



***Cal* OES**

**GOVERNOR'S OFFICE
OF EMERGENCY SERVICES**

**California
Hazardous Materials
Spill / Release
Notification Guidance**

To Report all significant releases or threatened releases of hazardous materials:

First Call:

9-1-1

(or local emergency response agency)

Then Call:

Cal OES State Warning Center

(800) 852 - 7550 or (916) 845 - 8911

February 2014

Gavin Newsom, Governor
Mark S. Ghilarducci, Director

Revised by: Trevor Anderson, Bill Potter & Jon Kolman

Layout by: Jon Kolman

February 2014

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

The State of California makes no warranty, expressed or implied, and assumes no liability for omissions or errors contained in this publication.

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 and radioactive materials, require emergency notification to government agencies. The law specifies:

- Who must notify
- What information is needed
- Which government agencies must be notified
- When must government agencies be notified
- 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
- Licensees
- Persons in Charge
- Employers

Notification is required regarding significant releases from:

- Facilities
- Vehicles
- Vessels
- Pipelines
- Railroads

State law: Handlers, any employees, authorized representatives, agent or designees of handlers shall, upon discovery, immediately report any release or threatened release of hazardous materials (Health and Safety Code §25510).

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

WHEN TO NOTIFY

Q: When must emergency notification be made?

A: All significant spills or threatened releases of hazardous materials, including oil and radioactive materials, **must be immediately** reported. Notification shall be made by telephone.

Also, written Follow-Up Reports (Section 304) are required within **7 days** if the release equals or exceeds the Federal Reportable Quantities. (see web site for more information)

WHAT INFORMATION

Q: What information is required?

A: State notification requirements for a spill or threatened release include (as a minimum):

- Identity of caller
- Exact location, date and time of spill, release or threatened release
- Location of threatened or involved waterway or stormdrains
- Substance, quantity involved, and isotope if necessary
- Chemical name (if known, it should be reported if the chemical is extremely hazardous)
- Description of what happened

Federal notification required 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 Local Unified Program Agency (UPA), if different from local fire.**

Note: The UPA may designate a call to the 9-1-1 emergency number as meeting the requirement for notifying the UPA.

Phone: _____
enter local number

And

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

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. (CVC 23112.5))

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

National Response Center

If the spill equals or exceeds CERCLA Federal Reportable Quantities, Phone: (800) 424-8802

United States Coast Guard

Waterway Spill / Release

Sectors:

San Francisco: (415) 399-3547

Los Angeles/Long Beach: (310) 521-3805

San Diego: (619) 278-7033

California Occupational Safety and Health Administration (Cal/OSHA)

For serious injuries or harmful exposures to workers, contact the local Cal/OSHA District Office

California Department of Health Services, Radiological Health Branch

All radiological incidents, contact the California State Warning Center

Department of Toxic Substances Control (DTSC)

Hazardous waste tank system releases, and secondary containment releases, contact the appropriate DTSC Regional Office

Department of Conservation

Division of Oil, Gas, and Geothermal Resources (DOGGR) Release of Oil and Gas at a Drilling and Production Facility, contact the appropriate DOGGR Office

Public Utilities

Natural Gas Pipeline Releases, contact the Public Utilities Commission (PUC)

Department of Fish and Wildlife, Office of Spill Prevention and Response (DFW)

Waterway Spill/Release, contact the appropriate DFW Office or the California State Warning Center

Regional Water Quality Control Board (RWQCB)

Waterway Spill/Release, contact the appropriate RWQCB Office



Notification must also be made to the California 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 (42 gallons) 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
- Any found or lost radioactive materials
- 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

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 and radioactive materials, 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) California Governor's Office of Emergency Services
Section 304 Follow Up Report.
- 2) The responsible regulating agency such as:
 - California Department of Health Services, Radiological Health Branch, Radiological Incident Reporting.
 - 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 and DOE, 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 §25270.8, 25510
- Vehicle Code §23112.5
- Public Utilities Code §7673 (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

Q: What are the statutory provisions for written Follow-Up Reports (Section 304)?

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 17, CCR, §30295
- Title 19, CCR, §2703, 2705
- Title 22, CCR, §66265.56 (j), 66265.196 (e)
- Title 23, CCR, §2230, 2250, 2251, 2260
- Title 40, CFR, §263 esp. Section §263.30
- Title 49, CFR, §171.16

WEBSITES

State Regulations

<http://www.oal.ca.gov>

State Statutes

<http://leginfo.legislature.ca.gov>

Federal Regulations

<http://www.gpo.gov/fdsys/>

Federal Reportable Quantities

<http://www.epa.gov/superfund/policy/release/rq/index.htm>

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 (m))

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 (q) and CERCLA §101 (22))

Q: What is a threatened release?

