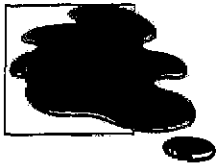


SPILLS

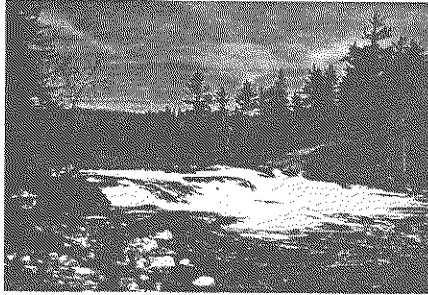
RESPONSE PROGRAM



Protection of the natural environment ranks among the most important issues confronting the modern world: for our industrial society, it ranks as a major challenge.

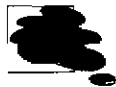
Early in July of 1985, the Ontario Government addressed one aspect of this challenge when the Minister of the Environment, Jim Bradley, announced the proclamation of Part IX of the Environmental Protection Act which was known as the 'Spills Bill'. He also announced the development of a provincial spills centre.

On November 29, 1985, Part IX came into force and on that same day the ministry's Spills Action Centre (SAC)



began phasing in operations. During the year that followed, roles and responsibilities were clarified in light of this new legislation, and a province-wide 24-hour-a-day environmental emergency response program was put in place.

This booklet is intended to help clarify Ontario's environmental spills legislation and relevant responsibilities of parties involved. In addition, the booklet specifically outlines the capabilities of the Ministry of the Environment in relation to spills and emergencies. It has been prepared as a general guide. For more detailed information, interested parties should refer to the appropriate provincial legislation and policies of the ministry.



The discharger

The ministry: our mandate

Our role in spills

Our role in an emergency

The discharger

"Report...contain...clean up...restore"

With proper precautions, many spills can be prevented. But despite stringent policies and procedures, careful handling, and the best efforts of all involved, spills happen. Equipment failure, accidents on highways, railways or waterways, human error, third-party involvement – any number of factors may combine to create a spill incident.

When a spill occurs, the Canadian federal and provincial agencies which administer safety, transportation or environmental legislation and programs hold the discharger responsible for dealing with it. The discharger is required to report the incident, to contain and clean up the pollutant – or arrange for these actions to be carried out – and to restore the spill site to essentially pre-spill conditions, where this can be reasonably expected.

The ministry: our mandate

The Ministry of the Environment is responsible for achieving and maintaining environmental quality that will protect human health and the ecosystem, and will contribute to the well-being of the people of Ontario.

With respect to pollutants which are spilled into the environment, the ministry's primary role is to ensure that the discharger responds promptly, and complies with requirements for cleanup, disposal, and repair of damage to the environment.

Our role in spills

The ministry will give the discharger adequate opportunity to respond to and deal with the spill and will assist in making decisions regarding spill-related actions.

The ministry's primary role in spill incidents is that of a regulatory agency enforcing the duties and provisions

imposed by the legislation. When notified of a spill, the ministry will assist in warning "downstream" users or potentially affected parties and other agencies where applicable.

The role of the ministry staff sent to investigate spill sites is:

- to determine the nature and extent of environmental damage caused by the spill;
- to evaluate the adequacy of the clean-up and restoration efforts and recommend appropriate procedures where applicable;
- to help enforce the legislated responsibilities imposed on the discharger and others as applicable;
- to recommend spill prevention measures, and
- to document all findings, actions and recommendations.

Our role in an emergency

The primary responsibility for the welfare and safety of residents rests with the municipality, which is encouraged to have or to prepare emergency plans to deal with threats to life, limb and property. Areas of the province which do not have a municipal organization rely on the Ministry of the Solicitor General, primarily the Ontario Provincial Police, for a response to emergencies. In an emergency involving a spill or in an emergency where a major spill may occur, MOE resources

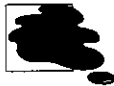


and personnel are placed at the disposal of the agencies in charge at the scene

Where a spill is only part of a larger emergency, the ministry will, in consultation with the agency in control of the emergency,

- provide available information requested by medical officers of health, fire departments or police departments;
- recommend appropriate procedures to the agency in charge of the emergency where necessary;
- determine the nature and extent of environmental damage which may be caused by the emergency;
- evaluate the adequacy of cleanup and disposal efforts,
- enforce the duties imposed on any persons responsible, and
- document all findings, actions and recommendations.

