

**O E S**  
CALIFORNIA



Governor's Office of  
Emergency Services

**Hazardous  
Materials Unit**

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# California Hazardous Material Spill/Release Notification Guidance

## **To Report**

all significant releases or potential  
releases of hazardous materials,

## **First Call 9-1-1**

(or the local emergency response agency)

## **Then Call**

the Governor's Office of  
Emergency Services (OES)  
Warning Center

**1-800-852-7550**

(only in California) or call  
the public number

**(916) 262 - 1621**

***It's the Law!***

January 1999

This guidance summarizes pertinent emergency notification requirements. **For precise legal requirements, review specific laws and regulations.**

This guidance applies to all significant releases of hazardous materials. Refer to Safe Drinking Water and Toxic Enforcement Act of 1986, better known as Proposition 65 and §9030 of the California Labor Code for additional reporting requirements for releases of carcinogenic chemicals.

#### **SPILL OR RELEASE NOTIFICATION**

**Q:** What are the emergency notification requirements in case of a spill or release of hazardous materials?

**A:** All significant releases or potential releases of a hazardous material, including oil, require emergency notification to government agencies. The law specifies who must notify, what information is needed, which government agencies must be notified, when they must be notified, and the release quantity or basis for the report.

#### **WHO MUST NOTIFY**

**Q:** Who is obligated to notify?

**A:** Requirements for immediate notification of all significant spills or releases covers: Owners, Operators, Persons in charge, and Employers.

Notification is required regarding significant releases from: Facilities, Vehicles, Vessels, Pipelines and Railroads.

1. State law: Handlers, any employees, authorized representatives, agents or designees of handlers shall, upon discovery, immediately report any release or threatened release of hazardous materials (Health and Safety Code §25507).

2. Federal law: Notification is required for all releases that equal or exceed federal reporting quantities:

- Owners and Operators to report (EPCRA)
- Person in Charge to report (CERCLA)

## **WHAT INFORMATION**

**Q:** What information is required?

**A:** 1. State notification requirements for a spill or release include (as a minimum):

- Identity of caller
- Location, date and time of spill, release, or threatened Release
- Substance and quantity involved
- Chemical name (if known, it should be reported if the chemical is extremely hazardous)
- Description of what happened

2. Federal notification requires additional information for spills (CERCLA chemicals) that exceed federal reporting requirements, which includes:

- Medium or media impacted by the release
- Time and duration of the release
- Proper precautions to take
- Known or anticipated health risks
- Name and phone number for more information

## **WHICH AGENCIES**

**Q:** Who must be notified?

**A:** Notification must be given to the following agencies:

- **The Local Emergency Response Agency**  
e.g., 9-1-1 or the Local Fire Department,  
**and**, if different from Local Fire:
- **The Certified Unified Program Agency (CUPA)**  
9-1-1 or enter local number

**Phone:** \_\_\_\_\_

**AND**

- **The Governor's Office of  
Emergency Services  
Warning Center**

Phone: **1 - 800 - 852 - 7550**

(1-800 is good only inside California)  
**or** the public and out-of-state number  
**(916) 262 - 1621,**

*And, if appropriate:*

- **The California Highway Patrol**

Phone: **9-1-1**

(The California Highway Patrol must be notified for spills occurring on highways in the state of California under CHP jurisdiction)

And, **in addition**, as necessary, one or more of the following:

**A. National Response Center**

If the spill equals or exceeds CERCLA  
Federal Reportable Quantities  
Phone: 1- 800 - 424 - 8802

**B. United States Coast Guard**

Waterway Spill / Release  
Marine Safety Offices:  
MSO S. F. (Alameda) - (510) - 437 - 3073  
MSO LA/Long Beach - (562) - 980 - 4444  
MSO San Diego - (619) - 683 - 6470

**C. Cal /OSHA** - For Serious Injuries or Harmful  
Exposures to Workers:

Phone nearest Cal/OSHA District Office

**D. Department of Toxic Substances  
Control (DTSC)**

Hazardous waste tank system releases  
Secondary containment releases  
Phone appropriate DTSC Regional Office

