

Appendix H Spills

Spills – Frequently Asked Questions (FAQ)

[ODOT First Responder Guide to Highway Incident Response \(June 2010\)](#)

Emergency Notification for Spills in ODOT Maintenance Yards (form)

Spill Response Form for Spills in ODOT Maintenance Yards

[OAR 340, Division 142 – Oil and Hazardous Materials Emergency Response Requirements](#)

EMS Manual Appendix H – Spills FAQ Sheet

Spills - Frequently Asked Questions (FAQ)

Spills at Maintenance yards are typically minor, meaning

- The spilled material is known
- The spill is localized and small
- The spill is unlikely to reach surface water or groundwater
- The spill is easily controlled
- There is little danger to human health
- There is little danger of fire or explosion

Incident Response

When a spill occurs:

- Evaluate the hazard and move people away from the spill area if necessary.
- If possible stop the spill (plug holes, turn off pumps, close valves, etc).
- Notify supervisor.
- Contain the spill in the smallest area possible (create gravel berms, surround with booms, etc.)

Incident response for spills and releases at the Maintenance yards follow the same guidance as highway incidents. Refer to the ODOT First Responder Guide to Highway Incidents Response.

Some ODOT Maintenance yards have spill containment systems near the fuel station. Operating instructions are posted. Become familiar with the operation of systems at local yards.

Spill Cleanup

Spills must be cleaned up regardless of the quantity. Cleanup is complete when no free liquids are present and used absorbent has been picked up.

All Maintenance employees should receive proper spill response training. Training should include information on the location of spill response items and instruction on how to cleanup spills. Ops Plus (plug and patch) training (or greater) is required to conduct spill cleanup beyond sweeping up absorbent.

Keep spill kits or other absorbents in areas where spills are likely to occur (like shop bays and fueling areas), so spill can be cleanup promptly.

Reportable Quantity

Spills are reportable if the spill:

- **reaches or has potential to reach a waterbody (any quantity); OR**
- **is larger than 42 gallons of oil or fuel and is on the ground (OERS only); OR**
- **is more than 200 pounds or 25 gallons of diluted or undiluted pesticide; OR**
- **is a hazardous product or waste**

If the **spill or release exceeds the reportable quantity** contact

- The Oregon Emergency Response (**OERS**) **1-800- 452-0311** and
- The National Response Center (**NRC**) **1-800-424-8802**.

Notify OERS of **threatened spills** that would be reportable if a release occurred.

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Tips for Reportable Spills

When in doubt, report the spill.

According to the regulations, an oil or fuel spill has 'reached a waterbody' if there is a visible sheen, sludge, or emulsion on or below the water surface.

Pesticides include herbicides and insecticides.

The reportable quantity for hazardous materials varies by substance. There are over 1,300 listed reportable substances with reporting quantities ranging from 1 to 5000 pounds.

Rather than looking up each hazardous material, use the following rule of thumb for reporting spills of hazardous products or wastes. **Report spills larger than 1 pound or 0.14 gallon from a placarded load or a container with a hazard-warning label.** (0.14 gallon equals about 2¼ cups, ½ liter, or 18 fluid ounces; so the size of a large coffee cup or a sports drink bottle). This will result in some over reporting; however, over reporting is better than under reporting.

One notable exception to the rule of thumb is battery acid. The reportable quantity for battery acid is 1,000 pound or 143 gallons (to the ground surface). Report any amount of battery acid that reaches or has potential to reach a waterbody.

Report any quantity of radioactive material, radioactive waste, chemical agent (e.g. nerve agents or blister agents), or material used as a weapon of mass destruction or biological weapon.

Spill Notification and Reporting

Spills must be reported to the OERS (1-800-452-0311) and the NRC (1-800-424-8802) if the amount spilled (or released) exceeds the reportable quantity or impacts a waterbody.

DEQ asks, to the best of your ability, please be ready with the following information:

- Where is the spill?
- What spilled?
- How much spilled?
- How concentrated is the spilled material?
- Who spilled the material?
- Is anyone cleaning up the spill?
- Are there resource damages (e.g. dead fish or oiled birds)?
- Who is reporting the spill?
- How can we get back to you?

Once the spill has been reported and cleanup is underway and/or completed, DEQ send a letter requesting information.

Both the person who spills the product and the property owner are responsible for cleanup and reporting.

Dispatch may be asked to make agency notifications.

