Overview of SPCC and EPCRA Webinar for Tribal Partners

• This EPA-hosted session will provide a basic overview of the prevention and preparedness programs for oil spills under SPCC and chemical emergencies under EPCRA. The objective is to provide attendees with a general awareness of the SPCC and EPCRA programs and their associated regulatory requirements. The session will also include a question and answer segment where participants will be able to interact with the SPCC and EPCRA national program managers.

• The target audience for the Overview of SPCC and EPCRA includes:
  – All tribes (including state-recognized) that have any petroleum and/or chemical production, above-ground storage, processing or transportation (pipelines) within, through, or adjoining their tribal lands.
  – Tribal owners/operators of regulated oil and chemical facilities.
  – Alaska Native Corporations with regulated oil and chemical facilities.
  – Tribal environmental management agencies.
  – Tribal Emergency Response Commissions (TERCs) & Tribal Emergency Planning Committees (TEPCs).
  – Tribal first responders.
  – Tribal environmental nonprofit organizations.
USEPA Overview of SPCC and EPCRA Webinar for Tribal Partners

Mark W. Howard  
(USEPA SPCC SME)

Sicy Jacob  
(USEPA EPCRA SME)

Sara Walker (USEPA Contract Support)

Office of Emergency Management - HQ

September 15th, 2021

USEPA WEBINAR
1:00 pm – 1:35 – Introductions & SPCC Overview
1:35 pm – 2:05 pm – EPCRA Overview
2:05 pm – 2:15 pm – Open Q&A

Please feel free to take a break as needed
Please feel free to ask questions using the chat box or during the open Q&A session using the chat box
There is no bad question…
What role do you play in the oil spill/EPCRA community?
Legal Disclaimer

This presentation is meant to provide an overview to EPA inspectors, owners and operators of facilities of regulated, and the general public on the implementation of the Spill Prevention, Control, and Countermeasure (SPCC) rule (40 CFR Part 112). This presentation seeks to promote nationally-consistent implementation of the SPCC rule. The statutory provisions and EPA regulations described in this presentation contain legally binding requirements. This presentation does not substitute for those provisions or regulations, nor is it a regulation itself. In the event of a conflict between the discussion in this presentation and any statute or regulation, this presentation is not controlling. This presentation does not impose legally binding requirements on EPA or the regulated community, and might not apply to a particular situation based upon the circumstances. The word “should” as used in this presentation is intended solely to recommend or suggest an action, and is not intended to be viewed as controlling. Examples in this presentation are provided as suggestions and illustrations only. While this presentation indicates possible approaches to assure effective implementation of the applicable statute and regulations, EPA retains the discretion to adopt approaches on a case-by-case basis that differ from this presentation where appropriate. Any decisions regarding compliance at a particular facility will be made based on the application of the statute and regulations. References or links to information cited throughout this presentation are subject to change. Rule provisions and internet addresses provided in this guidance are current as of September 2021. This presentation may be revised periodically without public notice.
Oil Regulations

• 40 CFR part 112 - Oil Pollution Prevention regulation
  – Specifies requirements for prevention of, preparedness for, and response to oil discharges
    • Spill Prevention, Control, and Countermeasure (SPCC)
  – Includes requirements for Facility Response Plans (FRPs)

• 40 CFR part 110 – Discharge of Oil (sheen rule)
  – Prohibition of oil discharge
  – Reporting requirements
  – Establishes harmful quantity
What does the SPCC rule require?

• Requires facilities to develop and implement a site-specific SPCC Plan to address:
  – Containment and procedures to prevent oil discharge (tank testing);
  – Control measures to keep an oil discharge from entering navigable waters (containment); and
  – Countermeasures to contain, clean up, and mitigate any oil discharge that affects navigable waters (spill response measures).

• Performance-based rule designed to implement the Congressional policy of “no oil discharges” to waters of the United States

1. Purpose of SPCC Rule
1.2.6 Compliance Date Amendments

- EPA extended the compliance dates for facilities to update (or for new facilities to prepare) and implement an SPCC Plan
  - Eight times, 2003-2011
  - Guidance summarizes each of these extensions.
- New production facilities have six months to develop and implement their SPCC Plan
- All compliance dates are in the past.
  - If the owner or operator of a facility does not have an SPCC Plan, must develop a Plan immediately.
  - Plan must comply with all amendments to the rule.