LEGISLATIVE REQUIREMENTS
SPILL REPORTING



**Environmental Protection Act
Part IX – Spills**

Part IX of the Environmental Protection Act deals with spills of pollutants discharged:

- into the natural environment;
- from or out of a structure, vehicle or other container, and
- that are abnormal in quantity or quality in light of all the circumstances of the discharge,

and which cause or are likely to cause adverse effects as defined in the legislation.

Part IX does the following:

- Establishes prompt and broad notification requirements.
- Establishes a duty on the person having charge, management or control of the spilled pollutant, as well as on the owner, to clean up the spill.
- Provides for liability – for loss and damage as well as costs and expenses – of the owner and person in control of the spilled material.
- Maintains the duties and liabilities of persons who cause or are otherwise responsible for spills under the common law or other statutes.
- Provides for the right of municipalities to respond to spills and for their compensation for cost and expenses from the owner and the person having control of the pollutant.
- Under certain conditions, provides for the authority of the Minister of the Environment to direct his employees or agents to respond to spills.
- Provides for the authority of the minister to issue orders to those liable at law and others who may be able to assist.
- Establishes a right-of-entry for those with a duty, those under order or direction, and municipalities, for the

**Environmental Protection Act
Part IX – Spills**

Reportable incidents

Reporting by other agencies

Incidents exempt from the 'Spills Bill'

Reporting exemptions

Cleanup requirements

SPILL REPORTING



purpose of carrying out their respective duty, order or role as applicable.

- Establishes the right to compensation and a compensation mechanism with respect to directions and orders.
- Provides for the establishment of the Environmental Compensation Corporation.
- Provides for regulations. (Ont. Reg. 618/85).

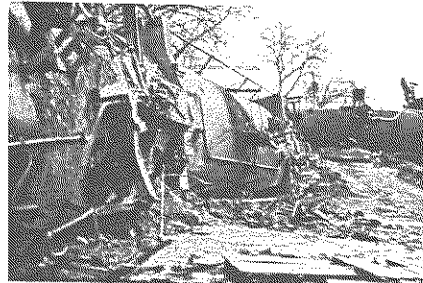
Reportable incidents

As indicated earlier, spills are defined as releases of pollutants into the natural environment originating from a structure, vehicle, or other container, and that are abnormal in light of all circumstances. Spills must be reported immediately to the ministry and to the municipality by the person who had control of the material when it spilled or the person who caused the spill. Where the owner and the person in control of the spilled material are not already aware of the spill, the incident must be reported to them as well. Such spills are only reportable when they cause or are likely to cause any of the following adverse effects:

- impairment to the quality of the natural environment – air, water or land – for any use that can be made of it;
- injury or damage to property and animal life;
- harm or material discomfort;

- adverse health effects;
- impairment to safety;
- property, plant or animal life to become unfit for use;
- loss of enjoyment of normal use of property, or
- interference with the normal conduct of business.

Obvious reportable spills include pollutants discharged from tanker truck accidents, train derailments or chemical fires. Other reportable spills



include releases of pollutants to the environment (which cause adverse effects) and are a result of the non-compliance with

- an approval for a sewage or water works under the Ontario Water Resources Act;
- a (provisional) certificate of approval for a waste management system or waste disposal site under Part V of the Environmental Protection Act;
- a certificate in respect of methods or devices approved under Part II of the Environmental Protection Act

SPILL REPORTING



(general approval provision for air pollution control mechanisms);

- a certificate of approval for private sewage systems issued under Part VII of the Environmental Protection Act, and
- an order, licence or permit including conditions made for the use and application of pesticides under the Pesticides Act.

