



# SPILL & RELEASE REPORTING

## ...IT'S Baaaack!

A Summary of California & Federal Spill & Release  
Reporting... and a preview of proposed regulations!

Presented by

**Steve Lichten**

*President, ESCI EnviroServices, Inc.*

**26<sup>th</sup> Annual California CUPA Training Conference**

**February 26-29, 2024**

**South San Francisco**



[www.calcupa.org](http://www.calcupa.org)

MAYBE SOMEONE CAN  
HELP YOU QUANTIFY  
THE VALUE OF YOUR  
RESEARCH AND DEVEL-  
OPMENT WORK.



Dilbert.com DilbertCartoonist@gmail.com

THE ONLY PEOPLE WHO  
CAN QUANTIFY THE  
VALUE OF RESEARCH ARE  
LIARS AND MORONS.



1-5-10 ©2010 Scott Adams, Inc./Dist. by UFS, Inc.

MAYBE WE  
COULD HIRE  
A CONSUL-  
TANT.



THAT  
JUST  
TURNS  
A LIAR  
INTO A  
THIEF.



# CONSULTING

IF YOU'RE NOT A PART OF THE SOLUTION,  
THERE'S GOOD MONEY TO BE MADE IN PROLONGING THE PROBLEM.



# FRITTER FUTZ & DAWDLE

TIME MANAGEMENT CONSULTANTS



What's the worst that can happen if you DON'T report a hazardous material spill?

*Don't take too long to decide!*



# SESSION INTRODUCTION

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## ➤ 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)



# MULTI-TASKING & DELEGATION IS KEY

## ➤ Hazard assessment

- Initial
- Ongoing

## ➤ Initial protective actions

- Area clearance
- Flow/process evaluation & shutdown
- Fire suppression
- Scene control

## ➤ Evacuation

- Determination
- Coordination

## ➤ Responders (internal & emergency)

- Notification
- Deployment

## ➤ Etc. etc.



## ➤ Where do you fit in regulatory notification?

- ☠ Determination
- ☠ Notification actions

# REPORTING RELEASES...

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## ➤ 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



House of  
**CONFUSION**  
WHERE WATER AND  
ROUND OBJECTS APPEAR TO RUN  
UP HILL - PEOPLE SEEM TO STAND ON A SLANT  
GROCERY - GAS



# REPORTING RELEASES...

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- 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 same as recording



# IN SUMMARY

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## ➤ 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 always reportable
- On-site releases?
  - Reportability varies depending upon various subjective criteria and scenario

## ➤ 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)

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## ➤ 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)

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## ➤ 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 Center...with a few others, depending



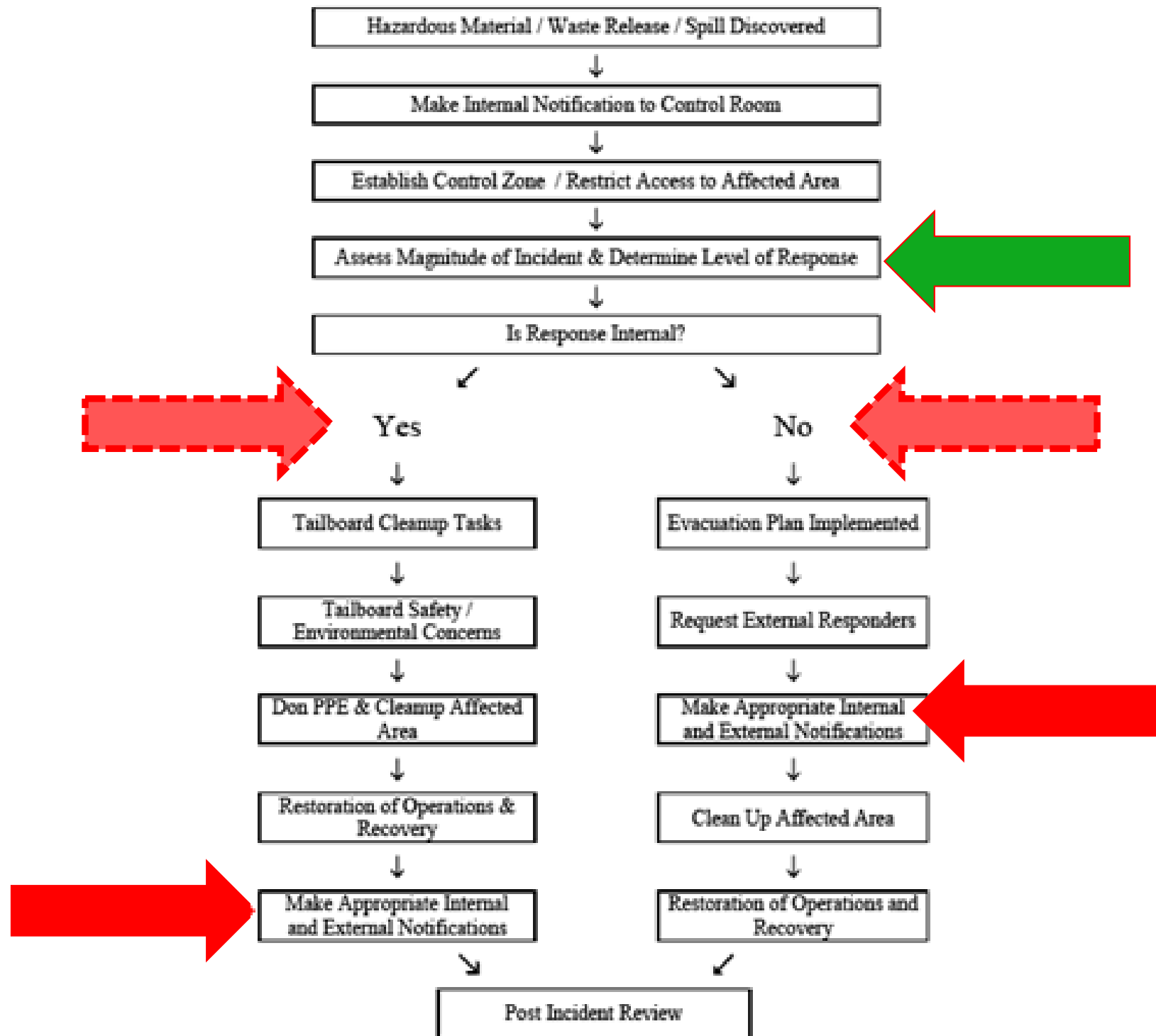
Cal OES State Warning Center & CUPA...with a few others, depending



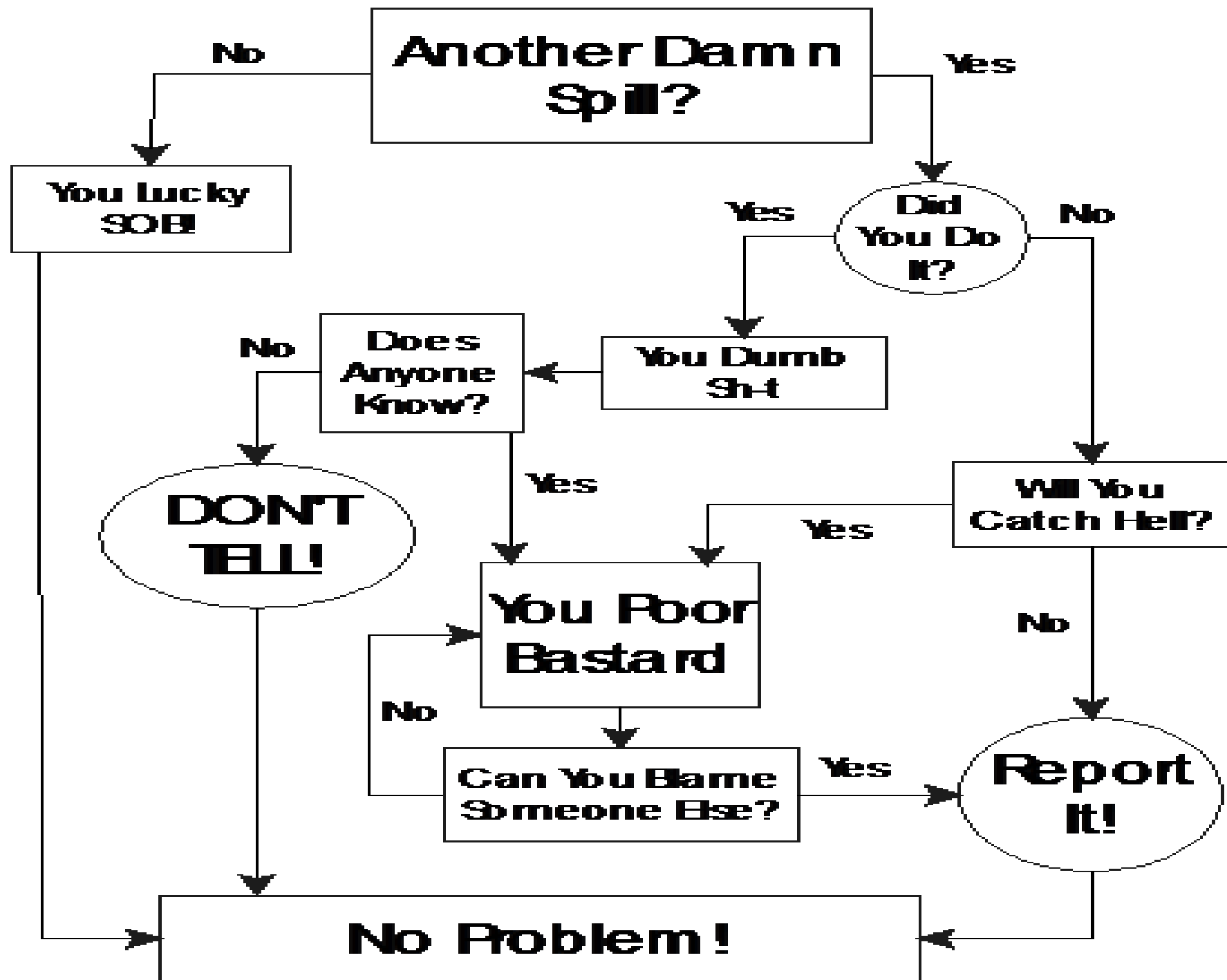
# PLANNING

Organizational skills are your best bet  
for getting what you want

## EMERGENCY RESPONSE BUSINESS PLAN



# SPILL CONTINGENCY PLAN





# PRIMARY CALIFORNIA HAZARDOUS MATERIALS REPORTING – it's almost ALL reportable

➤ **Handler must, upon discovery, immediately report **any\*** release or threatened release of a hazardous material (HSC 25510(a))**

- Highway transportation of hazmat exempt (b), but covered elsewhere (CVC 2453 & 23112.5)
- References conformance with regulations (19 CCR 2631)
- Handler = any business handling HM. Includes employees, authorized representative agent, or designee.

➤ **Report to:**

1. CUPA/PA/AA
2. Cal OES Warning Center
3. 911 (if necessary)



\* There is an exemption, however... and proposed reg. revisions provide more and better defined exemptions

# WHAT EVENTS ARE REPORTABLE?

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## ➤ 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.”

- HSC 25501(t)
  - This could include process upsets, human error, failed equipment, etc.



# WHAT IS A HAZARDOUS MATERIAL?

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## ➤ 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 SUBSTANCE?

- Spiller maintained MCHM was not regulated or a hazardous material
  - 4-methylcyclohexane methanol
- Had an SDS
- 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

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- “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.**”
- **No statutory or regulatory criteria (yet\*) for:**
  - Reasonable belief
  - Threatened release
  - 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

*\* Do NOT hold your  
breath!  
Seriously.*



# Cal OES Guidance

(currently)



**Cal OES**  
GOVERNOR'S OFFICE  
OF EMERGENCY SERVICES

## 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

### INCIDENT/RELEASE ASSESSMENT FORM

*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.*

#### Questions for Incident Assessment

	Yes	No
1. Was anyone killed or injured, or did they require medical care or admitted to a hospital for observation?	<input type="checkbox"/>	<input type="checkbox"/>
2. Did anyone, other than employees in the immediate area of the release, evacuate?	<input type="checkbox"/>	<input type="checkbox"/>
3. Did the release cause off-site damage to public or private property?	<input type="checkbox"/>	<input type="checkbox"/>
4. Is the release greater than or equal to a reportable quantity (RQ)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Was there an uncontrolled or unpermitted release to the air?	<input type="checkbox"/>	<input type="checkbox"/>
6. Did an uncontrolled or unpermitted release escape secondary containment, or extend into any sewers, storm water conveyance systems, utility vaults and conduits, wetlands, waterways, public roads, or off-site?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will control, containment, decontamination, and/or clean up require the assistance of federal, state, county, or municipal response elements?	<input type="checkbox"/>	<input type="checkbox"/>
8. Did the release or threatened release involve an unknown material or contain an unknown hazardous constituent?	<input type="checkbox"/>	<input type="checkbox"/>
9. Is the incident a threatened release? (a condition creating a substantial probability of harm that requires immediate action to prevent, reduce, or mitigate damages to persons, property, or the environment.)	<input type="checkbox"/>	<input type="checkbox"/>
10. Is there an increased potential for secondary effects including fire, explosion, line rupture, equipment failure, or other outcomes that may endanger or cause exposure to employees, the general public, or the environment?	<input type="checkbox"/>	<input type="checkbox"/>

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 CUPA. Note: Other state and federal agencies may require notification depending on the circumstances.

**If in doubt, report the release!**

# MORE CLARITY IS A'COMIN'...maybe

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- 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 3<sup>rd</sup> 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



26<sup>th</sup> Annual

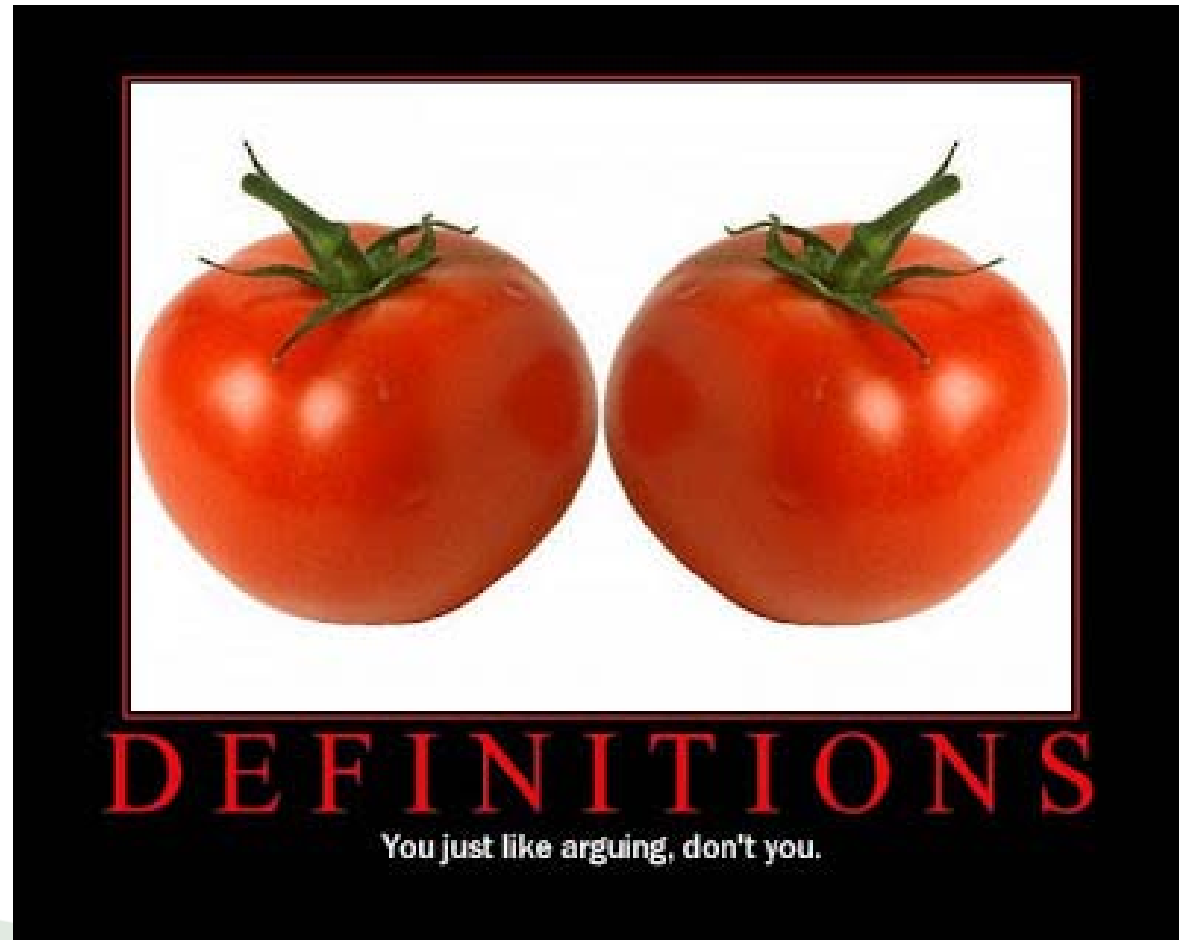


# DRAFT 19CCR DIV 2 CHAP. 4 CHANGES

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## ➤ §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

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## ➤ 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, over-pressurization, toxic gases, or toxic particulates.

# DRAFT 19CCR DIV 2 CHAP. 4 CHANGES

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## ➤ 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.
- (l) “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.

# DRAFT 19CCR DIV 2 CHAP. 4 CHANGES

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## ➤ Recall 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*)

# LET'S DISCUSS

## ➤ 'Reasonable belief'

- If you are not going to report, have a process to:

- Develop your reasoning... your specific basis (proof, data, etc.)
- Critically review it
- Document it

- e.g. WHY do you believe there is no:

- **Significant present or potential hazard to:**
  - Health?
  - Safety?
  - Property?
  - The environment?



WAG,  
POOA, etc.

Sampling,  
testing, studies,  
hard data, etc.



