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ENVIROFOR NEWS:

Latest version of Chrome "Blocking" QS PDF Feature

Some clients using Chrome will notice that the PDF feature that allows you to print off select sections of a law is not loading properly. This is due to the latest Chrome update which is handling these PDF renderings as "pop-ups". We hope to have a workaround in place shortly; however, in the meantime, we can suggest two possible solutions. The best solution is to enable pop-ups generated from Quickscribe. To do this, login to Quickscribe and select the PDF icon adjacent to any section in any law and print. In the address bar you will see an icon with an "x" in a small red box indicating pop-ups are blocked. Click on this and select "Always allow pop-ups and redirects from this site". Another option is to use another browser when you wish to print. We hope to have a long-term solution in place shortly.

Tip For Tracking COVID-Related Orders

Quickscribe's [Keyword Alert](#) tool is an easy-to-use service that can be used to monitor legislative activity and/or new Orders that reference subject matter or keywords of your choosing. This tool is available via "My Alerts" (top navigation) when you login to Quickscribe.

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.

[\[Previous Reporters \]](#)

CATEGORIES

[ENERGY & MINES](#)
[FORESTRY & ENVIRONMENT](#)
[OCCUPATIONAL HEALTH & SAFETY](#)

ENERGY AND MINES NEWS

Canada Energy Regulator Denies NGTL Abandonment Application

On May 20, 2020, the Commission of the Canada Energy Regulator denied an application by NOVA Gas Transmission Ltd. (NGTL) for leave to abandon facilities that are part of NGTL's extensive system of pipeline and facilities in Alberta and British Columbia. NGTL brought the application primarily on the basis that the facilities to be abandoned were no longer economic. It argued that tolls for contracted volumes were not sufficient to justify the continued operation and maintenance of the facilities, and that continued operation would place an undue burden on NGTL and its rate payers, which was not in the public interest. The Commission disagreed, finding that the application was not in the public interest at this time and that there would be no undue burden on NGTL or its rate payers if the application was denied. The Commission made the following findings: Read the [full article](#)

by Marie Buchinski and Stephanie Ridge with Bennet Jones LLP.

COVID-19 Workplace Safety Plan Requirement and Guidance

The May 14, 2020 [Order of the Provincial Health Officer](#) requires all workplaces to have COVID-19 Safety Plans in place. Subsequently, on May 19, the Ministry of Energy, Mines and Petroleum Resources (EMPR) released guidance with the expectation that COVID-19 Safety Plans on mine sites (including permitted exploration sites) be in place no later than the end of day on May 31, or prior to the commencement of work. EMPR will not be reviewing or approving the plans of individual mines, but this plan must be posted prominently. Read the [full update](#) on the Association for Mineral Exploration British Columbia.

The BC Oil and Gas Commission (Commission) is Simplifying the Process for Submitting Emergency Response Plans (ERP) and Plan Updates

Effective date: May 25, 2020

The BC Oil and Gas Commission (Commission) is simplifying the process for submitting Emergency Response Plans (ERP) and plan updates. Effective 8:00 a.m. on May 25, 2020, all documents currently submitted using the FTP process must be submitted via the eSubmission online portal. This change simplifies the submissions process for industry, eliminating the need to request special access to the FTP portal. Permit holders will be able to administer access within their own organization. Users submitting plans in eSubmission will require the "Notices" security role. Users who do not have this role will need to contact their company administrator to have this role assigned in KERMIT. Refer to the [eSubmission Reference Guide](#) for more information about creating accounts and obtaining security roles, and the Company Administration. Read the full [news release](#) published by BCOGC.

Private Power Producer Disputes BC Hydro's Cancellation of \$20 million in Purchases

BC Hydro has cancelled \$20 million worth of electricity purchases from six private power facilities, the company that operates them said, and it is disputing the utility's reasons for refusing delivery of the power. Longueuil, Que.-headquartered Innergex Renewable Energy Inc. said last week that it had received notice that Hydro would refuse delivery of electricity from the six run-of-river generating stations between May 22 and July 20. "B.C. Hydro cites the current COVID-19 pandemic and related governmental measures taken in response to it as constituting a 'force majeure' event," meaning an event beyond its control that prevents Hydro from fulfilling its contract, Innergex said in a news release. Innergex will comply, the company said, "but will do so under protest and will seek to enforce its rights" under its contract with Hydro. Read the *Vancouver Sun* [article](#).

BC Swamped with Funding Applications to Restore Oil and Gas Wells: Minister

More than 1,100 applications deluged a BC program creating a funding plan to restore dormant and inactive oil and gas wells within hours of the program's launch. Energy Minister Bruce Ralston says Monday's [May 25] requests equal up to \$152 million in reclamation work and if completed would potentially support up to 1,200 jobs and reclaim over 2,400 inactive wells. The federal government announced in April that BC would receive \$120 million to clean up inactive oil and gas sites, most of them in the northeastern corner of the province. Read the *Vancouver Sun* [article](#).

