

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

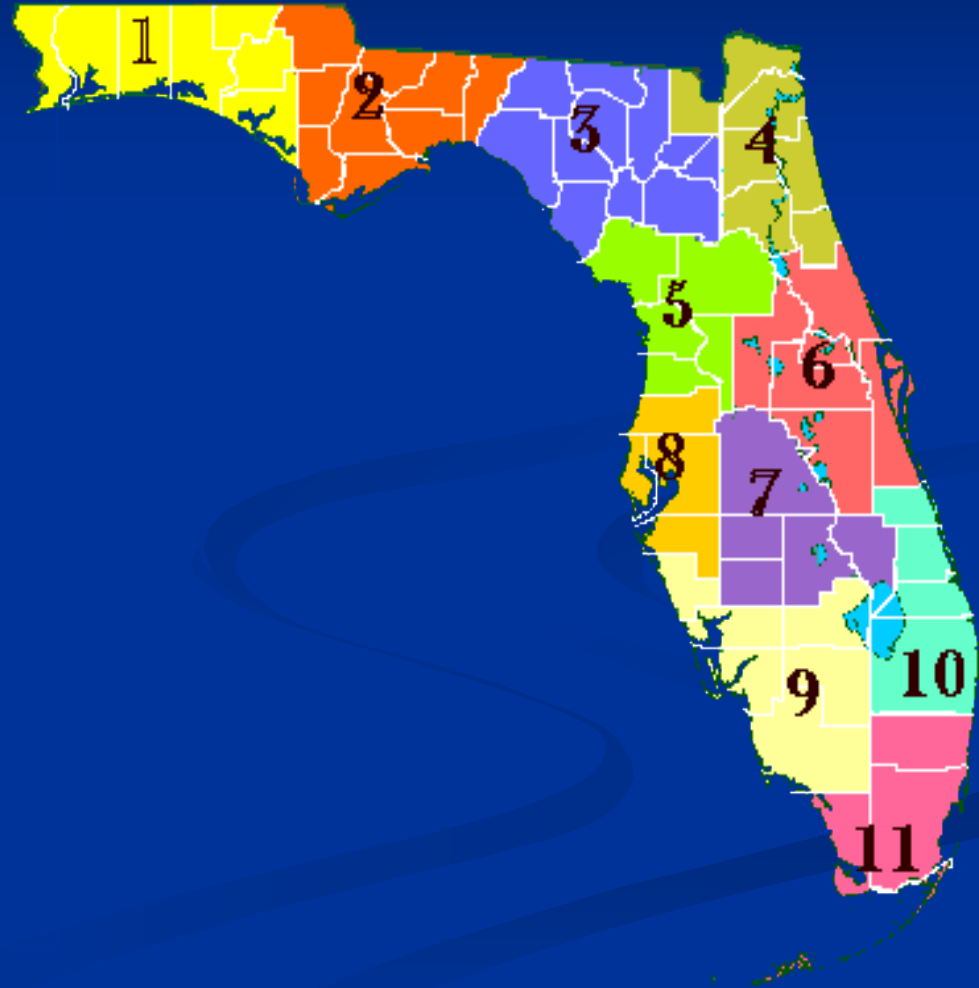
Section 301 – State Organizations

- 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 http://www.epa.gov/emergencies/docs/chem/list_of_lists.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 www.erplan.net
- 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

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
 - \$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: 1st notification = up to \$2,000
2nd 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 1st

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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