



SARA Title III Presentation Topics



- **History and Provisions of EPCRA**
- **Local Emergency Planning Committees**
- **Hazardous Material Inventory Tier 2 Reports**



Emergency Manager Arriving on the Scene





Aerial view of the fire burning at the Winston Weaver Company Fertilizer plant in Winston-Salem, North Carolina.

WINSTON SALEM FIRE DEPARTMENT

- ▶ 60 tons of ammonium nitrate were inside the facility on fire
- ▶ That is about 3 times the amount in the 2013 West Texas facility deadly explosion
- ▶ Local and state officials have strongly suggested that nearby residents (6500+) evacuate.
- ▶ Local correctional facility was evacuated

EAST PALESTINE OHIO DERAILMENT FEB 25, 2023

Chemicals included vinyl chloride, butyl acrylate,
isobutylene in railcars





What's the Problem (1987 - 2007) ???

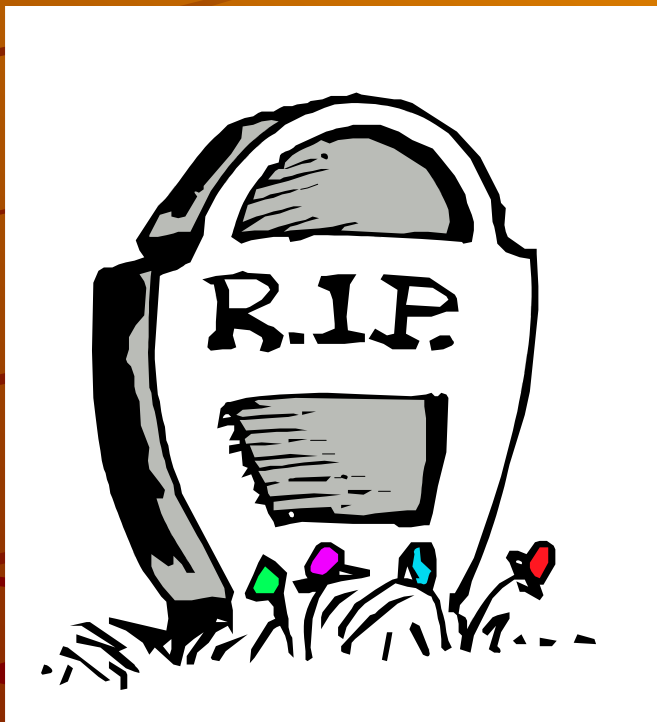


- 97% of U.S. counties had an haz-mat incident
- 605,000 incidents over the last 10 years with 42% at fixed locations and 43% transportation related
- One death or injury, evacuation, or property damage in 29% of the incidents
- Source: Chemical Safety Board, 600K Report, 1999





What's the Problem (1987 - 2007) ???



- Approximately 2,550 people each year killed or hurt
- California, Texas, Ohio, New York, Illinois, Michigan, and Louisiana accounted for 1/2 of the total incidents
- Gasoline #1 chemical, flammable liquids #1 class
- Cause: 40% Mechanical failure, 27% Human failure

History of SARA III

◆ 1984

Bhopal, India

◆ 1985

Kanawha Valley, West Virginia

◆ 1986

EPCRA passed by Congress

◆ 1988

Implmented by 49 states and 5 territories; California was exempted

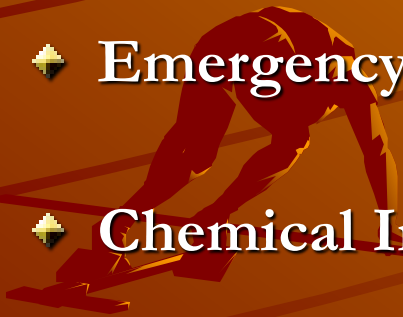


Purpose of EPCRA

- ◆ Require communities to plan for accidental chemical releases
- ◆ Provide emergency responders with hazard data
- ◆ Give citizens a “right-to-know” the chemical risks existing in their communities

EPCRA

- ◆ Emergency Planning Framework & Emergency Response Planning *Sections 301 & 303*
- ◆ Emergency Planning Notification *Section 302*
- ◆ Emergency Release Notification *Section 304*
- ◆ Chemical Inventory Reporting *Sections 311 & 312*
- ◆ Toxic Chemical Inventory Reporting *Section 313*



Establishment of State Commissions, Planning Districts & Local Committees (Section 301)

- ◆ State Emergency Response Commissions (SERCs)
- ◆ Local Emergency Planning Committees (LEPCs) for each planning district
- ◆ Members of LEPCs include representatives from local government, law enforcement, civil defense, fire fighting, first aid, health, media, community groups, facilities, etc.

