

Accidents and Malfunctions Communication Plan Construction

This Accidents and Malfunctions Communication Plan outlines the external communication process for accidents and malfunctions that may result in an adverse environmental effect in relation to the construction phase of the Milton Logistics Hub Project. This plan has been developed pursuant to conditions 14.5 and 14.6.

A detailed Accidents and Malfunctions Response Plan is in development separately. The Response Plan will outline the specific actions to be taken to respond to an accident or malfunction, if one were to occur, including notification of emergency responders and railway regulators. This communication plan addresses only communication with third parties not directly involved in the implementation of the Response Plan.

The Contractor, Sub-Contractor, Employee, Consultant or any person attending the project Site must report all accidents or malfunctions to the General Contractor and CN Project Manager immediately. The contact information and reporting specifics will be discussed with each person attending the Site during the Daily Briefing Session given upon entering the construction Site and checking in with the Project Site Office.

Contact	Position	Phone Number
	Dufferin Assistant Superintendent	
	CN Project Manager	
	AECOM Contract Administrator	
	Stantec Environmental Monitor	

The notifications and reporting process will be determined by the cause and severity of the incident. The following lists all possible notifications, both internally and externally of CN. Decision on which notifications are made will be determined by CN with input from the General Contractor.

Contact	Phone Number
Canada Operations Center (WOC)	
Rail Traffic Center	
CN Police Communications Centre	
CN Environment	
CN Multimodal Field Health & Safety	
CN Dangerous Goods Officer	
CN Public Affairs	
Labour Canada	
Transport Canada (CANUTEC)	
Transportation Safety Board	
Municipal Responders (Police, Fire, Ambulance)	

1.0 TYPES OF ACCIDENTS & MALFUNCTIONS REQUIRING NOTIFICATION

1.1 REGULATORY REQUIREMENTS AND DEFINITIONS

This Plan has been prepared to fulfil the communication and reporting requirements of conditions 14.5 and 14.6 of the federal Decision Statement issued on January 21, 2021 (the “Decision Statement”). In an effort to be comprehensive and inclusive, the Plan reflects applicable legal requirements as well as practices that go beyond those requirements.

For the purposes of this Plan, CN defines Accidents and Malfunctions (“incidents”) as follows:

Accidents:

- a) An occurrence leading to a release, as defined by the Federal Canadian Environmental Protection Act, of a contaminant to the natural environment, that is abnormal in quality or quantity in light of the circumstances of the release. Releases will fall under the following two types:
 1. Minor Release – Minor Releases include situations where a release occurs as a result of the planned construction activities at the Site, where a contaminant does not pose a potential threat to groundwater, surface water, wetlands, environmentally significant areas, and does not have the potential to migrate outside the Project Area Construction Limits.
 2. Reportable Release – A Reportable Release includes those situations, where a release occurs as a result of the planned construction activities at the Site and includes unplanned incidents, where a contaminant impacts the natural environment, and poses a potential threat to groundwater, surface water, wetlands, environmentally significant areas, and/or has the potential to materially damage, contaminate or harm the environment outside of the project construction limits.

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Malfunctions:

- a) Malfunctions include those situations where a piece of equipment or asset fails to operate or function as designed, and includes normal wear and tear of components, including hydraulic systems and their associated parts, hoses and fittings. Malfunctions may result in either a minor release or a reportable release but can also include instances that do not cause direct impact to the natural environment.

1.2 ABORIGINAL COMMUNITIES

CN is committed to ongoing consultation with the Mississauga of the Credit First Nation, the Six Nations of the Grand River and the Huron Wendat. As part of this important and ongoing relationship, CN will notify as soon as practicable these communities of any incident that:

- involves an Aboriginal monitor/observer working on or directly associated with the Project;
- results in material damage, contamination or harm to the environment outside of the project construction limits (previously identified as the Project Development Area); and
- results in disturbance, damage, contamination, or harm to any human remains or ossuaries should they be identified during the course of construction.
- results in mortality to fish or wildlife

1.2 POTENTIALLY AFFECTED NEIGHBOURS

Ensuring ongoing communication with neighbours located near the Milton Logistics Hub is important to CN. As part of this important and ongoing relationship, CN will provide notification as soon as practicable of any incident that:

- has the potential to materially damage, contaminate or harm the environment outside of the project construction limits (previously identified as the Project Development Area); and
- is determined by Municipal Responders (Fire, Ambulance, Police) to require notification to nearby residents.