Other discharges reportable to the Ministry of the Environment regardless of the likelihood for adverse effects include materials or contaminants released into the natural environment in a manner specified in certain approvals, certificates, orders, licences or permits. Such reports may be required in the approvals, certificates, etc., as a condition of operation and usually involve discharges or concentrations well below those believed to cause adverse effect. In addition, there may be spill reporting requirements to agencies other than the Ministry of the Environment.

If you believe you may have a spill or other reportable discharge situation, **report the incident immediately to the ministry's Spills Action Centre at 1-800-268-6060, or the nearest ministry office.**

Reporting by other agencies

Where a public authority, such as a police or fire department, has knowledge of a spill situation which they believe may not have been reported, Part IX requires that they must notify the Ministry of the Environment immediately, unless the incident is exempted from the notification requirement. All municipal employees and police officers are under this duty to report.

Incidents exempt from the 'Spills Bill'

The following are exempt from all requirements of Part IX of the Environmental Protection Act:

- Animal wastes disposed of in accordance with normal farming practices.
- Ministry approved air emissions which do not contravene any of the conditions of approval.
- Discharges to water or land, which the ministry has approved, such as from sewage works, waste disposal sites or the applications of pesticides, provided such discharges do not contravene any of the conditions of approvals, licenses or permits.

LEGISLATIVE REQUIREMENTS

SPILL REPORTING



- Spills of water from reservoirs formed by dams.
- Spills of pollutants from fires equivalent to those from fires of ten or fewer households. This means that many fires are not considered spills, but fires at large commercial or industrial facilities including warehouses fall under Part IX.

Reporting exemptions

The following discharges are exempt from the notification requirements only (cleanup and other provisions of the legislation still apply):

- Planned spills such as would be generated by some industry start-up or shut-down procedures and for spill training exercises. This exemption is on condition that a ministry director is notified in advance and consents and that the release is monitored.
- Spills of less than 100 litres of vehicular operating fuels, lubricants and coolants from a motor vehicle if the liquids have not entered and are not likely to enter any surface water or well and on the condition that notification under the Highway Traffic Act, if required, is made.
- Water discharges from broken municipal water mains where there is no personal injury and no damage to buildings. These incidents are also exempt from the reporting requirements of Section 14 of the Environmental Protection Act.

- Sewer bypass overflows through approved bypass systems if the bypass was caused by precipitation or runoff.

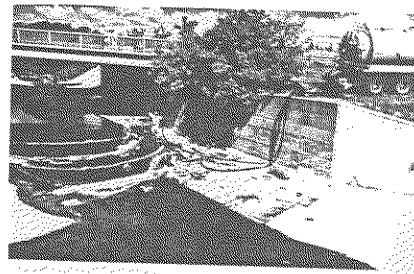
NOTE Sewage discharges through bypasses as a result of equipment failure or maintenance shutdown, where a specific approval for the discharge has not been given, are abnormal discharges.

They are reportable incidents if adverse effects are likely, or if water quality impairment may occur.

Cleanup requirements

The owner and the person who had control of a material at the time that it was spilled is required to contain, clean up and dispose of the pollutant in a timely manner, to the satisfaction of the ministry. The ministry will assist the discharger to determine proper cleanup procedures and suitable disposal practices at approved sites.

The Act also requires that everything practicable be done to prevent, eliminate and ameliorate the adverse effects of the spill and to restore the natural environment.



SPILLS ACTION CENTRE (SAC)



Dial 1-800-268-6060

It may be 3 a.m. on an icy road between Thunder Bay and Red Rock north of Lake Superior...or the middle of a long-weekend afternoon on a downtown avenue in Toronto. There's been a spill. Who do you call?

Dial 1-800-268-6060, toll-free from anywhere in Ontario! 24 hours a day, 365 days a year, the phone will be answered by an on-duty environmental officer at the ministry's "Spills Action Centre".

On the day that Ontario's "Spills Bill" came into force, the Spills Action Centre began co-ordinating the ministry's response network. The centre is a major improvement in the ministry's ability to respond promptly to spills, and to deal with other urgent environmental concerns - particularly during off-hours.

The Centre works closely with response agencies such as police, fire departments, the Canadian Coast Guard, and other reporting or information centres such as Transport Canada's Canadian Transport Emergency Centre (CANUTEC) in Ottawa.

