

Emergency Planning & Community Right-to-Know

Emergency Planning & Community Right-to-Know



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**Michigan
SARA Title III
Program**

DNRE

April 2010

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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Emergency Planning & Community Right-to-Know

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



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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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**

PROTECTION OF THE COMMUNITY

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Emergency Planning



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SARA Title III in Michigan **(Chapter 1)**

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



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

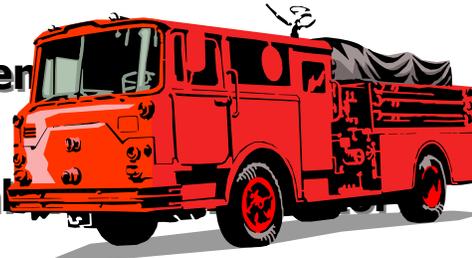


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Emergency Planning & Community Right-to-Know

SARA TITLE III - Components

- **Emergency Planning - 302 & 303**
- **Emergency Release Notification**
- **Hazardous Chemicals**
- **Toxic Chemicals**



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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

- **DNRE 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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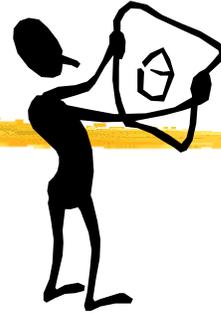
Emergency Planning Sect 302 Facility Requirements

- **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 & Community Right-to-Know

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
 - **Spill Prevention, Control, and Countermeasure (SPCC)** plan or
 - **Integrated Contingency Plan (ICP)** containing the PIPP or SPCC requirements.
- Provide a copy of the PIPP, SPCC or ICP to the **LEPC** upon request
(Appendix C)

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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**



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



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  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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Emergency Planning & Community Right-to-Know

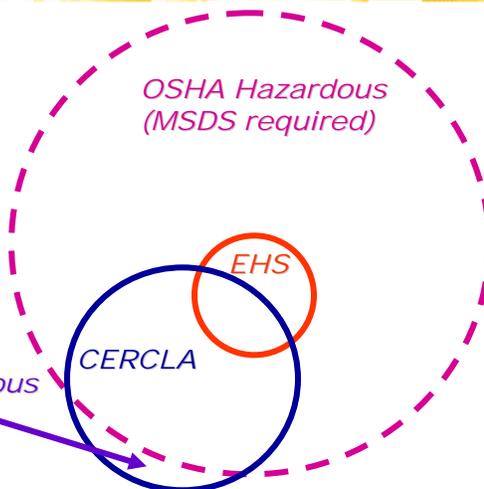
Hazardous Substances covered by SARA Title III

OSHA: Tier Two

EHS: Emergency Plan & Release Report

CERCLA: Release Report

RCRA hazardous waste



CERCLA & EHS are in the List of Lists

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SARA TITLE III - Components

- **Emergency Planning**
- **Emergency Release Reporting**
- **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

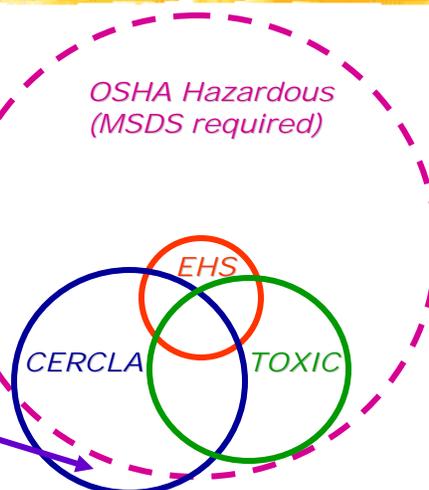
OSHA: Tier Two

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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Emergency Planning & Community Right-to-Know

www.michigan.gov/sara

Michigan Department of Natural Resources and Environment

MICHIGAN.GOV Michigan's Official Web Site

Michigan.gov Home | DNRE | DEQ | Online Services | Permits | Programs | Site Map | Contacts

Search

Key Topics

- Administrative Hearings
- Clean Michigan Initiative
- Community Right to Know
 - SARA Title III
 - SARA Title III - Hazardous Chemical Inventory
 - SARA Title III - Toxic Chemical Release Inventory
 - Environmental Assistance
 - Environmental Education
 - Environmental Emergencies
 - Environmental Incentives
 - Forms
 - Environmental Reports
 - Grants and Loans
 - Laboratory Services
 - Laws & Rules
 - Locations of Environmental Interest
 - Maps & Data
 - Permits
 - Policies and Procedures

Community Right-to-Know

Title III of the Superfund Amendments and Reauthorization Act ("SARA Title III") is also known as the Emergency Planning and Community Right-to-Know Act (EPCRA). This act has four main components: Emergency Planning, Emergency Release Notification, Hazardous Chemical Inventory (Tier Two report), and Toxic Chemical Release Inventory (TRI).