# EXAMPLES/SCENARIOS: Likely Significant

Mostly From OES & CUPA Guidance Docs

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- 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

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- 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



25 11:52AM





10 1:21 PM









05/22/2007









CHEM CRIB  
PERSONNEL ONLY  
HAZARDOUS  
MATERIAL  
STORAGE



HM3









**WARNING!**

2	0
HAZARDOUS MATERIAL	

OCT 27 2005





**CAUTION**  
PERSONAL PROTECTIVE GEAR  
IS REQUIRED WHEN HANDLING  
CHEMICALS OR WHEN OPERATING  
OR MAINTAINING CHEMICAL  
OR STORAGE EQUIPMENT





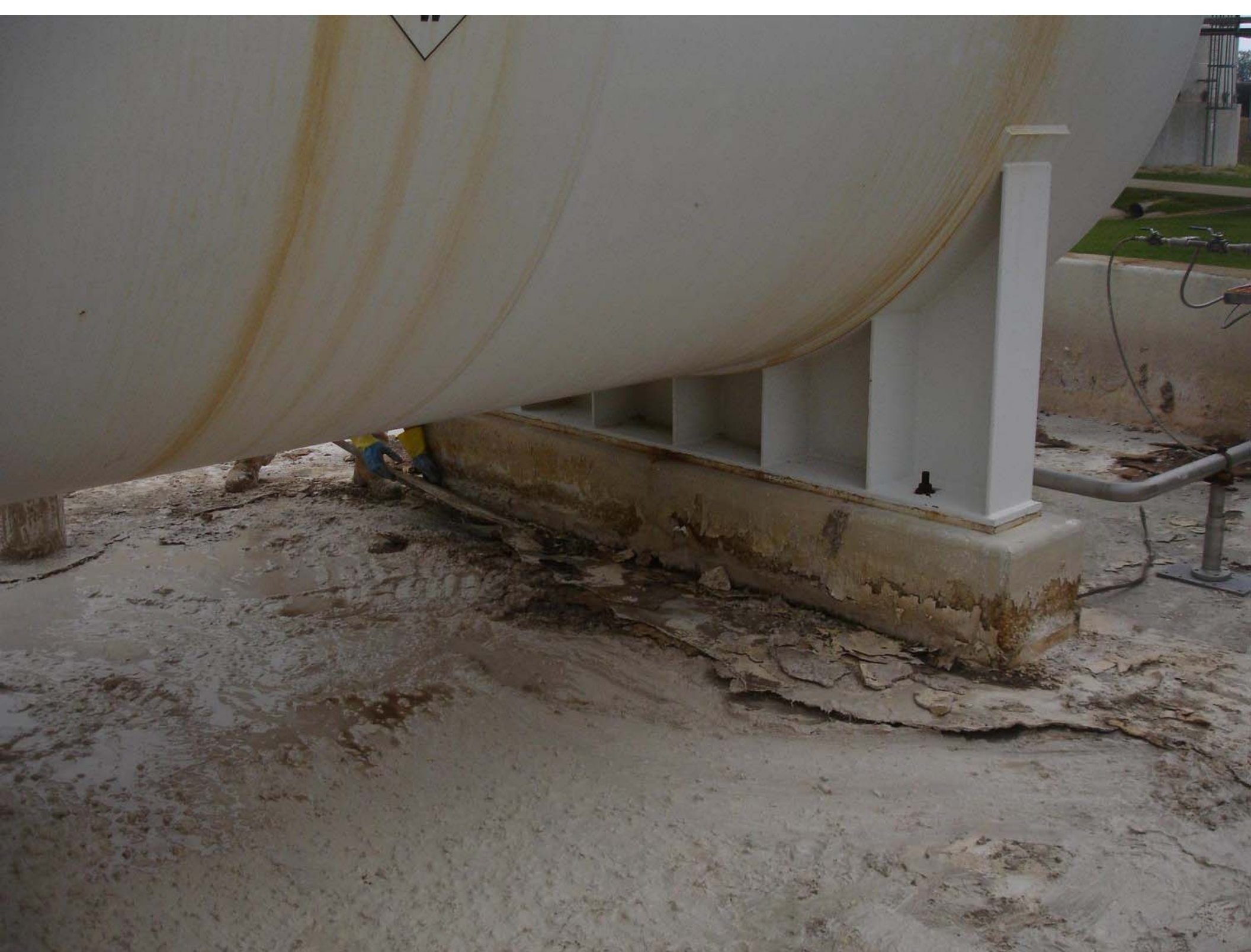
EMERGENCY  
SPILL  
SOUND HORN

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CORNETA  
DE EMERGENCIA  
POR LEKEDO TIRADO  
Liquido









# EXAMPLES/SCENARIOS: May Be Insignificant

Mostly From OES & CUPA Guidance Docs

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## ➤ 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





10.04.2011 09:45













**DANGER**  
**FLAMMABLE  
LIQUIDS**















NO  
PCB













U 31HA1/Y/ 5 -05  
N USA/ 6 Bc  
3731KG/  
2073KG/1040L/95KG  
69kPa/05-05/ 5 -05

Thank You  
for purchasing  
this product.  
Proudly  
Manufactured  
in the U.S.A.  
CHEMTOL  
INCORPORATED

CHEMTOL  
INCORPORATED  
LUBRICANT  
MATERIAL SAFETY DATA SHEET  
SECTION 1: IDENTIFICATION  
SECTION 2: Hazard Identification  
SECTION 3: Composition/Information on Ingredients  
SECTION 4: First Aid  
SECTION 5: Fire Fighting  
SECTION 6: Accidental Release  
SECTION 7: Handling and Storage  
SECTION 8: Exposure Controls/Personal Protection  
SECTION 9: Physical and Chemical Properties  
SECTION 10: Stability and Reactivity  
SECTION 11: Toxicological Information  
SECTION 12: Ecological Information  
SECTION 13: Disposal  
SECTION 14: Transport Information  
SECTION 15: Regulatory Information  
SECTION 16: Other Information

FOR RECYCLING  
INSTRUCTIONS  
Call  
1-800-270-6263



IF YOUR REPORTING DETERMINATION IS



\* Spill Reporting Determination Hexagonomatic \$129.99 + tax & shipping.  
Available exclusively from



# WHEN IS NOTIFICATION REQUIRED?

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## ➤ 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





Sr. Forklift Operator Snort Griddle stated he had planned on notifying Cal OES and the CUPA just as soon as he changed his trousers.



# OTHER REPORTING TIMEFRAMES:

**It's not just 19 CCR!**

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- **APCD/AQMD breakdown, Title V deviations**
  - Notify air district within 1 hour to 4 hours to 72 hours...
  - 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

# WHO MUST NOTIFY?

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**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**



# WHO(M) DO I NOTIFY?

- CUPA/AA/PA\*
- 911 (if necessary)
- State Warning Center (Cal OES)
- National Response Center

☠ 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*





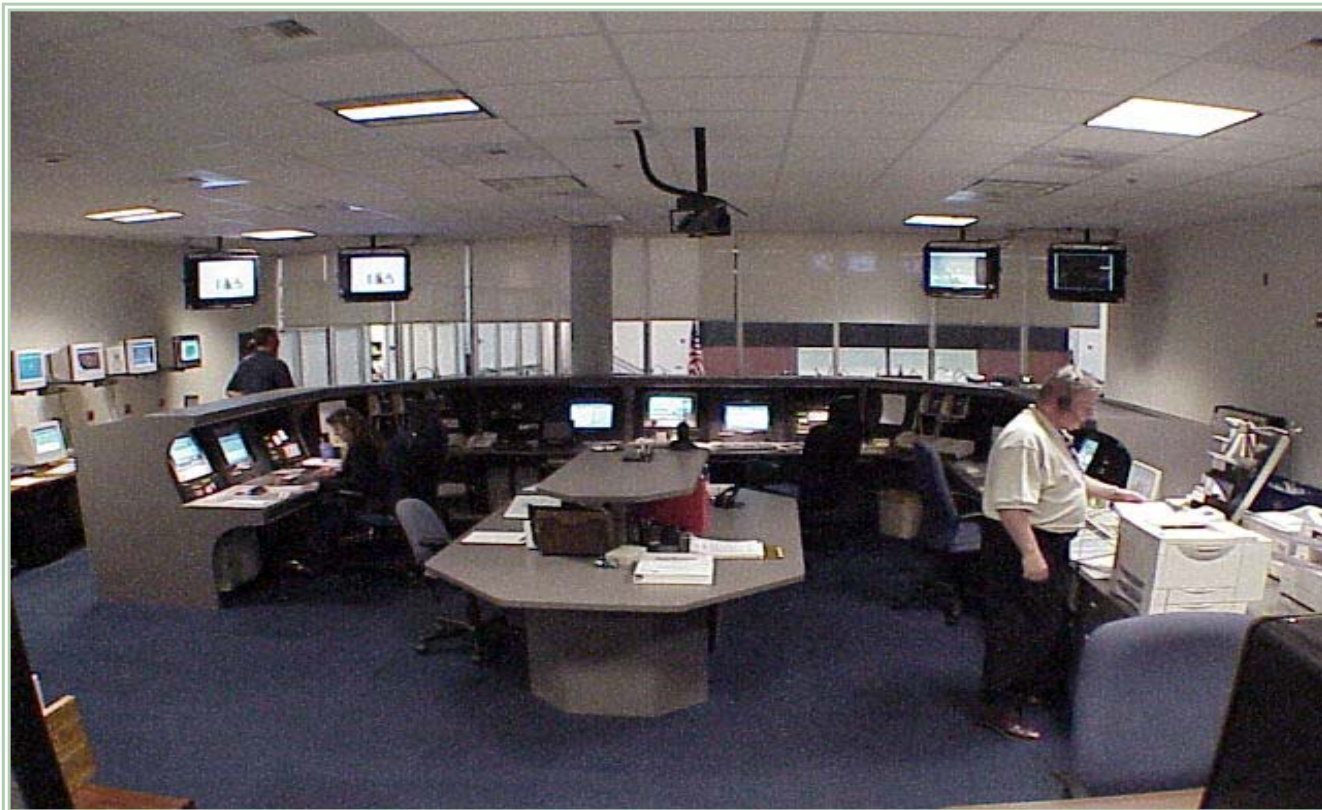
# CALIFORNIA STATE WARNING CENTER

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**(800) 852-7550   -or-   (916) 845-8911**

in California only

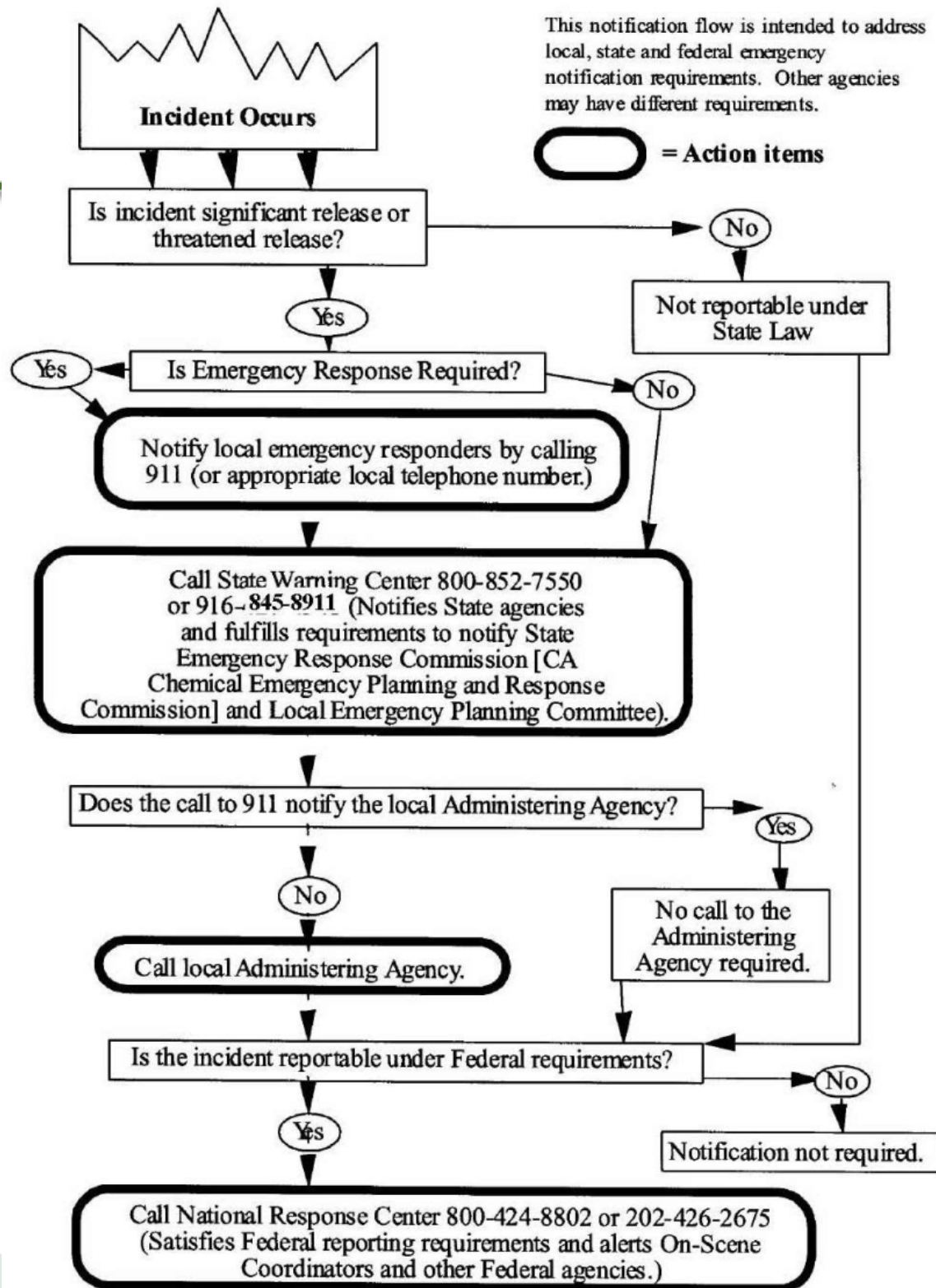
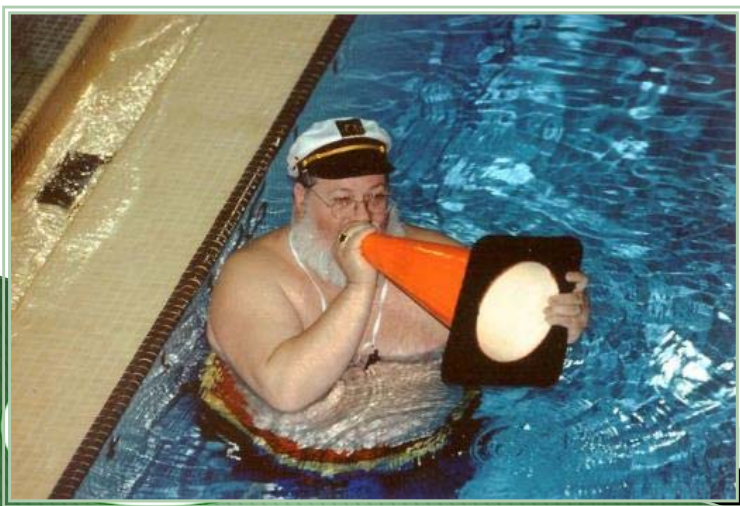
**Fax: 916-845-8910**



The CSWC is the central point in the State  
for reporting oil and chemical spills.

# CSWC NOTIFIES...

- State Agencies
- Federal Agencies
- CUPA / AA (unless otherwise requested)
- Appropriate Cal OES Staff



# GENERALLY REQUIRED INFORMATION (state, federal and local)

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## **Remember WHY you provide this info!**

- Person reporting
- Where the release occurred
- What happened
- Chemical name or identity of substance
- Estimated quantity of release
- Date, time and duration of release
- Media into which the release was emitted
- Known or anticipated health or environmental risks (EPCRA)
  - Any medical advice
- Precautions or actions taken (evacuation, containment, clean-up, etc.)
- Local or other agencies notified
- Name, address and call back number of reporter
- Name, address and phone number of responsible party



# SPILL REPORT DATA AVAILABLE



**Cal OES**  
GOVERNOR'S OFFICE  
OF EMERGENCY SERVICES

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## Spill/Release Reporting

### HAZMAT SPILL NOTIFICATIONS CALL 1-800-852-7550

Comprehensive Environmental Response, Compensations, and Liability Act (CERCLA), Emergency Planning and Community Right-to-Know Act (EPCRA) and California law require responsible parties to report hazardous material releases if certain criteria is met.

CERCLA requires that all releases of hazardous substances (including radionuclides) exceeding reportable quantities be reported by the responsible party to the National Response Center (800) 424-8802. Additionally, CERCLA provides a reduced reporting requirement for continuous releases of hazardous substances that exceed the Reportable Quantity (RQ). Notification of continuous releases that equal or exceed the RQ need only be given once, with one follow-up report on the first anniversary of the initial report, following the continuous release reporting process. Thereafter only "statistically significant increases" need be reported. The purpose of the continuous release mechanism is to reduce unnecessary release notifications for releases of hazardous substances.

If an accidental chemical release exceeds the EPCRA applicable minimal reportable quantity, the facility must notify State Emergency Response Commissions (SERCs) and Local Emergency Planning Committees (LEPCs) for any area likely to be affected by the release and the National Response Center (800) 424-8802, and provide a detailed written follow-up as soon as practicable. Information about accidental chemical releases must be made available to the public.

In California, any significant release or threatened release of a hazardous material requires immediate reporting by the responsible person to the Cal EMA State Warning Center (800) 852-7550 and the Certified Unified Program Agency (CUPA) or 911. The CUPA may designate a call to 911 as meeting the requirement to call them. Contact information for your jurisdiction's CUPA can be found at <http://cersapps.calepa.ca.gov/PublicDirectory/> or <http://cersapps.calepa.ca.gov/Public/UPAListing>. Notifying the State Warning Center (800) 852-7550 and the CUPA or 911 constitutes compliance with the requirements of section 11004 of title 42 of the United States Code regarding verbal notification of the SERC and LEPC (California Code of Regulations, Title 19 Section 2703 (e)).

