

Environmental Protection Agency

§ 302.3

potentially responsible parties to undertake response actions.

(e) Because state and local public safety organizations would normally be the first government representatives at the scene of a discharge or release, they are expected to initiate public safety measures that are necessary to protect the public health and welfare and that are consistent with containment and cleanup requirements in the NCP, and are responsible for directing evacuations pursuant to existing state or local procedures.

[59 FR 47473, Sept. 15, 1994]

PART 302—DESIGNATION, REPORTABLE QUANTITIES, AND NOTIFICATION

Sec.

- 302.1 Applicability.
- 302.2 [Reserved]
- 302.3 Definitions.
- 302.4 Designation of hazardous substances.
- 302.5 Determination of reportable quantities.
- 302.6 Notification requirements.
- 302.7 Penalties.
- 302.8 Continuous releases.

AUTHORITY: 42 U.S.C. 9602, 9603, and 9604; 33 U.S.C. 1321 and 1361.

SOURCE: 50 FR 13474, Apr. 4, 1985, unless otherwise noted.

§ 302.1 Applicability.

This regulation designates under section 102(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (“the Act”) those substances in the statutes referred to in section 101(14) of the Act, identifies reportable quantities for these substances, and sets forth the notification requirements for releases of these substances. This regulation also sets forth reportable quantities for hazardous substances designated under section 311(b)(2)(A) of the Clean Water Act.

§ 302.2 [Reserved]

§ 302.3 Definitions.

As used in this part, all terms shall have the meaning set forth below:

The Act, *CERCLA*, or *Superfund* means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Pub. L. 96-510);

Administrator means the Administrator of the United States Environmental Protection Agency (“EPA”);

Animal waste means manure (feces, urine, and other excrement produced by livestock), digestive emissions, and urea. The definition includes animal waste when mixed or commingled with bedding, compost, feed, soil and other typical materials found with animal waste.

Consumer product shall have the meaning stated in 15 U.S.C. 2052;

Environment means (1) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Fishery Conservation and Management Act of 1976, and (2) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States;

Facility means (1) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (2) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel;

Farm means a facility on a tract of land devoted to the production of crops or raising of animals, including fish, which produced and sold, or normally would have produced and sold, \$1,000 or more of agricultural products during a year.

Hazardous substance means any substance designated pursuant to 40 CFR part 302;

Hazardous waste shall have the meaning provided in 40 CFR 261.3;

Navigable waters or *navigable waters of the United States* means waters of the United States, including the territorial seas;

Offshore facility means any facility of any kind located in, on, or under, any of the navigable waters of the United States, and any facility of any kind which is subject to the jurisdiction of

§ 302.4

40 CFR Ch. I (7–1–11 Edition)

the United States and is located in, on, or under any other waters, other than a vessel or a public vessel;

Onshore facility means any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under, any land or non-navigable waters within the United States;

Person means an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body;

Release means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant), but excludes:

(1) Any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons;

(2) Emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine;

(3) Release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under section 170 of such Act, or for the purposes of section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act or any other response action, any release of source, byproduct, or special nuclear material from any processing site designated under section 102(a)(1) or 302(a) of the Uranium Mill Tailings Radiation Control Act of 1978; and

(4) The normal application of fertilizer;

Reportable quantity (“RQ”) means that quantity, as set forth in this part, the release of which requires notification pursuant to this part;

United States include the several States of the United States, the Dis-

trict of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Marianas, and any other territory or possession over which the United States has jurisdiction; and

Vessel means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

[50 FR 13474, Apr. 4, 1985, as amended at 67 FR 45321, July 9, 2002; 73 FR 76959, Dec. 18, 2008]

§ 302.4 Designation of hazardous substances.

(a) *Listed hazardous substances.* The elements and compounds and hazardous wastes appearing in table 302.4 are designated as hazardous substances under section 102(a) of the Act.

(b) *Unlisted hazardous substances.* A solid waste, as defined in 40 CFR 261.2, which is not excluded from regulation as a hazardous waste under 40 CFR 261.4(b), is a hazardous substance under section 101(14) of the Act if it exhibits any of the characteristics identified in 40 CFR 261.20 through 261.24.

NOTE: The numbers under the column headed “CASRN” are the Chemical Abstracts Service Registry Numbers for each hazardous substance. The “Statutory Code” column indicates the statutory source for designating each substance as a CERCLA hazardous substance: “1” indicates that the statutory source is section 311(b)(2) of the Clean Water Act, “2” indicates that the source is section 307(a) of the Clean Water Act, “3” indicates that the source is section 112 of the Clean Air Act, and “4” indicates that the source is section 3001 of the Resource Conservation and Recovery Act (RCRA). The “RCRA Waste Number” column provides the waste identification numbers assigned to various substances by RCRA regulations. The “Pounds (kg)” column provides the reportable quantity adjustment for each hazardous substance in pounds and kilograms. Appendix A to § 302.4, which lists CERCLA hazardous substances in sequential order by CASRN, provides a per-substance grouping of regulatory synonyms (*i.e.*, names by which each hazardous substance is identified in other statutes and their implementing regulations).