

United States
Environmental Protection Agency

Office of Emergency and
Remedial Response
Washington, DC 20460

Superfund



EPA Reporting Requirements for Continuous Releases of Hazardous Substances

A Guide for Facilities on Compliance

The policies and procedures set forth here are intended as guidance to facilities. They may not be relied on to create a substantive or procedural right enforceable by any other person. The Government may take action that is at variance with the policies and procedures in this manual. This 1997 revised edition of "Assessing Reports of Continuous Releases of Hazardous Substances – A Guide for Facilities on Compliance" replaces and updates the October 1990 edition.

TABLE OF CONTENTS

	<u>Page</u>
BACKGROUND	iv
PART 1: REPORTING REQUIREMENTS FOR CONTINUOUS RELEASES OF HAZARDOUS SUBSTANCES	1
1.0 Introduction	1
1.1 CERCLA and EPCRA Release Reporting Requirements	1
1.2 Continuous Releases	3
1.3 Reporting Continuous Releases	6
1.4 Recordkeeping Requirements	9
1.5 EPA's Role in the Continuous Release Reporting Process	12
1.6 Additional Questions	13
1.7 Where to Submit Written Reports	13
1.8 Sources for Further Information	15
PART 2: INSTRUCTIONS AND PROCEDURES FOR CONTINUOUS RELEASE REPORTING	16
2.0 Introduction	16
2.1 General Overview of How to Report a Continuous Release	16
2.2 Initial Telephone Notification	17
2.3 Initial Written Report and Follow-up Reports	18
2.4 Notifications of Statistically Significant Increases	28
2.5 Reports of Changed Releases	29
2.6 Summary	30

APPENDICES

Appendix A: Acronyms

Appendix B: Suggested Continuous Release Reporting Format (Blank)

Appendix C: Suggested CR-ERNS Reporting Format--Addendum to TRI Form R (Blank)

Appendix D: Completed Suggested Continuous Release Reporting Format

Appendix E: Completed Suggested CR-ERNS Reporting Format -- Addendum to TRI Form R

LIST OF EXHIBITS

EXHIBITS	<u>Page</u>
Exhibit 1-1: Reporting Requirements Under CERCLA Section 103 and EPCRA Section 304	2
Exhibit 1-2: Definitions	4
Exhibit 1-3: Standard Reporting Requirements	6
Exhibit 1-4: Circumstantial Reporting Requirements	8
Exhibit 1-5: Where to Submit Continuous Release Reports for Releases of CERCLA Hazardous Substances	10
Exhibit 1-6: Where to Submit Continuous Release Reports for Releases of Non-CERCLA EHSs	11
Exhibit 1-7: EPA Regional Superfund Offices	14
Exhibit 2-1: Checklist of Information Required in the Initial and Follow-up Written Reports	19
Exhibit 2-2: Sources of Information for Identifying the Location of Your Facility	20
Exhibit 2-3: Definitions	21
Exhibit 2-4: Estimated Average Stream Flow Rates	24
Exhibit 2-5: Sources of Information for Estimating Average Lake Depth	24
Exhibit 2-6: Normal Range	24
Exhibit 2-7: Examples of Reporting Single Hazardous Substances	25
Exhibit 2-8: Example of Reporting a Mixture	26
Exhibit 2-9: Calculation of the SSI Trigger for a Hazardous Substance	27

BACKGROUND

The purpose of this document, “Reporting Requirements for Continuous Releases of Hazardous Substances - A Guide for Facilities on Compliance” (Guide), is to help you understand the definitions and requirements contained in the U.S. Environmental Protection Agency's (EPA's) Final Rule on “Reporting Continuous Releases of Hazardous Substances” (55 Federal Register 30166) published on July 24, 1990, which amended 40 Code of Federal Regulations Parts 302 and 355. The Continuous Release Rule provides a reduced reporting option for facilities that release hazardous substances in a manner that is continuous, and stable in quantity and rate. This Guide has been designed to provide facilities who choose this reduced reporting option with the information necessary to successfully comply with the continuous release reporting.

The Guide is divided into two parts. Part 1 provides general information in a question and answer format regarding the Continuous Release Rule and the responsibility of the person in charge of a facility to report releases of hazardous substances. Part 2 contains detailed instructions on how to prepare continuous release reports that include all of the information required to qualify for reduced reporting under the Rule. Although the Rule applies to both facilities and vessels, because the reporting elements from vessels are somewhat different from those of facilities (e.g., vessels by their nature do not have a set location), this Guide will only address the reporting requirements for facilities. Much of the information in this Guide is applicable to vessels, however, persons in charge of vessels who wish to report under the Continuous Release Rule should contact EPA to discuss vessel-specific requirements in detail.

PART 1: REPORTING REQUIREMENTS FOR CONTINUOUS RELEASES OF HAZARDOUS SUBSTANCES

1.0 Introduction

Part 1 of the Reporting Requirements for Continuous Releases of Hazardous Substances - A Guide for Facilities on Compliance (Guide) explains the general reporting (notification) requirements of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) and the Emergency Planning and Community Right-to-Know Act (EPCRA) for hazardous substances, as well as a number of relevant terms. In addition, it provides information on what qualifies as a continuous release under the Rule, and describes the continuous release reduced reporting requirements in detail, including how, when, and to whom such releases must be reported.

