

## **REPORTABLE EVENT ENV 2.1:**

### **Release of a Hazardous Substance**

---

**Requirement:**     40 CFR 302.6  
                          40 CFR 355.40  
                          NJAC 7:1E  
                          25 PA Code 262a.43

**§ 302.6(a) Notification requirements.** Any person ... as soon as he has knowledge of any release (other than a federally permitted release or application of a pesticide) of a hazardous substance from such vessel or facility in a quantity equal to or exceeding the reportable quantity determined by this part in any 24-hour period, immediately notify the National Response Center.

**§ 355.40(b)** The owner or operator of a facility subject to this section shall immediately notify the community emergency planning committee of any area likely to be affected by the release and the State emergency response commission of any State likely to be affected by the release. If there is no local emergency planning committee, notification shall be provided under this section to relevant local emergency response personnel. This section is applicable to any facility at which a hazardous chemical is produced, used or stored and at which there is a release of a reportable quantity of any extremely hazardous substance or CERCLA hazardous substance. (CERCLA defined in 40 CFR 355.40(a))

#### **New Jersey Specific (Applicable to OC)**

**7:1E-1.6 Definitions.** "Discharge" means any intentional or unintentional action or omission, unless pursuant to and in compliance with the conditions of a valid and effective Federal or State permit, resulting in the releasing, spilling, pumping, pouring, emitting, emptying or dumping of a hazardous substance into the waters or onto the lands of the State, or into waters outside the jurisdiction of the State when damage may result to the lands, waters or natural resources within the jurisdiction of the State.

#### **7:1E-5.3 Discharge notification.**

(a) Immediately after a discharge commences, any person or persons responsible for a discharge who knows or reasonably should know of the discharge, shall immediately notify the Department at (877) WARN DEP (927-6337). In the event that this number is inoperable, any person or persons responsible for a discharge shall immediately notify the State Police at (609) 882-2000.

(b) Any notification performed by any person responsible for a discharge shall include, but not limited to, the following information:

F-5

**REPORTABLE EVENT ENV 2.1 (Cont'd)**

1. The name, title, affiliation, address and telephone number of the person reporting the discharge;
2. The location of the discharge, with as much specificity as the Department requests, and in any event with sufficient specificity to enable the Department to direct its agents and employees and any other person to the discharge site, including:
  - a. For discharges from sites located on land, the name of the site, the street address, the municipality, and the county;
  - b. For discharges on, under or into water, the name of the water body, location of the discharge with reference to a fixed point or points, and a description of the area which the discharge may reach;
3. The common name of the hazardous substance(s) discharged;
4. An estimate of the quantity of each hazardous substance discharged, including best estimates if the quantities are unknown;
5. The date and time at which the discharge began, and whether the discharge is continuing, intermittent or terminated;
6. The actions such person proposes to take to contain, clean up and remove the hazardous substance(s) discharged; and
7. The name and address of any person responsible for the discharge.

**Pennsylvania Specific (Applicable to PBAPS, LGS, TMI)**

**262a.43** In the event of a discharge or spill equal to or greater than the reportable quantity as defined in 25 PA Code 262a.43 of hazardous waste or material that becomes a hazardous waste when spilled or discharged, must immediately notify the Pennsylvania Department of Environmental Protection.

The report on the spill or discharge shall be entitled "Hazardous Waste Spill Report" and shall contain the following information:

- (1) The name, address and identification number of the generator and the date, time and location of the incident.
- (2) A brief description of the circumstances causing the incident.
- (3) A description of each of the hazardous wastes or materials that become hazardous wastes when spilled or discharged involved in the incident, including the estimated quantity spilled by weight or volume.
- (4) A legible copy of the manifest document, if applicable.
- (5) A description of a contamination of land, water or air that has occurred due to the incident.
- (6) A description of the actions the generator intends to take to prevent a similar occurrence in the future.

