FINAL IMPLEMENTATION PROPOSAL FOR ENVIRONMENTAL PROTECTION

ENVIROMENTAL CHEMICAL CORPORATION

Prepared for:
Department of the Army
Omaha District, Corps of Engineers
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ENVIRONMENTAL CHEMICAL CORPORATION

FINAL IMPLEMENTATION PROPOSAL FOR ENVIRONMENTAL PROTECTION

IOWA ARMY AMMUNITION PLANT
MULTIPLE REMOVAL ACTIONS
MIDDLETOWN, IOWA

Prepared for
U.S. Army Corps of Engineers
Omaha District Office
215 North 17th Street
Omaha, Nebraska 68102-4978

Contract No. DACA45-95-D-0026
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Approved By:

______________________________  ________________________________
USACE Contracting Officer  Date

"I hereby certify that the enclosed Implementation Proposal for Environmental Protection, shown
and marked in this submittal, is that proposed to be incorporated with Contract Number
DACA45-95-D-0026, D.O. 0001, "Iowa Army Ammunition Plant, Multiple Removal Actions".
This Implementation Proposal for Environmental Protection is in compliance with the Contract
Plans and Specifications of 15 August 1995, and is submitted for Government approval."

______________________________  ________________________________
Certified by Submittal Reviewer  Date

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Certified by Submittal Preparer  Date
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<tr>
<td>APRs</td>
<td>air-purifying respirators</td>
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<tr>
<td>COR</td>
<td>Contracting Officers' Representatives'</td>
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<td>ECC</td>
<td>Environmental Chemical Corporation</td>
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<td>EPA</td>
<td>Environmental Protection Agency</td>
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<tr>
<td>GAC</td>
<td>Granular Activated Carbon Adsorption System</td>
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<td>Reportable Quantity</td>
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1.0 INTRODUCTION

The Implementation Proposal for Environmental Protection Plan is developed for the Army Corps of Engineers, Omaha District, Contract No. DACA45-95-D-0026-0001, "Iowa Army Ammunition Plant Multiple Removal Actions" in Middletown, Iowa in accordance with the Specification 01320, Spill and Discharge Control, and 01430, Environment Protection.

The Iowa Army Ammunition Plant (IAAP) is located in Des Moines County, Iowa. The plant is bordered by U.S. Highway 34 to the north, upland agricultural farms to the east and west, and the Skunk River Valley to the south. The IAAP is a government-owned, contractor-operated facility.

Environmental Chemical Corporation (ECC) will furnish all labor, materials, and equipment to execute all construction work activities for final acceptance by the U.S. Army Corps of Engineers, and the State of Iowa. The Pollution Prevention Plan is developed to ensure that construction operations during the course of the project do not contribute to pollution of the surrounding area. This plan addresses the methods to be employed by ECC during the course of the project to prevent any type of pollution.
2.0 SCOPE OF WORK

The Scope of Work of this project is to excavate contaminated soils from the Line 1 Impoundment and Line 800 Pinkwater Lagoon, segregate contaminated soils according to established Preliminary Remediation Goals (PRGs), and place the soil in a newly created Resource Conservation and Recovery Act (RCRA) cell, stockpile for later treatment, or use as random fill prior to capping the Inert Landfill. The designated borrow area, Line 1 excavation, and Line 800 excavation will not be backfilled, but will be developed into wetland areas. Temporary erosion control will be implemented through the use of surface runoff control materials and permanent erosion control through the creation of a downstream detention pond fed by riprap lined drainage ditches encircling the Inert Landfill. Prior to removal of soils and sediments from the Pinkwater Lagoon, ponded water will be pumped, treated, and disposed of according to the existing National Pollutant Discharge Elimination System (NPDES) permit (# 29-00-9-00). Erosion control specifics may be found in Section 7.0 of this plan, Erosion and Sediment Control.

The scope of the project includes construction of the following:

- a RCRA landfill;
- a multilayered bottom liner system under the newly constructed RCRA landfill;
- a multilayered cover system over the existing and new landfill;
- a temporary stockpile facility;
- excavation, hauling, and storage of contaminated soil in the stockpile facility;
- a sediment detention pond and embankment;
- wetlands mitigation grading and planting;
- access roads and haul roads;
- crushed rock decontamination facilities;
- dewatering, hauling, treatment, and disposal of leachate;
- contaminated ponded water and decontamination water;
- new monitoring wells and existing monitoring well abandonment;
- two earthen embankments with outlet structures;
- stone protection;
- a drainage channel and culverts;
- remove and salvage chain link fence;
- remove and dispose of barb wire fence;
- utility relocations and extensions; and
- remove, reinstall, and salvage double gates.
During the site grading, municipal wastes and construction debris will be encountered. ECC will excavate, regrade, and compact the landfill waste.

The following is the sequence of operations that will be performed by ECC on the IAAP Project.

A. Pre-work Survey

B. Preliminary On-site Operations
   • Mobilization/Site Preparation
   • Fence Removal and Replacement
   • Utility Relocations and Extensions
   • Clearing & Grubbing
   • Top Soil Stripping
   • Haul Routes
   • Erosion Control
   • Crushed Rock Decontamination Pad Construction
   • Diversion Dam Construction

C. Borrow Area Embankment and Wetland Area
   • Clearing and Grubbing
   • Top Soil Stripping and Stockpiling
   • Embankment Foundation Excavation
   • Outlet Structure and outfall Channel Grading
   • Embankment
   • Borrow Area Excavation
   • Riprap Placement

D. Stump Lake Borrow Area
   • Dewatering
   • Dam Breach
   • Stump Lake Haul Roads

E. Detention Pond
   • Access to Test Fire Range
   • Prevention of Off Site Discharge Contaminated Sediments/ Surface Water
   • Detention pond Embankment Foundation Excavation and Inspection
   • Trench
   • Detention Pond Outlet Works
   • Detention Pond Embankment
   • Topsoil and Turf

F. Erosion Control
   • Detention Pond
   • Borrow Area Embankment and Wetland Area
• Stump lake Topsoil Borrow/Seed Bed Borrow Source
• Decontamination Control
• RCRA Landfill Cell and RCRA Stockpile
• Line 1 Excavation and Removal
• Line 800 Excavation and Removal

G. Care of Water
• Inert landfill/Detention Pond
• Borrow Area Embankment and Wetland Area
• Line 1 Excavation and Removal
• Line 800 Excavation and Removal
• Decontamination Control

H. Sampling and Analysis
• Chemical Sampling and Testing
• Perimeter Air Sampling and Analysis

I. Dust and Volatile Emissions Control

J. RCRA Temporary Stockpile
• Design and Construction

K. RCRA Landfill in Trench 6
• Design and Construction

L. Line 800 Pinkwater Lagoon Water Treatment

M. Removal Operations
• Line 1 Excavation and Removal
• Line 800 Excavation and Removal

N. Materials Management

O. Installation of Gas Vents

P. Inert Landfill Water Treatment

Q. Installation of Gas Monitoring Probes and Monitoring Wells

R. Cap Construction and Placement

S. Demobilization

ECC's Work Plan for this project describes in detail, the various activities, scheduling and sequencing of all tasks in the project. The Implementation Proposal discusses the environmental protection aspects of these tasks.

