

Application to Extend Spill Contingency Plan Deadline

Note:

Regulated persons are not required to submit spill contingency plans to the Ministry of Environment and Climate Change Strategy. They are required to have plans that comply with the Spill Contingency Planning Regulation and make those plans available to the ministry if they are requested by a director under the *Environmental Management Act*.

Division 2.1 Spill Preparedness, Response and Recovery of the *Environmental Management Act* (EMA) came into force on October 30, 2017. Section 91.11 of this amendment focuses on spill preparedness and the requirement for regulated persons to prepare spill contingency plans. Spill contingency planning is a proactive obligation placed on the regulated person (see text box “Regulated Person”) in order to demonstrate the capability to respond to a spill of a prescribed quantity.

The [Spill Contingency Planning Regulation](#) prescribes information that must be included in a spill contingency plan. [The Spill Preparedness, Response and Recovery Regulation](#) prescribes deadlines for when spill contingency plans must be completed as well as dates for when the plans are to be updated, reviewed and tested.

The [Spill Contingency Planning Fact Sheet](#) outlines the requirements associated with spill contingency planning. This fact sheet explains the process a regulated person must follow should they wish to extend the date by which they must have a spill contingency plan.

Regulated Person

A regulated person is the owner of a pipeline, rail or trucking operation that has possession, charge or control of liquid petroleum products – as defined in the Spill Preparedness, Response and Recovery Regulation – in the following defined quantities:

1. Any quantity being transported by pipeline
2. 10,000 litres or more transported by rail
3. 10,000 litres or more being transported by truck

Note: Operations regulated by the B.C. Oil and Gas Commissions are exempt. These operations are governed by a comprehensive emergency preparedness and response system under the *Oil and Gas Activities Act*.

Deadline to prepare a spill contingency plan

The Spill Contingency Planning Regulation was brought into force on October 30, 2017. Deadlines for completion of compliant plans were established in regulation as follows:

- April 30, 2018 for pipeline and rail sectors; and
- October 30, 2018 for the highway transport sector

Further, regulated persons in all three sectors can apply for a six-month extension for the requirement to have a plan if the need for the extension is unavoidable and best efforts have been made to meet the original deadline. Based on the application (as discussed below) the minister will determine if an extension is approved. If approval has been granted, the requirement to have a contingency plans may be extended up to:

- October 30, 2018 for pipeline and rail sectors; and
- April 30, 2019 for the highway transport sector

Extensions are only available to regulated persons in the first year following the October 2017 approval of Division 2.1. The regulations do not allow for extensions beyond the above noted dates. After the above noted dates, individuals conducting operations in a manner that would make them regulated persons must have spill contingency plans in place in order to be compliant with *EMA* (see Regulated Person Fact Sheet).

Reasons for requesting an extension

Spill contingency plans ensure regulated persons are prepared to address impacts to human health and the environment following a spill. While having a spill contingency plan is a new requirement under the Ministry of Environment and Climate Change Strategy (ministry), the regulated persons should be familiar with spill contingency planning, and any additional requirements in place under other regulators as well as longstanding industry best practices to prepare for spills.

Regulated persons must ensure their plans satisfy all the content requirements outlined in the Spill Contingency Planning Regulation. Existing plans may need to be updated where content is missing or insufficient.

Given the importance of spill contingency planning to human health and the environment, extensions will be granted only where absolutely necessary. While each application will be considered and decided on its own merits, circumstances in which an extension may be granted include:

1. Recent major damage or loss to company resources by fire, flooding or equivalent;
2. Significant changes to operations within the last six months such as new routes, new equipment, and/or transportation of new products;
3. Significant changes to personnel who would be involved in spill response, potentially including ownership and senior management;

4. Significant changes to relevant regulations in place under other regulators; and/or,
5. Significant after-action reviews of recent major incidents are underway, which could lead to alterations or improvements to a spill contingency plan.
6. Regulated persons demonstrate that work was done to attempt to meet the original deadline and clearly articulates the steps that will be followed to achieve completion by the extended deadline.

Process for Requesting an Extension

Requests should be submitted using the application form located on pages four to eight of this fact sheet.

Forms must be received by the ministry at least 30 days prior to the date on which the regulated person is required to have a contingency plan in place under the existing initial applicable deadlines.

Section 3 of the form must provide a clear explanation as to why the extension is needed. Applicants should provide a timeline for when the issues preventing them from having a complete plan will be addressed. If an interim plan is being used as a temporary measure, that should be stated as well, including a description of what aspects of the ministry's requirement that plan satisfies and does not satisfy.

