

Release Reporting in LA



United States Coast Guard
National Response Center



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First Assessment

- Has the release stopped or is it ongoing?
- What is the estimated quantity released **into the environment**?
- Media impacted (air, water, ground)?
- Any injuries to personnel?
- Any offsite impacts to community?
- Fires / explosions?

Decisions

- Is this reportable?
- Who you gonna call?
- How much time do I have to make the call?
- What will they need to know?



Hint: Not these guys!



What do they want to know?

Will this event
impact
public safety?

Remember: You are not just talking to a reporting agency, you are talking to emergency responders who are trying to determine if they need to respond.

Emergency Reporting Requirements

- CAA - Clean Air Act
 - § 70.6 Emergency causing exceedance of permit.
- CWA - Clean Water Act
 - §110.6 Oil sheen to water surface or shoreline or violation of water quality standard.
 - §117.21 Discharge of hazardous substance greater than reportable quantity (RQ).
 - §122.41 Endangering public health or environment.

Emergency Reporting Requirements

- CERCLA - Comprehensive Environmental Response Compensation and Liability Act
 - § 302.6 Release of hazardous substance greater than reportable quantity (RQ).
- EPCRA - Emergency Planning and Community Right to Know Act
 - § 355.40 Release of SARA extremely hazardous substance, or hazardous substance greater than reportable quantity (RQ).

Emergency Reporting Requirements

- RCRA – Resource Conservation Recovery Act
 - 40 CFR 262.34; 263.30; 264.56 & .196; 265.56 & .196; 270.14 & .30; 273.17, .37 & .54; 279.43 & .53; 280.50, .52, .53, .60 & .61 Release, fire, or facility explosion that threatens health outside the facility.
- TSCA – Toxic Substances Control Act
 - 40 CFR 761.120 & 761.125 PCB spill (= >50 ppm) with release to surface water, drinking water supplies, sewers, grazing lands, etc

Emergency Reporting Requirements

- Louisiana Administrative Code
 - 30.II.16 – (Oil and Gas) Hazardous Information Development, Preparedness, and Response Act.
 - 33.I.39 - Notification Regulations and Procedures for Unauthorized Discharges
 - 33.I.69 – Emergency Response Regulations
 - **33.V.101 – Haz Mat Information Development, Preparedness, and Response Act “RTK”**
 - 33.V.103 – Motor Carrier Safety and Hazardous Materials

Reportable Quantities Federal

- CERCLA §101(14), "hazardous substance" references other environmental statutes, including:
 - CWA, CAA, and TSCA
- CERCLA gives EPA authority to designate additional hazardous substances.
- Currently about 800 in CERCLA.
- ~ 1,500 known radionuclides, ~760 of which are listed individually in §302.4, Table 302.4, Appendix B.

Reportable Quantities Federal

- CWA §117.3 Table 117.3 - RQs of Hazardous Substances Designated Pursuant to Section 311 of the Clean Water Act;
- CERCLA § 302.4 Table 302.4 - List of Hazardous Substances and Reportable Quantities.
- EPCRA § 355 Appendix A or B – List of EHS and Threshold Planning Quantities (A alphabetical, B by CAS)

Reportable Quantities State

- LAC 33.I.39 Lists 48 pollutants with RQs lower than Federal.
 - Contains RQs specific to only a few parishes
- Now let's talk about the Louisiana State Police.



LSP Requirements – Fixed Site

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

The term release shall not include federal or state permitted releases.

LSP Requirements – Fixed Site

“Reportable release” a release of a regulated hazardous material or substance which causes any injury requiring hospitalization or any fatality, results in a fire or explosion which could reasonably be expected to affect the public safety beyond the boundaries of the facility, or exceeds the RQ when that RQ could be reasonably expected to escape beyond the site of the facility.

An RQ shall be based upon the quantity of hazardous material or substance discharged continuously, intermittently, or as a one-time discharge, with in any continuous twenty-four hour period.

LSP Reportable Quantities

- EPCRA RQs (§ 355, Appendix A);
- CERCLA RQs (§ 302, Table 302.4);
- DOT RQs (49 CFR 172.101 Appendix A)
 - Circles back to CERCLA
- But wait...

