

# CHAPTER 2: SARA TITLE III - Sections 302 and 303

## EMERGENCY PLANNING - 40 Code of Federal Regulations (CFR) Part 355

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Look at the list of Extremely Hazardous Substances (EHS) in Appendix A of this guidebook. Does your facility have any of the EHS' on site? Keep in mind that these substances might be ingredients in products that you have. If yes, your facility might be subject to important requirements designed to help protect you, your community, and emergency responders. The implementing regulations for Section 302 are codified in 40 CFR Part 355.

### Is My Facility Subject to SARA Title III Emergency Planning Requirements?

A facility is subject to the emergency planning requirements in Section 302 of SARA Title III if it has an EHS on site in an amount equal to or greater than its Threshold Planning Quantity (TPQ).

The TPQs are in pounds and are included in Appendix A of this guidebook. This is the total amount of an EHS present at any one time at a facility (in storage and in process) at concentrations greater than one percent (1%) by weight, regardless of location, number of containers, or method of storage.

This regulation applies even if the chemical is on site for only a day.  
*There are no exemptions for emergency planning notification.*

## Special Calculations for Non-Reactive Solid EHSs

There are 157 EHSs on the list in Appendix A that have two TPQ values. These are the non-reactive solid EHSs. If any of these are at your facility, you will want to read this section. The form of the solid will determine which TPQ should be used.

Compare to the lower TPQ value if the EHS is in one of the following forms:

- Powder form (particle size less than 100 microns).
- A solution.
- Molten form.

Otherwise, compare the solid form (particle size  $\geq$  100 microns) to the higher TPQ value of 10,000 pounds. You must aggregate the amounts of an EHS at the facility and compare the total to the TPQ. This aggregate amount is used to determine if the EHS must be included in the hazardous chemical inventory and/or if it is subject to emergency planning. If the total amount of the EHS equals or exceeds 500 pounds or the TPQ, it must be included in the hazardous chemical inventory (see [Chapter 3](#)). For the emergency planning determination, there is an additional calculation for solids in solution and in molten form that is applied before comparing to the TPQ.

**IMPORTANT:** Do not aggregate the amount of an EHS in a form that has the lower TPQ with the amount of the same EHS in a form that has the higher TPQ.

- If the EHS is in solution, multiply the amount of the EHS by 0.2 and compare to the lower TPQ.
- If the EHS is in molten form, multiply the amount of the EHS by 0.3 and compare to the lower TPQ.

Note: These calculations are ONLY used for the Section 302 emergency planning determination.

### Example:

A facility has acrylamide. This is an EHS, and the TPQ is 1,000/10,000. Here is the inventory:

- 6,000 pounds of solid acrylamide (particle size  $\geq$  100 microns).
- 500 pounds of acrylamide in powder form (particle size  $<$  100 microns).
- 1,000 pounds of acrylamide in solution.

For reporting purposes, the acrylamide will be treated as two separate chemicals based on which TPQ value applies. The amount of acrylamide in solid form must be compared to the higher TPQ of 10,000 pounds. The amounts of the acrylamide in powder form and in a solution must be added together; the total is then compared to the lower TPQ of 1,000 pounds.

The solid acrylamide will be included in the hazardous chemical inventory because the amount (6,000 pounds) exceeds 500 pounds. It is not subject to emergency planning because the amount is less than the TPQ of 10,000 pounds.

The total amount of acrylamide in powder form and in solution is 1,500 pounds. This must be included in the hazardous chemical inventory because it exceeds 500 pounds. Before you can determine if it is subject to emergency planning, you need to multiply the 1,000 pounds in solution by 0.2. This equals 200 pounds. The aggregate amount of acrylamide for emergency planning purposes is 700 pounds (500 pounds in powder form plus 200 pounds in solution). It is not subject to emergency planning because it is less than the TPQ of 1,000 pounds.

## **What Are the Emergency Planning Requirements?**

If a facility is subject to Section 302 of SARA Title III, the owner or operator must submit Emergency Planning Notifications within 60 days after the threshold is reached to the following:

- The State Emergency Response Commission (SERC).
- The Local Emergency Planning Committee (LEPC).

The Michigan SARA Title III Program receives notifications on behalf of the SERC. The Emergency Planning Notification includes the name and contact information of the facility emergency coordinator. The facility emergency coordinator is the facility's representative who will participate in the local emergency planning process.

- Promptly provide to the LEPC any information necessary for the development or implementation of the off-site plan upon request by the LEPC.
- Notify the LEPC of any changes that affect emergency planning within 30 days after the change. Reportable changes might include the amount or storage location of the EHS, new chemicals, or updated facility contact information.

Under Section 303 of SARA Title III, the LEPC must write an off-site emergency response plan that addresses the protection of the community in the event that there is a release of an EHS substance from a facility subject to Section 302. To meet this requirement, Michigan LEPCs typically obtain information from the facility emergency coordinators to write plans for each of the facilities subject to Section 302. The facility input is important because the off-site response plan must describe the procedures to be followed by the facility once a release is detected. These plans are coordinated with the county or city emergency operations plan or emergency action guidelines. The finished plans are then shared with the local fire departments and emergency responders.

## **How Do I Submit the Section 302 Report?**

The emergency planning notification, also called the Section 302 Report, notifies the SERC and LEPC that the facility is subject to Section 302. Federal changes to the required fields in the Section 312 Tier II report (effective January 1, 2014) include all of the data elements

required for a Section 302 Emergency Planning report. Therefore, these reports have been combined in Tier II Manager™, the online reporting program used in Michigan. See [Chapter 3](#) for online reporting instructions.

