

America's Water Infrastructure Act, Section 2018

Amendments to the Emergency Planning and Community Right-to-Know Act

Frequently Asked Questions

Abbreviations

AWIA	America's Water Infrastructure Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CERCLA HSs	Hazardous substances defined under CERCLA section 102 (40 CFR 302.4)
CFR	Code of Federal Regulations
DWMAPS	Drinking Water Mapping Application to Protect Source Waters
DWSRF	Drinking Water State Revolving Fund
EPA	United States Environmental Protection Agency
EPCRA	Emergency Planning and Community Right-to-Know Act
EPCRA EHSs	Extremely Hazardous Substances defined under EPCRA section 302 (40 CFR part 355, Appendix A and B)
FAQ	Frequently Asked Question
HCS	Hazard Communication Standard
LEPC	Local Emergency Planning Committee
MSDS/SDS	Materials Safety Data Sheet/Safety Data Sheet
MSHA	Mine Safety and Health Administration
NASTTPO	National Association of SARA Title III Program Officials
NRC	National Response Center
OSHA	Occupational Safety and Health Administration
RCRA	Resource Conservation and Recovery Act
SDWA	Safe Drinking Water Act
SERC	State Emergency Response Commission
TEPC	Tribal Emergency Planning Committee
TERC	Tribal Emergency Response Commission

Introduction

Section 2018 of America's Water Infrastructure Act (AWIA), enacted on October 23, 2018, amended the Emergency Planning and Community Right-to-Know Act (EPCRA). The revisions to EPCRA require that [community water systems](#) (1) receive emergency notification of any reportable release of an EPCRA extremely hazardous substance (EHS) or a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) hazardous substance (HS) that potentially affects their source water, and (2) have access to EPCRA Tier II information (i.e., hazardous chemical inventory data).

To support the implementation of these new requirements, the United States Environmental Protection Agency (EPA) has developed two factsheets:

- A factsheet for [State Emergency Response Commissions \(SERCs\)](#), [Tribal Emergency Response Commissions \(TERCs\)](#), [Local Emergency Planning Committees \(LEPCs\)](#), and [Tribal Emergency Planning Committees \(TEPCs\)](#).
(https://www.epa.gov/sites/production/files/2019-12/documents/awia_fact_sheet_a_guide_for_serics_tercs_lepcs.pdf)
- A factsheet for community water systems and [state drinking water primacy agencies](#).
(https://www.epa.gov/sites/production/files/2019-05/documents/awia_sec_2018_factsheet_for_water_sector_final.pdf)

EPA has also conducted training and outreach to stakeholders through webinars, regional training events, conferences, and meetings. The Source Water Collaborative (<https://sourcewatercollaborative.org>) and the National Association of SARA Title III Program Officials (NASTTPO) (<https://nasttpo.com/>) have been active partners in these outreach efforts.

This document compiles frequently asked questions (FAQs) about the requirements of AWIA section 2018 and is intended to complement the factsheets listed above. The document is divided into three main sections: (1) Availability of funding to support implementation of AWIA section 2018; (2) Emergency notification (amendments to EPCRA section 304), and (3) Access to Tier II information (amendments to EPCRA section 312).

Availability of Funding to Support Implementation of AWIA Section 2018

1. Is funding available to community water systems to implement the provisions of AWIA section 2018?

AWIA does not include provisions to fund the requirements of section 2018. However, section 2015 of the law amended the Safe Drinking Water Act (SDWA) section 1452 to provide additional source water protection-related eligibilities under the Drinking Water State Revolving Fund (DWSRF) program's 15 percent local assistance and other state programs set-aside. States should consider use of DWSRF set-aside funds to update their source water assessments and to develop source water protection plans as part of their broader source water protection strategies.

2. Is funding available to SERCs and LEPCs to implement the provisions of AWIA section 2018?

AWIA does not include provisions to fund the requirements of section 2018. AWIA amendments to EPCRA sections 304 and 312 require SERCs and LEPCs to undertake these duties. EPA is encouraging community water systems to join their LEPC so they can receive information in a timely fashion while decreasing the burden on SERCs and LEPCs. EPCRA was created to prepare for and protect the community from chemical accidents, therefore EPA encourages state and local agencies as well as industry to work together to meet its goals.

