SPILLS: POLICY, ROLES and RESPONSIBILITIES

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PREVENTION POLICY, PLANS & **PRACTICES**

GOVERNMENT EMERGENCY PLANS

- Federa
- Provincial
- Municipal

MUNICIPALITIES

- Spill-prone sewershed identification Oil-grit separator outfalls, ponds
- Monitoring, maintenance
- Sewer Use By-laws and inspection
- Regional Spills Action Centres
- Works Departments
- Fire, Police, Ambulance
- Environmental Management Actemergency plans by December 2004

PROVINCE OF ONTARIO

- Environmental Protection Act Ontario Water Resources Act
- Inspections and Enforcement
- Spills Action Centre operation
- Referred occurrences under the federal
- Fisheries Act (pollution prevention) Environmental Bill of Rights
- **Environmental Commissioner**
- Nutrient Management Act
- Dentistry Act
- Planning for Spill Contingency and Spill Clean-up Options Procedures

FEDERAL GOVERNMENT

- CEPA, 1999 Environment Canada
- Fisheries Act, (EC administers pollution prevention provisions, and DFO administers habitat protection provisions)
- Transportation of Dangerous Goods Act
- Canada Shipping Act (CCG & TC)
- Damage assessment protocols

BUSINESS

Pollution Prevention

- Training, posting spill info BMP / EMS
- Drain mats, Capital investments
- ISO 14001, Lot level investments

Business Contingency Plans

- Meet legal obligations
- Outline procedures, protocols

EVENT

DEFINITIONS

hazardous substance, whether

discharge of a pollutant into the

natural environment. This can

substance's life-cycle including

severity of a spill is a function of

the properties of the substance

environment and human health.

Protection Act, Part X): "Spill,"

when used with reference to a

pollutant, means a discharge,

a) into the natural environment

vehicle or other container

c) that is abnormal in quality or

quantity in light of all the

circumstances of the

Municipal (City of Toronto

Sewer Use By-law, Municipal

Code c.681): Spill means a

or the natural environment

11 classes of exemptions

direct or indirect discharge into

the sewage works, storm sewer

Exemptions

EPA Regulation 675/98

Spiller must notify & contain ...

Hazardous Spills: Municipalities

normally take lead in management

with Hazard Material teams will

of hazardous material incidents

Other Hazardous Materials)

discharge

b) from or out of a structure.

spilled, the quantity, and the

consequential effects on the

Provincial (Environmental

Federal (Pollution Prevention

Fact Sheet #6): A spill of a

in a liquid, gaseous or solid

state, means the accidental

occur at any point in a

storage, handling, use,

its production, acquisition,

disposal, or transport. The

RESPONSE, CONTAIN, CLEAN-UP

Ministry of Environment Spills Action Centre

- 24 hours, 1-800-268-6060
- evaluate occurrences initiate and coordinate response
- liaise with other agencies
- provide information
- warn affected parties
- also receives reports on behalf of agencies activate Level 1, 2, or 3 response

Municipal

- Regional Spills Action Centres
- First-on-scene Emergency personnel
- Arrange for clean-up contractors
- Supervise clean-up
- Recover cost of clean-up from spiller
- Report to MOE SAC
- Inspections on compliance issues

Ministry of Environment Definitions, Levels of Response, and Actions

- Minor Spill magnitude and nature that it does not cause significant adverse effects on public concerns, where the spiller can, utilizing his/her own resources undertake measures to control, contain, and clean-up
- Moderate Spill causes significant adverse effects in the immediate vicinity, where resources under a municipal or cooperative contingency plan may be required for containment and clean up
- Major Spill presents a hazard to human health or causes serious adverse effects over a wide area, for which the Ministry may be required to assume control of clean-up and restoration activities

Actions

- determine nature of environmental damage consult with health and labour agencies
- recommend appropriate procedures
- evaluate the adequacy of the containment, clean-up and disposal efforts
- enforce duties upon the discharger, others when necessary facilitate containment, cleanup and disposal
- document all findings, actions, recommendations

