

**O
V
E
R
V
I
E
W

of
SARA
Title III**

**Delaware County
Fact Sheet for the
Emergency
Planning
&
Community Right-
to-Know Act**



Introduction

SARA Title III was passed in response to concerns regarding the environmental and safety hazards posed by the storage and handling of toxic chemicals. These concerns were triggered by the 1984 disaster in Bhopal, India, in which thousands of people suffered death or serious injury due to a release of methyl isocyanate gas from a chemical plant. To reduce the likelihood of such a disaster in the United States, Congress imposed requirements on both states and regulated facilities. SARA Title III establishes requirements for federal, state, and local governments, Indian tribes, and industry regarding emergency planning and “Community Right-to-Know” reporting on hazardous and toxic chemicals.

The Community Right-to-Know provisions help increase the public’s knowledge and access to information on chemicals at individual facilities, their uses, and releases into the environment. States and communities, working with facilities, can use the information to improve chemical safety and protect public health and the environment. The Hazardous Material Emergency Planning and Response Act, Pennsylvania Act 1990-165, was promulgated in December 1990 and amended in February 2001. It implements the planning and preparedness requirements of Federal SARA Title III. The Pennsylvania Emergency Management Council (PEMC) serves as the State Emergency Planning Commission (SERC) required by SARA Title III.

What Does SARA Title III Cover?

SARA Title III has four major provisions:

- Emergency planning (Sections 302 & 303)
- Emergency release notification (Section 304)
- Hazardous chemical inventory (Sections 311 & 312)
- Toxic chemical release inventory (Section 313)

Information gleaned from these four requirements helps states and communities develop a broad perspective of chemical hazards for the entire community as well as for individual facilities. Regulations implementing SARA Title III are codified in Title 40 of the Code of Federal Regulations, parts 350 to 372. The chemicals covered by each of the sections are different, as are the quantities that trigger reporting. Details of these reporting requirements are covered in the discussion below.

Emergency Planning (Sections 302 & 303)

Off-site emergency response plans contain information that community officials can use at the time of a chemical incident. These plans are developed under section 303 by the Local Emergency Planning Committee (LEPC) for the protection of the community. The plans address the off-site response to emergency releases of extremely hazardous substances from certain facilities in the LEPC planning district.

These off-site emergency response plans:

- Identify facilities subject to section 302;
- Identify routes likely to be used for the transportation of extremely hazardous substances;
- Identify facilities contributing to the risk due to their proximity to facilities subject to section 302 such as natural gas facilities;
- Identify facilities subjected to additional risk due to their proximity to facilities subject to section 302, such as hospitals;
- Describe emergency response procedures, on and off site;
- Designate a community coordinator and facility coordinator(s) to implement the plan;
- Outline emergency notification procedures;
- Describe how to determine the occurrence of a release, and the area or population likely to be affected by such release;
- Describe local emergency equipment and facilities, and identify the persons responsible for such;
- Outline evacuation plans;
- Include training programs, including schedules for training local emergency response and medical personnel;
- Provide methods and schedules for exercising the emergency plan.

What are SERCs and LEPCs?

The Governor of each state designates a State Emergency Response Commission (SERC). The SERCs, in turn, designates local emergency planning districts and appoints a Local Emergency Planning Committee (LEPC) for each district.

The Pennsylvania Emergency Management Council (PEMC) serves as the SERC required by SARA Title III. The Pennsylvania Emergency Management Agency (PEMA) is the executive administrative agent for the PEMC.

Each of Pennsylvania's 67 counties is designated as a Local Emergency Planning District and each is required to have a Local Emergency Planning Committee (LEPC).

LEPC responsibilities are established by SARA Title III, with additional specific requirements under Act 165. In Pennsylvania, an offsite emergency response plan is required for each SARA planning facility. This plan becomes a supplement to the county emergency operations plan.

More than 3,200 SARA planning facilities have been identified in Pennsylvania.

LEPC membership must include, at a minimum, local officials, including police, fire, civil defense, public health, transportation, and environmental professionals, as well as representatives of facilities subject to the emergency planning requirements, community groups, and the media. The LEPC must develop an emergency response plan, review it at least annually, and provide information about chemicals in the community to citizens.

Planning activities of LEPCs and facilities initially focused on, but were not limited to, the extremely hazardous substances (EHS's) listed by EPA in 40 CFR 355, Appendix A (commonly referred to as the List of Lists). The List includes the threshold planning quantity (TPQ - minimum limit) for each substance. Under section 302 of SARA Title III, any facility that has any of the listed EHS's at or above its threshold planning quantity must notify the SERC and LEPC. In Pennsylvania this one-time notification must be made within 5 business days after the facility first receives a shipment or produces the substance on site that causes the facility to meet or exceed the threshold planning quantity for that substance.

Emergency Release Notification (Section 304)

Facilities must immediately notify the LEPC and SERC if there is a release into the environment of a hazardous substance that is equal to or exceeds the minimum reportable quantity set in the regulations. This requirement covers the extremely hazardous substances on the "List of Lists" as well as hazardous substances subject to the emergency release notification requirements under CERCLA Section 103(a) (40 CFR 302.4). Some chemicals are common to both lists. Emergency release notification requirements involving transportation incidents can be met by dialing 911. A written follow-up notice must be submitted to the SERC and the LEPC as soon as practicable after the release. The follow-up notice must update information included in the initial notice and provide information on the actual response actions taken and advice regarding medical attention necessary for citizens exposed to the released chemical. After the release and within 14 days of the termination of the release, the facility must file a Hazardous Materials Emergency Notification Report, found at the end of this document, to the Delaware County LEPC. Also found at the end of this document is a Summary of SARA Title III Reporting Requirements in Pennsylvania.

