



# Spill Contingency Planning

Division 2.1 Spill Preparedness, Response and Recovery of the *Environmental Management Act 2003* (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 regulated persons in order to demonstrate their 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 Spill 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 British Columbia Oil and Gas Commission 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 2008*.

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 the 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 completing their Plan, as long as they have a reasonable rationale for the delay and the minister grants an 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 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 due to industry practice or the 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 a Spill Contingency Plan meets the requirements

A template for the declaration appears in Appendix 1, page 4, of this document; the declaration must be attached to a regulated person's plan. The purpose of the declaration is to affirm that all of the requirements in the Spill Contingency Planning Regulation are captured in the existing 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 referenced in the declaration list or included as attachments to the declaration.

## New Spill Contingency Plans

Regulated persons who prepare a new Spill Contingency Plan to meet the requirements of the Spill Contingency Planning Regulation can find the ministry template in Appendix 2, page 5, of 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 Spill Contingency Plans. Required content for pipeline and rail operations is identical. Highway transporters are not required to meet all of 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, however, guidance material to complete a Plan is being developed to provide additional direction in those instances where clarity is needed. Spill 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 Spill 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 quantity in a single railcar, or (2) 20% of the maximum quantity that could be transported by the train. For example, if a train has 10 railcars with the maximum oil transporting capacity of 1,150,000 litres, the specified quantity that must be considered as the volume of spilled oil in worst-case-

scenario planning is 230,000 litres. Note that the worst-case-scenario planning for this train is consistently based on 230,000 litres of oil, even if it carries less than that amount at times. As a result, the emergency staff is always prepared for a 20% spill of maximum capacity, regardless of the total regulated substance being transported. A highway transporter's specified quantity is 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**

Spill Contingency Plans must be tested by regulated persons. Tests must include involvement from those individuals who would be responsible for implementing the Spill Contingency Plan and involved in testing it (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 Spill Contingency Planning 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 of the Plan 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 EMA,
- 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 five years' worth 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, page 6, of this document 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 to understand and comply with the *Environmental Management Act 2003* 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:

[www.gov.bc.ca/spillresponse](http://www.gov.bc.ca/spillresponse)

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: Declaration that demonstrates that the requirements outlined in the Spill Contingency Planning Regulation are met

- The content in this appendix is intended to provide an example 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 declaration template can be found on the Environmental Emergency Program's website at: [www.gov.bc.ca/spillresponse](http://www.gov.bc.ca/spillresponse)

### DECLARATION THAT THE 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 Ministry of Environment and Climate Change Strategy. I declare that the Spill Contingency Plan 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 section of the Spill Preparedness, Response and Recovery Regulation.

## Appendix 2: Spill Contingency Plan Outline

- The content in this appendix is intended to provide an example of a SCP's table of contents that could be used to satisfy the requirements of the Spill Contingency Planning Regulation.
- A final template, sample SCP, and supporting guidance material for developing SCPs will be available in December 2017 at: [www.gov.bc.ca/spillresponse](http://www.gov.bc.ca/spillresponse)

### **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 2003***

- 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 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 SCP**

*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 SCP 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 SCP in response to a test and the dates on which those changes were made