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Reporting Requirements for Continuous Releases of Hazardous Substances

A Guide for Facilities and Vessels on Compliance

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

NOTICE

This document has been reviewed in accordance with U.S. Environmental Protection Agency policy and approved for publication. Mention of trade names or commercial products does not constitute endorsement or recommendation for use.

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INTRODUCTION

The purpose of this Guide is to help you understand the definitions and requirements contained in the U.S. Environmental Protection Agency's (EPA) regulation on reporting continuous releases of hazardous substances (see 55 FR 30166; July 24, 1990). The effective date of this regulation was September 24, 1990. The continuous release reporting regulation allows reduced reporting for facilities or vessels that release hazardous substances in a continuous and stable manner. This Guide has been designed to provide information necessary to successfully comply with this regulation.

The Guide is divided into two parts. The first part provides general information in a question and answer format regarding the continuous release reporting regulation and your responsibility to report releases of hazardous substances. The second part contains detailed instructions on how to prepare continuous release reports that include all required information.

PART 1: REPORTING REQUIREMENTS FOR CONTINUOUS RELEASES OF HAZARDOUS SUBSTANCES

1.0 Introduction

This part of the Guide explains the general reporting requirements and terms relevant to reporting releases of hazardous substances. In addition, it provides information on what constitutes a continuous release, how and when such releases must be reported, and to whom such releases must be reported.

1.1 CERCLA's Reporting Requirements

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA or Superfund), as amended, contains specific provisions requiring the person in charge of a facility or vessel to notify government authorities whenever a reportable quantity (RQ) of a hazardous substance is released, so that officials can evaluate the need for a response action. These provisions are outlined in CERCLA section 103. In addition to the reporting requirements under CERCLA, section 304 of the Emergency Planning and Community Right-to-Know Act (EPCRA) or Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA Title III) requires that releases of CERCLA hazardous substances and extremely hazardous substances (EHSs) in amounts that equal or exceed an RQ be reported to state and local authorities. Notifications under section 304 of SARA Title III must be given to both 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.

What is a facility?

A facility is defined in section 101(9) of CERCLA as including, among other things, any building, structure, installation, equipment, pipe or pipeline, well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft. There may be a number of 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" in SARA Title III differs from the CERCLA definition. Under section 329(4) of SARA Title III, 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. The SARA definition of facility also includes motor vehicles, rolling stock, and aircraft.

When does a hazardous substance release occur?

Under CERCLA, a release occurs when a hazardous substance enters the environment. A key element of this definition is the phrase "into the environment." The environment includes all media: air, land, surface water, and ground water. Examples of hazardous substances released into the environment include: releases from tanks or valves onto concrete pads or into lined ditches open to the outside air; releases from pipes into open lagoons or ponds; releases from stacks; or any other discharges that are not wholly contained within buildings or structures. If such releases occur in a quantity that equals or exceeds an RQ, they must be reported immediately to the National Response Center (NRC). A release is the same under CERCLA and SARA Title III, except that under SARA Title III, a release is not reportable if it results solely in exposure to persons within the facility (i.e., site) boundaries.

What is a reportable quantity?

Each CERCLA hazardous substance is assigned a "reportable quantity" (RQ). The RQ is a quantity of a hazardous substance that, when released from a facility or vessel during a 24-hour period, triggers the reporting requirements of section 103 of CERCLA. An RQ is not an absolute measure of the risk associated with a hazardous substance; its purpose is to trigger the reporting of hazardous substance releases. 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. The RQ is generally 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 Code of Federal Regulations (CFR) in Table 302.4 at 40 CFR Part 302.

EHSs that are not currently CERCLA hazardous substances (i.e., non-CERCLA EHSs) are assigned an RQ of one pound under section 304 of SARA Title III. Section 304 also requires that any release of a non-CERCLA EHS that equals or exceeds one pound be reported immediately to the appropriate SERC and LEPC. All non-CERCLA EHSs have been proposed for designation as CERCLA hazardous substances (54 FR 3388; January 23, 1989); EPA has also proposed adjusted RQs for these substances (54 FR 35988; August 30, 1989). When these rules are promulgated, facilities that release an EHS at levels that equal or exceed an RQ must report those releases to the NRC as well as to the SERC and LEPC. EHSs are listed at 40 CFR Part 355, Appendices A and B.

How are releases of CERCLA hazardous substances and EHSs reported?

CERCLA section 103(a) requires the person in charge of a facility or vessel to notify the NRC immediately if that person has knowledge that the amount of a hazardous substance released from the facility or vessel over a 24-hour period equals or exceeds an RQ. To determine whether an RQ or more of a specific hazardous substance has been released over a 24-hour period, the person in charge must consider the amount released from all sources at the facility or vessel and determine if any hazardous substance is released in quantities that equal or exceed an RQ. For example, if a building has three smokestacks, each releasing 1/3 of an RQ of hazardous substance X over the same 24-hour period, and 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 p. 14 of this Guide).

The SARA Title III section 304 reporting requirements parallel the CERCLA notification requirements, but are intended to make release information available immediately to state and local authorities. (You can obtain the telephone numbers for appropriate state and local authorities by calling the Emergency Planning and Community Right-to-Know Information Hotline. See p. 14 of this Guide for telephone numbers.) The primary purpose of these notification requirements is to alert government officials to releases of hazardous substances that may require a timely response action to prevent or mitigate damage to human health or welfare or the environment.

The purpose of CERCLA section 103(f)(2) is to reduce unnecessary release notifications. Section 103(f)(2) provides relief from the immediate reporting requirements of CERCLA section 103(a) for releases of hazardous substances from facilities or vessels that are continuous and stable in quantity and rate. Relief from reporting under CERCLA section 103 also applies to notification required under section 304 of SARA Title III. CERCLA section 103(f)(2), however, does not eliminate the requirement to report. Government response officials need to receive some notification of hazardous substance releases that equal or exceed an RQ on a continuous basis, so that the release can be evaluated and a response action can be taken, if necessary.

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.

A continuous release may be a release that occurs 24 hours a day, such as a radon release from a stock pile, or a release that occurs during a certain process, such as benzene released during the production of polymers, or a release that occurs intermittently, such as the release of a hazardous substance from a tank vent each time the tank is

EXHIBIT 1

DEFINITIONS

Continuous. A continuous release is a release that occurs without interruption or abatement, or that is routine, anticipated, intermittent, and incidental to normal operations.

Routine. A routine release is a release that occurs during normal operating procedures or processes.

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.

filled. 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, releases from malfunctions that may qualify for reduced reporting include fugitive emissions from valves that occur at different rates over the course of a production cycle. 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 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.

How are releases of non-CERCLA EHSs reported?

Non-CERCLA EHSs may also qualify as continuous releases; the notification requirements for such releases are similar to the requirements for releases of CERCLA hazardous substances. The reporting requirements for continuous releases of non-CERCLA EHSs are graphically depicted in Exhibit 2. The reporting process for non-CERCLA EHSs, however, will change in the near future if and when the final rule designating all non-CERCLA EHSs as CERCLA hazardous substances is promulgated. This regulation is scheduled to be published in the *Federal Register* in the Spring of 1991. After promulgation, all owners and operators of facilities releasing EHSs in a continuous and stable manner may follow the instructions and procedures contained in this Guide for reporting continuous releases of CERCLA hazardous substances. In particular, once the designation rule is promulgated, all continuous releases of EHSs must be reported to the NRC and the EPA Regions.

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

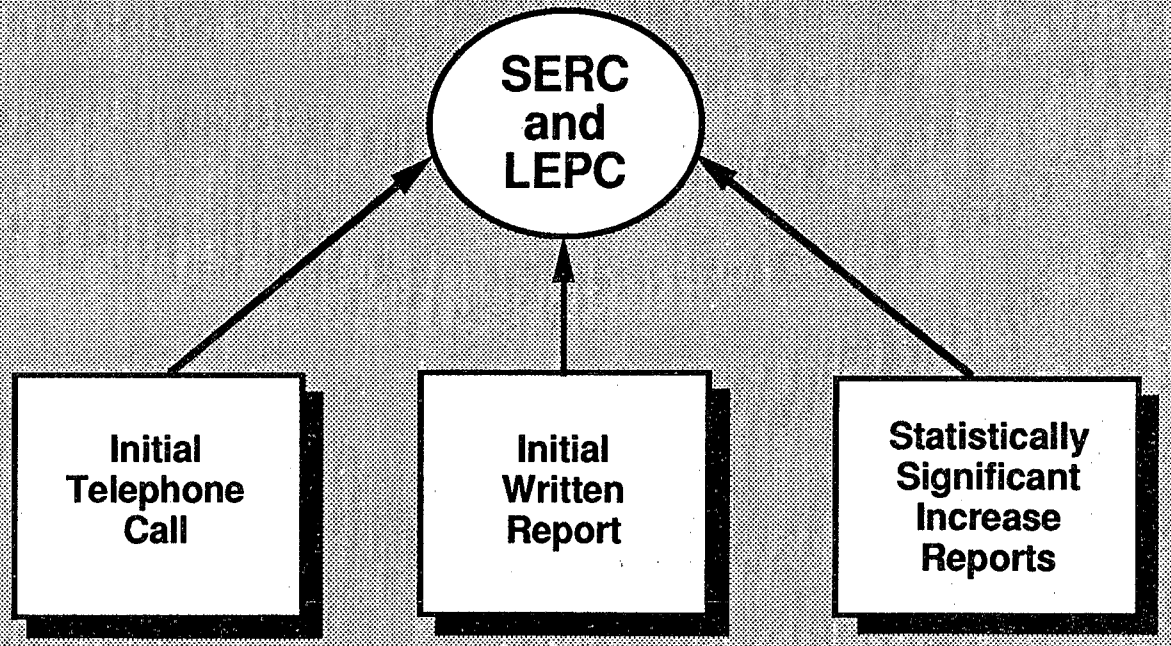
Releases of hazardous substances that are the result of unanticipated incidents do not qualify for reduced reporting under section 103(f)(2). Such incidents include, among others, spills, equipment failures, or the emergency shutdown of equipment. Also included are releases from malfunctions that are 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 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 from your facility equals or exceeds an RQ. If you are releasing a hazardous substance from several sources at a facility simultaneously, you must aggregate the release of the hazardous substance across all sources at the facility or vessel to determine whether an RQ or more of a hazardous substance has been released.

EXHIBIT 2

Where to Submit Continuous Release Reports for Releases of non-CERCLA EHSs*



* Reports of changes in information previously submitted, other than a change in source or composition, are not required. Notification to the SERC and LEPC, however, is required if there is a change in the source or composition of the release.

If you release an RQ or more of the same hazardous substance from more than one facility (e.g., building, surface impoundment, or lagoon), the continuous release reporting regulation (40 CFR Part 302.8(l)) provides you with two reporting options. Persons in charge may aggregate multiple concurrent releases of the same hazardous substance from separate, contiguous, or adjacent facilities and report them in a single notification, or persons may consider releases from each facility separately and submit reports on a facility-specific basis.

Although 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 in the release must also be reported on a facility-specific basis. If you select the option of aggregating releases from separate, contiguous, or adjacent facilities and reporting them in a single notification, EPA may evaluate the risks associated with the releases from the site as if they were released from one facility.

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 reporting regulation provides you with flexibility in establishing this basis. You may report the release to the NRC 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 and quantity and regularity of a release, multiple reports are not necessary. A single telephone call to the NRC, SERC, and LEPC will alert authorities 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. Also, when examining past release data, you may need to look at several months' worth of information or more about the release in order to qualify for continuous release reporting.

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

Although section 103(f)(2) provides for reduced reporting of continuous releases, it does not eliminate the need to report such releases. The four kinds of notifications required for continuous releases are outlined briefly in Exhibit 3, and then explained more fully. Exhibit 4 illustrates to whom you must submit each continuous release report for releases of CERCLA hazardous substances. (Part 2 of this Guide contains specific procedures and instructions for complying with the reporting requirements.)

What reporting is required for non-CERCLA EHSs?

Non-CERCLA EHSs may qualify as continuous releases so long as they satisfy the regulatory definitions in the continuous release reporting final rule. 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 notification 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. Other types of notification required for non-CERCLA EHSs that are continuous and stable in quantity and rate include immediate reporting of statistically significant increases and reporting changes in the source or composition of the release. Under the requirements of SARA Title III section 304, you must also submit a written follow-up notice to the SERC and LEPC within 30 days of a report of a statistically significant increase. Exhibit 2 illustrates to whom you must submit each 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, refer to Part 2 of this Guide.

In the event that EPA promulgates the final rule to designate non-CERCLA EHSs as CERCLA hazardous substances, you should follow the instructions for reporting continuous releases of

CERCLA hazardous substances contained in this Guide. Although you may have previously reported your continuous release of the non-CERCLA EHS to the appropriate SERC and LEPC, you must make an initial telephone call to the NRC, and within 30 days submit an initial written notification to the EPA Regional Office. In addition, you must submit a one-time follow-up report and statistically significant increase and changed release reports, as necessary. Part 2 of this Guide contains detailed instructions and procedures on how to comply with the reporting requirements for continuous releases of CERCLA hazardous substances.

1.2 Reporting Continuous Releases

What steps are required to report a continuous release of a hazardous substance?

There are four steps in the continuous release notification process. Each step in the process involves a different type of continuous release notification. (The four types of notification required are summarized in Exhibit 3.)

EXHIBIT 3

REPORTING REQUIREMENTS

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

(1) Initial notification by telephone to the NRC, SERC, and LEPC; and initial written notification to the EPA Regional Office, SERC, and LEPC;

(2) A one-time written follow-up report to the EPA Regional Office;

(3) Immediate notification of a statistically significant increase to the NRC, SERC, and LEPC; and

(4) Written notification to the EPA Regional Office of any other changes in the release.

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, you begin reporting by making the initial telephone notification.

Initial Telephone Notification

You must make an initial telephone call to three separate government authorities: the NRC, the SERC, and the LEPC. The initial telephone call will alert authorities to your intent to report a release as a continuous release; be certain 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 response officials in the initial telephone call.)

How will EPA identify continuous release reports?