Recent BCOGC Bulletins

The BCOGC has recently issued the following bulletins:

- [INDB 2020-13](#) Natural Gas Levy Rate Change
- [INDB 2020-12](#) 2020 Updates to Area-Based Analysis
- [INDB 2020-10](#) Emergency Response Plan (ERP) Submission Changes
- [INDB 2020-11](#) Well Testing Opportunity for New Data

Visit the [BCOGC website](#) to view these and other bulletins.

ENERGY AND MINES

Act or Regulation Affected	Effective Date	Amendment Information
Administrative Penalties Regulation (35/2011)	May 11/20	by Reg 103/2020

Fee, Levy and Security Regulation (8/2014)	June 1/20	by Reg 109/2020
Petroleum and Natural Gas Drilling Licence and Lease Regulation (10/82)	May 28/20	by Reg 112/2020

FORESTRY AND ENVIRONMENT NEWS

NAFTA Panel Sides with U.S. Lumber Decision, BC Hopes for Final Win

A NAFTA panel has backed the U.S. International Trade Commission's decision regarding softwood lumber imports from Canada but British Columbia's industry group still hopes for an ultimate victory. The U.S. Lumber Coalition says the decision affirms the USITC determination from December 2017 that the imports "materially injured" American producers and workers. It says in a news release that the harm is caused by the Canadian government providing its lumber industry "massive subsidies" and dumping those products into the U.S. market. The BC Lumber Trade Council says it is disappointed by Friday's [May 22] decision, saying it remains convinced that the determination that the U.S. industry is injured by Canadian lumber imports is "flawed and without merit." Read the [full article](#) by the Canadian Press and published on BNN Bloomberg.

British Columbia Announces Funding to Clean Up Orphan and Inactive Wells

On May 13, 2020, British Columbia announced how it will administer the \$120 million in federal funds earmarked to clean up orphaned and inactive oil and gas wells under [COVID-19 Economic Response Plan for the Canada's Energy Sector](#). British Columbia is the second province to roll out its programming in relation to these federal funds. Alberta was the first jurisdiction to announce its [Site Rehabilitation Program](#) and [continues to make adjustments](#) as the program is implemented. Saskatchewan has not yet announced how it will administer the \$400 million allocated to the Government of Saskatchewan to support work to clean up orphan and inactive oil and gas wells across the province. In its [news release](#), British Columbia states that it intends to invest this funding across three new programs. Read the [full article](#) by [Brad Gilmour](#), [Keely Cameron](#) and [Stephanie Ridge](#) with Bennett Jones LLP.

Integrated Forestry Project (IFP) / Forestry, Revitalization and Modernization (FRAM) Prepares for Initial Testing

An ongoing project for the forest industry is getting ready to be put to the test this summer. The Integrated Forestry Project (IFP) or also known as the Forestry, Revitalization and Modernization (FRAM) project, has grown over time to include several systems, including the cutting permits (CP) application system, a new resource road system (RRS), a new version of forest tenure administration (FTA 5.0), and a new Forestry Status and Clearance system (SNCS). IFP/FRAM requires thorough vetting, as this application will affect 55 other applications, making its efficiency crucial. This new integration will help forestry offices ensure data accuracy, save time and money, and will be accessible from various online resources. IFP/FRAM is preparing for initial testing this summer which will be conducted with the help of numerous groups directly affected by this new platform. These groups will be testing how IFP/FRAM influences their daily workload, and how cohesively it runs with other applications. The anticipated launch date will be sometime this coming winter and is subject to funding. IFP/FRAM was first started in 2011, before IIT and the NRPP joined forces and was initially created as a by-product of the resource roads system (RRS). Read the [full article](#) published by ABCFP.

Super-Priority for Environmental Obligations in Insolvency Law

In the recent decision of *British Columbia Attorney General v Quinsam Coal Corporation*, [2020 BCSC 640](#) (Quinsam), the British Columbia Supreme Court (the Court) considered the priority between a debtor's environmental liabilities and a secured creditor. In its analysis, the Court extensively discussed the Supreme Court of Canada's decision in *Orphan Well Association v Grant Thornton Ltd*, 2019 SCC 5 (Redwater). In reference to Redwater, the Court posed the following question:

Did the Supreme Court of Canada intend to extend the "polluter pays" principles to effectively create a super priority for the costs and environmental liabilities associated with the closure or abandonment of oil wells, mines and other resource extraction projects?

Unfortunately, since the assets in dispute did not actually constitute the debtor's property, it wasn't necessary for the Court to answer that specific question. However, the fact such a question was posed serves as a reminder that Redwater may have done just that. Read the [full article](#) by Lisa Hiebert and Jessica Cameron of Borden

Ladner Gervais LLP.

