

OIL SPILL REPORTING GUIDANCE DOCUMENT

FOR

Four States Timberland Owners Assoc.

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(Revision 1)

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FSTOA OIL SPILL REPORTING GUIDANCE DOCUMENT

Introduction:

The purpose of this document is to provide abbreviated oil spill reporting guidance to FSTOA contract loggers and support foresters operating in Arkansas, Oklahoma, Louisiana and Texas (“The Four State Area”). This guide does **not** address hazardous substance (HS) spill reporting requirements. However, field operators should be aware that, by law, it is the spiller’s direct responsibility to report all qualifying spills, regardless of material. Therefore, any questions relating to HS spill reporting should be addressed before beginning any field operation where a HS spill potential exists. Although some points of contact for response assistance are included herein, this guide is not intended to serve as a spill response guide or as a spill contingency plan.

REGULATORY REQUIREMENTS:

The Federal Water Pollution Control Act (FWPCA), Clean Air Act (CAA), Resource Conservation Recovery Act (RCRA), Clean Water Act (CWA) Amendments, and the Emergency Planning and Community Right-To-Know Act (EPCRA), among others, all require that oil and hazardous substance spills be reported under certain conditions. State notification reduces the potential for any after-the-fact complications associated with third-party claims of cover-up, or from claims of improper response and cleanup.

Background Info - Federal Spill Notification:

Under the **CWA** and subsequent implementing regulations, oil spills to navigable waters and hazardous substance spills exceeding a specified reportable quantity (RQ) must be **immediately** reported to the **National Response Center (NRC) at 1.800.424.8802**. It is important to note that the term *immediately* has been interpreted by the courts to mean as soon as the basic spill information can reasonably be obtained. If it takes much more than 30 minutes to collect the required data, an initial phone report should be made to the NRC, followed by a full report when the remaining spill data is available. In rare instances, for projects located in very remote areas, it may take additional time to obtain the basic spill information and get to a phone to make the report. But, if a spiller waits 24 hours (the old next-day reporting rule) to make the NRC call for a typical spill, there is a relatively high risk that the **spiller** will receive a Notice of Violation (NOV) with up to a \$10,000/per day civil penalty.

Please note that the **NRC** is the **sole** federal notice required under the CWA. The NRC is a 24/7 office manned continuously by the US Coast Guard in Washington DC. One of the NRC’s primary duties under the National Contingency Plan (NCP) is to receive spill reports and to relay the information immediately to the appropriate Federal On-Scene Coordinator (OSC). The Federal OSCs are predesignated in the NCP to oversee the cleanup of oil and hazardous substance spills nation-wide. The Federal OSCs are always either the EPA or the US Coast Guard, except for a few special exceptions. EPA is the predesignated OSC for inland spills and the US Coast Guard is the predesignated OSC for coastal zone spills.

For inland spills in The Four State Area, the NRC will contact the OSC at EPA Region VI's headquarters in Dallas immediately upon receiving a spill report. For coastal spills, the appropriate district US Coast Guard Captain of the Port will be contacted. Once the NRC relays the spill report, the federal OSC may call the spiller or responsible party for additional information, and may visit the site if the spill is large or has the potential to impact sensitive environmental areas. The OSC has full legal authority to direct any response effort be taken should the spiller's cleanup actions be judged inadequate. The cost of any EPA directed cleanup and/or oversight must be paid by the spiller.

It is important to note that the **NRC phone spill report is mandatory**. Substituting a call to the local State, Coast Guard, or EPA office will not relieve the spiller of his liability for failing to follow the proper notification requirements. Reporting spills directly to EPA or the local Coast Guard Office will not relieve the spiller of his legal responsibility to make the spill report directly to the NRC. The penalty for failing to make a proper and timely spill report is fines up to \$25,000 per day.

Background Info - State Spill Notification Requirements:

Arkansas, Oklahoma, Louisiana and Texas have no specific oil spill reporting implementing regulations. Federal oil spill notification covers state reporting requirements.

