

Spills Reporting – Know The Laws Of Your Province



Environmental laws require companies involved in discharging or spilling substances that have the potential to harm the environment to report the incident to the government. But the laws vary significantly by jurisdiction. Here's a look at the reporting rules of each jurisdiction.

Spill Reporting Rules Across Canada

FEDERAL

1. Duty to notify and provide enforcement officer of actual or potential release of Schedule 1 Toxic Substances above permissible levels and make 'reasonable effort' to notify any member of the public who may be adversely affected; 2. May request that your identity and identifying information not be released; and 3. No retaliation against workers for reporting a release (CEPA, Secs. 95 and 96)

ALBERTA

1. Person who releases or causes or permits release of a

substance into the environment that may cause, is causing or has caused an adverse effect must report it to: (a) the Director, (b) the owner of the substance, if known, (c) any person to whom the person reporting reports in an employment relationship, (d) the person having control of the substance, if it's a third party, and (e) any other person who the person reporting knows or ought to know may be directly affected by release; and 2. Report can be in writing or electronic and must list: (a) time and location of the release; (b) a description of circumstances leading up to release; (c) the type and quantity of substance released; (d) the details of any action taken and proposed to be taken at release site; and (e) a description of release location and immediately surrounding area (*Env. Protection & Enhancement Act*, Secs. 110 and 111); 3. Electronic report must be made via Dept's reporting system; and 4. Phone and electronic reports must be followed by written report within 7 days and list: (a) release date and time; (b) location of point of release; (c) release duration and rate; (d) the composition of the release showing for each substance: (i) its concentration, and (ii) total weight, quantity or amount released; (e) detailed description of circumstances leading up to release; (f) steps or procedures taken to minimize, control or stop the release; (g) steps or procedures which will be taken to prevent similar releases; and (h) any other info the Director requires (*Release Reporting Reg.*, Secs. 3 and 4)

BRITISH COLUMBIA

Duty to immediately report unauthorized release of a listed polluting substance (other than natural gas, which has separate reporting rules) in accordance with Regs., if: (a)

spill enters, or is likely to enter, a body of water, or (b) quantity of the substance spilled is, or is likely to be, equal to or greater than the listed quantity for the listed substance (*Env Mgmt Act*, Sec. 79);

1. **Initial Report** (a) If a spill occurs or is at imminent risk of occurring, a responsible person must ensure that the actual or potential spill is immediately reported to Provincial Emergency Program by calling 1-800-663-3456; and (b) Report must include, to extent practicable, (i) contact info for the individual making the report, responsible person and owner of spilled substance, (ii) spill date and time, (iii) spill site location, (iv) description of spill site, surrounding area and source of the spill, (v) type and quantity of substance spilled, (vi) description of spill's circumstances, cause and adverse effects, (vii) details of required spill response actions taken or proposed, (viii) names of BC government, federal government, local government and first nation government agencies at spill site, and (ix) names of other persons or government, federal government, local government or first nation government agencies advised about spill;
2. **Updates** must be provided in writing to Minister until response completion date listing;
3. **Spill completion report** must be provided to Minister and list (i) contact info for the responsible person and owner of spilled substance, (ii) spill date, time and duration (iii) spill site location, including address, latitude and longitude, (iv) description of spill site and sites affected by spill, (v) description of type and quantity, (vi) description of spill's source and adverse effects, including x. activity during which spill occurred, y. incident leading to spill, and z. underlying cause of spill; (vii) adverse effects of the spill to human health, number of injuries, fatalities and evacuees, (viii) the adverse effects of the spill to the

environment and infrastructure at the spill site and surrounding area, including the size of the area adversely affected by the spill, the biological and other resources adversely affected by the spill, including, without limitation, bodies of water, flora and fauna, and animal, fish and plant habitat, (ix) details of required response action taken, (x) how and where waste from the spill was disposed of, (xi) copy of data from and reports of sampling, testing, monitoring and assessing carried out during spill response actions, (xii) a map and photos of the spill site and surrounding area, (xiii) names of agencies on the scene and (xiv) names of other persons or agencies advised about the spill; **4. Lessons-learned report:** A director may order a responsible person to submit a written lessons-learned report on the spill within 6 months after the emergency response completion date for the spill (*Spill Reporting Reg.*)

