

**FISH AND WILDLIFE SERVICE
POLLUTION CONTROL AND ENVIRONMENTAL COMPLIANCE**

Pollution Control and Environmental Compliance

Part 560 Pollution at FWS Facilities

Chapter 3 Reporting Releases of Hazardous Substances, Oil Discharges, & Contaminated Sites 560 FW 3

TABLE OF CONTENTS	
Topic	Sections
Purpose, Authorities, Terms, and Responsibilities	3.1 What is the purpose of this chapter? 3.2 What is the Service policy on reporting releases of hazardous substances, oil discharges, and contaminated sites? 3.3 What is the scope of this chapter? 3.4 What are the authorities for this chapter? 3.5 What terms do you need to know to understand this chapter? 3.6 Who is responsible for administering this program?
Notification and Reporting Requirements	3.7 What is the National Response Center (NRC)? 3.8 What are the notification/reporting requirements? 3.9 What should Project Leaders/Facility Managers know about Federal versus State and local requirements?

3.1 What is the purpose of this chapter? This chapter identifies U.S. Fish and Wildlife Service (Service) requirements and procedures for reporting:

- A. Releases of hazardous substances;
- B. Oil discharges;
- C. Transportation accidents involving releases of hazardous substances, pollutants, and contaminants, including oil;
- D. Liquid and gas pipeline releases; and
- E. Contaminated sites.

3.2 What is the Service policy on reporting releases of hazardous substances, oil discharges, and contaminated sites? Our policy is to:

- A. Comply with all applicable Federal, State, tribal, local, and Service-specific reporting regulations and requirements; and
- B. Report releases to the appropriate agencies in a timely manner.

3.3 What is the scope of this chapter?

- A. This chapter applies to the reporting of releases or threats of release of hazardous substances; pollutants or contaminants, including oil discharges; and contaminated sites that occur on Service facilities or as a result of our activities on other lands.
- B. Service facilities are buildings, installations, structures, land, public works, equipment, aircraft, vessels, and other vehicles and property that we own, construct, manufacture, or lease. This includes:
 - (1) Refuges;
 - (2) Hatcheries;

**FISH AND WILDLIFE SERVICE
POLLUTION CONTROL AND ENVIRONMENTAL COMPLIANCE**

Pollution Control and Environmental Compliance

Part 560 Pollution at FWS Facilities

Chapter 3 Reporting Releases of Hazardous Substances, Oil Discharges, & Contaminated Sites 560 FW 3

(2) Continuous or anticipated intermittent discharges from a point source, identified in a permit under Section 402 of the Clean Water Act, and caused by events occurring within the scope of relevant operating or treatment systems.

B. Hazardous liquids: Hazardous liquids include petroleum, petroleum products, or anhydrous ammonia (see 49 CFR 195.2).

C. Hazardous substances:

(1) Hazardous substances include:

(a) Any substance listed in 40 CFR 302.4, Table 302.4 (“List of Hazardous Substances and Reportable Quantities”);

(b) Clean Water Act hazardous substances listed in 40 CFR 117.3, Table 117.3 (“Reportable Quantities of Hazardous Substances”);

(c) Any element, compound, mixture, solution, or substance designated as hazardous under section 102 of CERCLA (these are all radionuclides);

(d) Hazardous wastes that exhibit any of four characteristics, i.e., ignitability, corrosivity, reactivity, or toxicity, as defined in 40 CFR 261.21 through 40 CFR 261.24. (see also 561 FW 6, Hazardous Waste Management);

(e) Toxic pollutants listed under section 307(a) of the Clean Water Act (which you also can find at 40 CFR 401.15.);

(f) Hazardous air pollutants listed in section 112 of the Clean Air Act; and

(g) Imminently hazardous chemical substances or mixtures that EPA has taken action on under section 7 of the Toxic Substances Control Act.

(2) Hazardous substances do not include petroleum, natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel.

D. Navigable waters: Navigable waters are the waters of the United States, including the territorial seas (see the Clean Water Act, sec. 502(7), 33 U.S.C. 1367(7)).

E. Release (including the threat of release):

(1) A 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 substance.

(2) Releases do not include:

(a) Those solely within a workplace and not the environment (we report this type of spill or release to the Regional Safety and Health office);

(b) Emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine;

**FISH AND WILDLIFE SERVICE
POLLUTION CONTROL AND ENVIRONMENTAL COMPLIANCE**

Pollution Control and Environmental Compliance

Part 560 Pollution at FWS Facilities

Chapter 3 Reporting Releases of Hazardous Substances, Oil Discharges, & Contaminated Sites 560 FW 3

(c) Releases of source, byproduct, or special nuclear material from a nuclear incident (the Atomic Energy Act defines the requirements for such incidents);

(d) The normal application of fertilizer; and

(e) The normal application of registered pesticides in ways that are consistent with the pesticides' purposes and labels.

F. Reportable Quantity (RQ): An RQ is the quantity of any hazardous substance that, when released into the environment, must be reported. The RQs are in [40 CFR 302, Table 302.4](#).

