

Hazardous Materials Regulations and Resources



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

EPCRA Documents & How to Comply Manual



<http://www.floridadisaster.org/hazmat/SERC/EPCRA.htm>

Agenda

- EPCRA Sections 301, 302, and 303 - Planning for Chemical Emergencies
- EPCRA Sections 311 & 312 – Hazardous Chemical Inventory Reporting
- EPCRA Section 304 and CERCLA Section 103 Release Notification
- EPECRA Section 325 & 326 - Enforcement & Civil Actions

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

History

- EPCRA was passed in response to 2 major events

1. Bhopal, India Disaster

- December, 1984
- Methyl Isocyanate – 500,000+ exposed (2000+ dead)
- Worst Industrial Accident in History

2. Institute, West Virginia

- August, 1985
- Methylene Chloride & Aldicarb Oxime
- 134 people to hospital

Federal & State Legislation

- Superfund Amendments and Reauthorization Act of 1986 (SARA Title III)
- Florida EPCRA, 1988 – FL Statute: Chapter 252, Part II

EPCRA

- Subchapter A: Emergency Planning and notification of a hazardous materials incident (Sections 301 – 304)
- Subchapter B: Reporting of hazardous chemical inventories and toxic release inventory reports (Sections 311 – 313)
- Subchapter C: Administration, enforcement, & trade secret protection (Sections 321-330)

