

PROVINCE OF BRITISH COLUMBIA
REGULATION OF THE MINISTER OF ENVIRONMENT
AND CLIMATE CHANGE STRATEGY

Environmental Management Act

Ministerial Order No. M 329

I, George Heyman, Minister of Environment and Climate Change Strategy, order that, effective October 30, 2017, the Spill Reporting Regulation, B.C. Reg. 263/90, is repealed and the attached Spill Reporting Regulation is made.

DEPOSITED

October 13, 2017

B.C. REG. 187/2017

September 14, 2017

Date



Minister of Environment and Climate Change Strategy

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Environmental Management Act*, S.B.C. 2003, c. 53, ss. 92.1 and 139

Other: OIC 1223/90

R10163014

SPILL REPORTING REGULATION

Contents

- 1 Definitions
- 2 Reportable spills
- 3 Reportable spills of natural gas
- 4 Initial report
- 5 Updates to minister
- 6 End-of-spill report
- 7 Lessons-learned report
- 8 Emergency response completion date
- 9 Application to oil and gas permit holders

SCHEDULE

Definitions

- 1 In this regulation:

“**Act**” means the *Environmental Management Act*;

“**body of water**” includes

- (a) a stream, as defined in the *Water Sustainability Act*,
- (b) an aquifer, as defined in the *Water Sustainability Act*,
- (c) fish habitat, as defined in the *Water Sustainability Regulation*, B.C. Reg. 36/2016, and
- (d) any of the following that could drain or empty directly into a body of water:
 - (i) a naturally formed pool of water other than one referred to in paragraph (a), (b) or (c);
 - (ii) a ditch;

“**contact information**”, in relation to a person, means the address, telephone number and, if any, email address of the person;

“**emergency response completion date**”, in relation to a spill, has the meaning given in section 8 [*emergency response completion date*];

“**listed quantity**”, in relation to a listed substance, means the quantity listed in Column 2 of the Schedule opposite the listed substance or, if more than one quantity is listed, the highest of those quantities;

“**listed substance**” means a substance listed in Column 1 of the Schedule;

“**Provincial Emergency Program**” has the same meaning as in the *Emergency Program Act*.

Reportable spills

- 2 This regulation applies for the purposes of section 91.2 (1) (a) [*responsible persons – spill response*] of the Act in relation to a spill of a listed substance, other than natural gas, if
- (a) the spill enters, or is likely to enter, a body of water, or

- (b) the quantity of the substance spilled is, or is likely to be, equal to or greater than the listed quantity for the listed substance.

Reportable spills of natural gas

- 3 This regulation applies for the purposes of section 91.2 (1) (a) [*responsible persons – spill response*] of the Act in relation to a spill of natural gas if
 - (a) the spill is caused by a break in a pipeline or fitting operated above 100 psi that results in a sudden and uncontrolled release of natural gas, and
 - (b) the quantity of natural gas spilled is, or is likely to be, equal to or greater than the listed quantity for natural gas.

Initial report

- 4 (1) If a spill occurs or is at imminent risk of occurring, a responsible person must ensure that the actual or potential spill is immediately reported to the Provincial Emergency Program by calling 1-800-663-3456.
- (2) A report under this section must include, to the extent practicable, the following information:
 - (a) the contact information for
 - (i) the individual making the report,
 - (ii) the responsible person in relation to the spill, and
 - (iii) the owner of the substance spilled;
 - (b) the date and time of the spill;
 - (c) the location of the spill site;
 - (d) a description of the spill site and the surrounding area;
 - (e) a description of the source of the spill;
 - (f) the type and quantity of the substance spilled;
 - (g) a description of the circumstances, cause and adverse effects of the spill;
 - (h) details of action taken or proposed to comply with section 91.2 (2) [*responsible persons – spill response*] of the Act;
 - (i) the names of the government, federal government, local government and first nation government agencies at the spill site;
 - (j) the names of other persons or government, federal government, local government or first nation government agencies advised about the spill.

