

**IS MY FACILITY REQUIRED TO
REPORT and
HOW TO BETTER PREPARE
YOUR COMMUNITY FOR A
CHEMICAL EMERGENCY
Developed by Knox County LEPC**



Update: 07/22/2015

Is my Facility Required to Report?
How to Better Prepare Your Community for a Chemical Emergency

Table of Contents

This booklet has been prepared from information provided by the United States Environmental Protection Agency (EPA), Office of Solid Waste and Emergency Response dated June 2015 and by the Knox County Local Emergency Planning Committee (LEPC).

<u>Is My Facility Required to Report</u>	<u>Page</u>
Is my facility required to report? (Flowchart)	2
Should we Report?	3
What is a Hazardous Chemical?	3
Common Hazardous Materials (Chart)	3
Extremely Hazardous Materials (Chart)	4
Examples of Facilities (Chart)	4
Reporting questions & information links	5
Registration and Inventory Fee Worksheet	8
Right-to-Know Information Request	13
AR-1 Form	14
<u>How to Better Prepared Your Community for a Chemical Emergency</u>	
What is EPCRA?	15
Overview of EPCRA Requirements	16
Functions of the Organizations created by EPCRA (Chart)	17
• SERCs	
• LEPCS	
Glossary	19

Is my Facility Required to Report?

How to Better Prepare Your Community for a Chemical Emergency

Is my facility required to report?

- Acronyms Used
- EHS** – Extremely Hazardous Substances
 - TPQ** – Threshold Planning Quantity
 - EMA** – Emergency Management Agency
 - MEMA** – Maine Emergency Management Agency
 - LEPC** – Local Emergency Planning Committee
 - SDS** – Safety Data Sheet

START HERE
Does your facility store, use or process **any** hazardous materials?

No → 

Reporting not required

Reporting requirements are based on two criteria:
Use or storage of certain “**Extremely Hazardous Substances**” (EHS) MEETING “List of List’s” TPQ’s

And/or
Quantities of other hazardous substances requiring SDS

(Note: You may have to report for multiple reasons)

Extremely Hazardous Substances

Other Hazardous Substances



Does your facility have **any** Section 302 EHS chemical holdings that meet reporting criteria based on TPQ? (See list of lists)

Does your facility have more than 10,000 lbs. of a hazardous substance on hand at any point during the year?



Reporting not required if “No” to both questions

Do any Exemptions Apply?

Exclude those that apply

You just report your holdings
Here’s how...

Do remaining amounts meet reporting requirements?



Reporting not required

1. Start the Facility Registration & Inventory Fee Worksheet
2. Complete Tier 2 Submit and provide SDS to:
 - a. State (MEMA on behalf of SERC)
 - b. County EMA/LEPC
 - c. Local Fire Department
3. Determine if inventory fees apply
 - a. No- Send in completed Registration Form
 - b. Yes- Complete Inventory Fee Section and Submit Registration Form

- Additional Requirements for Section 302 (EHS) materials if quantity exceeds TPQ...
1. Notice on File
 2. Must have facility emergency plan
 3. Emergency plan annually exercised
 4. Participate in LEPC

If you need assistance with determining your filing status or help submitting a required Tier 2 contact the Knox County LEPC at 594-5155 or email to dallen@knoxcountymaine.gov

Is my Facility Required to Report?
How to Better Prepare Your Community for a Chemical Emergency

Should we report?

This information is intended to answer this question posed by existing or newly discovered facilities. The key question is: Does the facility have 10,000 pounds or more of a material for which a Safety Data Sheet (SDS) is required.

What is a Hazardous Chemical?

A **hazardous chemical** (or substance) is defined by Occupational Safety and Health Administration (OSHA) as any chemical that is a health or physical hazard requiring an SDS under OSHA's Hazard Communication Standard.

- Do you have a SDS for a material?
- Is the SDS required under OSHA?
- Is there a health risk associated with the material?
- Do you have 10,000 pounds or more of a hazardous chemical or 500 lbs. or less depending on the TPQ of an EHS as listed in the List of List's at any time during the year?