Threatened spills (or releases) that would exceed reportable quantities if the spill actually occurred are also reportable. An unstable situation where the chance of release is high (e.g. a tanker rollover, a collapsing tank, or unstable hazardous cargo) is considered a threatened spill. In the case of a threatened spill, use the amount of product in the tank or container to determine if the spill would exceed the reportable quantity.

Notify the **Office of Maintenance and Region HazMat of all reportable spills that happen at an ODOT Maintenance yard.**

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Notify the **Office of Maintenance of deicer spills larger than 100 gallons** (on or off the road).

Notify HazMat of fuel, oil, pesticide, or hazardous materials spills that require the excavation of soil. Some smaller fuel spills require cleanup beyond the training of most maintenance personnel.

Spills Within Containment Systems

Spills greater than reportable quantities that occur within an engineered containment system do NOT have to be reported to OERS if the following conditions are met:

- The spill does not penetrate any surface of the containment system
- The spilled material does not and will not escape the containment
- The spill is completely cleaned up in less than 24 hours
- The cause of the spill is repaired

A “Spill Response Notification Form for Spills in Maintenance Yards” should be completed and kept onsite. Notify Hazmat and the OMO. Where available, follow the procedures listed in the O&M Manual for checking and cleaning the containment system after a spill has occurred.

Spill Documentation

If a reportable spill occurs at a Maintenance yard, complete a “Spill Response Notification Form for Spills in Maintenance Yards.” The form is located in the Manual in Appendix B and Appendix H.

The form can be used to document non-reportable spills (e.g. most deicer spills or non-hazardous paint on the ground) at the discretion of the TMM.

DEQ may send a letter requesting a spill/release report that details incident response for reportable spills. A hard copy of the report and all supporting documents should be mailed to the DEQ regional office specified in the request letter. Contact HazMat for assistance.

EMERGENCY NOTIFICATION FOR SPILLS IN ODOT MAINTENANCE YARDS

Yard	Yard phone	Yard fax
Yard address		

Contacts for this Yard

Name	Title	Contact Numbers		
	District Manager			
	Assistant District Manager			
	Transportation Maintenance Manager			
	Transportation Maintenance Coordinator			
Transportation Operations Center (TOC), Dispatch, or Station				

If a Spill Occurs at an ODOT Maintenance Yard

1. Evaluate the Hazard – remove employees if necessary
2. If possible, STOP THE RELEASE (close the valve, turn off the pump, plug the hole)
3. Notify ODOT Supervisor
4. If possible, Control or Contain the spill
5. Notify the TOC, Dispatch, or Station of the situation where appropriate.
Dispatch may be asked to notify Incident Response, HazMat, Environmental, other agencies, or contractors.
6. Refer to the "Employee Guide to Hazardous Incidents and Hazardous Material Spill Response" and the Material Safety Data Sheet (MSDS) for response actions.

7. If the spill
 - reaches or has potential to reach a waterbody (any quantity); OR
 - is more than 42 gallons of oil or fuel on the ground (OERS only); OR
 - is more than 200 pounds or 25 gallons of diluted or undiluted pesticide; OR
 - is a hazardous product or waste

Notify

Oregon Emergency Response (OERS) 1-800-452-0311

National Response Center (NRC) 1-800-424-8802

Notify OERS of **potential spills** that would be reportable if a release occurred (like a tanker rollover, a collapsing tank, or unstable hazardous cargo). **When in doubt, report the spill.** TOC may be asked to make notifications.

Notify Region HazMat and the Office of Maintenance of spills at Maintenance yards that are reported to OERS.
Notify the Office of Maintenance of all deicer spills greater than 15 gallons.

8. After the situation has been resolved, complete a "Spill Response Notification Form for Spills in Maintenance Yards" form (if the spill was reportable). Blank forms are in the EMS Manual.

SPILL RESPONSE FORM FOR SPILLS IN ODOT MAINTENANCE YARDS

Yard _____ Date _____

Address _____ Phone _____

Release Information

Date of spill	Person who discovered the spill
Time spill started	Time spill was stopped
Material spilled <i>Attach a copy of the SDS (safety data sheet).</i> <i>Mark the location of the spill and the direction of flow on a site drawing</i>	Estimated amount released
Was there a threat to public safety?	<input type="checkbox"/> No <input type="checkbox"/> Yes
Is there a potential for future release?	<input type="checkbox"/> No <input type="checkbox"/> Yes
Did anyone come in direct contact with the spill? If yes, describe	<input type="checkbox"/> No <input type="checkbox"/> Yes
Describe how the release occurred. Include details such as the source of the release, the cause, contributing factors, weather, activities occurring prior to or during the release, and the dates and time of the activities	
The release impacted (check all that apply) <input type="checkbox"/> Surface water <input type="checkbox"/> Groundwater <input type="checkbox"/> Soil <input type="checkbox"/> Air Describe any impacts from the release (such as fish kill, evacuation, etc.)	

