CONTINGENCY PLANNING AND SPILL REPORTING IN NUNAVUT

A Guide to the Regulations

CONTINGENCY PLANNING

The Spill Contingency Planning and Reporting Regulations for Nunavut include the requirement for a contingency plan to be prepared and filed for facilities where petroleum, chemicals and other contaminants are stored. This guide has been developed to assist individuals or companies in preparing a contingency plan. They explain the requirements under the regulations, as well as suggesting supplementary information which may enhance any plan.

To assist you in using this guide, it is important to note two things. First, as with any legislation, it is important to read the regulations in respect of the Environmental Protection Act (EPA). If a definition is not in the regulations, refer to the act. Second, the act and regulations will, by policy, be enforced on Commissioner's Land by Government of Nunavut employees familiar with the legislation. There is no intention to duplicate the requirements of other regulatory agencies.

What is a contingency plan?

A contingency plan, also called an emergency response plan or a spill response plan, is a set of procedures to be followed to minimize the effects of an abnormal event, such as a spill. It is important to note that the plan is not something you read after the fact. It serves as a guide or reminder of the steps to take during your response and identifies personnel and their responsibilities. To be effective, the information in the plan must be material with which you are already familiar. You do not want to be reading your plan for the first time during an emergency.

Why have one?

An emergency, such as a spill, is often a stressful situation. Under such conditions, important steps in your response can be overlooked or forgotten. Following a plan helps to ensure all necessary concerns are addressed, i.e. life is protected, injuries are minimized, resources are used effectively, environmental impact is kept to a minimum and essential reporting is completed.

Who is required to file a plan?

Under the Spill Contingency Planning and Reporting Regulations, any person storing contaminants in an underground facility with a capacity equal to or greater than 4000 litres or kilograms, or any person storing contaminants in an aboveground storage facility with a capacity equal to or greater than 20,000 litres or kilograms, is required to file a plan. Although these quantities represent the minimum requirements for filing a plan, we recommend that anyone who stores any quantity of contaminants should prepare a plan.

The Chief Environmental Protection Officer may require a plan be submitted for a facility which does not meet the above requirements or may exempt a person from the

requirements. These regulations are not intended to require a person who is already required to submit a contingency plan to another regulatory authority to also submit their plan to the Chief Environmental Protection Officer.

When must a plan be filed?

Owners of existing facilities have one year after the regulations are proclaimed within which to file a plan. Owners of new facilities must file a plan before the facility is used. It is a requirement to review and update the plan annually and to file the changes. The most common types of amendments include telephone numbers, named response personnel, equipment available, contaminants stored and handled, and emergency services available. The Chief Environmental Protection Officer will review all filed plans and amendments and may require changes. This review does not constitute a guarantee that the plan is adequate and does not provide a defence against liability imposed under the EPA.

Who should prepare the plan?

The best person to prepare the plan is you, the person who will use the plan. Who knows your facility and the surrounding area better than you or your employees? The references at the end of the guidelines include several sources of information which can assist you in developing a simple and effective plan.

What is in the plan?

The regulations require the following information to be included in a contingency plan:

"(a) the name and address of the person in charge, management or control;"

> This is the on-site person responsible for managing the facility. When a spill occurs or is likely to occur, Section 5.1 of the Environmental Protection Act describes who is responsible for doing what. Included is the person in charge, management or control of the contaminant. It is likely that the person will be initially responsible for clean-up activities. This section could also define the scope of the authority and responsibility designated to this person. Should this person have limited authority, the procedure to activate the higher levels of response should be indicated.

"(b) the name and address of the employer of the person described in paragraph (a) where applicable;"

> This is the person or company ultimately responsible for the facility, usually the owner.

"(c) a description of the facility including the location, size and storage capacity;"

All responders must be familiar with the facility and its contents. This is particularly important if persons unfamiliar with the facility are to assist in the planning or undertaking of the clean-up. The description could include a map and *I* or diagrams.

"(d) a description of the type and amount of contaminants normally stored on the site;"

This section would include the chemical name(s) and the volumes or weights of the contaminants. Volumes or weights would be the maximum amount of contaminant that may be on-site at any time. This information is vital, ensuring safety of on-scene response personnel.

"(e) the steps to be taken to report, contain, clean up and dispose of a contaminant in the case of a spill;"

Reporting is the notification of all parties involved. This can include internal as well as external reporting procedures. A copy of the spill report form can be included. As well, a description of a public reporting procedure used to alert anyone who may be affected by the spill is required.

