



SPILL & RELEASE REPORTING
...who you gonna call?
A Summary of California & Federal Spill & Release Reporting... and a preview of proposed regulations!
March 25, 2025 (Tu-H1)
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KEEP CALM AND CARRY ON | NOW PANIC AND FREAK OUT

ESCI ENVIROSERVICES, INC.

27th California Unified Program Annual Training Conference March 24-27, 2025



MAYBE SOMEONE CAN HELP YOU QUANTIFY THE VALUE OF YOUR RESEARCH AND DEVELOPMENT WORK.

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

MAYBE WE COULD HIRE A CONSULTANT.

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

- **Agenda**
 - General stuff
 - State reporting requirements, unofficial guidance
 - Proposed 19 CCR regs
 - Federal reporting requirements
 - Enforcement
 - Local reporting
 - Tips
 - Q&A from the crowd (throughout)

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March 26, 2025

MULTI-TASKING & DELEGATION IS KEY

SPILL!!!!

- **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



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REPORTING RELEASES...



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



- **One spill/release may trigger multiple reporting requirements**


REPORTING RELEASES...

- Major Federal vs. State differences in definitions and requirements
- Additional local & permit issues
- A situation does not need to pose a 'hazard' or need an emergency response to be reportable!
 - e.g. sheens, safety hazard, threatened releases
 - Discovery of contamination from prior release
- Reporting is NOT the same as recording











IN SUMMARY

<ul style="list-style-type: none"> ➤ California Reporting <ul style="list-style-type: none"> ◦ <u>Primarily hazard based</u> <ul style="list-style-type: none"> ▪ HSC 25510(a) & 19 CCR 2631(c) ▪ Other state statutes ◦ <u>More subjective</u> <ul style="list-style-type: none"> ▪ It may take time to make a defensible determination that an event was NOT reportable ▪ Some statutory & regulatory requirements not yet clear ◦ <u>Off-site releases?</u> <ul style="list-style-type: none"> ▪ Nearly <u>always</u> reportable ◦ <u>On-site releases?</u> <ul style="list-style-type: none"> ▪ Reportability varies depending upon various subjective criteria and scenario 	<ul style="list-style-type: none"> ➤ Federal Reporting <ul style="list-style-type: none"> ◦ <u>Primarily quantity based</u> <ul style="list-style-type: none"> ▪ Various statutes ◦ <u>More quantitative</u> <ul style="list-style-type: none"> ▪ May have time flexibility to calculate ◦ <u>Off-site release?</u> <ul style="list-style-type: none"> ▪ Not always reportable <ul style="list-style-type: none"> ▪ Depends on media and quantity ◦ <u>On-site releases</u> <ul style="list-style-type: none"> ▪ Usually not reportable <ul style="list-style-type: none"> ▪ If contained and no off-site migration/transfer
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CALIFORNIA vs FEDERAL REPORTING (1)

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

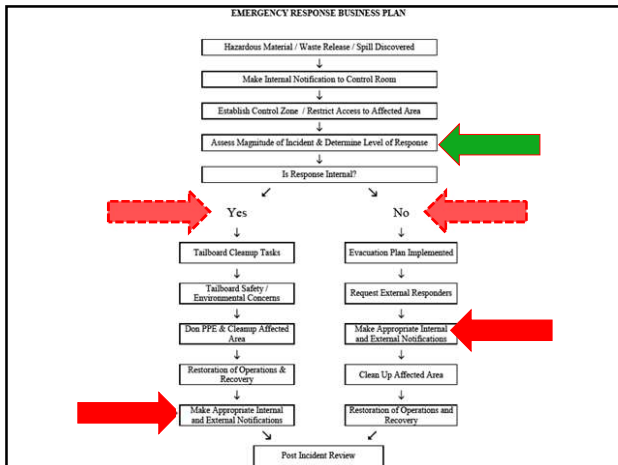


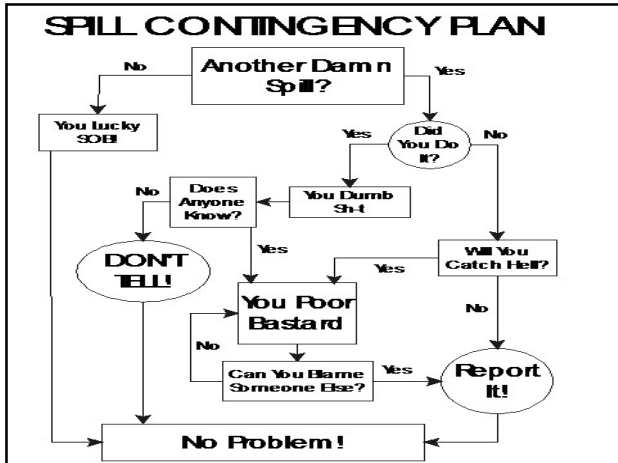
CALIFORNIA vs FEDERAL REPORTING (2)

- **Reportable Quantities (RQs)**
 - Mostly quantitative – volume based (except oil sheen)
 - Mostly qualitative – hazard based
- **Regulated materials**
 - Mostly specific, some broad
 - Mostly broad, some specific
- **Notification point**
 - National Response Center...with a few others, depending
 - Cal OES State Warning Center & CUPA...with a few others, depending









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?

- **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?

- 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

- "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)



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 admission 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 ruptures, 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. Some other state and federal agencies may require notification depending on the circumstances.

If in doubt, report the release!

