



EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT



Background and Introduction



Background and Introduction

Bhopal, India

Accidental Release of Methyl
Isocyanate (MIC)

Institute, West Virginia

Release of same chemical within
year of Bhopal, leading to:

**Emergency Planning and
Community Right-to-Know Act
(EPCRA) (1986)**



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Background and Introduction

Enacted as Superfund Amendments and Reauthorization Act (SARA), Title III

aka "EPCRA"

Two major sections:

- Emergency Planning
- Community Right-to-Know

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Focus is on

- Supply Chain/Materials Management, not Hazardous Waste Streams or Volumes
- Material Safety Data Sheets (MSDS)
 - Hazardous Constituents and Substances
 - % by Product
 - Total Volume

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Background and Introduction

EPCRA Goals

Support Emergency Planning for Hazardous Chemicals and Releases

Improve Public's "Right To Know" regarding Chemical Inventory, Stockpiles and Usage at the Community, State, and National Level

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Background and Introduction

EPCRA Requirements

Emergency Planning > Sections 302 – 304 of EPCRA

Community Right To Know > Sections 311 – 313 of EPCRA


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EPCRA at '25', from EPA's Website:

"...EPCRA has played a significant role in protecting human health and the environment over the last quarter century by providing communities and emergency planners with valuable information on toxic chemical releases in their area."



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Background and Introduction


Emergency Planning - Sections 302-303

- Provide one-time notice and on-going information for local emergency responders

Emergency Notification - Section 304

- Immediate notification about chemical release events (RQs)

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Background and Introduction


Community Right-to-Know Requirements

Inventory (Type and Quantity) Reporting

- Material Safety Data Sheets (MSDS) - Section 311
- Tier I/II annual inventory of chemicals - Section 312

Release Inventory (TRI) Reporting - Section 313

Annual report of total releases and off-site transfers of chemicals



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Background and Introduction

Terminology – “Facility”

- Reporting is facility based
- All adjacent and contiguous property under one ownership or control is one facility
- Division by public right-of-way has no effect



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Recent Enforcement

Recent Enforcement

USEPA Levies \$179,000 Penalty Against Two Chemical Warehouse Facilities for RCRA, CAA, and EPCRA Violations

According to the agreement, Monson also failed to submit a complete emergency and hazardous chemical inventory (Tier II) form for 2009 to local and state emergency planning officials and to the local fire department, in violation of the federal right-to-know law. Failure of a facility to file these forms leaves the community unaware of the presence of chemicals in the neighborhood that may affect public health and the environment. Also, these forms help federal, state and local authorities plan for emergency response actions and the cleanup of industrial pollution.

In addition, Monson failed to make hazardous waste determinations to characterize containers of waste observed at the facility, and to update its hazardous waste contingency plan to reflect changes at the facility, as required by Maine Hazardous Waste Management Rules.

The claims and agreements with both companies arose out of a series of inspections that EPA New England has done in the last two years at chemical warehouse and distribution facilities in an effort to address compliance issues. Since 2009, EPA New England has brought 13 Clean Air Act enforcement actions against companies that warehouse or distribute chemicals, including seven administrative compliance orders and six penalty orders.

Two agreements with Hubbard-Hall settled claims that the company failed to comply with the Clean Air Act at its facilities in Waterbury, Conn., and Wilmington, Mass. Under the agreements, the company will pay \$111,290 in fines, \$48,090 for Wilmington and \$63,200 for Waterbury. The company will also buy hazardous atmosphere detection equipment for the Wilmington fire department and provide training in the use of this equipment, at a total cost of \$10,887.

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Recent Enforcement

Oregon Potato Company pays EPA penalty for failing to report ammonia release

Release Date: 01/26/2012
Contact Information: Wally Moon, EPA Preparedness and Prevention Unit Manager, 206-553-6123, moon.wally@epa.gov; Tony Brown, EPA Public Affairs, 206-553-1293, brown.anthony@epa.gov

(Seattle—Jan. 26, 2012) Oregon Potato Company failed to report an anhydrous ammonia release at their facility in Warden, Washington and will pay the U.S. Environmental Protection Agency a \$66,235 penalty.

On July 2, 2009, the facility released approximately 300 pounds of anhydrous ammonia into the environment, according to the EPA settlement. The facility, located at 1900 First Avenue West in Warden, Washington, produces dried and dehydrated frozen potato products.

According to Wally Moon, EPA Preparedness and Prevention Unit Manager in Seattle, these cases are about protecting workers, emergency responders and the community.

"When unintended chemical releases occur, every minute counts if it is an emergency," said EPA's Moon. "Emergency responders need to be notified promptly to react effectively."

The leak occurred when a circuit breaker failed, causing a pressure relief valve to open releasing the anhydrous ammonia. EPA alleges that Oregon Potato failed to immediately notify local and state agencies about the release. While no injuries were reported at the time of the incident, ammonia is a pungent, toxic gas that attacks skin, eyes, throat, and lungs and can cause serious injury or death.

The ammonia release and the failure to notify appropriate agencies are violations of the federal Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and the Emergency Planning and Community Right-to-Know Act (EPCRA).

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Questions/Discussion