



Environmental Update #9

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

What is the Emergency Planning and Community Right-to-Know Act (EPCRA)?

EPCRA is Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986, or SARA Title III. SARA Title III is intended to promote and implement planning for chemical emergencies at the state and local level. It is also intended to provide the public with information about the chemicals that are used, stored, and released in their community.

EPCRA is organized into four major components:

- Emergency Planning Notification, EPCRA Section 302
- Emergency Release Notification, EPCRA Section 304
- Hazardous Chemical Inventory Reporting, EPCRA Sections 311 & 312
- Toxic Chemical Release Inventory, EPCRA Section 313

Certain sections of EPCRA may apply to a facility based on the type and amount of chemicals a company manufactures, processes, uses, stores, or releases.

What facilities are required to report under EPCRA?

Each component of EPCRA has different criteria used to determine if a facility must report chemical information to the Environmental Protection Agency (EPA), your state's emergency response commission (SERC) and/or a local emergency planning committee (LEPC) (if one exists in your community). Each component of EPCRA is described below and a flow chart for determining the applicability of these components is provided at the end of this document.

Section 302 EPCRA: refers to the presence, at any one time, of an extremely hazardous substance (EHS) in excess of a threshold planning quantity (TPQ) as listed in SARA Title III "List of Lists."

Section 304 EPCRA: refers to an emergency release of certain toxic chemicals above the reportable quantity (RQ). Section 304 applies if the facility has a release of a toxic chemical above the EHS RQ and/or the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) RQ. Both the EHS RQ and CERCLA RQ lists must be reviewed to see if any chemicals at the facility are covered under EPCRA §304. Both lists can be found in EPA's SARA Title III "List of Lists."

Sections 311 & 312 EPCRA: refers to the presence, at any one time, of a chemical that is required to have a Material Safety Data Sheet (MSDS) by the Occupational Safety and Health Administration (OSHA) Hazard Communication Standard (HCS). Sections 311 & 312 may apply if the facility has a chemical, on site at any one time, that is required to have an MSDS by the OSHA HCS. The chemical must be either:

- a listed EHS in a quantity \geq 500 lbs or the TPQ (whichever is lower); or
- a chemical for which the facility is required to have an MSDS and stores \geq 10,000 lbs of that chemical on site at any one time, even if the chemical is not an EHS.

Section 313 EPCRA, also known as Toxic Release Inventory (TRI): refers to the release (routine or accidental) of certain toxic chemicals that are manufactured, processed, or otherwise used in a calendar year. Section 313 EPCRA applies if the facility:

- has 10 or more full-time employees;
- is included in a list of Standard Industrial Classification (SIC) codes* or is a federal facility, and
- manufactures or processes $\geq 25,000$ lbs/year or otherwise uses $\geq 10,000$ lbs/year of a listed chemical.

*The SIC codes that are listed in Section 313 EPCRA include: 10, 12, 20-39, 4911, 4931, 4939, 4953, 5169, 5171, 7389. However there are exemptions and limitations associated with certain SIC codes. Refer to the EPA's "Toxic Chemical Release Inventory Reporting Forms and Instruction" for more details. This document can be found at www.epa.gov/tri.

To determine whether or not a chemical is listed under Section 313 EPCRA, look in EPA's SARA Title III "List of Lists."

What does a facility need to report?

If some or all of the criteria previously mentioned apply to a facility, the facility may have to submit forms and reports, compile lists, and/or notifications of the chemicals on site. The reporting requirements, broken down into the basic EPCRA components, are as follows:

- **Section 302 EPCRA** requires companies to submit a facility profile form to the SERC and the LEPC.
- **Section 304 EPCRA** requires facilities to first verbally notify their State's ERC and/or the National Response Center if there is a chemical release above an RQ. The facility must also submit a written follow-up report to the SERC and the EPA.
- **Section 311 EPCRA** requires a facility to submit a one-time notification to the SERC, LEPC, and local fire department (LFD) including an MSDS for each hazardous chemical or a list of the hazardous chemicals on site.
- **Section 312 EPCRA** requires a facility to report an annual notification in a Tier II form including chemical-specific information. The forms should be returned to the SERC, LEPC, and LFD. Some states allow an electronic submittal.
- **Section 313 EPCRA** requires that a facility submits a Form R and/or Form A, depending on the annual reportable amount of a chemical release. An annual reportable amount is a total of all releases on-site and off-site.

The data submitted by facilities to comply with Section 313 EPCRA TRI can be viewed at:

<http://www.rtk.net/>.

