

Spill reporting: when to report?

Even the most safety and health conscious businesses are not immune from accidental releases or spills of oils or chemicals. How large must the spill be before it needs to be reported? There is no simple answer, as it really depends on the material and the volume released. It also depends on where the release originated and how far has it traveled. Were Kansas soils or waters impacted by the spill? Did the spill leave the property? Did it endanger local residents? Will the release pollute the air? Is the released material a regulated substance with reportable quantities assigned to it? Did the spill originate on an oil or gas lease?

There are several agencies (local, state, and federal) you may need to call in the event of a release or spill, after securing the safety of personnel and public in the immediate area. The party responsible for the discharge (owner, owner's representative, etc.) is responsible for making the appropriate notifications.

An excellent resource is the Kansas Department of Health and Environment (KDHE) Bureau of Environmental Remediation document "Kansas Spill Notification." It contains applicable regulations with detailed contact information and is found at the following Web site: <http://www.kdhe.state.ks.us/spill>. Click on the link titled, "Kansas Spill Reporting Instructions." If you don't have access to the Web and would like a copy, please contact SBEAP at 800-578-8898. Spills of pesticides, sewage, animal wastes, and biohazards, or accidents involving livestock or fish kills, all have specific contact numbers. These numbers and more information on spill reporting in Kansas are found in the "Kansas Spill Notification" document.

Kansas regulation K.A.R. 28-48 requires you to report to KDHE all spills that impact soils or waters of the state. The KDHE spill-reporting number to call day or night is 785-296-1679. Call even if you are unsure whether your spill has made an impact or not.

If a spill at your facility leaves or will leave your property, or threatens the health and safety of the local population, you must notify the local emergency planning committee (LEPC) as soon as possible. Your LEPC can be contacted by dialing 911, or its number may be listed in the front of the local phone book.

Spills of hazardous materials and air releases of "federally reportable quantities" must also be reported to the Kansas Department of Emergency Management (KDEM) at 800-275-0297 or 785-296-8013. Spill reporting of hazardous and extremely hazardous substances (EHS) is a requirement of section 304 of the Federal Emergency Planning and Community Right-to-know Act (EPCRA). Releases of reportable quantities (RQ) of EHS are subject to state and local reporting: KDEM and the LEPC. Releases of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) reportable substances must be reported to the National Response Center (NRC) at the 24-hour number, 800-424-8802. A list of these CERCLA and EPCRA materials and their respective reportable quantities can be found in an EPA publication titled, "List of Lists." This publication is found at the Web site <http://www.epa.gov/ceppo/pubs/title3.pdf>. Again, if you don't have access to the Web, please contact us SBEAP 800-578-8898.

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Check the list for chemicals or substances used or stored at your facility and note, before an occurrence, the quantities for which you must report a release.

On a side note, report natural disasters and potential terrorism events to KDEM by calling 800-905-7521.

The Kansas Corporation Commission (KCC) should be notified about spills originating on oil or gas leases. Contact the appropriate district office where the spill has occurred. District locations and contact information is found in the “Kansas Spill Notification” document referenced in the first paragraph. If you cannot reach KCC, then call the KDHE reporting number.

Any oil or hazardous material spill that has impacted or threatens a waterway must also be reported to the National Response Center (NRC) at 800-424-8802, day or night.

Finally, don't hesitate to call the Kansas Small Business Environmental Assistance Program (SBEAP) hotline at 800-578-8898 with your specific questions.

Let's look at some examples:

Scenario 1: A business was getting its 500-gallon, aboveground storage tank filled with gasoline. The supplier's automatic shut-off valve failed and about one gallon of gasoline was released before the supplier could shut off the supply hose manually. The tank did not have secondary containment, so the gasoline spilled on the four- to six-inch gravel layer below. Below the gravel was silty, clayey soil. The water table was 25 feet below ground surface. The nearest body of water was off site. Would you report this spill?

The first thing to do is pick up the contaminated gravel and soil and place it in a sealed container. Because soil was impacted, contact KDHE at 785-296-1679. Because of the small quantity, KDHE may give you permission to aerate the soil by spreading it on an impervious surface on site and stirring it regularly for a period of time. They may require the contaminated soil be taken to the local landfill under a special waste authorization.

Scenario 2: A 500-gallon, aboveground diesel tank was accidentally struck by a fork lift causing most of the contents to spill onto a concrete surface, where it then traveled about 100 feet to a storm water drainage ditch where the diesel flowed off site. What reporting is required in this situation?

Since soil is impacted and surface waters could be impacted, contact KDHE at 785-296-1679. Since the diesel left the property, notify the LEPC by dialing 911 or looking in the first pages of the local telephone directory. If the diesel may flow from the ditch into a nearby stream (especially if this occurred during a rain event), also contact the National Response Center at 800-424-8802.

Scenario 3: A company uses sodium hydroxide in its processes. While transferring a new drum of this material to its storage area, the drum was damaged and leaked sodium hydroxide on the road within the plant. It was estimated that 500 lbs. leaked.