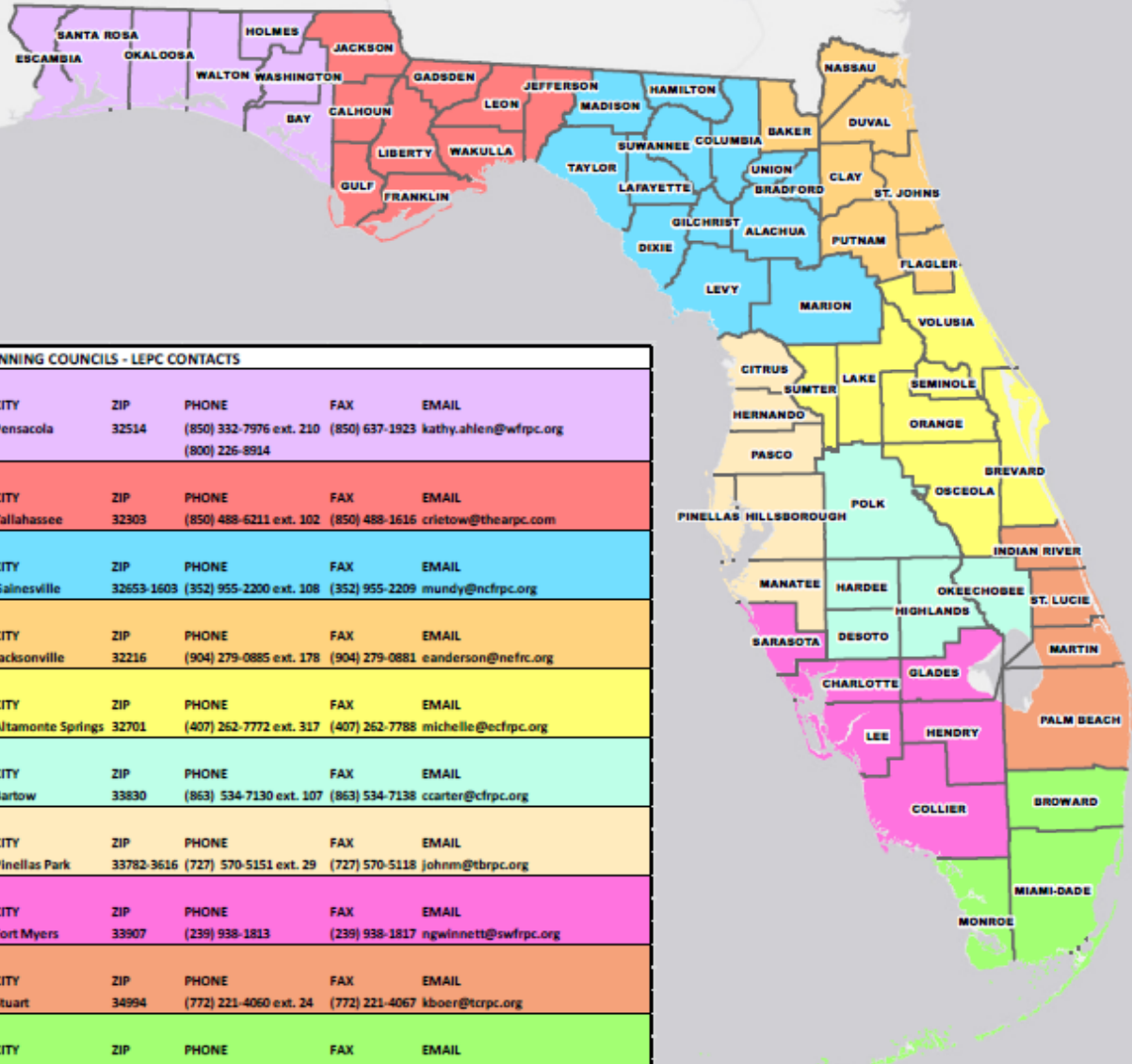
EPCRA Purpose

- Encourages and requires coordination between industry, government, and the public
- Requires information be accessible to the public
- Authorizes penalties for not complying with EPCRA
- Empowers private citizens groups to file enforcement lawsuits for failure to comply

Section 301- SERC

- Establishes Organizational Framework
 - Establishes the State Emergency Response Commission
 - Group of Stakeholders (Public, Private, & Gov't)
 - Meets Quarterly
 - Policy Group
 - Staffed by the Florida Division of Emergency Management (FDEM)

Section 301 – LEPC



REGIONAL PLANNING COUNCILS - LEPC CONTACTS

WEST FLORIDA REGIONAL PLANNING COUNCIL

LEPC CHAIRPERSON	STAFF COORDINATOR	ADDRESS	CITY	ZIP	PHONE	FAX	EMAIL
Richard Delp	Kathy Ahlen	4081 East Olive Road, Suite A	Pensacola	32514	(850) 332-7976 ext. 210	(850) 637-1923	kathy.ahlen@wfrpc.org
					(800) 226-8914		

APALACHEE REGIONAL PLANNING COUNCIL

LEPC CHAIRPERSON	STAFF COORDINATOR	ADDRESS	CITY	ZIP	PHONE	FAX	EMAIL
Kevin Peters	Chris Rietow	2507 Callaway Road, Suite 200	Tallahassee	32303	(850) 488-6211 ext. 102	(850) 488-1616	crietow@theaprc.com

NORTH CENTRAL FLORIDA REGIONAL PLANNING COUNCIL

LEPC CHAIRPERSON	STAFF COORDINATOR	ADDRESS	CITY	ZIP	PHONE	FAX	EMAIL
Shayne Morgan	Dwayne Mundy	2009 N.W. 67 Place	Gainesville	32653-1603	(352) 955-2200 ext. 108	(352) 955-2209	mundy@ncfrpc.org

NORTHEAST FLORIDA REGIONAL PLANNING COUNCIL

LEPC CHAIRPERSON	STAFF COORDINATOR	ADDRESS	CITY	ZIP	PHONE	FAX	EMAIL
Richard Knoff	Eric Anderson	6850 Bellfort Oaks Place	Jacksonville	32216	(904) 279-0885 ext. 178	(904) 279-0881	eanderson@nefrpc.org

EAST CENTRAL FLORIDA REGIONAL PLANNING COUNCIL

LEPC CHAIRPERSON	STAFF COORDINATOR	ADDRESS	CITY	ZIP	PHONE	FAX	EMAIL
Butch Loudemilk	Michelle Cechowski	309 Cranes Roost Boulevard, Suite 2000	Altamonte Springs	32701	(407) 262-7772 ext. 317	(407) 262-7788	michelle@ecfrpc.org

CENTRAL FLORIDA REGIONAL PLANNING COUNCIL

LEPC CHAIRPERSON	STAFF COORDINATOR	ADDRESS	CITY	ZIP	PHONE	FAX	EMAIL
Mike Linkins	Chuck Carter	555 East Church Street	Bartow	33830	(863) 534-7130 ext. 107	(863) 534-7138	ccarter@cfrcpc.org

TAMPA BAY REGIONAL PLANNING COUNCIL

LEPC CHAIRPERSON	STAFF COORDINATOR	ADDRESS	CITY	ZIP	PHONE	FAX	EMAIL
Jeff Patterson	John Meyer	4000 Gateway Centre Blvd., Suite 100	Pinellas Park	33782-3616	(727) 570-5151 ext. 29	(727) 570-5118	johnm@tbrpc.org

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

LEPC CHAIRPERSON	STAFF COORDINATOR	ADDRESS	CITY	ZIP	PHONE	FAX	EMAIL
Bruce Porter	Nichole Gwinnett	1400 Colonial Blvd, Suite 1	Fort Myers	33907	(239) 938-1813	(239) 938-1817	ngwinnett@swfrpc.org