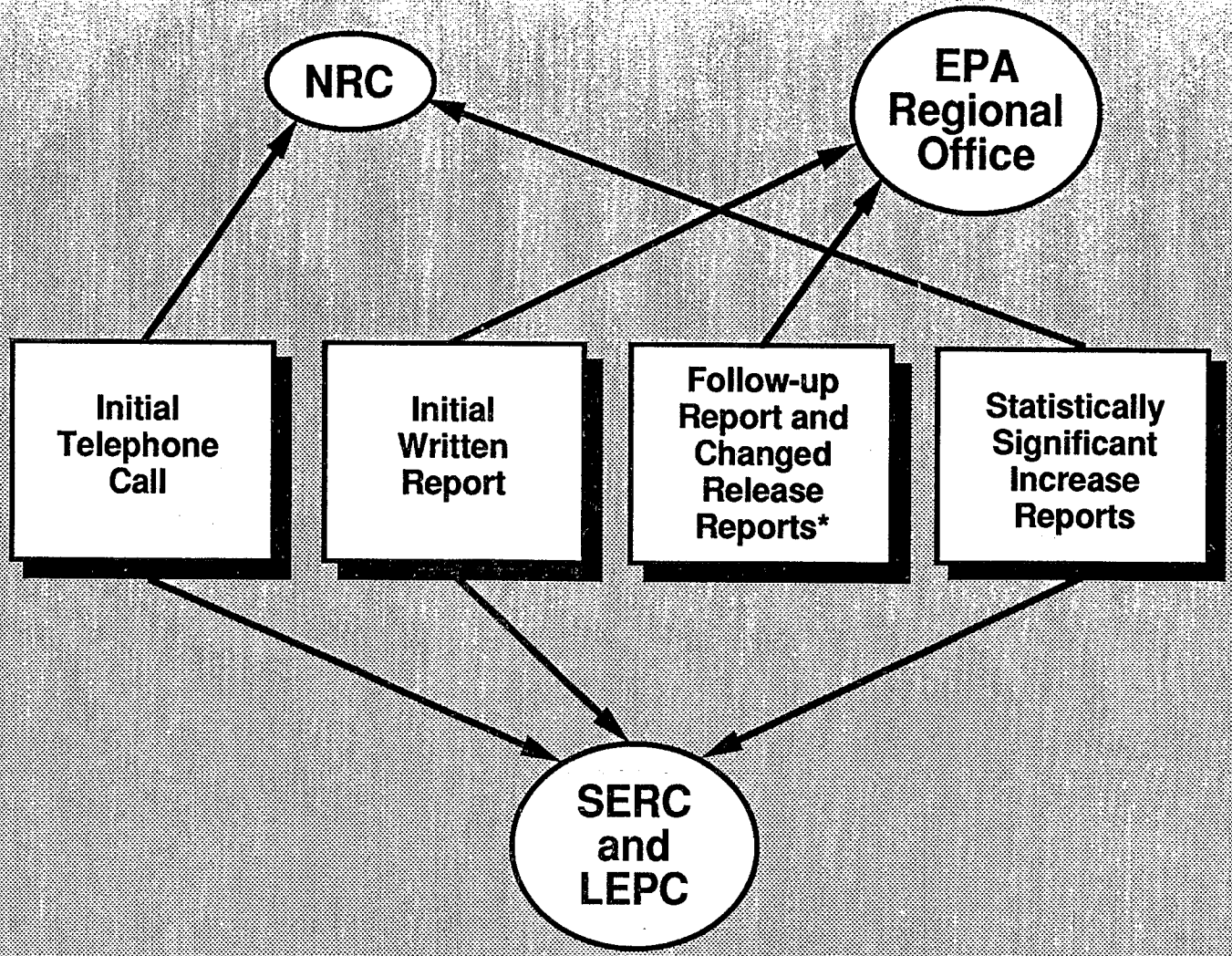
When you make the initial telephone notification, the NRC will assign a case number to your release report. This case number will become the identifier for your facility or vessel. We call this number your facility's or vessel's CR-ERNS number. You must use this CR-ERNS number on all future release reports or correspondence related to continuous releases from your facility or vessel. The CR-ERNS number will identify your facility or vessel and will enable EPA to link all reports about releases from your facility or vessel. If you misplace your CR-ERNS number, contact the appropriate EPA Regional Office (see p. 12 for relevant telephone numbers) and provide information identifying your facility or vessel.

Please note that each time you call the NRC to report a statistically significant increase or an episodic release you will be given an NRC case number. Do not confuse this case number with the CR-ERNS number (i.e., the case number assigned during your initial telephone notification). Once assigned to your facility or vessel, the CR-ERNS number will <u>not</u> change with different release reports such as the follow-up report, statistically significant increase reports, and change release reports.

If you elect to aggregate multiple concurrent releases of the same hazardous substance from

EXHIBIT 4

Where to Submit Continuous Release Reports for Releases of CERCLA Hazardous Substances



* Reports of changes in information previously submitted, other than a change in source or composition.

separate, adjacent, or contiguous facilities for purposes of reporting continuous releases, you will be assigned only one case number in your initial telephone call. This will be the CR-ERNS number for the entire site. This number should be used on all subsequent release reports and correspondence.

Initial Written Notification

Within 30 days of the initial telephone notification, you are required to submit an initial written report to the appropriate EPA Regional Office. (See p. 12 for a listing of EPA Regional Offices.) The purpose of this report is to confirm your intent to report your release as a continuous release under the requirements of section 103(f)(2), and to provide government response officials with sufficient information about the release to enable them to determine if the release qualifies as a continuous release and to identify the potential risks associated with the release.

The initial written notification must include specific information about each individual source of the continuous release, the environmental medium affected, certain ecological and population density information, hazardous substance information, and a brief statement describing the basis for asserting that the release is continuous and stable in quantity and rate. (A detailed discussion of the requirements of the initial written and follow-up reports is provided in Part 2 of this Guide.)

To assist you in preparing written reports, such as the written initial notification and the one-time follow-up report, EPA has included a sample reporting format as Appendix B of this Guide. In addition, EPA has made available an IBM-compatible diskette to assist those who would like to prepare their reports electronically. You may obtain the diskette by calling the RCRA/Superfund Hotline or the National Technical Information Service (see p. 14 for relevant telephone numbers), and be certain to specify the size diskette (i.e., 3 1/2" or 5 1/4" diskette) that you prefer. If you choose to use the diskette when preparing your reports, you should send the diskette and one printed, signed copy of the report to the EPA Regional Office. (The SERC and LEPC must also be sent a signed copy of the initial written report.) Also, if you would like to report using the diskette, please refer to the Industry Diskette User's Manual. This Manual provides detailed instructions on how to install the industry diskette and how to use it to complete the initial written report, the follow-up report, and other change notifications.

Follow-up Report

Within 30 days of the first anniversary date of the initial written notification, you are required to reassess all reported continuous releases of CERCLA hazardous substances and you must submit a one-time, written follow-up report to the appropriate EPA Regional Office.

The information required in the written follow-up report is identical to that required in the initial written notification, 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, confirm, and refine the information submitted in the initial written notification, 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.

Statistically Significant Increase Reports

A statistically significant increase (SSI) is any release of a hazardous substance that exceeds the upper bound of the normal range. The normal range is defined to include all the releases of a hazardous substance reported or 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.

An SSI in a continuous release of a 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 upper bound of the normal range. The upper bound of the normal range 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.) SSIs are a type of episodic release and are treated as such by the NRC. When reporting an SSI, therefore, 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 or vessel by the NRC during the initial telephone notification. 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 of this Guide.

Reports of Changed Releases

You must notify the EPA Regional Office if there are any changes in a continuous release. If there is a change in the source or composition of a continuous release, the release is considered a "new" release. A change in the source(s) 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 notification 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 provide the CR-ERNS number assigned by the NRC in your original initial telephone call.

For all other changes (i.e., changes other than in the source or composition) in the information submitted in the initial written notification or follow-up report, you must notify the EPA Regional Office by letter within 30 days of determining that the information previously submitted is no longer accurate. Examples of changes in information other than a change in source or composition that would require notification include a change in the identity of the person in charge of the facility or vessel or a change in the frequency of the release. All notifications of changes in releases must include the original CR-ERNS number assigned to the facility or vessel 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 regulation, see p. 27 of this Guide.

1.3 Recordkeeping Requirements

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

To satisfy the specific requirements for reporting continuous releases, you are responsible for estimating or calculating the quantities of all continuous releases 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, or your best professional judgment. 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 or, in the case of a vessel, at an office within the United States in a port of call, a place of regular berthing, or at the headquarters of the business that operates the vessel. 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 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 or vessel and evaluate these releases carefully for changes, and for SSIs as well.

1.4 EPA's Role in the Continuous Release Reporting Process

How will continuous release information be processed?

When EPA receives the release information, the Agency will establish a record and create a file for your facility or vessel and enter the release information into the Continuous Release-Emergency Response Notification System (CR-ERNS) database. EPA will also enter into CR-ERNS the information you submit in the initial written report and the follow-up report, and any SSI reports, or reports of changes in the releases. 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 Transportation Systems Center 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. 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 in order to generate risk estimates for each release. It is important, therefore, that the information you report is as accurate as possible.

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

EPA has included a sample reporting format for the initial and follow-up reports in Appendix B of this Guide. The format is designed to assist you in completing the written reports and to ensure that all of the required information is included in your written notifications. A checklist of the information required in the initial written notification and follow-up reports is also included in this Guide. The checklist provides an overview of the information required in the initial written and follow-up reports. This checklist is another means you can use to verify that all required information has been collected and submitted. Other supplementary guidance materials that EPA has made available include an IBM-compatible diskette and a set of user instructions. The diskette and accompanying instructions are designed to facilitate completion of the initial written and follow-up reports for those individuals who prefer to prepare their reports on a computer. To obtain a diskette and instructions for using the diskette, call the RCRA/Superfund Hotline or the National Technical Information Service (see p. 14 for relevant telephone numbers).

If you choose to use the diskette when preparing your reports, one printed copy of the completed report and a copy of the diskette should be sent to the EPA Regional Office. (The SERC and LEPC must also receive a printed copy of the initial written report.)

In addition to the detailed explanation of the specific continuous release reporting requirements contained in this Guide, the RCRA/Superfund Hotline will provide assistance to industry 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 emergency (episodic) releases. The actions EPA may choose to take include, but are not limited to, the following:

- If EPA has doubts or questions about the basis reported for establishing a release as continuous, you may be asked to submit clarifying or 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 or vessel merits further evaluation and possible response action; or

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

If the person in charge of a facility or vessel 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. The EPA, SERC, or LEPC may re-evaluate the information submitted in any continuous release report at any time, and may contact the person in charge of the facility or vessel 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.

1.5 Additional Questions

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

The information requested in the initial written and follow-up reports is the minimum information necessary to properly evaluate the risks from a continuous release. The continuous release reporting regulation allows you to submit the 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 continuous release information. This will minimize any possible duplication in the reporting process. The additional continuous release information is summarized in Exhibit 5.

These additions to the TRI report will provide EPA with information about the continuous release that is not available from the SARA Title III section 313 report, but is required to properly evaluate the risks associated with the release.

1.6 Where to Submit Written Reports

- EPA Regional Offices.

  -- EPA, Region I
  Chief, Toxic Substances Control Section
  60 Westview Street
  New England Regional Laboratory
  Lexington, MA 02173
  (617) 565-3744

  -- EPA, Region II - Building 209
  Chief, Response and Prevention Branch
  Woodbridge Avenue
  Edison, NJ 08837
  (201) 321-6656

  -- EPA, Region III (3HW-30)
  Supervisor, Superfund Removal Branch
  841 Chestnut Street
  Philadelphia, PA 19107
  (215) 597-0992

  -- EPA, Region IV
  Chief, Title III Section
  345 Courtland Street, N.E.
  Atlanta, GA 30365
  (404) 347-1033

  -- EPA, Region V
  Continuous Release Coordinator
  Emergency & Remedial Response Section
  230 South Dearborn Street
  Chicago, IL 60604
  (312) 353-2000

  -- EPA, Region VI
  Chief, Emergency Response Branch
  1445 Ross Avenue
  9th Floor
  Dallas, TX 75202
  (214) 655-6444

  -- EPA, Region VII
  Chief, Emergency Response & Spill Branch
  25 Funston Road
  Kansas City, KS 66115
  (913) 236-3881

EXHIBIT 5

ADDENDUM FOR TRI REPORTS

If the Toxic Release Inventory report is submitted in lieu of the initial written notification or follow-up report, the following information must also be included in the written report:

(1) The upper and lower bounds of the normal range of the release;
(2) 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);
(3) A brief statement describing the basis for asserting that the release is continuous and stable in quantity and rate;
(4) The population density within a one-mile radius of the facility or vessel;
(5) The identity and location of any sensitive populations and ecosystems within a one-mile radius of the facility or vessel;
(6) The CR-ERNS number; and
(7) A signed statement that the hazardous substance release(s) is(are) continuous and stable in quantity and rate and that all reported information is accurate and current to the best knowledge of the person in charge.

In addition to the information required above, you should also include certain information on the source of the hazardous substance release and the environmental medium affected by the release. This information is not required in the final continuous release reporting regulation; however, such information will assist EPA in evaluating the risks associated with a continuous release. If such information is not provided, EPA may request clarifying information about the releases from your facility. The following information, therefore, should be included in the written reports:

(1) If the source of the release is a stack, the stack height in feet or meters;
(2) 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;
(3) If the release affects a stream, the stream order or average flow rate in cubic feet per second;
(4) 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
(5) If the release is on or under ground, the location of any public water supply wells within a two-mile radius of the site.

-- EPA, Region VIII
Continuous Release Coordinator
Emergency Response Branch
One Denver Place
999 18th Street (8HWN-ER)
Denver, CO 80202-2413
(303) 294-7534

-- EPA, Region IX (H-8-3)
Continuous Release Coordinator
Emergency Response Branch
75 Hawthorne Street
San Francisco, CA 94105
(415) 744-2296

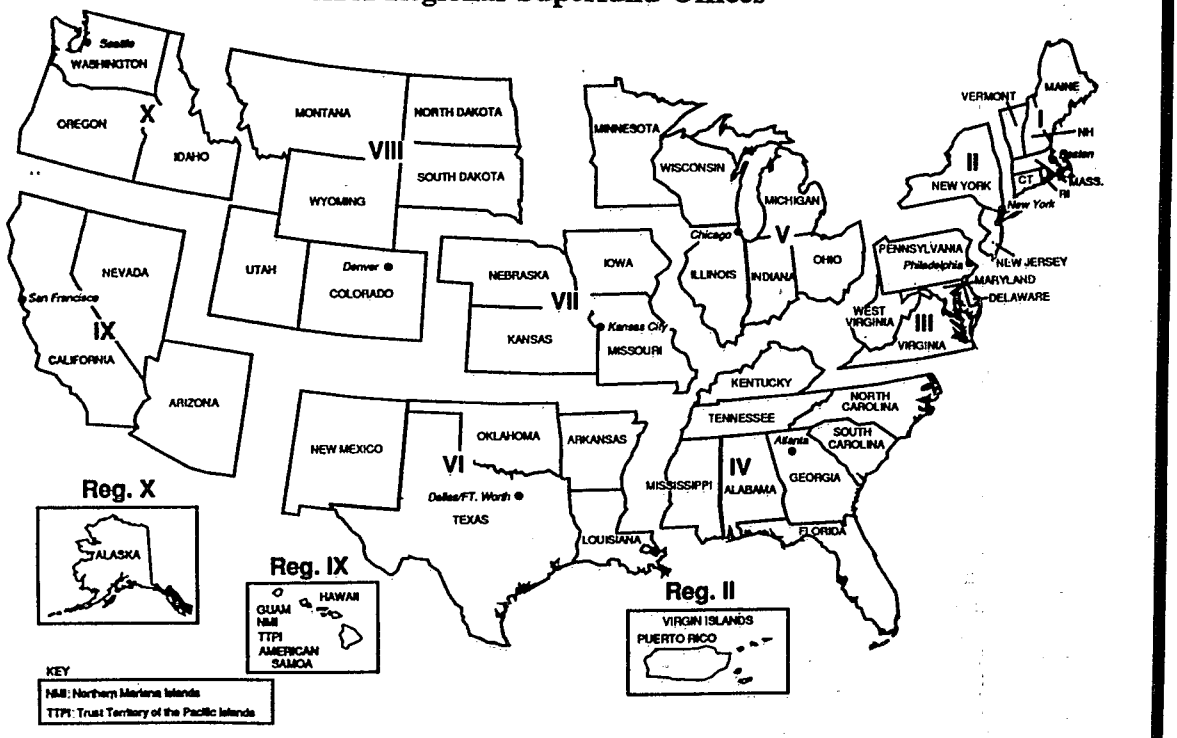
-- EPA, Region X
Chief, Superfund Response and Investigation Section
1200 6th Avenue
Seattle, WA 98101
(206) 442-1196

- SERCs and LEPCs.

