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Assessing Reports of Continuous Releases of Hazardous Substances

A Guide for EPA Regions

Office of Emergency and Remedial Response (OS-210)
U.S. Environmental Protection Agency
Washington, DC 20460

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The policies and procedures set forth here are intended as guidance to Agency and other government employees. They do not constitute rulemaking by the Agency, and 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.

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1. INTRODUCTION

Reporting continuous releases of hazardous substances that equal or exceed a reportable quantity (RQ) has been required under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) since its enactment in 1980. Section 103(f)(2) of CERCLA provides that releases of hazardous substances that are continuous and stable in quantity and rate may be reported annually or whenever there is a statistically significant increase (SSI). Very few reports of continuous releases, however, have been received to date. From data available, it appears likely that thousands of facilities releasing hazardous substances in a continuous and stable manner at levels that exceed the RQ are not reporting them appropriately because the language in CERCLA section 103(f)(2) is unclear. Certain key terms in the provision are not defined (i.e., "continuous," "stable," "statistically significant increase").

Continuous releases are not federally permitted, nor are they necessarily risk-free. A primary purpose of the reduced reporting provisions for continuous releases under CERCLA section 103(f)(2) is to eliminate redundant reporting. Although government response officials need some notification of hazardous substance releases that equal or exceed their RQs on a continuous basis, they do not need to be notified each time a "continuous" release occurs to determine whether a response action is warranted.

The final continuous release reporting regulation was published on July 24, 1990 (55 FR 30166). This rule became effective September 24, 1990, and is codified at 40 CFR §302.8. In the final rule, EPA clarifies the key terms in section 103(f)(2) (i.e., "continuous" and "stable"), and the reporting requirements for such releases. As a result of this final rule, EPA Regions may receive a large influx of continuous release reports. It is important that these reports receive attention as part of the overall release assessment process. Each continuous release notification should be reviewed, and those releases that do pose a risk to human health and the environment should be responded to by the government or a responsible party.

The purpose of this guidance document is to provide assistance to the EPA Regions by discussing and making recommendations regarding the options available for evaluating reports of continuous releases. The effective implementation of the continuous release reporting regulation will depend largely on whether the EPA Regions are able to fully and easily evaluate the continuous release reports they receive.

To minimize the burden on limited Regional resources, and to facilitate implementation of the continuous release reporting regulation, some valuable resource tools have been developed for use by the Region:

- *INFORMATION TRACKING*

  The Continuous Release-Emergency Response Notification System (CR-ERNS) is a central depository for all continuous release information received by the EPA Regions. Telephone notifications will be transmitted from the NRC to the EPA Regions, via the Transportation Systems Center (TSC) in Cambridge, Massachusetts. These notifications will automatically be loaded and stored in CR-ERNS. In addition, EPA Regional personnel may enter information from continuous release written reports into CR-ERNS, and track all continuous release information that involves a particular facility or vessel.

- *RISK ASSESSMENT MODEL*

  A computerized risk assessment model called the **Priority Assessment Model or PAM** has been developed and integrated into CR-ERNS. PAM will automatically take the information submitted in the continuous release written reports and derive risk estimates for three exposure pathways: air, ground water, and surface water. PAM is intended to reduce the burden associated with reviewing continuous release notifications submitted to each Regional Office. Using PAM, the OSC will be able to evaluate in a rapid, systematic manner the potential threats to human health and the environment attributable to the reported hazardous substance releases.

Thus, the EPA Regions will be able to run PAM from data previously entered into CR-ERNS from each written notification. A CR-ERNS/PAM User's Manual and a Model Documentation Report are also available. The User's Manual provides detailed instructions on how to input data into CR-ERNS and how to access PAM. The Model Documentation presents the fate and transport modeling assumptions incorporated into PAM and explains how to interpret the PAM reports.

The following informational materials for the regulated community are also available:

■ *GUIDANCE PACKAGE*

A guidance package has been prepared for facilities and vessels that includes the following three items:

- A **Guidance Document** for the regulated community on complying with the continuous release reporting requirements;
- An **IBM-compatible diskette** that contains the Continuous Release-Emergency Response Notification System (CR-ERNS); and
- A **User's Manual** for CR-ERNS.

The guidance document for facilities and vessels includes a **sample reporting format** for submitting written release information for the initial and follow-up reports. It also includes a **checklist** of the information required in the written reports and a **flow chart** illustrating where industry must submit each continuous release report.