Common Hazardous Materials

Gasoline	Propane
Fuel Oil	Kerosene
Diesel Fuel	Lubricating Oil
Nitrogen	Oxygen
Sodium Hypochlorite	Calcium Chloride

10,000 lbs. is the reportable quantity for Hazardous Materials (HAZMAT). *Facilities need to report if they reach this amount at least once during the year.* Examples: Most petroleum products, other than propane, weigh about 6 or 7 pounds per gallon or about 1570 gallons equals 10,000 pounds. For petroleum products (e.g. gasoline and diesel) facilities having in excess of 1,500 gallons need to report. For propane, it is three 1,000 gallon tanks or an excess of 2500 gallons.

What to look for when reviewing propane tanks for reporting purposes

Propane comes in various sizes from 20 lb. cylinders to 60,000 gallon tanks. The common size in Maine, for compliance purposes, will range from 500 gallons to 60,000 gallons.

What does this mean in relations to EPCRA reporting? Propane weighs about 4.2 pounds per gallon. Therefore we would believe that a 1,000 gallon tank would then hold 4,200 lbs. of propane, but this is not the case. Propane tanks are filled to 80% capacity, which is an industry standard. As a side note to this most tanks have a relief valve that activates if 85% capacity is achieved. As a facility it is not required to report unless they have 10,000 lbs. or more of propane. How much propane do they actually need to have? The answer is 3,000 gallons using the following formula and presuming normal sized tanks.

Is my Facility Required to Report?
How to Better Prepare Your Community for a Chemical Emergency

3000 gallons (3-1,000 gallon tanks)
 X 4.2 pounds (weight of propane per gallon)
 12,600 pounds capacity
 X 80% normal fill
 10,800 pounds of propane present

Common Extremely Hazardous Materials (EHS)

Ammonia	Chlorine
Sulfuric Acid	Nitric Acid
Formaldehyde	Pesticides

For EHS chemicals, the reporting quantity varies by chemical, and can be found in the List of Lists. The link to get to the List of Lists is <http://www.epa.gov/owsweoe1/tools.htm#lol>

What is a facility?

- Buildings, equipment, structures, rail makeup, holding or storage tracks, spurs or yards, truck parking areas, airports, loading docks, and other stationary items
- Single site or on contiguous or adjacent sites and are owned or operated by the same person or by another person who controls, is controlled by, or is under common control with that person.
- Includes sites where motor vehicles, watercraft, rolling stock and aircraft are present for more than 12 hours.

Examples of Facilities

Industrial Complexes	Petroleum Depots	Marinas
Rail yards	Airports	Commercial Freezers
Hospitals	Factories	Office Buildings
Shopping Centers	Schools	Warehouses
Public Works	Water/WWTP	Nursing Homes

Is my Facility Required to Report?
How to Better Prepare Your Community for a Chemical Emergency

Who must comply with the hazardous chemical reporting requirements?
40 CFR sections 370.10

On or before March 1 every year, the owner or operator of a facility must comply with the reporting requirements of 40 CFR sections 370.10. If any hazardous chemical for which you are required to prepare or have available an SDS under the [Occupational Safety and Health Administration's \(OSHA\) Hazard Communication Standard](#) that is present at your facility equal to or above the applicable threshold specified in the Final Rule, 40 CFR section 370.10.

The EPA has not issued a list of hazardous chemicals subject to reporting under this part. A substance is a hazardous chemical if it is required to have any SDS and meets the definition of hazardous chemical under the OSHA regulations found at [29 CFR 1910.1200\(c\)](#).

EHS are also subject to reporting under this part.

SERC Fee Deadlines

The SERC recently completed rulemaking to reduce the paperwork burden associated with chemical reporting.

All reports and fees will be due March 1st for the previous year.

The Registration and Inventory Fee worksheet have been combined and will be a single form due on March 1st for the previous year.

Fee due dates have been combined to a single date, March 1st, for the previous calendar year.

For further reporting questions and information see the links below:

- List of List (www.epa.gov/emergencies/tool.htm)
- Knox County LEPC (www.knoxcountymaine.gov/ema/lepc)
- Department of Environmental Protection (DEP) (www.maine.gov/dep)
- MEMA (www.mema.gov/mema)
- EPA (www.epa.gov)

To download Tier II submit software:

- <http://www.epa.gov/emergencies/content/epcra/tier2.htm>

What type of information is required to be reported in a Tier II submission?

