APPENDIX H

CALIFORNIA SPILL NOTIFICATION GUIDANCE

O E S
CALIFORNIA

Governor's Office of Emergency Services

Hazardous Materials Unit

California Hazardous Material Spill/Release Notification Guidance

To Report

all significant releases or threatened releases of hazardous materials,

First Call 9-1-1

(or the local emergency response agency)

Then Call

the Governor's Office of Emergency Services, California State Warning Center

1-800-852-7550

(if in California) or call the public number at (916) 845-8911

It's the Law!

See pages 4 & 5 for more detailed reporting requirements.

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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 and Toxic Enforcement Act of 1986, better known as Proposition 65, and §9030 of the California Labor Code for additional reporting requirements.

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, require emergency notification to government agencies. The law specifies who must notify, what information is needed, which government agencies must be notified, when they must be notified, and the 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, Persons in Charge, and Employers. Notification is required regarding

significant releases from: facilities, vehicles, vessels, pipelines and railroads.

1. **State law:** Handlers, any employees, authorized representatives, agents or designees of handlers shall, upon discovery, immediately report any release or threatened release of hazardous materials (Health and Safety Code §25507).

2. **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

WHAT INFORMATION

Q: What information is required?
A: State notification requirements for a spill or threatened release include (as a minimum):
- Identity of caller
- Location, date and time of spill, release, or threatened release
- Location of threatened or involved waterway or stormdrains.
- Substance and quantity involved
- Chemical name (if known, it should be reported if the chemical is extremely hazardous)
- Description of what happened

Federal notification requires 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 Certified Unified Program Agency (CUPA) /Administering Agency (AA)/Participation Agency (PA), if different from local fire.**
  Note: The CUPA/AA/PA may designate a call to the 911 emergency number as meeting the requirement to call the CUPA/AA/PA.
  Phone:_____
  enter local number

AND

- **The Governor's Office of Emergency Services, California State Warning Center**
  Phone: **1 - 800 - 852 - 7550 or**
  (916) 845-8911, (800# for California callers only)

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.)

In addition, as necessary, one or more of the following:

A. National Response Center
If the spill equals or exceeds CERCLA Federal Reportable Quantities:
Phone: (800) 424 - 8802

B. United States Coast Guard
Waterway Spill / Release
Marine Safety Offices/Sectors
MSO S. F. (Alameda): (415) 399 - 3547
MSO LA/Long Beach: (310) 732 - 2043
MSO San Diego: (619) 683 - 6470

C. California Occupational Safety and Health Administration(Cal/OSHA)
For Serious Injuries or Harmful Exposures to Workers:
Phone nearest Cal/OSHA District Office

D. Department of Toxic Substances Control (DTSC)
Hazardous waste tank system releases:
Secondary containment releases:
Phone appropriate DTSC Regional Office

E. Department of Conservation, Division of Oil Gas and Geothermal Resources (DOGGR)
Release of Oil and Gas at a Drilling and Production Facility:
Phone the appropriate DOGGR District Office

F. Public Utilities
Natural Gas Pipeline Releases:
Phone The Public Utilities Commission (PUC)

G. Department of Fish and Game, Office of Spill Prevention and Response (DFG)
Waterway Spill/Release
Phone appropriate DFG Office or the California State Warning Center

H. Regional Water Quality Control Board (RWQCB)
Waterway Spill/Release
Phone appropriate RWQCB Office

Notification must also be made to the 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 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
- 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.

WHEN TO NOTIFY

Q: When must emergency notification be made?
A: All significant spills or threatened releases of hazardous materials, including oil, must be **immediately** reported. Notification shall be made by telephone.

Also, written Follow-Up Reports (Section 304) are required within 30 days if the release equals or exceeds the Federal Reportable Quantities (see web sites for more information).

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, 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) Governor's Office of Emergency Services, Section 304 Follow-up Report

2) The responsible regulating agency such as:

- 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, 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 §25270.7, 25270.8, 25507
- Vehicle Code §23112.5
- Public Utilities Code §7673
  (PUC 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
- California Fire Code §8001.5.2.2

Q: What are the statutory provisions for Written Follow-Up Reports?
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 19, CCR, §2703, 2705
- Title 22, CCR, §66265.56 (j), 66265.196 (e)
- Title 23, CCR, §2230, 2250, 2251, 2260
- Title 49 CFR, Parts 100 - 177, esp. §171.15, and Part 263, §263.30
- Title 49 CFR, §171.16

WEB SITES

State Regulations
http://www.leginfo.ca.gov/calaw.html
http://www.oes.ca.gov

Federal Regulations
http://www.gpoaccess.gov/fr/index.html

Federal Reportable Quantities
http://www.epa.gov/superfund/resources/rq/

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 (o)).

