business days. [Anita Mathur](#) from the Oil & Gas Commission will be publishing annotations and links between the current and new regulation shortly.

Pembina Pipeline Approves Construction of \$260M Propane Export Facility on BC Island

Pembina Pipeline Corp. says its board of directors has approved construction of an export terminal at Prince Rupert, B.C., to be used to send liquefied Western Canadian propane to markets in Asia and Central America.

The Calgary-based company says the project on Watson Island is expected to cost about \$260 million, up from an estimate of \$150 million made last spring, due to minor scope changes, dock maintenance and additional site preparation.

Pembina's facility, which still requires regulatory and environmental approvals, is expected to be in service by mid-2020 and will have a permitted capacity of about 25,000 barrels per day of propane. Read *The Vancouver Sun* [article](#).

ENERGY AND MINES

Act or Regulation Affected	Effective Date	Amendment Information
Hydro and Power Authority Act	Nov. 2/17	by 2017 Bill 9, c. 10, sections 20 and 21 only (in force by Royal Assent), Miscellaneous Statutes (Minor Corrections) Amendment Act, 2017
Oil and Gas Activities Act	Nov. 2/17	by 2017 Bill 9, c. 10, section 61, Schedule 2 only (in force by Royal Assent), Miscellaneous Statutes (Minor Corrections) Amendment Act, 2017
Petroleum and Natural Gas Act	Nov. 2/17	by 2017 Bill 9, c. 10, section 42 only (in force by Royal Assent), Miscellaneous Statutes (Minor Corrections) Amendment Act, 2017

FORESTRY AND ENVIRONMENT NEWS

Overview of BC's New Spill Reporting Regulation

On October 30, 2017 the BC Ministry of Environment and Climate Change Strategy repealed the [Spill Reporting Regulation](#), B.C. Reg. 376/2008 (the "Old Regulation") and replaced it with the [Spill Reporting Regulation \(Ministerial Order No. M329\)](#) (the "New Regulation"). The New Regulation, which is currently in effect, expands the circumstances in which spill reports must be provided to the Province and increases the information which must be contained within such spill reports. Any person who has possession, charge or control of a substance listed in the Schedule to the New Regulation (including any substance that can cause pollution) should ensure they are familiar with their obligations under the New Regulation.

The Old Regulation

Under the Old Regulation, a person who had possession, charge or control of a listed substance when it was spilled in an amount equal to or greater than the amount specified in the Schedule to the Old Regulation, was obligated to provide a spill report to the Provincial Emergency Program immediately after the spill occurred. The spill report was required to include, among other things, the contact information of the person who caused the spill, the location and time of the spill, the type and quantity of the substance spilled, the cause and effect of the spill, and the details of spill response actions. In addition, where a spill occurred, the person who had possession, charge or control of the listed substance when it was spilled was required to take all reasonable and practical steps to stop, contain and minimize the effects of the spill.

The New Regulation

Under the New Regulation, the triggers for reporting a spill, and the information which must be provided to the Province in connection with a spill, have been substantially altered. We first define the key terms below, then summarize the main features.

Read the [full article](#) by [Dionysios Rossi](#), Erika Lambert-Shirzad and Scott Duncan (Articling Student) of Borden Ladner Gervais LLP.

Private Sector Contracts: When A New Government Changes the Playing Field

Effective July 18, 2017, BC had its first change of governing parties in over 16 years and the NDP now has the opportunity to direct government policy for so long as it retains the support of the Green Party. This potential for policy change as a result of a new governing party raises concerns for those in the private sector who have ongoing contractual relationships created on the basis of expectations formed under pre-existing government policies. Changes in government policy could produce hardships or windfalls for those in pre-existing contractual relationships depending upon how the change shifts the playing field. In the forest industry, for example, previous changes in governing parties have brought about new timber harvesting regulations with cost implications for providers of logging services subject to pre-existing contracts and rates. Read the [full article](#) by [Jeff Waatainen](#), published in *Truck Logger BC*.

Wildlife Group Challenges B.C.'s Interpretation of Law On Destroying Bears – *Wildlife Act*

A woman who found a black bear cub that was later killed by a conservation officer is accusing the British Columbia government of breaking its own law on the destruction of wild animals.

Tiana Jackson and the Association for the Protection of Fur-Bearing Animals have filed a court petition challenging the officer's decision to kill the cub near Dawson Creek in May 2016.

They argue the [Wildlife Act](#) prohibits officers from killing animals unless they pose a threat to people, property or wildlife. The province counters in court documents that the law gives wide discretion to officers to destroy animals.

"The province says there are no legal limits on the ability of conservation officers to kill animals," Arden Beddoes, a lawyer representing Jackson and the advocacy group, said outside court Wednesday [November 22nd]. Read the [CBC article](#).

