# Hazardous Materials Regulations and Resources



An overview of legal requirements under the Emergency Planning and Community
Right-to-Know Act

# EPCRA How to Comply Manual



http://floridadisaster.org/hazmat/SERC/htc1.htm

#### Acronyms

- **CAS #:** Chemical Abstract Service Number
- **CERCLA:** Comprehensive Environmental Response, Compensation and Liability Act
- **DEM:** Division of Emergency Management
- **EPCRA:** Emergency Planning Community Right-to-Know Act
- **EHS:** Extremely Hazardous Substance
- LEPC: Local Emergency Planning Committee
- MSDS: Material Safety Data Sheet
- **RQ:** Reportable Quantity
- **SERC:** State Emergency Response Commission
- TPQ: Threshold Planning Quantity

### Purpose and History

- Reaction to Bhopal disaster in India
  - December 3, 1984
  - Methyl isocyanate

 Superfund Amendments and Reauthorization Act of 1986 (SARA Title III)

&

Florida EPCRA, 1988 – FL Statute: Chapter 252,
 Part II

#### Section 301 – State Organizations

Emergency Planning Functions

■ Establishes the State Emergency Response Commission (SERC)

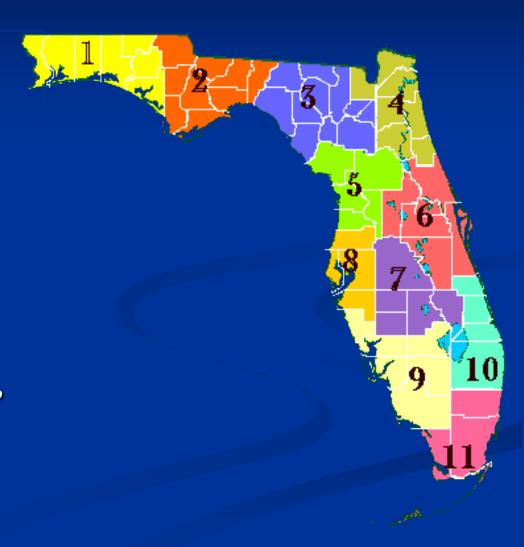
 Staffed by the Florida Division of Emergency Management (FDEM)

## Section 301 – Local Organizations

Establishes the Local Emergency Planning Committees (LEPC)

■ 11 LEPCs in Florida

District 4 – Baker, Clay,
 Duval, Flagler, Nassau,
 Putnam, & St. Johns



## Section 302 – Substances and Notification & Section 303 – Emergency Response Plans

- Chemical Notification for EHS that either meets or exceeds TPQ (in pounds)
- Designation of a Facility Representative for 302 facilities
- Some common EHS (see EPA's "List of Lists" at <a href="http://www.epa.gov/emergencies/docs/chem/list\_of\_lists">http://www.epa.gov/emergencies/docs/chem/list\_of\_lists</a>
   .pdf
  - Ammonia
  - Chlorine
  - Hydrogen chloride (gas)

- Nitric Acid
- Sulfuric Acid
- Sulfur Dioxide

# Section 304 – Emergency Release Notification

- Releases a Reportable Quantity (RQ) from the Two types of chemical lists
  - EHS as listed under Section 302
  - CERCLA hazardous substances
- Report made by facility owner or operator, or representative within 15 minutes
- Reported to the State Warning Point/State Watch Office
  - **(850)** 413-9911

### Section 304 (continued)

- If CERCLA release, must call National Response Center
  - **1**-800-424-8802
- Notification includes:
  - Chemical name; and is it an EHS?
  - Estimated quantity of release
  - Time and duration
  - Medium into which release occurred (ground, water, or air)
  - Known or anticipated health risks
  - Any evacuation or other precautions
  - Name and telephone number of contact

### Section 304 (continued)

- Notification from any other source (i.e., first responder, emergency management, etc.) will NOT satisfy the reporting requirement
- Calling 911 will NOT satisfy reporting requirement
  - Unless transportation incident

### Section 304 (continued)

- Failure to report could result in substantial penalty
  - When in doubt...call SWO anyway. Reference number will be issued
  - Once situation is under control, engineering reports complete, call back to update SWO
- If it is a Section 304 release must send follow up report within 7 days

# Section 311 – Material Safety Data Sheets

- Chemicals at the facility under this section include:
  - Any EHS that meets/exceeds TPQ, or 500 lbs. at any one time, whichever is less
  - Any hazardous chemicals that meets/exceeds 10,000 lbs at any one time for which OSHA requires an MSDS to be maintained

### Section 311 (continued)

■ There are over 500,000 chemicals that OSHA requires an MSDS

 Encourage facilities to submit summary documentation instead of MSDS (see Section 311 – Reporting Form)

■ If facility gets a new chemical throughout the year use Section 311 form to report it within 90 days

# Section 312 – Hazardous Chemical Inventory Form

■ Same chemicals as Section 311

■ Tier Two form for inventory of Hazardous Chemicals, their quantities, and site locations

 Reporting document for previous calendar year and is due March 1, annually

### Section 312 (continued)

- Must be sent to:
  - SERC
  - LEPC
  - Local Fire Department
    - Note: This does not mean the station closest to your facility
- There are exemptions to reporting under Section 311 and 312; hazwaste, tobacco, wood/wood products, food, drugs, cosmetics, or alcoholic beverages, consumer product, etc.

