

TITLE 29: EMERGENCY SERVICES, DISASTERS, AND CIVIL DEFENSE
CHAPTER I: EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER d: STATE EMERGENCY RESPONSE

PART 430
EMERGENCY AND WRITTEN NOTIFICATION OF
AN INCIDENT OR ACCIDENT INVOLVING A
REPORTABLE HAZARDOUS SUBSTANCE

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AUTHORITY: Implementing "AN ACT to require labeling of equipment and facilities for the use, transportation, storage and manufacture of hazardous materials and to provide for a uniform response system to hazardous materials emergencies" (Ill. Rev. Stat. 1987, ch. 127, pars. 1251 et seq.) and Section 304 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 11004) and authorized by Section 6(c)(1) of the Illinois Emergency Services and Disaster Agency Act of 1988 (P.A. 85-1027, effective June 30, 1988).

SOURCE: Filed April 8, 1977. Rules repealed, new rules adopted and codified at 6 Ill. Reg. 10928, effective September 1, 1982; Part repealed, new Part adopted at 13 Ill. Reg. 2040, effective February 6, 1989.

Section 430.10 Purpose

This Part establishes the State of Illinois policy for the immediate notification of an accident or incident and subsequent written report as required which involves the release of a reportable hazardous or extremely hazardous substance or, in the case of a transportation incident, a hazardous material. The procedures herein provide for a centralized and expedient method for alerting state and local governments about a potential or actual release so that an appropriate emergency response system can be activated should it become necessary.

Section 430.15 Applicability

The requirement of this section applies to any facility:

- a) at which there is a release of a reportable quantity of a hazardous substance or extremely hazardous substance or hazardous material or,
- b) in the case of a motor vehicle, rolling stock or aircraft, at which there is a release of a reportable quantity of hazardous substance, extremely hazardous substance or hazardous material.

Section 430.20 Definitions

"Accident" means a release that occurs unintentionally, for example, as a result of malfunctioning equipment or an Act of God.

"CERCLA" means the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601, et seq.).

"Emergency Planning District" means a district designated by the SERC in accordance with Section 301(b) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), Title III (42 U.S.C. 11001(b)).

"Environment" means water, air and land and the interrelationship which exists among and between water, air and land and all living things.

"Etiologic Agent" means disease-causing agent.

"Extremely Hazardous Substance" means any substance listed in Appendix A of 40 CFR 355, dated April 22, 1987. This incorporation does not include any later amendments or editions.

"Evacuation" means the withdrawal of any member of the general public from an area threatened by exposure to a hazardous material.

"Facility" means all buildings, equipment, structures, and other stationary items which are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person (or by any person which controls, is controlled by, or under common control with, such person). For the purposes of this Part, the term includes motor vehicles, rolling stock and aircraft.

"General Public" means any individual not employed by, or authorized to be within the area under the control of, the person responsible for the hazardous material; the exclusion of employees from this definition applies only during

actual hours of employment.

"Hazardous Material" means a substance or material which is designated a hazardous material pursuant to the "Hazardous Materials Transportation Act" (49 U.S.C.A. 1801 et seq.).

"Hazardous Substance" means any substance listed in Table 302.4 of 40 CFR 302, dated July 1, 1987. This incorporation does not include any later amendments or editions.

"IESDA" means the Illinois Emergency Services and Disaster Agency.

"Incident" means a release that occurs intentionally, for example, as a result of sabotage or a permit violation, or intentionally disposing of hazardous materials in violation of federal or state statutes.

"Local Emergency Agency" means police, fire, civil defense, or any other local government agency or department charged with the responsibility of responding to an accident involving a hazardous material.

"Local Emergency Planning Committee (LEPC)" means the committee appointed by the SERC in accordance with Section 301(c) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), Title III.

"Oil" means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, oil mixed with wastes other than dredged spoil, and generally including and of a large class of oily, combustible substances which are liquid, or easily liquifiable on warming, and soluble in ether but not in water.

"Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discharging of barrels, containers, and other closed receptacles). For the purposes of this Part 430, "Release" includes the loss of containment of a reportable hazardous substance which is not wholly contained within a building or structure inside plant or facility boundaries.

"Reportable Quantity" means any hazardous material that equals or exceeds the reportable quantity listed in Appendix A of 40 CFR 355, for any extremely hazardous substance, and that equals or exceeds the reportable quantity listed in Table 302.4 of 40 CFR 302 dated July 1, 1987. This incorporation includes no later amendments or editions.

"Responsible Party" means the individual, partnership, corporation or association in control of any reportable hazardous material or hazardous substance at the time of an accident or incident involving that reportable hazardous substance.

"State Emergency Response Commission (SERC)" means the Illinois Emergency Services and Disaster Agency as appointed by the Governor in accordance with Section 301 of the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 11001 et seq.) to carry out all state responsibilities required by this Act.

