

KEY ONTARIO LEGISLATION REGARDING SPILLS REPORTING

Ontario Water Resources Act, R.S.O. 1990, c. O.40

Discharge of polluting material prohibited

30 (1) Every person that discharges or causes or permits the discharge of any material of any kind into or in any waters or on any shore or bank thereof or into or in any place that may impair the quality of the water of any waters is guilty of an offence. R.S.O. 1990, c. O.40, s. 30 (1).

Ministry to be notified when polluting material is discharged or escapes

(2) Every person that discharges or causes or permits the discharge of any material of any kind, and such discharge is not in the normal course of events, or from whose control material of any kind escapes into or in any waters or on any shore or bank thereof or into or in any place that may impair the quality of the water of any waters, shall forthwith notify the Ministry of the discharge or escape, as the case may be. R.S.O. 1990, c. O.40, s. 30 (2); 2006, c. 19, Sched. K, s. 3 (2).

Environmental Protection Act, R.S.O. 1990, c. E.19

S.1 (interpretation) - See highlighted terms.

When Ministry to be notified, adverse effect

15 (1) Every person who discharges a contaminant or causes or permits the discharge of a contaminant into the natural environment shall forthwith notify the Ministry if the discharge is out of the normal course of events, the discharge causes or is likely to cause an adverse effect and the person is not otherwise required to notify the Ministry under section 92. 2005, c. 12, s. 1 (6).

Interpretation and application, Part X

91 (1) In this Part,

“municipality” means an upper-tier municipality, a lower-tier municipality or a single-tier municipality;

“owner of the pollutant” means the owner of the pollutant immediately before the first discharge of the pollutant, whether into the natural environment or not, in a quantity or with a quality abnormal at the location where the discharge occurs, and “owner of a pollutant” has a corresponding meaning;

“person having control of a pollutant” means the person and the person’s employee or agent, if any, having the charge, management or control of a pollutant immediately before the first discharge of the pollutant, whether into the natural environment or not, in a quantity or with a quality abnormal at the location where the discharge occurs, and “person having control of the pollutant” has a corresponding meaning;

“pollutant” means a contaminant other than heat, sound, vibration or radiation, and includes any substance from which a pollutant is derived;

“practicable” means capable of being effected or accomplished;

“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, and “restoration of the natural environment”, when used with reference to a spill of a pollutant, has a corresponding meaning;

“spill”, when used with reference to a pollutant, means a discharge,

- (a) into the natural environment,
- (b) from or out of a structure, vehicle or other container, and
- (c) that is abnormal in quality or quantity in light of all the circumstances of the discharge, and when used as a verb has a corresponding meaning;

“**substance**” means any solid, liquid or gas, or any combination of any of them. R.S.O. 1990, c. E.19, s. 91 (1); 2001, c. 9, Sched. G, s. 5 (5, 6); 2002, c. 17, Sched. F, Table.

Abnormal discharge

91 (2) A discharge of a pollutant designated by the regulations at a location designated by the regulations shall be deemed to be in a quantity or with a quality abnormal at the location. R.S.O. 1990, c. E.19, s. 91 (2).

Practicable

(3) In determining what is practicable for the purposes of this Part, regard shall be had to the technical, physical and financial resources that are or can reasonably be made available. R.S.O. 1990, c. E.19, s. 91 (3).

Exception re farming

(4) This Part does not apply to the disposal of animal wastes in accordance with normal farming practices. R.S.O. 1990, c. E.19, s. 91 (4).

Successors, etc.

(5) A reference in this Part, other than in section 92, to an owner of a pollutant or a person having control of a pollutant includes a successor, assignee, executor or administrator of the owner of the pollutant or the person having control of the pollutant. R.S.O. 1990, c. E.19, s. 91 (5).

Notice of spills

92 (1) Every person having control of a **pollutant** that is **spilled** and every person who spills or causes or permits a spill of a pollutant shall forthwith notify the following persons of the spill, of the circumstances thereof, and of the action that the person has taken or intends to take with respect thereto,

- (a) the Ministry;
- (b) any municipality within the boundaries of which the spill occurred or, if the spill occurred within the boundaries of a regional municipality, the regional municipality;
- (c) where the person is not the owner of the pollutant and knows or is able to ascertain readily the identity of the owner of the pollutant, the owner of the pollutant; **and**
- (d) where the person is not the person having control of the pollutant and knows or is able to ascertain readily the identity of the person having control of the pollutant, the person having control of the pollutant. R.S.O. 1990, c. E.19, s. 92 (1); 2002, c. 17, Sched. F, Table; 2005, c. 12, s. 1 (15).

When duty effective

(2) The duty imposed by subsection (1) comes into force in respect of each of the persons having control of the pollutant and the person who spills or causes or permits the spill of the **pollutant immediately when the person knows or ought to know that the pollutant is spilled**. R.S.O. 1990, c. E.19, s. 92 (2); 2005, c. 12, s. 1 (16).

Additional information to Director

(3) The person required by subsection (1) to give notice and the owner of the pollutant shall give to the Director such additional information in respect of the pollutant, the source of the pollutant and the spill of the pollutant as may be required by the Director. R.S.O. 1990, c. E.19, s. 92 (3).

Notice to Ministry by person investigating

(4) A member of a police force or an employee of a municipality or other public authority who is informed of or who investigates the spill of a pollutant shall forthwith notify the Ministry of the spill of the pollutant unless he or she has reasonable grounds for believing that such notice has been given to the Ministry by another person. R.S.O. 1990, c. E.19, s. 92

Same

(5) The notices required by subsections (1) and (4) shall be given in accordance with any requirements prescribed by the regulations. 2005, c. 12, s. 1 (17).

