

# **VOPAK PACIFIC CANADA PROJECT**

## **SCHEDULE B**

### **TABLE OF CONDITIONS FOR AN ENVIRONMENTAL ASSESSMENT CERTIFICATE**

## ACRONYMS

BC	British Columbia
EAO	Environmental Assessment Office
GHG	Greenhouse Gas

## DEFINITIONS

Application	The Application for an EA Certificate submitted by Vopak Development Canada Inc. (Vopak) on November 9, 2020.
Certificate	Environmental Assessment Certificate.
Construction	The phase of the Vopak Pacific Canada Project (Project) during which physical alteration of land, vegetation or any other aspect of the natural environment occurs. For the purposes of this Schedule B, Construction: (i) does not include any activities conducted solely for investigative purposes under a valid permit or authorization, and (ii) includes upgrading, repairing, replacing, or removing, any existing work or infrastructure.
Decommissioning	The phase of the Project where all production and related activities cease. Project facility and infrastructure are decommissioned and/or removed from the site. Reclamation activities are conducted and completed.
Holder	Vopak, if this Certificate has been transferred in accordance with the conditions below, the person to whom this Certificate has been transferred in accordance with such conditions.
Indigenous Nations	Gitga'at First Nation, Gitxaala Nation, Kitselas First Nation, Kitsumkalum First Nation, Lax Kw'alaams Band and Metlakatla First Nation.
Operations	The phase of the Project beginning with the commercial operation date of the Project, which is the date on which any of the activities associated with the Project commence.

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# CONDITIONS

## 1. Document Review

- 1.1 The requirements within this condition apply to all plans, programs or other documents required under this Certificate except for the terms of engagement required under condition 4.
- 1.2 The EAO may, within 45 days, or another period if a condition in this Table provides otherwise, of receiving a document required by a condition notify the Holder that:
  - a) the Holder may implement the actions in the document with or without revisions; or
  - b) a revised document must be provided for approval of the EAO.
- 1.3 If a notification provided by the EAO to the Holder sets out revisions that are required to the document, the Holder must change the document in accordance with the notification.
- 1.4 If the EAO does not provide a notification to the Holder within the period referred to in subsection 1.2, the Holder may implement the actions in the document, unless a condition in this Table provides otherwise.

## 2. Document Updates

- 2.1 The requirements within this condition apply to all plans, programs, or other documents required under this Certificate except for the terms of engagement required under condition 4.
- 2.2 The Holder may, or the EAO may require the Holder to, make changes to any document if the EAO determines that the implementation of the document is not:
  - a) meeting one or more objectives set out in the relevant condition of this Certificate or the purpose and objectives set out in the document, as required by paragraph 3.2(a);
  - b) having the effects, set out in the document, that are contemplated or intended; or
  - c) consistent with changes in industry best practices or technology.

## 3. Plan Development

- 3.1 The requirements within this condition apply to all plans, programs, or other documents required under this Certificate.
- 3.2 At a minimum, documents must include the following information:
  - a) purpose and objectives of document;
  - b) roles and responsibilities of the Holder, project personnel and any contractors employed for the purposes of implementing the plan;
  - c) names and, if applicable, professional certifications and professional stamps, of those responsible for the preparation of the document;

- d) schedule for implementing the actions in the document throughout the relevant project phases;
- e) how the effectiveness of any mitigation measures will be evaluated including the schedule for evaluating effectiveness;
- f) how the Holder will implement adaptive management to address effects of the Project if the monitoring conducted under subsection 3.3 shows that those effects:
  - i. are not being mitigated to the extent contemplated in the Application; or
  - ii. are different than those predicted in the Application;
- g) schedules and methods for the submission of reporting to specific agencies and Indigenous nation(s) and notification to the public, and the form and content of those reports; and
- h) process and timing for updating the document, including any consultation with agencies and Indigenous Nations that would occur in connection with such updates.

3.3 Where a document includes monitoring requirements, the document must include:

- a) a description of baseline information that will be used to support monitoring of the effectiveness of mitigation;
- b) methods, location, frequency, timing and duration of monitoring; and
- c) scope, content and frequency of reporting of the monitoring results.

## 4. Consultation

4.1 Where a condition of this Certificate requires the Holder to consult a party or parties regarding the content of a document, the Holder must, to the satisfaction of the EAO:

- a) provide written notice to each such party that:
  - i. includes a draft of the document;
  - ii. invites the party to provide its views on the content of the document; and
  - iii. indicates:
    - A) if a timeframe for providing views to the Holder is specified in the relevant condition of this Certificate, that timeframe; or
    - B) if a timeframe for providing views to the Holder is not specified in the relevant condition of this Certificate, a reasonable period during which the party may submit views to the Holder;
- b) undertake a full and impartial consideration of the views and other information provided by a party;
- c) provide a written explanation to each such party that provided views as to:
  - i. how the views and information provided by the party have been considered and addressed in a revised version of the document; or
  - ii. why the views and information have not been addressed in a revised version of the document;
- d) maintain a record of consultation with each party regarding the document; and
- e) provide a copy of the consultation record to the EAO, the relevant party, or both, upon the written request of the EAO or the party no later than 15 days after the Holder receives the request, unless otherwise authorized by the EAO.

