

# 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 15<sup>th</sup>, 2021**

**USEPA WEBINAR**

# Agenda (EST)



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?

# A Quick Chat Box Poll



# 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

# 1.2.6 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.

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

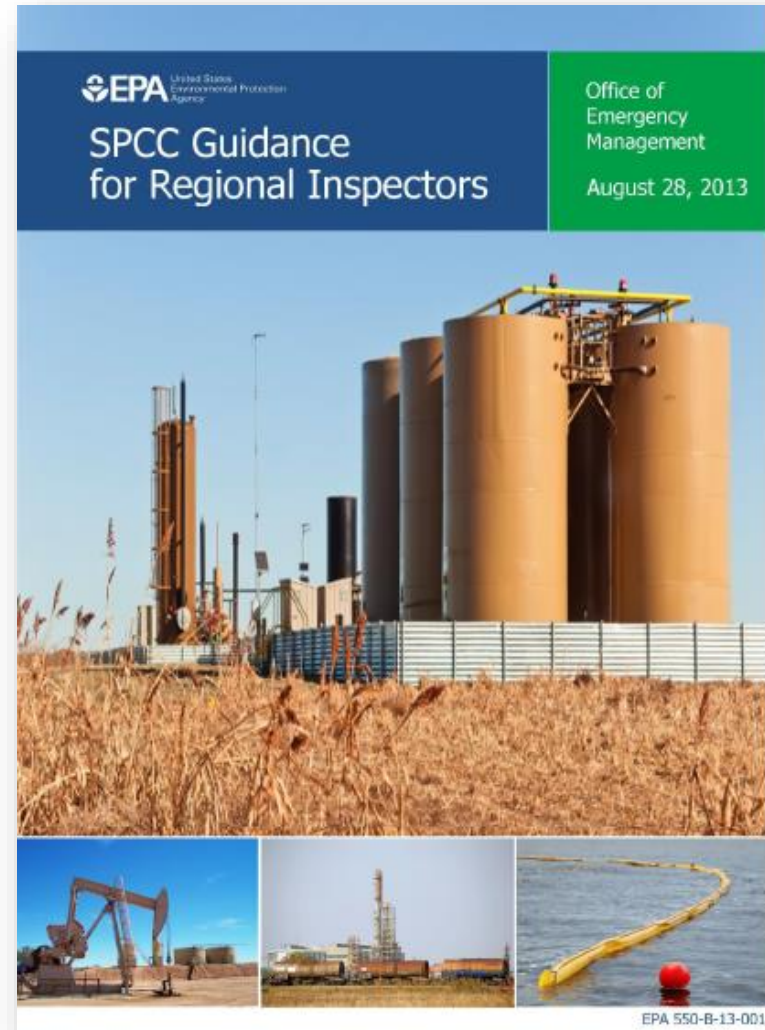
§112.3



# 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.***



# SPCC Rule Applicability

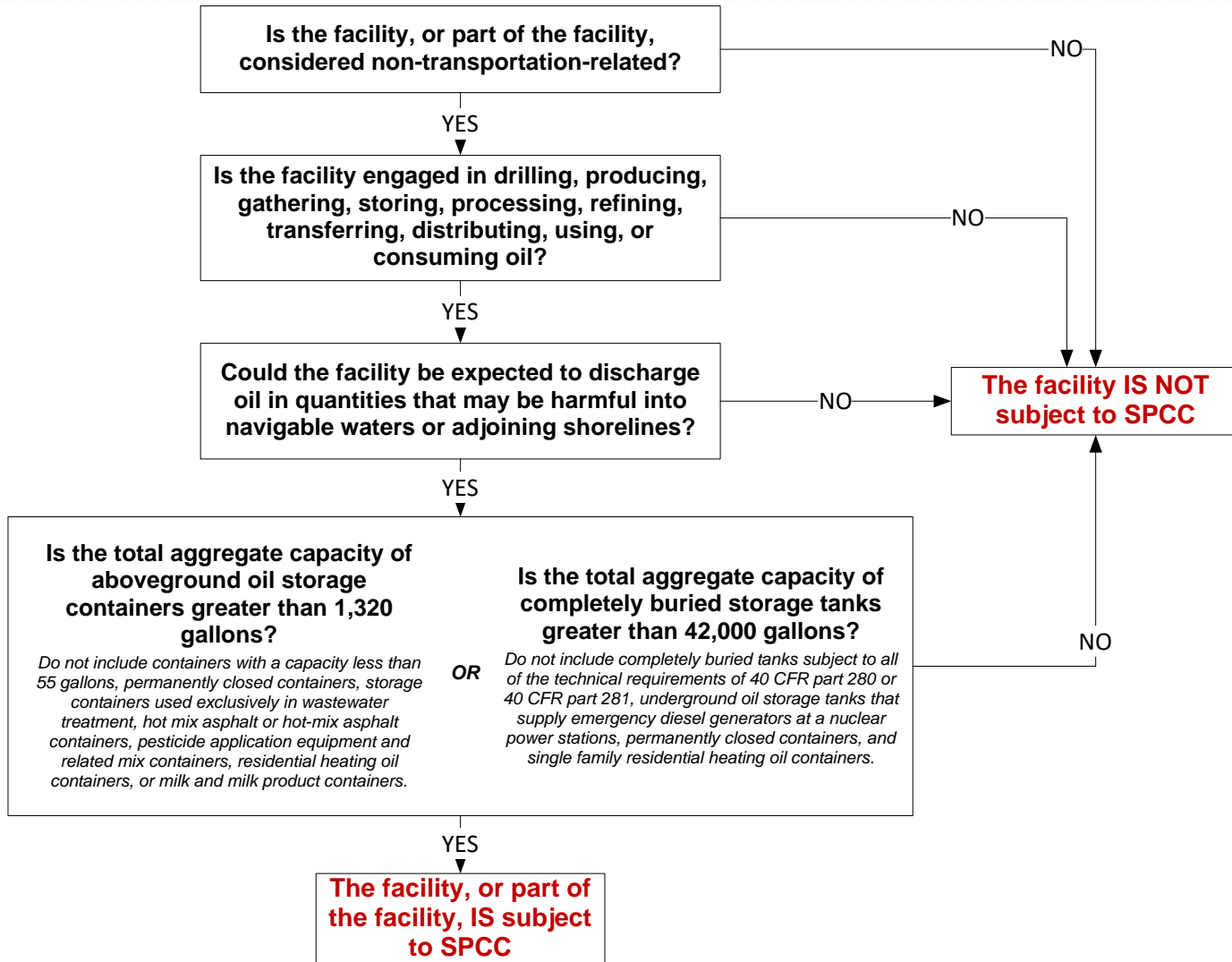
The SPCC rule applies to a **facility** that meets the following criteria:

