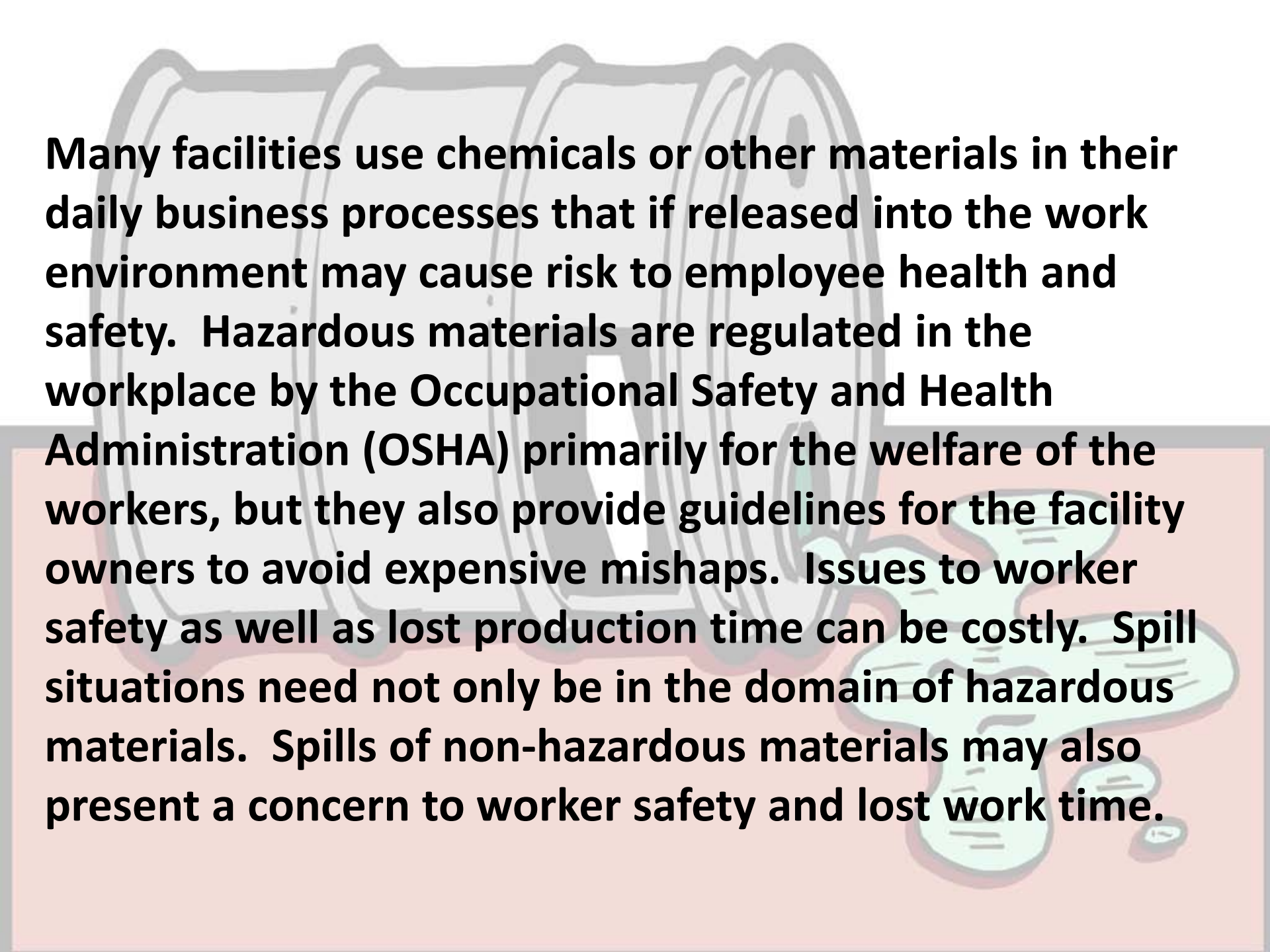




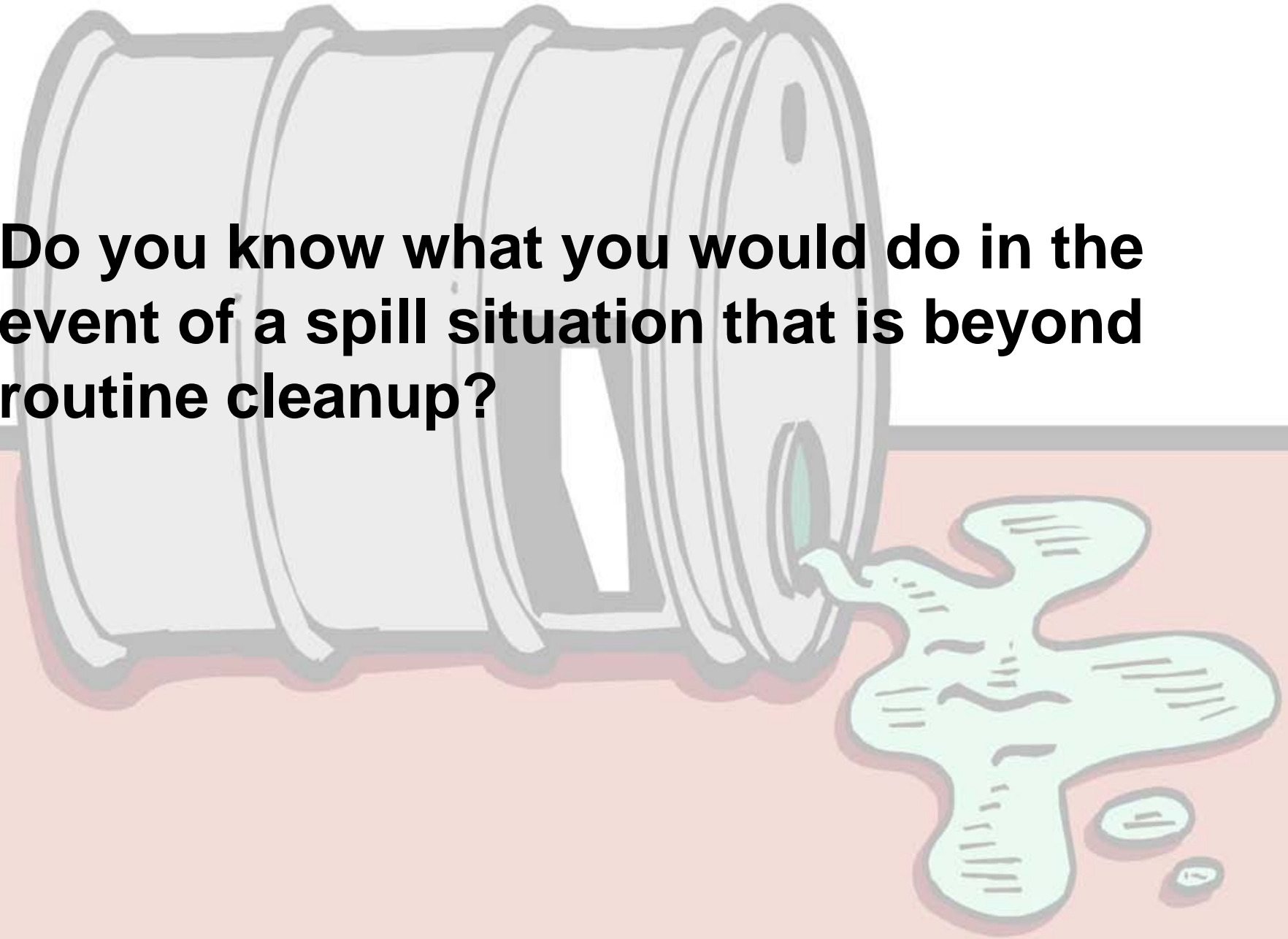
**“Spill Response...What
will you do?”**

Jim Santino, May 12, 2011

The background features a large, grey, stylized illustration of a metal drum or tank with several vertical bands. In the lower right corner, there is a smaller, colorful illustration of a liquid spill. The spill is depicted as a pool of light blue liquid with a darker blue outline, and a small, dark blue puddle is visible below it. The overall scene suggests a hazardous material spill.

Many facilities use chemicals or other materials in their daily business processes that if released into the work environment may cause risk to employee health and safety. Hazardous materials are regulated in the workplace by the Occupational Safety and Health Administration (OSHA) primarily for the welfare of the workers, but they also provide guidelines for the facility owners to avoid expensive mishaps. Issues to worker safety as well as lost production time can be costly. Spill situations need not only be in the domain of hazardous materials. Spills of non-hazardous materials may also present a concern to worker safety and lost work time.

