August 15, 2016

Dear [Redacted]

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act (Act) [Our file #ENV/027/2016]

On July 18, 2016 the Department of Environment and Conservation received your request for access to the following records/information:

"Any and all emails to and from the minister's office regarding a spill at the Come by Chance oil refinery, May 10-25 (inclusive), 2016 and any available written schedule for the minister for May 10, 11 and 12, 2016."

I am pleased to inform you that a decision has been made by the Deputy Minister of the Department of Environment and Conservation to grant access in part to the requested information. Portions of the attached documents have been severed in accordance with the following exceptions to disclosure as specified in the Act:

5(1)(d): This Act applies to all records in the custody of or under the control of a public body but does not apply to records of a registered political party or caucus as defined in the House of Assembly Accountability, Integrity and Administration Act;

31(1)(l): The head of a public body may refuse to disclose information to an applicant where the disclosure could reasonably be expected to reveal the arrangements for the security of property or a system, including a building, a vehicle, a computer system or a communications system;

40(1): The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party's personal privacy.

As required by subsection 8(2) of the Act, we have severed information that is exempted from disclosure and have provided you with as much information as possible. In accordance with your request, the appropriate copies of records have been enclosed.

Section 42 of the Act provides that you may ask the Information and Privacy Commissioner to review the processing of your access request or you may appeal to the Supreme Court Trial Division. A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner.
The address and contact information of the Information and Privacy Commissioner is as follows:

Office of the Information and Privacy Commissioner
2 Canada Drive
P. O. Box 13004, Stn. A
St. John’s, NL
A1B 3V8
Telephone: (709) 729-6309
Toll-Free: 1-877-729-6309
Facsimile: (709) 729-6500

In the event that you choose to appeal to the Trial Division, you must do so within 15 business days after you receive the decision of the public body, pursuant to section 52 of the Act.

Please be advised that this response will be published following a 72 hour period after it is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the response posted to the Office of Public Engagement's website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

If you have any further questions, I can be reached by telephone at (709) 729-7183 or by e-mail at courtneyblundon@gov.nl.ca

Sincerely,

COURTNEY BLUNDON
Departmental ATIPP Coordinator
Blundon, Courtney

From: Timmins, Emily
Sent: Tuesday, May 10, 2016 3:17 PM
To: Trimper, Perry; Murphy, Ian
Subject: FW: Marine Pollution Report 160095- Come By Chance Refinery Spill, NL
Attachments: 160095 - Come By Chance Refinery Spill, NL.pdf

Min ister, FYI -

From: Michielsen, Dan
Sent: Tuesday, May 10, 2016 3:14 PM
To: Goebel, Martin; Timmins, Emily
Subject: Fw: Marine Pollution Report 160095- Come By Chance Refinery Spill, NL

FYI. We will keep you updated.

Dan

From: Pittman, Dexter <dpittman@gov.nl.ca>
Sent: Tuesday, May 10, 2016 2:15 PM
To: Michielsen, Dan
Subject: FW: Marine Pollution Report 160095- Come By Chance Refinery Spill, NL

FYI. It appears that a valve on NARL’s surface runoff settling pond has failed and its contents, including oily sludge at the basin’s bottom, have spilled out into the bay. The adjacent beach has been impacted, and the refinery’s spill response organization (ECRC) has been deployed. I have a call in with NARL to get further information.

From: Burridge, Angela
Sent: Tuesday, May 10, 2016 1:34 PM
To: Pittman, Dexter; Ahmad, Mansoor
Subject: FW: Marine Pollution Report 160095- Come By Chance Refinery Spill, NL

This could be bad. Please read

Angela

Angela Burridge, M.Sc.
Senior Environmental Scientist
Government of Newfoundland and Labrador
Department of Environment and Conservation
PO Box 8700
St. John’s, NL A1B 4J8
T (709) 729-4273 1-800-563-6181
F (709) 729-6969
E angela.burridge@gov.nl.ca