- 1 Drills, produces, gathers, stores, processes, refines, transfers, distributes, uses, or consumes
- 2 oil and oil products; and
- 3 Is **non-transportation-related** (i.e. facility is not exclusively covered by DOI or DOT); and
- 4 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
- 5 Meets **capacity thresholds**
  - Aboveground storage > 1,320 gallons; or
  - Completely buried storage > 42,000 gallons

# Exemptions to SPCC Applicability

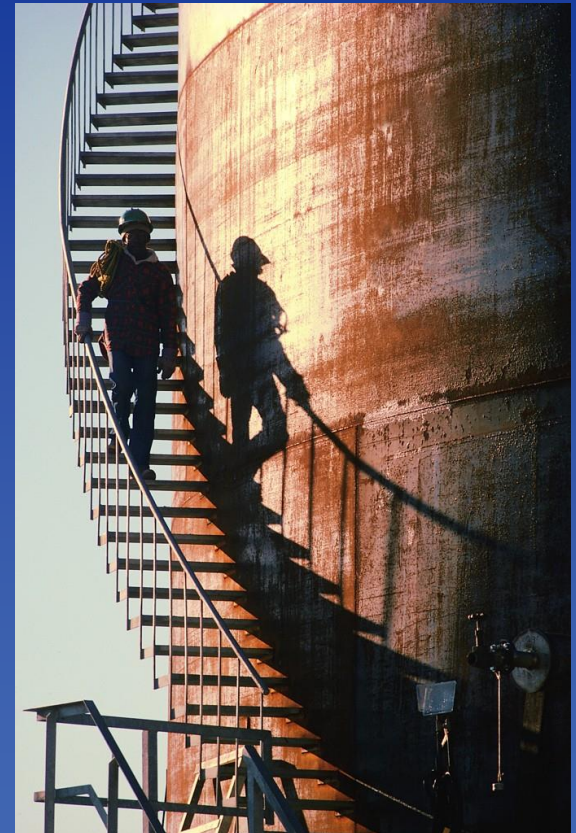
- Current exemptions to the SPCC rule include
  - Underground storage tanks subject to UST tech requirements
  - Wastewater treatment facilities
  - Motive power containers
- Exemptions in the 2008 amendments include
  - Hot-mix asphalt (HMA)
  - Residential heating oil containers (ASTs and USTs)
  -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

# SPCC Applicability Flowchart



# §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

# §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

# 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)



25 15:26

# 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 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 *§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