- Specific information on amounts and locations of hazardous chemicals present at a facility.
- The calendar year for the reporting period.
- The complete name and address of facility.
- Number of occupants in your facility
- Latitude and Longitude of your facility
- The North American Industry Classifications system (NAICS) code for this facility.
- The Dun & Bradstreet number of this facility.
- The owners or operator's full name, mailing address and phone number.

Is my Facility Required to Report?
How to Better Prepare Your Community for a Chemical Emergency

- Emergency contact and phone numbers of at least one local individual or office that can act as a referral if emergency responders need assistance in responding to a chemical accident at the facility. Also, an emergency phone number where such emergency information will be available 24 hours a day.
- An indication whether the information being reported is identical to that submitted the previous year.
- Certification- The owner, operator or the officially designated representative of the owner or operator must certify that all information included in the Tier II submission is true, accurate and complete.

Where can I find information regarding chemicals and hazardous substances?

- Because each hazardous substance has its own properties and behaviors, the potential for exposure and the nature of the effects varies widely. Each chemical profile includes physical/chemical properties, reactivity data, precautions for safe handling and use, and protective equipment for emergency situations. The Tier II Form requires the chemical name or the common name of the chemical as provided on the SDS and its Chemical Abstracts Service (CAS) registry number.

Is there EPA guidance regarding lead acid battery reporting under EPCRA Section 312?

- Yes, EPA issued guidance on April 4, 2007 a [Lead Acid Battery Reporting Under EPCRA Sections 311 and 312 - REVISED](#) (PDF).

What is the reporting threshold for gasoline and diesel fuel at retail gas stations that store their product entirely underground and are in full compliance with underground storage tank requirements?

- On February 11, 1999 the EPA enacted an [Amendments to Hazardous Chemical Reporting Thresholds for Gasoline and Diesel Fuel at Retail Gas Stations; Final Rule. 64 FR 7031](#) (PDF) that raised the reporting threshold for gasoline to 75,000 gallons and diesel fuel to 100,000 gallons at retail gas stations that store their product entirely underground and are in full compliance with the [Underground Storage Tank requirements](#).

Is a state facility exempt from Tier II reporting requirements?

- The Federal law, EPCRA, sections 311 and 312 apply to owners and operators of facilities who must prepare or make available SDS under Federal OSHA and its implementing regulations. The Federal OSHA applies to "employers" and states are excluded from the federal definition of "employers." However, the federal law does not preempt existing state or local laws. The federal and state reporting requirements establish ground rules for submitting information about the presence of hazardous chemicals in the communities.

Exemptions to the rules:

- Retail Service Stations –Underground Storage Tank (UST's)
- Laboratory use chemicals
- Chemicals direct application agriculture use-still have to plan
- Products packaged/used as or similar to household use

Is my Facility Required to Report?
How to Better Prepare Your Community for a Chemical Emergency

- ***Is there specific software designed for entering facility information on the Tier II form?***

Yes, there is and it is free, personal computer software developed by EPA and NOAA for use by facilities in submitting Tier II Chemical Inventory Reports. The software assists you through the preparation of the Tier II form. DEP prefers the electronic submission of a Tier II form by use of the Tier2 Submit software; however, it is not a mandatory reporting tool.

- ***I used Tier2 Submit software last year to report my facility's Tier II information. Do I need to download Tier2 Submit software each year?***

Yes, facilities must use the current Tier2 Submit software to report Tier II information for the prior reporting year. The software is updated every year to include new reporting requirements and software system improvements. Users can import their last year data into the current Tier2 Submit software; refer to the [EPA Tier Two Instructions](#), or the [Tier2 Submit Facility Submission Guide](#).

When is the Tier II form due?

- As indicated above all forms are due on or before March 1 (postmarked by March 1). Forms may be submitted in the following formats: cd, disk, or email. All electronic forms must be validated by the Tier2 Submit software feature prior to submission.

What steps must be taken to ensure my email containing a Tier II form is recognized as a formal document?

To ensure your email is recognized as a formal document and not spam, the email subject line should reflect the following wording "(Name of your facility), Tier II." All emails must be directed to maine.serc@maine.gov

Who do I submit a Tier II form to?

Send Tier Two form(s) to each of the following organizations:

1. Your State Emergency Response Commission in electronic form.
2. Your Local Emergency Planning Committee in electronic form.
3. The fire department with jurisdiction over your facility in paper form.

