

# EPCRA Tier 2 Reporting

Ensuring compliance with state  
and local requirements

STC

EHS SOLUTIONS FOR BUSINESS RESULTS



# Agenda

- ▶ Federal EPCRA Tier 2 reporting requirements
- ▶ States with different reporting thresholds
- ▶ State report submission requirements

# Regulations



▶ 40 CFR 370



▶ Fire Codes

- NFPA-1
- Intl. Fire Code



▶ State Codes

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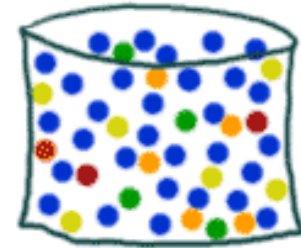
EHS Solutions for Business Results

# Federal Tier 2 Reporting

- ▶ Any EHS present in quantities  $\geq$ 
  - 500 lbs or
  - TPQ
- ▶ Any hazardous chemical present  $\geq$  10,000 pounds
- ▶ Different thresholds for retail gasoline stations
  - 75,000 gallons of gasoline
  - 100,000 gallons of diesel
- ▶ Inventory reports due by March 1

# Common mistakes

- ▶ Calculating amounts in mixtures
- ▶ Forgetting to report:
  - Lead-acid batteries
  - Fire suppression chemicals
  - Refrigerants



# Reporting Lead-Acid Batteries

- ▶ Sulfuric Acid is an EHS
- ▶ 500 pound reporting threshold

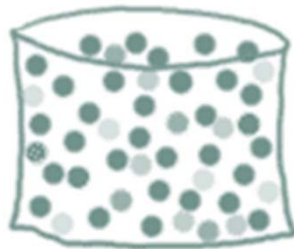


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EHS Solutions for Business Results

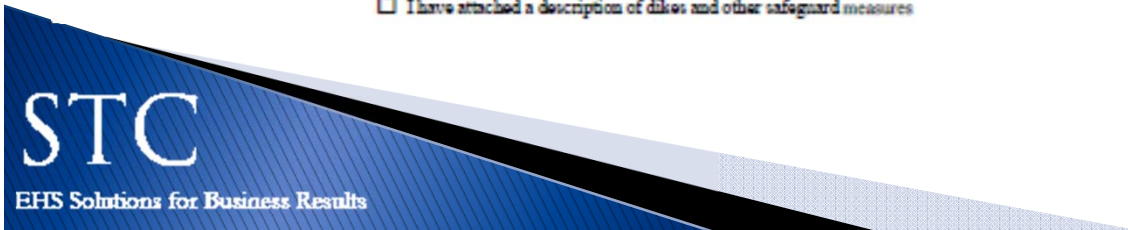
# Mixtures with no EHS

- ▶ For hazardous chemical mixtures that do not contain an EHS, either:
    - add together the quantity present in its pure form and as a component in all mixtures
- OR
- consider the total quantity of each mixture separately



Chemical Description	Physical and Health Hazards	Inventory	Type of Storage	Storage Conditions (Pressure, Temperature)	Storage Locations	Additional Reporting Information (Optional)
<input type="checkbox"/> Check if information below is identical to the information submitted last year. <b>Mixture or Product Name:</b> SuperZcote <b>CAS No.</b> <input checked="" type="checkbox"/> Not Available <input type="checkbox"/> Solid <input checked="" type="checkbox"/> Liquid <input type="checkbox"/> Gas <input type="checkbox"/> Trade Secret EHS: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<input type="checkbox"/> Fire <input type="checkbox"/> Sudden Release of Pressure <input type="checkbox"/> Reactive <input checked="" type="checkbox"/> Immediate (Acute) <input checked="" type="checkbox"/> Delayed (Chronic)	Maximum Amount (Total Mixture) Range Code: 06 <hr/> Average Daily Amount (Total Mixture) Range Code: 06 <hr/> No. of days on site: 365 <hr/> Maximum Amount of each EHS in the Mixture Range Code:	Tote Bin	Ambient Pressure and Temperature	Confidential: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Bldg B, First floor coating line Warehouse	<input type="checkbox"/> Below Reporting Thresholds (optional)  <input type="checkbox"/> State or Local Requirements
EHS(s) Name (if applicable):  CAS No.:  Non-EHS(s) Name (optional): Zinc compounds						
<input type="checkbox"/> Check if information below is identical to the information submitted last year. <b>Chemical Name:</b> Nitrogen <b>CAS No.</b> 7727-37-9 EHS: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<input type="checkbox"/> Fire <input checked="" type="checkbox"/> Sudden Release of Pressure <input type="checkbox"/> Reactive <input checked="" type="checkbox"/> Immediate (Acute) <input type="checkbox"/> Delayed (Chronic)	Maximum Amount Range Code: 06 <hr/> Average Daily Amount Range Code: 06 <hr/> No. of days on site: 365	Gas Cylinders Liquid Cylinders	Greater than ambient pressure at ambient temperature;  Greater than ambient pressure at cryogenic conditions	Confidential: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Gas cylinders: Bldg A, Maint. Shop Warehouse  Liquid cylinders: Bldg. B, Rooms 117, 119, 121	<input type="checkbox"/> Below Reporting Thresholds (optional)  <input type="checkbox"/> State or Local Requirements