During the construction of the Detention Pond, ECC and its subcontractor(s) will implement temporary erosion control measures in accordance with local, state, and federal regulations as specified in Specification 01430, Environment Protection. Specifically, erosion and sediment controls will ensure that federal water quality standards are not violated as a result of ECC's or its subcontractors construction activities. In order to achieve these standards, ECC will keep the
amount of bare soil to a minimum. Deficiencies in ECC’s controls, as determined by the Contracting Officer, which cause a violation of water quality standards will be remedied by ECC. Furthermore, erosion and sediment control measures, which are damaged or are ineffective, will also be remedied by ECC.
3.0 PRECONSTRUCTION SURVEY OF THE SITE

A preconstruction survey of the roads and administrative areas will be conducted prior to mobilization. All other pre-construction surveys will be conducted after mobilization of field equipment and during the site preparation to identify the natural resources located on-site. Photographs will be taken in order to document existing conditions. The construction operations will be planned in such a way to cause minimum damage to the existing natural resources. After the survey a brief report will be submitted indicating on a layout plan the condition of trees, shrubs and grassed areas immediately adjacent to the site of the work and adjacent to the assigned storage area and access routes as applicable. The survey report will be signed by both the COR and ECC Project Manager or other authorized representative, upon mutual agreement of its accuracy and completeness.
4.0 PERMITS

ECC will obtain required permits from local, state, or federal agencies prior to the commencing of construction operations. These permits and notifications include, but are not limited to, the following:

- An excavation permit/notification of base personnel for underground utility location verification will be accessed.
- A Safety Work Permit will be accessed from the Mason and Hanger Safety representative following a Safety Initiation briefing. Hot Work Permits will be made available to ECC by Mason and Hanger as needed given appropriate conditions and safe guards.
- The IAAP Fire Department will be notified prior to the implementation of construction operations. These operations would include any clearing and grubbing activities as well as intrusive excavation operations.
- The Des Moines County Conservation Board will be notified, prior to any earthwork operations which encroach the Skunk River Flood Plain. A Des Moines County Flood Plain Administrative Permit will be completed and kept on file if necessary.
- In order to operate within and comply with the pre-existing National Pollutant Discharge Elimination System (NPDES) permit held by IAAP, a Notice of Intent and a Notice of Discontinuation will be supplied to the Iowa Department of Natural Resources, Waste Water Section as appropriate for on-site water treatment and discharge operations. NPDES Permit Modification efforts will be completed by ECC.
- A Wetlands Creation Permit, also known as a “404”, will be further researched and accessed as appropriate.
- Iowa Air Pollution Control will be formally notified concerning the commencement of the project; although, this not a requirement.
- A State of Iowa General Construction Permit #2, also known as a Storm Water Construction Permit, will be accessed.

ECC will perform all removal operations in compliance with applicable federal, state and local regulations.
5.0 PROTECTION OF FEATURES

ECC understands its responsibility to preserve the natural resources within the project boundaries and outside the limits of permanent work. ECC will restore the site to an equivalent or improved condition upon completion of work.

5.1 Land Resources

The areas beyond the work area limits will not be disturbed without the Contracting Officers' Representatives' (CORs') permission. This includes cutting, defacing, injuring or destroying trees or shrubs etc. ECC will notify the COR and will be responsible for any resulting damages, once authorized.

5.2 Protection and Replacement

The work area will be delineated by flagged perimeter markers before the start of each operation. The markings will define the limits of operation. ECC personnel will be notified of the limits of operation during the preparatory phase meeting conducted prior to the start of each task. The existing trees and other structures will be protected from possible damage due to construction operations. All trees with more than 30 percent of damaged root system will be removed. The displaced rocks will be cleared from the site.

All the damaged trees and landscape features will be replaced with equivalent trees or features according to specifications and COR directive. Wherever the landscape features are disturbed, seeding and revegetation will be provided, according to the specifications.

5.3 Temporary Construction Removal

The temporary facilities constructed during the project such as haul roads, temporary fencing around work areas, foundations of the temporary structures, and other signs of construction will be removed during the clean-up phase. In addition, the stockpiles of excess or waste materials will be hauled from the site.

5.4 Oily Wastes

Oily substances will be prevented from entering the ground, drainage areas, and other local bodies of water by taking proper preventive measures. Section 14, the Spill and Discharge Control Plan, details pollution prevention measures to be taken in order to mitigate oily wastes. These measures may, as necessary include the construction of a temporary earth berm of sufficient size and strength to act as a containment system in the event of spillage or leakage of fuel from any equipment maintenance or storage. The ECC Site Safety and Health Officer will
make the Material Safety Data Sheets (MSDS) available for materials, such as oil, grease, starter fluid, etc., that are commonly used in the equipment operation and maintenance.
6.0 HISTORICAL AND ARCHAEOLOGICAL RESOURCES

ECC will immediately report to the COR, if any resources of historical and archaeological nature are encountered during the excavation. This may include human skeletal remains. ECC will protect those resources in-place and halt the work until directed by the COR to resume.
7.0 EROSION AND SEDIMENT CONTROL MEASURES

7.1 Protection of Erodible Soils

Soil erosion and sedimentation may be controlled by taking appropriate measures. These temporary measures may include the following.

Temporary erosion control may include, but not be limited to the installation of diversion trenches or berms. Other measures will be engineered appropriate to the application. Sediment fence and erosion control blanket material will be used on embankments as necessary and specified by the COR. The erosion control blanket will be a machine produced mat of wood excelsior from a web of interlocking wood fibers, knitted straw blanket-like mat. This blanket will be covered on one side with a bio-degradable plastic mesh for structural integrity. This material is intended to be used in conjunction with seeding and/or mulching. Installation of the blanket will be on newly seeded areas. Wire staples will be used to mechanically anchor the mat to the smooth graded surface. Installation will follow manufacturer’s guidelines.

Temporary turf installation will commence in areas where contract delays in the permanent turfing operations or when a quick cover is needed to provide longer, non-permanent erosion control. In this instance, turfing materials will be applied at one-half of the required amendment.

Permanent erosion control systems are those systems which have been engineered into the project. Diversion berms, dams, and erosion control blankets will be installed as specified in the following section.

7.1.1 Mechanical Retardation and Control of Runoff

The runoff from the construction site will be mechanically retarded and controlled by constructing diversion ditches, benches, and berms. Runoff will be diverted to existing drainage courses. Hay bales will be utilized to prevent the runoff of construction and demolition debris in case of a major storm. The area of bare soil exposed at any time by construction operations will be held to a minimum.

7.1.2 Vegetation and Mulch

Temporary protection will be provided on side and back slopes as soon as grading is completed. Methods that could be employed to stabilize against erosion are hydro seeding, anchoring mulch in place, covering with anchored netting, sodding, or combination of other methods necessary for effective erosion control.
7.1.3 Seeding

New seeding will be provided at the disturbed locations, including borrow sources if appropriate. This includes the provision of topsoil and appropriate seeding unless the area is specified as wetlands.
8.0 CONTROL AND DISPOSAL OF SOLID WASTES

Measures will be taken to control the generation of excess waste. Trash and construction debris will be picked up and containerized immediately in 20 to 40 cubic yard roll off bins. Smaller 3 to 5 cubic yard trash bins will be set up in the administrative areas for domestic rubbish. These containers will be emptied on a regular basis by Waste Management, Inc. The site will be cleared upon completion of the project.