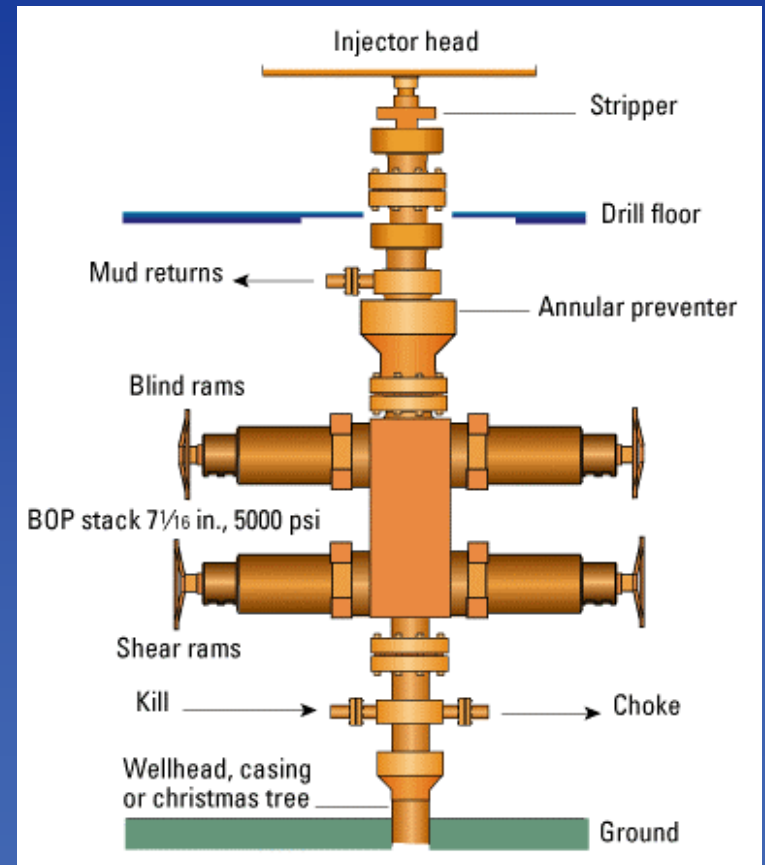
- No specific sizing requirement, and no freeboard requirement for secondary containment



*§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

December 1984

**Aldicarb & other chemicals released  
from Union Carbide facility at  
Institute, WV**

- More than 100 people hospitalized

August 1985

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

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  
(OCSP)*

+  
•  
○ Emergency  
Planning  
Notification:  
  
(EPCRA  
Section 302)

### 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

### Regulations, List of EHSs and TPQs:

<https://www.ecfr.gov/current/title-40/chapter-I/subchapter-J/part-355>

### 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.

# Emergency Response Plan

(EPCRA  
Section 303)

## 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

# Elements of an Emergency Response Plan

(EPCRA Section  
303)

Identify facilities with Extremely Hazardous Substances (EHSs) and identify routes of transportation of EHSs.

Describe training program for emergency response and medical personnel to respond to release.

Designate community emergency and facility emergency coordinator to implement the plan.

Outline notification procedures for facilities to notify community emergency coordinator to inform the public of the release and provide proper procedures.

Describe community and industry resources available for response.

Describe response procedures for facilities, local emergency and medical personnel.

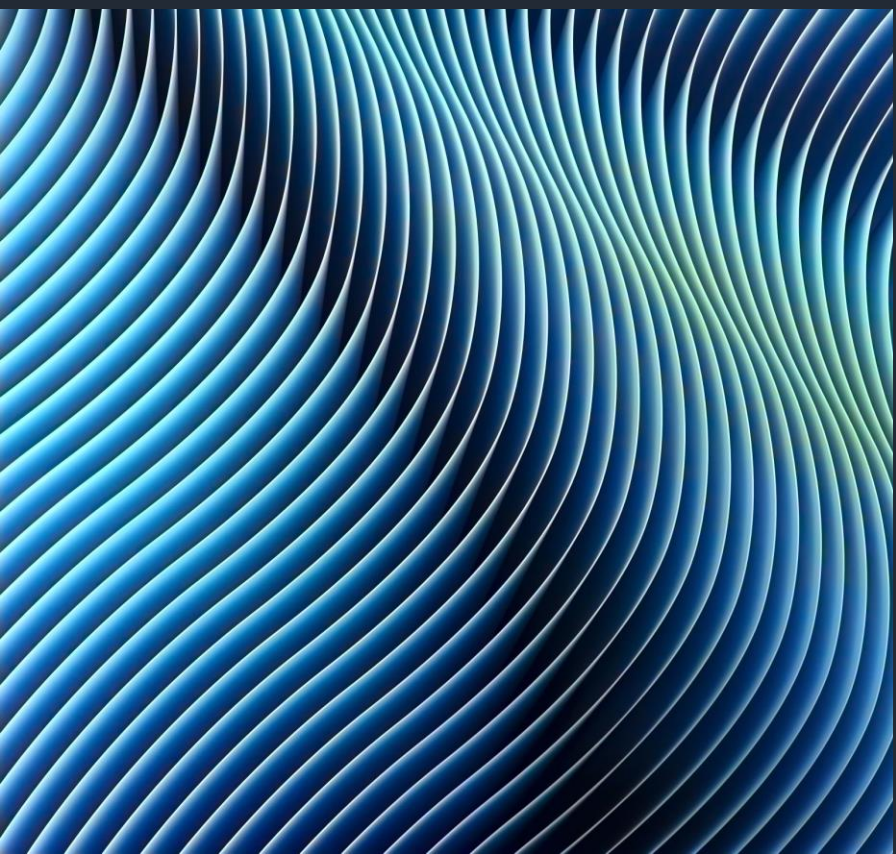
Outline notification procedures.