1.1 CERCLA and EPCRA Release Reporting Requirements

Section 103(a) of CERCLA “as amended” and EPA’s implementing regulations (40 Code of Federal Regulations (CFR) 302.8) require the person in charge of a facility to immediately notify the Federal government (the National Response Center or NRC) whenever a reportable quantity (RQ) or more of a CERCLA hazardous substance is released unless the release is federally permitted. The purpose of this requirement is to notify officials of potentially dangerous releases so that they can evaluate the need for a response action. CERCLA hazardous substances are defined in Section 101(14) of CERCLA and include over 800 specific CERCLA listed substances (40 CFR 302.4), as well as, hazardous substances that have been defined under other statutes.

Likewise, Section 304 of EPCRA (also known as Title III of the Superfund Amendments and Reauthorization Act (SARA)) and EPA’s implementing regulations (40 CFR 355.40) require the owner or operator of a facility to immediately notify state and local officials whenever an RQ or more of a

CERCLA hazardous substance is released. These same Sections also require the owner or operator of a facility to immediately notify state and local authorities whenever there is a release of an RQ or more of any of the 356 listed Extremely Hazardous Substances (EHSs); approximately 222 of these EHSs are not CERCLA hazardous substances, but are non-CERCLA EHSs. Notifications under Section 304 of EPCRA must be given both to the local emergency planning committee (LEPC) of any area likely to be affected by the release and to the state emergency response commission (SERC) of any state likely to be affected by the release. If the release is located on Tribal lands and a Tribal Emergency Response Commission (TERC) exists, notification must be given to the appropriate TERC. For the purposes of this Guide, all references to requirements for reporting to SERCs and LEPCs under EPCRA should be construed to include the same requirements for reporting to TERCs, if appropriate.

The reporting requirements between CERCLA and EPCRA are slightly different. These differences are outlined in **Exhibit 1-1** and are reviewed in the following sections.

What is a facility?

A "facility" is defined under CERCLA to include any building, structure, installation, equipment, pipe or pipeline, well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft or any site or area where a hazardous substance has been deposited, stored, disposed of or placed, or otherwise come to be located. There may be one or more facilities at a particular site. For example, a site may be comprised of four facilities including one building, one lagoon, and two storage containers.

The definition of the term "facility" under EPCRA differs from the CERCLA definition. Under Section 329(4) of EPCRA, a facility is defined as all buildings, equipment, structures, and other stationary items that are located on a single site or on contiguous or adjacent sites that are owned and controlled by the same person. For emergency release reporting, the EPCRA definition of facility also includes motor vehicles, rolling stock, and aircraft.

**EXHIBIT 1-1:
REPORTING REQUIREMENTS UNDER CERCLA SECTION 103 AND EPCRA SECTION 304**

	CERCLA Section 103	EPCRA Section 304
Definition of a Facility	Defined in Section 101(9) of CERCLA as including any building, structure, installation, equipment, pipe or pipeline, well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft on any site or area where a hazardous substance has been deposited, stored, disposed of or placed, or otherwise come to be located.	A facility is defined in Section 329(4) of EPCRA as <u>all</u> buildings, equipment, structures, and other stationary items that are located on a single site or on contiguous or adjacent sites that are owned and controlled by the same person.
Relevant Chemical List	CERCLA hazardous substances (40 CFR 302.4)	CERCLA hazardous substances (40 CFR 302.4) and 356 EPCRA Section 302 EHSs (Appendix A to 40 CFR 355)
Notification Requirements	National Response Center (NRC)	SERC(s), LEPC(s), and TERC(s)
Constituents of a Release	Any release at or above a specified Reportable Quantity (RQ) into the environment (on-site or off-site)	Any release at or above a specified Reportable Quantity (RQ) with exposure to off-site environment

When does a hazardous substance release occur?

Under CERCLA, a "release" occurs when a hazardous substance enters the environment. A key element of the definition of release is the phrase "into the environment." The environment includes all media: air, land (surface or subsurface strata), surface water, and ground water (including drinking water supply). Examples of hazardous substances released into the environment include: releases from pipes onto the ground; releases from stacks into the air; or other uncontained discharges. If such a release of a CERCLA hazardous substance occurs in a quantity that equals or exceeds an RQ in a 24-hour period, it must be reported immediately to the NRC.

The definition of a release is similar under EPCRA, however generally EPCRA reporting requirements do not apply if the release results in exposure to persons solely within the facility (i.e., site) boundaries. Releases of CERCLA hazardous substances and EHSs in quantities that equal or exceed an RQ must also be reported to the SERC and LEPC.

What is a reportable quantity?

Each CERCLA hazardous substance is assigned an RQ. When an RQ or more of a CERCLA hazardous substance is released from a facility during a 24-hour period, it triggers the reporting requirements of Section 103 of CERCLA. An RQ is not an absolute measure of the risk associated with the hazardous substance; the purpose of an RQ is to trigger the reporting of a hazardous substance release. The actual risk posed to human health and the environment will vary with the circumstances of the particular release; many factors other than the size of the release may influence the risk and thus the need for a government response. Except for radionuclides (which are expressed in curies), the RQ is expressed in pounds (i.e., 1 lb, 10 lbs, 100 lbs, 1000 lbs, 5000 lbs). You can find a list of hazardous substances and their associated RQs in the CFR in Table 302.4 at 40 CFR Part 302.

EHSs that are not CERCLA hazardous substances (i.e., non-CERCLA EHSs) are assigned reporting triggers (RQs) under Section 304 of EPCRA.

