

Regulated Person

Division 2.1 of the *Environmental Management Act* (EMA) enables the Ministry of Environment and Climate Change Strategy (the ministry) to set the threshold for who is required to meet spill preparedness requirements in British Columbia. Preparedness is a pillar of emergency management and mandates actions to be taken to ensure readiness for emergency response and recovery if a spill were to occur. Preparedness includes planning, training, exercises, public and stakeholder education, maintenance, and continual improvement. As defined in EMA, preparedness is a responsibility of a regulated person.

Section 2 of the [Spill Preparedness, Response and Recovery Regulation](#) (SPRRR) defines who is a regulated person. The definition consists of three key factors:

1. Method of transportation;
2. Type of substance transported; and
3. Quantity of substance transported.

Please keep in mind any individual who spills, whether they meet the threshold as a regulated person, is required to report and respond to the spill. See Section 91.2 of EMA, the Responsible Person Fact Sheet, and Spill Reporting Fact Sheet for details.

1. Method of Transportation

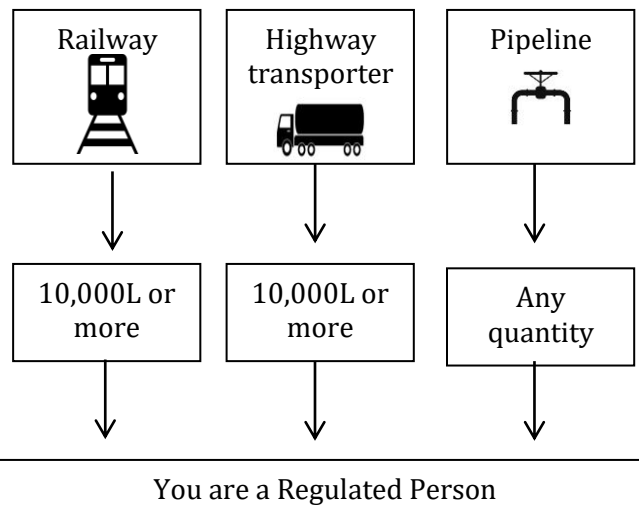
To be considered a regulated person, you must be transporting a listed substance (as set out in Schedule 1 of the SPRRR) by highway, railway, or pipeline.

Overview of a Regulated Person

A regulated person is a person who has possession, charge, or control of liquid petroleum products, as listed in the SPRRR, in the following defined quantities:

1. Any quantity being transported by pipeline
2. 10,000 litres or more transported by railway
3. 10,000 litres or more being transported by highway transporter (truck)

Do you transport a regulated substance as per Table 1?



2. Type of Substance

Schedule 1 of the SPRRR lists the substances by classification number to define who is a regulated person. Below is a list by the substances' common names:

- Aviation fuel;
- Bunker fuel;
- Crude oil- sweet (including diluted bitumen);
- Crude oil- sour (including diluted bitumen);
- Diesel fuel;
- Gasoline;
- Kerosene; and
- Petroleum distillates.

3. Prescribed Quantities

While the ministry acknowledges a spill of any size has the potential to cause damage to the environment, the prescribed quantity is meant to ensure preparedness is in place for significant spills requiring a large response and mobilization. The prescribed substance list will apply to the volumes that meet or exceed these thresholds:

- 10,000 litres of a prescribed substance transported by rail or highways¹; and
- Any quantity of a prescribed substance transported by pipeline used for oil and gas activities.

Note: A listed substance of any quantity that is being transported through a pipeline is captured under these regulatory requirements. This also applies to substances stored in tanks to support transportation along the pipeline (i.e. breakout tanks). However, it does not apply to substances that are being transported through a pipeline at a facility that uses, produces, or refines the substance.

Frequently Asked Questions

- ***Is the volume determined by the actual or potential capacity?***
The volume of substance is determined by the actual amount and not the size of the container.

- ***Will out-of-province highway transporters be considered regulated persons?***

Yes. Any person who transports a prescribed substance by highway at the volume specified in the schedule within the province is considered a regulated person. A transporter moving a substance within the province but based outside of the province is subject to the same requirements.

- ***What if I only transport above the threshold some of the time?***

It is the responsibility of the regulated person to fulfil preparedness obligations each time the benchmark is met.

Responsibilities of a Regulated Person

To fulfil the provincial preparedness requirements set out in EMA and the regulations, a regulated person has the following responsibilities:

- Prepare a spill contingency plan in the manner specified in the Spill Contingency Planning Regulation;
- Test the spill contingency plan through drills and exercises;
- Implement the spill contingency plan to the extent the plan is applicable;
- Make the spill contingency plan available to employees;
- Maintain all required records; and
- Provide information to the ministry if requested by a director. This may be information related to operations and activities. The director may also request information about any substance being used, stored, treated, produced, or transported.