Do you know what you would do in the event of a spill situation that is beyond routine cleanup?



A large, grey, cylindrical metal drum is the central focus. It has several vertical ridges and a handle on the right side. A large, irregular spill of light blue liquid is shown on the ground in front of the drum, with several smaller puddles nearby. The background is a light pinkish-red color.

A simple risk assessment of your facility practices will be the first item to address.

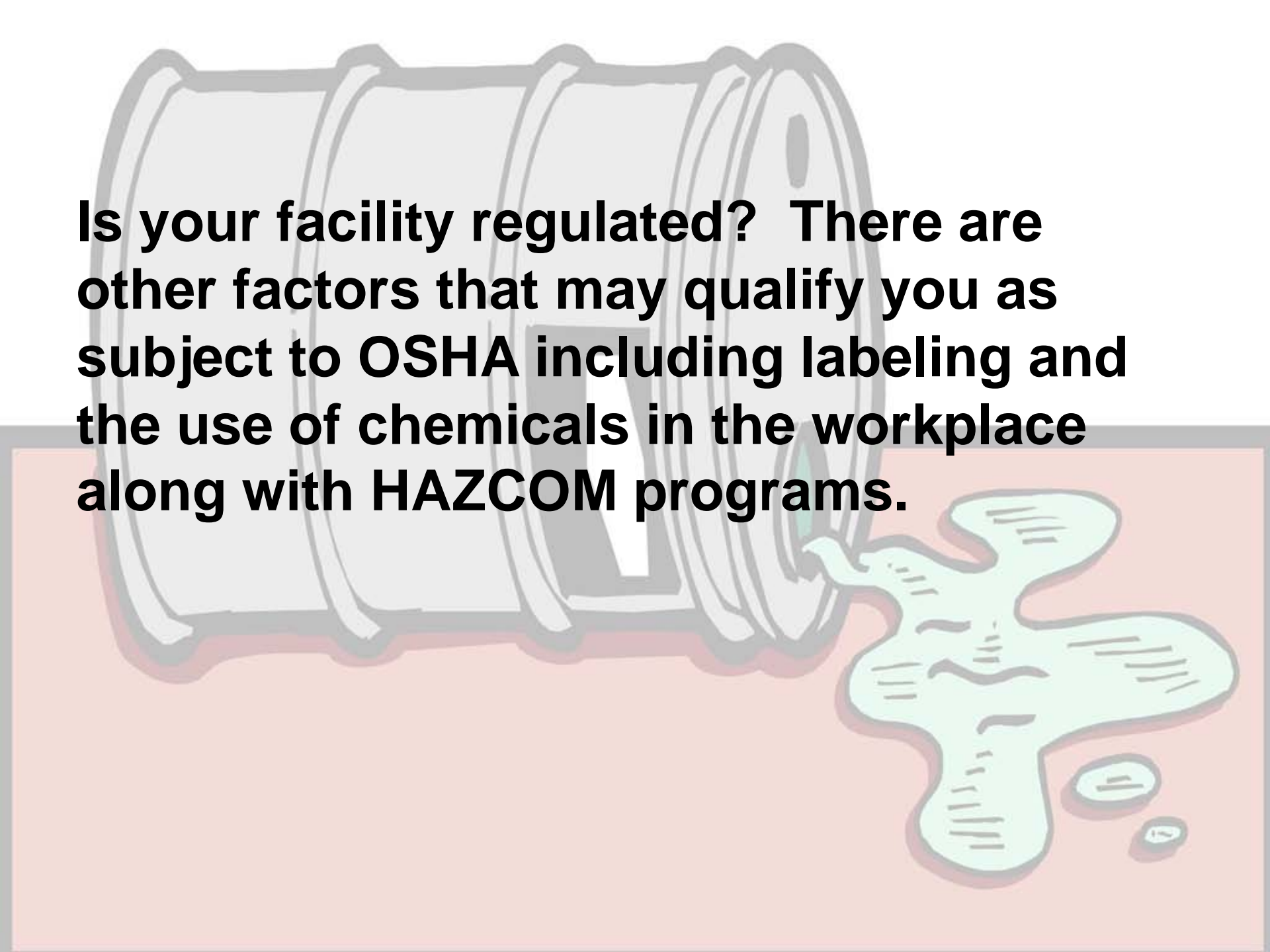
- 1. Do you maintain large or small quantities of liquids or even solids that if released would cause an emergency situation?**
- 2. Are they hazardous by EPA definition?**
- 3. Do you have quantities of hazardous materials that if spilled may constitute a reportable quantity (RQ)?**
- 4. If you have substantial quantities of materials that are not hazardous do you have a plan for cleanup if they were released?**



