

# SARA Title III Overview

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## What is the SARA Title III Program?

In 1980, Congress enacted the: **Comprehensive Environmental Response, Compensation and Liability Act**

- Purpose:
  - Cleanup hazardous waste disposal sites
  - Emergency response for hazardous substances released into the environment

CERCLA = Superfund

## Why Do We Have SARA Title III

Bhopal, India Tragedy – December 3, 1984

- Union Carbide chemical plant released Methyl isocyanate resulting in 4,000 deaths, and 40,000 maimed & seriously injured. Plants were defoliated and livestock killed.
- Sparked an overhaul of U.S. chemical reporting rules and in 1986, congress expanded and reauthorized the Superfund Act.
  - Now Called: **Superfund Amendments and Reauthorization Act of 1986 (SARA)**
  - **SARA Title III = Emergency Planning and Community Right-to-Know Act (EPCRA)**

## History of the Regulation

Superfund Amendments and Reauthorization Act of 1986

- Regulations implementing SARA Title III are codified in Title 40 of the Code of Federal Regulations (CFR) Parts 350 to 372.
- The objective of the **SARA Title III\EPCRA** is to:
  - Allow state and local planning for chemical emergencies,
  - Provide for notification of emergency releases of chemicals,
  - Address communities' right-to-know about toxic and hazardous chemicals.

## SARA Title III/EPCRA

- SARA Title III Program has an emergency management focus.
- SARA Title III is in place for the protection of the community, first responders, facility employees and the environment.
- Folks need to know what hazardous materials are stored in their communities, so first responders can plan and in case of an emergency safely respond.

## SARA Title III in Michigan

- Federal Regulation
- Enforced by EPA
- Implemented under Executive Order from the Governor
- No complimentary State Law
- The State of Michigan provides primarily compliance assistance
- Release Reporting Preparation

## Right-to-Know

3 Right-to-Knows

- Employee 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](http://www.osha.gov)
- 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)
- Community Right-to-Know (focus of presentation)
  - SARA Title III\EPCRA
    - Local Emergency Planning Committee (LEPC) planning responsibilities
    - Facilities provide planning information
    - Facilities provide hazardous chemical inventory
  - Tier II Report (aka Tier Two; Tier 2)
  - [www.michigan.gov/sara](http://www.michigan.gov/sara)

### SARA Title III Components

- Emergency Planning - Sections 302 & 303
  - Established- **State Emergency Response Commission (SERC)**
  - Established - **Michigan Citizen-Community Emergency Response Coordinating Council** (Exec. Order 2007-18) “Michigan’s SERC”
  - Established - **Local Emergency Planning Committees (LEPCs)**
  - 87 LEPCs in Michigan including the cities of Detroit, Ann Arbor, Romulus, and Wayne.
  - SERC Involvement at the State Level:
    - Receive Facility Reports - DEQ Michigan SARA Title III Program
    - Review LEPC Plans - MSP Emergency Management & Homeland Security Division (EMHSD)
  - Section 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
    - A facility is subject to section 302 if it has an Extremely Hazardous Substance (EHS) at or above the Threshold Planning Quantity (TPQ) posted in U.S. EPA’s List of Lists.
    - A facility is also subject to emergency planning requires under SARA Title III and is require to share their emergency response plan with their local fire department and Local Emergency Planning Committee (LEPC).
    - The Local Emergency Planning Committee (LEPC) is required to develop a community emergency response plan with the 302 facility in mind and send it to the State.
    - Example EHS list - A complete list is available in appendix A of the SARA Title III guidebook and on the DEQ webpage.
    - Submit Tier II Report (Update or Annual) within 60 days to
      - Michigan SARA Title III Program (online)
      - LEPC
    - The 302 report is now part of the Tier II report
  - Section 303 LEPC Requirements
    - LEPC writes **Offsite HazMat Response Plans** with specific information about certain facilities.

- Give to MSP-EMHSD & Responders
  - 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.
    - 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.
- Emergency Release Notification - Section 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 (See Appendix B of your guidebook)

Under Section 304 of SARA Title III, the term “facilities” includes stationary facilities, motor vehicles, rolling stock, and aircraft.

- **Releases that must be reported are those of:**
  - Hazardous substances defined under the CERCLA.
  - An EHS as defined under SARA Title III.
  - Each CERCLA hazardous substance and EHS has an associated Reportable Quantity (RQ). These hazardous substances and their associated RQs are included in the List of Lists. If the RQ of a substance is released to the environment (air, water, or ground) in a 24-hour period, the release must be reported. The reported releases are most often accidental releases but might also include continuous releases.
- List of Lists
 

✓ CAS = Chemical Abstracts Service No.	✓ RQ = Reportable Quantity
✓ EHS = Extremely Hazardous Substance	✓ CAA = Clean Air Act
✓ TPQ = Threshold Planning Quantity	✓ TQ = Threshold Quantity
	✓ Amounts in POUNDS
- Facility Requirements
  - There are 27 state and federal regulations with release reporting requirements that apply in Michigan.
  - Permits, licenses, local ordinances, contingency and pollution prevention plans might have additional release reporting requirements.
  - Requirements Table – See Guidebook
- Immediately (within 15 mins) notify:
  - LEPC (Contact your county LEPC)
  - SERC - DEQ Pollution Emergency Alerting System (PEAS) 1-800-292-4706 or MDARD (Agriculture) Hotline 1-800-405-0101
  - U.S. Coast Guard National Response Center (NRC)  
Follow-up report to SERC & LEPC 1-800-424-8802

Then assess the situation and make additional notifications as required. See chapter 6 for

details.

- Hazardous chemical inventory Sections 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!
  - 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 Section 311
    - **INITIAL REPORT** due within **3 months** after threshold reached
    - Submit current year Tier II Report Update with the new chemicals to:
      - **Michigan SARA Title III Program (online)**
      - **LEPC**
      - **Fire Department**
  - Hazardous Chemical Inventory Section 312
    - **ANNUAL REPORT** due by March 1<sup>st</sup>
    - Submit current year Tier II Report Annual (Emergency & Hazardous Chemical Inventory) with previous year inventory to:
      - **Michigan SARA Title III Program (online)**
      - **LEPC**
      - **Fire Department**
- Toxic Chemical Release Inventory (TRI) Section 313
  - Annual TRI Report due by July 1st
  - Submit Form R to via TRI-MEweb:
    - Michigan SARA Title III Program
    - EPA
  - Toxic = ~ 650 listed chemicals & chemical compounds
  - Cumulative releases & waste transfers
  - Release = allowed and accidental
  - 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**
  - Substances covered by SARA Title III

### MECC Guide Book – SARA Title III

- **SARA Title III - Chapter 5**
- **MECC Guidebook (chapter highlights)**
  - Page 5-3 SARA Title III Reporting Requirements
  - Page 5-7 Summary of Chemicals Covered by SARA Title III Requirements
  - Pages 5-10 thru 5-12 decision trees for SARA Title III Tier II, TRI and Release Reporting

