

Emergency Releases

Facilities (including motor vehicles, rolling stock and aircraft) **must immediately** notify state, tribal and local authorities responsible for local emergency planning if there is: (1) A release at the facility of an Extremely Hazardous Substance (EHS) or a hazardous substance defined under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) equal to or in excess of the **reportable quantity** (RQ) for that substance, and (2) the release **could potentially result in exposure of persons outside the boundary** of the facility site. Transportation operators may satisfy EPCRA reporting requirements by calling 9-1-1. It should be noted, however, that some releases occurring at a facility which are not reportable under EPCRA Section 304 may still be reportable releases under CERCLA Section 103.

The EPA has identified and listed over 700 hazardous substances under CERCLA and has assigned an RQ to each substance. Chemicals on the EHS list have been also assigned reportable quantities. The "List of Lists" is a valuable source of information regarding RQs.

Report chemical releases **immediately** (within 15 minutes of discovery) to the appropriate 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 at **1-800-424-8802**.

If it is not known whether the amount released meets the RQ threshold or not, it is recommended the release or spill be reported to the NRC, as it is the safest course of action. If it is determined that the release did not meet or exceed the substance's RQ, the facility would still be acting responsibly. There are no penalties for reporting a spill unnecessarily, but there may be significant penalties for not reporting. In most instances, the facility must, within 30 days, also submit a written follow-up report about the incident to any affected SERC, TERC and LEPC.



Reporting an oil or other hazardous substance release takes only a few minutes. To report a release or spill, contact **The National Response Center (NRC)** at 1-800-424-8802.

For additional information:

LIST OF LISTS: A Consolidated List of Chemicals Subject to EPCRA, CERCLA and Section 112(r) of the CAA

<http://www2.epa.gov/epcra/epcracerclacaa-ss112r-consolidated-list-lists-october-2012-version>

Emergency Planning and Community Right-to-Know Act (EPCRA)

<http://www.epa.gov/oem/content/epcra/>

Comprehensive Environmental Response, Compensation and Liability Act (CERCLA / "Superfund")

<http://www.epa.gov/superfund/policy/cercla.htm>

State Emergency Response Commissions (SERCs)

<http://www2.epa.gov/epcra/state-emergency-response-commissions-contacts>

Oil Pollution Act (OPA)

http://www.uscg.mil/npfc/About_NPFC/opa.asp

National Response Center (NRC)

1-800-424-8802

Region 8 On-Duty On-Scene-Coordinator (OSC)

Technical support for hazardous material and oil spills
303-293-1788

Disclaimer

This document provides guidance to oil and gas facilities on EPCRA's reporting requirements. The statutory provisions and EPA regulations described in this guidance document contain legally binding requirements.

This guidance document does not substitute for those provisions or regulations, nor is it a regulation itself. In the event of a conflict between the discussion in this document and any statute or regulation, this document would not be controlling. The guidance does not impose legally binding requirements on EPA or the regulated community, and might not apply to a particular situation based upon the circumstances. For specific requirements and details on exemptions, refer to the implementing regulations at 40 CFR parts 302 and 355.

An Emergency Planning and Community Right-to-Know Act (EPCRA) Guide for Oil and Gas Operations



Region 8



Be a Good Neighbor

Complying with the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) and other environmental laws can protect employees, the public and the environment. Facilities that use, produce, manufacture or store hazardous chemicals must provide required information to all applicable Local Emergency Planning Committees (LEPCs), the State and Tribal Emergency Response Commissions (SERCs, TERCs) and Local Fire Departments (LFDs) if they have chemicals at or above the reporting thresholds.

Information about chemicals at a facility is critical for emergency responders to mitigate an emergency situation. Emergency responders need not take risks or implement unnecessary actions to protect themselves, the community and workers at the site if they know in advance what they are dealing with. Emergency responders that are uninformed about chemical releases or an unknown chemical cloud when a fire or explosion occurs at a facility may not act as quickly, allowing a toxic plume or contaminated runoff to move offsite and ultimately harm the community and the environment.



The Partnership

EPCRA establishes requirements for Federal, State and local governments, Indian Tribes, and industry regarding emergency planning and reporting of hazardous and toxic chemicals. The EPCRA provisions help increase the public's knowledge and provide access to information about chemicals at individual facilities and their uses, and about releases into the environment. States, Tribes and communities working with facilities can use the information to improve chemical safety and protect public health and the environment.

Drilling and Production Facility Reporting

Facilities that store, use or release certain chemicals are subject to various reporting requirements. Reported information is made publicly available so that interested parties can learn about potentially dangerous chemicals in their community. EPCRA requirements include:

- Section 302 Emergency Planning Notification
- Section 304 Emergency Release Notification
- Sections 311 and 312 Emergency and Hazardous Chemical Inventory Reporting

All facilities that have an extremely hazardous substance (EHS) at or above its Threshold Planning Quantity (TPQ) for any period of time must notify the SERC, TERC and the LEPC within 60 days after they first receive a shipment or produce the substance on site. EPCRA Section 302 also requires that an Emergency Response Plan be developed in coordination with the LEPC and that a Facility Emergency Coordinator is named by the facility having the EHS.

There are no exemptions under Section 302. Any time an EHS is present at or above the TPQ, a facility official must notify the SERC, TERC and LEPC. NOTE: The State or Tribe may have more stringent requirements.

Example 1: Section 302 Requirement

Drilling fluids are mixtures of compounds that may contain a listed Extremely Hazardous Substance (EHS) such as hydrofluoric acid (HF).

The Code of Federal Regulations (40 CFR 355.14) require facilities to aggregate the amount of each EHS present at the facility, whether it is present as a mixture component or in its pure form to determine if the TPQ is reached.

Because HF is an EHS, if the aggregated amount at a facility equals or exceeds the TPQ (100 pounds) at any one time, then Emergency Planning Notifications to the LEPC, TERC and SERC are required by Section 302 of EPCRA.

Annual Reporting



The minimum threshold for Section 311-312 reporting for EHS substances is **500 pounds or the TPQ, whichever is less**. The minimum threshold limit for any OSHA hazardous chemical requiring a Material Safety Data Sheet (MSDS) that is **not an EHS is 10,000 pounds**.

Within 90 days of reaching the reportable threshold Section 311 requires a one-time submission of the MSDS or a list of MSDSs for the hazardous chemicals to the SERC, TERC, LEPC and the LFD. Section 312 requires filing either a Tier I or a Tier II report annually by March 1st of each year following the year reporting is triggered. Tier II reports must be submitted to the SERC, TERC, LEPC and the LFD. The facility should check with the SERC, TERC and the LEPC about how to submit a Tier II report.

Note: MSDSs are being replaced by Safety Data Sheets (SDSs). By 12/1/2013 employees must be trained in SDS requirements and by 6/1/2015 SDSs will be required to be supplied by manufacturers and distributors of all chemicals.

Example 2: Section 311/312 Requirement

In the Example 1, if the aggregate amount of HF exceeds its RQ (100 pounds), then the chemical is also reportable under Sections 311 and 312.

Example 3: Section 311/312 Requirement

If your facility stores, uses or produces more than 10,000 pounds of Natural Gas Condensate at any one time then the facility is required to report this hazardous substance per Section 311 and 312 as mentioned above. Any hazardous chemical that is required to have an MSDS under OSHA regulations is considered a hazardous substance unless it is exempt under Sections 311 and 312.