Green waste (leaves, branches, grass, etc.) generated from clearing and grubbing activities will be disposed of as random fill in the inert Landfill. Branches, limbs and roots will be chipped and hauled to the Inert Landfill. ECC does not anticipate disposing of any hazardous materials off site. Suspect materials will be stockpiled on polyethylene sheeting or containerized in drums pending analytical characterization, using methods outlined in the Sampling and Analysis Plan.
9.0 DEWATERING OF GROUNDWATER

Groundwater and surface water will likely be encountered in the Line 1 and Line 800 excavation areas and the Inert Landfill. ECC will treat and dispose of these waters appropriately. Waters removed from the Line 800 Pinkwater Lagoon will be treated to NPDES discharge criteria using a Granular Activated Carbon Adsorption System (GAC). A groundwater monitoring and sampling plan will be developed to describe collection of water levels at monthly intervals from all monitoring wells on-site and off-site. Groundwater sampling procedures, equipment, and decontamination methods will also be described. The plan will include but not be limited to:

- procedures and equipment used to obtain water levels and sample wells;
- decontamination procedures for equipment used between wells; and
- contain a complete record of “as-built” diagrams and boring logs for each installed well.
10.0 METHOD OF CONTROLLING EQUIPMENT

ECC will take appropriate measures to control equipment maneuvering to avoid environmental damage. The limits of operation for each task will be delineated with flagged perimeter markers by the QC System Manager, Project Manager, and subcontracted surveyor. The Project Manager, Site Superintendent, and QC System Manager will conduct a preliminary walk, with the crew, through the site to identify the limits of operation. This is done during the preparatory phase meetings before the start of each task. The QC Officer will perform a daily follow up inspection of each particular site. Earth moving machinery operations will be performed carefully and consistently following the pollution prevention plan. All nearby trees, plants, and other vegetation will be avoided by the equipment operators. All the operations will be carried out carefully without unnecessarily disturbing the vegetation.
11.0 FUELING OPERATIONS

Appropriate measures will be taken for fuel to be stored on site. Fuel will be stored in an above ground storage tank no greater than 1,100 gallons capacity.

11.1 Outdoor Storage Areas

The following is a list of requirements for the outside storage areas:

- Groups of containers will be separated by a 5-foot clearance.
- Storage of containers (not more than 60 gallons each) will not exceed 1,100 gallons in any one group.
- Within 200 feet of each portable tank or group of containers, there will be a 12-foot wide access way to permit approach of fire control equipment.
- Storage areas will be either graded appropriately to divert possible spills or surrounded by a curb or earth dike of at least 12 inches in height (Refer to Section 14, the Spill and Discharge Plan).
- Storage areas will be kept free of accumulation of weeds, debris, and other combustible material not necessary to the storage.

11.2 Storage Tanks

The following is a list of requirements for the storage tanks:

- Storage tanks will be equipped with relief vents.
- Tank vents will not be located close to open flames, heating apparatus, or any other source of ignition.
- Above ground storage tanks will be diked or curbed, or other suitable means provided to prevent the spread of liquids in case of leakage in tank or piping. Provision will be made for draining off accumulations of ground or rain water or spills. Drain plugs will remain in place except when draining. Drains will terminate at a safe location and will be accessible to operation under fire conditions. Refer to Section 14, the Spill and Discharge Plan.
- Dispensing outlets for above-ground tanks will be equipped with an automatic-closing valve, without a latch-open device, listed by a nationally recognized testing laboratory.

11.3 Dispensing Flammable and Combustible Liquids

The following list briefly discusses the requirements for the flammable and combustible dispensing systems:
• Flammable liquid dispensing systems will be electrically bonded and grounded. All tanks, hoses, and containers of 5 gallons or less will be kept in metallic contact while flammable liquids are being transferred. Transfer of flammable liquids in containers in excess of 5 gallons will be done only when the containers are electrically bonded.

• Flammable or combustible liquids will be drawn from, or transferred into, vessels, containers, or tanks only through a closed piping system, from safety cans, by means of a device drawing through the top, or from a container, or portable tanks, by gravity or pump, through an approved self-closing valve. Transferring by means of air pressure on the container or portable tanks is prohibited.

• Areas in which flammable or combustible liquids are transferred in quantities greater than 5 gallons from one tank or container to another will be separated from other operations by at least 25 feet or a barrier having fire resistance of at least 1 hour. Drainage or other means will be provided to control spills (Refer to Section 14, the Spill and Discharge Plan). Natural or mechanical ventilation will be provided to maintain the concentration of flammable vapor at or below 10% of the lower flammable limit.

• Dispensing units will be protected against collision damage. Each unit will be marked with NO SMOKING signs.

• Dispensing nozzles and devices for flammable liquids will be of an approved type.

11.4 Service and Refueling Areas

The following list briefly discusses the requirements for the service and refueling areas:

• Dispensing hoses will be of an approved type; dispensing nozzles will be an approved automatic-closing type without a latch-open device.

• Equipment using flammable liquid fuel will be shut down during refueling, servicing, or maintenance.

• Dispensing of flammable fluids from tanks of 55-gallon capacity or more will be by an approved pumping arrangement.

• Clearly identified and easily accessible switch(es) will be provided at a location remote from dispensing devices to shut off the power to all dispensing devices in an emergency.
12.0 TRAINING OF PERSONNEL

ECC will train all its personnel to prevent any potential environmental pollution that might occur during the progress of the project. The training encompasses the following:

- Developing a basic understanding of the rules and regulations unique to this contract;
- Pre-planning of operations to avoid any kind of unnecessary emergencies;
- Safety and QC meetings before the beginning of the project and during the course of the project in order to train the employees and prepare for any emergencies;
- Instilling in each employee, who participates in this project, an understanding of the importance of protecting the environment, including land, air, surface water, and groundwater, during the course of the project;
- Review the Contractor Quality Control Plan, and the Implementation Proposal for Environmental Protection; and
- Review the limits of operation for each task.
13.0 PREPLANNING FOR PREVENTION OF ENVIRONMENTAL POLLUTION

Preplanning for prevention of environmental pollution is done during the preparatory and initial phase meetings conducted before and during the course of the project. The QC officer will preplan and set the limits of operation for each task and will identify the limits with the crew in the presence of the Construction Representative. All site personnel will be trained in identifying the potential sources of pollution to the environment resulting from demolition and construction operations.
14.0 SPILL AND DISCHARGE CONTROL PLAN

ECC will provide contingency measures for potential spills and discharge from handling potentially hazardous materials on-site. A guideline authored by the USACE, Spill Reporting Procedures for USACE Personnel Involved in HTRW Projects, is included in its entirety in Appendix A. ECC will implement the following, in case of a release of a hazardous substance:

- Notify the National Response Center (NRC) at 1-800-424-8802, if spill is greater than reportable quantity (RQ) according to 40 CFR 302.
- Notify the local Fire Department
- Provide methods, means, and facilities to prevent contamination of soil, water, air, structures, equipment, or material from any release due to ECC’s operations;
- Provide equipment and personnel to perform emergency measures to mitigate spills and control their spreading;
- Dispose of contaminated materials; and
- Provide a decontamination program to clean previously uncontaminated areas.