BC Ministry of the Environment: Cobalt Interim Background Groundwater Estimate

The ministry is hereby extending the cobalt interim background groundwater concentration estimate of 20 µg/L. The value of 20 µg/L was originally established on October 4, 2002. This measure is in response to a change in the drinking water standard for cobalt, approved under the Stage 11 amendment to the [Contaminated Sites Regulation](#). The interim background groundwater concentration estimate for cobalt is expected to remain in effect while the ministry concludes the development of background groundwater estimates for selected metals on a region by region basis for the Province. If this work is successful, regional Background Groundwater Estimates will subsequently be incorporated into a revised Protocol 9 "Determining Groundwater Background Quality". Read the [full news update](#) on the BCEIA website

Environmental Appeal Board Decisions

There were two Environmental Appeal Board decisions in the month of November.

[Water Act](#)

- [Rodney Gerald Retzlaff v. Assistant Water Manager](#) [Final Decision – Appeal Dismissed]

[Environmental Management Act](#)

- [Thomas H. Coape-Arnold v. Director, Environmental Management Act](#) [Preliminary Application – Granted in Part]

Visit the Environmental Appeal Board [website](#) for more information.

FORESTRY AND ENVIRONMENT

Act or Regulation Affected	Effective Date	Amendment Information
Carbon Tax Act	Nov. 2/17	by 2017 Bill 2, c. 12, sections 9 to 14 only (in force by Royal Assent), Budget Measures Implementation Act, 2017
		by 2017 Bill 9, c. 10, section 63, Schedule 4 only (in force by Royal Assent), Miscellaneous Statutes (Minor Corrections) Amendment Act, 2017
Contaminated Sites Regulation (375/96)	Nov. 1/17	by Reg 253/2016 , as amended by Reg 196/2017
Controlled Recreation Area (Resort Timber Administration Act) Regulation (166/2007)	Nov. 30/17	by Reg 216/2017
Creston Valley Wildlife Act	Nov. 2/17	by 2017 Bill 9, c. 10, section 60, Schedule 1 only (in force by Royal Assent), Miscellaneous Statutes (Minor Corrections) Amendment Act, 2017
Fish and Seafood Act	Nov. 2/17	by 2017 Bill 9, c. 10, section 14 only (in force by Royal Assent), Miscellaneous Statutes (Minor Corrections) Amendment Act, 2017
Forest Act	Nov. 2/17	by 2017 Bill 9, c. 10, section 16 only (in force by Royal Assent), Miscellaneous Statutes (Minor Corrections) Amendment Act, 2017
Forest and Range Practices Act	Nov. 2/17	by 2017 Bill 9, c. 10, section 62, Schedule 3 only (in force by Royal Assent), Miscellaneous Statutes (Minor Corrections) Amendment Act, 2017
Great Bear Rainforest (Forest Management) Act	Nov. 2/17	by 2017 Bill 9, c. 10, section 17 only (in force by Royal Assent), Miscellaneous Statutes (Minor Corrections) Amendment Act, 2017
Greenhouse Gas Industrial Reporting and Control Act	Nov. 2/17	by 2017 Bill 9, c. 10, section 61, Schedule 2 only (in force by Royal Assent), Miscellaneous Statutes (Minor Corrections) Amendment Act, 2017
Hazardous Waste Regulation (63/88)	Nov. 1/17	by Reg 243/2016 , as amended by Reg 195/2017
Land Survey Act	RETRO to Apr. 21/97	by 2017 Bill 9, c. 10, section 25 only (in force by Royal Assent), Miscellaneous Statutes (Minor Corrections) Amendment Act, 2017
Land Surveyors Act	Nov. 2/17	by 2017 Bill 9, c. 10, section 26 only (in force by Royal Assent), Miscellaneous Statutes (Minor Corrections) Amendment Act, 2017

Organic Matter Recycling Regulation (18/2002)	Nov. 1/17	by Reg 243/2016 , as amended by Regs 12/2017 and 195/2017
Private Managed Forest Land Act	Nov. 2/17	by 2017 Bill 9, c. 10, sections 44 and 45 only (in force by Royal Assent), Miscellaneous Statutes (Minor Corrections) Amendment Act, 2017
Protected Areas of British Columbia Act	Nov. 2/17	by 2017 Bill 9, c. 10, section 55 only (in force by Royal Assent), Miscellaneous Statutes (Minor Corrections) Amendment Act, 2017
Recycling Regulation (449/2004)	Nov. 14/17	by Reg 206/2017
Water Sustainability Act	Nov. 2/17	by 2017 Bill 9, c. 10, section 61, Schedule 2 only (in force by Royal Assent), Miscellaneous Statutes (Minor Corrections) Amendment Act, 2017
Weed Control Act	Nov. 2/17	by 2017 Bill 9, c. 10, section 55 only (in force by Royal Assent), Miscellaneous Statutes (Minor Corrections) Amendment Act, 2017
Wildlife Act	Nov. 2/17	by 2017 Bill 9, c. 10, sections 56 and 57 only (in force by Royal Assent), Miscellaneous Statutes (Minor Corrections) Amendment Act, 2017

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