12

MORE CLARITY IS A'COMIN'...maybe

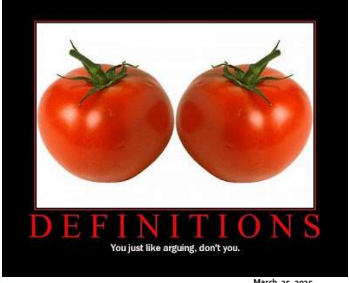
- Chapt. 6.95 revisions: HSC 25510(c) [SB1261 (...2016)]
 - Cal OES trying to adopt implementing regulations
 - Cal OES consulted with regulated entities, trade associations, fire service organizations, federal, state, and local organizations CUPA's etc.) & others several years ago
 - Proposed regulations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

DRAFT 19CCR DIV 2 CHAP. 4 CHANGES

➤ §2620 Definitions: Completely revamped section. Includes definitions for:

- Control
- Contained release
- Immediate
- Incidental release
- Release
- Release reporting
- Significant
- Threatened release



DEFINITIONS
You just like arguing, don't you.

March 24, 2025

DRAFT 19CCR DIV 2 CHAP. 4 CHANGES

➤ Example §2620 definitions:

For the purposes of this Chapter only:

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

(b) "Contained release" means a release that is completely contained in a designated secondary containment area and is recovered from or neutralized or otherwise treated in secondary containment within 24 hours of discovery. No release reporting is required for a contained release if there is no significant hazard posed to the people or the environment in the immediate area or in areas in the path of the release, or from byproducts or its effects, such as vapors, fire, over-pressurization, toxic gases or toxic particulates.

(e) "Incidental release" means a release of a hazardous material that does not pose a significant hazard to health, safety, property, or the environment. Incidental releases are limited in quantity, exposure potential, or toxicity, and may be safely cleaned up or mitigated by properly trained facility personnel or contractors. No release reporting is required for an incidental release if there is no significant hazard posed to the people in the immediate area or in areas in the path of the release, or from byproducts or its effects, such as vapors, fire, over-pressurization, toxic gases, or toxic particulates.

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DRAFT 19CCR DIV 2 CHAP. 4 CHANGES

➤ Example definitions:

"includes"... Means not limited to JUST these examples

(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.


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DRAFT 19CCR DIV 2 CHAP. 4 CHANGES

- 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*)



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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?




OPINION
A personal belief or judgment that is not founded on proof or certainty. Except for mine which I'm certain is right.

←

WAG,
POOA, etc.

→


Sampling,
testing, studies,
hard data, etc.



EXAMPLES/SCENARIOS: **Likely Significant**

Mostly From OES & CUPA Guidance Docs

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



EXAMPLES/SCENARIOS: *Likely Significant*

Mostly From OES & CUPA Guidance Docs

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































EXAMPLES/SCENARIOS: *May Be Insignificant*
Mostly From OES & CUPA Guidance Docs

➤ See draft proposed regs:

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

➤ But don't forget environmental hazard

- Containment permeability... cracks, etc.
- Evaporation





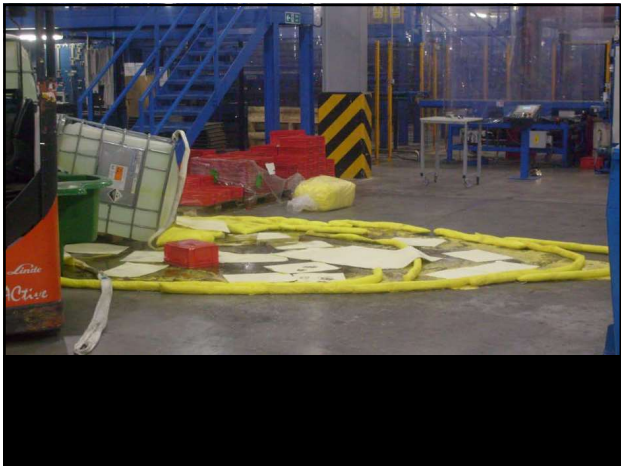












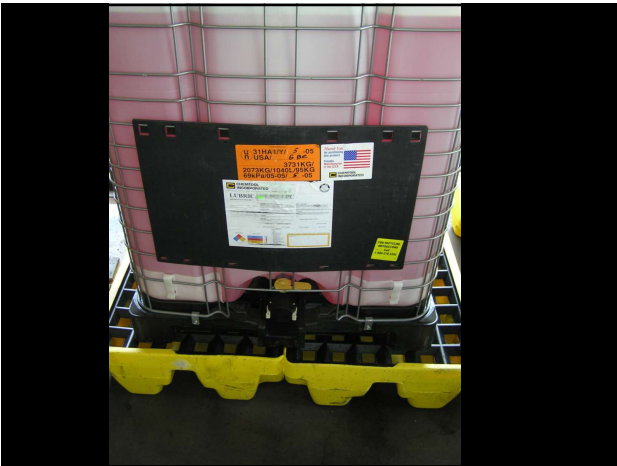













IF YOUR REPORTING DETERMINATION IS



* Spill Reporting Determination Hexagonomatic \$129.99 + tax & shipping.
Available exclusively from [ESCI ENVIROSERVICES, INC.](http://www.escienviroservices.com)

WHEN IS NOTIFICATION REQUIRED?

- For verbal notification under 19 CCR 2703(a)
 - **Immediate** verbal report to Cal OES Warning Center and CUPA/AA
- ☹ Immediately upon knowledge of an actual or threatened release
 - ☹ Question to think about: **WHEN** do you have knowledge of the 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.