**E. Department of Conservation,  
Division of Oil Gas and Geothermal  
Resources (DOGGR)**

Release of Oil and Gas at a Drilling  
and Production Facility  
Phone the appropriate DOGGR District Office

**F. Public Utilities**

Natural Gas Pipeline Releases  
Phone Commission (PUC)

**Notification must also be made to The Governor's Office of Emergency Services Warning Center for the following:**

- Discharges or threatened discharges of oil in marine waters
- Any spill or other release of one barrel or more of petroleum products at a tank facility
- Discharges of any hazardous substances or sewage in or on any waters of the state
- Discharges that may threaten or impact water quality
- Discharges of oil or petroleum products into or on waters of the state
- Hazardous Liquid Pipeline releases and every rupture, explosion or fire involving a pipeline.

**WHEN TO NOTIFY**

**Q:** When must emergency notification be made?

**A:** All significant spills or releases of hazardous materials, including oil, must be **immediately** reported. Notification should be made by telephone.

Also, written follow-up reports may be required.

## **WRITTEN REPORTS**

**Q:** When are written reports required?

**A:** Different laws have different time requirements and criteria for submitting written reports. After a spill or release of hazardous materials, including oil, immediate verbal emergency notification should be followed up as soon as possible with a written follow-up report to the following agencies:

- 1) Governor's Office of Emergency Services,  
Section 304 Follow-up Report
- 2) The responsible regulating agency, e.g.,
  - Department of Toxic Substances Control:  
Facility Incident or Tank System Release Report
  - Cal/OSHA: serious injury or harmful exposure to workers
- 3) U.S. DOT: transportation-related incidents.

## **PENALTIES**

Federal and state laws provide for penalties of up to \$25,000 per day for each violation of emergency notification requirements. Criminal penalties may also apply.

## **STATUTES**

**Q:** What statutory provisions require emergency notification?

**A:** Many statutes require emergency notification of a hazardous chemical release, including:

- Health and Safety Code §25270.7, 25270.8, 25507
- Vehicle Code §23112.5
- Public Utilities Code §7673  
(PUC General Orders #22-B, 161)
- Government Code §51018, 8670.25.5 (a)
- Water Code §13271, 13272
- California Labor Code §6409.1 (b)
- Title 42, U. S. Code §9603, 11004

**Q:** What are the statutory provisions for written follow-up reports?

**A:** Written reports are required by several statutes, including:

- Health and Safety Code §25503 (c) (9)
- California Labor Code §6409.1 (a)
- Water Code §13260, 13267
- Title 42, U. S. Code §11004
- Government Code § 51018



## **REGULATIONS**

In addition to statutes, several state agencies have notification or reporting regulations:

- Title 8, CCR, §342
- Title 13, CCR, §1166
- Title 14, CCR, §1722 (h)
- Title 19, CCR, §2703, 2705
- Title 22, CCR, §66265.56 (j), 66265.196 (e)
- Title 23, CCR, §2230, 2250, 2251, 2260
- 49 CFR, Parts 100 - 177,  
esp. §171.15, and Part 263, §263.30
- 49 CFR, 171.16

See California Labor Code §9030 and Proposition 65 for carcinogen reporting requirements.

## **DEFINITIONS**

**Q:** What is a “Hazardous Material”?

**A:** “Any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment” (Health and Safety Code, §25501 (o)).

**Q:** What is a release?

**A:** “Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, unless permitted or authorized by a regulatory agency” (Health and Safety Code, §25501 (s)).

