



# **Emergency Planning And Community Right-To-Know**

## **SARA Title III**

### **A Guide for Businesses**

Hazardous Substance Information Office (800) 633-7585

To ask about available formats for the visually impaired please call the Hazardous Waste and Toxics Reduction Program at 360-407-6700. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.



## What is SARA Title III?

In 1986, the Superfund Amendments and Reauthorization Act (SARA) was signed into law. Title III of SARA is the Emergency Planning and Community Right-to-Know Act. Congress enacted this law in response to public concern about chemical accidents such as those in Bhopal, India and Institute, West Virginia where people lost their lives or suffered serious injury. Title III establishes requirements for federal, tribal, state, and local governments as well as for industry regarding emergency response planning and everyone's right-to-know about hazardous chemicals in their community.

The Community Right-to-Know law (SARA Title III) requires small and large businesses to report chemical information. Required reporting includes preparation of a detailed chemical inventory, reporting hazardous substance spills or releases, and providing information to local responders and emergency planners. Failure to comply could bring enforcement action or penalties. This booklet is designed to help you:

- Determine if your business is covered by the requirements.
- Understand what you must do to comply.
- Find additional contact information.

Regulatory guidance is available from tribal, state, and local agencies as well as the United States Environmental Protection Agency (USEPA).

## How is SARA Title III Implemented in Washington?

The state of Washington adopted the federal Title III law and regulations. As required by the law, Washington established a State Emergency Response Commission (SERC) to oversee local emergency planning activities. Several state and local agencies are members of the SERC. The Military Department's Emergency Management Division, the Department of Ecology, and the Washington State Patrol have specific responsibilities under WAC 118-40. Tribal nations establish Tribal Emergency Response Commissions (TERC) or enter into agreements with the nearest Local Emergency Planning Committee (LEPC).

The SERC oversees nearly fifty local emergency planning districts for the purposes of Title III. An LEPC representing local government, emergency response officials, environmental and citizen groups, industry and others is established in each planning district. The LEPC is responsible for developing a local emergency plan for their district and for the collection of information submitted by industry, which is made available to the public.

If your business is covered by the Title III requirements, you will work with the SERC, your LEPC and local fire department. If your business is located on tribal land, you will work with the Tribal Emergency Response Commission (TERC) or its designated authority, LEPC, and local fire department. EPA serves as an advisory group to the SERC, providing compliance assistance to industry, and is responsible for inspections and enforcement action.



## Is Your Business Covered?

Title III can be described as being divided into four key reporting elements. Your business facility may be subject to one or all sections depending on the type and quantity of chemicals you have.

- |   |                      |
|---|----------------------|
| 1. Emergency Response Planning            | Section 302          |
| 2. Emergency Release Reporting            | Section 304          |
| 3. Hazardous Chemical Inventory Reporting | Sections 311 and 312 |
| 4. Toxic Chemical Release Reporting       | Section 313          |

## Emergency Response Planning - Section 302

The Emergency Response Planning provisions require that state, tribal, and local authorities develop chemical emergency preparedness and response capabilities through better coordination and planning with local businesses. If your business has an Extremely Hazardous Substance (EHS) on site at any time, in excess of its assigned Threshold Planning Quantity (TPQ), you are required to participate in the emergency planning process.

Extremely Hazardous Substances are designated, listed, and assigned TPQs by EPA, based on their potential to cause significant health effects in a single exposure, such as an air release. There are approximately 350 EHSs listed by EPA. Examples include sulfuric acid with a TPQ of 1,000 pounds and ammonia with a TPQ of 500 pounds.

## Emergency Release Reporting - Section 304

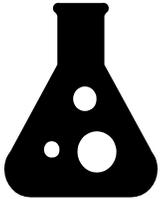


Your business facility must notify state or tribal and local authorities responsible for local emergency planning if:

- There is a release at your facility (which includes motor vehicles, rolling stock, and aircraft) of an EHS or a hazardous substance (listed under the Superfund regulations) in excess of the reportable quantity for that substance, and
- The release could result in exposure of persons outside the boundary of the facility site.

EPA identified and listed over 700 hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, or the Superfund Program) and assigned a reportable quantity to each substance. Chemicals on the EHS list were assigned reportable quantities. Chlorine is an Extremely Hazardous Substance with a reportable quantity of 10 pounds or more.

## **Hazardous Chemical Inventory Reporting - Sections 311 and 312**



Facilities covered by Sections 311 and 312 must report their hazardous chemicals present at the facility. Your facility is covered by these Sections of Title III if:

- Your business is subject to the Federal Hazard Communication Standard established by the Occupational Safety and Health Administration (OSHA), and
- There is a hazardous chemical on site in excess of a specific threshold level. Hazardous chemicals are not identified on any one list. They are defined under the Hazard Communication Standard as any chemical that has a physical or health hazard. This means any chemical at your business that is required by OSHA to have a Material Safety Data Sheet (MSDS).

