



## Environmental Management Newsletter

POLLUTECH ENVIRONMENTAL CONSULTANTS are independent Canadian consulting firms providing services nationally and internationally in the fields of environmental engineering, chemistry and biology.

**Selected Areas of Expertise:**

**CORPORATE SERVICES**

- Plant Audits, ISO 14000
- Property Transfer Evaluations
- Decommissioning Studies
- Environmental Risk Assessments
- Expert Testimony
- Arbitration and Mediation
- Corporate Consulting & Advisory Services

**ENVIRONMENTAL GEOLOGY**

- Investigation of Contaminated Groundwater and Soils
- Drilling programs
- Geophysical Investigations
- Computer Modeling

**WORKPLACE ENVIRONMENT**

- Indoor Air Quality Assessments
- Industrial Hygiene & Occupational Health
- Employee Training Programs

**PROCESS EVALUATIONS**

- Effluent Treatment
- Water Treatment
- Atmospheric Discharges
- Hazardous Industrial Wastes
- Waste Recovery & Utilization

**NATURAL ENVIRONMENT**

- Biological Monitoring
- Environmental Assessments
- Water Resource Evaluations
- Computer Modeling
- Phytoecology

**TESTING FACILITIES**

- Laboratory Services
- Bench Scale Testing
- Pilot Plant Evaluations
- Analytical Services
- Toxicity Testing
- Great Lakes Testing Facility



### Proposed Spills Exemption Regulations

The Ministry of Environment has released a proposal to amend Regulation 360 (Part V) in order to provide a standard classification and exemption system for spills. Due to the lack of a clear definition of what characterizes a spill many dischargers have reported minor spills with no environmental impacts or potential for an adverse effect. According to the MOE, approximately 20% of the 5000 spills that are reported annually are trivial in nature. The changes to regulation will exempt certain types of spills from reporting as long as the discharger cleans up and clearly documents the spill event. The amendment includes eleven classes of spills which will provide exemption from some or all of the provisions of Part X of the Environmental Protection Act (EPA). Part X of the EPA establishes notification and response requirements for the discharger in the event of a spill.

Under the new proposal the following types of spills would be exempt from Part X of Regulation 360:

**Class I - Approved Discharges**

- Refers to a spill that is authorized in accordance with Certificate of Approval, order, license or permit issued under OWRA or the Pesticides Act (or predecessors)

**Class II - Water from Reservoirs and Water Mains**

- Refers to potable municipal water mains, water from reservoirs formed by dams where discharge is caused by natural events

**Class III - Household Fires**

- Contaminants discharged from a fire, where pollutants are products of combustion of materials, in quantities not greater than normally found in residential properties of ten or fewer households.

Under the new proposal the following types of spills would be exempt from the reporting requirement of Section 92 of the EPA

**Class IV - Planned Spills**

- only those spills to which the MOE has given prior authorization,

**Class V - Motor Vehicles**

- not more than 100 litres of fluid, other than fluid transported as cargo, from the fuel system of a motor vehicle, provided does not enter waters as defined by Ontario Water Resources Act (OWRA), cause an adverse effect and remediation/restoration are carried out forthwith.

**Class VI - Electrical Utilities**

- only municipal or provincial, not more than 100 litres of non-PCB mineral oil, provided does not enter waters as defined by Ontario Water Resources Act (OWRA) cause an adverse effect and remediation/restoration are carried out forthwith.



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### Proposed Spills Exemption Regulations, Continued

**Class VII - Petroleum Sector**

- only municipal or provincial, refers to spill of fluid petroleum product at a location defined under Gasoline Handling Act as a bulk plant, marina, private outlet or retail store, no more than 100 litres in areas restricted from public use and 25 litres in areas not restricted from public use, provided does not enter waters as defined by Ontario Water Resources Act (OWRA) cause an adverse effect and remediation and restoration are carried out forthwith.

**Class VIII - Dangerous Goods Reportable Quantities**

- Quantity is not greater than the minimum reportable quantity specified in the appropriate regulation, provided does not enter waters as defined by Ontario Water Resources Act (OWRA) cause an adverse effect and remediation and restoration are carried out forthwith.

**Class IX - Contingency Plans**

- Spills that are described in a contingency plan and have been assessed with respect to the potential quantity and potential impacts (providing plan succeeds in preventing an adverse effect and arrangements for cleanup are made and carried out forthwith)

**Class X - Refrigerants**

- Spill of refrigerant subject to Regulation 189/94 (or its successor) providing that there was no contravention of the Regulation 189/94 during the spill or subsequent repair, refilling or disposal of equipment.

**Class XI - One Window Reporting**

- Spill that is reportable to another provincially or federally mandated agency of government (reduction of duplication)

For every Class VI to XI spill the individual having control of the spill will be required to keep a record of the details of the spill for a period of two years after the occurrence of the spill. Records shall be made available for inspection upon request by a provincial officer. Records will consist of the following items:

- The date, time, location and duration of the release;
- The type of pollutant released;
- The quantity of pollutant released;
- The containment and clean-up efforts completed;
- An assessment of the success of the containment and clean-up efforts;
- The method used to dispose of or use the pollutant or any matter, thing, plant, or animal or any part of the natural environment that is affected by the spill;
- The location of the disposal site;
- Any observed adverse effects as a result of the spill.

The reforming of Regulation 360 will provide incentives for industry to plan and prepare spill contingency and emergency preparedness and response plans by providing those companies with exemptions from reporting requirements. For further information on this subject please do not hesitate to contact one of our technical representatives at Pollutech.



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