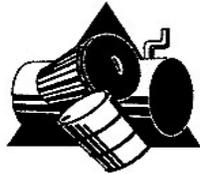


HAZARDOUS WASTE & TOXICS REDUCTION PROGRAM



# EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW

SARA TITLE III

A GUIDE  
FOR  
BUSINESSES



HAZARDOUS SUBSTANCE INFORMATION OFFICE (800) 633-7585

If you need this information in an alternate format, please call the Hazardous Waste and Toxics Reduction Program at (360) 407-6700. If you are a person with a speech or hearing impairment, call 711, or (800) 833-6388 for TTY.

## HAZARDOUS WASTE & TOXICS REDUCTION PROGRAM



### WHAT IS TITLE III?

The "Community Right-to-Know" law known as SARA Title III requires both small and large businesses to report chemical information. Required reporting includes preparation of a detailed chemical inventory, reporting hazardous substance spills or releases, and providing information to local responders and emergency planners. Failure to comply could bring enforcement action or penalties. This booklet is designed to help you:

- identify if your business is covered by the requirements;
- understand what you must do to comply, and
- find additional information, such as telephone contacts.

In 1986, the Superfund Amendments and Reauthorization Act (SARA) was signed into law. Title III of SARA is the Emergency Planning and Community Right-to-Know Act. Congress enacted this law in response to public concern about chemical accidents such as those in Bhopal, India and Institute, West Virginia where people lost their lives or suffered serious injury. Title III establishes requirements for federal, state, and local governments as well as for industry regarding emergency response planning and everyone's right-to-know about hazardous chemicals in their community.

Regulatory guidance is available from state, tribal and local agencies as well as the United States Environmental Protection Agency (USEPA).

### HOW IS TITLE III IMPLEMENTED IN WASHINGTON?

The State of Washington has adopted the federal Title III law and regulations. As required by the law, Washington established a State Emergency Response Commission (SERC) to oversee local emergency planning activities. The SERC is managed through Washington's Emergency Management Council, and the Department of the Military.

The state is divided into nearly fifty local emergency planning districts for the purposes of Title III. A Local Emergency Planning Committee (LEPC) representing local government, emergency response officials, environmental and citizen groups, industry and other interested parties is established in each planning district. The LEPC is responsible for developing a local emergency plan for their district and for the collection of information submitted by industry which is made available to the public.

If your business is covered by the Title III requirements, you will be working with the U.S. Environmental Protection Agency, SERC, LEPC and the local fire department.

## HAZARDOUS WASTE & TOXICS REDUCTION PROGRAM



### IS YOUR BUSINESS COVERED?

Title III can be described as being divided into four key reporting elements. Your business facility may be subject to one or all sections depending on the type of chemicals you have and the quantities of those chemicals.

- Emergency Response Planning Section 302
- Emergency Release Reporting Section 304
- Hazardous Chemical Inventory Reporting Sections 311 and 312
- Toxic Chemical Release Reporting Section 313

Your business facility may be subject to one or all of the sections depending upon the types of chemicals you have and the quantities of those chemicals.

#### EMERGENCY RESPONSE PLANNING - SECTION 302

The Emergency Response Planning provisions require that state and local authorities develop chemical emergency preparedness and response capabilities through better coordination and planning with local businesses. If your business has an Extremely Hazardous Substance (EHS) on-site at any time, in excess of its assigned Threshold Planning Quantity (TPQ), you are required to participate in the local emergency planning process.

Extremely Hazardous Substances are designated, listed and assigned TPQs by the EPA based on their potential to cause significant health effects in a single exposure, such as an air release. There are approximately 350 EHSs listed by the EPA. Examples include sulfuric acid with a TPQ of 1,000 pounds and ammonia with a TPQ of 500 pounds.

#### EMERGENCY RELEASE REPORTING - SECTION 304



Your business facility must notify state and local authorities responsible for local emergency planning if:

- there is a release at your facility (which includes motor vehicles, rolling stock and aircraft) of an EHS or a hazardous substance (listed under the Superfund regulations) in excess of the reportable quantity for that substance, and
- the release could result in exposure of persons outside the boundary of the facility site.