**REPORTABLE EVENT ENV 2.1 (Cont'd)**

***Applicable Plants:*** Limerick  
Peach Bottom  
Oyster Creek  
Three Mile Island

***Time  
Limit***                      ***Required Notification(s):***

IMMEDIATELY              Notify the NJ Department of Environmental Protection (877-927-6337) immediately (within 15 minutes) by telephone after it is known that a hazardous substance has been discharged. NJAC 7:1E-5.3(b) (Applicable to OC)

IMMEDIATELY              Notify the National Response Center (800-424-8802) immediately (within 1 hour) by telephone after it is known that a hazardous substance has been released in a reportable quantity (40 CFR 302) or greater in any 24-hour period. 40 CFR 302.6(a)

IMMEDIATELY              Notify the PA Department of Environmental Protection (PADEP) (Limerick - SE Region (484-250-5900)) (PBAPS and TMI - SC Region (877-333-1904)) immediately (within 1 hour) by telephone after it is known that a hazardous substance has been released in a reportable quantity. (25 PA Code 262.a.43) (Applicable to PBAPS, LGS, TMI)

**REPORTABLE EVENT ENV 2.1 (Cont'd)**

**IMMEDIATELY** If it has been determined that the release will or might affect areas outside the boundaries of the facility then immediately notify local and state emergency coordinators for any areas which might be affected. (40 CFR 355.40(b))

LEPCs (Local Emergency Planning Commissions):

Cumberland County, PA (717-240-6400)

Montgomery County, PA (610-631-6530)

York County, PA (717-840-7494)

Ocean County, NJ (732-341-3451)

SERCs (State Emergency Response Commissions):

PA – PEMA (800-424-7362)

NJ- NJOEM (609-882-2000)

The information that needs to be provided to the emergency personnel in this situation includes:

- 1) The chemical name or identity of any substance involved in the release.
- 2) An indication of whether the substance is an extremely hazardous substance.
- 3) An estimate of the quantity of any such substance that was released into the environment.
- 4) The time and duration of the release.
- 5) The medium or media into which the release occurred.
- 6) For each material involved in the spill:
  - a. The shipping name, hazard class and U.N. Number.
  - b. The estimated quantity of material spilled.
- 7) The extent of contamination of land, water or air, if known.
- 8) Any known or anticipated acute or chronic health risks associated with the emergency and, where appropriate, advise regarding medical attention necessary for exposed individuals.
- 9) Proper precautions to take as a result of the release, including evacuation (unless such information is readily available to the community emergency coordination pursuant to the emergency plan).
- 10) The names and telephone number of the person or persons to be contacted for further information.

**REPORTABLE EVENT ENV 2.1 (Cont'd)**

<b><i>Time Limit</i></b>	<b><i>Required Written Report(s):</i></b>
AS REQ'D	Provide additional follow-up notices if more relevant information becomes available and to furnish additional and updated relevant information, including actions taken to respond to and contain the release, known or possible health risks associated with the release, and advice on medical attention necessary for exposed individuals, if appropriate, to the state and local emergency coordinators originally notified with copies to the National Response Center and applicable state and local agency.(40 CFR 355.40(b)(3))
15 DAYS	As required by 25 PA Code 262a.43, provide a follow-up letter to the PADEP.
30 DAYS	As required by NJAC 7:1E, provide a follow-up letter to the NJDEP.
30 DAYS	If an NOV response is required, then provide a 30 day follow-up letter to the NJDEP.

***Discussion:***

- o Hazardous substance means those elements and compounds and hazardous wastes designated as hazardous substances under section 101(14) and 102(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Public Law 96-5109), also referred to as CERCLA and as the Superfund Act and in New Jersey all substances set forth in NJAC 7:1E-1.7.
- o The CERCLA hazardous substances and their reportable quantities are listed in Table 302.4 of 40 CFR 302. In addition, hazardous solid wastes as defined in 40 CFR 261 are also included as hazardous substances under 40 CFR 302.
- o 40 CFR 302 also sets forth reportable quantities for hazardous substances designated under section 311(b)(2)(A) of the Clean Water Act.

