



United States
Department of
Agriculture

Farmers
Home
Administration

Washington
D.C.
20250

FmHA AN No. 2009 (1940)

November 15, 1989

SUBJECT: Hazardous Waste Reporting Requirements

TO: All State Directors, District Directors,
and County Supervisors

Purpose/Intended Outcome:

The purpose of this AN is to update (1) field office responsibilities for reporting hazardous substances and wastes and (2) a format for the field to report hazardous wastes to the State Environmental Coordinator who, in turn, will notify the National Office.

Comparison with Previous AN:

This AN updates and replaces FmHA AN No. 1948 (1940), June 30, 1989.

Implementation Responsibilities:

Under the reporting requirements of the Resource Conservation and Recovery Act (RCRA) and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), field office staff must immediately notify the National Response Center at U.S. Coast Guard Headquarters in Washington, D.C. (toll-free:1-800-424-8802) of any releases of hazardous substances if the release is greater than or equal to the reportable quantity (RQ) for that substance. A release is defined as any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment. Release includes the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance, pollutant, or contaminant. Release also means the substantial threat of release, as well as past and present activities. A reportable quantity may be 1, 10, 100, 5,000 pounds per day. The federal time period for measuring the amount released is 24 hours.

EXPIRATION DATE: November 30, 1990

FILING INSTRUCTION: Preceding
FmHA Instruction 1940-G



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Definitions of hazardous substances and reportable quantities are not as straightforward as they appear. For purposes of regulation, Congress and the Environmental Protection Agency (EPA) have defined terms to describe wastes and other substances that fall under regulation. The definitions below show the complexity of the regulatory task. Therefore, field office staff, rather than reviewing complex reportable quantities lists, are well advised to seek out the services of the RCRA/Superfund Hotline at 1-800-424-9346 for any questions on hazardous substances.

- o Hazardous Substance (CERCLA) - Any substance that, when released into the environment, may present substantial danger to public health, welfare, or the environment. Designation as a hazardous substance grows out of the statutory definitions in several environmental laws: the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the Resource Conservation and Recovery Act (RCRA), the Clean Water Act (CWA), the Clean Air Act (CAA), and the Toxic Substances Control Act (TSCA). Currently there are 717 CERCLA hazardous substances.
- o Extremely Hazardous Substances (CERCLA as amended) - Substances which could cause serious, irreversible health effects from a single exposure. For purposes of chemical emergency planning, EPA has designated 366 substances as extremely hazardous. If not already so designated, these also will be listed as hazardous substances.
- o Solid Waste (RCRA) - Any garbage, refuse, sludge, or other discarded material. All solid waste is not solid; it can be liquid, semisolid, or contained gaseous material. Solid waste results from industrial, commercial, mining, and agricultural operations and from community activities. Solid waste can be either hazardous or nonhazardous. However, it does not include solid or dissolved material in domestic sewage, certain nuclear material, or certain agricultural wastes.
- o Hazardous Waste (RCRA) - Solid waste, or combinations of solid waste, that because of its quantity, concentration, or physical, chemical or infectious characteristics, may pose a hazard to human health or the environment.
- o Nonhazardous Waste (RCRA) - Solid wastes, including municipal wastes, household hazardous waste, municipal sludge, and industrial and commercial wastes that are not hazardous.

In most instances field offices will also have to notify the appropriate state agency because most states have notification requirements similar to the federal requirements. Even though immediate notification is given to a state agency, field offices also have an independent obligation to immediately notify the National Response Center. The obligation to report to the National Response Center cannot be satisfied by notifying anyone else. Federal and state agencies strictly enforce the immediate reporting requirements.

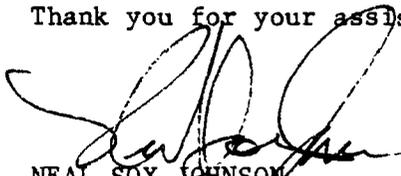
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The Deputy Secretary of Agriculture exercises primary responsibility to direct and coordinate environmental pollution control and abatement within the Department. Toward this end, the Deputy Secretary has developed a responsive alert and reporting procedure for use when a release occurs. It is essential to FmHA, therefore, that all reported hazardous substance releases be reported to the Program Support Staff, Attention: Warren Clayman (382-9619) so he may, in turn, notify the Deputy Secretary. The prescribed format for the field offices to report to the State Environmental Coordinator is as follows:

<u>Reporting Date and to Whom</u>	<u>Property Identifi- cation (name, location)</u>	<u>FmHA Con- tact Person</u>	<u>Problem</u>	<u>Solution</u>	<u>Present Status of Imple- mentation</u>	<u>Cost</u>
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The State Office will report to the National office (a) immediately upon discovery of a hazardous waste and (b) the first week of each quarter (October, January, April, and July) thereafter. Negative reports will also be filed each quarter.

Thank you for your assistance in this matter.



NEAL SOX JOHNSON
Acting Administrator