<table>
<thead>
<tr>
<th>All other facilities starting operation...</th>
<th>Must...</th>
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<tbody>
<tr>
<td>On or before August 16, 2002</td>
<td>Maintain its existing SPCC Plan Amend and implement the amended SPCC Plan no later than November 10, 2011</td>
</tr>
<tr>
<td>After August 16, 2002 through November 10, 2011</td>
<td>Prepare and implement an SPCC Plan no later than November 10, 2011</td>
</tr>
<tr>
<td>After November 10, 2011 (excluding oil production facilities)</td>
<td>Prepare and implement an SPCC Plan before beginning operations</td>
</tr>
<tr>
<td>After November 10, 2011 (oil production facilities)</td>
<td>Prepare and implement an SPCC Plan within six months after beginning operations.</td>
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SPCC Guidance

• EPA issued Version 2.0 of the SPCC guidance on **August 28, 2013**

• This presentation focuses on the *substantive* changes since the previous version.

This presentation is not intended to serve as training on the entire SPCC rule, but rather focuses on the **new or revised content and structure of the Guidance.**
The SPCC rule applies to a facility that meets the following criteria:

1. Drills, produces, gathers, stores, processes, refines, transfers, distributes, uses, or consumes oil and oil products; and
2. Is non-transportation-related (i.e. facility is not exclusively covered by DOI or DOT); and
3. Can reasonably be expected to discharge oil in quantities that may be harmful into or upon the navigable waters of the U.S. or adjoining shorelines; and
4. Meets capacity thresholds
   - Aboveground storage > 1,320 gallons; or
   - Completely buried storage > 42,000 gallons
Exemptions to SPCC Applicability

• Current exemptions to the SPCC rule include
  – Underground storage tanks subject to UST tech requirements
  – Wastewater treatment facilities
  – Motive power containers
• Exemptions in the 2008 amendments include
  – Hot-mix asphalt (HMA)
  – Residential heating oil containers (ASTs and USTs)
  – Pesticide application equipment
  – USTs at nuclear power generation facilities
  – Intra-facility gathering lines subject to the requirements of 49 CFR part 192 or 195

§112.1(d)
SPCC Applicability Flowchart

1. Is the facility, or part of the facility, considered non-transportation-related?
   - YES
   - NO

2. Is the facility engaged in drilling, producing, gathering, storing, processing, refining, transferring, distributing, using, or consuming oil?
   - YES
   - NO

3. Could the facility be expected to discharge oil in quantities that may be harmful into navigable waters or adjoining shorelines?
   - YES
   - NO

   The facility IS NOT subject to SPCC

4. Is the total aggregate capacity of aboveground oil storage containers greater than 1,320 gallons?
   - YES
   - NO
   **OR**
   - YES
   - NO

   **The facility, or part of the facility, IS subject to SPCC**

5. Is the total aggregate capacity of completely buried storage tanks greater than 42,000 gallons?
   - YES
   - NO

   **The facility IS NOT subject to SPCC**
§112.3 Prepare and Implement a Plan

• The facility owner/operator must prepare an SPCC Plan:
  – In writing
  – In accordance with §112.7 and any other applicable sections of 40 CFR part 112

• Compliance dates to prepare, amend, and implement an SPCC Plan
Professional Engineer Certification

• A licensed PE must review and certify a Plan and technical amendments

• The certification **does not** relieve the owner/operator of his duty to prepare and fully implement a Plan

• Qualified facilities may opt to self-certify Plans in lieu of PE-certification.
  
  ➢ This will be discussed during the overview of 112.6
  
  ➢ Some states do not allow self-certification of SPCC Plans
§112.4 Amendment of SPCC Plan by Regional Administrator

Notify Regional Administrator

• Submit specific information to the RA if the facility discharged:
  – More than 1,000 gallons of oil in a single discharge as described in §112.1(b)
  – More than 42 gallons of oil in each of two discharges as described in §112.1(b) within a 12-month period
  – The gallon amount (42 or 1,000) refers to the amount of oil that reaches navigable waters which is reportable under 40 CFR 110

• No action necessary until one of the above triggering events

• Still required to report to NRC in accordance with 40 CFR part 110

• More to information presented in part 2 of webinar
§112.5 Amendment of SPCC Plan by Owners or Operators