For details of the Emergency Planning requirements in SARA Title III as well as in other regulations, go to www.michigan.gov/deqemergencyplan. For details of the Release Reporting requirements in SARA Title III as well as in other regulations, go to www.michigan.gov/deqrelease.

IMPORTANT NOTICE
TRI SUBMISSIONS DUE JULY 1. USEPA has released the TRI-MEweb application for the 2009 TRI reports. The reports are due on or before July 1. TRI-MEweb resources, tutorials and assistance are on the USEPA TRI Program website. TRI live training is scheduled for May 6; see www.michigan.gov/deqworkshops for information. USEPA online training modules available at www.epa.gov/tri, then select 2010 TRI Training and select the module. TRI web-based training is available; see www.abtaassociates.com/tritraining for information and to register.

SARA Title III
 Click here for information about Michigan's program to prevent the Emergency Planning and Community Right-to-Know Act.

SARA Title III - Hazardous Chemical Inventory
 Click here for Tier Two hazardous chemical inventory report form information and online reporting.

SARA Title III - Toxic Chemical Release Inventory
 Click here for TRI data report and report information.

MI Business One Stop
 Departments/Agencies
 Online Services
 Surveys
 RSS Feeds
 DEQ Quick Links
 DEQ Calendar
 DEQ Military Salute
 DEQ Who Does What List
 DEQ Publications
 DEQ Laws and Rules
 DEQ Acronyms
 DEQ Shortcuts
 Public Comment Opportunities
 DEQ Staff Spotlight
 DEQ Forms
 DEQ Training & Workshops

Beach Monitoring System
 MISWIM Surface Water Information Management System
 EnviroFlash
 MIair
 Find us on Facebook

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www.michigan.gov/chemrelease

Key Topics

- Administrative Hearings
- Clean Michigan Initiative
- Community Right to Know
- Environmental Assistance
- Environmental Education
- Environmental Emergencies
 - Emergency Planning
 - Spill/Release Reporting
 - Land Cleanup
 - Environmental Incentives
 - Forms
 - Environmental Reports
 - Grants and Loans
 - Laboratory Services
 - Laws & Rules
 - Locations of Environmental Interest
 - Maps & Data
 - Permits

Spill-Release Reporting

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) Environmental Assistance Division to help owners and operators of facilities in Michigan, including vehicles and farms, determine their potential ... > [More](#)

Information

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

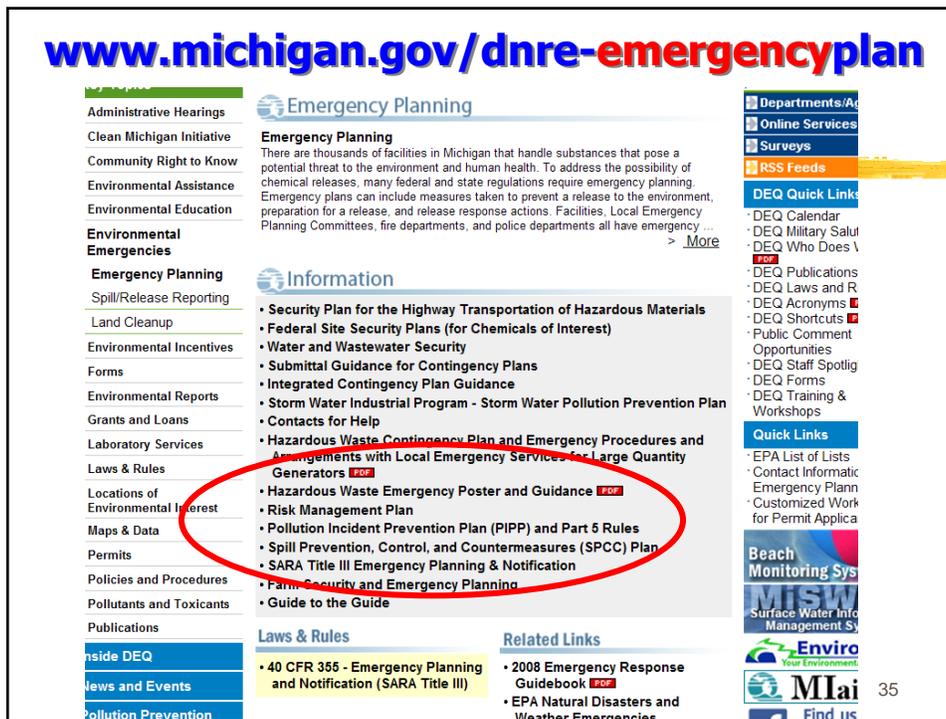
Laws & Rules

- Part 201 Rules
- 40 CFR 302 (July 2001 version)
- 40 CFR 355 - Emergency Planning and Notification (SARA Title III)

