

Chapter 5: Spills Response

When printing materials are spilled, the response required by the owner or operator depends on what is spilled and the quantity. The entities who must be informed of a spill vary as well.

What is a spill?

A *spill* occurs when a hazardous substance is released to the environment and that release is not allowed by any law or permit. For example, if a container falls and solvent leaks onto a shop floor or a gas can overflows in the facility garage, a spill has occurred.

What is a hazardous substance?

In Wisconsin, a *hazardous substance* is any substance that could cause harm to human health or the *environment* because of its quantity, concentration or physical, chemical or infectious characteristics. Substances that are toxic, corrosive, flammable, irritants, strong sensitizers, or explosives are among those considered hazardous.

The DNR interprets the definition broadly. For instance, in Wisconsin, melted butter leaking out of a factory or warehouse and flowing toward a stream or storm sewer is considered a spilled hazardous substance that is threatening the environment.

How are spills and releases regulated in Wisconsin?

Wisconsin law requires that spills of hazardous substances must be:

- immediately reported to the DNR, and
- quickly and adequately stopped, cleaned up, and the environment restored to the extent practicable

The DNR is responsible for interpreting and enforcing Wisconsin's hazardous substance spills law. Each DNR region in Wisconsin has a Spill Coordinator trained to assess threats from spills to human health, safety, and the environment (see the Emergency Contacts information in the Black Ink Room section of this workbook for a list of the DNR Spill Coordinators).

What does a Spill Coordinator do?

- offer advice and assistance to the facility and other *first responders* regarding actual and potential environmental threats from spills
- provide advice on the reportability of spills as it relates to the state requirements, but not for EPA requirements
- provide information, advice, and direction about actions required to contain and clean up a spill

If parties responsible for spills do not take appropriate action, DNR may take over the response and cleanup and later seek to recover expenses.

Spill: any non-exempt or unpermitted discharge of a hazardous substance to the environment.

Discharge: Commonly called a "spill." Includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

NOTE: The words "spill" and "discharge" are used interchangeably in this chapter, just as they are in DNR regulations.

Hazardous substance: refer to the Black Ink Room section of this workbook for a list.

Environment refers to the air, lands, or waters of the state. Waters of the state include storm sewers and drainage ditches.

First responders: people who respond to accidents, disasters, spills, etc. First responders include law enforcement personnel, firefighters, public safety agencies, emergency medical technicians, government agency staff, utility crews, and industrial health professionals, along with volunteer citizens.

An **affect** of a spill is when the hazardous substance may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may pose a substantial present or potential hazard to human health or the environment because of its quantity, concentration or physical, chemical, or infectious characteristics.

If you have questions about whether a substance spilled at your facility is hazardous or whether the spill should be reported, contact the toll-free hotline, 800-943-0003, for assistance and more information.

Reporting requirements are described starting on page SR-3.

Section A: Spill and Release Response

Spills of any hazardous substances that *affect*—or threaten to affect—public health, welfare, or the environment require immediate action. Response to spills includes stopping or containing the spilled substance, protecting human safety and the environment, cleanup, and any required reporting.

If a spill occurs, what should I do?

When a spill or release of any hazardous substance occurs:

- take immediate action to **stop or contain the spill or release**
- take immediate action to **protect people**
- take immediate action to **minimize harmful effects to the environment**
- **call emergency responders** if necessary
- determine whether the spilled substance can be cleaned up by employees in the immediate area or if specially trained personnel are needed
- **assess the amount** of hazardous substance that was spilled
- if necessary (or if in doubt), **report the spill**
- **clean up and restore** the environment
- **document** the spill, all cleanup actions, and the outcome of those actions and file all required reports

What spill response requirements apply during spill cleanup?

Basic response requirements involve having cleanup supplies readily available and keeping records of spills and cleanup actions taken. Requirements for employee training depend on the type and size of spills.

Supplies for Cleanup

Spill control and cleanup supplies should be readily available to each work station and/or employee at the facility and should be appropriate for the chemical products used in an area.

Supplies can include:

- absorbents, neutralizers, or other spill control materials and equipment
- personal protective equipment (e.g., rubber gloves and safety glasses)

See also the Emergency Preparedness section in Chapter 6 for more information on this topic.