14.1 Equipment Required

ECC will have the following equipment on-site at all times in order to handle hazardous material releases:

- Noncombustible absorbent, such as vermiculite or floor dry;
- Front end loader for emergency dike construction;
- DOT approved containers for temporary storage of spilled or leaking materials;
- Non-sparking shovels and other hand tools; and
- PPE (poly coated tyvek, nitrile gloves, goggles, caution tape, sheeting, etc).

14.2 Contingency Plan

Per USACE instructions, the following requirements will be met during a spill response action:

- Notify the USACE Construction Representative and, COR immediately;
- Take immediate measures to control and contain the spill using above mentioned equipment and materials;
- Isolate and contain hazardous spill areas;
- Deny entry to unauthorized personnel;
- Do not allow anyone to touch spilled material;
- Stay upwind;
- Keep out of low areas;
- Keep combustibles away from the spilled material;
- Use water spray to reduce vapors and dust, as needed;
- Perform clean up activities as directed by COR using certified personnel;
- Take samples for analysis to determine that cleanup is adequate;
- If released from tanks, prevent discharge beyond site boundaries; and
- Any other actions as needed.

14.3 Notification of Spills and Discharges

ECC will make all spill notifications under state, federal, and local regulation, including, but not limited to 40 CFR 110, 302, 355, 370, 372, etc., immediately upon discovery, to the appropriate above listed authorities, unless notified by the Corps of Engineers Representative that they will take responsibility for notification. Within one hour of notification to regulatory authorities, ECC will verbally notify the Corps of Engineers Representative present on-site, if that individual is not already aware of the situation. A report, submitted no later than 24 hours after a release, will include the following items:

- Description of material spilled, including identity, quantity, and a copy of the waste disposal manifest;
- Exact time and location of the spill, and the description of the area involved;
- Containment procedures utilized;
- Description of the cleanup procedures employed at the site, including disposal of spill residue;
- Summary of the communications ECC has with other agencies; and
- Determination if the spill is reported to the EPA and/or reportable, and the date upon which the report to the appropriate agency was made and the name of the agency representative who accepted the report.
15.0 DUST AND NOISE CONTROL

15.1 Noise

All field personnel will be required to wear hearing protective devices having a Noise Reduction Rating (NRR) of 28 or greater in active traffic areas and when using pneumatically driven equipment or other equipment capable of high noise generation. Hearing protective devices will be worn, upon the directions of the PM, if a potential noise hazard exists. Individual operations may be checked using a Sound Level Meter, as appropriate for the operation.

15.2 Dust

During the operations, dust abatement measures such as water spraying will be implemented to reduce the spread of dust. The soil surface on haul roads and on other areas disturbed by operations may be treated with dust suppressants. Cleaning will be done by vacuuming, wet mopping, and wet sweeping or wet power brooming. Street sweeps will be utilized as necessary to keep the roads adjacent to the operations free from dust and mud.

The effectiveness of the dust control will be evaluated and monitored visually. ECC will comply with Iowa Air Pollution Control Regulation Chapters 567-23 and 24 which governs the release of fugitive dust in quantities creating nuisance during site activities. Water will be used sparingly to prevent the creation of puddles or runoff. Specific work tasks may necessitate the use of dust masks or HEPA cartridges on air-purifying respirators (APRs) to reduce or minimize dust inhalation by workers. Dust masks as well as APRs will be provided to ECC field personnel; however, APR use will be encouraged over the use of dust masks. Based on air monitoring results, APR may be required for certain activities.
16.0 APPLICABLE REGULATIONS & STANDARDS

The following is the list of applicable regulations and standards for this project:

- 40 CFR Part 50  Treatment Technology standards for emissions to air
- 40 CFR Part 110  Discharge of Oil
- 40 CFR Part 122-125  NPDES Permit discharge requirements
- 40 CFR Part 302  Reportable Quantity Listings
- 40 CFR Part 355  Emergency Planning and Notification for Extremely Hazardous Substances
- 40 CFR Part 370  Hazardous Chemical Release Reporting: Community Right-to-Know
- 40 CFR Part 372  Toxic Chemical Release Reporting: Community Right-to-Know
- 49 CFR Part 170-173  DOT Regulations
- 29 CFR Part 1910  Occupational Safety and Health Standards
- 29 CFR Part 1926  Safety & Health Regulations for Construction
- Iowa Air Pollution Control Regulations Chapter 567-23, 24  Fugitive Dust
- Iowa Water Pollution Control Regulations Chapter 567-39, 49  Water discharge effluent limits
- Iowa Solid Waste Disposal Regulations Chapter 567-100, 101, 102, 103, 110  Establishes protocols for excavation of closed landfills
- USACE Spill Reporting Procedures for USACE Personnel Involved in HTRW Projects
APPENDIX A
SPILL REPORTING PROCEDURES
MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Spill Reporting Procedures for USACE Personnel Involved in HTRW Projects

1. Purpose: This memorandum identifies and establishes guidance for compliance regarding spill reporting procedures by USACE elements, and their contractors responsible for executing HTRW activities, including investigation, design, construction, and other related activities at HTRW sites.

2. Applicability. This memorandum applies to HQUSACE elements executing HTRW, major subordinate commands, districts, laboratories, and field operating activities performing or contracting HTRW site activities.

This document is not intended to replace substantive regulatory requirements, but only to summarize certain key reporting provisions. The reader is cautioned to read the applicable regulations in conjunction with the use of this document. For Civil Works Spill Reporting Procedures, refer to USACE Operated Facilities Environmental Compliance Guidance Letter No.2, Spill Planning and Response, which is under revision.

3. References. - See appendix A.

4. Key Definitions. - See appendix B.

5. CFR Reporting Requirements. - See appendix C.

6. Background.

a. Over the past several years, there has not been a standard internal spill reporting procedure. As the HTRW program expands and the diversity of programs and customers continues, it is important to establish a standard internal spill reporting procedure for HTRW work.

b. As discussed herein, there are many different environmental regulations that require spill reporting and notification to regulatory agencies. The requirements vary and are somewhat confusing in nature. The purpose of this policy is to outline the major reporting requirements and delineate reporting responsibilities based on our customer's needs.
c. As spill reporting is required under various environmental statutes, it is imperative that Corps personnel are knowledgeable about the spill reporting requirements, and that the Corps standardizes reporting procedures.