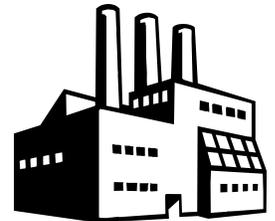
The threshold level for reporting chemicals is:

1. The Threshold Planning Quantity (TPQ) or 500 pounds, whichever is less, for Extremely Hazardous Substances.
2. 10,000 pounds for all other hazardous substances.

## **Toxic Chemical Release Reporting - Section 313**

Your business must meet ALL of the following criteria to be covered by the requirements of this section for any particular year:

- The facility is in a covered industry category.
- There are ten or more full-time employees (or the equivalent) at the facility.
- The facility manufactured, processed, or used a toxic chemical in excess of threshold amounts during the calendar year.



EPA developed a list of more than 600 toxic chemicals or chemical categories subject to the reporting requirements of Section 313, including benzene, ammonia, and chromium compounds.

Threshold amounts are 25,000 pounds manufactured or processed and 10,000 pounds used for most chemicals. Certain persistent, bioaccumulative, and toxic (PBT) chemicals have much lower thresholds. For example, mercury is a PBT chemical with a reporting threshold of 10 pounds.

## Summary



The following chart summarizes the applicability criteria for each of the sections. EPA has the authority to add or delete chemicals from the lists and has exercised this authority a number of times. It is important to monitor the regulations for these types of changes.

# SARA Title III Community Right-to-Know



## Emergency Response Planning

### Applicability

- All facilities having any Extremely Hazardous Substance present above its Threshold Planning Quantity



## Emergency Release Reporting

### Applicability

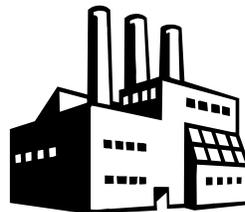
- Facilities that produce, use, or store a hazardous chemical  
AND
- Have a release of a CERCLA or Extremely Hazardous Substance above its reportable quantity



## Hazardous Chemical Reporting

### Applicability

- All facilities subject to OSHA Hazardous Communication Standard
- Hazardous chemicals present in excess of the Threshold Level



## Toxic Chemical Release Reporting

### Applicability

- Covered industry
- More than ten employees
- Manufacture, process, or use more than threshold amount of a toxic chemical

# What are the Compliance Requirements?

The compliance requirements for each of the five Title III sections are summarized below.

## Emergency Response Planning - Section 302

[www.ecy.wa.gov/epcra/section302.html](http://www.ecy.wa.gov/epcra/section302.html)

The owner or operator of a facility that has an Extremely Hazardous Substance (EHS) on site in excess of its Threshold Planning Quantity must:



- Notify the State or Tribal Emergency Response Commission and the Local Emergency Planning Committee that they are covered by the requirements.
- Designate a Facility Emergency Response Coordinator who will assist in the local emergency planning process.
- Promptly report to the Local Emergency Planning Committee (LEPC) any changes at the facility that may be relevant to emergency planning.
- Promptly provide information requested by the LEPC for the development or implementation of the local plan.

You must notify the SERC or TERC and LEPC with jurisdiction within 60 days if an EHS is on site at or above the Threshold Planning Quantity. If the location of these chemicals at your facility changes, you must notify these agencies within 30 days.

## Emergency Release Reporting - Section 304

[www.ecy.wa.gov/epcra/section304.html](http://www.ecy.wa.gov/epcra/section304.html)

When a reportable release occurs at your facility, you must provide:

- *Immediate*, verbal notification to the National Response Center, the SERC of any State or Tribal Nation and the LEPC of any emergency planning district likely to be affected; and
- Written, follow-up notification to the SERC, TERC and LEPC within 30 days after the release.



The immediate notification should provide specific information about the release including the location, type, and quantity of the chemical released, and the actions taken to respond to the release. The follow-up notification can take the form of a letter, which summarizes and updates the information provided in the verbal notification, including additional information on the actions taken to respond to and contain the release, acute or chronic health risks associated with the release and advice on medical attention for exposed individuals where appropriate.

# Hazardous Chemical Inventory Reporting - Sections 311 and 312

[www.ecy.wa.gov/epcra/section311.html](http://www.ecy.wa.gov/epcra/section311.html) or [www.ecy.wa.gov/epcra/section312.html](http://www.ecy.wa.gov/epcra/section312.html)

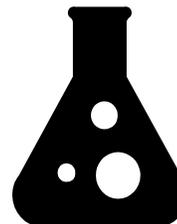


Under Section 311 of Title III, a covered facility must submit the Material Safety Data Sheet for, or a list of, the hazardous chemicals present on site in excess of the threshold level to the SERC/TERC, LEPC and fire department with jurisdiction over the facility. This is essentially a one-time submittal, however, you must update your submittals to these groups within three months when:

- You discover there is significant new information on a hazardous chemical for which you have submitted an MSDS, or
- A hazardous chemical becomes present at the facility in excess of the threshold level for the first time.