RQs for non-CERCLA EHSs were adjusted on May 7, 1996 at 61 FR 20473 and are in 40 CFR Part 355. EPCRA

Section 304 requires that any release of an EHS that equals or exceeds an RQ established under either CERCLA or EPCRA be reported immediately to the appropriate SERC and LEPC.

How are releases of CERCLA hazardous substances reported?

Generally, CERCLA Section 103(a) requires the person in charge of a facility to notify the NRC immediately if that person has knowledge that an RQ or more of a hazardous substance has been released from the facility within a 24-hour period. To determine whether an RQ or more of a specific CERCLA hazardous substance has been released within a 24-hour period, the person in charge must consider the amount released from all sources at the facility and determine if together the release of the hazardous substance equals or exceeds an RQ. For example, if a facility has three sources, each releasing 1/3 of an RQ of a CERCLA hazardous substance X over the same 24-hour period, and the release of hazardous substance X is not federally permitted, the person in charge must report that release to the NRC. (The NRC's telephone number is listed on page 15 of this Guide).

The EPCRA Section 304 reporting requirements parallel the CERCLA notification requirements, but apply to the owner or operator of a facility, and are intended to make release information available immediately to state and local authorities. For the purposes of EPCRA, to determine whether an RQ or more of a CERCLA hazardous substance or EHS has been released over a 24-hour period, the owner or operator must consider the amount released from all sources at the facility and determine if together the release of the hazardous substance equals or exceeds an RQ. For example, if a facility has three sources, each releasing 1/3 of an RQ of a CERCLA hazardous substance or non-CERCLA EHS X over the same 24-hour period, and the release of hazardous substance X is not federally permitted, the person in charge must report that release to the appropriate SERC and LEPC. You can obtain the telephone numbers for appropriate state authorities (SERC) and local authorities (LEPC) by calling the RCRA/Superfund/EPCRA Hotline. See page 15 of this Guide for telephone numbers.

The primary reason for these notification requirements is to alert government officials to releases of CERCLA hazardous substances and EHSs that may require a timely response action to prevent or mitigate damage to public health or welfare or the environment.

1.2 Continuous Releases

What is the continuous release reduced reporting option?

CERCLA Section 103(f)(2) and EPA's implementing regulations at 40 CFR Parts 302 and 355, provide a special reduced reporting option for "continuous" releases of CERCLA hazardous substances and EHSs. This CERCLA and EPCRA reporting relief applies to facilities that release CERCLA hazardous substances or EHSs that are "continuous" and "stable in quantity and rate" under the regulatory definition of 40 CFR 302.8(b). For these types of releases, reporting facilities can choose either to: 1) report on a per occurrence basis, or 2) report as a "continuous" release in accordance with the Continuous Release Rule, "Reporting Continuous Releases of Hazardous Substances" (55 FR 30166) published on July 24, 1990, which amended 40 CFR Parts 302 and 355.

The purpose of CERCLA Section 103(f)(2) is to reduce reporting of predictable release notifications. CERCLA Section 103(f)(2), however, does not eliminate the requirement to report. Government response officials need to receive some notification of each hazardous substance release that equals or exceeds an RQ on a continuous basis, so that the release can be evaluated and if necessary, a response action can be taken.

What is a continuous release?

A "continuous release" is a release of a hazardous substance that is "continuous" and "stable in quantity and rate" under the regulatory definitions of these terms listed in **Exhibit 1-2**. A continuous release may be a release that occurs 24 hours a day (e.g., a radon release from a stockpile) or a release that occurs during a certain process (e.g., benzene released during the production of polymers) or a release that occurs intermittently (e.g., the release of a hazardous substance from a tank vent each time the tank is filled).

EXHIBIT 1-2: DEFINITIONS

Continuous. A continuous release is a release that occurs without interruption or abatement, or that is routine (i.e., occurs during normal operating procedures or processes), anticipated, intermittent, and incidental to normal operations.

Stable in quantity and rate. A release that is stable in quantity and rate is a release that is predictable and regular in the amount and rate of emission.

Some releases resulting from malfunctions may also qualify for reduced reporting as continuous releases under Section 103(f)(2) if they are incidental to normal plant operations or treatment processes, are stable in quantity and rate, and either (1) occur without interruption or abatement or (2) are routine, anticipated, and intermittent. For example, fugitive emissions from valves that occur at different rates over the course of a production cycle may be a malfunction that qualifies for reduced reporting. The determinative question of whether any release, including a malfunction, qualifies for reporting under Section 103(f)(2) is whether the release satisfies the definitions of "continuous" and "stable in quantity and rate."

Releases must be sufficiently predictable and regular so that the person in charge, or the owner or operator of the facility can provide a full description of the release to government authorities. Upon receipt of continuous release information, government officials will evaluate the risk associated with the release and determine the need for a response action.

Do releases that result from unanticipated events qualify for reduced reporting as continuous releases?

Releases of CERCLA hazardous substances that are the result of unanticipated incidents do not qualify for reduced reporting under Section 103(f)(2). Such episodic incidents include spills, equipment failures, or the emergency shutdown of equipment. Also included are releases from malfunctions that are not continuous or stable, such as pipe ruptures. Although these releases may occur with some regular statistical frequency, unanticipated incidents by their nature do not produce releases that are continuous or sufficiently regular or predictable in quantity and rate to satisfy the requirements for reporting them as continuous

releases. If you are aware that such an episodic release of a CERCLA hazardous substance has occurred in a quantity equal to or greater than an RQ, you must report the release immediately to the NRC, SERC, and LEPC.

