

Remediation of Sites Contaminated by a Spill

A spill is defined as a release or discharge into the environment of a substance not authorized under the *Environmental Management Act* and in an amount equal to or greater than the amount listed within the Act's Spill Reporting Regulation. An example would be a spill of more than 100 litres of flammable liquid. It is expected that all spills, whether reportable or not, must be adequately cleaned up by the person responsible.

What are the spill reporting requirements?

If a spill of a regulated material occurs, the responsible person must immediately call the Provincial Emergency Program (PEP) at **1-800-663-3456** and report:

- the type and quantity of material spilled;
- the location and time of the spill;
- the names and phone numbers of the people involved; and
- the response actions taken or planned.

How do provincial staff respond to a spill?

When Environmental Emergency Response officers (EEROs) receive notice of a spill, their response will be based on the determined level of risk posed by the spill. A typical response may include phone calls, a site visit, or document review.

Is additional follow-up necessary?

Not always. In many cases, the cleanup of a spill is sufficient and no further investigation is

required. However, if additional follow-up is needed beyond the initial emergency response actions – such as continued monitoring, risk management, or extensive remediation – the site should be considered contaminated and further actions undertaken in accordance with the Act and Contaminated Sites Regulation.

Who is responsible for the cleanup of sites contaminated by a spill?

The Act states that whoever causes contamination is responsible for paying the cleanup costs (this is the “polluter pays” principle).

Under the Act, the following individuals may be considered responsible for cleaning up a contaminated site:

- a current owner or operator of a site;
- a previous owner or operator of a site; and
- a producer or transporter of a substance that caused the contamination.

One or more of the above individuals may also be considered responsible for cleanup if an adjacent site becomes contaminated by a substance migrating from the original site.

There are, however, a number of exemptions. For more information on remediation liability, see Fact Sheet 16, “Remediation Liability Overview” and Fact Sheet 18, “Remediation Liability and Transportation.”

What notices are required under the Contaminated Site Regulation?

Notification of independent remediation

Independent remediation is often undertaken by a property owner or other responsible person to improve the environmental quality of a site affected by a spill. Anyone undertaking independent remediation must provide written notice to the Director of Waste Management. If a spill was reported during the initial emergency response (in keeping with the Spill Reporting Regulation), the duty to provide notification of independent remediation is deemed to have been met. See Fact Sheet 21, “Requirements for Independent Remediation” for more information.

Notification of offsite migration

If it is determined during an investigation or the independent remediation of a spill site that one or more substances did (or could likely) migrate from the spill site to a neighbouring property and did (or could likely) cause contamination there, the responsible person must notify the owner of that property in writing. A copy of this notification must also be sent to the Director of Waste Management.

What is the ministry’s role in site remediation?

The ministry is responsible for ensuring that site cleanups are done in a way that protects human health and the environment. The ministry’s involvement in overseeing a cleanup will vary depending on the type and quantity of material spilled, the threat to human health and the environment, the extent and type of remediation selected, and the requirements for discharge authorizations.

What remediation options are there?

Several options are available for the remediation of sites under the Act, including:

- independent remediation;
- remediation facilitated by the oversight of an approved professional; and
- remediation facilitated by the oversight of ministry staff.

Also, in a few situations, a person responsible for cleanup may ask the ministry to use external contract reviewers to expedite the review process.

All applications for contaminated sites legal instruments (such as Certificates of Compliance) eligible for approved professional review must be submitted to the ministry by an approved professional (see Protocol 6: “Eligibility of Applications for Review by Approved Professionals”). To see Protocol 6 and a list of approved professionals, visit our web site at: http://www.env.gov.bc.ca/epd/epdpa/contaminated_sites/.

Any request for a contaminated sites legal instrument must include a completed Contaminated Sites Services Application form, which is also available on our web site.

Are there ministry fees when a person cleans up a spill site?

Any costs incurred by ministry staff such as EEROs in responding to a spill will be charged to the individuals responsible for the spill. In addition, fees for contaminated sites services such as applications for contaminated sites legal instruments are payable, as listed in Schedule 3 of the Contaminated Sites Regulation. For further information, consult Fact Sheet 25, “Fees for Contaminated Sites Services.”

Note: This summary is solely for the convenience of the reader. The current legislation and regulations should be consulted for complete information.

For more information, contact the Environmental Management Branch at site@gov.bc.ca.