In the top right corner of this web page, within the "Quick Links" box, various guidance documents can be downloaded for your education on spill notification and the types of releases that are reportable. The Cal EMA HazMat Section can help you decide how to respond to a spill. They can be reached at (916) 845-8798. In addition, CHEMTREC maintains a large database of Material Safety Data Sheets, chemical information references resources, and networks of chemical and hazardous material experts. CHEMTREC provides access to technical information regarding chemical products as well as telephone access to product specialists, chemists, or other experts. (1-800-424-9300 in the U.S. or 703-527-3887 outside the U.S.)

For questions contact Brian Abeel, phone: (916) 845-8768 or email: [brian.abeel@calema.ca.gov](mailto:brian.abeel@calema.ca.gov)

### News & Updates

Effective January 1, 2014, due to 2013 legislation (SB 483), documents pertaining to the Area Plan, Business Plan, CalARP, Spill/Release, and Unified Program are undergoing modifications to become compliant with this legislation. For more information on this project contact Ed Newman at [edward.newman@caloes.ca.gov](mailto:edward.newman@caloes.ca.gov) or (916) 845-8789

### Quick Links

- » [NEW Spill / Release Notification Guidance Booklet](#)
- » [HazMat Spill Notifications](#)
- » [Historical HazMat Spill Notifications](#)
- » [Laws & Regulations](#)
- » [Petroleum Fact Sheet](#)
- » [Release Reporting Matrix](#)
- » [Sewage Fact Sheet](#)
- » [Summary of California Spill/Release Statutes & Regulations](#)
- » [Written Reporting Form \(304\)](#)

### Hazardous Materials

- » [Area Plan for HazMat Emergencies](#)
- » [Business Plan / EPCRA 312](#)
- » [California Accidental Release Prevention \(CalARP\)](#)
- » [California Hazardous Materials Commodity Flow Map](#)
- » [HazMat Contacts](#)
- » [HazMat Emergency Preparedness \(HMEP\) Grant](#)
- » [HazMat Incident Contingency Plan \(HMICP\)](#)
- » [HazMat Tool Kit \(Tool Kit\)](#)
- » [HazMat Team Typing Inspection Program](#)
  - » [Bulletins](#)
  - » [Essential Documents](#)
- » [HazMat Team Typing Re-Inspection Program](#)
- » [Laws & Regulations](#)
- » [Publications](#)
- » [State Emergency Response Commission \(SERC\)](#)
  - » [Local Emergency Planning Committee \(LEPC\)](#)
- » [Spill/Release Reporting](#)
  - » [HazMat Spill Notifications](#)
  - » [Historical HazMat Spill Notifications](#)
  - » [Public Records Requests](#)
- » [Training](#)
- » [Unified Program](#)

## 1. Spill Report View

Control#	Document Title	Creation Date	County	City	Agency	Spill Site	Water? Type
▼	PLEASE DELETE						
	<a href="#">SPILL Report</a>	01/12/2014 09:49 PM		PLEASE DELETE	NRC	Rail Road	RAILROAD
	<a href="#">SPILL Report</a>	01/14/2014 01:09 PM		DELETE	DELETE	Other	OTHER
▼	14-0538						
▶	<a href="#">SPILL Report</a>	01/28/2014 04:14 PM	San Mateo County	San Mateo	PRC Solutions Inc	Waterways	UNSPECIFIED
▼	14-0537						
	<a href="#">SPILL Report</a>	01/28/2014 03:51 PM	San Luis Obispo County	San Luis Obispo	City of San Luis Obispo	Road	SEWAGE
▼	14-0536						
	<a href="#">SPILL Report</a>	01/28/2014 03:11 PM	Los Angeles County	Wilmington	Phillips 66	Refinery	VAPOR
▼	14-0535						
▼	<a href="#">SPILL Report</a>	01/28/2014 02:22 PM	Los Angeles County	Lancaster	Private Citizen	Merchant/Business	PETROLEUM
	<a href="#">Cal EMA-Update</a>	01/28/2014 03:39 PM					PETROLEUM
▼	14-0534						
	<a href="#">SPILL Report</a>	01/28/2014 01:40 PM	Riverside County	Perris	Eastern Municipal Water District	Road	PETROLEUM
▼	14-0533						
	<a href="#">SPILL Report</a>	01/28/2014 12:15 PM	San Bernardino County	Mountain Pass	Molycorp Minerals	Merchant/Business	CHEMICAL
▼	14-0532						
▶	<a href="#">SPILL Report</a>	01/28/2014 10:27 AM	Santa Clara County	San Jose	Citizen	Road	OTHER
▼	14-0531						
	<a href="#">SPILL Report</a>	01/28/2014 08:15 AM	Riverside County	Lake Elsinore	CHP	Road	PETROLEUM
▼	14-0530						
▶	<a href="#">SPILL Report</a>	01/28/2014 08:11 AM	Sonoma County	Santa Rosa	City of Santa Rosa	Road	OTHER
▼	14-0529						
	<a href="#">SPILL Report</a>	01/28/2014 07:35 AM	San Bernardino County	Yermo	Calico And Odessa Railroad	Merchant/Business	PETROLEUM
▼	14-0528						
▶	<a href="#">SPILL Report</a>	01/28/2014 07:26 AM	Los Angeles County	Long Beach	NRC	Waterways	PETROLEUM
▼	14-0527						
▶	<a href="#">SPILL Report</a>	01/28/2014 06:07 AM	Santa Barbara County	Lompoc	NRC	Oil Field	PETROLEUM
▼	14-0526						
▶	<a href="#">SPILL Report</a>	01/28/2014 12:32 AM	San Diego County	Unincorporated county area San Diego	NRC	Other	PETROLEUM



# Governor's Office Emergency Services Hazardous Materials Spill Report

<b>DATE:</b> 01/28/2014 <b>TIME:</b> 1215	<b>RECEIVED BY:</b>	<b>CONTROL#:</b> Cal OES - 14-0533 NRC -
--	---------------------	--

**1.a. PERSON NOTIFYING Cal OES:**

<b>1. NAME:</b>	<b>2. AGENCY:</b> Molycorp Minerals	<b>3. PHONE#:</b>	<b>4. Ext:</b>	<b>5. PAG/CELL:</b>
-----------------	--	-------------------	----------------	---------------------

**1.b. PERSON REPORTING SPILL (If different from above):**

<b>1. NAME:</b>	<b>2. AGENCY:</b>	<b>3. PHONE#:</b>	<b>4. Ext:</b>	<b>5. PAG/CELL:</b>
-----------------	-------------------	-------------------	----------------	---------------------

**2. SUBSTANCE TYPE:**

2. a. SUBSTANCE:	b.QTY: >=<	Amount	Measure	c. TYPE:	d. OTHER:	e. PIPELINE	f. VESSEL >= 300 Tons
1. Hydrochloric Acid Processed solution	=	15	Gal(s)	CHEMICAL		No	No
2.	=					No	No
3.	=					No	No

**g. DESCRIPTION:** Caller states an overflow of a storage tank occurred, resulting in a release of 15 gallons of Hydrochloric Acid Processed solution out of secondary containment onto dirt. The RP company is doing the clean up and it is ongoing. No waterways were effected.

<b>h. CONTAINED:</b> Yes	<b>i. WATER INVOLVED:</b> No	<b>j. WATERWAY:</b>	<b>k. DRINKING WATER IMPACTED</b> No
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**l. KNOWN IMPACT** None

<b>3. a. INCIDENT LOCATION:</b> 67750 Bailey Rd	<b>b. CITY:</b> Mountain Pass	<b>c. COUNTY:</b> San Bernardino County	<b>d. ZIP:</b> 92366	<b>MOJAVE DESERT AQMD</b>
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**4. INCIDENT DESCRIPTION:**

<b>a. DATE:</b> 01/28/2014	<b>b. TIME (Military):</b> 0745	<b>c. SITE:</b> Merchant/Business	<b>d. CAUSE</b> Unknown
<b>e. INJURIES</b> No	<b>f. FATALITY</b> No	<b>g. EVACUATION</b> No	<b>h. CLEANUP BY:</b> Reporting Party

**6. NOTIFICATION INFORMATION:**

<b>a. ON SCENE:</b>	<b>b. OTHER ON SCENE:</b>	<b>c. OTHER NOTIFIED:</b>
<b>d. ADMIN. AGENCY:</b> San Bernardino County Fire Department		<b>e. SEC. AGENCY:</b>
<b>f. ADDITIONAL COUNTY:</b>		<b>g. ADMIN. AGENCY:</b>
<b>h. NOTIFICATION LIST:</b> DOG Unit:		

RWQCB Unit:  
6B

AA/CUPA, DFG-OSPR, DTSC, RWQCB, US EPA, USFWS

\*\*\*\*\* Control No: 14-0533 \*\*\*\*\*





jack.harrah@caloes.ca.gov if you have any comments about this proposed regulation amendment.

[Release Reporting Proposed Regulations PowerPoint 06162021](#)

[Release Reporting Proposed Regulations PowerPoint](#)

[Sewage Fact Sheet](#)

Information about reporting Sewage Spills/Releases. Updated December 2018.

[Summary of Spill Release Laws and Regulations](#)

Consolidation of legal requirements for the immediate verbal notification and written follow-up reporting of hazardous material spills/releases within California (as related to Health and Safety Code 25510. Updated February 2014

## Spill Release Archive Files

This section contains spreadsheet files that list all spills called in to the Cal OES Warning Center for a specific year. For greatest compatibility, these files have been saved in Microsoft Excel "97-2003 (xls)" format.

\*\*\* These files are updated/uploaded on a monthly basis. \*\*\*

### HazMat – Spill Release Reporting Archive

#### [Spill Release Reports 2010 To Present](#)

#### [Spill Release Reports 1993 To 2009](#)

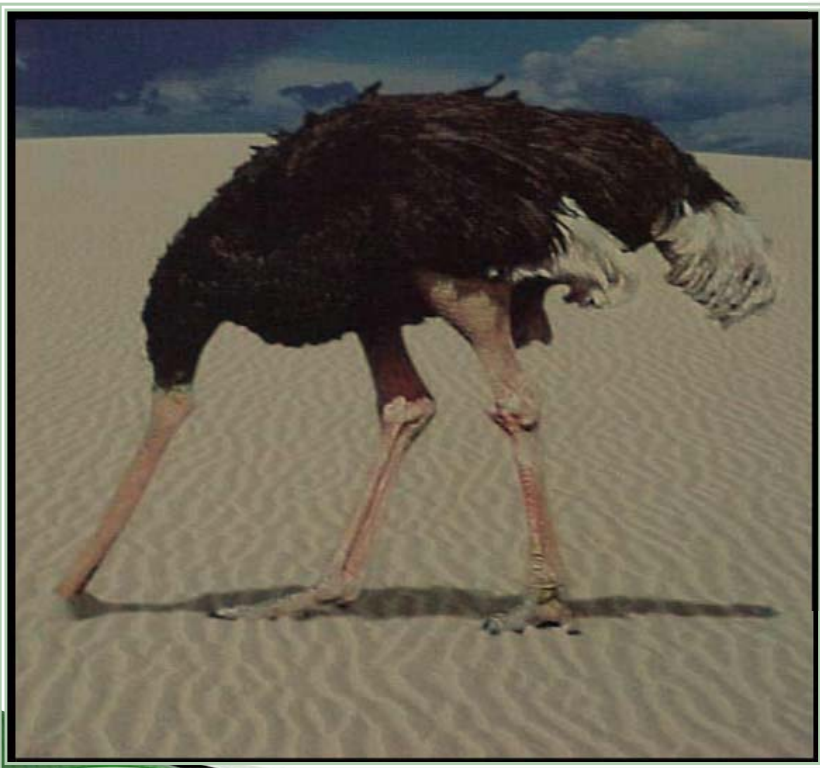
- [2024 – HazMat Spill Reports](#) Data Through 2/1/2024
- [2023 – HazMat Spill Reports](#)
- [2022 – Hazmat Spill Reports](#)
- [2021 – HazMat Spill Reports](#)
- [2020 – HazMat Spill Reports](#)
- [2019 – Hazmat Spill Reports](#)
- [2018 – HazMat Spill Reports](#)
- [2017 – HazMat Spill Reports](#)
- [2016 – HazMat Spill Reports](#)
- [2015 – HazMat Spill Reports](#)
- [2014 – HazMat Spill Reports](#)

Control#	Notified Date	Agency	Substance	Quantity	Type	Description	Contained	Water?	Water Way	Location	City	County	Zip	Incident Date	Time	Spill Site	Site	Injuries	Fatals	Evacs	Cleanup	Admin Agency
	10/12/2013 17:54	Dupe Spill	Please delete	50	Gal(s)	Per the caller a driver was filling his truck and it overflowed out the top of the tank.	Yes	No		5905 Paramount Blvd	Long Beach	Los Angeles	90805	10/12/2013	1700	Other					Contractor	Long Beach Fire Department
'13-0001	1/1/2013 8:34	Pacific Gas and Electric	Mineral Oil Non-PCB	7	Gal(s)	RP states that a gun shot hole was discovered in an overhead transformer discharging 5-7 gallons of transformer oil onto the concrete and sidewalk. Caller stated that the transformer oil is non-pcb. Area is blocked off to protect public.	Yes	No		2555 Illinois Street	East Palo Alto	San Mateo Co	94303	1/1/2013	242	Residence					Contractor	San Mateo County Environmental Health
'13-0002	1/1/2013 10:16	Southern California Edison	Non-PCB Mineral Oil	1	Gal(s)	Caller states a gunshot to a capacitor bank brought power down in the area and also the release of less than 1 gallon of non-PCB mineral oil onto soil, gravel, and rock within the bank. Crews are on scene and clean up is in progress.	Yes	No		On East Escondido, south of Muscatel	Hesperia	San Bernardino County		1/1/2013	700	Merchant/Business					Reporting Party	San Bernardino County Fire Department
'13-0003	1/1/2013 10:23	Southern California Edison	Non-PCB Mineral Oil	1	Gal(s)	Caller states a gunshot to a capacitor bank brought power down in the area and also the release of less than 1 gallon of non-PCB mineral oil onto soil, gravel, and rock within the bank. Crews are on scene and clean up is in progress.	Yes	No		On South Muscatel, southeast of Escondido	Hesperia	San Bernardino County		1/1/2013	715	Merchant/Business					Reporting Party	San Bernardino County Fire Department
'13-0004	1/1/2013 13:17	NRC	Train vs. Vehicle	N/A	N/A	Per NRC Report, "caller stated that a LRV struck a personally operated vehicle resulting in one fatality. Remedial Actions - passengers were bus bridged." Railroad Information: "Railroad Involved - Sacramento Reg Transit; Train Number - Train 6; Train Type - Passenger."	Yes	No		CPLUC Crossing 83N 2.62, Gloab Crossing	Unincorporated count	Sacramento County		12/31/2012	1530	Rail Road			1	N/A		Sacramento County Environmental Managem
'13-0005	1/1/2013 13:42	PXP	Crude Oil	1	Bbl (s)	Caller states corrosion on a pipe attached to an oil field resulted in the release of substance to a field area. Clean up is in progress.	Yes	No		Lease Name Tumbador, Section 23, Township 31 South, Range 22 East, Location Header D, closest city is Fellows	Unincorporated count	Kern County	93224	1/1/2013	1330	Oil Field					Reporting Party	Kern Co. Environmental Health Services Dep
'13-0006	1/1/2013 15:47	NRC	Sheen	20' x 20'	Sheen	Quoting the NRC Report: "CALLER STATED THAT THERE IS AN UNKNOWN SHEEN FROM AN UNKNOWN SOURCE IN THE SAN FRANCISCO BAY."	Unknown	Yes	S.F. Bay	Pier 96 and Indian Basin	San Francisco	San Francisco County		1/1/2013	1541	Waterways	S.F. Bay				Unknown	San Francisco County Health Department
'13-0007	1/1/2013 15:58	CHP	Unknown	UNK	Unknown	The caller is reporting a vehicle off the road and into the water.	Unknown	Yes	Klamath River	Hwy 96 at MPM 102.07 near Ashcreek Road	Yreka	Siskiyou County		1/1/2013	1534	Waterways	Klamath River				Unknown	Siskiyou County Public Health Department
'13-0008	1/1/2013 22:30	NRC	Oil & Fuel	Unk	Gal(s)	**POTENTIAL RELEASE** Per NRC report: A sunken vessel was discovered in the Marina, no pollution reported, fire boat 3 on scene, USCG on route.	Yes	Yes	Cerritos Chan	New Mark Marina, 33 45 48 N 118 14	Wilmington	Los Angeles County		1/1/2013	2210	Waterways	Cerritos Channel				Unknown	Los Angeles City Fire Department
						RP states that mineral oil released from a 1959 pole top transformer due to equipment failure impacting soil and surrounding vegetation. A PCB sample has been rushed to																

# BUT REMEMBER! Not just HSC 25510

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- Notwithstanding HSC 25510...many other California reporting requirements:



- Any releases of HM from underground storage tanks/systems
  - ☠ Release from secondary containment, and certain releases from primary containment
  - ☠ Report to CUPA/PA within 24 hours





# 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)



# TRANSPORTATION INCIDENTS IN CALIF.

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## ➤ 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





# DISCHARGES TO STATE WATERS

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- **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



## ➤ Discharge or threatened discharge of petroleum or oil in state marine waters (CGC 8670.25.5; 8670.26; 8589.7)



- Statutory RQ = 42 gal...BUT: CA OSCP = any amount
- 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



## CRUDE OIL < & > 42 GAL. and THREAT TO H, S, P, E: Not so simple...

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- **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 not 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.**

# OIL < AND > 42 GAL. & THREAT TO H, S, P, E

➤ Sounds like the 42 gal. to land criteria applies only to oil & gas fields in SJV

➤ Does this supercede HSC 25510 & 19 CCR?