Hazardous Chemical Inventory Reporting (Sections 311 & 312)

Under the Occupational Safety and Health Administration (OSHA) regulations, employers must maintain a Safety Data Sheet (SDS; formerly referred to as an MSDS) for any hazardous chemicals stored or used in the work place. Over 650,000 products have SDSs/MSDSs. Section 311 of SARA Title III requires facilities that have SDSs for chemicals held in excess of 10,000 pounds to submit either copies of their SDSs/MSDSs or a list of these hazardous chemicals as specified below. If the facility owner or operator chooses to submit a list of hazardous chemicals, the list must include the chemical or common name of each substance and identify the applicable hazard categories. These hazard categories are:

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

Pennsylvania facilities covered by the federal OSHA Hazard Communication Standard must file a Tier II form:

- **Initially** within 5 business days (Section 205 of PA Act 165) after the hazardous chemical is first present at the facility. Accordingly, facilities have to submit a Tier II reporting form and site plan to PA Labor & Industry (as well as to their LEPC and local fire department) if they bring on any new hazardous chemical meeting the established threshold requirements that had not been reported during the previous calendar year.
- **Annually** on or before March 1st for the prior year's inventory of subject hazardous chemicals.

Tier II reporting criteria is as follows:

1. Extremely Hazardous Substances (EHSs), as identified under Section 302, in quantities at or above the Threshold Planning Quantities (TPQs), or 500 pounds (whichever is less); and/or;
2. Hazardous chemicals, regulated by the federal OSHA Hazard Communication Standard (i.e. for which a facility has an SDS/MSDS), which are present at a facility at or above 10,000 pounds at any one time during the calendar year.

Tier II forms provide the following information for each substance:

- The chemical name or common name as indicated on the SDS/MSDS;
- An estimate of the maximum amount of the chemical present at any time during the preceding calendar year and the average daily amount;
- A brief description of the manner of storage of the chemical;
- The location of the chemical at the facility;
- An indication of whether the owner elects to withhold location information from disclosure to the public.

In Pennsylvania the Tier II form is available for electronic (preferred) or paper submission. Detailed information on the Pennsylvania Tier II reporting system can be found at <http://www.lepc.org/PATTS.html>

Reporting Fee Requirements in Pennsylvania

- A facility required to file a Tier II form under SARA Title III shall pay a state fee of \$10.00 per chemical, unless otherwise exempted by Act 165.
- A Delaware County county-assessed fee of \$75 for each chemical reported and a one time "planning" fee of \$100 if one or more EHS are reported.

Exemptions to Reporting Requirements

Facilities not covered by the federal OSHA Hazard Communication Standard, such as public sector employers (i.e., state and local governments, public schools and public universities and private sector mining industry employers (except for oil and gas extraction)), are not required to file Tier II forms.

Facilities which are covered by the federal OSHA Hazard Communication Standard that do not have an EHS at or above the TPQ or 500 pounds (whichever is less), and which do not have any OSHA hazardous chemicals at or above 10,000 pounds, are not required to file a Tier II form.

The following items are exempt from Tier II reporting requirements:

1. Products regulated by the Federal Food and Drug Administration (FDA).
2. Articles.
3. Household packaged products.
4. Substances used in research and development labs, hospitals or other medical facilities.
5. Substances used in routine agricultural operations.
6. Fertilizers held for sale by retailers.
7. Retail service stations (Gasoline 75,000 and Diesel 100,000)

Exemptions to Fee Requirements

Facilities owned by federal, state and local governments are not required to pay fees under PA Act 165.

Family farm enterprises and service stations, including auto body repair shops, are not required to pay fees under Act 165, but are required to file reports if the criteria described above are met.

Gasoline/Diesel Fuel Reporting -

EPA raised the thresholds that trigger 312 reporting requirements for gasoline and diesel fuel stored entirely underground at retail gas stations that comply with requirements for underground storage tanks (UST's new threshold levels are 75,000 gallons for gasoline and 100,000 for diesel fuel). These reporting levels will relieve most retail gas stations from reporting gasoline and diesel fuel under EPCRA.

Penalties

Any owner or operator who violates any Tier II reporting requirements shall be liable to the United States for a civil penalty of up to \$27,500 for each such violation. Each day a violation continues shall constitute a separate violation.

Toxic Chemical Release Inventory (Section 313)

Section 313, commonly referred to as the Toxic Chemical Release Inventory or TRI, requires certain facilities to annually report toxic chemical releases and waste management activities to the EPA and the state by July 1. Facilities also must report information on source reduction, recycling, and treatment under the Pollution Prevention Act of 1990. The TRI reporting requirement applies to facilities that have 10 or more full-time employees (or the equivalent), that manufacture (including import), process, or otherwise use a listed toxic chemical above threshold quantities, and that are in certain industry sectors. These sectors include manufacturing, metal mining, coal mining, electric utilities, hazardous waste treatment and disposal facilities, chemical distributors, petroleum bulk plants, solvent recovery services, and federal facilities. A complete list of covered facilities is available online: www.epa.gov/tri. One purpose of this reporting requirement is to

inform the public and communities surrounding covered facilities about toxic chemicals at individual facilities, their uses, and releases into the environment. The data can also be used to:

- Identify sources of toxic chemical releases;
- Help analyze potential toxic chemical hazards to human health and the environment; and
- Encourage pollution prevention at facilities.