The IBM-compatible diskette and user's manual are available for those who prefer to submit their reports electronically. Facilities entering information on a diskette will be submitting the diskette and a hard copy of the report to the Region. When the Region receives the diskette, responsible personnel need only upload the data into CR-ERNS.

The preamble and final rule for reporting continuous releases have been distributed to each Regional Office. For convenience, the core information from the guidance document for facilities and vessels has been included in this document. Copies of the complete guidance package are available by calling the RCRA/Superfund Hotline at (800) 424-9346 (in Washington, DC, (202) 382-3000), or the National Technical Information Service at (703) 487-4600.

It is likely that industry will ask EPA Regional personnel many questions about the continuous release reporting requirements. To minimize the burden on the Region, feel free to refer callers to the RCRA/Superfund Hotline for answers to questions concerning the final rule.

1.1 Overview of Continuous Release Reporting

Under CERCLA section 103(f)(2), a release of a hazardous substance at or above its RQ that is "continuous" and "stable in quantity and rate" may be reported on a reduced basis. The final rule defines "continuous" as a release that occurs without interruption or abatement or that is routine, anticipated, intermittent, and incidental to normal operations or treatment processes. A release is "stable in quantity and rate" if it is predictable and regular in the amount and rate of emission. Some examples of releases that may qualify as continuous include releases from production of a batch of a substance every week or series of weeks; start-up of a machine on a regular schedule; and the release of a hazardous substance in some predictable manner during a production or treatment process. Some examples of releases that are not continuous may include unanticipated, episodic releases such as spills, pipe ruptures, equipment failures, emergency shutdowns, or accidents. These episodic releases must be reported on a per-occurrence basis to the NRC if they occur at or above their RQ.

2. REPORTING REQUIREMENTS FOR CONTINUOUS RELEASES OF HAZARDOUS SUBSTANCES

Although CERCLA section 103(f)(2) provides for reduced reporting of continuous releases, it does not eliminate the need to report such releases. The reporting requirements for continuous releases are outlined in **Highlight 1** below, and then explained more fully.

Highlight 1: Reporting Requirements

- Initial telephone call to the NRC, the state emergency response commission (SERC), and the local emergency planning committee (LEPC).
- Initial written report to the EPA Region, SERC, and LEPC within 30 days of the telephone call.
- Follow-up written report to the EPA Region one year later.
- Written notification of changes to the EPA Region within 30 days of the change.
- Immediate reporting to the NRC, SERC, and LEPC of statistically significant increases (SSIs).

2.1 Initial Telephone Notification

To qualify as a continuous release, a facility or vessel must report a release under CERCLA section 103(a) for a "period sufficient" to establish the release as continuous and stable in quantity and rate. The initial telephone call to the NRC and the initial written report are to be based on information covering such a period. So long as the person in charge of the facility or vessel has a sufficient basis to determine that the release is continuous and stable, there is no need for multiple calls. The determination may be based on past release data, engineering judgment, historical knowledge of the operating processes, or some other sound technical basis.

The purpose of the initial telephone call is to alert appropriate government authorities that the release will be reported under the provisions of the continuous release reporting regulation. This initial telephone call must be made to three separate government authorities: the NRC, SERC, and LEPC. Initial telephone calls made to the Regions should be referred to the NRC (see **Highlight 2**).

Highlight 2:
Referral to the NRC

Q. What if the person in charge at the facility or vessel places the initial telephone call to the Region rather than to the NRC?

A. The Region should direct the person to call the NRC. The NRC must assign the facility a case number that will be used to track the continuous release reports.

In the initial telephone call, the person in charge of the facility or vessel must identify the release as a report of a continuous release at or above the RQ, and must provide the name and location of the facility or vessel, the name and address of its corporate affiliation, the name of the person in charge of the facility or vessel, and the name of each hazardous substance released. When the initial telephone call is received, the NRC will assign the facility or vessel a **CR-ERNS case number** that will be used to track all continuous release information reported by the facility or vessel.

The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) provides that a telephone notification of a release to the NRC must be relayed immediately to the appropriate OSC. In the case of continuous release notifications, however, EPA and the NRC have agreed that, given the nature of the initial telephone calls and the information they contain, the number of potential calls the NRC may receive, and the general nature of continuous releases (i.e., as part of normal operations at a facility), the NRC will transmit these notifications electronically through batch transmissions to the EPA Regions. The EPA Region has no responsibilities at this notification stage.

