



Audit at a glance

Why we did this audit

- Thousands of spills are reported every year in B.C., with the number of reports generally rising since 2018.
- Preparedness, response and recovery management helps to prevent hazardous spills from causing significant harm to people and the environment.
- The Ministry of Environment and Climate Change Strategy, through the Environmental Emergency Program, leads the province's response to hazardous spills and other environmental emergencies.

Objective

To determine whether the Ministry of Environment and Climate Change Strategy has effectively managed hazardous spills to protect the welfare of the public and the environment.

Audit period

November 23, 2020 –
June 13, 2023

Conclusion

We found that the ministry provided oversight of spill response and recovery activities after high-risk incidents. Specifically, we found that:

- response officers assessed and monitored high-risk incidents, and referred incidents to recovery staff;
- recovery staff reviewed all incidents referred to them, and monitored the recovery of most high-risk incidents to ensure requirements were met; and
- compliance and enforcement staff acted when potential non-compliance was identified.

However, we found shortcomings and deficiencies in key areas. Specifically, we found that the ministry:

- did not have a current provincial-level plan for responding to a major spill;
- did not consistently notify First Nations communities of high-risk incidents;
- had not ensured that staff followed policies and procedures for identifying potential non-compliance;
- had not recovered substantive costs, as required; and
- had not met the legislated requirement to report to the Legislative Assembly on the effectiveness of the spill response regime.

As the deficiencies identified in the audit were in key areas impacting the ministry's overall management of hazardous spills, we concluded that the ministry had not effectively managed hazardous spills.

The ministry has accepted all 9 recommendations.

Audit at a glance (*continued*)

What we found

Provincial response plans not current, and training requirements not reviewed

- Two provincial plans for responding to a major spill were 10 years old and needed updating.
- The Environmental Emergency Program's training procedure, including training requirements for spill response, hadn't been reviewed annually as required.

Recommendations 1 and 2

Staff provided oversight of spill response, but didn't consistently notify First Nations

- High-risk incidents were assessed and monitored to ensure requirements were met.
- Incidents were referred to spill recovery staff as required.
- In three of 12 high-risk incidents, staff didn't follow procedures to notify First Nations communities. An automated notification system was planned.

Recommendation 3

Staff provided oversight of spill recovery, with some exceptions

- Recovery activities were monitored, and completion was verified, for the majority of high-risk incidents.
- Spill recovery staff used their scientific expertise to provide oversight of the restoration of the environment (as closely as possible to pre-spill conditions).
- Operational guidance for engaging with First Nations was limited to larger incidents that required the involvement of other jurisdictions.

Recommendations 4 and 5

Compliance staff not consistently notified of potential non-compliance, but responded when notified

- Response officers didn't consistently follow requirements to notify compliance and enforcement staff about potential cases of non-compliance.
- When notified, compliance and enforcement staff responded to all cases of potential non-compliance, including issuing warnings and advisories.
- A new process for identifying non-compliance started during the audit.

Recommendation 6

Audit at a glance (*continued*)

Substantive costs not fully recovered

- Cost recovery wasn't initiated for all spills that met requirements.
- From April 2016 to February 2023, approximately \$900,000 of spill-related costs were recovered.
- Approximately \$13.9 million of spill-related costs remained outstanding at the end of February 2023.
- One incident (at the bankrupt Neucel pulp mill site on Vancouver Island) accounted for almost all of the unpaid costs.

Recommendation 7

Spills data monitored, but not easily accessible

- The ministry collected provincial-level data including information on the status of spill incidents by region, and other statistics.
- Software system limitations impacted how staff could access and use information for program decisions.

Recommendation 8

Annual reports included information on operations, but not on effectiveness

- The ministry reported annually to the Legislative Assembly on its spill preparedness, response and recovery work.
- The reports didn't include required information on the effectiveness of the spill response regime.

Recommendation 9

After reading the report, you may want to ask the following questions of government:

- 1.** How will the ministry support the Environmental Emergency Program to meet the increasing demand to respond to hazardous spills?
- 2.** How will the ministry ensure cleanup costs are paid by those responsible for a hazardous spill and not by the province?
- 3.** How will the ministry support the Environmental Emergency Program to fully engage with First Nations?