A Guide to the

SPILL CONTINGENCY PLANNING AND REPORTING REGULATIONS

Northwest Territories Environment and Natural Resources

Updated March 2011

INTRODUCTION

This guide has been developed to assist individuals or companies in preparing a spill contingency plan or for reporting spills as required by the *Spill Contingency Planning and Reporting Regulations* (Regulations). It explains the requirements under the Regulations, as well as suggests supplementary information, which may enhance any contingency 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 EPA. Second, the EPA and Regulations will, by policy, be enforced on Commissioner's Land by Environment and Natural Resources (ENR) officials familiar with the legislation.

SPILL CONTINGENCY PLAN

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 that you are already familiar with. 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 of the 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?

The Regulations require any person storing contaminants in an underground storage facility with a capacity equal to or greater than 4,000 litres or kilograms, or in an aboveground storage facility with a capacity equal to or greater than 20,000 litres or kilograms, to file a plan. Although these quantities represent the minimum requirements for filing a plan, we recommend anyone who stores any quantity of contaminants 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 (i.e. Federal Land and Water Board) to also submit their plan to the Chief Environmental Protection Officer.**

Contingency plans are to be submitted to the address on page 5 of this Guide.

When must a plan be filed?

Owners of new facilities must file a plan before the facility is used. If a plan has not been filed for an existing facility, file one immediately or contact the local Environment and Natural Resources Office or the Environment Division for further information. 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 nor provide a defence to liability imposed under the EPA.

Who should prepare the plan?

The best person to prepare a 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 be included in a contingency plan:

“(a) the name, address and job title of the owner or person in charge, management or control;”

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

“(b) the name, job title and 24-hour telephone number for the persons responsible for activating the spill contingency plan;”

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 EPA describes who is responsible for doing what. Included is the person in charge, management or control of the contaminant. It is likely that this 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.

"(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 people unfamiliar with the facility are to assist in the planning or undertaking of the clean-up. The description should include a map and/or diagrams.

"(d) a description of the type and amount of contaminants normally stored at the location described in paragraph (c);"

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 anytime. This information is vital, ensuring safety of on-scene response personnel.

"(e) a site map of the location described in paragraph (c);"

This map is intended to illustrate the facilities relationship to other areas that 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 and any nearby bodies of water which could be impacted by a spill or topographic features which would affect access and response.

"(f) the steps to be taken to report, contain, clean-up and dispose of contaminants 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 and is available from the Environment Division. 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 contaminants including 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.

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

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

"(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 is 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) an inventory of and the location of response and clean-up equipment available to implement the spill contingency 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 are 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 anytime of the day or night.

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

Additional Information

The following types of information, although not required by the Regulations, will enhance the effectiveness of any 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 (MSDS) for each product or contaminant stored at your facility.

You should also send a copy of your plan to the 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 more information, contact:

Environment Division
Environment and Natural Resources
Government of the Northwest Territories
PO BOX 1320
YELLOWKNIFE NT X1A 2L9
Telephone - (867) 873-7654
Facsimile – (867) 873-0221

To obtain consolidated copies of the *Environmental Protection Act* and *Regulations:*

1) Visit our website at www.enr.gov.nt.ca or contact

2) Environment Division at the above address.

SPILLS

Schedule B of the *Regulations* list the minimum reportable quantities by type of contaminant. For consistency, descriptions of the different types of contaminants comes from the *Transportation of Dangerous Goods Act* (*TDGA*). Contaminants not described in the *TDGA* are usually included in "Other contaminants". An example is lube oil.

A person reporting a spill shall contact the 24-Hour Spill Report Line by calling (867) 920-8130 immediately upon learning of the spill.

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 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 if 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, N.W.T., 1987.

3. Environmental Protection Service, Department of Resources, Wildlife and Economic Development, Government of the Northwest Territories, *Spill Containment and Clean-up Course*. Yellowknife, N.W.T., 1997.

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