



Hazardous Materials Section

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 California Emergency Management Agency, California State Warning Center

1-800-852-7550

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 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 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, Licensee, 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, 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 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 California Emergency Management Agency, California State Warning Center**
Phone: **1 - 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.)

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 Sectors

S. F. (Alameda): (415) 399 - 3547

LA/Long Beach: (310) 521-3805

San Diego: (619) 278-7033

C. California Occupational Safety and Health Administration(Cal/OSHA)

For Serious Injuries or Harmful Exposures to

Workers: Cal/OSHA District Office

D. California Department of Public Health, Radiological Health Branch

All radiological incidents. Phone: California

State Warning Center

E. Department of Toxic Substances Control (DTSC)

Hazardous waste tank system releases:

Secondary containment releases:

Phone appropriate DTSC Regional Office

F. 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

G. Public Utilities

Natural Gas Pipeline Releases:

Phone The Public Utilities Commission (PUC)

H. 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

I. Regional Water Quality Control Board (RWQCB)

Waterway Spill/Release

Phone appropriate RWQCB Office

Notification must also be made to the California Emergency Management Agency, 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
- 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.

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 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 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 Emergency Management Agency,
Section 304 Follow-up Report
- 2) The responsible regulating agency such as:
 - California Department of Public Health,
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, 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

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 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

WEB SITES

State Regulations

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

<http://www.calema.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 (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) "Radioactive Materials" as required by Title 17 §30100.
- 5) Illegal releases of hazardous waste
- 6) Employee exposures resulting in injuries: California Labor Code §6409.1 (b)
- 7) "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 EMA - California Emergency Management Agency
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
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)
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:

California Emergency Management Agency

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

- Office of Spill Prevention and Response (OSPR)

Department of Food and Agriculture

Department of Public Health

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 California Emergency Management**
Agency, California State Warning Center
1-800-852-7550 or 916-845-8911

In addition to 911 and Cal EMA 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 Cal EMA**
- 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**
- All incidents involving **Radioactive** Material call the CDPH, Radiological Preparedness Branch

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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