If a Tier Two form is submitted in response to a request, send the completed form to the requesting agency.

Who requires the submission of locations of hazardous chemicals or site plan with the Tier II form?

The SERC does require a description of the precise locations of the hazardous chemicals at your facility. It is recommended by the SERC that you contact your local Fire Department who has jurisdiction over your facility to determine if a site plan or a brief description of the precise location of the hazardous chemicals is required to be submitted with your facility Tier II form.

Is my Facility Required to Report?
How to Better Prepare Your Community for a Chemical Emergency

**STATE OF MAINE
REGISTRATION & INVENTORY FEE
Worksheet**

Due March 1st 2015

This worksheet is for
Owner/operator name: _____

For Reporting
Year 2014

Mailing Address: _____

City/Town: _____ State: _____ County: _____ Zip: _____

Each facility which you own and/or operate and which must comply with §311, 312 and/or §313 of SARA, Title III and §796, 797 and/or §799 of Title 37B.

Use this sheet to calculate your registration and inventory fee for each facility.

Facility Registration

ID #	Facility Name	Facility Location/Street Address	Fee
			\$50.00

Check here if involved with commercial agricultural operations.

Inventory Fee calculations

For Extremely Hazardous Substances, use fee Schedule A

	Extremely Hazardous Substance (name)	Total Avg. Daily Amt. (lbs.)	Fee
1			\$
2			
3			
4			
5			
Subtotal for EHS Chemicals			\$

For Hazardous Chemicals, use fee Schedule B or

Check here if you are a **retail petroleum marketer** and use fee Schedule C.

	Hazardous Chemical (name)	Total Avg. Daily Amt. (lbs.)	Fee
1			\$
2			
3			
4			
5			
Subtotal for Hazardous Chemicals			
Subtotal for EHS Chemicals			
Registration Fee			\$ 50.00
Total Fee (Inventory and Registration)			\$

See next page for credit card or check payment options.

Is my Facility Required to Report?
How to Better Prepare Your Community for a Chemical Emergency

**Payment Options
(Credit Card or Check)**

Credit Card Payment Information -

Company Name _____

Address _____

City _____ State/Province _____ Zip Code _____ Country _____

Signature _____

E-mail (For Receipt) _____ Phone _____

Facility Location - Same as above, or:

Address _____

City _____ State/Province _____ Zip Code _____

.....
CREDIT CARD:

Type of Card (Circle One) VISA / MasterCard or Discover Amount: \$ _____

Card number _____ Expiration Date _____

Name on Card _____

(First name)

(Last name)

CHECK:

Amount \$ _____ Check # _____ Check Date _____

Return this form with your payment to:

Maine Emergency Management Agency

Attn: SERC

72 State House Station

Augusta, Maine 04333-0072

FAX – 207-287-3178

MAKE CHECKS PAYABLE TO "TREASURER, STATE OF MAINE"

DO NOT SEND CASH

PLEASE RETURN ORIGINAL FORM WITH YOUR PAYMENT

.....
MEMA Internal Use Only -

Transaction/Deposit Date _____ Customer ID _____

REGISTRATION/INVENTORY FEE INSTRUCTIONS

Is my Facility Required to Report?
How to Better Prepare Your Community for a Chemical Emergency

Due Date: March 1st (annually)

Amount of Fee: \$50 per facility for Registration
Amount of Inventory Fee: Based upon average daily amount of inventory

If you are a facility owner and/or operator who manufactures, processes, stores, or otherwise uses hazardous materials above threshold planning or reporting quantities:

YOU MUST

Submit Safety Data Sheets (SDS) or list of chemicals for which you have SDSs to your local fire department, appropriate (county) Local Emergency Planning Committee, and Maine State Emergency Response Commission, (§311/§796) within 90 days of adding chemicals or exceeding threshold planning quantities

AND

Annually, by March 1, submit tier 2 submission with the U.S. EPA Tier 2 Submit Software to your local fire department, appropriate (county) Local Emergency Planning Committee, and Maine State Emergency Response Commission, (§312/§797)

AND YOU MAY NEED TO

Annually, by July 1, submit a Toxic Chemical Release Inventory (Form R or Form A) to U.S. EPA, Maine State Emergency Response Commission and (county) Local Emergency Planning Committee, (§313/§799)

THEN:

You are required to pay an **annual** Registration/Inventory fee on or before March 1. Complete the attached green or pink work sheet included with these instructions.