Emergency Notification (amendments to EPCRA section 304)

3. What releases does the SERC need to report to the state drinking water primacy agency? EPCRA section 304(a)(1) requires [facilities](#) to notify the SERC and LEPC of any reportable releases of EPCRA EHSs and CERCLA HSs. AWIA section 2018 amends EPCRA section 304 to require the SERC to **promptly** notify the state agency responsible for implementing SDWA (i.e., the state drinking water primacy agency), or directly notify potentially [affected community water systems](#) if there is no state drinking water primacy agency.

4. What is considered "prompt" notification?

There is no statutory definition or legal interpretation of the word "prompt" in the law. However, for release reporting to be actionable, it must occur in a time frame such that a community water system could take steps to mitigate the impact of the release on its operations and its customers, which could be on the order of minutes to hours in some cases.

5. Are releases of petroleum products required to be reported under EPCRA section 304?
EPCRA section 304 requires release notification of EPCRA EHSs and CERCLA HSs. "Petroleum" is exempted generally from CERCLA responsibilities since it is excluded from the definition of a "hazardous substance" under section 101(14) and "pollutant or contaminant" under section 101(33) of CERCLA. However, no such exclusion exists under EPCRA. If EHSs are present in petroleum, those substances are subject to emergency release notification requirements under EPCRA section 304.
6. Are releases to the sanitary sewer system reportable under EPCRA section 304?
Yes, unpermitted discharges to a sanitary sewer that exceed the reportable quantity of an EPCRA EHS or a CERCLA HS must be reported.
7. Are releases to air reportable under EPCRA section 304?
Yes, a release to air that exceeds the reportable quantity of an EPCRA EHS or a CERCLA HS must be reported.
8. Are releases from federal facilities, including military facilities, reportable under EPCRA section 304?
Yes, federal facilities are required to comply with all provisions of EPCRA.
9. Will the SERC take responsibility for all the state's release reporting, or will it fall to the LEPC?
AWIA section 2018's amendments to EPCRA section 304 require SERCs to provide release notification and follow-up reports to the state drinking water primacy agency or affected community water systems in states with no state drinking water primacy agency. This requirement is not the responsibility of LEPCs. However, SERCs are encouraged to work with state dispatcher systems or personnel, LEPC emergency coordinators, and/or 911 operators to ensure that the state drinking water primacy agency or affected community water systems are notified of any releases.
10. Is the National Response Center (NRC) required to forward release reports it receives to a SERC, state drinking water primacy agency, or a community water system?
Under CERCLA section 103, facilities must report releases of CERCLA HSs above the reportable quantity to the NRC. The NRC is not required to forward release reports it receives to SERCs, LEPCs, state drinking water primacy agencies, or community water systems. The NRC also receives reports about releases of materials that are not CERCLA HSs that may be of concern to community water systems. State drinking water primacy agencies and community water systems can apply to the NRC to receive release reports that meet user specified criteria (e.g., geographic area). To apply, complete the application at <http://nrc.uscg.mil/>.
11. How are interstate emergency notifications handled (i.e., a release occurring in one state that impacts the source water of a community water system in another state)?
EPCRA section 304(b)(1) requires facilities to notify the SERC of **any state** likely to be affected by any reportable release and to the emergency coordinator of the LEPC of **any area** likely to be affected by the release. Thus, provided that the facility meets this requirement, the facility responsible for the release is also responsible for making interstate notifications, when applicable. EPA encourages SERCs to reach out to facilities in their state to ensure they comply with these provisions by notifying all states/SERCs of any releases that may affect them.

12. What documentation must be maintained relative to the release notification process?

Neither EPCRA or AWIA amendments contain any explicit recordkeeping requirements for facilities or for state and local implementing agencies

13. How are transportation-related release notifications handled in practice, and how does this practical implementation relate to the notification requirements of AWIA section 2018? For example, transportation releases don't always go to the SERC so how would the SERC be responsible to forward to the state drinking water primacy agency ?

Under EPCRA section 304(b)(1), owners and operators of transportation facilities are permitted to call the 911 emergency number or, in the absence of a 911 number, the operator, in lieu of calling the SERC and LEPC. If the release is of a CERCLA HS, a call to the National Response Center is also required. AWIA Section 2018 does not specify how transportation-related releases should be forwarded to state drinking water primacy agencies or affected community water systems. Because transportation-related releases are not reported to the SERC, state drinking water primacy agencies and community water systems should identify other notification mechanisms. For example, a community water system could contact their local fire department and/or community emergency coordinator for the LEPC and ask to be notified of any release. (Note: Facilities are not required to submit a follow-up written report for transportation-related releases.)