How do you handle simultaneous continuous releases from several sources and determine whether such releases must be reported?

To determine whether a hazardous substance release is reportable under CERCLA, you must identify whether the release equals or exceeds an RQ. If your facility is releasing a hazardous substance from several sources simultaneously, you must aggregate the releases of the hazardous substance across all of the facility's sources to determine whether an RQ or more of a hazardous substance has been released from your facility.

If you release an RQ or more of the same CERCLA hazardous substance from more than one facility (e.g., building, surface impoundment, or lagoon), the Continuous Release Rule (40 CFR 302.8(l)) provides you with two reporting options under CERCLA. To meet the requirements of CERCLA, you may either: 1) aggregate multiple concurrent releases of the same hazardous substance from contiguous or adjacent facilities and report them in a single notification; or 2) consider releases from each facility separately and submit separate reports on a facility-specific basis. Under EPCRA the definition of facility includes all "buildings, equipment, structures, and other stationary items that are located on a single site or on contiguous or adjacent sites that are owned and controlled by the same person" therefore, all releases from contiguous or adjacent facilities are, by definition, aggregated. For the purposes of EPCRA, these items must be reported as one facility.

Although under CERCLA you may select either option for reporting continuous releases, whichever option you select must be used for all continuous release reporting. For example, if you report releases on a facility-specific basis, statistically significant increases (SSIs) in the release must also be reported on a facility-specific basis. If you select the option of aggregating releases from contiguous or adjacent facilities and reporting them in a single notification, you may have a single SSI trigger for all the releases.

How do you establish a basis for reporting releases as continuous?

To qualify a release for reporting as a continuous release, you must establish a basis for asserting that the release is continuous and stable in quantity and rate. The Continuous Release Rule provides you with flexibility in establishing this basis. You may report the release to either the NRC (for CERCLA hazardous substances) or the appropriate SERC and LEPC (for CERCLA hazardous substances and non-CERCLA EHSs) on a per-occurrence basis for the period of time necessary to establish that the pattern of the release is continuous and stable. However, if you have a sufficient basis for establishing the continuity, quantity, and regularity of a release, multiple reports are not necessary. A one-time telephone call to each of the appropriate authorities (the NRC, SERC, and LEPC for CERCLA hazardous substances, or only the SERC and LEPC for non-CERCLA EHSs) will alert them to your intent to report the release as a continuous release.

You may establish the pattern of the release by relying on past release data, engineering estimates, your knowledge of the facility's operations and release history, or your best professional judgment. Monitoring data are not required. Regardless of which method is used, however, all estimates reported for a particular release must have a sound technical basis. The basis for asserting that the release is continuous and stable in quantity and rate will be included in your written report.

Are the reporting requirements different under CERCLA and EPCRA?

The reporting requirements for CERCLA and EPCRA are slightly different. CERCLA covers only CERCLA hazardous substances. EPCRA covers both CERCLA hazardous substances, and EPCRA EHSs (EPCRA EHSs are made up of some CERCLA hazardous substances and some non-CERCLA hazardous substances).

CERCLA hazardous substances must be reported: 1) in accordance with CERCLA, to the NRC; 2) in accordance with EPCRA, to the appropriate SERC and LEPC. Those listed EHSs which are also CERCLA hazardous substances fall under both CERCLA and EPCRA and must also be reported to the NRC, SERC, and LEPC.

Non-CERCLA EHSs (those EHSs which are not covered under CERCLA) are governed by EPCRA and so must only be reported to the appropriate SERC and

LEPC. The remainder of this Guide will discuss reporting requirements to the NRC, SERC, and LEPC in detail, and these requirements will also be illustrated in several exhibits. However, it is important to remember that in all cases non-CERCLA EHSs need not be reported to the NRC.

Exhibit 1-1, on page 2, explains the different reporting requirements under CERCLA and EPCRA, including the definition of facility, the relevant chemical list, notification requirements, and constituents of a release.

What reporting is required for continuous releases of CERCLA hazardous substances?

Although Section 103(f)(2) provides for reduced reporting of continuous releases, it does not eliminate the need to report such releases. The continuous release reporting requirements for CERCLA hazardous substances are described in detail in Section 1.2 - Reporting Continuous Releases. The different types of continuous release telephone notification and written reports are explained more fully on the following pages. There are three standard reporting requirements: the initial telephone notification; the initial written report; and the written first anniversary follow-up report. In all cases, each facility must submit these reports. These main reporting requirements are outlined in **Exhibit 1-3** on page 6. In addition to the standard reporting requirements, there are three additional reports for special circumstances: a report of an SSI and two types of reports of changes in previously submitted continuous release information. These special reports will only be submitted by those facilities that encounter these particular situations. The additional circumstantial reporting requirements are outlined in **Exhibit 1-4** on page 8. **Exhibit 1-5**, on page 10, outlines where to submit continuous release reports for release of CERCLA hazardous substances. In addition, to help you understand the reporting requirements of the Rule, Part 2 of this Guide contains specific procedures and instructions for complying with the requirements for CERCLA hazardous substances.

What reporting is required for non-CERCLA EHSs?

Releases of non-CERCLA EHSs may qualify as continuous releases as long as they satisfy the regulatory definitions in the Continuous Release Rule. Therefore, continuous releases of non-CERCLA EHSs are entitled to reduced reporting requirements under

EPCRA. The continuous release notification requirements for such releases are slightly different from the requirements for releases of CERCLA hazardous substances as described below.

