

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION**

REPORTING SEWAGE OR HAZARDOUS SUBSTANCE RELEASES

State law (California Water Code section 13271 *et seq.*) requires that any person who causes or permits any sewage or hazardous substance to be discharged in or on any waters of the state, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the state¹, shall, as soon as (1) that person has knowledge of the discharge; (2) notification is possible; and (3) notification can be provided without substantially impeding cleanup or other emergency measures, to immediately notify the Office of Emergency Services (OES) of the discharge. This notification must be done in accordance with Government Code section 8574.16 *et seq.* OES shall immediately notify the appropriate Regional Water Quality Control Board (Water Board) and the local health officer and director of environmental health of the discharge. The local health officer and the director of environmental health shall immediately determine whether notification of the public is required to safeguard public health and safety.

TO REPORT A DISCHARGE OF SEWAGE OR HAZARDOUS SUBSTANCE

Verbally notify the Governor's Office of Emergency Services Warning Center at (916) 845-8911 or **(800) 852-7550** (available 24 hr/day)

Why is it important to report a discharge?

Proper and timely notification is imperative to allow government agencies and downstream users to take prompt action to protect public health and safety, the environment, and state drinking water supplies.

Penalties for Non-Reporting

Any person who fails to provide the notice required by California Water Code section 13271 is guilty of a misdemeanor and shall be punished by a fine of not more than twenty thousand dollars (\$20,000) or imprisonment in a county jail for not more than one year, or both. (Water Code section 13271, subdivision (c).)

Why is reporting necessary?

Pursuant to Water Code section 13271, any unauthorized discharge of sewage in excess of the 1,000 gallon "reportable quantity" (California Code of Regulations, title 23, section 2250) must be reported. For the purposes of Water Code section 13271, an authorized discharge is defined to be a discharge, not regulated by

¹ "Waters of the state" means any surface water or groundwater, including saline waters, within the boundaries of the state. (Water Code section 13050, subdivision (e).)

waste discharge requirements, of treated, partially treated, or untreated wastewater resulting from the intentional or unintentional diversion of wastewater from a collection, treatment, or disposal systems. (California Code of Regulations, title 23, section 2550, subdivision (b).)

What about discharges of less than 1,000 gal. of sewage?

These should also be reported if the discharge is (or will be):

- To waters of the state (waters of the state include all waters within the boundaries of the state, whether public or private, whether in a natural or artificial channel and whether surface or subsurface)
- To the ground within five feet of groundwater or within 500 feet of a surface water, water well, or domestic water supply source
- Causing a pollution or threatened pollution²
- Causing a nuisance³
- Causing a potential threat to public health

What am I to report to the Water Board later, after initial notification to OES?

If you have a permit (e.g., waste discharge requirements, 401 Water Quality Certification, etc.) from the Water Board for a discharge of waste, the permit requires that a written report of the spill (or unauthorized discharge) be sent to the Water Board within ten (10) days after the incident. A Form that can be used to make the report to the Water Board is available at:

http://www.waterboards.ca.gov/lahtan/water_issues/available_documents/misc/spillnot.pdf.

² “Pollution” means an alteration of the quality of the waters of the State to a degree within unreasonably affects (1) such waters for beneficial uses, or (2) facilities which serve such beneficial uses. (Water Code section 13050, subdivision (l). “Pollution” may include “contamination.” (*Ibid.*) “Contamination” means an impairment of the quality of the waters of the state by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease. (Water Code section 13050, subdivision (k).) “Contamination” includes any equivalent effect resulting from the disposal of waste, whether or not waters of the state are affected. (*Ibid.*)

³ “Nuisance” means anything which meets all of the following requirements:

- (1) Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.
- (2) Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.
- (3) Occurs during, or as a result of, the treatment or disposal of wastes.

Where can I find more information about reporting a release of hazardous materials?

Reporting requirements for hazardous materials can be found on the Office of Emergency Services (OES) website at <http://www.oes.ca.gov> (under “Hazardous Materials,” California Hazardous Material Spill/Release Notification Guidance.

[http://www.oes.ca.gov/Operational/OESHome.nsf/PDF/Spill%20Notification%20Guide/\\$file/SpillNotif06.pdf](http://www.oes.ca.gov/Operational/OESHome.nsf/PDF/Spill%20Notification%20Guide/$file/SpillNotif06.pdf)).

The OES Hazardous Materials Unit staff is also available for questions at (916) 845-8741.

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