Analyte	Result	Reporting Unit	Limit	Method
Asbestos		ppm		7460
Barium		ppm		7460
Benzene		ppm		7460
Chromium		ppm		7460
Lead		ppm		7460
Manganese		ppm		7460
Nickel		ppm		7460
Vanadium		ppm		7460
Zinc		ppm		7460
ppb (ppm x 1000)				
Asbestos				7460
Barium				7460
Benzene				7460
Chromium				7460
Lead				7460
Manganese				7460
Nickel				7460
Vanadium				7460
Zinc				7460
ppb (ppm x 1000)				
Asbestos				7460
Barium				7460
Benzene				7460
Chromium				7460
Lead				7460
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Nickel				7460
Vanadium				7460
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Manganese		ppm		7460
Nickel		ppm		7460
Vanadium		ppm		7460
Zinc		ppm		7460

FEDERAL (RCRA-TCLF) AND STATE (TITLE 2)			
Organic Compounds/Metals	Method	FFL	TCLF/Title 2
Fluorinated	TCLF	150	150
Antimony	100	100	100
Barium	100	100	100
Lead	100	100	100
Mercury	100	100	100
Chromium	100	100	100
Cadmium	100	100	100
Copper	100	100	100
Lead	100	100	100
Nickel	100	100	100
Vanadium	100	100	100
Zinc	100	100	100
Asbestos	100	100	100
Chromium	100	100	100
Fluorinated	100	100	100
Antimony	100	100	100

OTHER REPORTING TIMEFRAMES:

It's not just 19 CCR!

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



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Tricky one... California Water Code § 13271

- California Water Code §13271 requires any person who, without regard to intent or negligence, causes or permits any hazardous substance or sewage to be discharged in or on any waters of the state, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the state to notify ...
 - WOTS: Includes groundwater

SOUTHERN CALIFORNIA GROUNDWATER DEPTH CHART				
CITY	ADDRESS/LOCATION	DWG	TOTAL DEPTH	DATE
Huntington Beach	3555 107th Jambon Ave. A. Graham	10	35	10/20/04
Huntington Beach	4502 Roma & Edwards	7	35	01/15/00
Huntington Beach	Beach Blvd. & Edinger	8	40	04/13/04
Huntington Beach	Beach Blvd. & Elm	40	40	04/13/00
Huntington Beach	Roma & Edwards	10	35	01/15/00
Huntington Beach	Roma & Edwards	7	35	10/20/03
Huntington Beach	Roma & Edwards	10	35	10/20/03
Huntington Beach	Roma Chico & Edinger	18	35	03/19/04
Huntington Beach	Woodward & Edinger	15	35	03/19/04
Huntington Beach	Edinger Ave. & Goldcrest	14	35	01/10/00
Huntington Beach	Edinger & Beach	14	35	01/10/00
Huntington Beach	Edinger Ave. & Orange	14	35	01/10/00
Huntington Beach	Golden West & Woodminster	10	35	01/10/00
Huntington Beach	Wagona & Roberts	10	35	01/10/00
Huntington Beach	Hart St. & Graham Ave.	11	35	02/03/00
Huntington Beach	Esperant & D'Or	17	35	1/8/1999
Huntington Beach	Howard & Corbett	102	35	01/10/00
Huntington Beach	Libert & Gilbert	36	35	01/10/00



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WHO MUST NOTIFY?

Varies by statute/reg... but basically



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



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

(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.

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CSWC NOTIFIES...