Describe schedules for exercising plans.

Outline evacuation plans.



**Emergency Release  
Notification  
(EPCRA Section 304)  
(40 CFR Part 355)**

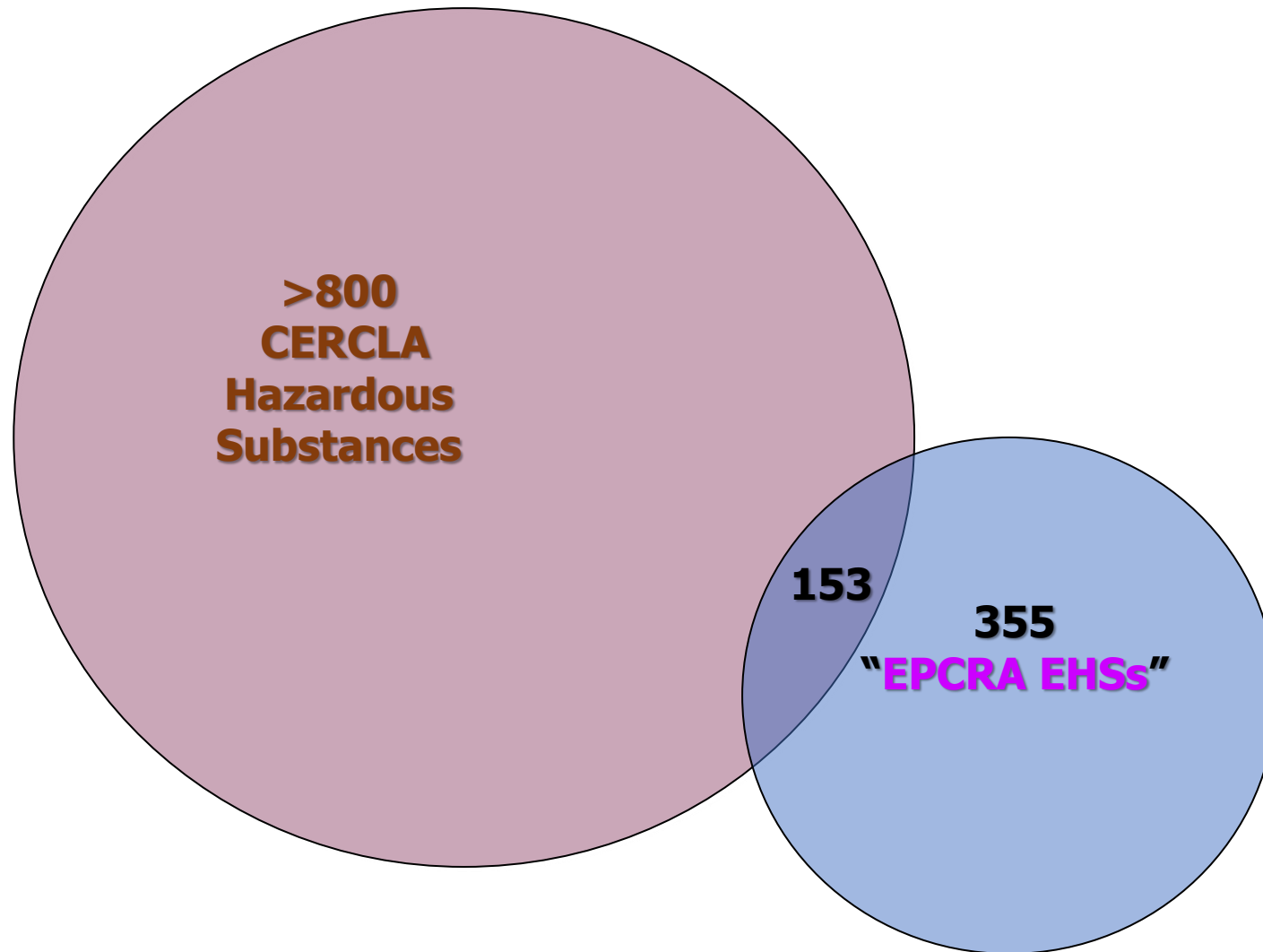


Any hazardous chemical produced,  
used or stored;