• For changes in facility design, construction, operation, or maintenance that materially affect the potential for a discharge as described in §112.1(b)
  – Commissioning and decommissioning containers
  – Replacement, reconstruction, or movement of containers
  – Reconstruction, replacement, or installation of piping systems
  – Construction or demolition that might alter secondary containment structures
  – Changes in product or service
  – Revision of operating or maintenance procedures

• Amend within 6 months; implement ASAP, but no later than 6 months after amendment
Plan Review

• Complete review and evaluation of Plan
  – Once every 5 years from the date facility becomes subject to the rule
  – If a facility was in operation on or before 8/16/2002, five years from the date of your last review required by the rule
  – Does not always require a PE

• Amend Plan within 6 months to include more effective prevention and control technology

• Implement ASAP, but no later than 6 months of amendment

Amendment of SPCC Plan by Owner or Operator

§112.5(b) and (c)
§112.6 Qualified Facility Plan Requirements

- Smaller oil storage facility that is eligible for streamlined regulatory requirements
  - Self-certified SPCC Plan instead of one reviewed and certified by a Professional Engineer
- Must meet eligibility criteria to use alternative option
- 2008 amendments divided this group of facilities into tiers
Tier Options for Qualified Facilities Self-Certification

• Facilities must first qualify for this option
  – Clean spill History (back three years, 2-42 gallon or 1000)
  – 10,000 gallons or less of AST facility capacity
• Tier II
  – All qualified facilities are Tier II
  – Full SPCC with no PE certification of Plan (self cert)
  – EPA can request a PE Plan
• Tier I
  – Qualified facilities that have no AST larger than 5,000 gallons
  – Facilities can use the rule’s Appendix G template
  – Reduced requirements (Tier II cant use the template)
• Self certification issues
  – State Law
  – The attestation for facilities
§112.7 General Requirements for SPCC Plans

Plan Format

• Prepare in writing and according to good engineering practice

• Approval of management with authority to commit resources to fully implement the Plan

• For procedures, methods, and equipment that are not yet fully operational:
  – Discuss in separate paragraphs
  – Explain separately the details of installation and start-up
Alternate Plan Formats

• If a Plan does not follow the sequence specified in the rule, an equivalent Plan may be prepared:
  – Acceptable to the Regional Administrator
  – Meets all applicable requirements in rule
  – Provide a cross-reference that shows the location of each of the SPCC requirements
SPCC Requirements for Onshore Bulk Storage Facilities (§112.8)
§112.8 SPCC Requirements for Onshore Facilities

• Outlines specific requirements (in addition to general requirements in §112.7) for onshore facilities (excluding production facilities) regarding:
  – Facility drainage
  – Bulk storage containers
  – Containment drainage requirements
  – Facility transfer operations, pumping, and facility process
NAME THAT TANK....FOR $1,000

Convert-a-zontals
Specific (Sized) Secondary Containment Requirements

- Areas where certain types of containers, activities, or equipment are located may be subject to additional, more stringent, containment requirements
- Sized to largest tank or tanker compartment with freeboard for a rain event
- EPA does not specify a freeboard requirement
  - 110% rule of thumb and 25 year 24 hour storm event
- Specific minimum size requirement for secondary containment for the following areas:
  - Loading/unloading racks (no freeboard requirements)
  - Bulk storage containers
  - Mobile or portable bulk storage containers
  - Production facility bulk storage containers, including tank batteries, separation, and treating vessels/equipment

Containment Requirements for SPCC Plans

§§112.7(h), 112.8(c)(2)&(11), 112.9(c)(2)
Regularly Scheduled Integrity Testing

• Applies to:
  – Large (field-constructed or field-erected) and small (shop-built) aboveground bulk storage containers
  – Aboveground bulk storage containers on, partially in (partially buried, bunkered, or vaulted tanks) and off the ground wherever located
  – Aboveground bulk storage containers storing any type of oil
    • Examples: mobile/portable containers, drums, totes

What containers at a facility are not subject to integrity testing provisions?
Overfill Protection

• Follow good engineering practices to avoid discharges from container installations

• Provide at least one of the following devices:
  – High liquid level alarms
  – High liquid level pump cutoff
  – Direct audible or code signal communication between container gauger and pumping station
  – Fast-response system for determining liquid level of each bulk storage container, with person present to monitor

• Regularly test liquid level sensing devices (follow manufacturers specifications)
Piping Installations

