







SESSION INTRODUCTION > Agenda General stuff State reporting requirements, unofficial guidance Proposed 19 CCR regs Federal reporting requirements Proposed Chemical Safety and Hazard Investigation Board (CSB) chemical release reporting NPRM Enforcement Local reporting Tips Q&A from the crowd (throughout) UPA 26th Annual California CUPA Training Conference February 2024



REPORTING RELEASES...

- > Welcome to the wide world of spill and release reporting
 - You have just entered a Byzantine world of definitions and applicability; similarities and differences; specifics and nebulosity...but help's (allegedly) coming!
- > Similar, overlapping but separate requirements



One spill/release may trigger multiple reporting requirements

REPORTING RELEASES...

- > Major Federal vs. State differences in definitions and requirements
- > Additional local & permit issues
- > A situation does not need to pose a 'hazard' or need an

ER to be reportable!

- e.g. sheens, safety hazard, threatened releases
- > Reporting is NOT the





IN SUMMARY

UPA

California Reporting

- Primarily hazard based HSC 25510(a) & 19 CCR 2631(c)
- More subjective
- It may take time to make a defensible determination that an event was NOT reportable
- Some statutory & regulatory requirements not yet clear
- Off-site releases?
- Nearly <u>always</u> reportable
- On-site releases?
- Reportablility varies depending upon various subjective criteria and scenario SUPA

> Federal Reporting

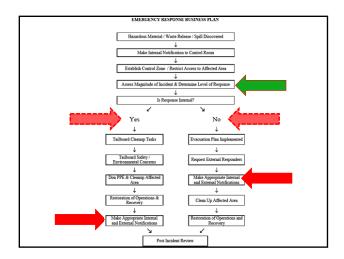
- Primarily quantity based
 - Various statutes
- More quantitative
- May have time flexibility to calculate
- Off-site release?
- Not always reportable
- Depends on media and quantity
- On-site releases
- Usually not reportable
- If contained and no off-site migration/transfer

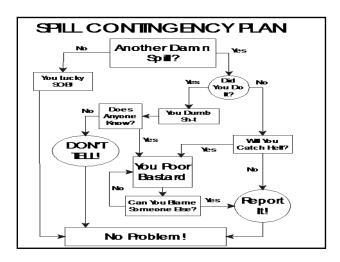


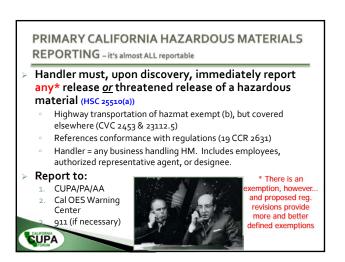
CALIFORNIA vs FEDERAL REPORTING (1) Statutes and regulations Various statutes & regs require reporting Various statutes & regs require reporting...but it is more complicated Definitions Mostly specific, defined in specific regs and guidance Mostly broad, more general, critical words and criteria not yet officially defined Applicability Primarily events impacting environment, primarily off-property, or into soils/subsurface Events impacting environment, property, safety and health...off-property AND on-property

CALIFORNIA vs FEDERAL REPORTING (2)
> Reportable Quantities (RQs)
Mostly quantitative – volume based (except oil sheen)
Mostly qualitative – hazard based
> Regulated materials
Mostly specific, some broad
Mostly broad, some specific
> Notification point
National Response Centerwith a few others, depending
Cal OES State Warning Center & CUPAwith a few others, depending
SUPA









WHAT EVENTS ARE REPORTABLE?

Release

- Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of a material into the environment
- · Unless permitted or authorized by a regulatory agency

> Potential or Threatened Release

* "a condition, circumstance, or incident making it necessary to take immediate action to prevent, reduce, or mitigate a release with the potential to cause damage or harm to persons, property, or the environment."



This could include process upsets, human error, failed equipment, etc.



CUPA

WHAT IS A HAZARDOUS MATERIAL?

> Per HSC 25501(n)



 Any material that would pose a hazard due to the material's quantity, concentration, or physical or chemical characteristics - to human health and safety or the environment if released into the workplace or the environment.

> Includes

- Hazardous substances:
- Anything requiring a SDS, all Fed radioactives (10CFR30.72 Sch. C), all 49 CFR 172 DOT HMs
- Hazardous wastes



HAZARDOUS SUBS	TANCE?	
Spiller maintained MCHM was not regulated or a hazardous material 4-methylcyclohexane methanol Had an SDS	NO WCHM	
 → Health & physical hazards listed → NFPA 2-1-0 		

BUT IS IT ALL REPORTABLE?

The current 19 CCR 2631(c) 'Exception'

"The immediate reporting pursuant to subsection (a) of this section shall not be required if there is a reasonable belief that the release or threatened release poses no significant present or potential hazard to human health and safety, property, or the environment."



Issues:

- * reasonable belief
- threatened release
- poses no significant present or potential hazard to human health and safety, property, or the environment



THE SUBJECTIVE - QUALITATIVE STUFF

- "The immediate reporting pursuant to subsection (a) of this section shall not be required if there is a reasonable belief that the release or threatened release poses no significant present or potential hazard to human health and sefert, property or the environment."
- No statutory or regulatory criteria (<u>vet*</u>) for:
 - Reasonable belief
 - Threatened release
 - $^\circ$ Poses no significant present or potential hazard to human health and safety, property, or the environment
- No public-reviewed, enforceable agency guidance either
 - Cal OES S&RR Guidance (Feb. 2014) is mostly fact/HSC/CCR-based... but has good interpretation or guidance on the above
 - Some CUPAs, CAER groups and LEPCs have unenforceable (but still good) guidance documents







(currently)	INCIDENT/RELEASE ASSESSMENT FOR Bandlers of Bandlers of Bandlers and B				
Cal OES GOVERNOR'S OFFICE OF EMERGENCY SERVICES	Ocetions for landard assessment 1. The surpose had not represent and they require method core 2. This array of the first properties of the properties method core 2. This array of the first properties of the instanction are of the primers, resolvated. 3. This directions come off nite dismage to public or private properties property.				
California Hazardous Materials	A. the for reloves greater than or equal to a reportable quantity (ROIT New there on unconstructed or supermatted relower to the said Deal on uncontrolled or supermatted reloves enough exceeding conditionation, or entrolled in our powers, before said; consoliument, or entrolled into any severes, before said; consoliument, or extra				
Spill / Release Notification Guidance	7. Will control, containment, deconstraination, and/or claim up require the avolation at it fideral, state, country, or maintipul response clement? 8. Did the release or threatened release involves an unknown material or contain an unknown hazardous constituted?				
To Report all significant releases or threat- ened releases of hazardous materials:	8. In the incident a threatened refense! (a condition creating a substantial probability of harm that requires transdate action to prevent, reduct, or miligate damages to persons, property, or the certinomers.)				
First Call: 9-1-1 (or local emergency response agency) Then Call: Cal OES State Warning Center (800) 852 - 7550 or (916) 845 - 8911	18. In these an increased potential to recording effects relabeling for expresses, the reprince replaces failure, or either autonomes that are predefined recording or cause exposures to supplyers. It is promised policies, or the construences. If the answers INTS to some of the above quantities report the relates to the California Converses of Olders of Engineery Services Working Construct at 1000 153 757000 (2016) 1657011. and 15 7000 166711. Olders Olders and additional construction (Olders olders o				

MORE CLARITY IS A'COMIN'...maybe

- > Chapt. 6.95 revisions: HSC 25510(c) [SB1261 (...2016)]
- Cal OES trying to adopt implementing regulations
 - CalOES consulted with regulated entities, trade associations, fire service organizations, federal, state, and local organizations CUPA's etc.) & others several years ago
 - Proposed regulations gone through a few iterations based on group comments/suggestions
 - Latest is the 3rd draft 5/5/2021)... on OES website and on pdf handout
 - Draft and ISOR in OES legal review for past 6 years. SIX!!
 - · Next step is formal public notice and request for comment

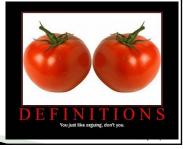




DRAFT 19CCR DIV 2 CHAP. 4 CHANGES

- >§2620 Definitions: Completely revamped section. Includes definitions for:
 - Control
 - Contained release
- Immediate
- Incidental release
- Release
- Release reporting
- Significant
- Threatened release





DRAFT 19CCR DIV 2 CHAP. 4 CHANGES

> Example §2620 definitions:

For the purposes of this Chapter only:

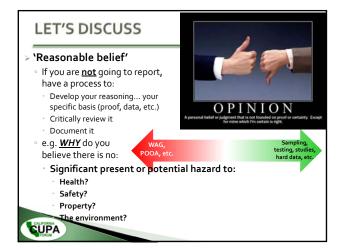
- (a) "Control" means any actions necessary to stop, prevent, abate, or mitigate a release or threatened release thereby ensuring the elimination of a condition of substantial probability of harm to human health and safety, property, or the environment.
- (b) "Contained release" means a release that is completely contained in a designated secondary containment area and is recovered from or neutralized or otherwise treated in secondary containment within 24 hours of discovery. No release reporting is required for a contained release if there is no significant hazard posed to the people or the environment in the immediate area or in areas in the path of the release, or from byproducts or its effects, such as vapors, fire, over-pressurization, toxic gases or toxic particulates.
- (e) "Incidental release" means a release of a hazardous material that does not pose a significant hazard to health, safety, property, or the environment. Incidental releases are limited in quantity, exposure potential, or toxicity, and may be safely cleaned up or mitigated by properly trained facility personnel or contractors. No release reporting is required for an incidental release if there is no significant hazard posed to the people in the immediate area or in areas in the path of the release, or from byproducts or its effects, such as vapors, fire, overpressurization, toxic gases, or toxic particulates.



26th Annual California CUPA Training Conference February 2024 SUPA

DRAFT 19CCR DIV 2 CHAP. 4 CHANGES Example definitions: (i) "Release" is defined in HSC, Section 25501(p). "Release" includes the abandonment or discarding of barrels, containers and other closed receptacles containing any hazardous substances, pollutants or contaminants that may harm people, environment or property, unless permitted or authorized by a regulatory agency. "Release" further includes spills into the workplace that may threaten harm to facility personnel. (k) "Significant" means a release or spill of hazardous materials that poses an imminent actual or potential hazard to health, safety, property, or the environment. (i) "Threatened Release" is defined in HSC, Section 25501(t), and means that a release is imminent. If the threatened release is not contained, stopped, or removed, the threatened release would pose a significant hazard to people in the immediate area or in areas in the path of the threatened release, or from byproducts or its effects, such as vapors, fire, over-pressurization, toxic gases, or toxic particulates.

PRAFT 19CCR DIV 2 CHAP. 4 CHANGES PRecall the exclusion to §2631 'significant release' reporting: (c) The immediate reporting pursuant to subsection (a) of this section shall not be required if there is a reasonable belief that the release or threatened release poses no significant present or potential hazard to human health and safety, property, or the environment. The upshot? No change to California's basic concept of hazard-based reporting Clarifies/defines previously undefined terms Appears reasonable (Uncle Steve's opinion) 26⁴ Annual California CUPA Training Conference February 2024



EXAMPLES/SCENARIOS: Likely Significant

Mostly From OES & CUPA Guidance Docs

- Any release of a hazardous material that results in a chemical exposure, or any other hazmat-related injury, to an employee or member of the public
- > If any part of a release, including airborne releases, extends outside of the facility boundaries
- > Any release or threatened release of a hazardous material that results in an evacuation
- > Any release that requires the use of respiratory protection for mitigation and/or abatement



EXAMPLES/SCENARIOS: Likely Significant

Mostly From OES & CUPA Guidance Docs

- > Any release or threatened release where emergency response personnel are called
- Any release or threatened release where the facility emergency or contingency plan has been activated (beyond determination that a release occurred)
- > Any release of a Regulated Substance (CCR Title 19), Extremely Hazardous Waste (CCR Title 22), Extremely Hazardous Substance (EPCRA Section 302) or Acutely Hazardous Material (40 CFR) that is > Federal RQ
- > Any release which is reportable per federal or other state laws and/or regulations















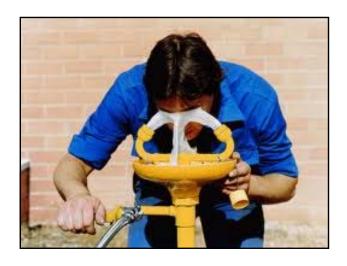
























EXAMPLES/SCENARIOS: May Be Insignificant

Mostly From OES & CUPA Guidance Docs

> See draft proposed regs:

- Incidental spills or releases...
 - Limited volume, toxicity, flammability or other hazard... within facility or contractor capabilities
 - Caveat: No significant health or safety threat
 - e.g. usual PPE for routine handling vs additional PPE for the clean up?
- Spills into containment (if decent containment and not a holy crap material)
- · Cleaned up or removed within 24 hours
- > But don't forget environmental hazard
 - Containment permeability... cracks, etc
 Evaporation



























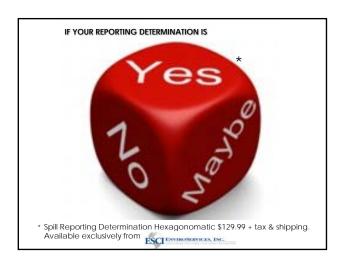














WHEN IS NOTIFICATION REQUIRED?