Response Action

Who was notified and when did the notification occur.
Describe actions taken in response to the release. Include details such as actions taken to contain the release, actions taken by the first responders, and other immediate actions to protect people or the environment.

Recovery Action**Who performed the site cleanup**

If ODOT did not perform the cleanup, list the cleanup company's

Name

Address

Phone

Project manager

Describe cleanup activities. Include what actions were taken and when the actions were taken.

Were soil or water samples collected?

No Yes

If yes, who collected the samples?

Mark the sample collection and locations on a copy of the site map. Attach copies of the sample results.

How much contaminated soil was removed from the site (estimate volume)?

No Yes

Has all the contamination been removed from site?

Estimated volume of contaminated soil remaining, if any

Was a hazardous waste determination made?

No Yes

List hazardous substances

Were contaminated materials taken off-site for disposal?

No Yes

If yes, attach copies of receipts and/or documentation for disposal.

List the name and address of the disposal location

Facility phone

Facility contact

These answers are True and Complete to the best of my ability.

Name

Date

Position

Signature

Keep this form and all related documentation on file at the yard

Accompanying documentation

- A copy of the SDS for the spilled product
- A site map that shows the location of spill and the flow direction
- A site map that shows the location of samples
- Receipts for disposal of hazardous material
- Receipts and/or documentation for disposal of contaminated material (such as soil)

OREGON ADMINISTRATIVE RULES
DIVISION 142
OIL AND HAZARDOUS MATERIALS EMERGENCY
RESPONSE REQUIREMENTS

340-142-0001

Purpose and Scope

- (1) The purpose of these rules is to identify the emergency response actions, reporting obligations, and follow up actions required in response to a spill or release, or threatened spill or release of oil or hazardous materials.
- (2) The rules of this division apply to any person owning or having control over any oil or hazardous material spilled or released or threatening to spill or release, except:
 - (a) Spills or releases or threatened spills or releases from underground heating oil tanks must be reported and remediated in accordance with OAR 340 division 177.
 - (b) Spills or releases or threatened spills or releases from petroleum underground storage tank (UST) systems must be reported and remediated in accordance with OAR 340-122-0205 through 0360.
- (3) Spills or releases or threatened spills or releases of hazardous waste occurring on the site of a generator must be managed in accordance with both the contingency plan and emergency procedures required by Subpart C and D of 40 CFR 265 and this division.
- (4) Spills or releases or threatened spills or releases of hazardous waste on the site of a hazardous waste treatment, storage or disposal facility must be managed in accordance with the contingency plan and emergency procedures required by Subparts C and D of 40 CFR Part 265, or a permit issued pursuant to OAR chapter 340, divisions 105 and 106, and this division.
- (5) Spills or releases of Hazardous Substances regulated by the Hazardous Substance Remedial Action rules, OAR 340-122-0010 to 340-122-0110, must be managed in accordance with this division during the emergency response phase.
- (6) Spills or releases or threatened spills or releases of pesticide or pesticide residue must be managed in accordance with this division during the emergency response phase.
- (7) Spills or releases of chemicals from a dry cleaning facility must be reported and managed as required by ORS 465.505 and this division.

[Publications: Publications referenced are available from the agency.]

Stat. Auth: ORS 183, 459, 466 & 468B
Stats. Implemented: ORS 466.625
Hist.: DEQ 3-2003, f. & cert. ef. 1-31-03

340-142-0005

Definitions as Used in This Division Unless Otherwise Specified

- (1) "Barrel" means 42 U.S. gallons at 60 degrees Fahrenheit.
- (2) "Cleanup" means the containment, collection, removal, treatment or disposal of oil or hazardous material; site restoration; and any investigations, monitoring, surveys, testing and other information gathering required or conducted by the Department.
- (3) "Cleanup Costs" means all costs associated with the cleanup of a spill or release incurred by the state, its political subdivision or any person with written approval from the Department when implementing ORS 466.205, 466.605 to 466.680, 468B.990(3) and (4) and 466.995 or 468B.320.
- (4) "Commission" means the Environmental Quality Commission.
- (5) "Department" means the Department of Environmental Quality.