• Buried piping installed after August 16, 2002 must be:
  – Protectively wrapped and cathodically protected; or
  – Satisfy the corrosion protection provisions for piping in 40 CFR parts 280 or 281 (state program)

• Requirement applies to all soil conditions

• Exposed piping must be inspected for corrosion

• Take corrective action if corrosion damage
Piping Installations (continued)

- Conduct regular inspections of all aboveground valves, piping, and appurtenances
  - Assess general condition of items such as flange joints, expansion joints, valve glands and bodies, catch pans, pipeline supports, locking of valves, and metal surfaces

- Conduct integrity and leak testing of *buried piping* at time of installation, modification, construction, relocation, or replacement

- Cap or blank-flange piping

- Signs to prevent pipe strikes

- Properly designed piping supports

SPCC Requirements for Onshore Bulk Storage Facilities  §§112.8(d)(4) and 112.12(d)(4)
SPCC Requirements for Oil Production, Drilling and Workover Facility

(§112.9-10)
General Requirements Applicable to ALL Facilities

- Production facilities must meet general requirements under §112.7
  - Except the security requirement (§112.7(g))
  - Except general containment requirement (§112.7(c)) for certain flowlines and gathering lines
§112.9 SPCC Requirements for Onshore Production Facilities

• Outlines specific requirements (in addition to general requirements in §112.7) for onshore production facilities regarding:
  – Facility drainage
  – Bulk storage containers
  – Facility transfer operations, pumping, and
SPCC Plan Preparation and Implementation Timeframe

- A new oil production facility has six months after the start of operations to prepare and implement an SPCC Plan.
  - A new oil production facility is one that becomes operational after November 10, 2010 (offshore or FRP) or November 10, 2011 (onshore).
  - “Start of operations” is indicated by the start of well fluid pumping, transfer via flowlines, separation,
Bulk Storage Containers at Production Facilities

Container compatibility (§112.9(c)(1)):

Do not use a container for the storage of oil unless its material and construction are compatible with the material stored and the conditions of storage.
Equalizing Line
Flowlines and Intra-facility Gathering Lines

- **What is a flowline?**
  - Flowlines are piping that transfer crude oil and well fluids from the wellhead to the tank battery and from the tank battery to the injection well.

- **What is a gathering line?**
  - Gathering lines transfer crude oil product between tank batteries, within or between facilities.
  - Any gathering lines within the boundaries of a facility are “intra-facility gathering lines” and within EPA’s SPCC jurisdiction.
  - Gathering lines often originate from an oil production facility’s lease automatic custody transfer (LACT) unit.

- “Flowline” and “gathering line” are not defined in the rule.
Flowlines and Gathering Lines
Onshore Drilling and Workover Requirements
Onshore Drilling and Workover Requirements

- Meet general requirements listed under 40 CFR 112.7, and:
  - Position or locate mobile drilling or workover equipment so as to prevent a discharge under §112.10(b)
Onshore Drilling and Workover Requirements

- Provide catchment basins, reserve pits, or diversion structures to contain any spill of oil or oily fluids (drilling mud)

§112.10(c)
Onshore Drilling and Workover

- No specific sizing requirement, and no freeboard requirement for secondary containment

§112.10(c)
Onshore Drilling and Workover

- Install a Blow Out Prevention (BOP) assembly and well control system
- The BOP assembly and well control system must be capable of controlling any well-head pressure that may be encountered

§112.10(d)
Now Sicy will talk about EPCRA
Overview of EPCRA Sections 302 – 312: Reporting Requirements & Implementation Responsibilities

Sicy Jacob
Office of Emergency Management (OEM)
EPA HQ
Why and When EPCRA was Created?

- Methyl Isocyanate (MIC) release from a Union Carbide facility, Bhopal, India
  - Approximately 3,000 deaths and thousands injured

- Aldicarb & other chemicals released from Union Carbide facility at Institute, WV
  - More than 100 people hospitalized

- EPCRA (“SARA Title III”) was enacted.

- December 1984
- August 1985
- October 17, 1986
Purpose of EPCRA

Prepare and protect the community, including first responders, from chemical accidents.

Provide access to potential hazards to citizens in the community.
EPCRA Implementing Agencies

State Governors appoint
State Emergency Response Commissions (SERCs)

Chief Executive of the Tribes appoint
Tribal Emergency Response Commissions (TERCs)

SERCs appoint members: Local Emergency Planning Committees (LEPCs)
TERCs appoint members: Tribal Emergency Planning Committees (TEPCs)
LEPC (or TEPC) Organization
Other Stakeholders

EPA
- Publish Regulations;
- List of Chemicals and Reporting Thresholds; and
- Provide technical Assistance to EPCRA Implementing Agencies and covered facilities.

