

Environmental Protection Act

ONTARIO REGULATION 675/98

CLASSIFICATION AND EXEMPTION OF SPILLS AND REPORTING OF DISCHARGES

Consolidation Period: From October 31, 2011 to the [e-Laws currency date](#).

Last amendment: O. Reg. 253/11.

This is the English version of a bilingual regulation.

PART I CLASSIFICATION AND EXEMPTION OF SPILLS

CLASS I — APPROVED DISCHARGES

1. (1) A Class I spill is a discharge that is authorized by and is in accordance with,
 - (a) an environmental compliance approval;
 - (b) a regulation made for the purposes of Part II.2 of the Act; or
 - (c) an order, licence or permit issued under the Act, the *Ontario Water Resources Act*, the *Pesticides Act* or a predecessor of any of them. O. Reg. 253/11, s. 1.
- (2) A Class I spill is exempt from Part X of the Act if,
 - (a) all orders, requirements and directions made under the Act, the *Ontario Water Resources Act* or the *Pesticides Act* with respect to the spill and the source of the spill have been complied with; and
 - (b) the spill does not contravene any other Part of the Act, any other provincial Act or federal Act, any regulation made under those Acts or any municipal by-law. O. Reg. 675/98, s. 1 (2).

CLASS II — WATER FROM RESERVOIRS AND WATER MAINS

2. (1) A Class II spill is a discharge of,
 - (a) water from reservoirs formed by dams where the discharge is caused by natural events; or
 - (b) potable water from municipal water mains. O. Reg. 675/98, s. 2 (1).
- (2) A Class II spill is exempt from Part X of the Act. O. Reg. 675/98, s. 2 (2).

CLASS III — HOUSEHOLD FIRES

3. (1) A Class III spill is a discharge of pollutants from a fire, where the pollutants are products of combustion of materials in a quantity not greater than the quantity of such materials normally found in residential properties of 10 or fewer households. O. Reg. 675/98, s. 3 (1).
- (2) A Class III spill is exempt from Part X of the Act. O. Reg. 675/98, s. 3 (2).

CLASS IV — PLANNED SPILLS

4. (1) A Class IV spill is a discharge, consented to by the Director under this section that,
 - (a) is a direct and unavoidable result of a planned maintenance procedure to a water or waste water system or to pollution abatement equipment; or
 - (b) is planned for research or training purposes. O. Reg. 675/98, s. 4 (1).
- (2) The person having control of the pollutant shall apply in writing for the Director's consent to a Class IV spill not less than 15 days before the spill and the application shall set out the time, place and potential adverse effects of the spill and such additional information as may be required by the Director. O. Reg. 675/98, s. 4 (2).
- (3) The Director shall consent in writing to a Class IV spill if he or she is of the opinion that the potential adverse effects of the spill do not present an unreasonable risk to public safety and that any adverse effects of the spill will be minimized, eliminated or ameliorated. O. Reg. 675/98, s. 4 (3).
- (4) The Director may attach to the consent conditions respecting the minimization, elimination or amelioration of the adverse effects. O. Reg. 675/98, s. 4 (4).
- (5) A Class IV spill is exempt from section 92 of the Act. O. Reg. 675/98, s. 4 (5).

(6) Despite subsection (5), the person having control of the pollutant shall monitor the adverse effects for the Class IV spill and shall report on them in writing to the Director within five days after the spill. O. Reg. 675/98, s. 4 (6).

CLASS V — REFRIGERANTS

5. (1) A Class V spill is a spill of refrigerant to which Ontario Regulation 463/10 (Ozone Depleting Substances and Other Halocarbons) made under the Act applies. O. Reg. 675/98, s. 5 (1); O. Reg. 20/11, s. 1.

(2) A Class V spill is exempt from section 92 of the Act if no adverse effect takes place at the location of the discharge and the quantity of the spill is less than 100 kilograms. O. Reg. 675/98, s. 5 (2); O. Reg. 241/01, s. 1.

CLASS VI — MOTOR VEHICLES

6. (1) A Class VI spill is a spill of not more than 100 litres of fluid, other than fluid transported as cargo, from the fuel system or other operating system of a motor vehicle. O. Reg. 675/98, s. 6 (1).