- (6) "Director" means the Director of the Department of Environmental Quality.
- (7) "Dry cleaning facility" means any active or inactive facility located in this state that is or was engaged in dry cleaning apparel and household fabrics for the general public, and dry stores, other than a:
- (a) Facility located on a United States military base;
 - (b) Uniform service or linen supply facility;
 - (c) Prison or other penal institution; or
 - (d) Facility engaged in dry cleaning operations only as a dry store and selling less than \$50,000 per year of dry cleaning services.
- (8) "Having Control Over Any Oil or Hazardous Material" includes, but is not limited to using, handling, processing, manufacturing, storing, treating, disposing or transporting oil or hazardous material. During transport this also includes oil or hazardous materials that are cargo, fuel, or a part or fluid in the transporting vessel, vehicle, aircraft, or railcar.
- (9) "Hazardous material" means one of the following:
- (a) Hazardous waste as defined in ORS 466.005.
 - (b) Radioactive waste as defined in ORS 469.300, radioactive material identified by the Energy Facility Siting Council under 469.605 and radioactive substances as defined in 453.005.
 - (c) Communicable disease agents as regulated by the Health Division under ORS Chapter 431 and 433.010 to 433.045 and 433.106 to 433.990.
 - (d) Hazardous substances designated by the United States Environmental Protection Agency under section 311 of the Federal Water Pollution Control Act, P.L. 92-500, as amended.
 - (e) Substances listed by the United States Environmental Protection Agency in 40 Code of Federal Regulations Part 302 -- Table 302.4 (List of Hazardous Substances and Reportable Quantities) and amendments.
 - (f) Material regulated as a Chemical Agent under ORS 465.550.
 - (g) Material used as a weapon of mass destruction, or biological weapon.
 - (h) Pesticide residue.
 - (i) Dry cleaning solvent as defined by ORS 465.200(9).
- (10) "Immediately" in relation to a response to a spill means that the actions necessary to protect human health and the environment take priority over all other concerns of the responsible person.
- (11) "Incident Commander" means the individual under the National Incident Management System (NIMS) Incident Command System that is responsible for the overall management and control of responding entities. The first emergency responder to arrive at the scene becomes the incident commander until relieved, or the incident is over. The Department is the Lead Agency of the State of Oregon during the cleanup phase of oil and hazardous material incidents, and relieves the Incident Commander when the life safety portion of the emergency response is complete and the focus of the effort is on containment and cleanup of oil or hazardous materials.
- (12) "Initial assessment" includes, but is not limited to, the following tasks:
- (a) Verifying the spill location;
 - (b) Establishing of the type of incident based on products and conditions;
 - (c) Confirming or correcting the reported quantity released or areal extent of the contamination;
 - (d) Reporting the efficacy of the initial containment;
 - (e) Projecting immediate resource needs to control the release;
 - (f) Reporting local knowledge about the probable impacts of the release;

(g) Providing the Department with information necessary to the Department's preliminary risk evaluation for the incident and characterizing of the release; and

(h) Other tasks as necessary to collect ephemeral data and information ascertainable only at the time of the release.

(13) "Lead Agency" means the designated representative authority of either the state or federal government. The Department is the Lead Agency of the State of Oregon for oil and hazardous materials incidents. The Environmental Protection Agency and the United States Coast Guard are the Lead agencies of the federal government for oil and hazardous materials incidents. The Lead Agency appoints the State or Federal On-Scene Coordinator.

(14) "Non-petroleum oils" includes synthetic lubricants, edible oil, vegetable oils, and animal oils.

(15) "Oils" or "Oil" includes gasoline, crude oil, fuel oil, diesel oil, lubricating oil, sludge, oil refuse and any other petroleum related product.

(16) "Person" includes, but is not limited to, an individual, trust, firm, joint stock company, corporation, partnership, association, municipal corporation, political subdivision, interstate body, the state and any agency or commission thereof and the federal government and any agency thereof.

(17) "Pesticide" has the meaning given in ORS 634.006.

