

GUIDELINE OF FEDERAL & STATE REPORTING REQUIREMENTS FOR HAZARDOUS MATERIALS RELEASES

Introduction

Businesses that store and use hazardous materials may not be aware that many of the Federal environmental and hazardous material transportation laws have very specific reporting requirements. Failing to meet these reporting requirements can result in severe monetary penalties or worse, criminal prosecution. To assist businesses that have experienced a hazardous materials release, the Phoenix Fire Department has prepared this guideline to facilitate prompt and accurate reporting. Because it is a guideline, the Phoenix Fire Department assumes no responsibility for its accuracy.

Who Will I Report To?

It is dependant on the location of the incident. For a fixed facility emergency, four telephone calls should be made in the following order:

- ❑ National Response Center: 1-800-424-8802
- ❑ Arizona Department of Environmental Quality: 602-771-2330
- ❑ Maricopa County Local Emergency Planning Committee (LEPC): 602-273-1411

For emergencies involving hazardous materials in transportation, contact the National Response Center.

Reports to the National Response Center will result in the creation of a report number. Ensure that you document this report number at the upper right hand portion of this worksheet. Also, provide a copy of the National Response Center report number to the Fire Department and ask that it be logged as a part of the Computer Aided Dispatch record.

When Do I Report?

The Fire Department suggests that telephonic notification be made as soon as practical during the incident. A prompt and immediate notification will generally satisfy most Federal and State reporting requirements. In addition, you may be obligated to file additional written reports to ADEQ, LEPC, the Arizona State Emergency Response Commission and the appropriate Federal agency with jurisdiction over the type of release that has occurred.

Summary of Reporting Requirements for Fixed Facilities

Regulation	What is A Release	Where is the Release	What is the Reportable Quantity
Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)	A "release" means <i>spilling, leaking, pumping, pouring, omitting, discharging, injecting, escaping, leaching, dumping or disposing of hazardous materials into the air, water, or onto soil.</i>	It is within the boundaries of the facility property.	It can range between 1-5000 pounds. If the chemical has no reportable quantity, a release of more than 100 pounds of a hazardous material that is defined by the EPA as ignitable, corrosive, reactive, or is toxic must be reported.
Water Quality Assurance Revolving Fund (WQARF)	A "release" means <i>spilling, leaking, pumping, pouring, omitting, discharging, injecting, escaping, leaching, dumping or disposing of hazardous</i>	It is within the boundaries of the facility property. A "facility" means <i>any land, building, installation, structure, equipment, device, conveyance,</i>	It can range between 1-5000 pounds. If the chemical has no reportable quantity, a release of more than 100 pounds of a hazardous

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	<i>materials into the air, water, or onto soil.</i>	<i>source, activity or practice from which there is, or with reasonable probability may be a discharge.</i>	material that is defined by the EPA as ignitable, corrosive, reactive, or is toxic must be reported.
Emergency Planning & Community Right to Know Act (EPCRA)	A "release" means <i>spilling, leaking, pumping, pouring, omitting, discharging, injecting, escaping, leaching, dumping or disposing of hazardous materials into the environment.</i>	Any release to the environment that has the potential to expose people off site must be reported.	It can range between 1-5000 pounds. If the chemical has no reportable quantity, a release of more than 100 pounds of a hazardous material that is defined by the EPA as ignitable, corrosive, reactive, or is toxic must be reported. <i>NOTE: An EPCRA notification requires both a telephonic and written response. A written response to the LEPC and SERC within 30 days of the incident is required.</i>
Resource Conservation & Recovery Act (RCRA)	A fire, explosion or other release of hazardous waste which could threaten human health outside the facility or when a hazardous waste generator has knowledge that a spill has reached surface water. This includes discharges into a storm sewer or dry well.	Reporting requirements are not limited to releases into the environment. Any release, indoors or outdoors, if it carries with it a threat to human health or the environment must be reported.	The nature of the release govern and not the quantity or release period. <i>NOTE: ADEQ requires a written report within 15 days of the incident.</i>
Clean Air Act (CAA)	All substances which in the case of an accidental release, are known to cause or may be reasonably anticipated to cause death, injury or adverse effects to human health or the environment. An "accidental release" is <i>an unanticipated emission of a regulated substance or other extremely hazardous substance in the ambient air from a stationary source.</i>	It is from a stationary source. A "stationary source" is <i>any building, structure, equipment, installation or substance emitting activities which belong to the same industrial group, which are located on one more contiguous properties, which are under the control of the same person and from which an accidental release can occur.</i>	See 40 CFR Part 68.130. EPA also considers the toxicity, flammability, reactivity, explosive characteristics and radioactive substance as well as the potential impact the substance may have on an affected community.
Clean Water Act (CWA)	The discharge of oil or hazardous substance into or upon the navigable waters of the US or adjoining shoreline	Any discharge from a "facility" into navigable waters or adjoining shorelines. "Facility" is broadly defined to include any facility of any kind. "Navigable waters" is	Any release of oil to cause a film or sheen on the surface of the water. It can range between 1-5000 pounds. <i>NOTE: The person in charge of the facility has</i>

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		broadly defined and need not necessarily be navigable or even wet.	<i>the legal responsibility to report the release.</i>

Summary of Department of Transportation Reporting Requirements

The U.S. Department of Transportation (DOT) has specific requirements for the telephonic and written notification of hazardous material releases. For hazardous materials in transportation (e.g., roadway, pipeline, aircraft), the responsible party must notify the National Response Center within 12 hours after the incident occurs when one of the following conditions occurs during the course of transportation and is a direct result of the hazardous material:

- ❑ A person is killed;
- ❑ A person receives an injury requiring admittance to a hospital;
- ❑ The general public is evacuated for more than one hour;
- ❑ One or more major transportation arteries or facilities are closed for one hour or more;
- ❑ The operational flight plan or routine of aircraft is altered;
- ❑ Fire, breakage, spillage or suspected radioactive contamination occurs involving a radioactive material;
- ❑ Fire, breakage, spillage or suspected contamination occurs involving an infectious substance other than a diagnostic specimen or regulated medical waste¹;
- ❑ There is a release of a marine pollutant in a quantity exceeding 119 gallons for liquids or 882 pounds for solids; or
- ❑ A situation exists of such a nature that in judgment of the person in possession of the hazardous material, it should be reported to the National Response Center even though it does not meet the above criteria.

¹ If the incident involves an infectious substance, the person in possession of the hazardous material must also notify the Director, Center for Disease Control and Prevention, U.S. Public Health Service at 1-800-232-0124.

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