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 (s) and CERCLA §101 (22))
Q: What hazardous material releases require 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:

1) "Hazardous Materials" as defined by §25501(o), California Health and Safety Code

2) "Hazardous Substances" as listed in 40 CFR §302.4; the Clean Water Act §307, §311; CERCLA §102; RCRA §3001; Clean Air Act §112; Toxic Substances Control Act §7 and as defined by California Health and Safety Code §25501 (p)

3) "Extremely Hazardous Substances" as required by: Chapter 6.95 Health and Safety Code, EPCRA §302

4) Illegal releases of hazardous waste

5) Employee exposures resulting in injuries: California Labor Code §6409.1 (b)

6) "Sewage" as required by Title 23 §2250 (a) (Reportable quantity is 1,000 gallons or more for municipal and private utility waste water treatment plants).

ACRONYMS

AA- Administering Agency
Cal/OSHA - California Occupational Safety and Health Administration
CCR - California Code of Regulations
CERCLA - Comprehensive Environmental Response, Compensation, and Liability Act (aka Superfund)
CFR - Code of Federal Regulations
CHP - California Highway Patrol
CUPA - Certified Unified Program Agency
DOGGR - California Division of Oil, Gas, and Geothermal Resources
DTSC - Department of Toxic Substances Control
EPCRA - Emergency Planning and Community Right-to-Know Act (SARA Title III)
MSO - Marine Safety Office, U.S. Coast Guard
OES - Governor's Office of Emergency Services
PA - Participation Agency
PUC - Public Utilities Commission
RCRA - Resource Conservation and Recovery Act
U.S.DOT - Federal Department of Transportation

CONTRIBUTORS

This guidance was developed with input from the following agencies:

Governor's Office of Emergency Services
Office of the State Fire Marshal
California Highway Patrol
California Environmental Protection Agency
  Department of Toxic Substances Control
  State Water Resources Control Board
  Air Resources Board
  Department of Pesticide Regulation
  California Integrated Waste Management Board
Department of Fish and Game
Department of Food and Agriculture
Department of Industrial Relations
  Cal-OSHA
Department of Transportation (CalTrans)
U. S. Environmental Protection Agency,
  Region IX
Department of Conservation, Division of Oil, Gas,
  and Geothermal Resources
Department of Water Resources

- Emergency Notification Summary -

Telephone Calls Required For
All Significant Releases or Threatened Releases
of Hazardous Materials

At a **MINIMUM**, the spiller should call:

1. **9-1-1 or local Emergency Response Agency (e.g. fire department)**
   AND
2. **Local CUPA/AA/PA**
   AND
3. **The Governor's Office of Emergency Services, California State Warning Center**

1-800-852-7550 or 916-845-8911

In addition to 911 and OES above, the following apply under varying circumstances:

- All releases that equal or exceed Federal Reportable Quantities (CERCLA) - **Call the National Response Center (NRC) 1-800-424-8802**
- All releases on-highway - **Call California Highway Patrol**
- All hazardous waste tank releases - **Call Department of Toxic Substances Control Regional Office**
- All serious worker injuries or harmful exposures - **Call Cal/OSHA District Office**
- All oil spills at drilling and production fixed facilities - **Call Conservation Department, Division of Oil, Gas, and Geothermal Resources**
- All spills with a potential to impact water quality - **Call OES**
- All significant potential or actual railroad releases (California definition of hazardous materials)
  Railroad should call - Local Emergency Response Agency and PUC
- All Hazardous Liquid Pipelines - **Call local fire department**
  (Hazardous Liquid Pipeline Safety is State Fire Marshal jurisdiction)
- All Natural Gas Pipelines - **Call PUC**

For Questions on the federal
Emergency Planning and
Community Right-to-Know Act
Call EPCRA Title III Hotline:
1 - 800 - 424 - 9346

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