## CAL. PRC. CODE § 3233 : California Code - Section 3233

Search CAL. PRC. CODE § 3233 : California Code - Section 3233

Search by Keyword or Citation

Search

(a)The division may develop field rules which establish volumetric thresholds for emergency reporting by the operator of oil discharges to land associated with onshore drilling, exploration, or production operations, where the oil discharges, because of the circumstances established pursuant to paragraph (1) of subdivision (c), cannot pass into or threaten the waters of the state. The division may not adopt field rules under this section, unless the State Water Resources Control Board and the Department of Fish and Game first concur with the volumetric reporting thresholds contained in the proposed field rules. Subchapter 1 (commencing with Section 1710) of Chapter 4 of Division 2 of Title 14 of the California Code of Regulations shall apply to the adoption and implementation of field rules authorized by this section.

(b)The authority granted to the division pursuant to subdivision (a) shall apply solely to oil fields located in the San Joaquin Valley, as designated by the division. The division shall adopt the field rules not later than January 1, 1998.

(c)For purposes of implementing this section, the division, the State Water Resources Control Board, and the Department of Fish and Game shall enter into an agreement that defines the process for establishing both of the following:

(1)The circumstances, such as engineered containment, under which oil discharges cannot pass into or threaten the waters of this state.

(2)The volumetric reporting thresholds that are applicable under the circumstances established pursuant to paragraph (1).

(d)In no case shall a reporting threshold established in the field rules, where the oil discharge cannot pass into or threaten the waters of this state, be less than one barrel (42 gallons), unless otherwise established by federal law or regulation. Until field rules are adopted, emergency reporting of oil discharges shall continue as required by existing statute and regulations.

(e)An operator who discharges oil in amounts less than the volumetric thresholds adopted by the division pursuant to this section is exempt from all applicable state and local reporting requirements. Discharges of oil in amounts equal to, or greater than, the volumetric thresholds adopted by the division pursuant to this section shall be immediately reported to the Office of Emergency Services which shall inform the division and other local or state agencies as required by Section 8589.7 of the Government Code. Reporting to the Office of Emergency Services shall be deemed to be compliance with all applicable state and local reporting requirements.



# FACT SHEET

## Reporting Petroleum (Oil) Releases

September 2013

### REPORTING PETROLEUM (OIL) RELEASES:

Proper and timely notification is imperative to allow government agencies and downstream users to take prompt action to protect public health and safety, the environment, and property. The purpose of this Fact Sheet is to help clarify the reporting requirements for oil related releases in California.

If the release of oil in any way **causes harm or threatens to cause harm** to public health and safety, the environment, or property you must make immediate notification to the California Governor's Office of Emergency Services (Cal OES) Warning Center [Health and Safety Code (HSC) §25507].

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*]. Upon such notifications, Cal OES will then immediately notify the Department of Fish and Wildlife/Office of Spill Prevention and Response (OSPR), Regional Water Quality Control Board (RWQCB), State Lands Commission (SLC), the California Coastal Commission (CCC), Division of Oil, Gas, and Geothermal Resources (DOGGR) and/or the appropriate Local Administering Agency. [GC §8589.7] These agencies are responsible for determining appropriate public and environmental safety measures and may have additional reporting requirements.

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.

### Report Petroleum (Oil) Releases to:

California Governor's Office of Emergency Services  
Warning Center

**(800) 852-7550 or (916) 845-8911**



## DEPARTMENT OF CONSERVATION

801 K Street, MS 20-20  
Sacramento, CA 95814-3530  
(916) 445-9686  
FAX (916) 323-0424

### FIELD RULE

San Joaquin Valley  
Oil Spill Reporting Criteria

#### 1. Purpose

Assembly Bill 1376 (Bustamante) authorizes the Department of Conservation, Division of Oil, Gas, and Geothermal Resources (DOGGR), in conjunction with the State Water Resources Control Board (SWRCB) and the Department of Fish and Game (DFG) to develop field rules that establish volumetric thresholds for the reporting of discharges of oil to land. The purpose of this Field Rule is to establish reasonable crude oil spill reporting criteria while protecting public health, safety, and the environment.

#### 2. Background

In the San Joaquin Valley, the reportable quantity for the discharge of oil or petroleum products is one barrel (42 gallons) to land or any spill, regardless of volume, reaching a waterway. Generally, the requirement to report any spill of one barrel or more of oil is reasonable. However, in some parts of the San Joaquin Valley, where a major portion of the crude oil produced is highly viscous, the terrain is relatively flat, and there is minimal potential for an oil spill to affect waters of the state, habitat or wildlife, a more liberal reporting requirement is justified.

#### 3. Applicability

This Field Rule applies to any oil or gas field located within Kern, Kings, Tulare, Fresno, Madera, and Merced Counties, and the portion of Midway-Sunset field located within San Luis Obispo County. However, the Temblor Hills field in Kern County is excluded due to its location outside the San Joaquin Valley. The Field Rule is applicable only within existing oil and gas fields, as defined by DOGGR.

This Field Rule only applies to discharges of crude oil associated with onshore drilling, exploration, or production. This Field Rule applies only to oil discharges to land where the discharge cannot pass into or threaten the waters of the state. Regardless of the quantity involved, reporting requirements established pursuant to Government Code Section 51018 are applicable if the spill involves a fire or explosion. Federal reporting and notification requirements are not affected by this Field Rule.



# DON'T FORGET FEDERAL OIL REPORTING!

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💣 Federal RQ for oils  
(...any type of oils) is tighter  
for water

*More federal reporting shortly*

# PLAN & PERMIT RELATED AND OTHER RELEASE REPORTING

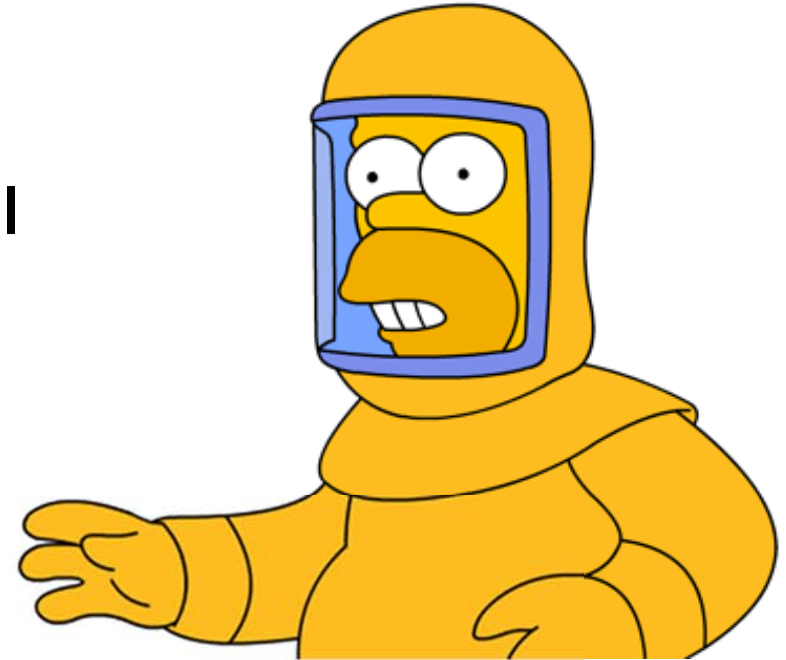
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- SCAQMD 'breakdown', Title V 'deviations'
  - Notify SCAQMD within 1 hour
  - Some permit deviations can wait until certification season
- Non-authorized non-stormwater discharge to SW
  - Report in SWPPP Annual Report
- Radiological materials releases
  - 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

# NON-EMERGENCY RELEASES OF HAZARDOUS SUBSTANCES

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- 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 ½ 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)
- **Local agencies**
  - Responding to HazMat spills are not required to call Cal OES ... but it is considered good practice!
    - Well... agencies must report oil spills into marine waters



# PROP 65 NOTIFICATIONS

## ➤ OEHHA requirement per Prop 65 (HSC §25180)

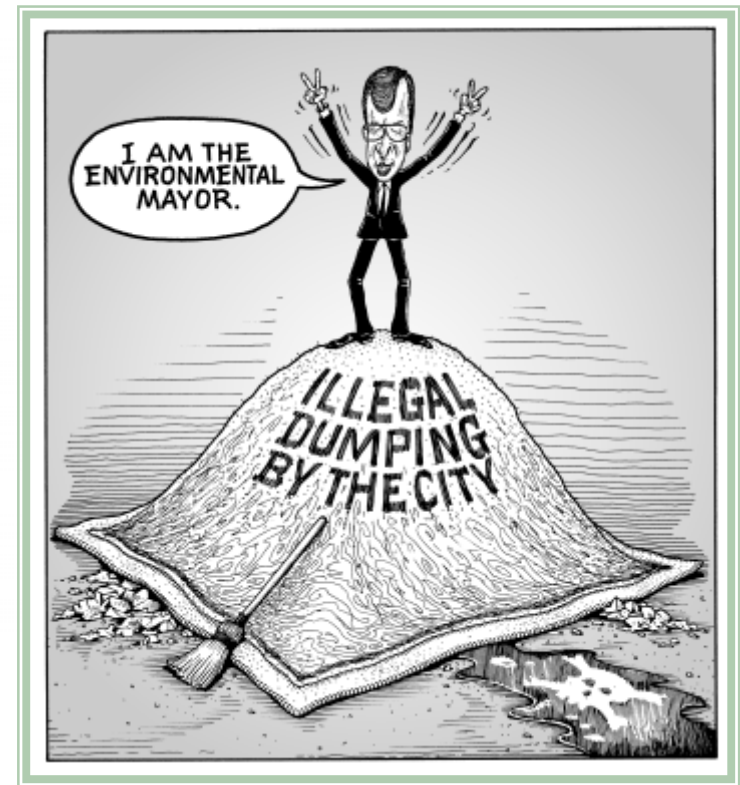
☠ A “*designated government employee*” who knows of:

- 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





# FEDERAL RELEASE REPORTING

- The NRC is the sole Federal point of contact for reporting oil and chemical spills\*



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

# FEDERAL RELEASE REPORTING SUMMARY

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## ➤ 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 \(via NRC\)](#)

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

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- 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 #



# FEDERAL RELEASE REPORTING SUMMARY<sub>(2)</sub>

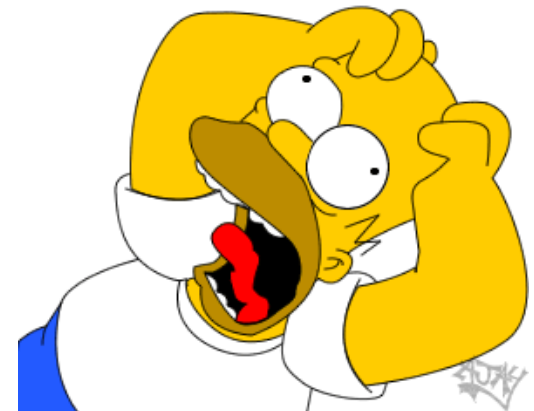
- **Several other federal requirements**
  - RCRA, TSCA, CAA, OSHA
- **Applicability also not limited emergencies**
  - Non-routine situations/incidents
  - Statistical change in stuff already reported
  - Discharges/releases not specifically covered under facility permits
- **Limited to specific lists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



# CRITICAL THINKING REQUIRED

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- 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”

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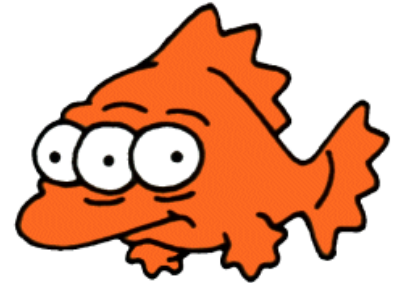
- **CERCLA**: Anything within plant boundaries; pipelines; vessels; motor vehicles (even in the course of transportation on the highway), etc.
- **EPCRA (§304)**: Same as CERCLA (but not vessels) *which are owned or operated by same person*
  - EPCRA §§301, 302, 311 - 313: only stationary structures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



# CRITICAL TERMS: “ENVIRONMENT”

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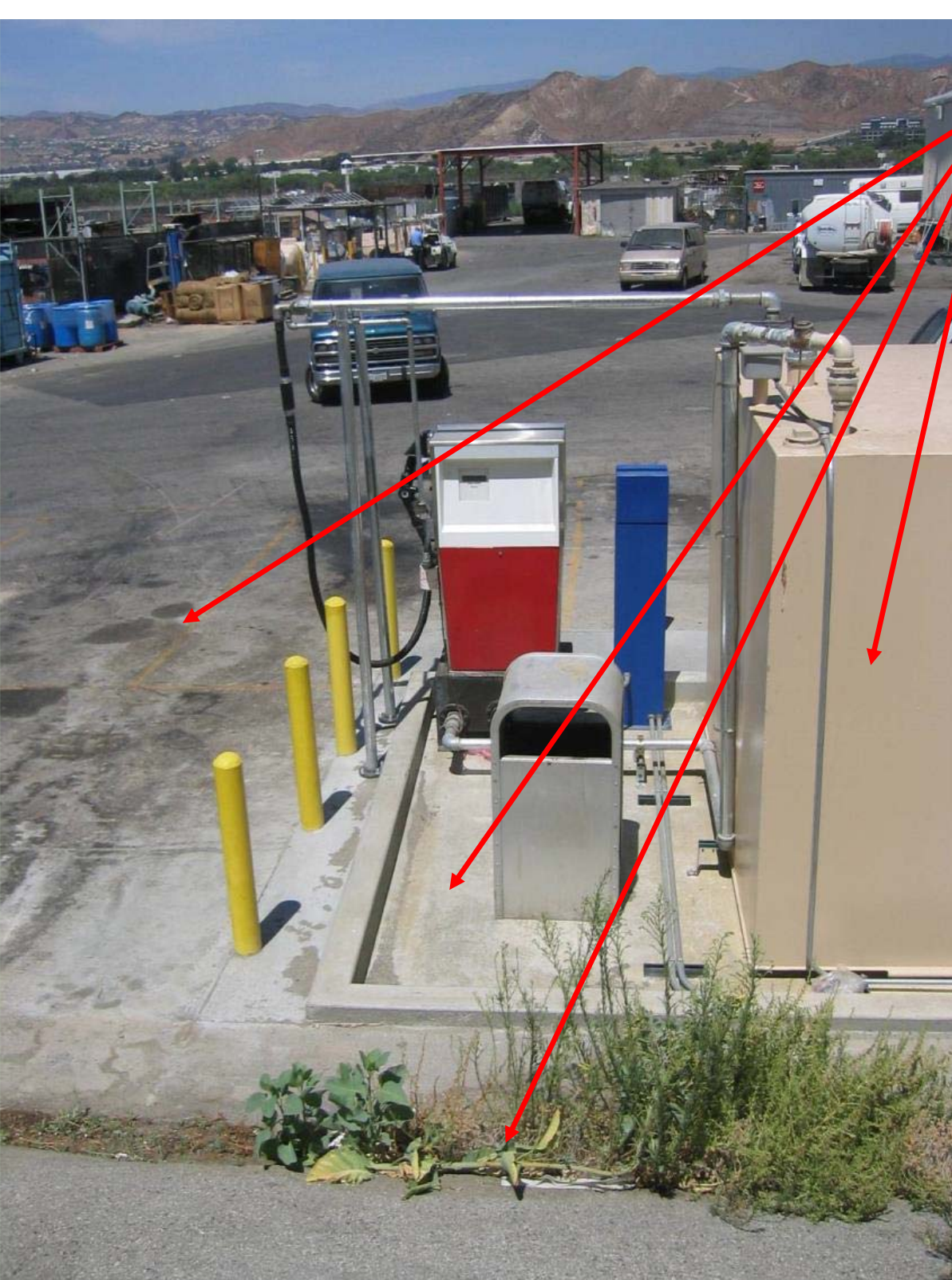
- **CERCLA:** Includes air, water, soil, surface, subsurface, groundwater
  - Exclusion for releases impacting only indoor/occupational air or surfaces
  - No definition of ‘environment’
    - Per EPA guidance docs: spills to integral secondary containment *is not* ‘into the environment’ unless it migrates 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
- **CAA:** Ambient Air



# CRITICAL TERMS: "ENVIRONMENT"

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- **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.



# 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/fertilizer-institute-v-united-states-environmental-protection-agency>



# CRITICAL TERMS: "RELEASE/INCIDENT"

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💣 **Hazardous substances do not actually have to be released (e.g. DOT/transportation incidents)!**

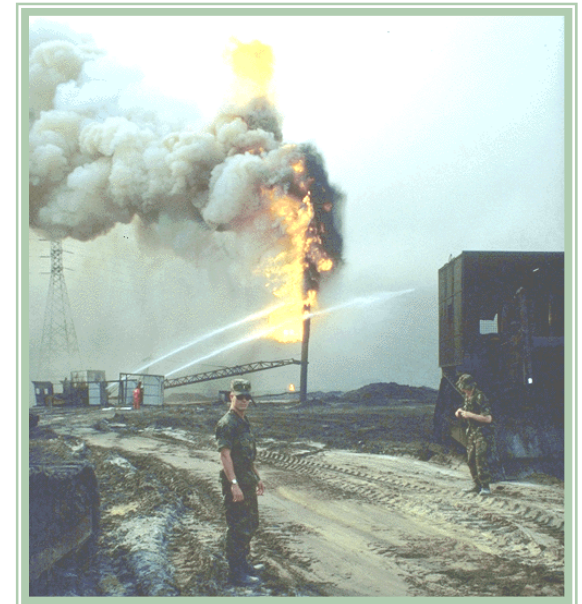
- Which means...RQ's and specific listed chemicals are moot!

