



RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Office of Emergency Response

235 Promenade Street, Suite 438, Providence, RI 02908-5767

Emergency Response Program  
Telephone: (401) 222 - 1360 (8:30 AM – 4:00 PM)  
After hours contact Division of Law Enforcement: (401) 222 - 3070

**NOTICE OF RESPONSIBILITY** – Issued under the Oil Pollution Control Act, R.I.G.L. § 46-12.5.1 et seq. and the Oil Pollution Control Regulations (“the OPC Regulations”)

This Notice of Responsibility is being issued as a result of RIDEM’s initial response to a release of oil or petroleum to the environment.

Upon information and belief, RIDEM’s Emergency Responder and/or On-Scene Coordinator (“OSC”) has initially identified you as responsible for the release or for ensuring that the oil or petroleum released to the environment is stopped and removed.

When a release of oil or petroleum occurs to the environment, it is the responsibility of any person subject to the OPC Regulations to take the following actions:

- (1) Immediately cease all further oil transfer operations or actions that caused the release until such time that the release is stopped and any oil spill debris material is removed;
- (2) Immediately stop the discharge, begin containment and removal of the oil and waste material;
- (3) Notify other appropriate local state and federal officials, which may include, but are not limited to, the local Fire Chief, US Coast Guard (spills or releases in the marine environment), Environmental Protection Agency (inland waters), Coastal Resources Management Council (marine environment and freshwater wetlands in the vicinity of the coast), and the National Response Center (telephone: 1-800-424-8802).
- (4) Within ten (10) calendar days of the time the release is first discovered, submit a written report to RIDEM’s Emergency Response Program at the address above that includes at least the following information:
  - (a) Date, time and place of the release
  - (b) Names, addresses and telephone numbers of all persons potentially responsible or liable for the release;
  - (c) Amount and type of material released;
  - (d) Complete description of containment and removal operation, including costs of the operations;
  - (e) Complete description of circumstances causing the release;
  - (f) Description of any third-party damages;
  - (g) Procedures, methods and precautions instituted or planned to prevent a similar event from recurring.

- (h) All persons to whom the OPC Regulations apply shall have an ongoing obligation to update and supplement all information delivered to the Department with new information regarding a release or spill as it becomes available.

### **CLEAN UP REQUIREMENTS AND PROHIBITIONS:**

- (1) In the event of an oil release or if the OSC has reason to believe that a release has occurred, the OSC may require any person subject to these regulations to initiate monitoring, remedial, and cleanup action. Such action may include, but not be limited to removal of oil from surface waters, placement of containment devices, water quality sampling, installation of groundwater monitoring recovery and/or treatment systems, restoration of areas impacted by the release, and removal of all oil-contaminated soil and debris. Such actions shall continue until the oil release has been remediated or mitigated, subject to the approval of the RIDEM.
- (2) RIDEM encourages persons responsible for discharges to voluntarily and promptly perform removal actions, provided the OSC determines such actions will ensure an effective and immediate removal of the discharge or mitigation or prevention of a substantial threat to the environment. As long as the OSC determines that you are taking adequate actions in this matter, State removal activity will generally be limited to observing the progress of your actions and providing guidance as necessary. If it is determined that your action, or lack thereof, to remove the oil and/or mitigate its effects are unsatisfactory, then RIDEM will issue an order to ensure full compliance and/or take the necessary removal response action to remove the oil, mitigate the effects of the discharge, or prevent the substantial threat of discharge or release to the environment. In the event that RIDEM conducts the clean-up, be advised that you may be liable to the State of Rhode Island for the actual cost incurred in the response action, including but not limited to the cost of restoring damaged natural resources.
- (3) Mechanical methods initially shall be used to clean up oil and chemical releases unless otherwise permitted under the OPC Regulations;
- (4) The use of chemical agents, dispersants, surface collecting agents, biological additives, burning agents, or sinking agents **is prohibited** without the prior consent of RIDEM's Administrator of Environmental Response.

### **STORAGE AND REMOVAL OF OIL SPILL CLEANUP DEBRIS**

- (1) Oil spill cleanup debris may be stored temporarily at the site of the spill or leak, or at another site approved by the OSC provided that:
  - (a) The material is stored on an impermeable base or liner;
  - (b) The material is fully covered and secured so as to prevent the material from leaching into the groundwater or particulates being dispersed by the wind;
  - (c) Representative composite samples are immediately taken and analyzed for oil and grease, lead, PCB and flammability unless otherwise specified by the OSC;
  - (d) Samples are analyzed and the results are submitted to the Emergency Response Program within thirty (30) days of sample collection;
  - (e) If the sample results show the material to be a hazardous waste, the owner or operator of the site shall take immediate measures to properly store and

dispose of the material in accordance with state and federal hazardous waste regulations;

- (f) The temporary storage of the oil spill cleanup debris does not exceed thirty (30) days unless the owner or operator of the site demonstrates to RIDEM in writing that there is good cause for extending temporary storage and RIDEM issues written authorization for extended temporary storage.
- (2) Oil spill cleanup debris shall be removed from the site only in secured drums or canisters or in a vehicle that is covered.
- (3) Oil spill clean-up debris shall be removed only to one of the following facilities:
  - (a) Special facilities constructed with<sup>9</sup>in a licensed sanitary landfill designed and constructed in accordance with RIDEM's Rules and Regulations related to Solid Waste Management Facilities; or
  - (b) Asphalt manufacturers or others that are licensed as solid waste management facilities and approved by RIDEM to accept oil spill debris; or
  - (c) Any out-of-state facility that will agree to take the material and that is allowed to accept the material by the state in which it is located.
- (4) Within ten (10) days of removal of the oil spill cleanup debris from the site, the owner or operator of the site shall submit to RIDEM documentation showing when the material was removed and to where the material was removed.

### **ENFORCEMENT**

RIDEM reserves the right to issue an enforcement action in this matter as provided by law or regulation, including, but not limited to, the issuance of "Immediate Compliance Orders" as authorized by R.I.G.L. § 42-17.1-2(u) and/or the issuance of a Notice of Violation and an assessment of administrative penalty as provided by R.I.G.L. §42-17.6.

### **CONTACTS:**

Questions regarding technical matters related to clean-up and removal should be referred to the OSC or to RIDEM's Emergency Response Program (contact: James Ball, Supervisor, 222-4700, ext. 7129)