If your facility is subject to Section 302, you must submit a Section 312 Tier II report, even if the facility is not subject to Section 312.

When you add an EHS to your Tier II inventory and the maximum amount is equal to or greater than the TPQ, the program automatically identifies your facility as subject to Section 302 and records that in the Tier II report. The program will aggregate EHS amounts if, for example, the same EHS is a mixture component in two different chemicals. You can manually edit the Section 302 status if needed but update the notes to explain why the 302 status is different than what was calculated.

When you submit the Tier II report, it also counts as your Section 302 report. When your facility first becomes subject to Section 302, you should update the Tier II inventory for the current year and submit a current year Tier II Update report:

Tier II Emergency and Hazardous Chemical Inventory			
Reporting Period From January 1, 2016 to December 30, 2016			
<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Update <input type="checkbox"/> Revised <input checked="" type="checkbox"/> Facility information has changed from the last submission			
Facility Identification			
MI SARA ID:	0000	LEPC:	KEWEENAW COUNTY LEPC
Facility Name:	Young's Farms	Lat/Long:	42.7319/-84.5592
Company Name:	DEQ	Maximum Occupants:	30
Physical Location:	525 W Allegan St, Lansing, MI 48909	Nature of Business:	Farming
County:	KEWEENAW	NAICS Code:	111111
Fire Department:	Copper Harbor FD	SIC Code:	0191
Phone:	555-555-5555	Dun and Brad No:	3
<input checked="" type="checkbox"/> Manned <input type="checkbox"/> Unmanned		EIN ID(Tax Number):	
Email:	Youngm1@michigan.gov	FTE:	
		Facility ID:	20209
Subject to EPCRA Section 312 (Annual Inventory)?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Subject to Emergency Planning under Section 302 of EPCRA (40 CFR part 355)?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Subject to Section 112r of Clean Air Act (CAA)?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
RMP Facility ID:			
Subject to EPCRA Section 313 (Toxic Release Inventory - TRI)?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

The Michigan SARA Title III Program and the LEPCs in the counties of

Genesee, Ingham, Kent, Oakland, Ottawa, and Wayne can view your facility's online reports in Tier II Manager™. A paper copy of the report must be mailed to all other LEPCs.

Addresses for LEPCs are included on the [Michigan SARA Title III Program web site \(Michigan.gov/SARA\)](#). Scroll down the webpage and click on the "SARA Title III – Hazardous Chemical Inventory (Tier II Reporting)" heading located on the right hand side of the page. Then click on "Local Emergency Planning Committees" under the "Reporting Contacts" heading.

### What if My Facility is No Longer Subject to Section 302?

If your facility was once subject to Section 302, but the EHSs has been removed or reduced to below the TPQ, update the chemical inventory in Tier II Manager™. The program will update the Section 302 status accordingly. Certify the updated report and mail a hard copy to the LEPC if it cannot view the report online.

If your facility is not subject to Section 302 or Section 312, you can make the facility “inactive” in the database. See [Chapter 3](#) of this guidebook for details.

## Why Are There Section 302 Reports in the Online Database?

You can view all Section 302 reports that were submitted prior to 2014 in the online database. These are for historic reference only. Do not try to edit them.

## Related Planning Requirements

The Clean Air Act (CAA) Section 112r has facility onsite chemical accident prevention requirements that parallel the SARA Title III off-site emergency planning requirements. Many of the extremely hazardous air pollutants that trigger the requirement to have a Risk Management Program under the CAA Section 112r are also on the SARA Title III list of EHSs. The [List of Lists](#) located in Appendix B of this guidebook shows which substances are on both lists. If your facility is subject to SARA Title III Section 302, you might want to check the List of Lists to see if it is also potentially subject to the CAA Section 112r. If your facility has extremely hazardous air pollutants that meet or exceed the CAA threshold quantity, refer to [Chapter 5](#) in this guidebook for the U.S. Environmental Protection Agency Region 5 contact that can help you determine your facility’s Risk Management Program requirements under the CAA regulations.

Beginning in 2014, the Tier II report must indicate whether or not the facility is subject to the Risk Management Program (Section 112r of CAA). The ID associated with that program must also be provided (identified as “RMP Facility ID” on the Tier II form).

[Appendix C](#) of this guidebook contains the [Part 5 rules, Spillage of Oil and Polluting Materials](#), which were promulgated pursuant to Part 31, Water Resources Protection, of Michigan’s Natural Resources and Environmental Protection Act. These rules require that certain facilities develop a Pollution Incident Prevention Plan (PIPP). The PIPP can be a stand-alone plan, or it may be incorporated into an Integrated Contingency Plan. Facilities that develop a PIPP, must notify their LEPC within 30 days after its completion that the plan is completed and that it is available upon request.

The Michigan Fire Prevention Code, Public Act 207, requires that the owners and operators of facilities provide the fire department with the quantities and locations of chemicals specified by the fire chief. The data are used by the fire chief to develop a plan for the protection of the fire fighters. The chemicals that must be reported under Act 207 include all hazardous chemicals at the facility in amounts that might be of concern to a responder entering the facility.

### **More Emergency Planning Information:**

- Chapters 1 and 5 of this guidebook
- [Michigan.gov/EGLEEmergencyPlan](https://www.michigan.gov/EGLEEmergencyPlan)
- Environmental Assistance Center: 800-662-9278 | [egle-assist@michigan.gov](mailto:egle-assist@michigan.gov)
- Michigan SARA Title III Program: 517-284-SARA | [egle-sara@michigan.gov](mailto:egle-sara@michigan.gov)