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STATE OF TENNESSEE



**Department of Environment and Conservation
Office of General Counsel
401 Church Street
Nashville, Tennessee 37243-1548**

FAX TRANSMITTAL MEMO

TO: Cynthia Cummis

FAX #: (202) 260-0512

FROM: David Harbin

SUBJECT: TDEC/TEC XL Project Proposal and Press Release

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If you do not receive the entire document or have any questions, please contact me at (615) 532-0144.

MESSAGE: Attached is a copy of the press release and the project proposal regarding the XL Project proposed by the Department and the Tennessee Environmental Council. The proposal will be officially mailed to Hq's tomorrow. I am also faxing a copy of this package to Chris and John Fogherly and to Bill Patton at Region 4.

REGULATORY REINVENTION (XI.) PILOT PROJECT PROPOSAL

Submitted by
The State of Tennessee
and
The Tennessee Environmental Council

I. Introduction.

Some of the greatest environmental impacts in Tennessee and across the nation come from the accidental release of substances. We have learned that the speed and correctness of the initial response, the most critical time during a spill, determines to a large degree the extent of the impact. It is not only less costly to clean up spills as early as possible, it also produces environmentally superior results to prevent greater contamination of the environment. The intent of this XL project is to quicken this response time and allow a business to focus on responding to a spill during its most critical time (the first hours of the spill). Specifically, the XL Project proposes to simplify the required emergency spill reporting process and thereby minimize the amount of time required to contact regulatory agencies. Essentially, the present reporting process would be replaced by a one-stop reporting system, i.e., one central agency and a universal toll-free telephone number, that a business can use to report a spill. The sponsors believe that this simplified reporting system will not only significantly decrease the initial response time, but also increase the number of reported spills. Moreover, this simplified system will provide more accurate and useful reporting data than does the present fragmented process. All of those factors render superior environmental results. Both the Tennessee Environmental Council and the State of Tennessee are sponsoring this project for the primary purpose of providing superior environmental results.

II. The Present Reporting Process.

Under the present reporting process, seven (7) different federal statutes contain more than twenty-six (26) different federal regulations on reporting emergency spills. Within these regulations, there are at least nine (9) different entities that a facility must choose from to report an emergency spill. These entities include 1) the National Response Center; 2) EPA's regional office director; 3) EPA's Regional Administrator; 4) the state's office director; 5) the community emergency coordinator; 6) the state's emergency response commission; 7) the On Scene Coordinator for the geographic area; 8) the implementing state agency; and 9) the division field office. See Attachment #1 entitled *Federal Emergency (Spill) Notification Requirements*.

The current system with duplicative and complicated reporting requirements unnecessarily uses time that is critical to a proper spill response. Under the current reporting system, a business may spend up to two hours or more ensuring that the spill is correctly reported. This time is better spent responding to the spill. Businesses, especially small businesses, quite often do not have the expertise to automatically know who to call

to correctly report a spill. For that reason, a facility is required to spend critical time researching and determining who to call. If the facility calls the wrong person, the facility has violated the reporting requirement and may be subject to an enforcement action including assessment of a civil penalty. Under this proposed simplified system, the facility would have one central agency and a universal telephone number to call to report the spill.

III. XI. Project Description.

Implement a simplified emergency spill reporting process (one-stop-reporting), i.e., to condense the many different emergency spill reporting requirements into one universal reporting option. The sponsors propose that EPA waive (i.e., exercise enforcement discretion) the present regulatory reporting requirements (See Attachment #1 attached hereto) in exchange for the Governor designating one point of contact for emergency reporting. In the event of a spill or other release that would require immediate notification under the present regulatory scheme, the facility calls a toll-free emergency spill telephone number and reports the release with pertinent details. In turn, trained staff can provide appropriate response guidance, initiate government response resources to mobilize, and notify the other authorities that the facility would have otherwise been legally required to notify pursuant to law. This proposal does not displace the facility's notification of (or need to notify) local response authorities who would actually be needed on-scene such as the fire department or local health officials. Also, the staff will advise the reporter of any required written follow-up reporting to the various authorities consistent with the current regulatory requirements. The sponsors propose to publicize the toll-free telephone number throughout the state. Moreover, the sponsors propose that this project be optional for the regulated community. A business would not be required to use this one-stop-reporting method. As an option, a business can use the present regulatory reporting method if it desires. This simplified reporting method is not intended to supersede any local laws but serves as a method of achieving compliance with federal and state mandatory reporting requirements.