If you are the owner and/or operator of more than one facility in Maine, you should complete the green worksheet information for **each** facility you own and/or operate and pay the registration/inventory fee for each facility meeting the above and below criteria. You may list up to 1 facility on each worksheet. Make additional copies either from the form or get them on line and attach as needed.

If you are the owner or operator of **agricultural operations**, you may be exempt from **all** fee requirements of this rule. If you have determined that you are exempt, please indicate that on the green fee worksheet and you need only return the worksheet to the address on the form. Please contact the Maine Emergency Management Agency with any questions.

The inventory fee is based upon the **sum of the average daily amounts** of each chemical you report stored during the previous calendar year. There are three schedules used in determining those fees based upon the classification of that chemical and the nature of business at your facility.

Part I: Extremely Hazardous Substance Fees

Under EPCRA, U.S. EPA mandated to produce a list of chemicals for which planning in local communities and facilities would be required. The chemicals on the list are Extremely Hazardous Substances (EHSs), and they

Is my Facility Required to Report?
How to Better Prepare Your Community for a Chemical Emergency

have threshold-planning quantities (TPQs) of 500 pounds or the EPA established TPQ, **whichever is lower**. The list of Extremely Hazardous Substances found in 40 CFR Part 355 or the Title III "List of Lists" (available on line at <http://www.epa.gov/emergencies/tools.htm#lol>).

To complete the worksheet, determine which substances located (stored) at the facility are EHSs. For **each** EHS, record the total weight in each location in the "Average Daily Amounts in storage" as reported in the Chemicals in Inventory module in your electronic Tier 2 Submission. Use the table below (Schedule A) to determine the fee for **each** EHS and enter that amount in the Fee column. Enter the name and average daily amount from the electronic Tier 2 Submission for each EHS. Do not combine the weights of different EHSs.

Total average daily amounts of:	Fee
Less than 99 lbs	\$ 20
100-999 lbs	\$ 50
1,000-9,999 lbs	\$ 70
10,000-99,999 lbs	\$100
100,000-999,999 lbs	\$150
Greater than 1,000,000 lbs	\$200

Schedule A: Extremely Hazardous Substance Fees

Part II: Hazardous Chemical Fees

All other chemicals that you report on the electronic Tier 2 Submission which have reportable quantities of 10,000 pounds are known as Hazardous Chemicals (HCs).

Determine which substances located (stored) at the facility are Hazardous Chemicals (HCs). For **each** HC, total the weight and record in the "Average Daily Amounts in Storage" as reported on your electronic Tier 2 Submission. Use the table below (Schedule B) to determine the fee for **each** HC. Enter the name and average daily amount from the electronic Tier 2 Submission for each HC. Do not combine the weights of different HCs.

Total average daily amounts of:	Fee
Less than 10,000 lbs	\$ 0
10,000-99,999 lbs	\$ 50
100,000-999,999 lbs	\$ 75
Greater than 1,000,000 lbs	\$200

Schedule B: Hazardous Chemical Fees

If you are a **retail marketer of petroleum products** (i.e., gas station, marina, airport, fuel oil dealer, etc.) then the fees on the petroleum products that you report are different from the previous schedule. For petroleum products reported only by retail marketers, use the fee schedule (Schedule C) shown below.

Is my Facility Required to Report?
How to Better Prepare Your Community for a Chemical Emergency

Total average daily amounts of:	Fee
Less than 75,000 lbs	\$ 0
75,000-99,999 lbs	\$ 50
100,000-999,999 lbs	\$ 75
Greater than 1,000,000 lbs	\$200

Schedule C: Hazardous Chemical Fees for **Retail Marketers ONLY**

This fee exemption does not apply to **wholesale** or **bulk distributors** of petroleum products or to facilities who keep reportable quantities of petroleum products for their private or business use.

Complete the attached green Fee Worksheet by writing in the name of the chemical and total average daily amount in storage from the electronic Tier 2 Submission and fee amount from Schedule A, B or C above.

If you are reporting for more than one facility, remember to use a separate form for each facility.

