

Inland Area Contingency Meeting
Dover, DE
May 7, 2019

Emergency Planning and Community Right-to-Know Act

Overview of EPCRA § § 302-312
CERCLA § 103
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EPA Region 3
Oil & Prevention Enforcement Section



What is EPCRA?

- ❖ Emergency Planning and Community Right-to-Know Act of 1986 (*a.k.a. Title III of SARA*)
- ❖ A federally mandated program that enables Federal, State and local authorities to effectively prepare for, and respond to, chemical accidents
- ❖ Implementing regulations found at 40 CFR Parts 355 and 370



Why was EPCRA Enacted?

- December 1984... Bhopal, India
 - Methylisocyanate (MIC) release
 - 2,000 immediate deaths and over 10,000 injured
- August 1985... Institute, WV
 - Aldicarb-oxime release
 - Over 100 require medical treatment





U.S. Environmental Protection Agency



Purpose of EPCRA

- Improve community preparedness
- Promote cooperation
- Increase public awareness
- Build information database





Players and Roles

SERC	LEPC	Regulated Facility	EPA Region III
<ul style="list-style-type: none">• Supervise and coordinate activities of LEPCs under it• Designate information coordinator• Establish procedures for receiving and processing public requests for information	<ul style="list-style-type: none">• Develop and maintain local emergency plan• Notify the public of the availability of Title III information (i.e. emergency plan, activities, meetings, etc.)	<ul style="list-style-type: none">• Submit required information to SERC, LEPC and local fire department	<ul style="list-style-type: none">• Provide guidance• Conduct compliance inspections• Pursue enforcement for non-compliance, where appropriate

SERC – State Emergency Response Commission
LEPC – Local Emergency Planning Committee



Four Major Provisions

Emergency Planning Notification
(Sections 302-303)

Emergency Release Notification
(Section 304)

Hazardous Chemical Storage Reporting
(Sections 311-312)

Toxics Release Inventory (TRI)
Reporting (Section 313)

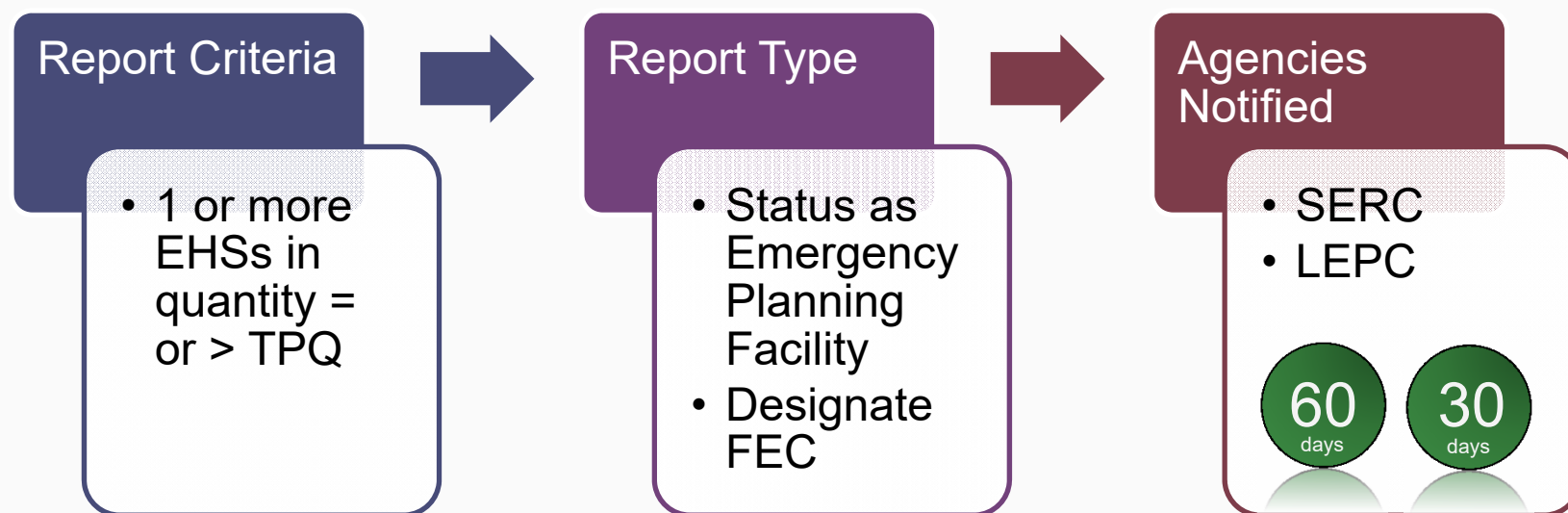




Emergency Planning

(EPCRA § 302-303)