EMERGENCY PLANNING

Section 302

- ◆ Only applies to facilities with extremely hazardous substances (EHS)
 - There are 355 EHS
 - List of EHS is available
- ◆ Only applies if the chemical is present above threshold planning amounts - **TPQ** - at any one time
 - Generally 100 to 500 lb
- ◆ If applicable, a one-time letter stating presence of **EHS** is required
 - Form letter is available

Extremely Hazardous Substances

Examples of Threshold Planning Quantities

- ◆ Chlorine (gas)
 - 100 lb
- ◆ Nitric acid
 - 1,000 lb
- ◆ Propylene oxide
 - 10,000 lb
- ◆ Ammonia
 - 500 lb

Emergency Response Plans (Section 303)

- ◆ **SERC shall designate local emergency planning districts and appoint LEPC for each district**
- ◆ **SERC shall establish procedures for public requests for information collected under EPCRA**
- ◆ **SERC shall review emergency plans**
- ◆ **SERC shall supervise activities of LEPCs**

EPCRA §303

- ▶ EPCRA § 303(d)(3) states, “ Upon request from the emergency planning committee, the owner or operator of the facility shall promptly provide information to [the LEPC] necessary for developing and implementing the emergency plan.”
- ▶ If the facility fails to provide the information requested under §303(d)(3), an LEPC may sue for failure to provide the information.



Spill Reporting

Section 304

- ◆ Required for release of any **EHS** or **CERCLA** substance in amounts equal to or greater than than reportable quantity (**RQ**)



Spill Reporting Requirements

◆ Immediately notify by phone

– National response center



◆ **1-800-424-8802**

– State emergency response commission (DEQ)

◆ **1-800-522-0206** (Example OK)

– Local Emergency Planning Committee (LEPC)

Follow up with written notification within 2 weeks

Spill Reporting

Examples of Reportable Quantities

◆ 1 lb

– Acrolein, phosphorus, sulfur dioxide

◆ 10 lb

– Chlorine, nitric oxide, phosgene

◆ 100 lb

– Ammonia, formaldehyde, propylene oxide

◆ 1,000 lb

– Methyl bromide, phenol, sulfuric acid

Emergency Notification

- ◆ **Chemical name and if EHS**
- ◆ **Estimate of quantity released**
- ◆ **If released into air, water, or soil**
- ◆ **Time and duration of release**
- ◆ **Short and long-term health effects**
- ◆ **Recommended protective action**
- ◆ **Name and phone of facility's emergency coordinator**

Written Follow-Up

- ◆ **Must be provided to SERC and LEPC
“as soon as practical”**
 - **Known or anticipated health risks**
 - **Advice about medical attention for any exposed persons**
 - **Actions taken to respond and contain the release**

Fuel Spills--Gasoline, Diesel

- ◆ Any amount into water must be reported
- ◆ Spills onto concrete or asphalt, completely contained, do not need to be reported
- ◆ Spills onto land equal to or greater than 25 gallons should be reported
- ◆ Call:

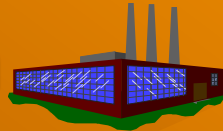
800-522-0206



COMMUNITY RIGHT-TO-KNOW

What Do Tier II Forms Include?