G. Threat of a Discharge or Release: The definitions of “discharge” and “release” include the threat of discharge or release, but the regulations do not define what “threat” means. Courts have held that a substantial threat exists whenever there is a reasonable cause for concern that a discharge or release may occur. For example, a ship running aground or an employee finding decrepit, abandoned, or discarded barrels or receptacles containing a hazardous substance, pollutant, or contaminant may constitute a threat of discharge or release.

3.6 Who is responsible for administering the program? See Table 3-1.

Table 3-1: Responsibilities for Reporting Releases of Hazardous Substances, Oil Discharges, and Contaminated Sites	
These employees...	Are responsible for...
A. The Director	Approving policy for this reporting program.
B. The Assistant Director – Business Management and Operations	Ensuring policy is in place and overseeing management of the program.
C. Regional Directors and other affected Directorate Members (e.g., Director, National Conservation Training Center (NCTC))	Ensuring that facilities within their Regions and other affected facilities (e.g., NCTC) fully implement the requirements of this chapter and comply with all reporting requirements.
D. The Chief, Division of Engineering	(1) Developing policy for reporting releases of hazardous substances, oil discharges, and contaminated sites; and (2) Providing guidance and technical assistance to the Regional Engineers/Regional Environmental Compliance Coordinators (RENs/RECCs) for compliance with program policies.
E. The Chief, Division of Safety and Health	Providing assistance to Regional Safety and Health managers and response personnel for health and safety issues related to reporting contaminated sites, and the spill and release of hazardous substances, pollutants, and contaminants (including oil) (see 240 FW 1).
F. RENs/RECCs	(1) Developing procedures for and taking action to minimize risk to human health and the environment associated with spills and releases; (2) Providing any other technical assistance to field stations; and

**FISH AND WILDLIFE SERVICE
POLLUTION CONTROL AND ENVIRONMENTAL COMPLIANCE**

Pollution Control and Environmental Compliance

Part 560 Pollution at FWS Facilities

Chapter 3 Reporting Releases of Hazardous Substances, Oil Discharges, & Contaminated Sites 560 FW 3

Table 3-1: Responsibilities for Reporting Releases of Hazardous Substances, Oil Discharges, and Contaminated Sites	
These employees...	Are responsible for...
	<p>(3) Coordinating with Project Leaders/Facility Managers to ensure that they report spills and releases to the EPA, National Response Center (NRC), or State, when appropriate.</p>
G. Regional Safety Managers	Guiding and assisting the RENs/RECCs and Project Leaders/Facility Managers to minimize risk to human health associated with spills and releases.
H. Project Leaders/Facility Managers	<p>(1) Notifying the Regional Spill Response Coordinator and the RECC about spills and releases, and if needed, seeking assistance on determining whether a release or spill constitutes a reportable release;</p> <p>(2) Contacting the NRC to provide the relevant site information if a release or spill constitutes a reportable release;</p> <p>(3) Notifying the Regional Safety and Health office about spills and releases;</p> <p>(4) Notifying the State environmental agency about reportable spills and releases, if required;</p> <p>(5) Once the initial discovery and associated notifications are complete, securing the scene and waiting for instructions for further actions. For example, oil spill responses may follow procedures that are different from a response to a release of hazardous substances;</p> <p>(6) Ensuring that discovery and notification actions for oil spills follow the procedures in the Service's National Oil Spill Contingency Plan and the corresponding Regional plans;</p> <p>(7) Ensuring that personnel involved in oil spill response document the notification process on FWS Form 3-2398, Oil and Hazardous Substance Pollution Incident Report, or equivalent; and</p> <p>(8) Ensuring that stations having a Spill Prevention, Control, and Countermeasures (SPCC) Plan follow the notification procedures identified in their Plan.</p>
I. Employees	Informing managers when they find a spill or discharge, or a threat of a spill or discharge.

3.7 What is the National Response Center (NRC)?

A. The NRC, located at U.S. Coast Guard (USCG) Headquarters, is the sole national point of contact for all pollution incident reporting.

**FISH AND WILDLIFE SERVICE
POLLUTION CONTROL AND ENVIRONMENTAL COMPLIANCE**

Pollution Control and Environmental Compliance

Part 560 Pollution at FWS Facilities

Chapter 3 Reporting Releases of Hazardous Substances, Oil Discharges, & Contaminated Sites 560 FW 3

B. In addition to gathering and distributing spill data for Federal On-Scene Coordinators and serving as the communications and operations center for the National Response Team, the NRC maintains agreements with Federal agencies to make additional notifications about incidents meeting established trigger criteria.

C. The NRC requires information about what, where, when, and why the incident happened, and the name, address, and phone number of the person who is reporting the incident.

