California Hazardous Material Spill/Release Notification Guidance

To Report
all significant releases or potential releases of hazardous materials,

First Call 9-1-1
(or the local emergency response agency)

Then Call
the Governor's Office of Emergency Services (OES) Warning Center
1-800-852-7550
(only in California) or call the public number
(916) 262 - 1621

It's the Law!

January 1999
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 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 for releases of carcinogenic chemicals.

**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 potential releases of a hazardous material, including oil, 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 releases covers: Owners, Operators, 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 is required for all releases that equal or exceed federal reporting quantities:
   • Owners and Operators to report (EPCRA)
   • Person in Charge to report (CERCLA)

**WHAT INFORMATION**

**Q:** What information is required?

**A:** 1. State notification requirements for a spill or release include (as a minimum):
   • Identity of caller
   • Location, date and time of spill, release, or threatened Release
   • Substance and quantity involved
   • Chemical name (if known, it should be reported if the chemical is extremely hazardous)
   • Description of what happened

2. 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
Q: Who must be notified?
A: Notification must be given to the following agencies:

• The Local Emergency Response Agency
e.g., 9-1-1 or the Local Fire Department,
and, if different from Local Fire:

• The Certified Unified ProgramAgency (CUPA)
9-1-1 or enter local number

Phone: __________________________________________

AND

• The Governor’s Office of
  Emergency Services
  Warning Center

Phone: **1 - 800 - 852 - 7550**
(1-800 is good only inside California)
or the public and out-of-state number
(916) 262 - 1621,

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
under CHP jurisdiction)
And, 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: 1-800-424-8802

**B. United States Coast Guard**
Waterway Spill / Release
Marine Safety Offices:
- MSO S. F. (Alameda) - (510) - 437 - 3073
- MSO LA/Long Beach - (562) - 980 - 4444
- MSO San Diego - (619) - 683 - 6470

**C. Cal/OSHA** - For Serious Injuries or Harmful Exposures to Workers:
Phone nearest Cal/OSHA District Office

**D. Department of Toxic Substances Control (DTSC)**
Hazardous waste tank system releases
Secondary containment releases
Phone appropriate DTSC Regional Office

**E. 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

**F. Public Utilities**
Natural Gas Pipeline Releases
Phone Commission (PUC)
Notification must also be made to The Governor’s Office of Emergency Services 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 in or on any waters of the state
- Discharges that may threaten or impact water quality
- Discharges of oil or petroleum products into or on 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 releases of hazardous materials, including oil, must be **immediately** reported. Notification should be made by telephone. Also, written follow-up reports may be required.
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, immediate verbal emergency notification should be followed up as soon as possible with a written follow-up report to the following agencies:

1) Governor’s Office of Emergency Services, Section 304 Follow-up Report

2) The responsible regulating agency, e.g.,
   - 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: transportation-related incidents.
Federal and state laws provide for 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 §25270.7, 25270.8, 25507
- Vehicle Code §23112.5
- Public Utilities Code §7673
  (PUC General Orders #22-B, 161)
- Government Code §51018, §670.25.5 (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 state agencies have notification or reporting regulations:

• Title 8, CCR, §342
• Title 13, CCR, §1166
• Title 14, CCR, §1722 (h)
• Title 19, CCR, §2703, 2705
• Title 22, CCR, §66265.56 (j), 66265.196 (e)
• Title 23, CCR, §2230, 2250, 2251, 2260
• 49 CFR, Parts 100 - 177, esp. §171.15, and Part 263, §263.30
• 49 CFR, 171.16

See California Labor Code §9030 and Proposition 65 for carcinogen 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 potential 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)).
Q: What hazardous material releases require notification?
A: All significant spills, releases, or potential releases of hazardous materials must be immediately reported.

In addition, all releases that result in injuries, or workers harmfully exposed, must be immediately reported (Cal 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, 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;

3) “Extremely Hazardous Substances” as required by: Chapter 6.95 Health and Safety Code, EPCRA §302;

4) Illegal releases of hazardous waste;

5) Employee exposures resulting in injuries: California Labor Code §6409.1 (b);

6) “Sewage” as required by Water Code §13271 (Reportable quantity is 1,000 gallons).
ACRONYMS

Acronyms are listed in order of use:
- OES - Governor’s Office of Emergency Services
- EPCRA - Emergency Planning and Community Right-to-Know Act (SARA Title III)
- CERCLA - Comprehensive Environmental Response, Compensation, and Liability Act (aka Superfund)
- CHP - California Highway Patrol
- CUPA - Certified Unified Program Agency
- Cal/OSHA - California Occupational Safety and Health Administration
- DTSC - Department of Toxic Substances Control
- DOGGR - California Division of Oil, Gas, and Geothermal Resources
- PUC - Public Utilities Commission
- MSO - Marine Safety Office, U.S. Coast Guard
- DOT - Federal Department of Transportation
- HMIS - Hazardous Material Information System
- CFR - Code of Federal Regulations
- CCR - California Code of Regulations
- RCRA - Resource Conservation and Recovery Act

CONTRIBUTORS

This guidance was developed with input from the following agencies participating on the California Hazardous Waste Strike Force:
- Governor’s Office of Emergency Services
- Office of the Attorney General
- 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
Department of Forestry and Fire Protection
Department of Food and Agriculture
Department of Industrial Relations
   Cal-OSHA
Department of Transportation - CalTrans
Sacramento County Environmental Management
   Hazardous Materials Division
U. S. Environmental Protection Agency,
   Region IX
The Conservation Department Division of Oil, Gas,
and Geothermal Resources and Department of
Water Resources also provided input.

For Questions on the federal Emergency Planning and
Community Right-to-Know Act
Call EPCRA Title III Hotline:
1 - 800 - 535 - 0202

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Gray Davis, Governor
- Emergency Notification Summary -
Telephone Calls Required For
All Significant Releases or Potential Releases
of Hazardous Materials
At a MINIMUM, the spiller should call:
1. The Local Emergency Response Agency,
   Certified Unified Program Agency (CUPA)
   AND
   the Fire Department
   9-1-1 or the Local Fire Number
   AND
2. The Governor’s Office of Emergency Services
   Warning Center
   1-800-852-7550 or 916-262-1621

This Page May Be Removed
In addition to 911 and OES 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 (includes sewage above 1,000
gallons) - Call OES
- 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