

*What are the reporting requirements for discharges of oil?*

If a discharge of oil reaches waters of the United States, it is reportable to the NRC under 40 CFR Part 110, which was established under the authority of the CWA. Discharges of oil must be reported if they "(c)ause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines." (40 CFR 110.3(b))

*Would disposal of a hazardous substance into a RCRA Subtitle C permitted facility or interim status facility be reportable?*

No. The disposal of hazardous substances into a disposal facility in accordance with EPA regulations is not subject to CERCLA notification provisions. Where the disposal of wastes into permitted or interim status facilities is properly documented through the RCRA manifest system and RCRA regulations are followed, notification under CERCLA does not provide a significant additional benefit, if the facility is in compliance with all applicable regulations and permit conditions. For example, if a waste generator or building owner or operator properly disposes of lamps containing one pound or more of mercury into a RCRA-permitted facility during a 24-hour period, the generator or owner or operator would not be required to report the release under CERCLA. Where the person in charge knows that the facility is not in substantial compliance, that person must report the disposal of an RQ or more of a hazardous substance to the NRC. Of course, spills and accidents occurring during disposal that result in the release of an RQ or more of a hazardous substance must also be reported to the NRC.

Hazardous Substances Lists

*What is the relationship between the hazardous substance lists under the CWA and under CERCLA?*

All CWA hazardous substances are CERCLA hazardous substances (only some CERCLA hazardous substances are CWA hazardous substances). Table 117.3 in 40 CFR 117.3, which is entitled "Reportable Quantities of Hazardous Substances," lists substances that were designated as hazardous under section 311(b)(4) of the CWA. Table 117.3 provides the CWA RQs for the substances. Substances designated under this section of the CWA are automatically CERCLA hazardous substances because CERCLA section 101(14) defines "hazardous substance" chiefly by reference to lists under other statutes, including CWA section 311(b)(4) (see CERCLA section 101(14)(A)). Therefore, all of the hazardous substances in Table 117.3 are also in 40 CFR 302.4, Table 302.4, the list of CERCLA hazardous substances. Table 302.4 identifies by the digits "1" and "2" in the statutory code column those substances listed under sections 311(b)(4) and 307(a) of the CWA, respectively.