



EPCRA Section 301




Approach and Framework

- State Emergency Response Commissions
 - *Section 301(a) requires that SERCs be established by the governor of each state.*
- Local Emergency Planning Committees
- Threshold Planning and Reportable Quantities
 - *[TPQs and RQs]*



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EPCRA Section 301




State Emergency Response Commissions (SERC)

- While the statute lays out the minimum requirements for the SERC, a successful SERC includes representatives from key state agencies with responsibility for chemical emergency prevention, preparedness, and response and have the technical expertise and resources to support the state and local EPCRA program.

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EPCRA Section 301



State Emergency Response Commissions (SERC)

- The purpose of a SERC is to designate emergency planning districts, appoint LEPCs, supervise and support the activities of the LEPCs, review local emergency response plans, collect, and maintain chemical information reported by facilities under EPCRA and provide the public with access to that information.

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EPCRA Section 301



State Emergency Response Commissions (SERC)

- Implements EPCRA provisions
- Receives and processes public information requests
- Reviews local emergency response plans
- Appoints and supervises Local Emergency Planning Committees (LEPC)



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EPCRA Section 301



LEPC participants (typical) include

- Elected state and local officials
- Police, fire, civil defense, and public health professionals
- Environment, transportation, and hospital officials
- Facility representatives
- Representatives from community groups and the media



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EPCRA Section 302



Substances and Facilities Covered, and Emergency Planning Notification

EPCRA Section 302



EPCRA Section 302 – Substances and Facilities Covered, and Emergency Planning Notification

The 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. of concern.

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EPCRA Section 302



EPCRA Section 302(a) – Substances Covered and Threshold Planning Quantities

- Section 302(a) requires the Administrator of EPA to publish a list of Environmentally Hazardous Substances (EHSs) and establish a Threshold Planning Quantity (TPQ) for each substance on the list.
 - *The list may be revised based on the toxicity, reactivity, volatility, dispersability, combustibility, or flammability of a substance.*
- On April 22, 1987, EPA published a final rule (52 FR 13378) with the list of EHSs and their TPQs
 - *Currently, there are 355 EHSs, as codified in Appendices A and B of 40 CFR Part 355.*

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EPCRA Section 302



EHSs

- The list originated from EPA's CEPP Air Toxics Strategy to address accidental releases of hazardous substances to the air.

Threshold Planning Quantity (TPQ)

- A TPQ is the quantity designated for each EHS listed in Appendices A and B of 40 CFR Part 355 that triggers a required notification from a facility to the SERC (or TERC) and the LEPC (or TEPC).

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EPCRA Section 302



The EPA Chemical Emergency Preparedness and Prevention (CEPP) program established a list of substances that could cause serious, irreversible health effects from accidental releases. This list of substances later became the EHS list under EPCRA Section 302.

- This list represents only a first step towards development of an effective emergency response planning effort at the community level.

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Exercise



The TPQs represent absolute levels above which EHSs are dangerous and below which they pose no threat at all.

- ☐ True
- ☐ False

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EPCRA Section 302




Which facilities are subject to Emergency Planning provisions?

- Any facility with any Extremely Hazardous Substance (EHS) on-site in quantities greater than its Threshold Planning Quantity (TPQ)
- Other facilities identified by Governor or the State Emergency Response Commission (SERC)




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Reference

US EPA Office of Solid Waste and Emergency Response
EPA 550-B-12-003
March 2015
www.epa.gov/emergencies

LIST OF LISTS
Consolidated List of Chemicals Subject to the Emergency Planning and Community Right-to-Know Act (EPCRA), Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and Section 112 (r) of the Clean Air Act



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EPCRA Section 302

What is required of subject facilities?

- Cooperate in emergency plan preparation
- Designate a facility emergency coordinator
- Notify their SERC and LEPC within 60 days of becoming subject to the emergency planning requirements
- No particular notification format; written report for documenting compliance

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EPCRA Section 303

Comprehensive Emergency Response Plans

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EPCRA Section 303



Section 303(a) requires each LEPC (or TEPC) to prepare an emergency plan for their district and review the plan annually (or more frequently if changes occur.)