Employee Training Requirements

Wisconsin law requires that all spills be cleaned up. Employees can be trained to safely clean up incidental spills.

The Occupational Safety and Health Administration (OSHA)—the federal agency that sets standards for workplace safety and health—defines “incidental spills” as those that “can be absorbed, neutralized or otherwise controlled at the time of the release (spill) by employees in the immediate release area or by maintenance personnel.”

Employees may clean up “incidental” spills of hazardous chemicals if:

- they have received Hazard Communication Right to Know training in the safe handling and health and safety hazards of the spilled chemical or product (see HAZCOM information in Section B of Chapter 6)
- no potential safety or health hazard (e.g., fire, explosion, chemical exposure) exists

Larger spills that are not “incidental,” or that pose a safety or health hazard, may require personnel that are specially trained in control and cleanup procedures. Employees may be trained as emergency responders (see HAZWOPER information in Section C of Chapter 6).

Printers that are Very Small Quantity Generators (of hazardous waste, VSQGs) are not required to train emergency responders if employees are evacuated from the spill hazard area and off-site emergency responders are called to control and clean up the spill. Small and Large Quantity Generators (SQGs and LQGs) must develop training on emergency procedures to the extent described in the Hazardous Waste chapter on page HW-11.

How do I document a spill?

Keep records of any spills that occur at your facility. Document the substance(s) released, the amount spilled, cleanup actions taken, and the outcome of the cleanup.

In some cases, documenting a spill may involve contracting with professional scientists or engineers, collecting soil samples, and keeping records of analyses.

Keeping accurate and thorough records is essential if you have to report the spill. Read the next section of this chapter for additional information and details about documenting a spill and cleanup process.

Section B: Spill or Release Reporting

Spill notification and reporting requirements vary, depending on the characteristics of the spill and the amount of hazardous substance(s) discharged. Responding to spills in printing facilities usually involves some decisions about whether reporting is necessary.

For example:

- A 55 gallon drum of solvent spills inside a contained area such as a solvent storage room, and it is cleaned up properly. This situation would not require reporting.
- The same 55 gallon drum spills on a shipping dock, and the solvent flows into a stormwater sewer. This situation would be a reportable spill.

