

2006
SUMMARY OF MAJOR FEDERAL RELEASE REPORTING REQUIREMENTS

Federal Statute	What	When to Report	To Whom to Report	Reportable Substances and Quantities	Maximum Liability for Failure to Report
<p>Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)</p> <p>Reporter: Person in charge of facility</p>	<p>Release of RQ of HS to environment in any 24-hour period</p> <p>42 U.S.C. § 9603(a) 40 C.F.R. § 302.6(a)</p>	<p>Report immediately after knowledge of release</p>	<p>National Response Center 800-424-8802</p>	<p>All substances listed as hazardous under RCRA, TSCA, CWA, and CAA, petroleum excluded</p> <p>40 C.F.R. § 302.4</p>	<p><u>Civil</u>: \$32,500 per day per violation; \$97,500 per day for subsequent violations 42 U.S.C. § 9609(a) & (b) 40 C.F.R. § 19.4</p> <p><u>Criminal</u>: fine (per Title 18 U.S.C.) and/or 3 years imprisonment (double fine and/or 5 years for subsequent violations) 42 U.S.C. § 9603(b) 40 C.F.R. § 302.7</p>
<p>Emergency Planning and Community Right-to-Know Act (EPCRA)</p> <p>Reporter: Owner/operator of facility that produces, uses, stores HCs</p>	<p>Release of RQ of HS under CERCLA or release of RQ of EHS from facility to offsite environment</p> <p>42 U.S.C. § 11004(a) 42 U.S.C. § 11002(a)</p>	<p>Report immediately after release; follow-up with written notice as soon as practicable</p>	<p>LEPC and SEPC; for release during transport call 911</p>	<p>40 C.F.R. § 355.40 App. A & B and CERCLA hazardous substances</p>	<p><u>Civil</u>: \$32,500 per day per violation; \$97,500 per day for subsequent violations 42 U.S.C. § 11045(b) 40 C.F.R. § 355.50 40 C.F.R. § 19.4</p> <p><u>Criminal</u>: \$25,000 and/or 2 years imprisonment (\$50,000 and/or 5 years for subsequent violations) for knowingly and willingly failing to provide notice 42 U.S.C. § 11045(b) 40 C.F.R. § 355.50</p>
<p>Toxic Substance Control Act (TSCA)</p> <p>Reporter: Owner of PCB equipment or facility</p>	<p>PCB spill at more than 50 ppm that exceeds 10 pounds or directly contaminates surface water, sewer, drinking water, grazing land, vegetable gardens</p> <p>40 C.F.R. § 761.125(a)</p>	<p>Report as soon as possible; and, in no case, more than 24 hours after discovery</p>	<p>EPA Regional Office of Prevention, Pesticides and Toxic Substances Branch</p> <p>National Response Center 800-424-8802</p>	<p style="text-align: center;">-</p>	<p><u>Civil</u>: \$32,500 per day 15 U.S.C. § 2615(a) 40 C.F.R. § 19.4</p> <p><u>Criminal</u>: \$25,000 per day and/or 1 year for knowing violation 15 U.S.C. § 2615(b)</p>

