INTRODUCTION

The original Superfund act — CERCLA, the Comprehensive Environmental Response, Compensation, and Liability Act — was enacted by Congress in 1980 to clean up the nation’s hazardous waste sites. In response to continuing community concern regarding hazardous materials and chemical release tragedies such as the incident in Bhopal, India, a reauthorization and expansion of Superfund was signed into law on October 17, 1986. It is known as the Superfund Amendments and Reauthorization Act (SARA). Title III of SARA created a new, nationwide program known as Emergency Planning and Community Right-to-Know (EPCRA). The law was designed to improve local hazardous materials emergency response capabilities and provide the public with information concerning hazardous and toxic chemicals in their community. This brochure will focus on the reporting requirements of SARA Title III.

WHAT DOES SARA TITLE III COVER?

There are four major sections of SARA Title III. They are:

I. Planning Notification (Sections 302-303)
II. Emergency Release Notification (Section 304)
III. Hazardous Materials Storage Inventory (Sections 311-312)
IV. Toxic Chemical Release Inventory (Section 313)

HOW DO I KNOW IF MY FACILITY IS COVERED?

The various sections of SARA Title III have different chemical lists associated with them, so you must review each section of the law and obtain the appropriate lists. For each section, you should determine if you meet the reporting requirements. Check the ingredient section of your product material safety data sheets (MSDS) to identify the hazardous substances.

WHAT IS REQUIRED FOR PLANNING NOTIFICATION? (SECTIONS 302-303)

All facility owners/operators, private and public, should check to see if their facility is covered by these sections. If any chemical included on the list of Extremely Hazardous Substances (EHS) is present at your facility in excess of its threshold planning quantity (TPQ), you should immediately notify the Michigan Emergency Planning and Community Right-to-Know Commission (SERC) through the SARA Title III program office and your community’s local emergency planning committee (LEPC). If you begin using, storing, or manufacturing any of these chemicals in daily amounts at or above the threshold planning quantity (TPQ), you must notify the SARA Title III program office and your local emergency planning committee within sixty days.

DO LOCAL UNITS OF GOVERNMENT HAVE OBLIGATIONS UNDER THESE SECTIONS OF SARA TITLE III?

Yes. Local emergency planning committees (LEPCs) must be established in every county. These committees are responsible for assisting the Emergency Management Coordinator in development of portions of the County Emergency Operations plan related to Hazardous Material Response. The plan should identify regulated facilities, emergency response and notification procedures, training programs, and evacuation plans.

Also, site-specific response plans must be developed for facilities which store EHSs. If your facility is subject to the emergency planning sections, you must notify the SARA Title III program office and your LEPC of your designated emergency planning coordinator who will participate in the planning process.

These local plans must be reviewed by the SERC and exercised periodically. LEPCs must provide annual public notice that the plans are available for public review during normal business hours. LEPC membership includes elected officials, representatives of police, emergency management, fire departments, health organizations, community groups, transportation organizations, the media, environmental groups, and facility owners. These members are volunteers from your community who are working to protect the health and welfare of the local public.

WHAT INFORMATION AM I REQUIRED TO REPORT?

You must provide the names, amounts, and duration of releases of these chemicals, as well as information regarding exposed individuals and any potential health risks. The initial notification may be made by telephone, radio, or in person. The applicable telephone numbers are listed at the end of this brochure.

You must also provide a written follow-up report of the incident to the SARA Title III program office for the Commission and your LEPC that includes the above information, plus:

• actual response actions taken,
• any known or anticipated health risks associated with the release, and
• advice on medical attention for the exposed individuals.

NOTE: These actions do not necessarily fulfill other federal or state reporting requirements for chemical releases.
III. WHAT IS REQUIRED FOR HAZARDOUS MATERIALS STORAGE REPORTING? (SECTIONS 311-312)

If your facility is covered by the state or federal OSHA Hazard Communication Standard and you store OSHA-regulated substances above the EPA-established thresholds, you are likely covered by these sections. The reporting threshold for any substance requiring a material safety data sheet (MSDS) is 10,000 pounds. For Extremely Hazardous Substances, the reporting threshold is 500 pounds or the TQP, whichever is lower. If you store hazardous materials in excess of these thresholds and for any time during the year, you must file under Sections 311 and 312.