14. Who currently receives the follow-up report for a release?

EPCRA section 304(c) requires facilities to submit a follow-up written report to the SERC and the community emergency coordinator for the LEPC as soon as practicable after the release. Section 2018 of AWIA amends Section 304 of EPCRA to require SERCs to forward the follow-up written report to the state drinking water primacy agency, who will then forward it to the affected community water systems. In the absence of a state drinking water primacy agency, the SERC must forward the follow-up written report to the affected community water systems. (Note: Facilities are not required to submit a follow-up written report for transportation-related releases.)

15. Are there more effective and timely release notifications in place in some jurisdictions and how do those processes relate to the requirements of AWIA section 2018?

Every state uses an established release notification system (e.g. state warning point, call center, etc.) instead of facilities notifying the SERC as required by EPCRA section 304(b). Furthermore, as described in **FAQ #13**, transportation-related releases can be reported to 911 or an operator instead of the SERC. To ensure that they receive timely notification, community water systems are encouraged to meet with their SERC/TERC, LEPC/TEPC, and local fire department to identify the most timely and reliable notification pathways and request that they receive notifications via those pathways.

16. Who is responsible for determining if a release has the potential to affect a source water for a community water system?

In states with primacy for implementing SDWA, the state drinking water primacy agency is responsible for determining whether a release could affect a source of drinking water and deciding which community water systems to notify, if any. However, in states, tribes, and territories without primacy for implementing SDWA, the SERC or TERC must directly notify the community water systems whose source water could be affected by the release and thus will need to make this determination. See the response to **FAQ #18** for guidance on how to make this determination.

17. Which community water systems must be notified about a release?
All community water systems potentially affected by a release must be notified, including community water systems of all sizes and all source water types (e.g., surface water, ground water, purchased water). The law does not require that non-transient non-community water systems and transient non-community water systems be notified about releases, but in some situations, it may be prudent to do so.
18. How does a state drinking water primacy agency (or a SERC or TERC in states without primacy for implementing SDWA) determine which community water systems, if any, to notify?
The law requires that all community water systems whose source water could be affected by a release be notified; however, the law does not specify how to determine which community water systems could be affected. The state drinking water primacy agency (or the SERC or TERC in states without a state drinking water primacy agency) will need to decide on a case-by-case basis whether a release needs to be reported to one or more community water systems. This determination should be based on the location of the release relative to the location of a source waterbody or source water area, the volume of material released, and the characteristics of the material released. As general guidance, if a release occurs within, or will travel into, a source water area then community water systems with intakes within the affected source water area should be notified. In the case of community water systems that use ground water, releases to the ground in a ground water area would need to be reported to any community water system with wells or springs within the affected area. GIS-based tools, such as Drinking Water Mapping Applications to Protect Source Waters (DWMAPS) (<https://www.epa.gov/sourcewaterprotection/drinking-water-mapping-application-protect-source-waters-dwmaps>), may be helpful in making this determination. DWMAPS has a “density layer” that shows the percentage of a watershed that includes source water areas, which may inform the need to notify community water systems.
19. Do the emergency notification requirements under AWIA section 2018 (a)(2)(B) include source waters that are potentially affected (e.g., a spill to an area that could potentially, but has not yet, impacted a source water for a community water system)?
The law requires that community water systems be notified about all reportable releases that potentially affect its source water. The law does not specify or limit the period of time between the release and the impact on source water. The state drinking water primacy agency (or SERC/TERC in states without drinking water primacy) will need to assess the potential for a release to impact a source water over a timeframe appropriate to the community water system, considering factors such as residence time and contaminant accumulation in the source water.
20. Do the notification requirements apply to active sources of drinking water only, or would they also apply to inactive sources of drinking water?
This is not specified in the law; thus state drinking water primacy agencies have discretion in deciding whether it is appropriate to notify community water systems about releases into inactive sources. If an inactive source is not capped or otherwise properly abandoned, the potential for contamination exists.
21. Where can I find contact information for the state entity that receives emergency notifications about releases to meet the requirements of EPCRA section 304?
The following EPA website provides contact information for EPCRA section 304 emergency release notifications in each of the 50 states, DC, and U.S. territories:
<https://www.epa.gov/epcra/state-phone-numbers-and-addresses-facilities-comply-epcra-section-304-emergency-notification>

Access to Tier II Information (amendments to EPCRA section 312)

22. The law requires that community water systems be granted access to Tier II information for facilities within its *source water area*. How are the boundaries of the source water area determined?