7. Spill Reporting Requirements. - The following table provides a brief summary of the spill reporting requirements:

Table 1 - Notification Requirements

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<th>Event:</th>
<th>Who Must Report:</th>
<th>Reporting is Required to:</th>
<th>When is Reporting Required:</th>
<th>CFR Source:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oil Discharge</td>
<td>Any person in charge of a vessel, or of an onshore or offshore facility.</td>
<td>National Response Center (NRC) at 1-800-424-8802</td>
<td>Oil has been released into the waters of the United States</td>
<td>40 CFR 110, Discharge of Oil</td>
</tr>
<tr>
<td>Release of a Hazardous Substance</td>
<td>Any person in charge of a vessel or an offshore or an onshore facility.</td>
<td>National Response Center (NRC) at 1-800-424-8802</td>
<td>Release of a reportable quantity (RQ) of a hazardous substance occurs during any 24 hour period. See 40 CFR 302 for list.</td>
<td>40 CFR 302, Designation, Reportable Quantities and Notification 103(a)</td>
</tr>
<tr>
<td>Past Releases of a Hazardous Substance</td>
<td>Any person with knowledge of a release when a hazardous substance is discovered.</td>
<td>EPA Administrator</td>
<td>* See footnote regarding when reporting required</td>
<td>Past Releases CERCLA 103(c) Notification</td>
</tr>
<tr>
<td>Hazardous Substance or Extremely Hazardous Substance Chemical Reporting</td>
<td>The owner or operator of a facility (or facility response coordinator).</td>
<td>Immediately notify the Community Emergency Coordinator for the Local Emergency Planning Committee (LEPC) OR 911 and the State Emergency Response Commission (SERC)</td>
<td>Release of a reportable quantity of a CERCLA hazardous substance or an extremely hazardous substance (EHS) during any 24 hour period</td>
<td>40 CFR 355, Emergency Planning and Notification for Extremely Hazardous Substances</td>
</tr>
<tr>
<td>Hazardous Chemical Reporting Community Right-to-Know</td>
<td>Any facility that produces, uses or stores 10,000 lbs of OSHA hazardous chemicals and/or EHS in an amount greater than or equal to 500 lbs or the TPQ, whichever is less.</td>
<td>The owner/operator must submit Tier I/II reports to the fire department, LEPC and SERC</td>
<td>Tier I/II Reports must be submitted by 1 March of each year</td>
<td>40 CFR 370, Hazardous Chemical Reporting: Community Right-to-Know</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Toxic Chemical Release Reporting</td>
<td>If there are 10+ employees at that facility and 10,000 lbs or more of a toxic chemical used or stored there, the owner/operator of the facility reports to EPA, and also the state the facility is located in.</td>
<td>Report to EPA using Form R. There are also recordkeeping requirements in 40 CFR 372.10</td>
<td>Form R Report must be submitted on or before 1 July of the next year</td>
<td>40 CFR 372, Toxic Chemical Release Reporting: Community Right-to-Know</td>
</tr>
<tr>
<td>Polychlorinated Biphenyls (PCBs)</td>
<td>Anyone responsible for the spill, having knowledge of a spill, or discovers a spill.</td>
<td>· National Response Center at 1-800-424-8802</td>
<td>· Any spill equal to 1 pound or more of PCBs</td>
<td>40 CFR 376, Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions</td>
</tr>
<tr>
<td></td>
<td></td>
<td>· EPA Regional Ofc (within 24 hrs of discovery)</td>
<td>· Any spills into any water/water source; and if over 1 lb, notify the NRC</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>· EPA Regional Ofc (within 24 hrs of discovery)</td>
<td>· Any spills on grazing lands or gardens; and if over 1 lb, notify the NRC</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>· NRC &amp; EPA Regional Ofc</td>
<td>· Any spill equal to 10 pounds or more by weight of PCBs</td>
<td></td>
</tr>
</tbody>
</table>
| DOT Hazardous Materials Transportation | Any carrier/transporter responsible for the transportation of hazardous materials. | Dept of Transportation at 1-800-424-8802 | · Death, or personal injury requiring hospitalization
· Property damage over $50,000
· Public evacuation, major transportation arteries or facilities affected for one or more hours
· Aircraft flight patterns altered
· Fire, breakage, spillage, or contamination involving radioactive material or etiologic agents

40 CFR 171, Subchapter C - Hazardous Materials Regulations |

* CERCLA 103(C) notification requirements are as follows:

"Within 180 days after December 11, 1980, any person who owns or operates or who at the time of disposal owned or operated, or who accepted hazardous substances for transport and selected, a facility at which hazardous substances are or have been stored, treated, or disposed of shall, unless such facility has a permit issued under, or has been accorded interim status under, subtitle C of the Solid Waste Disposal Act, notify the Administrator of EPA of the existence of such facility, specifying the amount and type of any hazardous substance to be found there, and any known, suspected, or likely releases of such substances from such facility."

8. USACE Spill Reporting Responsibilities. - Since the Corps of Engineers does work for many different customers, the person or agency responsible for reporting spills may vary depending upon the party having jurisdiction over or ownership of the real property or the facility, as that term is broadly defined in CERCLA, or statutory and regulatory requirements involved. In all cases, USACE employees will report spills as required by statute and regulation. Just notifying the customer does not relieve the liability of the Corps or contractor personnel on site who have knowledge of the incident. It is recommended that USACE personnel consult with the Office of Counsel regarding such requirements prior to undertaking management of a project.
CEMP-RT (200-1a)

SUBJECT: Spill Reporting Procedures for USACE Personnel Involved in HTRW Projects

During the study and design phase the Corps Representative may be the program manager, chemist, geologist, industrial hygienist, or other individual representing the Corps during this phase of work. During the remediation phase, the Construction Representative serves as the Corps Representative. Below is the USACE Spill Reporting Responsibility Matrix for HTRW work. A summary table is provided at Table 2.

a. Formerly Used Defense Sites (FUDS).

(1) In all cases, USACE employees will report spills as required by statute and regulation. It is recommended that USACE personnel consult with the Office of Counsel regarding such requirements prior to undertaking management of a project.

(2) Contract language may require the contractor to report all spills as the operator of the facility. If this is the case, the contractor shall then be required to notify the Corps within one hour of the contractor completing spill reporting requirements to the required authorities.

b. Installation/Restoration of Sites under the Installation Restoration Program (IRP).

(1) In all cases, USACE employees will report spills as required by statute and regulation. Just notifying the installation on-scene coordinator (IOSC) does not relieve the liability of the Corps or contractor personnel on site who have knowledge of the incident. It is recommended that USACE personnel consult with the Office of Counsel regarding such requirements prior to undertaking management of a project.

(2) Reporting a spill of oil or a hazardous substance on Army installations will be in accordance with chapter 8, Oil and Hazardous Substances Spill Contingency Planning, Control, and Emergency Response, AR 200-1, Environmental Enhancement and Protection.

c. Environmental Support for Others Sites (ESFO). In all cases, USACE employees will report spills as required by statute and regulation. The Corps Representative will provide written notification to the customer that the Corps will report any spills that occur on site to the required reporting agency. Just notifying the customer does not relieve the liability of the Corps or contractor personnel on site who have knowledge of the incident. It is recommended that USACE personnel consult with the Office of Counsel regarding such requirements prior to undertaking management of a project.
d. **Superfund Sites.** The Corps Representative will provide written notification to the EPA On Scene Coordinator (OSC) or Regional Project Manager (RPM) that the Corps will report any spills that occur on site to the required reporting agency. If the EPA OSC or RPM does not want the Corps to handle notification, they are to notify the Corps in writing, preferably prior to initiation of any site work.

e. The following table provides a brief summary of spill reporting requirements on Corps of Engineers sites.