Related Links

- Supervisor of Wells Instructions for Reporting Losses/Spills
- Radiological Protection Notices and Guidelines

Emergency Planning & Community Right-to-Know



The screenshot shows the website www.michigan.gov/dnre-emergencyplan. The main heading is "Emergency Planning". Below it, a paragraph states: "There are thousands of facilities in Michigan that handle substances that pose a potential threat to the environment and human health. To address the possibility of chemical releases, many federal and state regulations require emergency planning. Emergency plans can include measures taken to prevent a release to the environment, preparation for a release, and release response actions. Facilities, Local Emergency Planning Committees, fire departments, and police departments all have emergency..." followed by a "More" link.

The "Information" section lists several key documents and plans, with one item circled in red: "Hazardous Waste Emergency Poster and Guidance [PDF](#)". Other items include "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 [PDF](#)", "Risk Management Plan", "Pollution Incident Prevention Plan (PIPP) and Part 5 Rules", "Spill Prevention, Control, and Countermeasures (SPCC) Plan", "SARA Title III Emergency Planning & Notification", "Farm Security and Emergency Planning", and "Guide to the Guide".

The "Laws & Rules" section lists "40 CFR 355 - Emergency Planning and Notification (SARA Title III)" and "2008 Emergency Response Guidebook [PDF](#)". The "Related Links" section includes "2008 Emergency Response Guidebook [PDF](#)" and "EPA Natural Disasters and Weather Emergencies".

On the left sidebar, there is a menu with items like "Administrative Hearings", "Clean Michigan Initiative", "Community Right to Know", "Environmental Assistance", "Environmental Education", "Environmental Emergencies", "Emergency Planning", "Spill/Release Reporting", "Land Cleanup", "Environmental Incentives", "Forms", "Environmental Reports", "Grants and Loans", "Laboratory Services", "Laws & Rules", "Locations of Environmental Interest", "Maps & Data", "Permits", "Policies and Procedures", "Pollutants and Toxicants", and "Publications".

On the right sidebar, there is a "Departments/Agencies" menu with "Online Services", "Surveys", and "RSS Feeds". Below that is a "DEQ Quick Links" section with various links like "DEQ Calendar", "DEQ Military Salute", "DEQ Who Does V", "DEQ Publications", "DEQ Laws and R", "DEQ Acronyms", "DEQ Shortcuts", "Public Comment Opportunities", "DEQ Staff Spotlig", "DEQ Forms", "DEQ Training & Workshops". There is also a "Quick Links" section with "EPA List of Lists", "Contact Informatic Emergency Plan", and "Customized Work for Permit Applica". At the bottom right, there is a "Find us" button and the number "35".



The screenshot shows the website www.michigan.gov/emhsd. The main heading is "Local Hazardous Materials Planning". Below it, a paragraph states: "HAZARDOUS MATERIALS PLANNING Planning for response to accidental hazardous materials spills or releases is handled at the local level by Local Emergency Planning Committees (LEPCs) and fire departments. Hazmat planning assistance is provided to these and other local organizations through the Emergency Management and Homeland Security Division's Planning and Operations Section."

The "Specialized Divisions" menu on the left includes "ETSC - 911 Administration", "Criminal Justice Information Center", "Emergency Management & Homeland Security Division", "Contact Information", "Hazardous Materials", "Citizen Awareness and Preparedness", and "Homeland Security Grants".

The "Related Content" section on the right lists "State Emergency Response Commission (SERC)", "Informational Phone Numbers-SARA Title III, Planning and".

At the bottom, there is a "SARA Title III for LEPCs Emergency Planning & Community Right-to-Know Act" section with links for "Power Point Show" and "PDF Description 10.22.07 File".

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/sara

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

EPA's Risk Management Plan Questions?

**EPA REGION 5
OFFICE OF CHEMICAL EMERGENCY
PREPAREDNESS & PREVENTION**

312-886-0181

**Monika Chrzaszcz
chrzaszcz.monika@epa.gov**

www.michigan.gov/dnre-emergencyplan

Emergency Planning & Community Right-to-Know

Environmental Program Questions?



**DNRE ENVIRONMENTAL
ASSISTANCE CENTER**

800-662-9278

deq-ead-env-assist@michigan.gov

www.michigan.gov/dnre