  -- Call the Emergency Planning and Community Right-to-Know Information Hotline for the addresses and telephone numbers of local SERCs and LEPCs.

Exhibit 6

EPA Regional Superfund Offices



1.7 Sources for Further Information

- National Response Center (NRC). Toll-free telephone number: (800) 424-8802; Washington, DC area: (202) 267-2675

- RCRA/Superfund Hotline. Toll-free telephone number: (800) 424-9346; Washington, DC area: (202) 382-3000.

  -- The Telecommunications Device for the Deaf (TDD) Hotline numbers are toll-free (800) 553-7672 or (202) 475-9652 in the Washington, DC metropolitan area

  -- Emergency Planning and Community Right-to-Know Hotline numbers are toll free (800) 535-0202 or (202) 479-2449 in the Washington, DC area.

  -- The RCRA/Superfund and the Emergency Planning and Community Right-to-Know Hotlines are open from 8:30 a.m. to 7:30 p.m. (EST) Monday through Friday, excluding federal holidays.

- National Technical Information Service (NTIS). General telephone number: (703) 487-4600.

- Project Officer for the Continuous Release Reporting Regulation
  Mr. Hubert Watters
  U.S. Environmental Protection Agency
  401 M Street, S.W.
  Mail Code: OS-210
  Washington, DC 20460
  (202) 382-2463

PART 2: INSTRUCTIONS AND PROCEDURES FOR CONTINUOUS RELEASE REPORTING

2.0 Introduction

This part of the Guide includes detailed instructions and procedures for complying with the reporting requirements for continuous releases. These instructions are intended to assist you in supplying the information you must submit in the four types of reports required under CERCLA section 103(f)(2), (40 CFR 302.8). For each release you consider to be continuous, you must make an initial telephone notification, an initial written notification, and a one-time written follow-up report. In addition to these reports, you must report any statistically significant increases in the release, as well as any changes in the release that make the information submitted in the initial written or follow-up reports inaccurate or out-of-date. It is permissible to report multiple hazardous substance releases in one telephone notification or written report.

This part of the Guide is organized into six sections. Section 2.1 provides a general overview of how to report continuous releases. Sections 2.2 through 2.5 explain each of the four types of required notifications. Within each of these sections are detailed instructions on when and where to submit each required report and what information must be included in the report. Section 2.6 provides a summary of the information that must be provided in the sample reporting format included in Appendix B of this Guide. You are encouraged to use this sample reporting format when completing your written initial and follow-up reports.

Other materials that are provided in this Part of the Guide to assist you in completing your written reports include a checklist that provides an overview of the information required in the initial written notification and follow-up report. This checklist is one method you can use to verify that all required information has been collected and submitted.

In addition to the sample reporting format and checklist, EPA has made available an IBM-compatible diskette and user's manual for those of you who prefer to prepare your reports electronically. The user's manual contains specific instructions on how to use the computer diskette to complete the required written reports. Use of the diskette is encouraged because it will minimize the likelihood of omitting required information and will minimize data transcription errors in the EPA Regions. The computer screens include special prompts that request each element required in the final rule. The software is user-friendly and requires little computer experience. To receive a copy of the diskette and accompanying user instructions, call the RCRA/Superfund Hotline or the National Technical Information Service (see p. 14 for relevant telephone numbers), and be certain to specify the size diskette (i.e., 3-1/2" or 5-1/4" diskette) that you prefer.

2.1 General Overview of How to Report a Continuous Release

If you have established that your release is continuous and stable in quantity and rate, you may begin reporting under CERCLA section 103(f)(2). As discussed in Part 1 of this Guide, the continuous release reporting regulation provides you with two options for reporting continuous releases. You may aggregate multiple concurrent releases of the same hazardous substance from separate, contiguous or adjacent facilities and report them in a single notification, or you may consider each facility separately and submit reports on a per facility basis. Although you may elect either option for notification of continuous releases, whichever option you elect must also be used for reporting statistically significant increases

(SSIs) in the release and reporting changes in information previously submitted.

For each release you consider to be continuous, you must make an initial telephone notification, an initial written notification, and a one-time written follow-up report. In the written notifications (i.e., the initial written notification and the one-time follow up report), you must provide specific information that describes the release that you are claiming to be continuous. In general, you must identify the facility or vessel; provide certain ecological and population-density information; and provide information on the sources of the release. Specifically, you must identify all sources (e.g., smoke stacks, waste piles, valves) of continuous releases from your facility or vessel when those facility-wide releases equal or exceed an RQ, and provide substance-specific information on each hazardous substance released from each identified source (40 CFR 302.8(e)).

In addition to the initial telephone notification and the written reports, you must report any SSIs in the release, as well as any changes in the release that make the information submitted in the initial written or follow-up reports inaccurate or out-of-date. The specific information required in each of the continuous release reports is outlined in the sections below. Note that the instructions for reporting continuous releases contained in this part of the Guide are written for those who elect to report each facility separately and therefore they refer to "facilities" rather than "sites." The instructions for reporting releases from sites are the same as those described for facilities below.

2.2 Initial Telephone Notification

Who must be notified

If you are the person in charge of the facility or vessel from which a continuous release of a hazardous substance occurs, you must telephone the following organizations:

- National Response Center (NRC)
  Toll-free telephone number: (800) 424-8802; Washington, DC area: (202) 267-2675;
- The state emergency response commission (SERC) of any state likely to be affected by the release; and
- The local emergency planning committee (LEPC) of any area likely to be affected by the release.

When to notify

The continuous release reporting regulation was effective as of September 24, 1990. The rule requires that an initial telephone notification be made as soon as you have a sufficient basis for establishing that the release is continuous and stable in quantity and rate. You may rely on release data, engineering estimates, knowledge of the plant's operations and release history, and professional judgment to establish the basis for asserting that the release is continuous and stable in quantity or rate, or you may report the release to the NRC for a period sufficient to establish the continuity and stability of the release. (For further information on how to establish a release as continuous and stable in quantity and rate, refer to page 6 of this Guide.) If a sufficient basis for establishing the release as continuous exists, a minimum of one telephone call may be made to the NRC, SERC, and LEPC. You may report all continuous releases of hazardous substances at your facility or vessel in one telephone call.

Required information

The person in charge is required to provide the information listed below to the NRC, SERC, and LEPC in the initial telephone notification.

1. Identify your report as a report of a continuous release under CERCLA section 103(f)(2). It is very important for tracking purposes that the person at the NRC to whom you speak understands that you are giving the initial telephone notification of a continuous release (rather than an incident report).

2. Identify the name and location of the facility or vessel responsible for the release and provide the corporate affiliation and address.

3. Identify each hazardous substance released.

4. Provide your name and telephone number and, if different, the name and telephone number of the person in charge of the facility or vessel.

When you make this initial telephone call to the NRC, you will be assigned a case number. This case number will become the identifier for your facility or vessel. We call this number your CR-ERNS number. Your CR-ERNS number will never change; it is the number that identifies your facility or vessel in the continuous release database. It is important to note that if multiple concurrent releases of the same hazardous substance from separate, adjacent, or contiguous facilities are aggregated for purposes of reporting continuous releases, you will be assigned one case number by the NRC in your initial telephone call. This will be the CR-ERNS number for the entire site. Please use the CR-ERNS number in all future release reports and communications. If you misplace your CR-ERNS number, contact the appropriate EPA Regional Office (see p. 12 for relevant telephone numbers) and provide information identifying your facility or vessel.

2.3 Initial Written Notification and Follow-Up Report

When to submit these reports

- The initial written notification must be submitted within 30 days of your initial telephone call to the NRC, SERC, and LEPC.

- The one-time follow-up report must be submitted within 30 days of the first anniversary date of the initial written notification.

Where to submit these reports

You must send one copy of the completed initial written notification containing the information described in this section to each of the following organizations:

- The EPA Regional Office for the geographical region in which your facility is located;

- The SERC of any state likely to be affected by the release; and

- The LEPC of any area likely to be affected by the release.

The one-time follow-up report must be submitted to the EPA Regional Office only. You are not required to submit the follow-up report to the SERC and LEPC.

If you elect to use the IBM-compatible diskette in preparing your written initial and follow-up reports, you should send the diskette and one signed copy of the printed report to the EPA Regional Office. (The SERC and LEPC should also be sent a signed copy of the initial written report.)

Vessels should send the written reports to the EPA Regional Office closest to the location of the release event. If the release occurs in more than one EPA Regional area, send a copy of the written report to each EPA Regional Office whose area may be potentially affected by the release.

Required information

The information you are required to submit for each initial written notification and follow-up report may be divided into three primary areas: general information; source information; and hazardous substance information. The checklist on the following page, Exhibit 7, provides an overview of the information required in each of these sections. These sections are described briefly below and the specific information to be included in each of these sections is described more fully in the following sections.

- Section I - General Information. This section includes identifying information on your facility or vessel and information concerning the area surrounding your facility or vessel.

- Section II - Source Information. This section includes the identity of each release source, the names and quantities

EXHIBIT 7

Checklist of Information Required in the Initial Written Notification and Follow-up Report

Section I: General Information

A. Facility or Vessel Identification

- ☐ The name of your facility or vessel;
- ☐ The location of your facility or vessel, including, for a facility, the full address (street address, city, county, state, zip code), and its longitude and latitude;
- ☐ The Dun & Bradstreet number of your facility;
- ☐ The port of registration of your vessel;
- ☐ The CR-ERNS number assigned to the facility or vessel by the NRC when you made the initial telephone notification; and
- ☐ The name, telephone number, and alternate telephone number of the person in charge of your facility or vessel.

B. Population Information

- ☐ The population density within a one-mile radius of your facility or vessel; and
- ☐ The identity and location of any sensitive populations or ecosystems within a one-mile radius of your facility or vessel.

Section II: Source Information

A. Basis for Asserting the Release is Continuous and Stable in Quantity and Rate

- ☐ A brief statement describing the basis for stating that the release is continuous and stable in quantity and rate.

B. Information on the Source

- ☐ The identity of the source(s) of the release.
- ☐ The environmental medium affected by the release.

C. Identity and Quantity of Each Hazardous Substance or Mixture Released

- ☐ The name/identity of the hazardous substance;
- ☐ The Chemical Abstracts Service Registry Number (CASRN) for the substance;
- ☐ If the release is a mixture, the components of the mixture and their approximate concentrations and quantities, by weight.
- ☐ The upper and lower bounds of the normal range of the hazardous substance release over the previous year.
- ☐ An estimate of the total amount of the hazardous substance released in the previous year.
- ☐ The frequency of the release; and
- ☐ The months during which the release occurs.

Section III: Hazardous Substance Information

- ☐ The upper bound of the normal range of the hazardous substance released from all sources at the facility or vessel.

Signed Statement

- ☐ A signed statement that the hazardous substance release(s) described is continuous and stable in quantity and rate and that all submitted information is accurate to the best knowledge of the person in charge.

of the hazardous substances released from each source, the basis for stating that the release qualifies as continuous and stable in quantity and rate, the environmental medium affected by the release, the normal range of the release from the source, and the frequency of the release from each source. This information should be provided separately for each source of a continuous release.

- Section III - Hazardous Substance Information. This section includes the upper bound of the normal range (i.e., the SSI trigger) for each hazardous substance released across all sources at a facility. Section II should be completed for each release source before you calculate the upper bound of the normal range of the release of each CERCLA hazardous substance from all sources at the facility or vessel.

Section I: General Information

The information required in Section I of the initial written notification and follow-up report includes general identifying information about your facility or vessel, as well as information regarding the area in which your facility or vessel is located. This general information is important because it provides a better understanding of the potential for exposure to the hazardous substance release.

In addition to the information required below, you must clearly identify in Section I the type of written report that you are submitting (i.e., an initial written notification, a follow-up report, or a written notification of the change in source or composition of a previously reported release).

Section I: General Information
Part A. Facility or Vessel Information

In this Part, provide the following information:

1. Provide the complete name of your facility or vessel (and company identifier where appropriate). If multiple facilities are included in your written report, provide the plant site name in lieu of the name of the facility or vessel.

2. Provide the full address of your facility, including the street address, city, county, state, and zip code. A post office box number should not be used as the facility address. The address provided should be the location of the facility where the hazardous substance release occurs.

3. Identify the location of your facility or vessel by its latitude and longitude in units of degrees, minutes, and seconds. Vessels may also use loran coordinates. Exhibit 8 includes helpful hints on how to obtain the latitude and longitude coordinates of your facility.

4. Identify the port of registration of your vessel (if applicable).

5. Provide the nine digit number assigned by Dun and Bradstreet (D&B) to your facility. This number can be obtained from a financial officer of your firm or from the state or regional office of Dun and Bradstreet (check the telephone book White Pages). If your facility has not been assigned a D&B number, please specify that the information is not applicable.

6. Provide the CR-ERNS number assigned by the NRC when you made the initial telephone notification. Be certain to include the CR-ERNS number on each page of your report.

7. Provide the name, telephone number (including area code), and an alternate telephone number for the person in charge of your facility or vessel.

EXHIBIT 8

SOURCES OF INFORMATION FOR IDENTIFYING THE LOCATION OF YOUR FACILITY OR VESSEL

Sources of data on latitude and longitude coordinates of your facility include EPA permits (e.g., NPDES permits), county property records, facility blueprints, and site plans. In addition, information on the latitude and longitude of your facility may be obtained from a United States Geological Survey (USGS) topographical map. These maps are available in both the 7.5 minute and 15 minute series. These maps may be obtained from the USGS distribution center at your local public library. If you would like to order a map from USGS, contact:

U.S. Geological Survey
Branch of Distribution
Box 25286 Federal Center
Denver, CO 80225

If you are not certain on which map your site is located, consult the index of topographic maps for your state, which may be obtained from USGS free of charge. USGS maps cost about $3.00 and are also available at commercial dealers such as surveyors or outdoor recreation equipment dealers.

Section I: General Information
Part B. Population Information

In this Part, provide the following information.

1. Choose the range listed below that most accurately describes the population density within a one-mile radius of your facility or vessel.

   0-50 persons
   51-100 persons
   101-500 persons
   501-1000 persons
   more than 1000 persons.

2. Identify and describe the location of any sensitive populations or ecosystems (see Exhibit 9 for definitions and examples) within a one-mile radius of your facility. Describe the location of the populations or ecosystems in terms of distance and direction from your facility (e.g., located 1/4 mile northwest of the facility). If you cannot give a reliable estimate of the distance, consult an area street map.

EXHIBIT 9

DEFINITIONS

Sensitive populations are populations likely to be more susceptible than average individuals to the effects of exposure to a hazardous substance. Examples of sensitive populations are elementary school children, retirement communities, or hospitals.

Sensitive ecosystems are environments likely to be more susceptible than average environments to the effects of exposure to a hazardous substance, or ecosystems that have been designated for special protection by federal or state governments. Examples of sensitive ecosystems include wetlands, wildlife refuges, tidal basins, or endangered species habitats.

Section II: Source Information

General Overview

When completing your written notifications, you must take into consideration all sources of the release from your facility or vessel. For example, if the aggregate amount of a particular hazardous substance released within 24 hours from your facility or vessel equals or exceeds an RQ, then each source of the particular release must be identified, even if some release amounts from individual sources do not equal or exceed the RQ. The purpose of requiring information on the source(s) of the release is to provide EPA with sufficient information to evaluate the risk associated with the continuous release. Providing

this information accurately in the initial written and one-time follow-up report will minimize future requests by EPA for additional information or clarification.