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



# 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

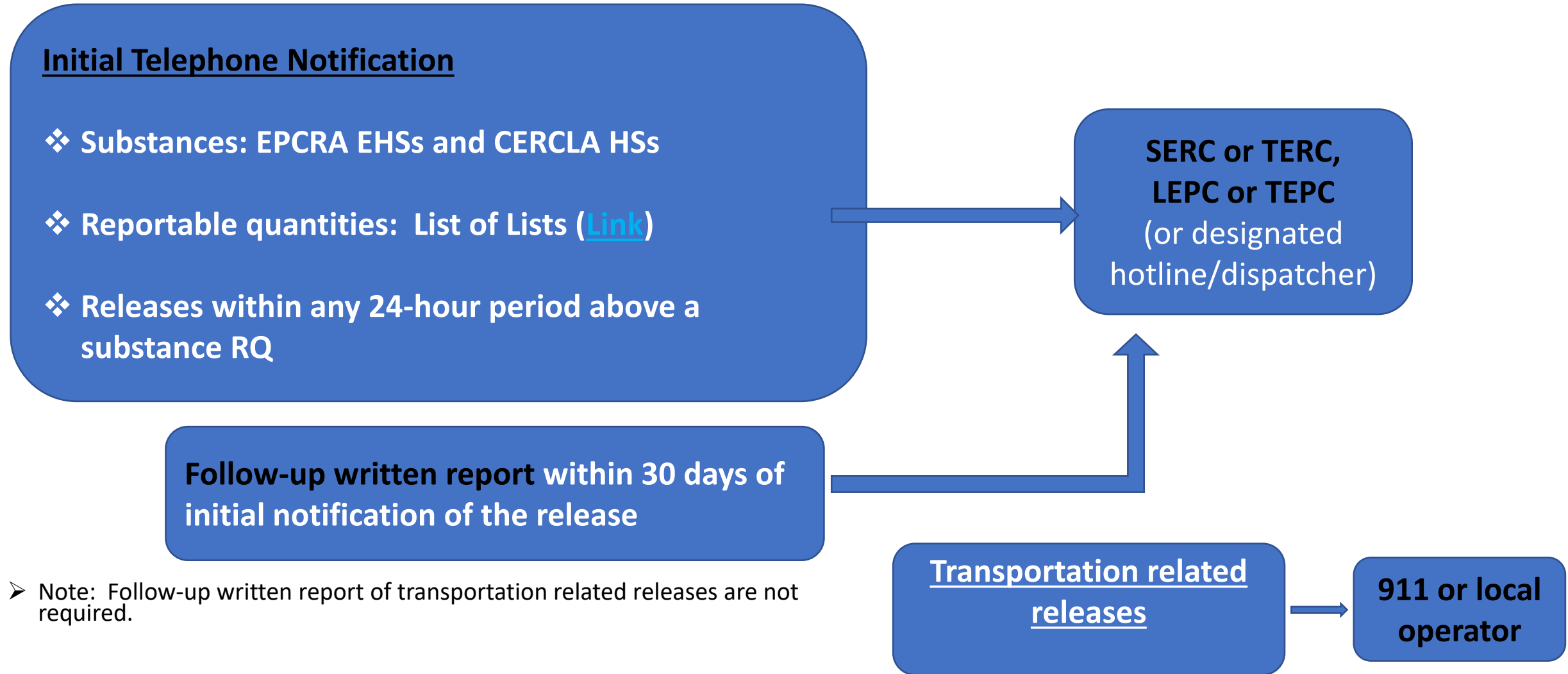
**SERC or TERC,  
LEPC or TEPC  
(or designated  
hotline/dispatcher)**