Environmental Appeal Board Decisions

There were three Environmental Appeal Board decisions in the month of May:

Environmental Management Act

- [Canadian National Railway Company; Canadian Pacific Railway Company; BNSF Railway Company v. Delegate of the Director, Environmental Management Act](#) [Final Decision – Orders Reversed; Appeals Allowed]

Water Sustainability Act

- [Gary Ware v. Assistant Water Manager](#) [Final Decision – Appeal Dismissed; Order Confirmed]
- [Vincent Smoluk v. Assistant Water Manager](#) [Final Decision – Appeal Dismissed; Order Confirmed]

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

FORESTRY AND ENVIRONMENT

Act or Regulation Affected	Effective Date	Amendment Information
Riparian Areas Protection Regulation (178/2019)	May 4/20	by <u>Reg 99/2019</u>

OCCUPATIONAL HEALTH AND SAFETY NEWS

CSA Group Announces New OH&S Resources, Standards

The Canadian Standards Association (CSA Group) has released new official documents related to bioaerosols and airborne infectious substances for the following OH&S standards: CSA-Z94.3:20, Eye and face protectors; and CAN/CSA-Z94.4-18, Selection, care, and use of respirators. These documents can be found on the CSA Group OH&S Public Community Space: <https://community.csagroup.org/community/ohs>, as well as in the COVID-19 Response Standards and Handbooks Space: <https://community.csagroup.org/groups/covid-19-response-standards-and-handbooks>. Furthermore, CSA Group also announced that they are working to have these important documents posted alongside the Z94.4 and Z94.3 listings on the group's online store. Additionally, as a response to the current pandemic and its effects, CSA Group has made a selection of relevant standards available for no-fee viewing via their online platform, CSA Communities: <https://www.csagroup.org/news/covid-19-response-standards-handbooks/>. Read the [full article](#) published in the recent Canadian Occupational Safety publication.

BC Covid-19 Temporary Pandemic Pay

The BC Government recently announced a program that will provide extra pay for eligible employees working in social services and corrections delivering in-person, front-line care during the COVID-19 pandemic. The intent is to compensate those who deliver a range of health and services in an environment where it is difficult to maintain social distancing. Eligible workers will get an extra \$4 an hour for a 16-week period, starting March 15th. No application is necessary and payment will be made as a lump sum through the employer. The province estimated about 250,000 people will be eligible. For more information on this program, and to determine who is eligible visit the BC Government COVID-19 [response page](#).

New WorkSafe BC COVID-19 Safety Plan Requirements

As the Province of British Columbia prepares to re-open certain businesses, WorkSafe BC has outlined that employers resuming operations must develop a "COVID-19 Safety Plan" and have established a new guide to assist employers. WorkSafe BC has outlined that a COVID-19 Safety Plan should consider the following:

1. Assessment of the risk at the workplace in order to identify the risk of transmission. This includes looking at where people congregate and what equipment and surfaces employees and others may come into contact with.

Read the [full article](#) by [Alizeh Virani](#), [Walter Pavlic, O.C.](#) with MLT Aikins LLP.

Workplace Injury and Health Challenges

Long Haul Drivers Face

On behalf of Overholt Law posted in [employment law](#) on Tuesday, June 2, 2020.

Big rig drivers face health and safety hazards each day. Commercial vehicle operators in British Columbia haul their loads across the country, and risk workplace injury and illness. For many truckers, their vehicles are also their homes, where they work, sleep and eat. A significant percentage of long haul truck operators develop health problems over the years due to exposure to various hazards. Long haul truckers spend most of their time sitting, with limited movement. The lack of physical activity, long hours and irregular schedules often lead to health problems. Unreasonable deadlines force many drivers to continue working despite being fatigued. Many [truckers develop chronic diseases](#), such as diabetes, heart disease, obesity and hypertension. The nature of their work limits their food options and access to nutritious meals, leaving them eating unhealthy meals, which also contributes to their poor health. Read the [full article](#) published by Overholt Law.

Adding Diseases Caused by Communicable Viral Pathogens, Including COVID-19, to Schedule 1 of the *Workers Compensation Act*

The Policy, Regulation and Research Division [of WorkSafe BC] is releasing a discussion paper on adding diseases caused by communicable viral pathogens, including COVID-19, to Schedule 1 of the [Workers Compensation Act](#) with options and draft amendments to stakeholders for comment. If a disease is identified in Schedule 1 and the worker was employed in the corresponding process or industry listed in the Schedule, then WorkSafeBC presumes the cause of the disease is work-related, unless the contrary is proved. Read the [full article](#) published by WorkSafe BC.

OHS Regulation Guidelines Amendments (Respirators)

WorkSafeBC recently amended two of its guidelines regarding respirators:

- Part 8 Personal Protective Equipment
 - G8.33(2)-1 [Approved respirators](#) (revised)
 - G8.40(2.1)(c) [Single-use respirators and fit test equivalency](#) (revised)

New and revised guidelines are posted for a 60-day preliminary period, during which time the stakeholder community may [comment and request revisions](#). Please view the [WorkSafeBC site](#) to view this and other important updates.

OCCUPATIONAL HEALTH AND SAFETY

Act or Regulation Affected	Effective Date	Amendment Information
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There were no amendments this month.

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