IV. Project Sponsors.

This proposal is sponsored by the State of Tennessee, Department of Environment and Conservation, a government agency, and the Tennessee Environmental Council, a non-profit organization. The sponsor's addresses are as follows:

Justin P. Wilson, Commissioner
State of Tennessee
Department of Environment and Conservation
401 Church Street
Nashville, Tennessee 37243-1548

Alan D. Jones, Executive Director
Tennessee Environmental Council
1700 Hayes Street, Suite 101
Nashville, Tennessee 37203

All correspondence and other documents regarding this project should be addressed to:

David L. Harbin
Assistant General Counsel
Office of General Counsel
Department of Environment and Conservation
20th Floor, L & C Tower
401 Church Street
Nashville, Tennessee 37243-1548

Telephone Number: (615) 532-0144
Facsimile Number: (615) 532-0145
Internet address: dharbin@mail.state.TN.US

V. Project Area.

This proposed project is submitted pursuant to Federal Register Notice, 60 F.R. 27282, soliciting pilot project proposals in the XL for Government area.

VI. Project Selection Criteria.

This XL Project meets all of the selection criteria as described in the EPA publication entitled *Regulatory Reinvention (XL) Pilot Projects* at 99 F.R. 27282, May 23, 1995. The criteria are environmental results, cost savings and paperwork reduction, stakeholder support, innovation/Multi-Media Pollution Prevention, transferability, feasibility, monitoring, reporting and evaluation, shifting of risk burden. The following is an explanation of how the proposed XL Project meets each criterion.

1. **Environmental Results:** The sponsors believe that a simplified reporting system will result in three (3) environmental benefits that are clearly superior to the present system. These superior environmental benefits are:

1. A quicker response time during the critical stages of the spill;
2. An increase in the number of reported incidents properly handled; and
3. More accurate and useful reporting data.

Quicker response time. Simply stated, a one-stop reporting process allows a company to focus on actual response activities rather than spending valuable time and scarce resources researching thousands of regulations to determine to whom to correctly report the release. Most businesses do not have the resources to focus on both response and reporting activities at once. Recognizing that incorrectly reporting a spill may result in an enforcement action and possible civil penalties, a business may focus on the reporting requirements before undertaking any response activities.

A typical reporting scenario of a major company demonstrates that a simplified system will produce superior environmental results. See Attachment #2 regarding an example of a typical reporting scenario. The scenario is as follows:

- After stopping the release and safely securing the area, the spill response team will begin the job of containment, clean-up and disposal. Simultaneously, environmental personnel would begin the task of reporting to the required agencies including the NRC, TEMA, the LEPC and other local response agencies (fire, ambulance, hospital, etc.).
- At a minimum, reporting to these agencies will take approximately one hour or more if the agency can be reached on the first attempt.

As can be seen from the above scenario, a company must have substantial resources (personnel to concentrate on containment and clean-up activities and personnel responsible for reporting) in order to focus resources immediately on clean-up activities. Otherwise, a company is often required to delay clean-up activities until proper reporting is completed. Moreover, the typical reporting time is approximately one (1) hour or more if all the agencies can be contacted immediately and to whom to report is known. If a business has to research the response plans or the federal/state regulations to determine who to call, the reporting time is lengthened. This length of time is further compounded if these contacts cannot be reached on the first attempt. The proposed simplified reporting system requires one call to a central agency and the company can then focus all its time and resources to containment and clean-up activities. This alone clearly translates into superior environmental results

Earlier and More reported spills. The proposed simplified system is expected to encourage earlier spill reporting and will most probably result in the reporting of some spills that would have otherwise gone unreported due to the simplicity and ease of the reporting process. The proposed system will also produce superior environmental results through an increase in the number of reported incidents properly handled, in greater consistency of referrals, and by providing spill response guidance and information in cases where it was previously unavailable or late in delivery.

Better reporting data. The State of Tennessee and the U.S. Environmental Protection Agency have committed to a 25% reduction in the number of incidents that harm people, animals and plants by the year 2005. In both the *National Environmental Goals for America with Benchmarks for the Year 2005* (February, 1995) and the *Regional Environmental Strategic Plan (RESP) for U.S. EPA and the States of Region 4* (May, 1996), a goal of reducing the spills and releases of toxic substances is set. Anecdotally there are fewer serious spills in Tennessee than there were 25 years ago, however a lack of hard data makes that progress impossible to quantify. This lack of data is largely a result of the present fragmented reporting system where reporting data is collected by an array of response agencies. Through the proposed simplified system, data will be gathered and

recorded at one central agency. It will be difficult to document future progress toward the 2005 goal, unless a system such as this instituted.

