

Emergency Planning & Community Right-to-Know



Michael Young

**Michigan
SARA Title III
Program**

DEQ

December 2014

History of the Regulation



- Comprehensive **E**nvironmental **R**esponse, **C**ompensation and **L**iability **A**ct of 1980
- Cleanup hazardous waste disposal sites
- Emergency response for hazardous substances released into the environment

CERCLA = Superfund

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)**

History of the Regulation



The objective of the Emergency Planning and Community Right-To-Know Act (EPCRA) is to:

- **(1) allow state and local planning for chemical emergencies,**
- **(2) provide for notification of emergency releases of chemicals,**
- **(3) address communities' right-to-know about toxic and hazardous chemicals.**

What is Right-to-Know



- **Employee Right-to-Know**
- **Fire Fighter Right-to-Know**
- **Community Right-to-Know**

What is Right-to-Know?

- **Employee Right-to-Know**
 - **Occupational Safety & Health Administration (OSHA)**
 - **Hazard Communication Standard (29 CFR 1910.1200)**
 - **Safety Data Sheet (SDS)**
 - **www.osha.gov**

PROTECTION OF THE EMPLOYEE

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**

PROTECTION OF THE FIREFIGHTER

What is Right-to-Know?

➤ **Community Right-to-Know**

➤ **SARA Title III**

- Local Emergency Planning Committee (LEPC) planning responsibilities
- Facilities provide planning information
- Facilities provide hazardous chemical inventories

➤ **Tier II report (aka Tier Two; Tier 2)**

➤ **www.michigan.gov/sara**

PROTECTION OF THE COMMUNITY

Emergency Planning



SARA Title III in Michigan



- **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

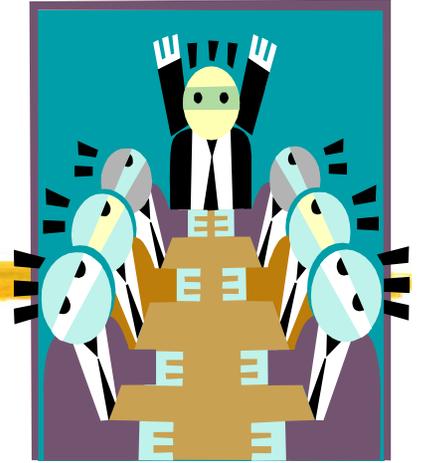
SARA TITLE III - Components

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



Emergency Planning

Sect 302 & 303



- **Establish State Emergency Response Commission (SERC)**
- **Michigan Citizen-Community Emergency Response Coordinating Council (Exec. Order 2007-18) “Michigan’s SERC”**
- **Establish Local Emergency Planning Committees (LEPCs)**
- **87 LEPCs in Michigan including the cities of Detroit, Ann Arbor, Romulus, and Wayne.**

Emergency Planning SERC Involvement



Receive Facility Reports

- **DEQ** Michigan SARA Title III Program

Review LEPC Plans

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

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 Sect 302 Facility Requirements

- A facility is subject to section 302 if it has an Extremely Hazardous Substance (EHS) at or above the Threshold Planning Quantity (TPQ)
- Non-reactive solid EHSs have 2 TPQs
- Lower TPQ applies if EHS is in
 - Powder form
 - Solution or
 - Molten form

See chapter 2 in SARA guidebook for special formulas that apply to non-reactive solid EHS's.

APPENDIX A: SARA Title III Extremely Hazardous Substances

SARA Title III EXTREMELY HAZARDOUS SUBSTANCES

CAS	EHS NAME	TPQ*
108054	Acetic acid ethenyl ester	1,000
75865	Acetone cyanohydrin	1,000
1752303	Acetone thiosemicarbazide	1,000/10,000
107028	Acrolein	500
79061	Acrylamide	1,000/10,000
107131	Acrylonitrile	10,000
814686	Acrylyl chloride	100
111693	Adiponitrile	1,000
116063	Aldicarb	100/10,000
309002	Aldrin	500/10,000
107186	Allyl alcohol	1,000
107119	Allylamine	500
20859738	Aluminum phosphide	500
2763964	5-(Aminomethyl)-3-isoxazolol	500/10,000
54626	Aminopterin	500/10,000
504245	4-Aminopyridine	500/10,000
78535	Amiton	500
3734972	Amiton oxalate	100/10,000
7664417	Ammonia	500
300629	Amphetamine	1,000
62533	Aniline	1,000
88051	Aniline 2,4,6-trimethyl	500