The LEPC may request an MSDS for a hazardous chemical at your facility (one that you have not already submitted) and you must provide the MSDS within 30 days. If you choose to submit a list of hazardous chemicals rather than the MSDSs, you must group the chemicals into five hazard categories:

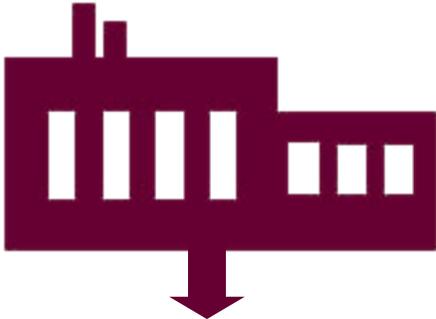
1. Fire
2. Sudden release of pressure
3. Reactive
4. Immediate (acute) health hazard
5. Delayed (chronic) health hazard



The Washington SERC recommends that businesses complete the MSDS list form for reportable chemicals rather than submitting copies of the MSDSs. The forms are available from our EPCRA web site. Local agencies may prefer copies of the MSDSs.

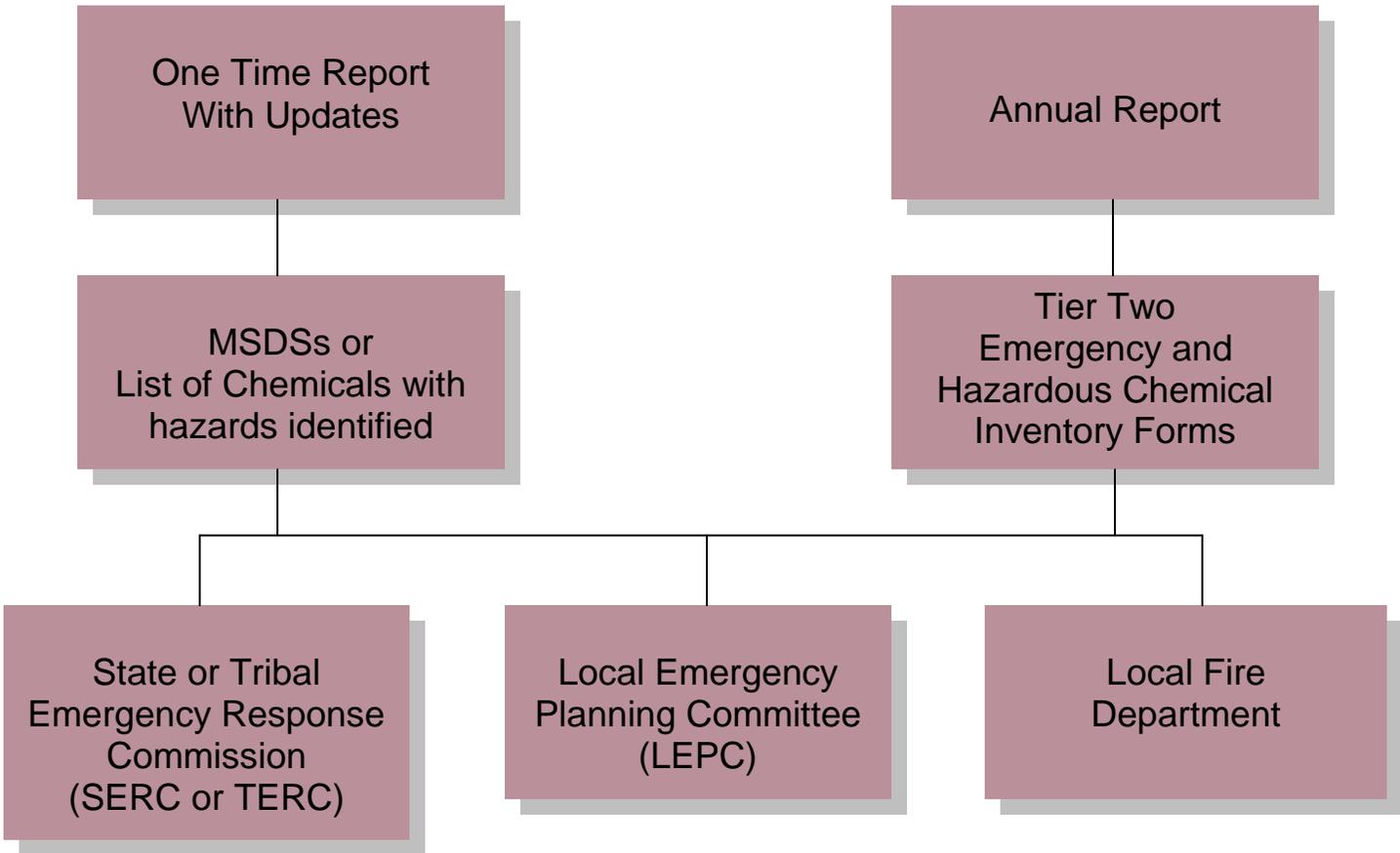
Under Section 312, a Tier Two - Emergency and Hazardous Chemical Inventory report must be submitted annually by businesses for each hazardous chemical that was present in excess of the threshold level at the facility at any time during the previous calendar year. **The Tier Two reports are due by March 1st** each year for chemicals stored during the previous calendar year. They must be submitted to the SERC or TERC, LEPC, **and** fire department with jurisdiction over the facility. The information required on the Tier Two form includes the location and storage information for the chemical, as well as the maximum and average daily amounts on site at any one time during the preceding calendar year. Washington requires the actual pounds stored on site in addition to inventory codes representing broad ranges.