The following information is required on the reporting form:

- The name, location and type of business;
- Whether the chemical is manufactured (including imported), processed or otherwise used and the general categories of use of the chemical;
- An estimate of the maximum amount of the toxic chemical present at the facility at any one time during the preceding year;
- Quantity of the chemical entering the air, land, and water during the preceding year;
- Off-site locations to which the facility transfers toxic chemicals in waste for recycling, energy recovery, treatment or disposal, and the amount transferred;
- Waste treatment methods and efficiency of methods for each waste stream.

The EPA maintains the TRI information in a national database that is available to the public on the Internet.

What Else Does SARA Title III Require?

Trade Secrets

SARA Title III section 322 addresses trade secrets as they apply to SARA Title III sections 303, 311, 312, and 313 reporting; a facility cannot claim trade secrets under section 304 of this statute. Only the chemical identity may be claimed as a trade secret, though a generic class for the chemical must be provided. The criteria a facility must meet to claim a chemical identity as a trade secret are in 40 CFR part 350. In practice, less than one percent of facilities have filed such claims.

Even if chemical identity information can be legally withheld from the public, SARA Title III section 323 allows the information to be disclosed to health professionals who need the information for diagnostic and treatment purposes or local health officials who need the information for prevention and treatment activities. In non-emergency cases, the health professional must sign a confidentiality agreement with the facility and provide a written statement of need. In medical emergencies, the health professional, if requested by the facility, provides these documents as soon as circumstances permit.

Any person may challenge trade secret claims by petitioning EPA. The Agency must review the claim and rule on its validity.

Penalties

SARA Title III section 325 allows criminal penalties as follows:

- Criminal penalties up to \$50,000 or five years in prison apply to any person who knowingly and willfully fails to provide emergency release notification;
- Penalties of not more than \$20,000 and/or up to one year in prison apply to any person who knowingly and willfully discloses any information entitled to protection as a trade secret.
- SARA Title III does not provide for criminal sanctions for violations of section 313. However, 18 U.S.C. §1001 makes it a criminal offense to falsify information submitted to the U.S. Government.

SARA Title III section 325 and the Debt Collection Improvement Act of 1996 and its implementing regulations at 40 CFR 19, allow civil and administrative penalties as follows: regulations at 40 CFR 19, allow civil and administrative penalties as follows:

- Any person that fails to comply with emergency release notification requirements in CERCLA section 103 or SARA Title III section 304 shall be liable for civil penalties of up to \$37,500 per day per violation. The penalty for subsequent or repeat violations is \$107,500 per violation per day.
- Any person that violates hazardous chemical inventory reporting requirements in section 311 of
- SARA Title III shall be liable for civil and administrative penalties of not more than \$16,000 per day per violation.
- Any person that violates hazardous chemical inventory reporting requirements in section 312 of SARA Title III shall be liable for civil and administrative penalties of not more than \$37,500 per day per violation.
- Any person that violates toxic chemical release inventory reporting requirements in section 313 of SARA Title III shall be liable for civil penalties not to exceed \$37,500 for each day that each chemical is not reported or incorrectly reported.

Citizens Suits

SARA Title III section 326 allows citizens to initiate civil actions against EPA, SERCs, and the owner or operator of a facility for failure to meet the SARA Title III requirements. A SERC, LEPC, and state or local government may institute actions against facility owner/operators for failure to comply with SARA Title III requirements. In addition, states may sue EPA for failure to provide trade secret information.

Related Laws

The Oil Pollution Act (OPA) of 1990 includes national planning and preparedness provisions for oil spills that are similar to SARA Title III provisions for extremely hazardous substances. Plans are developed at the local, state and federal levels. The OPA plans offer an opportunity for LEPCs to coordinate their plans with area and facility oil spill plans covering the same geographical area.

The 1990 Clean Air Act Amendments require EPA and OSHA to issue regulations for chemical accident prevention. Facilities that have certain chemicals above specified threshold quantities are required to develop a risk management program to identify and evaluate hazards and manage those hazards safely. Facilities

subject to EPA's Risk Management Program rules must submit a Risk Management Plan (RMP) summarizing its program to EPA. If the facility will respond to a release, they must coordinate the RMP with the LEPC off-site emergency response plan. If the facility will not respond to a release, then facilities that have toxic chemicals must assure that their facility is included in the LEPC off-site emergency response plan, and facilities that have flammable substances must assure coordinated response actions with the local fire department.

EPA's Audit Policy and Self-Disclosure

Owners and operators are strongly encouraged to audit their facilities to confirm that they are in compliance with all environmental regulations. If violations are discovered, disclosed, and corrected in accordance with EPA's Audit Policy or the Small Business Compliance Policy described here, penalties may be mitigated up to 100%.

The EPA Audit Policy, "Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations," has been in effect since 1995. It reflects input from industry, trade associations, state environmental programs, and public interest groups. The Audit Policy is designed to provide incentives for regulated entities to come into compliance with the federal environmental laws & regulations. These incentives are for regulated entities that voluntarily discover, promptly disclose and expeditiously correct noncompliance, making formal EPA investigations and enforcement actions unnecessary.

The Small Business Compliance Policy (PDF) promotes environmental compliance among small businesses (those with 100 or fewer employees) by providing incentives to discover and correct environmental problems. EPA will eliminate or significantly reduce penalties for small businesses that voluntarily discover violations of environmental law and promptly disclose and correct them. For more information, go to www.epa.gov/compliance/incentives/smallbusiness/index.html

Recent Changes to the SARA Title III Regulations

2008 Amendments to Sections 302 – 312

On October 17, 2008, EPA finalized several changes to the SARA Title III regulations (40 CFR Parts 355 and 370). These changes were proposed on June 8, 1998 (63 FR 31268), and took effect ten years later on December 3, 2008 (73 FR 65452).