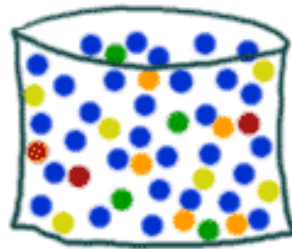
Optional Attachments:  I have attached a site plan  I have attached a list of site coordinate abbreviations  
 I have attached a description of dikes and other safeguard measures





# Mixtures with an EHS

- ▶ To determine if the reporting threshold of an EHS has been met:
  - include the total quantity in pure form PLUS
  - any amounts in mixtures –
  - even if that mixture is also being reported as a hazardous chemical

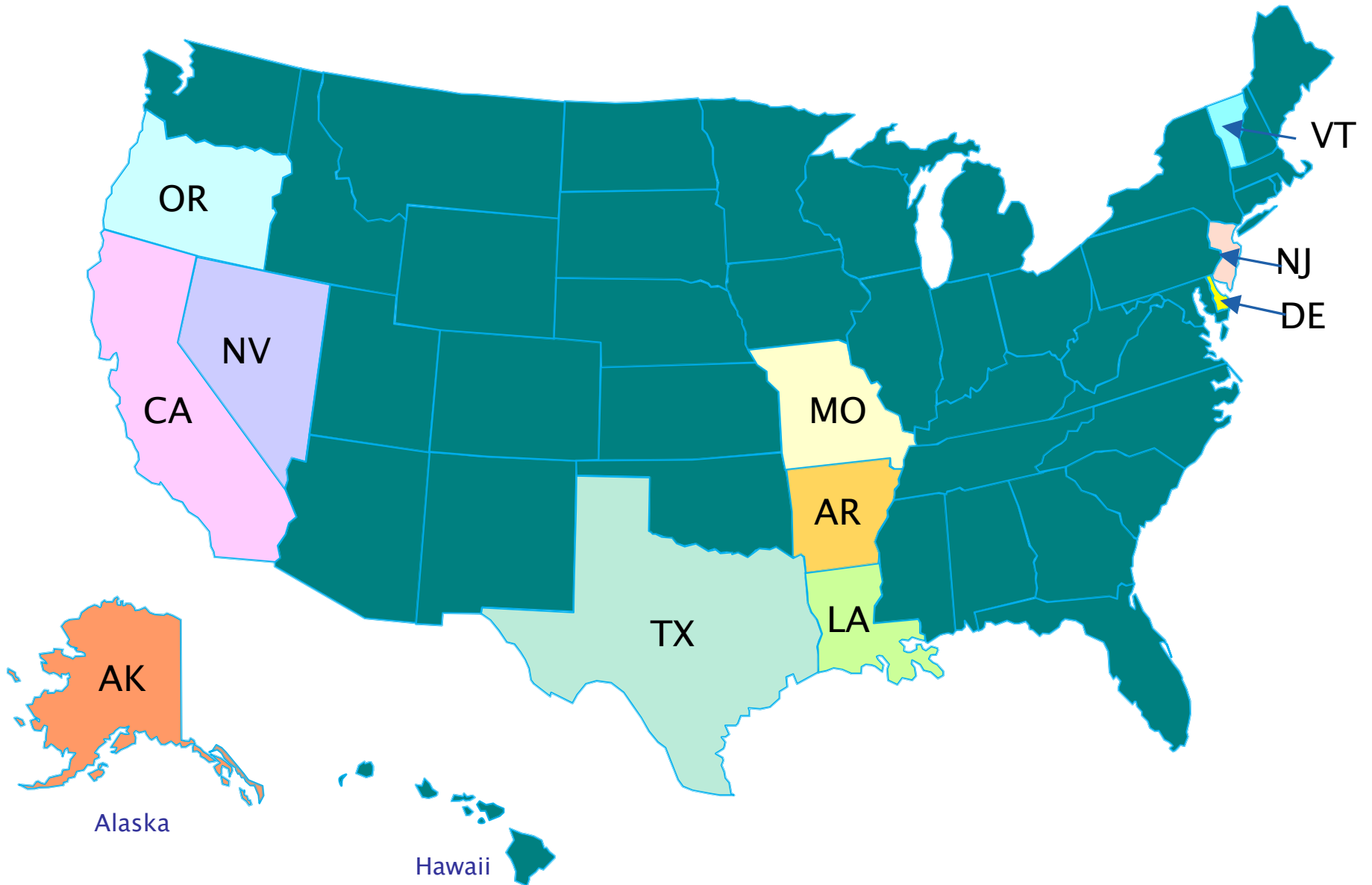


# Q&A

- ▶ Please type them in the question box at right



# State Tier 2 Thresholds



# Alaska (AS 29.35.500(c))

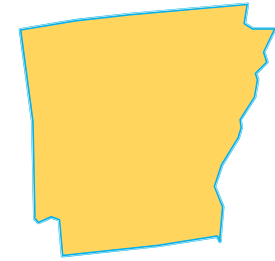


- ▶ EHS & hazardous chemicals meeting Federal thresholds

PLUS

- ▶ any compressed gas  $\geq 1,000$  cubic feet
- ▶ any quantity of the following hazardous materials
  - Explosives 1.1, 1.2 and 1.3
  - Flammable Solids 4.1, 4.2, and 4.3
  - Poison Gas 2.3
  - Poisons 6.1
  - Radioactive 7

# Arkansas (Tier II Letter)

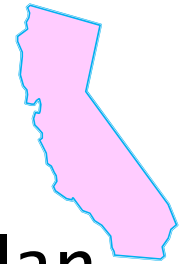


- ▶ Follows Federal reporting thresholds

BUT

- ▶ Each oil and gas lease must file a separate report and pay fees

# California (19 CCR 2729.1)



- ▶ Must file a Hazardous Material Business Plan (HMBP) plus annual Inventory Report (HMIS)
  - Hazardous materials in amounts  $\geq$ 
    - 55 gallons of a liquid
    - 500 pounds of a solid