- > For verbal notification under 19 CCR 2703(a)
 - Immediate verbal report to Cal OES Warning Center and CUPA/AA
 - Immediately upon knowledge of an actual or threatened release
 - And notification can be made without impeding immediate response or control
 - Or without impeding immediate emergency medical procedures







OTHER REPORTING TIMEFRAMES: It's not just 19 CCR!

- > APCD/AQMD breakdown, Title V deviations
 - Notify air district within 1 hour to 4 hours to 72 hours...
 - $\,^\circ\,$ Some deviations can wait until certification season
- > Non-authorized non-stormwater discharges to stormwater
 - Report in SWPPP Annual Report
- > RMP/CalARP 'accidents' to US EPA/CUPA
- > Threat of air contaminant release near school
- Air pollution control officer must notify CUPA/PA and local FD within 24 hours



26th Annual California CUPA Training Conferer February 20

WHO MUST NOTIFY?

Varies by statute/reg... but basically

- > Business
- > Handler (aka a business with HMs)
- > Any of the handlers':
 - Employees
 - Authorized reps
 - Designees
- > State agencies (per Wilson memo)
- > Designated Government Employees



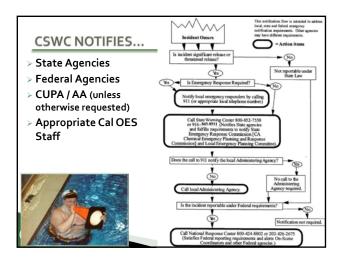
CUPA

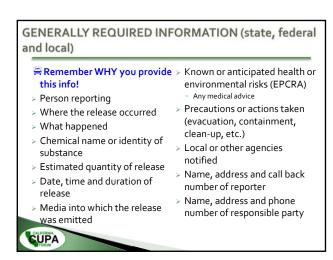
WHO(M) DO I NOTIFY?

- > CUPA/AA/PA*
- > 911 (if necessary)
- State Warning Center (Cal OES)
- National Response Center
 - 3 If federally reportable
- Other agencies
 - Agency-specific laws/regs, permits, agreements, etc.
 - * HSC 25510(d): CUPAs must establish a non-emergency release reporting phone number



(800) 852-7550 -or- (916) 845-8911 in California only Fax: 916-845-8910 The CSWC is the central point in the State for reporting oil and chemical spills.





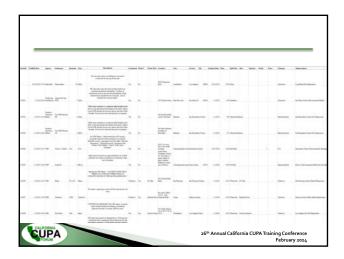


			⇔firmina ⇒ind ♦1	ipand - Cotapec Q.:	learth
			1. Spill R	eport View	
Control® Document Title *PLEASE DELETE	Creation Bate County	City	Agency	Spill Site Wat	er? Type
SPILL Report	81/12/2014 (MAI) PM	PLEASE DELETE	MRC	Rail Road	RALROAD
SPILL Report	21/14/2014 21:00 PM	DELETE	DELETE	Other	OTHER
¥14-0538					
* 14-0537	81/28/2014 Bit 14 PM San Mateo County	San Mater)	PRC Solutions Inc	Waterways	UNSPECIFIE
SPLL Report	PROBRESS PM San Lum Obispo County	San Luis Obispo	City of San Luis Obispo	Road	SEVIACE
¥14-0536					
SPILL Report	HIGHWANT PM Los Angeles County	Witnington	Philips 66	Refinery	WHOR
▼14-0535					
* SPLL Report	#4383914 KB33 PM Los Angeles County	Lancaster	Private Citizen	Merchant/Business	PETROLEJA
	2 01:28:2014 KS:28 PM				PETROLEUN
¥14-0534					
SPILL Report	HISBSHIFFH PH Riverside County	Peris	Eastern Municipal Water Distric	t Road	PETROLEUN
₹14-0533					
¥14-0532	PROBEDING VOICE PM San Bernardino County	Mountain Pass	Mulycorp Minerals	Merchant Business	CHEMICAL
	BYCROWN YOUT AM Santa Clara County	San Jose	Citizen	Road	OTHER
* 14-0531	Prosessor and Santa Clara County	5an 2/56	Citizen	HORD	OTHER
SPILL Report	PERSONA METE AN ROYALIST COUNTY	Late Disnore	OF	Road	PETROLEUA
¥14-0530	The state of the s	Care Course	0.5	THUMBS	PEIMOLEGE
F SPILL Report	81/28/2014 BEH AM Sproma County	Santa Rosa	Oity of Santa Rosa	Road	OTHER
¥14-0529					
SPILL Report	81083844 8735 AM San Bernardino County	Normal	Calco And Odessa Ratroad	Merchant/Business	PETROLEUN
₹14-0528	and the same and t	10.00	. Cancer and Contract Contract	The state of the s	T E TITOLES
P SPEL Report	REDEDITE BETTE ANY LOS Angeles County	Long Beach	MRC	Vibrenays	PETROLEUS
¥14-0327	and the second s			and the	
F SPELL Report	81/28/2914 BLGF AM Santa Barbera County	Lampor	MRC	Oi Field	PETROLEUS
¥14-0526					
F SPILL Report	#1383914 1232 AW San Diego County	Linencorporated county area San Diego	MBC	Other	PETROLEUS

				o Office Emergency Ser is Materials Spill R			
DATE: 01/28/2014 TIME: 1215		ľ	RECEIVED BY:		Cal OES - 14		
La. PERSON NOTIFYES	G Cal OES:						
L NAME:	M	AGENCY: lolycorp Minerals		3. PHONE#:	4. Est:	5. PAC	CELL
Lb. PERSON REPORTE			(4):				
I. NAME:	2.	AGENCY:		3. PHONE#:	4. Ext.	5. PAC	CELL
2. SUBSTANCE TYPE: 1 a SUBSTANCE:	h.QTY.i++	Amount	Mount	a. TVPE:	4.03896	* HIPLINE	£ VESSEL
1. Hydrochloric Acid		11	Owne	CHEMICAL		No	No 100 Init
Penceued solution				CHEMICAL		140	100
2.						No	No
3.						No	No
B. DESCRIPTION:	00		he RP company is d	coursed, resulting in a release of loing the clean up and it is ongoin ATERWAY:	ig. No waterways we		
E CONTAINED:	N		r j.u	ALEKWAY:	No.	G WATER DIPACT	ED
L KNOWN IMPACT		ine.			340		
3. a. INCIDENT LOCAT							
P CLLA		COUNTY:	d.Z	IP:			
Mountain Page		es Bernardino County	921/		MOLAVE DE	SERT AOMD	
4. INCIDENT DESCRIP						and the same	
a. DATE:	h.	TIME (Millary)	0.53	ITE:	d. CAUSE		
01/28/2014	.07	145	Men	chant Business	Unknown		
e. INJURIES		FATALITY		VACUATION	A CLEANE		
No	N		No		Reporting Pa	rty	
6. NOTIFICATION INFO	DRMATION	it.					
a. ON SCENE:			b. OTHER ON SO			R NOTIFIED:	
d. ADMIN. AGENCY: 10		and Fee Department			AGENCY:		
L ADDITIONAL COUNT IS NOTIFICATION LIST				g. AD	MIN. AGENCY:		
E NOTIFICATION LIST	4			EMOCH Usin			
DOCUME.				40			
				DRI-DER, DTSC, REQUEL DE BA, DEPAR			
				Control No: 14-0533 *******			

OL.					bout News Cont	act Us O Settings
Cal OES	Home	Be Ready -	Get Assistance +	Disaster Response •	Divisions -	Initiatives •
jack.harrsh@caloes.ca.gov if you have any com-	ments about	this proposed regula	ation amendment.			
Release Reporting Proposed Regulations Powe Release Reporting Proposed Regulations Powe		021				
Sewage Fact Sheet Information about reporting Sewage Spills/Reli	naces. Update	ed Docember 2018.				
Summary of Spill Release Laws and Regulation Consolidation of legal requirements for the inte material spills/releases within California (as reli	nediate verba					
Spill Release Archive Fil	es					
This section contains spreadsheet files that list greatest compatibility, these files have been sa				pecific year, For		
*** These files are updated/uploaded	on a monti	nly basis. ***				
HazMat - Spill Release Reporting Arc	hive					
Spill Release Reports 2010 To Present	Sp)	Il Release Report	1993 To 2009			
2024 - HazMet Spill Reports Data The	rough 2/1/20	124				
• 2023 - HazMat Spill Reports						
• 2022 - Hazmat Spill Reports						
 2021 - HazMat Spill Reports 						
 2020 - HarMat Spill Reports 						
• 2019 - Hazmat Spill Reports						
 2018 - HauMat Spill Reports 						
• 2017 - HazMat Spill Reports						
• 2016 - HazMat Spill Reports						
 2015 - HazMat Spill Reports 						
• 2014 - HazMat Spill Reports						











TRANSPORTATION INCIDENTS IN CALIF. Highways Dumping, spill or release of HM or HW onto a highway, street or other publicly maintained road (CVC 23112.5(a)) Person dumping, spilling or causing must immediately report to CHP (or agency with traffic jurisdiction) Reporting to CUPA/PA not addressed NO RQ or exemption...it's ALL reportable! CHP will notify Cal OES (except for fuel tank releases <42 gals) Written report to CHP within 30 days (13 CCR 1160-1166)

Applies to transportation of HMs in either placarded vehicles or any other vehicle transporting hazardous materials (some exceptions)

Requirement falls on "carriers"

Use DOT Form F5800.1 (Hazardous Materials Incident Report)



26th Annual California CUPA Training Conference February 2024

TRANSPORTATION INCIDENTS IN CALIF.

- Railways (PUC 7672.5)
 - Incidents resulting in HM release or threatened release
 - > Railroad company must report to Cal OES per HSC 25507 and to appropriate (i.e. local) emergency response agency



CUPA

DISCHARGES TO STATE WATERS

- Discharge of HM, HW, HS or sewage in, on (or potentially in/on) waters of the state (CWC 13271, 23 CCR 2250)
 - Reported to Cal OES and CUPA/PA/AA
 - Cal OES notifies

Director of Environmental Health & Local Health Officer (who determine if public notification is necessary)
RWQCB / SWRCB

 RQ for federal HSs: CERCLA/CWA RQs

Others: anything that potentially impacts waters of the state (impact to Water Quality Objectives, Basin Plan, etc.)

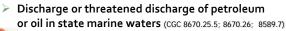
Sewage > 1,000 gallons





CALIFORNIA OIL DISCHARGES

- Discharge of oil or petroleum in or on "waters of the state" (except marine waters) to Cal OES (CWC 13272)
 - Statutory RQ = 42 gal (1 bbl) unless a more restrictive RQ applies (e.g. CA OSCP)
 - CA Oil Spill Contingency Plan = any amount
 - Notify Cal OES or RWQCB



- Statutory RQ = 42 gal...BUT: CA OSCP = any amount
- o Responsible party must notify Cal OES
- Responding local or state agency must notify Cal OES
 - ➢ Cal OES notifies: DFG, SLC, CCC, RWQCB



OTHER CALIFORNIA OIL DISCHARGES

> Petroleum release from APSA facilities (HSC 25270.8)

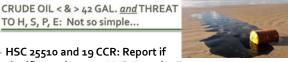


> 42 gals to state waters (or may pass into...)