AWIA section 2018(b) defines an 'affected community water system' as a community water system (as defined in section 1401(15) of SDWA) that receives supplies of drinking water from a **source water area, delineated under section 1453 of SDWA**. Section 1453 of SDWA required state drinking water primacy agencies to develop source water area delineations during State Source Water Assessments. These assessments were a onetime requirement that were completed for most states by 2000. However, watershed characteristics have likely changed significantly since the delineations were first established, so it may be appropriate to update the source water area delineations. For the purpose of fulfilling Tier II data requests, the most current source water area delineations, as provided by the community water system or the state drinking water primacy agency, should be used. If the source water area falls within multiple states, the community water system will need to request Tier II information from the SERC or LEPC in each state that contains a portion of its source water area. For example, a community water system using the Ohio River as its source has a source water area that falls partially within Ohio and Kentucky. This community water system should obtain Tier II data from each state for the portion of its source water area that falls within that state.

23. How should requests for Tier II information be formulated to ensure an accurate, complete, and efficient fulfillment of the request?

Section 2018 of AWIA requires the SERC and LEPC to provide Tier II information in their possession to affected community water systems upon request (see **FAQ #22**). Community water systems do not know which facilities in their source water area submitted the Tier II form or should submit the Tier II form. In making a request for Tier II data to a SERC, community water systems (or a state drinking water primacy agency acting on behalf of community water systems) should be able to provide the boundaries of their source water area delineations or a list of all counties that fall completely or partially within the source water area. The SERC or LEPC can fulfill the request for Tier II data using any convenient boundaries that encompass the entirety of the source water area that falls within its jurisdiction. Because Tier II information is often aggregated at the county level, the SERC may provide Tier II data for all counties that fall completely or partially within the community water system's source water area. If the Tier II data are maintained in a GIS system, it may be possible to use digital boundaries of the source water area (e.g., a shape file, a KML file) to identify the facilities that fall within the source water area. The SERC should provide the community water systems with Tier II chemical inventory data in their possession upon request. For facilities that have not submitted Tier II reports, see **FAQ #25**.

24. Are community water systems required to request Tier II information for specific facilities?

No. Community water systems now have authority under the law to request and obtain Tier II information from the SERC/TERC or LEPC for their entire source water area, upon request (see **FAQ #22**). However, requests for Tier II information for facilities that have not submitted Tier II forms must be made for specific facilities (see **FAQ #25**).

25. How can a community water system obtain Tier II information for facilities that have not reported?

EPA recommends that community water systems first request Tier II information for their source water area that the SERC or LEPC currently has in its possession. If, upon review of the Tier II data provided by the SERC or LEPC, the community water system believes that important facilities within its source water area are not in the provided Tier II information, it may ask the appropriate SERC or LEPC to request Tier II information from the facility. For example, this may occur if a facility has failed to comply with Tier II reporting requirements. However, such requests must be for specific facilities and the community water system will need to provide identifying information for the facility, such as the name and address (or geospatial coordinates) of the facility. This can be a lengthy and involved process. If/when the SERC or LEPC receives Tier II information from the facility, it must forward that information to the community water system that made the request.

26. EPA's guidance document indicates that a community water system will need "to adhere to required security and protection controls for potentially sensitive information."

- Who is responsible for confirming that the water system has the required security and protection controls?
- How should a community water system protect Tier II information that it receives from a SERC or LEPC?
- If the data is provided to a water system and is compromised, what is the risk to the state that supplied the info? Could a reporting facility file against the state if their data is compromised while in the possession of a water system?
- How do we protect the facility data from being handed off to a third party (consultant) for mapping or other derivative products?

The AWIA amendments to EPCRA section 312 require SERCs and LEPCs to provide Tier II information to a community water system, upon request. EPA encourages SERCs, LEPCs, state drinking water primacy agencies, and community water systems to have a dialogue about the use and protection of sensitive information, including information about water system facilities as well as Tier II facilities. Community water systems routinely employ consultants and contractors with whom they share sensitive information and may need to enlist the services of these entities to analyze Tier II data for emergency response planning and source water protection activities. To protect this sensitive information, community water systems should execute contractual language that includes provisions to protect Tier II information from unauthorized dissemination and limit use of Tier II information to purposes specified in the contract. Furthermore, SERCs and LEPCs may establish procedures for community water systems to safeguard Tier II information provided to them.

27. Is a SERC or LEPC liable for missing Tier II information (e.g. facilities that have not reported or incomplete facility information)?