2. Cost Savings and Paperwork Reduction:

Early spill response costs less. Clearly, this XL Project will result in considerable cost savings to the environment and surrounding communities including the regulated community. Early spill response, i.e., early containment and clean-up, is always considerably less costly than is a delayed response. A spill that could have been easily contained in its early stages may require millions of dollars to clean-up later. Although a company will save some money by not having to spend the time and resources reporting the spill, the real cost savings come with the early containment and clean-up of the spill. Although not easily quantifiable, it is clear that a quick response properly executed will result in less contamination. Less contamination results in substantially lower response costs. More importantly, less contamination results in less harm to the environment and public health.

Less Paperwork. Although this XL Project would not, in and of itself, be an enormous reduction of paperwork, it would result in some paperwork reduction by avoiding the production of research paperwork normally generated at the time of the spill. Moreover, the project will reduce the paperwork generated in developing accurate statewide release data since the data will be consolidated.

3. Stakeholder Support:

The sponsors believe that this project will receive much stakeholder support due to its environmental benefits and simplified process. This project is optional for the regulated community. Once implemented, the sponsors believe that the regulated community will use this one-stop reporting system. Also, the project will not shield information rather, to the contrary, it makes release data more accessible and accurate. For that reason, the sponsors believe that there will be little, if any, opposition to this project.

4. Innovation/Multi-Media Pollution Prevention:

Innovative. This proposal is innovative, is multi-media and prevents pollution. This proposal is innovative in that it moves from the old command-and-control method of regulation into the simpler yet more protective method of environmental regulation. The sponsors believe that the present method of spill reporting is too complicated with reporting obligations arising from various distinct, often overlapping, statutes and regulations. This results in the expense of critical time unrelated to direct response actions. This proposal provides a simple yet effective method of spill reporting. As a result, the environment is better protected.

Multi-media. This project is clearly multi-media in its approach. This project will apply to spills of contaminants whether they be to the soil, air or water, i.e., multi-media. Moreover, this proposed project cuts across statutory and regulatory lines and simplifies the whole reporting process.

Pollution Prevention. This project will unquestionably prevent pollution. By getting accurate and immediate technical assistance and avoiding the distracting focus of resources on legalistic reporting requirements, less pollution will get into our environment. This proposal keeps the focus on containment and cleanup activities.

5. Transferability:

This project is easily transferable. Most states, especially states with delegated programs, have reporting requirements similar to the federal requirements making this project easily transferable in those states. The sponsors believe that this project is transferable in other states regardless of similarity to federal reporting requirements.

6. Feasibility:

This project is technically and administratively feasible. Combining the present reporting requirements into one simple reporting requirement is easily accomplished. The sponsors believe that, because this project is optional and because EPA will be using its enforcement discretion, the project can be accomplished through implementation of the Final Project Agreement rather than promulgation of a state regulation. Although some time and expense is necessary to implement, i.e. to train appropriate staff, to establish and publicize the universal telephone number to the regulated community and coordinate lines of communication among the various current response agencies, it is clearly within the technical, administrative and financial capabilities of the sponsors to accomplish.

7. Monitoring, Reporting and Evaluation:

This project will be easy for EPA to monitor, easy for the state to report and easy to evaluate the project's success. Like the current reporting system, records will be maintained on all calls. All data and information collected from this project will be available to the public. The project's objective is to save time and direct resources on spill response activities. The success of this objective may be measured and evaluated by polling businesses that use the one-stop-reporting system. Also, the sponsors believe the project should begin to achieve immediate results upon publication of the universal telephone number to the regulated community. This should take approximately six (6) months.

8. Shifting of Risk Burden:

This project will apply to all parts of the regulated community, large or small, wherever situated. Moreover, this project will make regulatory compliance simpler while enhancing environmental protection. For that reason, no one will be subjected to an unjust or disproportionate environmental impact. To the contrary, this project will better protect the environment, promote spill reporting, provide more accurate release information and data, and thus, assist in achieving the goals of environmental justice.

VII. Summary.

Finding a way to better protect Tennessee's precious environment is essential to the sponsors. The sponsor's believe that a simplified reporting system does just that. Simplifying the regulations to allow a quicker and easier method of reporting spills while at the same time providing for quicker clean-ups results in superior environmental benefits. The environment is better protected, clean-up costs are lowered, spill reporting is encouraged and better data becomes available. The sponsors believe that this is a win/win for everyone including the environment, the regulated community and the community as a whole. If successful, it may stand as a model for other states to use. The sponsors request that EPA select this project as one of its XL Projects for implementation. There can be no doubt that the environment will benefit.