2.2 Initial Written Report

Responsibilities of the Regulated Community

Within 30 days of the initial telephone notification, the person in charge of the facility or vessel is required to submit an initial written report to the appropriate EPA Region, SERC, and LEPC. The continuous release final rule requires the person in charge to provide specific information about:

- The identity of the facility or vessel, including the location and size of surrounding populations and sensitive ecosystems;
- Each individual release source, including the names and quantities of hazardous substances released from each source, the normal range and frequency of the release from the source, and the environmental medium affected by the release;
- Each hazardous substance released, including information about mixtures containing hazardous substances, an estimate of the total annual amount of the hazardous substance released from all sources during the previous year, and a brief statement describing the basis for stating that the release is continuous and stable in quantity and rate.

Data and other information substantiating that the release is continuous and stable in quantity and rate need not be included in the report; such information should be kept on file at the facility or, in the case of a vessel, at an office within the United States in a port of call, a place of berthing, or at the headquarters of the business that operates the vessel.

Recommended Actions

CR-ERNS. Following receipt of a letter, reporting format, or diskette containing the required information for the initial written report, the data should be entered into CR-ERNS under the facility CR-ERNS case number assigned by the NRC during the initial telephone notification. Entering the release data into CR-ERNS will provide other Agency program offices and the public with access to the information. If the information is submitted on a diskette, the accompanying hard copy of the initial report should be filed for future reference.

There is no specific time frame during which the EPA Region must review the initial written (or follow-up) report. The Region has complete discretion to decide when each continuous release written report can be reviewed and the associated risks assessed. The Region may decide, for example, to review at the same time the written reports from facilities in a specific geographical area. In this way, the Region may do a comparative analysis of releases from different facilities and perhaps even determine the cumulative risks to persons living within a specific area.

The Region may wish to use available contractor support to enter data into CR-ERNS, to ensure that the reported information is complete, and to assist in the release evaluation.

The EPA Region is not obligated to respond to a facility's continuous release written report. Under the final continuous release rule, a facility may assume that it can continue to report on a reduced reporting basis unless the Region or some other cognizant government agency contacts the facility about the continuous release reports. Further, it is permissible for the Region to seek clarification of information in a written report, to inspect a facility, or to take any other action if any submitted information causes concern.

When reviewing the initial report, the EPA Region should evaluate whether the information submitted is clear and appears sufficient to establish the release as continuous and stable. In particular, the release data should be sufficient to enable Regional personnel to evaluate the risks to human health and the environment.

There are several sample letters included in the Appendix to this document that you may find useful in corresponding with facilities about continuous release reports. Sample Letter #1 may be used when the descriptive information on the continuity or stability of the release appears to be insufficient. Sample Letter #2 may be used when the reported information is incomplete or the CR-ERNS case number is missing from the submission. Sample Letter #3 may be used to request supporting documentation on the continuous release.

CR-ERNS may also be used to identify precisely the information that is missing from the facility's written submission. It is possible to input partial information into CR-ERNS and to print out a facility report. The blank areas in the printout can then be circled or highlighted and Sample Letter #4 can be used to request the missing information from the facility.

Toxic Release Inventory Form. Owners or operators of facilities subject to the requirements of SARA Title III section 313 may submit a copy of the Toxic Release Inventory (TRI) form required under SARA Title III section 313 (along with certain additional information) in lieu of an initial written (or follow-up) report.

If facilities submit a TRI form in lieu of the initial written (or follow-up) report, the following information will need to be extracted from the TRI form:

General Information

-- The complete name of the facility (Part 1 - Section 3.1);

-- The location of the facility, including latitude and longitude (Part 1 - Sections 3.1 and 3.6);

-- The Dun and Bradstreet number (Part 1 - Section 3.7); and,

-- The name and telephone number of the person in charge (Part 1 - Sections 2 and 3.3).

Hazardous Substance Information

-- The name and identity of the hazardous substance (Part 3 - Sections 1.3 and 1.4);

-- The Chemical Abstracts Service Registry Number (CASRN) (Part 3 - Section 1.2);

-- An estimate of the total annual amount of the hazardous substance or mixture released from all sources during the previous year (Part 3 - Section 5).