In this section of the written report, you should identify and describe separately each continuous release source. If the continuous release of the same hazardous substance comes from two or more sources (e.g., two stacks or one stack and one waste pile), then information should be reported separately for each of the sources. For example, if a stack is one of several sources of a hazardous substance release at your facility, you must provide such information as the stack height, the identity of the hazardous substance(s) being released from the stack, the quantity released, and the frequency of the release from the stack. If you have a release of a particular hazardous substance from three stacks, you should report each stack separately and provide the required information specified below for each stack.

Although the continuous release reporting regulation allows multiple concurrent releases of the same hazardous substance to be considered as if they were one continuous release, aggregate reporting of such releases from different sources complicates risk analyses. Area sources can most readily be aggregated for purposes of continuous release reporting and risk evaluation when the frequency of the release from each source is the same. Similarly, aggregated stack releases can most readily be evaluated if the frequency of the release from each stack is the same and the stack configurations (e.g., stack height, diameter, throughput) are the same. If you elect to aggregate releases across facilities, be certain to identify each source of the release from all of your facilities. Also, note that if you aggregate your releases, EPA may request clarifying information about the releases from each of the individual sources.

Identification of Sources

In Section II, you must identify (i.e., name) and describe each continuous release source. There are several ways to name release sources. The most important points to remember are: (1) provide a name that clearly identifies the source (e.g., centrifigal processor A, rather than Unit A), and (2) avoid giving two or more sources the same name. It is also important to remember when naming your sources that EPA, at any time, may contact you with questions regarding releases from one of your named sources. It would be prudent, therefore, to name the sources at your facility or vessel in a manner that will be easy for you and other employees to identify them. For example, if your facility has four stacks, two wastepiles, and twenty-four valves, you may name the sources as follows: Stack #1; Stack #2; Stack #3, Stack #4; Wastepile #1; Wastepile #2; and Valves in Building #2. Note that the Valves in Building #2 are aggregated in this example and reported as a single source.

Required Information

Section II contains three Parts: Part A, Part B, and Part C. You must provide the information required in each of these Parts for each continuous release source. A summary of the type of information required in each Part is provided below.

> Part A - Requests information on the basis for asserting that the release from each identified source is continuous and stable in quantity and rate.
>
> Part B - Requires information on the environmental medium affected by the hazardous substance release from each identified source.
>
> Part C - Requires information on the hazardous substance(s) and mixture(s) released from the identified source, such as the upper bound of the normal range of the hazardous substance.

The information required in Parts A, B, and C, as described more fully below, will assist EPA and other government authorities in evaluating the risks associated with the continuous release. It is important to remember when completing your form to include all of the information required in each Part of Section II for each source.

There is one exception to this rule. The exception is for any source with hazardous substance releases that affect more than one environmental medium (e.g., gypsum stack releasing radon to air and radionuclides or other hazardous substances to ground water). Any source that affects two different media should be treated as two separate sources for purposes of reporting. This is desirable because EPA must analyze each release pathway

separately to properly evaluate the risks posed by the continuous release. Because the hazardous substance releases to each medium may differ in frequency and quantity, it is useful to distinguish the releases for purposes of risk evaluation.

Section II: Source Information
Part A. Basis for Asserting the Release is Continuous and Stable in Quantity and Rate

In Part A of Section II, you must briefly describe the basis for stating that the release is continuous and stable in quantity and rate. Your description of the basis for stating that the hazardous substance release is continuous and stable in quantity and rate should include whether the release is continuous without interruption or is a routine, anticipated, intermittent release. It should include information on when the release is expected to occur (i.e., evidence of predictability of the release). One example of a release that may be predictable and regular is fugitive emissions from valves that occur at different rates over the course of a production cycle as the pressure inside the system changes. Although the rate of such fugitive emissions may not be strictly uniform, it may be predictable in the sense that the rate and amount of the release vary in a similar manner each time the process is operated or decompression occurs.

Your description should also identify the activity that results in the release (e.g., batch process, operating procedure, loading/unloading, maintenance activity, filling of storage tanks). If the release occurs because of a malfunction, this should be explained fully. Note that not all releases due to malfunctions can qualify as a continuous release. Please refer to the discussion in the preamble of the continuous release final rule (55 FR 30171) or the discussion on p. 4 of this Guide to determine whether a malfunction can qualify as a continuous release. Finally, your description should include information on how you established the pattern of the release and calculated release estimates (e.g., engineering estimates, your best professional judgment, past release data).

In sum, for each source identified, provide the following information. When identifying your sources, refer to the directions above on how to name sources.

1. Indicate whether the release is continuous without interruption or abatement or routine, anticipated, and intermittent.

2. Identify the activity(ies) that causes the release from the source.

3. If the release results from a malfunction, describe the malfunction and explain why the release should be considered continuous and stable in quantity and rate.

4. Identify how you established the pattern of the release and calculated releases estimates.

Section II: Source Information
Part B. Specific Information on the Source

In Part B of Section II of your written report, you must identify the environmental medium (i.e., air, surface water, soil, or ground water) affected by the hazardous substance release from each source identified in Section II, Part A. In addition, you must provide specific information on the source and the affected environment. It is important to remember that if you have a release from a single source that affects two different media (e.g., a wastepile releasing to air and ground water), you should treat the source as two separate sources for purposes of reporting. Another important point to remember when completing Sections II and III of the written report is to include the appropriate units, such as kilograms, meters, or curies, when providing source or hazardous substance information.

For each source identified, provide the following information.

1. Identify the environmental medium (i.e., air, surface water, soil, or ground water) that is affected by the release from the identified source. An environmental medium affected by the release is any

medium that receives a significant quantity of the release.

- Air

If the medium affected is air, provide the following information:

(a) Indicate whether the source is a stack or ground-based area source.

(b) If the source is a stack, provide the stack height in feet or meters. The stack height is the vertical distance from the ground to the top of the stack.

(c) If the source is a waste pile, surface impoundment, landfill, valve, pump seal, storage tank vent, or some other area source, provide an estimate of the surface area or area of the release source in square feet, meters, or acres.

- Surface Water

If the medium affected is surface water, provide the following information:

(a) If the release affects any surface water body, give the name of the water body.

(b) If the release affects a stream, give the stream order or average flow rate (in cubic feet per second). This information can be obtained from your state water resource division of USGS. If you cannot locate this information, use the chart in Exhibit 10 to estimate the flow rate according to the velocity of the stream. If the velocity of the stream fluctuates during the year, use the average velocity when calculating average flow rate.

(c) If the release affects a lake, give the surface area of the lake (in acres) and the average depth (in feet or meters). Exhibit 11 includes sources of information on how to determine the average depth of a lake.

EXHIBIT 10

ESTIMATED AVERAGE STREAM FLOW RATES

Stream Order	Mean Flow (CFS)	Mean Velocity (feet/sec)
1	0.65	1.0
2	3.1	1.3
3	15.0	1.5
4	71.0	1.8
5	340	2.3
6	1,600	2.7
7	7,600	3.3
8	56,000	3.9
9	171,000	5.6
10	810,000	5.9

EXHIBIT 11

SOURCES OF INFORMATION FOR ESTIMATING AVERAGE LAKE DEPTH

If the lake is large enough to be navigable, your local Coast Guard office will have a navigation chart that will provide the average depth of the lake. For smaller lakes, you may estimate the average depth of the lake by relying on your knowledge of the use of the lake and the surrounding area, and your best professional judgment.

- Soil or Ground Water

If the medium affected is soil or ground water, provide the following information:

(a) If the release is on or under ground, give the location of any public water supply wells within a two-mile radius of the site. Information regarding the location of public water supply wells may be available through the county office that issues permits for wells.

2. The following information is not required in the final rule; however, such information will assist EPA in evaluating the risks associated with a continuous release. If the information below is not provided, conservative values will be used to evaluate the risks associated with the continuous release.

   (a) If the source is a stack and the environmental medium affected is air, provide the: (1) inside diameter of the stack; (2) gas exit velocity; and (3) gas temperature.

   (b) If the release affects surface water, provide the average velocity of the surface water.

Section II: Source Information
Part C. Identity and Quantity of Each Hazardous Substance or Mixture Released

For each source, you must report information about the identity and quantity of the hazardous substances released from the source. In particular, you must identify the normal range of each release and the total annual quantity released during the previous year from each source. Exhibit 12 provides the regulatory definition of the "normal range" of a continuous release.

EXHIBIT 12

NORMAL RANGE

The normal range of a continuous release includes all releases of a hazardous substance (in pounds or kilograms) reported or occurring during any 24-hour period under normal operating conditions during the previous year. Only releases that are both continuous and stable in quantity and rate may be included in the normal range.

You are not necessarily required to monitor releases to determine the normal range of the release. You may establish the normal range by using engineering estimates of releases under various operating conditions, knowledge of the operating history of the facility or vessel, experience with operating processes, professional judgment, or any other method that has a sound technical basis. EPA will use the upper bound of the normal range to estimate the risks to human health and the environment posed by the hazardous substance release.

To provide the required information regarding the quantity of the hazardous substance released from each identified source, you should begin by determining whether the release is a single hazardous substance or a mixture of hazardous substances. You may complete Part C by reporting the release as a mixture and identifying the hazardous substance components of the mixture along with information on the weighted contribution of each component in the mixture, or you may report each hazardous substance as if it were a discrete and separate release. To report a release as a single hazardous substance, follow the directions provided below in Example A. To report the release as a mixture of hazardous substances, follow the directions below in Example B.

Example A: Single hazardous substance

For each source, follow the directions below to report each hazardous substance released from the source that is not a component of a mixture. Table 1 provides an example of how to report a single hazardous substance release.

1. Identify the hazardous substance released by name and by Chemical Abstracts Service Registry Number (CASRN).

2. Provide the upper and lower bounds of the normal range of the release from the identified source (i.e., quantity in pounds, kilograms, or curies) during the previous year.

3. Specify the frequency of the release per year from the identified source.

4. Estimate the total annual amount (in pounds, kilograms, or curies) of the hazardous substance released from the identified source during the previous year.

TABLE 1: REPORTING A SINGLE HAZARDOUS SUBSTANCE

Your facility has an unpermitted release which you believe qualifies for reduced reporting as a continuous release. The hazardous substance released is ammonia, and there are two sources of this release.

The sources of this release are tank vents and valves. The quantity of ammonia released in a 24-hour period during the previous year is between 0 and 120 lbs for the tank vents (which occurs once per week in January and June) and between 1 and 115 lbs for the valves (which occurs ten times each month). (The RQ for ammonia is 100 pounds.)

For these releases you must provide the following information:

Name of Hazardous Substance	CASRN #	Normal Range (specify lbs. or kg)* Lower Bound	Upper Bound	Total Annual Amount Released* (specify lbs. or kg)	Frequency of Release (per month)	Specify Months During Which the Release Occurs
Source 1: Tank Vents in Building #1						
Ammonia	7664417	0 lbs.	120 lbs.	960 lbs.	4/month	January; June
Source 2: Valves in Building #5						
Ammonia	7664417	1 lbs.	115 lbs.	13,800 lbs.	10/month	All 12 months

* If the release is a radionuclide, units of curies are appropriate.

5. If the release does not occur year round, specify the month(s) during which the release takes place. If the release does occur year round, indicate accordingly.

Example B: Mixture

For each source, follow the directions below to report each mixture released from the source. Table 2 provides an example on how to report a mixture.

1. Identify the mixture by name (e.g., Blue Pigment #25).

2. Provide the upper and lower bounds (i.e., quantity in pounds, kilograms, or curies) of the normal range of the mixture that was released from the identified source during the previous year.

3. Specify the frequency of the release per year from the identified source.

4. Estimate the total annual quantity (in pounds, kilograms, or curies) of the mixture that was released from the identified source during the previous year.

5. If the release does not occur year round, specify the month(s) during which the release occurs. If the release occurs year round, indicate accordingly.

6. Identify each hazardous substance component of the mixture by name and CASRN. The CASRN for a hazardous substance can be located in any material safety data sheet or in most chemical supplier company catalogues.

TABLE 2: REPORTING A MIXTURE

If you report the release of a mixture of hazardous substances, you must list each hazardous substance and the percentage by weight of each component of the mixture. For the release of mixture Z, you must provide the following information:

Mixture Name: Mixture Z

Upper Bound of the Normal Range of Mixture Z: 100 lbs.

Component	CASRN	Weight %	Upper Bound Specify (lbs or kg)*
ethylene oxide	75218	10%	10 lbs.
acrolein	107028	15%	15 lbs.
2,3,5-tri-chlorophenol	933788	20%	20 lbs.

* If the release is a radionuclide, units of curies are appropriate.

7. Estimate the percentage by weight of each hazardous substance component of the mixture.

8. Provide the upper and lower bounds (i.e., quantity in pounds, kilograms, or curies) of the normal range of each hazardous substance component of the mixture that was released from this source. To calculate the upper bound of the normal range of each hazardous substance component, multiply the weight percentage of each component by the upper bound quantity of the mixture.

Section III: Hazardous Substance Information

After you have provided the required information for all sources of continuous releases from your facility or vessel, you must aggregate information from all sources of a hazardous substance release to determine the SSI trigger (upper bound of the normal range) for each hazardous substance released at your facility.

The SSI trigger of a particular hazardous substance is calculated by summing the upper bound of the hazardous substance release across all sources at a facility. If you are aggregating hazardous substance releases from separate, contiguous, or adjacent facilities and reporting them in a single notification, aggregate the upper bound of the normal range of the hazardous substance released from all sources at the site to determine the SSI trigger. If you aggregate your releases, the SSI trigger must be site-specific not facility-specific. Aggregating releases across facilities at the same site may reduce your reporting burden; however, EPA will evaluate the risks associated with the releases as if the releases were from one facility. To calculate the SSI trigger for each hazardous substance:

1. List the source name and enter the upper bound of the normal range of the release from that source. If the identified hazardous substance is a component of a mixture, enter the upper bound of the normal range for that component of the mixture (as determined in Section II, Part C).

2. Aggregate the upper bound quantities from each source of the release. Report these totals as the SSI trigger for the hazardous substance. The example provided in Table 3 illustrates the calculation of the SSI trigger for a release of ammonia.

The above method for calculating the SSI trigger of a hazardous substance assumes that all releases of the same hazardous substance occur simultaneously (i.e., over the same 24-hour period). To the extent that the frequency of the release differs, you may adjust the SSI trigger so that it more accurately reflects the frequency and quantity of the hazardous substance released from all sources over a 24-hour period. The SSI trigger in the final analysis must reflect the upper bound of the normal range of the release, taking into consideration all sources of the release at the facility. The normal range of the release includes all releases previously reported or occurring over a 24-hour period during the previous year.

TABLE 3: CALCULATION OF THE SSI TRIGGER FOR A HAZARDOUS SUBSTANCE

Hazardous Substance	Source	Upper Bound
Ammonia	Tank Vents in Building #1	120 lbs.
	Valves in Building #5	115 lbs.
	Upper Bound for Ammonia	235 lbs.*

* For purposes of this example, it is assumed that the only sources of the ammonia release at the facility are the Tank Vents in Building #1 and the Valves in Building #5.

Signed statement

After you have provided the information required in Sections I through III, as described above, the person in charge of the facility or vessel must sign a statement similar to the following on both the initial written notification and the one-time follow-up report. In addition, the person in charge of the facility or vessel must print clearly his/her name and position and date the certification statement.

"I certify that the hazardous substance releases described herein are continuous and stable in quantity and rate under the definitions in 40 CFR 302.8(a) or 355.4(a)(2)(iii) and that all submitted information is accurate and current to the best of my knowledge."

