

MEDIA BACKGROUNDER

Irving Refinery Lawsuit & Proposed Oil Refineries in Canada

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Irving Oil Refinery – Saint John, NB

What is it?

- Construction and operation of an additional crude oil refinery with storage and transportation facilities including a wharf
- Project would produce 48 million litres (300,000 barrels) per day of petroleum products
- Total storage capacity of 1.6-2.2 billion litres (or 10-14 million barrels)

What are the feds planning to do?

- Comprehensive study of the wharf structure and some of its impacts on fisheries and on navigation
- The refinery and its implications for major federal powers and responsibilities (transboundary air pollution, climate change and species at risk) will not be addressed.

Shell Canada Refinery – Sarnia, ON

What is the project?

- Construction and operation of an additional crude oil refinery with storage and transportation facilities 10 km south of Sarnia, ON
- The Project would process approximately 24-40 million litres (150,000-250,000 barrels) per day of heavy oil from Shell's Alberta tar sands operations
- Total storage of crude and refined products is expected to be 800 million litres (5 million barrels)
- Will have transboundary air contamination impacts and quite possibly species at risk impacts

What are the feds planning to do?

- A screening level (lowest level of scrutiny under CEAA) assessment of only the docking facilities, dredging operations and stream modifications.
- The refinery and its implications for major federal powers and responsibilities (transboundary air pollution, climate change and species at risk) will not be addressed.

Newfoundland and Labrador Refining Corporation – Southern Head, NL

What is the project?

- Construction and operation of a crude oil refinery with storage and transportation facilities at Southern Head, at the head of Placentia Bay, Newfoundland.
- The development proposal includes a 48 million litre (300,000 barrel) per day crude oil refinery and a new marine terminal and facilities. The proposed refinery

will be capable of expanding to 95 million litres (600,000 barrels) per day if required in the future.

What are the feds planning to do?

- A comprehensive study limited to an assessment of the marine terminal; stream crossings; discharges into the marine environment; and alteration of streams and ponds.
- What federal authorities failed to address or even consider in the Comprehensive Study were the effects of the actual crude oil refinery that has been proposed.
- Again, the refinery and its implications for major federal powers and responsibilities will not be addressed.

What Federal Law Requires for Refineries

- When industrial projects meet certain described thresholds under the *Canadian Environmental Assessment Act*, they fall under CEAA's Comprehensive Study List Regulations and must be subject to a comprehensive environmental assessment by the federal government
- Under CEAA, refineries with inputs of over 10 million litres per day, storage capacities of over 500 million litres, or marine terminals designed to handle vessels larger than 25,000 dead weight tonnes, must be subjected to comprehensive environmental assessments and the public must be consulted on the entire project proposed by a proponent
- The Minister of the Environment also has the ability to create a Joint Review Panel under CEAA that would ensure federal government and a Province adequately consult the public throughout the assessment and duplication of assessment as between federal and provincial governments is avoided

The Irving Oil Refinery Litigation – Addressing a Systemic Problem

- Conservation Council of New Brunswick and Friends of the Earth are Applicants represented by Ecojustice Canada
- The federal Minister of the Environment and Irving Oil Ltd. are Respondents
- The Applicants seek orders from the Federal Court that the Minister be required to subject the entire refinery project to comprehensive environmental assessment and undertake an improved public consultation process on the assessment as required under the *Canadian Environmental Assessment Act*
- It is intended that the litigation ensure that the federal government begins assessing refineries such as those described above in a more comprehensive fashion according to similar standards across Canada
- For a copy of the Application for Judicial Review, please visit www.ecojustice.ca