    - 200 cubic feet of a gas
    - radioactive material in quantities requiring an Emergency Response Plan
  - Hazardous materials includes hazardous wastes
  - Report electrolyte in batteries only, not lead
- ▶ Some CUPAs may have more additional or different requirements

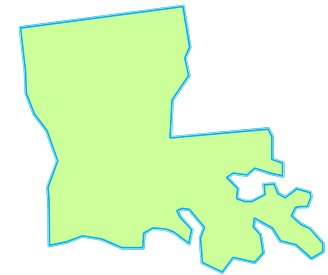
# Delaware (16 Del. Code 6306)



- ▶ Hazardous chemicals: 55 gallons or 500 pounds
- ▶ EHS: 55 gallons, 500 pounds, or the TPQ
- ▶ Substances used solely for the purpose of heating buildings: 10,000 pounds.

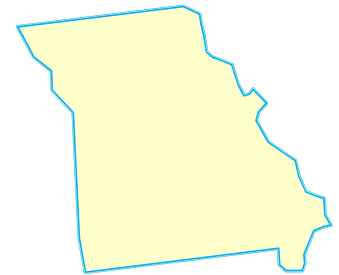
# Louisiana (LAC 33:V.10109(C))

- ▶ Hazardous chemicals: 500 pounds
- ▶ EHS: 500 pounds or the TPQ





# Missouri (11 CSR 10-11.240(1)(E))



- ▶ EHS & hazardous chemicals meeting Federal thresholds

PLUS

- ▶ Where  $\geq 100$  lbs. of explosives or blasting agents are present
  - notify the fire department within 24 hours
  - If these materials are onsite for 15 days or more, submit Missouri Tier Two to the fire department, LEPC, and MERC

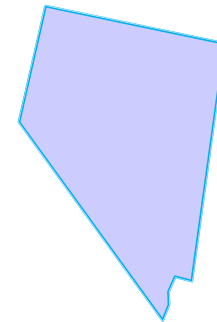
# Nevada

(NRS 459.744, NRS 477.045, NAC 477.323)

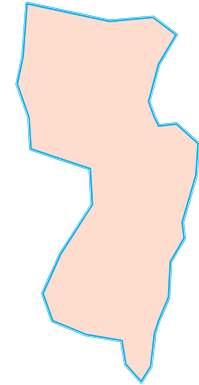
- ▶ EHS & hazardous chemicals meeting Federal thresholds

PLUS

- ▶ Any hazardous materials used, stored, manufactured, or transported in amounts that require a permit under Nevada State Fire Code (IFC 2006 Ed.)



