

FALL 2022



## Environmental Health & Safety From Experience

### Notification Requirements Associated with “Reportable” Chemical Spills/Releases

Most industrial plants have at some point experienced chemical spills/releases, and nearly all have emergency plans in place related to how onsite personnel are to respond. However, there is confusion throughout the industry regarding the proper procedures for notifying authorities in the event of a release in excess of a “Reportable Quantity” (RQ). Reporting needs to be done on a strict timeline: Once the public learns of the spill/release (e.g., fire department dispatched), various regulatory agencies are likely to arrive soon thereafter. Because of this, planning how to notify authorities in case of RQ releases is similar to the old saying about home security: Do something before it happens, not afterwards. If your plant needs an action plan, begin building it by determining:

1. What regulations apply to the chemicals located onsite? Two U.S. Environmental Protection Agency (USEPA) regulations to consider are the [Comprehensive Environmental Response, Compensation, and Liability Act \(CERCLA - 40 CFR Part 302\)](#) and [Emergency Planning & Community Right-to-Know Act \(EPCRA – 40 CFR Part 355\)](#).
2. Are there chemicals in storage in excess of a RQ? Common chemicals at GMP facilities in quantities at or above their RQs are anhydrous ammonia for refrigeration systems, oil products (e.g., vegetable and/or petroleum), sanitation chemicals, spent parts, washer solution, waste ammonia, and waste ink solutions.
3. Which agencies must receive a “verbal” notice if a chemical is released to the environment in an amount that meets or exceeds the RQ? (The definition of environment includes surface water, groundwater, land surface, and air.)

*Continued on next page. >*

#### EXPERIENCE IN BRIEF

Remember, in general, universal waste can be stored for a year; but that guidance may change depending on your state and the material being stored. Make sure you are following regulations by reviewing the [EPA’s guidance on universal storage](#) and also your specific [state requirements](#).

4. What are the timeframes for “verbal” notification? CERCLA requires the “person in charge” of a facility, as soon as he or she has knowledge of a release of a hazardous substance in an amount equal to or greater than a RQ, to report the release “immediately” to the National Response Center (NRC) at 1-800-424-8802.
5. What needs to be included in the verbal notification? There is a whole host of information that the NRC (CERCLA Releases) requests be provided when reporting a release. This includes contact information, incident location, date and time, chemical/material release information [and more](#).
6. When does a “written” follow-up report need to be provided? In addition to the immediate verbal notice, EPCRA section 304(c) requires a follow-up written report must be submitted to the SERC and LEPC as soon as practicable. Other federal, state, and local agencies (e.g., POTW) may also require additional information or specify a timeframe for when the written follow-up report must be submitted.

With proper planning and good coordination with local officials (e.g., Fire Department & LEPC), the need to notify regulatory agencies can become a less complicated task in the event of a spill/release. For more information visit the [USEPA's web page on agency notification regarding Reportable Quantity Releases](#).

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