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




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    graph TD
      Start[Incident Occurs] --> Q1{Is incident significant release or threatened release?}
      Q1 -- No --> A1[Not reportable under State Law]
      Q1 -- Yes --> Q2{Is Emergency Response Required?}
      Q2 -- No --> A1
      Q2 -- Yes --> A2[Notify local emergency responders by calling 911 (or appropriate local telephone number).]
      A2 --> A3[Call State Warning Center 800-852-7550 or 916-845-8911. (Notifies State agencies and fulfills requirements to notify State Emergency Response Commission [CA Chemical Emergency Planning and Response Commission] and Local Emergency Planning Committee.)]
      A3 --> Q3{Does the call to 911 notify the local Administering Agency?}
      Q3 -- No --> A4[Call local Administering Agency.]
      Q3 -- Yes --> Q4{Is the incident reportable under Federal requirements?}
      Q4 -- No --> A5[Notification not required.]
      Q4 -- Yes --> A6[Call National Response Center 800-424-8802 or 202-426-2675. (Satisfies Federal reporting requirements and alerts On-Scene Coordinators and other Federal agencies.)]
      A1 -.-> A6
  
```

The notification flow is intended to address local, state and federal emergency notification requirements. Other agencies may have different requirements.

☞ = Action items



**Governor's Office Emergency Services
Hazardous Materials Spill Report**

DATE: 01/28/2014 TIME: 1215	RECEIVED BY:	CONTROL#: Cal OES -14-0833 NRC -			
1. PERSON NOTIFYING Cal OES: 1. NAME: 2. AGENCY: 3. PHONE#: 4. EXT: 5. PAG-CELL: MolyCorp Minerals	1. PERSON REPORTING SPILL (if different from above): 1. NAME: 2. AGENCY: 3. PHONE#: 4. EXT: 5. PAG-CELL:				
2. SUBSTANCE TYPE: 1. a. SUBSTANCE: b. QTY/amt: c. Amount: d. Measure: e. TYPE: 4. OTHER: a. PIPELINE: e. VESSEL -> 300 Tons					
1. Hydrochloric Acid Processed solution	15 Gals	CHEMICAL	No	No	No
2. -	-	-	No	No	No
3. -	-	-	No	No	No
d. DESCRIPTION: Calter 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.					
k. CONTAINED: Yes/No	l. WATER INVOLVED: Yes/No	j. WATERWAY: Yes/No	k. DRINKING WATER IMPACTED: Yes/No		
1. KNOWN IMPACT: None	3. a. INCIDENT LOCATION: 07150 Stealy Rd b. CITY: c. COUNTY: d. ZIP: Mountain Pass San Bernardino County 92366	4. INCIDENT DESCRIPTION: MOTAVE DESERT AQMD			
a. DATE: 01/28/2014 b. TIME (hh:mm): 0745 c. SITE: Merchant Business d. CAUSE: Unknown	e. INJURIES: No f. FATALITY: No	g. EVACUATION: No h. CLEANUP BY: Reporting Party			
6. NOTIFICATION INFORMATION: a. ON SCENE: d. ADMIN. AGENCY: San Bernardino County Fire Department b. OTHER ON SCENE: e. SEC. AGENCY: f. ADDITIONAL COUNTY: g. ADMIN. AGENCY: h. NOTIFICATION LIST:		c. OTHER NOTIFIED: i. SEC. AGENCY: j. ADMIN. AGENCY:			
DOC Unit:	HWQCS Unit: 03	Control No: 14-0833			
Created by: Warning Center on: 01/28/2014 12:15:38 PM Last Modified by: Warning Center on: 01/28/2014 12:22:38 PM					

Cal OES
Home Be Ready Get Assistance Disaster Response Divisions Initiatives

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

Release Reporting Proposed Regulations PowerPoint 06/16/2021
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 2550). 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

Spill Date	Release	Substance	Quantity	Unit	Description	Contained	Spill Type	Location	City	County	Zip	Spill Date	Spill Time	Spill Type	Spill Cause	Spill Status	Spill Status	Spill Status	Spill Status	Spill Status
01/28/2014	07:45	Hydrochloric Acid	15	Gals	The Spill occurred in the secondary containment area of a storage tank at the MolyCorp Minerals facility in Mountain Pass, CA. The spill was contained and cleaned up by the reporting party. No waterways were impacted.	Yes	Spill	Mountain Pass	San Bernardino	92366	01/28/2014	07:45	Spill	Overflow	Contained	Completed	Completed	Completed	Completed	Completed
11/20/2013	08:00	Hydrochloric Acid	7	Gals	The Spill occurred in the secondary containment area of a storage tank at the MolyCorp Minerals facility in Mountain Pass, CA. The spill was contained and cleaned up by the reporting party. No waterways were impacted.	Yes	Spill	Mountain Pass	San Bernardino	92366	11/20/2013	08:00	Spill	Overflow	Contained	Completed	Completed	Completed	Completed	Completed
11/20/2013	08:00	Hydrochloric Acid	1	Gals	The Spill occurred in the secondary containment area of a storage tank at the MolyCorp Minerals facility in Mountain Pass, CA. The spill was contained and cleaned up by the reporting party. No waterways were impacted.	Yes	Spill	Mountain Pass	San Bernardino	92366	11/20/2013	08:00	Spill	Overflow	Contained	Completed	Completed	Completed	Completed	Completed
11/20/2013	08:00	Hydrochloric Acid	1	Gals	The Spill occurred in the secondary containment area of a storage tank at the MolyCorp Minerals facility in Mountain Pass, CA. The spill was contained and cleaned up by the reporting party. No waterways were impacted.	Yes	Spill	Mountain Pass	San Bernardino	92366	11/20/2013	08:00	Spill	Overflow	Contained	Completed	Completed	Completed	Completed	Completed
11/20/2013	08:00	Hydrochloric Acid	1	Gals	The Spill occurred in the secondary containment area of a storage tank at the MolyCorp Minerals facility in Mountain Pass, CA. The spill was contained and cleaned up by the reporting party. No waterways were impacted.	Yes	Spill	Mountain Pass	San Bernardino	92366	11/20/2013	08:00	Spill	Overflow	Contained	Completed	Completed	Completed	Completed	Completed
11/20/2013	08:00	Hydrochloric Acid	1	Gals	The Spill occurred in the secondary containment area of a storage tank at the MolyCorp Minerals facility in Mountain Pass, CA. The spill was contained and cleaned up by the reporting party. No waterways were impacted.	Yes	Spill	Mountain Pass	San Bernardino	92366	11/20/2013	08:00	Spill	Overflow	Contained	Completed	Completed	Completed	Completed	Completed
11/20/2013	08:00	Hydrochloric Acid	1	Gals	The Spill occurred in the secondary containment area of a storage tank at the MolyCorp Minerals facility in Mountain Pass, CA. The spill was contained and cleaned up by the reporting party. No waterways were impacted.	Yes	Spill	Mountain Pass	San Bernardino	92366	11/20/2013	08:00	Spill	Overflow	Contained	Completed	Completed	Completed	Completed	Completed
