



## Oil Discharge Reporting Requirements

### ***How to Report Oil Discharges to the National Response Center and EPA***

If a facility or vessel discharges oil to navigable waters or adjoining shorelines, waters of the contiguous zone, or in connection with activities under the Outer Continental Shelf Lands Act or Deepwater Port Act of 1974, or which may affect natural resources under exclusive U.S. authority, the owner/operator is required to follow certain federal reporting requirements. These requirements are found in two EPA regulations – 40 CFR part 110, Discharge of Oil regulation, and 40 CFR part 112, Oil Pollution Prevention regulation. The Discharge of Oil regulation provides the framework for determining whether an oil discharge to inland and coastal waters or adjoining shorelines should be reported to the National Response Center. The Oil Pollution Prevention regulation, part of which is commonly referred to as the “SPCC rule,” identifies certain types of discharges from regulated facilities that also need to be reported to EPA. Although these reporting requirements were not changed by EPA’s recent modifications of the SPCC rule, this Fact Sheet will help facilities with the Reportable Discharge History criterion associated with the qualified facility option and the oil-filled operational equipment option offered in the recent SPCC modifications.

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#### **Who is subject to the Discharge of Oil regulation?**

Any person in charge of a vessel or of an onshore or offshore facility is subject to the reporting requirements of the Discharge of Oil regulation if it discharges a harmful quantity of oil to U.S. navigable waters, adjoining shorelines, or the contiguous zone, or in connection with activities under the Outer Continental Shelf Lands Act or Deepwater Port Act of 1974, or which may affect natural resources under exclusive U.S. authority.

#### **What is a “harmful quantity” of discharged oil?**

A harmful quantity is any quantity of discharged oil that violates state water quality standards, causes a film or sheen on the water’s surface, or leaves sludge or emulsion beneath the surface. For this reason, the Discharge of Oil regulation is commonly known as the “sheen” rule. Note that a floating sheen alone is not the only quantity that triggers the reporting requirements (e.g., sludge or emulsion deposited below the surface of the water may also be reportable).

Under this regulation, reporting oil discharges does not depend on the specific amount of oil discharged, but instead can be triggered by the presence of a visible sheen created by the discharged oil or the other criteria described above.

#### **To whom do I report an oil discharge?**

A facility should report discharges to the National Response Center (NRC) at 1-800-424-8802 or 1-202-426-2675. The NRC is the federal government’s centralized reporting center, which is staffed 24 hours per day by U.S. Coast Guard personnel.

If reporting directly to NRC is not practicable, reports also can be made to the EPA regional office or the U.S. Coast Guard Marine Safety Office (MSO) in the area where the incident occurred.

#### **When must I report to NRC?**

Any person in charge of a vessel or an onshore or offshore facility must notify NRC immediately after he or she has knowledge of the discharge.

#### **What information do I need to report?**

NRC will ask a caller to provide as much information about the incident as possible including:

- Name, organization, and telephone number
- Name and address of the party responsible for the incident
- Date and time of the incident
- Location of the incident
- Source and cause of the discharge
- Types of material(s) discharged
- Quantity of materials discharged
- Danger or threat posed by the discharge

- Number and types of injuries (if any)
- Weather conditions at the incident location
- Other information to help emergency personnel respond to the incident

### **How are reports to NRC handled?**

NRC relays information to an EPA or U.S. Coast Guard On Scene Coordinator (OSC), depending on the location of the incident. After receiving a report, the OSC evaluates the situation and decides if federal emergency response action is necessary.

### **If I report a discharge to NRC, do I also report to EPA?**

If a facility is regulated under the SPCC rule and has a reportable discharge according to EPA regulations (see below), it must be reported to both NRC and EPA.

### **What are the oil discharge reporting requirements in the SPCC rule?**

Any facility owner/operator who is subject to the SPCC rule must comply with the reporting requirements found in §112.4.

A discharge must be reported to the EPA Regional Administrator (RA) when there is a discharge of:

- More than 1,000 U.S. gallons of oil in a single discharge to navigable waters or adjoining shorelines
- More than 42 U.S. gallons of oil in each of two discharges to navigable waters or adjoining shorelines occurring within any twelve-month period

When determining the applicability of this SPCC reporting requirement, the gallon amount(s) specified (either 1,000 or 42) refers to the amount of oil that actually reaches navigable waters or adjoining shorelines, not the total amount of oil spilled.

### **What do I need to submit to EPA?**

The owner/operator must provide the following:

- Name and location of the facility
- Owner/operator name
- Maximum storage/handling capacity of the facility and normal daily throughput
- Corrective actions and countermeasures taken, including descriptions of equipment repairs and replacements

- Adequate description of the facility, including maps, flow diagrams, and topographical maps, as necessary
- Cause of the discharge to navigable waters, including a failure analysis
- Failure analysis of the system where the discharge occurred
- Additional preventive measures taken or planned to take to minimize discharge reoccurrence
- Other information the RA may reasonably require

An owner/operator must also send a copy of this information to the agency or agencies in charge of oil pollution control activities in the state in which the facility is located.

### **What happens after a facility submits this information to EPA?**

The EPA Regional Administrator will review the information submitted by the facility and may require a facility to submit and amend its SPCC Plan. Facilities and equipment that qualified for the new streamlined requirements may lose eligibility for those options as determined by the Regional Administrator. A state agency may also make recommendations to EPA for a facility to amend its Plan to prevent or control oil discharges.

#### **For More Information**

##### **Review the Discharge of Oil regulation (40 CFR part 110)**

<http://www.gpoaccess.gov/cfr/>

##### **Review the Oil Pollution Prevention regulation (40 CFR part 112)**

<http://www.gpoaccess.gov/cfr/>

##### **Visit the EPA Office of Emergency Management Web site**

[www.epa.gov/emergencies](http://www.epa.gov/emergencies)

##### **Call the Superfund, TRI, EPCRA, RMP, and Oil Information Center**

(800) 424-9346 or (703) 412-9810

TDD (800) 553-7672 or (703) 412-3323

[www.epa.gov/superfund/resources/infocenter](http://www.epa.gov/superfund/resources/infocenter)

#### **To Report an Oil or Chemical Discharge**

##### **Contact the National Response Center**

(800) 424-8802 or (202) 267-2675

TDD (202) 267-4477

<http://www.nrc.uscg.mil/index.html>