

**CONSOLIDATION OF REGULATION R -068-93 *SPILL CONTINGENCY PLANNING AND REPORTING REGULATIONS*** (Dated 22 July, 1993)

AS AMENDED BY:

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# **SPILL CONTINGENCY PLANNING AND REPORTING REGULATIONS**

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## **ENVIRONMENTAL PROTECTION ACT**

### **SPILL CONTINGENCY PLANNING AND REPORTING REGULATIONS**

The Commission, on the recommendation of the Minister, under section 34 of the *Environmental Protection Act* and every enabling power, makes the *Spill Contingency Planning and Reporting Regulations*.

**1.** In this regulations,

Aabove ground facility $\equiv$  means a facility that is stationary for a period of 30 days or more and is not an underground facility;

AAct $\equiv$  means the *Environmental Protection Act*;

Afacility $\equiv$  means any thing capable of storing or containing contaminants and includes any thing used in the transfer of contaminants to and from the facility;

APCB $\equiv$  means the chlorobiphenyls that have the molecular formula  $C_{12}H_{10-N}Cl_N$  in which N is great than 2;

Aspill $\equiv$  means a discharge of a contaminant in contravention of the Act or regulations made under the Act or a permit or license issued under the Act or regulations made under the Act;

Astorage capacity $\equiv$  means the aggregate capacity of all facilities placed together in one location;

ATDGA Class $\equiv$  means a class of dangerous goods set out in the Schedule to the *Transportation of Dangerous Goods Act, 1992* (Canada), and any division of a class established in regulations made or continued under that Act;

Aunderground facility $\equiv$  means a facility having more than 10% of its structure beneath ground level.

**2. (1)** Sections 3 to 8 of these regulations to not apply to the following:

- (a) a motor vehicle, as defined in the *Motor Vehicles Act*, unless that motor vehicle is an above ground facility;
- (b) sewage and sewage sludge.

- (2) Contaminants used solely for domestic purposes and discharged from within a dwelling-house are exempt from the requirements of these regulations.
- (3) In Schedule A, the amounts set out in column 3 under the heading AStorage Capacity≅ refer to liquids, where the amount is expressed in liters, and to solids, where the amount is expressed in kilograms.
- (4) In Schedule B, the amounts set out in column 4 under the heading AAmount Spilled≅ refer to liquids, where the amount is expressed in liters, and to solids, where the amount is expressed in kilograms.

### **SPILL CONTINGENCY PLAN**

3. (1) No person shall store contaminants in a facility where the storage capacity of the facility equals or exceeds the storage capacity shown in Schedule A unless a spill contingency plan has been prepared and filed in accordance with these regulations.
  - (2) Where the storage capacity of a facility is less than the storage capacity shown in Schedule A and where, in the opinion of the Chief Environmental Protection Officer a spill contingency plan is necessary for the protection of the environment, the Chief Environmental Protection Officer may require the owner or person in charge, management or control of a facility to prepare a spill contingency plan.
  - (3) Where the Chief Environmental Protection Officer is satisfied, on reasonable grounds, that a person uses a means of storing contaminants and a method of dealing with the spill of contaminants, that provide a level of environmental protection at least equivalent to that which would be provided by compliance with these regulations, the Chief Environmental Protection Officer may, in writing, subject to such conditions as the Chief Environmental Protection Officer considers necessary,
    - (a) exempt a person from the requirement to file a spill contingency plan under subsection (1); or
    - (b) exempt a person from the requirement to include in a spill contingency plan information required in one or more of paragraphs 4(2)(a) to (j).
4. (1) The owner or person in charge, management or control of a facility shall ensure that a spill contingency plan is prepared.

- (2) A spill contingency plan for a facility must contain the following information:
- (a) the name, address and job title of the owner or person in charge, management or control;
  - (b) the name, job title and 24-hour telephone number for the persons responsible for activating the spill contingency plan;
  - (c) a description of the facility including the location, size and storage capacity;
  - (d) a description of the type and amount of contaminants normally stored at the location described in paragraph (c);
  - (e) a site map of the location described in paragraph (c);
  - (f) the steps to be taken to report, contain, clean up and dispose of contaminants in the case of a spill;
  - (g) the means by which the spill contingency plan is activated;
  - (h) a description of the training provided to employees to respond to a spill;
  - (i) an inventory of and the location of response and clean-up equipment available to implement the spill contingency plan;
  - (j) the date the contingency plan was prepared.
5. (1) Subject to subsection (2), the person responsible for preparing a spill contingency plan shall file the plan with the Chief Environmental Protection Officer before making use of a facility.
- (2) Where a facility is already in use on the day these regulations come into force, the person responsible for preparing a spill contingency plan shall file the plan with the Chief Environmental Protection Officer within one year after that day.
6. (1) The Chief Environmental Protection Officer shall review each spill contingency plan after it is filed.
- (2) The Chief Environmental Protection Officer may require the person who filed the spill contingency plan to make changes to it.
- (3) Where the Chief Environmental Protection Officer requires changes under subsection (2), he or she may indicate a reasonable period of time within which the changes must be filed.
- (4) The person who filed a spill contingency plan shall make and file any changes required under subsection (2).
7. (1) The person responsible for preparing a spill contingency plan shall review the plan annually.
- (2) The person responsible for preparing a spill contingency plan shall, in writing,