All sections of 40 CFR Parts 355 and 370 are in plain language, using a question and answer format. There are only minor changes to the emergency planning and emergency release notification sections. For hazardous chemical reporting regulations, there are changes regarding the Tier I and Tier II forms, as well as changes in how to report hazardous chemicals in a mixture.

- The Tier I and Tier II forms and their instructions have been removed from the code of federal regulations (CFR). They may now be found on EPA's Emergency Management web site. The revised regulation includes a description of the requirements for Tier I and Tier II.
- Facilities are now required to report their North American Industry Classification System (NAICS) code on the Tier I or Tier II form.

- The chemical or common name of the chemical as provided on the Material Safety Data Sheet must be provided on the Tier II form.
- When determining whether the threshold quantity of an extremely hazardous substance (EHS) has been met, facilities must include the total quantity of that EHS present in the pure form as well as in any mixture, even if any mixture including the EHS is also being reported as a hazardous chemical.
- For hazardous chemicals that are mixtures and do not contain any extremely hazardous substance, facilities have an option when determining whether the threshold quantity is present:
 - (1) add together the quantity present in its pure form and as a component in all mixtures (even if the mixture is also being reported as a hazardous chemical), or
 - (2) consider the total quantity of each mixture separately.

2010 Interpretations of Sections 304, 311, and 312

On July 13, 2010, EPA published in the Federal Register (75 FR 39852) guidance on reporting options for sections 311 and 312, and interpretations. The emergency release notification in 40 CFR 55.40 states that a written follow-up report must be provided by the facility “as soon as practicable” after a release. EPA has decided that 30 days should be sufficient to submit the written follow-up notice of the emergency release to the SERC and LEPC.

Under SARA Title III section 311(e)(2), “any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use” is exempt from the definition of hazardous chemical and therefore need not be reported under sections 311 and 312.

Under EPA’s new interpretation, facilities will only have to include and count the amount of fume or dust emitted or released from a manufactured solid that is being modified to determine if the SARA Title III sections 311 and 312 reporting thresholds have been reached. This interpretation applies to metal, bricks, and any other manufactured solid item that undergoes a modification process. It does not apply to lead in batteries.

This guidance also included an option for states to use the section 312 reporting to fulfill the reporting requirements under section 311.

2012 Revisions to the Tier II Report Form

On July 13, 2012, EPA published the final rule in the Federal Register (77 FR 41300) that revises the Tier II hazardous chemical inventory report form by adding mandatory and optional data elements to the facility identification and contact information section. It also revises some existing data elements in the chemical reporting section. This rule takes effect on January 1, 2014.

The new and revised report elements include the following:

- Indication if facility is manned or unmanned
- Estimate of the maximum number of occupants at one time

- Indication if the facility is subject to the chemical accident prevention requirements under section 112(r) of the Clean Air Act (CAA), also known as the Risk Management Program
- Facility identification numbers assigned under the Toxic Chemical Release Inventory (TRI) and the Risk Management Program if subject
- Indication if the facility is subject to the emergency planning notification requirement under section 302
- Parent company details (different from owner/operator details) are new optional data elements
- Emails for facility owner or operator, and emergency contact
- Name, title, phone number, 24-hour phone number, and email of the facility emergency coordinator if subject to section 302
- Name, title, phone number, email of person to contact regarding information in the Tier II report
- Replace storage codes with actual language (i.e. above ground tank, above ambient pressure, cryogenic)
- Change inventory range codes to cover a smaller range
 - Old highest range code is 11 \geq 1 billion
 - New highest range code is 13 \geq 10 million

2012 Revision to Section 302

On March 22, 2012, EPA published the final rule in the Federal Register (77 FR 16679) that revises the manner for applying the threshold planning quantities (TPQs) for those extremely hazardous substances (EHSs) that are non-reactive solid chemicals in solution. The revision allows facilities that have a non-reactive solid EHS in solution to first multiply the amount of the solid chemical in solution on site by 0.2 before determining if this quantity equals or exceeds the lower published TPQ. This rule became effective on April 23, 2012.

TRI Revisions

On November 26, 2010, EPA finalized a rule (75 FR 72727) to provide communities with additional information about toxic chemicals being released to the environment. The rule was effective on November 30, 2010, and adds 16 chemicals to the TRI list of reportable chemicals.

On October 17, 2011, (76 FR 64022) the administrative stay for reporting hydrogen sulfide was lifted. The TRI reports for report year 2012 will be the first to include hydrogen sulfide. On April 19, 2012, EPA finalized a rule (77 FR 23409) that requires each facility located in Indian country to submit their TRI reports to EPA and the appropriate tribal government, rather than to the state in which the facility is located.

On August 27, 2013, EPA finalized a rule (78 FR 52860) that requires TRI reports to be submitted online to EPA using the electronic reporting software provided by EPA. This rule is effective on January 21, 2014.

On November 7, 2013, EPA finalized a rule (78 FR 66848) that adds ortho-nitrotoluene to the TRI list of reportable chemicals. This rule is effective November 30, 2013, and shall apply for report year 2014.