FEDERAL EMERGENCY (SPILL) NOTIFICATION REQUIREMENTS

I. Clean Water Act:

1. Oil Spill Notification:

- a. **Authority:** Statutory-42 U.S.C. § 1321(5)
Regulatory-40 C.F.R. § 110.10.
- b. **Who To Notify:** National Response Center (NRC).¹
- c. **Who notifies:** "Any person in charge" of a vessel or facility.
- d. **When:** Immediate (as soon as he/she has knowledge of spill).
- e. **Reportable Quantity:** 1) Violates water quality standards; 2) causes a film, sheen or discoloration of water or shoreline or 3) causes sludge deposit.
- f. **Reporting Procedure:** In accordance with Coast Guard regulations, 33 C.F.R. § 153, Subpart B, and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 C.F.R. Part 300, Subpart E.

2. Hazardous Substance Notification:

- a. **Authority:** Statutory-42 U.S.C. § 1321(5)
Regulatory-40 C.F.R. § 117.21.
- b. **Who To Notify:** NRC.²
- c. **Who notifies:** "Any person in charge" of a vessel or facility.
- d. **When:** Immediate (as soon as he/she has knowledge of spill).
- e. **Reportable Quantity:** Quantities equal to or exceeding in any 24-hour period the reportable quantity (RQ).³
- f. **Reporting Procedure:** In accordance with Secretary of Transportation regulations, 33 C.F.R. § 153.203.

3. NPDES Permits:

- a. **Authority:** Statutory-42 U.S.C. § 1321(5)
Regulatory-40 C.F.R. § 122.41(l)(6).
- b. **Who To Notify:** The Director.⁴
- c. **Who notifies:** Permittee.
- d. **When:** Within 24 hours from the time the permittee becomes aware of the circumstances.

¹ If direct notification is not practicable, to the Coast Guard or the EPA predesignated On-Scene Coordinator (OSC) for the geographic area where the discharge occurs.

² Id.

³ Reportable quantities are contained in 40 C.F.R. 116.4.

⁴ *Director* means the Regional Administrator when there is no state approved program or the state Director, or an authorized representative, when there is an approved program. In some instances EPA may retain authority to take certain actions even when there is an approved program, e.g., when EPA has issued a permit prior to the approval of a state program.

- e. Reportable Quantity: Discharges which may endanger health or the environment
- f. Reporting Procedure: Oral notification within 24 hours and written notification within 5 days).

II. Safe Drinking Water Act

- 4. **Class I Hazardous Waste Injection Wells Operating Requirements:**
 - a. Authority: Statutory-42 U.S.C. § 300(f) et seq.
Regulatory-40 C.F.R. § 146.67(g)
 - b. Who To Notify: the Director⁵
 - c. Who notifies: "the owner of operator of a UIC well.
 - d. When: Within 24 hours.
 - e. Reportable Quantity: 1) If the well appears to lack mechanical integrity; 2) if a loss of mechanical integrity is discovered; 3) a release of injected wastes into an unauthorized zone.

III. Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)

- 5. **Hazardous Substance Notification:**
 - a. Authority: Statutory-42 U.S.C. § 9603.
Regulatory-40 C.F.R. § 302.6(a).⁶
 - b. Who To Notify: NRC.⁷
 - c. Who notifies: "Any person in charge" of a vessel or facility.
 - d. When: Immediate (as soon as he/she has knowledge of a release).
 - e. Reportable Quantity: Quantities equal to or exceeding in any 24-hour period the RQ.⁸
 - f. Reporting Procedure: In accordance with the NCP, 40 C.F.R. Part 300, Subpart E.
- 6. **Mixtures and Solutions Notification (including hazardous waste streams):**
 - a. Authority: Statutory-42 U.S.C. § 9603.
Regulatory-40 C.F.R. § 302.6(b).⁹
 - b. Who To Notify: NRC.¹⁰

⁵ The term "Director" is defined at 40 CFR § 146.3 as "the Regional Administrator, the State director or the Tribal director as the context requires, or an authorized representative." Not only must a facility determine who to correctly call, it must also determine whether that entity is a state, federal or tribal official or an authorized representative. Also, see note 4.

⁶ 40 C.F.R. § 300.405(b) requires the owner to report releases to the NRC.

⁷ Supra note 1.

⁸ Supra note 3.

⁹ Supra note 5.

¹⁰ Supra note 2.