INVENTORY FEES ARE ASSESSED PER CHEMICAL PER FACILITY.

When you complete your fee worksheet, please keep a copy for your records. You should send the green or pink worksheet with the credit card form filled out or a check made out to TREASURER, STATE OF MAINE to:

**Maine Emergency Management Agency
Attn: SERC
72 State House Station
Augusta, Maine 04333-0072**

Is my Facility Required to Report?
How to Better Prepare Your Community for a Chemical Emergency

Maine
Right-to-Know
Information Request

Pursuant to State and Federal laws, information collected under the Emergency Planning and Community Right-to-Know (RTK) Act is considered public information and is accessible to the public. There are two notable exceptions to what may be considered public information: under Federal law trade secrets are not allowed to be released and under State law transportation information is considered confidential and may be released only to those entities that may need it for planning purposes.

Maine Emergency Management Agency (MEMA), as the holder of the records for the State of Maine, will complete and return within 45 days any information that is considered public unless that information is not available or cannot be made available within the 45 day period.

In order to facilitate a RTK request, this form shall be completed and presented in person, via mail or through e-mail in order to be processed by MEMA. The State Emergency Response Commission (SERC) has adopted a fee schedule that MEMA may use in order to cover the costs of processing a request:

- \$.10/page for all photocopies and
- \$1.00/page for computer print-outs
- \$5.00/diskette for magnetic media
- \$10.00/diskette when no diskette is supplied

The processing fee should be paid in advance either by cash or by check made out to "Treasurer, State of Maine". Requests received either by mail or by e-mail will be notified of their charges and must forward a check for the correct amount to MEMA prior to the request being filled.

Please complete the following information so we may process your request as efficiently as possible.

Name	<input type="text"/>	Company	<input type="text"/>
Street Address	<input type="text"/>	City	<input type="text"/>
State	<input type="text"/>	Zip Code	<input type="text"/>
Mailing Address (if different)	<input type="text"/>		
Phone number	<input type="text"/>	e-mail address	<input type="text"/>

Information being requested. (Please be specific in your request and how you want the information returned to you.)

If additional information is needed to fulfill a MEMA staff person will contact you.

Is my Facility Required to Report?
How to Better Prepare Your Community for a Chemical Emergency

Hazardous Materials Incident

Notification Form

1. Time of Incident: _____
2. Location: _____
3. Contact Info: _____
4. Type of Incident: _____
5. Material Released (if known) _____
6. Quantity (if known) _____
7. Is the release on going? Yes No
8. Released to: Soil Water Ocean Air Well Sewer
 Containment Other: _____
9. Any Injuries or Fatalities? Yes No
10. Assistance Needed: Police Fire Ambulance Hazmat Team
 Other: _____
11. **Notification** -
 - Knox County Dispatch (any first responder agency) **911** or 594-0677
 - Knox County Emergency Operations Center/EMA 594-5155
 - Pen Bay Medical Center (Emergency Dept.) 921-8315
 - Maine State Police 800-452-4664
 - National Response Center 800-424-8802
 - Clean Harbor (contract responder) 800-645-8265
 - Local Emergency Planning Committee 594-5155
 - Maine Emergency Management Agency 800-452-8735
 - Me DEP 800-482-0777
 - Poison Control Center (National) 800-442-6305
 - Maine Poison Control Center (@ Maine Med) 800-222-1222
 - CHEMTREC 800-424-9300
 - Maine State Ferry System (Terminal & ferry ops) 596-5450

How to Better Prepared Your Community for a Chemical Emergency

The Emergency Planning and Community Right-to-Know Act (EPCRA) was passed by Congress in 1968 in response to concerns raised by the major industrial accident that occurred in 1984 in Bhopal, India. There have been several accidents concerning hazardous materials that have happened in the last few years. These incidents highlight the need for continued improvement in a number of areas related to chemical facility safety including the need for greater awareness of chemical hazards present in communities, better planning, and appropriate response to chemical incidents.