Clean-up is the removal of the contaminant from the environment. You should consider the possible scenarios or spill incidents that could occur at your facility, including a worst case scenario, and describe how you would address those situations. A detailed description of actual containment and clean-up techniques or methods may or may not be included. Remember this is not a training manual. Your methods should already be familiar to your employees.

Disposal is treatment of the contaminant such that it is no longer a threat to the environment. Contingency plans must contain appropriate disposal procedures for the materials stored at the facility. Plans may include locations of disposal sites approved to accept wastes, means of storage prior to disposal and other approvals required. As the disposal techniques can be complex, the disposal of any contaminated soil or water must be authorized by the regulatory agency investigating the incident. However, the regulator is there to ensure clean up and disposal occurs, not to tell you what to do. Your disposal techniques should already be identified in your plan.

"(f) a site map;"

This map is intended to illustrate the facility’s relationship to other areas which may be affected by a spill. The map should be to scale and be large enough to include the location of your facility, nearby buildings or facilities, roads, culverts, catch basins, drainage patterns, any bodies of water which could be impacted by a spill, and topographic features which could affect access and response.

"(g) the name, job title and 24-hour telephone number for the persons responsible for activating the contingency plan;"

> This ensures the employee discovering the spill can activate a response and provides a 24-hour point of contact for the authority investigating the spill.

"(h) a description of the training provided to employees to respond to a spill;"

> A sound training program is necessary when dealing with an emergency situation. The description can include a syllabus or brief outline of any training, whether it be on-the-job or formal courses. Fundamentals should include knowledge and use of any response equipment that may be used as well as knowledge of the hazards from the products that may be encountered. The training should provide for rapid and competent response consistent with company policies and procedures.

"(i) the means by which the contingency plan is activated;"

> This section should outline internal company procedures to activate appropriate response equipment and personnel.

"(j) an inventory, including the location, of response and clean-up equipment available to implement the plan;"

> This includes your equipment as well as any to be used by another person responding to the spill on your behalf. It is imperative, for your protection, that written agreements be made with others who will respond to your spills. This is a commitment made by them to act on your behalf. Another company with a response capability will not necessarily respond on anyone's behalf at any time of the day or night.

"(k) the date the contingency plan was prepared."

The following types of information, although not required, will enhance the effectiveness of the plan.

- A listing of local contractors or clean-up specialists who may be called upon to assist in responding to spills.
- A listing of emergency numbers such as fire, ambulance and police. Also include local health emergency numbers.
- Material Safety Data Sheets for each product or contaminant stored at your facility.

We also suggest sending a copy of your plan to your local emergency response agency such as the fire department.

Holders of contingency plans should conduct simulation exercises to test the plan's effectiveness. This kind of assessment can be conducted in stages on various parts of the plan or on full-scale. Realism is critical to good assessment. Practice gives people confidence and can go a long way toward ensuring a more successful response in an actual emergency. Exercises should be noted in the plan.

For questions or clarification of the regulations or the guide contact:

Environmental Protection Division
Department of Environment
P.O. Box 1000, Station 1360
Iqaluit, Nunavut, X0A 0H0
Phone: (867) 975-7700
Fax: (867) 975-7742

Contingency plans are to be submitted to the above address.

SPILL REPORTING

The Spill Contingency Planning and Reporting Regulations for Nunavut include the requirement to report spills of contaminants in excess of specified quantities. The minimum reportable quantities in Schedule B are listed by type of contaminant. For consistency, descriptions of the different types of contaminants come from the Transportation of Dangerous Goods Act (TOG). Contaminants not described in the TOG Act are usually in "Other contaminants". An example is lube oil.

There may be times when the volume of spilled material is close to the reportable quantity or you are not sure if the spilled material is classified as a contaminant. If in doubt as to whether or not a spill should be reported, it is recommended to report the incident.

As noted in clause 11(2) of the regulations, you cannot delay the reporting of a spill because you do not have all of the required information.

Remember, the Act requires you to clean up any spill and to notify any member of the public who may be affected by the incident, regardless of whether the spill is reportable or not.

REFERENCES

1. Canadian Standards Association, *Emergency Planning for Industry*. CAN/CSA-Z731-M91, CSA, Rexdale, Ontario, 1991

2. Northwest Territories Water Board, *Guidelines for Contingency Planning*. Yellowknife, NWT, 1987

3. Environmental Protection Service, Department of Resources, Wildlife and Economic Development, Government of Nunavut, *Spill Contaminant and Clean-up Course*. Yellowknife, NWT, 1991

4. Tilden, D.C., and H.E. Westermann, *Guidelines for the Preparation of Hazardous Material Spill Contingency Plans*. Environment Canada, Yellowknife, NWT, 1990