2.4 Notifications of Statistically Significant Increases

Who must be notified

If you are the person in charge of the facility or vessel from which a statistically significant increase (SSI) in a continuous release occurs, you must telephone the following government organizations:

- NRC. Toll-free telephone no.: (800) 424-8802; Washington, DC area: (202) 267-2675;
- SERC of any state likely to be affected by the release; and
- LEPC of any area likely to be affected by the release.

In addition to these notifications, under the requirements of SARA Title III section 304, you must submit a written follow-up notice to the SERC and LEPC within 30 days of the telephone notification. For information on the addresses and telephone numbers of SERCs and LEPCs, contact the Emergency Planning and Community Right-to-Know information hotline toll free at (800) 535-0202.

When to submit SSI reports

An SSI in a continuous release of a hazardous substance must be reported whenever the release exceeds the SSI trigger (i.e., the upper bound of the normal range of the release) within a 24-hour period. The determination of whether a release is an SSI should be based upon calculations or estimation procedures that will identify releases that exceed the upper bound of the reported normal range of the hazardous substance release. The person in charge of a facility or vessel must report an SSI to the NRC, SERC, and LEPC as soon as he/she is aware that the release has occurred.

Type of information required in SSI reports

In the telephone notification, the release should be identified as an SSI. The person in charge of the facility or vessel should also provide the original CR-ERNS number assigned by the NRC. This will ensure that the SSI report is recorded correctly and evaluated properly. In addition, the person in charge will be asked to provide all of the information required in an episodic release report under CERCLA section 103(a). An SSI is a type of episodic release. It represents a release of a hazardous substance above an RQ that has never been evaluated or considered.

The written follow-up notice to the SERC and LEPC must also include the CR-ERNS number

assigned by the NRC. This report should include all information required in 40 CFR 355.40(b).

Requirements for modifying the SSI trigger

In the event that a particular continuous release at a facility or vessel frequently exceeds the upper bound of the normal range, the person in charge may want to modify the previously established upper bound(s) of the relevant hazardous substances as an alternative to reporting successive SSIs.

To modify the SSI trigger, you must report at least one release as an SSI (to facilitate immediate evaluation). During such a report, you may also notify the NRC, SERC, and LEPC of the new upper bound of the release. Within 30 days of the telephone notification, you must submit a letter to the EPA Regional Office in your geographical area, describing the new normal range, the reason for the change, and the basis for certifying that the release is continuous and stable at the higher amount.

2.5 Notifications of Changed Releases

When to submit these reports

The person in charge of the facility or vessel must notify EPA if there are any changes in a continuous release.

Change in Source or Composition

If there is a change in the source(s) or composition of a continuous release, the release is considered a "new" release. A change in the composition or source(s) of a release may be caused by factors such as equipment modifications or process changes. The new release may pose a hazard that warrants timely evaluation and, therefore, to report this new release under CERCLA section 103(f)(2), you 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 you make the initial telephone call to the NRC, provide your original CR-ERNS number. When submitting your new written initial report to the EPA Regional Office, SERC, and LEPC, be certain to specify whether you are adding a new source(s), deleting a source(s), or modifying the list of hazardous substances previously reported. In addition, if your change notification includes information that has already been submitted to the EPA Regional Office, please clearly differentiate between the new or changed information and the previously reported information by either placing a check mark in the left hand margin, highlighting the information, or using any other means to identify the changed or new information. It is important to clearly identify new or changed information.

Each time you submit a written notification of a change in the source or composition of a release, you must recalculate the upper bound of the normal range for each affected hazardous substance. For example, if you add a source from which two single hazardous substances (i.e., HS#1 and HS#2) are released and you have previously reported releases of these same substances from other sources, you must recalculate, in Section III of the reporting format, the upper bound of the normal range for both HS#1 and HS#2. To obtain the new upper bound for HS#1, you must add the upper bound of HS#1 released from the new source to the upper bound of HS#1 released from all other sources at your facility. The new upper bound for HS#2 should be calculated in a similar manner.

Other Changes

If there is a change in the information submitted in the initial written or follow-up notification, other than a change in the source or composition of the release, the person in charge must notify the EPA Regional Office in writing within 30 days of determining that the information submitted previously is no longer valid. One example of a change in the information submitted previously, other than a change in the source or composition of the release, is a change in the frequency of the release.

All notifications of changes in releases must include the CR-ERNS number assigned by the NRC in your initial telephone notification that identifies the facility or vessel. You must also include a signed statement (see p. 27 of this Guide) certifying that the release is continuous and stable in quantity and rate, and that all the

reported information on the release is accurate and current.

2.6 Summary

Prior to sending your report to the appropriate government authorities, ensure that you have:

___ (1) Included the CR-ERNS number identifying your facility or vessel on each page of the report;

___ (2) Completed all information requested in Sections I, II, and III;

___ (3) Included supplementary pages, if needed. (It would be helpful to number the additional pages of information submitted sequentially in accordance with the sections and subsections of the reporting format (e.g., Section II, Part A, page 2).)

___ (4) Indicated the appropriate units (e.g., meters, kilograms, or curies), where requested;

___ (5) Provided a unique name for each source identified;

___ (6) Included the certification statement and signed the report; and

___ (7) Made sufficient copies of the report for your files.

APPENDIX A

ACRONYMS

CASRN - Chemical Abstracts Service Registry Number

CERCLA - Comprehensive Environmental Response, Compensation, and Liability Act of 1980

CFR - Code of Federal Regulations

CR-ERNS - Continuous Release Emergency Response Notification System

EHS - Extremely hazardous substance

EPA - Environmental Protection Agency

ERNS - Emergency Response Notification System

LEPC - Local Emergency Planning Committee

NRC - National Response Center

RQ - Reportable quantity

SARA - Superfund Amendments and Reauthorization Act of 1986

SERC - State Emergency Response Commission

SSI - Statistically significant increase

TRI - Toxic Release Inventory

APPENDIX B

SAMPLE REPORTING FORMAT FOR THE INITIAL WRITTEN AND FOLLOW-UP REPORTS

SECTION I: GENERAL INFORMATION

CR-ERNS Number* :

Type of Report: Indicate below the type of report you are submitting.

☐ Initial Written Notification ☐ Written Notification of a Change in the Source or Composition of a Release ☐ Follow-up Report

If this report is a written notification of a change in the source or composition of a release, indicate below the type of change.

☐ Adding a source ☐ Deleting a source previously reported ☐ Modifying the list of hazardous substances or mixtures released from a previously reported source

Signed Statement: I certify that the hazardous substance releases described herein are continuous and stable in quantity and rate under the definitions in 40 CFR 302.8(a) or 355.4(a)(2)(iii) and that all submitted information is accurate and current to the best of my knowledge.

_____
Name and Position

_____ _____
Date *Signature*

Part A. Facility or Vessel Information

Name of Facility or Vessel

Person in Charge of Facility or Vessel

Name of Person in Charge (last name, first name)

Position

Telephone No. ( ) Alternate Telephone No. ( )

Facility Address

Street County

City State Zip Code

Dun and Bradstreet Number for Facility

Vessel Port of Registration

Facility/ Vessel Location

Latitude Deg _____ Min _____ Sec _____

Longitude Deg _____ Min _____ Sec _____

Vessel Loran Coordinates

-

Part B. Population Information

Population Density

Choose the range that describes the population density within a one-mile radius of your facility or vessel (indicate by placing an "X" in the appropriate blank below).

___ 0 - 50 persons ___ 101 - 500 persons ___ more than 1000 persons

___ 51 - 100 persons ___ 501 - 1000 persons

Sensitive Populations and Ecosystems

Identify and describe the location of any sensitive populations (e.g., elementary schools, hospitals, retirement communities) or ecosystems (e.g., wetlands, wildlife preserves) within a one-mile radius of your facility or vessel.

** If hazardous substance releases from separate, contiguous, or adjacent facilities are included in this report, one unique CR-ERNS number will represent the entire site report. In this situation, however, releases of the same hazardous substance from different facilities on the site will be evaluated by EPA as if they were released from a single facility.*

SECTION II: SOURCE INFORMATION

CR-ERNS Number

Part A: Basis for Asserting the Release is Continuous and Stable in Quantity and Rate

For each source of a release of a hazardous substance or mixture from your facility or vessel, provide the following information:

Name of Source:

1. Indicate whether the release from this source is either: continuous without interruption _____
   or
   routine, anticipated, intermittent _____

2a. Identify the activity(ies) that results in the release from this source (e.g., batch process, filling of a storage tank).

2b. If the release results from a malfunction, describe the malfunction and explain why the release from the malfunction should be considered continuous and stable in quantity and rate. *

3. Identify below how you established the pattern of the release and calculated release estimates.

____ Past release data

____ Engineering estimates

____ Your knowledge of the facility/vessel's operations and release history

____ Your best professional judgment

____ Other (explain)

* ***Note that unanticipated events, such as spills, pipe ruptures, equipment failures, emergency shutdowns, or accidents, do not qualify for reduced reporting under CERCLA section 103(f)(2). Unanticipated events are not incidental to normal operations and, by definition, are not continuous or anticipated, and are not sufficiently predictable or regular to be considered stable in quantity and rate.***

SECTION II: SOURCE INFORMATION (continued)

CR-ERNS Number

Name of Source:

Part B: Specific Information on the Source

*For the source identified above, provide the following information. If the information requested below is not applicable to the identified source, please write "**NA**" in the blanks provided.*

AFFECTED MEDIUM. Identify the environmental medium (i.e., air, surface water, soil, or ground water) that is affected by the release from this source. If the medium affected is air, please also specify whether the source is a stack or a ground-based area source. If your source releases hazardous substances to more than one medium (e.g., a wastepile releasing to air and ground water), complete Section II, Parts A, B, and C, of this format for each medium affected.

⊘ Air ____ (stack ____ area ____)

Identified Source	Required Information
• Stack	Stack height: _____ feet or meters
• Area (e.g., Waste Pile, Landfill, Valves, Tank Vents, Pump Seals)	Surface area or area of release source: _____ square feet or square meters

⊘ Surface Water _____

- If the release affects any surface water body, give the name of the water body.

  _____

- If the release affects a stream, give the stream order or average flow rate, in cubic feet per second.

  stream order: _____ or average flow rate: _____ cubic feet/second

- If the release affects a lake, give the surface area of the lake in acres and the average depth in meters.

  surface area of lake: _____ acres and average depth of lake: _____ meters

⊘ Soil or Ground Water _____

- If the release is on or under ground, give the location of any water wells within a two-mile radius of the site.

  _____

Optional Information

The following information is not required in the final rule; however, such information will assist EPA in evaluating the risks associated with the continuous release. If this information is not provided, EPA will make conservative assumptions about the appropriate values. Please note that the units specified below are suggested units. You may use other units; however, be certain that the units are clearly identified.

- For a stack release to air, provide the following information, if available:

  Inside Diameter _____ feet or meters

  Gas Exit Velocity _____ meters/second or feet/second

  Gas Temperature _____ degrees Kelvin, Celsius, or Farenheit

- For a release to surface water, provide the following information, if available:

  Average Velocity of Surface Water _____ feet/second

SECTION II: SOURCE INFORMATION (continued)

CR-ERNS Number

Part C. Identity and Quantity of Each Hazardous Substance or Mixture Released From Each Source Identified in Part B of Section II

Name of Source:

List each hazardous substance released from the source identified above and provide the following information. (For an example, see Table 1 of the Guide.)

Name of Hazardous Substance	CASRN #	Normal Range (in lbs. or kg)* Upper Bound	Normal Range (in lbs. or kg)* Lower Bound	Number of Releases (per year)	Total Annual Quantity Released (in lbs. or kg)*	Months During Which the Release Occurs

List each mixture released from the source identified above and provide the following information. (For an example, see Table 2 of the Guide.)

Name of Mixture	Normal Range of Mixture (in lbs. or kg)* Upper Bound	Normal Range of Mixture (in lbs. or kg)* Lower Bound	Number of Releases (per year)	Total Annual Quantity of Mixture Released (in lbs. or kg)*	Months During Which the Release Occurs	Name of Hazardous Substance Components	CASRN #	Weight Percentage	Normal Range of Hazardous Substance Components (in lbs. or kg)* Upper Bound	Normal Range of Hazardous Substance Components (in lbs. or kg)* Lower Bound

** Please be sure to include units where appropriate. Also, if the release is a radionuclide, units of curies (Ci) are appropriate.*

SECTION III: HAZARDOUS SUBSTANCE INFORMATION

CR-ERNS Number

Calculation of the SSI Trigger

List each hazardous substance or hazardous substance component of a mixture from each source for which you report release quantities in Section II, Part C. For an example of how to complete this section, refer to Table 3 of the Guide.

Name of Hazardous Substance:

To calculate the SSI trigger (i.e., the upper bound of the normal range of a release) for the hazardous substance identified above, aggregate the upper bounds of the normal range of the identified hazardous substance across all sources identified in Section II, Part C. If the hazardous substance is also a component of a mixture, be certain to include the upper bound of the component as calculated in Section II, Part C, in your calculation of the SSI trigger.

Name of Source(s)	SSI Trigger (specify lbs, kg, or Ci)

SSI trigger for this hazardous substance release: _____

This method for calculating the SSI trigger for the hazardous substance assumes that all releases of the same hazardous substance or mixture occur simultaneously. To the extent that a hazardous substance is released from your facility from different sources and at different frequencies, you may adjust the SSI trigger, as appropriate, so that it more accurately reflects the frequency and quantity of the release. The SSI trigger in the final analysis must reflect the upper bound of the normal range of the release, taking into consideration all sources of the release at the facility or vessel. The normal range of the release includes all releases previously reported or occurring over a 24-hour period during the previous year.

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August 1991

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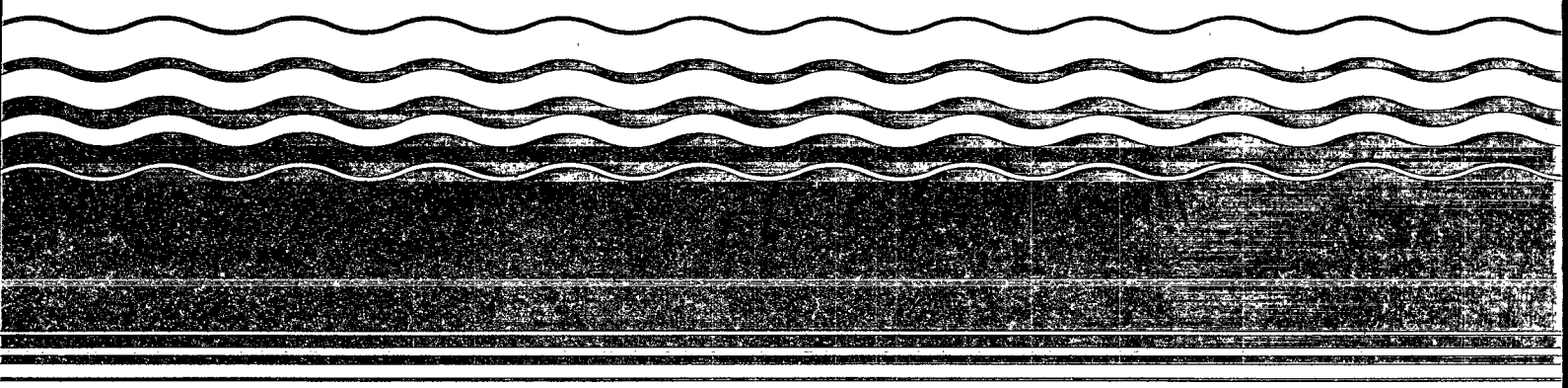
Guidance on Site Assessment Cooperative Agreements



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NOTICE

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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1.0 INTRODUCTION

The guidance on site assessment cooperative agreement presents generic SMOA language pertaining to Site Assessment activities, a generic quarterly report format, and generic site assessment cooperative agreement application package. In addition, the appendices provide additional sample schedules, forms, and letters for developing a site assessment cooperative agreement.

