



## INDIANA EMERGENCY RESPONSE COMMISSION

# EPCRA SECTION 302 – EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT

## EMERGENCY RESPONSE PLANNING

The Emergency Response Planning provisions require that state and local authorities develop chemical emergency preparedness and response capabilities through better coordination and planning with local businesses.

The Emergency Planning Notification requirement involves chemicals listed on the Extremely Hazardous Substances (EHS) list. EHSs have Threshold Planning Quantities (TPQs) determined by the U.S. EPA that is based on their potential to cause significant health effects in a single exposure, such as an air release.

A facility that has any of the listed chemicals at or above its TPQ must notify the IERC and LEPC within 60 days after it first receives a shipment or produces the substance on site.

Recent changes by the U.S. EPA give facilities 30 days to report any changes in the status of substances that would affect emergency planning.

Changes that can trigger notifications include closing a facility, bringing a new EHS on site, moving the substance to a different location at the facility, and removing all EHSs from a facility.

# EPCRA SECTION 304 – EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT

## Emergency Release Notification Requirements

Section 304 of SARA Title III details the requirements for a facility's reporting of accidental releases of hazardous substances which will migrate off site. The release of any Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) hazardous substance or any Extremely Hazardous Substance (EHS) in excess of the established reportable quantity (RQ) for the substance must be reported immediately.

If an accidental chemical release exceeds the applicable minimal reportable quantity, the facility must notify the Indiana Emergency Response Commission (IERC) or Tribal Emergency Response Commission (TERC), Local Emergency Planning Committee (LEPC) or Tribal Emergency Planning



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Committee (TEPC), and the National Response Center (NRC) of any area likely to be affected by the release.

## **What facilities and chemicals are regulated under the emergency release notification requirements?**

Any facility that accidentally releases chemicals listed below in an amount greater than or equal to the maximum RQ into the environment as required by the Emergency Planning and Notification regulation.

EHSs – Emergency Planning and Notification, 40 CFR part 355.

CERCLA hazardous substances Designation, Reportable Quantities, and Notification, 40 CFR part 302.

## **What chemicals are regulated?**

The consolidated list of chemicals (list of lists) which provides a list of chemicals subject to:

- Emergency Planning and Community Right-to-Know (EPCRA)
- CERCLA defined hazardous substances,
- Section 112(r) of the Clean Air Act (CAA)
- Toxic Release Inventory (TRI) chemicals,
- Toxic and Flammable Substances for Accident Release Prevention

## **What are facilities required to do?**

### **Verbal report**

Upon the accidental release of a hazardous substance, a facility shall immediately notify appropriate LEPC or TEPC, the SERC or TERC, and the NRC by telephone, radio, or in person. Emergency notification requirements involving transportation incidents can be met by dialing 911, or in the absence of a 911 emergency number, calling the local operator. The telephone numbers are as follows:

- Indiana Emergency Response Commission
  - IDEM's 24-Hour Emergency Spill Line: 888-233-7745 or 317-233-7745
    - You must tell the operator this is a SARA Title III Release.
    - After business hours, all calls will be transferred to the IDHS Watch Desk.
- LEPC Community Emergency Coordinator or other appropriate LEPC contact
  - Refer to facility plan
- The National Response Center (NRC)
  - 800-424-8802



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## Written Report

A written, follow-up notice must be submitted to the IERC at <https://tier2.dhs.in.gov/Account/Login.aspx> and the LEPC (see LEPC contact information) as soon as possible after the release. The follow-up notice must update information included in the initial notice and provide information on response actions taken and advice regarding medical attention necessary for citizens exposed. The following should be included:

- The name of the chemical.
- An indication if the substance is extremely hazardous.
- An estimate of the quantity released into the environment.
- The time and duration of the release.
- An indication on if the release occurred into air, water, and/or land.
- Any known or anticipated acute or chronic health risks associated with the emergency, and advice regarding medical attention for exposed individuals if necessary.
- Proper precautions, such as evacuation or sheltering in place.
- Name and telephone number of contact person.

## EPCRA SECTION 311 – EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT

### Hazardous Chemical Storage Reporting Requirements

Section 311 reporting is the submission of either a Safety Data Sheet (SDS) or a list of reportable chemicals under Section 312 of SARA Title III (stored chemicals in quantities greater than or equal to the minimum threshold levels), grouped by hazard category. If at any time after the initial submission (i) a facility obtains a new unreported substance, (ii) a hazardous chemical present at a facility meets or exceeds its threshold level for the first time, or (iii) significant new information concerning the hazards of a chemical stored by a facility is communicated via a revised SDS, then either an updated list or the relevant SDS must be sent to the IERC, the appropriate LEPC and the local fire department. This supplemental information is due within 90 days of receiving the new chemical or information.