If your facility has a continuous release of a non-CERCLA EHS, you must establish the release as continuous and stable in quantity and rate by making an initial telephone call to the appropriate SERC and LEPC, and by submitting an initial written report to the SERC and LEPC. These notifications will provide state and local response officials with sufficient information to assess the release and to determine whether it qualifies for reduced reporting.

Additional circumstantial reporting requirements for non-CERCLA EHSs that are continuous and stable in quantity and rate include immediate reporting of SSIs and reporting changes in the source or composition of the release. Under the requirements of EPCRA Section 304, you must submit a written follow-up notice to the SERC and LEPC within 30 days of a report of an SSI.

Exhibit 1-6, on page 11, illustrates to whom you must submit each type of continuous release report for releases of non-CERCLA EHSs. For a summary of the information required in the reports you must submit for continuous releases, please refer to Part 2.

1.3 Reporting Continuous Releases

What are the standard requirements for reporting a continuous release of a hazardous substance?

There are three steps in the standard continuous release reporting process. Each step in the process involves a different type of continuous release notification. The three types of notification required to report a CERCLA hazardous substance are summarized in **Exhibit 1-3**. The reporting requirements for non-CERCLA EHSs are slightly different and will be addressed in detail in the following sections.

To begin the reporting process for continuous releases, you must have a sufficient basis for establishing that the release is continuous and stable in quantity and rate. Once such a basis has been established, the initial telephone notification should be made.

**EXHIBIT 1-3:
STANDARD REPORTING
REQUIREMENTS**

The reporting requirements for continuous releases of CERCLA hazardous substances are:

- Step 1** Initial telephone notification to the NRC, SERC, and LEPC;
- Step 2** Initial written report to the EPA Regional Office, SERC, and LEPC; and
- Step 3** A one-time first anniversary follow-up report to the EPA Regional Office.

Step 1: Initial Telephone Notification

For CERCLA hazardous substances, you must make an initial telephone call to three separate government authorities: the NRC, the appropriate SERC, and the appropriate LEPC. For non-CERCLA EHSs, you need only call the appropriate SERC and LEPC. In either case, the initial telephone calls will alert authorities to your intent to report a release as a continuous release. When calling, please be certain that your intent is clear to those receiving your telephone call. See Part 2 of this Guide for a summary of the information that must be provided to government officials in the initial telephone call.

How will EPA identify continuous release reports?

If you are reporting a release of a CERCLA hazardous substance, when you make the initial telephone notification, the NRC will assign a case number to your release report. This case number will become EPA's identifier for your facility. EPA calls this number your facility's CR-ERNS number. You must use this CR-ERNS number on all future release reports or correspondence related to continuous releases from your facility. The CR-ERNS number will identify your facility and will enable EPA to link all reports about releases from your facility. If you misplace your CR-ERNS number, contact the appropriate EPA Regional Office and provide information identifying your facility.

Since your facility has only one overall “continuous release” (which may be made up of a number of individual continuous releases of hazardous substances from a number of sources) your facility should have only one CR-ERNS number. Once assigned to your facility, the CR-ERNS number will not change with different release reports such as the follow-up report, statistically significant increase reports, and changed release reports.

If you are reporting a release of a non-CERCLA EHS, since you do not report to the Federal authorities you will not receive a CR-ERNS number. CR-ERNS numbers are only used by EPA to track your continuous release. Since a release of a non-CERCLA EHS will not be reported to EPA, and since your SERC and LEPC will use their own methods to track your release, no CR-ERNS number is required for a release of a non-CERCLA EHS.

If you elect to aggregate multiple concurrent releases of CERCLA hazardous substances from adjacent or contiguous facilities for purposes of reporting continuous releases, you will be assigned only one CR-ERNS number for your aggregated release in your initial telephone call. This number will be the CR-ERNS number for the entire site and should be used on all subsequent release reports and correspondence.

If you misplace your CR-ERNS number, contact your EPA Regional Office (see pages 14 and 15 for telephone numbers), provide information identifying your facility, and the EPA Regional Office will provide you with your CR-ERNS number.

Step 2: Initial Written Report

Within 30 days of the initial telephone notification, you are required to submit an initial written report to the appropriate EPA Regional Office, SERC, and LEPC (for releases of CERCLA hazardous substances) and to only the appropriate SERC and LEPC (for releases of non-CERCLA EHSs). (See pages 14 and 15 for a listing of the addresses of the EPA Regional Offices.) The purpose of this report is to confirm your intent to report your release as a continuous release under Section 103(f)(2), and to provide government response officials with sufficient information about your release to enable them to determine if the release qualifies as a continuous release. The information will also allow government

officials to identify the potential risks associated with the release.

The initial written report must include specific information about each source of the continuous release. This information should include: a brief statement describing the basis for asserting that the release is continuous and stable in quantity and rate; hazardous substance information; the environmental medium affected (i.e., air, surface water, soil, or ground water); and certain ecological and population density information. A detailed discussion of the requirements of the initial written report is provided in Part 2 of this Guide.

To assist you in preparing both the initial written report and the one-time first anniversary follow-up report discussed below, EPA has included a **Suggested Continuous Release Reporting Format** as **Appendix B** of this Guide. Using the format will ensure that you have provided EPA with all the information required to properly assess your continuous release report. This format is also available electronically for EPA Regional Offices. An example of a properly **Completed Suggested Continuous Release Reporting Format** can be found in **Appendix D**.

