

A-4. Emergency Planning and Community Right-To-Know Compliance

I. General Policy Statement

It is the policy of the NCI-Frederick to inform the communities surrounding the Facility, through the appropriate public agency or governmental official, of the identity and quantity of toxic or hazardous substances used at the facility and to minimize (or eliminate where feasible) their release to the environment. The information provided by the NCI-Frederick is used by state and local officials in their emergency planning efforts.

II. Purpose

- A. To ensure that all NCI-Frederick operations comply with the requirements of the Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986, and with the requirements of Environmental Executive Orders, including specific programs that:
1. Support emergency planning efforts at the state and local levels;
 2. Provide the public and governmental officials with information concerning potential chemical hazards present in their communities; and
 3. Reduce the release of toxic chemicals entering any media (air, water, land) to the maximum extent practicable.
- B. The NCI-Frederick EPCRA procedure contains four primary elements:
1. Emergency planning notification to state and local officials;
 2. Emergency release notification to state and local officials for significant releases of hazardous chemicals and substances from NCI-Frederick facilities;
 3. Material Safety Data Sheet (MSDS) submission and Tier I/Tier II inventory reporting for NCI-Frederick facilities that exceed threshold amounts of hazardous chemicals on-site; and

4. Toxic Release Inventory (TRI) reports for NCI-Frederick facilities that manufacture, process, or use toxic chemicals listed in excess of threshold amounts during each calendar year.

III. Definitions

Extremely Hazardous Substance - A substance listed in the Appendices to 40 CFR 355.

Facility - All buildings, equipment, structures, and other stationary items that are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same entity.

Hazardous Chemical - Any chemical which is a physical hazard (combustible liquid, compressed gas, explosive, flammable, organic peroxide, oxidizer, pyrophoric, reactive, or water reactive) or a health hazard (carcinogens, toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents that act on the hematopoietic system, or agents that damage the lungs, skin, eyes, or mucous membranes), except the following substances:

1. Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration;
2. Any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use;
3. 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;
4. 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; or
5. 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.

Local Emergency Planning Committee (LEPC) - The Frederick County Local Emergency Planning Committee appointed by the State Emergency Response Commission.

Pollution Prevention - Source reduction and other practices that reduce or eliminate the release of toxic chemicals through:

1. Increased efficiency in the use of raw materials, energy, water, or other resources; or
2. Protection of natural resources by conservation.

Release - Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into water, air, or land of any hazardous chemical, extremely hazardous substance, or Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) hazardous substance.

Reportable Quantity (RQ) - For any CERCLA hazardous substance, the reportable quantity established in Table 302.4 of 40 CFR 302, for such substance. For any other extremely hazardous substances, the reportable quantity is one pound.

Source Reduction - Any practice which reduces the amount of any hazardous substance, pollutant, or contaminant entering any waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment, or disposal, and reduces the hazards to public health and the environment associated with the release of such substances, pollutants, or contaminants. The term includes equipment or technology modifications, process or procedure modifications, reformulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, training, or inventory control. The term "source reduction" does not include any practice which alters the physical, chemical, or biological characteristics or the volume of a hazardous substance, pollutant, or contaminant through a process or activity which itself is not integral to and necessary for the production of a product or the providing of a service.

State Emergency Response Commission (SERC) - The Maryland Department of the Environment State Emergency Response Commission.

Threshold Planning Quantity (TPQ) - For extremely hazardous substances, the quantity listed in the applicable column of the Appendices to 40 CFR 355.

Toxic Chemical - A chemical or chemical category listed in 40 CFR 372.65.

IV. Responsibilities

A. Supervisors

1. Immediately notify the emergency response team of any spill or release of a hazardous substance from an NCI-Frederick facility according to Section B-1, "Emergency Response Procedures".
2. Provide job-specific pollution prevention awareness training for employees under their jurisdiction.
3. With EHS assistance as requested, identify and implement pollution prevention opportunities within their program.

B. Employees

1. Immediately report to the area supervisor or EHS any hazardous substance release from a NCI-Frederick facility according to Section B-1, "Emergency Response Procedures".
2. Assist supervisor in identifying and implementing pollution prevention opportunities within their program.

C. Directors and Managers

1. Maintain chemical inventory records as specified in Section C-5 "Employee Right-to-Know: Non-Laboratory Operations" and maintain chemical storage and use records as requested by the Environment, Health and Safety Program (EHS).
2. Provide reports on chemical inventory, storage, and use as requested by EHS.
3. Notify EHS of any process changes that may result in the weight or volume of any extremely hazardous substances kept on-site at a NCI-Frederick facility exceeding the TPQ.
4. Assist EHS and supervisors in identifying and implementing pollution prevention opportunities within their organizations.