(2) A Class VI spill is exempt from clause 92 (1) (a) and subsections 92 (3) and (4) of the Act if,

- (a) the spill does not enter and is not likely to enter any waters, as defined in the *Ontario Water Resources Act*, directly or through drainage structures;
- (b) the spill does not cause and is not likely to cause any adverse effects, other than those that are readily remediated through cleanup and restoration of surfaces that are prepared for vehicular traffic or paved, gravelled, sodded areas adjacent to those surfaces; and
- (c) arrangements for the remediation referred to in clause (b) are made and carried out immediately. O. Reg. 675/98, s. 6 (2).

CLASS VII — ELECTRICAL UTILITIES

7. (1) A Class VII spill is a spill of not more than 100 litres of mineral oil from electrical transformers or capacitors owned by a municipal or provincial electric utility, excluding a PCB liquid as defined in Regulation 362 of the Revised Regulations of Ontario, 1990. O. Reg. 675/98, s. 7 (1).

(2) A Class VII spill is exempt from clauses 92 (1) (a) and (b) and subsections 92 (3) and (4) of the Act if,

- (a) the spill does not enter and is not likely to enter any waters, as defined in the *Ontario Water Resources Act*, directly or through drainage structures;
- (b) the spill does not cause and is not likely to cause any adverse effects, other than those that are readily remediated through cleanup and restoration of paved, gravelled or sodded surfaces; and
- (c) arrangements for the remediation referred to in clause (b) are made and carried out immediately. O. Reg. 675/98, s. 7 (2).

CLASS VIII — PETROLEUM SECTOR

8. (1) A Class VIII spill is a spill of gasoline or an associated product, as those terms are defined in Ontario Regulation 217/01 (Liquid Fuels) made under the *Technical Standards and Safety Act, 2000*, at a location defined in that regulation as a bulk plant, marina, private outlet or retail outlet,

- (a) of not more than 100 litres in areas restricted from public access; or
- (b) of not more than 25 litres in areas with public access. O. Reg. 675/98, s. 8 (1); O. Reg. 225/07, s. 3.

(2) A Class VIII spill is exempt from clauses 92 (1) (a) and (b) and subsections 92 (3) and (4) of the Act if,

- (a) the spill does not enter and is not likely to enter any waters, as defined in the *Ontario Water Resources Act*, directly or through drainage structures;
- (b) the spill does not cause and is not likely to cause any adverse effects, other than those that are readily remediated through cleanup and restoration of paved, gravelled or sodded surfaces; and
- (c) arrangements for the remediation referred to in clause (b) are made and carried out immediately. O. Reg. 675/98, s. 8 (2).

CLASS IX — TRANSPORTATION OF DANGEROUS GOODS

9. (1) A Class IX spill is a spill of a material under those circumstances that, but for the quantity discharged, make the spill subject to immediate notification requirements under the *Transportation of Dangerous Goods Act, 1992* (Canada) or the *Dangerous Goods Transportation Act* and the regulations under those Acts if the quantity spilled is less than the minimum reportable quantity specified in the Transportation of Dangerous Goods Regulations under the *Transportation of Dangerous Goods Act, 1992* (Canada). O. Reg. 675/98, s. 9 (1).

(2) A Class IX spill is exempt from clauses 92 (1) (a) and (b) and subsections 92 (3) and (4) of the Act if,

- (a) the spill does not enter and is not likely to enter any waters, as defined in the *Ontario Water Resources Act*, directly or through drainage structures;
- (b) the spill does not cause and is not likely to cause any adverse effects, other than those that are readily remediated through cleanup and restoration of paved, gravelled or sodded surfaces; and
- (c) arrangements for the remediation referred to in clause (b) are made and carried out immediately. O. Reg. 675/98, s. 9 (2).

CLASS X — NON-REPORTABLE SPILLS

10. (1) A Class X spill is a spill that, immediately before it occurs, is identified as “non-reportable” under subsection 6 (2) of Ontario Regulation 224/07 (Spill Prevention and Contingency Plans) made under the Act, in spill prevention and contingency plans that satisfy the requirements of that regulation. O. Reg. 225/07, s. 5.