MANITOBA

1. Person who releases or causes or allows release of a pollutant that may cause, is causing or has caused an adverse effect must report the release, in accordance with the regulations, to (a) the director;

(b) the person responsible for the pollutant, if different; and (c) any other person the person reporting knows or ought to know may be directly affected by the release (*Env. Act*, Sec. 30.1(3)); 2. Report must be made as soon as person knows or should know of the release, by: (a) in the case of a report to the director, telephoning Manitoba Conservation at (204) 944-4888 and reporting the release to the person who answers the call; and (b), in the case of a report to any other person, by reporting the release in person or telephoning the person and making the report; and 3 Report must include

following information if it's known or readily available: (a) release location and time; (b) name and telephone number of person reporting the release; (c) a brief description of circumstances of the release and its status at time of the report; (d) identity and quantity, if known, of pollutant released; and (e) response action taken or proposed (*Notice & Reporting Regs*)

NEW BRUNSWICK

Duty to report any release of contaminant Releases of any contaminant that may, directly or indirectly, result in pollution or other harms (*Clean Env. Act*)

NEWFOUNDLAND

1. Person responsible for release of a substance that has caused, is causing or may cause an adverse effect must, as soon as person knows or should know of the release, report it;
2. Person responsible for a release of a substance in excess of amount, concentration, level or rate of release expressly authorized under Act or an approval issued under Act, must immediately, as soon as that person knows or ought to know of the release, report it as required under this Act or an approval; and
3. In either case, the person must direct the report to:
 - (a) department or other appropriate agency at its emergency telephone number or as otherwise required;
 - (b) owner of the substance if known or can be determined;
 - (c) person having care, management or control of substance if known or can be determined; and
 - (d) another person who the person reporting knows or should know may

be directly affected by release (*Env. Protection Act*, Sec. 8)

NOVA SCOTIA

1. Person responsible for release of a substance that has caused, is causing or may cause an adverse effect must, as soon as person knows or should know of the release, report it; and 2. Person responsible for a release of a substance in excess of amount, concentration, level or rate of release expressly authorized by an approval or regulations,, must immediately, as soon as that person knows or ought to know of the release; and 3. In either case, the person must direct the report to: (a) the Department at its emergency telephone number or as otherwise required; (b) owner of the substance if known or can be determined; (c) person having care, management or control of substance if known or can be determined; and (d) any other person who the person reporting knows or should know may be directly affected by release (*Env. Act*, Sec. 69)

Verbal Notice: Person reporting release of a substance must verbally notify: (a) the Minister, via the Department's emergency telephone number; (b) if the person reporting isn't the owner, the owner of the parcel of land where the release occurred; (c) any person who the person reporting knows or should know may be directly affected by the release, including the owner or occupant of any parcel of land to which the substance has migrated or is likely to migrate from the release location; and **Written Notice:** Administrator or inspector may also demand a written report listing: (a) the name, address and telephone number of the owner of the property where release occurred; (b) the name, address, telephone number and signature of the person submitting the report; (c) the release location, including the parcel

identification number and civic address; (d) a general description of the nature of the migration or likely migration, if any; (e) the name, address, and telephone number of the owner of any parcel of land to which any substance has migrated or is likely to migrate from the location of the release, and the location, including the parcel identification number and civic address, of that parcel; (f) a general description of measures taken or to be taken to address the release; (g) action taken to identify the cause of the release; (h) action taken to prevent a recurrence of the release; (i) an assessment of the adequacy of the response to the release by a person or agency involved in the response; and (j) the action taken or to be taken to dispose of the substance (*Env. Emergency Regs.*, Secs. 7 and 8)

ONTARIO

1. Person who discharges or causes or permits the discharge of a contaminant must 'forthwith' notify the MOE if the discharge is out of the normal course of events, the discharge causes or is likely to cause an adverse effect and the person is not otherwise required to notify the MOE under Sec. 92 (*Env. Protection Act*, Sec. 15);
2. Person having control of a spilled pollutant and person who spills or causes or permits a spill of a pollutant must 'forthwith' notify the following of the spill, its circumstances, and of action person has taken or intends to take in response: (a) the MOE; (b) any municipality within the boundaries where the spill occurred; (c) the owner of the pollutant if the person knows or is able to ascertain readily the identity of the owner; and (d) the person having control of the pollutant if the person knows or is able to ascertain readily the identity of the person having control (*Env. Protection Act*, Sec. 92);
3. Notice must list the reporting person's name and telephone number and, if the person is a corporation or

municipality, the name and telephone number of the individual making the notification and the individual's position within the corporation or municipality, and other information listed in the Reg., depending on who provides notification (*Classification and Exemption of Spills and Reporting of Discharges* regulations)