CAS	EHS NAME	TPQ*
534076	Bis(chloromethyl) ketone	10/10,000
4044659	Bitoscanate	500/10,000
10294345	Borane, trichloro-	500
7637072	Borane, trifluoro-	500
10294345	Boron trichloride	500
7637072	Boron trifluoride	500
353424	Boron trifluoride compound with methyl ether (1:1)	1,000
353424	Boron, trifluoro[oxybis(methane)]-, (T-4)-	1,000
28772567	Bromadiolone	100/10,000
7726956	Bromine	500
74839	Bromomethane	1,000
4170303	2-Butenal	1,000
123739	2-Butenal, (e)-	1,000
1306190	Cadmium oxide	100/10,000
2223930	Cadmium stearate	1,000/10,000
7778441	Calcium arsenate	500/10,000
8001352	Campechlor	500/10,000
8001352	Camphene, octachloro-	500/10,000
56257	Cantharidin	100/10,000
51832	Carbachol chloride	500/10,000

Emergency Planning

Sect 302 Facility Requirements



- Submit Tier II Report (Update or Annual) within 60 days to
 1. Michigan SARA Title III Program ([online](#))
 2. LEPC
- The 302 report is now part of the Tier II report

Emergency Planning

Sect 302 Facility Requirements



- **Designate a facility emergency (planning) coordinator (included on the Tier II report)**
- **Provide information** requested by the **LEPC** that it needs to fulfill its planning responsibilities
- **Inform the LEPC of any changes relevant to emergency planning**

Emergency Planning in Part 5 Rules Facility Requirements



- Provide notification to the **LEPC** that it has 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

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



Subject facility must have a **Risk Management Program**.

If the facility will respond to the release:

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

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

If the facility will not respond to the 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.

SARA TITLE III - Components

- **Emergency Planning**
- **Emergency Release Notification -304**
- **Hazardous Chemical Inventory**
- **Toxic Chemical Release Inventory**



Emergency Release Notification

Sect 304

- ≈ 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



List of Lists

NAME	CAS/313 Category Codes	Section 302 (EHS) TPQ	Section 304 EHS RQ	CERCLA RQ	Section 313	RCRA CODE	CAA 112(r) TQ
O,O-Dimethyl O-(3-methyl-4-(methylthio) phenyl) ester, phosphorothioic acid	55-38-9				X		
Fenthion	55-38-9				313		
Nitroglycerin	55-63-0			10	313	P081	
Diisopropylfluorophosphate	55-91-4	100	100	100		P043	
Isofluorphate	55-91-4	100	100	100		P043	
Methylthiouracil	56-04-2			10		U164	
Carbon tetrachloride	56-23-5			10	313	U211	
Cantharidin	56-25-7	100/10,000	100				
Bis(tributyltin) oxide	56-35-9				313		
Parathion	56-38-2	100	10	10	313	P089	
Phosphorothioic acid, O,O-diethyl-O-(4-nitrophenyl) ester	56-38-2	100	10	10	X	P089	
3-Methylcholanthrene	56-49-5			10	313+	U157	
Diethylstilbestrol	56-53-1			1		U089	
Benz[a]anthracene	56-55-3			10	313+	U018	
Coumaphos	56-72-4	100/10,000	10	10			
1,1-Dimethyl hydrazine	57-14-7	1,000	10	10	313	U098	15,00
Dimethylhydrazine	57-14-7	1,000	10	10	X	U098	15,00
Hydrazine, 1,1-dimethyl-	57-14-7	1,000	10	10	X	U098	15,00

Emergency Release Notification Facility Requirements

Immediately (within 15 mins) notify:

➤ **LEPC**

➤ **SERC - DEQ Pollution Emergency**

Alerting System (PEAS)



Or **MDARD** Hotline (Agriculture)

➤ **U.S. Coast Guard National Response Center (NRC)**

Follow-up report to SERC & LEPC

SARA TITLE III - Components

➤ **Emergency Planning**

➤ **Emergency Release Notification**

➤ **Hazardous Chemical Inventory**
- 311 & 312

➤ **Toxic Chemical Release Inventory**



Hazardous Chemical Inventory

Sect 311 & 312

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



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

Hazardous Chemical Inventory

Sect 311

- **INITIAL REPORT due within 3 months after threshold reached**
- **Submit current year Tier II Report Update with the new chemicals to:**
 - 1. Michigan SARA Title III Program ([online](#))**
 - 2. LEPC**
 - 3. Fire Department**

Hazardous Chemical Inventory

Sect 312



- ANNUAL REPORT by March 1st
- Submit Tier II Report Annual (Emergency & Hazardous Chemical Inventory) with the previous year inventory to:
 1. Michigan SARA Title III Program ([online](#))
 2. LEPC
 3. Fire Department

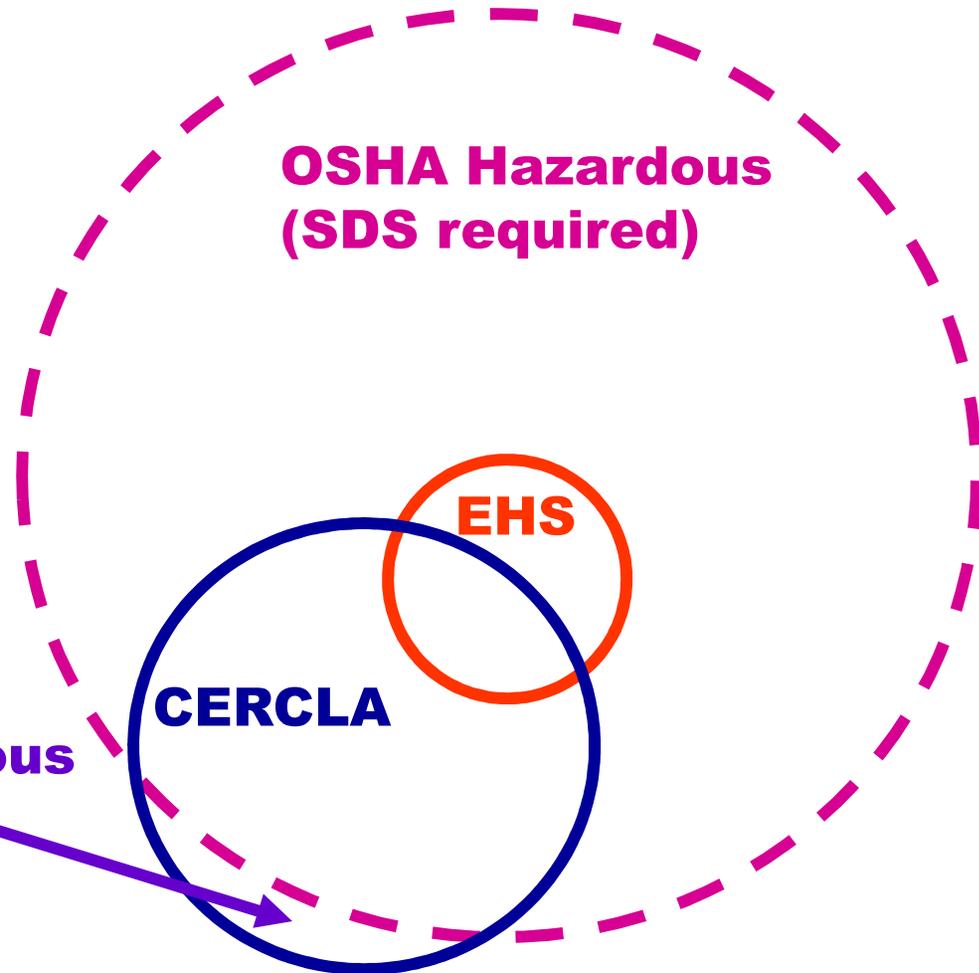
Hazardous Substances covered by SARA Title III