1.1 Generic SMOA Language Pertaining to Site Assessment Activities

The [state department or agency] will conduct site assessment activities that will include [list the specific site assessment activities that the state will perform]. The [state department or agency] will be the lead agency for these activities, except where agreed otherwise for specific sites.

At the annual planning meeting, the [state department or agency] and EPA will determine and mutually agree upon the number of site assessment activities that will be completed utilizing state resources. The determination of these numbers should occur prior to the Regional Office's receipt of final Superfund Comprehensive Accomplishments Plan (SCAP) targets from EPA Headquarters. In addition, funding for site assessment activities will be provided by EPA to the [state department or agency] through a Site Assessment Cooperative Agreement (SACA). In order for the [state department or agency] to receive this funding, the [state department or agency] must prepare a SACA application package and have it reviewed and approved by EPA.

The [state department or agency] will complete site assessment activities at sites identified in the SACA and will submit the appropriate reports (e.g., a Preliminary Assessment (PA) report, a Screening Site Inspection (SSI) report, etc.) to EPA for review and approval. A list of EPA review times for these reports is presented below in Table 1.

Site assessment activities will be performed in accordance with the Scope of Work (SOW) contained in the SACA. The identification of new sites or changes to the list of sites designated for site assessment activities that is included in the original SACA must be approved by EPA.

The [state department or agency] will submit quarterly reports to EPA in accordance with the provisions contained in the SACA and EPA's PA/SI State Cooperative Agreement Guidance. These quarterly reports should include a summary of activities performed and expenses incurred during the reporting period and an estimate of the time and funds needed to complete the work required. See Table 1 for timeframes for EPA review.

The [state department or agency] and EPA agree to work together to ensure that sites requiring site assessment activities are addressed as expeditiously as possible. If the [state department or agency] falls behind in its accomplishments as established under the SACA, EPA, in consultation with the state, may initiate site assessment activities at state-lead sites to assist the [state department or agency] in accomplishing the site assessment activities.

The [state department or agency] will be provided an opportunity to supply written comments on all completed EPA-lead SIs and Hazard Ranking System (HRS) scoring packages. While EPA will determine whether to list or delete a site from the National Priorities List (NPL), the Agency will consult with the [state department or agency] prior to the nomination of sites for the NPL and the [state department or agency] must concur on each deletion from the NPL.

Table 1
Documents Provided by State

Documents Provided by State	Type of EPA Review	Timeframe (Working Days)
PA Reports	Review/Comment	10 Days
Draft SSI & ESI Workplans	Review/Comment	20 Days
SSI/ESI Reports	Review/Comment	30 Days
HRS Scoring Packages	Review/Consultation	20 Days

2.0 GENERIC QUARTERLY REPORT FORMAT

2.1 Cover Letter

The cover letter should include a brief summary of the tasks and activities performed during the current reporting period. A general discussion concerning an estimate of the time and funds needed to complete the work required in the CA should also be provided. If this is greater than the amount of time and funds remaining, there must be a justification for any increase.

2.2 Summary of Quarterly Progress

This section should provide a narrative describing the progress made during the current reporting period. This discussion should include a description of the work accomplished during the reporting period, an explanation of delays or other problems, if any, and a description of the corrective measures that are planned. This section should also include a list of site-specific products completed during the reporting period, with an estimate of the technical hours required to complete each product. A sample format for the presentation of this site-specific product information is presented in Appendix A. Appendix A includes information for Preliminary Assessments and Site Inspections; if additional site assessment activities were conducted, information on these activities should also be provided. **(Required by 40 CFR Part 35 - Subpart O, §35.6650(b)(1))**

2.3 Summary of Cumulative Effort

This section should include information that provides a comparison of the percentage of the project completed to the project schedule contained in the CA. An explanation of any significant discrepancies should be provided. This section should also provide a comparison of the estimated funds spent to date to the planned expenditures for these activities. Again, an explanation of any significant discrepancies should be included. **(Required by 40 CFR Part 35 - Subpart O, §35.6650(b)(2), (3))**

2.4 Summary of Remaining Effort

In this section, the state should provide an estimate of the time and funds needed to complete the remaining site assessment activities required by the CA. This estimate should be compared to an estimate of the time and funds remaining, and a justification for any necessary increases should be provided. **(Required by 40 CFR Part 35 - Subpart O, §35.6650(b)(4))**

2.5 Sites Added or Deleted

This section should list any sites that may have been added to or deleted from the list of sites contained in the CA during the current reporting period, and should explain the reasons for their addition or deletion in a footnote at the bottom of the page.

2.6 Anticipated Activity

This final narrative section should provide projected activity and report completion dates for pending site assessment activities during the next two quarters, if these dates have changed from those indicated in the CA.

See Appendix A for supplementary materials to this section.

3.0 GENERIC SITE ASSESSMENT COOPERATIVE AGREEMENT APPLICATION PACKAGE

The following documents, forms, and information should be included as part of the Cooperative Agreement (CA) application package for site assessment activities under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). All site assessment CA application packages submitted by states and Indian Tribes must comply with the applicable requirements of 40 CFR Part 31 ("Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments"), 40 CFR Part 35 -Subpart O ("Cooperative Agreements and Superfund State Contracts for Superfund Response Actions"), Office of Management and Budget (OMB) Circular A-102, and any other applicable federal regulation or requirements.

3.1 Cover Letter

The cover letter for the CA package should provide the name of the state, the date upon which the application was submitted, and the name, telephone number, and address of the contact person(s) for the state. The cover letter should also indicate whether the application is for the approval of a new CA, the renewal of an existing CA, or the revision of an existing CA. The cover letter for the CA package should be directed to the appropriate Regional Administrator.

3.2 Table of Contents

The table of contents should provide, in outline format, the subject and page number for the various provisions and other documents that comprise the CA application package.

3.3 Intergovernmental Review

A state shall seek approval for site assessment work before completing an "Application for Federal Assistance" (Standard Form (SF) 424) by using the intergovernmental review procedure. This procedure, conducted between the designated state agency and local governments, serves to ensure both the responsiveness of federal, state, and local government agencies to one another and to facilitate site assessment work once a CA has been approved. On April 8, 1985, EPA published a notice in the Federal Register (50 FR 13873) announcing the revised intergovernmental review procedure for site assessment activities ("Procedures for Implementing Intergovernmental Review"). The state should notify the state intergovernmental review point of contact by letter to explain the nature of the proposed site assessment activities and the scope of the program. The state should notify the state intergovernmental review point of contact at least one quarter prior to the anticipated initiation of the planned site assessment activities. A copy of this communication and any other corresponding intergovernmental review comments should be included in the subsequent CA application package. Indian Tribes are exempt from having to meet these intergovernmental review requirements. Appendix B provides a sample letter for a state to initiate intergovernmental review.

3.4 Substantive Provisions

3.4.1. Application for Federal Assistance

The state must include an "Application for Federal Assistance" (SF 424) for non-construction programs in the CA application package. This form requires information such as the legal name and address of the applicant, the estimated funding requirements for the activities proposed by the applicant, and other administrative information. General instructions for completing the SF 424 are included with the application. See Appendix B for a sample "Application for Federal Assistance." **(Required by 40 CFR Part 35 - Subpart O, §35.6055(a))**

3.4.2. Budget Sheets

A standardized budget summary, entitled "Budget Information--Non-Construction Programs" (SF 424A), should immediately follow SF 424 in the CA application package. SF 424A requires information on the state's plans for allocating the authorized funds among the various site assessment activities. These site assessment activities may include Preliminary Assessments (PAs), Screening Site Inspections (SSIs), Expanded Site Inspections (ESIs), preparation of Hazard Ranking System (HRS) scoring packages, training, and management assistance review of contractor documents (i.e., state review of contractor

documents). This budget information should be broken down by site assessment activity and object class category (e.g., personnel, fringe benefits, travel, equipment). A sample SF 424A is included in Appendix B. **(Required by 40 CFR Part 35 - Subpart O, §35.6055(a)(1))**

3.4.3. Project Narrative Statement

The project narrative statement is the core of the CA application package, and should include a background section, a schedule of deliverables, a list of sites at which site assessment activities are planned, and a Statement of Work (SOW), which includes detailed budget information. **(Required by 40 CFR Part 35 -Subpart O, §35.6055(a)(2))**

a) Background

The state should briefly discuss the status and structure of its site assessment program. This discussion should include the number of PAs, SSIs, ESIs, and other site assessment activities completed by the state. The discussion should also include an estimate of the total number of sites within the state that are listed on the CERCLA Information System (CERCLIS) and still need to be assessed or inspected. A sample background discussion is provided in Appendix B.

b) Schedule of Deliverables

A schedule designating the number of PAs, SSIs, ESIs, and other site assessment activities that will be submitted to the EPA Regional Office during each quarter of the fiscal year should be included by the state. Site assessment activities that are carried over from a previous fiscal year should be clearly noted. Quarterly reports will provide the state an opportunity to confirm the number of submissions to the Region and to request changes to the schedule if necessary. A sample schedule of deliverables is presented in Appendix B. **(Required by 40 CFR Part 35 - Subpart O, §35.6055(a)(2)(iii))**

c) List of Sites

A list of the names of sites at which site assessment activities are planned should be included in the project narrative statement. If the state proposes to revise the list, the state may not incur costs at a new site until the EPA Regional Project Officer has approved the site. The list of sites should be categorized by the type of site assessment activity to be undertaken at a site and should indicate the estimated quarter of the fiscal year in which the activity at a site will be completed. In the event that all sites are not identified at the time an application is submitted, the state should provide the number of unidentified sites and should make a commitment to submit the names of these sites as they are identified. **(Required by 40 CFR Part 35 - Subpart O, §35.6055(a)(2)(ii))**

d) Statement of Work

The SOW for proposed site assessment activities should include the following: **(Required by 40 CFR Part 35 - Subpart O, §35.6055(a)(2)(ii))**

(i) A detailed description of each of the site assessment activities to be conducted under the CA, including lists of the information to be provided by each site assessment activity, lists of tasks necessary for the completion of each activity, lists of what final site assessment activity reports will include, and other documentation, as the state deems necessary. Exhibit 6 provides a sample activity description for a PA; similar activity descriptions should be provided for other site assessment activities to be performed. The guidance materials listed below should assist states in preparing these site assessment activity descriptions for each of the site assessment activities to be performed.

e) Guidance Materials

Guidance materials for performing PAs, SIs, and HRS scoring packages are currently being developed. These guidance materials will be listed here as they are finalized and distributed.

(i) Detailed budget and cost information presented in several different ways in a series of tables. The budget information that is required by the first two tables (see Appendix B) can be used to generate the summary information required by the following two tables (see Appendix B). This budget information should include the following:

(A) A budget for each of the site assessment activities to be performed, itemized by object class category. This information should be presented first by average cost per site and second by total costs across all sites. A sample of this itemized budget information for PAs is provided in Appendix B; similar cost information must be provided for all other proposed site assessment activities.

(B) A summary budget table that lists the total costs associated with each object class category for all site assessment activities to be performed across all sites. A sample of this budget information is included in Appendix B. Attachments should be included in cases where the state deems it necessary to justify in writing certain expenses (e.g., the purchase of equipment or certain expenses in the "contractual" category). Such attachments should explain how the particular expense will be useful in the attainment of site assessment program goals.

(C) A summary budget table included as a means of summarizing the overall cost information. This budget table should list the planned site assessment activities, the number of sites planned for each activity, the approximate hours required for the completion of each activity per site, the approximate cost per site, and the total costs per site assessment activity. Appendix B provides a sample of this budget summary table.

(D) A statement concerning indirect cost rate negotiation agreements. This statement should include a copy of any indirect cost rate agreement negotiated between the state and the federal government for use under grants and contracts with the federal government.

(ii) A work plan for each of the various types of site assessment activities to be performed under the CA. The work plan should provide a breakdown of the process necessary to perform a particular site assessment activity, itemizing each task and listing the estimated hours associated with the completion of each task. One of the primary purposes of a work plan is to allow the state to efficiently schedule such resources as manpower, equipment, and laboratory services in advance of an activity. Sample work plans for a PA and an SSI are included in Appendix B. Work plans should be provided by the state for all site assessment activities that are to be undertaken.

3.4.4. Drug-Free Workplace Certification

The state must certify (40 CFR Part 32 - Subpart F) that it is in compliance with the Drug-Free Workplace Act of 1988 (Pub. L. 100-690, title V, subtitle D), which requires applicants for CAs to certify in writing that they will provide a drug-free workplace. The state must follow the requirements contained in the OMB notice entitled "Government-Wide Implementation of the Drug-Free Workplace Act of 1988" (54 FR 4946, January 31, 1989). **(Required by 40 CFR Part 35 - Subpart O, §35.6055(a)(3))**

3.4.5. Certification Regarding Debarment, Suspension, and Other Responsibility Matters

The appropriate state official must sign the "Certification Regarding Debarment, Suspension, and Other Responsibility Matters" (EPA Form 5700-49) and certify that the state is in compliance with Executive Order 12549 and 40 CFR Part 32. A sample form 5700-49 is provided in Appendix B. **(Required by 40 CFR Part 35 - Subpart O, §35.6055(a)(4))**

3.4.6. Procurement Certification

The state must evaluate its own procurement system to determine if the system meets the requirements of 40 CFR Parts 31 and 35. After evaluating its procurement system, the state must certify that its procurement system meets these requirements and submit this certification with the CA application package. Citations should be provided for those sections of state regulations that are relevant to procurement. It is recommended that states provide this procurement certification by completing the "Procurement System Certification" (EPA Form 5700-48). A sample form 5700-48 is provided in Appendix B. If the state's procurement system does not meet these requirements and, consequently, a procurement certification is not provided, the state must instead comply with the procurement requirements of 40 CFR Part 35 - Subpart O. **(Required by 40 CFR Part 35 - Subpart O, §35.6055(a)(5))**

3.4.7. Anti-Lobbying Certification

The state must certify (40 CFR Part 34, Appendix A) that no appropriated funds will be expended to pay any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress, in connection with any federal award in excess of $100,000, in accordance with section 319 of Pub. L. 101-121. The state must follow the requirements in the Interim Final Rule entitled, "New Restrictions on Lobbying" (55 FR 6736, February 26, 1990). **(Required by 40 CFR Part 35 - Subpart O, §35.6055(a)(6))**

3.4.8. Provisions and Assurances/Special Conditions

CAs awarded under CERCLA are subject to a number of terms and conditions. These terms and conditions must be defined in the CA either as provisions and assurances, if developed and incorporated into the application package by the state, or as special conditions, if developed and incorporated by EPA. The state should attempt to ensure that these terms and conditions are addressed in the CA application package as provisions and assurances. Requirements not adequately covered in the state's application package will be included as special conditions in EPA's offer of award for the CA. The EPA Regional Office and the state may also negotiate provisions specific to a particular situation or need at the time the application package is prepared.