- O/O reports to Cal OES, CUPA (and 911 if necessary) Cal OES reports to RWQCB
- > Pipelines (cgc 51018, 8589.7)
 - Rupture, explosion, or fire involving a pipeline
 - Pipeline operator must report to jurisdictional FD and Cal OES
 - · Cal OES notifies State Fire Marshal
- Crude oil discharges to land (onshore gas/oil drilling, exploration, or production operations) (PRC 3233 and "SJV Field Rule", CGC 8589.7)
 - Exempt threshold: < 42 gal. and no threat to water
 - Report to Cal OES
 - Cal OES reports to RWQCB and DOGGR

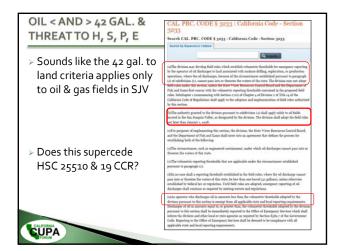


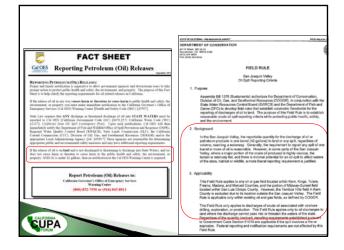




- > HSC 25510 and 19 CCR: Report if significant threat to H, S, P or the E
- But not if contained, etc. when draft 19 CCR regs are finalized
- > If NO significant threat, crude oil spills to land:
 - < 42 gal. is <u>not</u> reportable
- > If NO significant threat, but oil spill to land IS > 42 gal.:
 - · It IS reportable
 - BUT: Per relevant code (CGC 3233 and associated DOGGR/CalGEM SJV Field Rule) – a higher volumetric threshold may be OK: Only applicable in SJV oil and gas fields.

Ç	Ų	P	Α	









PLAN & PERMIT RELATED AND OTHER RELEASE REPORTING

- > SCAQMD 'breakdown', Title V 'deviations'
- Notify SCAQMD within 1 hour
- Some permit deviations can wait until certification season
- > Non-authorized non-stormwater discharge to SW
- Report in SWPPP Annual Report
- > Radiological materials releases
- Report to Cal OES & DHS if > RQ (draft RQs @ 10CFR30.72 Sch. C))
- > Releases posing a threat to wildlife
- Report to DFG
- > Certain pesticide releases
- Report to County Agricultural Commissioner
- > Anything specified in permits
- RMP/CalARP 'accidents' to EPA/CUPA



26th Annual California CUPA Training Conference February 2024

NON-EMERGENCY RELEASES OF HAZARDOUS SUBSTANCES

- > DTSC requirement (HSC §25359.4)
- Requires reporting of stuff NOT reportable under other state or federal statutes, but that STILL poses a significant threat to public health, safety, or the environment
 - ➤ Within 30 days of discovery
- DTSC reporting form and detailed fact sheet (Jan 2008)
- Reporting obligation on property owner... in addition to person causing the release
 - ➤ Phase I and II assessment & audit issue: Beware!
- Exclusions for anything already reported



REPORTING REQUIREMENTS FOR AGENCIES

- > EHS Releases within 1/2 mile of a school (HSC 25507.10)
 - Emergency rescue personnel school district superintendent
- Reasonably foreseeable threat of an air contaminant release from a source within 1,000' of a school (that could have any impact on persons at the school) (HSC 42301.7)
 - Air pollution control officer must notify CUPA/PA and local FD within 24 hours





RESPONDING AGENCY REPORTING

- a summary

- State & local agencies
 - Responding to marine oil spills must notify Cal OES
- > State agencies
 - Aware of a significant emergency situation must notify Cal OES (per Wilson's memorandum 1/16/92)



- Responding to HazMat spills are not <u>required</u> to call Cal OES ... but it is considered good practice!
 - Well... agencies must report oil spills into marine waters



26th Annual California CUPA Training Conference February 2024

PROP 65 NOTIFICATIONS

- ➤ OEHHA requirement per Prop 65 (HSC §25180)
 - A "designated government employee" who knows of:
 - > An illegal discharge...
 - ...of a hazardous waste...
 - ...that may pose substantial harm to public health & safety

Must notify

- ► Local Board of Supervisors
- ➤ Local Health Officer
- Completely separate from the Prop 65 warning signs





26th Annual California CUPA Training Conference February 2022

FEDERAL RELEASE REPORTING

The NRC is the <u>sole</u> Federal point of contact for reporting oil and chemical spills*



* Although some 'events' are reportable to USEPA
All in ADDITION to any state reporting

26th Annual California CUPA Training Conference February 2024

FEDERAL RELEASE REPORTING SUMMARY

- > Four primary federal statutes:
 - CERCLA \$103 (40CFR302.6; 40CFR300.405)
 releases of CERCLA HS > RQ into environment: report to NRC
 - EPCRA §304 (40CFR355.40)
 - releases of EPCRA EHS > RQ or CERCLA HS > RQ that results in exposure to public outside the facility: report to SERC/LEPC (in Calif = CUPA/FD)
 - CWA §311 (40CFR110.10; 40CFR300.300)
 - releases to navigable waters or adjoining shorelines of CERCLA HS > RQ or 'oil' that violates water quality standards, causes a sheen or discoloration, or deposits a sludge: report to NRC
 - HMTA §1808 (49CFR171.15 & .16)
 - releases of DOT HM during transportation that cause death, injury, public evacuation, or highway closure: report to DOT (via NRC)



26th Annual California CUPA Training Conference February 2024

Chemical Safety and Hazard Investigation Board (CSB) proposed rulemaking (NPRM) 12/2019 for new chemical release reporting requirements

- > Ordered by a Wash. DC District Court
- Rule would require owners/operators to notify CSB within four hours of any accidental release within CSB's jurisdiction
- Intended to give adequate time for facilities to respond to the release and collect information that would be pertinent to a CSB investigation
- If a report has already been made to the NRC under 302.6, the facility must simply notify CSB of the NRC identification number associated with the release
- Applies to chemical accidents involving a fatality or hospitalization
- If report has already been made to the NRC under 302.6, facility must simply notify CSB of the NRC release report ID #



26th Annual California CUPA Training Conferen February 20

FEDERAL RELEASE REPORTING SUMMARY(2)

- Several other federal requirements
 - RCRA, TSCA, CAA, OSHA
- Applicability also not limited emergencies
- Non-routine situations/incidents
- Statistical change in stuff already reported
- Discharges/releases not specifically covered under facility permits
- > Limited to specific lists of substances
- > Limited to specified volumes (RQ)
- > Limited to releases "into the environment"
- > Same terms different meanings





CRITICAL THINKING REQUIRED

- To determine whether your problem is federally reportable
 you must follow an ordered decision-making pathway
- > Should have a written procedure for this process
- 1. Do I have a release as defined (or is it exempt)?
- 2. Is it from a regulated source?
- 3. Is it going into a regulated destination?
- 4. Is it a regulated/listed material (and on what lists)?
- 5. What is it's RQ and has >RQ been (or will be) released within 24 hours?
- 6. Who has to report?
- 7. To whom?





CRITICAL TERMS: "FACILITY"

- CERCLA: Anything within plant boundaries; pipelines; vessels; motor vehicles (even in the course of transportation on the highway), etc.
- > EPCRA (§304): Same as CERCLA (but not vessels) which are owned or operated by same person
 - EPCRA §§301, 302, 311 313: only stationary structures
 - But for §304 reporting: Vehicles, aircraft & rolling stock <u>are</u> included as a 'facility'
- > CAA: Stationary Sources
- > CWA: On-shore/off-shore facilities & vessels
- > RCRA: Area where you handle HW



26th Annual California CUPA Training Conference February 2021

CRITICAL TERMS: "ENVIRONMENT"

- CERCLA: Includes air, water, soil, surface, subsurface, groundwater
 - Exclusion for in releases impacting only indoor/occupational air or surfaces
 - No definition of 'environment'
 - Per EPA guidance docs: spills to integral secondary containment <u>is not</u> 'into the environment' unless it migrates through cracks or gaps, or escapes via evaporation or other air release
- > EPCRA: Any media with actual/potential off-site public health impact or exposure
 - Release to air is assumed to have gone off-site and have potential to impact public

Ambient Air



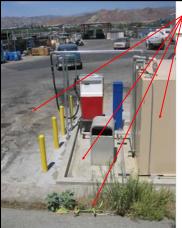
26th Annual California CUPA Training Conferen February 20

CRITICAL TERMS: "ENVIRONMENT"

- > CWA: Limited to 'navigable waters' and adjoining shorelines
 - usually includes storm culverts, swales, ditches, etc
- generally does not include groundwater or any soils
- TSCA (PCBs): Variable and includes (depending on PCB conc.) navigable waters, surface waters, drinking water supplies, grazing lands, veg gardens
- Don't forget!! Chemicals migrate...the spill on the ground surface is evaporating, traveling out the HVAC system, oozing through the floor, blowing in the wind, and soaking into the asphalt.



26th Annual California CUPA Training Conference February 2024



INTO THE ENVIRONMENT?

- Depends on design, intent and performance
- Several factors to consider
- > See:
- 935 F. 2d 1303 Fertilizer Institute
 v. United States Environmental
 Protection Agency (June 11, 1991)
- http://openjurist.org/935/f2d/1303/f ertilizer-institute-v-united-statesenvironmental-protection-agency

26th Annual California CUPA Training Conference

CRITICAL TERMS: "RELEASE/INCIDENT"

- Hazardous substances do not actually have to be released (e.g. DOT/transportation incidents)!
 - Which means...RQ's and specific listed chemicals are moot!
- > Generally includes:
- Besides the standard..."Spilling, leaking, pouring, escaping, etc."
- Also includes statistically significant increase in a continuous release
- Also includes any specific notification requirements specified in facility/ equipment permits
- Just like California!

SUPA



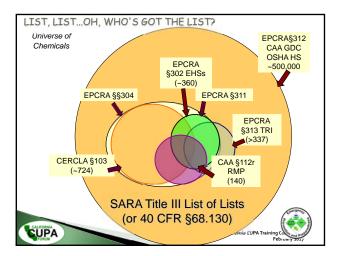


REPORTABLE QUANTITIES

- Most chemicals in different regulations have the same RQs
- Some same chemicals in different regulations different RQs... not many, though
- Most RQs are quantitative and are listed in and must be determined in lbs.
 - ° 1, 10, 100, 1000, 5000 pounds
 - Marine Pollutants (MARPOLs) >119 gal (I) or > 882 lbs (s)
- > BUT! Some RQs are subjective and qualitative
 - · CWA's 'harmful quantity' and sheen rule
 - RCRA-UST's 'oil sheen' and '25 gallons but can not be cleaned up within one day'

Most RQ's are calculated for a 24 hour period



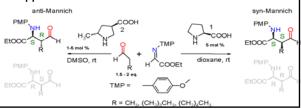


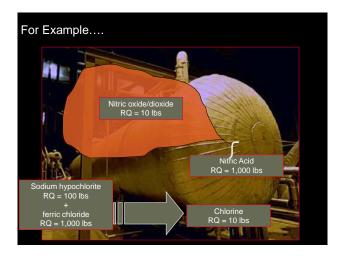
Consolidated List of Lists									
Name	CAS Category Codes	Section 302 (EHS) TPQ	Section 304 EHS RQ	CERCLA RQ	Section 313	RCRA Code	CAA 112(r) TQ		
Chlorine	7782-50-5	100	10	10	313		2,500		
Oblasta disulta	40040.04.4				242		4.000		
Cniorine dioxide	Chlorine dioxide 10049-04-4 313 1,000								
Chlorine monoxide	Chlorine monoxide 7791-21-1 10,000								
"Consolidated List of Chemicals Subject to the Emergency Planning and Community Right-to Know Act (EPCRA) and Section 112(r) of the Clean Air Act"									
Lists chemicals by CAS # and also alphabetically									
Indicates RQ									
& Latest version available on internet at									
http://yosemite.epa.gov/oswer/ceppoweb.nsf/content/ConsolidatedPubs									
39 th Annual California CUPA Training Conference February 2017									



REACTION PRODUCTS

- Hazardous substances released as reaction products must be reported!
- Even if the chemicals which are reacting together are not reportable,
- Reportable quantity for the reaction product is applicable.