5. Immediately notify EHS of any release of an extremely hazardous substances or CERCLA hazardous substance from an NCI-Frederick facility.
6. Submit quarterly TRI Chemical Reports for activities within their organization as requested by EHS.

D. NCI-Frederick Management

1. Holds contractors accountable for complying with chemical inventory, release reporting, and pollution prevention requirements identified in Section V.
2. Coordinates and approves response to inquiries from the media and general public.

E. Environment, Health and Safety Program (EHS)

1. Determines whether any NCI-Frederick facility has extremely hazardous substances (including any extremely hazardous substances contained in a mixture) in excess of the TPQ.
2. Notifies the SERC and the LEPC of the existence of all extremely hazardous substances on-site greater than or equal to its TPQ. Notifies the SERC and LEPC of relevant changes concerning the amount of extremely hazardous substances within 60 days of the change(s).
3. If a release of reportable quantity of any extremely hazardous substances or CERCLA hazardous substance occurs at an NCI-Frederick facility which produces, uses, or stores any hazardous chemical, EHS
 - a. Determines whether the release is exempt from reporting. Exempt releases are listed in Section V.B.1.b. of this chapter.
 - b. If the release is regulated, provides immediate telephonic notice to the following offices:
 - i. Office of the Chief, NCI-Frederick Management Operation and Support Branch (301-846-1113).

- ii. The LEPC at 911.
 - iii. The SERC at 1-410- 974-3351; and
 - iv. The U.S. EPA National Response Center for any release of a CERCLA hazardous substance in excess of its RQ at 1-800-424-8802.
 - c. When required, prepares and provides written follow-up emergency notice to the SERC and the LEPC after coordination with NCI management.
4. Requests information from supervisors to determine whether any NCI-Frederick facility exceeds the following threshold amounts:
- a. Any extremely hazardous substances > 500 pounds or the TPQ, whichever is lower; or
 - b. Any hazardous chemical > 10,000 pounds.
5. Prepares and submits the following documentation:
- a. Either an MSDS or a list of MSDS-covered chemicals for each hazardous chemical present at the facility in the threshold amounts noted above to the SERC, LEPC, and the local fire department(s) within 3 months after the facility has on-site any hazardous chemical above the threshold amounts for which an MSDS must be prepared or made available.
 - b. A Tier I or a Tier II annual inventory report to the SERC, LEPC, and local fire department by March 1 for each preceding calendar year in which the facility has hazardous chemicals present in amounts above the thresholds.
6. Whenever an NCI-Frederick facility meets the conditions specified in V.D.1, EHS
- a. Prepares a TRI report which includes required information for each toxic chemical.
 - b. Submits the signed report to the EPA and to the SERC by

July 1 for each preceding calendar year in which the facility exceeded the thresholds identified at V.F.4 above; and

c. Maintains supporting documentation for the TRI report for at least three years from the July 1 due date.

7. Provide pollution prevention awareness training for NCI-Frederick supervisors and new hires.

F. NCI-Frederick Procurement Agents (to include Contracts and Administration)

1. Include appropriate language and obtain appropriate certifications for all subcontracts as required by Executive Order 13423 and other Executive Orders.

2. Establish and follow an affirmative procurement program for environmentally preferable products as required by Executive Order 13423 and other Executive Orders

G. Facilities Maintenance and Engineering

1. Ensures that construction subcontractors complete the online EHS "Chemical Usage Report" for hazardous chemicals transferred to NCI-Frederick and provide an MSDS for each new chemical.

2. Incorporate environmentally preferable products into plans, specifications, and work statements as required by Executive Order 13423 and other Executive Orders.

V. Procedures

A. Emergency Planning Notification (EPCRA § 302)

1. Within 60 days of initial coverage, notify the SERC and the LEPC that the facility is covered by the emergency planning requirements of EPCRA.

2. Designate a facility emergency coordinator to participate in the local emergency planning process.

3. Inform the LEPC of any changes at the facility relevant to emergency planning.

4. Upon request of the LEPC, provide any information necessary for the development and implementation of the local emergency plan.