11/20/2013	08:00	Hydrochloric Acid	1	Gals	The Spill occurred in the secondary containment area of a storage tank at the MolyCorp Minerals facility in Mountain Pass, CA. The spill was contained and cleaned up by the reporting party. No waterways were impacted.	Yes	Spill	Mountain Pass	San Bernardino	92366	11/20/2013	08:00	Spill	Overflow	Contained	Completed	Completed	Completed	Completed	Completed
11/20/2013	08:00	Hydrochloric Acid	1	Gals	The Spill occurred in the secondary containment area of a storage tank at the MolyCorp Minerals facility in Mountain Pass, CA. The spill was contained and cleaned up by the reporting party. No waterways were impacted.	Yes	Spill	Mountain Pass	San Bernardino	92366	11/20/2013	08:00	Spill	Overflow	Contained	Completed	Completed	Completed	Completed	Completed
11/20/2013	08:00	Hydrochloric Acid	1	Gals	The Spill occurred in the secondary containment area of a storage tank at the MolyCorp Minerals facility in Mountain Pass, CA. The spill was contained and cleaned up by the reporting party. No waterways were impacted.	Yes	Spill	Mountain Pass	San Bernardino	92366	11/20/2013	08:00	Spill	Overflow	Contained	Completed	Completed	Completed	Completed	Completed

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March 26, 2014

BUT REMEMBER! Not just HSC 25510

➤ 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.

- **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

- **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)**
 - o > 42 gals to state waters (or may pass into...)
 - o O/O reports to Cal OES, CUPA (and 911 if necessary)
 - Cal OES reports to RWQCB
- > **Pipelines (CGC 51018, 8589.7)**
 - o Rupture, explosion, or fire involving a pipeline
 - o 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)
 - o Exempt threshold: < 42 gal. and **no threat to water**
 - o 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...

- > **HSC 25510 and 19 CCR: Report if significant threat to H, S, P or the E**
 - o But not if contained, etc. when draft 19 CCR regs are finalized
- > **If NO significant threat, crude oil spills to land:**
 - o < 42 gal. is not reportable
- > **If NO significant threat, but oil spill to land IS > 42 gal.:**
 - o 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 in California

(a)The division may develop field rules which establish volumetric thresholds for emergency reporting by the operator of oil discharge to land associated with onshore drilling, exploration, or production operations, when the oil discharge, because of the circumstances established pursuant to paragraph (c) 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 3232 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 only to oil fields based on the San Joaquin Valley, as designated by the division. The division shall adopt the field rules not later than January 1, 2018.

(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 discharge 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 (c).

(d)An operator shall report a spill to the division if the reporting threshold established in the field rules, where the oil discharge cannot pass into or threaten the waters of this state, is less than one barrel (42 gallons), unless otherwise established by federal law or regulation. Until field rules are adopted, emergency reporting of oil discharge shall continue as required by existing state 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. Discharge 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 87511 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

REPORTING PETROLEUM (OIL) RELEASES:
Proper and timely notification is important 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) §25107).

State Law requires that ANY discharge or threatened discharge of oil into STATE WATERS must be reported to Cal OES. California Government Code (G.C.) §§6932.21, California Water Code (WC) §11212. California State Oil Spill Contingency Plan, §1091 and amendments, §§1083 and 1085 and the immediately north of Department of Fish and Wildlife's Office of Spill Prevention and Response (OSPR), Regional Water Quality Control Board (RWQCB), State Earth Commission (SEC), the California Coastal Commission (CCC), Division of Oil, Gas, and Geothermal Resources (DOGGR) and/or the appropriate Local Administrative Agency (LAA) (§10917). 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 it does not cause harm or threaten to cause harm to the public health and safety, the environment, or property, AND it 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


STATE OF CALIFORNIA - THE REPORTING AGENCY

DEPARTMENT OF CONSERVATION
P.O. BOX 98
SACRAMENTO, CA 95834-0098
(916) 227-0530
FAX (916) 227-0534

FIELD RULE
San Joaquin Valley
Oil Spill Reporting Criteria

- Purpose**
Assembly Bill 1578 (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 voluntary thresholds for the reporting of discharges of oil to land. The purpose of this Field Rule is to establish reasonable limits of spill reporting criteria while protecting public health, safety, and the environment.
- 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, seeping or excreting. 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 crops 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.
- 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 Monterey-San Luis Obispo County 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. This 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. Discharges of oil to waters of the state are subject to reporting requirements pursuant to Government Code Section 61018 which 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!



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

More federal reporting shortly

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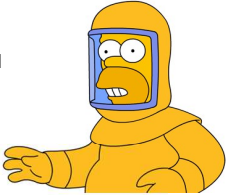

PLAN & PERMIT RELATED AND OTHER RELEASE REPORTING

- ▶ SCAQMD 'breakdown', Title V 'deviations'
 - Notify SCAQMD within 1 hour
 - Some permit deviations can wait until certification season
- ▶ Non-authorized non-stormwater discharge to SW
 - Report in SWPPP Annual Report
- ▶ Radiological materials releases
 - Report to Cal OES & DHS if > RQ (draft ROs @ 40CFR30.72 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

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NON-EMERGENCY RELEASES OF HAZARDOUS SUBSTANCES

- DTSC requirement (HSC §25359-4)
 - Requires reporting of stuff NOT reportable under other state or federal statutes, but that STILL poses a significant threat to public health, safety, or the environment