Facilities
- Report the presence and releases of hazardous substances;
- Report Hazardous Chemical Inventory;
- Toxic Chemical Releases.
Four Major Provisions

EPCRA Sections 302 & 303
Emergency Planning Notification &
Comprehensive Emergency Response Plan

EPCRA Section 304
Emergency Release Notification

EPCRA Sections 311 & 312
Hazardous Chemical Inventory Reporting

EPCRA Section 313*
Toxic Chemical Release Reporting

*Managed by Office of Chemical Safety and Pollution Prevention (OCSPP)
EPA:
1987 - Published the list of Extremely Hazardous Substances (EHSs) (“EPCRA EHSs”) and Threshold Planning Quantities (TPQs).
- 355 EHSs - TPQs range from 1 to 10,000 pounds (Link).
- There are NO (facility or chemical) exemptions under this provision except for substances in transportation or stored incident to transportation.

Emergency Planning Notification:
(EPCRA Section 302)

Facility Requirement:
Notify SERC (or TERC) and LEPC (or TEPC) if any EHS is present on-site at any time at or above its TPQ.
- One-time reporting requirement
- Within 60 days of acquiring a new chemical or if a new facility becomes subject to the reporting requirement.

Regulations, List of EHSs and TPQs:
LEPC & TEPC Responsibilities:

❖ Develop Emergency Response Plan (ERP):
  ▪ Review annually or more frequently as changes occur in the community
  ▪ Submit the emergency response plan to the SERC (or TERC) to review
  ▪ Evaluate resources necessary to develop, implement, and exercise the emergency plan

❖ Authority (Section 303(d)):
  ▪ LEPCs and TEPCs are authorized to request any information from facilities that have EHSs present at or above TPQs to develop or update the ERP.

Note: Elements of the ERP are provided in EPCRA Section 303(c) (Link).
Additional Responsibilities - Facilities

Provide a name of a representative – Facility Emergency Coordinator

Participate in the local emergency planning with LEPC or TEPC
<table>
<thead>
<tr>
<th>Elements of an Emergency Response Plan (EPCRA Section 303)</th>
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<tbody>
<tr>
<td>Identify facilities with Extremely Hazardous Substances (EHSs) and identify routes of transportation of EHSs</td>
</tr>
<tr>
<td>Describe training program for emergency response and medical personnel to respond to release.</td>
</tr>
<tr>
<td>Designate community emergency and facility emergency coordinator to implement the plan.</td>
</tr>
<tr>
<td>Outline notification procedures for facilities to notify community emergency coordinator to inform the public of the release and provide proper procedures.</td>
</tr>
<tr>
<td>Describe community and industry resources available for response.</td>
</tr>
<tr>
<td>Describe response procedures for facilities, local emergency and medical personnel.</td>
</tr>
<tr>
<td>Outline notification procedures.</td>
</tr>
<tr>
<td>Describe schedules for exercising plans.</td>
</tr>
<tr>
<td>Outline evacuation plans.</td>
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</tbody>
</table>
Emergency Release Notification (EPCRA Section 304) (40 CFR Part 355)

Any hazardous chemical produced, used or stored; AND

There is a release of any Extremely Hazardous Substance ("EPCRA EHS") OR CERCLA Hazardous Substance ("CERCLA HS") at or above its reportable quantity (RQ)
Reportable Substances – EPCRA Section 304

>800 CERCLA Hazardous Substances

153 “EPCRA EHSs”

355
Facility responsibilities for Release Notification under EPCRA Section 304

Initial Telephone Notification

❖ Substances: EPCRA EHSs and CERCLA HSs
❖ Reportable quantities: List of Lists (Link)
❖ Releases within any 24-hour period above a substance RQ

Follow-up written report within 30 days of initial notification of the release

Note: Follow-up written report of transportation related releases are not required.