Once these questions are answered another set of factors must be addressed.

Remember: OSHA regulates worker safety in the workplace. If your facility generates hazardous waste you are regulated by the EPA under 40CFR, or the Resource Conservation & Recovery Act (RCRA).


RCRA regulates three categories of waste generators. Conditionally Exempt, Small Quantity, & Large Quantity. Many facilities are regulated by both OSHA & RCRA.

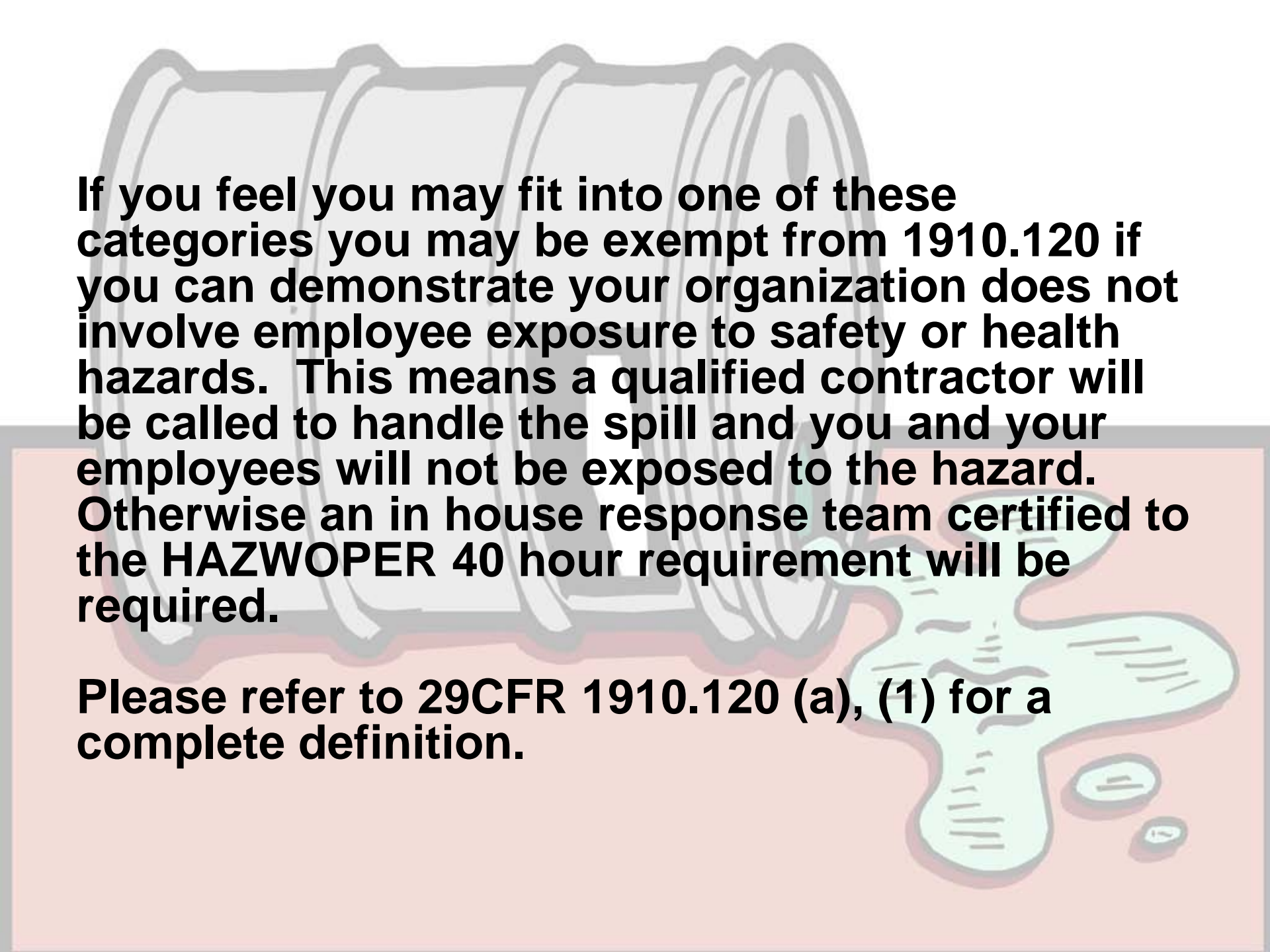
A stylized illustration of a grey metal drum lying on its side. A green liquid is spilling out from the bottom of the drum onto a light pink surface. The drum has several horizontal ridges. The spill is irregular and spreads out to the right, with some smaller droplets nearby. The background is a light pink color.

