

NOTIFICATION REQUIREMENTS FOR POLLUTION AND SECURITY INCIDENTS

A reportable pollution incident may involve either a discharge of oil or a release of a hazardous substance:

- A discharge means any spilling, leaking, pumping, pouring, emitting, emptying or dumping of oil that creates sheen, film, sludge, emulsion or discoloration in or on a U.S. navigable water way.
- A release is defined as any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of a hazardous substance into the environment defined as air, land, or water.
- A discharge of oil must be reported to the National Response Center (NRC) every time and a release of hazardous substance must be reported when it meets or exceeds the reportable quantity listed in 40 CFR 117.3 regardless of where the release occurred and the impact of the release, in or outside the confinement of your facility. The requirement to make these notifications can be found in 33 CFR 153.203 as well as 40 CFR 300.300(b). The regulations also state that any person who fails to make these required notifications will be subject to fines or imprisoned in accordance with Title 18 U.S. Code and section 103(b) of CERCLA.

Additionally, if you are required to have an SPCC Plan and the amount of oil spilled to water is more than 1,000 gallons or more than 42 gallons on two different occasions within a 12-month period, then you must also notify your EPA Regional office in writing.

- A reportable security incident may involve suspicious activity, a breach of security or a transportation security incident (TSI). A breach of security is an incident that has not resulted in a TSI in which security measures were circumvented, eluded or violated. A TSI is an incident resulting in a significant loss of life, environmental damage, transportation disruption, or economic impact. Suspicious activity and breaches of security shall be reported to the NRC in accordance with 33 CFR 101.305(a) & (b) and a TSI shall be reported to the local Captain of the Port and the NRC in accordance with 33 CFR 101.305(c) without delay. Without delay means if there is an emergency situation preventing the facility to report, then as soon as safely practical. A report of a security event is not an admission that the facility failed to properly implement the approved Facility Security Plan. Failure to make notifications required by security regulations applicable to your facility can result in enforcement actions that may include a civil penalty of not more than \$25,000 as provided in 46 U.S.C. 70119.
- The number for the National Response Center (NRC) is 1-800-424-8802. Notifications may also be required to State and local agencies.
- Owner/operator of a stationary facility must report any accidental release resulting in a fatality, serious injury or substantial property damage to the Chemical Safety Board (CSB) @ 202-261-7600 (new).