➤ **Generally includes:**

- *Besides the standard... "Spilling, leaking, pouring, escaping, etc."*
- *Also includes statistically significant increase in a continuous release*

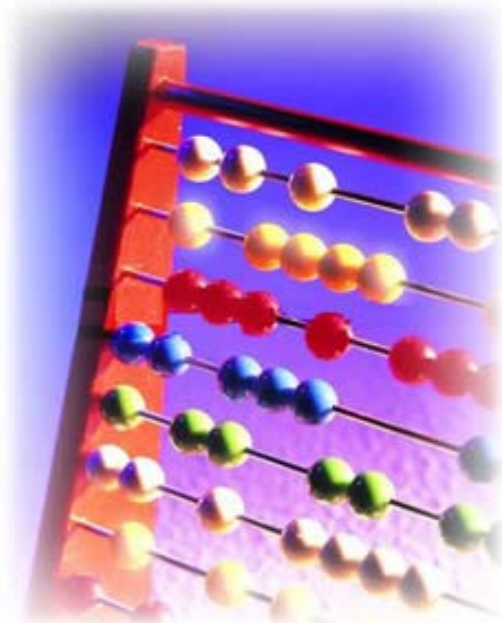
➤ **Also includes any specific notification requirements specified in facility/equipment permits**

- Just like California!



# REPORTABLE QUANTITIES

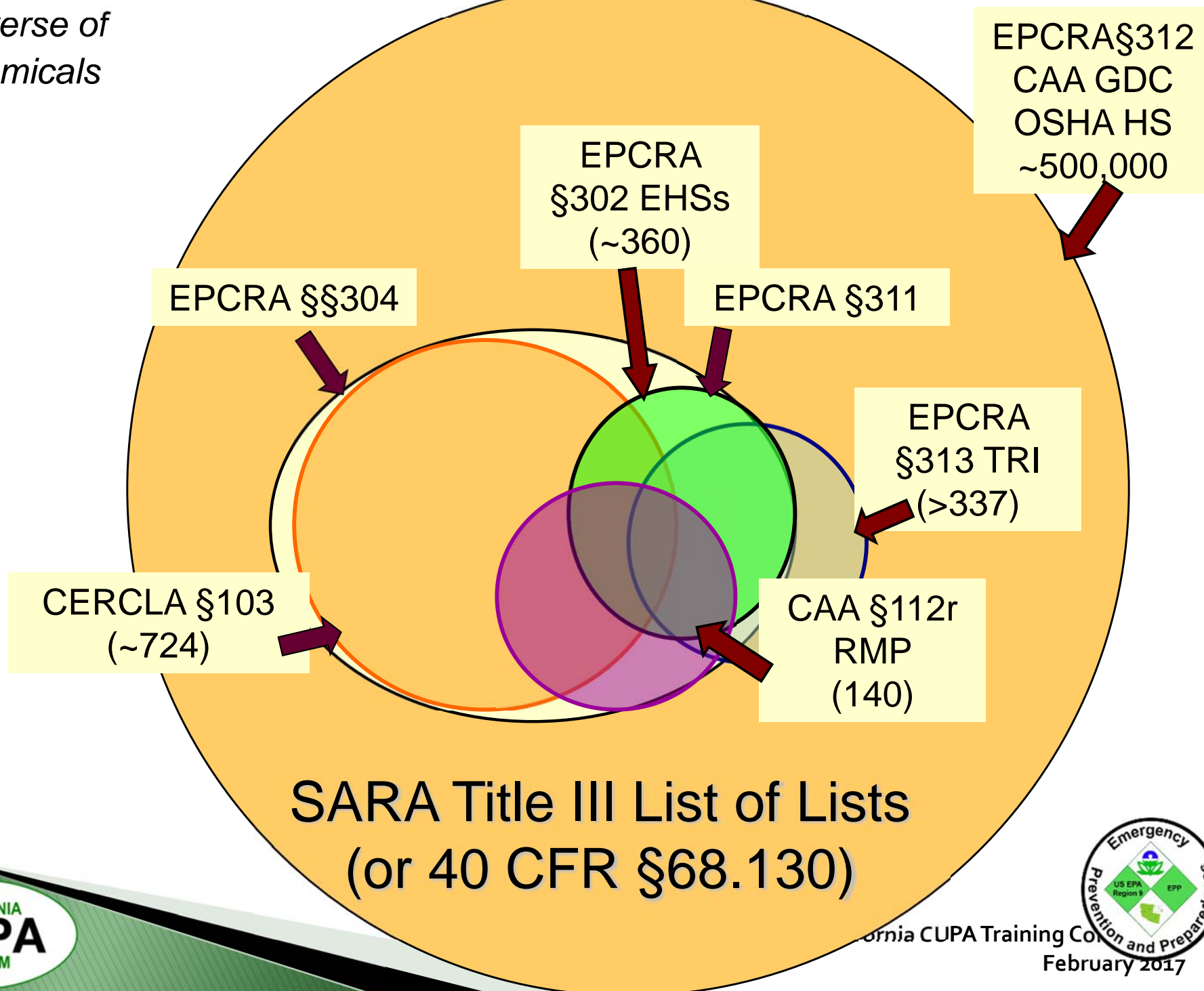
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- Most chemicals in different regulations have the same RQs
  - Some same chemicals in different regulations different RQs... not many, though
- Most RQs are quantitative and are listed in and must be determined in lbs.
  - **1, 10, 100, 1000, 5000 pounds**
    - Marine Pollutants (MARPOLs) >119 gal (l) 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

# LIST, LIST...OH, WHO'S GOT THE LIST?

Universe of  
Chemicals





# Consolidated List of Lists



Name	CAS Category Codes	Section 302 (EHS) TPO	Section 304 EHS RQ	CERCLA RQ	Section 313	RCRA Code	CAA 112(r) TQ
Chlorine	7782-50-5	100	10	10	313		2,500
Chlorine dioxide	10049-04-4				313		1,000
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

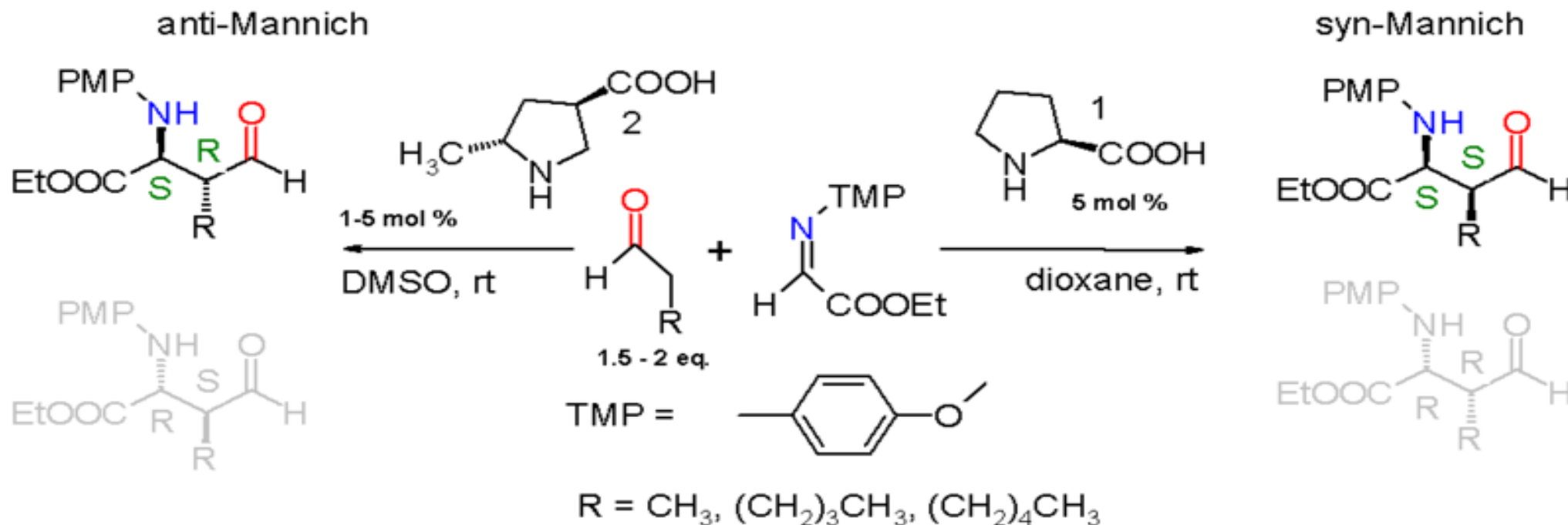
<http://yosemite.epa.gov/oswer/ceppoweb.nsf/content/ConsolidatedPubs>

htm

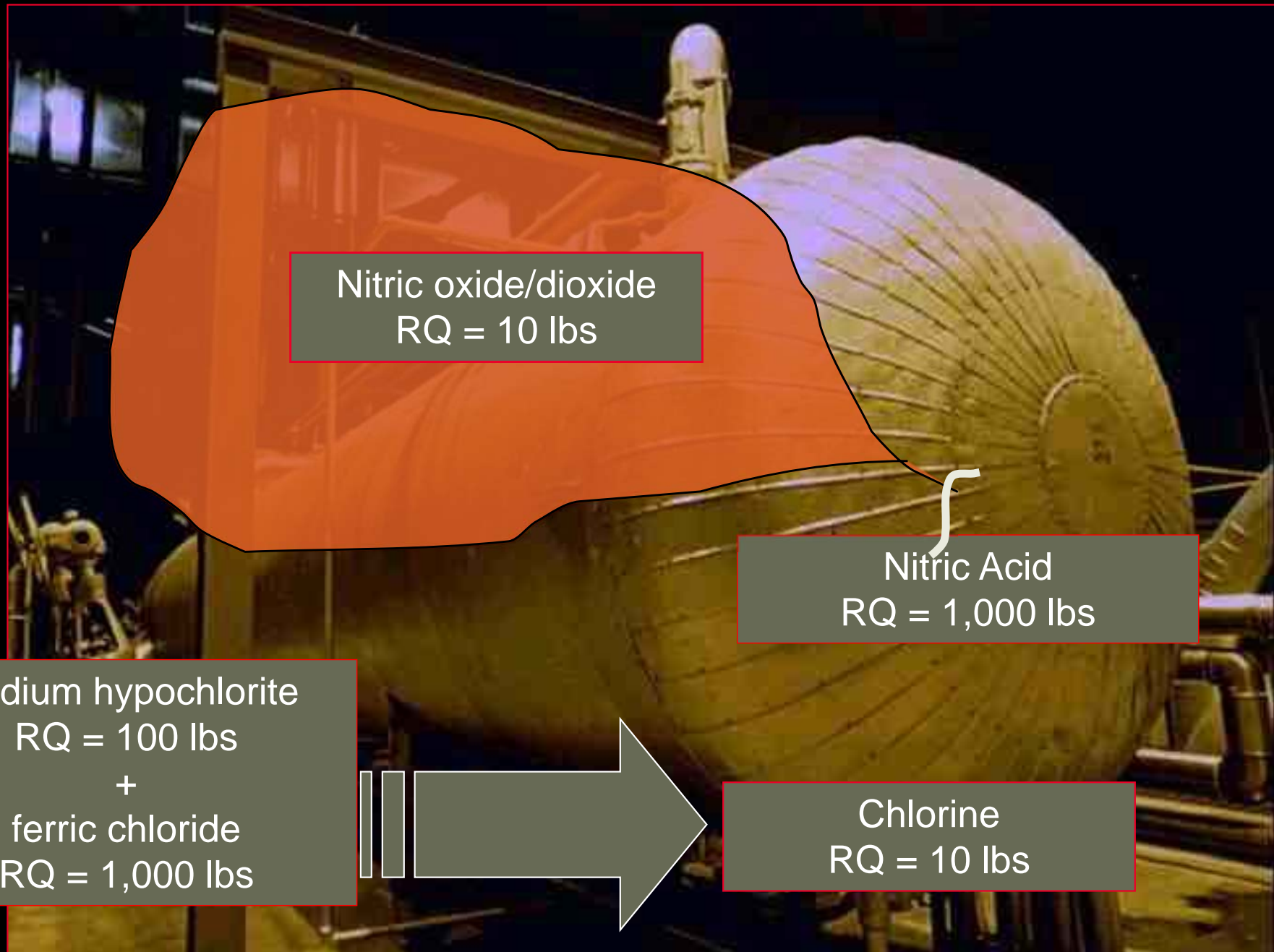


# REACTION PRODUCTS

- 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.



# For Example....





# REPORTABLE QUANTITIES

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- 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 whole mixture/waste stream in RQ calculations







# RQ EXAMPLE

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- 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.



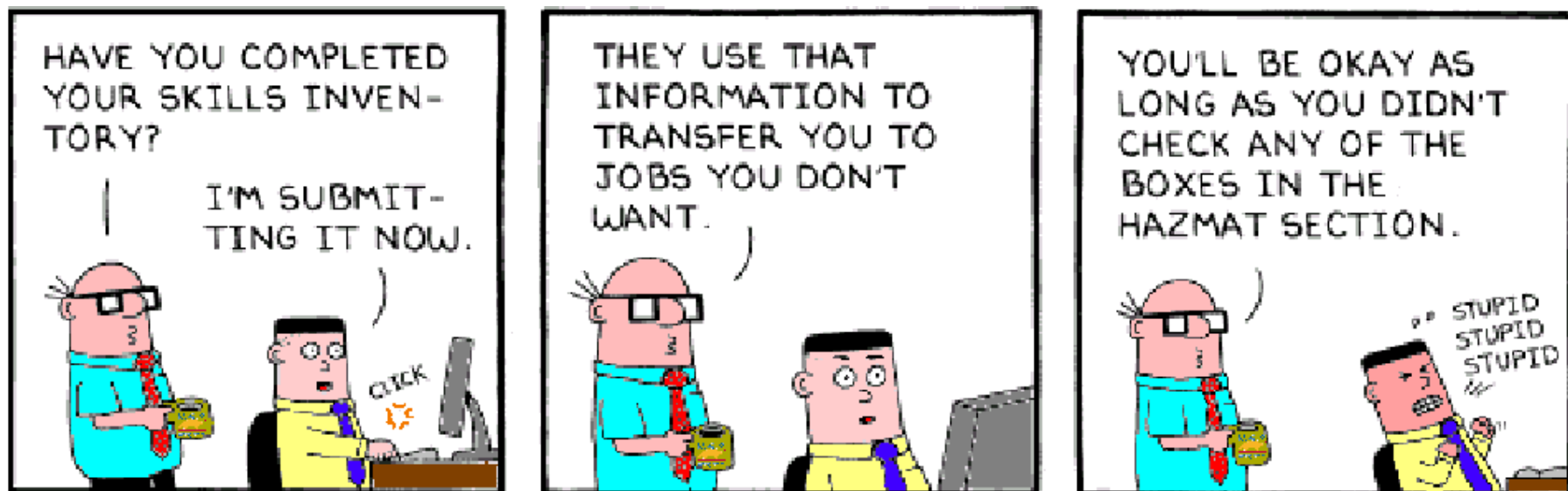
**Is it a reportable release?**

- 😊 **Concentration known** =  $140 \text{ gal} \times 10.5 \text{ lbs./gal} = 1,470 \text{ lbs.} \times 50\% \text{ conc.} = 735 \text{ lbs} (< 1,000 \text{ lb TCA RQ})$
- 😞 **Concentration unknown** =  $140 \times 10.5 = 1,470 \text{ lbs} (> 10 \text{ lb Foo1 RQ [10 lbs of TCA is } < 1 \text{ gallon!])}$
- 😞 Street closure > 1 hour....DOT RQ even if NO release
- ❖ Unlisted [i.e. 'undetermined'] ICR HW: RQ = 100 lbs)
- ❖ TCLP Toxic HW: RQ = lowest RQ for the individual toxic constituent(s)



# 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 'low' rank
    - just might include certain contractors and consultants
      - ➡ depending 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.pdf](http://www.epa.gov/Compliance/resources/policies/civil/epcra/epcra304.pdf)

- 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 [www.nrc.uscg.mil/report.html](http://www.nrc.uscg.mil/report.html)



- ☠ Various online forms...submit based on type of incident:

- Aircraft, platform, railroad, mobile, vessel, unknown sheen, pipeline, fixed facility, storage tank, continuous release

- ☠ USDOT transportation incidents – also reported to NRC...but also see <http://hazmat.dot.gov/spills.htm>

- Also see [www.epa.gov/superfund/programs/er/triggers/index.htm](http://www.epa.gov/superfund/programs/er/triggers/index.htm)

And “CERCLA and EPCRA Release Reporting Requirements”  
[www.epa.gov/superfund/contacts/sfhotline/cerep.pdf](http://www.epa.gov/superfund/contacts/sfhotline/cerep.pdf)





## :: TERRORIST INCIDENTS ::

Any incident related to terrorism or possible terrorist activity requires **telephonic notification** to the National Response Center. **DO NOT SEND AN ON-LINE REPORT !**

This would include bombings, bomb threats, suspicious letters or packages, and incidents related to the intentional release of chemical, biological or radioactive agents. Our watch standers have been trained to ask specific questions for such reports and will immediately pass the information to the proper agencies for response.

Contact the NRC at:

800-424-8802  
or  
202-267-2675

## :: ONLINE REPORT FORMS ::

Reports taken by the NRC are based on the "Incident Type" and each report requires a different subset of information. The following list of Incident Types covers these areas and the reports are available for submission via our web site. Select the type of incident you wish to report and fill in the associated form with as much detail as possible. Fields listed in RED are mandatory and the form cannot be submitted unless they are filled out.

The NRC will contact the Responsible Party within 15 minutes of receiving an online report to provide an official NRC Report Number. If you have not heard from the NRC within 30 minutes, please contact us via our toll free number (800-424-8802).