(18) "Pesticide Residue" means a hazardous waste that is generated from pesticide operations and pesticide management, such as, from pesticide use (except household use), manufacturing, repackaging, formulation, bulking and mixing, and spills. Pesticide residue includes, but is not limited to, unused commercial pesticides, tank or container bottoms or sludges, pesticide spray mixture, container rinsings and pesticide equipment washings, and substances generated from pesticide treatment, recycling, disposal, and rinsing spray and pesticide equipment. Pesticide residue does not include pesticide-containing materials that are used according to label instructions, and substances such as, but not limited to treated soil, treated wood, foodstuff, water, vegetation, and treated seeds where pesticides were applied according to label instructions.

(19) "Plan" as used in this Division, means any spill prevention, contingency, or emergency response document prepared in compliance with the requirements of a federal, state, or local government authority.

(20) "Reportable quantity" is an amount of oil or hazardous material which if spilled or released, or threatens to spill or release, in quantities equal to or greater than those specified in OAR 340-142-0050 must be reported pursuant to 340-142-0040

(21) "Respond" or "response" means:

(a) Actions taken to monitor, assess and evaluate a spill or release or threatened spill or release of oil or hazardous material;

(b) First aid, rescue or medical services, and fire suppression; or

(c) Containment or other actions appropriate to prevent, minimize or mitigate damage to the public health, safety, welfare or the environment which may result from a spill or release or threatened spill or release if action is not taken.

(22) "Responsible Person" means any person owning or having control over any oil or hazardous material spilled or released or threatening to spill or release.

(23) "SOSC" means State On-Scene Coordinator, the state official appointed by the Department when serving as the lead agency to represent the interests of the Department and the State of Oregon in response to an oil or hazardous material spill or release or threatened spill or release. The SOSC coordinates the interests of other state and local agencies within a unified command. Before assuming an incident command role under the National Incident Management System (NIMS) Incident Command System, the SOSC may provide technical advice to police, fire and other first responders, and coordinate a cleanup response with state and local agencies.

(24) "Spill or Release" means the discharge, deposit, injection, dumping, spilling, emitting, releasing, leaking or placing of any oil or hazardous material into the air or into or on any land or waters of the state,

as defined in 468B.005, except as authorized by a permit issued under ORS Chapter 454, 459, 459A, 468, 468A, 468B or 469, 466.005 to 466.385, 466.990(1) and (2), 466.992 or federal law or while being stored or used for its intended purpose.

(25) "Threatened Spill or Release" means oil or hazardous material is likely to escape or be carried into the air or into or on any land or waters of the state

(26) "Unified Command" means the combined representatives of the Lead Agencies, responsible person, and others with the authority to make ultimate decisions as part of a National Incident Management System (NIMS)-style Incident Command System during an emergency response.

(27) "Waters of the State" includes lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Pacific Ocean within the territorial limits of the State of Oregon and all other bodies of surface or underground waters, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters which do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction.

[Publications: Publications referenced are available from the agency.]

Stat. Auth: ORS 183, 459, 466 & 468B

Stats. Implemented: ORS 466.605 & 466.630

Hist.: DEQ 3-2003, f. & cert. ef. 1-31-03; DEQ 8-2005, f. & cert. ef. 7-14-05

340-142-0030

Emergency Action

(1) In the event of a spill or release or threatened spill or release of oil or hazardous material, the person owning or having control over the oil or hazardous material must take the following actions:

(a) Immediately implement the applicable spill plan or other contingency plan document prepared in compliance with the requirements of a federal, state, or local government authority, or

(b) If a spill plan or contingency plan covered in section (1)(a) of this rule is not implemented for any reason, immediately take the following actions in the order listed:

(A) Activate alarms or otherwise warn persons in the immediate area; and

(B) Undertake every reasonable method to stop the spill and contain the oil or hazardous material; and

(C) If there is a medical emergency or public safety hazard call 911, where available, or local fire and/or police where 911 does not exist.

(D) Arrange for properly trained and equipped personnel or contractor to stop any continuing release and manage the specific material spilled:

(i) Responsible persons will immediately hire a qualified contractor to respond and manage the spill if the necessary actions are beyond the ability of the responsible person's representatives on-site or the responsible person's own response services will be delayed in arriving at the spill site.

(ii) If the person owning or having control over oil or hazardous material does not, or can not, immediately arrange a response acceptable to the Department, the Department may dispatch a contractor. The Department will seek recovery of all costs incurred by the Department resulting from this action.