Reporting Requirements:



EHS – Extremely Hazardous Substance
FEC – Facility Emergency Coordinator



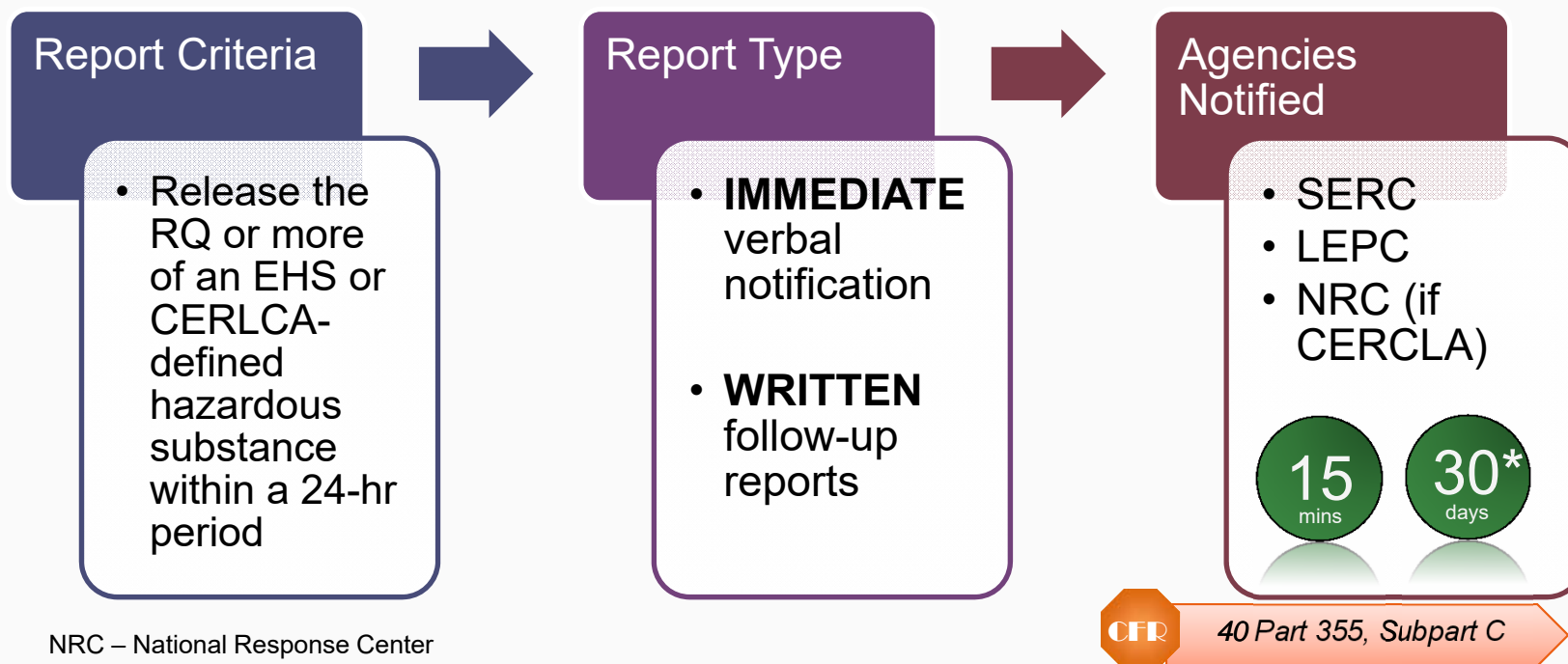
40 Part 355, Subpart B



Emergency Release Notification

(EPCRA § 304/CERCLA § 103)

Reporting Requirements:



NRC – National Response Center

U.S. Environmental Protection Agency

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* Interpretation provided in July 13, 2010 Guidance.