 - Within 30 days of discovery
- ✎ DTSC reporting form and detailed fact sheet (Jan 2008)
- ✎ Reporting obligation on property owner... in addition to person causing the release
 - Phase I and II assessment & audit issue: Beware!
- ✎ Exclusions for anything already reported



REPORTING REQUIREMENTS FOR AGENCIES

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

RESPONDING AGENCY REPORTING – a summary

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

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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

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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

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FEDERAL RELEASE REPORTING SUMMARY

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

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



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



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FEDERAL RELEASE REPORTING SUMMARY (2)



- > **Several other federal requirements**
 - RCRA, TSCA, CAA, OSHA
- > **Applicability also not limited to 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**



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CRITICAL THINKING REQUIRED


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



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CRITICAL TERMS: "FACILITY"



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



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CRITICAL TERMS: "ENVIRONMENT"


- **CERCLA:** Includes air, water, soil, surface, subsurface, groundwater
 - Exclusion for in releases impacting only indoor/occupational air or surfaces
 - No definition of 'environment'
 - Per EPA guidance docs: spills to integral secondary containment *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



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CRITICAL TERMS: "ENVIRONMENT"

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



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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>

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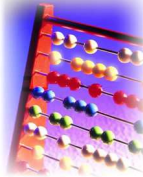
CRITICAL TERMS: "RELEASE/INCIDENT"

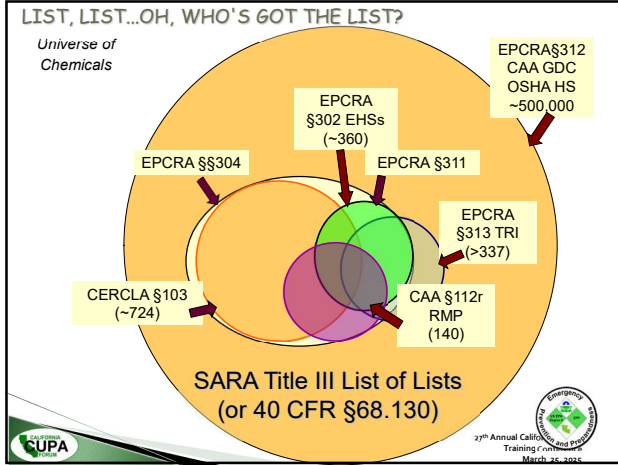
- ❗ **Hazardous substances do not actually have to be released (e.g. DOT/transportation incidents)!**
 - Which means...RQ's and specific listed chemicals are moot!
- **Generally includes:**
 - Besides the standard... "Spilling, leaking, pouring, escaping, etc."
 - Also includes statistically significant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



REPORTABLE QUANTITIES

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





Consolidated List of Lists

"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 <https://www.epa.gov/epcra/consolidated-list-lists>

LIST OF LISTS

Consolidated List of Chemicals Subject to the Emergency Planning and Community Right-To-Know Act (EPCRA), Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), Section 112(i)(7) of the Clean Air Act (CAA), and Section 311(j)(5) of the Clean Water Act (CWA)

- EPCRA Section 302 Extremely Hazardous Substances
- CERCLA Hazardous Substances
- EPCRA Section 313 Toxic Chemicals
- CAA Section 112(i)(7) Regulated Chemicals for Accidental Release
- CWA Section 311(j)(5) Hazardous Substances Facility Response Plans

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US EPA: List of Lists

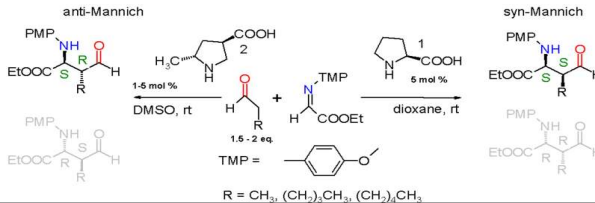
Consolidated List of Chemicals by Alphabetical Name

Name	CASRN 313 Category Codes	Comptox	CAA 112(i)(7) TQ	CERCLA HG RQ	CWA 311(j)(5) HG TQ	EPCRA 302 EHS TPO	EPCRA 312 EHS RQ	EPCRA 313 TRI
Carbanilic acid, bis(1-methyl-ethyl)-S-(2,3-dichloro-2'-propyl) ester	2303-18-4	DTXSID00201091		100				X
Carbanilic acid, dipropyl-, S-(phenylmethyl) ester	52888-80-9	DTXSID00581119		5,000				
Carbaryl	83-26-2	DTXSID00202147		100	100,000			313
Carbendazim	10050-51-7	DTXSID00143792		10				
Carbofuran	1563-86-2	DTXSID00603049		10	10,000	10/10,000	10	313
Carbifuran phenol	1663-38-8	DTXSID00271414		10				
Carbon disulfide	75-15-0	DTXSID00100847	20,000	100	100,000	10,000	100	313
Carbonic fluoride	353-50-4	DTXSID00598508		1,000				
Carbonic dichloride	76-44-5	DTXSID00142569	500	10	10,000	10	10	X
Carbonochloridic acid, methyl ester	79-22-1	DTXSID00141812	5,000	1,000		500	1,000	X
Carbonochloridic acid, 1-methyl ethyl ester	109-23-5	DTXSID00267886	15,000			1,000	1,000	
Carbonochloridic acid, propyl ester	109-61-5	DTXSID001642342	15,000			500	500	
Carbon oxide sulfide (COS)	463-58-1	DTXSID00138529	10,000	100				X
Carbon tetrachloride	56-23-5	DTXSID00109150		10	10,000			313
Carbonyl sulfide	483-58-1	DTXSID00120149	10,000	100				313
Carbophenothion	786-18-6	DTXSID00212109				500	500	
Carosulfur	56285-14-8	DTXSID00139190		1,000				

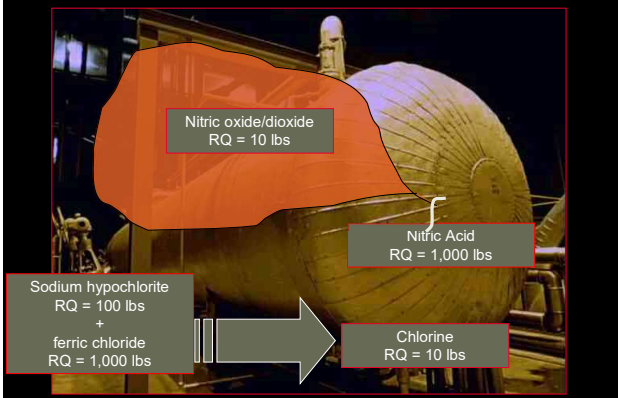
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REACTION PRODUCTS

- 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

- 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, or
 - 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



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March 26, 2025



RQ EXAMPLE

- A 330-gallon DOT tote containing a spent solvent mixture with 50% spent 1,1,1-trichloroethane falls off the truck
 - 140 gallons spills out
- RQ for 1,1,1-trichloroethane = 1,000 lbs.
- RQ for Foo1 RCRA waste = 10 lbs.

Is it a reportable release?

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

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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

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: [Phone Type]		Last Name: []	
Last Name: []		First Name: []	
First Name: []		Phone 1: [] Type: [Phone Type]	
Phone 2: [] Type: [Phone Type]		Phone 2: [] Type: [Phone Type]	
Phone 3: [] Type: [Phone Type]		Phone 3: [] Type: [Phone Type]	
Company: []		Company: []	
Org Type: [Organization Type]		Org Type: [Organization Type]	
Address: []		Address: []	
[]		[]	
City: []		City: []	
State: [Choose State]		State: [Choose State]	

NRC Online Tank Release Report, Cont'd

INCIDENT DESCRIPTION

Description of Incident: []

Incident Date: [] (DD/MM/YY) Time: [] Occurred/Discovered/Planned: [Choose ODP]

