

The Indiana “Spill Rule”

Did you know that...

some states, including Indiana, have their own requirements for reporting spills and releases of petroleum and hazardous substances. In 1980, Congress passed the Comprehensive Environmental Response Compensation, and Liability Act (CERCLA), and has since amended and reauthorized the “Superfund” law with “SARA” in 1986. CERCLA established reportable spill thresholds, known as Reportable Quantities (RQ’s) for a substantial number of hazardous substances. These RQ’s are applicable nationwide and are referenced in the U.S. Department of Transportation Hazardous Materials Tables. However, in Indiana, regulated spill or release incidents may require specific reporting and response procedures, and may be exclusive of CERCLA requirements.

The Indiana “Spill Rule” is found in 327 IAC Rule 6.1, and prescribes the requirements for 1) reporting petroleum and hazardous substances spills, 2) providing secondary containment for hazardous materials storage, and 3) response to regulated spill incidents. In general, the requirements of the Indiana Spill Rule are intended to prevent pollution of the waters of the state, with the rule promulgated under the state’s Water Quality Standards.

Facility vs. Transportation Spills

The reporting requirements of the Spill Rule are separated into those required for a “Facility” versus those requirements for a “Transportation” incident.

Spills that must be reported that occur at a Facility include:

- Spills that damage the waters of the state or cause injury to humans or animals.
- The following spills from facilities in wellhead-protection areas:
 - Greater than 100 lbs. of a hazardous substance or the CERCLA RQ;
 - Petroleum spills of greater than 55-gallons; or
 - Spills of “objectionable substances” – defined as, substances of a quantity and type that are present in sufficient duration and location to damage the waters of the state.
- Hazardous substances spills to surface waters greater than 100 lbs. or the RQ, whichever is less.
- Spills to soil beyond the facility boundary in greater than 100 lbs. or the RQ for hazardous substances, greater than 55 gallons of petroleum, or spills of objectionable substances. And,
- Spills to soil within the facility boundary of greater than the RQ for hazardous substances, greater than 1,000 gallons for petroleum, and spills of objectionable substances.

Reportable Transportation-related spills include any spills that damage the waters of the state as provided for Facility spills, and the following:

- Spills exceeding 100 lbs. of a hazardous substance or the CERCLA RQ (whichever is less);
- Petroleum spills of greater than 55-gallons;

- Spills of objectionable substances; and
- *Any spill for which a spill response has not been performed.*

Note that the last item requires that transportation-related spills be reported, if no spill response activities are performed.

Responsibilities for Reportable Spills

The Spill Rules requires the following for “reportable spills:”

- Containment of the spill to prevent contact with the waters of the state;
- Implementation of a spill response;
- Reporting within 2-hours of incident discovery to the IDEM Emergency Response Section a 888-233-7745;
- If requested by IDEM, submit a written spill report; and
- For pipeline spills, notification of downstream water users for 10-miles and affected property owners.

Does your state have its own spill reporting and response regulations? Does your facility or transportation company have a contract for emergency spill response services? Do you know what to do after reporting the spill to clean up and close your “site” with the state regulators? Midwest Environmental Services, Inc.’s, *Consulting Services Division*, can help you answer these questions, and Midwest Environmental Services, Inc. provides **24-hour Emergency Response Services** you need to reduce your environmental risks. Please visit our website at www.midwestenvironmentalservices.com/emergencym.htm for further details.

Don’t wait to find out that you should have been better prepared for your spill. Contact Midwest Environmental Services at **800-388-5160** or our Consulting Services Division at **502-491-0991**, and inquire about Emergency Response Preparedness.

Midwest Environmental Services, Inc. is ready to support your business’ compliance to the myriad environmental and safety regulations. Midwest Environmental Services continually works to improve our professional services to help ensure that our valuable clients receive prompt, professional attention.