The Federal Register notices published by the Office of the Federal Register, National Archives and Records Administration, can be viewed online here:

<http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR>

Summary of SARA Title III Reporting Requirements in Pennsylvania						
SARA Title III Section	Report Requirement	Report Form	Report Due	Agencies To Receive Report		
302	Emergency Planning Notification	Emergency Planning Notification online in Tier II Manager™.	Within 5 business days after threshold reached	Local Emergency Planning Committee (LEPC)		
304	Emergency Chemical Release – Initial Notification		Within 15 minutes after discovery	National Response Center 800-424-8802	Delaware County Emergency Services 911 (in Delco) or 610-565-8700 (outside Delco)	
304	Emergency Chemical Release – Written Follow up	Hazardous Material Emergency Notification Report	Within 30 days after the release	All LEPCs affected by the release		
311	Initial Hazardous Chemical Inventory	Online in Tier II Manager™	Within 5 business days after threshold reached	Pennsylvania SARA Title III Program via PATTS online	Local Emergency Planning Committee (LEPC)	Local Fire Department
312	Tier II – Emergency & Hazardous Chemical Inventory	Tier II Report - Paper or Electronic (PATTS)	Initially (≤5 days) and annually by March 1 st following reporting year	SERC/PEMA (satisfied by PATTS submission)	LEPC (satisfied by PATTS submission)	Local Fire Department (NOT satisfied by PATTS submission)
313	Toxic Chemical Release Inventory	Form R - TRI-MEweb at epa.gov	Annually by July 1 st	U.S. EPA TRI Data Processing Center		
PA Act 165	Submission of Site Plan w/Location of Chemicals to Accompany Tier II	Paper or Electronic – Company Format	Initial and when changed	Pennsylvania SARA Title III Program via PATTS online		

Where Can You Find Additional SARA Title III Information?

Pennsylvania Information:

PA Department of Labor & Industry
Bureau of PENNSAFE
651 Boas Street, Room 155E
Harrisburg, PA 17121
717-783-2071
Hotline number 1-888-SAFE-422;
Fax: 717-783-5099 or via e-mail to li-pennsafe@pa.gov

http://www.portal.state.pa.us/portal/server.pt/community/hide_-_emergency_planning_and_community_right_to_know/10480

Federal Information:

EPA's Superfund, TRI, EPCRA, RMP, and Oil
Information Center:
(800) 424-9346, TDD: (800) 553-7672
Monday – Friday 9 am to 5 pm, EST, Closed on Federal holidays.

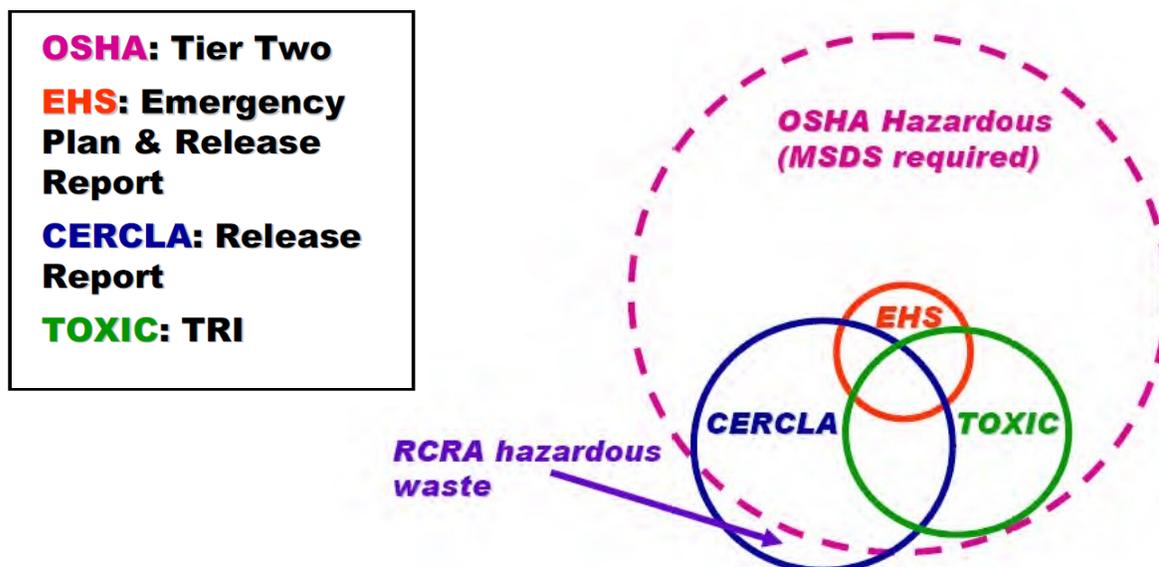
www.epa.gov/superfund/contacts/infocenter