Type of Incident: STORAGE TANK Incident Cause: [Choose Cause]

ACCIDENT LOCATION

Location Description: []

Address Location: [] State: [Choose State]

[] County: [] ZIP: []

Nearest City: [] Distance from Nearest City: [] Units: [Choose Unit]

Direction: [Choose Direction] Range: [] Section: [] Township: []

Latitude: Degrees: [] Minutes: [] Seconds: [] Quadrant: [Choose Quadrant]

Longitude: Degrees: [] Minutes: [] Seconds: [] Quadrant: [Choose Quadrant]

TANK/CONTAINER DETAILS

NRC Online Tank Release Report, Cont'd

TANK/CONTAINER DETAILS

Tank/Container Description: [] Tank/Container ID: []

Above/Below Ground: Above Below Transportable: Yes No Unknown

Regulated: Yes No Unknown Regulated by: []

Tank/Container Capacity: [] Choose Unit [] Amount in Tank: [] Choose Unit []

Material	Chris Code	Release Amount	Units
[]	[]	[]	[Choose Unit]
[]	[]	[]	[Choose Unit]
[]	[]	[]	[Choose Unit]
[]	[]	[]	[Choose Unit]
[]	[]	[]	[Choose Unit]

MATERIAL IN WATER INFORMATION

Amount in Water: [] Units: [Choose Unit] Body of Water Affected: []

Offshore: Yes No River Mile Marker: [] Tributary of: []

Water Supply Contaminated: Yes No Unknown Water Temperature: [] Units: [Choose Unit]

Wave Condition: [Choose Condition] Speed: [] Units: [Choose Unit] Direction: [Choose Direction]

EXEMPTIONS - see

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

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



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Training Conference
March 26, 2015

CONTINUOUS RELEASES

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



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

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



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Training Conference
March 26, 2015

WRITTEN REPORTS, RECORDS AND FOLLOWUP - CALIF AND FEDERAL

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



Horizontal lines for notes.

19 CCR 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.

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
INCIDENT MO DAY YR TIME OES (use 24 hr time)	OES CONTROL NO.
DATE	
C INCIDENT ADDRESS LOCATION	CITY / COMMUNITY COUNTY ZIP
CHEMICAL OR TRADE NAME (spelt or type)	CAS Number
CHECK IF CHEMICAL IS LISTED IN TO CFR 302, APPENDIX A <input type="checkbox"/> CHECK IF RELEASE REQUIRES NO RPT. OPTION UNDER 42 U.S.C. SECTION 11004(a) <input type="checkbox"/>	
PHYSICAL STATE CONTAINER	PHYSICAL STATE RELEASED
<input type="checkbox"/> SOLID <input type="checkbox"/> LIQUID <input type="checkbox"/> GAS	<input type="checkbox"/> SOLID <input type="checkbox"/> LIQUID <input type="checkbox"/> GAS
ENVIRONMENTAL CONTAMINATION <input type="checkbox"/> AIR <input type="checkbox"/> WATER <input type="checkbox"/> SOIL/SEDIMENT <input type="checkbox"/> OTHER	TIME OF RELEASE DURATION OF RELEASE
	...HOURS...MINUTES
ACTIONS TAKEN	
UNKNOWN OR ANTICIPATED HEALTH EFFECTS (Use the comments section for additional information)	
<input type="checkbox"/> ACUTE OR IMMEDIATE (explain) _____	
<input type="checkbox"/> CHRONIC OR DELAYED (explain) _____	
<input type="checkbox"/> NOT KNOWN (explain) _____	
ADVISE REGARDING MEDICAL ATTENTION NECESSARY FOR EXPOSED INDIVIDUALS	
COMMENTS (INDICATE SECTION (A) - GIAND ITEM WITH COMMENTS OR ADDITIONAL INFORMATION)	
CERTIFICATION (Identify under penalty of law that I have personally examined and I am familiar with the information submitted and believe the submitted information to be accurate, and complete)	
REPORTING FACILITY REPRESENTATIVE (print or type)	DATE
SIGNATURE OF REPORTING FACILITY REPRESENTATIVE	

Horizontal lines for notes.

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


- Civil penalties up to \$71,545
 - May run on a daily basis
- Criminal action possible with penalties of up to \$250,000, up to 15 years in prison, or both
 - Also may accrue daily

Note: Self-audit and disclosure is always the better option

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March 26, 2025

Horizontal lines for notes.


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** (49 CFR 171.16)
 - Includes loading, unloading and temporary storage



- ⚠ **Unintentional releases of HM/HW (RQ not specifically mentioned!)**
- ⚠ **Exemptions include:**
 - PSN 'Consumer commodity'; 'Battery, electric storage, wet, filled with acid or alkali'; 'Paint' and 'Paint related material' (in a packaging of ≤ 5 gal); 'Limited Qty'; some PG IIIs or Class 9s and < 5.2 gal (or < 66 lbs.) per pkg. or aggregate spill
 - Connection/disconnection of loading or unloading lines, if release does not result in property damage
- ⚠ **NOT exempt:**
 - 49 CFR 171.15 reportables; aircraft transport; most PG I; and hazardous waste releases



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March 26, 2015




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

- 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 [tank shell, valves, piping] 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



Hazardous Materials Incident Report

1. This is to report: A hazardous material incident An air incident A release of hazardous material

2. This incident is classified as: Initial Report Supplemental Report Final Report

3. Date of Incident: _____ Time of Incident (use 24-hour time): _____

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

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

6. Location of Incident: _____

7. Material Involved: _____

8. Mode of Transportation: _____

9. Transportation Phase: _____

10. Carrier/Reporter: _____

11. Shipper/Officer: _____

12. Origin of Material: _____

13. Destination: _____

14. Proper Shipping Name of Hazardous Material: _____

15. Hazardous Class: _____

16. Is this a spill or release? Yes No

17. Was the material involved in a crash or accident? Yes No

18. Was the material involved in a fire or explosion? Yes No

19. Was there an unexplained hazardous materials incident? Yes No

FORM DOT F 5800.1

Part II: Packaging Information

1. What type of packaging was used? _____

2. Describe the packaging condition and any information in its description. _____

Part III: Consequences

1. Was there a spill or release? Yes No

2. Describe the spill or release. _____

3. Was there a fire or explosion? Yes No

4. Describe the fire or explosion. _____

5. Was there an unexplained hazardous materials incident? Yes No