WHAT MUST I FILE AND WITH WHOM

To fulfill the requirements of Section 311, you must submit a copy of the material safety data sheet for each reportable hazardous substance (see the thresholds described above) or a list of these hazardous substances grouped into the five EPA hazard categories — acute health effects, chronic health effects, fire, hazard, sudden release of pressure, and reactivity.

The MSDSs or categorized list of substances must be submitted to the SARA Title III program office for the Commission, your LEPC, and your local fire department. Contact your county board of commissioners or the SARA Title III program office for the local committee in your area. This submission is required only once unless changes are made in the hazardous materials your facility stores.

ARE THERE ANY ANNUAL REPORTING REQUIREMENTS?

Yes. Facility owners/operators must submit hazardous materials inventory information using either an Emergency and Hazardous Chemical Inventory Tier One or Tier Two reporting form. The Tier One form includes aggregate information about hazardous substances and their general locations grouped by major hazard category. Tier Two information is chemical-specific and location-specific. Facilities may submit either of these forms to comply with Section 312.

However, because the Tier Two information is chemical-specific, it is generally more useful to emergency responders. The state Commission recommends that facilities submit the Tier Two form; and in some cases, LEPCs require the Tier Two.

Copies of the forms must be submitted to the SARA Title III program office for the Commission, your LEPC, and your local fire department by March 1 of each year. The public may obtain hazardous substances inventory information for a specific facility through the SARA Title III program office or their LEPC.

NOTE: Most employers in Michigan are also required to follow the requirements of the Michigan Worker Right-to-Know Law. Contact your Michigan OSHA office for more information.

IV. WHAT IS REQUIRED FOR THE TOXIC CHEMICAL RELEASE INVENTORY? (SECTION 313)

If you own or operate a manufacturing facility (SIC codes 20-39) with ten or more employees and you use, import, process, or manufacture any chemical included on the Section 313 list of toxic chemicals in quantities greater than threshold amounts, you must submit Toxic Chemical Release Inventory Forms (Form R or Form A) each year.


The threshold amounts are 25,000 pounds per year for manufacturing, importing, or processing of a listed chemical and 10,000 pounds per year for ancillary use of a listed chemical.

The Toxic Chemical Release Inventory provides information about the quantities of toxic chemicals released (routinely and accidentally) to the environment during the previous calendar year. The form also identifies efforts taken to reduce pollution at the facility. A complete Form R or Form A must be submitted for each toxic chemical used in excess of the threshold amount even if no releases occurred.

These forms are to be submitted each year by July 1 to the SARA Title III program office and to US EPA. They are available for public inspection. The data may also be accessed electronically through the Internet and by CD-ROM. Contact the Michigan SARA Title III program office or US EPA for further information.

The Michigan Department of Environmental Quality (MDEQ) will not discriminate against any individual or group on the basis of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. Questions or concerns should be directed to the MDEQ Office of Personnel Services, PO Box 30473, Lansing, MI 48909.

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Michigan Department of Environmental Quality

RESOURCES

For Emergency Release Reporting (Section 304):

State Commission Notification via Michigan Department of Environmental Quality Pollution Emergency Alerting System 1-800-292-4706

Federal Notification National Response Center 1-800-424-8802

Michigan Department of Environmental Quality Environmental Services Division SARA Title III Program P.O. Box 30457 Lansing, Michigan 48909-7957 517-373-8481 www.michigan.gov/deq, then Site Map to SARA Title III Links

Emergency Planning LEPC and Commission Activities Department of State Police Emergency Management Division 400 South Collins PO Box 30636 Lansing, Michigan 48909-8136 517-333-5029 www.michigan.gov/msp, then MSP Site Map to the Division Link


General Information US EPA EPCRA Call Center 1-800-424-9346

Form R Reporting US Environmental Protection Agency TRI Data Processing Center P.O. Box 1513 Lanham, MD 20703-1513

Sections 301-312 & 313 US EPA Region 5—Chicago Sections 301-312: 312-886-1964 Section 313: 312-886-6219

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Federal Regulations Promulgated Under SARA Title III

40 CFR Part 350 — Trade Secret Claims for Emergency Planning and Community Right-to-Know Information


40 CFR Part 370 — Emergency and Hazardous Chemical Inventory Forms and Submission of Material Safety Data Sheets

40 CFR Part 372 — Toxic Chemical Release Inventory Reporting Requirements

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