# New Jersey (NJAC 7:1G)



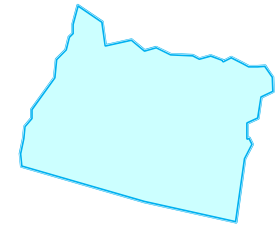
- ▶ Hazardous chemicals meeting Federal thresholds

PLUS

- ▶ Any chemicals on the list of “environmental hazardous substances” (NJAC 7:1G-2.1) if present  $\geq$  500 lbs or TPQ
- ▶ Exemptions for:
  - Approved R&D laboratories
  - Administrative office facilities
  - Unstaffed sites not subject to EPCRA §302

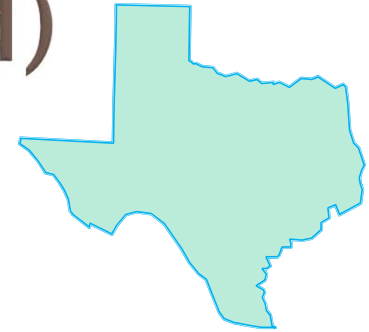
# Oregon

## (OAR 837-085-0070)



- ▶ Any quantity of radioactive substances
- ▶ Highly toxic materials or explosives:
  - liquids: 5 gallons
  - solids: 10 pounds
  - gases: 20 cubic feet
- ▶ EHS in quantities  $\geq$  or the TPQ
- ▶ Any other hazardous substances in quantities  $\geq$  500 gallons, cubic feet, or pounds;

# Texas (25 TAC 295.181(d))

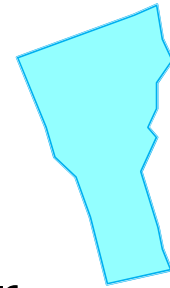


- ▶ EHS & hazardous chemicals meeting Federal thresholds

EXCEPT

- ▶ Where the chemical is received in a sealed package and later sold or transferred in that same package if all of the following are met:
  - The seal remains intact.
  - The chemical is not on site more than five working days.
  - The chemical is not an EHS  $\geq$  500 lbs. or the TPQ