SERC or TERC, LEPC or TEPC (or designated hotline/dispatcher)

Transportation related releases

911 or local operator

➢ Note: Follow-up written report of transportation related releases are not required.
Summary of Release Notification

CERCLA 103 & EPCRA 304

Regulated Substances & Entities Receiving Notifications

CERCLA Section 103
- CERCLA Hazardous Substances (HSs)
- National Response Center*
  *Fixed facilities and transportation related releases

EPCRA Section 304
- CERCLA HSs & EPCRA EHSs
- SERC or TERC & LEPC or TEPC
  Note: Transportation related releases to 911 operator.
Facilities that handle hazardous chemicals (require an MSDS/SDS under OSHA hazard communication standard), which include “EPCRA EHSs” (defined under EPCRA section 302)

**EPCRA Sections 311 & 312 (42 U.S.C. 11021 & 11022)**

“The owner or operator of any facility which is required to prepare or have available a material safety data sheet for a hazardous chemical under the Occupational Safety and Health Act of 1970 [29 U.S.C. 651 et seq.] and regulations promulgated under that Act shall submit...”
Chemicals: 
EPCRA Sections 311 & 312

A few Examples of chemicals/materials that require an MSDS (SDS):

• Pure chemicals (chlorine, ammonia, etc.)
• lead-acid batteries;
• Sand;
• motor oil; etc.

OSHA’s HCS: workers that handle hazardous chemicals

OSHA Hazardous Chemicals: >800,000 products/compounds/pure chemicals
(“EPCRA EHSs” & All Other Hazardous Chemicals)
Hazardous Chemical Inventory Reporting (Sections 311 & 312):
Two Parts

**Section 311**
- MSDSs (SDSs)
  - or
  - List of Hazardous Chemicals

**Section 312**
- Tier I Inventory Form
  - or
  - Tier II Inventory Form

SERC (or TERC), LEPC (or TEPC), and local fire department

One-time reporting requirement
Within 3 months of acquiring a new chemical/significant new information

March 1 Annually

Within 3 months of acquiring a new chemical/significant new information
Hazardous Chemical Inventory Reporting
Sections 311 and 312:
Reporting Thresholds

• **EHSs ("EPCRA EHSs")** – 500 lbs or TPQ whichever is less

  ➢ **Examples:**
    - TPQ for Chlorine is 100 lbs for emergency planning notification, however, the reporting threshold for Sections 311 & 312 is **100 lbs**.
    - TPQ for Ethylene Oxide is 1,000 lbs for emergency planning notification, however, the reporting threshold for Sections 311 & 312 is **500 lbs**.

• **Gasoline** – 75,000 gallons; **Diesel** – 100,000 gallons (*stored underground at retail gas stations and in compliance with underground storage tank regulations (40 CFR parts 280 & 281)

• **ALL** other hazardous chemicals – 10,000 lbs (Ex: **Propane; Ammonium Nitrate**)
Sections 311 & 312:

**Exemptions from the Definition of “Hazardous Chemical” (EPCRA Section 311(e))**

**Note:** These exemptions are **ONLY** for certain substances the way they are used or present/packaged.

- **1)** Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration.
- **2)** Any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use.
- **3)** Any substance to the extent it is used for personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public.
- **4)** Any substance to the extent it is used in a research laboratory or a hospital or other medical facility under the direct supervision of a technically qualified individual.
- **5)** Any substance to the extent it is used in routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer.

**Link to EPCRA Frequently Asked Questions**

Search for underlined terms or phrases above for FAQs on each exemption.
Any substance to the extent it is used in **routine agricultural operations** or is a fertilizer held for sale by a retailer to the ultimate customer

**Substances covered under this exemption:**

- Substances used in “**routine agricultural operations**”:
  - ✓ fertilizers, pesticides, paint used for farm equipment, fuel to heat barns, etc.
- **Fertilizer held for sale by a retailer to the ultimate customer**:
  - ✓ selling fertilizer “as is” without blending/mixing to the ultimate customer (ex: farmer).

**NOT covered under this exemption:**

- Pesticides and other chemicals present at retail facilities
- Blending/mixing fertilizer
Scenario: Ammonia is held for sale by a retailer in a large storage tank. The retailer sells the ammonia as both an agricultural fertilizer and as a coolant for air conditioning systems. Section 311(e)(5) of EPCRA exempts from the definition of a hazardous chemical "(a)ny substance to the extent it is used in routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer." For purposes of EPCRA sections 311/312 reporting, how would this combined usage of the ammonia tank be affected by the agricultural use exemption under EPCRA section 311(e)(5)?