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

**Transportation related  
releases**

**911 or local  
operator**

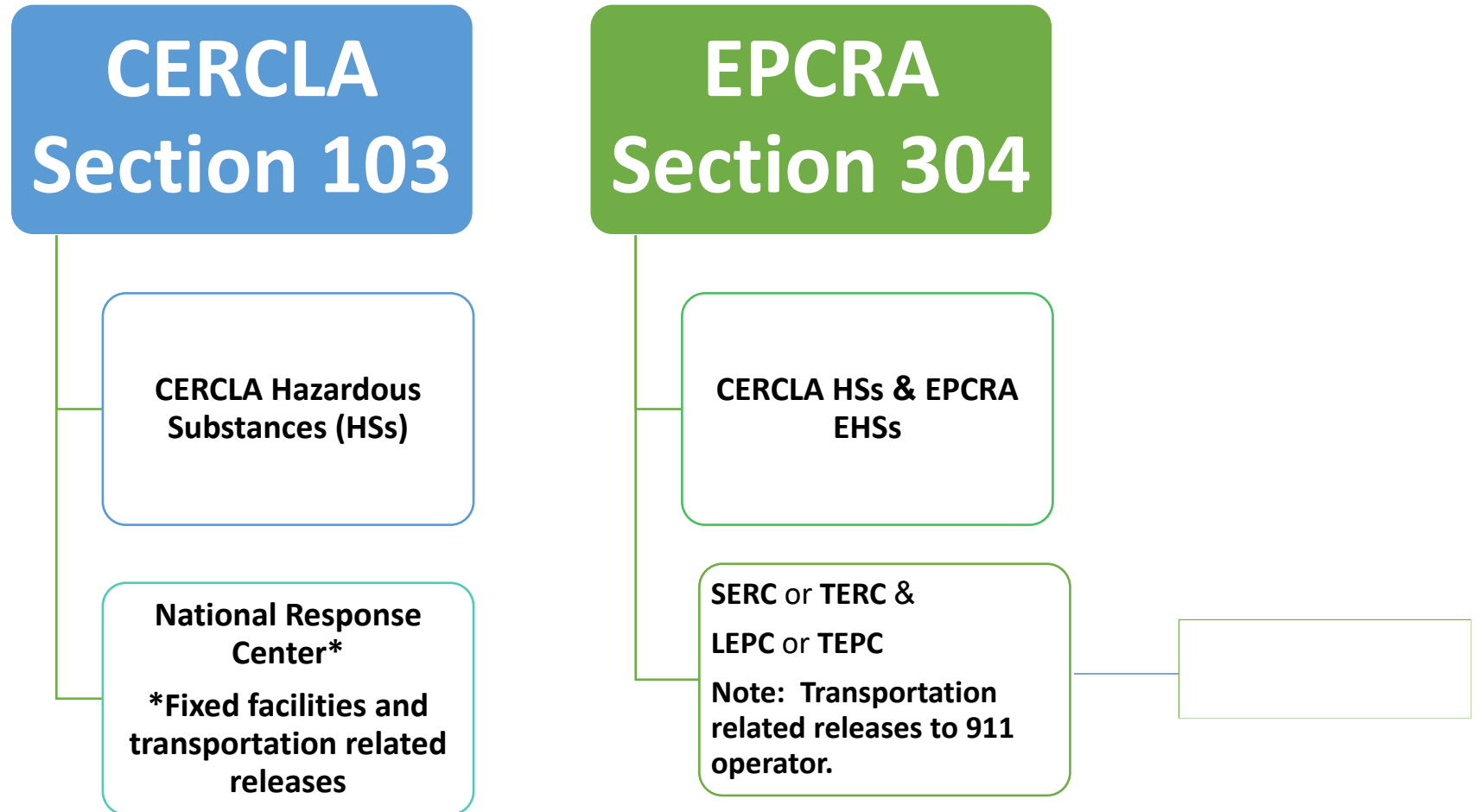
➤ Note: Follow-up written report of transportation related releases are not required.



# Summary of Release Notification

## CERCLA 103 & EPCRA 304

### Regulated Substances & Entities Receiving Notifications



# Hazardous Chemical Inventory Reporting

(EPCRA  
Sections  
311 & 312)  
Regulations:  
(40 CFR Part 370)

## Applicability:

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)*

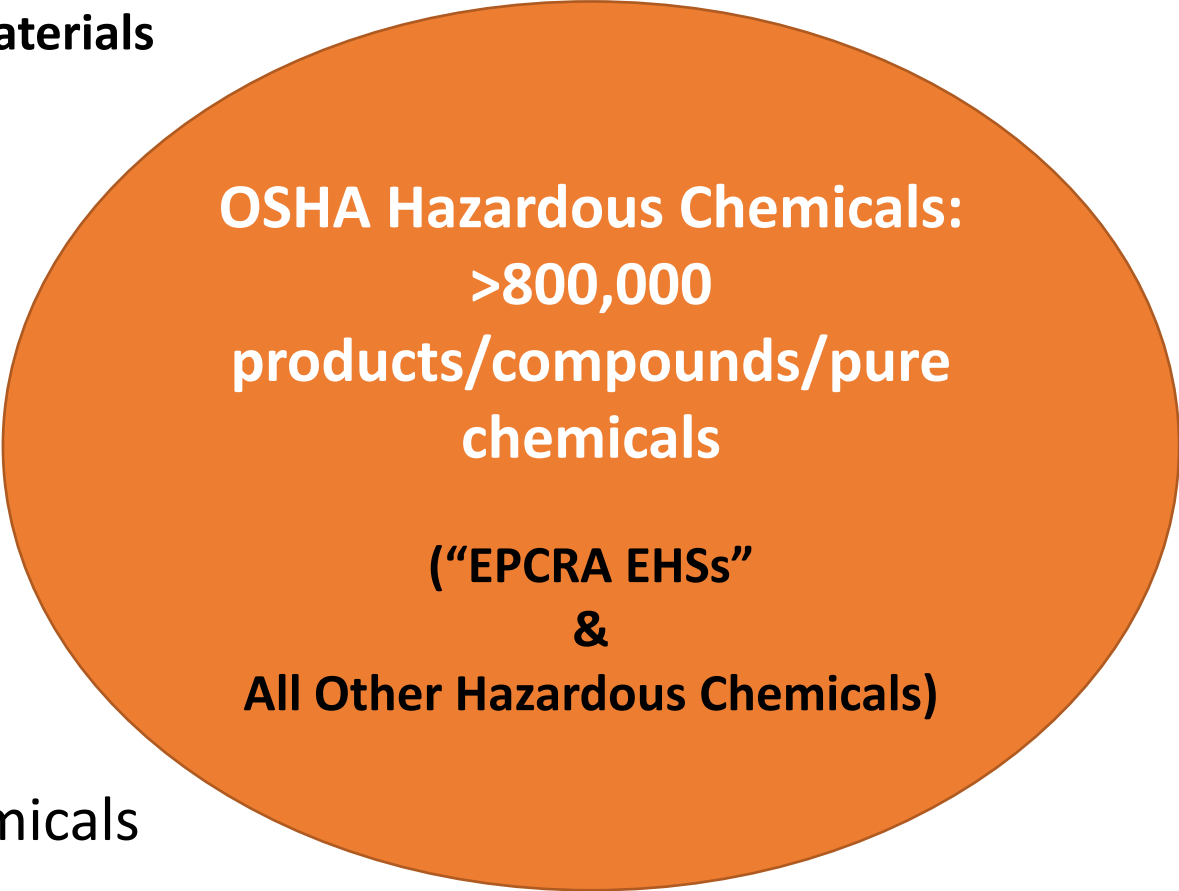
*“The owner or operator of any facility which is required to prepare or have available a material safety data sheet for a hazardous chemical under the Occupational Safety and Health Act of 1970 [29 U.S.C. 651 et seq.] and regulations promulgated under that Act shall submit...”*

