

# FIXED SITE RELEASE AND INCIDENT REPORTING CRITERIA

## (Summary of Section 10111 of the Right-to-Know Rules)

In an effort to develop a more effective and efficient notification process a Uniform Hazardous Materials Reporting Form has been distributed to all industries, LEPCs, and state agencies. This Uniform Hazardous Materials Reporting Form is the product of numerous contacts with both local government and industries. Its purpose is to identify required components of a legal notification and develop a common format. This form is the statewide standard for initial immediate notifications meeting all SARA, Title III and State Police Right-to-Know Law requirements for notification of chemical releases and emergency situations. The department encourages you to use this form in your release notification process. All information collected and processed to develop statistical data will originate from this form.

### FIXED SITE FACILITY INCIDENTS

Louisiana's Right-to-Know Law R.S. 30:2361-2380, also known as the Hazardous Material Information Development, Preparedness, and Response Act, provides definitions of both "release" and "reportable release." "**Release**" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles) of any hazardous material or substance. However, the term release as used in this Paragraph shall not include federal or state permitted releases. "**Reportable release**" means a release of a regulated hazardous material or substance which causes any injury requiring hospitalization or any fatality, results in a fire or explosion which could reasonably be expected to affect the public safety beyond the boundaries of the facility, or exceeds the reportable quantity when that reportable quantity, as defined pursuant to rules promulgated by the deputy secretary, could be reasonably expected to escape beyond the site of the facility. A reportable release as defined herein shall be based upon the quantity of hazardous material or substance discharged continuously, intermittently, or as a one-time discharge, with in any continuous twenty-four hour period.

Briefly stated, the Act requires that any release of a regulated hazardous material must be reported immediately if it meets one or more of the following criteria:

- 1) causes any injury requiring hospitalization or any fatality; **or**
- 2) results in a fire or explosion which could reasonably be expected to affect the public safety beyond the boundaries of the facility; **or**
- 3) exceeds the reportable quantity during any continuous 24 hour period when that reportable quantity \* could reasonably be expected to escape beyond the site of the facility.

In addition to the above criteria defining reportable releases, the 1999 Regular Session of the Louisiana Legislature added the following:

- 4) Any incident, accident, or cleanup within a facility, which could reasonably be expected to affect public safety beyond the boundaries of the facility; **or**
- 5) Any incident where the owner or operator knows a protective action beyond the boundaries of the facility has been initiated, shall be reported immediately to the department.

\* Reportable quantities are specified in the section of the Right-to-Know Rules dealing with release reporting for the following categories of hazardous materials:

- 1) any material and its RQ appearing on the most current list of Extremely Hazardous Substances as established by the Environmental Protection Agency (40 CFR Part 355, Appendix A);
- 2) any material and its RQ appearing on the most current list of CERCLA Hazardous Substances as established by the Environmental Protection Agency (40 CFR Part 302, Table 302.4);
- 3) any material and its RQ appearing on the most current list of Hazardous Substances and Reportable Quantities as established by the Department of Transportation, Research and Special Programs Administration (49 CFR Part 172, Appendix to 172.101);
- 4) any material on which maintenance of an MSDS is required under the Occupational Safety and Health Administration's Hazard Communication Standard as found in 29 CFR 1910.1200 et seq., and does not appear on any of the lists found in Paragraphs 1, 2 or 3 above, must be reported if the material released exceeds the RQ of 5000 pounds hereby established by the Louisiana Department of Public Safety and Corrections, except that all compressed or refrigerated flammable gases and all flammable liquids (as defined in 49 CFR 173.120) will have a 100 pound RQ, and all other liquids requiring maintenance of an MSDS will have a 1000 pound RQ.

**All releases and incidents as defined above must be reported immediately to:**

- 1) Local Emergency Planning Committee (with jurisdiction over a facility); and then to
- 2) Emergency Response Commission via the Office of State Police, Transportation and Environmental Safety Section, using the Hazardous Materials Hotline phone number **225/925-6595 or toll free 1-877/925-6595.**

Facilities must also make follow-up written reports for all legally reportable releases and incidents within five business days after the release or incident occurs. This report must be made to the Local Emergency Planning Committee with jurisdiction over a facility and to the Emergency Response Commission via the Department of Public Safety and Corrections, Office of State Police, Transportation and Environmental Safety Section, Right-to-Know Unit, P.O. Box 66168, Baton Rouge, LA 70896-6168. The format for this report should be as outlined in Subsection G of Section 10111 of the Right-to-Know rules and in Title III of the Superfund Amendments and Reauthorization Act (SARA). Any additional information not given in the initial telephone notification should also be included.

Any emergency or release notification made to the Hazardous Materials Hotline must be received no later than one hour after the occurrence, depending on the exigency of the

circumstances. This is a guideline which places the burden of immediate notification on the responsible party ensuring that timely notification to Local and State government occurs. The purpose of this immediate notification is to ensure the public safety.

The Uniform Hazardous Materials Reporting Form should be used by all those involved in emergency and release notifications. The success of this uniform process is dependent on its application on a statewide basis at all levels of the notification process.