

# **Release Notification Requirements in Nebraska**

2016 NDEQ Environmental Updates

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# Release Notification Requirements

- Various Federal and State Laws Require the Reporting of Releases of Petroleum or Hazardous Materials
  - At the Federal level, laws such as CERCLA, CWA, RCRA, CAA, EPCRA/SARA Title III and TSCA all have various reporting requirements (see 40CFR for specifics).
  - At the State level, reporting of releases to land or waters of the State are required by NDEQ Title 126, Chapter 18.



# Federal Laws Which Have Release Reporting Requirements:

- **CAA** - Emissions exceeding permit conditions
  - **CERCLA** - Release/Continuous Release of Haz. Substances into environment
  - **CWA** - Wastewater and/or Haz. Substances into surface water
  - **OPA(CWA)** - Oil into navigable waters and shorelines
  - **HMTA** - Haz. Material releases occurring during transportation
  - **RCRA** - Releases of Haz. Waste
  - **TSCA** - Releases of PCBs
- \*\*\*Note that the same substance and/or type of release may be reportable under several laws.**



# Common Features of Federal Reporting Requirements

- **Reportable Quantities (RQs)**
  - See EPA Title III List of Lists
- **Requirement to report to the Local Emergency Planning Committee (LEPC)**
- **Requirement to report to the State Emergency Response Commission (SERC)**
  - NDEQ (402/471-2186 or 402/471-4545)
- **Requirement to Report to the National Response Center (NRC)**
  - U.S. Coast Guard 1-800-424-8802



# How Long Before a Report Must be Called In?

- Most Federal laws require reports to be made (via phone) immediately upon the discovery of a release.
  - Immediately is interpreted at the Federal Level to be within the first 15 minutes.
- NDEQ Title 126 requires immediate notification of a release or suspected release.
  - Immediate is interpreted by NDEQ be within the first 15 minutes.



# State Reporting Requirements

- Required in accordance with Title 126 - Rules and Regulations Pertaining to the Management of Wastes - Chapter 18
  - Covers releases of oil or hazardous substances to the surface of the land or waters of the state.
  - Does not generally require the reporting of releases to the air.



# NDEQ TITLE 126 - Immediate Notification is Required When....

- A release to the surface of the land
  - equals or exceeds 100 pounds or the Federal RQ (whichever is less) for hazardous substances
  - exceeds 25 gallons of oil.
- A release, regardless of quantity, occurs beneath the surface of the land or threatens/impacts waters of the State



# The Exceptions.....

- Notification is not required for a release...if either of the following conditions are met:
  - The release is confined and expected to stay confined within a building or otherwise wholly enclosed structure, owned by the RP, in which the floors and walls are of non-earthen materials which are adequately impervious to the released substance(s) and is cleaned up within 24 hours of its discovery, or
  - The release is in compliance with conditions established in State statutes, regulations or permits





# Who Will You Be Reporting to at NDEQ?

- Spill reports are generally routed to and taken by technical staff. They...
  - Take and record the initial information
  - Determine the necessity for a response
  - Assign the incident a NUMBER (#####-AA-####)
  - Provide technical advice (unique to situation)
  - Make initial requirements for containment, investigation, cleanup, additional reports, etc.



# Information Which Should be Provided at the Time of Initial Notification

- Location of the release
- Material(s) released
- Time when the spill occurred
- Affected areas (Land, Water, Populations)
- Known or anticipated health risks
- Measures taken to contain and correct the problem
- Information on the Point-of-Contact
  - Phone numbers (current & future), mailing address
- Other Notifications (NRC, USEPA, LEPC, etc.)
- Is this a Report of a “Continuous Release?”



# Minimum Information Required ... (in addition to the initial info.)

- Name of the Responsible Person
- Exact type and amount(s) of the material(s) released
- Environmental damage
- Response actions taken
- Location and method of final treatment or disposal
- Actions taken to prevent reoccurrence
- Medical attention required for exposed persons
- Other information as requested



# Note.....

- Compliance with NDEQ reporting requirements does not relieve the responsible party from other reporting requirements of other local, state or federal agencies
- Penalties for non-reporting (to the NDEQ) can be up to \$10,000 per day
- Penalties may be even greater if federal laws are violated



# Thank You...

- NDEQ Website <http://deq.ne.gov>
- REPORT SPILLS
  - Federal / National Response Center
    - 800-424-8802
  - State of Nebraska / NDEQ
    - Business – 402-471-2186
    - After Hours – 402-471-4545
  - Kirk Morrow
    - [kirk.morrow@nebraska.gov](mailto:kirk.morrow@nebraska.gov)
    - 402-471-8584