A: A threatened release is a condition creating a substantial probability of harm that requires immediate action to prevent, reduce, or mitigate damages to persons, property, or the environment. (Health and Safety Code §25501 (u))



DEFINITIONS...cont

Q: What hazardous material release requires 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:

“Hazardous Substances”

As listed in 40 CFR §302.4; Clean Water Act §307, §311; CERCLA §102; RCRA §3001; Clean Air Act §112; Toxic Substance Control Act §7, and as defined by California Health and Safety Code §25501 (n).

“Extremely Hazardous Substances”

As required by Chapter 6.95 Health and Safety Code, EPCRA §302

“Radioactive Materials”

As required by Title 17 §30100



Illegal releases of hazardous waste



Employee exposures resulting in injuries

As required by California Labor Code §6409.1 (b)

“Sewage”

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




SEWAGE RELEASES

State Law requires that an unauthorized discharge of sewage into or onto state waters must be reported to the Cal OES Warning Center. The Reportable Quantity for sewage spills is 1000 gallons or more, as established in regulation (Title 23, CCR, §2250 (a)).


Please note that the Regional Water Quality Control Boards and Local Health Departments may have additional reporting requirements - Please contact these offices to determine what requirements may pertain to you.

PETROLEUM (OIL) DISCHARGES

If a release of oil in any way causes harm or threatens to cause harm to public health and safety, the environment, or property, immediate notification must be made to the Cal OES Warning Center.



State Law requires that **ANY** discharge or threatened discharge of oil into **STATE WATERS** must be reported to Cal OES. (California Government Code (GC) §8670.25.5; California Water Code (WC) §13272, California State Oil Spill Contingency Plan).



If the release of oil is on **LAND** and is not discharged or threatening to discharge into State Waters; and (a) does not cause harm or threaten to cause harm to the public health and safety, the environment, or property; **AND** (b) is **under 42** gallons, then no notification to the Cal OES Warning Center is required.

INCIDENT/RELEASE ASSESSMENT FORM

Handlers of hazardous materials are required to report releases. The following is a tool to be used for assessing if a release is potentially reportable as required by Chapter 6.95 of the California Health and Safety Code. This assessment tool does not replace good judgement, Chapter 6.95, or other state or federal release reporting requirements. **If in doubt, report the release. If an emergency, call 9-1-1.**

<u>Questions for Incident Assessment</u>	Yes	No
1. Was anyone killed or injured, or did they require medical care or admitted to a hospital for observation?	<input type="checkbox"/>	<input type="checkbox"/>
2. Did anyone, other than employees in the immediate area of the release, evacuate?	<input type="checkbox"/>	<input type="checkbox"/>
3. Did the release cause off-site damage to public or private property?	<input type="checkbox"/>	<input type="checkbox"/>
4. Is the release greater than or equal to a reportable quantity (RQ)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Was there an uncontrolled or unpermitted release to the air?	<input type="checkbox"/>	<input type="checkbox"/>
6. Did an uncontrolled or unpermitted release escape secondary containment, or extend into any sewers, storm water conveyance systems, utility vaults and conduits, wetlands, waterways, public roads, or off-site?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will control, containment, decontamination, and/or clean up require the assistance of federal, state, county, or municipal response elements?	<input type="checkbox"/>	<input type="checkbox"/>
8. Did the release or threatened release involve an unknown material or contain an unknown hazardous constituent?	<input type="checkbox"/>	<input type="checkbox"/>
9. Is the incident a threatened release? (a condition creating a substantial probability of harm that requires immediate action to prevent, reduce, or mitigate damages to persons, property, or the environment.)	<input type="checkbox"/>	<input type="checkbox"/>
10. Is there an increased potential for secondary effects including fire, explosion, line rupture, equipment failure, or other outcomes that may endanger or cause exposure to employees, the general public, or the environment?	<input type="checkbox"/>	<input type="checkbox"/>

If the answer is **YES** to *any* of the above questions - report the release to the California Governor's Office of Emergency Services Warning Center at (800) 852-7550 or (916) 845-8911, and to your local UPA. Note: Other state and federal agencies may require notification depending on the circumstances.

If in doubt, report the release!

EMERGENCY NOTIFICATION SUMMARY

Telephone Calls are Required For All Significant Releases of Hazardous Materials.

