

Chapter 02 | Policies & Procedures

02.07 Hazardous Materials

★ **Call the 24-Hour EPA Hotline | 1-800-424-8802**

PURPOSE

To provide direction to staff which may encounter hazardous substances spilled or deposited at Department owned and operated roadside facilities.

GENERAL POLICY

Spills may be of either nonhazardous, known hazardous, or unknown substances and will require that judgment be used to determine an appropriate response. If it is determined that there is a hazardous substance spill, based upon the definition above, all individuals within the property must be a primary concern.

Chapter 292.11 – Wisconsin Spill Law

The spill law, Chapter 292.11, Wis. Stats., requires that a person who possesses or controls a hazardous substance or who causes the discharge of a hazardous substance shall notify the department immediately of any discharge not exempted by the statute. The department has a 24-hour toll-free number for reporting spills: 1-800-424-8802.

DEFINITION - HAZARDOUS MATERIALS

Refer to Safety Data Sheets (SDS) for cleaning up spills (if available from the responsible parties).

Hazardous Substance Definition:

Chapter 292.01(5), Wis. Stats., defines a hazardous substance as “any substance or combination of substances including any waste of a solid, semisolid, liquid or gaseous form which may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illnesses or which may pose a substantial present or potential hazard to human health or the environment because of its quantity, concentration or physical, chemical or infectious characteristics. This term includes, but is not limited to, substances which are toxic, corrosive, flammable, irritants, strong sensitizers or explosives as determined by the department.”

This definition suggests that a hazardous substance can be anything, depending on the nature of the release. The question you really need to ask yourself is how much was released and into what environment. The rule of thumb used by many is if you need think about whether it needs to be reported, it probably does. Remember, reporting spills never gets you into trouble, only failure to report does. Whether the spilled hazardous substance is heating oil or gasoline, or something unusual like corn, butter and /or manure that flows towards a stream, pickle juice spilled on the ground, or even mercury spilled in a classroom, DNR staff will tell you if your specific incident does not meet the criteria of a reportable spill at the time that you report it. To help clarify what spills are reportable, statutory exemptions as well as “de-minimis” exemptions have been established.

ROADSIDE FACILITIES SERVICE PROVIDER PARTICIPATION

When a spill of either an unknown substance or a large amount of a known hazardous substance occurs, judgment must be exercised to determine what level of participation and public notification is necessary.

Service Providers should be prepared to provide limited traffic control at the scene of the discharge. Traffic control and removal of debris may be necessary to ensure proper containment. When required and if safely possible, vehicle and pedestrian traffic should be directed away from the spill area.

Service Provider's Supervisory Staff should take appropriate steps to notify all workers, Department of Tourism personnel, other vendors, and the traveling public when the spilled material is determined to be a large amount of a known hazardous substance.

Under no circumstances shall the Service Provider assume responsibility for spill cleanup. However, there may be instances when participation by Service Provider's staff may be appropriate, as described in the following:

- When a minor spill of a known hazardous substance, such as antifreeze, gasoline, or crankcase oil occurs, it may be appropriate for the Service Provider's Supervisory Staff to participate in containment and possibly cleanup. Service Providers under contract with the Department may be requested to spread absorbent and/or remove minor quantities of such substances when hazardous materials have spilled because of damage to vehicle fuel tanks or engines. An appropriate disposal site should be found, and the responsible party should be urged to pay for disposal.
- Service Provider shall cooperate with the Department of Military Affairs' Division of Emergency Government (DEG) and the Department of Natural Resources (DNR) in the event of discharge or discovery of hazardous substances at rest areas/waysides.
- The party responsible for the spill is also accountable for all containment, cleanup, disposal, and restoration activities. The DNR is responsible for ensuring that these activities are done properly and may take emergency actions necessary to assure completion. Though the statutory burden for notification applies to the spiller, the Service Provider will provide notice of a significant discharge if the incident has not yet been reported.
- Reporting: When a major spill has occurred, call the 24-Hour Hotline at 1-800-424-8802.
- For more information about Wisconsin DNR's Spill Program visit dnr.wi.gov/topic/spills/
- If you are not sure whether you have a spill that needs to be reported, call the 24-Hour Hotline, 1-800-424-8802, and you will be provided with guidance on reporting.
- Reporting after the spill is contained: Create an Incident Work Order in FAMIS and attach appropriate forms to the WO. (See Chapter 02.06; 1-3)