<table>
<thead>
<tr>
<th>Table 2. Spill Reporting on Corps of Engineers Sites</th>
</tr>
</thead>
</table>
| **Formerly Used Defense Site (FUDS)** | • Corps Representative reports all spills to the required reporting agency  
• As an alternative, contract language may require the contractor to report spills to the regulatory agency and then notify the Corps in writing within one hour of making notification. |
| **Installation Restoration Site (IRP)** | • Corps employees will report spills as required by AR 200-1, Environmental Enhancement and Protection, as well as by other applicable statutes and regulations. |
| **Environmental Support for Others (ESFO)** | • Corps employees will report spills as required by statute and regulation. |
| **Superfund Site** | • The Corps representative reports spills to the required reporting agency for all Corps managed activities at the site. A follow-up report to the EPA OSC or RPM will be made as soon as possible.  
• EPA assumes reporting responsibility via written notification prior to initiation of any site work. In this case, the Corps will report spills or releases to the EPA OSC or RPM telephonically, and consistent with regulations or statutory requirements. A written report will follow to EPA within 24 hours. |
c. District Reporting Requirements.

(1) Each district shall prepare and approve a written policy outlining the spill reporting requirements identified in this policy.

(2) The policy shall further delineate the Corps field, district, and division reporting chain-of-command.

10. Our POC is Brian Peckins, CEMP-RT at (202) 761-4707.

FOR THE DIRECTOR OF MILITARY PROGRAMS:

[Signature]

CARY JONES
Chief, Environmental Restoration Division

2 Encls
CEMP-RT (200-1a)
SUBJECT: Spill Reporting Procedures for USACE Personnel Involved in HTRW Projects

DISTRIBUTION:
CEMP
CECW
Commanders,
MSCs
Districts
U.S. ARMY CORPS OF ENGINEERS
SPILL NOTIFICATION INFORMATION LIST

To the extent possible, when a spill/release is reported the following information should be recorded and provided during notification:

- Name, address, and telephone number of reporting individual.
- Date and time of day the spill was reported.
- Name of individual and/or agency the spill was reported to.
- Name of individual who can be contacted for further information.
- Date and time the incident occurred or was discovered.
- Name of the party or individual responsible for the incident.
- Mailing address and telephone number of the responsible party.
- Specific geographic location of the incident.
- Name of material spilled or released.
- Source of the spilled material.
- Cause of the release.
- Total quantity released.
- Whether material was released to air, ground, water, or subsurface.
- Amount spilled into water.
- Weather conditions.
- Vessel name, rail car/truck number or other identifying information.
- Name of carrier.
- Number and type of injuries or fatalities.
- Whether evacuations have occurred.
- Estimated dollar amount of property damage.
- Description of clean-up action taken and future plans.
- Other agencies that have been notified or will be immediately notified.
- Whether there are any known or anticipated acute or chronic health risks associated with the emergency, and where appropriate, advice regarding medical attention necessary for exposed individuals.
SUBJECT: Spill Reporting Procedures for USACE Personnel Involved in HTRW Projects

9. Actions to be Taken.


      (1) All contract specifications for HTRW site remedial actions shall contain a section which outlines contractor responsibilities regarding spill reporting requirements.

      (2) If it is decided that the contractor shall be required to report all spills directly to the appropriate authorities, contract specifications must include appropriate language, such as:

      "The contractor is required to make all spill notifications under state, federal and local regulations, including, but not limited to 40 CFR 110, 302, 355, 370, 372, etc., immediately upon discovery, to appropriate regulatory authorities. Within one hour of notification to regulatory authorities, the contractor shall verbally notify the Corps Representative. Within 24 hours the contractor shall submit a written report to the Corps Representative which contains the information required from the spill notification information list (Enclosure 1) and spill notification checklist (Enclosure 2)."

      (3) If it is determined that the Corps Representative shall report spills, the following requirement or similar language shall be added to the contract:

      "The contractor will notify the Corps immediately upon discovery of any spill/release. The contractor shall follow-up within 24 hours with a spill report. A spill report shall contain at a minimum the items required in enclosure 1."


      (1) Each district shall ensure that all USACE personnel involved in on-site activities at HTRW sites (including State-Lead and PRP-Lead for oversight activities) are familiar with, comply with, and have obtained copies of the Spill Reporting Requirements contained in this memorandum.

      (2) Ensure, in coordination with other USACE Command functional activities (i.e., engineering, personnel, etc.), that involved USACE personnel have received appropriate training as required by USACE policies.

      (3) Ensure that USACE staff elements and USACE Commands are familiar with spill reporting procedures and these requirements are met during investigation, remediation and other engineering related activities at HTRW sites.
Proper precautions to take as a result of the releases during evacuation.
- Natural resources which may be affected.
- Land owner.
- Name of individual/agency the spill was reported to.
- Time of day, and date the spill was reported.
U.S. ARMY CORPS OF ENGINEERS
SPILL NOTIFICATION CHECKLIST

[ ] Discharge/Spill Observed

Date: ________________________________
Location: ________________________________
Recorder: ________________________________

[ ] Call National Response Center (1-800-424-8802)
Note: If direct reporting to the NRC is not practicable, reports may be made to the EPA Regional Office

EPA Region Emergency Number: ________________________________
Notification to NRC made by: ________________________________
Time of Notification: ________________________________
Date of Notification: ________________________________
Name of Person at LEPC: ________________________________

[ ] Call the Local Emergency Planning Committee (LEPC)

Telephone Number of LEPC: ________________________________
Notification to LEPC made by: ________________________________
Time of Notification: ________________________________
Date of Notification: ________________________________
Name of Person at LEPC: ________________________________

[ ] Call the State Emergency Response Commission (SERC)

Telephone Number of SERC: ________________________________
Notification to SERC made by: ________________________________
Time of Notification: ________________________________
Date of Notification: ________________________________
Name of Person at SERC: ________________________________

Note: Notice to the LEPC and SERC are necessitated by SARA Title III.

[ ] Call your District Chain-of-Command Office

Telephone Number of Office: ________________________________
Notification made by: ________________________________
Time of Notification: ________________________________
Date of Notification: ________________________________
Name of Person at District Ofc: ________________________________

Encl 2
Appendix A - References

a. 40 CFR 110, Discharge of Oil

b. 40 CFR 302, Designation, Reportable Quantities and CERCLA 103(a) Notification

c. CERCLA 103(c) Notification for Past Releases

d. 40 CFR 355, Emergency Planning and Notification

e. 40 CFR 370, Hazardous Chemical Reporting: Community Right-To-Know

f. 40 CFR 372, Toxic Chemical Release Reporting: Community Right-to-Know

g. 40 CFR 761, Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions

h. 49 CFR 171, Subchapter C, Department of Transportation Hazardous Materials Regulations
Appendix B - Key Definitions

a. The term "Discharge" means any intentional or unintentional spilling, leaking, pumping, pouring, emitting, emptying, or dumping that is caused by events occurring within the scope of relevant operating or treatment systems.

b. The term "Environment" includes water, air, and land and the interrelationship which exists among and between water, air, and land and all living things.

c. The term "Extremely Hazardous Substance" means a substance listed in Appendices A and B of 40 CFR 355, Emergency Planning and Notification.