(c) In addition to subsection (1)(a) or (1)(b) above, immediately report the spill or release as required by OAR 340-142-0040.

(2) Responsible persons at the site of an oil or hazardous materials spill must make an initial assessment of the spill. Responders must coordinate resource deployment with the Department if the spill is being managed by the Department. This includes responses where the responsible person is coordinating contractor activities with Department guidance. It does not include first responders acting solely under the direction of a local fire department or the Oregon State Fire Marshal.

(3) The responsible person must clean up the spill or release, and take steps to mitigate any threatened spill or release of oil or hazardous material as provided in this division. The Department may, in any case, evaluate the action taken and may require additional action to complete the cleanup and disposal. The costs of such an evaluation are cleanup costs recoverable by the Department from the liable party. (Comment: 40 CFR 264.1(g) states that a hazardous waste management facility permit is not required for treatment or containment activities taken during immediate response to a spill or release of a hazardous waste.)

Stat. Auth: ORS 183, ORS 459, ORS 466 & ORS 468B
Stats. Implemented: ORS 466.635, ORS 466.625 & ORS 466.645
Hist.: DEQ 3-2003, f. & cert. ef. 1-31-03

340-142-0040

Required Reporting

(1) Reporting is required if the amount of oil or hazardous material spilled or released, or threatening to spill or release, exceeds the reportable quantity established in ORS 466.605 or listed in OAR 340-142-0050, or will exceed a reportable quantity in any 24-hour period. Immediately report the spill or release or threatened spill or release to the Oregon Emergency Management Division's Oregon Emergency Response System (OERS) by calling 1-800-452-0311.

(2) No present release of material is needed to qualify as a threatened spill or release. Threatened spills or releases of oil or hazardous material likely to escape or be carried into the air or into or on any land or waters of the state include, but are not limited to:

(a) The loss of steering or propulsion by a deep draft vessel while it is operating in the Columbia River or Coastal Bay Zones;

(b) The accidental loss of tow or control during an oil barge transit of the Columbia River or the Coastal Bays Planning Zones;

(c) The grounding, allision, or collision of vessels, vehicles, or rail cars where reportable quantities of materials are involved and are at risk of release;

(d) The physical compromise of a containment system or container holding any oil or hazardous material of an amount that could become a reportable quantity when spilled over less than a 24 hour time period.

(3) Reports of spills and releases, or threats of spills and releases, from vessels, containers or tanks must include an estimate of the actual volume of the contents of the source vessel, container or tank.

(4) The spill or release of hazardous materials for which the reportable quantity has been exceeded need not be reported to the Oregon Emergency Response System if all of the following conditions are met:

(a) It occurs within an engineered containment area with an impervious surface designed to contain such a release;

(b) It does not penetrate any surface of the containment area;

(c) The spilled material does not and will not escape the containment;

(d) It is completely cleaned up in less than 24 hours; and

(e) The cause of the spill or release is repaired.

Stat. Auth: ORS 465, ORS 466 & ORS 468B
Stats. Implemented: ORS 466.625 & ORS 466.635.
Hist.: DEQ 3-2003, f. & cert. ef. 1-31-03

340-142-0050

Reportable Quantities

(1) Spills and releases, or threatened spills or releases of oil or hazardous materials as defined by OAR 340-142-0005(9) in quantities equal to or greater than the following amounts must be reported:

- (a) Any quantity of radioactive material or radioactive waste;
- (b) If spilled or discharged into waters of the state or in a location from which it is likely to escape into waters of the state any quantity of oil that would produce a visible film, sheen, oily slick, oily solids, or coat aquatic life, habitat or property with oil, but excluding normal discharges from properly operating marine engines;
- (c) If spilled on the surface of the land, and not likely to escape into waters of the state, any quantity of oil over one barrel (42 gallons);
- (d) An amount equal to or greater than the quantity listed in 40 CFR Part 302 - Table 302.4 (List of Hazardous Substances and Reportable Quantities) and amendments adopted prior to July 1, 2002;.
- (e) 10 pounds or more of a hazardous material not otherwise listed as having a different reportable quantity by the Department or the United States Environmental Protection Agency on the list of hazardous substances in 40 CFR 302.4;
- (f) Any quantity of chemical agent (such as nerve agents GB or VX, blister agent HD, etc.);
- (g) 200 pounds (25 gallons) of pesticide residue;
- (h) Any quantity of a material regulated as a Chemical Agent under ORS 465.550;
- (i) Any quantity of a material used as a weapon of mass destruction, or biological weapon;
- (j) One pound (1 cup) or more of dry cleaning solvent, including perchloroethylene, spilled or released outside the designed containment by a dry cleaning facility regulated under ORS 465.505(4).

