

To report a spill or  
environmental emergency  
call **1-800-222-6514**



## A GUIDE TO RELEASE REPORTING

*Alberta Environmental Protection and Enhancement Act*

### Alberta Environment Regional Offices

#### NORTHERN REGION

Edmonton  
#111, Twin Atria Building  
4999-98 Avenue  
Edmonton, Alberta T6B 2X3  
Tel: 780.427.7617  
Fax: 780.427.7824

#### CENTRAL REGION

Red Deer  
#304, Provincial Building  
4920-51 Street  
Red Deer, Alberta, T4N 6K8  
Tel: 403.340.7052  
Fax: 403.340.5022

#### SOUTHERN REGION

Calgary  
#303, Deerfoot Square Building  
2938-11 Street NE  
Calgary, Alberta, T2E 7L7  
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Fax: 403.297.6069

To contact your local Alberta Environment office,  
call the regional office nearest you or dial 310-0000.

**Alberta**

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Alberta Environment Publication No. I/792  
ISBN: 0-7785-0913-3--Printed Edition  
ISBN: 0-7785-0902-8--On-line Edition

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## REFERENCES

*Environmental Protection and Enhancement Act,*  
R.S.A. 2000, c. E-12 (as amended)

*Release Reporting Regulation,*  
A. R. 117/93 (as amended)

*Transportation of Dangerous Goods Regulations (SOR 2001 - 286) under the Transportation of Dangerous Goods Act,*  
1992, S.C. 1992, c. 34

*Dangerous Goods and Handling Act,*  
R.S.A. 2000. D-4 (as amended)

*Oil and Gas Conservation Act,*  
R.S.A. 2000, c. 0-6 (as amended)

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***Substance***

- (i) Any matter that
  - (a) Is capable of becoming dispersed into the environment, or
  - (b) Is capable of becoming transformed in the environment into matter referred to in paragraph (a)
- (ii) Any sound, vibration, heat, or radiation or other form of energy, and
- (iii) Any combination of things referred to in subclauses (i) and (ii)

Additional definitions can be found in the *Environmental Protection and Enhancement Act* and the *Release Reporting Regulation*. These sources should be consulted to assist in the interpretation of the reporting obligations.

This guide is not a substitute for the law. Please consult the *Environmental Protection and Enhancement Act* and the *Release Reporting Regulation* for all purposes of interpreting and applying the law.

In the event of a difference between this guide and the Act or Regulation, the Act or Regulation prevails.

## DEFINITIONS

### ***Adverse effect***

Impairment of or damage to the environment, human health or safety, or property.

### ***Environment***

The components of the earth including:

- (i) Air, land and water
- (ii) All layers of the atmosphere
- (iii) All organic and inorganic matter and living organisms
- (iv) The interacting natural systems that include components referred to in clauses (i) to (iii)

### ***Owner of a substance***

The owner of the substance immediately before or during the release of the substance.

### ***Person having control of a substance***

The person having charge, management or control of the substance.

### ***Release***

Includes to spill, discharge, dispose of, spray, inject, inoculate, abandon, deposit, leak, seep, pour, emit, empty, throw, dump, place and exhaust.

## INTRODUCTION

This guide is designed to clarify the reporting requirements contained in the *Environmental Protection and Enhancement Act* and the *Release Reporting Regulation*.

The *Environmental Protection and Enhancement Act* requires that any release of a substance into the environment that could cause an adverse effect be reported to Alberta Environment.

The *Release Reporting Regulation* sets out what must be reported, when, how and to who reports must be made.

Individual approvals and codes of practice may also have requirements for reporting contraventions of the terms and conditions of an approval or code of practice, monitoring results and sampling programs. Please consult your approval or registration, or contact Alberta Environment, if you have questions about these reporting requirements.

## WHEN TO REPORT A RELEASE

Any spill, release or emergency that **may** cause, **is** causing or **has** caused an adverse effect to the environment must be immediately reported to Alberta Environment.

Prompt reporting assists in ensuring adverse impacts are addressed properly and minimized if possible, and directly affected parties are notified.

As an adverse effect may be difficult to determine, depending on the chemical and physical characteristics of the substance released and where it was released, if you are uncertain about the potential for adverse effects it is recommended that you report the release.

