



# Spill Response

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*In its 2000 session, the Wyoming Legislature created new opportunities, procedures, and standards for voluntary remediation of contaminated sites. These provisions, enacted as Articles 16, 17, and 18 of the Wyoming Environmental Quality Act and implemented by the Wyoming Department of Environmental Quality (DEQ), will govern future environmental cleanups in Wyoming.*

*This Fact Sheet outlines how the Voluntary Remediation Program (VRP) relates to spill response activities under Chapter 4 of the Water Quality Rules and Regulations.*

## **1. Does the VRP replace the current spill response procedures?**

No. The VRP does not replace the current requirements and procedures for the immediate phase spill response. If you have experienced a reportable spill or release, you should contact DEQ immediately at (307) 777-7781.

DEQ's requirements for notification, containment, and cleanup of releases of hazardous substances are located in Chapter 4 of the Water Quality Rules and Regulations. (See <http://deq.wyoming.gov/wqd/resources/rules-regs/>.) In addition to DEQ's requirements, other Federal, State, and local agencies and departments may have spill response requirements. If you need help determining the requirements that apply to future spills of materials you handle, you may contact DEQ at (307) 777-7781 or at <http://spills.adm.apps.deq.wyoming.gov/>

## **2. What are the requirements for the immediate phase of spill response under Chapter 4 of the Water Quality Rules and Regulations?**

Under Chapter 4 of the Water Quality Rules and Regulations, during the immediate phase of spill response any person owning or having control over oil or a hazardous substance which, after release, enters or threatens to enter waters of the State must do the following:

- Immediately take appropriate action to stop and contain the release;
- Immediately notify the DEQ Water Quality Division of the release and the response, containment, and cleanup actions which have been taken or are proposed to be taken. The telephone number for spill notification is (307) 777-7781. This number is available 24-hours a day;
- Immediately proceed to correct the cause of the release; and

- Within seven days following a release, submit a written report to the DEQ Water Quality Division describing the reportable release, the response, and steps taken to prevent recurrence.

Chapter 4 of the Water Quality Rules and Regulations also establishes requirements for subsequent cleanup in situations where spills are not fully addressed during the immediate phase of response. These requirements and their relationship to the VRP are discussed below (see question 6).

### **3. Am I required to notify DEQ if a spill or release does not enter or threaten to enter waters of the State?**

Yes, there are some cases that require notification even if the spill or release does not enter or threaten to enter waters of the State. Any person owning or having control over the following types of releases must immediately notify the DEQ Water Quality Division of the type, quantity, and location of the releases. The response, containment, and cleanup actions which have been taken or are proposed to be taken must also be reported. In addition, all other activities listed in question 2 above must be carried out regardless of whether the releases enter or threaten to enter surface waters of the State.

- Releases of ten barrels (420 gallons) or more of crude oil, petroleum condensate, produced water or a combination thereof.
- Releases of 25 gallons or more of refined crude oil products, including but not limited to: gasoline, diesel motor fuel, aviation fuel, asphalt, road oil, kerosene, fuel oil, and derivatives of mineral, animal, or vegetable oils.

Waters of the state are broadly defined in the Water Quality Rules and Regulations at Chapter 1, Section 2 (a)(xii) as “all surface and groundwater, including waters associated with wetlands, within Wyoming.” Surface waters of the state are further defined in Section 2(b)(xiv) as “all perennial, intermittent and ephemeral defined drainages, lakes, reservoirs, and wetlands which are not man-made retention ponds used for the treatment of municipal, agricultural or industrial waste; and all other bodies of surface water, either public or private which are wholly or partially within the boundaries of the state.”

### **4. May I use the administrative procedures of the VRP instead of the Water Quality Rules and Regulations for the immediate phase of my spill response?**

No. You cannot use the administrative procedures of the VRP to govern the initial notification, containment or cleanup of releases (i.e., the immediate phase of spill response).

### **5. What if I want one of the liability assurances established by the VRP?**

If you have experienced a spill or release and you would like a liability assurance under the VRP, you may apply to enter the VRP after you have completed the immediate phase of spill response. (See question 2 above for a discussion of the activities that constitute the immediate phase of spill response.)

To qualify for a VRP liability assurance you will need to complete a “satisfactory cleanup” under the Chapter 4 Water Quality Rules and Regulations and enter the VRP.

## **6. Are the cleanup goals for spills under Chapter 4 of the Water Quality Rules and Regulations the same as the cleanup goals under the VRP?**

If the immediate phase of a spill response does not completely address a spill, the Chapter 4 Water Quality Rules and Regulations require that a “satisfactory cleanup” be carried out. A satisfactory cleanup is defined as follows:

- Oil releases shall not be present in, or threaten, waters of the State in amounts which would cause: oil and grease content to exceed 10 mg/L, visible deposits on the bottom or shoreline, or damage or impairment of the normal growth, function, or reproduction of human, animal, plant or aquatic life.
- Hazardous substances shall not be present in, or threaten, waters of the State in concentrations or combinations which, as determined by the administrator, would damage or impair the normal growth, function, or reproduction of human, animal, plant, or aquatic life, or impair the beneficial use of any waters of the State.

The definition of “satisfactory cleanup” currently in place (and discussed above) is consistent with VRP cleanup standards, and DEQ will, as a matter of policy, use the VRP cleanup standards to define concentrations of hazardous substances that will not damage or impair the normal growth, function or reproduction of human, animal, plant or aquatic life, or impair the beneficial use of waters of the State. This means, to be considered a “satisfactory cleanup,” spill responses must meet VRP cleanup standards.

You do not have to enter the VRP to carry out a satisfactory cleanup; you are only expected to meet VRP cleanup standards. However, if you would like a certificate of completion or other VRP liability assurance, you must enter the VRP. DEQ expects that many spill response sites will be eligible for the Independent Cleanup Process (ICP) under the VRP. The ICP is a streamlined set of administrative procedures that allow Volunteers to move quickly through the VRP and apply for a certificate of completion or other liability assurance at sites where soil is the only contaminated environmental medium.

For more information on the ICP see Fact Sheet #6 *Independent Cleanup*. For more information on the VRP cleanup standards, see Fact Sheet #11 *Risk Assessment* and Fact Sheet #12 *Soil Cleanup Levels*. For more information on volunteering for the Program, see Fact Sheet #3 *Application for the Voluntary Remediation Program*.

## **7. How can I get more information about the VRP?**

To learn about VRP sites that may exist in your community, obtain copies of other VRP Fact Sheets/guidance documents, get answers to your questions, or volunteer for the program, contact DEQ at (307) 777-7752 or through the VRP website at: <http://deq.wyoming.gov/shwd/voluntary-remediation-program/>.

The VRP website includes all of the Fact Sheets and other guidance documents for the VRP. This website is updated frequently and includes the latest information about DEQ's progress in developing guidance, policy, and other supporting documents for the VRP.