# 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**

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

## Section 312

Tier I Inventory Form

or

**Tier II Inventory Form**

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

March 1 Annually

# 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.

**Note: These exemptions are not applicable to emergency planning notification (EPCRA Section 302)**

- 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

# Example

## Section 311(e)(5) exemption

**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>

Ammonia sales at 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>

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>

# 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)

Check if information below is identical to the information submitted last year. Reporting Period: January 1 to December 31, 20

Tier Two Emergency and Hazardous Chemical Inventory <i>Specific Information by Chemical</i>					For Official Use Only State ID#: Date Received
<b>Facility Identification</b>					
Name		Maximum No. of Occupants:		<input type="checkbox"/> Manned <input type="checkbox"/> Unmanned	
		<input type="checkbox"/> N/A			
Street	County	City	State	Zip	
Latitude	Longitude	NAICS Code	Phone Number (optional) ( )		
Dun & Bradstreet Number	TRI Facility ID:	RMP Facility ID:			
		<input type="checkbox"/> N/A		<input type="checkbox"/> N/A	
Subject to Emergency Planning under Section 302 of EPCRA (40 CFR part 355)?				<input type="checkbox"/> Yes <input type="checkbox"/> No	
Subject to Chemical Accident Prevention under Section 112(r) of CAA (40 CFR part 68, Risk Management Program)?				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Owner or Operator Information</b>			<b>Parent Company Information (optional)</b>		
Name			Name <span style="float: right;">Dun &amp; Bradstreet Number:</span>		
Address			Address		
Phone Number ( )	Email	Phone Number ( )		Email	
<b>Facility Emergency Coordinator (if applicable)</b>			<b>Tier II Information Contact</b>		
Name	Title		Name	Title	
Email Address			Email Address		
Phone Number ( )	24-hour Phone ( )		Phone Number ( )	24-hour Phone ( )	
<b>Emergency Contacts</b>					
Name			Name		
Title			Title		
Phone Number ( )	24-hour Phone ( )		Phone Number ( )	24-hour Phone ( )	
Email Address			Email Address		
<b>Certification (Read and sign after completing all sections)</b>			<b>Reporting Ranges Weight Range in pounds</b>		
<p>I certify under penalty of law that I have personally examined and am familiar with the information submitted in pages one through , and that based on my inquiry of those individuals responsible for obtaining the information, I believe that the submitted information is true, accurate and complete.</p> <p>_____ Name and official title of owner/operator OR owner/operator's authorized representative</p> <p>_____ Signature                      Date Signed</p>			<b>Range Code</b>	<b>From</b>	<b>To</b>
			01	0	99
			02	100	499
			03	500	999
			04	1,000	4,999
			05	5,000	9,999
			06	10,000	24,999
			07	25,000	49,999
			08	50,000	74,999
			09	75,000	99,999
			10	100,000	499,999
			11	500,000	999,999
			12	1,000,000	9,999,999
13	10,000,000	Greater than 10 million			
<p>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 estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address.</p>					