REPORTABLE QUANTITIES

- > Some RQs are scenario and/or concentration dependent (TSCA PCB example)
- Any PCB/PCB-contaminated (>50 ppm) spill directly contaminating surface waters, sewers, drinking water, grazing lands, veg gardens, navigable waters
- PCB (>500 ppm) spill >1 lb. (RQ) or PCB-contaminated (50 499 ppm) spill >10 lb.
- > SPCC
 - Report to EPA after two discharges to navigable water (>42 gal) in any rolling 12-month period or a single discharge >1,000 gallons
- > For mixtures, off-gassing, leachate, HVAC escapes:
 - Must calculate the actual quantity of regulated or listed chemical released to the environment
 - If the concentration of the listed chemical/waste is unknown...must include the <u>whole</u> mixture/waste stream in RQ calculations



26th Annual California CUPA Training Conference February 2024



RQ EXAMPLE

- > A 330 gallon DOT tote containing a spent solvent mixture with 50% spent 1,1,1-trichloroethane falls off the truck 140 gallons spills out
- > RQ for 1,1,1-trichloroethane = 1,000 lbs.
- > RQ for Foo1 RCRA waste = 10 lbs.
- ls it a reportable release?
- © Concentration known = 140 gal X 10.5 lbs./gal = 1,470 lbs. x 50% conc. = 735 lbs (< 1,000 lb TCA RQ)
- ⊗ Concentration unknown = 140 x 10.5 = 1,470 lbs (> 10 lb F001 RQ [10 lbs of TCA is < 1 gallon!])
- ⊗ Street closure > 1 hour....DOT RQ even if NO release
- Unlisted [i.e. 'undetermined'] ICR HW: RQ = 100 lbs)

Toxic HW: RQ = lowest RQ for the individual toxic constituent(s) 26th Annual California CUPA Training Conference February 2024 SUPA

WHO'S TURN IN THE REPORTING BARREL?

- > Federal reporting responsibility varies by statute
 - "Owner or Operator" or "Person in Charge"
 - from an individual to a political subdivision
 - need not be sole person in charge of area and may include person of
 - just might include certain contractors and consultants
 - adepending upon their assigned/contracted/scoped responsibilities
- > But someone at the facility needs to report
 - Can't just report from your facility to a corporate office and relieve the facility of its responsibility







NOTIFICATION TIME FRAMES

- Most reports & notifications must be made immediately
 - unless immediate reporting will impede initial emergency action (yeah...)
 - EPA considers anything over 15 minutes (initial verbal) and over 7 calendar days (written followup) to be a violation subject to penalties



www.epa.gov/Compliance/resources/policies/civil/epcra/epcra304.pd

- EPCRA reporting really must be immediate
- Written follow-up can follow within 10 30 days (USTs 45 day reports plus others)



WHO DO YOU CALL?

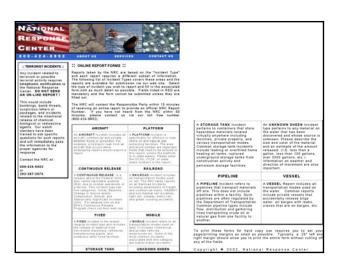
- Federal reports: National Response Center
 - 1-800-424-8802...press 1 for spill reporting
 - OR...submit online at <u>www.nrc.uscg.mil/report.html</u>



- Various online forms...submit based on type of incident:
 - Aircraft, platform, railroad, mobile, vessel, unknown sheen, pipeline, fixed facility, storage tank, continuous release
- Substitution USDOT transportation incidents also reported to NRC...but also see http://hazmat.dot.gov/spills.htm
- ☐ Also see <u>www.epa.gov/superfund/programs/er/triggers/index.htm</u>

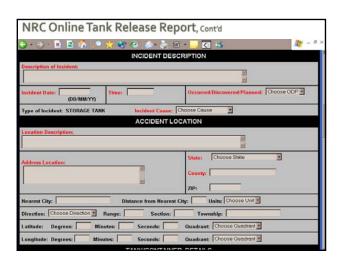
And "CERCLA and EPCRA Release Reporting Requirements" www.epa.gov/superfund/contacts/sfhotine/cerep.pdf

CUPA













EXEMPTIONS - see

www.epa.gov/superfund/programs/er/triggers/haztrigs/hazexems.htm

> Major exemptions for federal reporting

- Releases resulting in only workplace exposures*
- Continuous releases (actually an alternative reporting mechanism - not an exemption)
- For stuff released as part of normal operations, but over a specific RQ
- http://www.epa.gov/superfund/policy/release/faciliti.htm
- Federally permitted releases
- Releases over the RQ but allowed per a facility permit
- Very conditional and limited
- Just because emissions are allowed in a permit does not necessarily make it a 'federally permitted release'
- Properly applied (released) pesticides & ag products



26th Annual California CUPA Training Conference February 2024

CONTINUOUS RELEASES

- > An alternative notification process under CERCLA & EPCRA...it is NOT an exemption
- > Must be initially reported (as a Continuous Release) verbally and in writing
- > Must be either:
- routine, anticipated, intermittent, incidental and normal.. OR
- continuous and uninterrupted
- > AND must be stable in quantity and rate
- > A statistically significant increase is a new release
- See USEPA guidance





FEDERALLY PERMITTED RELEASES (CERCLA, EPCRA, CAA, RCRA)

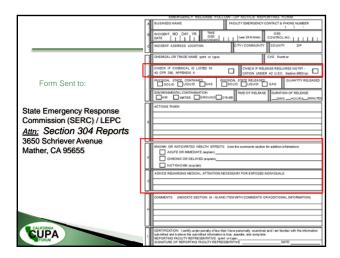
- > Includes a wide range of pollutant, waste, air (and HAP), nuclear
 - Generally provided that the release/discharge is in accordance with its relevant permit or license
- > Previous EPA guidance (12/21/99 FR) limited/narrowed applicability to releases subject to emission or discharge limits/controls specifically designed to address hazardous impacts from the <u>specific</u> HS/EHS
- This guidance suspended on 6/27/00 due to various lawsuits
- > 2002 EPA guidance provides much more flexibility
- Majority of its focus is on Clean Air Act releases and emissions
 - Hazardous Air Pollutants, VOCs, etc.
 - See Federal Registers
- > Permit/rule exemptions ≠ FRP reporting exemption
 - Nor do unanticipated releases from accidents or malfunctions



26th Annual California CUPA Training Conference February 2024



WRITTEN REPORTS, RECORDS AND FOLLOWUP - CALIF AND FEDERAL EPCRA §304 reportable incidents <u>ONLY</u> 19 CCR 2632 (state) and 42 USC 11004 (fed) Any release of a CERCLA hazardous substance or Extremely Hazardous Substance at or above its specified Reportable Quantity $\underline{\it with\ potential\ exposure\ to\ persons\ off-site}$ • "Emergency Release Follow-up Notice Reporting Form" • Same info as verbal report <u>plus</u> Cal OES Control #, health effects info, updated actions taken Complete and return within 30 days to SERC/LEPC (via Cal OES) Others: Report HW 'operating record'; UST operating record; SWPPP; DOT; SPCC; Title V Permit-required CUPA



COST OF NON-COMPLIANCE UNDER
EPCRA § 304 and CERCLA § 103
Penalties up to \$32,500 per day, per
chemical, per point of compliance
,
Criminal action possible with penalties
of up to \$32,500 per day, 3 years in
prison, or both
Note: Self-audit and disclosure is always the better option
CALFORMA 29 th Annual California CUPA Training Cont. Let 19
February 2017



FEDERAL REPORTING OF TRANSPORTATION INCIDENTS (in addition to CERCLA reporting to NRC!)



Two types of reports

- 1. Carrier must report within 30 days in writing to DOT certain incidents occurring during the course of transportation (49CFR171.16)
 - Includes loading, unloading and temporary storage
- Unintentional releases of HM/HW (RQ not specifically mentioned!) Exemptions include:
 - PSN 'Consumer commodity'; 'Battery, electric storage, wet, filled with acid or alkali'; 'Paint' and 'Paint related material' (in a packaging of ≤ 5 gal); 'Limited Qty', some PG IIIs or Class 9s and < 5.2 gal (or < 66 lbs.) per pkg, or aggregate spill
 Connection/disconnection of loading or unloading lines, if release does not result in
 - property damage
- NOT exempt:
 - 49 CFR 171.15 reportables; aircraft transport; most PG I; and hazardous waste releases



26th Annual California CUPA Training Conference February 2024

FEDERAL REPORTING OF TRANSPORTATION INCIDENTS (cont.)

- Person in physical possession of HM 'during the course of transportation' must report to NRC w/in 12 hours for the following incidents (49CFR171.15)
 - Death/hospitalization, due to HM release
 - Public evacuation or major street closure > 1 hour
 - Aircraft operational or flight pattern change
 - Release or suspected contamination from infectious substance
 - Radiological release
 - MARPOL > 119 g or 882 lb
 - Continuing danger or other holy crap type of incident
- Followed by DOT written report

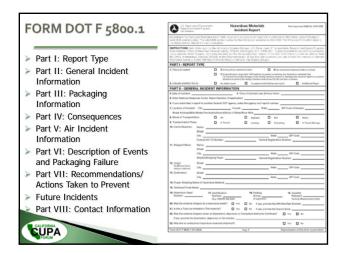


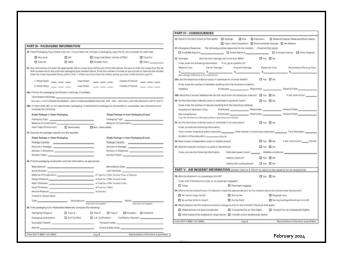


NON-RELEASE DOT INCIDENTS

- In addition to 171.15 incidents and actual releases under 171.16 - certain NON-releases must be reported
 - An undeclared shipment with no release is discovered; or
 - A specification cargo tank > 1,000 gal. containing HM that
 - Received structural damage to the lading retention system or damage that requires repair to a system intended to protect the lading retention system, and...
 - ▶Did not have a release
- Form DOT F 5800.1 (01-2004) and "Guide for Preparing Hazardous Materials Incidents Reports"
 - Very detailed... can complete electronically or on-line







_		_						1	U.S.	R	rement of			*****	acas Rancer
									Ira	insp	portal	tion			
								6	to Part	-	Part 3 Fachaging	Part il	Fact II	Part 6 Description	Fam 7 Reconstruction
					GRIMS Dut	ment Revent			Z - GOMENA, Z			- 100	NI DANK		
3	Trans	oorta	tion					b	Code of Southern -		7 Juliana	and a	4. Toront of Special St	position	-
and the law				Francisco de		See.			** 100,000				(Street I		
Part II Import Fagre (Smed)	Figst () General (Date belog)	Forkaging (Block)	Fort 6 Cornergons (Work)	Fart S one Air Incident (Store)	Part 6 (bearings) (blant)	Fort 7 Secondosidado (Stanto)	Fort 6 or Contact Info (Breek)		If you extend to				geplication): general, meter the a	-	-
				Service Co.					100	w [4- 6	below Spore	Finds ->			*
ART 1 - REPOR							ted rather		Separate Separate	_					
Three forms in o				Augusta incomed				Ç.	Longiture of Sect		A Inches		27		
				and stripes part or the com- many college strate is to					Constant of the		A. and Bill 19		-		
			A Test Wood on	Service of Teach T Services	PROPERTY AND ADDRESS OF				(Tame)						
Southeast refresh	for this let								Tors	0.0	miest a sta	· · · ·			
				on Printers in State					Seese (or	-					
				(Married)					Storey	1940					
ne number bei	in represent	s prour track	, on that you	for this incident.	Your afterward per	that this page or	route a rent a		Street Interest Will Street Cardinates Street State of Street, Tree Street						
				g Number: 901 Aer: E-2001000					Mode of	6.	Page 1	Car Car			
ORDEROY SHOEL	of and in health					at retail Heale.	Streets II be		Trespondation Trespondation				V		
	-						office, Colombia	•	Photo:				of Property	****	
								98.	Carter/Naperts		Oto, and trace	(metchesk)	_		
									time						
									(Free			_			
									19			-			
									free	4 10 8	mint a the	m 19	********	-	
111111111111111111111111111111111111111									thorse (sele						
									7649	1980					
CAL	IFORNIA	100						- 3	Mark ST St Seek	- [
121	JPA							heim	-	-					
	FORUM					_		11.	Misser/Shee	368.0	No. and 7 to 64	(minuhan)			
									- Acres				_		



LOCAL LEVEL REPORTING

CUPA/AA or 911

- Use their call-down tree to call local responders
 - · Fire Services
 - · Law Enforcement
 - · Environmental Health
 - Public Works / Utilities
 - Board of Supervisors
 - Other agencies?