Answer: The ammonia in the tank that is held for use as coolant is not exempt from reporting under EPCRA section 311(e)(5) since it will not be "....used in routine agricultural operations." Therefore, the amount of ammonia held for sale as coolant is reportable under EPCRA sections 311/312.

The amount of ammonia held for sale as a fertilizer to the ultimate customer, however, would be exempt from reporting.
FAQs on Section 311(e)(5) Exemptions

To what extent are agricultural chemical retailers exempt?
- [https://www.epa.gov/epcra/what-extent-are-agricultural-chemical-retailers-exempt](https://www.epa.gov/epcra/what-extent-are-agricultural-chemical-retailers-exempt)

Ammonia sales at farm supply companies
- [https://www.epa.gov/epcra/ammonia-sales-farm-supply-companies](https://www.epa.gov/epcra/ammonia-sales-farm-supply-companies)

Agricultural use exemption and fuels
- [https://www.epa.gov/epcra/agricultural-use-exemption-and-fuels](https://www.epa.gov/epcra/agricultural-use-exemption-and-fuels)

Tank used to store ammonia to be used as both agricultural fertilizer and coolant
- [https://www.epa.gov/epcra/tank-used-store-ammonia-be-used-both-agricultural-fertilizer-and-coolant](https://www.epa.gov/epcra/tank-used-store-ammonia-be-used-both-agricultural-fertilizer-and-coolant)
Sections 311 & 312: Other Exemptions

Under EPCRA Section 327, Substances in Transportation or Stored incident to Transportation are exempt from reporting under EPCRA Sections 302, 311 & 312, if the substances are under Active Shipping Papers/Bill of Lading.

FAQs on EPA Website:
- Link to Hazardous Chemicals Present at Rail Yards FAQ
- Link to “Storage Incident to Transportation” FAQ
## Tier II Inventory Form (page 1)

### Facility Identification

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<tr>
<th>Dun &amp; Bradstreet Number</th>
<th>TRI Facility ID:</th>
<th>RMP Facility ID:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

### Subject to Emergency Planning under Section 302 of EPCRA (40 CFR part 355)?

- [ ] Yes
- [x] No

### Subject to Chemical Accident Prevention under Section 112(r) of CAA (40 CFR part 68, Risk Management Program)?

- [ ] Yes
- [x] No

### Owner or Operator Information

<table>
<thead>
<tr>
<th>Name</th>
<th>Dun &amp; Bradstreet Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Parent Company Information (optional)

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Phone Number</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Facility Emergency Coordinator (if applicable)

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
<th>Email Address</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Tier II Information Contact

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
<th>Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Emergency Contacts

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
<th>Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Certification (Read and sign after completing all sections)

- [ ] I certify under penalty of law that I have personally examined and
- [ ] am familiar with the information submitted in pages one through
date
- [ ] and that based on my inquiry of those individuals responsible for
drafting the information, I believe that the submitted information is
- [ ] true, accurate and complete.

| Name and official title of owner/operator or owner/operator’s
| authorized representative |
|-------------------------|-------------------------|
|                         |                         |

<table>
<thead>
<tr>
<th>Signature</th>
<th>Date Signed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The public reporting and recordkeeping burden for this collection of information is estimated to range from 6 to 120 hours per response. Send comments on the Agency’s need for this information, the accuracy of the provided burden estimate, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822 T), 1200 Pennsylvania Ave, NW, Washington, DC. 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address.

EPA Form No. 8700-30  
OMB Control No. 2050-0072  
Expiration Date: 3/31/2022  
Page 1 of ___
## Tier II Inventory Form

### Page 2

<table>
<thead>
<tr>
<th>Chemical Description</th>
<th>Physical Hazards</th>
<th>Health Hazards</th>
<th>Inventory</th>
<th>Type of Storage</th>
<th>Storage Conditions (Pressure, Temperature)</th>
<th>Storage Locations</th>
<th>Additional Reporting Information (Optional)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chemical Name:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Confidential:</td>
</tr>
<tr>
<td>CAS No.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Yes  No</td>
</tr>
<tr>
<td>EHS:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Yes  No</td>
</tr>
<tr>
<td>Solid    Liquid    Gas</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Yes  No</td>
</tr>
<tr>
<td>Trade Secret</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Yes  No</td>
</tr>
<tr>
<td>Mixture or Product Name:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Confidential:</td>
</tr>
<tr>
<td>CAS No.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Yes  No</td>
</tr>
<tr>
<td>Not Available</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Yes  No</td>
</tr>
<tr>
<td>Solid    Liquid    Gas</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Yes  No</td>
</tr>
<tr>
<td>Trade Secret</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Yes  No</td>
</tr>
<tr>
<td>EHS(s) Name of applicable:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Yes  No</td>
</tr>
<tr>
<td>CAS No.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Yes  No</td>
</tr>
<tr>
<td>Non-EHS(s) Name (optional):</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Yes  No</td>
</tr>
</tbody>
</table>