# Vermont



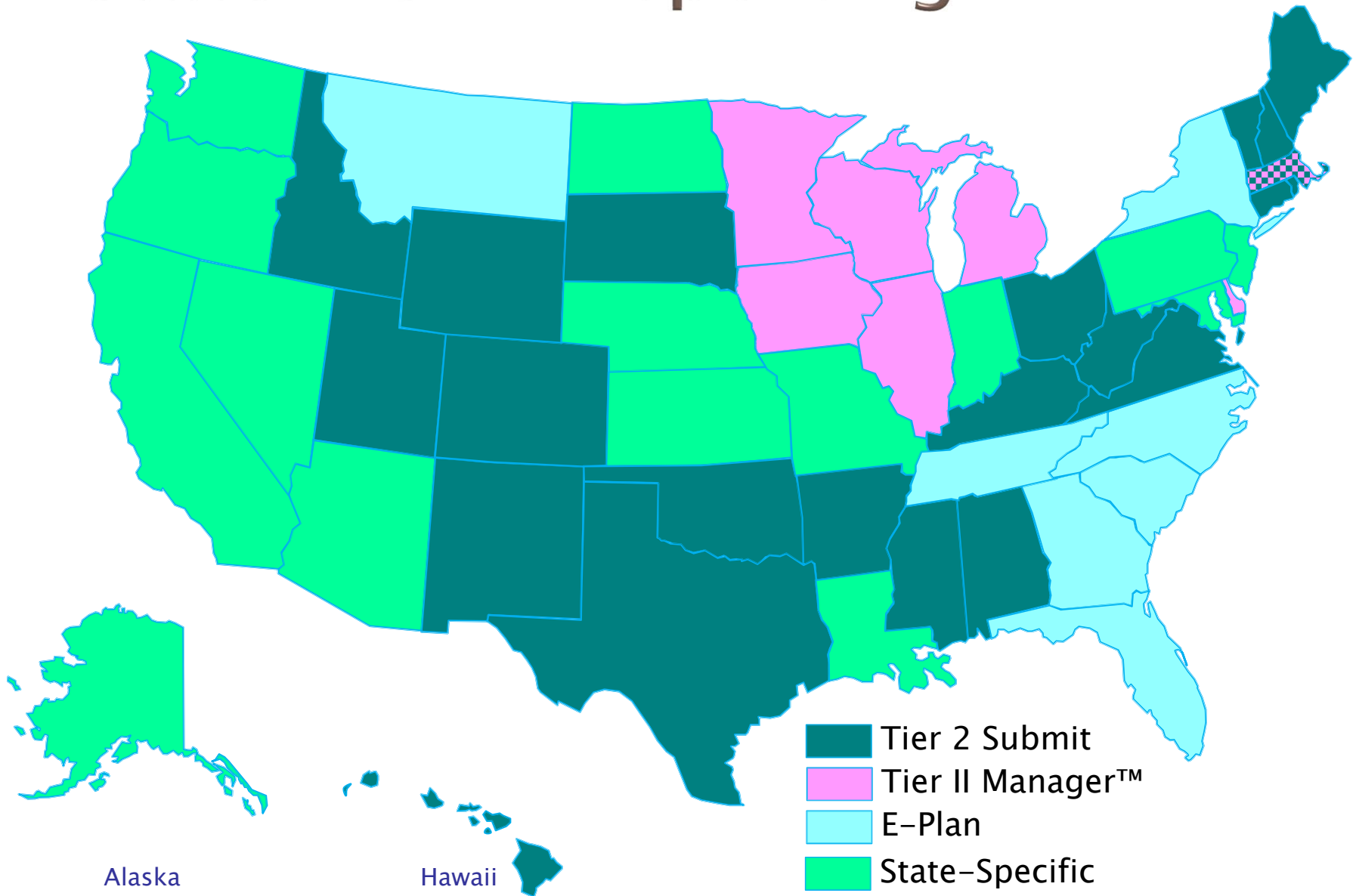
- ▶ All EHS, other hazardous chemicals or substances, and pesticides  $\geq$  100 pounds or the TPQ
- ▶ Petroleum products or fuels  $\geq$  10,000 lbs.
- ▶ Any amount of a known human carcinogen
- ▶ Explosives in quantities requiring a license by the Vermont Department of Public Safety
- ▶ Lower thresholds for research laboratories

# Q&A

- ▶ Please type them in the question box at right

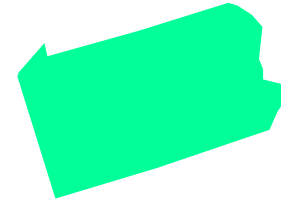


# State Tier 2 Reporting





# Pennsylvania Updates



- ▶ Facilities must report the presence of hazardous materials within 5 days
- ▶ Submit revised Tier II form and site plan

and

- ▶ Prepare Hazardous Substance Survey Form by April 1

# Ohio Lock Box Units



- ▶ Local Fire Departments may require an emergency lock box containing:
  - Diagram showing locations of emergency equipment and water, sewer, or other utilities
  - Emergency response plan(s)
  - Most recent Tier 2 form
  - MSDSs
  - Current list of facility contacts
  - Locations of chemicals
- ▶ Site diagram showing lock box must be submitted with Tier 2

# Check Local Requirements

- ▶ New York City Right-to-Know Reporting
  - RTK List of 4955 Chemicals  
<http://www.nyc.gov/html/dep/pdf/tier2/rtkhazlist.pdf>
  - Web-based Tier II Filing System (T<sub>2</sub>FS) database
- ▶ Local fire codes may require permits and/or inventory reports

# Resources

- ▶ July 1990 rule with preamble:  
<http://www.epa.gov/oem/docs/er/55fr30645.pdf>
- ▶ EPA Links to State Requirements:  
<http://www2.epa.gov/epcra/state-tier-ii-reporting-requirements-and-procedures>
- ▶ Tier 2 Frequently asked questions:  
<http://emergencymanagement.supportportal.com/link/portal/23002/23016/ArticleFolder/750/Tier-II-Chemical-Inventory-Reporting-EPCRA-312>

# Resources

- ▶ California CERS Central:  
<http://cers.calepa.ca.gov/>
- ▶ Pennsylvania HSSF:  
[http://www.portal.state.pa.us/portal/server.pt/community/online\\_hazardous\\_substance\\_survey\\_form\\_%28hssf%29/10483](http://www.portal.state.pa.us/portal/server.pt/community/online_hazardous_substance_survey_form_%28hssf%29/10483)

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