Emergency Release Notification

(EPCRA § 304)

Written Follow-Up Notification Includes:

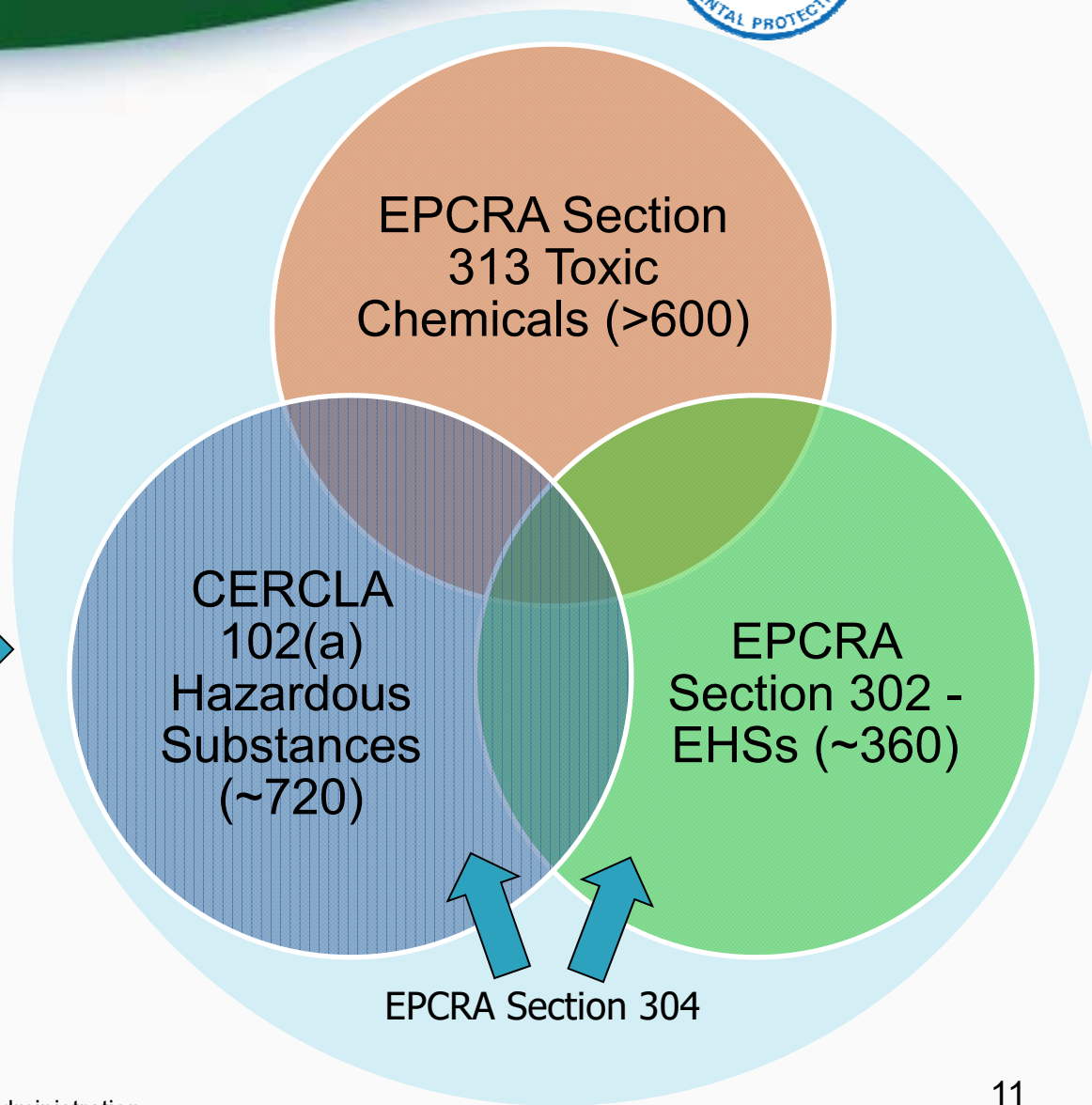
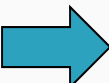
- Actions taken to respond to, and contain, the release
- Any known or anticipated acute or chronic health effects
- Advice regarding medical attention necessary for exposed individuals (if applicable)





