# EPCRA – Emergency Planning and Community Right-to-Know Act

Key Takeaways:
– Learning about the origin and goals of the EPCRA regulation.
– Recognizing the four specific types of chemicals listed in the regulation.
– Acknowledging the emergency planning requirements of Section 302 and 303.
– Understanding the emergency release notification requirements of Section 304, including release possibilities at a facility.
– Learning the requirements and exemptions for SDS submissions in Section 311 and chemical inventory reporting in Section 312, specifically Tier II reporting.
– Learning the requirements of toxic chemical release reporting in Section 313.

Course Description
For operations that handle or produce significant quantities of hazardous materials, emergency planning is critical because of the danger to employees working at these facilities and to the general public presented by the harmful release of hazardous materials (such as noxious, combustible gases and waste). Everyone has the right to know about the potential for danger involved in related operations.

The Environmental Protection Agency (EPA) stated that "The Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986 was created to help communities plan for emergencies involving hazardous substances. EPCRA requires hazardous chemical emergency planning by federal, state and local governments, Indian tribes, and industry. It also requires industry to report on the storage, use and releases of hazardous chemicals to federal, state, and local governments."

Aims of EPCRA
– Train state and local organizations on how to respond to accidental releases of a hazardous substance;

– Guarantee there is adequate and timely notification to communities in the event of a release;
– Allow state and local authorities to plan for and respond to releases, and to act as clearing houses for public information;
– Evaluate the current condition of the environment and decide the need for additional environmental initiatives;

Generally, a facility's requirements to comply with EPCRA reporting requirements depends on the type of facility, the amount and type of hazardous chemical or hazardous substance, and activities which involve a chemical or hazardous substance.

Such regulations depend on the presence, or release, of four very specific types of chemicals listed in EPCRA: hazardous substances, extremely hazardous substances, OSHA Hazardous Chemicals, and toxic chemicals.

Hazardous substances pose the most significant potential threat to human health because of their known or suspected toxicity and potential for human exposure, such as benzene and cadmium, for example.

Facilities using extremely hazardous substances at or in excess of the threshold planning quantity must fulfill the reporting requirements in EPCRA. One example is sulfuric acid. On the other hand, toxic chemical examples include chromium, nickel, and cobalt.

Emergency Release Notification
– Chooses when a facility needs to report an unplanned or accidental release of specific regulated substances in the environment

What is an EPCRA Emergency Release?
– Every unplanned release of regulated chemicals into the land, air, or water in excess of the reportable quantity within 24 hours that requires an emergency release notification.

Which Chemicals Need Emergency Release Notification?
– Extremely Hazardous Substance (EHS)
– Hazardous Substance (HS)

In the case that there is accidental release of an extremely hazardous substance or hazardous substance in excess of their reportable quantity, promptly contact the National Response Center (if the chemical is a hazardous substance), the Local Emergency Planning Commission of any area likely affected, and the State Emergency Response Commission of any state likely affected.

Releases are not necessary to reported include:
– A Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)-reported continuous release;
– Those covered by a National Pollutant Discharge Elimination System (NPDES) wastewater permit;
– Those authorized by an air-emissions permit;
– All covered through Resource Conservation and Recovery Act (RCRA) as a stored or disposed-of hazardous waste;
– A properly applied pesticide (Federal Insecticide Fungicide and Rodenticide Act, FIFRA, registered);
– Any which are completely contained within a building or other structure (If there is a chance that anyone outside the building can be exposed, the release must be reported).

What condition would require Emergency Release Notification?
– The managed release of regulated chemicals to the environment through permits, planned discharges, etc.
– An accidental release of a regulated chemical to the environment above the reportable quantity that occurs within a 24 hour period;
– The presence of extremely hazardous substances exceeding the threshold planning quantity;
– The storage of an OSHA hazardous chemical.

Conversely, non-hazardous solid substances like bricks and aluminum ingots stored at any one time at the facility in excess of 10,000 lbs. need to be reported on the Tier II form if the manufacturing process causes exposure.

Under Section 311, a facility is required to submit SDSs the first time they exceed a threshold reporting quantity for an extremely hazardous substance or hazardous chemical. This is a one-time report.

This report needs to be filed within 90 days of storing a new extremely hazardous substance or hazardous chemical on site which exceeds the threshold reporting quantity instead of submitting an SDS for every chemical above the threshold reporting quantity you may submit a list of the chemicals. SDS submissions (or the list of chemicals) required in Section 311 must be submitted to the SERC, the LEPC, and the local fire department.