TREASURE COAST REGIONAL PLANNING COUNCIL

LEPC CHAIRPERSON	STAFF COORDINATOR	ADDRESS	CITY	ZIP	PHONE	FAX	EMAIL
Joseph Nelson	Kathryn Boer	421 SW Camden Avenue	Stuart	34994	(772) 221-4060 ext. 24	(772) 221-4067	kboer@trcpc.org

SOUTH FLORIDA REGIONAL PLANNING COUNCIL

LEPC CHAIRPERSON	STAFF COORDINATOR	ADDRESS	CITY	ZIP	PHONE	FAX	EMAIL
Gary Koen	Manny Cela	3440 Hollywood Blvd., Suite 140	Hollywood	33021	(954) 985-4416	(954) 985-4417	celam@sfrpc.com

Statutory/Contractual

- Hazards Analysis Site Visits
- LEPC Organizational Functions
- Tier II Reporting
- LEPC HazMat Response Plan

Services

- Technical Assistance
- Training/Exercises for Public and Private Entities

Public Outreach

- HazMat Awareness Week
- “How to Comply” Workshops
- E-Plan Electronic Tier II Filing

Section 302

Substances & Notification

- Purpose of Section 302 is to establish and identify a list of substances and gather information on facilities of most concern for emergency planning and response
- That list is known as the EPA's "List of Lists"

Focus on Extremely Hazardous Substances (EHS)

Section 302

Substances & Notification

- Chemical Notification for EHS that either meets or exceeds TPQ (in pounds)
- Some common EHS (see EPA's "List of Lists" at: http://www.epa.gov/sites/production/files/2015-03/documents/list_of_lists.pdf)
 - Ammonia
 - Chlorine
 - Hydrogen chloride (gas)
 - Nitric Acid
 - Sulfuric Acid
 - Sulfur Dioxide

Section 302 - List of Lists

NAME	CAS/313 Category Codes	Section 302 (EHS) TPQ	Section 304 EHS RQ	CERCLA RQ	Section 313	RCRA CODE	CAA 112(r) TQ
Dibenz(a,j)acridine	224-42-0				313+		
Benz[c]acridine	225-51-4			100		U016	
Dibenz(a,h)acridine	226-36-8				313+		
Isobenzan	297-78-9	100/10,000	100				
O,O-Diethyl O-pyrazinyl phosphorothioate	297-97-2	500	100	100		P040	
Thionazin	297-97-2	500	100	100		P040	
Methyl parathion	298-00-0	100/10,000	100	100	313	P071	
Parathion-methyl	298-00-0	100/10,000	100	100	X	P071	
Phorate	298-02-2	10	10	10		P094	

Section 302 (EHS) TPQ – Notification Requirement

If you have any EHS = to or > than TPQ, you must notify SERC & LEPC they are present at facility

Section 302 (EHS) TPQ – Annual Tier II Reporting

EHS substance is 500 lbs. or the TPQ, whichever is less

Calculating Liquids and Mixtures

Liquid

If the density of the pure EHS is known:

Amount of EHS (in gallons) X Density of EHS (in lbs per gallon) = EHS (in lbs)

If the density of the EHS is not known:

Amount of EHS (in gallons) X Density of Water (8.34 lbs per gallon) X Specific Gravity of the EHS = EHS (in lbs)

Mixtures

If an EHS is present in a mixture, multiply the amount of mixture by the percent weight of the EHS to determine the quantity of EHS present in the mixture.

If conversion from gallons to lbs is necessary, use the same procedure as for pure liquids as explained under the liquid tab.

- If the amount of the EHS concentration in the mixture is $\leq 1\%$, then the amount of EHS present does not need to be determined to compare to its TPQ.
- If the concentration of an EHS in a mixture is reported as a range, the higher concentration should be used in determining if the TPQ has been met.

Calculating Solids

NAME	CAS/313 Category Codes	Section 302 (EHS) TPQ	Section 304 EHS RQ	CERCLA RQ	Section 313	RCRA CODE	CAA 112(r) TQ
1-Amino-2,4-dibromoanthraquinone	81-49-2				313		
Warfarin	81-81-2	500/10,000	100	100	X 313c	P001	

- **Solid in Powdered Form (< 100 microns)** – Multiply the % weight of the solid in powdered form by the total weight of solid in the container.
- **Solid in Solution** – Multiply the % weight of the non-reactive solid in solution by the total weight of solution in the container. Then multiply by 0.2.
- **Solid in Molten Form** – Multiply the weight of the non-reactive solid in molten form by 0.3.

