

# Emergency Planning & Community Right-to-Know

## Emergency Planning & Community Right-to-Know



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Michigan  
SARA Title III  
Program

DEQ

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## History of the Regulation

- Comprehensive Environmental Response, Compensation and Liability Act of **1980**
- Cleanup hazardous waste disposal sites
- Emergency response for hazardous substances released into the environment

**CERCLA** = Superfund

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December 3, **1984** in Bhopal, India  
Union Carbide chemical plant  
Methyl isocyanate release  
4,000 deaths  
40,000 maimed & seriously injured  
Plants defoliated  
Livestock died



"Could this happen here?"

## History of the Regulation

- Superfund Amendments and Reauthorization Act of **1986** (SARA)
- **SARA Title III** = Emergency Planning and Community Right-to-Know Act (**EPCRA**)

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## What is Right-to-Know?

- **Employee Right-to-Know**
  - Occupational Safety & Health Administration (OSHA)
  - Hazard Communication Standard (29 CFR 1910.1200)
  - Material Safety Data Sheet (MSDS)
  - [www.osha.gov](http://www.osha.gov)

**PROTECTION OF THE EMPLOYEE**

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## What is Right-to-Know?

- **Firefighter Right-to-Know**
  - Michigan OSHA (MIOSHA)
  - Fire Prevention Code (1941 PA 207)
  - Fire Dept Hazardous Material Emergency Planning Responsibilities (Bulletin 9)
  - [www.michigan.gov/lara](http://www.michigan.gov/lara)

**PROTECTION OF THE FIREFIGHTER**

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# Emergency Planning & Community Right-to-Know

## What is Right-to-Know?

### Community Right-to-Know

- SARA Title III
  - LEPCs planning responsibilities
  - Facilities provide planning information
  - Facilities provide hazardous chemical inventories
- Tier Two report
- [www.michigan.gov/sara](http://www.michigan.gov/sara)

**PROTECTION OF THE COMMUNITY**

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## Emergency Planning

State Police Emergency Managers  
Act 390 – Emergency Management Act  
Emergency Operations Plan  
**Emergency Action Guidelines**

Firefighters  
MIOSHA  
**Onsite Response Plan**  
**General & Site-specific**

LEPCs  
SARA Title III  
**Offsite Response Plan**  
**Community & Site-specific**

Facilities  
MIOSHA HAZWOPER  
**Onsite Response Plan**

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## SARA Title III in Michigan (Chapter 1)

- Federal Regulation
- Enforced by EPA
- Implemented under Executive Order from the Governor



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## SARA Title III - Components

- **Emergency Planning**  
**Sections 302 & 303**
- **Emergency Release Notification**  
**Section 304**
- **Hazardous Chemical Inventory**  
**Sections 311 & 312**
- **Toxic Chemical Release Inventory**  
**Section 313**



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## SARA TITLE III - Components

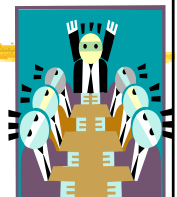
- **Emergency Planning - 302 & 303**
- **Emergency Release Notification**
- **Hazardous Chemical Inventory**
- **Toxic Chemical Release Inventory**



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## Emergency Planning Sect 302 & 303

- Establish State Emergency Response Commission (SERC)
- Michigan Citizen-Community Emergency Response Coordinating Council (Exec. Order 2007-18)
- Establish Local Emergency Planning Committees (LEPCs)
- 88 LEPCs in Michigan



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# Emergency Planning & Community Right-to-Know

## Emergency Planning SERC Involvement

### Receive Facility Reports

- **DEQ** Michigan SARA Title III Program

### Review LEPC Plans

- **MSP** Emergency Management & Homeland Security Division (EMHSD)

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## Emergency Planning Sect 303 LEPC Requirements

- **LEPC** writes **Offsite HazMat Response Plans** with specific information about certain facilities.
- Give to **MSP-EMHSD & Responders**

How does the LEPC get the information they need?