The EPA has identified and listed over 700 hazardous substances under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA, or the Superfund Program) and has assigned a reportable quantity to each substance. Chemicals on the EHS list have been assigned reportable quantities. Chlorine is an Extremely Hazardous Substance with a reportable quantity of 10 pounds.

## HAZARDOUS CHEMICAL INVENTORY REPORTING - SECTIONS 311 AND 312



Facilities covered by Sections 311 and 312 must report their hazardous chemicals present at the facility. Your facility is covered by these Sections of Title III if:

- your business is subject to the Federal Hazard Communication Standard established by the Occupational Safety and Health Administration (OSHA), and
- there is a hazardous chemical on-site in excess of a specific threshold level. Hazardous chemicals are not identified on any one list. They are defined under the Hazard Communication Standard as any chemical which has a physical or health hazard. This means any chemical at your business that is required by OSHA to have a Material Safety Data Sheet (MSDS).

The threshold level for reporting chemicals is:

1. the Threshold Planning Quantity (TPQ) or 500 pounds, whichever is less, for Extremely Hazardous Substances;
2. 10,000 pounds for all other hazardous substances.

## TOXIC CHEMICAL RELEASE REPORTING - SECTION 313



Your business must meet ALL of the following criteria to be covered by the requirements of this section for any particular year:

- The facility is in a covered industry category;
- There are 10 or more full-time employees (or the equivalent) at the facility; and
- The facility manufactured, processed, or used a toxic chemical in excess of threshold amounts during the calendar year.

EPA has developed a list of more than 600 toxic chemicals subject to the reporting requirements of Section 313, including benzene, methyl ethyl ketone and vinyl chloride. Threshold amounts are 25,000 pounds manufactured or processed and 10,000 used for most chemicals. Certain persistent, bioaccumulative and toxic (PBT) chemicals have much lower thresholds. Mercury is a PBT chemical with a threshold of 10 pounds use.

# HAZARDOUS WASTE & TOXICS REDUCTION PROGRAM



## SUMMARY

The following chart summarizes the applicability criteria for each of the sections. The EPA has the authority to add or delete chemicals from the lists and has already exercised this authority a number of times. It is important to monitor the regulations for these types of changes.

### SARA TITLE 111/COMMUNITY RIGHT-TO-KNOW



#### EMERGENCY RESPONSE PLANNING

##### APPLICABILITY

- All facilities having any Extremely Hazardous Substance present over its Threshold Planning Quantity



#### EMERGENCY RELEASE REPORTING

##### APPLICABILITY

- Facilities that produce, use, or store a hazardous chemical, AND
- Have a release of a CERCLA or Extremely Hazardous Substance above its reportable quantity



#### HAZARDOUS CHEMICAL REPORTING

##### APPLICABILITY

- All facilities subject to OSHA Hazardous Communication Standard
- Hazardous chemicals present in excess of the Threshold Level

#### TOXIC CHEMICAL RELEASE REPORTING

##### APPLICABILITY

- Covered industry
- More than 10 employees
- Manufacture, process or use more than threshold amount of a toxic chemical



# WHAT ARE THE COMPLIANCE REQUIREMENTS?

The compliance requirements for each of the five Title III sections are summarized below.

## EMERGENCY RESPONSE PLANNING - SECTION 302



The owner or operator of a facility which has an Extremely Hazardous Substance (EHS) on-site in excess of its Threshold Planning Quantity must:

- notify the State Emergency Response Commission and the Local Emergency Planning Committee that they are covered by the requirements;
- designate a Facility Emergency Response Coordinator who will assist in the local emergency planning process;
- promptly report to the Local Emergency Planning Committee (LEPC) any changes at the facility which may be relevant to emergency planning; and
- promptly provide information requested by the LEPC for the development or implementation of the local plan.

Within 60 days from the time when your business first becomes subject to the requirements of Section 302 (such as by exceeding the TPQ for a substance for the first time), you must notify the SERC and LEPC of this fact.

