

## Emergency Planning and Response

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### Agenda

- What is SARA Title III?
- SARA Title III goals and how they are met
- The different components of SARA Title III
- Local Emergency Planning Committee (LEPC)
- Questions

### Authority and History of SARA Title III and EPCRA

- Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA)
  - Enacted because of events that occurred in Love Canal, NY.
  - Designed to fund and provide clean-up of hazardous waste sites.
- 1986 Superfund Amendments and Reauthorization Act (SARA)
  - Passed by congress in response to the 1984 Bhopal, India incident at a Union Carbide chemical plant.

### SARA Title III Goals

- Improve community preparedness - Through planning and outreach
- Promote cooperation - Between government and industry
- Increase public awareness - Provide information to communities
- Build information database - Information sharing

### SARA Title III Organization and Structure

Sections 302 & 303 include the following provisions:

- Determining which regulations apply to a specific release can be an overwhelming task
  - Establishment of State Emergency Response Commission (SERC)
  - MCCERCC
  - LEPC Duties
  - 87 LEPCs in Michigan.

### Emergency Planning Order of Operations

1. Facility reports their chemical inventory to the LEPC
2. LEPC reviews the Tier II submission to determine if the site falls under SARA Title III planning requirements
3. LEPC requests appropriate information to complete the plan
4. LEPC writes the plan and submits it to the state

### SARA Title III Reporting

- Michigan uses Tier II Manager (T2M) to collect all reports related to SARA Title III
  - An initial emergency planning notification must be submitted when a new chemical is first used at a facility.
  - Annually 7,000 facilities report chemical inventories.
  - Of those 2,900 facilities are reporting an Extremely Hazardous Substance (EHS).
- Section 311 requires facilities have Safety Data Sheets (SDS) on site for all hazardous substances. Thresholds for reporting and Tier II submissions are also a component of this section.
  - Occupational Safety and Health Administration hazardous substances, 10,000 pounds.
  - Extremely Hazardous Substances, 500 pounds or the Threshold Planning Quantity (TPQ).
  - Requests by the LEPC or fire department, ZERO pounds.
  - TPQ and Reportable Quantity can be different amounts. Consult a guidance book for the list of chemicals and the threshold for planning.

### State Agency Responsibilities

- MDEQ is responsible for tracking and enforcing reporting requirements from facilities.
  - Reporting of chemicals comes from Section 302. Facilities submit an Emergency Planning Notification if they have an EHS on site:
    - Threshold for reporting is 500 pounds or less, depending on the specific chemical.
    - Thresholds for both reporting and planning are always in pounds.

### Notifying the LEPC

- Facility sends a copy of their submitted Tier II Report to the LEPC.
- LEPC reviews the Tier II to check and see if the substances reported are an EHS and they exceed the TPQ.
- If the site passes the initial review and is an eligible SARA Title III, section 302 site, a plan will be created.

### LEPC Writes the Plan

- SARA Title III, Section 303 - LEPC writes off-site Emergency Plans for facilities subject to Section 302.
- Approximately 2900 facilities in Michigan are subject to Section 302.
- 302 off-site plans can now be posted electronically on DEQ's Tier II system.
- County EOP must include info about 302 sites.
- Plan will include:
  - Facility Contact
  - Hazardous chemical inventory
  - Inventory of all other chemicals on site
  - Transportation routes of chemicals
  - Facility procedures to follow after an incident
  - Evacuation routes
  - Notification to first responders procedures
  - How population protection orders are established
  - Populations who require FNSS
  - HAZMAT training or employees and supplies onsite
  - Other items

### LEPC and Community Right-to-Know

- An LEPC may ask any facility to report their chemical inventory regardless of the amount.
- If the facility refuses, legal action may be taken against the company using EPCRA as the legal basis.
- All plans, list of SARA Title III sites shall be available for the public to view.

### Emergency Release Notification

- Under section 304, unplanned releases (CERCLA substances, EHSs) must be reported **by the facility** (fixed site, motor vehicle, rolling stock, or aircraft) to the LEPC, SERC, and National Response Center (NRC).
- Releases must be reported to the Pollution Emergency Alerting System or PEAS hotline, and NRC within 15 minutes of discovery.
- A written follow-up report must be submitted to the Michigan SARA Title III Program (currently at the MDEQ) and the LEPC within **30** days of discovery.

### Toxic Chemical Release Inventory

- Section 313, Commonly referred to as the Toxic Release Inventory (TRI).
- Facilities must report to the EPA and MDEQ if they used certain toxic chemicals within the past year in excess of the quantity established by SARA ( Roughly 650 listed chemicals).
- Approximately 900 facilities in Michigan submit reports.
- TRI reports are available from the EPA and the MDEQ.