TIPS FOR HAPPY SPILL REPORTING FROM YOUR UNCLE STEVE (1)

- Remember...HSC 25510 & 19 CRR 2703 is a subjective,
 b r o α d standard
- No enforceable guidance... More specific regulatory definitions have been drafted... 8 years ago......
- > You'll need to prove a negative
- > When in doubt report
 - Integrate this 'policy' with one of close pre-incident agency relations, coordination and courtesy
- The potential increase in public/agency attention is less damaging than <u>not</u> reporting when you should have
- 'Over reporting' as an indication of a facility EMS problem • short term = OK; long term = bad



UNCLE STEVE'S TIPS (2)

- > <u>REVIEW</u> why it happened and how to prevent it next time.
- > <u>PLAN</u> to be prepared to appropriately respond.
- > If you decide NOT to report (i.e. if you believe your release is not a reportable one)
- Document your reasoning and justification IN APPROPRIATE DETAIL and file it
- Reporting is not the same as Recording
- Be aware and sensitive to local concerns& perceptions



CUPA

PREPORT to the closest location of impact first And provide tactically important information Be prepared for arguments and threats from everybody who wanted to be called first Don't dally! Report right away!

UNCLE STEVE'S TIPS (a)

- > Assume written follow-up reports are required
- > Be aware of immediate post-reporting requirements
- > Address legal & technical issues NOW
 - e.g. determining 'significance'; property owner vs. operator vs. on-site contractor; RQ % and volumes in commercial products and equipment; current hazmat inventory; identify regulated activities (USTs, transformers, loading/unloading procedures, etc.)
- > Source reduce to lower your volumes to < RQs
- > Emphasize and practice prevention



26th Annual California CUPA Training Conferen February 20:

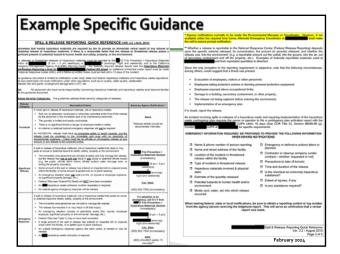
UNCLE STEVE'S FINAL TIPS (5)

A little planning goes a long way!

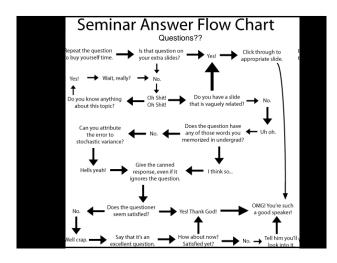
- Develop a clear reporting procedure or instruction NOW...and then drill and train
- $^{\circ}\, Include\, specific\, responsibilities$
- $^{\circ}$ Get management/corporate/legal department commitment
- Communicate and coordinate with state and local ER agencies BEFORE you have an incident







Reporting Limits for LLC		130	reportable due to	
	Sulfurio Acid (92-98%)	65	corrosivity and/or toxicity hazards.	
	Chem-Treat Compounds			
	Chem Treat BL-124	250	All (except small	
,	Chem Treat BL-153 (Aqueous Ammonia 19%)	133	incidental workplace spills) likely reportable due to corrosivity and/o	
SIC REQUIREMENTS:	Chem Treat P8280L (Polymer)	200	toxicity hazards.	
Spills or releases that enter 'the environment' are rearly always reportable to state and	Chem Treat St1260	N/A: No federal RQ		
local agencies; and are likely (but not always) reportable to federal agencies. The environment means did or other unpaved or uncontained areas, storm drains, making or focusing in containing areas, supervision for the air, or any area aff start	Chem Treat BL-1794	N/A: No federal RQ		
property. Roadways within the plant boundaries are also considered 'the environment'.	Chem Treat CL-240	N/A: No federal RQ	Most (except small or	
 Spils or releases that enter the environment are federally reportable only if the amount entering the environment exceeds the 'reportable quantity' for the specific material. 	Chem Treat CL-1493	N/A: No federal RQ	contained workplace	
 Typically, spills contained within secondary containment devices or structures are 	Chem Treat CL-2150	N/A: No federal RQ	spills) likely reportable due to toxicity, oxidizing	
not federally reportable as long as they are not escaping or leaking/traveling through the containment into the subsurface or onto the surface outside	Chem Treat CL-2871	N/A: No federal RQ	or other hazards. Mus	
containment.	Chem Treat CT-708	N/A: No federal RQ	evaluate material's MSDS and spill situation	
3 State and local reporting is situation-based (got quantity based) and subjective. If an	Chem Treat CT-9004	N/A: No federal RQ	moto and spir trials	
actual or threatened spill or release poses a substantial hazard to health, safety, property or the environment – it is reportable to state and local agencies.	Chem Treat P-817E	N/A: No federal RQ		
 This orbaria applies even if the split has not entered 'the environment' it is a strictle standard than federal recording criteria. 	Chem Treat P-893L (Polymer)	N/A: No federal RQ		
 Personnel must quickly evaluate the potential hazards of each situation to determine if it 	Compressed Gases & Aerosols			
poses a threat to health, safety, property or the environment. If a release into secondary containment must be cleaned up or removed by personnel.	Acetylene	N/A: No federal RQ	If leaking or venting in an open area (e.g. outdoors – likely not reportable. If leaking or venting indoors – likely reportable of fire hazard or health hazard (e.g. room must be evacuated.	
wearing personal protective equipment (such as a splash suit or a respirator), or if a	Argon	N/A: No federal RQ		
clean up contractor is required – it is most likely reportable to state and local agencies. If a spill or release requires that personnel evacuate the general area – it is most likely	Carbon Dioxide	N/A: No federal RQ		
reportable to state and local agencies.	Oxygen	N/A: No federal RQ		
The Reporting spills and releases to regulatory agencies (federal, state, or local) is different	Nitrogen (gas)	N/A: No federal RQ		
than reporting emergencies & requesting emergency response assistance by calling 911. Reporting spills and releases as an emergency situation (via 911) must alongly be	Propane	N/A: No federal RQ		
followed by state and local agency reporting (and may require federal reporting depending upon the material and quantity). [Solik and releases reportable to federal, state and local agencies are not always.]	Non-Flammable Gas (Nitric Oxide & Nitrogen Mixture)	N/A: No federal RQ		
considered emergencies requiring a \$11 notification or requests for outside response	Hydrogen (gas)	N/A: No federal RQ	Catastrophic cylinder	
assistance, however. Spills and releases that are federally reportable are always reportable to state and local	Non-Flammable Gas Mixture (Nitric Oxide, Carbon Monoxide & Nitrogen Mixture)	N/A: No federal RQ	ruptures or valve stem cracking are likely	
agencies, too.	Waste - Aerosol Cans	N/A: No federal RQ	reportable.	
7 Federal, state and local reporting must usually be accomplished 'immediately' (with 10 - 15 minutes, max.) upon knowledge that a spill or release occurred.				









California Hazardous Materials Spill / Release Notification Guidance

To Report all significant releases or threatened releases of hazardous materials:

First Call:

9-1-1

(or local emergency response agency)

Then Call:

Cal OES State Warning Center (800) 852 - 7550 or (916) 845 - 8911

February 2014





Gavin Newsom, Governor Mark S. Ghilarducci, Director

Revised by: Trevor Anderson, Bill Potter & Jon Kolman Layout by: Jon Kolman

February 2014

This guidance summarizes pertinent emergency notification requirements. For precise legal requirements, review specific laws and regulations. This guidance applies to all significant releases of hazardous materials. Refer to the Safe Drinking Water Act of 1986, better known as Proposition 65, and §9030 of the California Labor Code for additional reporting requirements.

The State of California makes no warranty, expressed or implied, and assumes no liability for omissions or errors contained in this publication.







Q: What are the emergency notification requirements in case of a spill or release of hazardous materials?

A: All significant releases or threatened releases of a hazardous material, including oil and radioactive materials, require emergency notification to government agencies. The law specifies:

- Who must notify
- What information is needed
- Which government agencies must be notified
- When must government agencies be notified
- Release quantity or basis for the report

WHO MUST NOTIFY

Q: Who is obligated to notify?

A: Requirements for immediate notification of all significant spills or threatened releases cover:

- Owners
- Operators
- Licensees
- Persons in Charge
- Employers

Notification is required regarding significant releases from:

- Facilities
- Vehicles
- Vessels
- Pipelines
- Railroads

State law: Handlers, any employees, authorized representatives, agent or designees of handlers shall, upon discovery, immediately report any release or threatened release of hazardous materials (Health and Safety Code §25510).

Federal law: Notification to the National Response Center is required for all releases that equal or exceed federal reporting quantities:

- (EPCRA) Owners and Operators to report, and
- (CERCLA) Person in Charge to report





 $\mathbf{Q}\text{:}$ When must emergency notification be made?

A: All significant spills or threatened releases of hazardous materials, including oil and radioactive materials, **must be immediately** reported. Notification shall be made by telephone.

Also, written Follow-Up Reports (Section 304) are required within 7 days if the release equals or exceeds the Federal Reportable Quantities. (see web site for more information)

WHAT INFORMATION

Q: What information is required?

A: State notification requirements for a spill or threatened release include (as a minimum):

- Identity of caller
- Exact location, date and time of spill, release or threatened release
- Location of threatened or involved waterway or stormdrains
- Substance, quantity involved, and isotope if necessary
- Chemical name (if known, it should be reported if the chemical is extremely hazardous)
- Description of what happened

Federal notification required additional information for spills (CERCLA chemicals) that exceed federal reporting requirements, which includes:

- · Medium or media impacted by the release
- Time and duration of the release
- Proper precautions to take
- Known or anticipated health risks
- Name and phone number for more information





Q: Who must be notified?

A: Notification must be given to the following agencies:

- The Local Emergency Response Agency 9-1-1 or the local Fire Department
- The Local Unified Program Agency (UPA), if different from local fire.

Note: The UPA may designate a call to the 9-1-1 emergency number as meeting the requirement for notifying the UPA.

Phone:		
	enter local number	

And

The California Governor's Office of Emergency Services, California State Warning Center:
 Phone (800) 852-7550 or (916) 845-8911

And, if appropriate:

• The California Highway Patrol:

Phone: 9-1-1

(The California Highway Patrol must be notified for spills occuring on highways in the State of California. (CVC 23112.5))





National Response Center

If the spill equals or exceeds CERCLA Federal Reportable Quantities, Phone: (800) 424-8802

United States Coast Guard

Waterway Spill / Release

Sectors:

San Francisco: (415) 399-3547

Los Angeles/Long Beach: (310) 521-3805

In Addition, as necessary, one or more of the following:

San Diego: (619) 278-7033

California Occupational Safety and Health Administration (Cal/OSHA)

For serious injuries or harmful exposures to workers, contact the local Cal/OSHA District Office

California Department of Health Services, Radiological Health Branch

All radiological incidents, contact the California State Warning Center

Department of Toxic Substances Control (DTSC)

Hazardous waste tank system releases, and secondary containment containment releases, contact the appropriate DTSC Regional Office

Department of Conservation

Division of Oil, Gas, and Geothermal Resources (DOG GR) Release of Oil and Gas at a Drilling and Production Facility, contact the appropriate DOGGR Office

Public Utilities

Natural Gas Pipeline Releases, contact the Public Utilities Commission (PUC)

Department of Fish and Wildlife, Office of Spill Prevention and Response (DFW)

Waterway Spill/Release, contact the appropriate DFW Office or the California State Warning Center

Regional Water Quality Control Board (RWQCB)

Waterway Spill/Release, contact the appropriate RWQCB Office





Notification must also be made to the California Governor's Office of Emergency Services, California State Warning Center for the following:

- Discharges or threatened discharges of oil in marine waters
- Any spill or other release of one barrel (42 gallons) or more of petroleum products at a tank facility
- Discharges of any hazardous substances or sewage, into or on any waters of the state
- Discharges that may threaten or impact water quality
- Any found or lost radioactive materials
- Discharges of oil or petroleum products, into or on any waters of the state
- Hazardous Liquid Pipeline releases and every rupture, explosion or fire involving a pipeline

WRITTEN REPORTS

Q: When are written reports required?