**REPORTABLE EVENT ENV 2.1 (Cont'd)**

- o A list of the type and reportable quantities of hazardous substances at PBAPS is located in Procedure SE-6, "Pollution Incident Protection Procedure." At LGS, the type and reportable quantities of hazardous substances are located in the Preparedness Prevention and Contingency Plan and the SPCC Plan. The reportable quantity of a hazardous waste applies to the total waste itself, not merely to the amount of toxic contaminant in the waste. Reportable quantities vary from one pound to five thousand pounds.
- o Release means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment. Notification of the release of a reportable quantity of solid particles of antimony, arsenic, beryllium, cadmium, chromium, copper, lead, nickel, selenium, silver, thallium, or zinc is not required if the mean diameter of the particles released is larger than 100 micrometers (0.004 inches). Release excludes (1) any release which results in exposure to persons solely within a workplace with respect to a claim which such persons may assert against the employer of such persons, (2) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine, (3) release of source, byproduct, or special nuclear material from a nuclear incident, and (4) the normal application of fertilizer. (40 CFR 302.3 and 40 CFR 302.6(d))
- o Multiple reportability requirements can apply when hazardous substances are released to the environment. For instance, if hazardous substances are released to the environment through an NPDES (NJPDES in New Jersey) permitted outfall, then additional NPDES (NJPDES in New Jersey) reportabilities may apply. Similarly, if hazardous substances are released to the environment from a tank, then tank release reportabilities may apply. Follow the methodology in LS-AA-1020 to ensure all environmental reportability requirements are properly considered.
- o Environment includes any surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air.(40 CFR 302.3)
- o Extremely hazardous substance means a substance listed in Appendices A and B of 40 CFR 355. These extremely hazardous substances include many of the CERCLA hazardous substances listed in Table 302.4 of 40 CFR 302, particularly those which have a high toxicity, but also include many additional high toxicity substances.

**REPORTABLE EVENT ENV 2.1 (Cont'd)**

- o Reporting under 40 CFR 355.40 does not apply to:
  - 1) Any release which results in exposure to persons solely within the boundaries of the facility;
  - 2) Any release which is *federally permitted release* as defined in section 101 (10) of CERCLA;
  - 3) Any release that is continuous and stable in quantity and rate under the definitions in 40 CFR 302.8(b).
  - 4) Any release of a pesticide product exempt from CERCLA section 103(a) reporting under section 103(e) of CERCLA;
  - 5) Any release not meeting the definition of release under Section 101(22) of CERCLA, and therefore exempt from Section 103(a) reporting; and
  - 6) Any Radionuclide release which occurs:
    - o Naturally in soil from land holdings ...
    - o Naturally from land disturbance activities ...
    - o From the dumping and transportation of coal and coal ash ...
    - o From piles of coal and coal ash ...(40 CFR 355.40(a)(2))

- o Spill or discharge of:

Liquid hazardous waste or liquids that become a hazardous waste when spilled or discharged must be reported to the PA Department of Environmental Protection when the quantity spilled or discharged equals or exceeds the reportable quantity for the waste contained in 40 CFR 302.4 or 10 gallons, whichever is more stringent. Liquids are flowable substances, which contain less than 20% solid by dry weight.

Solid hazardous waste or solids that become hazardous waste when spilled or discharged shall be reported to the PA Department of Environmental Protection when the quantity spilled or discharged equals or exceed the reportable quantity for the waste contained in 40 CFR 302.4 or 500 pounds, whichever is more stringent.

This includes spills or discharges to containment or within buildings (applicable to PBAPS, LGS, and TMI).

**REPORTABLE EVENT ENV 2.1 (Cont'd)**

***Related Reportable Events:***

- o ENV 2.6, Failure to Comply With a Drinking Water Primary Maximum Contamination Level
- o ENV 2.16, Incidents Causing or Threatening Pollution
- o ENV 2.11, PCB Transformer Fire-Related Incident
- o ENV 2.12, PCB Spill

***References:***

- o 40 CFR 302 (particularly 302.4 thru 302.6)
- o 40 CFR 355 (particularly 355.40)
- o 25 PA Code 262a.43
- o PBAPS Procedure SE-6, "Pollution Incident Protection Procedure"
- o LGS Preparedness Prevention and Contingency Plan
- o LGS Spill Prevention Control and Countermeasure Plan
- o N.J.A.C. 7:1E
- o Ocean County Health Department Ordinance 83-2
- o Public Law 96-5109 (CERCLA)
- o OCGS Procedure OP-AA-106-101