O. Reg 675/98: Classification and Exemption of Spills and Reporting of Discharges

PART II REPORTING OF DISCHARGES

13. (1) This section sets out the notification requirements for,

persons who are required by subsection 15 (1) of the Act to give notice of a discharge of a contaminant, but only if the contaminant is a pollutant as defined in section 91 (1) of the Act;

persons who are required by subsection 92 (1) of the Act to give notice of a spill; and

persons who are required by subsection 92 (4) of the Act to give notice of a spill. O. Reg. 225/07, s. 7.

(2) A person to whom this section applies shall give notice by telephoning the Spills Action Centre (1-800-268-6060 or 416-325-3000) and providing the information required by subsections (3) and (4) to the person who answers the telephone call. O. Reg. 225/07, s. 7.

(3) A person who gives notice under subsection (2) shall provide the following information:

If the person making the notification is a person mentioned in subsection 15 (1) of the Act or subsection 92 (1) of the Act, the person's name and telephone number and, if the person is a corporation or municipality, the name and telephone number of the individual making the notification and the individual's position within the corporation or municipality.

If the person making the notification is a person mentioned in subsection 92 (4) of the Act, the person's name and telephone number and, if known, the name and telephone number of any person having control of the pollutant that is spilled and of any person who spilled or caused or permitted the spill of the pollutant.

A description of the location where the discharge occurred and, if known, the municipal address of the location.

The date and time that the discharge was discovered and, if known, the date and time the discharge occurred. O. Reg. 225/07, s. 7.

(4) A person described in clause (1) (a) or (b) who gives notice under subsection (2) shall provide the following information, to the best of the person's knowledge:

The names and telephone numbers of everyone who was contacted to respond to the discharge, including any fire department, police department or other public authority.

The duration of the discharge and whether the discharge is continuing.

The pollutants discharged, the quantity of pollutants discharged and, if the pollutants contain any substances associated with known hazards, the name of each such substance and a description of the associated hazard.

If the person is a regulated person, an indication of whether the pollutant contains a toxic substance as defined in section 2 of Ontario Regulation 222/07 (Environmental Penalties), made under the Act.

The location of the source of the contaminant.

Any relevant information regarding the cause of the discharge, if known, and the circumstances surrounding the discharge.

If the cause is not known, the person's assessment of the most likely cause based on the best information available and an explanation of steps that have been taken or will be taken to determine the cause.

A description of any adverse effects that occurred or may occur.

A description of any conditions that aggravated or mitigated the adverse effects mentioned under paragraph 8, or that may do so, including,

weather conditions, and

surface water and ground water conditions, including flowrate and water level, if the discharge is into or in any waters, as defined in subsection 1 (1) of the *Ontario Water Resources Act*, or on any shore or bank of them or into or in any place that may impair the quality of any such waters.

If the discharge of the pollutant is to other properties, whether the owners or occupants of the properties affected by the discharge will provide access to a person who is required under the Act or by an order to take steps to prevent, eliminate or ameliorate any adverse effects that are caused or may be caused by the discharge.

Any other pollutants that were or may be discharged into the natural environment as a result of the incident that gave rise to the notification and any adverse effects that resulted or may result from the discharge of such pollutants.

If the discharge is a spill, any actions that were taken or will be taken to satisfy the duty under section 93 of the Act and, if the discharge is not a spill, actions that were taken or will be taken to prevent, eliminate or ameliorate any adverse effects identified under paragraphs 8 and 11, if any.

The name and telephone number of every person responsible for carrying out an action referred to in paragraph 12.

A description of any circumstances, including weather or traffic conditions, that may interfere with an action referred to in paragraph 12. O. Reg. 225/07, s. 7.

(5) If a person described in clause (1) (a) or (b) did not provide all the information listed under subsections (3) and (4) at the time of giving notice under subsection (2), the person shall take all reasonable steps to ensure that the information is ascertained and provided forthwith to the Ministry in the manner set out in subsection (2) or in such other manner as a provincial officer has directed. O. Reg. 225/07, s. 7.

(6) Despite subsections (4) and (5), a person is not required to provide information specified under paragraph 9, 10, 11, 13 or 14 of subsection (4) if he or she can demonstrate that the information is not relevant, given the circumstances of the spill or discharge that is the subject of the notice under subsection (2). O. Reg. 225/07, s. 7.

(7) If a person described in clause (1) (a) or (b) becomes aware that any information provided to the Ministry at the time of giving notice under subsection (2) is inaccurate, the person shall notify the Ministry forthwith of the inaccuracy and shall provide the correct information in the manner set out in that subsection or in such other manner as a provincial officer has directed. O. Reg. 225/07, s. 7.

Environmental Protection Act, R.S.O. 1990, c. E.19

Spill prevention and spill contingency plans

91.1 Every person who belongs to **a class of persons prescribed by the regulations** shall, in accordance with the regulations, develop and implement plans to,

- (a) prevent or reduce the risk of spills of pollutants; and
- (b) prevent, eliminate or ameliorate any adverse effects that result or may result from spills of pollutants, including,
 - (i) plans to notify the Ministry, other public authorities and members of the public who may be affected by a spill, and
 - (ii) plans to ensure that appropriate equipment, material and personnel are available to respond to a spill. 2005, c. 12, s. 1 (14).

O. Reg 224/07: Spill Prevention and Contingency Plans

Application (s.1)

Definition (s.2)

Spill prevention contingency plans (s.3)

General Information (s.4)

Plans re prevention of spills (s.5)

Plans re response to spills (s.6)

Plan retained at the plant (s.7)

Environmental emergency plan (s.8)

Review of plan after spill (s.9)

Annual review of plan (s.10)