Federal: Specific Oil Spill Reporting Requirements:

Under 40 CFR 110.3 and 110.6, pursuant to section 311(b)(4) of the CWA, oil spills to navigable waters that violate applicable water quality standards, cause a film or sheen or discoloration of the surface of the water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines must be immediately reported to the NRC @ 1.800.424.8802. See Attachment No. 1.

The term navigable waters, for the purposes of this simplistic guide, means any surface water of any type. The legal definition includes navigable waters as defined in section 502(7) of the FWPCA, and includes: (1) All navigable waters of the United States, as defined in judicial decisions prior to passage of the 1972 Amendments to the FWPCA (Pub. L. 92-500), and tributaries of such waters; (2) Interstate waters; (3) Intrastate lakes, rivers, and streams which are utilized by interstate travelers for recreational or other purposes; and (4) Intrastate lakes, rivers, and streams from which fish or shellfish are taken and sold in interstate commerce. Navigable waters do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.

Federal Oil Spill Reporting Law:

Any oil spill to navigable waters, or any oil spill to soil that poses a reasonable threat to reach navigable waters, must be immediately reported to the NRC at 1.800.424.8802.

It should be noted that only oil spills that reach, or pose a reasonable threat to navigable waters are required to be reported to the NRC. The CWA was not designed to address soil or groundwater contamination. For spills that are contained entirely on soil and pose no danger of entering navigable waters are not subject to the CWA reporting requirement. However, all federal and state regulatory required cleanup actions are still mandatory.

State Specific Oil Spill Reporting Requirements:

In Arkansas, Oklahoma and Louisiana there are no specific legal requirements to report any oil spill to the state. Oil spills to navigable waters must be reported to the NRC.

In Texas, greater than twenty-five gallons has been specified as the legal requirement to report any oil spill in the state. Also oil spills to navigable waters must be reported to the NRC.

Since all oil spills to waters of the state must be reported to the NRC, and since many other states have set 25 gallons as the soil spill-reporting cutoff, FSTOA has established the following policy for oil spill reporting:

FSTOA: Oil Spill Reporting Requirements:

FSTOA requires, where no other requirement exist, that any spill of petroleum products that exceeds twenty-five (25) gallons be reported to the appropriate division environmental and management contacts.

FSTOA Oil Spill Reporting Policy:

Any oil spill \geq 25 gallons, shall be reported immediately to the appropriate division environmental and management contacts.

Attachment No. 1 Forester's Spill Reporting Guide

Spill Type	Spill Quantity	Federal Reporting	State Reporting
Oil to Water	Sheen, Sludge, Emulsion....	*Immediately call NRC @ 1.800.424.8802	Arkansas Department of Environmental Management – 800-322-4012 Oklahoma Department of Environmental Quality – 800-522-0206 Louisiana Department of Environmental Quality – 225-342-1234 Texas Commission on Environmental Quality – 800-832-8224
Oil to Soil	≥ 25 Gallons	NA unless pose a reasonable threat to navigable waters	
FSTOA requires, where no other requirement exist, that any spill of petroleum products that exceeds twenty-five (25) gallons be reported to the appropriate division environmental and management contacts.			

Note: The term ***immediately*** has been interpreted by the courts to mean as soon as the basic spill information can reasonably be made available. Typical reporting times should not exceed 30 minutes to 1 hour. Do not delay, the phone call to the NRC awaiting the collection of all spill reporting information.

Attachment No. 2 Oil Spill Reporting Pocket Card

Pocket Card Front:

Federal Spill Notification Requirements For:
Oil spills in **any** quantity that enters navigable waters (waters of the state) and cause a **sheen**, sludge, emulsion...

Notification Responsibility? Spiller

Report When? Immediately

Call Whom? **NRC @ 1.800.424.8802**

Note: Notification requirements also include oil spills that pose a reasonable threat of entering "navigable waters"...

Pocket Card Back:

Spill Notification Requirements For:
Oil spills to water of **any** quantity.

Spill Notice Responsibility? Spiller

Toll free DEQ or CEQ Report Number? AR - 1.800.322.4012
OK - 1.800.522.0206
TX - 1.800.832.8224

Alternative Local DEQ or CEQ Number? AR - 501.682.0660
OK - 405.521.2240
LA - 225.342.1234

Time Allowed To Report? Immediately

Environmental Contact? FSTOA Member

Oil spills exceeding 25 gallons, notify.