AIRCRAFT	PLATFORM
An <b>AIRCRAFT</b> Incident includes all aircraft, commercial and private, whether flying or grounded. For example, a hydraulic leak from an aircraft that occurs while undergoing repairs would require a report.	A <b>PLATFORM</b> Incident is specifically for offshore or near shore oil and natural gas extracting facilities. The area and block number are important fields that need to be entered in this report, unless the platform is in state waters. Please enter the OCSG, OCSP, or state lease numbers in the report.
CONTINUOUS RELEASE	RAILROAD
A <b>CONTINUOUS RELEASE</b> is a release above the Federal limits, also called reportable quantity (RQ), due to normal operations of a facility. This incident type has five categories: Initial, Baseline, Change in Source and/or Composition, Annual, and Statistically Significant Increase (SSI). For detailed info on the EPA's Continuous Release Program check out their web site.	A <b>RAILROAD</b> Incident includes all transportation modes used on rail. The NRC takes reports on all Railroad Incidents including derailments of freight and commercial trains, HAZMAT and non-hazmat rail incidents, light rail, subway, metro rail, and grade crossing accidents.
FIXED	MOBILE
A <b>FIXED</b> Incident is the widest ranging incident type and includes the release of material from non-mobile machinery, refineries, manufacturing plants, and numerous other fixed facilities.	A <b>MOBILE</b> Incident refers to all transportation modes used on land. It includes commercial and private vehicles, motorcycles etc. Some of the most common incidents associated with this category are tractor-trailer accidents.
STORAGE TANK	UNKNOWN SHEEN

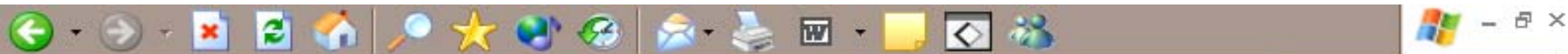
A **STORAGE TANK** Incident pertains to containers that store hazardous materials located virtually anywhere including facilities, private property, and various transportation modes. Common storage tank incidents include leaking or overfilled home heating oil tanks, ruptured underground storage tanks from construction activity and petroleum storage facilities.

An **UNKNOWN SHEEN** Incident type pertains to any material on the water that has been discovered and whose source is unknown. Please describe the size and color of the material and an estimate of the amount released. (I.E. less than a gallon, less than 100 gallons, over 3000 gallons, etc.). Information on weather and direction of movement are also important.

PIPELINE	VESSEL
A <b>PIPELINE</b> Incident refers to pipelines that transport materials off site. This does not include pipelines within a facility. Such pipelines are often regulated by the Department of Transportation. Common pipeline types include flow, distribution and gathering lines transporting crude oil or natural gas from one facility to another.	A <b>VESSEL</b> Report includes all transportation modes used on the water. Common reports include private vessels that accidentally release bilge water, oil barges with leaks, cranes that are on barges, etc.

To print these forms for hard copy use requires you to set your page/printing margins as small as possible. Typically, a .25" left and right margin should allow you to print the entire form without cutting off any of the fields.

# NRC Online Tank Release Report



8 0 0 - 4 2 4 - 8 8 0 2

[ABOUT US](#)

[SERVICES](#)

[CONTACT US](#)

## :: [ONLINE REPORTING](#) >> Tank Report ::

Please fill out the form as completely as possible. Fields in **RED** are mandatory entries.

**IS THIS A DRILL REPORT ?**    ☐ YES    ☒ NO

**YOUR E-MAIL ADDRESS:**

### REPORTING PARTY

### SUSPECTED RESPONSIBLE PARTY

**Phone 1:**  **Type:**

**Last Name:**

**Last Name:**

**First Name:**

**First Name:**

**Phone 1:**  **Type:**

**Phone 2:**  **Type:**

**Phone 2:**  **Type:**

**Phone 3:**  **Type:**

**Phone 3:**  **Type:**

**Company:**

**Company:**

**Org Type:**

**Org Type:**

**Address:**

**Address:**

**City:**

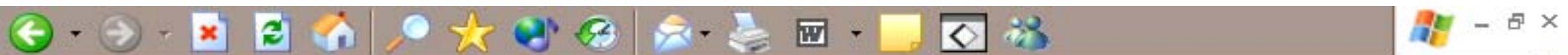
**City:**

**State:**

**State:**



# NRC Online Tank Release Report, Cont'd



## INCIDENT DESCRIPTION

### Description of Incident:

Incident Date:   
(DD/MM/YY)

Time:

Occurred/Discovered/Planned:

Type of Incident: STORAGE TANK

Incident Cause:

## ACCIDENT LOCATION

### Location Description:

### Address Location:

State:

County:

ZIP:

Nearest City:  Distance from Nearest City:  Units:

Direction:  Range:  Section:  Township:

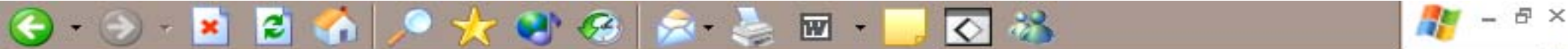
Latitude: Degrees:  Minutes:  Seconds:  Quadrant:

Longitude: Degrees:  Minutes:  Seconds:  Quadrant:

## TANK/CONTAINER DETAILS



# NRC Online Tank Release Report, Cont'd



## TANK/CONTAINER DETAILS

Tank/Container Description: <input type="text"/>	Tank/Container ID: <input type="text"/>
Above/Below Ground: <input checked="" type="radio"/> Above <input type="radio"/> Below	Transportable: <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> Unknown
Regulated: <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> Unknown	Regulated by: <input type="text"/>
Tank/Container Capacity: <input type="text"/> <input type="text"/> Choose Unit	Amount in Tank: <input type="text"/> <input type="text"/> Choose Unit

## MATERIAL INVOLVED

Material	Chris Code	Release Amount	Units
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/> Choose Unit
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/> Choose Unit
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/> Choose Unit
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/> Choose Unit
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/> Choose Unit

## MATERIAL IN WATER INFORMATION

Amount in Water: <input type="text"/> Units: <input type="text"/> Choose Unit	Body of Water Affected: <input type="text"/>
Offshore: <input type="radio"/> Yes <input checked="" type="radio"/> No	River Mile Marker: <input type="text"/> Tributary of: <input type="text"/>
Water Supply Contaminated: <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> Unknown	Water Temperature: <input type="text"/> Units: <input type="text"/> Choose Unit
Wave Condition: <input type="text"/> Choose Condition	Speed: <input type="text"/> Units: <input type="text"/> Choose Unit Direction: <input type="text"/> Choose Direction

# EXEMPTIONS - see

[www.epa.gov/superfund/programs/er/triggers/haztrigs/hazexems.htm](http://www.epa.gov/superfund/programs/er/triggers/haztrigs/hazexems.htm)

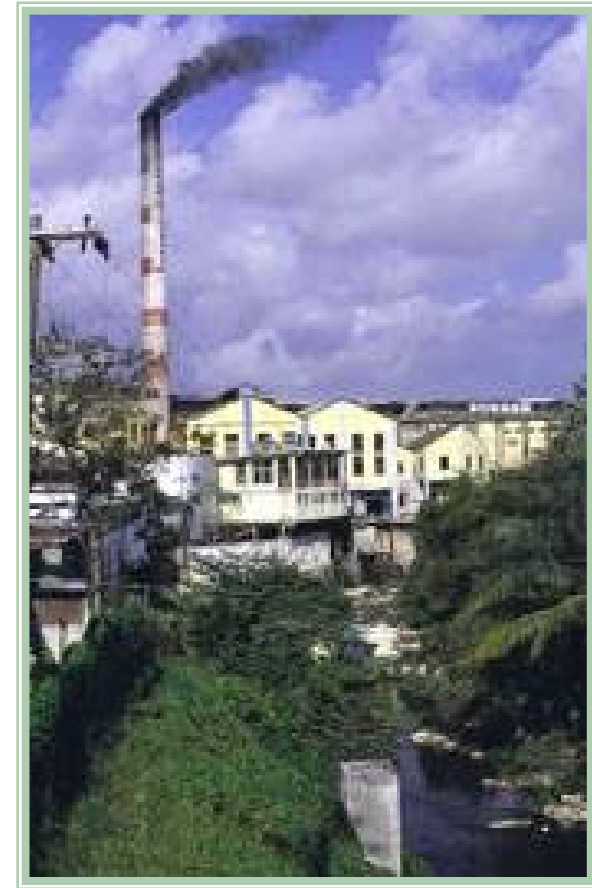
## ➤ Major exemptions for federal reporting

- 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

# 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)

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- Includes a wide range of pollutant, waste, air (and HAP), nuclear emissions
  - 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 specific 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

# WRITTEN REPORTS, RECORDS AND FOLLOWUP – CALIF AND FEDERAL

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## ➤ EPCRA §304 reportable incidents ONLY

- **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 with potential exposure to persons off-site
- “Emergency Release Follow-up Notice Reporting Form”
  - Same info as verbal report plus Cal OES Control #, health effects info, updated actions taken
  - Complete and return within 30 days to SERC/LEPC (via Cal OES)

## ➤ Others:

- ☠ HW ‘operating record’; UST operating record; SWPPP; DOT; SPCC; Title V
- ☠ Permit-required



Form Sent to:

State Emergency Response  
Commission (SERC) / LEPC  
*Attn: Section 304 Reports*  
3650 Schriever Avenue  
Mather, CA 95655

EMERGENCY RELEASE FOLLOW - UP NOTICE REPORTING FORM

A	BUSINESS NAME				FACILITY EMERGENCY CONTACT & PHONE NUMBER ( ) -			
B	INCIDENT DATE	MO	DAY	YR	TIME OES NOTIFIED	(use 24 hr time)	OES CONTROL NO.	
C	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 <input type="checkbox"/> SOLID <input type="checkbox"/> LIQUID <input type="checkbox"/> GAS			PHYSICAL STATE RELEASED <input type="checkbox"/> SOLID <input type="checkbox"/> LIQUID <input type="checkbox"/> GAS			QUANTITY RELEASED	
	ENVIRONMENTAL CONTAMINATION <input type="checkbox"/> AIR <input type="checkbox"/> WATER <input type="checkbox"/> GROUND <input type="checkbox"/> OTHER				TIME OF RELEASE		DURATION OF RELEASE ___ DAYS ___ HOURS ___ MINUTES	
	ACTIONS TAKEN							
	KNOWN OR ANTICIPATED HEALTH EFFECTS (Use the comments section for addition information)							
	<input type="checkbox"/> ACUTE OR IMMEDIATE (explain) _____							
	<input type="checkbox"/> CHRONIC OR DELAYED (explain) _____							
	<input type="checkbox"/> NOT KNOWN (explain) _____							
	ADVICE REGARDING MEDICAL ATTENTION NECESSARY FOR EXPOSED INDIVIDUALS							
	COMMENTS (INDICATE SECTION (A - G) AND ITEM WITH COMMENTS OR ADDITIONAL INFORMATION)							
I	CERTIFICATION: I certify under penalty of law that I have personally examined and I am familiar with the information submitted and believe the submitted information is true, accurate, and complete. REPORTING FACILITY REPRESENTATIVE (print or type) _____ SIGNATURE OF REPORTING FACILITY REPRESENTATIVE _____ DATE: _____							



# COST OF NON-COMPLIANCE UNDER EPCRA § 304 and CERCLA § 103

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- 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

# 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  $\leq 5$  gal); 'Limited Qty'; some PG IIIIs 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

# FEDERAL REPORTING OF TRANSPORTATION INCIDENTS (cont.)

## 2. **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

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- 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

# FORM DOT F 5800.1

- Part I: Report Type
- Part II: General Incident Information
- Part III: Packaging Information
- Part IV: Consequences
- Part V: Air Incident Information
- Part VI: Description of Events and Packaging Failure
- Part VII: Recommendations/ Actions Taken to Prevent Future Incidents
- Part VIII: Contact Information

U.S. Department of Transportation Research and Special Programs Administration		<b>Hazardous Materials Incident Report</b>		Form Approval OMB No. 2137-0039
<small>According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 2137-0039. The filing out of this information is mandatory and will take 96 minutes to complete.</small>				
<b>INSTRUCTIONS:</b> Submit this report to the Information Systems Manager, U.S. Department of Transportation, Research and Special Programs Administration, Office of Hazardous Materials Safety, D-M-63, Washington, D.C. 20590-0001. If space provided for any item is inadequate, use a separate sheet of paper, identifying the entry number being completed. Copies of this form and instructions can be obtained from the Office of Hazardous Materials Website at <a href="http://hazmat.dot.gov">http://hazmat.dot.gov</a> . If you have any questions, you can contact the Hazardous Materials Information Center at 1-800-438-4922 (1-800-467-4922) or online at <a href="http://hazmat.dot.gov">http://hazmat.dot.gov</a> .				
<b>PART I - REPORT TYPE</b>				
1. This is to report:		<input type="checkbox"/> A) A hazardous material incident <input type="checkbox"/> B) An undeclared shipment with no release <input type="checkbox"/> C) A specification cargo tank 1,000 gallons or greater containing any hazardous materials that (1) received structural damage to the lading retention system or damage that requires repair to a system intended to protect the lading retention system and (2) did not have a release.		
2. Indicate whether this is:		<input type="checkbox"/> An initial report <input type="checkbox"/> A supplemental (follow-up) report <input type="checkbox"/> Additional Pages		
<b>PART II - GENERAL INCIDENT INFORMATION</b>				
3. Date of Incident: _____ 4. Time of Incident (use 24-hour time): _____				
5. Enter National Response Center Report Number (if applicable): _____				
6. If you submitted a report to another Federal DOT agency, enter the agency and report number: _____				
7. Location of Incident: City: _____ County: _____ State: _____ ZIP Code (if known): _____ Street Address/Mile Marker/Yardname/Airport/Body of Water/River Mile _____				
8. Mode of Transportation <input type="checkbox"/> Air <input type="checkbox"/> Highway <input type="checkbox"/> Rail <input type="checkbox"/> Water				
9. Transportation Phase <input type="checkbox"/> In Transit <input type="checkbox"/> Loading <input type="checkbox"/> Unloading <input type="checkbox"/> In Transit Storage				
10. Carrier/Reporter      Name _____ Street _____ City _____ State _____ ZIP Code _____ Federal DOT ID Number _____ Hazmat Registration Number _____				
11. Shipper/Officer      Name _____ Street _____ City _____ State _____ ZIP Code _____ Waybill/Shipping Paper _____ Hazmat Registration Number _____				
12. Origin (if different from shipper address)      Street _____ City _____ State _____ ZIP Code _____				
13. Destination      Street _____ City _____ State _____ ZIP Code _____				
14. Proper Shipping Name of Hazardous Material: _____				
15. Technical/Trade Name: _____				
16. Hazardous Class/Division: _____ 17. Identification Number: _____ (E.g. UN2764, NA 2020) 18. Packing Group: _____ (if applicable) 19. Quantity Released: _____ (Include Measurement Units)				
20. Was the material shipped as a hazardous waste? <input type="checkbox"/> Yes <input type="checkbox"/> No      If yes, provide the EPA Manifest Number: _____				
21. Is this a Toxic by Inhalation (TIH) material? <input type="checkbox"/> Yes <input type="checkbox"/> No      If yes, provide the Hazard Zone: _____				
22. Was the material shipped under an Exemption, Approval, or Competent Authority Certificate? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, provide the Exemption, Approval, or CA number: _____				
23. Was this an undeclared hazardous materials shipment? <input type="checkbox"/> Yes <input type="checkbox"/> No				
Form DOT F 5800.1 (01-2004)      Page 1      Reproduction of this form is permitted				

### PART III - PACKAGING INFORMATION

24. Check Packaging Type (check only one - if more than one, list type of packaging, copy Part III, and complete for each type:

☐ Non-bulk      ☐ IBC      ☐ Cargo tank Motor Vehicle (CTMV)      ☐ Tank Car  
☐ Cylinder      ☐ RAM      ☐ Portable Tank      ☐ Other \_\_\_\_\_

25. See instructions and enter the appropriate failure codes found at the end of the instructions. Be sure to enter the codes from the list that corresponds to the particular packaging type checked above. Enter the number of codes as appropriate to describe the incident. Enter the most important failure point in line 1. If there are more than two failure points, provide in this format in part VI.

1. What Failed: \_\_\_\_\_ How Failed: \_\_\_\_\_ Causes of Failure: \_\_\_\_\_  
2. What Failed: \_\_\_\_\_ How Failed: \_\_\_\_\_ Causes of Failure: \_\_\_\_\_

26a. Provide the packaging identification markings, if available.

Identification Markings: \_\_\_\_\_  
(Examples: 1A1/Y1.4/150/92/USA/RB/93/RL, UN31H1/Y0493/USA/M9339/10800/1200, DOT - 105A - 100W (RAIL), DOT 406 (HIGHWAY), DOT 51, DOT 3 A

26b. For Non-bulk, IBC, or non-specification packaging, if identification markings are incomplete or unavailable, see instructions and complete the following:

Single Package or Outer Packaging:	Single Package or Inner Packaging (if any):
Packaging Type: _____	Packaging Type: _____
Material of Construction: _____	Material of Construction: _____
Head Type (Drums only): <input type="checkbox"/> Removable <input type="checkbox"/> Non - Removable	

27. Describe the package capacity and the quantity:

Single Package or Outer Packaging:	Single Package or Inner Packaging (if any):
Package Capacity: _____	Package Capacity: _____
Amount in Package: _____	Amount in Package: _____
Number in Shipment: _____	Number in Shipment: _____
Number Failed: _____	Number Failed: _____

28. Provide packaging construction and test information, as appropriate:

Manufacturer: _____	Manufacture Date: _____
Serial Number: _____	Last Test Date: _____
Material of Construction: _____	(if Tank Car, CTMV, Portable Tank, or Cylinder)
Design Pressure: _____	(if Tank Car, CTMV, Portable Tank)
Shell Thickness: _____	(if Tank Car, CTMV, Portable Tank)
Head Thickness: _____	(if Tank Car, CTMV)
Service Pressure: _____	(if Cylinder)
If valve or device failed:	
Type: _____	Manufacturer: _____ Model: _____
	(if present and legible) (if present and legible)

29. If the packaging is for Radioactive Materials, complete the following:

Packaging Category:	<input type="checkbox"/> Type A	<input type="checkbox"/> Type B	<input type="checkbox"/> Type C	<input type="checkbox"/> Excepted	<input type="checkbox"/> Industrial
Packaging Certification:	<input type="checkbox"/> Self Certified	<input type="checkbox"/> U.S. Certification	Certification Number _____		
Nuclide(s) Present: _____	Transport Index: _____				
Activity: _____	Critical Safety Index: _____				

### PART IV - CONSEQUENCES

30. Result of Incident (check all that apply): ☐ Spillage ☐ Fire ☐ Explosion ☐ Material Entered Waterway/Storm Sewer  
☐ Vapor (Gas) Dispersion ☐ Environmental Damage ☐ No Release

31. Emergency Response: The following entities responded to the incident: (Check all that apply)

☐ Fire/EMS Report # \_\_\_\_\_ ☐ Police Report # \_\_\_\_\_ ☐ In-house cleanup ☐ Other Cleanup

32. Damages: Was the total damage cost more than \$500? ☐ Yes ☐ No

If yes, enter the following information: If no, go to question 33.