From: Pollution Reports
Sent: Tuesday, May 10, 2016 1:33 PM
To: Burridge, Angela; Foote, Wes; Dutton, John; McCormack, David; Chris Nolan; Fire and Emergency Services, Newfoundland and Labrador; Bugden, Craig; Khan, Haseen; Michielsen, Dan
Subject: FW: Marine Pollution Report 160095- Come By Chance Refinery Spill, NL
From: MCTS Labrador / SCTM Labrador (DFO/MPO)
Sent: Tuesday, May 10, 2016 1:32:27 PM (UTC-03:30) Newfoundland
To: Pollution Reports; Andrews, George M; canutec; CIS ISTOP; CNLOPB; Crann, Larry; emergenciesoncallduty;
ERDutyOfficer / Agentsdeserviceaffectésâille (DFO/MPO); Gaudet, Julien D; George, Terri Lynn; Grant, Robert; Hayden,
Gwen; Hayden, Gwen; Mew, Jason; jrcchalifax (jrcchalifax@sarnet.dnd.ca); Laidlaw, Keith; Lick, Gregory; MART Atlantic;
MART Atlantic temporary; Miller, Anne; MSOC-East / COSM-Est (DFO/MPO); NCC / CCN (DFO/MPO); NEEC Environment
Canada (ec.cnue-necc.ec@canada.ca); Pelletier, Mario; Pope, Renee; ROCATL; Serge Leger; Sitcen; Spurrell, Wade;
tcmsdutyofficer (tcmsdutyofficer@tc.gc.ca); Vardy, Harvey; Woodford, Jan
Subject: Marine Pollution Report 160095- Come By Chance Refinery Spill, NL

Please see attached Marine Pollution Report regarding a spill at the Come By Chance Refinery in NL.

Regards,

Marine Pollution Reporting Desk
Labrador MCTS
709-896-2252
Marine Pollution Report

Report #: 160095
Source of Report: ROGER BENNETT

Remarks: COME BY CHANCE REFINERY SPILL
Address: SURFACE WATER SETTLING POND
Posn (Lat/Long – if applicable):
Type (oil/diesel/chemical): OIL MIXTURE- UNABLE TO DETERMINE AMT
Weather: VISIBILITY GOOD, WIND SSW 30-40KM/H, SEA STATE A LITTLE ROUGH

Description:
CALLER ADVISED THAT THEY LOST THE VALVE ON THE WASTE WATER PLANT TREATMENT SYSTEM- THE SURFACE WATER SETTLING POND. INITIALLY IT WAS SURFACE WATER, BUT NOW THE SLUDGY BOTTOM WHICH APPEARS OILY IS DRAINING INTO PLACENTIA BAY. CURRENTLY TRYING TO FIND A WAY TO PLUG IT WITH NO SUCCESS. BOOM NOT PUT OUT BECAUSE THE SEAS AND WIND ARE PUSHING IT ONSHORE AND MAY NOT BE SAFE OR EFFECTIVE TO DO SO. IT WAS NOTICED BEFORE LUNCH THAT VALVE WAS WASHED OUT, SLUDGE BEGAN DRAINING AT APPROXIMATELY 1500UTC.

Ship Data

Agency

| Environment Canada | 1546 | EMAIL |
| Sr Response Officer | 1541 | EMAIL |
| MCTS | | |
| JRCC | | EMAIL |
| DFO Communications | | EMAIL |
| Marine Safety | | EMAIL |
| TSB Dartmouth | | EMAIL |
| ROC Duty Officer | | EMAIL |
| Dept of Environment NL | 1554 | EMAIL |
| Dept of Environment NS | | |
| Dept of Environment NB | | |
| Dept of Environment PEI | | |
| Port Corporation | | |
| Queen’s Harbour Master Halifax | | |
| Conservation & Protection | | |
| CNLOPB | | EMAIL |
| CNSOPB | | EMAIL |
| Other | | |
| Other | | |

Agencies Advised

Marine Pollution Alerting Desk/Labrador MCTS

709 896 2252
Blundon, Courtney

From: Trimper, Perry
Sent: Tuesday, May 10, 2016 3:36 PM
To: Timmins, Emily
Subject: Re: Marine Pollution Report 160095 - Come By Chance Refinery Spill, NL

OK - standing by

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Timmins, Emily
Sent: Tuesday, May 10, 2016 3:17 PM
To: Trimper, Perry; Murphy, Ian
Subject: FW: Marine Pollution Report 160095 - Come By Chance Refinery Spill, NL

Minister, FYI -

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Subject: Fw: Marine Pollution Report 160095 - Come By Chance Refinery Spill, NL

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Sent: Tuesday, May 10, 2016 2:15 PM
To: Michielsen, Dan
Subject: FW: Marine Pollution Report 160095 - Come By Chance Refinery Spill, NL