Universe of Chemicals

EPCRA Sections 311 & 312
OSHA-defined Hazardous
Chemicals >500,000
(require M/SDSs)





List of Lists

(a.k.a. “worst of the worst”)

- ❖ List of chemicals subject to EPCRA and CERCLA and Section 112(r) of the CAA

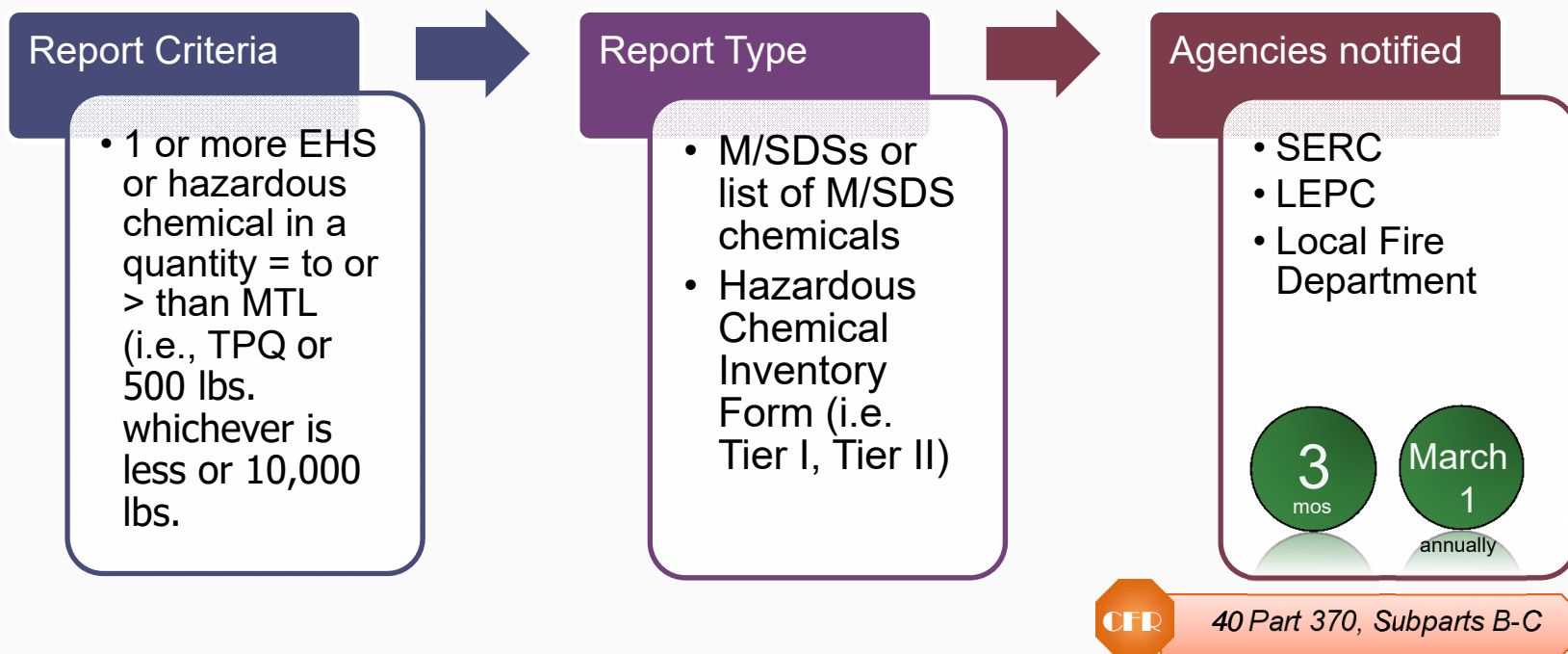
Name	CAS/313 Category Codes	Section 302 (EHS) TPQ	Section 304 EHS RQ	CERCLA RQ	Section 313	RCRA CODE	CAA 112r TQ
Acetone	67-64-1			5,000		U002	
Ammonia (anhydrous)	7664-41-7	500	100	100	X		10,000



Hazardous Chemical Reporting

(EPCRA § 311-312)

Reporting Requirements:





Hazardous Chemical Reporting

(EPCRA § 311-312)

Applies to:

