



# Spill Contingency Planning

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 in order to demonstrate the capability to respond to a spill of a prescribed quantity.

The ministry understands there can be unforeseen circumstances and, as a result, at the time of an incident, different actions may need to be taken than those outlined in a contingency plan. However, Section 91.11 (4) states that spill contingency plans must be implemented to the extent that the plan is applicable.

## Regulated Person

A regulated person is a person who 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 highway transporter

Note: operations regulated by the B.C. Oil and Gas Commissions are exempt from the spill contingency planning requirements in section 91.11 of EMA (see below on OGC exemption). These operations are governed by a comprehensive emergency preparedness and response system under the *Oil and Gas Activities Act*.

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 when the plans are to be updated, reviewed and tested.

This document is intended to help regulated persons understand and comply with spill contingency planning requirements. All regulated persons must have a spill contingency plan that: (1) demonstrates preparedness for the liquid petroleum products for which they are regulated, and (2) addresses a specified spill quantity based on sector-specific criteria. Plans must also be tested in accordance with regulations (see the Drills and Exercises Fact Sheet).

Note: in order to provide sufficient time to develop spill contingency plans, the requirement to have them is not until:

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

Regulated persons in all three sectors can apply to the ministry for a six-month delay in having to have a plan, as long as they have a reasonable rationale for the delay and the minister grants approval. Information on the application process and criteria for assessing valid rationales will be available by the end of December, 2017.

## Prior to preparing a spill contingency plan

An effective spill contingency plan must demonstrate how a regulated person will mitigate and recover from the impacts of a spill should one occur. Therefore, prior to developing the plan, regulated persons must

ensure that investigations, tests and surveys are undertaken to determine the magnitude of the risk to the environment, human health and infrastructure.

## **Regulated person with existing spill contingency plans**

Regulated persons may already have spill contingency plans in place because of industry practice or of a requirement from another regulator. To avoid unnecessary duplication, an existing plan may satisfy the requirements of the Spill Contingency Planning Regulation as long as it is accompanied by a declaration stating that the existing plan meets the requirements.

## **Declaration that the spill contingency plan meets requirements**

A template for the declaration appears as Appendix 1 on page 4 of this document. The purpose of the declaration is to affirm that all the requirements in the Spill Contingency Planning Regulation are captured in the plan. The declaration must be attached to a regulated person's plan. The template includes a list of requirements with an associated space to enter page numbers where information on the Spill Contingency Planning Regulation requirements can be found in the existing plan. Any regulatory requirements that are not contained within the existing plan can be incorporated into the plan, and then referenced in the declaration list or included as attachments to the declaration.

## **New spill contingency plans**

Regulated persons who prepare a new plan to meet Spill Contingency Planning Regulation requirements can find the ministry template as Appendix 2 on page 5 in this document. New plans must also include the declaration mentioned under the preceding heading; as such it appears as the second section in the ministry template

## **Contents of a spill contingency plan**

The Spill Contingency Planning Regulation outlines the content that must be included in plans. Required content for pipeline and rail operations is identical. Highway transporters are not required to meet all the same requirements as pipeline and rail operations. The Spill Contingency Planning Regulation provides details on the differences required of each sector. The

regulation also provides adequate detail under each section heading for regulated persons to understand their obligations, but guidance material to complete a plan is being developed to provide additional direction in those instances where clarity is needed. Contingency plans must demonstrate how a regulated person will respond effectively to a spill of a specified quantity by providing the following detailed information:

- Hazardous assessment
- Spill response planning map
- Equipment, personnel and other resources
- Incident command system
- Human health and safety
- Communications
- Waste management
- Wildlife
- Spill response
- Training

## **Size of spills addressed in a contingency plan**

A spill contingency plan must demonstrate that the regulated person is able to respond effectively to a spill of liquid petroleum products at a quantity specified in the regulations. Section 2 of the Spill Contingency Planning Regulation indicates the method for determining these quantities. Pipeline, rail and highway transport operations each have different methods to determine their specified quantity:

- A pipeline's specified quantity is based on the greater of: (1) the quantity of the largest historical spill from the pipeline, (2) the volume of the largest battery of breakout tanks without secondary containment, or (3) a calculation of how much could spill based on the maximum amount of time it may take to detect a spill and shutdown the pipeline [*Formula: Quantity=(detection time + shutdown time) x flow rate + line drainage*].
- A railway's specified quantity is based on the greater of (1) the maximum in a single railcar, or (2) 20% of the maximum quantity that *could be* transported by the train [e.g., if a train has a capacity for 200,000 litres of oil, the specified quantity is 40,000 litres, even if it carries less than that amount at times].

- A highway transporter’s specified quantity based on the maximum quantity that could be transported by a single motor vehicle, including any trailers.

**Ensuring the plan is understood and available to those who implement it**

Plans must be tested by regulated persons, and those tests must include involvement from those individuals who would be deployed and involved in testing the plan (see Drills and Exercises Fact Sheet).

A regulated person who is a highway transporter must ensure that each motor vehicle used to transport substances for which they are regulated contains information from their plans related to section 12 (2) (3) (4) of the regulation, specifically related to: the initial assessments of spill, who to notify, and spill response actions.

**Maintaining spill contingency plans**

The plan must be reviewed annually to correct any deficiencies or reflect any changed circumstances. If any of the following occur, a review and update must be completed within one month after the change occurs:

- A change in the regulated substances or quantities being transported that could result in an increase to the amount of risk referred to in section 91.11 (2) of the Act,
- A vacancy to a job title that is required to be included in the plan, or
- A change in availability of required response equipment noted in the plan.