Is your facility regulated? There are other factors that may qualify you as subject to OSHA including labeling and the use of chemicals in the workplace along with HAZCOM programs.



Regarding spill response OSHA regulates spill cleanup under 1910.120, Hazardous Waste operations and emergency response, (HAZWOPER), if:

- i. You are conducting cleanup operations**
 - ii. You are involved in corrective actions**
 - iii. It is a voluntary cleanup**
 - iv. It is a Treatment Storage & Disposal Facility (TSDF), or,**
 - v. It is an emergency response cleanup without regard to the location of the hazard.**
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A large, grey, cylindrical metal drum is shown in the background. A bright green liquid is spilling out from the bottom right of the drum, forming a large puddle on the ground. The puddle has several smaller droplets around it. The background is a light pinkish-red color.

If you feel you may fit into one of these categories you may be exempt from 1910.120 if you can demonstrate your organization does not involve employee exposure to safety or health hazards. This means a qualified contractor will be called to handle the spill and you and your employees will not be exposed to the hazard. Otherwise an in house response team certified to the HAZWOPER 40 hour requirement will be required.

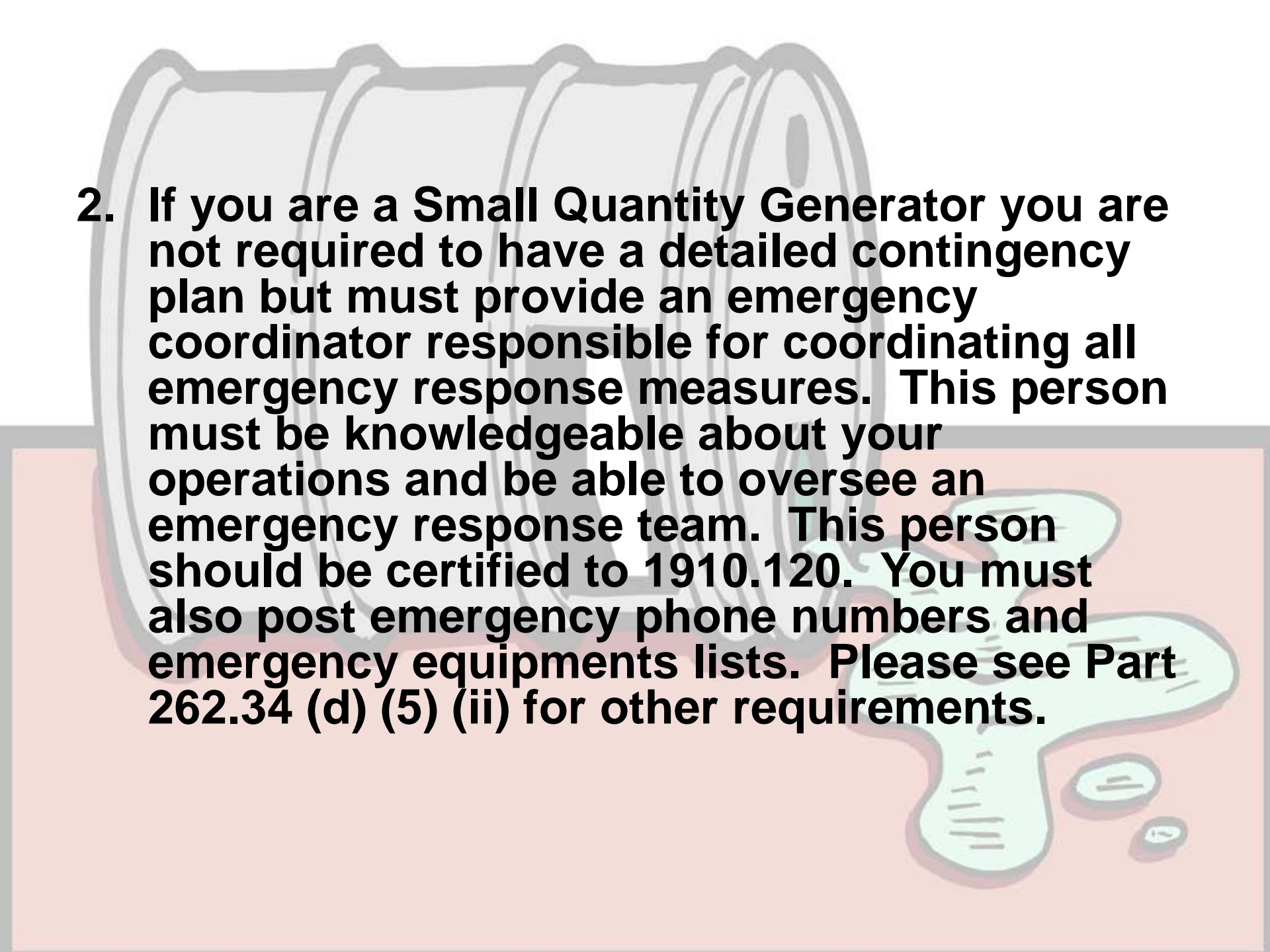
Please refer to 29CFR 1910.120 (a), (1) for a complete definition.