TRI Program website: www.epa.gov/tri

EPA Emergency Management website: www.epa.gov/emergencies

EPA Environmental Information website: www.epa.gov/oei

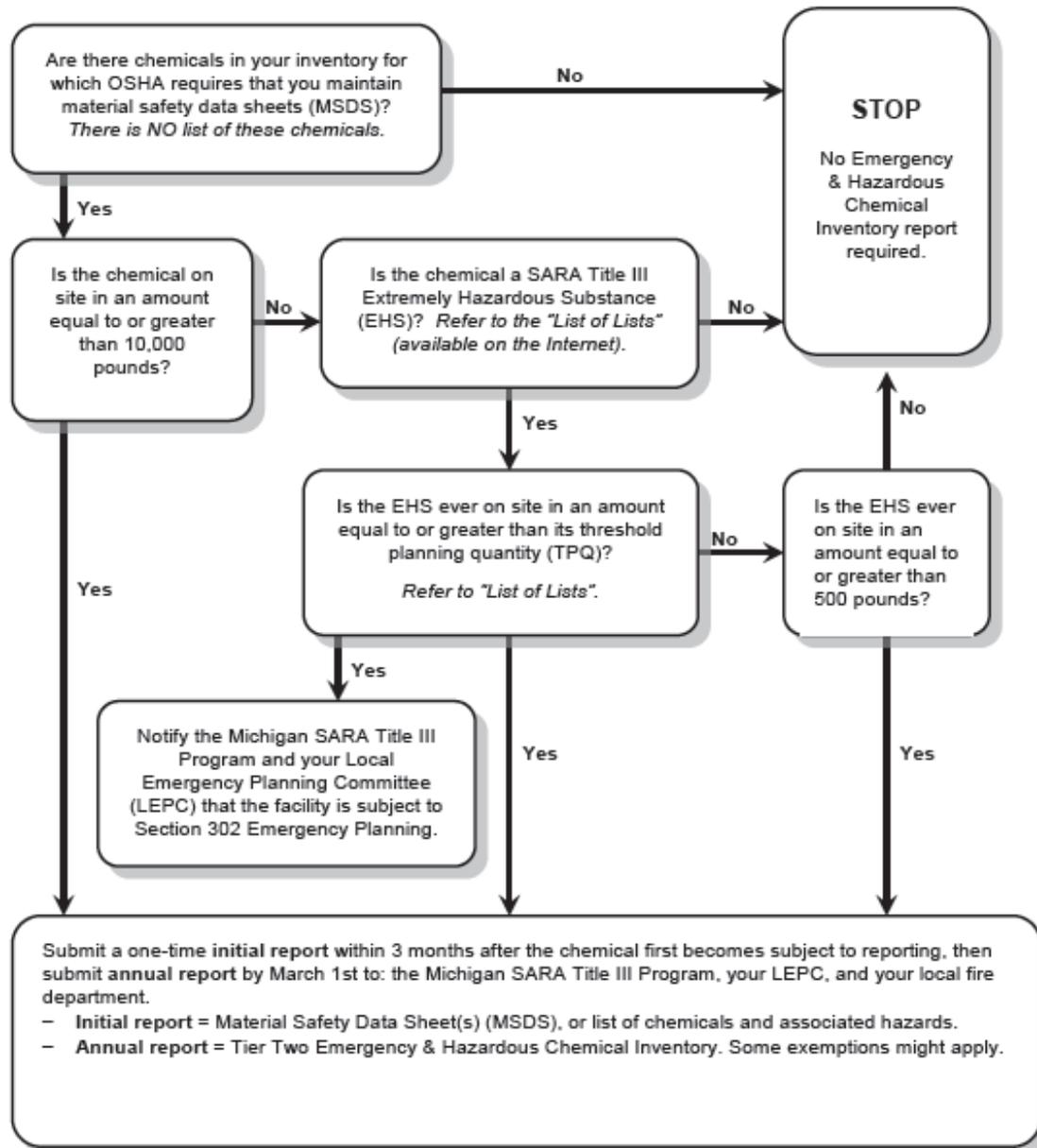
Summary of Chemicals Covered by SARA III Requirements



On the diagram above, the large circle with the dashed line represents the universe of over 650,000 **OSHA hazardous chemicals**. These chemicals are potentially subject to Emergency and Hazardous Chemical Inventory reporting under sections 311 and 312 (Tier II report) of SARA Title III. The line is dashed because there is **no list** of these chemicals. The **extremely hazardous substances** (EHS on the diagram) are listed, so the circle has a solid line. Each of the EHSs has an associated threshold planning quantity (TPQ) for emergency planning pursuant to SARA Title III sections 302 and 303, and a reportable quantity (RP) for release reporting under SARA Title III section 304. The EHSs are also subject to Emergency and Hazardous Chemical Inventory reporting unless an exemption applies. The **CERCLA hazardous substances** are listed and have associated reportable quantities for release reporting under CERCLA section 103 and SARA Title III section 304. There are CERCLA hazardous substances that include hazardous waste that is subject to Resource Conservation and Recovery Act (RCRA) regulations. Part of the CERCLA group falls outside of the OSHA group. This is because OSHA does not require that an SDS/MSDS be maintained for hazardous waste. Therefore **RCRA hazardous waste** is not reportable on the Tier II report, but a release that is above the listed reportable quantity must be reported. EPA published a list of **toxic chemicals** and chemical categories (Toxic on the diagram). Pursuant to SARA Title III section 313, “subject facilities” must submit a Toxic Chemical Release Inventory (TRI) report for each toxic chemical that exceeds an activity threshold. The listed substances (EHS, CERCLA hazardous, and toxic chemicals) are included in the EPA “List of Lists.”