Step 3: First Anniversary Follow-up Report

For reports of releases of CERCLA hazardous substances, within 30 days of the first anniversary of your initial written report, you are required to reassess your initial continuous release report and gather the information on all of the reported substances being released. After doing this, you must submit a one-time, written first anniversary follow-up report to the appropriate EPA Regional Office. Please note that the first anniversary follow-up report must be sent to the appropriate EPA Regional Office for all reports of CERCLA hazardous substances, but is not required for reports of non-CERCLA EHSs.

The information required in the written follow-up report is identical to that required in the initial written report, but it should be based on release data gathered over the year (i.e., during the period since the submission of the initial written report). The principal purpose of the follow-up report is to update and confirm the information submitted in the initial written report, thereby providing government authorities with a more accurate baseline against which to evaluate the risks associated with the

continuous release. After you have submitted the follow-up report to the EPA Regional Office, you are responsible for reassessing the release annually, but you are not required to notify EPA of each reassessment unless there is a change in the information previously submitted to EPA.

Are there additional continuous release reporting requirements?

There are two additional types of continuous release reporting requirements: a requirement for notification of an SSI and requirements for notification of changes to previously submitted continuous release information. These reports are used during specific circumstances and are illustrated in **Exhibit 1-4**.

EXHIBIT 1-4: CIRCUMSTANTIAL REPORTING REQUIREMENTS

There are two types of additional reporting requirements for continuous releases of CERCLA hazardous substances that are only used during specific circumstances. These requirements are:

- (1) **Notification of an SSI:**
 - Immediate notification of an SSI to the NRC, SERC, and LEPC.

- (2) **Notification of a change in previously submitted release information. Either:**
 - Notification of a change in source or composition, which is treated as if it were a new release (i.e., with a telephone call to the NRC, SERC, and LEPC, followed by a written report and a first anniversary follow-up report); or
 - For CERCLA substances only, notification of any other type of change (e.g., a change in facility ownership) in a written letter to only the EPA Region.

Statistically Significant Increase Notifications

An SSI is any episodic release of a hazardous substance that exceeds the release quantity delineated in the upper bound of the normal range of the facility's continuous release report. The normal range is defined to include all the releases of a hazardous substance (from all sources) occurring over any 24-hour period under normal operating conditions during the preceding year. Only those releases that are both continuous and stable in quantity and rate may be included in the normal range. The aggregated upper

bounds of the normal range of each hazardous substance is referred to throughout this Guide as the "SSI trigger." A detailed explanation of the SSI trigger and instructions for calculating the trigger are included in Part 2 of this Guide.

An SSI in a continuous release of a CERCLA hazardous substance must be reported to the NRC, SERC, and LEPC as soon as the person in charge is aware that the release exceeds the SSI trigger. SSIs in a continuous release of a non-CERCLA EHS must be reported to the appropriate SERC and LEPC. Because an SSI is a type of episodic release, it is treated as such by the NRC.

The NRC may provide you with an SSI number. This number is not to be confused with your facility's CR-ERNS number. When reporting an SSI, the caller should anticipate that the NRC will ask for information that is similar to what is asked when a person reports any other episodic release incident. SSI reports to the NRC must include the CR-ERNS number assigned to

the facility by the NRC during the original initial telephone notification.

Please note that, it may be possible to adjust the SSI trigger (i.e., change the normal range of the release) if a particular continuous release frequently exceeds the upper bound of the normal range. Specific procedures for modifying the SSI trigger for a hazardous substance are contained in Part 2.

Changes in Previously Submitted Release Information

There are two types of reports of changes in previously submitted release information: reports of a change in source or composition; and reports of changes in other information.

How do you report changes in source or composition?

If there is a change in the source or composition of your continuous release of a CERCLA hazardous substance, the release is considered a "new" release. A change in the source or composition of a release may be caused by such factors as equipment modifications or process changes. To continue reporting the release under CERCLA Section 103(f)(2), you must establish the new release as continuous and stable in quantity and rate, with an initial telephone call to the NRC, SERC, and LEPC and, within 30 days, submit an initial written report to the appropriate EPA Regional Office, SERC, and LEPC. When telephoning the NRC, clearly identify the release as a change in the source or composition of a previously reported release and for reports of releases of CERCLA hazardous substances, provide the CR-ERNS number assigned by the NRC in your original initial telephone call. As with your original continuous release report, you must submit a first anniversary follow-up report to the EPA Region for any changes in source or composition of CERCLA hazardous substances.

If there is a change in source or composition of your continuous release of a non-CERCLA EHS, it is also considered a new release. An initial telephone call must be made to the appropriate SERC and LEPC, followed by an initial written report.

How do you report changes in other information?

For all other changes (i.e., changes other than in the source or composition) in the information submitted in any initial written or follow-up report for releases of CERCLA hazardous substances, you must notify the EPA Regional Office by letter within 30 days of determining that the information previously submitted is no longer accurate. Although notification of the SERCs and LEPCs for either CERCLA hazardous substances or non-CERCLA EHSs is not required by the Continuous Release Rule, SERCs and LEPCs should be notified of these changes to properly update the facility's file.

Examples of changes in other information include: changes in the facility ownership; changes in the identity of the person in charge of the facility; or changes in the sensitive populations and ecosystems. All notifications of changes in releases of CERCLA hazardous substances must include the original CR-ERNS number assigned to the facility by the NRC in the initial telephone notification. You must also

include a signed statement with the notification verifying that all reported information on the release submitted to date is accurate and current. A similar signed statement is required in all written correspondence pertaining to the continuous release. For an example of the statement required under the Rule, see Part 2 of this Guide.

