

EPCRA: The Emergency Planning and Community Right-to-Know Act

Congress passed EPCRA in 1986. EPCRA establishes requirements for federal, state, local governments and industry regarding emergency planning and “Community Right-to-Know” reporting on hazardous and toxic chemicals. EPCRA has four major provisions: 1) Emergency Planning (sections 301-303) 2) Emergency Release Notification (section 304) 3) Hazardous chemical storage reporting requirements (section 311-312) 4) Toxic chemical release inventory (section 313). This article briefly talks about sections 311-312 and section 313.

Sections 311-312:

Section 311 requires facilities that have SDSs for chemicals held above certain threshold quantities to submit either copies of their SDSs or a list of these chemicals to the SERC, LEPC and local fire department. Facilities that start using a hazardous chemical or increase the quantity to exceed the threshold must submit SDSs or a list of SDSs within three months after they become covered. According to Section 312 the submittal to SERC, LEPC and the local fire departments must be completed annually. Facilities must submit either a Tier I or Tier II inventory form. Tier I inventory form includes: maximum amount of chemical present for year, average daily amount and the general location. Tier II forms includes: Chemical name/common name, maximum amount of chemical present for year, description of how store, location of chemical and an indication of whether the facility elects to withhold location information from disclosure to the public.

Section 312 information must be submitted on or before March 1 each year for information on chemicals present at the facility in the previous year.

Section 313:

Section 313 of EPCRA establishes the Toxic Release Inventory. TRI tracks the management of certain toxic chemicals that pose a threat to human health and the environment.

What the regulations requires:

Facilities must report release and other waste management information pursuant to EPCRA Section 313 if they:

- have 10 or more full-time employees or the equivalent;
- are in a covered NAICS (North American Industry Classification System) code;
- exceed any one threshold for manufacturing (including importing), processing, or otherwise using any EPCRA Section 313 chemical.

Reporting Phase

If it is determined that TRI reports are required, your facility will need to prepare the reports. Submit a TRI Form R (long form) for each TRI-listed chemical it manufactures, processes, or otherwise uses in quantities above the reporting threshold. Submit each TRI form to both EPA and the state in which the facility is located. Facilities submit their reports through TRI-MEweb, EPA’s online TRI reporting application. You will need to register for a “Central Data Exchange (CDX)” user account to be authorized to send the data.

Section 313 information must be submitted on or before July 1 each year for information on chemicals present at the facility in the previous year.

	Sections 311/312	Section 313
Chemicals	Approximately 500,000 Hazardous Chemicals	>650 Toxic Chemicals and Categories
Thresholds	1) 500 Pounds or TPQ whichever is less for EHSs; 2) Gasoline \geq 75,000 gallons, 3) 30 Diesel \geq 100,000 gallons, 4) 40 10,000 pounds for all other hazardous chemicals	1) 25,000 pounds per year manufactured or processed; 2) 10,000 pounds a year otherwise used; 3) Persistent bioaccumulative toxics have lower thresholds

Questions? Contact The Redstone Group at 617-763-5034 x7007 or jwilliams@redstonegrp.com