# Hazardous Chemical Inventory Reporting



## SECTION 311

## SECTION 312



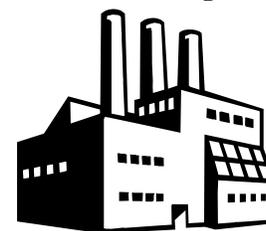
# Toxic Chemical Release Reporting - Section 313

[www.ecy.wa.gov/epcra/section313.html](http://www.ecy.wa.gov/epcra/section313.html) and [www.epa.gov/tri](http://www.epa.gov/tri)



Section 313 of Title III requires that covered facilities submit an annual report for each listed toxic chemical or chemical category manufactured, processed, or used in excess of the threshold amount. The Toxics Release Inventory (TRI) report is submitted on either Form R or Form A to EPA and SERC or TERC on or before July 1st of each year for the previous calendar year. Form R documents any releases of a listed toxic chemical to the environment including routine, permitted, and emergency releases from your business. These reports and the information used to complete these reports must be kept at the facility for at least three years.

EPA has amended the chemicals list several times. Therefore, it is important to monitor the regulations for these types of changes.



## List of Acronyms

CERCLA	Comprehensive Emergency Response, Compensation, and Liability Act (Superfund)
EHS	Extremely Hazardous Substance
EPA	Environmental Protection Agency
EPCRA	Emergency Planning and Community Right-to-Know Act
LEPC	Local Emergency Planning Committee
MSDS	Material Safety Data Sheet
OSHA	Occupational Safety and Health Administration
SARA	Superfund Amendments and Reauthorization Act
SERC	State Emergency Response Commission
SIC	Standard Industrial Classification
TERC	Tribal Emergency Response Commission
TPQ	Threshold Planning Quantity
TRI	Toxics Release Inventory
WAC	Washington Administrative Code



# Where Can You Get More Information?

For general information, reporting forms and software, and LEPC contact information go to the State EPCRA Program web site at [www.ecy.wa.gov/epcra](http://www.ecy.wa.gov/epcra)

**EPCRA Hotline**  
**U.S. Environmental Protection Agency**  
(800) 424-9346  
[www.epa.gov/osweroe1/content/epcra](http://www.epa.gov/osweroe1/content/epcra)

**U.S. Environmental Protection Agency - Region 10**  
1200 Sixth Avenue, Seattle, WA 98101  
(800) 424-4372  
For Section 313 questions, call: (206) 553-1200

**SUBMIT REPORTS TO THE SERC:**  
By email: [epcra@ecy.wa.gov](mailto:epcra@ecy.wa.gov)

**By Mail:**  
**Washington State Emergency Response Commission**  
**Ecology Community Right-to-Know Unit**  
PO Box 47659, Olympia, WA 98504-7659  
(800) 633-7585 or (360) 407-6178

For information on the SERC meetings or emergency planning:

**Washington State Emergency Response Commission**  
Military Department - Emergency Management Division  
Building 20 MS TA 20, Camp Murray WA 98430-5122  
(800) 562-6108

[www.emd.wa.gov/hazards/StateEmergencyResponseCommissionSERC.shtml](http://www.emd.wa.gov/hazards/StateEmergencyResponseCommissionSERC.shtml)

**To report spills or releases:**  
Division of Emergency Management  
24-hour Duty Officer  
(800) 258-5990

**National Response Center**  
(800) 424-8802  
[www.nrc.uscg.mil](http://www.nrc.uscg.mil)



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