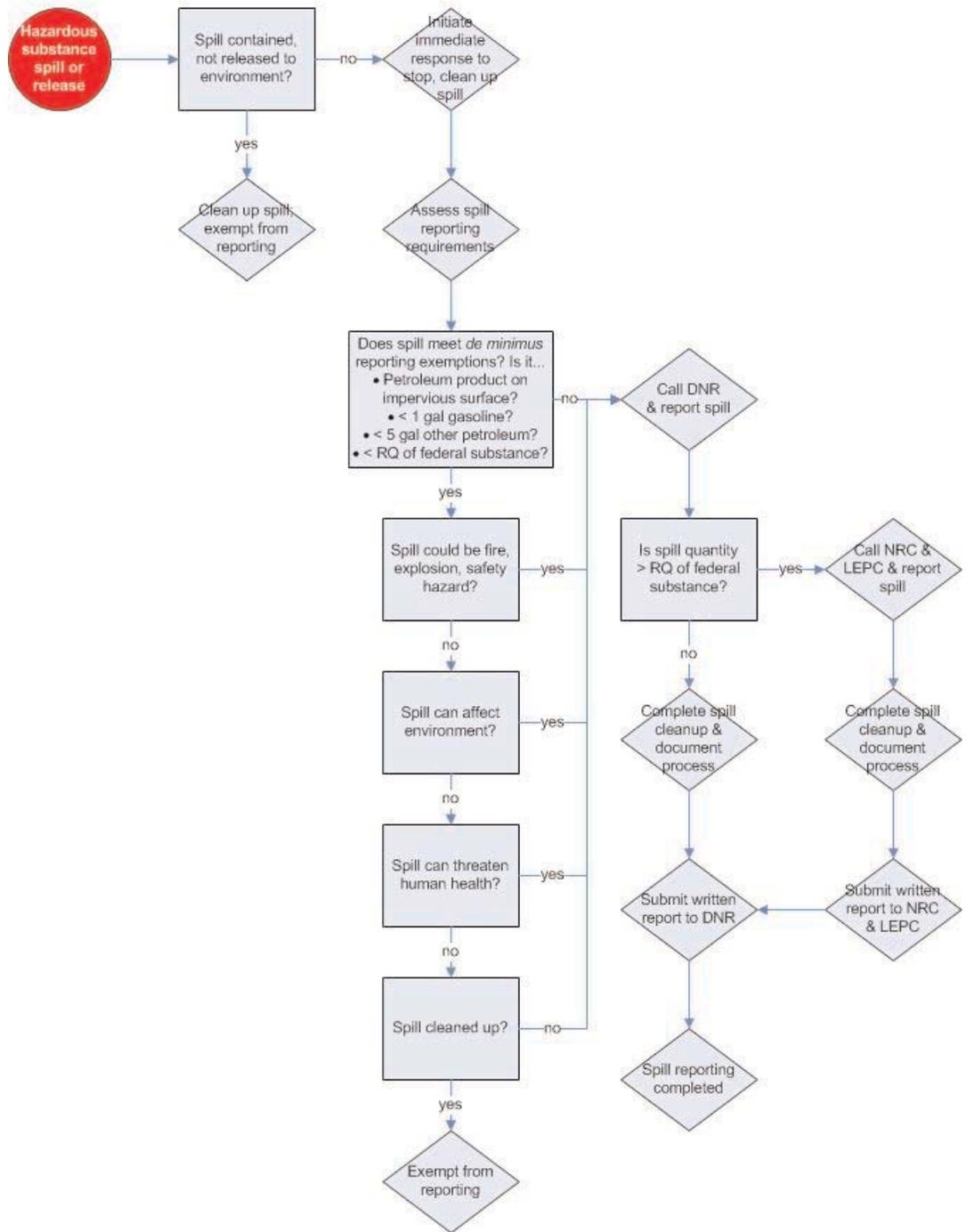
How do I determine when to report?

The flow chart on the following page can assist you in determining whether or not to report your spill. More details follow the flow chart.

OSHA provides additional information about spill cleanup and employee training on the Hazardous Waste section of its web site, at <http://www.osha.gov/SLTC/hazardouswaste/index.html>.

Refer to Chapter 2: Hazardous Waste to determine if you are a VSQG.

Spill Reporting Decision Process



First, determine whether you have experienced a reportable spill.

A hazardous substance is spilled into a secondary containment structure at my facility. Is reporting required?

Some facilities store hazardous substances in areas protected by impervious, secondary containment structures. If a hazardous substance is spilled in a secondary containment area, **no** reporting is required if:

- the containment structure completely contains the spilled substance
- the substance is recovered
- the substance is not discharged to the environment

In this case, spill cleanup is the only action required. Reporting of spills into secondary containment structures is not required because only discharges of hazardous substances "to the environment" require reporting in Wisconsin.

Do I have to report a hazardous substance spill that is not contained?

Wisconsin law establishes the conditions (and certain *de minimus exemptions*) that determine what spill reporting is required. Both the characteristics of the spill and amount of spilled substances are considered when determining reporting requirements.

To determine whether reporting is required, evaluate a spill using these four criteria:

- The spill has been cleaned up or evaporated immediately.
- The spill has not affected (or threatened to affect) human health (e.g., anyone injured, or overwhelmed by vapors, or evacuated).
- The spill has not affected (or threatened to affect) the air, lands, or waters of the state.
- The spill does not pose (or threaten to pose) any safety hazards (e.g., fire hazard, explosion, slippery road surface).

Any spill that **does not** meet all the four criteria above is a reportable spill regardless of the quantities of chemicals involved. Proceed with spill cleanup and spill reporting.

Does the spill meet the exemption criteria above?

Wisconsin statutes allow *de minimus* exemptions for small quantity spills that meet the four criteria in the previous section. Even if a spill meets all the criteria above, it still may need to be reported if the amount of hazardous substances involved is over the *de minimus* level.