- c. Who notifies: "Any person in charge" of a vessel or facility.
- d. When: Immediate (as soon as he/she has knowledge of a release).
- e. Reportable Quantity:
 - i) if the quantity of one or more of the hazardous constituent(s) of the mixture or solution is known, notification is required where a reportable quantity (RQ) or more of any hazardous constituent is released.
 - ii) if the quantity of one or more of the hazardous constituent(s) of the mixture or solution is known, notification is required where total amount of the mixture or solution released equals or exceeds the RQ for the hazardous constituent with the lowest RQ.
- f. Reporting Procedure: In accordance with the NCP, 40 C.F.R. Part 300, Subpart E.

IV. Emergency Planning and Community Right To Know Act (EPCRA)

- 7. **Hazardous Substance (Extremely Hazardous or CERCLA Listed) Notification:**
 - a. Authority: Statutory-42 U.S.C. § 11004.
Regulatory-40 C.F.R. § 355.40(b)
 - b. Who To Notify: 1) the community emergency coordinator for the local emergency planning committee ¹¹ and 2) the State emergency response commission.
 - c. Who notifies: the facility owner or operator.
 - d. When: Immediate.
 - e. Reportable Quantity: Quantities equal to or exceeding the RQ pursuant to 40 C.F.R. § 355, Appendix A. If no RQ, 1 pound.
 - f. Reporting Procedure: Immediate Oral notice and a written follow-up report as soon practicable after a release.

V. Resource Conservation and Recovery Act (RCRA)

- 8. **Hazardous Waste Notification (Generators)**
 - a. Authority: Statutory-42 U.S.C. § 6923.
Regulatory-40 C.F.R. §§ 262.10, Note 2. ¹²
 - b. Who To Notify: 1) state or local authorities ¹³ if their help is needed and 2) the government official designated as the OSC for the geographic area where the discharge occurs or the NRC. ¹⁴
 - c. Who notifies: The emergency coordinator of the facility owner or operator
 - d. When: Immediate

¹¹ If there is no local emergency planning committee, notification shall be provided to local emergency response personnel.

¹² Referencing 40 C.F.R. §§ 264.56(a)(2), 264.56(d)(2), 265.56(a)(2), and 265.56(d)(2).

¹³ The emergency coordinator must notify whenever there is an imminent or actual emergency situation.

¹⁴ The emergency coordinator must notify if there is a release, fire or explosion which could threaten human health or the environment outside the facility.

- e. **Reportable Quantity:** No RQ (emergency situation exists or release, fire or explosion which could threaten human health or the environment).
- f. **Reporting Procedure:** Oral notification and submit written report within 15 days after the incident.
9. **Hazardous Waste Notification [Air, Rail, Highway or Water Transporters]**
- a. **Authority:** Statutory-42 U.S.C. § 6923.
Regulatory-40 C.F.R. § 263.30(c)(1)
- b. **Who To Notify:** NRC
- c. **Who notifies:** the transporter.
- d. **When:** At the earliest practicable moment.
- e. **Reportable Quantity:** Pursuant to 49 C.F.R. § 171.15 including a release of a marine pollutant in a quantity exceeding 450 L (119 gallons) for liquids or 400 kg (882 pounds) for solids.
- f. **Reporting Procedure:** Oral notice (at the earliest practicable moment) and a written follow-up notice¹⁵ (within 30 days of the date of discovery).
10. **Hazardous Waste Notification [Water (Bulk Shipment) Transporters]**
- a. **Authority:** Statutory-42 U.S.C. § 6923.
Regulatory-40 C.F.R. § 263.30(d)
- b. **Who To Notify:** NRC.¹⁶
- c. **Who notifies:** the transporter.
- d. **When:** Immediate (as they have knowledge of any discharge).
- e. **Reportable Quantity:** No RQ.
- f. **Reporting Procedure:** Oral notice.
11. **Hazardous Waste Notification [Treatment, Storage and Disposal Facility]**
- a. **Authority:** Statutory-42 U.S.C. § 6923.
Regulatory-40 C.F.R. 264.56
- b. **Who To Notify:** 1) state or local authorities¹⁷ if their help is needed and 2) the government official designated as the OSC for the geographic area where the discharge occurs or the NRC.¹⁸
- c. **Who notifies:** The emergency coordinator of the facility owner or operator
- d. **When:** Immediate
- e. **Reportable Quantity:** No RQ (emergency situation exists or release, fire or explosion which could threaten human health or the environment).
- f. **Reporting Procedure:** Oral notification and submit written report within 15 days after the incident.