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<p>Resource Conservation and Recovery Act (RCRA)</p> <p>Reporter: HW or UW generator, T/S/D facility or UST owner/operator</p> <p>Note: Reporting obligation may only apply where release is from a hazardous waste management unit.</p>	<p>HW release that could threaten human health or offsite environment</p> <p>40 C.F.R. § 262.34(d) 40 C.F.R. § 264.56(d) 40 C.F.R. § 265.56(d) 40 C.F.R. § 273.17(b) 40 C.F.R. § 273.37(b)</p>	<p>Report immediately after assessment of release</p>	<p>EPA Regional OSC or National Response Center 800-424-8802; and local authorities if evacuation advisable</p>	<p>Varies based on kg amount</p> <p>40 C.F.R. § 262.34(d) 40 C.F.R. § 264.56(d) 40 C.F.R. § 265.56(d) 40 C.F.R. § 273.17(b) 40 C.F.R. § 273.37(b)</p>	<p><u>Civil</u>: \$32,500 per day</p> <p>42 U.S.C. § 6928(a) & (g) 40 C.F.R. § 19.4</p> <p><u>Criminal</u>: \$50,000 per day and/or 2 or 5 years (\$100,000 and/or 4 or 10 years for subsequent violations); <u>Knowing placement of a person in imminent danger of death or serious bodily injury</u>: by individual-\$250,000 and/or 15 years; by organization-\$1,000,000</p> <p>42 U.S.C. §6928(d), (e) & (f)</p>
<p>RCRA (continued)</p> <p>Reporter: HW generator, T/S/D facility or UST owner/operator</p>	<p>HW release that creates imminent or actual emergency</p> <p>40 C.F.R. § 264.56(a) 40 C.F.R. § 265.56(a)</p>	<p>Report immediately after determining response help needed</p>	<p>State or local agencies whose help is needed.</p>	<p>-</p>	<p>See above</p>
<p>Note: Reporting obligation may only apply when release is from a hazardous waste management unit.</p>	<p>Incident requiring implementation of contingency plan</p> <p>40 C.F.R. § 264.56(j) 40 C.F.R. § 265.56(j)</p>	<p>Submit written report within 15 days of occurrence</p>	<p>EPA Regional Administrator 415-744-2000</p>	<p>-</p>	<p>See above</p>

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<p>RCRA (continued)</p> <p>Reporter: HW generator, T/S/D facility or UST owner/operator</p>	<p>Permit noncompliance (permit holders only); Noncompliance that may endanger health or environment</p> <p>40 C.F.R. § 270.30(l)</p>	<p>Report orally within 24 hours and in writing within 5 days. For anticipated noncompliance with permit schedule, report within 15 days of schedule date. For other noncompliance, report in routine report</p>	<p>EPA Regional Administrator 415-744-2000</p>	-	<p><u>Civil</u>: \$32,500 per day</p> <p>42 U.S.C. § 6928(a) & (g) 40 C.F.R. § 19.4</p> <p><u>Criminal</u>: \$50,000 per day and/or 2 or 5 years (\$100,000 and/or 4 or 10 years for subsequent violations); <u>Knowing placement of a person in imminent danger of death or serious bodily injury</u>: by individual-\$250,000 and/or 15 years; by organization-\$1,000,000</p> <p>42 U.S.C. §6928(d), (e) & (f)</p>
<p>Note: Reporting obligation may only apply where release is from a hazardous waste management unit</p>	<p>Evidence in groundwater monitoring of contamination requiring corrective action under permit</p> <p>40 C.F.R. § 264.98(g)</p>	<p>Notify in writing within 7 days of discovery</p>	<p>EPA Regional Administrator 415-744-2000</p>	-	<p>See above</p>
<p>RCRA (continued)</p> <p>Reporter: Owner/operator of facility that uses UST</p>	<p>HW release to environment from UST</p> <p>40 C.F.R. § 264.196(d) 40 C.F.R. § 265.196(d)</p>	<p>Report within 24 hours of detection; follow-up within 30 days</p>	<p>EPA Regional Administrator 415-744-2000</p>	-	<p>See above</p>
<p>RCRA (continued)</p> <p>Reporter: UST owner/operator</p>	<p>Suspected release of regulated substance from UST</p> <p>40 C.F.R. § 280.50 40 C.F.R. § 280.52</p>	<p>Report within 24 hours (or reasonable time specified by implementing agency); several later follow-ups</p>	<p>Implementing Agency</p>	<p>All CERCLA hazardous substances (but excluding hazardous waste regulated under subtitle III of RCRA) or any mixture of such substances and petroleum</p> <p>42 U.S.C. § 6991(7) 40 C.F.R. § 280.12</p>	<p><u>Civil</u>: \$11,000 per tank per day</p> <p>42 U.S.C. § 6991e(d) 40 C.F.R. § 19.4</p>