Source-Specific Information

-- The source(s) of the release (Part 3 - Sections 5.1 - 5.5).

-- The environmental medium affected by the release (Part 1 - Section 3.10 and Part 3 - Section 5).

When entering the information from the TRI form into CR-ERNS, the EPA Regions may want to verify that the supplemental information required to make the continuous release information complete is supplied by the facility with the completed TRI form. The continuous release information required under the final rule to be submitted with the TRI form includes the following:

-- The population density within a one-mile radius of the facility or vessel;

-- The identity and location of sensitive populations and ecosystems within a one-mile radius of the facility or vessel;

- -- The upper and lower bounds of the normal range of each hazardous substance release (in pounds or kilograms) over the previous year;
- -- The frequency of the release and the fraction of the release from each release source and the specific period over which it occurs (i.e., the number of releases per year and the months during which the release occurs);
- -- A brief statement describing the basis for stating that the release is continuous and stable in quantity and rate; and
- -- A signed statement that the hazardous substance described is continuous and stable in quantity and rate and that all reported information is accurate and current.

In addition to the above required information, the following additional information on the source of the hazardous substance release and the environmental medium affected by the release must be submitted by the facility if the Region elects to use PAM to assess the risks associated with the continuous release:

- -- If the source of the release is a stack, the stack height in feet or meters;
- -- If the source is a waste pile, landfill, valve, tank vent, or other area source, the surface area or area of the release source in square feet or meters;
- -- If the release affects a stream, the stream order or average flow rate in cubic feet per second;
- -- If the release affects a lake, the surface area of the lake in acres and the average depth of the lake in feet or meters; and
- -- If the release is on or under ground, the location of any public water supply wells within a two-mile radius of the site.

Regional personnel also may want to ensure that the most recent TRI report has been submitted so that the evaluation of the continuous release is not based upon outdated and inaccurate information.

Priority Assessment Model (PAM). Using the data previously entered into CR-ERNS from each written notification, and accessing PAM, Regional personnel will be able to generate in a rapid and systematic manner risk-screening information for each facility that submits a written continuous release report to the Region. PAM estimates the risk from an annual release quantity calculated to be the frequency of the release multiplied by the upper bound of the normal range of the release reported by the facility. PAM may be a useful tool in setting priorities for addressing the most significant releases first, and will assist the OSC in identifying continuous releases that may need further investigation or response.

The data to run PAM will come from Region-specific environmental data stored in PAM and the information submitted by the facility or vessel in the initial (or follow-up) written report. The environmental data will include hydrogeologic data (e.g., depth to ground water) by county and air climatic data (e.g., average wind speed and direction) from the nearest weather station to the facility. Chemical data include physical and chemical fate and transport, toxicological effects, retardation rates for percolation through soil, and degradation rates. The Regions may modify the environmental parameters to reflect facility-specific data.

Using PAM, the OSC will be able to simulate contaminant fate and transport in three environmental pathways: air, surface water, and ground water. This multimedia approach will account for the wide variety of release mechanisms that may be encountered in continuous release reports, and will provide the necessary information on human health risks to assist the OSC in determining the appropriate response to a continuous release of a hazardous substance. See the CR-ERNS/PAM Model Documentation Report for additional information on fate and transport simulation in the three pathways and for an explanation of how the results from PAM will be reported and can be interpreted.

Response Options. The response options available to the OSC for continuous releases include all actions that may be taken in response to episodic releases:

- The OSC may decide that no action is appropriate;
- The OSC may seek clarification of information in a written report or request additional information if there are doubts or questions about the basis reported for establishing a release as continuous (see **Highlight 3** and the Sample Letters in the Appendix to this document);
- If the facility has not already done so, the OSC may request that the facility establish a release as continuous and stable by reporting it for <u>some</u> period on a per-occurrence basis under CERCLA section 103(a);
- The OSC may review the release information and decide that the quantity released is potentially hazardous and, despite its continuity and stability, the release should be reported on a per-occurrence basis to ensure opportunity for evaluation of each release event;
- The OSC may determine that there is no need for a response, but that the upper bound of the normal range is too high given, for example, the characteristics of the substance being released, the frequency of the release, or the sensitivity of the location of the release. He/she could decide that a specified level below the reported upper bound of the normal range may minimize the risk to human health and the environment, and may require the reporting of any releases above a somewhat lower upper bound on a per-occurrence basis;
- The OSC may decide to perform a site inspection or field response at the facility or vessel;
- The OSC may alert a permit program office or other office that a release from the facility or vessel merits further evaluation;
- The OSC may decide that a government response action at the facility is necessary; and
- The OSC may utilize the enforcement tools provided under CERCLA for obtaining a response action by the facility or vessel.