d. The term "Facility" means (i) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (ii) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

e. The term "Hazardous Chemical" means any hazardous chemical as defined under section 1910.1200(c) of Title 29 of the Code of Federal Regulations, except that such term does not include the following substances ... Any substance to the extent it is used in a research laboratory or a hospital or other medical facility under the direct supervision of a technically qualified individual.

f. The term "Hazardous Substance" means any substance designated by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Resource Conservation Recovery Act (RCRA), Clean Water Act (CWA), any pollutant listed under Clean Air Act (CAA), or any imminently hazardous chemical...
substance under Toxic Substances Control Act (TSCA). The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance, or natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).

g. "MSDS" or Material Safety Data Sheet is the document containing the chemical name or the common name of each chemical plus the hazardous component of each such chemical, as well as handling and disposal information. This sheet is required under OSHA for each hazardous chemical located at a site.

h. The term "Navigable Waters" means the waters of the United States, including the territorial seas.

i. The "National Contingency Plan" (NCP) (40 CFR Part 300) is the document designed to provide the basic blueprint for the entire CERCLA response program. The NCP reflects the latest of EPA's detailed cleanup and response policies and procedures.

j. The term "Offshore Facility" means any facility of any kind located in, on, or under any of the navigable waters of the United States, and any facility of any kind that is subject to the jurisdiction of the United States and is located in, on, or under any other waters, other than a vessel or a public vessel.

k. The term "Oil" means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil.

l. The term "Onshore Facility" means any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under any land or nonnavigable waters within the United States.
m. The term "Owner/Operator" means (i) in the case of a vessel, any person owning, operating, or chartering by demise, the vessel, (ii) in the case of an onshore facility or an off-shore facility, any person owning or operating such facility, and (iii) in the case of any facility, title or control of which was conveyed due to bankruptcy, foreclosure, tax delinquency, abandonment, or similar means to a unit of State or local government, any person who owned, operated or otherwise controlled activities at such facility immediately beforehand.

n. "PCBs" mean polychlorinated biphenyls as defined under 40 CFR 761.3. As specified under 40 CFR 761.1(b), no requirements may be avoided through dilution of the PCB concentration.

o. The term "Person" means as individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United State Government, State, municipality, commission, political subdivision of a State, or any interstate body.

p. The term "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, abandoning, or disposing into the environment.

q. The term "Reportable Quantity" means that quantity, as set forth in 40 CFR 302, the release of which requires notification to the National Response Center (NRC).

r. Under TSCA, the term "Responsible Party" means the owner of the PCB equipment, facility, or other source of PCBs or his/her designated agent (e.g., a facility manager or foreman).

s. The term "Sheen" means an iridescent appearance on the surface of the water caused by oils, petroleum products, etc.

t. As defined by TSCA, the term "Spill" means both intentional and unintentional spills, leaks, and other
uncontrolled discharges where the release results in any quantity of PCBs or hazardous substances running off or about to run off the external surface of the equipment; or other PCB source, as well as contamination resulting from those releases.

u. The term "Spill Event" means a discharge of oil into or upon the navigable waters of the United States or adjoining shorelines in harmful quantities, as defined in 40 CFR 110. According to 40 CFR 110.3, harmful quantities include discharges of oil that (a) violate applicable water quality standards, or (b) cause a film or sheen upon 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.

v. The term "Sludge" means an aggregate of oil or oil and other matter of any kind in any form other than dredged spoil having a combined specific gravity equal to or greater than water.

w. The term "Threshold Planning Quantity (TPQ)" means, for a substance listed in Appendices A and B of 40 CFR 355, the quantity listed in the column "threshold planning quantity" for that substance.

x. The term "United States" includes the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Marianas, and any other territory or possession over which the United States has jurisdiction.

y. The term "Vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water other than a public vessel.
Appendix C - Application of CFR Reporting Requirements.

a. 40 CFR 110 Discharge of Oil.

(1) Application of 40 CFR 110. This section of the CFR applies to the discharge of oil. This includes certain discharges into or upon the navigable waters of the United States or adjoining shorelines, with the exception from a properly functioning vessel engine.

(2) Who is required to Report? Any person in charge of a vessel or of an onshore or offshore facility is responsible for reporting releases of oil to the National Response Center (NRC) at 1-800-424-8802 as soon as he/she has knowledge of the release. (If direct reporting to the NRC is not practical, reports may be made to the Coast Guard or the EPA predesignated On-Scene Coordinator (OSC) for the geographic area where the discharge occurs.)

(3) When is reporting required? Reporting to the NRC is required if the release violates an applicable water quality standard; causes a film or sheen upon or discoloration of the surface of the water; causes a film or sheen on adjoining shorelines; or causes a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines. (There is an exception, however, for discharges of oil from properly functioning vessel engines, but discharges from the vessel's bilges are not exempt.)


(1) Application of 40 CFR 302. This section of the CFR identifies reportable quantities for various substances, including hazardous substances, and the notification requirements for release of these substances. The list of hazardous substances and their corresponding reportable quantities are in a table in 40 CFR 302.4. The table includes an alphabetical
listing of chemicals and entries for all hazardous wastes.

(2) **Who is required to Report?** Any person in charge of a vessel or an offshore or an onshore facility shall, as soon as he/she has knowledge of the release (other than a federally permitted release or application of a pesticide) should immediately notify the National Response Center (NRC) at 1-800-424-8802; in Washington, D.C. (202) 426-2675.

(3) **When is reporting required?** Reporting is required when a release of a reportable quantity of a hazardous substance occurs during any 24 hour period. The report must be made immediately by calling the NRC.

c. **40 CFR 355 Emergency Planning and Notification.**

(1) **Application of 40 CFR 355.** This section of the CFR applies to any facility that produces, processes, uses or stores an extremely hazardous substance (EHS) in amounts equal to or in excess of their threshold planning quantity (TPQ). The lists of extremely hazardous substances and their threshold planning quantities are in Appendix A and B to Part 355. Executive Order 12856: "Federal Compliance With Right-To-Know Laws and Pollution Prevention Requirements," made all Federal agencies and facilities responsible with complying with the "Emergency Planning and Community Right-to-Know Act" (EPCRA) (40 CFR 355, 370, 372).

(2) **Who is required to report?** First, the owner or operator of a facility should designate an emergency coordinator. The owner or operator (or facility response coordinator) will immediately notify the community emergency coordinator for the Local Emergency Planning Committee (LEPC) or "911" and the State Emergency Response Commission (SERC). (Refer to 40 CFR 355.40 (b) for correct notification requirements.) Regulatory deadlines are past for Federal agencies and facilities to have made emergency planning notification to the State and local planning groups and to designate the facility emergency coordinator.
Formerly Used Defense Site (FUDS) remediation will need to make reporting a requirement of the contractor, or the Corps Construction office will need to perform this task.

(3) When is reporting required? Emergency release notification is required at any facility where a hazardous chemical is produced, used, or stored and at which there is a release of a reportable quantity (RQ) of any extremely hazardous substance (EHS) or CERCLA hazardous substance. The notification requirements can be found in 40 CFR 355.40. Notification is not necessary for any release which results in exposure to persons solely within the boundaries of the facility. The reader is cautioned to be careful when determining notification is not required since regulators may be conservative in evaluating if the release remained on the facility site.

d. 40 CFR 370 Hazardous Chemical Reporting: Community Right-to-Know.