OSHA: Tier II

EHS: Emergency Plan & Release Report

CERCLA: Release Report

RCRA hazardous waste



CERCLA & EHS are in the List of Lists

SARA TITLE III - Components



➤ **Emergency Planning**

➤ **Emergency Release Notification**

➤ **Hazardous Chemical Inventory**

➤ **Toxic Chemical Release Inventory -
313**

Toxic Chemical Release Inventory (TRI) – Sect 313

- **Annual TRI Report due by July 1st**
- **Submit Form R to via TRI-MEweb:**
 - 1. Michigan SARA Title III Program**
 - 2. EPA**
- **Toxic = ~ 650 listed chemicals & chemical compounds**
- **Cumulative releases & waste transfers**
- **Release = allowed and accidental**
- **Subject facilities**

Toxic Chemical Release Inventory (TRI) – Sect 313

Subject Facilities:

- At least **10** full time **employees**
- Subject North American Industrial Classification System (NAICS) codes
- Amount manufactured*, processed, or otherwise used exceeds a **toxic chemical activity threshold**

***Manufacture includes chemicals created as an impurity or byproduct**

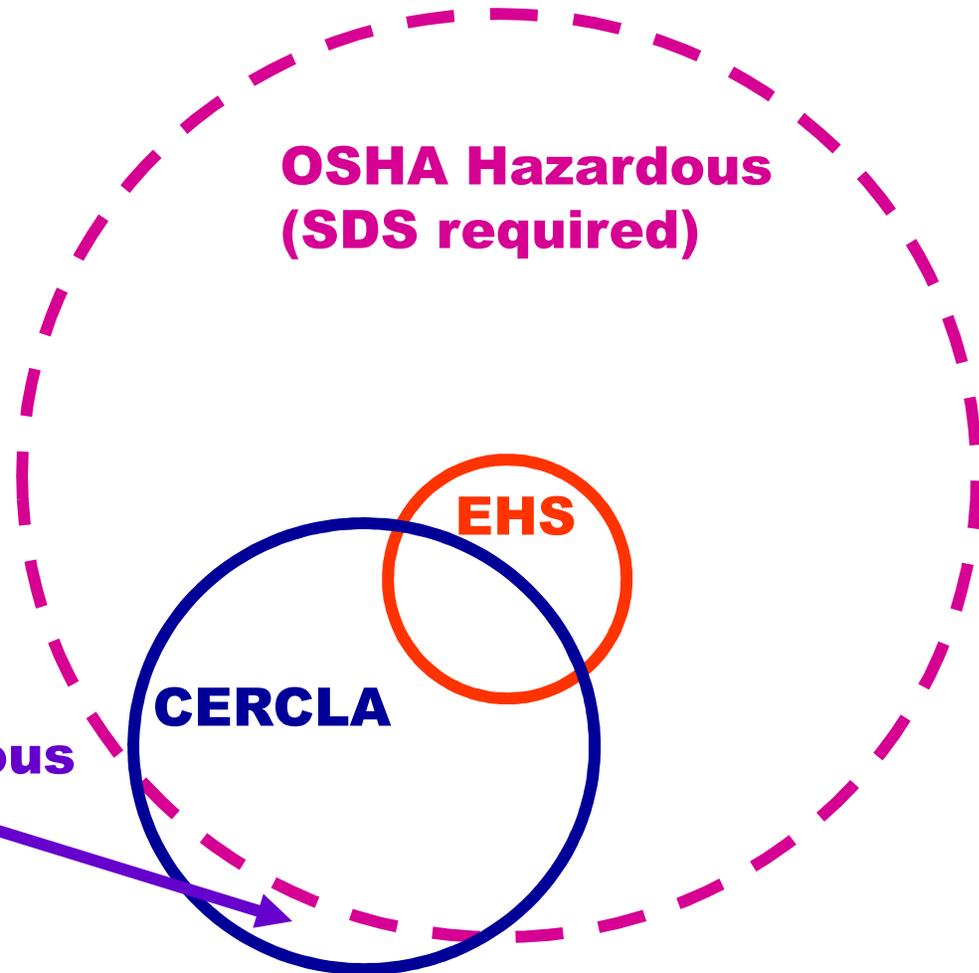
Hazardous Substances covered by SARA Title III