notify the Chief Environmental Protection Officer when a review under subsection (1) has been completed and shall immediately file with the Chief Environmental Protection Officer any changes made to the plan.

8. Once a spill contingency plan has been filed, the person responsible for preparing the plan shall implement the plan.

### **SPILLS**

9.
  - (1) The owner or person in charge, management or control of contaminants at the time a spill occurs shall immediately report the spill where the spill is of an amount equal to or greater than the amount set out in Schedule B.
  - (2) Where there is a reasonable likelihood of a spill in an amount equal to or greater than the amount set out in Schedule B, the owner or person in charge, management or control of the contaminants shall immediately report the potential spill.
10. A person reporting a spill shall contact the 24 Hour Spill Report Line by calling **(403) 920-8130**.
11.
  - (1) A person reporting a spill shall give as much of the 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 location of spill;
    - (e) type of contaminant spilled and quantity spilled;
    - (f) cause of spill;
    - (g) whether spill is continuing or has stopped;
    - (h) description of existing contaminant;
    - (i) action taken to contain, recover, clean-up and dispose of spilled contaminant;
    - (j) name, address and phone number of person reporting spill;
    - (k) name of owner or person in charge, management or control of contaminants at time of spill.
  - (2) No person shall delay reporting a spill because of lack of knowledge of any of the factors listed in subsection (1).
12. No person shall knowingly make a false report of a spill or a potential spill.

- 13. (1)** For the purposes of evaluating the effectiveness of the spill contingency plan, the Chief Environmental Protection Officer may require, in writing, the owner or person in charge, management or control of a facility at the time a spill occurred to prepare and file a written report concerning the spill.
- (2)** The person required to prepare the report described in subsection (1) shall provide all information required by the Chief Environmental Protection Officer.

Dated at Yellowknife July 22, 1993.

Original signed by  
D.L. Norris  
Commissioner of the Northwest Territories

## SCHEDULE A

(Section 3)

<i>Item No.</i>	<i>Type of Facility</i>	<i>Storage Capacity</i>
<b>1.</b>	Above-ground facility	20,000 l or 20,000 kg
<b>2.</b>	Under-ground facility	4,000 l or 4,000 kg

**SCHEDULE B****(Section 9)**

<i>Item No.</i>	<i>TDGA Class</i>	<i>Description of Contaminant</i>	<i>Amount Spoiled</i>
<b>1.</b>	1	Explosives	Any amount
<b>2.</b>	2.1	Compressed gas (flammable)	Any amount of gas from containers with a capacity greater than 100 l.
<b>3.</b>	2.2	Compressed gas (non-corrosive, non flammable)	Any amount of gas from containers with a capacity greater than 100 l.
<b>4.</b>	2.3	Compressed gas (toxic)	Any amount
<b>5.</b>	2.4	Compressed gas (corrosive)	Any amount
<b>6.</b>	3.1, 3.2, 3.3	Flammable liquid	100 l
<b>7.</b>	4.1	Flammable solid	25 kg
<b>8.</b>	4.2	Spontaneously combustible solids	25 kg
<b>9.</b>	4.3	Water reactant solids	25 kg
<b>10.</b>	5.1	Oxidizing substances	50 l or 50 kg
<b>11.</b>	5.2	Organic Peroxides	1 l or 1 kg
<b>12.</b>	6.1	Poisonous substances	5 l or 5 kg
<b>13.</b>	6.2	Infectious substances	Any amount
<b>14.</b>	7	Radioactive	Any amount
<b>15.</b>	8	Corrosive substances	5 l or 5 kg
<b>16.</b>	9.1 (in part)	Miscellaneous products or substances, excluding PCB mixtures	50 l or 50 kg
<b>17.</b>	9.2	Environmentally hazardous	1 l or 1 kg
<b>18.</b>	9.3	Dangerous wastes	5 l or 5 kg
<b>19.</b>	9.1 (in part)	PCB mixtures of 5 or more parts per million	0.5 l or 0.5 kg
<b>20.</b>	None	Other contaminants	100 l or 100 kg