### Tier II Forms – Ways to Submit

- SERC and LEPC online at <u>www.erplan.net</u>
- Still must send to Local Fire Department separately
  - Check with your County Fire Department for their preferred method
- If not filing online, then must send to SERC via hardcopy by mail
  - Check with LEPC and Local Fire department for preferred method

TIER TWO	REPORTING YEAR JAN. 1 TO DEC. 31,				S•E•R•	C Page	of	_ pages	
EMERGENCY	Facility Identification			Owner/Operator Name					
AND	Name			Name Phone ( )					
HAZARDOUS	Street				Mail Address				
CHEMICAL INVENTORY	City County State Zip				Emergency Contact				
Specific	SIC Code Dun & Brad Number F.E.I. # Dun & Brad Number			Name Title Phone ( ) 24 Hr. Phone ( )					
Information by Chemical				Name (	·	24 Hr. Phone ( _ Title	Title		
oy chemical				Name					
Che	mical Description	Physical and Health Hazards	Inventory in Pounds		Container Type Pressure Temperature	(Non-C	les and Loca Confidential) ge Locations		
CAS Trade		(check all that apply)  Fire							
Chem. Name		Sudden Release	Maximum Daily						
		of Pressure							
Check all		Reactivity	Average Daily Amount						
EHS Name		Immediate (acute)  Delayed (chronic)	Dava an Sita						
			Days on Site		l	<del></del>			
CAS Trade Secret  Chem. Name				JDDD   HHH					
		Sudden Release of Pressure	Maximum Daily	Amount   HHH					
Check all		Reactivity	Average Daily.	Amount					
Check all		Immediate (acute)							
EHS Name		Delayed (chronic) Days on S		Site					
	Trade	Fire			H				
Chem. Name		Sudden Release	Maximum Daily						
		of Pressure					N N N N N N N N N N N N N N N N N N N		
Check all	re Mix Solid Liquid Gas EHS	Reactivity	Average Daily.						
that apply: Pu EHS Name	re Mix Solid Liquid Gas EHS	Immediate (acute) Delayed (chronic)		_	IHHH	- 608 - A Kas 35 A Kas 35 A			
			Days on S	site					
Certification (Read and sign after completing all sections)						Optiona	l Attachment	is	
I certify under penalty of law that I have personally examined and am familiar with the information submitted in pages one through those individuals responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete.						I have attached a	site plan		
						☐ I have attached a list of site			
						coordinate abbreviations			
Name and official title of owner/operator OR owner/operator's authorized representative Signature Date signed						I have attached a	•		
Name and official title of owner/operator OR owner/operator's authorized representative Signature						dikes and other sa	neguard meas	ures	

### Section 313 – Toxic Chemical Release Inventory (TRI) Form

- Applies to mainly manufacturing facilities, where routine toxic chemical emissions occur
- Specified SIC Codes only
  - Coal Mining 12
  - Metal Mining 10
  - Electric Utilities 4911
  - Commercial HazWaste Treatment 4953
  - Chemicals and Allied Products-wholesale 5169
  - Petroleum Bulk Terminals 5171
  - Solvent Recovery Services 7389
- Toxic Chemicals meet/exceed threshold quantities (see "List of Lists")
- Information is submitted to SERC and EPA

#### Fee Structure

- One-time filing fee for Section 302 facilities (public or private): \$50
- Annual Registration fee for private facilities under Section 302 or 312: based on number of employees in State
  - $\blacksquare$  \$10/employee (min = \$25, max = \$2,000)
  - Variations for other regulated industries like Agriculture or Petroleum
  - Governmental bodies are exempt

#### Fee Structure (continued)

- Section 313 TRI fee: \$150/form and \$75/chemical; due July 1
- Late fees:  $1^{st}$  notification = up to \$2,000  $2^{nd}$  notification = up to \$4,000

#### Summary

- Legislation in reaction to chemical release
- Purpose of law is to prevent loss of life, protection of citizens' property, and increase public awareness
- Depending on the chemicals at your Facility, you may be subject to reporting requirements under EPCRA, Sections 302, 304, 311, 312, and 313
- Tier II's and Annual Registration fees due each year by March 1<sup>st</sup>

# Important Telephone Numbers / Addresses

State Emergency Response Commission

2555 Shumard Oak Boulevard Tallahassee, Florida 32399-2100 (800) 635-7179 (Florida only) (850) 413-9970

National Response Center (800) 424-8802

Florida State Watch Office

(850) 413-9911 (800) 320-0519

#### Questions?

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