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<p>RCRA (continued) Reporter: UST owner/operator</p>	<p>Release to environment from spill or overflow of UST: (1) over 25 gallons of petroleum (or reasonable amount specified by implementing agency, or causes surface water sheen); (2) CERCLA RQ of HS; or (3) lesser amount, if cannot clean up release within 24 hours (or reasonable time established by implementing agency)</p> <p>40 C.F.R. 280.30(b) 40 C.F.R. § 280.53</p>	<p>Report within 24 hours (or reasonable time specified by implementing agency)</p>	<p>Implementing Agency</p>	<p>All CERCLA hazardous substances (excluding hazardous waste regulated under subtitle III of RCRA) or any mixture of such substances and petroleum</p> <p>42 U.S.C. § 6991(7) 40 C.F.R. § 280.12</p>	<p><u>Civil</u>: \$11,000 per tank per day</p> <p>42 U.S.C. § 6991e(d) 40 C.F.R. § 19.4</p>
<p>RCRA (continued) Reporter: UST owner/operator</p>	<p>Suspected release of regulated substance from UST: confirm within 7 days (or reasonable time period specified by implementing agency) of occurrence; investigation results from analysis of suspected release</p> <p>40 C.F.R. § 280.52 40 C.F.R. § 280.61 40 C.F.R. § 280.62</p>	<p>Report within 24 hours of discovery; submit written report within 20 days (or reasonable time specified by implementing agency) after release confirmation; several additional follow-ups required</p>	<p>Implementing Agency</p>	<p>All CERCLA hazardous substances (excluding hazardous waste regulated under subtitle III of RCRA) and petroleum</p> <p>42 U.S.C. § 6991(7) 40 C.F.R. § 280.12 40 C.F.R. § 280.50</p>	<p>See above</p>

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<p>RCRA (continued)</p> <p>Reporter: HW, UW or used oil transporter (air, rail, highway or water)</p>	<p>Discharge of HW during transportation</p> <p>40 C.F.R. § 263.30 40 C.F.R. § 273.54(b) 40 C.F.R. § 279.43 49 C.F.R. § 171.16 49 C.F.R. § 171.15 (if certain safety-related conditions are met)</p>	<p>Report in writing within 30 days of discovery.</p> <p>If 49 C.F.R. § 171.15 conditions met, provide oral notice as soon as practical, but no later than 12 hours after the occurrence</p>	<p>Submit written report to: Director, Office of HM Regulations, Materials Transportation Bureau</p> <p>If 49 C.F.R. § 171.15 conditions met, call National Response Center 800-424-8802. If infectious substance involved, instead may give notice to Director, Centers for Disease Control and Prevention: 800-232-0124</p>		<p><u>Civil</u>: \$32,500 per day 42 U.S.C. § 6928(a) & (g) 40 C.F.R. § 19.4 <u>Criminal</u>: \$50,000 per day and/or 2 or 5 years (\$100,000 and/or 4 or 10 years for subsequent violations); <u>Knowing placement of a person in imminent danger of death or serious bodily injury</u>: by individual-\$250,000 and/or 15 years; by organization-\$1,000,000 42 U.S.C. §6928(d), (e) & (f)</p>
<p>Natural Gas Pipeline Safety Act (NGPSA)</p> <p>Reporter: Gas Transporter 49 U.S.C. §60101 <u>et seq.</u></p>	<p>Release of gas causing specified damages; certain safety-related conditions</p> <p>49 C.F.R. § 191.3 49 C.F.R. § 191.5 49 C.F.R. § 191.15 49 C.F.R. § 191.23 49 C.F.R. § 191.25</p>	<p>Report by telephone at earliest practicable moment; submit written report as soon as practicable, and no more than 30 days after release; submit safety-related report within 5-10 days of discovery to Associate Administrator</p>	<p>National Response Center 800-424-8802</p> <p>File 5-day safety report by fax: 202-366-7128</p>	-	<p><u>Civil</u>: \$100,000 per day per violation (\$1,000,000 max.)</p> <p>49 U.S.C. § 60122(a) 49 C.F.R. § 190.223(a)</p> <p><u>Criminal</u>: knowing or willful violations \$25,000 and/or 5 years for each offense</p> <p>49 U.S.C. § 60123(a) 49 C.F.R. § 190.229(a)</p>
<p>Outer Continental Shelf Lands Act (OCSLA)</p> <p>Reporter: Lessee</p>	<p>Spill of RQ of oil or liquid pollutants into or upon the navigable waters, adjoining shoreline, or into or upon the waters of contiguous zones.</p> <p>33 U.S.C. § 1321(b)(5) 30 C.F.R. § 254.46(a)</p>	<p>Immediately notify National Response Center.</p> <p>If more than 1 barrel, report orally without delay followed by written report no more than 15 days after spill stops</p>	<p>National Response Center 800-424-8802</p> <p>Regional Supervisor</p> <p>30 C.F.R. § 254.46(a) & (b)</p>	<p>33 U.S.C. § 1321 30 C.F.R. § 254.46(b)</p>	<p><u>Civil</u>: \$30,000 per day per violation</p> <p>30 C.F.R. § 250.1403</p> <p><u>Criminal</u>: fine (per Title 18 U.S.C.) and/or 5 years</p> <p>33 U.S.C. § 1321(b)(5)</p>

