

Section 304 - Emergency Release Notification

EMERGENCY RELEASES

A facility must notify state and local authorities responsible for local emergency planning if:

- there is a release at the facility (which includes releases from motor vehicles, rolling stock and aircraft) of an Extremely Hazardous Substance (EHS) or a Hazardous Substance in excess of the reportable quantity for that substance, and
- the release could result in exposure of persons outside the boundary of the facility site.

The EPA has identified and listed over 700 Hazardous Substances under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and has assigned a reportable quantity to each substance. Chemicals on the EHS list have been assigned reportable quantities. For example, chlorine is an EHS with a reportable quantity of 10 pounds.

Report chemical releases *immediately* to any State Emergency Response Commission (SERC), Tribal Emergency Response Commission (TERC), and Local Emergency Planning Committee (LEPC) potentially affected by the release. Facilities must also report a release of a CERCLA hazardous substance to the National Response Center. In most instances, the facility must submit a written follow-up report within seven days of the release to the SERC and LEPC.

To be safe, we recommend making the call. If it is determined that the release did not meet or exceed the substance's reportable quantity, the business will have prudently met its responsibility. There are no penalties for reporting a spill unnecessarily, but there may be significant penalties for not reporting one.

CONTINUOUS RELEASES

When a release of a hazardous substance or an EHS occurs regularly and in relatively stable amounts, state and local officials do not have to be notified each time such a release occurs. This type of release, a continuous release, is defined as a release which occurs without interruption or abatement, and is stable in quantity and rate, or that is routine, anticipated, intermittent, and incidental to normal operations or treatment processes (40 CFR §302.8).

FOR ALL RELEASES

If more than one state or LEPC could be adversely affected by the release, emergency notifications and written follow-ups must be made to all SERCs and LEPCs.

Contact information for Verbal Notifications:

National Response Center 1.800.424.8802 [EHS and CERCLA hazardous substances]

Kansas CEPR: 1.800.275-0297

Local Emergency Planning Committee phone numbers and addresses are listed on the KDEM webpage.

Send Written Follow-up Notifications to KDEM at:

Kansas Division of Emergency Management
Technological Hazards Section
2800 SW Topeka Blvd
Topeka, KS 66611

For more information on emergency release notification requirements, see EPCRA sections 304, 40 CFR part 355.

NEW

The EPA recently announced a final rule to provide an administrative reporting exemption for air releases from animal waste at farms of any hazardous substance at or above the reportable quantity under the CERCLA regulations. However, large farms as described in the Federal Register are required to report continuous releases from animal waste under the EPCRA regulations. The final rule reduces the burden of complying with CERCLA and to a limited extent, the EPCRA reporting requirements for the regulated community.

[This rule](#) is effective January 20, 2009

[EPA Fact Sheet](#)

[Overview](#)

[What Is The Scope of This Final Rule?](#)

More information is available at www.epa.gov/emergencies/content/epcra/index.htm