Updates to minister

- 5 (1) A responsible person for a spill that occurs on or after October 30, 2018 must, until the emergency response completion date, submit written reports on the spill to the minister in accordance with subsection (2).
- (2) A report under subsection (1) must be made
 - (a) as soon as practicable on request of the minister,
 - (b) at least once every 30 days after the date the spill began, and

- (c) at any time the responsible person has reason to believe that information previously reported by the responsible person under section 4 or this section was or has become inaccurate or incomplete.
- (3) A report under this section must be made in the manner and form specified by the minister and must include, to the extent practicable, the information set out in section 6 (2).

End-of-spill report

- 6**
- (1) The responsible person for a spill that occurs on or after October 30, 2018 must submit a written report on the spill to the minister within 30 days after the emergency response completion date for that spill.
 - (2) A report under this section must be made in the manner and form specified by the minister and must include the following information:
 - (a) the contact information of
 - (i) the responsible person, and
 - (ii) the owner of the substance spilled;
 - (b) the date, time and duration of the spill;
 - (c) the location of the spill site, which must be specified by
 - (i) its address, if any, and
 - (ii) its latitude and longitude;
 - (d) a description of the spill site and sites affected by the spill;
 - (e) a description of the source of the spill;
 - (f) the type and quantity of the substance spilled;
 - (g) a description of the circumstances, cause and adverse effects of the spill, including, without limitation, a description of the following:
 - (i) the activity during which the spill occurred (e.g., transportation, transfer of cargo, fuelling, cleaning, maintenance);
 - (ii) the incident leading to the spill (e.g., tank rupture, overfill, collision, rollover, derailment, fire, explosion);
 - (iii) the underlying cause of the spill (e.g., human error, external conditions, organizational or management failure);
 - (iv) the adverse effects of the spill to human health, which must specify
 - (A) the number of injuries,
 - (B) the number of fatalities, and
 - (C) the number of evacuees;
 - (v) the adverse effects of the spill to the environment and infrastructure at the spill site and the area surrounding the spill, which description must specify
 - (A) the size of the area adversely affected by the spill,
 - (B) the biological and other resources adversely affected by the spill, including, without limitation,
 - (I) bodies of water,

- (II) flora and fauna, and
- (III) animal, fish and plant habitat;
- (h) details of action taken to comply with section 91.2 [*responsible persons – spill response*] of the Act;
- (i) how and where waste from the spill was disposed of;
- (j) a copy of data from and reports of sampling, testing, monitoring and assessing carried out during spill response actions;
- (k) a map of the spill site and the area surrounding the spill and photographs of the spill;
- (l) the names of agencies on the scene;
- (m) the names of other persons or agencies advised about the spill.

Lessons-learned report

- 7
- (1) A director may order a responsible person in relation to a spill of a listed substance to submit a written report on the spill to the director.
 - (2) An order under subsection (1) must be made in writing and within 6 months after the emergency response completion date for the spill.
 - (3) A responsible person to whom an order under subsection (1) is directed must submit the report to the director in the manner and form specified by the director and must include
 - (a) a description of the effectiveness of the spill response actions,
 - (b) a description of actions taken to prevent future spills and improve response to future spills,
 - (c) if the responsible person is a regulated person,
 - (i) a description of any changes that the person intends to make to the person's spill contingency plan to improve response to future spills,
 - (ii) if the spill occurred in a geographic response area, a description of any changes that the person considers should be made to the related geographic response plan to improve response to future spills, and
 - (iii) if spill response actions were carried out by a PRO, a description of any changes that the person considers should be made to the PRO's area response plan to improve response to future spills, and
 - (d) responses to any specific questions the director asks in the order.

Emergency response completion date

- 8 For the purposes of this regulation, the emergency response completion date for a spill is the date on which all of the following criteria are met:
- (a) the incident command post is disestablished;
 - (b) the source of the spill is under control and is neither spilling nor at imminent risk of spilling;
 - (c) emergency actions to stabilize, contain and remove the spill have been taken;
 - (d) the waste removed from the spill site has been

- (i) received at a facility for disposal, or
- (ii) received for transportation to a facility for disposal;
- (e) if applicable, all notices respecting evacuation from the spill site have expired or been rescinded;
- (f) all equipment, personnel and other resources used in emergency spill response actions have been removed from the spill site, other than equipment, personnel or other resources required for
 - (i) sampling, testing, monitoring or assessing at the spill site, or
 - (ii) recovery or restoration of the spill site.