¹⁵ As required by 49 C.F.R. § 171.16.

¹⁶ Pursuant to 33 C.F.R. 153.203, if direct reporting to the NRC is not practicable, reports may be made to the Coast Guard.

¹⁷ *Supra* note 12.

¹⁸ *Supra* note 13.

12. **Hazardous Waste Notification [Generators and transporters of materials used in a manner that constitutes disposal]**
- a. **Authority:** Statutory-42 U.S.C. § 6923.
Regulatory-40 C.F.R. § 266.21¹⁹
 - b. **Who To Notify:** 1) Generators i) state or local authorities²⁰ if their help is needed and ii) the government official designated as the OSC for the geographic area where the discharge occurs or the NRC;²¹ and 2) Transporters - the NRC
 - c. **Who notifies:** The owner or operator of the facility or the transporter.
 - d. **When:** Immediate or at the earliest practicable moment, which ever is applicable.
 - e. **Reportable Quantity:** For Generators - No RQ. (emergency situation exists or release, fire or explosion which could threaten human health or the environment); 2) Air, Rail, Highway or Water Transporter - Pursuant to 49 C.F.R. § 171.15 including a release of a marine pollutant in a quantity exceeding 450 L (119 gallons) for liquids or 400 kg (882 pounds) for solids; and 3) Water (Bulk Shipment) Transporters - No RQ.
 - f. **Reporting Procedure:** 1) Generators - Oral notification and submit written report within 15; 2) Air, Rail, Highway or Water Transporter - Oral notice (at the earliest practicable moment) and a written follow-up notice²² (within 30 days of the date of discovery).days after the incident; and 3) Water (Bulk Shipment) Transporters - Oral notice.
13. **Hazardous Waste Notification [Storers of materials used in a manner that constitutes disposal who are not the ultimate users]**
- a. **Authority:** Statutory-42 U.S.C. § 6923.
Regulatory-40 C.F.R. § 266.22²³
 - b. **Who To Notify:** 1) state or local authorities²⁴ if their help is needed and 2) the government official designated as the OSC for the geographic area where the discharge occurs or the NRC.²⁵
 - c. **Who notifies:** The emergency coordinator of the facility owner or operator
 - d. **When:** Immediate
 - e. **Reportable Quantity:** No RQ (emergency situation exists or release, fire or explosion which could threaten human health or the environment).
 - f. **Reporting Procedure:** Oral notification and submit written report within 15 days after the incident.

¹⁹ Referencing 40 C.F.R. §§ 262.10, Note 2, 264.56(a)(2), 264.56(d)(2), 265.56(a)(2), and 265.56(d)(2) for Generators and 40 C.F.R. §§ 263.30(c)(1), and 263.30(d) for Transporters.

²⁰ **Supra** note 12.

²¹ **Supra** note 13.

²² **Supra** note 14.

²³ **Supra** note 11.

²⁴ **Supra** note 12.

²⁵ **Supra** note 13.

14. **Hazardous Waste Notification [Users of materials used in a manner that constitutes disposal who are not the ultimate users]**
- a. **Authority:** Statutory-42 U.S.C. § 6923.
Regulatory-40 C.F.R. § 266.23²⁶
 - b. **Who To Notify:** 1) state or local authorities²⁷ if their help is needed and 2) the government official designated as the OSC for the geographic area where the discharge occurs or the NRC.²⁸
 - c. **Who notifies:** The emergency coordinator of the facility owner or operator
 - d. **When:** Immediate
 - e. **Reportable Quantity:** No RQ (emergency situation exists or release, fire or explosion which could threaten human health or the environment).
 - f. **Reporting Procedure:** Oral notification and submit written report within 15 days after the incident.
15. **Hazardous Waste Notification [Persons who reclaim spent lead-acid batteries]**
- a. **Authority:** Statutory-42 U.S.C. § 6923.
Regulatory-40 C.F.R. § 266.80²⁹
 - b. **Who To Notify:** 1) state or local authorities³⁰ if their help is needed and 2) the government official designated as the OSC for the geographic area where the discharge occurs or the NRC.³¹
 - c. **Who notifies:** The emergency coordinator of the facility owner or operator
 - d. **When:** Immediate
 - e. **Reportable Quantity:** No RQ (emergency situation exists or release, fire or explosion which could threaten human health or the environment).
 - f. **Reporting Procedure:** Oral notification and submit written report within 15 days after the incident.
16. **Hazardous Waste Notification [Boilers and industrial furnaces that burn hazardous waste]**
- a. **Authority:** Statutory-42 U.S.C. § 6923.
Regulatory-40 C.F.R. § 266.102³² and 266.103³³
 - b. **Who To Notify:** 1) state or local authorities³⁴ if their help is needed and 2) the government official designated as the OSC for the geographic area where the discharge occurs or the NRC.³⁵

²⁶ **Supra** note 11.