There are no SERC or LEPC liability provisions in the AWIA amendments to EPCRA section 312. Community water systems should be able to provide their source water area in a format so that SERCs and LEPCs may identify the facilities within that area that submit Tier II information.

28. If a SERC is contacted by a community water system regarding Tier II information, how does the SERC verify the accuracy of any list of requested facilities 'within the protected area'?
- See [FAQ #22](#). If the SERC wants to verify the accuracy of the boundaries for the source water area, they should contact the state drinking water primacy agency, or in cases where there is no state drinking water primacy agency, contact the Drinking Water Program in the EPA Regional Office. SERCs are required to provide Tier II chemical inventory data for all facilities that fall within the source water area to the corresponding community water system.
29. EPCRA provides numerous exemptions from reporting. If a community water system requests information on a facility that is exempt from reporting, what are the SERC's responsibilities? See the examples below.
- Mine Safety and Health Administration (MSHA) facilities are not covered under EPCRA but maintain hazardous substances onsite (hazardous substance could be released into a waterway from a tank owned by a mining operation).
Mining facilities may claim they are not covered by the Occupational Safety and Health Administration (OSHA), therefore they don't need to comply with EPCRA sections 311 and 312. However, it should be noted that because MSHA covers only actual mining activities, all other operations, such as refining, are covered under OSHA's Hazard Communication Standard (HCS) and are thus subject to Sections 311 and 312. SERCs and LEPCs may request that their EPA Regional office inspect these types of facilities to determine if all activities at a mining site are regulated by MSHA or if any operations or the hazardous chemicals present are regulated under OSHA HCS.
 - Resource Conservation and Recovery Act (RCRA) facilities are not covered under EPCRA, but they maintain many hazardous substances onsite.
RCRA facilities may be covered under EPCRA sections 311 and 312 if any chemical present on-site is required to have a Material Safety Data Sheet/Safety Data Sheet (MSDS/SDS) under the OSHA Hazardous Communication Standard. The OSHA exemption is not for the entire facility; the exemption is only for hazardous wastes regulated under EPA RCRA regulations.
 - Research facilities are exempt from reporting research-related substances.
The EPCRA exemption provided in Section 311 is not for the entire facility, but rather only for specific substances, so if these facilities have other substances (OSHA hazardous chemicals) then the facility should be submitting its Tier II form to the SERC, LEPC, and fire department if reporting thresholds are met.
 - Food and drug related materials covered by the Food and Drug Administration are not reportable.
If the facility has other substances (OSHA hazardous chemicals), then the facilities are required to submit Tier II forms to the SERC, LEPC, and fire department.
If these types of facilities claim that they are exempt from reporting, the SERC and LEPC may explain that these exemptions are chemical-specific, and the application of the exemption depends on how the chemicals are handled or used at these facilities. SERCs and LEPCs may request assistance from their EPA Regional office to conduct inspections at the facility.
30. If a SERC or LEPC pursues Tier II information from a facility that is of interest to a community water system but otherwise not required to report, must that data be managed separately from the regular Tier II reporting community's reports?
- Neither EPCRA or AWIA amendments contain any explicit recordkeeping requirements for facilities or for state and local implementing agencies, including data management.

31. Can SERCs and LEPCs restrict the level of detail for facilities that fall outside traditional Tier II reporting – or even for those that do report?

There is no provision in AWIA section 2018 to limit or restrict the level of detail when providing Tier II information to community water systems. The information collected under the federal Tier II reporting requirements, codified in 40 CFR 370.42, should be provided to the community water systems, upon request. However, if a facility submits the confidential location information sheet with its Tier II form, then the SERC may withhold that information from the community water systems. **Note:** Facilities can claim a trade secret for specific chemical identity on their Tier II form provided that they submit a trade secret claim package to EPA according to the regulations promulgated in 40 CFR part 350. States may request EPA to verify if a claim was submitted by any facility that check off the box “trade secret” on its Tier II form.

32. What leverage does a SERC or LEPC have to force a facility to file a Tier II report if a community water system requests the information?

If a community water system identifies a facility in its source water area, it may request Tier II information from the SERC or LEPC. If the SERC or LEPC have the Tier II information in their possession, it should be provided to the community water system upon request, as stated in AWIA section 2018(b). If a facility has not submitted a Tier II form, then the SERC or LEPC should request that the facility provide a Tier II form.

33. What is the expected response time for a SERC or LEPC to respond to a community water system’s request for Tier II information that must be gathered from facilities that have not yet reported? Under current EPCRA guidance, SERCs and LEPCs must respond to a request for Tier II information no later than 45 days after the date of receipt of the request.