Releases can occur quickly, or over a long period of time. Numerous small releases can result in a potential adverse effect even if the individual release itself may not.

To be reportable, the release must be into the environment. For example, a spill that is fully contained within a building, including odours, is not considered a release into the environment. However, if there is any possibility of odours venting from the building into the environment, Alberta Environment should be notified.

- (a) the release is at or in excess of the quantities or emission levels set out for the substance in the Table in section 8.1(1) of Part 8 of the *Transportation of Dangerous Goods Regulations* (SOR 2001-286), or
- (b) the substance is released into a watercourse or into groundwater or surface water.

3(2) Subsection (1)(b) applies regardless of whether the quantity or emission level of the release is at or in excess of the levels set out for the substance in the Table in section 8.1(1) of Part 8 of the *Transportation of Dangerous Goods Regulations* (SOR 2001-286).

### ***The Release Reporting Regulation***

Notice should be taken of sections 2 and 3 of the Regulation which state:

- 2 Sections 110 to 112 of the Act and this Regulation do not apply
- (a) to releases of substances that are regulated by the *Oil and Gas Conservation Act* or any regulation made under that Act, the *Dangerous Goods Transportation and Handling Act* or any regulation made under that Act, or an approval, licence or permit granted under any of those Acts or regulations, or
  - (b) to releases of substances classified as Class 1 dangerous goods (explosives) or Class 7 dangerous goods (radioactive materials) as set out in the Schedule to the *Transportation of Dangerous Goods Act, 1992* (Canada).
- 3(1) Subject to section 2(a), where a release of a substance falling within the Class set out in the first column of the Table in section 8.1(1) of Part 8 of the *Transportation of Dangerous Goods Regulation* (SOR 2001-286) under the *Transportation of Dangerous Goods Act, 1992* (Canada) occurs and the release has caused, is causing, or may cause an adverse effect, sections 110 to 112 of the Act and this Regulation apply in respect of the release only if

### **WHO SHOULD REPORT**

You must report a release if you are:

- The person who releases, causes or permits the release of the substance
- The person having control of the substance that is released (unless they have reasonable grounds to believe that the release has already been reported)
- A police officer or employee of a local or public authority who is informed of, or who investigates, a release of a substance (unless they have reasonable grounds to believe it has already been reported)
- Anyone becoming aware of the release

Local authorities should establish appropriate training and response systems and immediately notify Alberta Environment of releases.

## HOW TO REPORT

### Report Immediately

Releases must be reported to Alberta Environment at the **first available opportunity**, as soon as the person responsible knows, or should know, about the release. Reports can be made:

- By phoning **1-800-222-6514** (toll-free, 24 hours-a-day) or (780) 422-4505 or
- In person at any Alberta Environment office

Electronic reporting may also be available in some areas. For further information please contact Alberta Environment.

### What to Report

When reporting, please provide:

- The location and time of the release
- A description of the circumstances leading to the release
- The type and quantity of substance released
- The details of any action proposed or taken at the release site
- A description of the immediate surrounding area

A reference number will be issued to confirm that the report was made.

- (3) A police officer or employee of a local authority or other public authority who is informed of or who investigates a release of a substance into the environment that may cause, is causing or has caused an adverse effect shall immediately notify the Director of the release unless the police officer or employee has reasonable grounds to believe that it has been reported by another person.

Section 111 contains the directions for the manner of reporting where a person is required to report under section 110 and may include reports in person, in writing, and by electronic means. Section 112 states that it is the duty of the person responsible for the substance to take remedial measures to remedy the release and restore the environment.

Section 107(2) of EPEA states that "Sections 110 to 112 apply only to releases of substances that are not authorized by an approval or the regulations." For example, if there was a release of a substance specifically authorized by an approval, registration or the regulations the duty to report will not apply.