- The emergency planning notification by facilities to the SERC (or TERC) and LEPC (or TEPC) under Section 302 will be the basis for local planners to analyze the potential chemical risks posed by facilities with EHSs.
- The local emergency plan should also include facilities that handle other hazardous chemicals.

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EPCRA Section 303



Facility Requirements under Section 303

- Identify a representative who can participate in the planning process.
- Provide vital information to the SERCs, and LEPCs.
- May also be requested to participate in the LEPC planning process



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EPCRA Section 303



Facility Requirements under Section 303

- Promptly notify LEPCs of changes including:
 - *modifications to the amount of chemicals,*
 - *changes to the storage locations,*
 - *process changes, or*
 - *a personnel change for the facility emergency coordinator*
- EPA provided guidance on the term "promptly" to be 30 days.

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EPCRA Section 303



Authority under Section 303(d)(3) to Request Additional Information

- The emergency planning notification required by facilities under Section 302 of EPCRA is provided to the SERC and the LEPC.
- Under Section 302, facilities are required to determine if there are any EHSs present above their TPQs and notify the SERC and the LEPC that their facility is subject to emergency planning.

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EPCRA Section 303



Authority under Section 303(d)(3) to Request Additional Information

- The notification may not include specific information regarding the chemical identity, amounts or locations.
- Section 303(d)(3) gives the authority to LEPC to request any information that is necessary for developing and implementing the plan, which may include information on other chemicals as well as EHSs present on site.

The LEPC can bring enforcement action against a facility that does not comply with Section 303(d)(3).

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EPCRA Sec. 304/ CERCLA Sec. 103



EPCRA Section 304 and CERCLA Section 103 Release Notification

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EPCRA Sec. 304/ CERCLA Sec. 103



The primary purpose of both EPCRA and CERCLA release notification requirements is to notify various levels of government of potential hazards so that necessary response actions can be taken in a timely fashion and the public can be notified and take appropriate actions to ensure maximum protection of the community.

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EPCRA Sec. 304/ CERCLA Sec. 103



CERCLA 1980:

- Identifies sites that may warrant Superfund response action.
- Mandates notification to federal authorities of qualifying release of certain hazardous substances.

EPCRA 1986

- Mandates notification to state and local authorities of releases of EHSs and of those substances required to be reported under CERCLA.
- This is in addition to the release reporting requirements under CERCLA with certain conditions.

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EPCRA Sec. 304/ CERCLA Sec. 103




The objectives under CERCLA and EPCRA release reporting differ slightly.

- CERCLA: The release notification under CERCLA Section 103 helps identify releases that warrant local, state, and/or federal response action, as appropriate.
- EPCRA: In contrast, EPCRA Section 304 release notification provides state and local governments with information necessary to respond to releases more timely and to inform the community of potential risks.

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EPCRA Sec. 304/ CERCLA Sec. 103



CERCLA authorizes response actions against...

“Facilities or vessels from which there is a release, or a threatened release which causes the incurrence of response costs, of a hazardous substance.”

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EPCRA Sec. 304/ CERCLA Sec. 103

CERCLA Release

What is a “Facility”?

- land, vessels, pipes, and even individual buildings

What is a “Release”?

- “any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant)”

Does not have to escape property boundary

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EPCRA Sec. 304/ CERCLA Sec. 103

CERCLA Releases

- Releases of hazardous substances in amounts over designated “Reportable Quantities” (RQs) must be reported immediately to the National Response Center (NRC, 1-800-424-8802)
- Release amount calculated over a 24-hour period
- CERCLA Reportable Quantities are listed in 40 CFR 302.4 (and EPA’S List of Lists)

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EPCRA Sec. 304/ CERCLA Sec. 103



EPCRA Section 304

- At any facility at which a “hazardous chemical” is produced, used or stored and at which there is a release of a reportable quantity (RQ) of any EHS or CERCLA hazardous substance, the owner or operator of the facility is required to immediately notify the SERC and the community emergency coordinator for the LEPC of any area likely to be affected by the release.
- If there is no LEPC, notification is provided to the local emergency response personnel (codified in 40 CFR 355.40).