Some provisions are specific to the EPA site assessment program and must be included in a CA for site assessment activities by either the state or EPA as a provision or condition of the award. Provisions specific to CAs for site assessment activities are: 1) sample splits and analyses; 2) sampling plans; 3) addition of new sites; 4) joint PA/SI efforts; 5) quarterly reports; and 6) release of HRS scoring information. Failure to comply with these provisions is sufficient cause for EPA to terminate a CA. Sample language for the six required provisions discussed above is included in Appendix B. Sample language for other provisions and assurances that may apply to a site assessment CA can also be found in Appendix B. It should be noted that these sample provisions and assurances are not exhaustive and that individual states should consider whether additional provisions are necessary to address the unique situations surrounding their proposed site assessment activities.

As discussed above, requirements concerning site assessment activities that are not adequately covered in a state's CA application package will be included as special conditions in EPA's offer of award. These special conditions would include issues of special concern to the EPA Regional Office and requirements that would apply to the unique conditions of sites within the Region. Some examples of special conditions that may be included in offers of CA awards by EPA are presented in Appendix B.

The following plans do not have to be developed and included as part of the site assessment CA application package. However, these plans must be developed and in place before field work may be commenced by the state.

3.5 Health and Safety Plan

The state, as recipient of a CA award, must prepare a health and safety plan providing for the protection of on-site personnel and area residents. This plan must be made available to EPA upon request. This health and safety plan must comply with Occupational Safety and Health Administration (OSHA) regulations 29 CFR 1910.120, "Hazardous Waste Operations and Emergency Response," unless the recipient of the CA award is an Indian Tribe, which are exempt from OSHA requirements. **(Required by 40 CFR Part 35 - Subpart O, §35.6055(b)(1))**

3.6 Quality Assurance Plan

The state, as a recipient of a CA award, must abide by the quality assurance requirements described in 40 CFR 31.45 and develop a non-site-specific quality assurance plan. The recipient must submit this plan to EPA in adequate time (generally 45 days) for approval to be granted before beginning field work. These plans must comply with the requirements regarding split sampling described in section 104(e)(4)(B) of CERCLA. **(Required by 40 CFR Part 35 - Subpart O, §35.6055(b)(2))**

Appendix A: Supplementary Materials for Generic SMOA Language Pertaining to Site Assessment Activities

SAMPLE FORMAT FOR SUMMARY OF QUARTERLY PROGRESS

QUARTERLY REPORT - FOURTH QUARTER
July 1 - September 30, 1990

	Direct Personnel[1/] Hours Per Site						
Site Name (including) Project Officer)	PA	SSI	ESI	HRS Scoring Packages	Total	Site Disposition[2/]	Date of Submission of Report
TOTAL							
AVERAGE HOURS PER SITE[3/]							

1/ "Personnel" refers to only those staff persons who were directly involved in performing the site assessment activity.

2/ The following codes may be used to indicate the disposition of a site:

NFA - No further action
ESI - Expanded Site Inspection recommended
REF - Site referred to another program/ agency for response
OTHER - Other recommendations (explain briefly)
SSI - Screening Site Inspection recommended
ER - Emergency Removal recommended
HRS/NPL - Site recommended for HRS scoring/NPL listing

3/ Average hours per site should be calculated only for complete deliverables.

Appendix B: Supplementary Materials for Generic Site Assessment Cooperative Agreement Application Package

Sample Letter for Initiation of Intergovernmental Review

This letter may be revised, as necessary, for use when notifying directly affected governmental entities where a state intergovernmental review process does not cover the activity under consideration. Revision is also necessary in cases where other site assessment activities are to be performed under the Cooperative Agreement.

Dear [Designated Single Point of Contact for State Process]:

This letter notifies you of on-going and anticipated Superfund activities to be funded by the U.S. Environmental Protection Agency. These activities are subject to the State intergovernmental review process. The 60-day comment period on these proposed actions will begin five days after the date this letter is sent. Please address any comments on the proposed actions to [_____]. The activities are described below.

1. Description of Proposed Activities: [EPA or name of state department or agency] will conduct Preliminary Assessments (PAs) on [number of] sites and site inspections on [number of] sites.[1]
   The PA/SI program will be conducted in accordance with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (40 CFR Part 300) and all other applicable EPA directives.

   A PA is a review of available information about a site with the purpose of determining whether further action, such as an SI, or no further action is needed. The PA should involve an off-site survey but does not include on-site work. A PA includes the gathering of data on the magnitude of the hazard, routes of exposure, nature of the materials present, possible targets, and the existence of easily identifiable, potentially responsible parties.

   The SI builds upon the information gathered during the PA and includes collecting and developing data from the field. Unlike the PA, the SI always involves an on-site visit. It routinely includes sampling and can include more sophisticated tasks such as monitoring, remote sensing, and other data gathering techniques. The purpose of an SI is to determine whether further action is needed and, if so, to gather data sufficient to score the site for consideration for the National Priorities List, which is the list of sites that are eligible to receive funds to clean up the site.

2. Estimated Cost: $[_____], to be 100 percent funded by the U.S. EPA. (Give a range of costs based on $_____/PA and $_____/SI or other, better estimates.)

---

[1] If the exact number of PAs and SIs is not known, a range may be given; i.e., "will conduct PAs on between [low estimate] and [high estimate] sites.

3. List of Sites: [attached]

4. Projected Start Dates: [_____]

5. State Project Officer: [name, address, telephone number]

6. EPA Regional Project Officer: [name, address, telephone number]

As I have indicated above, you will have 60 days after receipt of this letter to submit your comments. However, I would very much appreciate hearing from you at the earliest possible time so that we can proceed with the program without any delays. If you have any questions on this project or if you need further information, please contact [name, telephone number] of my staff who is available to assist you in any way during your review.

Sincerely yours,

[_____]

Sample "Application for Federal Assistance" (SF 424)

APPLICATION FOR FEDERAL ASSISTANCE

1 TYPE OF SUBMISSION Application: ☐ Construction ☐ Non-Construction Preapplication: ☐ Construction ☐ Non-Construction	2. DATE SUBMITTED	Applicant Identifier
	3 DATE RECEIVED BY STATE	State Application Identifier
	4 DATA RECEIVED BY FEDERAL AGENCY	Federal Identifier

5 APPLICANT INFORMATION

Legal Name	Organizational Unit
Address (give city, county, state, and zip code)	Name and telephone number of the person to be contacted on matters involving this application (give area code)

6 EMPLOYER IDENTIFICATION NUMBER (EIN):
☐☐ — ☐☐☐☐☐☐☐

8 TYPE OF APPLICATION
☐ New ☐ Continuation ☐ Revision
If Revision, enter appropriate letter(s) in box(es): ☐ ☐
A. Increase Award B. Decrease Award C. Increase Duration
D Decrease Duration Other (specify):

7 TYPE OF APPLICANT (enter appropriate letter in box) ☐
A State H Independent School District
B County I State Controlled Institution of Higher Learning
C Municipal J Private University
D Township K Indian Tribe
E. Interstate L. Individual
F Intermunicipal M. Profit Organization
G. Special District N. Other (Specify) _____

9. NAME OF FEDERAL AGENCY:

10 CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER ☐☐ — ☐☐☐
TITLE

11. DESCRIPTIVE TITLE OF APPLICANTS PROJECT

12 AREAS AFFECTED BY PROJECT (cities, counties, states, etc):

13 PROPOSED PROJECT		14 CONGRESSIONAL DISTRICTS OF
Start Date	Ending Date	a. Applicant / b. Project

15 ESTIMATED FUNDING		
a. Federal	$	00
b Applicant	$	00
c. State	$	00
d. Local	$	00
e Other	$	00
f Program Income	$	00
g. TOTAL	$	00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?
a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:
DATE _____
b. NO. ☐ PROGRAM IS NOT COVERED BY E.O. 12372
☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17 IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?
☐ Yes If "Yes" attach an explanation ☐ No

18 TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THE APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCE IF THE ASSISTANCE IS AWARDED

a. Typed Name of Authorized Representative	b. Title	c. Telephone number
d. Signature of Authorized Representative		e. Date signed

Sample Budget Sheets (SF 424A)

BUDGET INFORMATION — Non-Construction Programs

OMB Approval No. 0348-0044

SECTION A – BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		$	$	$	$	$
2.						
3.						
4.						
5. TOTALS		$	$	$	$	$

SECTION B – BUDGET CATEGORIES

6 Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1)	(2)	(3)	(4)	
a. Personnel	$	$	$	$	$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges (sum of 6a - 6h)					
j. Indirect Charges					
k. TOTALS (sum of 6i and 6j)	$	$	$	$	$
7. Program Income	$	$	$	$	$

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Standard Form 424A (4-88)
Prescribed by OMB Circular A-102

Sample Budget Sheets (SF 424A) (continued)

SECTION C - NON-FEDERAL RESOURCES

(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8.	$	$	$	$
9.				
10.				
11.				
12. TOTALS (sum of lines 8 and 11)	$	$	$	$

SECTION D - FORECASTED CASH NEEDS

	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	$	$	$	$	$
14. Nonfederal					
15. TOTAL (sum of lines 13 and 14)	$	$	$	$	$

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) Grant Program	FUTURE FUNDING PERIODS (Years)			
	(b) First	(c) Second	(d) Third	(e) Fourth
16.	$	$	$	$
17.				
18.				
19.				
20. TOTALS (sum of lines 16 -19)	$	$	$	$

SECTION F - OTHER BUDGET INFORMATION

(Attach additional Sheets if Necessary)

21. Direct Charges:	22. Indirect Charges:
23. Remarks	

SF 424A (4-88) Page 2
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Sample Background Discussion

The [state department's or agency's] Preliminary Assessment (PA) and Site Inspection (SI) Program is administered by the _____. In the past ____ years, the [state department or agency] has conducted __ PAs and __ SIs under EPA grants (RCRA 3012 and CERCLA 104(c) and (d)). During this same time period EPA conducted approximately __ PAs and __ SIs within the State. The [state department or agency] is currently conducting __ PAs and __ SIs under an existing Cooperative Agreement (CA) with EPA.

The Site Investigation and Response (SIR) Section consists of six full-time persons responsible for conducting PAs, SIs, and other assessment activities, and administrative activities. Secretarial and clerical support is available within the Division. The [state department or agency] has recently been awarded a Core Program Cooperative Agreement to provide services, training, personnel, and funds to help support CERCLA implementation activities. In addition to these resources, the SIR Section has access to the resources of the Division of Wastes Management and the Department of Natural Resources.

It is anticipated that by [date], CERCLIS will contain at least ___ sites in [state] for which PAs need to be performed. Approximately __ sites in the state require SIs. It is anticipated that as many as __ sites will be added to CERCLIS during the calendar year via routine site discovery procedures.

The [state department or agency] proposes to conduct __ PAs and __ SIs. All work will be approved by EPA prior to initiation of site work by the state. In addition, __ weeks of Superfund training is proposed here for each staff member and ___ personnel hours for management assistance activities are required. The grant period would extend from [date] through [date].

Sample Schedule of Deliverables

Activity	October-December	January-March	April-June	July-September	Total
Preliminary Assessment					
Screening Site Inspection					
Expanded Site Inspection					
Management Assistant Review of Contractor Documents					
HRS Scoring Packages					
Quarterly Reports					

Sample Preliminary Assessment Description

Preliminary Assessments (PA)

A PA will consist of those activities that are necessary to characterize, in a preliminary fashion, the hazardous substances present, potential pollutant dispersal pathways, the population and resources that might be affected, and facility management practices.

A Preliminary Assessment is conducted to determine whether a site listed in CERCLIS should be considered for further study. A PA will be conducted according to the guidance issued by U.S. EPA in the Preliminary Assessment and Site Inspection State Cooperative Agreement Guidance, on September 28, 1984 and Preliminary Assessment Guidance Fiscal Year 1988 OSWER Directive 9345.0-01. PAs at federal facilities will be conducted by the appropriate federal agency. The state will provide management assistance in reviewing PAs, as requested, and charge such assistance as a fundable task against this Cooperative Agreement.

An assessment provides the following information:

1. Site identification;
2. Name, location, and ownership of the site;
3. Brief site description, including size and operations;
4. Type(s) of hazardous substances present and type of containers;
5. Characteristics of the relevant hydrogeological and meteorological factors;
6. Population density of surrounding area;
7. Location of other environmentally sensitive receptors (e.g., water supplies, wildlife habitat);
8. Conclusions and recommendations; and
9. CERCLIS Input
   - -- corrections to current data
   - -- alias names

Some of the activities that may be necessary for the completion of the PA are:

- -- interviews with federal, state, and local government personnel and private citizens;
- -- reviews of federal, state, and local government files, reports, and archival documents;
- -- limited title searches to determine property ownership;
- -- review of U.S. Geological Survey, Soil Conservation Service, and hydrogeological and topographic data;

Sample Preliminary Assessment Description (continued)

- -- review of appropriate private and public well logs;
- -- review of appropriate meteorological data;
- -- review of appropriate land use data;
- -- review of available aerial imagery;
- -- off-site reconnaissance of site (windshield survey) as required to complete the site report and PA forms; and
- -- other off-site and on-site activities as appropriate to complete PA forms.

A total of __ PAs will be completed by [state]. It is assumed that the completion and quality assurance review of each PA will require approximately __ hours. This will include the completion of Site Identification and Preliminary Assessment Tasks, and the review of these tasks on forms currently used by EPA for these purposes. This will also include a conceptual sampling plan recommendation.

A PA will be considered complete when the site information and the appropriate forms are approved and accepted by the EPA Regional Project Officer (RPO). Deliverables must be submitted to the Regional Office with sufficient time to allow for a __ week review period by the RPO, and a __ week response period for the state. (The quality of the deliverables will be judged upon adherence to the specific performance criteria negotiated with the state.)

Sample Average Preliminary Assessment Costs Per Site by Object Class Category

CATEGORY	COST
Personnel *ES/II* *(__ hrs/PA x $____/hr)* *SEC/I* *(__ hrs/PA x $____/hr)*	
Fringe __ % of personnel cost	
Personnel Subtotal	
Travel - Off-site reconnaissance Assumes: *__ sites require off-site reconnaissance and __ off-site reconnaissance conducted per trip (__ persons/trip x $__ per diem x __ day/trip x __)* *($__/mile x __ average miles/trip x __)*	
Travel Subtotal	
Equipment	
Supplies	
Contractual	
Other	
TOTAL DIRECT CHARGES PER SITE	
INDIRECT CHARGE @ __ % OF DIRECT CHARGES	
TOTAL	

Sample Total Preliminary Assessment Costs by Object Class Category*

CATEGORY	COST
Personnel *Personnel cost* *($__/site x __ sites)* *Training (__ days)* *(__ hrs/person x __ persons x $__/hr - ES/II)*	
Fringe __ % of personnel cost	
Personnel Subtotal	
Travel *Training* *($__ per diem x __ days x __ persons)* *($__/flight x __ persons)*	
Travel Subtotal	
Equipment	
Supplies ($__/site x __ sites)	
Contractual	
OTHER TOTAL DIRECT CHARGES	
INDIRECT CHARGE __ % OF DIRECT CHARGES	
TOTAL	

*Budget for one year. (Includes additional non-site-specific costs associated with training.)