## LEGISLATION

### *Environmental Protection and Enhancement Act* Section 110 of EPEA states:

- 110(1) A person who releases, causes or permits the release of a substance into the environment that may cause, is causing or has caused an adverse effect shall, as soon as that person knows or ought to know of the release, report it to
- (a) the Director
  - (b) the owner of the substance, where the person reporting knows or is readily able to ascertain the identity of the owner,
  - (c) any person to whom the person reporting reports in an employment relationship,
  - (d) the person having control of the substance, where the person reporting is not the person having control of the substance and knows or is readily able to ascertain the identity of the person having control, and
  - (e) any other person who the person reporting knows or ought to know may be directly affected by the release.
- (2) The person having control of a substance that is released into the environment that may cause, is causing or has caused an adverse effect shall, immediately upon becoming aware of the release, report it to the person referred to in subsection (1)(a), (b), (c) and (e) unless the person having control has reasonable grounds to believe that those persons already know of the release.

### Other Required Reporting

You must also report to the following people unless you know that they are already aware of the release:

- The owner or person with control of the substance (if you know or can find out who it is)
- Your employer, supervisor or manager
- Any other person who you know, or should know, may be directly affected by the release

### Written Reports

The person responsible must submit a written report to the Alberta Environment Director within **seven days** of the initial immediate report.

The Director may waive the requirement for a written report if the immediate report was sufficient and no adverse effects are likely from the release. You may request a waiver at the time that the initial report is being made. **Unless and until the Director has granted a waiver, you must submit a written report.**

Written reports can be faxed to  
**(780) 427-3178** or mailed to:

**Alberta Environment  
Environmental Response Centre  
111 Twin Atria Building  
4999 - 98 Avenue  
Edmonton, AB T6B 2X3**

### **What Should be Included in a Written Report**

Written reports should include:

- The date and time of the release
- The location of the release
- The duration of the release and the release rate
- The composition of the release for each substance, including:
  - concentration
  - total weight, quantity or amount released
- A detailed description of the circumstances leading up to the release
- The steps or procedures which were taken to minimize, control or stop the release
- The steps or procedures which will be taken to prevent similar releases
- Any other information required by the Director

### ***What are the reportable limits for a release of polychlorinated biphenyl (PCBs)?***

Any release containing concentrations greater than 50 parts per million, or any release that has had, or may have, an adverse affect should be reported. In addition to Alberta Environment reporting requirements, the federal government also has reporting requirements for PCBs.

### ***My vehicle was involved in an accident and as a result fuel was spilled on the ground. Do I need to report this to Alberta Environment?***

Typically motor vehicle accidents are reported to a local authority. However, if the quantity of the spill exceeds 200 L, or the fuel has had, or may have an adverse effect, it must immediately be reported to Alberta Environment either by the local authority, or the person(s) involved with the spill.

***We spilled a product on the plant site and it has been fully contained. However, the product odours may drift off the site. Do I need to report this to Alberta Environment?***

Yes. The odours have a potential to cause an adverse effect and must immediately be reported to Alberta Environment.

***My company stores 205 L drums of used oil (a hazardous recyclable) in our yard. One of the drums was accidentally knocked over and the contents were spilled on the ground and soaked into the gravel. Should I report this to Alberta Environment?***

Yes. The spill has the potential to have an adverse effect on the groundwater or leave the site. This spill must immediately be reported to Alberta Environment.

***I own a service station in an industrial area that borders a residential neighborhood. While removing underground gasoline and diesel storage tanks, I discovered there was free product in the excavation. Is this reportable?***

Yes. There is a potential that groundwater aquifers and adjoining residential properties could be affected. In addition, if there are public safety concerns, the local fire department must be notified.

## **WHAT DOES NOT HAVE TO BE REPORTED**

Releases of the following substances do not have to be reported to Alberta Environment, but reporting to other agencies may be required:

- Substances released according to conditions in an approval, registration or regulation
- Substances regulated by the *Oil and Gas Conservation Act*, the *Dangerous Goods Transportation and Handling Act* or any regulations under those Acts
- Substances regulated by an approval, licence or permit granted under the *Oil and Gas Conservation Act*, the *Dangerous Goods Transportation and Handling Act* or any regulations under those Acts
- Substances classified as Class 1 (explosives) or Class 7 (radioactive materials) dangerous goods as set out in the *Transportation of Dangerous Goods Act, 1992* (Canada)

The class and division of substances regulated under the *Transportation of Dangerous Goods Act* and Regulation, and reportable quantities or levels, is available from Alberta Transportation by calling 1-800-272-9600 or (780) 422-9600.