## Emergency Planning (Chapter 2) Sect 302 Facility Requirements

- **Extremely Hazardous Substance (EHS)** at or above the **Threshold Planning Quantity (TPQ)** (**Appendix A**)
- Submit **Emergency Planning Notification**, a **ONE TIME REPORT** within 60 days
- To Michigan SARA Title III Program (**online**) and **LEPC**

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## Emergency Planning Sect 302 Facility Requirements

- Designate a facility **emergency coordinator** and tell the **LEPC**
- Provide **information** requested by the **LEPC** that it needs to fulfill its planning responsibilities
- Inform the **LEPC** of any **changes** relevant to emergency planning

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## Emergency Planning in Other Regulations Facility Requirements

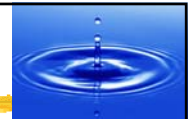


### Chapter 5:

- **Integrated Contingency Plans**
- **State & Federal Contacts for Help**
- **Where to submit your plan**

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## Emergency Planning in Part 5 Rules Facility Requirements



- Provide **notification** to the **LEPC** that you have completed a **Pollution Incident Prevention Plan (PIPP)** or an **Integrated Contingency Plan (ICP)** containing the PIPP requirements.
- Provide a **copy** of the PIPP or ICP to the **LEPC upon request** (**Appendix C, pg C-7**)

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# Emergency Planning & Community Right-to-Know

## Emergency Planning in Clean Air Act sect 112(r) Facility Requirements



If the facility will **RESPOND** to a release...

- **Coordinate the Risk Management Plan** with **LEPC** Plan.
- **Provide information** to the **LEPC** requested for developing and implementing the **LEPC** Plan.

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## Emergency Planning in Clean Air Act sect 112(r) Facility Requirements



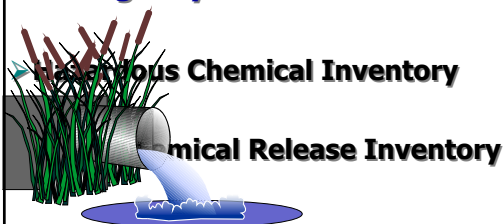
If the facility will **NOT** **RESPOND** to a release...

- Assure that facility with **toxic** chemicals is **included** in the **LEPC** Plan.
- Assure that facility with **flammable** substances has **coordinated response** actions with the **local fire department**.

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## SARA TITLE III - Components

- Emergency Planning
- **Emergency Release Notification -304**



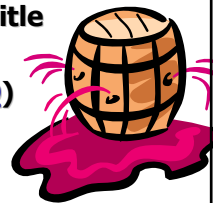
**Hazardous Chemical Inventory**

**Toxic Chemical Release Inventory**

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## Emergency Release Notification Sect 304 (Chapter 6)

- ≈ **770 Hazardous Substances** (CERCLA - published list)
- **355 Extremely Hazardous Substances (EHS)** (SARA Title III- published list)
- "Reportable Quantity" (**RQ**)
- **List of Lists** has reportable chemicals and RQs



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## Emergency Release Notification Facility Requirements

Immediate (**within 15 minutes**) notification to:

- **LEPC**
- **SERC - Pollution Emergency Alerting System (PEAS)**  
Or **MDA Hotline (Agriculture)**
- **U.S. Coast Guard National Response Center (NRC)**



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## SARA TITLE III - Components

- Emergency Planning
- Emergency Release
- **Hazardous Chemical Inventory - 311 & 312**
- **Toxic Chemical Release Inventory**



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# Emergency Planning & Community Right-to-Know

## Hazardous Chemical Inventory Sect 311 & 312 (Chapter 3)

- Hazardous Chemicals = all substances for which the **OSHA Hazard Communication Standard** requires the facility to maintain **MSDSs** (Employee Right-to-Know).
- There is **NO LIST** of OSHA Hazardous Chemicals!

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## Hazardous Chemical Inventory Sect 311 & 312

- Thresholds for reporting:
  - **OSHA hazardous** substances = **10,000** pounds
  - **EHS** = **500** pounds or **TPQ** (whichever is lower)
  - **Requests** by LEPC/Fire Dept = **zero** pounds

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## Hazardous Chemical Inventory Sect 311

- **INITIAL REPORT** within **3 months** after **threshold** reached
- Submit **MSDSs** or
- **List** of hazardous substances and associated hazards to:
  1. Michigan SARA Title III Program
  2. LEPC
  3. Fire Department