Highlight 3:
Requests for Additional Information

Q. What if the information provided is insufficient to properly evaluate the release or is confusing or unclear?

A. The Region may request additional information or clarification of the submitted information.

Q. What if the person in charge of a facility or vessel does not submit the written report on a timely basis or does not submit the report at all?

A. If the facility or vessel fails to submit the initial written notification within 30 days of the initial telephone notification to the NRC (or the follow-up report within a year of the submitted initial report), the EPA Region may require the information pursuant to the authority of CERCLA section 104(e). The Region also has access to all of the other enforcement tools under CERCLA.

See Sample Letters in the Appendix to this document.

Releases into the Coastal Zone. The continuous release reporting regulation requires that the person in charge of the facility or vessel submit an initial written report and a one-time follow-up report to the appropriate EPA Region. It is quite possible, therefore, that EPA Regions will receive continuous release written reports from facilities or vessels discharging hazardous substances into the coastal zone.

Primary responsibility for evaluating releases into the coastal zone belongs to the U.S. Coast Guard (USCG). Copies of written reports describing releases into the coastal zone, therefore, should be forwarded to the appropriate USCG Regional Office. This is particularly important because the NRC will notify the USCG directly about any SSI reports or other episodic release reports they receive from facilities and vessels within the USCG's jurisdiction. The written continuous release reports will provide the USCG with valuable baseline information that can be used to evaluate the episodic release event. It is quite conceivable that the USCG would come to a different conclusion regarding the risks from the episodic release, if he/she knew that the hazardous substance has been released in the past on a continuous basis. It is important, therefore, that the USCG be kept informed about reports received from facilities or vessels that may fall within their jurisdiction.

2.3 Follow-up Written Report

Responsibilities of the Regulated Community

Within 30 days of the first anniversary date of the initial written notification, the person in charge of the facility or vessel is required to reassess all reported continuous releases and submit a one-time, written follow-up report to the EPA Regional Office. Unlike the initial telephone and written notifications which are submitted by the facility or vessel to state and local authorities as well as to the NRC, the person in charge of a facility or vessel is required to submit the one-time, written follow-up report only to the Regional EPA Office. It is possible, therefore, that SERCs or LEPCs will call the EPA Regions to request copies of the follow-up written notifications.

The information required in the written follow-up report is identical to the information required in the initial written report, but the follow-up report should be based on release data gathered over the year. Because the initial written report is required within 30 days of the initial telephone call, and may be based on estimates of release information over a period of years, the information contained in the initial report may not be conclusive. During the period between the initial report and the follow-up report, however, the facility will be more aware of what must be reported in the follow-up report and can be expected to gather more accurate information about the release. *Although actual monitoring by the facility is not necessarily required to satisfy the conditions for reduced reporting under the continuous release rule, the follow-up report will probably be more accurate and precise.*

After the one-time, follow-up report has been submitted to the EPA Regional Office, the person in charge is responsible for reassessing the release annually, but he/she does not have to notify EPA unless there is a change in the release information previously reported. The person in charge, however, must maintain documentation of each annual evaluation, even if there are no changes in the information previously submitted.

Recommended Actions

After the follow-up report is received, the information should be entered into CR-ERNS and the risks assessed using PAM. Unless there are changes in the release situation, the Region will not receive any reports from the facility once the written follow-up report has been submitted. If the Region for any reason suspects that annual evaluations are not occurring, or that previously submitted information is not being updated properly, the Region may request documentation from the person in charge indicating that annual evaluations have been performed at the facility. (See Sample Letter #3.)

It may be useful to check or verify continuous release supporting documentation, including documentation on the annual assessments, during ad hoc facility inspections or during program reviews or permit development negotiations. Facilities must provide this documentation upon request. CR-ERNS can also be a useful enforcement tool. Because each report submitted by a facility will be numbered, CR-ERNS can be used to identify facilities that have not submitted required reports. For example, CR-ERNS can be used to identify facilities that have not submitted their initial written notification within 30 days after making their initial telephone notification.