B. Emergency Release Notification (EPCRA § 304)

1. Application:

- a. Applies to any release of an RQ of any extremely hazardous substances or CERCLA hazardous substance.
- b. The following releases are exempt from emergency release notification requirements of 40 CFR 355.40 and 302.6:
 - i. Releases that result in exposure to persons solely within the facility boundary;
 - ii. Releases made in accordance with a federal National Pollutant Discharge Elimination System (NPDES) permit, industrial wastewater discharge or pretreatment permit from a publicly owned treatment works (POTW), RCRA treatment, storage and disposal permit, or Atomic Energy Act permit;
 - iii. Continuous releases that are stable in quantity and rate;
 - iv. Application of pesticides registered under FIFRA; and
 - v. Radionuclide releases due to naturally occurring radionuclides or land disturbances

2. Requirements

- a. Area supervisors or employees learning of an on-site hazardous substance release shall dial x1451 or dial 301-846-1451 from any other exchange to contact the EHS.
- b. Upon notification of an on-site release of a reportable quantity, the Facility Emergency Coordinator shall provide immediate telephonic notice to the SERC and LEPC of any area likely to be affected. This notice shall include:
 - i. The chemical name or identity of the substance;

- ii. Whether the substance is an extremely hazardous substances;
 - iii. An estimate of the quantity released to the environment;
 - iv. The time and duration of the release;
 - v. Any known or anticipated acute or chronic health risks and medical advice for exposed individuals;
 - vi. Precautions necessary as a result of the release; and
 - vii. The names and telephone numbers of facility points of contact.
- c. The Facility Emergency Coordinator provides written follow-up emergency notice as soon as practicable, to include the following:
- i. Actions taken to respond to the release; and
 - ii. Any known or anticipated acute or chronic health risks and medical advice for exposed individuals.
- C. MSDS Submission and Tier I/Tier II Inventory Reporting (EPCRA § 311 & 312)
- 1. Application: Applies to NCI-Frederick facilities required by the OSHA Hazard Communication Standard (29 CFR 1910.1200) to prepare or have available an MSDS for a hazardous chemical, and that have substances on-site in the following amounts:
 - a. Any extremely hazardous substances > 500 pounds or the TPQ, whichever is lower; or
 - b. Any hazardous chemical > 10,000 pounds.

2. Requirements

- a. **MSDS Submission.** The Facility Emergency Coordinator shall submit either an MSDS or a list of MSDS-covered chemicals for each hazardous chemical present at the facility in the threshold amounts noted above to the SERC, LEPC, and the local fire department. Submission must be made within three months after the facility has on-site any hazardous chemical above the threshold amounts for which an MSDS must be prepared or made available.
- b. **MSDS resubmittal.** The MSDSs or list of chemicals shall be revised and resubmitted within three months of discovery of significant new information concerning chemicals addressed in the MSDSs or the list.
- c. **Tier I/Tier II Inventory Reporting.** As appropriate, the Facility Emergency Coordinator shall submit a Tier I or a Tier II annual inventory report to the SERC, LEPC, and local fire department by March 1 for each preceding calendar year in which the facility has hazardous chemicals present in amounts above the thresholds. NCI-Frederick supervisors and contractors will provide this information to the Facility Emergency Coordinator upon request.

D. Toxic Release Inventory Reporting (EPCRA § 313)

1. **Application:** Applies to NCI-Frederick facilities meeting all of the following requirements:
 - a. The facility has ten or more full-time employees;
 - b. The facility manufactured (including imported), processed, or otherwise used a toxic chemical in excess of one or more of the following thresholds during a calendar year:
 - i. 25,000 pounds manufactured (including imported) or processed.
 - ii. 10,000 pounds otherwise used.

- iii. lower thresholds for chemicals of special concern listed in 40 CFR 372.28.

Note: Toxic chemicals exempted by 40 CFR 372.38 are not included in threshold determinations.

- c. The facility meets at least one of the following conditions:

- i. The facility is in Standard Industrial Classification (SIC) Codes 20 through 39 as described in 40 CFR 372.22; or

- ii. The facility is Federally-owned or Federally-operated.

Note: Contracted or subcontracted work conducted for the NCI-Frederick at a non-Federally owned facility is not subject to TRI reporting.

- 2. Requirements: Submit TRI report(s) to the Environmental Protection Agency (EPA) and to the SERC by July 1 for the preceding calendar year in which the facility manufactured, processed, or used a toxic chemical in an amount exceeding the thresholds. A separate TRI report is required for each toxic chemical which exceeds one of the thresholds. The TRI report form and instructions are available at <http://www.epa.gov/tri>.

VI. References

TRI Chemical Report Form and Instructions
Emergency Planning and Community Right-to-Know Act of 1986
Comprehensive Environmental Response, Compensation, and Liability Act of 1980
Executive Order 13423 – Strengthening Federal Environmental, Energy, and Transportation Management
40 CFR 355 - Emergency Planning and Notification
40 CFR 370 - Hazardous Chemical Reporting: Community Right-to-Know
40 CFR 372 - Toxic Chemical Release Reporting: Community Right-to-Know
40 CFR 302 - Designation, Reportable Quantities, and Notification