**Q:** What hazardous material releases require notification?

**A:** All significant spills, releases, or potential releases of hazardous materials must be **immediately** reported.

In addition, all releases that result in injuries, or workers harmfully exposed, **must be immediately** reported (Cal Labor Code §6409.1 (b)). Notification covers significant releases or threatened releases relating to all of the following:

- 1) “Hazardous Materials” as defined by §25501, California Health and Safety Code;
- 2) “Hazardous Substances” as listed in 40 CFR §302.4; the Clean Water Act §307, §311; CERCLA §102; RCRA §3001; Clean Air Act §112; Toxic Substances Control Act §7;
- 3) “Extremely Hazardous Substances” as required by: Chapter 6.95 Health and Safety Code, EPCRA §302;
- 4) Illegal releases of hazardous waste;
- 5) Employee exposures resulting in injuries: California Labor Code §6409.1 (b);
- 6) “Sewage” as required by Water Code §13271 (Reportable quantity is 1,000 gallons).

## **ACRONYMS**

Acronyms are listed in order of use:

OES - Governor's Office of Emergency Services

EPCRA - Emergency Planning and Community  
Right-to-Know Act (SARA Title III)

CERCLA - Comprehensive Environmental  
Response, Compensation, and Liability Act  
(aka Superfund)

CHP - California Highway Patrol

CUPA - Certified Unified Program Agency

Cal/OSHA - California Occupational Safety and  
Health Administration

DTSC - Department of Toxic Substances Control

DOGGR - California Division of Oil, Gas, and  
Geothermal Resources

PUC - Public Utilities Commission

MSO - Marine Safety Office, U.S. Coast Guard

DOT - Federal Department of Transportation

HMIS - Hazardous Material Information System

CFR - Code of Federal Regulations

CCR - California Code of Regulations

RCRA - Resource Conservation and Recovery Act

## **CONTRIBUTORS**

This guidance was developed with input from the  
following agencies participating on the California  
Hazardous Waste Strike Force:

Governor's Office of Emergency Services

Office of the Attorney General

Office of the State Fire Marshal

California Highway Patrol  
California Environmental Protection Agency  
Department of Toxic Substances Control  
State Water Resources Control Board  
Air Resources Board  
Department of Pesticide Regulation  
California Integrated Waste Management Board  
Department of Fish and Game  
Department of Forestry and Fire Protection  
Department of Food and Agriculture  
Department of Industrial Relations  
Cal-OSHA  
Department of Transportation - CalTrans  
Sacramento County Environmental Management  
Hazardous Materials Division  
U. S. Environmental Protection Agency,  
Region IX  
The Conservation Department Division of Oil, Gas,  
and Geothermal Resources and Department of  
Water Resources also provided input.

For Questions on the federal  
Emergency Planning and  
Community Right-to-Know Act  
Call EPCRA Title III Hotline:  
1 - 800 - 535 - 0202

This booklet was produced by  
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**- Emergency Notification Summary -  
Telephone Calls Required For  
All Significant Releases or Potential Releases  
of Hazardous Materials**

At a **MINIMUM**, the spiller should call:

**1. The Local Emergency Response Agency,  
Certified Unified Program Agency (CUPA)  
AND**

**the Fire Department  
9-1-1 or the Local Fire Number  
AND**

**2. The Governor's Office of Emergency Services  
Warning Center  
1-800-852-7550 or 916-262-1621**

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**In addition to 911 and OES** above, the following apply under varying circumstances:

- All releases that equal or exceed Federal Reportable Quantities (CERCLA) - **Call the National Response Center (NRC) 1-800-424-8802**
  - All releases on-highway - **Call California Highway Patrol**
  - All hazardous waste tank releases - **Call Department of Toxic Substances Control Regional Office**
  - All serious worker injuries or harmful exposures - **Call Cal/OSHA District Office**
  - All oil spills at drilling and production fixed facilities - **Call Conservation Department, Division of Oil, Gas, and Geothermal Resources**
  - All spills with a potential to impact water quality (includes sewage above 1,000 gallons) - **Call OES**
  - All significant potential or actual railroad releases (California definition of hazardous materials)
- Railroad should call - Local Emergency Response Agency and PUC**
- All Hazardous Liquid Pipelines - **Call local fire department**  
(Hazardous Liquid Pipeline Safety is State Fire Marshal jurisdiction)
  - All Natural Gas Pipelines - **Call PUC**

## **Notes**

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