◆ Facility information



◆ Emergency Contact(s) information



◆ Chemical inventory



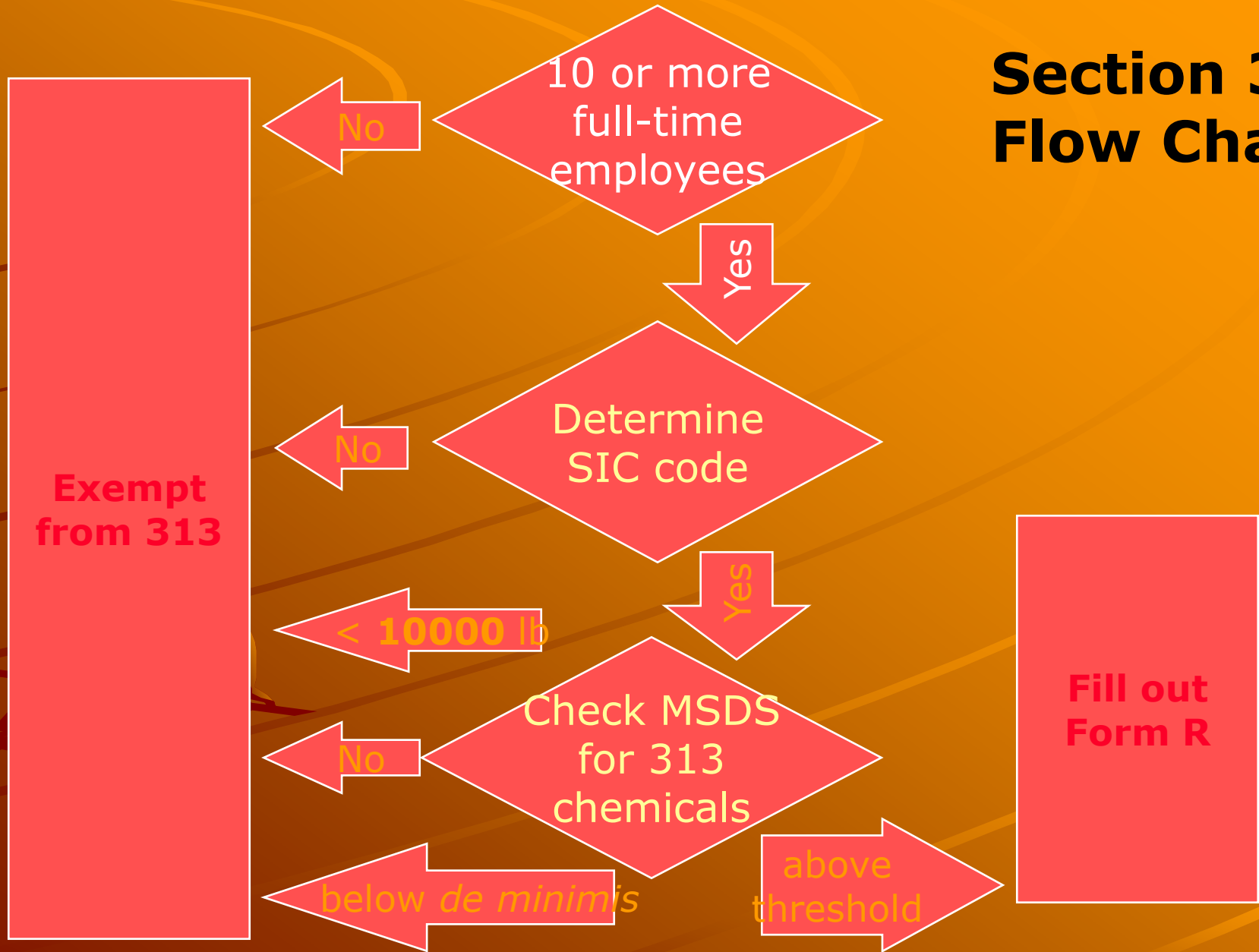
TOXICS RELEASE INVENTORY

313 Reporting

- ◆ Applies only if these three conditions are met
 - 1) have more than 10 full-time employees
 - 2) SIC code (first two digits) between 20 and 39; 10, 12, 4911, 4931, 4939, 4953, 7389, 5169, and 5171
 - 3) use one of the 646 listed chemicals above threshold amount, which are
 - ◆ 25,000 lb.. In a year, if used in process
 - ◆ 10,000 lb.. In a year, if ancillary use
- ◆ Applies only if chemical is above *de minimis* concentration, usually 1% (0.1% for carcinogens)



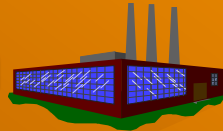
Section 313 Flow Chart



COMMUNITY RIGHT-TO-KNOW

What Do Tier II Forms Include?