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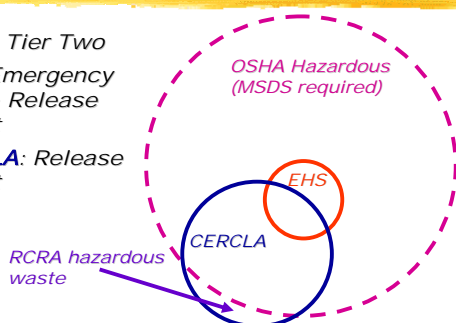
## Hazardous Chemical Inventory Sect 312

- **ANNUAL REPORT** by **March 1<sup>st</sup>**
  - Submit **Tier Two** Emergency and Hazardous Chemical Inventory to:
    1. Michigan SARA Title III Program
    2. LEPC
    3. Fire Department
- Report on **PREVIOUS** full calendar year.

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## Hazardous Substances covered by SARA Title III

**OSHA:** Tier Two  
**EHS:** Emergency Plan & Release Report  
**CERCLA:** Release Report



CERCLA & EHS are In the List of Lists

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## SARA TITLE III - Components

- Emergency Planning
- Emergency Release
- Hazardous Chemical Inventory
- **Toxic Chemical Release Inventory - 313**



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# Emergency Planning & Community Right-to-Know

## Toxic Chemical Release Inventory (TRI) – Sect 313 (Chapter 4)

- **ANNUAL REPORT by July 1<sup>ST</sup>**
- **Submit Form R to SERC and EPA**
- **Toxic = ~ 650 listed chemicals**
- **Cumulative releases & waste transfers**
- **Release = allowed and accidental**
- **Subject facilities**

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## Toxic Chemical Release Inventory (TRI) – Sect 313

- **Effective 10/17/2011, the administrative stay for reporting hydrogen sulfide was lifted.**

**See SARA Title III Announcements on our webpage for details.**

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## All Substances covered by SARA Title III

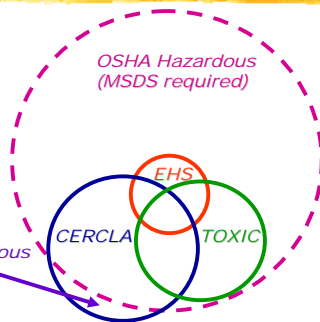
**OSHA:** Tier Two

**EHS:** Emergency Plan & Release Report

**CERCLA:** Release Report

**TOXIC:** TRI

*RCRA hazardous waste*



**CERCLA & EHS & TOXIC are in the List of Lists**

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## www.michigan.gov/sara

**Emergency Planning & Community Right-to-Know**

Title II of the Superfund Amendments and Reauthorization Act ("SARA Title II") is also known as the Emergency Planning and Community Right-to-Know Act (EPCRA). This act has four main components:

- Emergency Planning & Notification (sections 302 & 303)
- Emergency Release Notification (section 304)
- Hazardous Chemical Inventory (sections 311 & 312)
- Toxic Chemical Release Inventory (section 313)

For other facility Emergency Planning requirements, go to [www.michigan.gov/deqemergencyplan](http://www.michigan.gov/deqemergencyplan)

For Employee Right-to-Know requirements, go to [www.osha.gov](http://www.osha.gov) or view the [Hazard Communication Standard](#)

For Firefighter Right-to-Know requirements, see [Fire Marshal Bulletin 9](#)

<b>SARA Title III</b>	<b>SARA Title III Announcements</b>
<b>SARA Guidebook</b>	<b>Rule Changes</b>
<b>SARA Title III - Toxic Chemical Release Inventory</b>	<b>SARA Title III - Hazardous Chemical Inventory</b>
Click here for TRI data, reports, and report information.	Click here for online reporting
<b>SARA Title III Emergency Planning &amp; Notification</b>	<b>SARA Title III Release Reporting</b>
Click here for SARA Title III Emergency Planning & Notification requirements	Click here for Release Reporting requirements in SARA Title III and other state and federal regulations.

## www.michigan.gov/chemrelease

**Spill-Release Reporting**

Chemical releases in Michigan are potentially reportable under one or more of twenty-six different state and federal regulations. Determining which regulations apply to a specific release can be an overwhelming task. The "Release Notification Requirements in Michigan" table was compiled by the Michigan Department of Environmental Quality (MDEQ) Office of Environmental Assistance to help owners and operators of facilities in Michigan, including vehicles and farms, determine their potential notification and reporting requirements in the event of a chemical release. Check your permits, licenses, registrations, pollution prevention plans, and local ordinances for additional release reporting requirements.