²⁷ **Supra** note 12.

²⁸ **Supra** note 13.

²⁹ **Supra** note 11.

³⁰ **Supra** note 12.

³¹ **Supra** note 13.

³² Referencing 40 C.F.R. §§ 264.56(a)(2) and 264.56(d)(2).

³³ **Id.**

³⁴ **Supra** note 12.

³⁵ **Supra** note 13.

- c. Who notifies: The emergency coordinator of the facility owner or operator
- d. When: Immediate
- e. Reportable Quantity: No RQ (emergency situation exists or release, fire or explosion which could threaten human health or the environment).
- f. Reporting Procedure: Oral notification and submit written report within 15 days after the incident.

17. Hazardous Waste Notification [Generators, transporters and TSDFs of mixtures of used oil and hazardous waste]

- a. Authority: Statutory-42 U.S.C. § 6923.
Regulatory-40 C.F.R. § 279.10³⁶
- b. Who To Notify: 1) Generators i) state or local authorities³⁷ if their help is needed and ii) the government official designated as the OSC for the geographic area where the discharge occurs or the NRC;³⁸ and 2) Transporters - the NRC; and 3) TSDF - i) state or local authorities³⁹ if their help is needed and ii) the government official designated as the OSC for the geographic area where the discharge occurs or the NRC.⁴⁰
- c. Who notifies: The owner or operator of the facility or the transporter.
- d. When: Immediate or at the earliest practicable moment, which ever is applicable.
- e. Reportable Quantity: For Generators - No RQ. (emergency situation exists or release, fire or explosion which could threaten human health or the environment); 2) Air, Rail, Highway or Water Transporter - Pursuant to 49 C.F.R. § 171.15 including a release of a marine pollutant in a quantity exceeding 450 L (119 gallons) for liquids or 400 kg (882 pounds) for solids; and 3) Water (Bulk Shipment)Transporters - No RQ.
- f. Reporting Procedure: 1) Generators - Oral notification and submit written report within 15; 2) Air, Rail, Highway or Water Transporter - Oral notice (at the earliest practicable moment) and a written follow-up notice⁴¹ (within 30 days of the date of discovery).days after the incident; 3) Water (Bulk Shipment) Transporters - Oral notice; and 4)TSDF - Oral notification and submit written report within 15 days after the incident.

18. Hazardous Waste Notification [Air, Rail, Highway or Water Transporters who discharge used oil]

- a. Authority: Statutory-42 U.S.C. § 6923.
Regulatory-40 C.F.R. § 279.43(c)(3)
- b. Who To Notify: NRC
- c. Who notifies: the transporter.

³⁶ Supra note 18 and §§ 264.56(a)(2), 264.56(d)(2), 265.56(a)(2), and 265.56(d)(2) for treatment, storage and disposal facilities.

³⁷ Supra note 12.

³⁸ Supra note 13.

³⁹ Supra note 12.

⁴⁰ Supra note 13.

⁴¹ Supra note 14.

- d. When: At the earliest practicable moment.
- e. Reportable Quantity: Pursuant to 49 C.F.R. § 171.15 including a release of a marine pollutant in a quantity exceeding 450 L (119 gallons) for liquids or 400 kg (882 pounds) for solids.
- f. Reporting Procedure: Oral notice (at the earliest practicable moment) and a written follow-up notice⁴² (within 30 days of the date of discovery).

19. Used Oil Notification [Water (Bulk Shipment) Transporters who discharge used oil]

- a. Authority: Statutory-42 U.S.C. § 6923.
Regulatory-40 C.F.R. § 279.43(4)⁴³
- b. Who To Notify: NRC.⁴⁴
- c. Who notifies: the transporter.
- d. When: Immediate (as they have knowledge of any discharge).
- e. Reportable Quantity: No RQ.
- f. Reporting Procedure: Oral notice.

20. Used Oil Notification [Owners and operators of facilities that process used oil]

- a. Authority: Statutory-42 U.S.C. § 6923.
Regulatory-40 C.F.R. § 279.52(6)(iv)(B).
- b. Who To Notify: the government official designated as the OSC for the geographic area where the discharge occurs or the NRC.
- c. Who notifies: The emergency coordinator of the facility owner or operator.
- d. When: Immediate (as they have knowledge of any discharge).
- e. Reportable Quantity: The release could threaten human health or the environment outside the facility.
- f. Reporting Procedure: Oral notice.

