

Action Plan/Process: Ensuring Compliance with the American Water Infrastructure Act (AWIA)

The America's Water Infrastructure Act (AWIA) amended the Emergency Release Notification (EPCRA section 304) and Hazardous Chemical Inventory Reporting (EPCRA section 312) sections of EPCRA.

AWIA section 2018(a) amends EPCRA section 304 to add a new sub-section, section 304(e), *Addressing Source Water used for Drinking Water*. This new subsection requires Washington's State Emergency Response Commission (SERC) to perform the following actions:

- **Promptly notify** (emphasis added) the drinking water primacy agency (WA Department of Health, or DOH) of any reportable release and provide this agency with:
 - The information collected under section 304(b)(2) from the initial release notification; and
 - The follow-up written report received under section 304(c).
 - The county and specific location (address or lat/long) of the spill.

The initial release notification must include the following information from section 304(b)(2):

- The chemical name or identity of any substance involved in the release.
- An indication of whether the substance is a listed Extremely Hazardous Substance.
- An estimate of the quantity of any such substance that was released into the environment.
- The time and duration of the release.
- The medium or media into which the release occurred.
- Any known or anticipated acute or chronic health risks associated with the emergency and, where appropriate, advice regarding medical attention necessary for exposed individuals.
- Proper precautions to take, including evacuation (unless such information is readily available to the community).
- The name(s) and telephone number(s) of the person or persons to be contacted for further information.

Section 304(c) requires facilities to provide a written follow-up with additional information as soon as practicable after the release, including:

- Actions taken to respond to and contain the release;
- Any known or anticipated acute or chronic health risks associated with the release; and
- Where appropriate, advice regarding medical attention necessary for exposed individuals.

The Department of Ecology (Ecology) manages EPCRA data on behalf of the SERC. Ecology has worked with DOH to implement the following process to notify DOH's Office of Drinking Water (ODW) and OFFICE OF ENVIRONMENTAL HEALTH AND SAFETY (OEHS) when accidental spills occur. Here is the process:

1. IF the oil spill or chemical release impacts or threatens...
 - Shellfish
 - Drinking water system
 - Surface water intake

- Well head protection area
2. THEN Ecology notifies DOH (ODW and (OEHS)) and county emergency management agencies (as well as others) for...
 - Immediate phone notification: severe impacts or potential threats to shellfish or drinking water
 - i. ODW – During business hours:360-236-3100; After hours/weekends 1-877-481-4901
 - Email notification low threat and potential impacts to shellfish or drinking water
 - i. ODW - ODW.Mail@DOH.WA.GOV
 - County emergency management agencies are strongly encouraged to also notify local health agencies who are best situated to contact community water systems not regulated by DOH.
 - Ecology notifications are...
 - i. Documented on ICS-214a Forms
 - ii. Logged into Ecology’s Spills Program Integrated Information System (SPIIS) system
 - iii. E-mail correspondence with trustees (includes DOH) are placed in Ecology’s shared resource mailboxes and retained electronically for 100 years.
 3. DOH, via ODW or (OEHS), then notifies impacted regulated community water systems or shellfish growers that could be impacted by a chemical release. DOH will also notify local health agencies who are best situated to contact community water systems not regulated by DOH.
 4. Ecology will provide DOH, via email copies of the Emergency Release Follow-Up Notification Forms submitted by businesses complying under EPCRA Section 304(c) as they are received.

The initial Ecology notification makes no distinction between a chemical release that is reportable under section 304(b)(2) of EPCRA and any other chemical release or spill, but it is efficient and immediate, which provides DOH time to act.

Ecology is also able to provide affected community water systems with chemical inventory data for community water systems within their source water protection area, upon request. The water system must specify the location of their source water protection area, or provide Ecology enough information for an accurate data pull (such as county or city name, or designated zip code(s).) Information requests should be sent to the EPCRA Program at Ecology: epcra@ecy.wa.gov.