(2) Spills or releases of products, mixtures or solutions containing oil or hazardous materials for which reporting is required must also be reported if the total quantity of all the hazardous materials in the mixture or solution (in pounds) exceeds the lowest reportable quantity referenced in this rule for any one of the hazardous materials in the mixture or solution. A person may rely upon actual knowledge and readily available information such as material safety data sheets (MSDS), shipping papers, hazardous waste manifests and container labels, to determine the presence and concentration of hazardous materials in a mixture or solution.

(3) The quantity determination required by section (1) of this rule will be the quantity of oil or hazardous material spilled or released before contacting or mixing with any other material or substance (e.g., with soil, water, sawdust, etc.). In the case of a threatened spill or release, the applicable quantity is the amount of oil or hazardous material in the container or tank from which a spill or release is likely and imminent.

Stat. Auth: ORS 183, ORS 459, ORS 465, ORS 466 & ORS 468B

Stats. Implemented: ORS 465.550, ORS 466,605, ORS 466.625, ORS 466.630 & ORS 466.635

Hist.: DEQ 3-2003, f. & cert. ef. 1-31-03

340-142-0060

Cleanup Standards

(1) Any person liable for a spill or release or threatened spill or release of oil or hazardous materials must immediately clean up the spill or release or threatened spill or release as required by applicable Department rules. The cleanup of a threatened spill or release must be accomplished by taking immediate repair, corrective or containment action.

(2) Spills and releases of oil or hazardous materials must be cleaned up as completely as possible. The acceptable level of oil or hazardous material that may remain will be determined by the Department in a

manner consistent with OAR chapter 340 division 122-0010 to 122-0590, or a rule of the Department applying to the specific material being cleaned up.

(3) Spills and releases of hazardous wastes must be cleaned up in accordance with OAR chapter 340 division 102 immediately after completion of the emergency actions. Cleanup standards applied will be consistent with those applied to non-emergency cleanups.

(4) Intentional dilution of wastes during a spill response to avoid regulations is prohibited.

Stat. Auth.: ORS 466

Stats. Implemented: ORS 466.625 & ORS 466.645

Hist.: DEQ 3-2003, f. & cert. ef. 1-31-03

340-142-0070

Approval Required for Use of Chemicals

(1) Use of any material on water to coagulate oil spills, treat oil spills, or disperse oil spills, must be specifically approved by the Department in advance of such use.

(2) Physical removal of oil, and any materials added to the environment during the spill response, will ordinarily be required unless the Department determines the use of chemical dispersants is warranted by extreme fire danger or other unusually hazardous circumstances.

(3) Use of surfactants and treatments to remove oil spill contamination from marine structures and vessels is limited to those materials approved by the Department during a response.

(4) Fire suppressant materials must be used in accordance with the manufacturer's instructions.

Stat. Auth.: ORS 468B

Stats. Implemented: ORS 468B.315

Hist.: DEQ 3-2003, f. & cert. ef. 1-31-03

340-142-0080

Disposal of Recovered Spill Materials

(1) Spilled oils and oil contaminated materials resulting from control, treatment, and clean up must be handled and disposed of in a manner approved by the Department.

(2) Oils and oily wastes resulting from clean up of an oil spill may be disposed of by reclaiming and recycling, disposing at a disposal site operated under and in accordance with a permit issued pursuant to ORS Chapter 459 or treating and discharging in accordance with a permit issued under 468B.050.

(3) Recovered hazardous materials or hazardous waste must be disposed of in compliance with the rules and statutes applicable to the specific material after the emergency phase of a response is complete. Disposal conducted during the emergency must be consistent with Department rules unless health, safety, and environmental concerns require alternate procedures approved by the Department during the emergency.

(4) Any storage of recovered oil or hazardous materials between its recovery and permanent disposal must be of sufficient capacity and design to provide for complete containment of all recovered materials and contaminated media. Interim storage must also be sited so as to cause the lowest practicable environmental impact, and be fully compatible with all applicable safety requirements.

