

This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document.

Petroleum Surface Spill Final Report Guidance

According to [Title 126 – Rules and Regulations Pertaining to the Management of Wastes](#) Chapter 18, Section 002.04, the Department may require a written final report for all releases of an oil or hazardous substance within 15 days after remedial action has been completed, or, if no remedial action occurs, within 15 days of the release, or in such other reasonable time period as the Department shall determine. These reports shall contain, at a minimum, the following information:

- 002.04A Date, time and duration of the release;
- 002.04B Location of release;
- 002.04C Person or persons causing and responsible for the release;
- 002.04D Type and amount of oil ... released;
- 002.04E Cause of the release;
- 002.04F Environmental damage caused by the release;
- 002.04G Actions taken to respond, contain and clean up the release;
- 002.04H Location and method of ultimate disposal of the oil ... and other contaminated materials;
- 002.04I Actions being taken to prevent a reoccurrence of the release;
- 002.04J Any known or anticipated acute or chronic health risks associated with the release; and
- 002.04K When appropriate, advice regarding medical attention necessary for exposed individuals.

The Department will use the Final Report to determine if complete cleanup was achieved. In addition to the questions (A-K above) prescribed in Title 126, you should include with your Final Report evidence that **all** petroleum and petroleum-contaminated materials were cleaned up via mechanical recovery (for example: excavation, absorption, and/or vacuum recovery). Lines of evidence the Department recommends to document complete cleanup include:

- Photographs of the scene; before, during, and after cleanup.
- Narrative describing the measures taken to clean up the spill.
- Visual observations (do any stained soils remain after cleanup?)

- Olfactory indications (do any petroleum odors remain after cleanup?)
- Landfill tickets to document disposal of petroleum-contaminated materials and volume disposed.

In most cases if the spill is **completely** cleaned up in a timely and diligent manner, the above-listed items will suffice for the Department to determine if additional remedial actions will be necessary or if the file can be closed.

In cases where it is not possible to recover all petroleum-contaminated materials due to underlying or overlying infrastructure (for example a spill to ballast below railroad tracks or a spill to soils over buried utilities) it will be necessary to define the full extent of the affected environment (both horizontally and vertically). It will be necessary to perform static headspace field screening with a photo-ionization detector and/or collect soil samples for laboratory analysis. Please contact NDEE Petroleum Remediation Section if you have any questions how to collect this data. Additional guidance can be found at the NDEE Petroleum Surface Spill web page:
<http://dee.ne.gov/NDEQProg.nsf/OnWeb/PSS>.

It is important that your Final Report conclusively demonstrate that the spill was completely cleaned up via mechanical recovery. If complete cleanup was not possible, your Final Report must explain why complete cleanup was not possible, provide evidence that the full extent of the release has been determined, and provide sufficient information for the Department to ensure the petroleum left in place does not represent a risk to human health, safety, and the environment. In cases where the Final Report does not meet either of these objectives, the Department will normally require you to perform a Risk-Based Corrective Action investigation in accordance with [Title-118 Ground Water Quality Standards and use Classification](#), Appendix B.

* This webpage contains links to non-NDEE websites, these links will open in a new tab or window