

Region 6 LEPC Workshops

Release Reporting Requirements

CERCLA 103 / EPCRA 304

Release Reporting Requirements



Notification requirements triggered by releases under CERCLA 103 and EPCRA 304

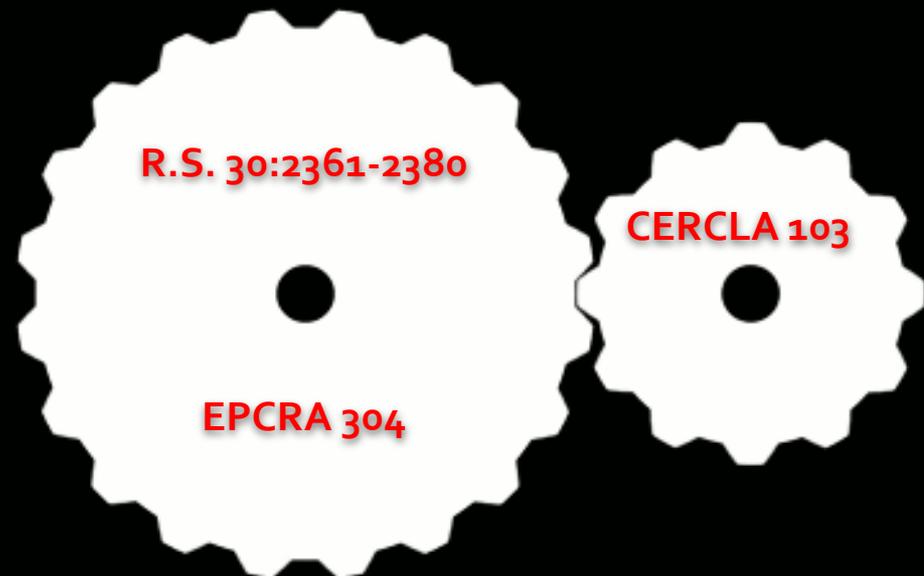
These requirements ensure releases of hazardous substances are reported promptly to local and state officials, as well as federal government

CERCLA and EPCRA are federal programs. We know some States may have more stringent requirements, such as Louisiana and Texas does.

Release Reporting Requirements

CERCLA 103: Mandates notification to federal authorities of qualifying releases of certain hazardous substances (HSs)

EPCRA 304: Mandates notification to State and local authorities of qualifying releases of EHSs and HSs



Release Reporting Requirements



CERCLA 103:

Any person in charge of a vessel or an onshore or offshore facility shall, as soon as he has knowledge of any release of a hazardous substance (HS) from such vessel or facility in a quantity equal to or exceeding the reportable quantity in any 24-hour period, is required to immediately notify the NRC at 1-800-424-8802 (codified in 40 CFR 302.6(a)).

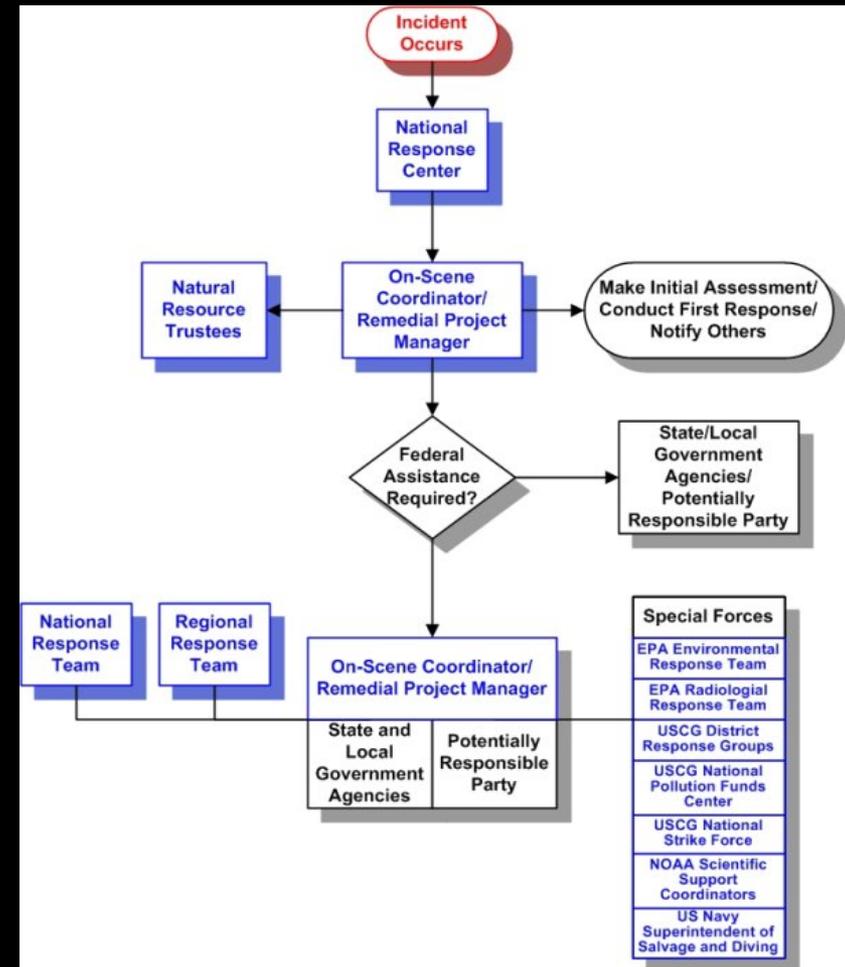
EPCRA Section 304(a)
requires:

Owner or operator of facility shall immediately report the release of an EPCRA EHS or CERCLA HS greater than or equal to the RQ, to SERC and LEPC of any area likely to be affected by release.