Federal Spill Notification Requirements For:
Oil spills in **any** quantity that enters navigable waters (waters of the state) and cause a **sheen**, sludge, emulsion...

Notification Responsibility? Spiller

Report When? Immediately

Call Whom? **NRC @ 1.800.424.8802**

Note: Notification requirements also include oil spills that pose a reasonable threat of entering "navigable waters"...

Spill Notification Requirements For:
Oil spills to water of **any** quantity.

Spill Notice Responsibility? Spiller

Toll free DEQ or CEQ Report Number? AR - 1.800.322.4012
OK - 1.800.522.0206
TX - 1.800.832.8224

Alternative Local DEQ or CEQ Number? AR - 501.682.0660
OK - 405.521.2240
LA - 225.342.1234

Time Allowed To Report? Immediately

Environmental Contact? FSTOA Member

Oil spills exceeding 25 gallons, notify.

Federal Spill Notification Requirements For:
Oil spills in **any** quantity that enters navigable waters (waters of the state) and cause a **sheen**, sludge, emulsion...

Notification Responsibility? Spiller

Report When? Immediately

Call Whom? **NRC @ 800.424.8802**

Note: Notification requirements also include oil spills that pose a reasonable threat of entering "navigable waters"...

Spill Notification Requirements For:
Oil spills to water of **any** quantity.

Spill Notice Responsibility? Spiller

Toll free DEQ or CEQ Report Number? AR - 1.800.322.4012
OK - 1.800.522.0206
TX - 1.800.832.8224

Alternative Local DEQ or CEQ Number? AR - 501.682.0660
OK - 405.521.2240
LA - 225.342.1234

Time Allowed To Report? Immediately

Environmental Contact? FSTOA Member

Oil spills exceeding 25 gallons, notify.

**Attachment No. 3
Oil Discharge Reporting Form
Call NRC @ 1.800.424.8802**

REPORTING PARTY		RESPONSIBLE PARTY	
Last Name:		Last Name:	
First Name:		First Name:	
Phone-Office:		Phone-Office:	
Phone-Cellular:		Phone-Cellular:	
Phone-Other:		Phone-Other:	
Company Name:		Company Name:	
Position:		Position:	
Address:		Address:	
City:		City:	
State:		State:	
Zip		Zip	

WHAT HAPPENED:

What material was released?
How much was released?

WHERE DID IT HAPPEN:

City?
County?
State?
Location of nearest street corner or other landmark?

WHEN DID IT HAPPEN:

Spill date and time?
When was the spill discovered?

WHY DID IT HAPPEN?

How did spill occur?
What caused the spill?

INJURIES OR DAMAGES?

CORRECTIVE ACTION TAKEN?

EVACUATION NEEDED?

OTHER PARTIES CONTACTED?

Note: If you do not have all of the above information and you have caused or discovered a spill, you are still required to call the NRC at 1.800.424.8802 as soon as possible. Do not wait for all of the information to make the call.

Attachment No. 4 Spill Reporting Guide CONTRACTOR HANDOUT

Spill Type	Spill Quantity	Federal Reporting	State Reporting
Oil to Water	Sheen, Sludge, Emulsion....	*Immediately call NRC @ 1.800.424.8802	Arkansas Department of Environmental Management – 800-322-4012 Oklahoma Department of Environmental Quality – 800-522-0206 Louisiana Department of Environmental Quality – 225-342-1234 Texas Commission on Environmental Quality – 800-832-8224
Oil to Soil	≥ 25 Gallons	NA unless pose a reasonable threat to navigable waters	
FSTOA requires, where no other requirement exist, that any spill of petroleum products that exceeds twenty-five (25) gallons be reported to the appropriate division environmental and management contacts.			

Note: The term ***immediately*** has been interpreted by the courts to mean as soon as the basic spill information can reasonably be made available. Typical reporting times should not exceed 30 minutes to 1 hour. Do not delay the phone call to the NRC awaiting the collection of all spill reporting information.