AWIA amendments to EPCRA section 312 do not specify a time frame for a SERC or LEPC to respond to a request from community water systems. The time frame “45 days” in EPCRA section 312(e) refers to public requests for information. For facilities that have already submitted Tier II information, the SERCs and LEPCs should provide it upon request from a community water system. For facilities that have not submitted a Tier II form, the SERC and the LEPC have the authority to request that information and establish a time frame for the facility to submit a Tier II form. EPA encourages SERCs and LEPCs to provide the information as soon as they receive the Tier II information from the facility so that community water systems can incorporate the information in their emergency response planning.

34. What are the pros and cons of requesting Tier II data through the SERC versus the LEPC?

Under AWIA section 2018(b), community water systems may request Tier II data from the SERC or LEPC. The advantage of making the request through the SERC is that the SERC will have data for the entire state, whereas the LEPC will have data only for the local area (e.g., the county or its emergency planning district). If a community water system has a source water area that is outside of the LEPC jurisdiction, the LEPC won’t have data for all facilities in the source water area. Additionally, the SERC will likely manage Tier II data electronically, making it easier for the community water system to receive and analyze the data. The advantage of requesting Tier II information through the LEPC is that the LEPC may have additional information about facilities reporting under Tier II as well as other potential threats to source water quality. Furthermore, EPCRA section 312(f) authorizes fire departments to inspect facilities that are subject to Tier II reporting requirements. Community water systems may request, through the appropriate LEPC, to participate in facility inspections. Community water systems are encouraged to join their LEPC and participate in the LEPC local emergency response plan.

35. What should a community water system do if it identifies errors in the Tier II information? [When analyzing Tier II information for source water protection activities and emergency response planning, a community water system may identify inaccuracies. As a real-world example, a community water system identified inaccurate geospatial coordinates and obtained correct coordinates using aerial imagery. When such errors are identified, they should be reported to the relevant LEPC and SERC so that they can update their records and improve community preparedness.](#)
36. Are transient and non-community water systems entitled to receive Tier II information for their source water area?
[No. The law does not grant non-transient non-community water systems and transient non-community water systems access to Tier II information for their source water area. However, these non-community water systems may submit a public request for Tier II data following procedures established by the SERC.](#)
37. Where can I find contact information for the state entity that manages Tier II information under Section 312 of EPCRA?
[The following EPA website has a listing of Tier II reporting requirements and contact information for the Tier II administrator in each of the 50 states, DC, and U.S. territories:
<https://www.epa.gov/epcra/state-tier-ii-reporting-requirements-and-procedures>](#)

Key definitions

The following definitions apply to the terms used in this document:

- **Affected Community Water System(s)** – One or more community water systems (as defined in SDWA section 1401(15)) that receives supplies of drinking water from a source water area, delineated under SDWA section 1453, in which a facility that is required to prepare and submit a Tier II information form is located.
- **Community Water System** – A system that provides water for human consumption through pipes or other constructed conveyances and has at least fifteen service connections or regularly serves at least twenty-five individuals, and which serves the same population year-round (as defined in SDWA section 1401(15)).
- **Facility** – Under EPCRA, the term “facility” means all buildings, equipment, structures, and other stationary items which are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person (or by any person which controls, is controlled by, or under common control with, such person). EPA expanded this definition of “facility” to include manmade structures, as well as natural structures in which chemicals are purposefully placed or removed through human means such that it functions as a containment structure for human use. For purposes of section 304, the term “facility” includes motor vehicles, rolling stock, and aircraft.
- **Local or Tribal Emergency Planning Committee** – An entity designated by the SERC of each state or TEPC of a federally recognized Tribe that is responsible for preparing chemical emergency response plans; coordinating the response to releases; serving as a nexus of information about chemical risks in the community; and establishing procedures for processing public information requests.
- **State Drinking Water Primacy Agency (i.e., the applicable state agency)** – The agency that has primary responsibility to enforce the requirements of the Safe Drinking Water Act (SDWA) in the state.

- **State or Tribal Emergency Response Commission** – An entity designated by the Governor of each state or chief executive officer of a federally recognized Tribe that is responsible for establishing LEPCs (or TEPCs); reviewing local emergency plans; supervising LEPC (or TEPC) activities; establishing mechanisms for collecting hazardous chemical inventories and information on releases of chemicals from facilities; and establishing procedures for processing public information requests.