A: Different laws have different time requirements and criteria for submitting written reports. After a spill or release of hazardous materials, including oil and radioactive materials, immediate verbal emergency notification should be followed up as soon as possible with a Written Follow-Up Report, if required, to the following agencies:

- 1) California Governor's Office of Emergency Services Section 304 Follow Up Report.
- 2) The responsible regulating agency such as:
- California Department of Health Services, Radiological Health Branch, Radiological Incident Reporting.
- Department of Toxic Substances Control, Facility Incident or Tank System Release Report.
- Cal/OSHA, serious injury or harmful exposure to workers.
- **3**) U.S. DOT and DOE, transportation-related incidents.



PENALTIES

Federal and state laws provide for administrative penalties of up to \$25,000 per day for each violation of emergency notification requirements. Criminal penalties may also apply.

STATUTES

Q: What statutory provisions require emergency notification? **A:** Many statutes require emergency notification of a hazardous chemical release, including:

- Health and Safety Code §25270.8, 25510
- Vehicle Code \$23112.5
- Public Utilities Code §7673 (General Orders #22-B, 161)
- Government Code \$51018, 8670.25.5 (a)
- Water Code \$13271, 13272
- California Labor Code §6409.1 (b)
- Title 42, U.S. Code §9603, 11004

Q: What are the statutory provisions for written Follow-Up Reports (Section 304)?

A: Written reports are required by several statutes, including:

- Health and Safety Code \$25503 (c) (9)
- California Labor Code \$6409.1 (a)
- Water Code §13260, 13267
- Title 42, U.S. Code \$11004
- Government Code \$51018

REGULATIONS

In addition to statutes, several agencies have notification or reporting regulations:

- Title 8, CCR, §342
- Title 13, CCR, \$1166
- Title 14, CCR, §1722 (h)
- Title 17, CCR, \$30295
- Title 19, CCR, \$2703, 2705
- Title 22, CCR, \$66265.56 (j), 66265.196 (e)
- Title 23, CCR, \$2230, 2250, 2251, 2260
- Title 40, CFR, \$263 esp. Section \$263.30
- Title 49, CFR, \$171.16





State Regulations

http://www.oal.ca.gov

State Statutes

http://leginfo.legislature.ca.gov

Federal Regulations

http://www.gpo.gov/fdsys/

Federal Reportable Quantities

http://www.epa.gov/superfund/policy/release/rq/index.htm

See California Labor Code \$9030 and the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) for other reporting requirements.

DEFINITIONS

Q: What is a "Hazardous Material"?

A: "Any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or threatened hazard to human health and safety or to the environment, if released into the workplace or the environment...." (Health and Safety Code, §25501 (m))

Q: What is a release?

A: "Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, unless permitted or authorized by a regulatory agency".

(Health and Safety Code, §25501 (q) and CERCLA §101 (22))

Q: What is a threatened release?

A: A threatened release is a condition creating a substantial probability of harm that requires immediate action to prevent, reduce, or mitigate damages to persons, property, or the environment. (Health and Safety Code §25501 (u))



DEFINITIONS...cont

Q: What hazardous material release requires notification? **A:** All significant spills, releases, or threatened releases of hazardous materials **must be immediately** reported.

In addition, all releases that result in injuries, or workers harmfully exposed, **must be immediately** reported to Cal/OSHA (CA Labor Code §6409.1 (b)). Notification covers significant releases or threatened releases relating to all of the following:

"Hazardous Substances"

As listed in 40 CFR §302.4; Clean Water Act §307, §311; CERCLA §102; RCRA §3001; Clean Air Act §112; Toxic Substance Control Act §7, and as defined by California Health and Safety Code §25501 (n).

"Extremely Hazardous Substances"

As required by Chapter 6.95 Health and Safety Code, EPCRA §302

"Radioactive Materials"

As required by Title 17 \$30100

Illegal releases of hazardous waste

Employee exposures resulting in injuries

As required by California Labor Code §6409.1 (b)

"Sewage"

As required by Title 23 CCR \$2250 (a) (Reportable quantity is 1,000 gallons or more for municipal and private utility waste water treatment plants).



SEWAGE RELEASES

State Law requires that an unauthorized discharge of sewage into or onto state waters must be reported to the Cal OES Warning Center. The Reportable Quantity for sewage spills is 1000 gallons or more, as established in regulation (Title 23, CCR, §2250 (a)).

Please note that the Regional Water Quality Control Boards and Local Health Departments may have additional reporting requirements - Please contact these offices to determine what requirements may pertain to you.

PETROLEUM (OIL) DISCHARGES

If a release of oil in any way causes harm or threatens to cause harm to public health and safety, the environment, or property, immediate notification must be made to the Cal OES Warning Center.

State Law requires that **ANY** discharge or threatened discharge of oil into **STATE WATERS** must be reported to Cal OES. (California Government Code (GC) §8670.25.5; California Water Code (WC) §13272, California State Oil Spill Contingency Plan).

If the release of oil is on **LAND** and is not discharged or threatening to discharge into State Waters; and (a) does not cause harm or threaten to cause harm to the public health and safety, the environment, or property; **AND** (b) is **under** 42 gallons, then no notification to the Cal OES Warning Center is required.





Handlers of hazardous materials are required to report releases. The following is a tool to be used for assessing if a release is potentially reportable as required by Chapter 6.95 of the California Health and Safety Code. This assessment tool does not replace good judgement, Chapter 6.95, or other state or federal release reporting requirements. If in doubt, report the release. If an emergency, call 9-1-1.

1. Was	ions for Incident Assessment anyone killed or injured, or did they require medical care admitted to a hospital for observation?	Yes	No
	anyone, other than employees in the immediate area of the ase, evacuate?		
	the release cause off-site damage to public or private perty?		
4. Is th	ne release greater than or equal to a reportable quantity (RQ)?		
5. Was	there an uncontrolled or unpermitted release to the air?		
cont	an uncontrolled or unpermitted release escape secondary tainment, or extend into any sewers, storm water conveyesystems, utility vaults and conduits, wetlands, waterways, lic roads, or off-site?		
requ	control, containment, decontamination, and/or clean up tire the assistance of federal, state, county, or municipal onse elements?		
	the release or threatened release involve an unknown erial or contain an unknown hazardous constituent?		
subs to pr	ne incident a threatened release? (a condition creating a stantial probability of harm that requires immediate action revent, reduce, or mitigate damages to persons, property, ne environment.)		
fire,	there an increased potential for secondary effects including explosion, line rupture, equipment failure, or other comes that may endanger or cause exposure to employees, general public, or the environment?		

If the answer is **YES** to *any* of the above questions - report the release to the California Governor's Office of Emergency Services Warning Center at (800) 852-7550 or (916) 845-8911, and to your local UPA. Note: Other state and federal agencies may require notification depending on the circumstances.

If in doubt, report the release!





EMERGENCY NOTIFICATION SUMMARY

Telephone Calls are Required For All Significant Releases of Hazardous Materials.

At a <u>MINIMUM</u>, the Spiller should call: 9-1-1 or the Local Emergency Response Agency (e.g. Fire Department) <u>AND/OR</u> Local Unified Program Agency

ed Program Agency AND

The California Governor's Office of Emergency Services, California State Warning Center (800) 852-7550 or (916) 845-8911

In addition to 9-1-1 and Cal OES, the following apply under varying circumstances:

Spill Type/Location/Injuries	Who to Call
Releases that equal or exceed Federal Reportable Quantities (CERCLA)	Call the National Response Center (NRC)
All releases on-highway	Call California Highway Patrol (CHP)
All hazardous waste tank releases	Call Department of Toxic Substances Control Regional Office (DTSC)
All serious worker injuries or harmful exposures	Call Cal/OSHA District Office
All oil spills at drilling and production fixed facilities	Call Department of Conservation, Division of Oil, Gas, and Geother- mal Resources (DOGGR)
All spills with a potential to impact water quality	Call Cal OES
All potential or actual railroad releases (California definition of hazardous materials)	Call the Local Emergency Response Agency and the Public Utilities Commission (PUC)
All Hazardous Liquid Pipelines	Call local fire department (Hazard- ous Liquid Pipeline Safety is State Fire Marshal jurisdiction)
All Natural Gas Pipelines	Call Public Utilities Commission (PUC)
All incidents involving Radioactive Material	Call California Department of Public Health (CDPH), Radiological Preparedness Branch





IMPORTANT PHONE NUMBERS

Space has been provided below to allow you to enter important phone numbers for easy reference.

Agency Name	Phone Number
California State Warning Center	(800) 852-7550 or
(Cal OES)	(916) 845-8911
National Response Center	(800) 424-8802
United States Coast Guard	
San Francisco Sector:	(415) 399-3547
Los Angeles/Long Beach Sector:	(310) 521-3805
San Diego Sector:	(619) 278-7033
Unified Program Agency (UPA)	
(Local #)	
California Occupational Safety and	
Health Administration	
(Cal/OSHA) (Local #)	
Department of Toxic Substances	
and Control (DTSC) (Local #)	
California Department of Health	
Services, Radiological Health	
Branch (Local #)	
Department of Conservation	
California Public Utilities Com-	(800) 649-7570
mission (PUC)	
Department of Fish and Wildlife,	
Office of Spill Prevention and Re-	
sponse (OSPR) (Local #)	
Regional Water Quality Control	
Board (RWQCB) (Local #)	







ACRONYMS

Cal EPA - California Environmental Protection Agency

Cal OES - California Governor's Office of Emergency Services

Cal/OSHA - California Occupational Safety and Health Administration

CCR - California Code of Regulations

CDPH - California Department of Public Health

CERCLA - Comprehensive Environmental Response, Compensation, and Liability Act (aka Superfund)

CED. Code of Follows Described and

CFR - Code of Federal Regulations

CHP - California Highway Patrol

DFW - Department of Fish and Wildlife (formerly Department of Fish and Game)

DOGGR - California Division of Oil, Gas, and Geothermal Resources

DTSC - Department of Toxic Substances Control

U.S. EPA - U.S. Environmental Protection Agency

EPCRA - Emergency Planning and Community Right-to-

Know Act (SARA Title III)

GC - California Government Code

HSC - Health and Safety Code

LEPC - Local Emergency Planning Committee

NRC - National Response Center

OEHHA - Office of Environmental Health Hazard Assessment

OSFM - Office of the State Fire Marshal

OSPR - Office of Spill Prevention and Response

PUC - Public Utilities Commission

RCRA - Resource Conservation and Recovery Act

SERC - State Emergency Response Commission

UPA - Unified Program Agency

USCG - Unitied States Coast Guard

U.S. DOT - U.S. Department of Transportation

WC - California Water Code



CONTRIBUTORS

This guidance was developed with input from the following agencies:

California Governor's Office of Emergency Services (Cal OES) Office of the State Fire Marshal (OSFM)

California Highway Patrol (CHP)

California Environmental Protection Agency (Cal EPA)

- Department of Toxic Substances Control (DTSC)
- State Water Resources Control Board (SWRCB)
- Air Resources Board (ARB)
- Department of Pesticide Regulation (DPR)
- Department of Resources, Recycling, and Recovery (Cal Recycle)
- Office of Environmental Health Hazard Assessment (OEHHA)

Department of Fish and Wildlife (DFW)

• Office of Spill Prevention and Response (OSPR)

Department of Food and Agriculture (DFA)

Department of Public Health (CDPH)

Department of Industrial Relations

 California Occupational Safety and Health Administration (Cal/OSHA)

Department of Transportation (CalTrans)

U.S. Environmental Protection Agency, (U.S. EPA) Region IX Department of Conservation, Division of Oil, Gas, and Geothermal Resources (DOGGR)

Department of Water Resources (DWR)

San Diego County Department of Environmental Health State Lands Commission (SLC)







This matrix summarizes pertinent emergency notification requirements and may not be all inclusive.

For precise legal requirements, review specific laws and regulations.

