

Responsible Person

Division 2.1 Spill Preparedness, Response and Recovery of the *Environmental Management Act* (EMA) came into force on October 30, 2017. This legislation establishes new requirements to enhance the management of environmental emergencies in British Columbia with regards to spill reporting, response and recovery.

Responsible persons (the “spiller”) must comply with new provincial requirements regarding spill response. Those requirements are outlined in Section 91.2 of EMA and its associated [Spill Reporting Regulation](#) and [Spill Preparedness, Response and Recovery Regulation](#).

Responsible Person

A responsible person has possession, charge or control of a substance or thing when a spill of the substance or thing occurs or is at imminent risk of occurring

Spill Response

Response encompasses the activities that address the direct effects of a spill and are designed to limit personal injury as well as property and environmental damage.

The response phase begins immediately after a spill has occurred or is at imminent risk of occurring and it concludes when all reasonable efforts have been made to remove spilled material and assess the short-term impacts of the spill. At the conclusion of the response phase, a director will determine if a recovery plan is needed to resolve or mitigate the long-term impacts of a spill.

Actions required by the responsible person

Section 91.2 of EMA contains a list of actions a responsible person must take to address a spill that has occurred or is at imminent risk of occurring.

A responsible person must:

- Report the spill in accordance with the Spill Reporting Regulation (see Spill Reporting Fact Sheet) and
- Ensure all actions to address a threat or hazard caused by the spill are taken.

For each incident, a responsible person must determine what, of the following actions, are necessary to address threats and hazards and take those that:

- Ensure skilled persons with the right response equipment are onsite responding;
- Assess, monitor and prevent the threat;
- Stabilize, contain, remove and clean up the spill;
- Identify and evaluate the immediate risks to protect human health, the environment and infrastructure;
- Identify and evaluate long-term effects of the spill; and
- Take steps to resolve or mitigate long-term impacts.

The ministry reviews information on all spills to determine government’s response. As a result of this review, a responsible person may be required to:

- Provide any information regarding a spill that is requested by an officer;
- Take any additional actions beyond what is prescribed in the regulations if ordered by a director; and

- Develop and implement a recovery plan if ordered by a director (see Recovery Planning Fact Sheet).

Government action and cost recovery

Although effective response and recovery following an incident is required by the responsible person, the ministry may carry out spill response actions if necessary. This might apply when there is no responsible person in relation to the spill, or if the ministry has reasonable grounds to believe government action is necessary, or if the responsible person requests assistance with response and recovery actions.

In instances where government action is needed to address a spill, Section 91.4 (3) of EMA allows the government to recover costs from both the responsible person as well as the owner of the substance or thing spilled.

Cost to clean up a spill by government is a debt due to the government jointly and separately by the responsible persons and owners of the substance or thing that spilled. If a decision is made to pursue these costs, a Letter of Demand will be issued to the responsible person and owner of the substance or thing that spilled (See the Government Cost Recovery Fact Sheet).

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:

<http://www2.gov.bc.ca/gov/content/environment/air-land-water/spills-environmental-emergencies/spill-preparedness-and-response-bc>

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 the Environmental Emergency Program at: spillresponse@gov.bc.ca