1.4 Recordkeeping Requirements

What are my recordkeeping responsibilities as a person in charge of a facility?

To satisfy the specific requirements for reporting continuous releases, you are responsible for estimating or calculating the quantities of all continuous releases that you report by whatever methods are appropriate. As stated above, this may involve reliance upon past release data, engineering estimates, knowledge of plant operations and release history, your best professional judgment, or any other method that has a sound technical basis. All estimates, however, must have a sound technical basis.

In addition, you must keep the information substantiating the estimates you have reported on file at your facility. Supporting materials must be kept on file for a period of one year and should substantiate the normal range of the release, the basis for asserting that the release is continuous and stable in quantity and rate, and the other information included in the initial written report, the follow-up report, or the most recent annual evaluation. EPA may question the basis for your determination that a release is continuous and stable or any other submitted information, and may ask to review the substantiating information. It is important, therefore, to keep an accurate account of the history of all continuous releases at your facility and evaluate these releases carefully for changes, and for SSIs as well.

EXHIBIT 1-5

WHERE TO SUBMIT CONTINUOUS RELEASE REPORTS FOR RELEASES OF CERCLA HAZARDOUS SUBSTANCES

Continuous Release Reporting Requirements		National Response Center (NRC)	State Emergency Response Commission (SERC)	Local Emergency Planning Committee (LEPC)	Environmental Protection Agency (EPA) Regional Office
Standard Reporting Requirements	Initial Telephone Notification	✓	✓	✓	
	Initial Written Report		✓	✓	✓
	Follow-up Report				✓
Circumstantial Reporting Requirements	SSI Telephone Notification	✓	✓	✓	
	Change of Release Information ¹ (New Release)	✓	✓	✓	✓
	Change in Other Information ² (Letter)				✓

1. A change of previously submitted release information (i.e., source or composition) is treated like a "new release". Therefore, for reports of CERCLA hazardous substances, the person in charge of the facility must first make an initial telephone notification to the NRC, SERC, and LEPC to report the change. The facility must then send a written report to the SERC, LEPC, and appropriate EPA Regional Office. Within 30 days of the first anniversary of the Initial Report, for reports of releases of CERCLA hazardous substances, the facility must send a follow-up report to the appropriate EPA Regional Office.

2. A change in other information is usually a change in general information regarding the facility (i.e., a change in the person in charge of the facility or sensitive population). According to the Rule, a facility is only required to submit a letter to the appropriate EPA Regional Office stating these changes. Although a facility is not required to submit the changes to the SERC and LEPC, it is recommended that a reporting facility do so in order to properly update the facility's files.

EXHIBIT 1-6

WHERE TO SUBMIT CONTINUOUS RELEASE REPORTS FOR RELEASES OF NON-CERCLA EHSs

Continuous Release Reporting Requirements		National Response Center (NRC)	State Emergency Response Commission (SERC)	Local Emergency Planning Committee (LEPC)	Environmental Protection Agency (EPA) Regional Office
Standard Reporting Requirements	Initial Telephone Notification		✓	✓	
	Initial Written Report		✓	✓	
	Follow-up Report				
Circumstantial Reporting Requirements	SSI Telephone Notification		✓	✓	
	Change of Release Information¹ (New Release)		✓	✓	
	Change in Other Information² (Letter)				

1. A change of previously submitted release information (i.e., source or composition) is treated like a "new release". Therefore, for reports of non-CERCLA EHSs, the owner or operator of the facility must first make an initial telephone notification to the appropriate SERC and LEPC to report the change. The facility must then send a written report to the SERC and LEPC.

2. A change in other information is usually a change in general information regarding the facility (i.e., a change in the person in charge of the facility or sensitive population). According to the Rule, a facility is not required to submit the changes to the SERC and LEPC, but it is recommended that a reporting facility do so in order to properly update the facility's files.

1.5 EPA's Role in the Continuous Release Reporting Process

How will continuous release information be processed?

When EPA receives the CERCLA hazardous substance continuous release information, the Agency will create a file for your facility. The information you submit in the initial written and first anniversary follow-up report will be entered into the Continuous Release - Emergency Response Notification System (CR-ERNS) database. EPA will also enter any reports of changes in the release into CR-ERNS. CR-ERNS is a central depository for all continuous release information received by the NRC and the EPA Regions. Information in CR-ERNS will be stored in a national database at the John A. Volpe National Transportation Systems Center (VNTSC) in Cambridge, MA.

How will EPA evaluate the potential threat posed by a continuous release?

The potential threat posed by a continuous release of a hazardous substance is determined by assessing its toxicity, the quantity and frequency of the release, and the proximity and nature of the potentially exposed population and environment. EPA will evaluate the health and environmental risks posed by continuous releases. Information from written reports will be combined with toxicity information on the hazardous substance(s) released to generate risk estimates for each release. It is important, therefore, that the information you report is as accurate as possible. If data elements are missing, EPA will be forced to use conservative estimates.

What assistance will be provided by EPA throughout the reporting process?

EPA has included a **Suggested Continuous Release Reporting Format** for written reports located in **Appendix B** of this Guide. This suggested Format is designed to assist you in completing the written reports and ensuring that all of the required information is included in your written reports.