21. Unfit-for-use Tank Systems or Secondary Containment Systems

- a. Authority: Statutory-42 U.S.C. § 6923.
Regulatory-40 C.F.R. § 264.196 (d)(iv)(B).
- b. Who To Notify: the Regional Administrator.
- c. Who notifies: The owner or operator of the tank or secondary containment system.
- d. When: Within 24 hours.
- e. Reportable Quantity: 1 or more pounds of hazardous waste.
- f. Reporting Procedure: Oral notice and written notice within 30 days.

⁴² Supra note 14.

⁴³ Referencing 33 C.F.R. 153.203.

⁴⁴ If direct reporting to the NRC is not practicable, reports may be made to the Coast Guard.

22. **Drip Pads**
- a. **Authority:** Statutory-42 U.S.C. § 6923.
Regulatory-40 C.F.R. § 264.573(m)(1).
 - b. **Who To Notify:** the Regional Administrator.
 - c. **Who notifies:** The owner or operator of the drip pad.
 - d. **When:** Within 24 hours.
 - c. **Reportable Quantity:** No RQ.
 - f. **Reporting Procedure:** Oral notice and written notice within 10 days.
23. **Underground Storage Tank Notification**
- a. **Authority:** Statutory-42 U.S.C. § 6991b(c)(3).
Regulatory-40 C.F.R. § 280.53(a).
 - b. **Who To Notify:** 1) the implementing agency⁴⁹
 - c. **Who notifies:** the UST owner or operator.
 - d. **When:** Within 24 hours (immediate, if cleanup cannot be accomplished within 24 hours if spill is less than 25 gallons).
 - e. **Reportable Quantity:**
 - i. Petroleum - exceed 25 gallons (or if cleanup cannot be accomplished within 24 hours if less than 25 gallons).
 - ii. Hazardous Substance - release equals or exceeds the RQ under CERCLA.
 - f. **Reporting Procedure:** Oral notice and a written follow-up notice as soon practicable after a release.

VI. Toxic Substances Control Act (TSCA)

24. **Release of PCBs.**
- a. **Authority:** Statutory-15 U.S.C. § 2607(c).
Regulatory-40 C.F.R. §§ 761.125(a)(1).
 - b. **Who To Notify:** 1) the appropriate Regional Office (Region 4's Air, Pesticides, and Toxics Management Division).
 - c. **Who notifies:** The owner of the PCB equipment, facility or other source of PCBs or his/her designee (e.g., a facility manager or foreman).
 - d. **When:** Immediate but no later than 24 hours after discovery.
 - e. **Reportable Quantity:** 10 pounds of PCBs, or directly contaminates grazing lands, vegetable gardens, surface waters, sewers, or drinking water supplies.
 - f. **Reporting Procedure:** Oral notification and written notice within 15 days.

⁴⁹ Pursuant to 40 C.F.R. § 280.12 the term *implementing agency* means EPA, or, in the case of a state with an approved UST program (or pursuant to an Memorandum of Agreement), the designated state responsible for carrying out an approved UST program.

- 25. Release of low-concentrations of PCBs.**
- a. **Authority:** Statutory-15 U.S.C. § 2607(c).
Regulatory-40 C.F.R. §§ 761.125(c)(1).
 - b. **Who To Notify:** 1) the appropriate Regional Office (Region 4's Air, Pesticides, and Toxics Management Division).
 - c. **Who notifies:** The owner of the PCB equipment, facility or other source of PCBs or his/her designee (e.g., a facility manager or foreman).
 - d. **When:** Immediate but no later than 24 hours after discovery.
 - e. **Reportable Quantity:** 1 pound or more of PCBs.
 - f. **Reporting Procedure:** Oral notification and written notice within 15 days.

VII. Clean Air Act (CAA)

- 26. Title V Permits.**
- a. **Authority:** Statutory-42 U.S.C. § 7661c(c).
Regulatory-40 C.F.R. §§ 70.6(a).
 - b. **Who To Notify:** 1) the permitting authority (EPA or a State operating delegated program)
 - c. **Who notifies:** The permittee.
 - d. **When:** "Promptly" as defined by the program or the Title V operating permit (usually no more than 10 days).
 - e. **Reportable Quantity:** As defined by the program or the Title V operating permit.
 - f. **Reporting Procedure:** As defined by the program or the Title V operating permit.