Section 303

Emergency Response Plans

- Requires LEPCs to prepare an emergency response plan for the district, and review annually.
- This is done with information we collect from annual Tier II reporting (mostly EHS chemicals), and other sources.
- We then train and exercise towards the hazards identified in the district.

Section 303

Facility Requirements

- Appoint a facility representative who can participate in planning process (facility contact)
- Facility representative is expected to notify SERC, LEPC, & local fire department of changes. These changes may include:
 - Modification to the amount of chemicals stored
 - Changes in storage locations
 - Process changes
 - Changes in emergency contacts

Section 311

Safety Data Sheets (SDS)

- OSHA estimates 880,000 chemicals with SDS
- 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 SDS to be maintained

Section 311

Safety Data Sheets (SDS)

- Facilities must submit their list of chemicals
- Must be done within 90 days
 - New Facility – submit list of all chemicals
 - New Chemical at Facility – submit SDS or updated list

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

Section 312 - Tier II Reporting

- Same chemicals as Section 311
- Must submit a Tier II Chemical Inventory Report for inventory of hazardous chemicals, quantities, locations & potential hazards
- Reporting document for previous calendar year and is due March 1st, annually

Section 312 - Tier II Reporting

- What must be reported?
 - EHS – 500lbs. or TPQ, whichever is lower
 - All other OSHA Chemicals – 10,000 lbs. or greater

❖ Fuels:

- Diesel* – 100,000 gallons or greater
- Gasoline* – 75,000 gallons or greater
 - M85, E85, E95, #2 fuel oil, kerosene fall under 10,000 lbs. reporting threshold

includes retail gas stations with underground tanks

Section 312 - Tier II Reporting

- Tier II reports must be sent to:
 - SERC
 - LEPC
 - Local Fire Department - Contact Fire Department and ask where the Tier II can be submitted
 - **Jacksonville F/R – Capt. Byron Jackson**
byronj@coj.net
- 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 erplan.net
- Check with Local Fire Department to determine their preferred method.
 - Some use E-Plan, others do not
- If not filing online, then must send to SERC via hardcopy by mail
 - Check with LEPC and Local Fire Department for preferred method

Tier II - 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

Section 304 & CERCLA 103

Release Notifications

- Release notification must take place when chemical release meets or exceeds the Reportable Quantity (RQ) in a 24-hour period

NAME	CAS/313 Category Codes	Section 302 (EHS) TPQ	Section 304 EHS RQ	CERCLA RQ	Section 313	RCRA CODE	CAA 112(r) TQ
1-Amino-2,4-dibromoanthraquinone	81-49-2				313		
Warfarin	81-81-2	500/10,000	100	100	X 313c	P001	

- Purpose is to notify all levels of government of hazard, and to prepare a response

Section 304 & CERCLA 103

Release Notifications

- Report must be made by facility owner or operator, or representative within 15 minutes
- 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 & CERCLA 103

Release Notifications

Who to call:

- State Warning Point/State Watch Office
 - (850) 413-9911
- If CERCLA release, call National Response Center
 - 1-800-424-8802

Notify the LEPC after you have made the notification calls to the above.

Northeast Florida LEPC - (904) 279-0880 ext. 178

Section 304 & CERCLA103

Release Notifications

- Notification includes:
 - Chemical name; and is it an EHS?
 - Estimated quantity of release
 - Time and duration
 - Medium into which release occurred (ground/water/air)
 - Known or anticipated health risks
 - Any evacuation or other precautions
 - Name and telephone number of contact

Section 304 & CERCLA 103

Release Notifications

- 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

Other EPCRA Sections

- Section 322: Trade Secrets
- Section 323: Provision of information to health professionals, doctors, & nurses
- Section 324: Public availability of plans, data sheets, forms, & follow-up notices
- Section 325: Enforcement
- Section 326: Civil Actions

Section 325 - Enforcement

- Civil and administrative penalties (release/spill)
 - \$37,500/day or per violation/day
 - \$107,500 for 2nd or subsequent violations
- Criminal penalties (release/spill)
 - Up to \$25,000 or/and 2-years in prison
 - \$50,000 or/and 5-years for 2nd conviction
- Failure to report annual Tier II Report
 - \$37,500/day

Section 326 – Civil Actions

- Government or citizens can take action against a facility for failure to comply.
- Can bring action for failure to:
 - Submit a follow-up report of an emergency release
 - Submit a list of chemicals
 - Submit a Tier II form

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
- Tier II's and Annual Registration fees due each year by March 1st
- **Enforcement and Civil Actions for no compliance**

Important 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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