In addition, on page 19 of this Guide, you can find **Exhibit 2-1**, a checklist of the information

required in the initial written report and first anniversary follow-up reports. This checklist provides an overview of the information required and is another means that you can use to verify that all required information has been collected and submitted.

In addition to the detailed explanation of the specific continuous release reporting requirements contained in this Guide, your EPA Region or the RCRA/Superfund/EPCRA Hotline (telephone numbers are provided on pages 14 and 15) can also provide assistance in understanding and complying with all reporting requirements.

What actions may EPA take in response to continuous release reports?

Under CERCLA, EPA has authority to evaluate and respond to releases of hazardous substances. EPA can rely on the broad response authority available under CERCLA Sections 104, 106, and 107 to respond to continuous releases, as well as episodic releases. The actions EPA may choose to take include, but are not limited to, the following:

If EPA has doubts or questions about any portion of your report or about the basis reported for establishing a release as continuous, you may be asked to clarify your report or to submit additional information;

If you have not already done so, EPA may request that you establish a release as continuous and stable by reporting it for some period of time on a per-occurrence basis under CERCLA Section 103(a);

EPA may alert a permit program office or other office that a release from your facility merits further evaluation and possible response action; or

EPA may decide to perform a site inspection or field response at your facility.

If the person in charge of a facility does not receive comments from EPA regarding a continuous release report, should it be assumed that the report is approved?

EPA's receipt of a continuous release report without comment does not indicate approval of the report or the information it contains. EPA, SERCs, and LEPCs may re-evaluate the information submitted

in any continuous release report at any time, and may contact the person in charge of the facility to review the basis for reporting the release as a continuous release under Section 103(f)(2). There is no time limit for EPA's review.

1.6 Additional Questions

Can the Toxic Release Inventory form be used to satisfy continuous release reporting requirements?

To minimize any possible duplication in the reporting process, the Continuous Release Rule allows you to submit the EPCRA Section 313 Toxic Release Inventory (TRI) Form R as a substitute for the written initial or follow-up report, provided that you include certain additional required continuous release information. This additional information will provide EPA with details about the continuous release that are not available from the EPCRA Section 313 report (Form R), but that are required to evaluate the risks associated with the release properly.

This additional information should be reported on a special CR-ERNS format for TRI reporters called **Suggested CR-ERNS Reporting Format -- Addendum to TRI Form R**. This special format appears as **Appendix C** to this Guide. The format includes all elements of information needed to complement the TRI Form R information in order to comply with the Continuous Release Rule. **Appendix E** is an example of a properly **Completed CR-ERNS Reporting Format -- Addendum to TRI Form R**.

1.7 Where to Submit Written Reports

Your continuous release report and any written follow-up reports or changes should be submitted to your EPA Regional Office. **Exhibit 1-7** provides the addresses of each Regional office and shows the location of all of the EPA Regions.

**EXHIBIT 1-7
EPA REGIONAL SUPERFUND OFFICES**

EPA Regional Offices

- EPA, Region 1
CR-ERNS Coordinator
Emergency Response Section
JFK Building
Boston, MA 02203-2211
(617) 573-9682
- EPA, Region 2 - Building 209
CR-ERNS Coordinator
Response & Prevention Branch
2890 Woodbridge Avenue
Edison, NJ 08837-3697
(908) 321-4357
- EPA, Region 3 (3HW-30)
CR-ERNS Coordinator
Superfund Removal Branch
841 Chestnut Building
Philadelphia, PA 19107
(215) 566-3293
- EPA, Region 4
CR-ERNS Coordinator
Title III Section
61 Forsyth Street
Atlanta, GA 30303
(404) 562-8718
- EPA, Region 5
CR-ERNS Coordinator
Emergency & Remedial Response Sec.
77 West Jackson Street
Chicago, IL 60604
(312) 886-6028
- EPA, Region 6
CR-ERNS Coordinator
Chief, Emergency Response Branch
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733
(214) 665-2292

- EPA, Region 7
CR-ERNS Coordinator
Emergency Response & Spill Branch
726 Minnesota Ave.
Kansas City, KS 66101
(913) 551-7118
- EPA, Region 8
CR-ERNS Coordinator
999 18th Street, Suite 500
Denver, CO 80202-2466
(303) 312-6239
- EPA, Region 9
CR-ERNS Coordinator
Field Operations Branch
75 Hawthorne Street
San Francisco, CA 94105
(415) 744-2339
- EPA, Region 10
CR-ERNS Coordinator
Superfund Response and
Investigation Section
1200 6th Avenue
Seattle, WA 98101
(206) 553-1673

SERCs and LEPCs.

- Call the RCRA/Superfund/EPCRA Hotline for the addresses and telephone numbers of local SERCs and LEPCs.

1.8 Sources for Further Information

National Response Center (NRC). 24 hour toll-free telephone number for reporting spills only (not an information hotline): 1-800-424-8802; Washington, DC area: 202-267-2675.

RCRA/Superfund/EPCRA Hotline. Toll-free telephone number: 1-800-424-9346; Washington, DC area: 1-703-412-9810.

- The Telecommunications Device for the Deaf (TDD) Hotline number is toll-free: 1-800-553-7672; the Washington, DC area: 703-486-3323.

- The RCRA/Superfund/EPCRA Hotline is open from 8:30 a.m. to 7:30 p.m. (EST) Monday through Friday, excluding federal holidays.

National Technical Information Service (NTIS). Open 8:30 a.m. to 5 p.m. (EST) Monday through Friday. General telephone number: 703-487-4600.