(1) Application of 40 CFR 370. This CFR establishes reporting requirements which provide the public with important information on the hazardous chemicals in their communities for the purpose of enhancing community awareness of chemical hazards, and facilitating development of State and local emergency response plans.

(2) Who is required to report? Any facility that has present at any one time 10,000 pounds of OSHA hazardous chemicals and/or extremely hazardous substance (EHS) in an amount greater than or equal to 500 pounds or the threshold planning quantity (TPQ), whichever is less, is subject to reporting. This reporting requirement is not applicable to hazardous wastes or constituents.

(3) When is reporting required? If a facility meets any one of these levels, the owner/operator must submit Tier I/II reports to the fire department, LEPC, and SERC by 1 March of each year. There are also additional MSDS reporting requirements, and
Inventory Reporting requirements. (Hazardous chemicals are defined to be all chemicals that pose a physical or health hazard except for hazardous waste subject to RCRA regulation, any substance to the extent it is used for personal, family or household purposes or is present in the same form and concentration as a product packaged for distribution and use by the general public (i.e. paint, glue, etc.), tobacco products, wood products, consumer products, etc.) Items such as gasoline, oils, heating oils, diesel fuel, solvents would be covered under this part.


(1) Application of 40 CFR 372. This portion of the CFR requires that the general public and surrounding communities be notified of any release pertaining to any toxic chemicals. There are also notification requirements for suppliers regarding distribution of mixtures. Subpart D of 40 CFR 372.65 contains a list of Toxic Chemicals.

(2) Who is required to report? Owners or operators of the facility are required to comply with reporting requirements to EPA and to the State in which the facility is located if that facility employees 10 full-time employees (including contract and part-time employees) who work at the facility and if 10,000 pounds or more of a toxic chemical are used or stored at the facility in a calendar year. The threshold for reporting if the Federal facility is manufacturing or processing toxic chemicals is 25,000 pounds.

(3) What reporting is required? Facilities in this position are required to report to EPA using EPA Form R. Each Form R report covers activities that occurred during a calendar year at a covered facility and must be submitted on or before July 1 of the next year. There are recordkeeping requirements in 40 CFR 372.10. The facility must also file a Toxic Chemicals Source Reduction and Recycling Report. There are some exemptions that
may be applicable to Federal facilities or agencies. Routine janitorial cleaning supplies, fertilizers, and pesticides similar in type or concentration to consumer products used for janitorial and facility grounds maintenance are exempt. Chemicals used for the purpose of maintaining vehicles operated at the facility are exempt if certain criteria are met (40 CFR 372.38).

f. 40 CFR 761 Polychlorinated, Biphenyls (PCBs)

Manufacturing, Processing, and Distribution in Commerce, and Use Prohibitions.

(1) Application of 40 CFR 761. This section of the CFR regulates the use, storage, and disposal of PCBs at concentrations of 50 part per million (ppm) or greater. Spills containing concentrations of 50 ppm or more PCBs are regulated under this policy, as well as uncontrolled discharges of PCBs occurring after May 4, 1987. Spills occurring before this date should follow the existing regional standards.

(2) Who is required to report? Anyone responsible for the spill, having knowledge of a spill, or who discovers a spill.

(3) When is reporting required? Reporting requirements for PCB spills are shown in the following table:

<table>
<thead>
<tr>
<th>If 1 lb or more of PCBs or PCB contaminated material is spilled</th>
<th>Notify the National Response Center (NRC) at 1-800-424-8802</th>
</tr>
</thead>
</table>

Table 3 - PCB Reporting Requirements
<table>
<thead>
<tr>
<th>If any amount of PCBs or PCB material directly contaminates surface water, sewers, or drinking water supplies</th>
<th>Notify the appropriate EPA regional office (Office of Prevention, Pesticides and Toxic Substances Branch); and if over 1 lb, notify the NRC</th>
</tr>
</thead>
<tbody>
<tr>
<td>If any amount of PCBs or PCB material directly contaminates grazing lands or vegetable gardens</td>
<td>Notify the appropriate EPA regional office (Office of Prevention, Pesticides and Toxic Substances Branch); and if over 1 lb, notify the NRC</td>
</tr>
<tr>
<td>If 10 lbs or more PCBs or PCB contaminated material is spilled</td>
<td>Notify the appropriate EPA regional office (Office of Prevention, Pesticides and Toxic Substances Branch); and if over 1 lb, notify the NRC</td>
</tr>
</tbody>
</table>

Although the regulations require reporting to the appropriate EPA regional office within 24 hours, this may not be possible at night, on holidays, or during weekends. Keep a record of attempts to contact EPA, and contact them as soon as possible.

**g. 49 CFR 171 General Information, Regulations, and Definitions.**

(1) **Application of 49 CFR 171.** This section of the CFR prescribes the requirements of the Department of Transportation (DOT) governing the transportation of hazardous materials.

(2) **Who is required to report?** Any carrier/transporter responsible for the transportation of hazardous materials (including hazardous wastes), including the loading, unloading and temporary storage is required to report spills. The carrier should notify the DOT (1-800-424-8802) at the earliest
practicable moment. Notice involving etiological agents may be given to the Center of Disease Control (404) 633-5313 in place of notice to DOT. (Also, under 40 CFR 302.6 EPA requires persons in charge of facilities (including transport vehicles, vessels, and aircraft) to report any release of a hazardous substance in a quantity equal to or greater than its reportable quantity, as soon as that person has knowledge of the release, to the NRC.)

(3) When is reporting required? The carrier shall report when:

(a) As a direct result of hazardous materials --
- A person receives injuries requiring hospitalization, or a person is killed.
- An estimated carrier or other property damage exceeds $50,000.
- An evacuation of the general public occurs lasting one or more hours.
- One or more major transportation arteries or facilities are closed or shut down for one hour or more.
- The operational flight pattern or routine of an aircraft is altered.

(b) Fire, breakage, spillage, or suspected radioactive contamination occurs involving shipment or radioactive material; or fire, breakage, spillage, or suspected contamination occurs involving shipment of etiologic agents; or

(c) A situation exists of such a nature that, in the judgement of the carrier, it should be reported to the Department even though it does not meet the above criteria of this section.

b. CERCLA 103(c) Notifications of Past Releases. It is
important to remember that the NRC reporting requirement is triggered only when a reportable quantity is released during a 24-hour period under CERCLA 103(a) notification. This can usually only be established for ongoing or fairly recent releases. For releases that are as a result of abandoned hazardous waste, USTs, leaking landfills, etc., it is difficult to determine if a Reportable Quantity (RQ) has been released into the environment within a 24-hour period. Contamination from past releases may have resulted from small but continuous releases over a prolonged period of time. Therefore, in addition to providing a mechanism for reporting current spills, CERCLA ensures that past releases are also reported. Whereas current releases must be immediately reported to the National Response Center under section 103(a) of CERCLA and 40 CFR 302, section 103(c) of CERCLA requires sites known or suspected to have received hazardous substances to be reported to EPA, but does not specify a time frame. This is ordinarily covered through the consultation process which occurs with EPA as part of the Defense Environmental Restoration Program (DERP) and/or through submission of Preliminary Assessment Reports to EPA.