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Sent: Tuesday, May 10, 2016 1:34 PM
To: Pittman, Dexter; Ahmad, Mansoor
Subject: FW: Marine Pollution Report 160095 - Come By Chance Refinery Spill, NL

This could be bad. Please read

Angela

Angela Burridge, M.Sc.
Senior Environmental Scientist
Government of Newfoundland and Labrador
Department of Environment and Conservation
PO Box 8700
St. John's, NL A1B 4J6
T (709) 729-4273  1-800-563-6181
F (709) 729-6609
From: Pollution Reports  
Sent: Tuesday, May 10, 2016 1:33 PM  
To: Burridge, Angela; Foote, Wes; Dutton, John; McCormack, David; Chris Nolan; Fire and Emergency Services, Newfoundland and Labrador; Bugden, Craig; Khan, Haseen; Michielsen, Dan  
Subject: FW: Marine Pollution Report 160095- Come By Chance Refinery Spill, NL

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Subject: Marine Pollution Report 160095- Come By Chance Refinery Spill, NL

Please see attached Marine Pollution Report regarding a spill at the Come By Chance Refinery in NL.

Regards,

Marine Pollution Reporting Desk  
Labrador MCTS  
709-896-2252
Blundon, Courtney

From: Michielsen, Dan
Sent: Tuesday, May 10, 2016 4:39 PM
To: Goebel, Martin; Trimper, Perry; Murphy, Ian; Timmins, Emily; Janes, Colleen G
Cc: Pittman, Dexter
Subject: Fw: Marine Pollution Report 160095- Come By Chance Refinery Spill, NL

Please see the updated below from Dexter.

Dan

From: Pittman, Dexter <dpittman@gov.nl.ca>
Sent: Tuesday, May 10, 2016 4:36 PM
To: Michielsen, Dan
Subject: RE: Marine Pollution Report 160095- Come By Chance Refinery Spill, NL

I have received an update from the refinery. The leak has stopped and crews are in place to clean up the area and repair/replace the valve; they will work throughout the night. NARL has advised that the impacts appear to be mainly localized to a stretch of beach running from the pond's discharge point to the jetty. Fairly strong winds have been blowing onshore and are helping to keep impacts from spreading further into the bay. Unfortunately, the same winds have created unsafe conditions for boom deployment by the refinery. NARL were unable to provide any estimates of the volumes of water or sludge released at this time.

As of an hour ago, ECRC were on way to the site to assess what response measures they could deploy. I have asked NARL to send me some pictures of the impacted area. NARL has also been briefing Service NL.

The water from this basin normally merges with the refinery's treated wastewater prior to final discharge into the bay. This final discharge is regularly monitored and is generally shown to be in compliance with provincial and federal discharge requirements. NARL has taken a sample of the sludge for analysis. I have not seen any results thus far, but Service NL has informed me that NARL indicated the material was approximately 1% oil.

I will follow up with NARL again tomorrow. Our quarterly meeting scheduled for tomorrow is now postponed.

From: Michielsen, Dan
Sent: Tuesday, May 10, 2016 3:58 PM
To: Pittman, Dexter
Subject: Re: Marine Pollution Report 160095- Come By Chance Refinery Spill, NL

Thanks Dex, the executive have been advised. Please update me when you get more info.

Dan

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Sent: Tuesday, May 10, 2016 2:15 PM
To: Michielsen, Dan
Subject: FW: Marine Pollution Report 160095- Come By Chance Refinery Spill, NL
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Subject: FW: Marine Pollution Report 160095- Come By Chance Refinery Spill, NL

This could be bad. Please read

Angela

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Regards,

Marine Pollution Reporting Desk
Labrador MCTS
709-896-2252
FYI.

Dan

From: Adams, Barry <BarryAdams@gov.nl.ca>
Sent: Tuesday, May 10, 2016 9:41 PM
To: Michielsen, Dan
Cc: Groves, Robert; Locke, Robert C
Subject: Fw: Update and Permit Question

Hi Dan. The latest on the incident at NARL CBC refinery earlier today. Please advise.

From: Roger Bennett [mailto:RogerBennett@NARrefining.ca]
Sent: Tuesday, May 10, 2016 09:04 PM Newfoundland Standard Time
To: Adams, Barry; Groves, Robert; Pittman, Dexter
Subject: Update and Permit Question

Gentlemen,
The leak from the Final Holding Basin (FHB) was stopped around 3:30 this afternoon. We are still trying to calculate the amount of material that was spilled and will update tomorrow.