## **5. Compliance Verification and Reporting**

- 5.1 The Holder must provide to the EAO any document, data or information requested by the EAO for the purposes of compliance inspection and verification. The Holder must provide any document, data or information requested within the timeframe and in the manner specified by the EAO.
- 5.2 The Holder must submit a report to the EAO on the status of compliance with this Certificate at the following times, unless otherwise authorized by the EAO: at least 30 days prior to each Project phase, followed by every six months during Construction and Decommissioning, and on an annual basis on or before January 31 during Operations.
- 5.3 The report referred to in subsection 5.2 must be in a form satisfactory to the EAO.

## **6. Project Status Notification**

- 6.1 The Holder must notify the EAO in writing that the Project is in Construction, Operations and Decommissioning. The notification must be received by the EAO within 30 days of the commencement of Construction, Operations and Decommissioning.
- 6.2 The Holder must notify the EAO in writing, within 30 after the issuance of this Certificate, of the primary contact for the Project and provide the physical address, email address and phone number(s) of the primary contact.
- 6.3 Should the primary contact for the Project change, the Holder must notify the EAO in writing within 30 days of the change and provide the physical address, e-mail address and phone number(s) of the new primary contact.

## **7. Compliance Notification**

- 7.1 The Holder must notify the EAO as soon as practicable, and in any event no more than 72 hours, after the Holder determines that the Holder has not, or may not have, fully complied with this Certificate.

## **8. Public Information**

- 8.1 The Holder must establish a dedicated Project website or an alternative online medium that provides the same or better access to the Project information as a traditional website. The Holder must make the information required in subsection 8.2 available to the public without online tracking, or the need for registration, credentials or payment.
- 8.2 The Holder must include the following information on the website or alternative online medium:
  - a) Copy of the current version of this Certificate and any amendments thereto;
  - b) A description of the Project and the current Project status;
  - c) The date of the last update of the website or alternative online medium;

- d) Contact information for the Holder;
  - e) A description of how to submit questions or concerns about the Project to the Holder;
  - f) The means by which the Holder will respond to any questions or concerns submitted about the Project;
  - g) Information on any upcoming public engagement activities related to the Project; and
  - h) Descriptions of activities related to each Project phase.
- 8.3 The Holder must establish the website or alternative online medium at least 60 days prior to the planned commencement of Construction. The website or alternative online medium must be maintained throughout all Project phases and updated at least monthly, unless otherwise authorized by the EAO.

## **9. Cumulative Effects Management**

- 9.1 During Construction, Operations and Decommissioning, the Holder must participate in initiatives related to the monitoring, assessment, and management of the Project's cumulative effects, if requested by, and to the satisfaction of, the EAO.

## **10. Socio-Economic**

- 10.1 The purpose of this condition is to create a reporting mechanism with respect to measures developed through the Community Services and Infrastructure Committee (CSIC), referenced in the memo entitled Engagement Process for the Development and Implementation of the Project's Management Plans (July 13, 2021), and that are adopted by the Holder to mitigate potential Project effects related to economic conditions, community services and infrastructure and community well-being, including measures or plans related to health and medical services, economic opportunities, and cultural awareness training.
- 10.2 The Holder must provide, to the satisfaction of the EAO, a report ("the socio-economic engagement summary report") on the Holder's involvement in the CSIC, including a report on the mitigation measures and plans referred to in section 10.1, at the following times:
- a) On or before January 31 in each year following the commencement of Construction;
  - b) Until two years after the commencement of Operations.
- 10.2 No less than 45 days prior to providing the socio-economic engagement summary report to the EAO, the Holder must provide a draft of the socio-economic engagement summary report to the CSIC for review and comment.
- 10.3 The socio-economic engagement summary report, and any updates made must be developed by the Holder, in consultation with Indigenous Nations, and to the satisfaction of the EAO.

10.4 The EAO may adjust or extend this reporting requirement by providing written notice to the Holder.

## **11. Greenhouse Gas Reduction Plan**

11.1 The Holder must develop a Greenhouse Gas Reduction Plan (the Plan) with respect to greenhouse gas (GHG) emissions from the Project during Operations. The Plan must be prepared in consultation with the Climate Action Secretariat (or successor), Indigenous Nations and the Ministry of Energy, Mines and Low Carbon Innovation. The Plan is subject to approval by the EAO following a technical review of the Plan by the Climate Action Secretariat.

11.2 Following preparation, the Holder must provide a draft Plan to Indigenous Nations, the Climate Action Secretariat, the Ministry of Energy, Mines and Low Carbon Innovation and the EAO a minimum of 60 days prior to the planned commencement of Operations.

11.3 The Plan must:

- (a) Include an estimation of the projected annual GHG emissions, total GHG emissions for Operations and GHG emissions over the Project's lifetime. The estimated Project GHG emissions must be equal to or lower than the estimates provided in Table 5.1-39 of the Application; and,
- (b) Include a consideration of emission reduction targets and schedules as set out in relevant Provincial statutes and supporting policies.

11.4 The Plan must be updated in consultation with Indigenous Nations, Climate Action Secretariat and the Ministry of Energy, Mines and Low Carbon Innovation at least every five years from the planned commencement of Operations, unless otherwise authorized by the EAO. Each update must:

- (a) Include an analysis of best available technologies and processes to minimize GHG emissions, including the technical and economic feasibility of GHG reductions; and,
- (b) Provide an explanation for the technologies and measures that the Holder intends to implement.