# Tier II Inventory Form (page 2)

Chemical Description	Physical Hazards	Health Hazards	Inventory	Type of Storage	Storage Conditions (Pressure, Temperature)	Storage Locations	Additional Reporting Information (Optional)
<input type="checkbox"/> Check if information below is identical to the information submitted last year.  <b>Chemical Name:</b>  CAS No.  EHS: Yes <input type="checkbox"/> No <input type="checkbox"/>  <input type="checkbox"/> Solid <input type="checkbox"/> Liquid <input type="checkbox"/> Gas  <input type="checkbox"/> Trade Secret	<input type="checkbox"/> Explosive <input type="checkbox"/> Flammable (gases, aerosols, liquids, or solids) <input type="checkbox"/> Oxidizer (liquid, solid or gas) <input type="checkbox"/> Self-reactive <input type="checkbox"/> Pyrophoric (liquid or solid) <input type="checkbox"/> Pyrophoric Gas <input type="checkbox"/> Self-heating <input type="checkbox"/> Organic peroxide <input type="checkbox"/> Corrosive to metal <input type="checkbox"/> Gas under pressure (compressed gas) <input type="checkbox"/> In contact with water emits flammable gas <input type="checkbox"/> Combustible Dust <input type="checkbox"/> Hazard Not Otherwise Classified	<input type="checkbox"/> Acute toxicity (any route of exposure) <input type="checkbox"/> Skin corrosion or irritation <input type="checkbox"/> Serious eye damage or eye irritation <input type="checkbox"/> Respiratory or skin sensitization <input type="checkbox"/> Germ cell mutagenicity <input type="checkbox"/> Carcinogenicity <input type="checkbox"/> Reproductive toxicity <input type="checkbox"/> Specific target organ toxicity (single or repeated exposure) <input type="checkbox"/> Aspiration hazard <input type="checkbox"/> Simple Asphyxiant <input type="checkbox"/> Hazard Not Otherwise Classified	Maximum Amount Range Code:  Average Daily Amount Range Code:  No. of days on site:			Confidential: <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Below Reporting Thresholds (optional)  <input type="checkbox"/> State or Local Requirements
<input type="checkbox"/> Check if information below is identical to the information submitted last year.  <b>Mixture or Product Name:</b>  CAS No. <input type="checkbox"/> Not Available <input type="checkbox"/> Solid <input type="checkbox"/> Liquid <input type="checkbox"/> Gas <input type="checkbox"/> Trade Secret EHS: Yes <input type="checkbox"/> No <input type="checkbox"/>  EHS(s) Name (if applicable):  CAS No.  Non-EHS(s) Name (optional):	<input type="checkbox"/> Explosive <input type="checkbox"/> Flammable (gases, aerosols, liquids, or solids) <input type="checkbox"/> Oxidizer (liquid, solid or gas) <input type="checkbox"/> Self-reactive <input type="checkbox"/> Pyrophoric (liquid or solid) <input type="checkbox"/> Pyrophoric Gas <input type="checkbox"/> Self-heating <input type="checkbox"/> Organic peroxide <input type="checkbox"/> Corrosive to metal <input type="checkbox"/> Gas under pressure (compressed gas) <input type="checkbox"/> In contact with water emits flammable gas <input type="checkbox"/> Combustible Dust <input type="checkbox"/> Hazard Not Otherwise Classified	<input type="checkbox"/> Acute toxicity (any route of exposure) <input type="checkbox"/> Skin corrosion or irritation <input type="checkbox"/> Serious eye damage or eye irritation <input type="checkbox"/> Respiratory or skin sensitization <input type="checkbox"/> Germ cell mutagenicity <input type="checkbox"/> Carcinogenicity <input type="checkbox"/> Reproductive toxicity <input type="checkbox"/> Specific target organ toxicity (single or repeated exposure) <input type="checkbox"/> Aspiration hazard <input type="checkbox"/> Simple Asphyxiant <input type="checkbox"/> Hazard Not Otherwise Classified	Maximum Amount (Total Mixture) Range Code:  Average Daily Amount (Total Mixture) Range Code:  No. of days on site:  Maximum Amount of each EHS in the Mixture Range Code:			Confidential: <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Below Reporting Thresholds (optional)  <input type="checkbox"/> State or Local Requirements

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:

**Amount  
stored on site**

**Potential  
hazards**

**Method of  
storage**

**Location**



**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>
- EPCRA Video – Protecting Communities from Chemical Accidents: <https://www.epa.gov/epcra/protecting-communities-chemical-accidents-emergency-planning-and-community-right-know-act>
- On-line training for Implementing Agencies - <https://www.epa.gov/epcra/epcra-non-section-313-online-training-states-tribes-lepcs-local-planners-and-responders>
- Legislative Text of EPCRA Sections 302-312 (42 U.S.C. 11001 to 11022):  
<https://www.govinfo.gov/content/pkg/USCODE-2009-title42/pdf/USCODE-2009-title42-chap116.pdf>
- EPA 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](mailto: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](http://www.epa.gov/emergencies)
  - [www.epa.gov/oilspill](http://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
  - <http://www.epa.gov/superfund/contacts/infocenter/index.htm>



# 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