2.4 Notification of Changes

After the follow-up report is submitted to the EPA Region, the person in charge of the facility or vessel is required only to notify the Region in writing of any changes in the information previously submitted. Notification of any changes in the reported information, other than a change in the source or composition of the release, must be submitted in writing by the person in charge within 30 days of determining that the previously submitted information is no longer valid. One example of a change in the information previously submitted, other than a change in the source or composition, is a change in the frequency of the release or a change in the name and telephone number of the person in charge.

If there is a change in the source(s) or composition of a continuous release, the release is considered a "new" release. The new release may pose a hazard that warrants timely evaluation and, therefore, to report this new release under CERCLA section 103(f)(2), the facility or vessel must establish the new release as continuous and stable in quantity and rate (i.e., call the NRC, SERC, and LEPC and submit a new initial written notification and follow-up report).

When submitting a new initial written or follow-up report, the person in charge of the facility or vessel should clearly differentiate the new or changed information from the previously reported information by either placing a check mark in the left hand margin, highlighting the new or changed information, or using some other means to clearly identify the new information. This should assist the EPA Region in evaluating the new information.

Upon receipt of a changed release report, the Region should evaluate the new information by accessing CR-ERNS and comparing the information included in the report to that previously reported by the facility. Once this evaluation is completed, the Region should access PAM to generate new risk estimates based on the revised information.

2.5 Statistically Significant Increase (SSI) Reports

If a change at a facility or vessel results in an increase in the quantity of a release above the reported normal range, and other reported characteristics of the release remain unchanged, the release must be reported immediately to the NRC, SERC, and LEPC as a statistically significant increase (SSI) report.

If the release at the facility or vessel exceeds the normal range several times, the person in charge may want to amend the normal range to more accurately reflect current releases. To modify the normal range, the person in charge must report at least one release as an SSI, and at the same time may inform the NRC, SERC, and LEPC that the normal range is being modified. Within 30 days of this telephone notification, the person in charge of the facility or vessel must submit a letter to the EPA Region specifying the new range for the release, the reason for the change, and the basis for asserting that the release is continuous and stable at the increased quantity.

In accordance with section 300.125 of the NCP, the NRC will notify the appropriate federal OSC by telephone immediately following the telephone call from the facility or vessel reporting the SSI. The SSI should be evaluated in a manner similar to other episodic releases. The difference is, however, that baseline data are available about the hazardous substance release from previously submitted written reports. Like other episodic releases, the OSC should evaluate the SSI to determine whether it poses a risk to human health and the environment, and whether a response action should be taken.

APPENDIX A
SAMPLE LETTERS

SAMPLE LETTER 1

SAMPLE LETTER IF INFORMATION SUBMITTED IS INSUFFICIENT TO SHOW RELEASE IS CONTINUOUS AND STABLE

[*Date*]

[*Contact Person*]
[*Facility Name*]
[*Facility Address*]

Dear [*Contact Person*]:

Section 103(f)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, provides for reduced reporting of releases of hazardous substances that equal or exceed a reportable quantity (RQ), if those releases are "continuous" and "stable in quantity and rate." On July 24, 1990, the U.S. Environmental Protection Agency (EPA) promulgated final regulations specifying the reduced reporting requirements for qualified continuous releases (55 FR 30166). These regulations became effective September 24, 1990, and are codified in the Code of Federal Regulations at 40 CFR §302.8.

In order for a release to qualify for reduced reporting, it must result from normal operations or treatment processes. Releases of hazardous substances that result from unanticipated incidents do not qualify for reduced reporting under CERCLA section 103(f)(2). For example, although pipe ruptures or equipment failures may release hazardous substances 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 reporting requirements for continuous releases.

EPA recently received an initial written report from your facility concerning continuous releases of hazardous substances. Your report does not include sufficient information to enable EPA to determine if the release of [*substance*] qualifies as a continuous and stable release under the regulatory definitions (40 CFR §302.8). Consequently, under the authority of section 104(b)(1) and 104(e) of CERCLA, we are requesting additional information on the release at your facility. [*State specific concerns or questions.*]

Your completed response should be sent to: [*name, title, address*].

If you have any questions concerning this request, please contact [*name*] at [*phone*]. Thank you for your cooperation in this matter.

