

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 MATERIAL OR
EXTREMELY HAZARDOUS SUBSTANCE

Section	
430.10	Purpose
430.15	Applicability
430.20	Definitions
430.30	Emergency Notification of an Incident or Accident Involving a Reportable Hazardous Material or Extremely Hazardous Substance
430.40	Contents of Notice
430.50	Notification Responsibility to Agencies other than the SERC, LEPC and Local Emergency Response Agencies
430.60	Exempted Releases
430.70	Follow-up Emergency Notice
430.80	Enforcement

AUTHORITY: Implementing Section 304 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (42 USC 11004) and authorized by Section 5(c) of the Illinois Emergency Management Agency Act [20 ILCS 3305/5(c)].

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 Rules repealed, new rules adopted and codified at 6 Ill. Reg. 10928, effective September 1, 1982; Part repealed, new Part adopted at 13 Ill.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; amended at 38 Ill. Reg. 21779, effective November 5, 2014.

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 that involves the release of a reportable hazardous material or extremely hazardous substance or, in the case of a transportation incident, a hazardous material. The procedures in this Part provide for a centralized and expedient method for alerting State and local planning and response agencies about a potential or actual release, so that an appropriate emergency response system can be activated if necessary.

(Source: Amended at 38 Ill. Reg. 21779, effective November 5, 2014)

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 material or

extremely hazardous substance; 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 material or extremely hazardous substance.

(Source: Amended at 38 Ill. Reg. 21779, effective November 5, 2014)

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 USC 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 USC 11001(b)).

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

"Etiologic Agent" means a disease-causing agent.

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

"Extremely Hazardous Substance" means any substance listed in appendix A of 40 CFR 355 (January 1, 2014).

"Facility" means all buildings, equipment, structures and other stationary items that are located on a single site or on contiguous or adjacent sites and that are owned or operated by the same person (or by any person who controls, is controlled by, or is under common control with, that 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 that is designated a hazardous material pursuant to the Hazardous Materials Transportation Act (49 USCA 5101 et seq.).

"Hazardous Substance" means any substance listed in table 302.4 of 40 CFR 302

(January 1, 2014).

"IEMA" means the Illinois Emergency Management 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 Response 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 or extremely hazardous substance.

"Local Emergency Planning Committee" or "LEPC" means the committee appointed by the SERC, in accordance with section 301(c) of SARA.

"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 that 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 discharge of barrels, containers and other closed receptacles). For the purposes of this Part, "release" includes the loss of containment of a reportable hazardous material or extremely hazardous substance that is not wholly contained within a building or structure inside plant or facility boundaries.

"Reportable Quantity" means any extremely hazardous substance that equals or exceeds the reportable quantity listed in appendix A of 40 CFR 355 and that equals or exceeds the reportable quantity listed in table 302.4 of 40 CFR 302 subject to the exemptions listed in 40 CFR 355.31 (January 1, 2014).

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

"State Emergency Response Commission" or "SERC" means the Illinois Emergency Management Agency as appointed by the Governor in accordance with section 301 of SARA to carry out all State responsibilities required by that Act.

(Source: Amended at 38 Ill. Reg. 21779, effective November 5, 2014)

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

- a) If a release of a hazardous material or extremely 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 that results in any of the occurrences listed in subsections (b)(1) through (6), 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 that meets the reporting requirements in the U.S. Environmental Protection Agency regulations (40 CFR 110; January 2014).
- c) Notice Procedures
 - 1) Notice required under subsections (a) and (b) shall be given immediately by the responsible party to 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 LEPC for any area likely to be affected by the release. If there is no LEPC, notification shall be given to relevant local emergency response agencies. 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 Emergency Management website (www.iema.illinois.gov) or by calling a telephone number listed in subsection (c)(1).
 - 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.

(Source: Amended at 38 Ill. Reg. 21779, effective November 5, 2014)

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, LEPC and Local Emergency Response Agencies

- a) If notification of an incident or accident that may involve the support of any State agency is filed with the SERC, pursuant to Sections 430.30 and 430.40, 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 Natural Resources, Illinois Commerce Commission, State Fire Marshal, Illinois Department of Transportation, Illinois

Department of State Police, Illinois Department of Agriculture or Illinois Department of Public Health. It shall be the responsibility of the SERC to notify State agencies having jurisdiction pursuant to SERC Standard Operating Procedures.

- b) Notification to the SERC or the LEPC 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 the SERC or the LEPC 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.

(Source: Amended at 38 Ill. Reg. 21779, effective November 5, 2014)

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 that 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 the SERC 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) when appropriate, advice regarding medical attention necessary for exposed individuals.

(Source: Amended at 38 Ill. Reg. 21779, effective November 5, 2014)

Section 430.80 Enforcement

The SERC shall have authority to investigate any violation of Sections 430.30, 430.50, 430.60 and 430.70. Any enforcement or civil action required under this Part shall be carried out pursuant to SARA and the Illinois Emergency Management Agency Act and this Part.

(Source: Amended at 38 Ill. Reg. 21779, effective November 5, 2014)