		OIL SPIL	LS		
TYPES OF RELEASES	AMOUNT	WHO REPORTS?	То Wном	WHEN	LEGAL AUTHORITY
(Federal) Navigable Waters*	Any Amount "Harmful quantity"***	Any person in charge of a vessel or facility (offshore or onshore)	NRC (800) 424-8802 or (202) 267-2675	Immediately, when it can be done safely	Federal Water Pollution Control Act (FWPCA) §311 33 CFR 153.203 40 CFR 110.6
(State of California) Marine Waters*	Any amount	Any party responsible for the discharge/threatened discharge;	Cal OES (800) 852-7550	Immediately, but not later than 15 minutes after discovery of the spill or threatened release	California Government Code CGC 8670.25.5; 8670.26
		Responding local or state agency	NRC		California State Oil Spill Contingency Plan
					FWPCA §311 33 CFR 153.203 40 CFR 302.6
(State of California) State Waters*	Any amount of oil or petroleum product	Any person	Cal OES or RWQCB	Immediately upon knowledge of a release.	California Water Code CWC 13272 (a) CGC 8670.25.5; 8670.26
					California State Oil Spill Contingency Plan
Oil Discharges to Land (Including Onshore drilling, exploration,	≥ 1 barrel (42 gallons)	Facility owner or operator	Cal OES	Immediately upon knowledge of a release.	Public Resources Code (PRC) 3233
or production operation)	5 barrels or more uncontained in certain San Joaquin Valley oil fields - if no threat				San Joaquin Valley Field Rule (August 1998)
	to state waters; 10 barrels or more contained in certain				CWC 13272 (f)
	San Joaquin Valley oil fields if identified in spill contingency plan - if no threat to state waters.				California State Oil Spill Contingency Plan
Aboveground Storage Tanks (ASTs)	≥ 1 barrel (42 gallons)	Facility owner or operator of a tank facility	Cal OES, CUPA, and/or 911	Immediately upon knowledge of a release.	HSC 25270.8

HAZARDOUS MATERIALS INCIDENTS (may include oil & radioactive materials) TYPES OF AMOUNT **W**HO **То Wном** WHEN LEGAL RELEASES REPORTS? **AUTHORITY CERCLA HS** Person in charge of a **NRC** Immediately upon **CERCLA §103 (a)** > RQ 40 CFR 302.6 facility knowledge of a Release release. Written report to follow. **EPCRA EHS** Owner/Operator of **NRC** Immediately upon EPCRA §304 \geq RQ facility 40 CFR 355 SERC and LEPC knowledge of a Release CUPA/FD (In CA) release. Written report to follow. If there is a Handler Cal OES. Immediately upon HSC 25510 Release or reasonable belief that CUPA, knowledge of a Threatened and/or 911 the release poses a release. Release significant hazard to (except transporting human health & safety, property, or on highway) environment.* Any amount that is Local Health Within 72 hours HSC 25180.7(b) Illegal Discharges Designated observed or has Government Officer or local or Threatened knowledge of likely to **Employee** Board of Discharges of cause injury to public Supervisors Hazardous Waste health and safety. Any transportation Any person who CHP (who then Immediately upon California Vehicle Highways Code (CVC) release. causes the spill. notifies Cal OES) knowledge of a release. 23112.5 **PUC General Order** Railroads Release/threatened Railroads regulated **Appropriate** Immediately upon by the State PUC & emergency knowledge of a No. 161, Rule #3, release that may harm person, FRA response agency release. 8-7-91 property, or and Cal OES environment.** CHP Any spill in CA Transporter who Immediately upon CVC 23112.5; Hazardous Waste discharged waste knowledge of a 2453 Discharge Federal notification: A release. **Transporters** situation carrier deems appropriate; person hospitalized or **NRC** As soon as 22 CCR 66263.15 killed; public practical, but no 22 CCR 66263.30 evacuation > 1hr; later than 12 hours 49 CFR 171.15 operational flight after accident 49 CFR 171.16 pattern or route of occurs aircraft is altered; Written Report: to major transp. artery DTSC and DOT or facility closed > 1 hr; infectious or within 30 days. radioactive materials involved; marine pollutant > 119 gals or > 882 lbs

HAZARDOUS MATERIALS INCIDENTS (CONTINUED)

	(may include oil & radioactive materials)						
TYPES OF RELEASES	AMOUNT	WHO REPORTS?	То Wном	WHEN	LEGAL AUTHORITY		
Pipelines	Every rupture, explosion or fire ≥ 5 barrels	Pipeline operator	Fire Dept Cal OES	Immediately Written report: to State Fire Marshal within 30 days	CGC 51018(c)		
ASTs	Any release or threatened release	Facility owner or operator	Cal OES, CUPA	Immediately upon knowledge of a release.	HSC 25510		
Underground Storage Tanks (USTs)	Any release, if it poses significant hazard	Facility owner or operator	Cal OES, CUPA	Immediately upon knowledge of a release.	HSC 25510		
(0013)	Into secondary containment – no fire or explosion hazard and no deterioration	Facility owner or operator	Cal OES, CUPA	Do not have to report BUT do need to record on the Operator's Monitoring Report.	HSC 25294		
	Escapes from secondary containment; or from a primary containment if no secondary containment; or if there's a fire or explosion hazard or deterioration	Facility owner or operator	Cal OES, CUPA	Within 24 hours after the release has been detected Full written report within 5 working days	HSC 25295 HSC 25510		
Releases beyond TSD Facility Boundary	A harmful quantity that could threaten human health or environment.	Facility owner or operator; TSDF Emergency Coordinator	Cal OES NRC	Immediately upon knowledge of a release.	CERCLA §103 (b) 22 CCR 66264.56(d) HSC 25507		
Releases within TSD Facility Boundary	Any release that poses a significant hazard. Imminent or actual	Owner/Operator of facility TSDF Emergency	Cal OES, CUPA	Immediately upon knowledge of a release.	HSC 25510		
	emergency situation that could threaten human health or environment.	Coordinator (designated in the Contingency Plan).	Local ER agencies	Written report: to DTSC within 15 days.	22 CCR 66264.51 22 CCR 66264.52 22 CCR 66264.56		

	AIR INCIDENTS						
TYPES OF RELEASES	AMOUNT	WHO REPORTS?	То Wном	WHEN	LEGAL AUTHORITY		
Stationary Sources	Any release that poses a significant hazard.	Operator of the source	Cal OES Air Pollution	Immediately upon knowledge of a release.	HSC 25510		
	Exceeds emission standards		Control District's (APCD) or Air Quality Management District's (AQMD)	Within 96 hours	HSC 42706		
Proximity to Schools	A release within ½ mile of a school.	Emergency rescue personnel	Superintendent of affected school district	Immediately upon knowledge of a release.	HSC 25510.3		
	A threat of an air contaminant within 1000 feet of a school.	Air Pollution Control Officer	CUPA, Local Fire Dept	Within 24 hours	HSC 42301.7		
		SEWAGE S	PILLS				
Sewage to Waters and Other Sewage	1000 Gallons unauthorized discharge into State waters. *	Any person	Cal OES	Immediately upon knowledge of a release.	23 CCR 2250 (a)		
and Hazardous Substances	Any hazardous substance and sewage that needs to				HSC 5411		
	be reported. If not in compliance with the Waste Discharge Requirements CWC 13271(b) **				CWC 13271 (a)		

- * <u>Note</u>: The terms navigable waters, state waters, and marine waters are used according to the applicable laws & regulations. Navigable waters could also include state waters and marine waters; State waters could include navigable and marine waters; and marine waters could include navigable and state waters.
- ** <u>Note</u>: Even if the quantities or situations that are outlined above have not been met, and you still believe that the release poses a significant hazard to human health & safety, or the environment -- then report it to Cal OES Warning Center.
- *** <u>Note</u>: "Harmful quantity" is any quantity of discharged oil that violates state water quality standards, causes a film or sheen on the water's surface, or leaves sludge or emulsion beneath the surface.

Finally, it should be noted that intentionally false or misleading reports are a crime and legal matters may be enforced. (PC §148.3; HSC §25515; GC §8670.64)

Federal Contact Numbers				
National Response Center (NRC)*	(800) 424-8802 or (202) 267-2675			
United States Environmental Protection Agency (USEPA), Regional Response Center	(800) 321-7349 or (415) 947-8000 (General number)			
http://www.epa.gov/osweroe1/content/reporting/index.htm	(415) 947-4400 (Spill Phone)			
	(800) 424-9346 (SARA Title III Hotline)			
	(800) 300-2193 (Region IX Duty Officer)			
Occupational Safety & Health Administration (OSHA)	(800) 321-OSHA			
	(415) 625-2547 (main public number – Region IX)			
United States Coast Guard (USCG)	(310) 521-3805 (Sector Los Angeles/Long Beach)			
Captain of the Port/Federal On-Scene Coordinator (FOSC)	(619) 278-7033 (Sector San Diego)			
	(415) 399-3547 (Sector San Francisco)			
United States Department of Transportation (USDOT)	Contact -via- National Response Center (NRC)			

^{*&}lt;u>Note</u>: One call to the NRC fulfills the requirement to report releases of hazardous substances under CERCLA and several other regulatory programs, including those under CWA § 311, RCRA, and the USDOT's Hazardous Materials Transportation Act (HMTA). Anybody who discovers a hazardous substance release or oil spill is encouraged to contact the federal government, regardless of whether they are the responsible party.

State Contact Numbers					
California Governor's Office of Emergency Services (Cal OES) Warning Center	(800) 852-7550 or (916) 845-8911				
California Highway Patrol (CHP)	911				
State Fire Marshall (SFM)	(916) 323-7390 (Emergencies only)				
CA Dept. of Conservation, Division of Oil, Gas & Geothermal Resources (DOGGR)	See attached list (Page 7) San Joaquin Valley Field Rule ftp://ftp.consrv.ca.gov/pub/oil/regulations/field-rule.pdf				

Department of Fish & Wildlife - Office Of Spill Prevention and Response (OSPR)	(800) OILS-911 ((800) 645-7911) (916) 445-9338 (Office of Spill Prevention and Response – Sacramento)
Regional Water Quality Control Board (RWQCB)	See attached list (Page 8)

Local Contact Numbers

ALL SPILLS SHOULD FIRST BE REPORTED to 911

CUPA	For up-to-date contacts, refer to the Cal/EPA Unified Program website directory at: www.calepa.ca.gov/CUPA/Directory/default.aspx
Local Sheriff/Police	
Local Fire Department	
Local Health Department	

Department of Conservation/Division of Oil, Gas & Geothermal Resources (DOGGR)

- California Regional Offices -

Region	Location	Contact #
District #1	(Cypress)	(714) 816-6847
District #2	(Ventura)	(805) 654-4761
District #3	(Santa Maria)	(805) 937-7246
District #4	(Bakersfield)	(661) 322-4031
District #5	(Coalinga)	(559) 935-2941
District #6	(Sacramento - Headquarters)	(916) 322-1110

These numbers are included for reference purposes only. The RWQCB is contacted through the local CUPA and/or Cal OES, when these offices determine that it is necessary.

Regional Water Quality Control Boards - California Regional Offices -			
Region	Location	Contact #	
Region 1 – North Coast	(Santa Rosa)	(707) 576-2220	
Region 2 – San Francisco Bay	(Oakland)	(510) 622-2300	
Region 3 – Central Coast	(San Luis Obispo)	(805) 549-3147	
Region 4 – Los Angeles	(Los Angeles)	(213) 576-6600	
Region 5a – Central Valley	(Rancho Cordova)	(916) 464-3291	
Region 5b - Central Valley	(Fresno)	(559) 445-5116	
Region 5c – Central Valley	(Redding)	(530) 224-4845	
Region 6a – Lahontan	(South Lake Tahoe)	(530) 542-5400	
Region 6b – Lahontan	(Victorville)	(760) 241-6583	
Region 7 – Colorado River	(Palm Desert)	(760) 346-7491	
Region 8 – Santa Ana	(Riverside)	(951) 782-4130	
Region 9 – San Diego	(San Diego)	(858) 467-2952	



GOVERNOR'S OFFICE OF EMERGENCY SERVICES

TEXT OF REGULATIONS

CALIFORNIA CODE OF REGULATIONS

Title 19. Public Safety

Division 2. Office of Emergency Services

Chapter 4. Hazardous Material Release Reporting, Inventory, And Response Plans

Article 1. Definitions

2620. Control. Definitions.

2650. Person.

2660. Pesticide Drift Exposure Incident.

Article 2. Reporting Requirements

2630. Applicability.

2631. Immediate Reporting of a Release or a Threatened Release.

2632. Written Reporting of Emergency Releases.

Article 1. Definitions.

Section 2620. Control. Definitions.

"Control" means any actions necessary to stop, prevent, abate, or mitigate a release or threatened release thereby ensuring the elimination of a condition of substantial probability of harm to human health and safety, property, or the environment.

NOTE: Authority cited: Section 25520, Health and Safety Code. Reference: Sections 25503(b)(5), 25507 and 25520, Health and Safety Code.