MOE Procedures: Procedure G-1-1 "Spill Cleanup Options" and Procedure G-1-2 "Planning for Spill Contingencies" (A supplement to the Province of Ontario Contingency Plan for Spills and

LEGAL PROCESS Investigation, Charges, Prosecution, Penalties

Investigation and Charges

- Ministry of Environment
- Region Spills Response Office
- **Environment Canada**

Prosecution and Penalties

Ministry of Environment

- Administrative penalties (EPA, section 182.1) (for Environmental Protection Act, Pesticides Act, Ontario Water Resources Act), are summary offences using an informed judgment matrix, with fines up to \$10,000 per day for a broad range of simple infractions without going to court. Party may appeal administrative penalties to the Environment Review Tribunal. Offences under the Act (EPA
- Section 186) and associated penalties for individuals and corporations that range from \$20,000 on a first offence for each day for an individual to \$4,000,000 and 5 years in jail depending on the circumstances of the spill. For a corporation, the penalty for a first offence ranges from \$100,000 for each day of the offence to \$6,000,000 and 5 years in jail for owners.

Municipality

Sewer Use By-law - individual fines \$5,000 - \$20,000 and corporate fines \$5,000 to \$100,000

Environmental Bill of Rights

Any two Ontario residents may bring an action in civil court for damage, or imminent damage, to the environment

Ontario Water Resources Act Sections 30-32

Charges

Sec. 14 Environmental Protection Act Sec. 32, Ontario Water Resources Act Fisheries Act. municipal sewer use by-laws - most common legislation under which charges are applied

Penalties

Depends on a number of factors including impact, severity, risk, deliberate violation. reneat offence noncompliance or disregard for previous warnings, deterrent effect.

Penalties may be monetary (\$10K -\$10 million), may involve iail (1-5 years), but may also mean probation orders, remedial orders, Director's orders for preventative measures, licenses suspended or refused if fines not paid restitution orders, forfeiture of seized property.

Fisheries Act and Fnvironmental Protection Act are the primary legislation for addressing spills

RESTORATION

Environmental Clean-Up Fund, Ministry of the Environment

Sections 94, 146, 147 of the Environmental Protection Act

- Funds directed to remedial projects for serious environmental or human health harm
- Funds made available only if a responsible party cannot be identified
- Request for **Emergency Spill** Clean-up funding

Fisheries Act - s 38(5) Every person referred to in paragraph (4)(a) or (b) shall, as soon as possible in the circumstances, take all reasonable measures consistent with safety and with the conservation of fish and fish habitat to prevent any occurrence referred to in subsection (4) or to counteract, mitigate or remedy any adverse effects ..."

Restore the Natural Environment

(EPA, Part X - Spills, Interpretation and Application, sec. 91(1))

"restore the natural environment", when used with reference to a spill of a pollutant, means restore all forms of life, physical conditions, the natural environment and things existing immediately before the spill of the pollutant that are affected or that may reasonably be expected to be affected by the pollutant...

MONITORING **EVALUATION**

DATA COLLECTION ON SPILLS

- Provincial (MOE) Spills Database Regional SAC databases
- James Li Watershed. Municipal, and AOC
- spills mapping studies MOE / TRCA data collection, digitization, and input assessment of urban stormwater runoff. sewersheds and pollution sources

Ministry of Environment Spills Action Centre (SAC) Established to:

- Maintain province-wide. toll-free service for receiving, evaluating and initiating responses to urgent environmental matters on a 24-hour hasis'
- Serve as a focal point for activities dealing with spills:
- Liaise with other agencies on spills and related emergencies;
- Maintain a provincial spill database for the Ministry;
- Provide contingency planning and related spill response training.

Spills Database

MOE's SAC is responsible for maintaining spill records for the Ministry. It is the responsibility of all Ministry staff who receive a report of a spill from a discharger, municipal authorities or others to advise SAC as quickly as possible of the event which are entered on ORIS