



Spill Response in Ontario

Ministry of the Environment

June 20, 2012

Presentation Outline

- Introduction
- Ontario's Spill Legislation
- Spills Action Centre
- Ministry Field Response
- Roles and responsibilities

Introduction

- When a spill occurs the spiller is required to take prompt action to contain, control, notify, clean up and restore the environment
 - Often use spill cleanup contractors
- Municipalities often provide the initial response to a spill or related emergency
 - Especially if local roads or watercourses are impacted
- MOE responds to spills on a 24/7 basis and works closely with other agencies including:
 - Municipalities, Emergency Management Ontario, Environment Canada, the Canadian Coast Guard, and US authorities for trans-boundary incidents

Ontario's Spill Legislation Part X EP Act

Ontario's Spill Legislation

- Key provisions in Part X of the Environmental Protection Act:
 - Duty to report
 - Duty to clean up and restore
 - Municipal Response
 - Minister Orders or Directions
 - Compensation

Duty to Report (Sect 92)

- Person having control of pollutant and
- Person who spills, causes or permits a spill
- **Must report spills forthwith to the Ministry**
 - The Spills Action Centre – 24/7

Duty to Clean Up (Sect. 93)

- Owner of pollutant and Person having control

Must clean-up and restore

- *This is an absolute responsibility*

Municipal Response (Sect. 100)

- Municipality given the right to respond
- Provided with rights of entry and immunity from prosecution
- Required to co-operate with others
- Provided with rights to compensation
- Municipality can issue an order to the owner or person in control to recover costs and expenses (sub-section 101.1)

Minister's Direction (Section 94)

- Empowers the Minister to Direct:
 - MOE Staff
 - Agents of the Ministry

To respond to spills if responsible parties:

- Default
- Are not known
- Request assistance

Minister's Order (Section 94)

- Empowers Minister to order:
 - Those with a duty,
 - Owners of affected property, municipalities,
 - Other public authorities,
 - Any person who may be affected by spill or whose assistance is necessary....

Compensation (Section 99)

- The Crown or any other person has right to compensation from owner / person in control
 - For loss or damage
 - For reasonable cost and expense
 - This includes costs and expenses incurred in responding to a Minister's Direction or Order

Spills Action Centre

Spills Action Centre

- SAC operates a 24-hour provincial service for receiving and coordinating responses to reports of spills and other environmental matters
- SAC also receives reports on behalf of a number of other agencies
 - Ministries of Labour and Health, Technical Standards and Safety Authority and Environment Canada

1-800-268-6060

Spills Action Centre

- Receive reports (24 hours/day)
- Evaluate incidents
- Initiate and coordinate response
- Liase with other agencies
- Provide information
- Warn affected parties
 - e.g. spills to St. Clair River contact water treatment plants, health agencies and US authorities

SAC staffed by Environmental Officers 24/7



15

Ministry Field Response

16

Ministry Field Response

- District Response
- Regional Support
- Drinking Water Support
- Scientific Support

District Response

- District staff during business hours
- Environmental Response Person during after-hours (formal on-call program)

District Response



A District Environmental Response Vehicle

Regional Support

- Regional offices can be called upon to provide technical advice, procedural guidance and management support
- They can provide varying degrees of sampling, modeling and monitoring support.

Regional Response



A Regional Air Monitoring Van in London

Drinking Water Support

- The **Drinking Water Management Division** has well trained drinking water inspectors and supervisors across the Province
- They can be called in to assist when spills or related emergencies threaten drinking water supplies

Drinking Water Support



Safe Drinking Water Branch staff respond to drinking water concerns

Scientific Support

- The **Environmental Science and Standards Division** can provide a range of valuable support services
 - Air and water modeling experts who can help predict environmental impacts
 - Laboratory testing facilities that can test for a wide range of contaminants
 - Mobile Trace Atmospheric Gas Analyzer (TAGA) units that can provide emergency air monitoring
 - A Great Lakes monitoring vessel

Mobile TAGA unit



25



ROLES AND RESPONSIBILITIES

26



Spiller – Owner or Controller

- Absolute responsibility for spill cleanup and restoration (Section 93 EP Act)
- Expected to stop leak, contain, clean up, restore and compensate those affected
- Given right to enter property and take necessary steps to meet their cleanup responsibilities

Municipalities

- Part X EP Act provides municipalities with:
 - authority to respond to spills
 - rights of entry
 - protection from prosecution
 - rights to compensation from owner/ controller
 - Cost recovery

Municipalities

- Normally provide containment and cleanup measures for fuel and oil spills
- Fire departments / public works often deal with minor fuel and oil spills and some dangerous goods spills
- Municipal authorities have primary responsibility for public health and safety

Ministry of the Environment

- As the lead regulatory agency MOE:
 - Determines nature and extent of environmental damage
 - Recommends response procedures
 - Evaluates containment, cleanup and disposal
 - Initiates cleanup procedures when required
 - Enforces legislated responsibilities
 - Recommends spill prevention measures
 - Documents all findings, actions and recommendations

MOE Cleanup Expectations

- To the extent practicable the owner / controller is expected to clean up and restore the environment to the condition it was before the spill occurred
 - Do everything practicable to prevent, eliminate and ameliorate adverse effects and to restore the environment to pre-spill conditions
 - When pre-spill conditions are not known MOE's Brownfield Standards are sometimes used as a default reference
 - Determination is made on a case by case basis

QUESTIONS?