For the purposes of this Chapter only:

- (a) "Control" means any actions necessary to stop, prevent, abate, or mitigate a release or threatened release thereby ensuring the elimination of a condition of substantial probability of harm to human health and safety, property, or the environment.
- (b) "Contained release" means a release that is completely contained in a designated secondary containment area and is recovered from or neutralized or otherwise treated in secondary containment within 24 hours of discovery. No release reporting is required for a contained release if there is no significant hazard posed to the people or the environment in the immediate area or in areas in the path of the release, or from byproducts or its effects, such as vapors, fire, over-pressurization, toxic gases or toxic particulates.
- (c) "Facility" means all contiguous land and structures, other appurtenances, and improvements on the land that are defined, pursuant to Health and Safety Code (HSC) Section 25501(m), as a handler of hazardous materials. For purposes of emergency release reporting only, "facility" includes motor vehicles, rolling stock, and aircraft.
- (d) "Immediate" means upon discovery of a release or threatened release of a hazardous material.

 Notification must be made immediately, unless the notification impedes control of the release or threatened release, or immediate emergency medical measures, pursuant to Section 2631.
- (e) "Incidental release" means a release of a hazardous material that does not pose a significant hazard to health, safety, property, or the environment. Incidental releases are limited in quantity, exposure potential, or toxicity, and may be safely cleaned up or mitigated by properly trained facility personnel or contractors. No release reporting is required for an incidental release if there is no significant hazard posed to the people in the immediate area or in areas in the path of the release, or from byproducts or its effects, such as vapors, fire, overpressurization, toxic gases, or toxic particulates.
- (f) "Office" means the California Governor's Office of Emergency Services (Cal OES).
- (g) "Person" means any employee, authorized representative, agent, or designee of a handler.
- (h) "Pesticide drift exposure incident" means an unintended airborne transport of a pesticide to non-target areas, potentially resulting in exposures that could affect public health and safety and the environment. For the purposes of this Chapter, the term "pesticide" has the same meaning as "pesticide", as defined in the Food and Agricultural Code, Section 12753.
- (i) "Release" is defined in HSC, Section 25501(p). "Release" includes the abandonment or discarding of barrels, containers and other closed receptacles containing any hazardous substances, pollutants or contaminants that may harm people, environment or property, unless permitted or authorized by a regulatory agency. "Release" further includes spills into the workplace that may threaten harm to facility personnel.
- (j) "Release Reporting" means the handler or person shall, upon discovery, immediately report any significant release or threatened release of a hazardous material to the Unified Program Agency

- (UPA), and to the Office, unless the release is contained or incidental. The handler or person shall provide all state, city, or county fire or public health or safety personnel or emergency response personnel with access to the area affected by the release.
- (k) "Significant" means a release or spill of hazardous materials that poses an imminent actual or potential hazard to health, safety, property, or the environment.
- (1) "Threatened Release" is defined in HSC, Section 25501(t), and means that a release is imminent. If the threatened release is not contained, stopped, or removed, the threatened release would pose a significant hazard to people in the immediate area or in areas in the path of the threatened release, or from byproducts or its effects, such as vapors, fire, over-pressurization, toxic gases, or toxic particulates.

NOTE: Authority cited: Section 8585, Government Code, Section 25510, Health and Safety Code, Section 12997.7, Food and Agricultural Code. Reference: Sections 25404, 25501 and 25510, Health and Safety Code, Sections 12753 and 12997.7, Food and Agricultural Code.

Section 2650. Person.

"Person" means any employee, authorized representative, agent or designee of a handler.

NOTE: Authority cited: Section 25520, Health and Safety Code. Reference: Sections 25507, 25515 and 25520, Health and Safety Code.

Section 2660. Pesticide Drift Exposure Incident.

"Pesticide drift exposure incident" means an unintended airborne transport of a pesticide to non-target areas, potentially resulting in exposures that could affect public health and safety and the environment. For the purposes of this Chapter, the term "pesticide" has the same meaning as "pesticide", as defined in the Food and Agricultural Code, Section 12753.

NOTE: Authority cited: Section 25503, Health and Safety Code, Section 12997.7, Food and Agricultural Code. Reference: Sections 12753 and 12997.7, Food and Agricultural Code.

Article 2. Reporting Requirements.

Section 2630. Applicability.

The provisions of this subchapter shall not, in any way, preempt more restrictive reporting requirements pursuant to other local, state, or federal ordinances, statutes, or regulations.

Pursuant to Section 23112.5 of the Vehicle Code, reporting of on-highway releases shall be made to the Department of the California Highway Patrol.

NOTE: Authority cited: Section 25520, Health and Safety Code. Section 8585, Government Code. Reference: Section 25520, Health and Safety Code. Section 8585, Government Code

Section 2631. Immediate Reporting of a Release or a Threatened Release.

- (a) A person shall provide an immediate, verbal report of any significant release or threatened release of a hazardous material to the administering agency <u>UPA</u> and the Office of Emergency Services* as soon as:
 - (1) a person has knowledge of the release or threatened release, <u>unless the release is contained or</u> incidental;
 - (2) notification can be provided without impeding immediate control of the release or threatened release;
 - (3) notification can be provided without impeding immediate emergency medical measures.
- (b) The immediate reporting pursuant to subsection (a) of this section shall include, as a minimum:
 - (1) the exact location of the release or threatened release;
 - (2) the name of the person reporting the release or threatened release;
 - (3) the hazardous materials involved in the release or threatened release;
 - (4) an estimate of the quantity of hazardous materials involved; and if known, the potential hazards presented by the hazardous material involved in the release or threatened release;
- (c) The immediate reporting pursuant to subsection (a) of this section shall not be required if there is a reasonable belief that the release or threatened release poses no significant present or potential hazard to human health and safety, property, or the environment.
- (d) Immediate reporting pursuant to subsection (a) of this section shall be made to the Office of Emergency Services, at telephone number (916) 845-8911 or (800) 852-7550, and to the local administering agency UPA. The administering agency UPA may designate a call to the 911 emergency number as meeting the requirement to call the administering agency UPA when agency response is required immediately. The UPA will also maintain at least one nonemergency number, pursuant to HSC Section 25510(d), for release reporting that does not require immediate agency response.
- (e) The notifications in subsection (d) shall constitute compliance with the requirements of subdivision (b) of section 11004 of title 42 of the United States Code (1989) regarding verbal notification of the State Emergency Planning Response Commission and the Local Emergency Planning Committee.
- * For additional guidance on notification procedures, consult the State of California Hazardous Material Incident Contingency Plan (HMICP).

NOTE: Authority: Section 8585, Government Code, Sections 25503, 25503.1 and 25520 25510 and 25510.1, Health and Safety Code. Reference: Sections 25503(b)(4), 25503.1, 25507, 25518 and 25520 25501 and 25510, Health and Safety Code.

- (a) If required to submit a written emergency release follow-up notice pursuant to 42 U.S.C. section 11004(c) (1989), or as that section may be subsequently amended, a business shall prepare the written emergency release follow-up notice using the form specified in subsection (c) of this section.
- (b) A written emergency release follow-up notice prepared pursuant to subsection (a) shall be sent to the Chemical State Emergency Planning and Response Commission (CEPRCSERC) at 3650 Schriever Avenue, Mather, CA 95655. This written report shall be sent as soon as practicable following a release, but no later than 30 7 days from the date of the release.
- (c) The following reporting form (with instructions), the `Emergency Release Follow-up Notice Reporting Form,' shall be used for filing the written emergency release follow-up notice required by subsection (a) of this section.

EMERGENCY RELEASE FOLLOW - UP NOTICE REPORTING FORM

A	۸.	BUSINESS NAME FACILITY EMERGENCY CONTACT & PHONE NUMBER () -
E		INCIDENT MO DAY YR TIME OES OES NOTIFIED (use 24 hr time) CONTROL NO.
(3	INCIDENT ADDRESS LOCATION CITY / COMMUNITY COUNTY ZIP
		CHEMICAL OR TRADE NAME (print or type) CAS Number
		CHECK IF CHEMICAL IS LISTED IN 40 CFR 355, APPENDIX A CHECK IF RELEASE REQUIRES NOTIFI - CATION UNDER 42 U.S.C. Section 9603 (a)
		PHYSICAL STATE CONTAINED PHYSICAL STATE RELEASED QUANTITY RELEASED SOLID LIQUID GAS
		ENVIRONMENTAL CONTAMINATION AIR WATER GROUND OTHER TIME OF RELEASE DAYS —HOURS—MINUTES
		ACTIONS TAKEN
F		KNOWN OR ANTICIPATED HEALTH EFFECTS (Use the comments section for addition information) ACUTE OR IMMEDIATE (explain)
		CHRONIC OR DELAYED (explain)
		NOTKNOWN (explain)
		ADVICE REGARDING MEDICAL ATTENTION NECESSARY FOR EXPOSED INDIVIDUALS
(3	
		COMMENTS (INDICATE SECTION (A. C) AND ITEM MITH COMMENTS OF A PRITIONAL INFORMATION)
⊦		COMMENTS (INDICATE SECTION (A - G) AND ITEM WITH COMMENTS OR ADDITIONAL INFORMATION)
		CERTIFICATION: I certify under penalty of law that I have personally examined and I am familiar with the information
ı	0000000	submitted and believe the submitted information is true, accurate, and complete. REPORTING FACILITY REPRESENTATIVE (print or type)
		SIGNATURE OF REPORTING FACILITY REPRESENTATIVE DATE:

EMERGENCY RELEASE FOLLOW-UP NOTICE REPORTING FORM INSTRUCTIONS

(This form may be reproduced, as needed)

GENERAL INFORMATION:

Chapter 6.95 of Division 20 of the California Health and Safety Code requires that written emergency release follow-up notices prepared pursuant to 42 U.S.C. § 11004, be submitted using this reporting form. Non-permitted releases of reportable quantities of Extremely Hazardous Substances (listed in 40 CFR 355, appendix A) or of chemicals that require release reporting under section 103(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 [42 U.S.C. § 9603(a)] must be reported on the form, as soon as practicable, but no later than 30 7 days, following a release. The written follow-up report is required in addition to the verbal notification.

BASIC INSTRUCTIONS:

- The form, when filled out, reports follow-up information required by 42 U.S.C § 11004. Ensure that all information requested by the form is provided as completely as possible.
- If the incident involves reportable releases of more than one chemical, prepare one report form for each chemical released.
- If the incident involves a series of separate releases of chemical(s) at different times, the releases should be reported on separate reporting forms.

SPECIFIC INSTRUCTIONS:

Block A: Enter the name of the business and the name and phone number of a contact person who can provide detailed facility information concerning the release.

Block B: Enter the date of the incident and the time that verbal notification was made to <u>Cal</u> OES. The <u>Cal</u> OES control number is provided to the caller by <u>Cal</u> OES at the time verbal notification is made. Enter this control number in the space provided.

Block C: Provide information pertaining to the location where the release occurred. Include the street address, the city or community, the county and the zip code.

Block D: Provide information concerning the specific chemical that was released. Include the chemical or trade name and the Chemical Abstract Service (CAS) number. Check all categories that apply. Provide best available information on quantity, time and duration of the release.

Block E: Indicate all actions taken to respond to and contain the release as specified in 42 U.S.C. § 11004(c).

Block F: Check the categories that apply to the health effects that occurred or could result from the release. Provide an explanation or description of the effects in the space provided. Use Block H for additional comments/information if necessary to meet requirements specified in 42 U.S.C. § 11004(c).

Block G: Include information on the type of medical attention required for exposure to the chemical released. Indicate when and how this information was made available to individuals exposed and to medical personnel, if appropriate for the incident, as specified in 42 U.S.C. § 11004(c).

Block H: List any additional pertinent information.

Block I: Print or type the name of the facility representative submitting the report. Include the official signature and the date that the form was prepared.

MAIL THE COMPLETED REPORT TO:

ChemicalState Emergency Planning and Response Commission (CEPSERC) / Local Emergency Planning Committee (LEPC)
Attn: Section 304 Reports
3650 Schriever Avenue
Mather, CA 95655

NOTE: Authority cited: <u>Section 8585, Government Code</u>, Sections <u>25503, 25503.1 and 25507.1</u> <u>25510 and 25510.1</u>, Health and Safety Code. Reference: Sections <u>25503(b)(4), 25503.1</u>, <u>25507.1, 25518 and 25520</u> 25510.1, Health and Safety Code.