◆ Facility information



◆ Owner/operator information

◆ Chemical inventory



CHEMICAL LIST AT A FACILITY

PRODUCT	6-19-17	6-26-17	7-10-17	7-17-17	7-24-17	7-31-17	8-7-17	8-14-17
PRODUCT	DATE	DATE	DATE	DATE	DATE	DATE	DATE	DATE
311D								
JACAM								
ATMP	35G	35G	1-35G	1-35G	1-35G	1- 26G 26G	1-26G	1-26
50WCA								
50WC								
POLY 7	25G	25G	1-25G	1-25G	1-25G	1-14G	1-14G	1-14G
3400I	1-35G	1-35G	45G		-54G	-50G	-50G	-29G
1910C	1-35G	1-35G		-40G	-45G	-37G	-37G	-35G
1902C+								
2090	-19G	-19G						-39G
3425	1-5G	1-3G	1-3G	1-5G	1-3G			
DESALT	-12G	-12G	-12G	-12G	-12G	-12G	-12G	-12G
WF16								
COMMODITIES								
ACETIC ACID				-35G	-35G	1-50G	1-41G	20G
CITRIC ACID	43G	43G	43G	1-3G	1-5G	45G	45G	33G
HCL 30	-50G	-50G	-50G	-50G	-50G	-50G	-50G	-50G
CAUSTIC								
3930								
NP-13	34G	34G	34G	34G	34G	28G	28G	28G
101A								
5175								
N-95	1-43G	1-43G	-43G	1-15G	1-15G	25G	25G	25G
BSI 134								
E.G.	28G+15G	28G+15G	28G+15G	28G+15G	28G+15G	28G+15	28G+15G	28G+15
MEK	33G	33G	33G	33G	33G	33G	33G	33G
MINERAL SPIRITS	42G	42G	42G	42G	42G	42G	42G	42G



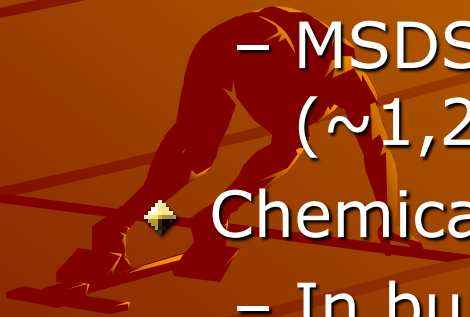
PAPERWORK FROM CHEMICAL DYNAMICS

- ◆ Chemical Inventory at Facility
- ◆ Photos from Site Visit
- ◆ Tier 2 Report
- ◆ Responder Summary
- ◆ Site Visit video
- ◆ Facility Emergency Action Plan

COMMUNITY RIGHT-TO-KNOW

Sections 311, 312 TIER 2 REPORTS

- ◆ Applies to EHS and **ANY** chemical with an MSDS
- ◆ Applies only if the threshold is exceeded
 - **EHS** thresholds are the lesser of **TPQ** or 500 lb
 - MSDS chemicals threshold = 10,000 lb. (~1,250 gal., depending on material)
- ◆ Chemical must be present
 - In bulk storage, eg.... barrel, tank
 - On the premises above the threshold for any 24-hour period



What Hazardous Materials Are Subject To Regulation

- ▶ **356 Extremely Hazardous Substances**
 - ▶ **720 Hazardous Substances**
- ▶ **Hazardous Chemicals over 10,000 lbs.**
 - ▶ **700 Toxic Chemicals**
- ▶ **RMP List of 77 Toxics & 63 Flammables**

Hazardous Chemical Inventory Reporting: TIER 2 REPORTS

◆ Emergency Preparedness Phase:

- Annual Chemical Inventory Reporting**
- Facilities must submit Tier 2 report every March 1 to SERC, LEPC, and local Fire Department based on inventory at the end of the previous calendar year**
- Facilities must submit SDS sheets to the above agencies if requested**

COMMUNITY RIGHT-TO-KNOW

Exemptions to Reporting

- ◆ Regulated by food and drug administration
- ◆ Present as a solid in a manufactured product
- ◆ Packaged for personal, family, or household use
- ◆ Used in a medical or analytical laboratory
- ◆ Fertilizer held for usage by the ultimate consumer

Tier 2 Reporting Exemptions

Chemicals exempted from Section 311 and 312 reporting:

- Any food, food additive, color additive, drug, or cosmetic regulated by the FDA
- Any substance present as a solid in any manufactured item to the extent exposure to the sub-stance does not occur under normal conditions of use
- Any substance to the extent it is used for personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public;
- Any substance to the extent it is used in a research laboratory or a hospital or other medical facility under the direct supervision of a technically qualified individual
- Any substance to the extent it is used in routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer.

Section 311(e)

Chemicals exempted from HAZ Comm Standard includes:

- RCRA hazardous wastes
- CERCLA substances being cleaned up
- Tobacco or tobacco products
- Wood or wood products
- Articles
- Food or alcoholic beverages
- Any drug already manufactured and covered by FDA
- Cosmetics packaged for sale
- Any consumer product
- Nuisance particulates
- Ionizing and nonionizing radiation
- Biological hazards.

OSHA exempts State and local facilities from the HAZ Comm Standard

States may still require these facilities to report

Section 311/312 Flow Chart