If a spill occurs that meets all the criteria above:

- Proceed with spill cleanup.
- Assess the amount of hazardous substance(s) discharged (see next section).
- Determine whether the amount of the spill is over the *de minimus* level, and thereby makes it a reportable spill.

De minimus exemptions are listed on page SP-6 along with a description of how they apply.

Reportable Quantity (RQ) is the threshold quantity of a hazardous substance. RQs are chemical-specific and defined in both federal and state regulations. Spills of hazardous substances in amounts exceeding the RQs trigger specific spill reporting requirements.

The Department of Energy's Office of Pollution Prevention and Resource Conservation has an online RQ calculator (<http://homer.ornl.gov/oepra/rq/>) to assist you in evaluating your release to see if it must be reported to the National Response Center.

24-hour Wisconsin Hotline for reporting spills of hazardous substances:
800-943-0003

Was the spill above de minimus exemption levels?

For accurate spill reporting, determine the quantity of hazardous substance(s) discharged. Wisconsin law allows *de minimus exemptions* for certain spills, including:

- gasoline or other petroleum product completely contained on an impervious surface (e.g., asphalt or cement)
- < 1 gallon of gasoline spilled onto a pervious surface or runs off an impervious surface
- < 5 gallons of other petroleum product spilled onto a pervious surface or runs off an impervious surface
- < 250 pounds of dry fertilizer
- < 25 gallons of liquid fertilizer
- < 1 acre of land coverage of pesticide applied according to label instructions
- less than the specified *Reportable Quantity (RQ)* of a federally listed hazardous substance spilled in any 24 hour period

Any spill that meets these *de minimus* exemptions and the four criteria above is exempt from reporting in Wisconsin. Penalties exist for failing to provide notice of reportable spills. Therefore, if in doubt about the quantity spilled, reporting is recommended.

If you must report, follow the appropriate spill reporting procedures.

What is the spill reporting procedure?

Any spill that does not meet all the *de minimus exemptions* above must be reported. Reporting requirements depend on the type of hazardous substance and amount spilled.

Do I have to call to report a spill?

At a minimum, reporting to the DNR is required. Report the spill **immediately** to the DNR. A 24-hour hotline, **800-943-0003**, is maintained by the DNR and Wisconsin Emergency Management specifically for this purpose.

What constitutes "immediate" reporting?

The regulations do not specify any time limits but, in practice, notification should occur as soon as safely possible. DNR's regulations contain the following general guidance:

- "In uncomplicated spill situations, responsible parties are expected to provide notice to the department within a matter of a few minutes after they learned of the spill."
- "In other situations, especially where emergency action of some kind is being taken by the responsible party or where the responsible party does not have access to a telephone, notification may not be possible for several hours, but would still be considered 'immediate' if promptly given."

What information do I have to provide?

When reporting a spill, be prepared to provide the following information:

- your name, address, and telephone number

- name, address, and telephone number of the discharger or owner/operator (the “responsible party”)
- date, time, location and duration of the spill
- identity and amount of the substance discharged
- hazardous and/or toxicological characteristics of the substance spilled
- cause of the discharge
- immediate actions being taken to stop the release/minimize the impact to the environment
- source, speed of movement, and destination of the spilled hazardous substance
- actual or potential impacts to human health or the environment
- weather conditions at the spill site
- other agencies on-scene during the spill

After receiving a telephone notification, the DNR will begin a process to track the spill through the completion of cleanup activities. DNR starts to fill in a “spill report form”, which is a form solely for DNR’s use. At the end of the clean up process, DNR staff will sign off on this form to indicate the incident has been closed out.

Is additional reporting is required?

Certain spills trigger the federal Emergency Release Notification requirements described in section 304 of the Emergency Planning and Community Right-to-Know Act (EPCRA).

Additional reporting **is required** if you experience a spill that:

- involves any of the **hazardous substances** defined in the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and
- exceeds the **RQ** of the substance

What are the RQ thresholds for hazardous substances?

Each hazardous substance has a chemical-specific RQ, the threshold amount that triggers particular reporting requirements. EPA publishes a list of these hazardous substances, along with the RQs, in the “Title III List of Lists: Consolidated List of Chemicals Subject to the Emergency Planning and Community Right-To-Know Act (EPCRA) and Section 112(r) of the Clean Air Act, as Amended.”