Sample Budget Summary for All Site Assessment Activities by Object Class Category

CATEGORY	COST
Personnel *Program Manager I* *Environmental Scientist III* *Environmental Scientist I* *Secretary* *Seasonal Environmental Engineer*	
Fringes (__ % of personnel cost)	
Personnel Subtotal	
Travel *EPA Seminars and Training*	
Travel Subtotal	
Equipment	
Supplies	
Contractual *Medical Monitoring* *Training Courses (Training for new staff)* *Information and Education Services* *(Public affairs for program activities)* *Geophysical Tasks* *Audit Costs* *Federal Express (Sample shipment if necessary)*	
Contractual Subtotal	
TOTAL DIRECT COSTS	
INDIRECT CHARGE __ % OF DIRECT CHARGES	
TOTAL	

Sample Overall Budget Summary by Site Assessment Activity

FEDERAL SUPERFUND PROGRAM
(October 1, 1989 - September 30, 1990)

Site Assessment Activity	Total Number of Sites	Estimated Duration Hrs/Site	Approximate Cost/Site	Total
Preliminary Assessment				
Screening Site Inspection				
Expanded Site Inspection				
HRS Scoring Package				
Management Assistance of Contractor Documents				
Training (In House)				
TOTAL				

Sample Preliminary Assessment Work Plan

TASK	TIME REQUIRED PER SITE (person-hours)
1. *Gather site information*	
-- *Natural/quantity of hazardous materials*	
-- *Possibility of exposure*	
-- *Possible affected target populations and environments*	
2. *Review and evaluate data*	
3. *Draft PA report*	
-- *Document findings*	
-- *Recommend disposition of site and provide justification for disposition*	
4. *Type, copy, and file*	
5. *Program Manager review and concurrence*	
TOTAL PER SITE	120 hrs

Tasks 1-3 account for __ hours and will be conducted by:
Environmental Scientist/Level II (ES/II) -- $__/yr ($__/hr)

Task 4 accounts for __ hours and will be conducted by:
Secretary/Level I (SEC/I) -- $__/yr ($__/hr)

Task 5 accounts for __ hours and will be conducted by:
Supervisory Environmental Engineer/Level III (SEE/III) -- $__/yr ($__/hr)

Sample Screening Site Inspection Work Plan

TASK	TIME REQUIRED PER SITE (person-hours)
1. Perform background search	
-- PA file review	
-- Literature/reference search on chemicals and wastes	
-- review USGS, meteorological, land use records, etc.	
-- research/evaluate potential community interest	
2. Prepare sampling plan and safety plan	
-- perform site recon	
3. Coordinate site visit	
-- obtain site access	
-- prepare equipment, obtain field supplies, coordinate other logistics	
-- schedule sample analysis	
-- notify appropriate community contacts	
4. Conduct field work	
-- perform field audit (1 of every 4 sites)	
-- site mobilization	
-- interview employees/owners	
-- assess geology/topography	
-- identify potential receptors	
-- document site layout/site activities	
-- collect package, ship samples	
5. Perform sample analysis	
6. Review analytical data (QA)	
7. Compile, evaluate data, write report, prepare pre-projected HRS score	
8. Perform toxicological review	

Sample Screening Site Inspection Work Plan (continued)

TASK	TIME REQUIRED PER SITE (person-hours)
9. *Type, copy, and file*	
10. *Review of SSI by Program Manager, Concurrence, Recommendations, Cover Letter*	
TOTAL PER SITE	500 hrs

Tasks 1-3 account for __ hours and will be conducted by: Environmental Analyst II or Engineering Technician II -- $__/yr. ($__/hr)

Task 4 accounts for ___ hours and will be conducted by: Environmental Analyst III, Environmental Analyst II, Engineering Technician II, Water Resources Inspector -- $__/yr. ($__/hr)

Task 5 will be performed by EPA for DNR

Task 6 accounts for __ hours and will be performed by: Chemist II or III -- $__/yr. ($__/hr)

Task 7 accounts for __ hours and will be conducted by: Environmental Analyst II, Engineering Technician II, Environmental Analyst III -- $__/yr. ($__/hr)

Task 8 accounts for __ hours and will be conducted by: Secretary I -- $__/yr. ($__/hr)

Task 9 accounts for __ hours and will be conducted by Environmental Analyst III -- $__/yr. ($__/hr)

Sample Form 5700-49

EPA

EPA Project Control Number

United States Environmental Protection Agency
Washington, DC 20460

Certification Regarding
Debarment, Suspension, and Other Responsibility Matters

The prospective participant certifies to the best of its knowledge and belief that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three year period preceding this proposal been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly-charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

I understand that a false statement on this certification may be grounds for rejection of this proposal or termination of the award. In addition, under 18 USC Sec. 1001, a false statement may result in a fine of up to $10,000 or imprisonment for up to 5 years, or both.

Typed Name & Title of Authorized Representative

Signature of Authorized Representative Date

☐ I am unable to certify to the above statements. My explanation is attached.

Sample Form 5700-48

EPA

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

PROCUREMENT SYSTEM CERTIFICATION

Form Approved
OMB NO. 2000-0438
Approval expires 10-31-87

APPLICANT'S NAME	ASSISTANCE APPLICATION NUMBER

APPLICANT'S ADDRESS

SECTION I - INSTRUCTIONS

The applicant must complete and submit a copy of this form with each application for EPA Assistance. If the applicant has certified its procurement system to EPA within the past 2 years and the system has not been substantially revised, complete part A in Section II, then sign and date the form. If the system has not been certified within the past 2 years, complete Part B, then sign and date the form.

SECTION II - CERTIFICATION

A. I affirm that the applicant has within the past 2 years certified to EPA that its procurement system complies with 40 CFR Part 33 and that the system meets the requirements in 40 CFR Part 33. The date of the applicant's latest certification is:	MONTH/YEAR

B. Based upon my evaluation of the applicant's procurement system, I, as authorized representative of the applicant: (Check one of the following:)

☐ 1. *CERTIFY* that the applicant's procurement system will meet all of the requirements of 40 CFR Part 33 before undertaking any procurement action with EPA assistance

Please furnish citations to applicable procurement ordinances and regulations

☐ 2. *DO NOT CERTIFY THE APPLICANTS PROCUREMENT SYSTEM.* The applicant agrees to follow the requirements of 40 CFR Part 33, including the procedures in Appendix A, and allow EPA preaward review of proposed procurement actions that will use EPA assistance.

TYPED NAME AND TITLE	SIGNATURE	DATE

Sample Provisions Required for Site Assessment Cooperative Agreements

1. Sample Splits and Analyses

In accordance with CERCLA section 104(e), state employees, officers, or representatives will provide the owner, operator, or individual in charge of a site the opportunity to promptly receive a split of each sample collected at the site, a receipt describing the samples collected, and a copy of analytical results.

2. Sampling Plans

Prior to commencing sampling activities under a Screening Site Inspection (SSI) or Expanded Site Inspection (ESI) at a site, a sampling plan will be submitted by the [state department or agency] to the Region for review and approval. The sampling plan shall be submitted to the EPA Regional Office at least two weeks prior to the commencement of sampling activities to allow sufficient time for review and comment.

3. Addition of New Sites

The [state department or agency] will notify the Region in writing of any changes to the list of sites, submitted in the CA application package, designated for site assessment activities. Written approval of these changes must be received by the state before site assessment work may begin at these sites. (In practice, the state may notify the Region by telephone first, and use the Region's written approval as a follow-up to this notification.)

4. Joint PA/SI Efforts

The [state department or agency] and EPA agree to work together to ensure that sites requiring PAs and SIs are addressed as expeditiously as possible. If the [state department or agency] falls behind in its accomplishments as established under this CA, EPA, in consultation with the state, may initiate PAs and SIs at state-lead sites to assist the state in meeting its site assessment goals, and this Agreement may be modified accordingly.

5. Quarterly Reports

The [state department or agency] will submit progress reports to the Regional Project Manager within thirty days of the end of each federal fiscal quarter. Such quarterly reports shall include: a description of the work accomplished during the reporting period, an explanation of delays or other problems, if any, and a description of the corrective measures that are planned; a list of site-specific products completed during the reporting period, with an estimate of the technical hours required to complete each product; a comparison of the percentage of the project completed to the project schedule, and an explanation of discrepancies; a comparison of the estimated funds spent to date to planned expenditures and an explanation of significant discrepancies; and an estimate of the time and funds needed to complete the work required in the CA, a comparison of that estimate to the time and funds remaining, and a justification of any increase. **(Required by 40 CFR Part 35 - Subpart O, §35.6650)**

6. Release of HRS Scoring Information

The [state department or agency] will not release HRS scoring information to the public without the approval of EPA.

Sample General Provisions and Assurances

General Provisions

A. Authority

EPA awards this Cooperative Agreement in accordance with the Federal Grant and Cooperative Agreement Act of 1977. This Agreement is subject to all applicable EPA assistance regulations.

B. Procurement Standards

This Cooperative Agreement is subject to the procurement standards of 40 CFR Part 35 Subpart O.

C. Prompt Payment Act Provisions

In accordance with Section 2(d) of the Prompt Payment Act, federal funds may not be used by the recipient for the payment of interest penalties to contractors when bills are paid late, nor may interest penalties be used to satisfy cost sharing requirements. Obligations to pay such interest penalties will not be obligations of the United States.

Special Conditions

1. The Cooperative Agreement recipient will adhere to all accounting standards and guidelines outlined in 40 CFR Subpart O.

2. Payment for activities contained in this Cooperative Agreement shall be on an actual cost basis, not the fixed prices included in the assistance application for budget purposes. The application and supporting documentation or subsequent amendments are for planning purposes.

3. No portion of this award may be used for lobbying or propaganda purposes as prohibited by 18 U.S.C. Section 1913 Section 607(a) of Public Law 96-74.

4. All activities conducted under this Cooperative Agreement shall be consistent with the revised National Contingency Plan (NCP), 40 CFR Part 300, dated March 8, 1990, (55 FR 8666).

5. The [state department or agency] agrees to satisfy all federal, state, and local requirements, including permits and approvals, necessary for implementing activities addressed in this Cooperative Agreement. To the extent allowable under state law, the [state department or agency] will provide access to the sites, as well as all rights-of-way and easements necessary to complete the response actions. The [state department or agency] will provide access to EPA employees and contractors at all reasonable times to the extent allowable under state law.

Sample General Provisions and Assurances (continued)

6. The [state department or agency] shall prepare its own site safety plan for its own employees or representatives for any on-site activities performed pursuant to this Cooperative Agreement in which the [state department or agency] does not accompany the Field Investigation Team (FIT) contractor. The [state department or agency] employees and representatives will comply with the EPA/FIT site safety plan applicable to each site. The [state department or agency] reserves the right to act in a more restrictive manner than the FIT plan requires.

7. The [state department or agency] will allow public access to its records in accordance with applicable state law. EPA will allow public access to its records in accordance with the procedures established under the Freedom of Information Act, regulations promulgated pursuant thereto, and agency guidance. To the extent allowable under state and federal law, parties agree to protect each other's claims for confidentiality, particularly with regard to documents related to pending or ongoing enforcement actions, generated by either the state or EPA.

8. Nothing contained in this Agreement shall be construed to create, either expressly or by implication, the relationship of agency between EPA and the [state department or agency]. Any standards or procedures prescribed in this Agreement to be followed by the [state department or agency] during the performance of its obligations under this Agreement do not constitute a right to control the actions of the [state department or agency]. EPA (including its employees and contractors) is not authorized to represent or act on behalf of the [state department or agency] in any matter relating to the subject matter of this Agreement, and the [state department or agency] (including its employees and contractors) is not authorized to represent or act on behalf of EPA in any matter related to the subject matter of this Agreement. Neither EPA nor the [state department or agency] shall be liable for the contract acts, errors, or omissions of the agents, employees, or contractors of the other party entered into, committed to, or performed with respect to this Agreement.

9. The [state department or agency] will assist EPA by making available its records and employees, if EPA litigates against responsible parties associated with a site where work is performed under the Cooperative Agreement, to the extent allowable by state law.

10. All Preliminary Assessment and Site Inspection reports, as well as Screening Site Inspection and Expanded Site Inspection work plans, are subject to review and approval by the EPA Project Officer to ensure their completeness and consistency with EPA criteria. Deliverables must be submitted to the Regional Office with sufficient time to allow for a __ week review period by the Regional Project Officer, and a __ week response period for the state. (The quality of the deliverables will be judged upon adherence to the specific performance criteria negotiated with the state.)

Sample General Provisions and Assurances (continued)

11. The [state department or agency] proposes to accompany EPA's contractor on EPA-Lead Screening Site Inspections and Expanded Site Inspections based on the following understanding:

    a. Once the Site Inspection plan has been finalized, the [state department or agency] and the EPA contractor shall provide the other party with no less than two weeks notice prior to commencement of any on-site activities unless the parties mutually agree otherwise. The [state department or agency] shall be provided such notice via a schedule of the EPA contractor activities (location and time) for each site where the EPA contractor is involved in Site Inspection activities. Inability of the [state department or agency] to provide representation at a site shall not be cause for the EPA contractor to deviate from the activity schedule.

    b. The EPA contractor is accountable to EPA only. The [state department or agency] functions in an advisory capacity. EPA issues all contractor work assignments and amendments, and is responsible for directing and evaluating the work of contractors.

    c. The [state department or agency] is solely responsible for ensuring that its employees and representatives are properly outfitted with the appropriate protective clothing and/or equipment.

    d. [state department or agency] employees and representatives will comply with the EPA contractor's site safety plan applicable to each site. The [State Department or Agency] may act in a more restrictive manner than the EPA contractor's plan.

    e. The extent to which [state department or agency] employees perform site tasks will depend upon the capacity of [state department or agency] employees to perform work safely and correctly and will be agreed upon between EPA and the [state department or agency] prior to the actual site work. During the site activity, the [state department or agency], EPA, or EPA contractor may suspend this Agreement if an employee acts in a manner that may threaten the safety of him/herself or other site personnel.

12. Projected HRS score sheets shall accompany all PAs, SSIs, and ESI work plans submitted to EPA. The score sheets are necessary to substantiate the recommended course of action.

13. EPA will provide instructional courses on the proper completion of Preliminary Assessments, Site Inspections, and HRS scoring. EPA expects that [state department or agency] personnel involved in completing Preliminary Assessments, Site Inspections, or HRS scoring will attend the courses. [state department or agency] personnel costs incurred while the course is being given plus necessary travel expense for the appropriate individuals is allowable for funding under this Cooperative Agreement.

14. EPA and the [state department or agency] are responsible for periodically reviewing the role functions described in this Agreement for their applicability and effectiveness and negotiate the necessary revisions.

Sample Special Conditions

The following special conditions apply only to that part of the [state department's or agency's] site assessment program for which EPA will reimburse the state. This grant shall not inhibit the [state department or agency] from performing additional work at sites at which the [state department or agency] believes it is appropriate, using the state's own funding sources.

1. All Preliminary Assessment and Site Inspection reports, as well as Screening Site Inspection and Expanded Site Inspection work plans, are subject to review and approval by the EPA Project Officer to ensure their completeness and consistency with EPA criteria. Deliverables must be submitted to the Regional Office with sufficient time to allow for a __ week review period by the Regional Project Officer, and a __ week response period for the state. (The quality of the deliverables will be judged upon adherence to the specific performance criteria negotiated with the state.)

2. EPA comments on state-generated reports shall be incorporated or rebutted in writing. If a dispute arises concerning the validity/technical accuracy of the comments, an attempt will be made to mutually resolve all issues before a final decision is made regarding the comments.

3. The [state department or agency] agrees to submit a copy of the sampling plan for any SSI or ESI to EPA for review and comment at least two weeks prior to the commencement of sampling activities.

4. Well drilling and geo-physical techniques shall not be used routinely during a screening site inspection. Only in justified special cases will EPA approve these activities during a screening site inspection.

☆U.S. GOVERNMENT PRINTING OFFICE: 1992 - 648-003/40679