

CHAPTER 6 DISCHARGES AND EMERGENCY PERMITS

DISCHARGES

Reporting Requirements

If a discharge in which a reportable quantity of a hazardous substance, including hazardous oil and gas waste, occurs, you must immediately, upon discovery of the discharge, notify the appropriate RRC district office. You must also notify federal authorities as required by 40 CFR Parts 117, 263, and 302 (see CFR for details). Notification to the **National Response Center (NRC)** will meet the immediate notification requirements of these parts of the CFR. **The NRC toll free phone number is (800) 424-8802.**

The RRC and the NRC will request the following information:

- name of the reporter;
- name and address of the company represented by the reporter;
- phone number where the reporter can be contacted;
- date, time, and location of the incident;
- the extent of injuries if any; and
- classification, name, and quantity of hazardous materials (or wastes) involved, if such information is available.

Under some circumstances, a written report must be provided to the NRC. Refer to the CFR for details.

What is a Reportable Quantity?

A reportable quantity of hazardous substance is the quantity released in a 24-hour period that must be reported under the provisions of 40 CFR Part 117 (for spills to water) or Part 302 (for any spill). Parts 117 and 302 contain extensive lists of chemicals and materials (hazardous materials) and their respective reportable quantities.

Initial Response

Immediate Action: Upon discovery of a discharge, either of hazardous oil and gas waste or a substance that creates a hazardous oil and gas waste, the generator or transporter must take appropriate immediate action to protect human health and the environment. For example:

- dike the discharge area or construct drainage to direct the discharge to containment; and
- notify local authorities (where appropriate).

Permitting Exemption: The prohibition of on-site treatment, storage, disposal, recycling, or reclamation activities of Rule 98, subsection (m), (also see "Disposition of Hazardous Oil and Gas Waste") does not apply when you are engaged in treatment or containment activities during immediate response to a discharge of hazardous oil and gas waste.

Also, the prohibition does not apply when you are responding to an imminent and substantial threat of a discharge of hazardous oil and gas waste or a discharge of a substance which, when discharged, would become a hazardous oil and gas waste.

This exception from the prohibition applies only if any hazardous oil and gas waste associated with such discharge is managed in accordance with applicable Rule 98 provisions regarding preparedness and prevention, personnel training, standards for use of containers, and standards for use of tanks (see Chapter 5). Also, the exemption only applies if you have reported the discharge as described above.

Continued Measures

Once the immediate response is completed, the Rule 98 prohibition of on-site treatment, storage, disposal, recycling, or reclamation activities becomes effective. Any activities that continue or are initiated after the immediate response is over are subject to the prohibition and all applicable requirements of Rule 98.

Discharge Clean Up: Clean up of the discharge must be initiated as soon as possible after discovery of the spill. Immediate clean up must result in the recovery of as much as of the spilled material as can be recovered by ordinary physical means.

Cleanup should be conducted such that the site is returned to a condition where pre-existing background levels are reached as soon as reasonably possible.

In some instances, it may not be feasible to reach pre-existing background levels. Therefore, as an alternative, the cleanup may be conducted as required or approved by the RRC so that the hazardous oil and gas waste discharge no longer presents a hazard to human health or the environment. In reviewing clean up proposals, the RRC will take into consideration the geology and hydrology of the discharge site, the nature and quantity of the hazardous oil and gas waste discharged, and the present and anticipated future use of the discharge site.

Note that a hazardous waste determination must be made for any nonexempt waste generated during any cleanup. For example, if nonexempt crude oil-contaminated soil is excavated for disposal and exhibits the toxicity characteristic (e.g., for benzene), it is considered to contain hazardous waste and is subject to Rule 98 management standards. See "Derived From and Contained-In Rules" in Chapter 2 on page 2-16.

Transportation of Hazardous Oil and Gas Waste from a Discharge Site Under Exceptional Circumstances

If a RRC official (or any other state, local government or federal agency official) acting within the scope of his official responsibilities determines that immediate removal of the hazardous oil and gas waste associated with a discharge is necessary to protect human health or the environment, that official may authorize the removal of the hazardous oil and gas waste by transporters who do not have EPA ID numbers and without the preparation of a manifest.

EMERGENCY PERMITS FOR THE TREATMENT, STORAGE, OR DISPOSAL OF HAZARDOUS OIL AND GAS WASTE

In instances where the RRC finds that a discharge either of hazardous oil and gas waste or of a substance that creates a hazardous oil and gas waste poses a danger to life or property, the RRC may authorize by emergency permit the treatment, storage, or disposal of hazardous oil and gas waste. Appendix K provides application instructions and requirements for obtaining an emergency permit.

An emergency permit may be oral or written. When an oral emergency permit is obtained, a written permit must be issued within five days of issuance of the oral permit.

Although Rule 98 prohibits on-site treatment, storage, and disposal, an emergency permit takes precedence. An emergency permit is limited to a term of 90 days and may be terminated by the RRC without notice if the RRC determines that termination is appropriate to protect human health or the environment.

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