Any facility that is required to prepare or have available an M/SDS for a hazardous chemical under OSHA's Hazard Communication Standard (HCS) - i.e. 29 CFR 1910.1200

M/SDS – Material/Safety Data Sheet



Potential Notification Penalties

(for CERCLA § 103 and EPCRA § 304 violations)

EXTENT (timeliness of notification)	LEVEL A (greater than 10 times the RQ)	LEVEL B (greater than 5 but less than or equal to 10 times the RQ)	LEVEL C (greater than 1 but less than or equal to 5 times the RQ)
LEVEL 1 (more than 2 hours)	\$40,328 \$30,248	\$30,246 \$20,166	\$20,164 \$10,084
LEVEL 2 (between 1 and 2 hours)	\$30,246 \$20,166	\$20,164 \$10,084	\$10,082 \$ 5,043
LEVEL 3 (within 1 hour, after 15 minutes)	\$20,164 \$10,084	\$10,082 \$ 5,043	\$5,042 \$2,519



EPCRA Enforcement

- Largely takes place post-release
- Evaluates actions taken after an accidental release
- Release often triggers an inspection which typically uncovers other reporting violations

Helpful Take Away



Section	Coverage/Topic	Requirement	Relevant Chemical List	Thresholds	Submit To
301-303	Emergency Planning	LEPC Emergency Plan, EHS Notification	356 Extremely Hazardous Substances	Specified Threshold Planning Quantities (TPQ: 1 – 10,000 lbs)	SERC; LEPC
CERCLA 103*/ EPCRA 304	Emergency Notification	Accidental Release Reporting	CERCLA 102(a) Substances* and EHSs	Specified Reportable Quantities	NRC*; SERC; LEPC
311	Hazardous Chemical Inventory	M/SDSs or List of Chemicals	OSHA Hazardous Chemicals (No Specific List)	10,000 lbs; or if EHS, 500 lbs or TPQ, whichever is lower	SERC; LEPC; Local Fire Dept.
312	Hazardous Chemical Inventory	Inventories, Hazards, and Locations (Tier I or Tier II)	OSHA Hazardous Chemicals (No Specific List)	10,000 lbs; or if EHS, 500 lbs or TPQ, whichever is lower	SERC; LEPC; Local Fire Dept.
313	Toxic Chemical Release Reporting	Total Annual Release, Waste Management, & Source Reduction Data – PPA (Form R/ Form A)	Over 650 Toxic Chemicals and Chemical Categories	25,000 lbs manufactured or processed; 10,000 lbs otherwise used; separate PBT Thresholds	EPA Reg. Office; State



New Amendments to EPCRA

America's Water Infrastructure Act (AWIA)

- ✓ AWIA signed into law on October 23, 2018 and is effective immediately
- ✓ Amends EPCRA Sections 304 and 312 (Emergency Release Notification and Hazardous Chemical Inventory Reporting)





New Amendments to EPCRA (cont'd.)

EPCRA Section 304(e) – Addressing Source Water Used for Drinking Water

Requires SERCs to:

- notify applicable State agency (i.e. drinking water primacy agency) of reportable releases
- provide initial release notification information and follow-up written report



New Amendments to EPCRA (cont'd.)

EPCRA Section 312:

- SERCs and LEPCs to provide affected community water systems with chemical inventory data (i.e. Tier IIs)
- Applies to facilities within their source water protection area, upon request



Benefits of New EPCRA Revisions

- ✓ Releases could compromise the delivery of safe and reliable drinking water
- ✓ Prompt release notification allows water system provider to prevent or minimize impacts of contaminants entering system
- ✓ Allows water system provider to proactively plan for potential releases based on Tier II information



Additional Information

EPA Website, EPCRA Program:

<https://www.epa.gov/epcra/amendments-epcra-americas-water-infrastructure-act-guide-sercs-tercs-and-lepcs>



US EPA Support Services

EPCRA HOTLINE 1-800-424-9346 (Outside DC)
1-703-412-9810 (DC area)

Hours of operation: 9:00 am - 6:00 pm (EST) Monday-Friday
(Closed on Federal holidays)

Internet: <https://www.epa.gov/epaoswer/hotline>

US EPA Region 3 Contacts		
EPCRA Sections 302-312		EPCRA Section 313
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Questions???