



November 2017

# Spill Reporting

## Immediately report a spill or environmental emergency

If a spill occurs or is at imminent risk of occurring, a responsible person must ensure that it is immediately reported to the Provincial Emergency Program (PEP)/ Environmental Management B.C. (EMBC) by calling **1-800-663-3456**

Division 2.1 Spill Preparedness, Response, and Recovery of the *Environmental Management Act* is effective as of October 30, 2017. Section 91.2 identifies the requirements for spill reporting. This amendment is put in force by the [Spill Reporting Regulation](#) which prescribes the information that is required, as well as the time and manner in which it is required.

This document is designed to help people understand reporting obligations should they be in possession, charge or control of a substance when it spills or is at imminent risk of spilling.

A spill is defined by the *Environmental Management Act* as the introduction into the environment, other than as authorized and whether intentional or unintentional, of a substance or thing that had the potential to cause adverse effects to the environment, human health or infrastructure.

### 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

The Spill Reporting Regulation identifies three types of reports a responsible person must make: (a) initial

report, (b) update report, and (c) end-of-spill report. A responsible person may also be required to make a fourth report, known as a lessons-learned report, if ordered to do so by a director. The purpose of these four reports is to ensure the ministry has the information it needs to assess spill impacts and fulfil oversight roles and responsibilities.

The following is a breakdown of when the four new types of reports are in effect:

- Initial report for all reportable spills required on/after October 30, 2017
- Update report for all reportable spills required on/after October 30, 2018
- End-of-spill report for all reportable spills required on/after October 30, 2018
- Lessons-learned report for all reportable spills if ordered by a director on/after October 30, 2017

Note: a spill that occurs before October 30, 2018 where the response continues after that date will be required to provide these new reports.

This fact sheet addresses only the initial report in detail, but it will be updated prior to October 30, 2018 to provide information on how to complete the update and end-of-spill reports. The lessons-learned report is the subject of its own fact sheet.

## **Initial Report | Activated as a requirement on/after October 30, 2017**

Section 4 of the Spill Reporting Regulation outlines the requirements of an initial report. An initial report must be made immediately if any of the three following parameters occur or is at imminent risk of occurring:

1. **A spill of any substance or thing that causes adverse effects.** Releases of a substance into the environment that may cause, is causing or has caused an adverse effect to the water, environment, human health or safety, or property must be reported immediately.
2. **A spill of a substance in excess of the quantity set out in the regulation.** If the spill amount is equal to or greater than the minimum quantity set by the Spill Reporting Regulation the spill is reportable. A list of substances and their reportable levels appears in [Appendix 2: Prescribed substances and quantities for immediate spill reporting](#).
3. **A spill is released into a surface water body.** A spill of any substance near or on water must be reported. A body of water is defined in the Spill Reporting Regulation and includes both marine and fresh bodies of water whether or not they usually contain water or ice, as well as streams, lakes, ponds, rivers, creeks, springs, aquifers, ravines, gulches, wetlands, and glaciers. The requirement to report a spill of a harmful substance of any quantity also includes those that enter a ditch that is not self-contained and connects to a body of water.

An initial report must be made immediately to the EMBC/PEP by calling **1-800-663-3456**. Anyone can make the initial report; however, the responsible person must ensure that the report has been made.

[Appendix 1: Initial Report Content](#) in this fact sheet specifies the information that must be provided in the initial report.

## **A release of natural gas**

A release of natural gas is reportable if:

1. The spill is caused by a breakage in a pipeline or fitting operated above 100 psi that results in a sudden release of natural gas; and
2. The amount of the spill is, or is likely to be, equal to or greater than 10 kg.

## **Update Report | Activated as a requirement on/after October 30, 2018**

Section 5 of the Spill Reporting Regulation outlines the requirements for update reports. A responsible person must provide an update report if: (a) it is requested by the minister; (b) conditions change from what was previously reported; or, (c) every 30 days after the date the spill began until such time that an end-of-spill report is ready to be made.

This fact sheet will be updated in April 2018 to outline the report format and the process of providing an update report.

## **End-of-spill Report | Activated as a requirement on/after October 30, 2018**

Section 6 of the Spill Reporting Regulation outlines the requirements of an end-of-spill report. A responsible person must submit a written report on the spill to the ministry within 30 days after the emergency response completion date for that spill.

This fact sheet will be updated in April 2018 to outline the report format and the process of providing an end-of-spill report.

## **Lessons-learned report | Activated as a requirement on October 30, 2017**

Section 7 of the Spill Reporting Regulation outlines the requirements of a lessons-learned report. Within six months after the emergency response completion date for a spill, a director may order a lessons-learned report. This report must be submitted to the director in the manner and form specified by the director.

