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# Release Reporting Requirements CERCLA 103, EPCRA 304



2016

# Release Reporting Requirements



Notification requirements triggered  
by releases under CERCLA 103 and  
EPCRA 304

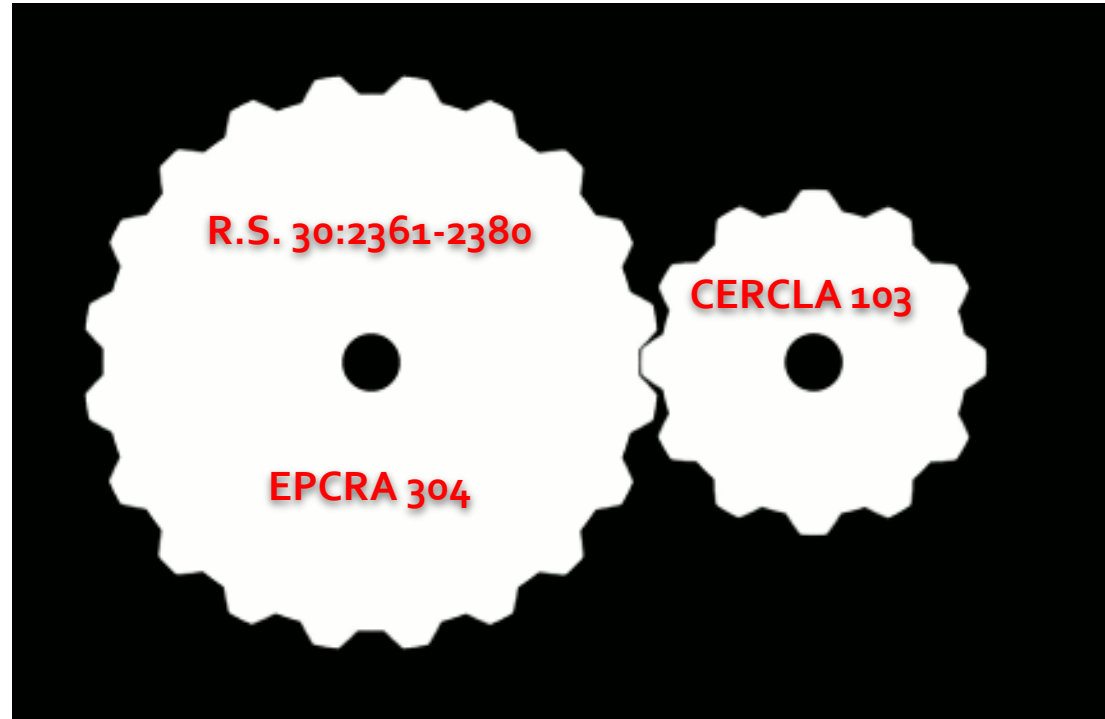
These requirements ensure releases  
of hazardous substances are reported  
promptly to local and state officials,  
as well as federal government

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

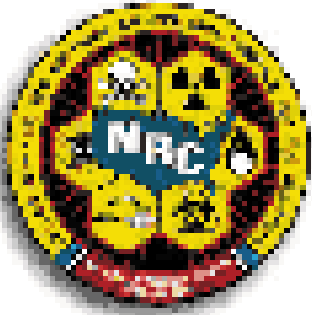
# Release Reporting Requirements

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



**National  
Response  
Center**



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)

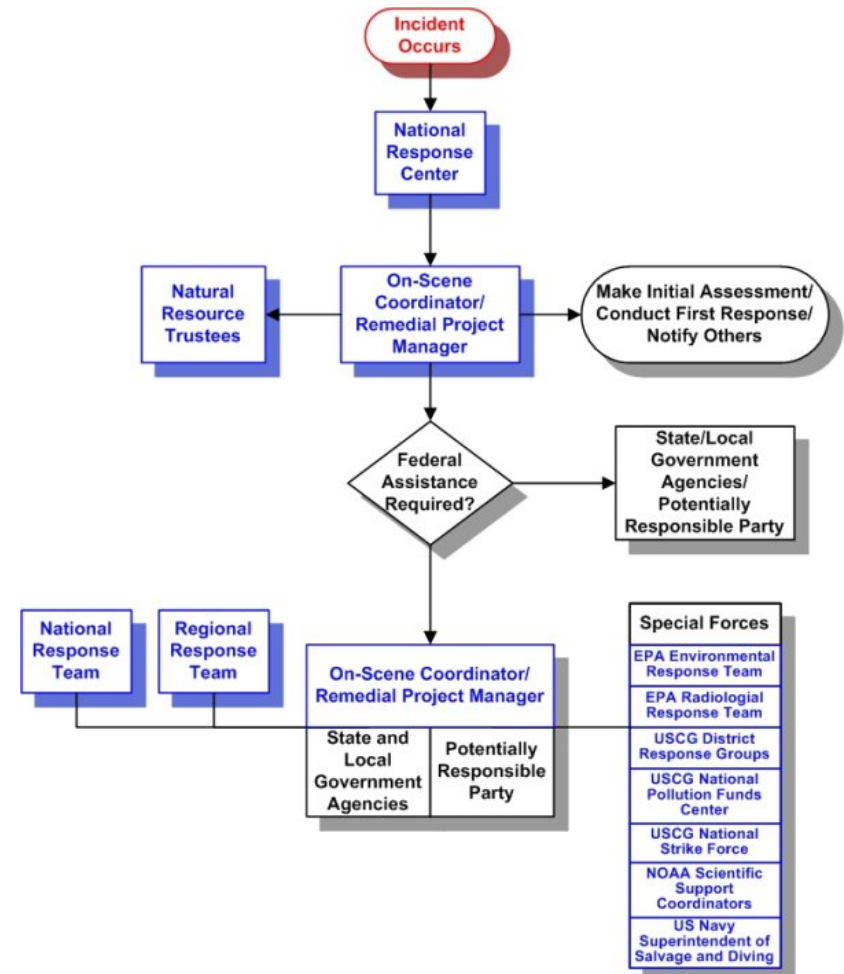
requires:

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

Under CERCLA, Facility means

(1) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or

(2) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel

# Release Reporting Requirements

Under EPCRA, Facility means all buildings, equipment, structures, and other stationary items that are located on a single site or on contiguous or adjacent sites and that are owned or operated by the same person (or by any person that controls, is controlled by, or under common control with, such person).