PRINCE EDWARD ISLAND

Person who, without permission, discharges, or causes or permits to be discharged, a contaminant, or who owns or has control of a contaminant which is discharged must immediately notify the Department; and take such action as the Minister may direct to investigate and define the extent, nature and impact of the contaminant, and repair, restore and remedy the environment or confine or contain the effects of the contaminant (*Env. Protection Act*, Sec. 21)

QUÉBEC

Person responsible for the accidental release of a contaminant must, without delay, stop the release and notify the Minister in accordance with regs. (*Environment Quality Act*, Sec. 21)

SASKATCHEWAN

Act: Person who illegally discharges or allows the discharge of a substance that may cause or is causing an adverse effect must report discharge in accordance with code (*Env. Management & Protection Act*, Sec. 9)

Code: 1. Discharge must be reported if the substance either: may cause or is causing an adverse effect, or meets the criteria of Table 1 of Discharge and Discovery Reporting Standard for that substance; 2. Person required to report must: (a) immediately report the discharge to the minister; (b) include the following information in the report, if the information is known or can be readily obtained: (i) the location and time of the discharge; (ii) whether the discharge was the result of a transportation incident or an incident at a facility; (iii) the type and quantity of the substance discharged; (iv) whether a fire is associated with the discharge; (v) if an accountability system has been established for all responders on the scene to ensure that persons responding to an incident are accounted for when entering and leaving the incident; (vi) if an incident command has been established and a recognized hierarchy of command is in place to manage the incident; (vii) if an emergency response assistance plan required by the *Transportation of Dangerous Goods Act*, 1992 (Canada) has been implemented; (viii) if fish-bearing waters may be or are affected; (ix) if potable water may be or is affected; (x) the distance to the nearest body of water or storm drain; (xi) the distance to the nearest occupied building; (xii) the details of any action taken or proposed to be taken on the area affected by the discharge; (xiii) a physical description of the area, and the surrounding area, in which the discharge occurred; 3. Person required to immediately report a discharge to the minister must, within 30 days after providing that report, provide the minister with: (a) a completed Saskatchewan Discharge Report Form; and (b) any other information or material respecting the discharge that the minister may reasonably require; and 4. Person required to report a discharge must as soon as is reasonably practicable, report the discharge: (a) to any owner of land affected by the discharge; and (b) in consultation with the minister, to any person who may be affected by the discharge (*Environmental Management and Protection (Saskatchewan Environmental Code Adoption) Regs.*, Sec. 7)

NORTHWEST TERRITORIES & NUNAVUT

Act: Person causing or contributing to, or increasing the likelihood of an illegal discharge of a contaminant, and the owner or the person in charge, management or control of the contaminant before its discharge or likely discharge, must immediately report the discharge or likely discharge in accordance with the regulations and make a reasonable effort to notify every member of the public who may be adversely affected by the discharge or likely discharge (*Env. Protection Act*, Sec. 5.1)

Regulations: 1. Owner or person in charge, management or control of contaminants when a spill occurs or is reasonably likely to occur must immediately report if the spill amount is equal to or greater than the amount listed in Schedule B. 9 by calling the 24 Hour Spill Report Line, (867) 920-8130; 2. Person reporting a spill must give as much of following information as possible: (a) date and time of spill; (b) location of spill; (c) direction spill is moving; (d) name and phone number of a contact person close to the spill location; (e) type of contaminant spilled and quantity spilled; (f) cause of spill; (g) whether spill is continuing or has stopped; (h) description of existing containment; (i) action taken to contain, recover, clean up and dispose of spilled contaminant; (j) name, address and phone number of person reporting spill; and (k) name of owner or person in charge, management or control of contaminants at time of spill

(*Spill Contingency Planning and Reporting Regs.*, Secs. 9 to 11)

YUKON

Person who releases a contaminant in an amount, concentration, or level above that prescribed by regulation or allowed under a permit must, as soon as possible under the circumstances, report the release to an environmental protection officer or person designated by regulation (*Environment Act*, Sec. 113)