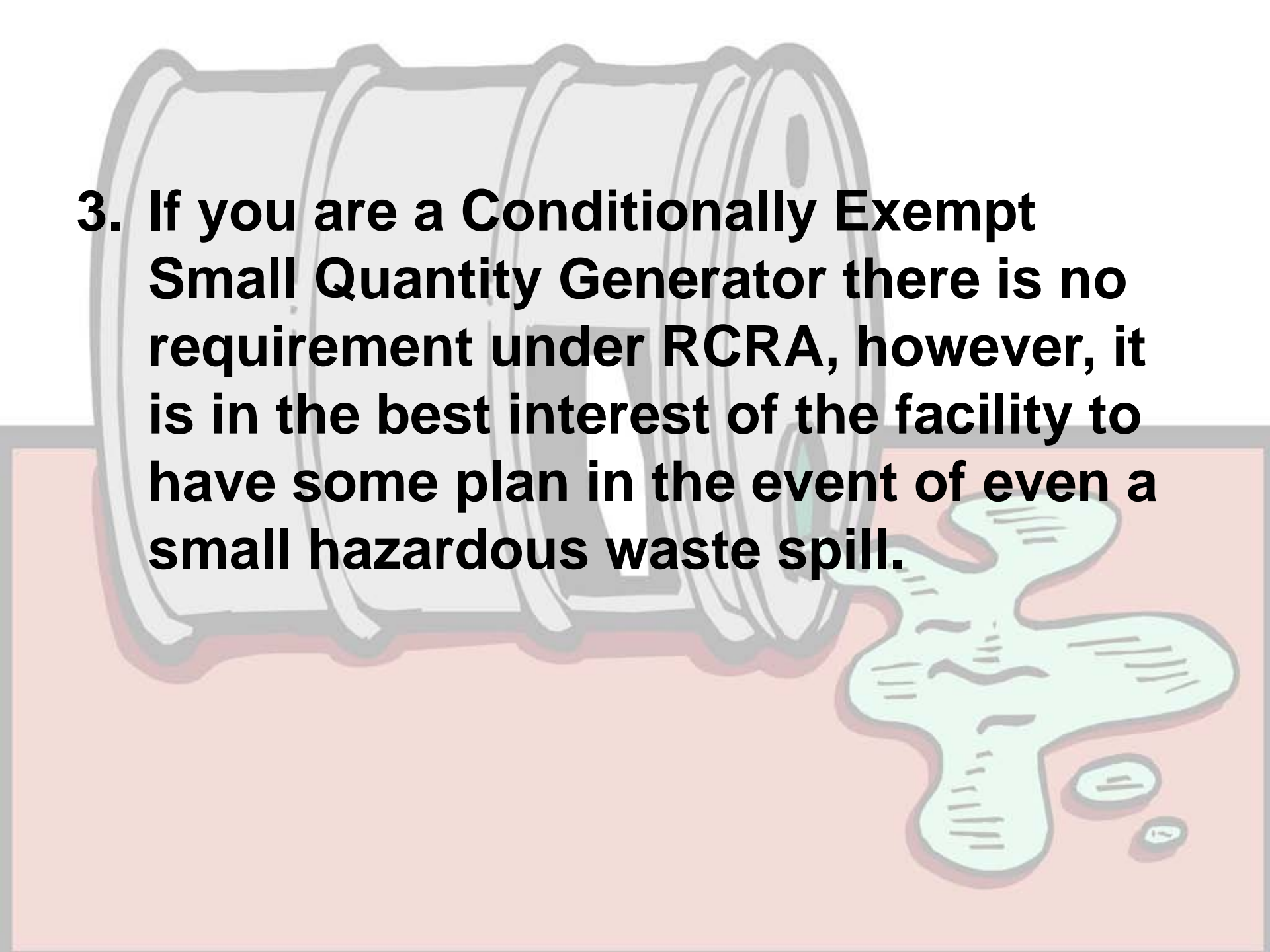
Remember this: generally speaking, as soon as a hazardous material hits the floor it becomes a hazardous waste.

Whether or not you are regulated by OSHA if you generate hazardous waste you are subject to the requirements of RCRA in 40CFR. These regulations may be found in Parts 260 through 265.