Facility includes manmade structures, as well as all natural structures in which chemicals are purposefully placed or removed through human means such that it functions as a containment structure for human use.

For purposes of emergency release notification, the term includes motor vehicles, rolling stock, and aircraft.



# 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 (listed at 40 CFR Part 355)



"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

The RQ's go between 1 – 5,000 pounds

# 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."

### **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



The release notification will be reported to:

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



# Release Reporting Requirements

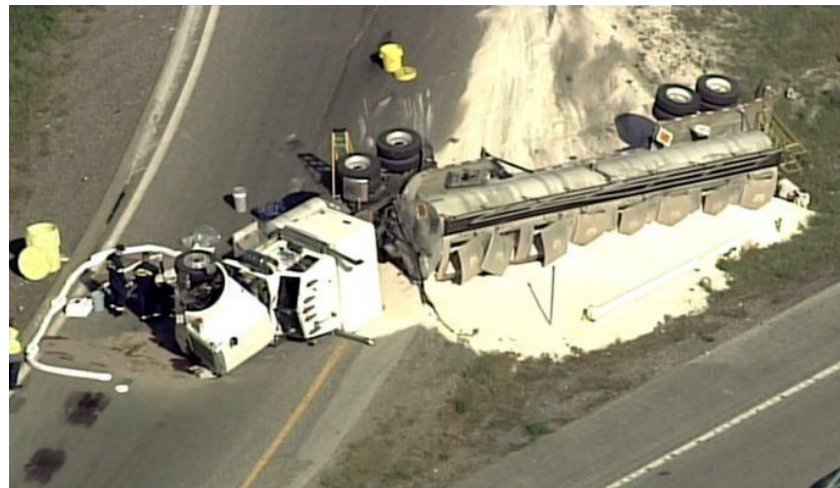
<b>Arkansas Dept. of Emergency Management</b>	<b>800-322-4012</b>
<b>Louisiana State Police</b>	<b>877-925-6595</b>
<b>New Mexico State Police</b>	<b>505-827-9126</b>
<b>Oklahoma Dept. of Environmental Quality</b>	<b>800-522-0206</b>
<b>Texas Environmental Hotline</b>	<b>800-832-8224</b>
<b>National Response Center</b>	<b>800-424-8802</b>
<b>EPA Region 6</b>	<b>866-372-7745</b>
<b>CHEMTREC</b>	<b>800-424-9300</b>



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



# Release Reporting Requirements

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

State may have additional elements reported during an incident

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

# State of Louisiana -- Fixed Site Reporting



In addition to the RQ requirements:

1. The release causes any **INJURY** requiring hospitalization, defined as “The admission into a hospital as a patient for an overnight stay or emergency treatment at a hospital to the extent that the owner or operator requested such treatment or becomes aware of such treatment within twenty-four (24) hours of the initiation of the relevant release.” or any **FATALITY;**  
**or**
2. The release results in a **FIRE OR EXPLOSION** which could reasonably be expected to affect the public safety beyond the boundaries of the facility; or
3. The incident, accident or clean-up within the facility could reasonably be expected to affect public safety beyond the boundaries of the facility; or
4. The owner or operator knows a protective action beyond the boundaries of the facility has been initiated.

# State of Louisiana – Transportation Reporting



In addition to the RQ requirements:

1. There is a fatality due to fire, explosion or exposure to the material; or
2. Hospitalization is required, defined as “The admission into a hospital as a patient for an overnight stay or emergency treatment at a hospital to the extent that the owner or operator requested such treatment or becomes aware of such treatment within twenty-four (24) hours of the initiation of the relevant release.”; or
3. The transfer of bulk material is deemed necessary on a public highway or within five hundred feet of an inhabited building; or
4. If a bulk container is leaning at an angle of 45° or more; or
5. If there is property damage of \$10,000.00

# State of Texas – Reporting



Kind of spill	Where discharged	Reportable quantity
Hazardous substance	onto land	"Final RQ" in Table 302.4
	into water	"Final RQ" or 100 lbs, whichever is less
Any oil	coastal waters	Any amount
Crude oil, oil that is neither a petroleum product nor used oil	onto land	210 gallons (five barrels)
	directly into water	enough to create a sheen
Petroleum product, used oil	onto land, from an exempt PST facility	210 gallons (five barrels)
	onto land, or onto land from non-exempt PST facility	25 gallons
	directly into water	enough to create a sheen

# State of Texas – Reporting



Kind of spill	Where discharged	Reportable quantity
Industrial solid waste or other substances	into water	100 lbs
From petroleum storage tanks, underground or aboveground	into water	enough to create a sheen on water
From petroleum storage tanks, underground or aboveground	onto land	25 gallons or equal to the RQ
Other substances that may be useful or valuable and are not ordinarily considered to be waste, but will cause pollution if discharged into water in the state	into water	100 lbs

# Summary

	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"> <li>If substance is only on EPCRA EHS List: SERC or TERC, and the community emergency</li> </ul>	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





**For a copy of the presentations**

**<https://response.epa.gov/lepcworkshops>**