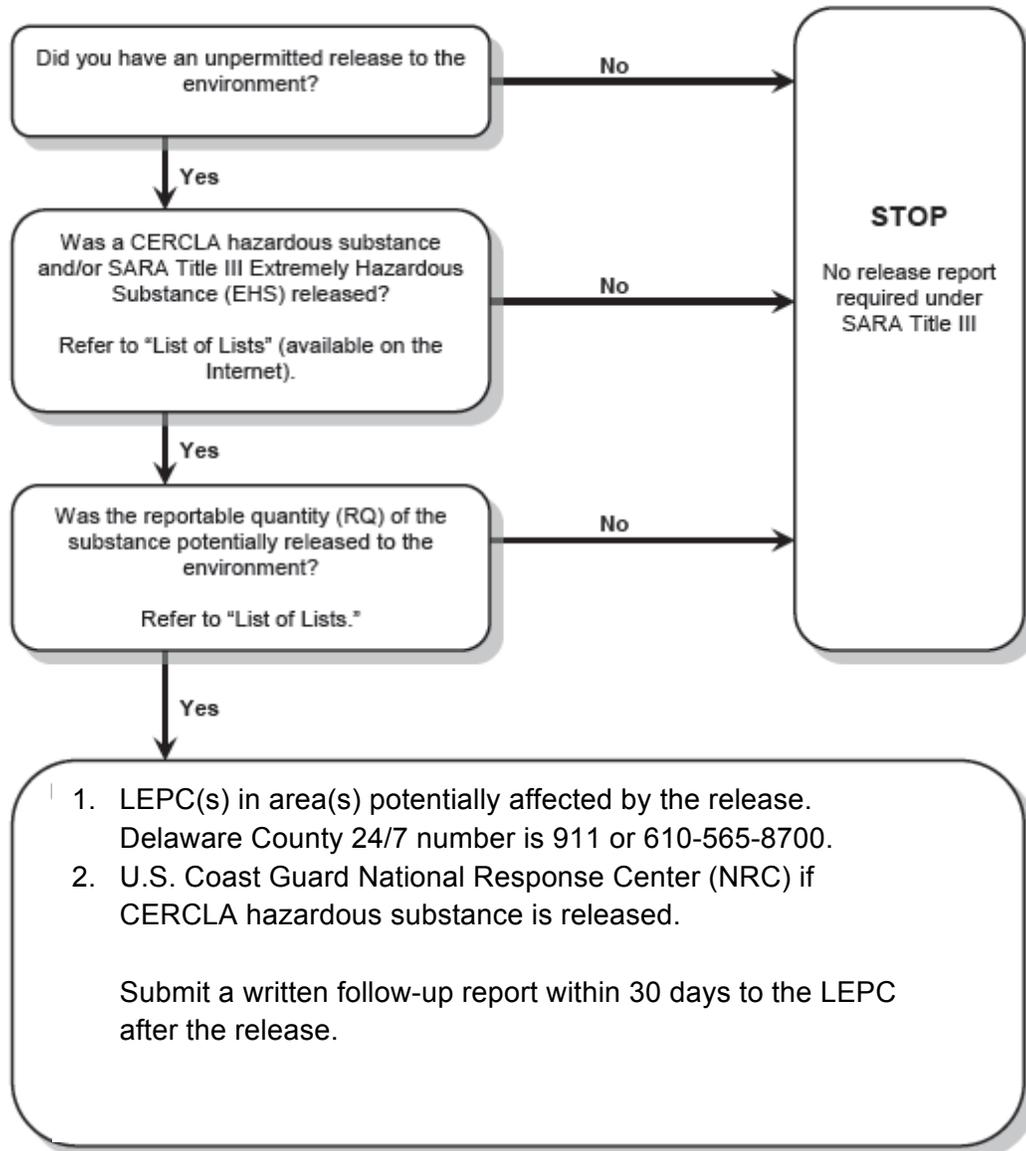
Emergency and Hazardous Chemical Inventory Reporting SARA Title III – Sections 311 and 312

*Title III of the Superfund Amendments & Reauthorization Act ("SARA Title III") is the
Emergency Planning and Community Right-to-Know Act (EPCRA)*



Release Reporting SARA Title III – Section 304

*Title III of the Superfund Amendments & Reauthorization Act ("SARA Title III") is the
Emergency Planning and Community Right-to-Know Act (EPCRA)*



Toxic Chemical Release Inventory Reporting SARA Title III – Section 313

*Title III of the Superfund Amendments & Reauthorization Act ("SARA Title III") is the
Emergency Planning and Community Right-to-Know Act (EPCRA)*