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<p>Hazardous Materials Transportation Act (HMTA)</p> <p>Reporter: Person in physical possession of HM</p>	<p>HM releases during transportation (including loading, unloading and temporary storage), which create situation that, in carrier's judgment, should be reported to department (e.g., causes continuing danger to life at scene or creates specific conditions described in 49 C.F.R. § 171.15)</p> <p>42 U.S.C. § 9656 40 C.F.R. § 263.30 49 C.F.R. § 171.16</p>	<p>Report at earliest practicable moment after occurrence, but no later than 12 hours after incident. Follow-up within 30 days of discovery</p> <p>Submit written report only for unintentional release of HM, discharge of any quantity of hazardous waste, structural damage to >1,000 gal cargo tank, or discovery of undeclared HM (with certain exceptions).</p> <p>49 C.F.R. § 171.16.</p>	<p>National Response Center 800-424-8802.</p> <p>Submit written follow-up to Office of Information Systems Management, Department of Transportation</p>	<p>49 C.F.R. § 171.8 49 C.F.R. § 172.101 49 C.F.R. § 172.102 All CERCLA HS</p>	<p><u>Civil</u>: \$50,000 per violation</p> <p>49 U.S.C. § 5123**</p> <p><u>Criminal</u>: fine (per Title 18 U.S.C.) and/or 5 years for knowing or willful violation. <u>Release of a HM that results in death or bodily injury to any person</u>: 10 years</p> <p>49 U.S.C. § 5124</p>

**Note that the corresponding regulation, 49 .C.F.R. § 107.329, does not conform to 49 U.S.C. § 5123 and provides that the maximum civil penalty is \$32,500 per violation.

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Clean Air Act (CAA) Reporter: Owner/operator of a NESHAP affected source	Action taken by owner/operator during a startup, shutdown or malfunction that is not consistent with the affected source's startup, shutdown or malfunction plan 40 C.F.R. § 63.10(d)(5)(ii)	Report within two working days; follow up with letter within seven working days	EPA Administrator or state delegate		<u>Civil:</u> \$32,500 per day per violation 42 U.S.C. § 7413(b) 40 C.F.R. § 19.4 <u>Criminal:</u> fine (per Title 18 U.S.C.) and/or 5 years for knowing violation 42 U.S.C. § 7413(c) (doubled for subsequent violations)
CAA (continued) Reporter: Facility owner/operator	Deviation from permit requirements or knowing release of any hazardous air pollutant or EHS 42 U.S.C. § 7413 40 C.F.R. § 70.6(a)(3)(iii)(B) 40 C.F.R. § 71.6(a)(3)(iii)(B)	Report "promptly", as defined by the permitting authority for degree and type of deviation. 40 C.F.R. § 71.6(a)(3)(iii)(B) outlines the timing for reporting federal permit deviations.	Implementing Agency	-	<u>Civil:</u> \$32,500 per day per violation 42 U.S.C. § 7413(b) 40 C.F.R. § 19.4 <u>Criminal:</u> <u>Negligent violations:</u> fine (per Title 18 U.S.C.) and/or 1 year (double for subsequent violations); <u>Knowing violations:</u> by individual fine (per Title 18 U.S.C.) and/or 15 years; by organization \$1,000,000 (double for subsequent violations) 42 U.S.C. § 7413(c).
Clean Water Act (CWA) Reporter: Person in charge of facility or vessel	Discharge of RQ of HS or oil to surface water in any 24-hour period 33 U.S.C. § 1321(b)(5) 40 C.F.R. § 117.21 40 C.F.R. § 300.300	Report immediately after knowledge of discharge 33 C.F.R. § 153.203	National Response Center 800-424-8802	40 C.F.R. § 110.1 40 C.F.R. § 116.1 et seq. 40 C.F.R. § 117.1 et seq. 40 C.F.R. § 302.4 Harmful quantity of oil is anything that causes sheen.	<u>Criminal:</u> fine (per Title 18 U.S.C.) and/or 5 years 33 U.S.C. § 1321(b)(5)