Application to oil and gas permit holders

- 9 The following sections do not apply to a person who holds a permit to carry out an oil or gas activity to which the Emergency Management Regulation, B.C. Reg. 204/2013, applies:
- (a) section 5 [*updates to minister*];
 - (b) section 6 [*end-of-spill report*];
 - (c) section 7 [*lessons-learned report*].

SCHEDULE

Definitions

- 1 In this Schedule, “**Federal Regulations**” means the Transportation of Dangerous Goods Regulations made under the *Transportation of Dangerous Goods Act, 1992* (Canada).

Item	Column 1 Substances	Column 2 Quantity
1	Class 1, Explosives as defined in section 2.9 of the Federal Regulations	50 g, or less if the substance poses a danger to public safety
2	Class 2.1, Flammable Gases, other than natural gas, as defined in section 2.14 (a) of the Federal Regulations	10 kg
3	Class 2.2 Non-flammable and Non-toxic Gases as defined in section 2.14 (b) of the Federal Regulations	10 kg
4	Class 2.3, Toxic Gases as defined in section 2.14 (c) of the Federal Regulations	5 kg
5	Class 3, Flammable Liquids as defined in section 2.18 of the Federal Regulations	100 L
6	Class 4, Flammable Solids as defined in section 2.20 of the Federal Regulations	25 kg
7	Class 5.1, Oxidizing Substances as defined in section 2.24 (a) of the Federal Regulations	50 kg or 50 L

Item	Column 1 Substances	Column 2 Quantity
8	Class 5.2, Organic Peroxides as defined in section 2.24 (b) of the Federal Regulations	1 kg or 1 L
9	Class 6.1, Toxic Substances as defined in section 2.27 (a) of the Federal Regulations	5 kg or 5 L
10	Class 6.2, Infectious Substances as defined in section 2.27 (b) of the Federal Regulations	1 kg or 1 L, or less if the waste poses a danger to public safety or the environment
11	Class 7, Radioactive Materials as defined in section 2.37 of the Federal Regulations	Any quantity that could pose a danger to public safety and an emission level greater than the emission level established in section 20 of the Packaging and Transport of Nuclear Substances Regulations, 2015 (Canada)
12	Class 8, Corrosives as defined in section 2.40 of the Federal Regulations	5 kg or 5 L
13	Class 9, Miscellaneous Products, Substances or Organisms as defined in section 2.43 of the Federal Regulations	25 kg or 25 L
14	waste containing dioxin as defined in section 1 of the Hazardous Waste Regulation	1 kg or 1 L, or less if the waste poses a danger to public safety or the environment
15	leachable toxic waste as defined in section 1 of the Hazardous Waste Regulation	25 kg or 25 L
16	waste containing polycyclic aromatic hydrocarbon as defined in section 1 of the Hazardous Waste Regulation	5 kg or 5 L
17	waste asbestos as defined in section 1 of the Hazardous Waste Regulation	50 kg
18	waste oil as defined in section 1 of the Hazardous Waste Regulation	100 L
19	waste that contains a pest control product as defined in section 1 of the Hazardous Waste Regulation	5 kg or 5 L
20	PCB wastes as defined in section 1 of the Hazardous Waste Regulation	25 kg or 25 L
21	waste containing tetrachloroethylene as defined in section 1 of the Hazardous Waste Regulation	50 kg or 50 L
22	biomedical waste as defined in section 1 of the Hazardous Waste Regulation	1 kg or 1 L, or less if the waste poses a danger to public safety or the environment
23	a hazardous waste as defined in section 1 of the Hazardous Waste Regulation and not covered under items 1 to 22	25 kg or 25 L

Item	Column 1 Substances	Column 2 Quantity
24	a substance, not covered by items 1 to 23, that can cause pollution	200 kg or 200 L
25	natural gas	10 kg