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# Emergency Notification

Iowa Waste Reduction Center / University of Northern Iowa  
319-273-8905 or 1-800-422-3109

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40 CFR 302 and 40 CFR 355

May 2009

## ***Applicability - Do these regulations apply to my operation?***

Within a 24-hour period, if you spill or release a hazardous chemical to the environment above its regulated reportable quantity (RQ), you are required to immediately notify the local, state, and, national emergency response centers for Comprehensive Environmental Response, Compensation, Liability Act (CERCLA) regulated chemicals. Regulated hazardous chemicals are listed in 40 CFR 302.4 Appendices A and B and 40 CFR 355 Appendices A and B.

## **General Requirements/Summary**

### ***Spills and releases of chemicals into the environment must be reported if:***

- The chemical(s) is listed in the columns titled Section 304 – EHS RQ or CERCLA RQ of the Consolidated Chemical List published by the EPA for quick reference (<http://www.epa.gov/ceppo/pubs/title3.pdf>).
- The quantity of the chemical released exceeds the reportable quantity (RQ) for that chemical.
- If the exact formulation of a hazardous substance within a mixture is unknown, then a release should be reported when the amount of mixture released exceeds the RQ.

For CERCLA regulated hazardous chemicals (listed in 40 CFR 302.4 Appendices A and B), the National Response Center (NRC), the State Emergency Response Commission (SERC), and the Local Emergency Planning Committee (LEPC) should be contacted immediately. If the hazardous chemical is an extremely hazardous substance (listed in 40 CFR 355 Appendices A and B) regulated under EPCRA, the NRC need not be contacted.

### ***Benefits - What are the benefits of the Emergency Notification?***

The Emergency Planning and Community Right-to-Know Act (EPCRA), established by the Superfund Amendment Reauthorization Act (SARA Title III) of 1986, established requirements for emergency planning and hazardous chemical reporting. Accurate information ensures sufficient resources to protect the community in the event of an accidental release.

### **Reporting Requirement:**

A release is defined as any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment. Specific exemptions, not common to small business, exist within this definition.

To determine if a release must be reported:

- Determine the ingredients in the material released using the Material Safety Data Sheets, laboratory analysis, etc.
- Determine if any of these ingredients are listed as an EHS in 40 CFR 355 Appendix A or B OR regulated under CERCLA 40 CFR 302.4 Appendix A or B. If available, consult the RQ column of the EPA document (EPA 550-B-98-017), Consolidated Chemical List.
- Determine the amount of each listed chemical involved in the release. (The weight of the material released multiplied by the percentage or concentration of the listed chemical present in the material.) If this information is not readily available, the amount of the total mixture must be used.
- If the amount of listed chemical in the release (or the mixture if this cannot be accurately estimated) exceeds its RQ, the following information must be gathered:
  - The chemical name, whether it is listed as an EHS or CERCLA chemical, and quantity released.
  - Time and duration of release.
  - Whether the release occurred into the air, water, and/or land.
  - Health affects and advice regarding medical attention for exposed individuals.
  - Precautions and clean up actions taken.
  - Name and telephone number of contact person.

This information must be immediately reported to:

The National Response Center (NRC) at 800-424-8802;  
EPA Region VII at 913-281-0991;  
The State Emergency Response Commission (SERC) at 515-281-8694; and  
The Local Emergency Planning Committee (LEPC). To determine your LEPC, see attached link ([http://www.iowadnr.gov/serc/files/lepc\\_chairs\\_2009.pdf](http://www.iowadnr.gov/serc/files/lepc_chairs_2009.pdf)) or, contact the Iowa Division of Labor @ 515-281-6175 or on the internet at <http://www.iowaworkforce.org/labor/serc.htm>

Written notification, including an updated summary of the information included in the initial telephone report, must also be provided to the SERC/IDNR (at the address listed below) and LEPC as soon as practical after the release.

IDNR Emergency Response Unit  
401 SW 7<sup>th</sup> St. Suite 1  
Des Moines, IA 50309  
Fax: 515-725-0218

For CERCLA regulated chemicals only, the written notification must be submitted to the USEPA Region 7 Chemical Risk Information Branch

USEPA Region VII  
ARTD/Chemical Risk Information Branch  
901 N. Fifth St  
Kansas City, KS 66101-2907  
913-281-0991

If the release occurred as part of a *federally permitted release*, notification is not required. Currently, a definition of federally permitted release is available by the USEPA at the following link (<http://www.epa.gov/EPA-WASTE/2002/April/Day-17/f9322.htm>). Contact the IWRC or Region VII EPA for assistance in making this determination.