See the lessons-learned report fact sheet for more information on these reports.

## Responsibility to Provide Information

Section 91.2 (1) (b) of EMA, 2016 stipulates that a responsible person must provide information to an officer when asked about spill response.

An officer may order photographs from the responsible person. As soon as possible, and without any risk to safety, a responsible person would then be required to take at least two photographs that capture images of the initial spill. One of the photographs should focus on the substance that has spilled to the environment and the other should capture an overview of the spill site.

### Tips for taking photos:

- If safe to do so and as soon as possible, take photos immediately at the start of the incident, as conditions can change quickly on scene
- Take photos of the movement of the contaminant especially if it starts to enter a water course
- Time and date stamp photos if possible
- If possible, include any equipment being used to contain or clean up the spill
- Ensure pictures are clear and not too dark or over-exposed.
- When conditions allow, take photos from all directions of the incident (i.e. north, south, east, and west)

## Oil and Gas Exemption

The Oil and Gas Commission (OGC) is the “one window” for all provincially regulated oil and gas activities. Responsible persons regulated by the Oil and Gas Commission under the Emergency Management Regulation, B.C. Reg 2014/ 2013 must provide the Section 4 initial report, but are exempt from the following requirements in the Spill Reporting Regulation:

- Section 5 Update report
- Section 6 End-of-spill report
- Section 7 Lessons-learned report

## 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, 2016* 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, 2016* 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 reports
- 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: Initial Report Content

Report information	Description
1. Contact information for individual making the report	First and last name, as well as phone number (xxx-xxx-xxxx format) and email address [if available]
2. Contact information for the person responsible for the spill	First and last name, as well as phone number (xxx-xxx-xxxx format) and email address [if available]
3. Contact information for the owner of the substance spilled	First and last name, as well as phone number (xxx-xxx-xxxx format) and email address [if available]
4. Location, date and time of spill	Provide as much location specific information as possible (including: general directions, description of how to approach the area, latitude and longitude if available, street address, and date and time in 24-hour clock format)
5. Description of the spill site and surrounding area	The receiving environment of the spilled material (for example, the area is wooded and the ground is soft; there is sensitive riparian areas that are at risk of contamination)
6. A description of the source of the spill	The container from which the material spilled (for example, fishing vessel, above- or below-ground storage tank, tanker truck, pipeline or railcar)
7. Type and quantity of the substance spilled	An estimate of the amount of product spilled and a description of the type, including product name and UN number and Safety Data Sheet [SDS] (for example, diesel, UN 1202, 50 liters). If unknown, a description of the spill (for example, sheen or slick approximately 20 meters by 20 meters)
8. Cause and effect of the spill	The circumstances leading to the spill. This is the immediate cause as well as any contributing factors. May be a combination of the activity and the incident (for example: motor vehicle accident (MVA), derailment, equipment failure, fire, human error, intentional/unauthorized release, natural occurrence, or unknown)
9. Details of the actions taken or proposed	Provide any necessary/ helpful details (for example, what steps have been taken to contain the spill, which responders have been deployed and when they will be on scene)
10. The details of further action contemplated or required	Provide any necessary/ helpful details regarding next steps (including response actions, deployment of additional resources and monitoring activities)
11. The names of agencies on the scene	Any persons, government, federal government, local government or first nations agencies
12. The names of other persons or agencies advised concerning the spill.	Any persons, government, federal government, local government or first nations agencies

## Appendix 2: Prescribed substances and quantities for immediate spill reporting

Item	Column 1 Substance Spilled	Column 2 Specified Amount
1	Class 1, Explosives as defined in section 2.9 of the Federal Regulations <sup>1</sup>	Any quantity that could pose a danger to public safety or 50 kg
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
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"
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 hydrocarbons 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 containing a pest control product as defined in section 1 of the Hazardous Waste Regulation	5 kg or 5 L

<sup>1</sup> "Federal Regulations" means the Transportation of Dangerous Goods Regulations made under the Transportation of Dangerous Goods Act (Canada); "Hazardous Waste Regulation" means B.C. Reg. 63/88.

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 - 22	25 kg or 25 L
24	A substance, not covered by items 1 to 23, that can cause pollution	200 kg or 200 L
<b>NEW</b>	<b>Items 1-24 if spilled to a body of water -marine and fresh waters whether or not it usually contains water or ice including stream, lake, pond, river, creek, spring, aquifer, ravine, gulch, wetland or glacier, and ditch that is not self-contained and connects to a body of water.</b>	<b>Any quantity</b>
25	Natural gas	10 kg, if there is a breakage in a pipeline or fitting operated above 100 psi that results in a sudden and uncontrolled release of natural gas