Material Loss: \$ _____	Carrier Damage: \$ _____	Property Damage: \$ _____	Response Cost: \$ _____	Remediation/Cleanup Cost: \$ _____
(See damage definitions in the instructions)				

33a. Did the hazardous material cause or contribute to a human fatality? ☐ Yes ☐ No

If yes, enter the number of fatalities resulting from the hazardous material:

Fatalities: \_\_\_\_\_ Employees \_\_\_\_\_ Responders \_\_\_\_\_ General Public \_\_\_\_\_

33b. Were there human fatalities that did not result from the hazardous material? ☐ Yes ☐ No If yes, how many? \_\_\_\_\_

34. Did the hazardous material cause or contribute to personal injury? ☐ Yes ☐ No

If yes, enter the number of injuries resulting from the hazardous material:

Hospitalized (Admitted Only):	Employees _____	Responders _____	General Public _____
Non-Hospitalized:	Employees _____	Responders _____	General Public _____
(e.g.: On site first aid or Emergency Room observation and release)			

35. Did the hazardous material cause or contribute to an evacuation? ☐ Yes ☐ No

If yes, provide the following information:

Total number of general public evacuated \_\_\_\_\_ Total number of employees evacuated \_\_\_\_\_ Total Evacuated \_\_\_\_\_  
Duration of the evacuation \_\_\_\_\_ (hours)

36. Was a major transportation artery or facility closed? ☐ Yes ☐ No If yes, how many? \_\_\_\_\_ (hours)

37. Was the material involved in a crash or derailment? ☐ Yes ☐ No

If yes, provide the following information: Estimated speed (mph): \_\_\_\_\_ Weather conditions: \_\_\_\_\_  
Vehicle overturn? ☐ Yes ☐ No  
Vehicle left roadway/track? ☐ Yes ☐ No

### PART V - AIR INCIDENT INFORMATION (please refer to § 175.31 to report a discrepancy for air shipments)

38. Was the shipment on a passenger aircraft? ☐ Yes ☐ No

If yes, was it tendered as cargo, or as passenger baggage?

☐ Cargo ☐ Passenger baggage

39. Where did the incident occur (if unknown, check the appropriate box for the location where the incident was discovered)?

<input type="checkbox"/> Air carrier cargo facility	<input type="checkbox"/> Sort center	<input type="checkbox"/> Baggage area
<input type="checkbox"/> By surface to/from airport	<input type="checkbox"/> During flight	<input type="checkbox"/> During loading/unloading of aircraft

40. What phase(s) had the shipment already undergone prior to the incident? (Check all that apply)

<input type="checkbox"/> Shipment had not been transported	<input type="checkbox"/> Transported by air (first flight)	<input type="checkbox"/> Transport by air (subsequent flights)
<input type="checkbox"/> Initial transport by highway to cargo facility	<input type="checkbox"/> Transfer at sort center/cargo facility	



# FORM DOT F 5800.1 ON LINE REPORTING



## OHMS INCIDENT REPORT

Report Number: - Tracking ID: Status:

Part 1	Part 2	Part 3	Part 4	Part 5	Part 6	Part 7	Part 8
Report Type	General	Packaging	Consequences	Air Incident	Description	Recommendation	Contact Info
(Saved)	(Data Entry)	(Blank)	(Blank)	(Blank)	(Blank)	(Blank)	(Blank)

[Next](#)

### PART 1 - REPORT TYPE

1. This form is submitted to report:

- ☒ A hazardous material incident
- ☐ An undeclared shipment with no release
- ☐ A bulk packaging (other than a tank car tank) containing any hazardous materials or a Type B packaging containing a Class 7 hazardous material that (1) received structural damage to the lading retention system or damage that requires repair to a system intended to protect the lading retention system and (2) did not have a release

2. Indicate whether this is:

- ☒ An Initial Report
- ☐ A Supplemental (Follow-up) Report

[Next](#)

The number below represents your tracking number for this incident. You should print this page or make a note of the tracking number, so that you may reference this incident report again.

Tracking Number: 901  
Report Number: E-2005010032

FORM DOT 5800.1B (05-14-2001)

Last revised: Monday, November 22, 2004

[Questions, Comments](#)



## OHMS INCIDENT REPORT

Report Number: E-2005010032

Tracking ID: 901

Status:

Part 1	Part 2	Part 3	Part 4	Part 5	Part 6	Part 7	Part 8
Report Type	General	Packaging	Consequences	Air Incident	Description	Recommendation	Contact Info
(Data Entry)	(Data Entry)	(Blank)	(Blank)	(Blank)	(Blank)	(Blank)	(Blank)

[Back](#) [Next](#)

### PART 2 - GENERAL INCIDENT INFORMATION

[Instructions](#)

3. Date of Incident: \*  (format: mm/dd/yyyy)

4. Time of Incident (use 24-hour time): \*  (format: hhmm)

5. Enter National Response Center Report Number (if applicable):

6. If you submitted a report to another Federal DOT agency, enter the agency and report number:

Agency: <- Select Agency Code ->

Report number:

7. Location of Incident: [\(U.S. City and Postal Code check\)](#)

City: \*

County:

State: \* <- Select a State -> ...or enter a non U.S. state:

Postal Code:

Country: \* USA

Street Address/ Mile Marker/ Yardname/ Airport/ Body of Water/ River Mile:

8. Mode of Transportation: \* ☐ Air ☐ Highway ☐ Rail ☐ Water

9. Transportation Phase: \* ☐ In Transit ☐ Loading ☐ Unloading ☐ Temporary Storage

10. Carrier/Reporter: [\(U.S. City and Postal Code check\)](#)

Name: \*

Street: \*

City: \*

State: \* <- Select a State -> ...or enter a non U.S. state:

Postal Code: \*

Country: \* USA

Federal DOT ID Number:

Hazmat Registration Number:

11. Shipper/Officer: [\(U.S. City and Postal Code check\)](#)

Name: \*

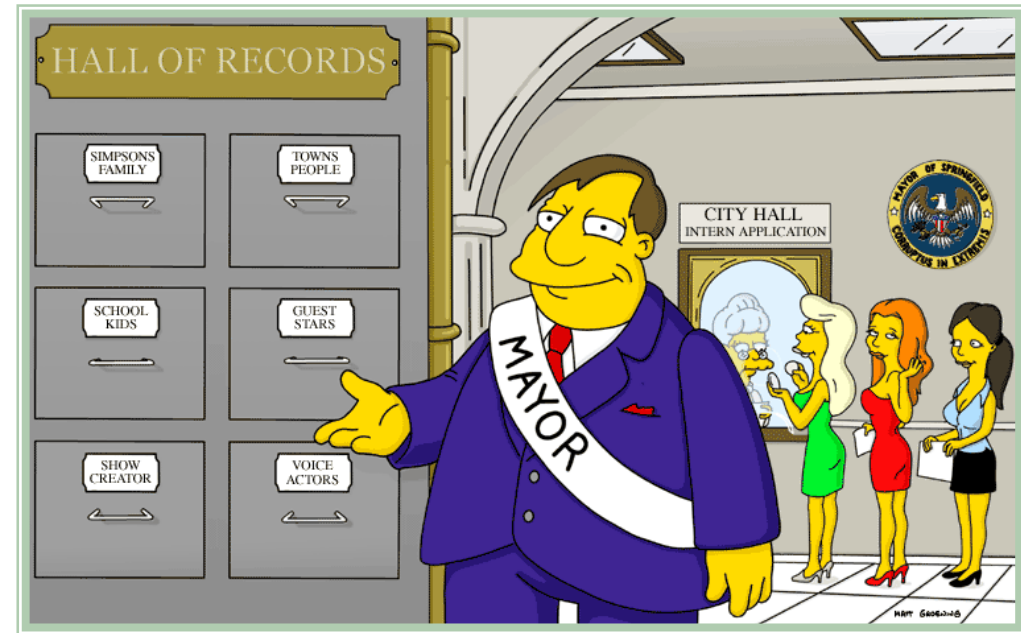


# LOCAL LEVEL REPORTING

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## ➤ 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 <sup>(1)</sup>

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- Remember...HSC 25510 & 19 CRR 2703 is a subjective, *b r o a 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 not 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 <sup>(2)</sup>

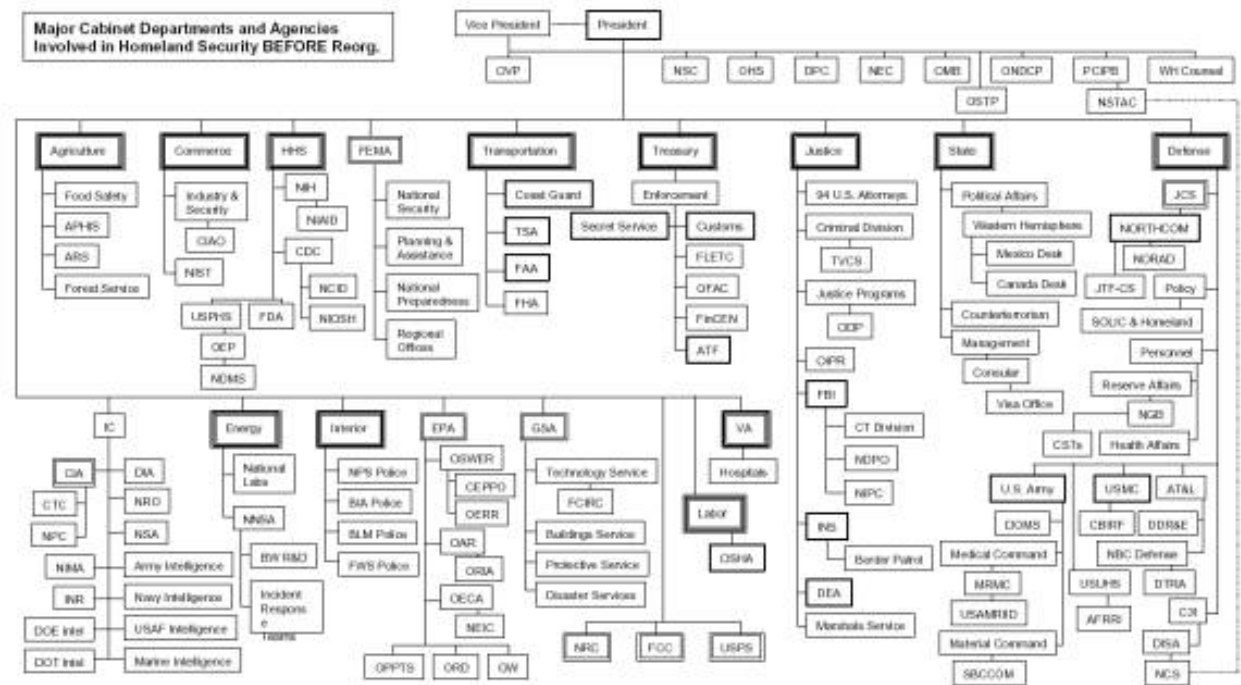
---

- **REVIEW** why it happened and how to prevent it next time.
- **PLAN** 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



# UNCLE STEVE'S TIPS (3)

- Report 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 (4)

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- 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



# 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
- Include specific responsibilities
- Get management/corporate/legal department commitment
- Communicate and coordinate with state and local ER agencies BEFORE you have an incident



# Example Specific Guidance

## SPILL & RELEASE REPORTING QUICK REFERENCE (VER. 2.2 / AUG. 2010)

Businesses that handle hazardous materials are required by law to provide an immediate verbal report of any release or threatened release of hazardous materials, if there is a reasonable belief that the release or threatened release poses a significant present or potential hazard to human health and safety, property, or the environment.

Any releases or threatened releases of hazardous materials must be reported to the [redacted] FD Fire Prevention / Hazardous Materials Section at [redacted] (8 am – 5 pm weekdays) or [redacted] (evenings, night and weekends) and to the California Emergency Management Agency (CALEMA) Warning Center. For federally required release reports (see the Hazardous Materials Spill/Release Reporting Limits for [redacted] Federal RQ sheet) an additional immediate verbal report must be made to National Response Center (NRC) and a follow-up written notice must be filed within 15 days of the incident.

This guidance document is limited to notification under local, state and federal hazardous materials and hazardous waste regulations. This document does not cover notification under other regulations, such as air quality, water quality, wastewater, pesticide, fish and game, underground storage tank (UST), etc.

**Note:** All personnel who have some responsibility concerning hazardous materials and hazardous wastes shall become familiar with this guidance document.

**Release Severity Categories:** The guidelines address three severity categories of releases:

Release Category	Description/Criteria	Summary Agency Notifications *
Incidental	<p>A minor spill or release of hazardous materials, oils or hazardous wastes:</p> <ul style="list-style-type: none"><li>Spill can be absorbed, neutralized or otherwise controlled at the time of the release by the personnel in the immediate area or by maintenance personnel.</li><li>The quantity is limited and readily controllable.</li><li>There is no significant threat or danger to employee health or safety.</li><li>An internal or external hazmat emergency response will <u>not</u> be required.</li></ul> <p>An INCIDENTAL release must have <u>no immediate safety or health hazards, and the release must be contained in the immediate spill area with no possibility of environmental exposure. There must be no off-site or off-property release of any amount, or any release to dirt (unpaved) areas.</u></p>	<p><b>None</b></p> <p>Release details should be documented internally.</p>
Significant Release	<p>A spill or release of hazardous materials, oils or hazardous wastes that does or may pose an actual or potential hazard to health, safety, property or the environment:</p> <ul style="list-style-type: none"><li>The immediate area personnel are not able to safely and fully manage the release, but the release has <u>not or will not</u> result in <u>any</u> actual or potential off-site impact (e.g. the public, off-site storm drains, off-site surface water drainage area, or exiting the property boundary).</li><li>Some amount of the spill or release has entered or impacted dirt or unpaved areas within the facility, or some amount is spilled over an in-plant roadway.</li><li>An emergency situation does <u>not</u> exist (no fire, no injuries or employee exposure, no significant property damage, etc.).</li><li>Federal RQs (see Federal RQ Sheet) will <u>NOT</u> have been exceeded.</li><li>An [redacted] hazardous waste contractor is either requested or required.</li><li>No outside agency emergency response will be needed.</li></ul>	<p>[redacted] Fire Prevention / Hazardous Materials Section (immediately)</p> <p>[redacted] (8 am – 5 pm weekdays) or [redacted] (evenings, night and weekends)</p> <p>CAL EMA: (800) 852-7550 (immediately)</p>
Emergency Response	<p>A spill or release of hazardous materials, oils or hazardous wastes that poses an actual or potential hazard to health, safety, property or the environment:</p> <ul style="list-style-type: none"><li>The immediate area personnel are not able to manage the release</li><li>The release has resulted in or may result in off-site impact.</li><li>An emergency situation actually or potentially exists (fire, injuries, employee exposure, significant property or environmental damage, etc.)</li><li>Federal RQs (see Table 1) may or have been exceeded.</li><li>A large amount of the spill or release has entered or impacted dirt or unpaved areas within the facility, or is spilled upon in-plant roadways.</li><li>An outside emergency response agency has been called, is needed or may be needed.</li><li>An [redacted] hazardous waste contractor is required.</li></ul>	<p>If a situation is an emergency, call 9-1-1 first [redacted] FD Fire Prevention / Hazardous Materials Section (immediately)</p> <p>[redacted] (8 am – 5 pm) or [redacted] (evenings, night and weekends)</p> <p>CAL EMA: (800) 852-7550 (immediately)</p> <p>NRC: (800) 424-8802 (within 15 minutes)**</p>

\* Agency notifications normally to be made the Environmental Manager or Coordinator. However, if not available within the required time frame, Alternate Emergency Coordinator or [redacted] shall make the call to assure prompt notification.

\*\* Whether a release is reportable to the National Response Center (Federal Release Reporting) depends upon the specific material released, its concentration, the amount (in pounds) released, and whether the release was 'into the environment' (e.g. a reportable amount out the outfall, into the ground, into the air, out of secondary containment and off the property, etc.). Examples of federally reportable materials used at [redacted] and their reportable quantities is attached.

Since the only exception to the reporting requirement is subjective, note that the following circumstances, among others, would suggest that a threat was present:

- Evacuation of employees, visitors or other personnel;
- Employees taking protective actions or donning personal protective equipment;
- Employees exposed above occupational limits;
- Damage to a building, secondary containment, or other property;
- The release not being captured before entering the environment;
- Implementation of an emergency plan.

If in doubt, report the release.

An incident involving spills or releases of a hazardous waste and requiring implementation of the hazardous waste contingency plan requires the owner or operator to file a contingency plan activation report with the [redacted] CUPA within 15 days (See CCR Title 22, Section 66265.56 (j)). Contact [redacted] CUPA at [redacted] for specific requirements

### EMERGENCY INFORMATION REQUIRED: BE PREPARED TO PROVIDE THE FOLLOWING INFORMATION WHEN MAKING NOTIFICATIONS:

- |   |  |
|---|--|
| <input type="checkbox"/> Name & phone number of person reporting                            | <input type="checkbox"/> Emergency or defensive actions taken or planned                           |
| <input type="checkbox"/> Name and street address of the facility                            | <input type="checkbox"/> Contractor or cleanup company (under contract – whether requested or not) |
| <input type="checkbox"/> Location of the incident or threatened release within the facility | <input type="checkbox"/> Precautions to take (if known)  |
| <input type="checkbox"/> Type of incident or threatened release                             | <input type="checkbox"/> Time and duration of the release  |
| <input type="checkbox"/> Hazardous materials involved & physical state                      | <input type="checkbox"/> Is the chemical an extremely hazardous substance?                         |
| <input type="checkbox"/> Estimate of the quantity released                                  | <input type="checkbox"/> Extent of injuries, if any  |
| <input type="checkbox"/> Potential hazards to human health and/or environment               | <input type="checkbox"/> Is any assistance required?   |
| <input type="checkbox"/> Media (soil, water, air) into which release occurred               |  |

When making federal, state or local notifications, be sure to obtain a reporting control or log number from the agency person receiving the telephone report. This will serve as verification that a verbal report was made.