Constituents of pesticides that may exceed the RQ when applied in accordance with normal operating practices do not require notification.

## Continuous Release Reporting

If you determine that you have a release of a hazardous chemical and this release occurs without interruption or abatement or is routine (i.e. occurs during normal operating procedures), you may be able to take advantage of reduced reporting requirements referred to as Continuous Release Reporting. A continuous release must be continuous and stable in quantity and rate. This includes releases that are anticipated, intermittent, and/or incidental to normal operations. Stable in quantity and rate is defined as a release that is predictable and regular in amount and rate in emission.

To report a continuous release of a hazardous substance, the following steps should be followed:

- Establish that the release is continuous and stable in quantity and rate.
- Determine if it is a CERCLA or EHS regulated substance and confirm that the RQ is exceeded on a 24-hour basis.
- If the substance is CERCLA regulated, the NRC, the SERC and LEPC must be contacted by telephone. For EHS regulated substances, only the SERC and LEPC need to be contacted.
- Provide the following information:
  - Identify the release as a Continuous Release under CERCLA Section 103 (f)(2) and under EHS Section 302 (b) (1). Be clear that this is a continuous release and not an episodic report (i.e. spill). For CERCLA regulated releases, the NRC will assign a CR-ERNS number that will be used to identify the facility in the CR-ERNS database. For EHS, the NRC will not be notified and the SERC and LEPC will assign its own numbering system.
  - Identify the name and location of the facility responsible for the release and provide the corporate affiliation and address.
  - Identify each hazardous substance released.
  - Provide the name and telephone number of the person in charge of the facility.

An initial written report must be submitted within 30 days of the telephone contact. If the release is CERCLA regulated, the report must go to the SERC, LEPC, and EPA Regional Office. For EHS releases, the report need only be submitted to the SERC and LEPC. The information required within the written report is summarized in an EPA Document entitled “Reporting Requirements for Continuous Releases of Hazardous Substances”, see attached link (<http://www.epa.gov/superfund/policy/release/faciliti.htm>). This document is available from the RCRA/Superfund/EPCRA Hotline 800/424-9346.

Facilities with continuous releases of **CERCLA hazardous substances** only, must submit a follow-up report to the EPA Regional Office one year later. This is a one-time report and must

be submitted within 30 days after the one-year anniversary of the initial continuous release report. The information to be included in the report is the same as the initial report detailed in the EPA document entitled “Reporting Requirements for Continuous Releases of Hazardous Substances.”

Three additional reports may be required based on special circumstances:

1. Statistically Significant Increase Notification:

Any episodic release above the upper bound of the normal range identified in the Continuous Release Report. If a release occurs in excess of this upper bound, notification should follow as if a spill or release occurred. If it is a CERCLA regulated substance, NRC contact is needed and the previously assigned CR-ERNS number should be provided with the information outlined above.

2. Changes in Previously Submitted Release Information - Change in Source or Composition:

If change of source or composition of either a CERCLA or EHS regulated substance occurs, then a new Continuous Release Report must be completed, including the initial telephone contact. This change is viewed as a new release. If a CERCLA regulated substance is involved, clearly indicate that this is a change in source or composition of release, and provide the CR-ERNS number assigned during the original initial telephone contact with the NRC. A written report must be submitted within 30 days of the telephone call and a one-year anniversary report must be submitted to the EPA Regional Office. Changes in the source or composition of an EHS release is considered a new release and telephone notification to the SERC and LEPC and the submission of a written report within 30 days is required.

3. Changes in Previously Submitted Release Information - Other Information:

Changes in information other than source or composition of CERCLA regulated substances, must be reported to the EPA Regional Offices within 30 days of determining the formerly submitted information is inaccurate. Though it is not regulated, notification of the SERC and LEPC is encouraged. Similarly, facilities are not required to notify the SERC and LEPC but should keep the information complete and accurate. An example of changes of information includes facility ownership, facility contact, or changes in sensitive populations or ecosystems.

Questions can be addressed to:

- Iowa Waste Reduction Center @ 800-422-3109
- Emergency Planning and Community Right-to-Know Information Hotline @ 800-424-9346
- Iowa Department of Natural Resources @ 515-281-8694
- EPA Region VII @ 913-551-7020

All information collected under Sections 302, 304, 311, 312 and 313 is available for public access.