Gross oil clean-up commenced immediately after the leak was stopped and will continue over night. Clean-up is currently focused on:

1. The mixing box at the FHB to enable access to the faulty valve,
2. Outfall to Sea piping and concrete discharge channel,
3. 24-hour composite Sampling System,
4. Gross oil clean up of driftwood and other debris on the beach immediately at the Outfall discharge and
5. Oil absorption using various sorbents such as socks, pads and pom-poms.

ECRC completed a SCAT Survey of the beach today and they are currently mobilizing to site to begin flushing and recovery operations of approximately 200ft of beach in the morning.

Please advise as soon as possible regarding any Permit requirements for the ECRC work.

Regards,

Roger Bennett
Environment Superintendent
NARL Refining LP
1 Refinery Rd, Box 40
Come By Chance, NL A0B1N0
t 709.463.3418 f 709.463.3489
NARL Refining, LP (North Atlantic), with its 115,000 bpd oil refining capacity and an experienced workforce of more than 600, produces top quality fuels for local customers and those around the world. As a major player in the local oil industry, NARL contributes upwards of $200 million a year direct to the provincial economy.

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Please see the latest update on the NARL spill.

Dan

Dan Michielsen, M.A.Sc.
Director, Pollution Prevention Division
729-5782

Latest update from NARL:
- Cleanup work is reportedly progressing well. Driftwood and other beach debris has been removed and cleaning/flushing of the holding ponds' outfall area is proceeding with the use of Crosbie's vac trucks.
- Once the spill was detected, NARL deployed absorbent pompoms and a sock boom along the entire length of beach to minimize migration into the bay.
- ECRC visited the site and determined that NARL was well equipped to conduct an appropriate spill response without their assistance.
- NARL has analysed a sample of the sludge material and found it to be approximately 74% water, 25% sediment and 1% oil. While they are still working on volume estimates, their preliminary assessment indicates that approximately 75-80 barrels of sludge/sediment material was released. Based on their sample analysis, this would equate to approximately 3/4 of a barrel (or ~120 liters) of oil. They hope to have more refined estimates by end of today.
- Environment Canada reportedly visited the site yesterday and collected some samples from the area.
- A Service NL official visited the site today. The area appeared to be in relatively good shape, with no obvious significant impacts to the bay or shoreline.

Dexter

Gentlemen,
The leak from the Final Holding Basin (FHB) was stopped around 3:30 this afternoon. We are still trying to calculate the amount of material that was spilled and will update tomorrow.

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Please advise as soon as possible regarding any Permit requirements for the ECRC work.

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Environment Superintendent
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Come By Chance, NL A0B1N0
t 709.463.3418 f 709.463.3489

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Good here.

From: Timmins, Emily  
Sent: Wednesday, May 11, 2016 3:33 PM  
To: Michielsen, Dan; Goebel, Martin; Pittman, Dexter  
Cc: Janes, Colleen G; MacArthur, Gina; Murphy, Ian  
Subject: RE: VOCM response for oil spill

Yes. Revised.

Officials in the Department of Environment and Conservation are receiving regular updates on the situation and Service NL is working closely with the operator of the refinery to respond to the incident. Once the cleanup has been completed, Environment and Conservation officials will determine whether further measures are required to return the area to appropriate conditions.

Can we say determine instead of assess, so that we not give the wrong impression that we will be doing a physical environmental site assessment of the impacts ourselves.

Dan Michielsen, M.A.Sc.  
Director, Pollution Prevention Division  
729-5782

Based on our key messages, I suggest the following response to VOCM’s request for info -

Officials in the Department of Environment and Conservation are receiving regular updates on the situation and Service NL is working closely with the operator of the refinery to respond to the incident. Once the cleanup has been completed, Environment and Conservation officials will assess determine whether further measures are required to return the area to appropriate conditions.

Emily Timmins  
Director of Communications  
Department of Environment and Conservation
Below is an update with photos from NARL. It appears like clean-up will be completed this morning. NARL is fixing the valve and installing a new secondary isolation to prevent future events.

Dan

Dan Michielsen, M.A.Sc.
Director, Pollution Prevention Division
729-5782

Good Evening Gentlemen,
We were pleased to have Barry come to site today to take a look at the scene, and take a few photos.