<p>CWA (continued) Reporter: Permittee</p>	<p>Noncompliance with NPDES permit 40 C.F.R. § 122.41(l)</p>	<p>If endangering health or environment, report orally within 24 hours, and in writing within 5 days of knowledge. For noncompliance with permit schedule, report within 14 days of schedule date. For other noncompliance, report within routine reports.</p>	<p>EPA Regional Administrator 415-744-2000</p>	<p>-</p>	<p><u>Administrative:</u> <u>Class I:</u> \$32,500 per violation; <u>Class II:</u> \$157,500 per violation 33 U.S.C. § 1319(g) 40 C.F.R. § 122.41(a) 40 C.F.R. § 19.4 <u>Civil:</u> \$32,500 per day, per violation 33 U.S.C. § 1319(d) 40 C.F.R. § 122.41(a) 40 C.F.R. § 19.4 <u>Criminal:</u> <u>Negligent violations:</u> \$25,000 per day and/or 1 year (\$50,000 per day and/or 2 years for subsequent violations); <u>Knowing violations:</u> \$5,000-\$50,000 and/or 3 years (\$100,000 and/or 6 years for subsequent violations); <u>Knowing endangerment of another:</u> by individual-\$250,000 and/or 15 years (\$500,000 and/or 30 years for subsequent violations); by organization-\$1,000,000 (\$2,000,000 for subsequent violations) 33 U.S.C. § 1319(c) 40 C.F.R. § 122.41(a)</p>
<p>CWA (continued) Reporter: Industrial Users</p>	<p>Discharge that could cause problems for POTW 40 C.F.R. § 403.12(f)</p>	<p>Report immediately</p>	<p>POTW</p>	<p>-</p>	<p>See above</p>

ABBREVIATIONS

CAA	=	Clean Air Act
EHS	=	extremely hazardous substance
EPA	=	Environmental Protection Agency
HC	=	hazardous chemical
HM	=	hazardous material
HS	=	hazardous substance
HW	=	hazardous waste
LEPC	=	Local Emergency Planning Committee
NPDES	=	National Pollution Discharge Elimination System
OSC	=	On-scene Coordinator
PCB	=	polychlorinated biphenyl
POTW	=	publicly owned treatment works
RQ	=	reportable quantity
TSCA	=	Toxic Substance Control Act
SEPC	=	State Emergency Planning Commission
T/S/D	=	treatment/storage/disposal facility
UST	=	underground storage tank
UW	=	universal waste

NOTES

- (1) This summary does not constitute legal advice. ALWAYS consult a qualified attorney with respect to release reporting requirements.
- (2) This summary only lists reporting requirements for accidental releases. Some statutes have additional reporting requirements for operational releases.
- (3) Many terms used herein are expressly defined by statute and regulation. Although different statutes and regulations use the same terms, they often define them differently, and definitions can be quite complex. Therefore, definitions must be checked in each case.
- (4) Most of these reporting requirements have certain exceptions; these, too, should be checked in each case.
- (5) The monetary amounts are for maximum civil and criminal fines, unless otherwise noted.