D. The telephone number for the NRC is 800-424-8802 or 202-267-2675.

3.8 What are the notification/reporting requirements? Table 3-2 outlines the notification/reporting requirements.

Table 3-2: Notification/Reporting Requirements		
Type of Release/Discharge	Employees must...	Regulatory and Service Manual References
A. Release of Hazardous Substances	<p>(1) Notify the Regional Spill Response Coordinator, the RECC, and the Regional Safety and Health office about all releases of hazardous substances (including radionuclides). If needed, seek assistance from the Regional Spill Response Coordinator or RECC to determine whether the release exceeds the RQ.</p> <p>(2) Also notify the NRC for releases that exceed RQs or if the release is from a vessel into navigable waters, and provide relevant site/location information.</p>	<p>40 CFR Part 302 provides RQs and reporting criteria for hazardous substances.</p> <p>561 FW 10 gives guidance for complying with CERCLA site cleanup requirements.</p>
B. Oil Discharge	<p>(1) Follow the guidance provided in the Service's Oil Spill Response Contingency Plan for reporting spills, even minor spills, such as those maintenance personnel might encounter.</p> <p>(2) Notify the Regional Spill Response Coordinator, the RECC, and the Regional Safety and Health office of any oil discharge.</p> <p>(3) Also notify the NRC if the discharge is of a harmful quantity of oil from a vessel or facility into navigable waters. EPA has determined that a harmful quantity is any quantity that:</p> <ul style="list-style-type: none"> • Causes a film or sheen, • Deposits a sludge or emulsion beneath the surface of the water or on adjoining shorelines, or 	<p>40 CFR Part 302 provides RQs.</p> <p>40 CFR 110 requires notification of the NRC.</p> <p>See 561 FW 3 for more guidance on oil spills and reporting requirements.</p> <p>See the Service's Oil Spill Response Contingency Plan for requirements.</p>

**FISH AND WILDLIFE SERVICE
POLLUTION CONTROL AND ENVIRONMENTAL COMPLIANCE**

Pollution Control and Environmental Compliance

Part 560 Pollution at FWS Facilities

Chapter 3 Reporting Releases of Hazardous Substances, Oil Discharges, & Contaminated Sites 560 FW 3

Table 3-2: Notification/Reporting Requirements		
Type of Release/Discharge	Employees must...	Regulatory and Service Manual References
	<ul style="list-style-type: none"> • Violates an applicable water quality standard. 	
C. Gas Pipeline Release	<p>(1) Notify the Regional Spill Response Coordinator, the RECC, and the Regional Safety and Health office of any gas pipeline releases.</p> <p>(2) Also notify the NRC when:</p> <ul style="list-style-type: none"> • A gas pipeline releases corrosive or flammable gas or liquefied natural gas causing death or injury requiring hospitalization, or • There is property damage exceeding \$50,000. 	49 CFR 191.5 requires notification of the NRC.
D. Liquid Pipeline Release	<p>(1) Notify the Regional Spill Response Coordinator, the RECC, and the Regional Safety and Health office about any liquid pipeline releases.</p> <p>(2) Also notify the NRC when a pipeline releases hazardous liquid or carbon dioxide that causes:</p> <ul style="list-style-type: none"> • Death or injury, • An explosion or fire, • An escape to the atmosphere of more than five barrels a day of highly volatile liquid or carbon dioxide, • Property damage exceeding \$50,000, or • Pollution of any body of water. 	49 CFR 195.52 requires notification of the NRC.
E. Transportation Accident Releases	<p>Report any transportation accidents involving hazardous materials, including radioactive substances, to the NRC, Regional Spill Response Coordinator, the RECC, and the Regional Safety and Health office when, as a direct result of the hazardous material release:</p> <ul style="list-style-type: none"> • There are deaths or injuries requiring hospitalization, • The general public is evacuated for 1 hour or more, • A major transportation artery or 	49 CFR 171.15 requires notification of the NRC.

**FISH AND WILDLIFE SERVICE
POLLUTION CONTROL AND ENVIRONMENTAL COMPLIANCE**

Pollution Control and Environmental Compliance

Part 560 Pollution at FWS Facilities

Chapter 3 Reporting Releases of Hazardous Substances, Oil Discharges, & Contaminated Sites 560 FW 3

Table 3-2: Notification/Reporting Requirements		
Type of Release/Discharge	Employees must...	Regulatory and Service Manual References
	facility is closed or shut down for 1 hour or more, or <ul style="list-style-type: none">• Breakage or spillage of an etiologic (disease-causing) agent occurs.	
F. Abandoned Dump or Waste Sites	Report abandoned dumps or waste sites to the RECC.	None.

3.9 What should Project Leaders/Facility Managers know about Federal versus State and local requirements?

A. This chapter focuses on Federal (EPA, DOT, and USCG) regulations. State regulations vary widely. Project Leaders/Facility Managers are responsible for identifying applicable State and local reporting requirements and notifying the State and local environmental agencies about reportable spills and releases, if required.

B. Some States require notifications or reports in addition to the Federal requirements. For example, Texas requires that any spill of 25 gallons or more of used oil onto land be reported to their Commission of Environmental Quality. The RECC can help identify any State- or spill-specific notification requirements.

C. Reports made to State and local government agencies do not satisfy Federal reporting requirements, and the opposite also is true. If you have to notify a State office about a release, you must still notify the appropriate Service offices and the NRC as listed in Table 3-2.

/sgd/ Stephen Guertin
DEPUTY DIRECTOR

Date: October 28, 2013