Fines and Penalties

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

Additional Fact Sheets

Fact sheets on other relevant topics are published by the Environmental Emergency Program (EEP) and available at:

www.gov.bc.ca/spillresponse

The complete list of available fact sheets:

- 1 Regulated Person
- 2 Responsible Person
- 3 Spill Reporting
- 4 Lessons-Learned Report
- 5 Cost Recovery
- 6 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**



INSTRUCTIONS FOR COMPLETING THE APPLICATION FORM

This application form must be used by regulated persons to apply for minister approval for a one-time six month maximum extension of the deadline for meeting the requirement for a spill contingency plan that complies with the Spill Contingency Planning Regulation. The Spill Preparedness, Response and Recovery Regulation stipulates the dates when regulated persons must have these plans. It is also this regulation that allows for the potential one-time six month maximum delay. The table below specifies the relevant dates for having plans and applying for a delay.

Table with 3 columns: Description, Regulated person operating a: Pipeline or railway, Regulated person operating a: Highway transporter. Rows include: Date spill contingency plans are required, Date that the application form must be received by for an extension, Latest possible deadline if the minister is satisfied by the application form.

The minister will use the content provided in this form to determine if an extension will be granted. For an application form to be accepted all fields must be complete and it must be signed by an authorized representative of the regulated person who is requesting the extension.

Complete forms must be received by the ministry at least 30 days prior to the original date upon which the regulated person applying would have been required to have a spill contingency plan in place. Application forms can be printed, filled in by hand and submitted via courier or email.

- Courier: Ministry of Environment and Climate Change Strategy, Attn: Environmental Emergencies Program, 4th Floor, 2975 Jutland Road, Victoria, B.C., V8T 5J9
Email: Email spillresponse@gov.bc.ca using the subject line: Application to request delay having a spill contingency plan application form. Application forms must be attached as a PDF file



SECTION 1: APPLICANT INFORMATION

Name of applicant (regulated person) Individual, corporation or partnership	
Doing business as If applicable	
Contact name, telephone number and email An individual ministry staff can contact on behalf of the regulated person regarding this application form	
Legal address of the operation The legal address for which the individual, corporation or partnership is a regulated person	
Mailing address If different than the above noted legal address	

SECTION 2: PURPOSE OF APPLICATION

Indicate the type of operation for which the applicant is a regulated person (select one only):

- Pipeline [application form must be received by March 30, 2018]
- Railway [application form must be received by March 30, 2018]
- Highway transporter [application form must be received by September 30, 2018]



List the substance(s) for which the applicant is a regulated person:

Substances must be listed as they appear in column 1 of the schedule to the Spill Preparedness, Response and Recovery Regulation

State the requested date by which the applicant will have a complete spill contingency plan prepared:

DAY-MONTH-YEAR

- Date for pipeline operations cannot be later than 30 October 2018
• Date for rail operations cannot be later than 30 October 2018
• Date for highway transporters cannot be later than 30 April 2019

SECTION 3: REQUEST FOR DELAY

Part 2 - The Spill Contingency Planning Regulation outlines over 11 sections of content that is required in your plans. Indicate below the sections for which the delay is being requested.

Table with 2 columns and 6 rows listing spill contingency plan sections: Sec 3: Contents of spill contingency plan, Sec 4: Hazard Assessment, Sec 5: Spill Response planning map, Sec 6: Equipment, personnel and other resources, Sec 7: Incident command system, Sec 8: Human health and safety, Sec 9: Communication procedures, Sec 10: Waste management, Sec 11: Wildlife, Sec 12: Spill response procedures, Sec 13: Training.



Please provide detailed information explaining why an extension is necessary. Applicants should provide a timeline for when the issues preventing the applicant from having a plan by the prescribed date will be addressed. If an interim plan is being used as a temporary measure, that should be stated as well, including a description of what aspects of the ministry's requirement that plan satisfies and does not satisfy. Ensure sufficient evidence is provided to support the statements made in this submission. If additional space is required to submit all the necessary information please include additional pages, or supporting documents, as an attachment to the application form.

SECTION 5: SIGNATURE CERTIFYING THE INFORMATION PROVIDED IS TRUE, COMPLETE AND ACCURATE

Print name of authorized
representative of the regulated
person

Signature of authorized
representative

Date when completed form
was signed [day-month-
year]

By signing this document, the authorized representative of the regulated person certifies that the information provided in this form is true, complete and accurate and acknowledges that submission of insufficient information may result in this application being returned, causing delays in the review/approval process.