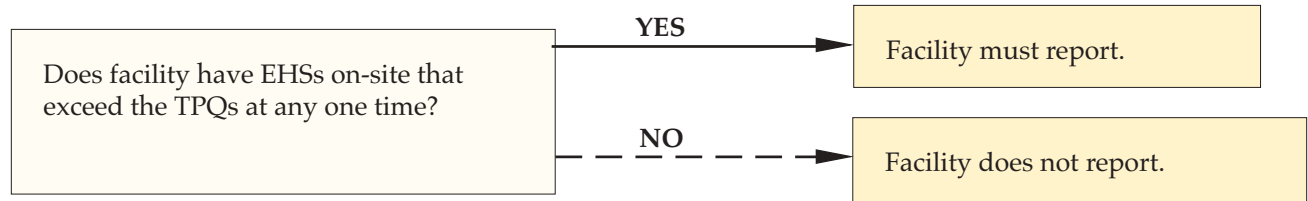
Where do I go to find additional information and resources?

- You can obtain a copy of SARA Title III "List of Lists" and the EPCRA Section 313 reporting forms and instructions by calling the EPCRA Hotline at 1-800-424-9346 or (703) 412-9810 or go to <http://www.epa.gov/ceppo/pubs/title3.pdf>;
- EPA's Toxic Release Inventory (TRI) web site <http://www.epa.gov/tri/>;
- To view EPCRA regulations in 40 CFR: www.epa.gov/docs/epacfr40/chapt-I.info/subch-J.htm; and
- EPA's "RCRA, Superfund, & EPCRA Hotline Training Manual," www.epa.gov/epaoswer/hotline/emods.htm.

Applicability of SARA Title III: Main Components

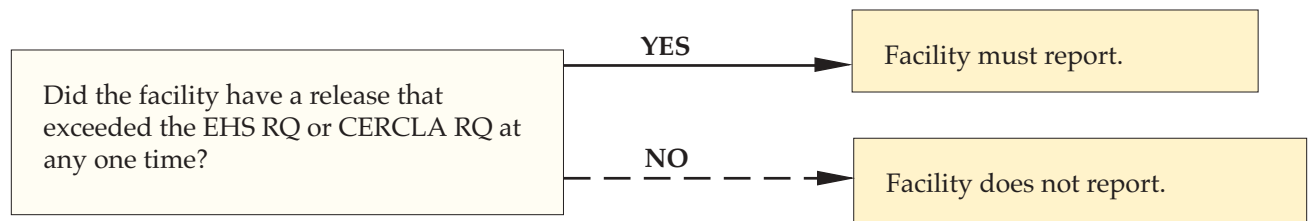
Section 302 — Emergency Planning Notification

Refers to the presence, at any one time, of an extremely hazardous substance (EHS) with a threshold planning quantity (TPQ).



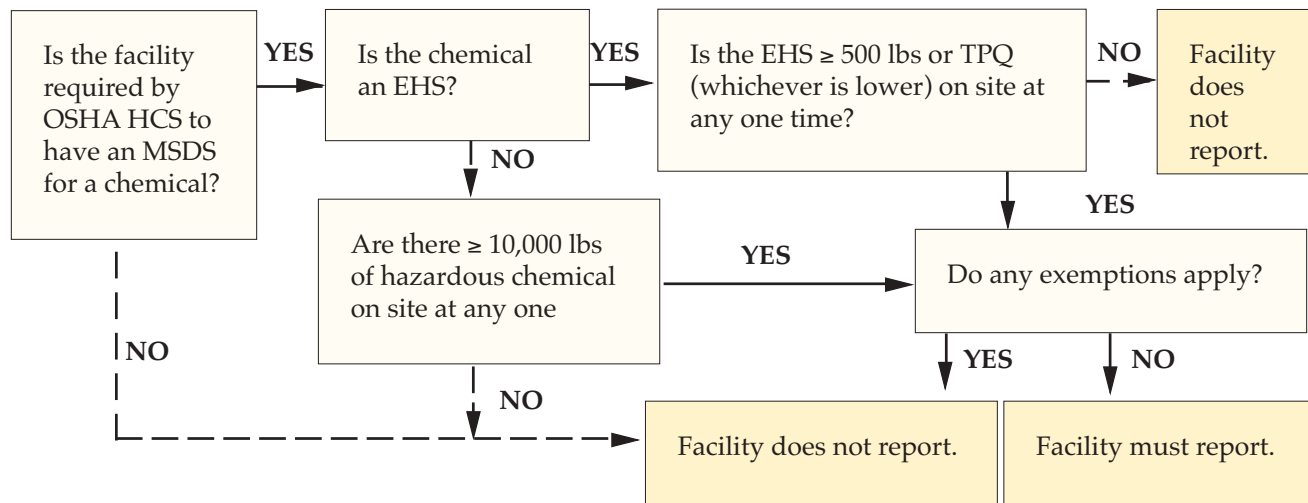
Section 304 — Emergency Release Notification

Refers to the emergency release of a toxic chemical with a reportable quantity (RQ).



Sections 311 & 312 — Hazardous Chemical Inventory Reporting

Refers to the presence, at any one time, of a chemical that is required to have a Material Safety Data Sheet (MSDS) by the Occupational Safety and Health Administration (OSHA) Hazard Communication Standard (HCS).



Section 313 — Toxic Release Inventory

Addresses the release (routine or accidental) of certain toxic chemicals that are manufactured, processed, or otherwise used in the calendar year.