Release Reporting Requirements

This notification includes releases during transportation, as well as releases occurring at fixed facilities.



Release Reporting Requirements

CERCLA designates > 800 substances as hazardous, including:

List of HSs codified in 40 CFR 302.4(a) - List of HSs and Reportable Quantities

Certain unlisted HSs, including any solid wastes exhibiting ignitibility, corrosivity, reactivity or toxicity characteristics, as well as radionuclides

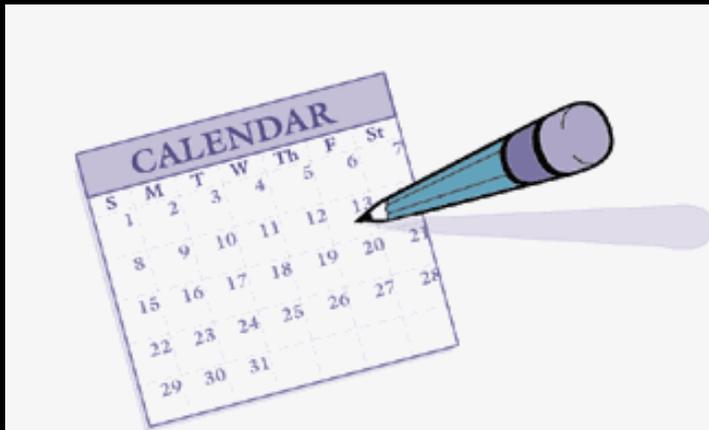
- EPCRA designates 355 substances as extremely hazardous substances

“Release” means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into environment (including the abandonment or discarding of barrels, containers and other closed receptacles) of any hazardous chemical, EHS or CERCLA hazardous substance.



Release Reporting Requirements

To be reportable, release must equal or exceed reportable quantity within 24-hour period.



Immediate notification is required once RQ is equaled or exceeded.

RQs are based on quantity of material when released, poses potential threat to human health and environment.

RQs were developed using several primary criteria, including toxicity

CERCLA Section 103:

Specific conditions trigger notification under CERCLA are there must be release:

- of HS
- that equals or exceeds RQ
- from vessel or facility
- within 24-hour period
- must enter environment (air, water, land)

EPCRA Section 304: To trigger notification, there must be release:

- from facility at which hazardous chemical is produced, used or stored
- with potential to affect persons outside boundaries of facility of EHS or HS
- that equals or exceeds RQ
- within 24-hour period

Release Reporting Requirements



Key factor in determining whether release has occurred, is whether release is "into environment" and is found in definition of release under CERCLA.

"Environment" includes all environmental media (air, water, land surface and subsurface strata).

Release Reporting Requirements



How Quickly Should Release be Reported?

Term "immediate" not defined in CERCLA or EPCRA.

However, legislative history of CERCLA and EPCRA suggests 15 minutes

Notification "should not exceed 15 minutes after person in charge has knowledge of release, and 'immediate notification' requires shorter delays whenever practicable."

Release Reporting Requirements

The release notification will be reported to:

- The emergency coordinator of the LEPC
- The State
- The National Response Center

EPCRA and CERCLA require reporting of transportation-related releases:

CERCLA — If release of CERCLA HS occurs during transportation, immediate notification to NRC is always required.

EPCRA — If a release of EPCRA EHS or CERCLA HS occurs during transportation, 911 or operator is required to be notified in lieu of SERC or LEPC

Initial notification is required to include:

- Chemical name or identity
- If EHS was released
- Estimated quantity of release
- Time and duration of release
- Known or anticipated acute or chronic health effects
- Precautions to take, such as evacuation or shelter in place
- Names and telephone numbers of contact persons
- Medium or media affected

Should obviously provide location and cause of release also

EPCRA Section 304(c) requires owner or operator of facility to also provide written follow-up of emergency notice

EPA has defined "as soon as practicable" as 30 days.

- Actions taken to respond and contain the release
- Advice regarding medical attention necessary for exposed individuals
- Any known or anticipated acute or chronic health risks associated with the release

	EPCRA Section 304	CERCLA Section 103
What triggers a notification?	An EPCRA EHS and/or a CERCLA HS release in to the environment with the potential to affect persons off-site	A CERCLA HS release into the environment
How large a release is required to trigger notification?	Equals or exceeds RQ in any 24-hour period	Equals or exceeds RQ in any 24-hour period
Where does the substance have to be released from?	From a facility that either produces, uses, or stores a "hazardous chemical". Also includes motor vehicles, rolling stock, and aircraft.	From a vessel or facility, which also includes motor vehicle, rolling stock and aircraft.
How quickly is notification required?	Immediately (i.e., within 15 minutes of actual or constructive knowledge)	Immediately (i.e., within 15 minutes of actual or constructive knowledge)
Who is notified?	<ul style="list-style-type: none"> If substance is only on EPCRA EHS List: SERC or TERC, and the community emergency 	NRC for releases from fixed facilities and transportation-related
What follow-up notifications are required?	Written follow-up emergency notice (except for transportation-related releases)	Newspaper notice