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## CHAPTER 13

# SPILL REPORTING AND CLEANUP

**P**roper management of hazardous waste hopefully will significantly reduce the chance of a spill from ever occurring. However, if a spill happens, you need to know what to do. This chapter covers what to do in case of a spill.



## CHAPTER 13

### FEDERAL AND STATE LAWS

A spill or release may require reporting under several federal laws and Oregon law, including:

- Resource Conservation and Recovery Act (RCRA)
- Toxic Substances Control Act (TSCA)
- Hazardous Materials Transportation Act (HMTA)
- Clean Water Act (CWA)
- Comprehensive Environmental Response Compensation and Liability Act (CERCLA)
- Superfund Amendment Reauthorization Act (SARA) Title 3
- Oregon Spill Reporting OAR 340 Division 142

The Congressional intent is to have the Reportable Quantity (RQ) of a hazardous material be the same under all the Acts. However, there may be a lag time before RQ levels are made uniform under all the Acts. Also, chemicals appearing on one Act's list may not be found on another. For example, 130 of the 370 SARA Title 3 extremely hazardous substances may be found in the CERCLA hazardous substance list of 721 chemicals that have reportable quantities in case of a spill. The remaining 240 extremely hazardous substances not found on the CERCLA list have a reportable quantity level and, in the case of spills, must be reported under Title 3. If an emergency coordinator referred to the CERCLA list and did not find the chemical listed with a reportable quantity, the coordinator would be in compliance with CERCLA by not reporting the spill. However, the coordinator would be in non-compliance with emergency notification requirements under Title 3 provisions.

#### When To Report

It is important to avoid potential risks in this reporting area. If a serious emergency occurs and the local fire department has been called, or if there has been a spill that extends outside the plant or could reach surface water, immediately call the phone numbers below and give them the information they request.

#### The National Response Center (NRC)

**1-800-424-8802**

#### The Oregon Emergency Response System (OERS)

**In-State: 1-800-452-0311, or  
Out-of-State: 503-378-4124**

Telephone reports to NRC and OERS are required when an accident involving a hazardous material results in:

- Death
- Hospitalization
- Property damage in excess of \$50,000
- Any situation a business thinks should be reported
- A discharge of a hazardous material in excess of the reportable quantity in the current 40 CFR Table 302.4 and OAR 340-142

The NRC will inform the caller if the incident does not merit reporting. But anyone who should call and does not is subject to a \$10,000 fine, one year in jail, or both. Spills should also be reported to state and local officials. When reporting a spill, be prepared to give the following information:

- Name, address, and U.S. DEQ/EPA ID number of the facility
- Date, time, and type of incident (e.g., spill or fire)
- Quantity and type of hazardous material, hazardous substance or hazardous waste involved in the incident
- Extent of any injuries

Estimated quantity and disposition of any recovered materials

### Oregon State Spill Rules

State rules regarding spills or releases of oil and/or hazardous substances is found in OAR 340, Division 142 or go to the website at <http://www.deq.state.or.us/regulations/rules.htm>

The rules state: In the event of a spill or release or threatened spill or release of oil or hazardous material, the person owning or having control over the oil or hazardous material shall take the following actions, as appropriate.

- Immediately implement the site's Spill Prevention Control and Countermeasure (SPCC) or contingency plan.
- If no plan exists, immediately take the following actions:
  - a. Activate alarms or warn persons in the immediate area.
  - b. Undertake every reasonable method to contain the oil or hazardous material.
- In the case of a medical emergency or public safety hazard, notify local emergency responders (fire department, ambulance, etc.) using 911 where available.
- If the amount of oil or hazardous material exceeds the reportable quantity in any 24-hour period, report the spill or release to the **Oregon Emergency Response System (1-800-452-0311 in-state, and (503) 378-4124 out-of-state).**

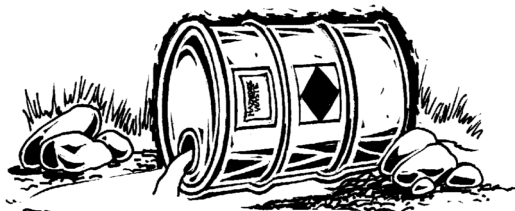
If the quantity of oil or hazardous material exceeds the quantity referenced in "d" below, report the spill or release to the **National Response Center, 1-800-424-8802.**

**Remember:** All hazardous wastes are hazardous substances, but all hazardous substances are NOT hazardous waste.

### Reportable Quantity

Reportable quantity as defined in OAR 340-142-0050:

- (1) Spills and releases, or threatened spills or releases of oil or hazardous materials as defined by OAR 340-142-0005(9) in quantities equal to or greater than the following amounts must be reported
  - a. Any quantity of radioactive material or radioactive waste;
  - b. If spilled or discharged into waters of the state or in a location from which it is likely to escape into waters of the state any quantity of oil that would produce a visible film, sheen, oily slick, oily solids, or coat aquatic life, habitat or property with oil, but excluding normal discharges from properly operating marine engines;
  - c. If spilled on the surface of the land, and not likely to escape into waters of the state, any quantity of oil over one barrel (42 gallons);
  - d. An amount equal to or greater than the quantity listed in 40 CFR Part 302– Table 302.4 (List of Hazardous Substances and Reportable Quantities) and amendments adopted prior to July 1, 2002;
  - e. Ten pounds or more of a hazardous material not otherwise listed as having a different reportable quantity by the Department or the United States Environmental Protection Agency on the list of hazardous substances in 40 CFR 302.4;
  - f. Any quantity of chemical agent (such as nerve agents GB or VX, blister agent HD, etc);
  - g. Two hundred pounds (25 gallons) of pesticide residue;
  - h. Any quantity of a material regulated as a Chemical Agent under ORS 465.550;
  - i. Any quantity of a material used as a weapon of mass destruction, or biological weapon;
  - j. One pound (1 cup) or more of dry cleaning solvent, including perchloroethylene, spilled or released outside the designed containment by a dry cleaning facility regulated under ORS 465.505(4).



**NOTE:** When in doubt about reporting the spill or release — always report the incident to the Oregon Emergency Response System (OERS).

**NOTE:** A hazardous waste determination will have to be conducted on any cleanup debris, including contaminated soil, water, or groundwater. If the generator determines that the cleanup debris is hazardous waste, it must be handled accordingly. **Hazardous waste cleanup debris may be managed in tanks and containers without a facility permit following requirements of 40 CFR 262.34**

**Cleanup**

Anyone liable for the spill or release or threatened spill or release shall **IMMEDIATELY CLEAN UP THE SPILL OR RELEASE**. Spills or releases must be cleaned up completely as possible.

The Department’s Environmental Cleanup Program and/or the appropriate DEQ region office should be contacted to assure that cleanup meets state requirements. The Environmental Cleanup Program can be reached at (503) 229-5913.

**Cleanup Report**

The Department may require the responsible party to submit a written report to the department describing all aspects of the incident and steps taken to prevent a recurrence.