B.C. Oil and Gas Commission Equivalency

Parties regulated by the B.C. Oil and Gas Commission (the Commission) who meet the regulated person criteria are regulated persons. However, these operations are governed by a comprehensive emergency preparedness and response system under the *Oil and Gas Activities Act 2008* (OGA). These parties are exempt from requirements for: (1) spill contingency planning; (2) drills and exercises; and, (3) records keeping.

¹ As defined by the *Transportation Act*

Parties regulated by the Commission who are also regulated persons under EMA will continue to interact primarily with the Commission to fulfill the regulatory requirements of both OGA and EMA.

Record Keeping

Section 9 of the SPRRR requires regulated persons to maintain records demonstrating spill preparedness for five years. Records must be made available to the director upon request. Type of information include records of:

- Changes to the plan;
- Spill response equipment, inspection, and maintenance;
- Training;
- Tests conducted; and
- Third-party service agreements.

Records related to hazard assessments, respecting investigations, tests, and surveys referred to in section 91.11 (2) of EMA must be kept for the life of the plan to which the records relate.

Who is Not Regulated?

A person in possession of prescribed substances at prescribed quantities is not a regulated person if the substance is, but not limited to:

- In an aircraft;
- Stored or being transported fully within an airport;
- In marine vessels or being stored or transported in the marine environment;
- In a fuel tank of a train or motor vehicle and is being used, or intended to be used, to propel the train or motor vehicle;
- In watercrafts on rivers and lakes used for propulsion (e.g., fuel used to power an engine);
- Being stored at a site for use in a process solely within the property of that site, or;
- Transported only within the area of an airport, military installation, Indian reserve, national park, or national park reserve;
- More examples and additional information for who is not a regulated person can be found in Section 2 (2) of the SPRRR.

Fines and Penalties

It is the responsibility of regulated persons, responsible persons and the owners of substances or things to understand and comply with EMA and its associated regulations.

This document is solely for the convenience of the reader and is intended to assist in understanding the legislation and regulations, not replace them. It does not contain and should not be construed as legal advice. Current legislation and regulations should be consulted for complete information.

Failure to be in compliance can result in convictions of fines and imprisonment, as outlined in *EMA* and its associated regulations.

Additional Fact Sheets

Fact Sheets on other relevant topics are published by the Environmental Emergency Program and available at:

www.gov.bc.ca/spillresponse

The complete list of available Fact Sheets:

- 01 Regulated Person
- 02 Responsible Person
- 03 Spill Reporting
- 04 Lessons-Learned Report
- 05 Cost Recovery
- 06 Requirement to Provide Information
- 07 Spill Contingency Planning
- 08 Testing Spill Contingency Plans
- 09 Recovery Plan

**For more information, contact
Environmental Emergency Program
at: spillresponse@gov.bc.ca**

In Table 1, the substances are classified in full by either their four-digit United Nations numbers (UN numbers) or Canadian General Standards Board (CGSB) number.

Table 1. List of Regulated Substances

Common Name	Classification
Aviation Fuel	CAN/CGSB-3.23-2012 Aviation Turbine Fuel (Grades JET A and Jet A-1)
	CAN/CGSB-3.22-2012 Wide-Cut Type Aviation Turbine Fuel (Grade JET B)
	CGSB-3.24-2012 Aviation Turbine Fuel (Military Grades F-34 and F-44)
Bunker Fuel	ISO 8217:2012 Petroleum products -- Fuels (class F) -- Specifications of marine fuels
	CGSB-3.11-2010 Naval Distillate Fuel
Crude oil or diluted bitumen	TDG UN 1267
	TDG UN 3494
Diesel Fuel	CAN/CGSB-3.517-2015 Diesel fuel
	CAN/CGSB-3.522-2015 Diesel fuel containing biodiesel (B6-B20)
	CAN/CGSB-3.18-2010 (R2016) Diesel Fuel for Locomotive-Type Medium-Speed Diesel Engines
	CAN/CGSB-3.520-2015 Diesel fuel containing low levels of biodiesel (B1-B5)
	CAN/CGSB-3.524 Biodiesel (B100) for blending in middle distillate fuels
Gasoline	CAN/CGSB-3.5-2016 Automotive gasoline
	CAN/CGSB-3.511-2016 Oxygenated automotive gasoline containing ethanol (E1-E10)
	CAN/CGSB-3.512-2013 Automotive ethanol fuel (E50-E85)
Kerosene	CAN/CGSB-3.3-2014 Kerosene
Heating fuel	CAN/CGSB-3.2-2015 Heating fuel oil
Petroleum Distillates	CAN/CGSB-3.27-2012 Naphtha Fuel