

Emergency Planning & Community Right-to-Know

Emergency Planning & Community Right-to-Know



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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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History of the Regulation

- 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

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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

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/deleg

PROTECTION OF THE FIREFIGHTER

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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/deqsara

PROTECTION OF THE COMMUNITY

Emergency Planning



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 SERC Involvement

Receive Facility Reports

- **MDEQ** 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**
- Containing information about certain facilities
- Submit to **MSP-EMHSD**
- Provide copies to Responders

How does the LEPC get the information they need?



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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 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**.

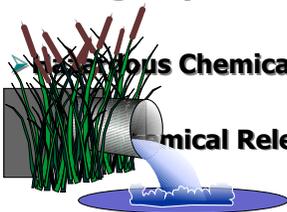
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SARA TITLE III - Components

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

Hazardous Chemical Inventory

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 Plan
- Emergency Release
- Hazardous Chemical Inventory
- 311 & 312
- Toxic Chemical Release Inventory



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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 1st
- 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.

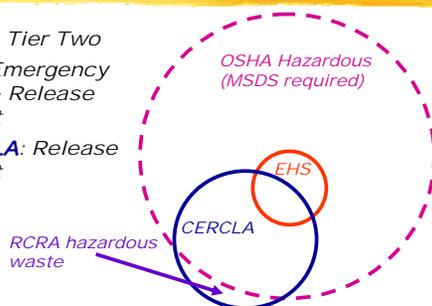
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Hazardous Substances covered by SARA Title III

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

- **ANNUAL REPORT by July 1ST**
- **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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All Substances covered by SARA Title III

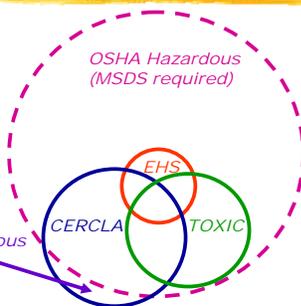
OSHA: Tier Two

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/deqsara



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Emergency Planning & Community Right-to-Know

Michigan SARA Title III Program Staff

Database Manager: **Tonya Schelter**

TRI Reporting: **Ruth Borgelt**

Reporting (except TRI): **Susan Parker**

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SARA Title III – Reporting Questions?

MICHIGAN SARA TITLE III PROGRAM

517-373-8481

deq-ead-sara@michigan.gov

www.michigan.gov/deqsara

SARA Title III – LEPC & Emergency Plan Questions?

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

517-333-2749

Jim Breuker: breukerj1@michigan.gov

www.michigan.gov/emhsd

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Environmental Program Questions?

**MDEQ ENVIRONMENTAL
ASSISTANCE CENTER**

800-662-9278

deq-ead-env-assist@michigan.gov

www.michigan.gov/deq
