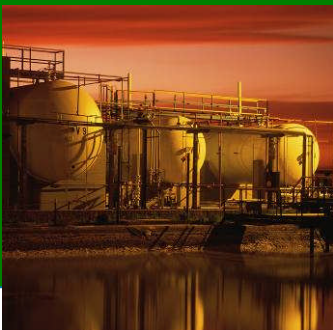


Revision to EPCRA 311/312 Reporting Requirements

November 2008



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EPCRA

Section 311/312:

Relate to reporting the on-site storage of hazardous materials

Section 313:

Relates to use and ultimate disposal of hazardous materials in manufacturing processes

Section 304:

Relates to reporting of spills and other releases

Overview

On November 3, 2008, the US Environmental Protection Agency (EPA) published revisions to certain sections of the Emergency Preparedness & Community Right-to-know Act (EPCRA). The revisions made to EPCRA relate to reporting of storage of hazardous materials under Sections 311 and 312.

The revisions made by EPA are primarily in two areas:

- Changes in how on-site quantities are calculated, especially for mixtures, and,
- Changes regarding how soon changes at a facility related to hazardous materials must be reported to the appropriate agencies.

This Regulatory Briefing summarizes some of these key amendments to the EPCRA requirements

Who Does This Affect?

The revision to EPCRA 311/312 rules affects all facilities that store hazardous materials in amounts that exceed threshold quantities and are subject to EPCRA requirements.

EPCRA 311/312 reports (“Tier II Reports”) are due on an annual basis to the Local Emergency Planning Committee (LEPC) and local emergency response agencies, such as the fire department. The information provided to the LEPC is used in the event of an emergency, such as a fire, to evaluate potential chemical and other hazards at the property, and to select appropriate protection equipment and fire fighting techniques. EPCRA reporting facilities report the types, quantities and locations of hazardous materials. Facilities also provide the LEPC with Material Safety Data Sheets for each material.



Changes to Calculation of On-site Storage Quantities

EPCRA 311/312 reporting requirements are driven by the maximum quantities of individual hazardous materials or hazardous chemicals at the site at any time. For many materials, the threshold for reporting is 10,000 lbs. However, for certain chemicals, listed as Extremely Hazardous Substances (EHS), the threshold is lower. One question that was clarified in the EPCRA amendments was how to calculate threshold quantities for hazardous materials, which may also contain mixtures of EHS.

Pure EHS - Calculated based on mass stored on-site; summed for each EHS

EHS in Mixtures - Sum of mass of EHS in each mixture; summed for each EHS

Non-EHS - Calculated based on mass stored on-site; summed for each hazardous material, even if material contains EHS counted above.

The maximum quantities are then compared to Threshold Planning Quantities (TPQ) to determine if a given EHS or Hazardous Material needs to be reported under EPCRA 311/312.

Amendment to Time Limit to Report Facility Changes

The goal of EPCRA 311/312 is to provide local emergency responders with accurate information on the types, quantities and locations of hazardous materials being stored at a facility. Facilities are required to report this information on an annual basis. However, if changes are made at a facility related to these materials, facilities have always been required to report updated information “promptly”.

To assure that local responders have this critical information, EPA has now defined the time limit to report changes made at the facility. Now, facilities subject to EPCRA reporting must report the following within **30 days of making a change**:

- Notifying that the facility is no longer in operation,
- New EHS are present at the facility,
- EHS are moved to a different location at the facility,
- EHS are no longer present at the facility, and
- Other changes relevant to emergency planning.

Facilities are also required to submit updated MSDS for regulated materials, if new information is included.

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Caltha LLP

Phone:
(763) 208-6430

Website:
www.calthacompany.com

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