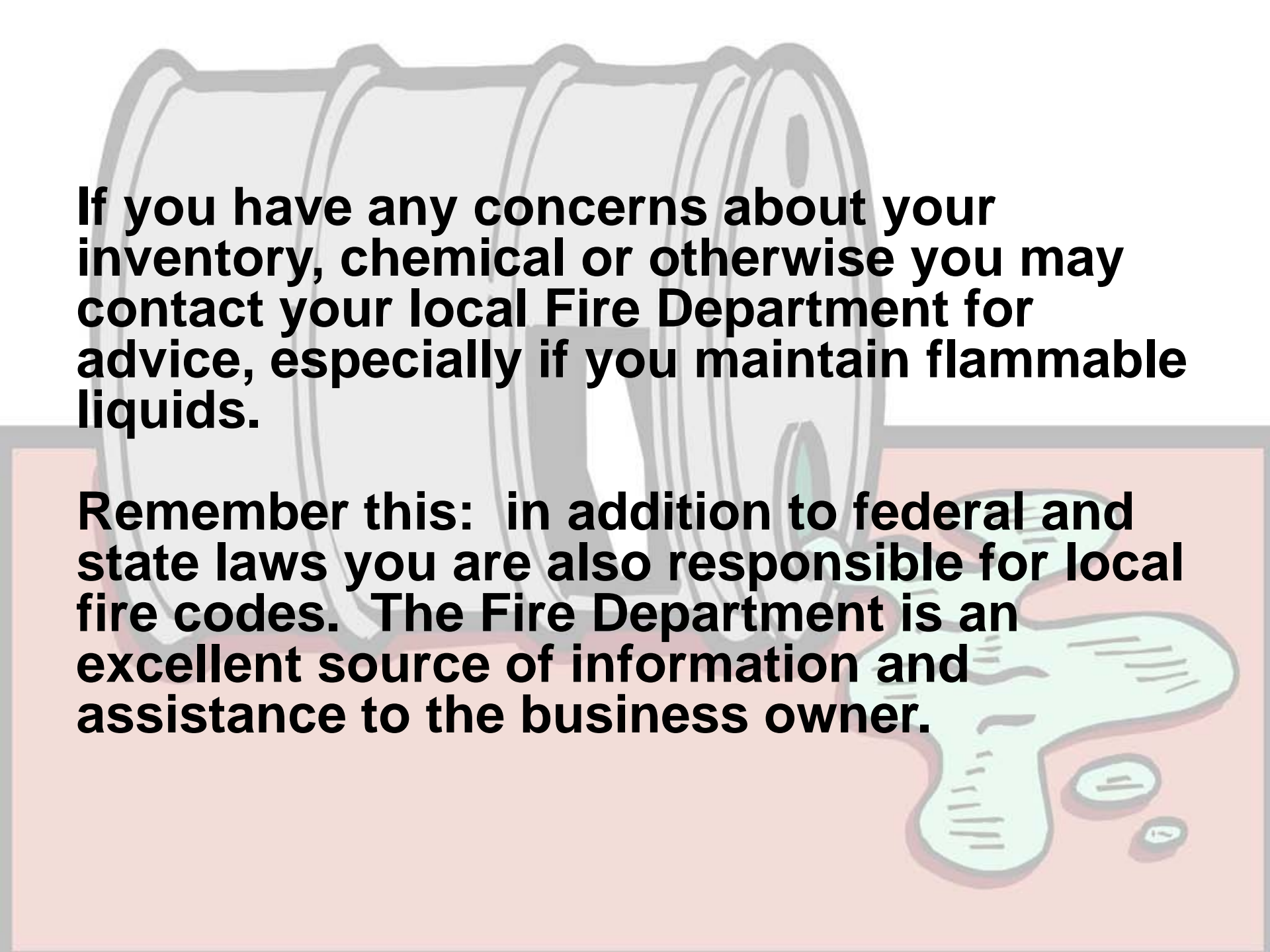
1. If you are a Large Quantity Generator you must have a written contingency plan.

A large, grey, cylindrical metal drum is the central focus, positioned in the upper half of the frame. It has several vertical ridges and a slightly flared top. Below the drum, a large, irregular spill of light blue liquid is depicted, spreading across the lower half of the image. The spill has a main large puddle and several smaller, circular puddles nearby. The background is a light pinkish-red color. The text is overlaid on the drum and the spill area.

2. If you are a Small Quantity Generator you are not required to have a detailed contingency plan but must provide an emergency coordinator responsible for coordinating all emergency response measures. This person must be knowledgeable about your operations and be able to oversee an emergency response team. This person should be certified to 1910.120. You must also post emergency phone numbers and emergency equipments lists. Please see Part 262.34 (d) (5) (ii) for other requirements.

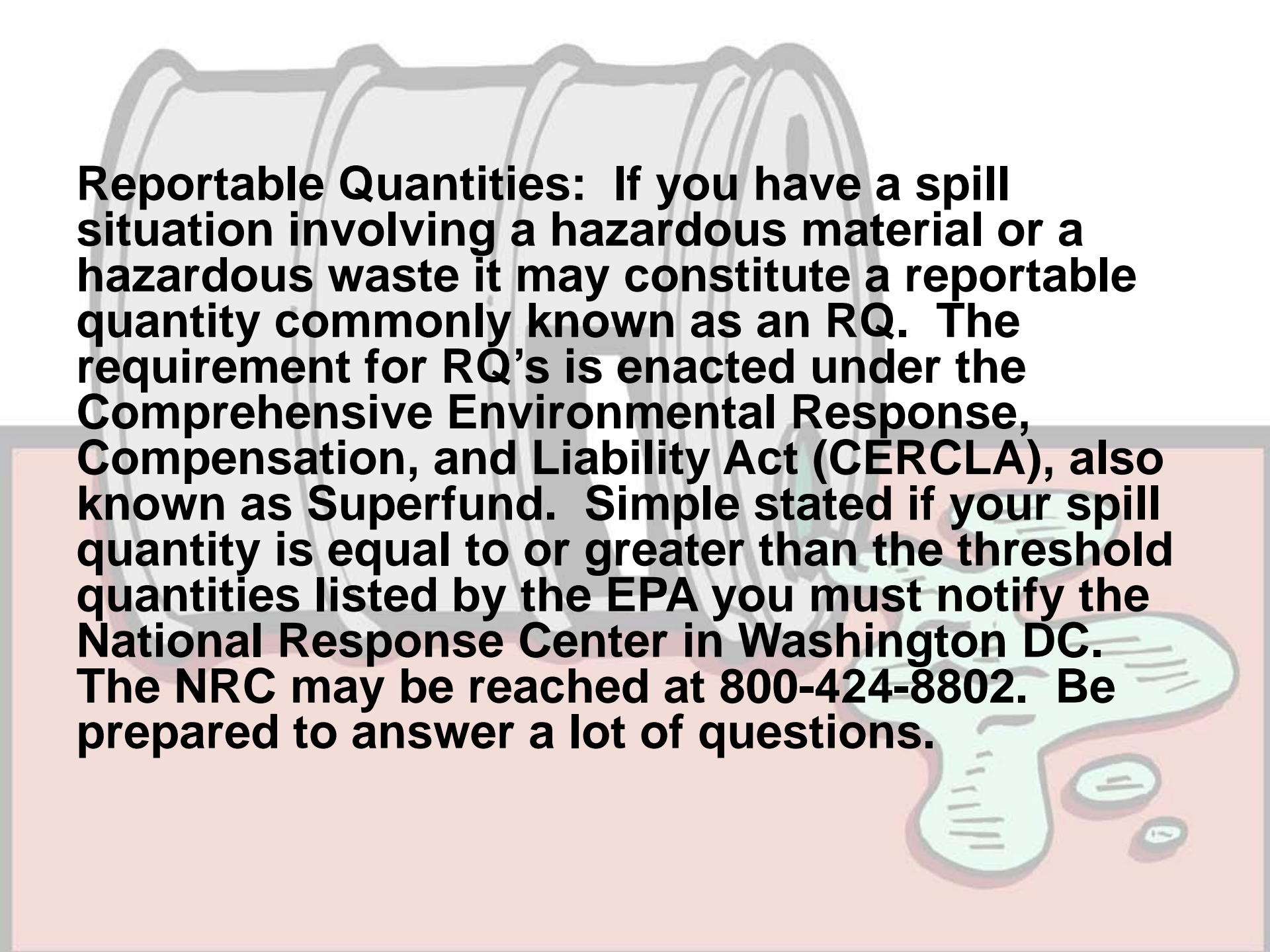
An illustration of a grey metal barrel lying on its side on a light pink ground. A bright green liquid is spilling out from the open end of the barrel, forming a large puddle with several smaller droplets nearby. The barrel has several horizontal ridges and a small circular detail on its side.