# Hazardous Materials Spill/Release Reporting Limits for

██████████, LLC

Ver. 2.0 / August 2010

## BASIC REQUIREMENTS:

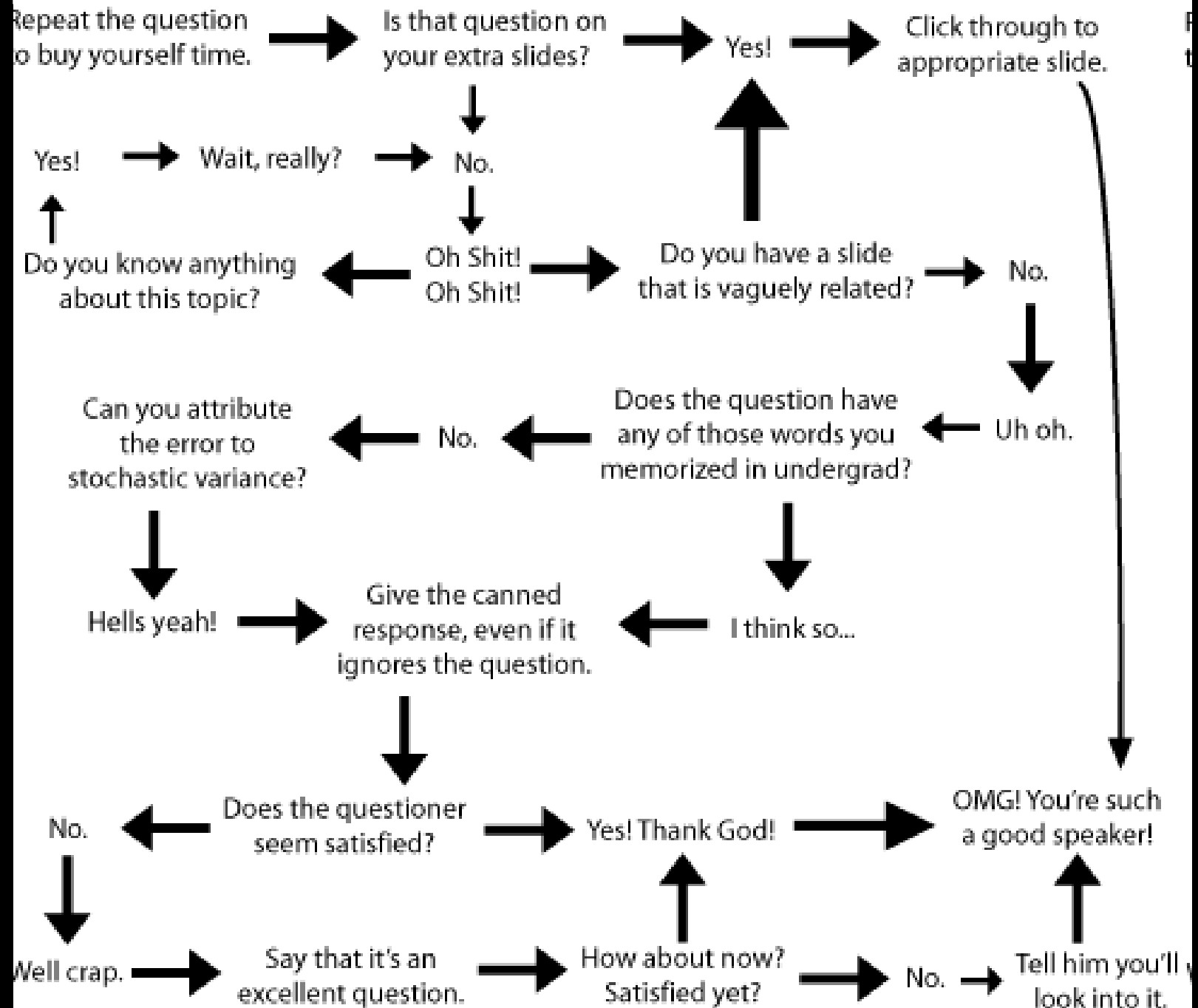
- ☐ Spills or releases that enter 'the environment' are nearly always reportable to state and local agencies; and are likely (but not always) reportable to federal agencies.
  - 'The environment' means dirt or other unpaved or uncontained areas, storm drains, cracks or fissures in contained areas, evaporation into the air, or any area off plant property. Roadways within the plant boundaries are also considered 'the environment'.
  - Spills or releases that enter the environment are federally reportable only if the amount entering the environment exceeds the 'reportable quantity' for the specific material.
    - Typically, spills contained within secondary containment devices or structures are not federally reportable as long as they are not escaping or leaking/traveling through the containment into the subsurface or onto the surface outside containment.
- ☐ State and local reporting is situation-based (not quantity based) and subjective. If an 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.
  - This criteria applies even if the spill has not entered 'the environment'... it is a stricter standard than federal reporting criteria.
  - Personnel must quickly evaluate the potential hazards of each situation to determine if it poses a threat to health, safety, property or the environment.
  - If a release into secondary containment must be cleaned up or removed by personnel wearing personal protective equipment (such as a splash suit or a respirator), or if a 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 reportable to state and local agencies.
- ☐ Reporting spills and releases to regulatory agencies (federal, state, or local) is different than reporting emergencies & requesting emergency response assistance by calling 911:
  - Reporting spills and releases as an emergency situation (via 911) must always be followed by state and local agency reporting (and may require federal reporting – depending upon the material and quantity).
  - Spills and releases reportable to federal, state and local agencies are not always considered emergencies requiring a 911 notification or requests for outside response assistance, however.
- ☐ Spills and releases that are federally reportable are always reportable to state and local agencies, too.
- ☐ Federal, state and local reporting must usually be accomplished 'immediately' (with 10 – 15 minutes, max.) upon knowledge that a spill or release occurred.

Sulfuric Acid (50%)	130	reportable due to corrosivity and/or toxicity hazards.
Sulfuric Acid (92-98%)	65	
<b><u>Chem-Treat Compounds</u></b>		
Chem Treat BL-124	250	All (except small incidental workplace spills) likely reportable due to corrosivity and/or toxicity hazards.
Chem Treat BL-153 (Aqueous Ammonia 19%)	133	
Chem Treat P8280L (Polymer)	200	
Chem Treat BL-1260	N/A: No federal RQ	Most (except small or contained workplace spills) likely reportable due to toxicity, oxidizing or other hazards. Must evaluate material's MSDS and spill situation.
Chem Treat BL-1794	N/A: No federal RQ	
Chem Treat CL-240	N/A: No federal RQ	
Chem Treat CL-1493	N/A: No federal RQ	
Chem Treat CL-2150	N/A: No federal RQ	
Chem Treat CL-2871	N/A: No federal RQ	
Chem Treat CT-708	N/A: No federal RQ	
Chem Treat CT-9004	N/A: No federal RQ	
Chem Treat P-817E	N/A: No federal RQ	
Chem Treat P-893L (Polymer)	N/A: No federal RQ	
<b><u>Compressed Gases &amp; Aerosols</u></b>		
Acetylene	N/A: No federal RQ	If leaking or venting in an open area (e.g. outdoors) – likely not reportable.
Argon	N/A: No federal RQ	
Carbon Dioxide	N/A: No federal RQ	
Oxygen	N/A: No federal RQ	If leaking or venting indoors – likely reportable if fire hazard or health hazard (e.g. room must be evacuated).
Nitrogen (gas)	N/A: No federal RQ	
Propane	N/A: No federal RQ	
Non-Flammable Gas (Nitric Oxide & Nitrogen Mixture)	N/A: No federal RQ	Catastrophic cylinder ruptures or valve stem cracking are likely reportable.
Hydrogen (gas)	N/A: No federal RQ	
Non-Flammable Gas Mixture (Nitric Oxide, Carbon Monoxide & Nitrogen Mixture)	N/A: No federal RQ	
Waste – Aerosol Cans	N/A: No federal RQ	



# Seminar Answer Flow Chart

Questions??





***Cal* OES**

**GOVERNOR'S OFFICE  
OF EMERGENCY SERVICES**

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# **California Hazardous Materials Spill / Release Notification Guidance**

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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***

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***February 2014***

***Gavin Newsom, Governor***  
***Mark S. Ghilarducci, Director***

Revised by: Trevor Anderson, Bill Potter & Jon Kolman

Layout by: Jon Kolman

***February 2014***

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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.

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## **SPILL OR RELEASE NOTIFICATION**

**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

## WHEN TO NOTIFY

**Q:** 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

## **WHICH AGENCIES**

**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 occurring on highways in the State of California. (CVC 23112.5))



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

**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

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 releases, contact the appropriate DTSC Regional Office

**Department of Conservation**

Division of Oil, Gas, and Geothermal Resources (DOGGR) 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



## **WEBSITES**

### **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.



## INCIDENT/RELEASE ASSESSMENT FORM

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.**

### Questions for Incident Assessment

	Yes	No
1. Was anyone killed or injured, or did they require medical care or admitted to a hospital for observation?	<input type="checkbox"/>	<input type="checkbox"/>
2. Did anyone, other than employees in the immediate area of the release, evacuate?	<input type="checkbox"/>	<input type="checkbox"/>
3. Did the release cause off-site damage to public or private property?	<input type="checkbox"/>	<input type="checkbox"/>
4. Is the release greater than or equal to a reportable quantity (RQ)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Was there an uncontrolled or unpermitted release to the air?	<input type="checkbox"/>	<input type="checkbox"/>
6. Did an uncontrolled or unpermitted release escape secondary containment, or extend into any sewers, storm water conveyance systems, utility vaults and conduits, wetlands, waterways, public roads, or off-site?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will control, containment, decontamination, and/or clean up require the assistance of federal, state, county, or municipal response elements?	<input type="checkbox"/>	<input type="checkbox"/>
8. Did the release or threatened release involve an unknown material or contain an unknown hazardous constituent?	<input type="checkbox"/>	<input type="checkbox"/>
9. Is the incident a threatened release? (a condition creating a substantial probability of harm that requires immediate action to prevent, reduce, or mitigate damages to persons, property, or the environment.)	<input type="checkbox"/>	<input type="checkbox"/>
10. Is there an increased potential for secondary effects including fire, explosion, line rupture, equipment failure, or other outcomes that may endanger or cause exposure to employees, the general public, or the environment?	<input type="checkbox"/>	<input type="checkbox"/>

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 MINIMUM, the Spiller should call:  
9-1-1 or the Local Emergency Response Agency  
(e.g. Fire Department)**

**AND/OR**

**Local Unified 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:

<b>Spill Type/Location/Injuries</b>	<b>Who to Call</b>
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 Geothermal 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 (Hazardous 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.

<b>Agency Name</b>	<b>Phone Number</b>
California State Warning Center (Cal OES)	(800) 852-7550 or (916) 845-8911
National Response Center	(800) 424-8802
United States Coast Guard San Francisco Sector: Los Angeles/Long Beach Sector: San Diego Sector:	(415) 399-3547 (310) 521-3805 (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- mission (PUC)	(800) 649-7570
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)  
**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** - United 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)

# RELEASE REPORTING REQUIREMENTS MATRIX

**This matrix summarizes pertinent emergency notification requirements and may not be all inclusive.  
For precise legal requirements, review specific laws and regulations.**

## OIL SPILLS

TYPES OF RELEASES	AMOUNT	WHO REPORTS?	TO WHOM	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; Responding local or state agency	Cal OES (800) 852-7550  NRC	Immediately, but not later than 15 minutes after discovery of the spill or threatened release	California Government Code CGC 8670.25.5; 8670.26 <i>California State Oil Spill Contingency Plan</i>  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 <i>California State Oil Spill Contingency Plan</i>
Oil Discharges to Land (Including Onshore drilling, exploration, or production operation)	≥ 1 barrel (42 gallons)  5 barrels or more uncontained in certain San Joaquin Valley oil fields - if no threat to state waters; 10 barrels or more contained in certain San Joaquin Valley oil fields if identified in spill contingency plan - if no threat to state waters.	Facility owner or operator	Cal OES	Immediately upon knowledge of a release.	Public Resources Code (PRC) 3233  San Joaquin Valley Field Rule (August 1998)  CWC 13272 (f)  <i>California State Oil Spill Contingency Plan</i>
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





# RELEASE REPORTING REQUIREMENTS MATRIX

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



# RELEASE REPORTING REQUIREMENTS MATRIX

HAZARDOUS MATERIALS INCIDENTS (CONTINUED) (may include oil & radioactive materials)					
TYPES OF RELEASES	AMOUNT	WHO REPORTS?	TO WHOM	WHEN	LEGAL AUTHORITY
Pipelines	Every rupture, explosion or fire $\geq$ 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
	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 <i>Operator's Monitoring Report</i> .	HSC 25294
	Escapes from secondary containment; <b>or</b> from a primary containment if no secondary containment; <b>or</b> 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.	Owner/Operator of facility	Cal OES, CUPA	Immediately upon knowledge of a release.	HSC 25510
	Imminent or actual emergency situation that could threaten human health or environment.	TSDF Emergency 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



# RELEASE REPORTING REQUIREMENTS MATRIX

AIR INCIDENTS					
TYPES OF RELEASES	AMOUNT	WHO REPORTS?	TO WHOM	WHEN	LEGAL AUTHORITY
Stationary Sources	Any release that poses a significant hazard.	Operator of the source	Cal OES	Immediately upon knowledge of a release.	HSC 25510
	Exceeds emission standards		Air Pollution 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 SPILLS					
Sewage to Waters and Other Sewage and Hazardous Substances	1000 Gallons unauthorized discharge into State waters. *	Any person	Cal OES	Immediately upon knowledge of a release.	23 CCR 2250 (a)
	Any hazardous substance and sewage that needs to be reported. If not in compliance with the Waste Discharge Requirements CWC 13271(b) **				HSC 5411 CWC 13271 (a)





# RELEASE REPORTING REQUIREMENTS MATRIX

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\* **NOTE**: 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.

\*\* **NOTE**: 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.

\*\*\* **NOTE**: "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)**



# RELEASE REPORTING REQUIREMENTS MATRIX

## Federal Contact Numbers

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

\* **Note:** 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)	<b>911</b>
State Fire Marshall (SFM)	(916) <b>323-7390</b> <i>(Emergencies only)</i>
CA Dept. of Conservation, Division of Oil, Gas & Geothermal Resources (DOGGR)	See attached list (Page 7) San Joaquin Valley Field Rule <a href="ftp://ftp.consrv.ca.gov/pub/oil/regulations/field_rule.pdf">ftp://ftp.consrv.ca.gov/pub/oil/regulations/field_rule.pdf</a>



# RELEASE REPORTING REQUIREMENTS MATRIX

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: <a href="http://www.calepa.ca.gov/CUPA/Directory/default.aspx">www.calepa.ca.gov/CUPA/Directory/default.aspx</a>
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





# RELEASE REPORTING REQUIREMENTS MATRIX

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, over-pressurization, 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.

(l) “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~~ UPA and the Office of ~~Emergency Services~~\* as soon as:
- (1) a person has knowledge of the release or threatened release, unless the release is contained or 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.

## **Section 2632. Written Reporting of Emergency Releases.**

- (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)~~ 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	BUSINESS NAME										FACILITY EMERGENCY CONTACT & PHONE NUMBER ( ) -														
	INCIDENT DATE		MO	DAY	YR	TIME OES NOTIFIED	(use 24 hr time)					OES CONTROL NO.													
B	INCIDENT ADDRESS LOCATION										CITY / COMMUNITY					COUNTY					ZIP				
	CHEMICAL OR TRADE NAME (print or type)										CAS Number														
C	CHECK IF CHEMICAL IS LISTED IN 40 CFR 355, APPENDIX A <input type="checkbox"/>										CHECK IF RELEASE REQUIRES NOTIFICATION UNDER 42 U.S.C. Section 9603 (a) <input type="checkbox"/>														
	PHYSICAL STATE CONTAINED <input type="checkbox"/> SOLID <input type="checkbox"/> LIQUID <input type="checkbox"/> GAS					PHYSICAL STATE RELEASED <input type="checkbox"/> SOLID <input type="checkbox"/> LIQUID <input type="checkbox"/> GAS					QUANTITY RELEASED														
D	ENVIRONMENTAL CONTAMINATION <input type="checkbox"/> AIR <input type="checkbox"/> WATER <input type="checkbox"/> GROUND <input type="checkbox"/> OTHER										TIME OF RELEASE					DURATION OF RELEASE ____DAYS ____HOURS ____MINUTES									
	ACTIONS TAKEN																								
E																									
F	KNOWN OR ANTICIPATED HEALTH EFFECTS (Use the comments section for addition information)																								
	<input type="checkbox"/> ACUTE OR IMMEDIATE (explain) _____ <input type="checkbox"/> CHRONIC OR DELAYED (explain) _____ <input type="checkbox"/> NOTKNOWN (explain) _____																								
G	ADVICE REGARDING MEDICAL ATTENTION NECESSARY FOR EXPOSED INDIVIDUALS																								
H	COMMENTS (INDICATE SECTION (A - G) AND ITEM WITH COMMENTS OR ADDITIONAL INFORMATION)																								
I	CERTIFICATION: I certify under penalty of law that I have personally examined and I am familiar with the information 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 Cal OES. The Cal OES control number is provided to the caller by Cal 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:**

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

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