**At a MINIMUM, the Spiller should call:
9-1-1 or the Local Emergency Response Agency
(e.g. Fire Department)**

AND/OR

Local Unified Program Agency

AND

**The California Governor's Office of Emergency Services, California
State Warning Center
(800) 852-7550 or (916) 845-8911**

In addition to 9-1-1 and Cal OES, the following apply under varying circumstances:

Spill Type/Location/Injuries	Who to Call
Releases that equal or exceed Federal Reportable Quantities (CERCLA)	Call the National Response Center (NRC)
All releases on-highway	Call California Highway Patrol (CHP)
All hazardous waste tank releases	Call Department of Toxic Substances Control Regional Office (DTSC)
All serious worker injuries or harmful exposures	Call Cal/OSHA District Office
All oil spills at drilling and production fixed facilities	Call Department of Conservation, Division of Oil, Gas, and Geothermal Resources (DOGGR)
All spills with a potential to impact water quality	Call Cal OES
All potential or actual railroad releases (California definition of hazardous materials)	Call the Local Emergency Response Agency and the Public Utilities Commission (PUC)
All Hazardous Liquid Pipelines	Call local fire department (Hazardous Liquid Pipeline Safety is State Fire Marshal jurisdiction)
All Natural Gas Pipelines	Call Public Utilities Commission (PUC)
All incidents involving Radioactive Material	Call California Department of Public Health (CDPH), Radiological Preparedness Branch

IMPORTANT PHONE NUMBERS

Space has been provided below to allow you to enter important phone numbers for easy reference.

Agency Name	Phone Number
California State Warning Center (Cal OES)	(800) 852-7550 or (916) 845-8911
National Response Center	(800) 424-8802
United States Coast Guard San Francisco Sector: Los Angeles/Long Beach Sector: San Diego Sector:	(415) 399-3547 (310) 521-3805 (619) 278-7033
Unified Program Agency (UPA) (Local #)	
California Occupational Safety and Health Administration (Cal/OSHA) (Local #)	
Department of Toxic Substances and Control (DTSC) (Local #)	
California Department of Health Services, Radiological Health Branch (Local #)	
Department of Conservation	
California Public Utilities Com- mission (PUC)	(800) 649-7570
Department of Fish and Wildlife, Office of Spill Prevention and Re- sponse (OSPR) (Local #)	
Regional Water Quality Control Board (RWQCB) (Local #)	

ACRONYMS

Cal EPA - California Environmental Protection Agency
Cal OES - California Governor's Office of Emergency Services
Cal/OSHA - California Occupational Safety and Health Administration
CCR - California Code of Regulations
CDPH - California Department of Public Health
CERCLA - Comprehensive Environmental Response, Compensation, and Liability Act (aka Superfund)
CFR - Code of Federal Regulations
CHP - California Highway Patrol
DFW - Department of Fish and Wildlife (formerly Department of Fish and Game)
DOGGR - California Division of Oil, Gas, and Geothermal Resources
DTSC - Department of Toxic Substances Control
U.S. EPA - U.S. Environmental Protection Agency
EPCRA - Emergency Planning and Community Right-to-Know Act (SARA Title III)
GC - California Government Code
HSC - Health and Safety Code
LEPC - Local Emergency Planning Committee
NRC - National Response Center
OEHHA - Office of Environmental Health Hazard Assessment
OSFM - Office of the State Fire Marshal
OSPR - Office of Spill Prevention and Response
PUC - Public Utilities Commission
RCRA - Resource Conservation and Recovery Act
SERC - State Emergency Response Commission
UPA - Unified Program Agency
USCG - United States Coast Guard
U.S. DOT - U.S. Department of Transportation
WC - California Water Code

CONTRIBUTORS

This guidance was developed with input from the following agencies:

California Governor's Office of Emergency Services (Cal OES)

Office of the State Fire Marshal (OSFM)

California Highway Patrol (CHP)

California Environmental Protection Agency (Cal EPA)

- Department of Toxic Substances Control (DTSC)
- State Water Resources Control Board (SWRCB)
- Air Resources Board (ARB)
- Department of Pesticide Regulation (DPR)
- Department of Resources, Recycling, and Recovery (Cal Recycle)
- Office of Environmental Health Hazard Assessment (OEHHA)

Department of Fish and Wildlife (DFW)

- Office of Spill Prevention and Response (OSPR)

Department of Food and Agriculture (DFA)

Department of Public Health (CDPH)

Department of Industrial Relations

- California Occupational Safety and Health Administration (Cal/OSHA)

Department of Transportation (CalTrans)

U.S. Environmental Protection Agency, (U.S. EPA) Region IX

Department of Conservation, Division of Oil, Gas, and Geothermal Resources (DOGGR)




Department of Water Resources (DWR)

San Diego County Department of Environmental Health


State Lands Commission (SLC)

ADDITIONAL NOTES

ADDITIONAL NOTES



For questions concerning the
federal Emergency Planning and
Community Right-to-Know Act
Call EPCRA Title III Hotline:
(800) 424 - 9346





California Governor's Office of Emergency Services
Fire and Rescue Division
Hazardous Materials Section
3650 Schriever Ave
Mather, California 95655