3. If you are a Conditionally Exempt Small Quantity Generator there is no requirement under RCRA, however, it is in the best interest of the facility to have some plan in the event of even a small hazardous waste spill.

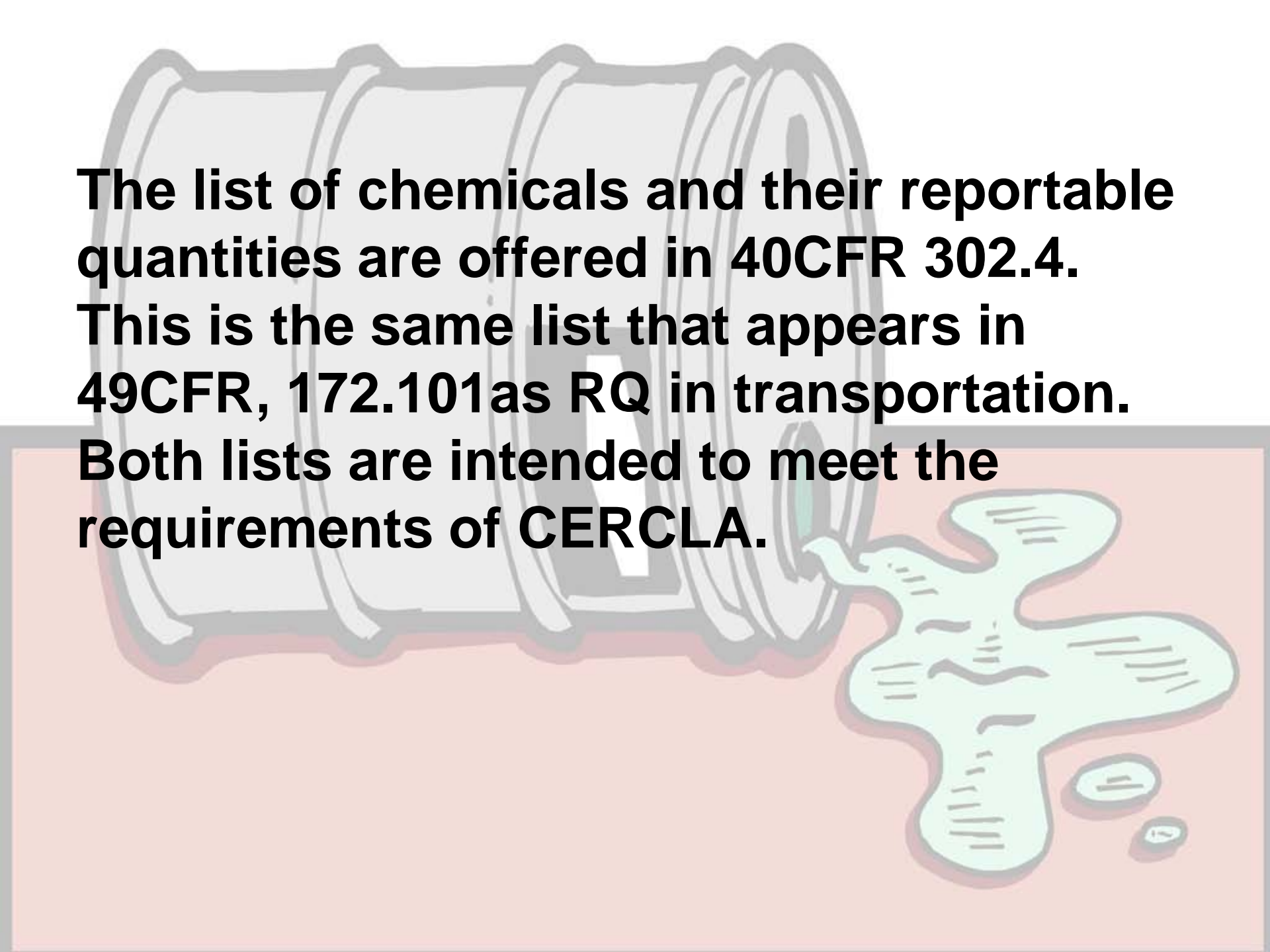
A stylized illustration of a fire hydrant and a fire hose. The hydrant is in the background, and a hose is connected to it, extending towards the right. The scene is set against a light pink background with a darker pink horizontal band across the middle.