## EMERGENCY RELEASE REPORTING - SECTION 304



When a reportable release occurs at your facility, you must provide:

- immediate, verbal notification to the National Response Center, the SERC of any State likely to be affected and the LEPC of any emergency planning district likely to be affected; and
- follow-up, written notification to the SERC and LEPC as soon as practicable after the release.

The immediate notification should provide specific information about the release including the location, type and quantity of the chemical released, and the actions taken to respond to the release. The follow-up notification can take the form of a letter which summarizes and updates the information provided in the verbal notification, including additional information on the actions taken to respond to and contain the release, acute or chronic health risks associated with the release and advice on medical attention for exposed individuals where appropriate.

## HAZARDOUS WASTE & TOXICS REDUCTION PROGRAM



### HAZARDOUS CHEMICAL INVENTORY REPORTING - SECTIONS 311 AND 312



Under Section 311 of Title III, a covered facility must submit the Material Safety Data Sheet for, or a list of, the hazardous chemicals present on-site in excess of the threshold level to the SERC, LEPC and fire department with jurisdiction over the facility. This is essentially a one-time submittal, however, you must update your submittals to these groups within 3 months when:

- you discover there is significant new information on a hazardous chemical for which you have submitted an MSDS, or
- a hazardous chemical becomes present at the facility in excess of the threshold level for the first time.

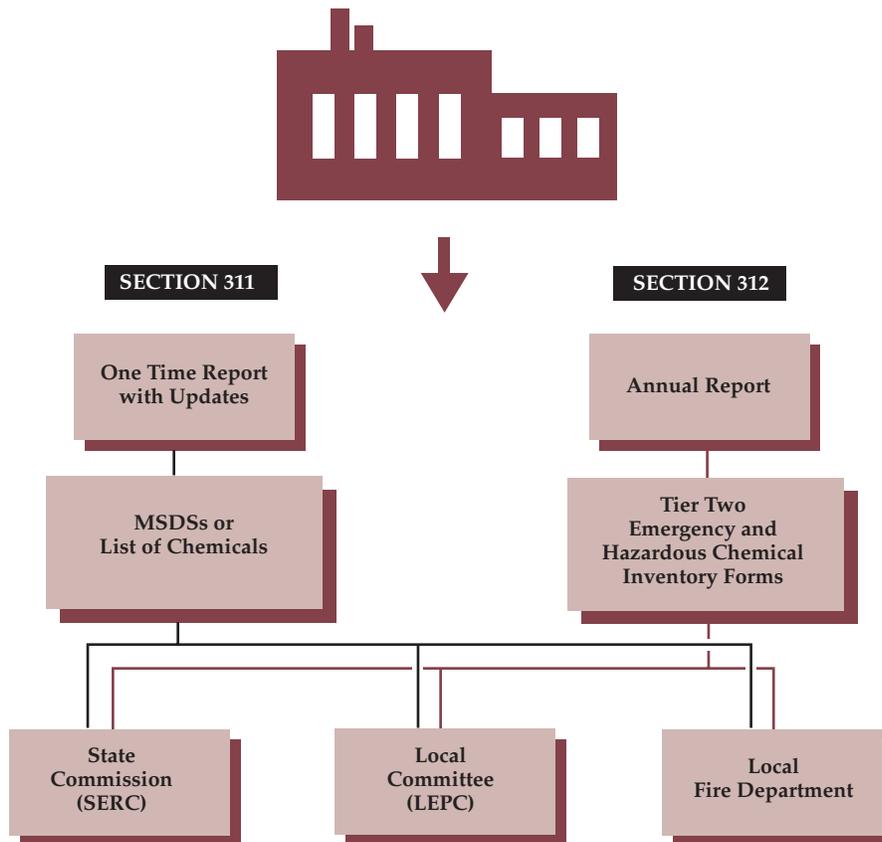
The LEPC may request an MSDS for a hazardous chemical at your facility (one that you have not already submitted) and you must provide the MSDS within 30 days. If you choose to submit a list of hazardous chemicals rather than the MSDSs, you must group the chemicals into 5 hazard categories:

- Fire hazard;
- Sudden release of pressure;
- Reactive;
- immediate (acute) health hazard; and
- Delayed (chronic) health hazard.