**Record keeping and reports**

Section 9 of the Spill Preparedness, Response and Recovery Regulation sets out that regulated persons must keep 5 years of records related to the development and testing of their spill contingency plan, as well as employee training. Records must be made available to a director upon request. Specifically, the following records must be kept:

- Changes to spill contingency plans
- Spill response equipment

- Training
- Tests (drills and exercises)

Appendix 3 on page 6 provides a detailed checklist of the records that must be kept by regulated persons for a five year period.

**Providing information to a director**

In accordance with section 91.11 of EMA, a director can order information from a regulated person. This information must be received by the director in the time and manner specified. The information a director can order is:

- A copy of the spill contingency plan
- Details on the regulated person’s operations and substances in their possession
- A declaration related to their spill preparedness and response capabilities

Upon receipt of a spill contingency plan, a director may order that it be amended and resubmitted or its effectiveness be tested in a prescribed time and manner.

**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  
Environmental Emergency Program  
at: [spillresponse@gov.bc.ca](mailto:spillresponse@gov.bc.ca)**

## Appendix 1: Illustrative example of declaration that requirements in the Spill Contingency Plan Regulation are met

- This content in this appendix is intended to provide a visual of the declaration that must be included in regulated persons' spill contingency plans in order to satisfy the requirements of the Spill Contingency Planning Regulation.
- The actual declaration to include in spill contingency plans can be found on the Environmental Emergency Program's website at: <https://www2.gov.bc.ca/gov/content/environment/air-land-water/spills-environmental-emergencies/spill-preparedness-and-response-bc>

### DECLARATION THAT SPILL CONTINGENCY PLAN IS TRUE, ACCURATE AND COMPLETE

As an authorized representative of the regulated person, I declare that a spill contingency plan has been prepared for the substance(s) for which the regulated person is a regulated person under the *Environmental Management Act*, S.B.C. 2003, C. 53. The regulation and Act are administered by the British Columbia's Ministry of Environment and Climate Change Strategy. I declare that the spill contingency is true, accurate and complete, and that Table 1 and 2 below are complete and contain accurate information.

\_\_\_\_\_  
From (company legal name)

\_\_\_\_\_  
Surname, given name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date (day-month-year)

Table 1: Page numbers in regulated person's spill contingency plan (SCP) where information that satisfies the requirements of the Spill Contingency Planning Regulation (SCPR) is available

Section of the SCPR	Page number(s) in SCP
Section 3 Contents of spill contingency plan	[e.g., pages 4-9]
Section 4 Hazard assessment	[e.g., pages 4, 6 and 9]

Note: multiple page numbers are needed if content is on more than one page in the plan.

Table 2: List of substances that the SCP is capable of addressing

Column 1	Column 2	Quantity (worst case)
[e.g., aviation fuel]	[e.g., CAN/CGSB-3.23-2012 Aviation Turbine Fuel (Grades JET A and Jet A-1)]	[e.g., 60,000 L]

Note: items to be listed as they are in the schedule in the Spill Preparedness, Response and Recovery Regulation

## Appendix 2: Spill Contingency Plan Outline

- The content in this appendix is intended to provide a visual of a template that could be used to satisfy the requirements of the Spill Contingency Planning Regulation.
- A final template, sample plan and supporting guidance material for developing plans will be available in December 2017 at: <https://www2.gov.bc.ca/gov/content/environment/air-land-water/spills-environmental-emergencies/spill-preparedness-and-response-bc>

### **SPILL CONTINGENCY PLAN**

**[LEGAL COMPANY NAME]  
[REGULATED PERSON'S NAME AND TITLE]  
[DATE FROM WHEN PLAN WAS LAST UPDATED]**

**PREPARED TO MEET THE REQUIREMENTS OF BRITISH COLUMBIA'S SPILL CONTINGENCY  
PLANNING REGULATION OF THE *ENVIRONMENTAL MANAGEMENT ACT***

- 1 CONTACT INFORMATION**
- 2 SIGNED DECLARATION**
- 3 HAZARD ASSESSMENT**
- 4 SPILL RESPONSE PLANNING MAP**
- 5 EQUIPMENT PERSONNEL AND OTHER RESOURCES**
- 6 INCIDENT COMMAND SYSTEM**
- 7 HUMAN HEALTH AND SAFETY**
- 8 COMMUNICATION PROCEDURES**
- 9 WASTE MANAGEMENT**
- 10 WILDLIFE**
- 11 SPILL RESPONSE PROCEDURES**
- 12 TRAINING**

## Appendix 3: Regulated persons record keeping checklist

The following records must be kept by regulated persons for a period of five years, as per Section 9 “records relating to spill contingency plans” of the Spill Preparedness, Response and Recovery Regulation.

- **Changes to spill contingency plans**
  - Each change is listed with corresponding date and reason for change
- **Spill Response Equipment**
  - Dates when each item listed in spill contingency plan (SCP) was inspected and if it was ready for use on each date
  - Dates when each item on the list was maintained or repaired
- **Training as described in the spill contingency plan**

*For each training event:*

  - Date of training
  - Description of training
  - Name of person who provided training
  - Roles and procedures, as applicable, on which the training was produced for training
  - Names and job titles of the individuals to whom the training was provided for training
- **Tests of the SCP**

*For each testing event:*

  - Date of test
  - Description of test
  - Whether test was discussion-based, operations-based or a worst-case-scenario
  - Components of the spill contingency plan tested
  - Records generated by the individuals who participated in the test
  - Evaluation of the components tested that identifies any deficiencies in the components revealed by the test or changes to the components suggested by the test

If applicable, any changes made to the spill contingency plan in response to the test and the dates on which those changes were made