



SANTA BARBARA COUNTY ENVIRONMENTAL HEALTH HAZARDOUS MATERIALS DIVISION / CUPA

RELEASE REPORTING GUIDELINES

For Emergency Response: Call 9-1-1

To notify the CUPA of a Hazardous Materials Spill / Release: (805) 681-4927
To notify CalOES of a Hazardous Materials Spill / Release: (916) 845-8911
(800) 852-7550
To notify the NRC of a Hazardous Materials Spill / Release: (800) 424-8802

SANTA BARBARA COUNTY CUPA CONTACT INFO:

Santa Maria Office
2125 S. Centerpointe Pkwy, Rm. 333
Santa Maria, CA 93455
Phone: (805) 346-8460
Fax: (805) 346-8485

Santa Barbara Office
225 Camino Del Remedio
Santa Barbara, CA 93110
Phone: (805) 681-4900
Fax: (805) 681-4901

Release Reporting Requirements

The Department of Environmental Health Services, Hazardous Materials Division, also known as the Certified Unified Program Agency (CUPA) for the County of Santa Barbara, has become aware that there is a substantial need to provide businesses, subject to hazardous materials releases, with a better understanding of the hazardous materials release reporting notification requirements. The following information is intended to help promote consistent release reporting to the CUPA and the California Governor's Office of Emergency Services (CalOES).

Who should report a hazardous materials release?

As per California Health & Safety Code (CA HSC) Section § 25510:

"...The handler or an employee, authorized representative, agent, or designee of a handler, shall, upon discovery, immediately report any release or threatened release of a hazardous material to the unified program agency, and to the office, in accordance with regulations adopted pursuant to this section. The handler or an employee, authorized representative, agent, or designee of the handler shall provide all state, city, or county fire or public health or safety personnel and emergency response personnel with access to the handler's facilities."

"Immediate Reporting of a Release or Threatened Release"

As per Title 19, California Code of Regulations (19 CCR), Section § 2631(a):

"A person shall provide an immediate, verbal report of any release or threatened release of a hazardous material to the administering agency [the CUPA] and the California Emergency Management Agency [i.e. CalOES] as soon as:

- 1. A person has knowledge of the release or threatened release;*

2. Notification can be provided without impeding immediate control of the release or threatened release;
3. Notification can be provided without impeding immediate emergency medical measures.

The immediate reporting requirements are not based on the quantity of the material. They are based on the hazardous material's potential to cause harm to human health and safety, property, or the environment – regardless of quantity.

As per Title 19, California Code of Regulations (19 CCR), Section § 2631(b):

*“The immediate reporting pursuant to subsection (a) of this section shall not be required if there is a **reasonable belief** that the release or threatened release poses **no significant** present or potential hazard to human health and safety, property, or the environment.”*

Why are ‘threatened releases’ reportable?

To give the response agencies time to prepare in case the immediate, emergency corrective action is insufficient or is taken too late. Additionally, it would enable the CUPA to monitor such releases and to promptly respond as necessary to protect public health and safety and the environment.

What information should be reported?

- Date of release
- Time of release
- Location of release
- Type of material released
- How much / quantity of material released?
- Were there any injuries / chemical exposure?
- Were there any storm drains near the release?
- Was the material cleaned up? By whom? How?

Important Definitions

“Hazardous Material” means any material that, because of 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. ‘Hazardous materials’ include, but are not limited to, hazardous substances, hazardous waste, and any material which a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment. [H&SC 25501(n)]

“Release” means 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. [H&SC 25501(p)]

“Threatened release” means a condition creating a substantial probability of harm to the extent where it is reasonably necessary to take immediate action to prevent, reduce, or mitigate damages to persons, property, or the environment [per H&SC 25501(t)]. A threatened release could be viewed as any situation in which a release of hazardous materials is likely to occur unless immediate, emergency corrective action is taken.

Examples of a “Significant” and “Non-Significant” Release

May be “Non-Significant”:

- During planned maintenance at a fixed facility, small drips are to be expected and may be considered “non-significant,” and thus may not be reportable.
- If a small release of a relatively innocuous material is spilled within facility boundaries, and is contained and cleaned up in a short amount of time, it may be “non-significant.” (e.g. one gallon of petroleum oil is spilled onto a concrete floor of a warehouse and is immediately contained and cleaned up –OR- a few ounces of gasoline spill during a customer drive-off at a fuel station and absorbent is immediately applied, then cleaned up and properly handled.)
- If a small amount of a relatively innocuous material is released into secondary containment and it is cleaned up in a short amount of time, it may be “non-significant.” (e.g. one gallon of fuel from an underground storage tank (UST) is released into the secondary containment sump, it does not deteriorate the walls of the secondary containment and it is properly removed within eight (8) hours.)

Note: UST regulations (23 CCR 2650) require this type of release to be RECORDED.

May be “Significant”:

- Any release of a hazardous material that result in a fatality, chemical exposure, or other injury, to an employee or member of the public.
- If any part of the release, including airborne releases, extends outside of the facility boundaries.
- Any release or threatened release of a hazardous material that results in an evacuation
- Any release that cannot be immediately mitigated by qualified facility personnel (e.g., spill requires contacting a hazardous waste clean-up contractor for proper remediation).
- Any release that requires the use of respiratory protection for mitigation and/or abatement.
- Any release or threatened release where emergency response personnel are called.
- Any release of a Regulated Substance under the California Accidental Release Prevention (CalARP) (CCR Title 19), Extremely Hazardous Waste (CCR Title 22), Extremely Hazardous Substance (EPCRA Section 302), or Acutely Hazardous Material (40 CFR).

Always Remember – When in doubt, REPORT! And ALWAYS keep a log!

There are no penalties for reporting a release – be it significant or not. It is the responsibility of the business to prove why the release is not considered to be significant. As a result, it is a good idea to have a release log and documentation filed for every release (or threatened release) that occurs – whether it is reportable or not. If the agency determines the release is significant and there was no notification, the business could be subject to administrative and/or criminal penalties.

FEDERAL REPORTING

If the release poses a significant threat to persons outside the facility, you must also report the incident to the National Response Center (NRC) under the Emergency Response Planning and Community Right to Know Act (EPCRA). Also, according to Title 40 of the Code of Federal Regulations (40 CFR), Part 355.40, a report to NRC is required if there is a release at a facility of a CERCLA Hazardous Substance exceeding the Reportable Quantity (RQ) listed in 40 CFR § 302.4. RQs are listed in pounds, and any release amount must be converted into pounds to determine if the RQ was exceeded.

In addition to state and local reporting, there are also federal reporting requirements. Even if you have already reported a spill to State OES and the CUPA, you still have a legal obligation to notify the National Response Center (NRC) if the release is federally reportable. **The phone number to the NRC is (800) 424-8802.**