(2) A Class X spill is exempt from clauses 92 (1) (a) and (b) and subsections 92 (3) and (4) of the Act. O. Reg. 225/07, s. 5.

(3) Despite subsections (1) and (2), a person subject to the duty set out in clause 92 (1) (a) or (b) or subsection 92 (3) or (4) of the Act shall give the notice required by the provision immediately on the moment that the person becomes aware of any of the following in respect of a Class X spill:

- 1. That the quantity spilled is more than the quantity specified for the given pollutant under clause 6 (2) (c) of Ontario Regulation 224/07, in the plans referred to in subsection (1).
- 2. That the spill was caused deliberately.
- 3. That the spill causes adverse effects, other than those which can be readily remediated through cleanup and restoration of paved, gravelled or sodded surfaces.
- 4. That arrangements for any remediation referred to in paragraph 3 were not made and carried out immediately.
- 5. That the spill enters waters, or is likely to enter waters, as defined in subsection 1 (1) of the *Ontario Water Resources Act*, directly or through drainage structures. O. Reg. 225/07, s. 5.

CLASS XI — ONE WINDOW REPORTING

11. (1) A Class XI spill is a spill that is reportable to a provincial or federal agency. O. Reg. 675/98, s. 11 (1).

(2) A Class XI spill is exempt from clause 92 (1) (a) and subsection 92 (4) of the Act if,

- (a) a memorandum of understanding exists between the Ministry of the Environment and the other agency with respect to resolving duplicate reporting of spills; and
- (b) the spill meets all conditions specified in the memorandum of understanding. O. Reg. 675/98, s. 11 (2).

RECORDS

12. (1) For every Class V, VII, VIII, IX and XI spill that is not reported forthwith, the person having control of the pollutant shall make a record of the spill containing the details listed in subsection (2) and shall keep the record for two years after the spill and during that period shall make the record available for inspection upon the request of a provincial officer. O. Reg. 225/07, s. 6.

(1.1) For every Class X spill that is not reported forthwith, the person having control of the pollutant shall make a record of the spill containing the details listed in subsection (2) and shall keep the record for five years after the spill and during that period shall make the record available for inspection upon the request of a provincial officer. O. Reg. 225/07, s. 6.

(2) The record shall include,

- (a) the date, time, location and duration of the release of the pollutant;
 - (b) the identity of the pollutant released;
 - (c) the quantity of the pollutant released;
 - (d) the circumstances and cause of the spill;
 - (e) details of the containment and clean-up efforts;
 - (f) an assessment of the success of the containment and clean-up efforts;
 - (g) the method used, in accordance with subsection 96 (1) of the Act, 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 and the location of the disposal site; and
 - (h) any adverse effects observed as a result of the spill. O. Reg. 675/98, s. 12 (2).
- (3) Clauses (2) (e) to (h) do not apply to Class V spills. O. Reg. 675/98, s. 12 (3).

PART II
REPORTING OF DISCHARGES

13. (1) This section sets out the notification requirements for,
 - (a) 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;
 - (b) persons who are required by subsection 92 (1) of the Act to give notice of a spill; and
 - (c) 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:
 1. 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.
 2. 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.
 3. A description of the location where the discharge occurred and, if known, the municipal address of the location.
 4. 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:
 1. 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.
 2. The duration of the discharge and whether the discharge is continuing.
 3. 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.
 4. 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.
 5. The location of the source of the contaminant.
 6. Any relevant information regarding the cause of the discharge, if known, and the circumstances surrounding the discharge.
 7. 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.
 8. A description of any adverse effects that occurred or may occur.
 9. A description of any conditions that aggravated or mitigated the adverse effects mentioned under paragraph 8, or that may do so, including,
 - i. weather conditions, and
 - ii. 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.
 10. 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.
 11. 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.
 12. 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.
 13. The name and telephone number of every person responsible for carrying out an action referred to in paragraph 12.

14. 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.

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