Stat. Auth.: ORS 449

Stats. Implemented: ORS 468B.315

Hist.: DEQ 3-2003, f. & cert. ef. 1-31-03

340-142-0090

Cleanup Report

The Department may require the responsible person to submit a written report to the Department describing all aspects of the spill and cleanup, and steps taken to prevent a recurrence.

Stat. Auth: ORS 183, ORS 466 & ORS 468B
Stats. Implemented: ORS 466.610 ,ORS 466.625, ORS 466.645 & ORS 468B.305 - 315
Hist.: DEQ 3-2003, f. & cert. ef. 1-31-03

340-142-0100

Sampling/Testing Procedures

All samples used to support and define spill cleanup must be of a type approved by EPA, or the Department, such as those listed in the EPA Office of Solid Waste guidance SW 846. Samples and sampling procedures must be appropriate for the site conditions and materials spilled and be consistent with Department guidance. If the cleanup of spilled materials will be part of a more complex site cleanup, sampling procedures and plans should anticipate greater information needs and be developed and coordinated with the Department.

[Publications: Publications referenced are available from the agency.]

Stat. Auth: ORS 466, ORS 468B
Stats. Implemented: ORS 466.625
Hist.: DEQ 3-2003, f. & cert. ef. 1-31-03

340-142-0120

Information Requests, Inspections and Investigations

(1) To determine the need for response to a spill or release or threatened spill or release under ORS 466.605 to 466.680, 466.990(3) and (4), 466.995 (3) and 468.070, and this division, or enforce the provisions of 466.605 to 466.680, 466.990(3) and (4), 466.995 (3) and 468.070, and this division, any person who prepares, manufactures, processes, packages, stores, transports, handles, uses, applies, treats or disposes of oil or hazardous material must, upon the request of the Department:

(a) Furnish information relating to the oil or hazardous material; and
(b) Permit the Department at all reasonable times to have access to and copy records relating to the type, quantity, storage locations and hazards of the oil or hazardous material.

(2) To carry out section (1) of this rule, the Department may enter to inspect at reasonable times any establishment or other place where oil or hazardous material is present.

(3) The Department may conduct an investigation as necessary to identify the person or persons responsible for a spill or release or threatened spill or release. The cost of this investigation is a cleanup cost and recoverable from the liable party or parties.

(4) ORS 192.501 provides that certain records (i.e., trade secrets) are exempt from disclosure under 192.410 to 192.505 unless the public interest requires disclosure in a particular instance. Persons required to provide information under section (1) of this rule may request that the Department treat some or all of their information as exempt from public disclosure by:

(a) Making the claim in writing at the time the requested information is first provided to the Department; and

(b) Providing any written documentation or analysis that supports the claim of exemption from public disclosure at the time the requested information is first provided to the Department.

Stat. Auth: ORS 466 & ORS 468
Stats. Implemented: ORS 192.501 ORS 466.190, ORS 466.610 & ORS 468.095
Hist.: DEQ 3-2003, f. & cert. ef. 1-31-03

340-142-0130

Incident Management and Emergency Operations

(1) Any person required by an approved plan or a rule, contract, permit or formal agreement to coordinate activity with the Department during an emergency involving a spill or release of oil or hazardous material must follow a protocol of organization consistent with the National Incident Management System (NIMS).

(2) Any person required by an approved plan or a rule, contract, permit or formal agreement to coordinate activity with the Department during an emergency involving a spill or release of oil or hazardous material must accept the Department as the Lead Agency of the State for cleanup at oil and hazardous materials incidents. The Department will assign a State On-Scene Coordinator (SOSC). The SOSC will represent all state agencies responding to the incident. The SOSC will be the point of contact through which the Director will delegate assignments in an emergency. The SOSC will assume the NIMS command role from any local Incident Commander when the incident requires state or federal management.

(3) Any person required to coordinate with the Department must do so regardless of whether or not the Department staff responding to the spill or other emergency is available at the site of the spill or other emergency. The Department may provide services from a remote location. Telephone communication, electronically transmitted data, facsimile transmission, or other communication with responders constitutes a presence at an incident command location or spill site and carries the full authority of the Department.

Stat. Auth: ORS 466.625 & 468B.010

Stats. Implemented: ORS 466.610, 466.620 & 468B.395

Hist.: DEQ 3-2003, f. & cert. ef. 1-31-03; DEQ 8-2005, f. & cert. ef. 7-14-05