6. Describe the unexplained incident. _____

Part IV: Air Incident Information

1. Was the incident an air carrier event? Yes No

2. Describe the air carrier event. _____

3. Was the incident a spill or release? Yes No


4. Describe the spill or release. _____

5. Was the material involved in a crash or accident? Yes No

6. Describe the crash or accident. _____

7. Was there an unexplained hazardous materials incident? Yes No

8. Describe the unexplained incident. _____



FORM DOT F 5800.1 ON LINE REPORTING

U.S. Department of Transportation

Online Incident Report

1. This is to report: A hazardous material incident An air incident A release of hazardous material

2. This incident is classified as: Initial Report Supplemental Report Final Report

3. Date of Incident: _____ Time of Incident (use 24-hour time): _____

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

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

6. Location of Incident: _____

7. Material Involved: _____

8. Mode of Transportation: _____

9. Transportation Phase: _____

10. Carrier/Reporter: _____

11. Shipper/Officer: _____

12. Origin of Material: _____

13. Destination: _____

14. Proper Shipping Name of Hazardous Material: _____

15. Hazardous Class: _____


16. Is this a spill or release? Yes No

17. Was the material involved in a crash or accident? Yes No

18. Was the material involved in a fire or explosion? Yes No

19. Was there an unexplained hazardous materials incident? Yes No

20. Describe the unexplained incident. _____



LOCAL LEVEL REPORTING

- CUPA/AA or 911
 - Use their call-down tree to call local responders
 - Fire Services
 - Law Enforcement
 - Environmental Health
 - Public Works / Utilities
 - Board of Supervisors
 - Other agencies?



TIPS FOR HAPPY SPILL REPORTING FROM YOUR UNCLE STEVE (4)

- 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*... 9 years ago...last draft 5-2021
- 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 (2)

- 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)

- > 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



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Training Conference
March 25, 2025

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





***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

Gavin Newsom, Governor
Mark S. Ghilarducci, Director

Revised by: Trevor Anderson, Bill Potter & Jon Kolman

Layout by: Jon Kolman

February 2014

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

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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.***

<u>Questions for Incident Assessment</u>	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:

Spill Type/Location/Injuries	Who to Call
Releases that equal or exceed Federal Reportable Quantities (CERCLA)	Call the National Response Center (NRC)
All releases on-highway	Call California Highway Patrol (CHP)
All hazardous waste tank releases	Call Department of Toxic Substances Control Regional Office (DTSC)
All serious worker injuries or harmful exposures	Call Cal/OSHA District Office
All oil spills at drilling and production fixed facilities	Call Department of Conservation, Division of Oil, Gas, and 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.

Agency Name	Phone Number
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 <hr/> 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> <hr/> 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) <hr/> 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 <hr/> San Joaquin Valley Field Rule (August 1998) <hr/> CWC 13272 (f) <hr/> <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 <i>(may include oil & radioactive materials)</i>					
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 <hr/> NRC	Immediately upon knowledge of a release. As soon as practical, but no later than 12 hours after accident occurs Written Report: to DTSC and DOT within 30 days.	CVC 23112.5; 2453 <hr/> 22 CCR 66263.15 22 CCR 66263.30 49 CFR 171.15 49 CFR 171.16



RELEASE REPORTING REQUIREMENTS MATRIX

HAZARDOUS MATERIALS INCIDENTS (CONTINUED) <i>(may include oil & radioactive materials)</i>					
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; or from a primary containment if no secondary containment; or if there's a fire or explosion hazard or deterioration	Facility owner or operator	Cal OES, CUPA	Within 24 hours after the release has been detected Full written report within 5 working days	HSC 25295 HSC 25510
Releases beyond TSD Facility Boundary	A harmful quantity that could threaten human health or environment.	Facility owner or operator; TSDF Emergency Coordinator	Cal OES NRC	Immediately upon knowledge of a release.	CERCLA §103 (b) 22 CCR 66264.56(d) HSC 25507
Releases within TSD Facility Boundary	Any release that poses a significant hazard.	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 hazardous substance and sewage that needs to be reported. If not in compliance with the Waste Discharge Requirements CWC 13271(b) **	Any person	Cal OES	Immediately upon knowledge of a release.	23 CCR 2250 (a) HSC 5411 CWC 13271 (a)



RELEASE REPORTING REQUIREMENTS MATRIX

* **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 http://www.epa.gov/osweroe1/content/reporting/index.htm	(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)	911
State Fire Marshall (SFM)	(916) 323-7390 <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 ftp://ftp.consrv.ca.gov/pub/oil/regulations/field_rule.pdf



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: www.calepa.ca.gov/CUPA/Directory/default.aspx
Local Sheriff/Police	
Local Fire Department	
Local Health Department	

Department of Conservation/Division of Oil, Gas & Geothermal Resources (DOGGR) - California Regional Offices -

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



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 (CEPRC)~~SERC 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 () - -	
B	INCIDENT DATE MO DAY YR	TIME NOTIFIED OES (use 24 hr time)	OES CONTROL NO.
C	INCIDENT ADDRESS LOCATION	CITY / COMMUNITY	COUNTY ZIP
D	CHEMICAL OR TRADE NAME (print or type)		CAS Number
	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
	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
E	ACTIONS TAKEN		
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.