If you have any concerns about your inventory, chemical or otherwise you may contact your local Fire Department for advice, especially if you maintain flammable liquids.

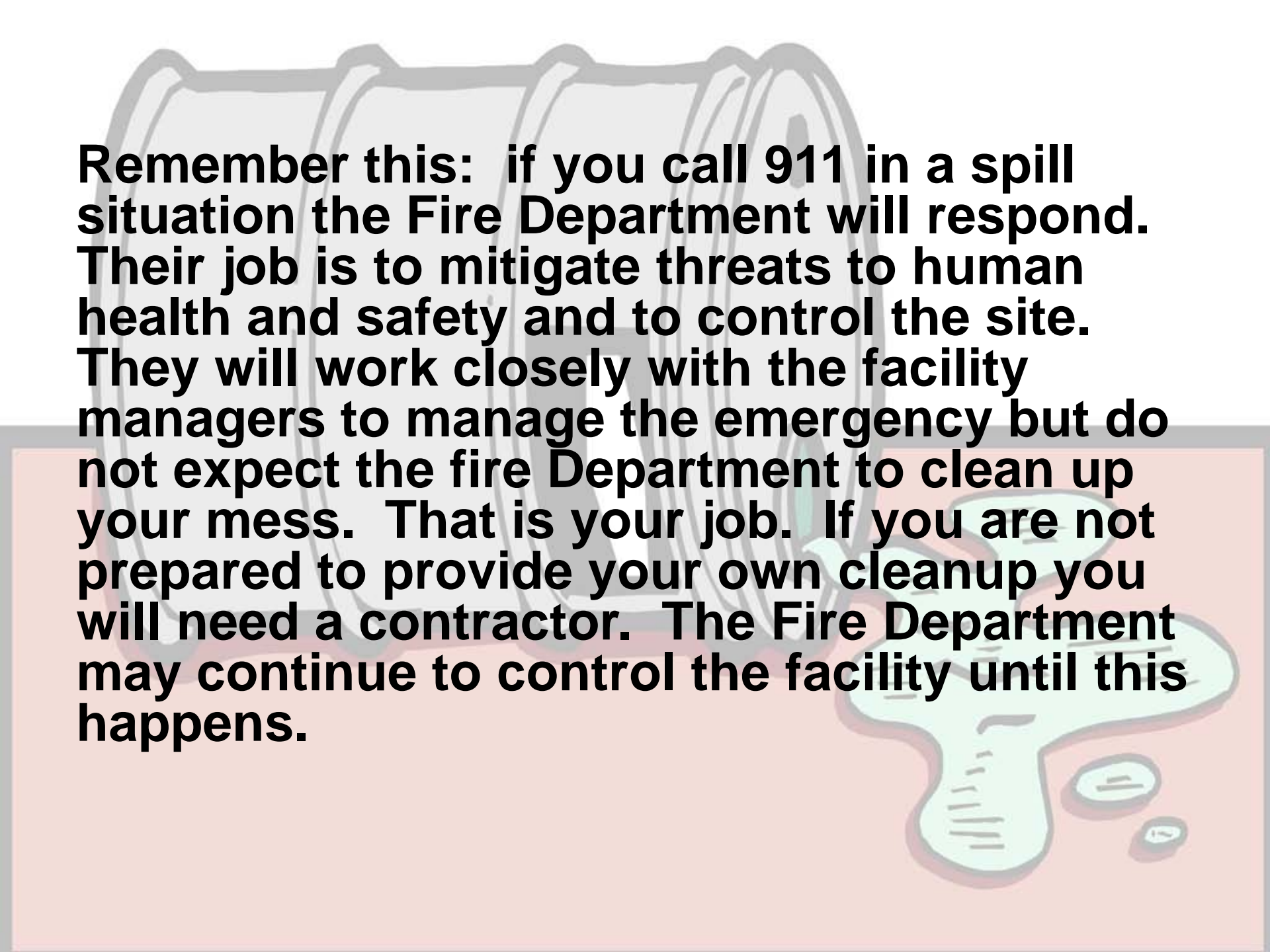
Remember this: in addition to federal and state laws you are also responsible for local fire codes. The Fire Department is an excellent source of information and assistance to the business owner.

An illustration in the background shows a large, light-colored cylindrical container with several dark-colored hoses or pipes extending from its top. A large, irregular spill of a light blue liquid is shown on the ground in the lower right quadrant, with several smaller puddles nearby. The entire scene is set against a light pinkish-red background.

Reportable Quantities: If you have a spill situation involving a hazardous material or a hazardous waste it may constitute a reportable quantity commonly known as an RQ. The requirement for RQ's is enacted under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), also known as Superfund. Simple stated if your spill quantity is equal to or greater than the threshold quantities listed by the EPA you must notify the National Response Center in Washington DC. The NRC may be reached at 800-424-8802. Be prepared to answer a lot of questions.

A stylized illustration of a grey metal drum lying on its side, with a large, irregular spill of light blue liquid on the ground to its right. The background is a light pinkish-red color.

The list of chemicals and their reportable quantities are offered in 40CFR 302.4. This is the same list that appears in 49CFR, 172.101 as RQ in transportation. Both lists are intended to meet the requirements of CERCLA.

The background features a faint illustration of a fire hydrant with water spraying from its nozzles. In the lower right corner, there is a stylized illustration of a spill, depicted as a large, irregular puddle with several smaller droplets nearby. The text is overlaid on this background.

Remember this: if you call 911 in a spill situation the Fire Department will respond. Their job is to mitigate threats to human health and safety and to control the site. They will work closely with the facility managers to manage the emergency but do not expect the fire Department to clean up your mess. That is your job. If you are not prepared to provide your own cleanup you will need a contractor. The Fire Department may continue to control the facility until this happens.

Do you know what you will do...?