Sincerely,
[*name*]

SAMPLE LETTER 2

SAMPLE LETTER FOR MISSING CR/ERNS CASE NUMBER AND SUGGESTED USE OF REPORT FORMAT AND DISKETTE

[*Date*]

[*Contact Person*]
[*Facility Name*]
[*Facility Address*]

Dear [*Contact Person*]:

The U.S. Environmental Protection Agency (EPA) recently received an initial written report from your facility concerning continuous releases of hazardous substances. Unfortunately, you neglected to include your facility's CR-ERNS case number in the report.

Under the continuous release reporting regulations (55 FR 30166; July 24, 1990), releases of hazardous substances that are "continuous" and "stable in quantity and rate" may be reported less frequently than on a per-occurrence basis, as specified in CERCLA section 103(a). The first step in filing a report for a continuous release of a hazardous substance is to telephone the National Response Center (NRC). During that telephone conversation, the NRC will assign a CR-ERNS case number to your facility. This case number will be used by EPA to track all future correspondence related to continuous releases from your facility. To comply fully with the continuous release reporting regulations, therefore, please contact the NRC at (800) 424-8802 to notify them of the hazardous substances being released continuously from your facility and to obtain a CR-ERNS case number. Your initial written report should then be resubmitted with your CR-ERNS case number.

For assistance with report filing, EPA has developed a sample reporting format for initial and follow-up reports which is included in the Industry Guide for Facilities and Vessels. The format is designed to assist you in completing the written reports and to ensure that all of the required information is included in the submission. In addition, an IBM-compatible diskette is available to facilitate electronic submission of the written reports. Please contact the RCRA/Superfund Hotline at (800) 424-9346 (in Washington, DC, (202) 382-3000), or the National Technical Information Service at (703) 487-4600, to obtain a copy the diskette and the Industry Guide.

If you have any questions concerning this matter, please contact [*name*] at [*phone*]. Thank you for your cooperation.

Sincerely,
[*Name*]

SAMPLE LETTER 3

SAMPLE LETTER TO REQUEST DOCUMENTATION ON ANNUAL EVALUATIONS PERFORMED AT THE FACILITY

[*Date*]

[*Contact Person*]
[*Facility Name*]
[*Facility Address*]

Dear [*Contact Name*]:

According to the records retained by the U.S. Environmental Protection Agency (EPA), your facility has filed an initial written report and a follow-up report on continuous releases of hazardous substances. Under the continuous release reporting regulations, 55 FR 30166 (July 24, 1990, codified at 40 CFR §302.8), the person in charge of a facility must annually reevaluate each reported hazardous substance release to determine if any changes in the release have occurred that could require modification of information previously submitted. Although only one written follow-up report must be submitted, each annual evaluation must be documented.

Pursuant to the authority of section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, you are requested to produce documentation indicating that annual evaluations have been performed since the filing of your follow-up report.

Your completed response should be forwarded to: [*name, title, address*].

If you have any questions concerning this request, please contact [*name*] at [*phone*]. Your cooperation in this matter is appreciated.

Sincerely,
[*name*]

SAMPLE LETTER 4

SAMPLE LETTER TO OBTAIN INFORMATION ON AN INCOMPLETE INITIAL WRITTEN REPORT

[*Date*]

[*Contact Person*]
[*Facility Name*]
[*Facility Address*]

Dear [*Contact Person*]:

The U.S. Environmental Protection Agency (EPA) recently received an initial written report from your facility concerning continuous releases of hazardous substances. We are writing to notify you that your report lacks important information needed to evaluate the risks from the release.

EPA enters information from each continuous release written notification into the Continuous Release-Emergency Response Notification System (CR-ERNS). We use CR-ERNS to compile the submitted information and to print facility reports in a uniform format. Enclosed you will find a copy of your partially completed CR-ERNS form. Pursuant to the authority of section 104(b)(1) and 104(e) of the Comprehensive Emergency Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, you are requested to insert the information necessary to complete the enclosed form. This additional information will enable EPA to evaluate the risks from the continuous release and to determine whether a government response action is warranted.

Your completed response should be sent to: [*name, title, address*].

If you have any questions concerning this request, please contact [*name*] at [*phone*]. Thank you for your cooperation.

Sincerely,
[*name*]

Enclosure

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