

Emergency Planning Community Right-To-Know

Understanding the release
reporting requirements and the
inventory reporting requirements

Reporting is required when:

- Certain accidental chemical releases occur
- Chemicals are stored on site above certain thresholds
- Chemicals are processed or otherwise used on site above certain thresholds – Section 313

Release Reporting

- Accidental release reporting is required under:
- Section 304 of the Emergency Planning and Community Right To Know Act or EPCRA, as well as,
- Section 103 of the Comprehensive Environmental Response, Compensation and Liability Act or CERCLA

Applicability

.....the regulation applies to any facility at which a hazardous chemical is produced, used or stored and at which there is a release of a reportable quantity of any Extremely Hazardous Substance (EHS) or CERCLA hazardous substance.

The List of Lists

This is a reference document which lists chemicals with their associated CERCLA and EPCRA reporting thresholds

It can be found on the web at:

<http://yosemite.epa.gov/oswer/ceppoweb.nsf/content/result.htm?OpenDocument&list%20of%20lists>

If reporting of the release is required:

- Call the National Response Center (NRC) at 1- 800- 424- 8802
- Call the State Emergency Response Commission or the SERC
- Call the Local Emergency Planning Committee or the LEPC

Hotline Numbers

New York State Department of Environmental
Conservation Hotline – the SERC in NYS:

518-457-7362

New Jersey Department of Environmental
Protection – the SERC in NJ:

877-927-6337

New York City Department of Environmental
Protection - 718-337-4357

EPCRA Inventory Reporting is required by:

Sections 311 and 312 of EPRCA and applies
to

...any facility that is required to prepare or
have available a Material Safety Data Sheet
(MSDS) for a hazardous chemical under the
Occupational Safety and Health Act (OSHA)
of 1970.

If that facility stores.....

Any material on the Extremely Hazardous Substance list at 500 pounds or that material's specific Threshold Planning Quantity or TPQ, whichever is less

There are approximately 366 chemicals on the EHS list and their TPQs are listed in the List of Lists

If that facility stores...

10,000 pounds of any hazardous
chemical

A chemical is considered hazardous if it
meets any one of the OSHA criteria

Hazard Categories under Sections 311, 312 of EPCRA

Fire Hazard – includes: a flammable material, a combustible liquid, a pyrophoric material or an oxidizer

Sudden Release of Pressure – includes: explosive materials and compressed gases

Hazard Categories under Sections 311, 312 of EPCRA

Reactive – includes: unstable reactive materials, organic peroxides, and water reactive materials

Immediate (Acute) Health Hazard – includes:
highly toxic and toxic materials, irritants,
sensitizers and corrosives

Hazard Categories under Sections 311, 312 of EPCRA

Delayed (Chronic) Health Hazard – includes:
carcinogens - as well as other chemicals
with an adverse effect on a target organ that
generally occurs as a results of long term
exposure and with a long duration

Reporting Requirements

- Section 311 requires a facility to provide copies of the MSDSs, or a list thereof, to the SERC, the LEPC and the Fire Department with jurisdiction
- Section 312 requires Hazardous Chemical Inventory Forms (or Tier II forms) to the SERC, LEPC and Fire Department with jurisdiction

Reporting Requirements – cont'd

Section 311 requirements are a one time submittal – due within three months of the time the hazardous material is present at the facility (in reportable amounts) and within three months after the discovery of significant new information concerning any aspect of the hazardous material.

Reporting Requirements – cont'd

Section 312 requires an annual submittal of inventory forms (Tier II forms) and the information is due on March 1st for each previous calendar year

Forms and instructions are available on the web at:

[http://yosemite.epa.gov/oswer/ceppoweb.nsf/
content/tier2.htm](http://yosemite.epa.gov/oswer/ceppoweb.nsf/content/tier2.htm)

Exemptions from Sections 311, 312 of EPCRA

- Mining facilities & State government facilities
- Any food, food additive, drug or cosmetic regulated by the Food & Drug Administration
- Any substance present as a solid in any item so that exposure to the substance does not occur under normal operating conditions

Exemptions from Sections 311, 312 of EPCRA

- Any substance used for personal, family or household purposes - or is present in the same form and concentration as a product packaged for consumer use
- Any substance to the extent it is used in a research lab or a hospital or other medical facility under the direct supervision of a technically qualified individual

Exemptions from Sections 311, 312 of EPCRA

- 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 consumer
- Any hazardous waste as such term is defined by the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (RCRA)

Contact me if you have questions

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