Few items to update:
1. Clean-up is expected to be complete by morning. All impacted debris was removed and the boulders immediately below the outfall were water washed. Wash water was recovered by vac truck. Absorbent materials were placed to catch any oil. All waste materials are classed as oily debris and are being placed in a lined 30 cubic yard roll-off bin for disposal at a mainland facility as per normal practice. It is anticipated some contaminated soil will be generated. This material will be shipped to a local soil treatment facility.
2. ECRC reassessed the beach this morning and advised that flushing was unnecessary. Overnight tidal changes and sea energy appear to have flushed minor amounts of oil that was originally deposited. At this point, I don’t anticipate applying for a Permit from Water Resources.
3. The FHB mixing box, piping, OFS channel and sampling system has been cleaned and is ready for service.
4. The faulty valve is removed and is currently being repaired. This has become the critical path to getting the system back on line.
5. NARL is designing and installing a secondary isolation system on the discharge piping.
6. Based on the geometry of the FHB, and analysis of the spilled material, NARL conservatively estimated about 100 liters of oil escaped.
7. Attached are various photos from May 10th, during the event. Additionally, there are photos of samples taken from the OFS channel. Samples that originally were black, quickly settled and separated into three distinct layers. Our analysis indicated the samples were 99+% water and sediment. Overall, there were major improvements today, compared to our original assessment yesterday.

Regards,
Roger Bennett  
Environment Superintendent  
NARL Refining LP  
1 Refinery Rd, Box 40  
Come By Chance, NL  A0B1N0  
t 709.463.3418  f 709.463.3489

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North Atlantic

From: Pittman, Dexter [mailto:dpittman@gov.nl.ca]  
Sent: May-11-16 9:07AM  
To: Roger Bennett  
Cc: Adams, Barry; Groves, Robert; Michielsen, Dan; Bugden, Craig  
Subject: RE: Update and Permit Question

Roger,

The Pollution Prevention Division has no permit requirements for the activities described below. We should be consulted on any contaminated waste storage and disposal plans so that we may advise as to their acceptability.

I am checking with our Water Resources Division as to their permit requirements and will advise as soon as I hear back.

Regards,  
Dexter

From: Roger Bennett [mailto:RogerBennett@NARefining.ca]  
Sent: Tuesday, May 10, 2016 9:05 PM  
To: Adams, Barry; Groves, Robert; Pittman, Dexter  
Subject: Update and Permit Question  
Importance: High

Gentlemen,  
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Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atipppoffice@gov.nl.ca.
### May 09, 2016 - May 15, 2016

<table>
<thead>
<tr>
<th>Monday, May 09</th>
<th>Tuesday, May 10</th>
</tr>
</thead>
<tbody>
<tr>
<td>9:30am - 10:00am Grieg Update for Minister (Exec Boardroom) - Trimper, Perry</td>
<td>7:30am - 8:00am 2016 Pest Management Workshop (Conference Room A, West Block)</td>
</tr>
<tr>
<td>12:00pm - 1:00pm Caucus Meeting (Government Caucus Room) - Parsons, Gail</td>
<td>8:30am - 9:30am 2016 Pest Mgmt Workshop - Open Remarks (Conference Room A, West Block)</td>
</tr>
<tr>
<td>3:00pm - 4:00pm Meeting (Premier’s Boardroom) - Fleming, Jeanette</td>
<td>9:30am - 10:00am 2016 Pest Mgmt Workshop - Open Remarks (Conference Room A, West Block)</td>
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<th>Wednesday, May 11</th>
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<tr>
<td>8:00am - 9:00am M/W Unifor (Lana Payne et al) (Pls see below-noted email for meeting attendees / detail) (Minister’s Boardroom, Environment and Conservation, 4th Floor, West Block) - Haynes, Brenda</td>
<td>7:30am - 8:00am 2016 Pest Management Workshop (Conference Room A, West Block)</td>
</tr>
<tr>
<td>9:30am - 10:00am Grieg Update for Minister (Exec Boardroom) - Trimper, Perry</td>
<td>8:30am - 9:30am 2016 Pest Mgmt Workshop - Open Remarks (Conference Room A, West Block)</td>
</tr>
<tr>
<td>12:45pm - 1:45pm (Security Desk - West Block)</td>
<td>Routine Cabinet Meeting</td>
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<table>
<thead>
<tr>
<th>Friday, May 13</th>
<th>Saturday, May 14</th>
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</thead>
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| Sunday, May 15 | |
|                | |

Trimper, Perry