OSHA: Tier II

EHS: Emergency Plan & Release Report

CERCLA: Release Report

RCRA hazardous waste



CERCLA & EHS are in the List of Lists

All Substances covered by SARA Title III

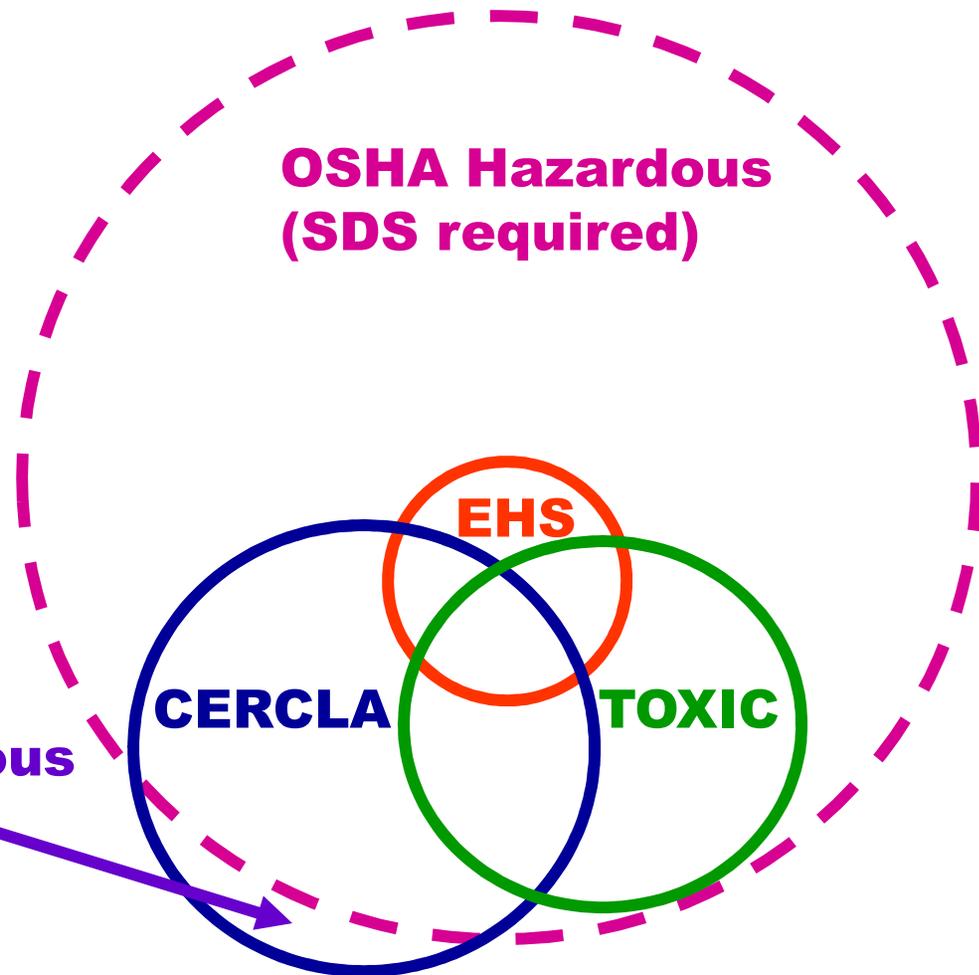
OSHA: Tier II

EHS: Emergency Plan & Release Report

CERCLA: Release Report

TOXIC: TRI

RCRA hazardous waste



CERCLA & EHS & TOXIC are in the List of Lists

www.michigan.gov/sara

Administrative Hearings

Clean Michigan Initiative

Community Right to Know

SARA Title III

SARA Title III Announcements

SARA Title III - Toxic Chemical Release Inventory

SARA Title III - Hazardous Chemical Inventory

SARA Title III Emergency Planning & Notification

SARA Title III Release Reporting

Environmental Assistance

Environmental Education

Environmental Emergencies

Environmental Incentives

Forms

Environmental Reports

Emergency Planning & Community Right-to-Know

Title III of the Superfund Amendments and Reauthorization Act ("SARA Title III") is also known as the Emergency 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.