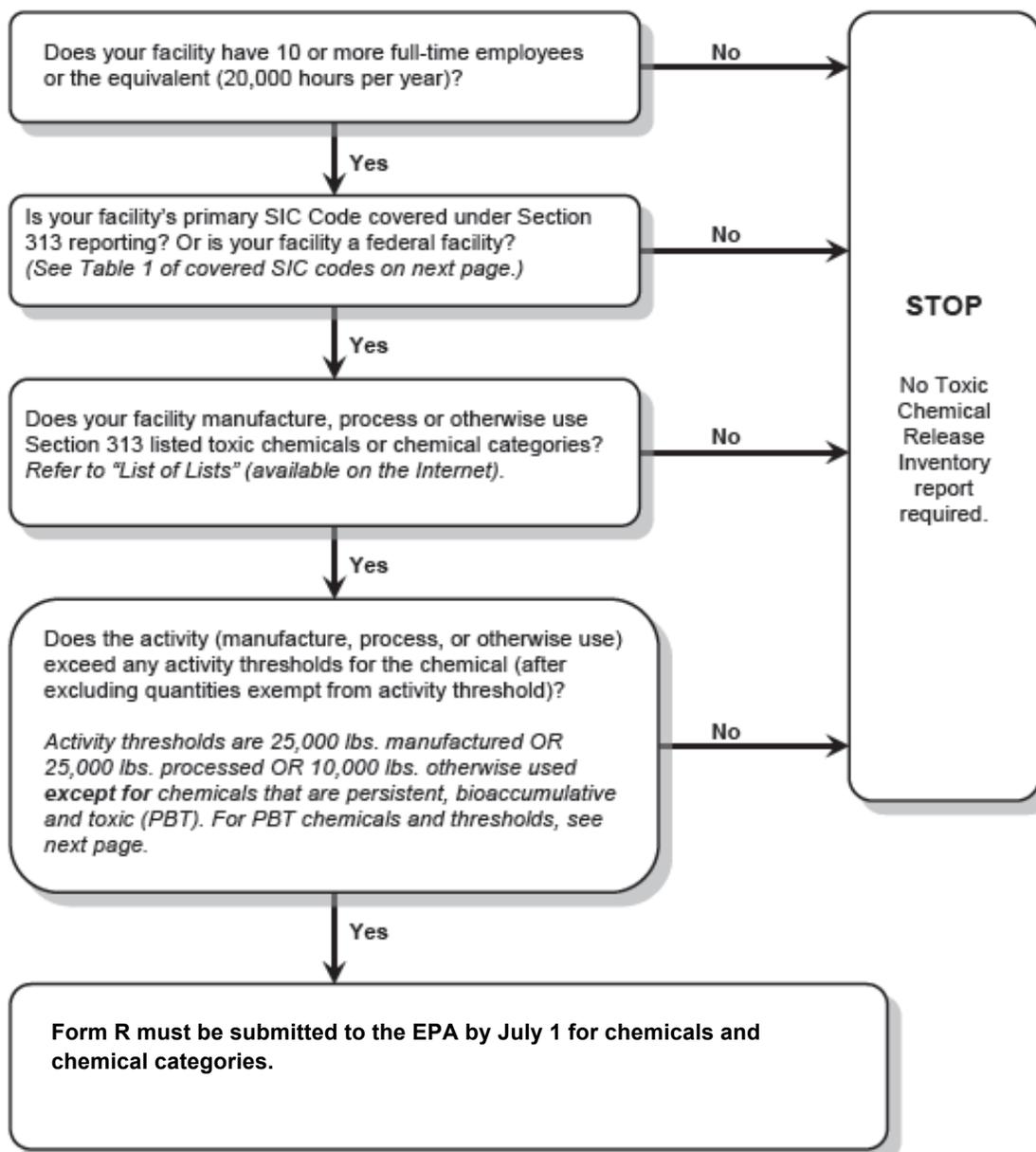


Table 1. TRI Covered Industries by Industry Classification

Industry	SIC Codes	NAICS
Manufacturing	20-39	311-339
Metal Mining	10 (except 1011, 1081, and 1094)	21222, 21223, 21229
Coal Mining	12 (except 1241)	21211
Electrical utilities	4911, 4931, and 4939 (limited to facilities that combust coal and/or oil for purpose of generating electricity for distribution in commerce)	22111, 22112
Treatment, storage and disposal facilities	4953 (limited to RCRA Subtitle C permitted or interim status facilities)	56221
Chemical distributors	5169	42469
Petroleum bulk terminals	5171	42471
Solvent recovery services	7389 (limited to facilities primarily engaged in services on a contract or fee basis)	32599
Federal facilities	Must report by Executive Order 13148.	

Note: Beginning with Report Year 2006, facilities will report the six-digit North American Industry Classification System (NAICS) code that corresponds to the Standard Industrial Classification (SIC) code in the regulation.

Table 2. EPCRA Section 313 Listed PBT Chemicals and Activity Thresholds

Chemical	Threshold (in pounds unless otherwise noted)
ALDRIN	100
BENZO(G,H,I)PERYLENE ♦	10
CHLORDANE	10
DIOXIN AND DIOXIN-LIKE COMPOUNDS ♦	0.1 grams
HEPTACHLOR	10
HEXACHLOROBENZENE	10
ISODRIN	10
LEAD * (not contained in stainless steel, bronze, or brass alloy)	100
LEAD COMPOUNDS *	100
MERCURY	10
MERCURY COMPOUNDS	10
METHOXYCHLOR	100
OCTACHLOROSTYRENE ♦	10
PENDIMETHALIN	100
PENTACHLOROBENZENE ♦	10
POLYCHLORINATED BIPHENYLS	10
POLYCYCLIC AROMATIC COMPOUNDS +	100
TETRABROMOBISPHENOL A (TBBPA) ♦	100
TOXAPHENE	10
TRIFLURALIN	100

Note: PBT chemical reporting effective for 2000 report year, except lead and lead compounds which were effective for 2001.

♦ Chemical subject to EPCRA Section 313 reporting beginning in 2000.

+ 21 chemicals included in PAC category.

* Thresholds effective for 2001 reporting year.

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY
2605 INTERSTATE DRIVE
HARRISBURG PA 17110

HAZARDOUS MATERIAL EMERGENCY NOTIFICATION REPORT

This report has been prepared by or on behalf of the below-named company or individual in order to provide emergency notification information about a hazardous material release that occurred from a facility or vehicle that is either owned or operated by the named company or individual. Submission of this report is required under Section 304(c) of the Emergency Planning and Community Right-to-Know Act of 1986 (SARA Title III)(42 U.S.C. section 11004 [7c]) and Section 206(d) of the Hazardous Material Emergency Planning and Response Act (35 P.S. Section 6022.206[d]). In accordance with Section III.C.3.c. of this plan, the facility/owner operator must submit this report to PEMA and the county emergency management office as soon as possible or within 14 calendar days following a release.

RELEASE INFORMATION

1. Name of Company, Owner or Operator:

2. Address of Company, Owner or Operator:

3. Chemical Name / Substance Released:

4. Quantity Released:

5. Location of Release (describe site of release at the facility or, if a transportation accident, the highway milepost, intersection or other appropriate identifier)

6. Date, Time and Duration of Release:

7. Release was into; ___ Air, ___ Ground, ___ Surface Water, ___ Highway Surface, ___ Sewer
___ Other: Describe: _____

8. Action Taken to respond to and contain the release, including the name of any clean-up contractor: (provide a complete description – use separate page if necessary)

9. Any known acute or chronic health risks associated with the release: (describe in detail – if not appropriate, state none)

10. Advice on medical attention for exposed individuals (if appropriate):

11. Actions to be taken to mitigate potential future incidents: (describe in detail)

This report was prepared by the undersigned on behalf of the company or individual named in Section 1. The information provided herein is true and correct to the best of my knowledge and belief.

Prepared By:

(Name)

(Title of Position)

Telephone Number:

Date:

Signature:

Any questions about preparation of this report, contact the Pennsylvania Emergency Management Agency Bureau of Plans at (717)651-2001 between 8am and 4pm, Monday through Friday.