**Washington State recommends that businesses submit a list of hazardous chemicals rather than the MSDSs in order to minimize the amount of paperwork and updating required. Forms are available from our web site.**

Under Section 312, an Emergency and Hazardous Chemical Inventory Form (known as a Tier Two form) must be submitted annually by businesses for each hazardous chemical that was present in excess of the threshold level at the facility at any time during the previous calendar year. **The Tier Two forms are due by March 1st of each calendar year** to the SERC, LEPC, and fire department with jurisdiction over the facility. The information required on the Tier Two form includes the location and storage method for the chemical, as well as the maximum and average daily amounts on-site at any one time during the preceding calendar year. Washington requires the actual pounds stored on-site in addition to inventory codes representing broad ranges.

## HAZARDOUS CHEMICAL INVENTORY REPORTING



## HAZARDOUS WASTE & TOXICS REDUCTION PROGRAM



### TOXIC CHEMICAL RELEASE REPORTING - SECTION 313



Section 313 of Title III requires that covered facilities submit an annual report for each listed toxic chemical manufactured, processed, or used in excess of the threshold amount. The report is submitted on **Form R to the EPA and SERC on or before July 1st** of each year for the previous calendar year. Form R documents any releases of a listed toxic chemical to the environment including routine, permitted and emergency releases from your business. These reports and the information used to complete these reports must be kept at the facility for at least three years.

### LIST OF ACRONYMS

CERCLA	Comprehensive Emergency Response, Compensation, and Liability Act (Superfund)
EHS	Extremely Hazardous Substance
EPA	Environmental Protection Agency
LEPC	Local Emergency Planning Committee
MSDS	Material Safety Data Sheet
OSHA	Occupational Safety and Health Administration
SARA	Superfund Amendments and Reauthorization Act
SERC	State Emergency Response Commission
SIC	Standard Industrial Classification
TPQ	Threshold Planning Quantity
WAC	Washington Administrative Code
EPCRA	Emergency Planning and Community Right-to-Know Act

## WHERE CAN YOU GET MORE INFORMATION?

For General Information, copies of the regulations,  
chemical lists, and report forms:

EPCRA Web site  
[www.ecy.wa.gov/epcra](http://www.ecy.wa.gov/epcra)

**EPCRA Hotline**  
**U.S. Environmental Protection Agency**  
(800) 424-9346  
[www.epa.gov/epaoswer/hotline/modules.htm#epcra](http://www.epa.gov/epaoswer/hotline/modules.htm#epcra)

**U.S. Environmental Protection Agency**  
**Region 10**  
1200 Sixth Avenue  
Seattle, WA 98101  
(800) 424-4372  
For Section 313 questions, call: (206) 553-1200  
For other Title III questions, call: (206) 553-4349

MAIL STATE (SERC) FORMS TO:  
**Department of Ecology**  
**Community Right-to-Know Unit**  
PO Box 47659  
Olympia, WA 98504-7659  
(800) 633-7585  
(360) 407-6893  
[www.ecy.wa.gov/epcra](http://www.ecy.wa.gov/epcra)

For information on the State Emergency Response Commission (SERC),  
the Local Emergency Planning Committees (LEPCs)  
or emergency plans:

**Washington State Emergency Response Commission**  
**Military Department**  
**Emergency Management Division**  
Building 20 MS TA 20  
Camp Murray WA 98430-5122  
(800) 562-6108

<http://emd.wa.gov/5-prog/prgms/serc/serc-idx.htm>

To report spills:  
**Division of Emergency Management**  
**24-hour, State-Wide Spill Hotline**  
(800) 258-5990

**National Response Center**  
(800) 424-8802  
[www.nrc.uscg.mil](http://www.nrc.uscg.mil)



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