

Release Reporting FAQ

Q: What obligations does Intel have to report upsets that result in excess air emissions?

A: Intel operates under multiple overlapping state and local programs that require the reporting of accidental releases of air pollutants to the atmosphere. When read together, the varying statutory and regulatory requirements mandate that Intel plan for the potential that a hazardous substance could be accidentally released. If an accidental release does occur, Intel must immediately report the release to DEQ regardless of the amount released if the release violates any applicable air quality rule or permit condition. In addition, Intel must immediately report the release of a hazardous substance where the amount released equals or exceeds one or more Reportable Quantities (RQs) identified by rule. The Oregon Emergency Response System (OERS) must always be alerted of a hazardous substance release in excess of an RQ. Most releases triggering immediate reporting to OERS will also trigger the requirement to immediately alert the National Response Center (NRC). OERS coordinates state and local emergency responders while the NRC coordinates federal emergency responders.

Further details about the individual federal and state reporting programs are provided below.

Federal Emergency Planning and Community Right-to-Know Act (EPCRA)

[EPCRA Section 304](#) requires that Intel immediately report to the National Response Center (NRC) as well as the State Emergency Response Commission (SERC) any accidental release of a listed Extremely Hazardous Substance into the environment where the amount released exceeds the Reportable Quantity (RQ). A follow-up report is required as well. The EPCRA requirements consist of two related programs. The first program (see, [40 CFR 355.10 through 355.21](#)) requires that sources prepare for the possibility of an accidental release and coordinate with the SERC and, if there is one, the Local Emergency Planning Committee (LEPC). LEPCs are appointed by the SERC and not all areas have one. The second part of the EPCRA accidental release program (see, [40 CFR 355.30 through 355.43](#)) requires that any facility that releases an extremely hazardous substance in an amount equal to or greater than the RQ must immediately contact the NRC, SERC and, where there is one, the LEPC. The list of extremely hazardous substances and their respective RQs are listed in 40 CFR 355, [Appendix A](#) and [B](#). The National Response Center is operated by the U.S. Coast Guard and coordinates federal agency emergency response. The Oregon Emergency Response System (OERS) is operated by the Oregon Office of Emergency Management, serves as the SERC, receives notice on behalf of the LEPC, and coordinates state and local emergency response.

Federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA)

CERCLA Section 102 requires that Intel immediately report to the National Response Center (NRC) as well as the State Emergency Response Commission (SERC) any accidental release of a listed Hazardous Substance into the environment where the amount released exceeds the Reportable Quantity (RQ). A follow-up report is required as well. The CERCLA program overlaps the EPCRA program but covers a much broader array of substances. All extremely

hazardous substances are on the CERCLA hazardous substance list. The list of hazardous substances and their respective reportable quantities (RQs) are listed in [Table 302.4 of 40 CFR 302.4](#). The National Response Center is operated by the U.S. Coast Guard and coordinates federal agency emergency response. The Oregon Emergency Response System (OERS) is operated by the Oregon Office of Emergency Management, serves as the SERC, receives notice on behalf of the LEPC, and coordinates state and local emergency response.

Resource Conservation & Recovery Act (RCRA)

The regulations implementing RCRA ([40 CFR 262.34\(d\)\(5\)\(iv\)](#)) require that Intel immediately report to the National Response Center (NRC) any accidental release involving hazardous waste that could threaten human health outside of the facility. This requirement is also incorporated into DEQ's rules at [OAR 340-100-0002](#).

Oregon Division 142 Reporting Requirements

[ORS 466.635](#) requires that Intel immediately report to the Oregon Emergency Response System (OERS) any accidental release (or threatened release) of oil or a hazardous material spilled or released, or threatening to spill or release, that exceeds the Reportable Quantity (RQ) established in [ORS 466.605](#) or listed in [OAR 340-142-0050](#). The list of substances subject to release reporting includes the CERCLA reportable substance list, but adds additional substances not required to be reported under federal law. The Oregon reportable substance list and associated RQs can be found at [OAR 340-142-0050](#). Accidental releases triggering the Oregon reporting requirements must be reported to the Oregon Emergency Response System (OERS) operated by the Oregon Office of Emergency Management. OERS coordinates state and local emergency response.

Oregon Division 214 Reporting Requirements

[OAR 340-214-0300 through -0360](#) require that Intel immediately report any excess emissions to DEQ. Excess emissions are air emissions that are in excess of any applicable air quality rule or permit condition, including, but not limited to, excess emissions resulting from the breakdown of air pollution control devices or operating equipment, process upset, startup, shutdown, or scheduled maintenance. "Immediately" is defined by rule as meaning "as soon as possible but in no case more than one hour after a source knew or should have known of an excess emission period." See, [OAR 340-200-0020\(77\)](#).