

## OVERVIEW

Traffic incidents in Virginia often involve the release or discharge of vehicle fluids, such as diesel or gasoline fuel, motor oil, antifreeze, etc. Under state laws and regulations, certain notification, cleanup and reporting requirements apply to the release or discharge of vehicle fluids. This factsheet outlines the basic requirements for motor carriers, and others who may assist with the removal of vehicle fluids, and includes references to additional resources. This factsheet does not provide information related to releases of oil or hazmat cargo. If the vehicle incident involves the release or potential release of cargo containing oil or hazmat, immediately notify the Virginia Emergency Operations Center and request state assistance.

## REPORT SPILLS IMMEDIATELY

To report a release or discharge of motor vehicle fluids from commercial vehicles, call the **Virginia Emergency Operations Center at (800) 468 - 8892.**

## NOTIFICATION

The State Water Control Law (SWCL)<sup>1</sup> contains notification requirements for oil and fuel releases and unpermitted discharges to state waters. The purpose of the notification requirements is for the responsible party<sup>2</sup> to make the DEQ aware of an oil or fuel release so that DEQ can assess any potential impacts to the environment or public health and to ensure all the required corrective actions are taken to mitigate any potential impacts. **None of this follow up can occur without these notifications.**

**Table 1. Reporting Requirements**

If the volume of oil/fuel <sup>3</sup> released to land is equal to or greater than 25 gallons, the responsible party is required to notify the VEOC.	<ul style="list-style-type: none"> <li>• Virginia Emergency Operations Center (VEOC) (800) 468 - 8892</li> </ul>
If <u>any</u> amount of oil/fuel has been released to surface water or a storm drain system or has the reasonable potential to reach surface water, the responsible party is required to notify the NRC <sup>4</sup> and VEOC.	<ul style="list-style-type: none"> <li>• National Response Center (NRC) (800) 424 – 8802</li> <li>• Virginia Emergency Operations Center (VEOC) (800) 468 - 8892</li> </ul>
If vehicle incident involves discharge of hazmat cargo, notify the VEOC and request state assistance.	<ul style="list-style-type: none"> <li>• Virginia Emergency Operations Center (VEOC) (800) 468 - 8892</li> </ul>

<sup>1</sup> See Va. Code [§ 62.1-44.34:19](#). Reporting of discharge; [§ 62.1-44.34:23](#). Exceptions; and [§ 62.1-44.5](#) Prohibition of waste discharges or other quality alterations of state waters except as authorized by permit; notification required.

<sup>2</sup> The responsible party is generally defined as the party in control of the vehicle that is the source of the discharge, regardless of the cause of an accident. Anyone can make the initial report; however, the responsible party must ensure that the report has been made.

<sup>3</sup> Oil means oil of any kind and in any form, including, but not limited to, petroleum and petroleum by-products, fuel oil, lubricating oils, sludge oil refuse, oil mixed with other wastes, crude oils and all other liquid hydrocarbons regardless of specific gravity (Section 62.1-44.34:14).

<sup>4</sup> [40 CFR Part 110.6](#) (“Sheen Rule”)

When making a notification to the VEOC, please provide the following information<sup>5</sup>:

- Location of incident
- Name of local or state agency contact on scene and contact info
- Driver’s name and contact info
- Motor carrier’s name and contact info
- DOT # of motor carrier
- Type of vehicle(s) involved (e.g., tractor and trailer, tanker)
- Material(s) released and quantity
- Whether the release is still on-going
- Whether the material has reached a stormwater conveyance system or surface waters

If areas outside of the highway right-of-way are impacted, other entities may require notification as well, including local, state, and federal agencies, and affected private property owners.

**CLEANUP REQUIREMENTS**

The responsible party is responsible for the containment and recovery of the released or discharged vehicle fluids from road surfaces, from soil and other media, and state waters. Containment and recovery may include, but not be limited to: use of granular absorbents; pads and booms; brooms and shovels; use of plastic sheeting; 55-gallon drums constructed of compatible materials; vacuum trucks; construction of soil berms and use of fuel transfer pumps.

Table 2. contains a narrative description of cleanup standards and considerations for oil and fuel releases from an environmental regulatory perspective, and these activities may be conducted by a tow operator and/or an environmental contractor.

**Table 2. Clean Up Standards & Considerations**

Discharge of oil/fuel to asphalt or concrete	<ul style="list-style-type: none"> <li>• Remove all free liquids to the extent practicable.</li> <li>• Remove all oil/fuel contaminated cleanup debris.</li> </ul>
Discharge of oil/fuel to soils	<ul style="list-style-type: none"> <li>• Remove all free liquids to the extent practicable.</li> <li>• Remove all saturated soils.</li> <li>• For small spills, may use a visual or olfactory standard for cleanup (i.e., remove all visibly contaminated soils).</li> <li>• Document cleanup actions (e.g., take photos to document removal actions).</li> <li>• Where incident was reported to VEOC (i.e., over 25 gallons), email photo documentation to DEQ.</li> <li>• For larger spills or for spills near sensitive receptors<sup>6</sup>, DEQ may require confirmation sampling to demonstrate that all saturated soils have been removed. Contact the VEOC and request state assistance.</li> </ul>
Discharge of oil/fuel to stormwater systems and/or surface water	<ul style="list-style-type: none"> <li>• For larger spills or spills that threaten sensitive receptors<sup>6</sup> and/or surface water, additional response resources may be needed such as an emergency environmental response contractor. Contact the VEOC and request state assistance.</li> </ul>

**NOTE:** The US Environmental Protection Agency (EPA) regulates the use of chemical countermeasures, e.g., *dispersants, detergents, bioremediation additives, etc.* The responsible party must obtain approval for use of CCMs from EPA and/or DEQ prior to application. DEQ’s PREP Coordinator can provide guidance on the use of CCMs.

**FAILURE TO TAKE CORRECTIVE ACTIONS**

If both the responsible party and/or the property owner are unwilling or unable to make arrangements for cleanup, or if the fire officer or law enforcement officer have reason to believe that the contractor selected is unqualified or will be unable to provide for a prompt response, contact the VEOC at (800) 468 - 8892 for state assistance.

<sup>5</sup> If available, please also provide insurance carrier name and contact info, policy number, and claim number.

<sup>6</sup> Examples of sensitive receptors include private drinking water wells, public water supply intakes, stocked trout streams, recreational water bodies. If unsure, contact the state VEOC and request state assistance.