In its first year, the Centre quickly established its value to the public, responding agencies, and industry, handling up to 1,000 incidents per month, some 50% of which involved spills.

Progress can't be measured in quantitative terms, but centralized reporting, integrated response and rapid provision of information via the Spills Action Centre are improving environmental protection at the scene of a spill.

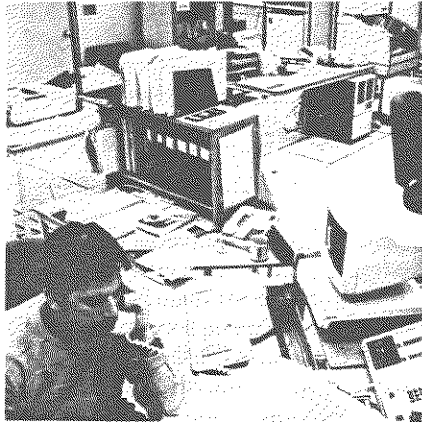
**Dial
1-800-268-6060**

**What happens
when you call**

**An evolving
system**

What happens when you call?

Ministry staff who take your call at the SAC follow procedures designed to ensure consistent, appropriate response to the wide variety of situations which may be reported. SAC staff will request the best information you can provide, starting with your name,



address, telephone number, call-back number, and other details. They will then determine whether the report is to be handled as a spill or an environmentally-related complaint.

If it's a spill, they will try to determine the source...what material has been spilled...whether it is to land, air, or water... how much, where, and when... is the spill being contained... is weather a factor... what other action has been taken, such as commencing a cleanup... what other agencies have been notified...etc.

The SAC officer is required to record and assess the information you provide, and make a decision on the most appropriate action to take. This may include any or all of the following steps:

- Contact local ministry personnel to initiate the field response;
- Contact other agencies or potentially

affected parties as needed: police, fire departments, ambulance, local municipal authorities, Coast Guard, US authorities, etc.;

- Notify senior ministry management if the incident is judged to be serious, and co-ordinate the information flow to the public;
- For a major incident, contact the minister's office and convey orders or directions from the minister where necessary;
- Maintain liaison with the agencies in charge of public safety in an emergency and co-ordinate the ministry's support for their efforts;
- Provide ministry staff and others with information on chemicals and clean-up techniques, either directly or through CANUTEC;
- Record the details of non-urgent incidents and forward them to the appropriate district office or other agencies for response during normal business hours.

An evolving system

SAC operating procedures and resources are being enhanced and updated through experience and as new scientific or product information becomes available. Part of the planned evolution includes improving spill statistics, expanding the library and making SAC the repository for technical data pertaining to spills, including information on cleanups and restoration.



At the scene of the spill

Cleaning up

At the scene of the spill

The primary responsibility for dealing with the spill rests with the discharger. The ministry will monitor the discharger's response and assist as required in the decision-making process.

To improve upon the ministry's ability to respond to spills outside the regular business hours a formal off-hour environmental/emergency response program was implemented in June of 1986. Under this program there are environmental officers in each ministry district office available 24 hours a day. These trained officers are equipped with a response vehicle and other basic emergency equipment.

When a call about a serious spill is received by the ministry, a member of the regional environmental response staff is dispatched to the site. On arrival, the first step is to assess the situation and determine what assistance the ministry can provide.

The environmental officer provides access to the SAC, and co-ordinates the ministry's regional response. The field officer can arrange for sophisticated monitoring equipment and may set up a sampling program and ship samples to the regional or central laboratory for earliest possible analysis. The officer may make use of mathematical water or air models to provide contaminant concentration estimates. In some situations, the officer at the scene may call for support from the mobile air monitoring units.

If there are concerns for public safety, the police, fire department or Medical Officer of Health have the primary responsibility and the ministry has an advisory role. Ministry staff work with municipalities and local health officials to address health concerns such as threats to downstream water users, by providing information and supplying technical advice. The ministry field representative may also call for assistance from staff specialists such as hydrogeologists, biologists or pesticide officers