Section 430.30 Emergency Notification of an Incident or Accident Involving a Reportable Hazardous Substance or Material

- a) If a release of an extremely hazardous substance or a hazardous substance occurs in a reportable quantity from a facility then the responsible party at that facility shall immediately provide notice as described in subsection (c).
- b) If an incident or accident involving a hazardous material occurs which results in any of the occurrences listed in subsections (1)-(6) below, the responsible party at the facility shall immediately provide notice as described in subsection (c)(1).
 - 1) a member of the general public is killed;
 - 2) a member of the general public receives injuries requiring hospitalization;
 - 3) an authorized official of an emergency agency recommends evacuation of an area by the general public;
 - 4) a motor vehicle has overturned on a public highway.
 - 5) Fire, breakage, release or suspected contamination occurs involving an etiologic agent.
 - 6) Any release of oil which meets the reporting requirements in the U.S. Environmental Protection Agency regulations 40 CFR 110. This incorporation does not include any later amendments or editions.
- c) Notice Procedures
 - 1) Notice required under subsections (a) and (b) shall be given immediately by the responsible party to the IESDA (which is the SERC) by calling 1-800-782-7860 or 1-217-782-7860;
 - 2) Notice required under subsection (a) shall also be given immediately via

the telephone, radio, or in person by the responsible party to the community emergency coordinator for the local emergency planning committee for any area likely to be affected by the release. If there is no local emergency planning committee, notification shall be given to relevant local emergency response personnel. Notice shall also be given to the SERC for any other State likely to be affected by the release. Telephone numbers for LEPCs and other SERCs may be obtained from the Illinois SERC (524-6887 or 782-4694).

- 3) A responsible party of a facility from which there is a transportation-related release may meet the requirements of subsection (a) by providing the information required in Section 430.40 to the 911 operator, or in the absence of a 911 emergency telephone number, to the operator.

Section 430.40 Contents of Notice

Notice required under Section 430.30 shall include, as a minimum, each of the following to the extent that it is known at the time of notice and provided that it causes no delay in responding to the emergency:

- a) the chemical name or identity of any substance involved in the release;
- b) an indication of whether the substance is on the list of extremely hazardous substances;
- c) an estimate of the quantity in pounds of any such substance that was released into the environment;
- d) the time and duration of the release;
- e) specific location of the release;
- f) the medium or media (air, water, land) into which the release occurred;
- g) proper precautions to take as a result of the release, including evacuation (unless such information is readily available to the community emergency coordinator pursuant to the emergency plan);
- h) any known or anticipated acute or chronic health risks or public safety risks associated with the emergency and, where appropriate, advice regarding medical attention necessary for exposed individuals;
- i) name of the reporter and phone number where the reporter may be contacted, as

well as the name and telephone numbers of persons or persons to be contacted for further information.

Section 430.50 Notification Responsibility to Agencies other than the SERC, IESDA, the LEPC and the Local Emergency Agency

- a) If notification of an incident or accident that may involve the support of any state agency is filed with IESDA or the SERC, pursuant to Sections 430.30 and 430.40 of this Part, no additional telephone notification to a state agency is otherwise required under regulations of the Illinois Pollution Control Board, Illinois Environmental Protection Agency, Illinois Department of Nuclear Safety, Illinois Department of Mines and Minerals, Illinois Commerce Commission, State Fire Marshal, Illinois Department of Transportation, Illinois Department of Law Enforcement, Illinois Department of Agriculture or Illinois Department of Public Health; it shall be the responsibility of the IESDA to notify state agencies having jurisdiction pursuant to IESDA Standard Operating Procedures.
- b) Notification to IESDA, the SERC or the LEPC under this Part does not satisfy any requirements to provide telephone notification of a hazardous material incident or accident to federal or local emergency agencies.
- c) Notification to IESDA, the SERC or the LEPC under this Part does not satisfy additional requirements to provide subsequent written notification, reports or other data as may be required by law, rule, regulation, license or permit.

Section 430.60 Exempted Releases

Emergency release notification does not apply to the following:

- a) any release which results in exposure to persons solely within the site or sites on which a facility is located,
- b) any release which is a "federally permitted release" as defined in Section 101(10) of CERCLA,
- c) any release exempt from CERCLA Section 103(a) reporting under Section 101(22) of CERCLA,
- d) the normal application of fertilizer.

Section 430.70 Follow-up Emergency Notice

As soon as practicable after a release which requires notice under Section 430.30(a), the

responsible persons shall provide a written follow-up emergency notice (or notices, as more information becomes available) to IESDA updating the information required under Section 430.40, and including additional information with respect to the following:

- a) actions taken to respond to and contain the release;
- b) any known or anticipated acute or chronic health risks associated with the release, and
- c) where appropriate, advice regarding medical attention necessary for exposed individuals.

Section 430.80 Enforcement

- a) The IESDA shall have authority to investigate any violation of Section 430.30(a) and (c), Section 430.50, Section 430.60 and Section 430.70. Any enforcement or civil action required under this Part shall be carried out pursuant to "AN ACT to require labeling of equipment and facilities for the use, transportation, storage and manufacture of hazardous materials and to provide for a uniform response system to hazardous materials emergencies" (Ill. Rev. Stat. 1987, ch. 127, pars. 1251 et seq.) and Title III of the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 11001 et seq.).
- b) It shall be the sole responsibility of any State agency pursuant to their statutory responsibilities to investigate violations of Section 430.30(b) and to initiate enforcement action pursuant to their statutory authority and this rule.