**Information**

- Concentrated Animal Feeding Operations (CAFO)
- Release Reporting - Workshop Presentation
- Vehicle Related Releases
- Continuous Release Reporting
- Release Calculations
- Federally Permitted Releases
- Release Notification Requirements in Michigan Table
- Release Reporting Forms
- Pollution Emergency Alerting System (PEAS) Information

**Laws & Rules**

- 49 CFR 172.101 - DOT Hazardous Materials Table for Transportation
- 40 CFR 302 (July 2001 version)
- 49 CFR 355 - Emergency Planning and Notification (SARA Title III)

**Related Links**

- Supervisor of Wells Instructions for Reporting Losses/Spills
- Radiological Protection Notices and Guidelines
- List of Lists - Consolidated List of Chemicals Subject to EPCRA and Clean Air Act 112(d)
- DEQ Locations

## www.michigan.gov/deqemergencyplan

**Information**

- Security Plan for the Highway Transportation of Hazardous Materials
- Federal Site Security Plans for Chemicals of Interest
- Water and Wastewater Security
- Submittal Guidance for Contingency Plans
- Integrated Contingency Plan Guidance
- Storm Water Industrial Program - Storm Water Pollution Prevention Plan
- Contacts for Help
- Hazardous Waste Contingency Plan and Emergency Procedures and Arrangements with Local Emergency Services for Large Quantity Generators
- Hazardous Waste Emergency Poster and Guidance
- Risk Management Plan
- Pollution Incident Prevention Plan (PIPP) and Part 5 Rules
- Spill Prevention, Control, and Countermeasures (SPCC) Plan
- Farm Security and Emergency Planning
- SARA Title III Emergency Planning & Notification
- Guide to the Guide

**Laws & Rules**

- 40 CFR 355 - Emergency Planning and Notification (SARA Title III)

**Related Links**

- Anhydrous Ammonia Fertilizer Regulations
- 2008 Emergency Response Guidebook
- EPA Natural Disaster and Weather Emergencies

# Emergency Planning & Community Right-to-Know

[www.michigan.gov/emhsd](http://www.michigan.gov/emhsd)



The screenshot shows the Michigan State Police website. The URL [www.michigan.gov/emhsd](http://www.michigan.gov/emhsd) is at the top. The page title is 'Michigan State Police'. A navigation menu on the left includes 'Specialized Divisions' with sub-items like 'State 911 Committee', 'Criminal Justice Information Center', 'Emergency Management & Homeland Security Division', 'Hazardous Materials', 'Citizen Awareness and Preparedness', 'Citizen Corps', 'Homeland Security Grants', 'Migration Planning', and 'EMHSD Training and Exercises'. The 'Hazardous Materials' link is circled in red. The main content area is titled 'HAZARDOUS MATERIALS PLANNING' and contains text about local response and a list of resources including SARA Title III for LEPCs, Power Point Show, and various submission forms.

## Michigan SARA Title III Program Staff

**Just me: Susan Parker**  
**(with part-time help from Tonya, Karen, and Rose)**



## SARA Title III – Reporting Questions?

### MICHIGAN SARA TITLE III PROGRAM

517-373-8481

[deq-sara@michigan.gov](mailto:deq-sara@michigan.gov)

[www.michigan.gov/sara](http://www.michigan.gov/sara)

## SARA Title III – LEPC & Emergency Plan Questions?

### MICHIGAN STATE POLICE EMERGENCY MANAGEMENT & HOMELAND SECURITY DIV

517-333-4416

Jay Eickholt: [eickholtj1@michigan.gov](mailto:eickholtj1@michigan.gov)

[www.michigan.gov/emhsd](http://www.michigan.gov/emhsd)

## Environmental Program Questions?

### MDEQ ENVIRONMENTAL ASSISTANCE CENTER

800-662-9278

[deq-assist@michigan.gov](mailto:deq-assist@michigan.gov)

[www.michigan.gov/deq](http://www.michigan.gov/deq)