

Sunshine Act, including any cost assessed against the Board in such litigation (whether or not paid by the Board).

#### § 1603.14 Severability.

If any provision of this part or the application of such provision to any person or circumstances, is held invalid, the remainder of this part or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

### PART 1604—REPORTING OF ACCIDENTAL RELEASES

Sec.

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AUTHORITY: 42 U.S.C. 7412(r)(6)(C)(iii); 42 U.S.C. 7412(r)(6)(N).

SOURCE: 85 FR 10094, Feb. 21, 2020, unless otherwise noted.

#### § 1604.1 Purpose.

The enabling legislation of the Chemical Safety and Hazard Investigation Board (CSB) provides that the CSB shall establish by regulation requirements binding on persons for reporting accidental releases into the ambient air subject to the Board's investigative jurisdiction. 42 U.S.C. 7412(r)(6)(C)(iii). This part establishes the rule required by the enabling legislation. The purpose of this part is to require prompt notification of any accidental release within the CSB's investigatory jurisdiction.

#### § 1604.2 Definitions.

As used in this part, the following definitions apply:

*Accidental release* means an unanticipated emission of a regulated substance or other extremely hazardous substance into the ambient air from a stationary source.

*Ambient air* means any portion of the atmosphere inside or outside a stationary source.

*Extremely hazardous substance* means any substance which may cause death, serious injury, or substantial property damage, including but not limited to, any "regulated substance" at or below any threshold quantity set by the Environmental Protection Agency (EPA) Administrator under 42 U.S.C. 7412(r)(5).

*General public* means any person except for:

(1) Workers, employees, or contractors working for (or on behalf of) the owner or operator of a stationary source from which an accidental release has occurred; and

(2) Any person acting in the capacity of an emergency responder to an accidental release from a stationary source.

*Inpatient hospitalization* means a formal admission to the inpatient service of a hospital or clinic for care.

*Owner or operator* means any person or entity who owns, leases, operates, controls, or supervises a stationary source.

*Property damage* means damage to or the destruction of tangible public or private property, including loss of use of that property.

*Regulated substance* means any substance listed pursuant to the authority of 42 U.S.C. 7412(r)(3).

*Serious injury* means any injury or illness that results in death or inpatient hospitalization.

*Stationary source* means any buildings, structures, equipment, installations, or substance-emitting stationary activities which belong to the same industrial group, which are located on one or more contiguous properties, which are under the control of the same person (or persons under common control), and from which an accidental release may occur.

*Substantial property damage* means estimated property damage at or outside the stationary source equal to or greater than \$1,000,000.