### What facilities are covered?

Any facility required under Occupational Safety and Health Administration (OSHA) regulations to maintain SDSs for hazardous chemicals stored or used in the workplace.

### Reporting thresholds for facilities



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- 500 pounds or the Threshold Planning Quantity (TPQ) for Extremely Hazardous Substances (EHS) (40 CFR, part 355), whichever is lower.
- 75,000 gallons (or approximately 283,900 liters) for all gasoline (all grades combined) at a retail gas station, if the tank(s) was stored entirely underground and was in compliance at all times during the preceding calendar year with all applicable Under Storage Tank (UST) requirements at 40 CFR part 280 or requirements of the State UST program approved by the agency under 40 CFR part 281.
- 100,000 gallons (or approximately 378,500 liters) for diesel fuel (all grades combined) at a retail gas station if the tank(s) was stored entirely underground and the tank(s) was in compliance at all times during the preceding calendar year with all applicable UST requirements at 40 CFR 280 or requirements of the State UST program approved by the agency under 40 CFR part 281.
- 10,000 for all other hazardous chemicals.

### What is a hazardous chemical?

Hazardous chemicals are any substances that a facility must maintain a SDS under the OSHA Hazard Communication Standard, which lists the criteria used to identify a hazardous chemical. SDSs are detailed information sheets that provide data on health hazards and physical hazards of chemicals along with associated protective measures. Over 500,000 products require a SDS which are normally obtained from the chemical manufacturer.

### What are facilities required to do?

Under EPCRA Section 311, facilities must submit the same SDS they maintain for OSHA to the IERC, LEPC and local fire department. Facilities also may choose to submit a detailed list of the same chemicals instead. This is a one-time submittal. Facilities have three months after becoming subject to the OSHA regulations to submit their material to

<https://tier2.dhs.in.gov/Account/Login.aspx>.

## EPCRA SECTION 312 – EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT

### Hazardous Chemical Storage Reporting Requirements

#### Summary

Any facility required to prepare or have available SDSs for hazardous chemicals/substances under OSHA regulations must prepare and submit an emergency and hazardous chemical inventory form (Tier II). This is an annual reporting requirement due by March 1 of each year and must be sent to



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the IERC, LEPC and jurisdictional fire department. In Indiana, online submission to <https://tier2.dhs.in.gov/Account/Login.aspx> is required and satisfies the notification requirement to the SERC, LEPC, and jurisdictional fire department. The types of chemicals and the requirements for reporting are (i) hazardous chemicals that are stored in excess of 10,000 pounds and (ii) EHS stored in excess of 500 pounds or the TPQ, whichever is smaller.

### What facilities are covered?

Any facility required under OSHA regulations to maintain SDS for hazardous chemicals stored or used in the workplace. Facilities must report chemicals in quantities that are equal to or exceed the following thresholds:

- 500 pounds or the Threshold Planning Quantity (TPQ), whichever is lower for Extremely Hazardous Substances (EHSs) (40 CFR part 355).
- 75,000 gallons (or approximately 283,000 liters) for gasoline (all grades combined) at a retail gas station, if the tanks(s) was stored entirely underground and was in compliance at all times during the preceding calendar year with all applicable Underground Storage Tank (UST) requirements at 40 CFR part 280 or requirements of the state UST program approved by the agency under 40 CFR part 281.
- 100,000 (or approximately 378,500 liters) for diesel fuel (all grades combined) at a retail gas station, if the tank(s) was stored entirely underground and the tank(s) was in compliance at all times during the preceding calendar year with all applicable UST requirements at 40 CFR part 280 or requirements of the state UST program approved by the agency under 40 CFR part 281.
- 10,000 pounds for all other hazardous chemicals.

### What is a hazardous chemical?

Hazardous chemicals are any substances that a facility must maintain a SDS under the OSHA Hazard Communication Standard, which lists the criteria used to identify a hazardous chemical. SDSs are detailed information sheets that provide data on health hazards and physical hazards of chemicals along with associated protective measures. Over 500,000 products have a SDS which are normally obtained from the chemical manufacturer.

### What are facilities required to do?

Facilities that need to submit a SDS or chemical list under Section 311 also need to submit an annual inventory report for the same chemicals (EPCRA Section 312). This inventory must be submitted online at <https://tier2.dhs.in.gov/Account/Login.aspx> by March 1 of each year. Submission online satisfies the requirement to notify the IERC, LEPC, and jurisdictional fire department in Indiana (not all states have the same rule).