On August 1, 2013, the White House issued Executive Order (EO) 13650 on *Improving Chemical Facility Safety and Security*. The Chemical Facility Safety and Security Group which was established by EO 13650 released the status report entitled *Actions to Improve Chemical Facility Safety and Security – A Shared Commitment* on June 6, 2014, which includes key considerations identified in the process of implementing the EO. Some of those considerations include:

- Strengthening the state and local infrastructure created by EPCRA for emergency planning and preparedness
 - This infrastructure includes State Emergency Response Commissions (SERCs), Local Emergency Planning Committees (LEPCs), Tribal Emergency Response Commissions (TERCs) and Tribal Emergency Planning Committee (TEPCs).
- Ensuring participation of key stakeholders (i.e. community members, emergency responders and industry) in the planning process.
- Engaging chemical facilities in preventing, preparing for, and responding to chemical accidents, and
- Ensuring effective communication and notification to the community members, before, during and following a chemical accident.

The Purpose of EPCRA is to:

- Encourage and support emergency planning efforts at the state, tribal, and local levels
- Provide local governments and first responders with information concerning potential chemical hazards present in their planning district
- Prevent, prepare for, and mitigate the effects of a chemical incident, and
- Provide the public with information on chemical risks in their community and information on what to do if a chemical accident occurs.

OVERVIEW OF EPCRA REQUIREMENTS

Emergency Planning: Section 302, the emergency planning provisions of EPCRA, requires facilities to provide notification of the presence of extremely hazardous substances (EHSs) on their sites. Facilities must also provide a representative who will serve as the facility emergency coordinator to the LEPC or TEPC and participate in local emergency planning activities. The LEPC or TEPC will use this information to develop or modify their emergency response plans as required under Section 303.

Section 303 authorizes LEPCs and TEPCs to request any information that is needed to develop or update their emergency plans from facilities subject to Section 302 requirements

Hazardous Chemical Inventory Reporting: Sections 311 and 312 of EPCRA contain provisions for hazardous chemical inventory reporting, also known as community right-to-know reporting. Facilities that handle hazardous chemicals, defined under the Occupational Safety and Health Act and its implementing regulations, above set threshold amounts are required to provide information on the chemicals, their quantities, locations, and potential hazards.

Section 311 requires facilities to submit a Material Safety Data Sheet, MSDS (or Safety Data Sheet, SDS) for each hazardous chemical, or a list of hazardous chemicals, present at or above the reporting thresholds specified in the implementing regulations. Section 312 requires that facilities submit an inventory of these hazardous chemicals (Tier II form) annually by March 1st. The MSDSs or list of chemicals and Tier II form are submitted to the SERC (or TERC), LEPC (or TEPC), and the local fire department.

Information submitted on the Tier II form may also be useful to LEPCs and TEPCs in their planning process since it provides information on other hazardous chemicals as well as EHSs present at the facilities in their community.

Emergency Release Notification: Facilities are required to provide immediate notification to the SERCs, TERCs, LEPCs and TEPCs of any releases of EHSs and hazardous substances listed under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Soon after a release, facilities are required to provide a written follow-up with additional information regarding the release. The immediate notification and follow-up reports will include: the name and quantity of the chemical released; the media to which the chemical was released; known or anticipated acute or chronic health risks; proper precautions to take (e.g., evacuation or shelter-in-place); actions taken to respond to and contain the release; and advice regarding medical attention necessary for exposed individuals.

LEPCs and TEPCs can use this information to improve their local emergency plan to better prepare for a chemical incident. An actual incident can be used to evaluate and measure the effectiveness of the emergency plan. Effectiveness may be determined by how well the response was undertaken and how the emergency situation was communicated to responders and the community.

Is my Facility Required to Report?
How to Better Prepare Your Community for a Chemical Emergency

“What are the functions of the organizations created by EPCRA to protect the community from chemical risks?”			
SERCs	TERCs	LEPCs	TEPCs
SERCs are appointed by the governor of each state to establish LEPCs.	TERCs are established by the Chief Executive officer of the Tribe. TERCs have the same responsibilities as SERCs under EPCRA in the Tribal region.	LEPCs are established by the SERC in each state.	TEPCs are established by the TERC in each tribal region. They have the same responsibilities as LEPCs in the tribal region.
Responsibilities include establishing LEPCs (or) TEPCs; reviewing local emergency plan; supervising LEPC (or) TEPC activities; establishing mechanisms for collecting hazardous chemical inventories and information on releases of chemicals from facilities; and establishing procedures for processing public information requests. Review local emergency response plans annually, making recommendations for any needed changes. Requesting information from EPA on the health effects of chemicals that EPA has agreed to designate “trade secret” and ensuring that this information is available to the public. Taking civil action against facility owners or operators who fail to comply with reporting requirements.		Responsibilities include preparing chemical emergency response plan and reviewing the plan annually or more frequently as necessary; coordinating responses to emergency releases serving as a focal point in the community for providing information and holding discussions about chemical risks in the community; and establishing procedures for processing public information requests. The LEPC membership must include as prescribed by Section 301 of EPCRA as a minimum: Elected state or local officials Emergency management personnel Local environmental groups Emergency medical personnel Transportation personnel Health Broadcast and/or print media Fire fighting Law enforcement First Aid Owners and operators of covered facilities Community groups	