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

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

SARA Title III

[Click here for information about Michigan's](#)
SARA Guidebook Planning

SARA Title III - Toxic Chemical Release Inventory

[Click here for:](#) TRI data, reports, and report information.

SARA Title III Emergency Planning & Notification

[Click here for:](#) SARA Title III Emergency Planning & Notification requirements

SARA Title III Announcements

[Click here for:](#) SARA Title III Announcements and tra
Rule Changes

SARA Title III - Hazardous Chemical Inventory

[Click here for:](#) chemical
inve **Online Report** line reporting.

SARA Title III Release Reporting

[Click here for:](#) Release Reporting requirements in SARA Title III and other state and federal regulations.

www.michigan.gov/chemrelease

Environmental Assistance

Environmental Education

Environmental Emergencies

Emergency Planning

Spill/Release Reporting

Land Remediation & Redevelopment

Reporting Air Quality Concerns

Environmental Incentives

Forms

DEQ Reports

Grants and Loans

potential notification and reporting requirements in the event of a chemical permits, licenses, registrations, pollution prevention plans, and local ordinance release reporting requirements.

Information

- [Concentrated Animal Feeding Operations \(CAFO\)](#)
- [Release Reporting - Workshop Presentation](#)
- [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

Related Links

www.michigan.gov/deqemergencyplan

Community Right to Know

to the environment, preparation for a release, and release response actions. Facilities, Local Emergency Planning Committees, fire departments, and police departments all have emergency ...

> [More](#)

Environmental Assistance

Environmental Education

Information

Environmental Emergencies

Emergency Planning

Spill/Release Reporting

Land Cleanup

Reporting Air Quality Concerns

Environmental Incentives

Forms

Environmental Reports

Grants and Loans

Laboratory Services

Laws & Rules

Locations of Environmental Interest

Maps & Data

Permits

- [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
- [Hazardous Waste Emergency Poster and Guidance](#) PDF
- [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](#)

Updates pending

Laws & Rules

- [40 CFR 355 - Emergency Planning and Notification \(SARA Title III\)](#)

Related Links

- [Anhydrous Ammonia Fertilizer Regulations](#) PDF
- [2008 Emergency Response Guidebook](#) PDF
- [EPA Natural Disasters and Weather Emergencies](#)



[Michigan.gov Home](#)

[MSP Home](#)

[FAQ](#)

[Online Services](#)

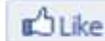
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The Michigan State Police, Emergency Management and Homeland Security Division (MSP/EMHSD) provides hazardous materials (Hazmat) training and planning assistance to local communities throughout the state of Michigan.

Training

The Emergency Management and Homeland Security Training Center (EMHSTC) has partnered with several organizations in Michigan to develop a professional recognition program for hazardous materials and technical rescue planners, responders, professionals and instructors in Michigan.

The MSP/EMHSD, through its EMHSTC, firmly believes that our primary

Michigan SARA Title III Program Staff

Susan Parker, Mike Young,

Tonya Schelter



SARA Title III – Reporting Questions?



MICHIGAN SARA TITLE III PROGRAM

517-284-SARA (284-7272)

deq-sara@michigan.gov

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

www.michigan.gov/emhsd

Environmental Program Questions?



MDEQ ENVIRONMENTAL ASSISTANCE CENTER

Staffed by Tonya, Karen, Rose, Joli & Kristin
Your Index to the DEQ

800-662-9278

deq-assist@michigan.gov

www.michigan.gov/deq