LSP Reporting Requirements

Any material on which maintenance of an MSDS is required under OSHA's Hazard Communication Standard and does not have a federal RQ must be reported if the material released exceeds the RQ of 5000 pounds, except that all compressed or refrigerated flammable gases and all flammable liquids (as defined in 49 CFR 173.120) will have a 100 pound RQ, and all other liquids requiring maintenance of an MSDS will have a 1000 pound RQ.

Table from LAC 33.V.10111

Reportable Quantity Table	
Hazardous Material Group	Reportable Quantity (RQ)
EHS (40CFR Part 355, Appendix A)	As designated
CERCLA (40CFR Part 302, Table 302.4)	As designated
DOT (49CFR Part 172, Appendix 172.101)	As designated
Compressed or refrigerated flammable gases*	100 lbs.
Flammable liquids*	100 lbs.
All other liquids requiring an MSDS*	1000 lbs.
All other materials requiring an MSDS*	5000 lbs.

*Where there are no federal RQs established

Who do you call?

- Local Emergency Planning Commission
- Louisiana State Police (fulfills reporting requirement to LDEQ)
- National Response Center

- Sequence Matters!
 - §33.V.10111.F and EPCRA §355.40 - All RQs must be reported immediately to LEPC then LSP.
 - CERCLA §302.6 immediately notify the National Response Center.

Time Matters

- LEPC – immediately (no definition)
- LSP – less than one hour from discovery
- NRC – immediately (no definition... generally viewed as < 15 minutes)
- By Phone or Online?
 - Moving towards online but systems not in place yet.

What to report?

- LSP has a Uniform Hazardous Materials Reporting Form. Google (“LSP RTK”)

Uniform Hazardous Materials Reporting Form

MAIL TO: LSP/TESS/RTK Unit
P. O. Box 66168
Baton Rouge, LA 70896

Incident # _____

Parish: _____

Caller's Name: _____

Caller's Employer: _____

Caller's Phone Number: _____

Incident Location: _____

Latitude	Longitude	Range	Township	Section
_____	_____	_____	_____	_____

Company/Responsible Party: _____

Name	Address	City	State	Zip Code
_____	_____	_____	_____	_____

Chemical Involved: _____ Qty: _____ RQ: _____

Hazard Class: _____ UN#: _____ EHS Solid Liquid Gas

Unusual Event Site Emergency General Emergency

Did material go offsite? Yes No Release to: Land Water Air

Any off-site protective action? Yes No Road Closure Shelter Evacuation

Wind Direction: _____ Fire: Y N

Wind Speed: _____ Explosion: Y N

Temperature: _____ Injuries: Y N # _____

Precipitation: None Rain Other : _____ Fatalities: Y N # _____

Other Agencies Notified: _____

Details: _____

Update Notifications

- Your first call satisfied time requirements.
- Update as situation / quantities change.
- Only call if significant or final quantity.
- Updates to LEPC / LSP
 - They will need the case numbers to update.
- NRC does not accept updates.

Written Report

- Required by §33.V.10111.F and EPCRA §355.40
 - Within 5 business days (§33.V.10111.H)
 - Sent to LSP and LEPC
 - §355 Include everything you reported &
 - §355 Actions taken to respond
 - §355 Known acute or chronic health risks
 - And then there is LAC 33.I.39

Written Report – LAC §3925

- Details of event leading up to discharge.
- Root cause.
- Permitted point (if applicable).
- Actual/Probable fate of material.
- Off-site impacts.
- Remedial Actions taken or to be taken.
- Procedures or measures to prevent recurrence.
- If to ground or groundwater, the migration information.
- Agencies notified.
- Names of Responsible parties.
- If the discharge was preventable or not.
- Estimated quantity and disposition of recovered materials.

For More information

- EPA Guidance on Reportable Quantities
 - <http://www.epa.gov/superfund/policy/release/rq/>
- EPA Reporting Requirements for Continuous Releases of Haz Substances
 - <http://www.epa.gov/superfund/policy/release/faciliti.htm>
- LA State Police Eme Unit
 - <http://www.lsp.org/rtk.htm>
- Read the regulations



QUESTIONS ?