1.3 IMPACT ASSESSMENT AGENCY OF CANADA (IAAC)

In accordance with the above noted federal approval documents and Decision Statement, CN is committed to notifying IAAC of any accident or malfunction that occurs during the construction phase of the Project that results in a reportable release, provided in writing within 24 hours

1.4 TOWN OF MILTON, HALTON REGION AND OTHER RELEVANT AUTHORITIES

Ensuring ongoing communication with the Town of Milton, Halton Region and other relevant authorities is important to CN. As part of this important and ongoing relationship, CN will provide notification as soon as practicable of any accident or malfunction that includes the following:

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- is or results in a reportable release; and
- CN requests emergency response such as Police, Fire or Ambulance services

2.0 METHOD OF NOTIFICATION

2.1 ABORIGINAL COMMUNITIES

For any of the incidents listed in section 1.1, CN will email and call the identified representative for each community as soon as practicable.

2.2 POTENTIALLY AFFECTED NEIGHBOURS

Notification will be provided to nearby residents for the incidents listed in section 1.2, as described below.

In the event of an incident that requires Fire or Police emergency services to attend and these emergency services determine that nearby residents be advised, Police or Fire will notify the neighbours as necessary.

For other incidents listed in section 1.2 that do not constitute an emergency as identified above, CN will provide notification to nearby residents via email, letter or door drop.

The 30 day, 90 day and Annual Reports outlining the accidents and malfunctions will be made available on the CNMilton.ca website.

2.3 IMPACT ASSESSMENT AGENCY OF CANADA

The incidents listed in section 1.3 will be reported to IAAC in writing within 24 hours.

All such incidents will be documented in the 30 day and 90 day reports as well as the Annual Report and circulated to IAAC.

2.4 TOWN OF MILTON, HALTON REGION AND OTHER RELEVANT AUTHORITIES

All incidents listed in section 1.4 will be reported as soon as practicable to each applicable party per their specifically identified contacts via phone, email or as they identify preference.

3.0 CONTACT INFORMATION

Contact information for CN and the Contractor are provided above. The following is the contact information for the respective parties requiring notification as outlined in section 1.0 and 2.0.

Respective Party	Contact
Mississauga of Credit First Nation (main office)	
Six Nations of the Grand River (main office)	
Huron Wendat (main office)	
Emergency Services (Police, Fire, Ambulance)	
Impact Assessment Agency of Canada	
Town of Milton	
Region of Halton	
Ministry of Environment, Conservation and Parks	

4.0 INFORMATION TO BE PROVIDED

Information to be provided during the initial notification period shall include:

- The date when and location where the applicable accident or malfunction occurred
- A summary description of the applicable accident or malfunction
- A list of any substance potentially released into the environment as a result of the applicable accident or malfunction
- A high level overview of the initial response to address and remediate the incident. Detailed information will be provided in the 30 day and 90 reports as outlined in section 5.

5.0 SUBMISSION OF REPORTS

5.1 30 DAY REPORT TO IAAC

CN will submit a written report to IAAC no later than 30 days after the day on which the applicable accident or malfunction occurred. The report shall include:

- A detailed description of the applicable accident or malfunction and of any adverse environmental effects;
- A description of the measures that were taken by CN to mitigate any such adverse environmental effects;

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- Any written comments provided by the Mississauga of the Credit First Nation, Six Nations of the Grand River, Huron Wendat and potentially affected neighbors; and advice from relevant authorities received with respect to the accident or malfunction, its adverse environmental effects and the measures taken by CN to mitigate those adverse environmental effects;
- A description of any residual adverse environmental effect and any modified or additional measures required by CN to mitigate residual adverse environmental effects; and
- Details concerning the implementation of the accident and malfunction response plan referred to in condition 14.3.

5.2 SUBMISSION OF 90 DAY REPORT TO IAAC

CN will submit a written report to IAAC no later than 90 days after the day on which the applicable accident or malfunction occurred. This report will include a description of the changes made to avoid a subsequent occurrence of the accident or malfunction, and of the modified or additional measure(s) implemented by CN to mitigate and monitor residual adverse environmental effects and to carry out any required progressive reclamation, taking into account the information submitted in the written report pursuant to condition 14.5.4 (Section 5.1 of this report). The report will include all additional written comments from the Mississauga of the Credit First Nation, Six Nations of the Grand River, Huron Wendat and potentially affected neighbours and advice from relevant authorities received by CN since the comments and advice referred to in Section 5.1.3 of this report were received by CN.

5.3 SUBMISSION OF ANNUAL REPORT TO IAAC

CN will submit an annual report to IAAC pursuant to condition 2.11 which will include a summary of the Accidents and Malfunctions that are identified in section 1.3.