ONTARIO’S SPILL LEGISLATION
ENVIRONMENTAL PROTECTION ACT

- Part X in force - November 29, 1985
- Deals specifically with spills
KEY PART X PROVISIONS

• Spill definition
• Duty to report
• Duty to clean up
• Right to compensation
• Spill prevention and contingency plans (new)
SPILL DEFINITION (Sect. 91)

• Discharge of a pollutant:
  – Into the natural environment
  – Out of a container
  – Abnormal in quantity or quality
Spill to Air
Spill to Land
Spill to Water
DUTY TO REPORT  (Sect 92)

• Person having control of pollutant

• Person who spills, causes or permits a spill

    Must report forthwith
REPORT SPILLS TO:

• Ministry  1-800-268-6060

• Municipality

• Owner and person having control
PUBLIC AUTHORITIES

• Police officers and employees of municipalities and other public authorities must also report
  —If they have reason to believe the Ministry has not already been notified
DUTY TO CLEAN UP (Sect. 93)

• Owner of pollutant
• Person having control

*Must clean-up and restore*
COMPENSATION (Sect. 99)

- For loss or damage
- For reasonable cost and expense

from owner and
person having control
NEW - SECTION 91.1

Spill Prevention and Spill Contingency Plans

• Persons prescribed by regulation shall develop and implement plans to:
  – Prevent or reduce the risk of spills
  – Prevent, eliminate or ameliorate any adverse effects from spills including
    • Plans to notify the Ministry, municipality and others
    • Plans to ensure appropriate equipment, material and personnel are available to respond
REGULATION
675/98
Spill Classification and Exemptions
SPILL CLASSES

Class 1: Approved Discharges
Class 2: Discharges of Water
Class 3: Household Fires
Class 4: Planned Spills
Class 5: Refrigerants
Class 6: Motor Vehicles
SPILLS CLASSES

Class 7: Electrical Utilities
Class 8: Petroleum Sector
Class 9: T D G Occurrences
Class 10: Contingency Plans
Class 11: One-Window Reporting
CLASS 1

APPROVED DISCHARGES
Exempt from Part X of EPA

• Authorized by C of A, licence or permit.
• All requirements met.
• Does not contravene EP Act or other legislation/by-laws.
CLASS 2

DISCHARGES OF WATER
Exempt from Part X of EPA

- Water from reservoirs formed by dams
- Potable water from water mains
CLASS 3

HOUSEHOLD FIRES
Exempt from Part X of EPA

• Combustion products or equivalent materials of less than ten households.

(Note: Chemical or industrial type fires are not exempt.)
CLASS 4

PLANNED SPILLS
Exempt from Sec. 92 - Reporting

• Pre-authorized unavoidable discharges.
• Pre-authorized discharges for research or training.
CLASS 5

REFRIGERANTS
Exempt from Sec. 92 - Reporting

• < 100 kg
• No adverse effects at location of discharge.
CLASS 6

MOTOR VEHICLES
Exempt from Sec. 92 - Report to MOE

• < 100 litres operating fluids
• Not to water
• Can be readily cleaned from specified surfaces
• Cleanup arrangements made
CLASS 7

ELECTRICAL UTILITIES
Exempt from Sec. 92 - (except owner/ controller)

• < 100 litres mineral oil (no PCB’s)
• Not to water
• Can be readily cleaned from specified surfaces
• Cleanup arrangements made
CLASS 8

PETROLEUM SECTOR

Exempt from Sec. 92 - (except owner/ controller)

• < 100 litres petroleum products  (no public access)
• < 25 litres petroleum products   (public access)
• Not to water
• Can be readily cleaned from specific surfaces
• Cleanup arrangements made
CLASS 9

TRANSPORTATION OF DANGEROUS GOODS

Exempt from Sec. 92 - (except owner/ controller)

• T D G reporting quantities adopted
• Not to water
• Can be readily cleaned from specific surfaces
• Cleanup arrangements made
CONTINGENCY PLAN
Exempt from Sec. 92 - Reporting

• Materials and reportable quantity specified in Contingency Plan
• MOE concerns (if any) addressed
• Plan prevents adverse effects
• Cleanup arrangements made
CLASS 11

ONE-WINDOW
Exempt from Sec. 92 - Report to MOE

• Spills reportable to more than one provincial or federal agency
• Memorandum of Understanding between agencies