The release of these substances is reportable when:

- The release has caused, is causing or may cause an adverse effect
- The amount exceeds the quantities or emission levels set out for the substance
- The release is into a watercourse or into the groundwater or surface water in any quantity
- The release falls under the *Transportation of Dangerous Goods Regulation* Table 1 under the *Transportation of Dangerous Goods Act, 1992* (Canada)

If you cannot tell if the quantities or levels listed in the *Transportation of Dangerous Goods Regulation* Table 1 are exceeded, the release should be reported.

***I was loading a truck with crude oil at a lease site and overfilled the tank, which resulted in approximately 500 L of crude oil being spilled on the ground. The product was contained and will be vacuumed up and no crude oil went off-site or into any waterway. Do I need to report this to Alberta Environment?***

No. However, this may be reportable to the Alberta Energy and Utilities Board. *Alberta Energy and Utilities Board IL 98-1 Oil and Gas Notification Requirements* are:

- Any release greater than 2 m<sup>3</sup> on-lease
- Any release off-lease as per the *Oil and Gas Conservation Regulations*
- Any release that has entered or has potential to enter surface water

Any spill or release that goes off-lease that has caused, is causing, or may cause an adverse effect, must immediately be reported to Alberta Environment.

***My company repaired an air conditioning system and discovered a broken line that allowed the release of HCFC-22 (R-22). We repaired the line and recharged the system. Do we need to report this release to Alberta Environment?***

Alberta Environment only requires immediate reporting of releases 10 kg or greater of Ozone-Depleting Substances, as listed in the *Ozone-Depleting Substances and Halocarbons Regulation, Alberta Regulation 181/2000*.

***Our facility is going into a shutdown and as a result we will be required to do some additional flaring. Do we need to report this to Alberta Environment?***

If the flaring causes dense black smoke of an opacity greater than 40 per cent for six minutes or more, or if the flaring exceeds an approval limit or has had, or may have, an adverse effect, it must immediately be reported to Alberta Environment. In the event none of these criteria have been exceeded but public complaints could result, please notify Alberta Environment in advance, if possible.

**Table Identified in Section 8.1(1) of Part 8 of the Transportation of Dangerous Goods Regulation**

Class	Quantity	Emission Limit
1.	Any quantity that could pose a danger to public safety or 50 kg	
2.	Any quantity that could pose a danger to public safety or any sustained release of 10 minutes or more	
3.	200 L	
4.	25 kg	
5.1	50 kg or 50 L	
5.2	1 kg or 1 L	
6.1	5 kg or 5 L	
6.2	Any quantity that could pose a danger to public safety or 1 kg or 1 L	
7	Any quantity that could pose a danger to public safety	An emission level greater than the emission level established in section 20 of the <i>Packaging and Transport of Nuclear Substances Regulations</i>
8	5 kg or 5 L	
9	25 kg or 25 L	

## WHAT HAPPENS AFTER A REPORT

Alberta Environment responds to all reports. The first priority is always to ensure that any possible adverse effects of a release are being properly dealt with, prevented if possible, or mitigated.

Alberta Environment also ensures all other appropriate authorities are notified and works with other agencies to ensure proper response efforts are underway.

After the situation is being appropriately managed and is under control, Alberta Environment gathers more information about the release incident to determine the cause of the release and how to prevent future releases.

Once the follow-up investigation is complete, a decision is made on whether enforcement action is necessary, and what that enforcement action should be.

Failure to report may result in enforcement action.

## FREQUENTLY ASKED QUESTIONS

***Do I have to report a spill of 30 L of varsol that occurred inside our warehouse but was contained and cleaned up?***

No. If all the varsol was recovered and nothing entered the sanitary or storm drainage system the spill does not need to be reported. A spill inside a building that is fully contained within the building, including odours, is not considered a release into the environment. However, if there is any possibility of odours venting from the building, Alberta Environment should be notified.

***I was digging a trench and struck a natural gas line and as a result there was a release of natural gas for a short period of time before the line could be shut-in. Do I need to report this to Alberta Environment?***

If the natural gas release poses a danger to public safety or lasted for 10 minutes or more, or the release has had, or may have, an adverse effect, it must immediately be reported to Alberta Environment.