

Lessons-Learned Report

Division 2.1 Spill Preparedness, Response and Recovery of the *Environmental Management Act* (EMA) came into effect on October 30, 2017. This amendment outlines a series of provisions aimed at enhancing the management of environmental emergencies in British Columbia. Division 2.1 is enabled by the [Spill Reporting Regulation](#) which outlines the reporting requirements for responsible persons after a spill has occurred.

The Spill Reporting Regulation lists four reports that are required by the responsible person and are directly related to response. These are reports that pertain to actions completed and initiated during the emergency response phase of a spill.

Three of the reports, the initial spill report, the update report, and the end of spill report are covered in the Spill Reporting Fact Sheet also published by the Environmental Emergency Program.

The fourth report, the **lessons-learned report**, is required only when ordered by the director and may be requested after the emergency response phase is complete and there is time to reflect on the effectiveness of spill response actions. The lessons-learned report fulfils one of the core principles with respect to Division 2.1, the development of a process for continuous improvement.

This document is designed to help all responsible persons (the “spiller”) understand and comply if ordered to provide a lessons-learned report.

Who can be ordered to complete a lessons-learned report?

The responsible person is required to complete a lessons-learned report if one is ordered by the director. There are instances when the responsible person is also a regulated person. There are additional

requirements to the lessons-learned report when this occurs.

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

A spill is defined as the introduction into the environment (other than as authorized and whether intentional or unintentional) of a substance or thing that has the potential to cause adverse effects to the environment, human health or infrastructure. The responsible person is required to report spills in accordance with the Spill Reporting Regulation and take all actions necessary to address the spill.

What must be included in the report?

The director will ask the responsible person specific questions about the spill. In addition to this, the report must include:

- A description of the effectiveness of the spill response actions, and
- a description of actions taken to prevent future spills and improve response to future spills.

If a responsible person is also a regulated person, the lessons-learned report must **also** include:

- A description of any changes that the person intends to make to their spill contingency plan to improve response to future spills

How to provide the information

The lessons-learned report must be in writing and provided to the director of the Environmental Emergency Program. The responsible person has six months after the emergency response completion date to issue the report. The director will indicate the manner and form in which the report is to be submitted at the time of the order.

The Spill Reporting Regulation sets out that the emergency response completion date for a spill is met when all of the following criteria are complete:

- The incident command post is disestablished;
- The source of the spill is under control and is neither spilling nor at imminent risk of spilling;
- Emergency actions to stabilize, contain and remove the spill have been taken;
- The waste removed from the spill site has been received at a facility for disposal or received for transportation to a facility for disposal
- If applicable, all notices respecting evacuation from the spill site have expired or been rescinded; and
- 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
 - sampling, testing, monitoring or assessing at the spill site, or
 - recovery or restoration of the spill site.

Oil and Gas Commission Permit Holders

Permit holders for the purpose of oil and gas activities that are regulated under the *Oil and Gas Activities Act* and its associated Emergency Management Regulation and Pipeline Regulation are exempt from this requirement.

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
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