The legal responsibilities of LEPC’S:

1. Shall review local emergency management plans once a year or more frequently as circumstances change in the community or as any facility may require.
2. Shall make available SDS, chemical list in Section 311(a) (2) or Maine Tier II report, inventory form. Toxic chemical release form and follow-up emergency notice to the general public, consistent with Section 322, during normal working hours at a location designated by the LEPC. (Section 324(a)).
3. Shall establish procedures for receiving and processing requests from the public for information under Section 324, including Tier II information under Section 312. Such procedures shall include the designation of an official to serve as coordinator for information. (Section 301(c)).

Is my Facility Required to Report?
How to Better Prepare Your Community for a Chemical Emergency

4. Shall receive from each subject facility the name of a facility representative who will participate in the emergency planning process as a facility emergency coordinator (Section 303(d)).
5. Shall be informed by the community emergency coordinator of hazardous chemical releases reported by owners or operators of covered-facilities (Section 304 (b) (1) (a)).
6. Shall be given follow-up emergency notice information as soon as practical after a release, which requires the owner/operator to submit a notice (Section 304(c)).
7. Shall receive from the owner or operator of any facility a SDS for each such chemical (upon request of the LEPC or fire department), or a list of such chemicals as described in paragraph (2) Section 311 (a)).
8. Shall upon request by any person, make available an SDS to the person in accordance with section 324 (Section 311 (a)).
9. Shall receive from the owner or operator of each facility an emergency and hazardous chemical inventory form (Section 312 (a)).
10. Shall respond to a request for Tier II information under this paragraph no later than 45 days after the date of receipt of the request (Section 312 (e)).
11. May commence a civil action against an owner or operator of a facility for failure to provide information under section 303(d) or for failure to submit Tier II information under section 312 (1) (Section 326(a)(2)(B)).

Additional LEPC Responsibilities:

1. The LEPC shall appoint a Chairperson, an Information Coordinator, and establish rules by which the committee shall function. Rules shall include provisions for public notification of committee activities, public meetings to discuss the emergency plan, public comments, and response to such comments by the committee.
2. The LEPC shall notify the SERC of nominations for changes in the makeup of the committee.
3. The LEPC shall evaluate the need for resources necessary to develop, implement, and exercise the jurisdiction's emergency management plan.
4. The LEPC shall annually publish a notice in local newspapers that the emergency management response plan, SDS and inventory forms have been submitted under this section (Section 324 (b)).

Is my Facility Required to Report?
How to Better Prepare Your Community for a Chemical Emergency

Glossary

CAER – Community Awareness and Emergency Response
CAS – Chemical Abstracts Service
CEPP – Chemical Emergency Preparedness Program
CERCLA- Comprehensive Environmental Protection, Compensation and Liability Act.
CMA – Chemical Manufacturers Association
DEP – Department of Environmental Protection
EHS- Extremely Hazardous Substances
EPA- Environmental Protection Agency
EPCRA – Emergency Planning and Community Right-To-Know Act
HAZMAT – Hazardous Materials
IC – Incident Commander
LEPC- Local Emergency Planning Committee
MEMA – Maine Emergency Management Agency
NAICS – North American Industry Classifications System
NOAA- National Oceanic and Atmospheric Administration
NRP – National Response Plan
OSHA – Occupational Safety and Health Administration
SDS – Safety Data Sheets
SERC- State Emergency Response Commission
TPQ – Threshold Planning Quantity
TRI – Toxics Release Inventory

Is my Facility Required to Report?
How to Better Prepare Your Community for a Chemical Emergency