Because of the corrosive and reactive nature of this material, special handling procedures must be taken prior to making the notifications. A facility with such a chemical should have emergency procedures in place to handle a spill of this nature. Once the area is secure, then notify KDHE. Since the chemical stayed on the property and doesn't appear to be a threat to the local community, the LEPC would not have to be contacted. Sodium hydroxide is a CERCLA-regulated substance with a reportable quantity of 1000 lbs. Since 500 lbs. had leaked, this facility is not required to notify the National Response Center.

Small Business Environmental Assistance Program

The mission of the Kansas Small Business Environmental Assistance Program (SBEAP) is to help Kansas small businesses comply with environmental regulations and identify pollution prevention opportunities. SBEAP is funded through a contract with the Kansas Department of Health and Environment. SBEAP services are free and confidential. For more information, call 800-578-8898, send an e-mail to SBEAP@ksu.edu, or visit our Web site at www.sbeap.org.

Notice of nondiscrimination

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P2 award winners



The Kansas Department of Health and Environment Pollution Prevention (P2) Program annually recognizes individuals, communities or community groups, businesses, and industries who have made a significant impact in protecting the environment by preventing pollution. The 2004 KDHE P2 Awards were presented at the annual environmental conference in September 2004. Two of the winners, described below, were Fort Riley and UBF Foodsolutions.

Fort Riley

Fort Riley was awarded for its efforts to improve the environment by implementing a new lithium, sulfur-dioxide (LiSO₂) battery management program. LiSO₂ batteries, used to power military communication systems and portable electronics, must be disposed of as universal waste when they have an electrical charge. Discharged LiSO₂ batteries are less reactive and can be disposed of as nonhazardous solid waste. Fort Riley encourages reuse of batteries and safe discharge of batteries that cannot be reused. Each battery is used to its maximum potential and is disposed of properly. Since its inception in October 1999, this battery program has reduced the amount of LiSO₂ batteries discarded as universal waste by approximately 65% and has saved more than \$114,600.

UBF Foodsolutions

UBF Foodsolutions (UBF), a premier blending company, was awarded for its efforts in implementing an environmental management system (EMS) at its Wichita facility. The EMS encompasses several programs including a 17-element framework standard; yearly environmental goals; management participation; and monitoring of key environmental indicators such as water usage, trash generation, and energy usage. Some of UBF's accomplishments include recycling of polypropylene super sacks; installation of energy-efficient lighting; elimination of chlorinated solvents; and decreased hazardous waste through inventory control, implementation of a mercury-elimination program, integrated pest management, and general recycling. Since the EMS was implemented in the fall of 2001, the facility has realized upwards of \$80,000 in annual savings from the new practices.

Dear EnviroMike:

A friend of mine recently told me I had to do inspections of my hazardous waste storage area the same day of every week. What's the real deal on weekly inspections?

— Signed,
Policy Pete



Dear Pete,

In the past, KDHE has interpreted “weekly” inspections to mean every seven days, which would have required such inspections to be on the same day each week (or any day before the seventh day). However, KDHE has recently changed their position on this interpretation for Kansas and EPA generators (and SQGs with hazardous waste accumulations over 55 pounds). Companies may now do one inspection per week; however, you are encouraged to keep your inspections as close to one week apart as possible. For example, if you normally do your weekly inspections on Monday, and a holiday or other event prevents you from doing your normal Monday inspection, you can now do that inspection on Tuesday and maintain compliance with the “weekly” inspection requirement. The regulation can be found at K.A.R. 28-31-4(k).

EnviroLines reporting and events calendar

Dry cleaner workshops

The Kansas Small Business Environmental Assistance Program (SBEAP) will be holding six, two-hour workshops, free of charge, to help dry cleaners understand the many environmental regulations that apply to their industry. Sessions are offered in the afternoon (2:00-4:00 p.m.) or early evening (5:00-7:00 p.m.) on the following dates:

- Feb. 9, 2005, Sedgwick Co. Extension Office, Wichita
- Feb. 10, 2005, Carver Center, Salina
- Feb. 15, 2005, Johnson Co. Extension Office, Olathe

Choose the workshop that is most convenient for you and your staff. Call Barb or Nancy at 800-578-8898 for more information or to register.

National meetings

The National Environmental Partnership 2005 Summit will be held April 11-14, 2005, in Chicago, Ill. The year's summit theme is "Advancing Environmental Stewardship Through Collaboration." For more information, go to <http://www.environmentalsummit.org/index.cfm>.

The Air and Waste Management Association National Conference and Exhibition will be June 21-24, 2005, in Minneapolis, Minn. Mark your calendar now.

EHS meetings

The Wichita Certified Hazardous Material Managers meet the last Thursday of each month over lunch. Contact Nancy Larson at 800-578-8898 for more information.

The Southeast Kansas Environmental Health and Safety Committee meets the second Wednesday of each month. Contact Joe Wright at 800-247-9105 for more information.

The EHS Network of Central Kansas reaches out to environmental, health, and safety professionals to promote a cleaner environment and safer workplace through training and education. Visit their home page at <http://www.geocities.com/environmentalhealthsafety/> for more details on monthly events.

Heads up for spring workshops

KDHE and the SBEAP program will present their second Air Quality Videoconference in late spring at several locations across the state. Also, VOC-reduction workshops will be presented for select industries in late spring as part of the Kansas City ozone-reduction effort. Dates and locations for all workshops will be listed on the SBEAP calendar at www.sbeap.org soon.



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