- This “list of lists” is available online from both EPA and WEM (see the Web Resources information in the Black Ink Room at the back of this workbook).
- The Black Ink Room also contains examples of some hazardous chemicals that are found in printing facilities and their associated RQs.

Who do I contact if additional reporting is required?

To report a spill that exceeds the RQ of a federally listed hazardous substance, make the following three telephone calls:

- Wisconsin Hotline, 800-943-0003 (as above)
- National Response Center, 800-424-8802
- *LEPC*, at your county Emergency Management Office

EPCRA: the federal Emergency Planning and Community Right-to-Know Act. Requires printers that store or use chemicals in quantities that exceed specific threshold levels to report their inventory, use, and release amounts; also requires printers to report accidental spills and releases.

LEPC: Local Emergency Planning Committee. Each of Wisconsin’s 72 counties has a *LEPC*.

Chapter 7, the Emergency Planning chapter of this workbook contains additional information about reporting spills that exceed the RQ of a hazardous substance according to the EPCRA requirements.

What documentation is required following verbal notification?

After your telephone notification, file a **written report** as well to complete the spill reporting procedure. The written documentation should describe:

- the immediate actions taken at the site or facility, and
- the outcome of those actions

Submit the report to the DNR **within 45 days** of your original spill notification.

For reports called in to the National Response Center, federal regulations require that **written follow-up documentation** be submitted to the NRC and LEPC as soon as possible.

What should the written report contain?

Refer to Chapter 7 for information about the written documentation that is due to NRC and LEPC in the case of a reportable spill.

The written documentation submitted to the DNR must include:

- the purpose of the report submission and the response desired from the DNR
- name, address and telephone number of the responsible party
- location of the facility or spill
- any reporting information not provided previously (see telephone notification section above)
- engineering controls and/or treatment and effluent quality of any licensed or permitted discharge
- type, amount, and final disposition of the spilled hazardous substances and any contaminated materials generated during the cleanup (e.g., manifests, receipts and other documents)

What should I know about DNR's 45-day reporting period?

What you report depends on how quickly you can clean up the spill.

- If you complete your spill response within the 45-day period
 - > submit your written documentation as a "final report for completed immediate action" (as opposed to just reporting on immediate actions undertaken)
 - > include a "letter of compliance" in addition to the report to document that the immediate response action is complete and that no further action is necessary to respond to the hazardous substance spill
- If clean up will take longer than 45 days, then 2 separate submittals will be needed.

What happens after I submit the written report?

The DNR will review the spill report and documentation provided and will evaluate whether the cleanup was adequate. The DNR’s response depends on the spill and the actions you request.

- If you need to do any additional cleanup or remediation, you should receive a “responsible party letter” from the DNR within 30 days.
- If the spill and the environment have been adequately cleaned up, the DNR Spill Coordinator will sign their internal “spill report form”, indicating that the incident is concluded. If you want a copy of this determination for your facility files, two options are available:
 - You can request a “No Further Action Letter” from the WDNR. There is a \$250 fee for this letter, and the fee must be submitted with your written request.
 - You can request a photocopy of the signed “spill report form”, indicating that the incident has been closed. There is no fee for the photocopy.

You may be fined for failure to report a spill. As the length of time increases between the date of the spill and when you report, the severity of fines and/or penalties will also increase.

	<p>Question SR.1: 1a. Have you had a spill within the past 12 months?</p>	<input type="checkbox"/> Yes. Answer question SR.1b. <input type="checkbox"/> No. Continue with Chapter 6.
	<p>1b. Was the amount of the spill above reportable quantities?</p>	<input type="checkbox"/> Yes. Answer question SR.1c. <input type="checkbox"/> No. Continue with Chapter 6.
	<p>1c. Did you follow all the proper reporting requirements summarized above?</p>	<input type="checkbox"/> Yes. <input type="checkbox"/> No. Report to the DNR (and, if necessary, other organizations) as soon as you realize the lapse. If the failure to report was discovered through the ERP: submit all reports as required, and complete a RTCP to indicate when this was completed.

RTCP: A template for the Return to Compliance Plan is included in this workbook.