**Optional Attachments:**
- I have attached a site plan
- I have attached a list of site coordinate abbreviations
- I have attached a description of dikes and other safeguard measures
Flexibility & Electronic Reporting

• States and Tribes have the flexibility to implement EPCRA as necessary for their community, provided your program is more stringent than Federal EPCRA regulations.
  - Additional requirements (chemicals)
  - Lower reporting thresholds;
  - Electronic reporting/submitting/certification

• Reporting Software:
  - Tier2 Submit (EPA/NOAA)
  - State-developed reporting software
Fire Department Inspection of Tier II Facilities

• Under EPCRA Section 312(f), facilities must allow fire department to conduct on-site inspection.

  • Specific locations of all hazardous chemicals must be provided to the fire department during inspection.
Emergency Planning: **All Hazardous Chemicals**

Tier II form (submitted annually) would provide information on **ALL OSHA hazardous chemicals**:

<table>
<thead>
<tr>
<th>Amount stored on site</th>
<th>Potential hazards</th>
<th>Method of storage</th>
<th>Location</th>
</tr>
</thead>
</table>

Note: OSHA Hazardous Chemicals (include EHSs for which planning is required under EPCRA Section 303)
Lack of Knowledge/Emergency Plan/Misunderstanding of EPCRA Provisions

CSB Safety Video on the April 17, 2013, fire and explosion at the West Fertilizer Company in West, Texas

https://www.youtube.com/watch?v=pdDuHxwD5R4

- 15 fatalities (12 fire fighters & 3 members of the public), 260 people were injured.
- Damaged nearby homes, nursing home, etc.
Summary
EPCRA Sections 302 - 312

Facilities

Section 302
Report all EHSs on site to SERC or TERC, and LEPC or TEPC for emergency planning purposes

Section 304
Notify of releases of certain substances and submit follow up written reports to SERC or TERC and LEPC or TEPC

Sections 311 & 312
Report all OSHA hazardous chemicals including EHSs on site to SERC or TERC, LEPC or TEPC, and local fire department

LEPCs & TEPCs

Develop and update Emergency Response Plan (ERP); conducts ERP exercises

Discuss ERP with citizens in the community

Manage information submitted by facilities on OSHA Hazardous Chemicals including EHSs (“Tier II Form”)

Set up procedures and processes for receiving and processing requests from the public

Provide information to public

SERCs & TERCs

Review Emergency Response Plans (ERP)

Supervises and coordinate activities of LEPCs and TEPCs

Set up procedures and processes for receiving and processing requests from the public

Manage information on OSHA Hazardous Chemicals including EHSs (“Tier II Form”)
Resources

- [https://epa.gov/epcra](https://epa.gov/epcra)
- EPA Regional Contacts - [https://www.epa.gov/epcra/epcra-regional-contacts](https://www.epa.gov/epcra/epcra-regional-contacts)
- EPCRA Implementing Regulations (40 CFR Parts 355, 370, 372)
- Sicy Jacob, (202) 564-8019, jacob.sicy@epa.gov
- EPCRA, RMP, Oil Information Center 1-800-424-9346 or (703)348-5070
For More Information

• EPA Emergency Management Web Site
  – www.epa.gov/emergencies
  – www.epa.gov/oilspill

• EPCRA, RMP, and Oil Information Center
  – (800) 424-9346 or (703) 412-9810
  – TDD (800) 553-7672 or (703) 412-3323
Any Questions?

Mark W. Howard
HQ SPCC SME
howard.markw@epa.gov
202-564-1964

Sicy Jacob
HQ EPCRA SME
Jacob.Sicy@epa.gov
202-564-8019

U.S. EPA Office of Emergency Management
http://www.epa.gov/emergencies

Oil Information Center:
(800) 424-9346 or TDD (800) 553-7672
Thank You