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Release Notification



- Applies to any facility that releases a reportable quantity (RQ) of:
 - EHS Listed Substance
 - CERCLA Hazardous Substance
- “Release” means to the environment beyond the facility’s boundary
- Note: RQs have been established in conjunction with Section 302 ‘TPQs’

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Who’s Responsible?




Who is responsible, the owner or operator, for purposes of EPCRA 304 release reporting?

- Either the owner or operator of a facility gives notice after a release.
- Under EPCRA section 304 both the owner and operator are responsible if no notification is provided.




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Release Notification




Reporting

- Immediately notify (any/all) LEPCs and SERC likely to be affected by the release
- Written follow-up notification to LEPC and SERC



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Release Reporting



Report Type

- 911 - Verbal-Immediate (15 minutes)

Agencies Receiving Report


- 911
- National Response Center (NRC), 1-800-424-8802 for CERCLA chemical
- SERC
- LEPC

Follow-up

- Written report

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Release Reporting



When reporting a CERCLA or EPCRA release, be prepared to provide the following

- Your name, location, organization, telephone number
- Name and address of party responsible for incident
- Date and time of the incident
- Location of the incident
- Source and cause of the release or spill
- Types of materials released or spilled
- Quantity of materials released or spilled
- Danger or threat posed by the release or spill
- Number and types of injuries
- Weather conditions at the incident location
- Any other information that may help responders

Remember that immediate reporting is required, so do not delay calling NRC if some of this information is not available

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Release Reporting



Continuous Release

- A release that occurs without interruption or abatement, or
- That is routine (i.e., occurs during normal operating procedures or processes), anticipated, intermittent, and incidental to normal operations.

Stable in quantity and rate.

- A release that is stable in quantity and rate is a release that is predictable and regular in the amount and rate of emission.

Reporting Continuous Releases

- Step 1 - Initial Telephone Notification (NRC, LEPC, SERC)
 - *NRC will provide CR-ERNS number*
- Step 2 - Initial Written Report w/in 30 days (EPA Regional, SERC, LEPC)
- Step 3 - First Anniversary Follow-up Report to EPA Regional Office (not required for Non-CERCLA EHS)

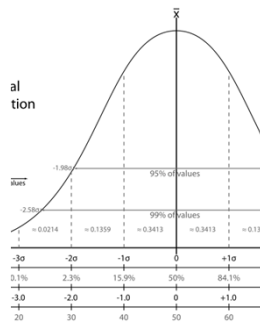
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Release Reporting



Statistically Significant Increase (SSI) Notifications

- Any episodic release of a hazardous substance that exceeds the release quantity delineated in the upper bound of the normal range of the facility's continuous release report
- Report to the NRC, SERC, and LEPC as soon as the person in charge is aware that the release exceeds the SSI trigger




Release Reporting




Continuous Release Reporting Requirements		(NRC)	(SERC)	(LEPC)	EPA Regional Office
Standard Reporting Requirements	Initial Telephone Notification	✓	✓	✓	
	Initial Written Report		✓	✓	✓
	Follow-up Report				✓
Circumstantial Reporting Requirements	SSI Telephone Report	✓	✓	✓	
	Change of Release Information (new release)	✓	✓	✓	✓
	Change in Other Information				✓

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Reference



EPA Reporting Requirements for Continuous Releases of Hazardous Substances (1997)

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A Release Reporting Program is not required, but should include:

- When and how to update EPCRA information (Initial notifications under Section 302);
- Knowing responsibilities in the event of release;
- How to identify reportable materials under SARA Title III (including volumes);
- Understanding EPCRA exemptions and mixtures;
- Learn amounts of material that trigger reporting;
- Emergency notification and planning requirements (Section 304);

AARCHER Notes

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Questions/Discussion
