

US EPA ARCHIVE DOCUMENT



Protocol for Conducting Environmental Compliance Audits under the Emergency Planning and Community Right-to-Know Act and CERCLA Section 103



EPA Office of Compliance

Notice

U.S. EPA's Office of Compliance prepared this document to aid regulated entities in developing programs at individual facilities to evaluate their compliance with environmental requirements arising under federal law. The statements in this document are intended solely as guidance to you in this effort. Among other things, the information provided in this document describes existing requirements for regulated entities under the *Emergency Planning and Community Right-to-Know Act (EPCRA)* and under CERCLA Section 103 and their implementing regulations at 40 CFR 355 through 372 under EPCRA and 40 CFR 302 under CERCLA. While the Agency has made every effort to ensure the accuracy of the statements in this document, the regulated entity's legal obligations are determined by the terms of its applicable environmental facility-specific permits, and underlying statutes and applicable state and local law. Nothing in this document alters any statutory, regulatory or permit requirement. In the event of a conflict between statements in this document and either the permit or the regulations, the document would not be controlling. U.S. EPA may decide to revise this document without notice to reflect changes in EPA's regulations or to clarify and update the text. To determine whether U.S. EPA has revised this document and/or to obtain additional copies, contact U.S. EPA's National Center for Environmental Publications at (1-800-490-9198). **The contents of this document reflect regulations issued as of January 31, 2001.**

Acknowledgments

U.S. EPA would like to gratefully acknowledge the support of the U.S. Army Corps of Engineers Construction Engineering Research Laboratory (CERL) for providing suggestions for overall format of this document. The Office of Compliance at U.S. EPA gratefully acknowledges the contribution of U.S. EPA's program offices and the U.S. EPA's Office of Counsel in reviewing and providing comment on this document.

Table of Contents

Notice.....	inside cover
Acknowledgment	inside cover

Section 1: Introduction

Background	ii
Who Should Use These Protocols?	ii
U.S. EPA's Public Policies that Support Environmental Auditing	iii
How To Use the Protocols	iv
The Relationship of Auditing to Environmental Management Systems.....	vi

Section II: Audit Protocol

Applicability.....	1
Review of Federal Legislation	1
State and Local Regulations.....	1
Key Compliance Requirements.....	2
Key Terms and Definitions	4
Typical Records to Review	10
Typical Physical Features to Inspect.....	10
List of Acronyms and Abbreviations.....	10
Index for Checklist Users.....	13
Checklist	15

Appendices

Appendix A: Lower Thresholds for Chemicals of Special Concern	A1
Appendix B: User Satisfaction Questionnaire and Comment Form	B1

Section I Introduction

Background

The Environmental Protection Agency (U.S. EPA) is responsible for ensuring that businesses and organizations comply with federal laws that protect the public health and the environment. U.S. EPA's Office of Enforcement and Compliance Assurance (OECA) has begun combining traditional enforcement activities with more innovative compliance approaches including the provision of compliance assistance to the general public. U.S. EPA's Office of Compliance Assistance was established in 1994 to focus on compliance assistance-related activities. U.S. EPA is also encouraging the development of self-assessment programs at individual facilities. Voluntary audit programs play an important role in helping companies meet their obligation to comply with environmental requirements. Such assessments can be a critical link, not only to improved compliance, but also to improvements in other aspects of an organization's performance. For example, environmental audits may identify pollution prevention opportunities that can substantially reduce an organization's operating costs. Environmental audits can also serve as an important diagnostic tool in evaluating a facility's overall environmental management system or EMS.

U.S. EPA is developing 13 multi-media Environmental Audit Protocols to assist and encourage businesses and organizations to perform environmental audits and disclose violations in accordance with OECA's Audit and Small Business Policies. The audit protocols are also intended to promote consistency among regulated entities when conducting environmental audits and to ensure that audits are conducted in a thorough and comprehensive manner. The protocols provide detailed regulatory checklists that can be customized to meet specific needs under the following primary environmental management areas:

- Generation of RCRA Hazardous Waste
- Treatment Storage and Disposal of RCRA Hazardous Waste
- EPCRA
- CERCLA
- Clean Air Act
- Clean Water Act
- Safe Drinking Water Act
- TSCA
- Universal Waste and Used Oil
- Managing Nonhazardous Solid Waste
- Pesticides Management (FIFRA)
- Management of Toxic Substances (e.g., PCBs, lead-based paint, and asbestos)
- RCRA Regulated Storage Tanks

Who Should Use These Protocols?

U.S. EPA has developed these audit protocols to provide regulated entities with specific guidance in periodically evaluating their compliance with federal environmental requirements. The specific application of this particular protocol, in terms of which media or functional area it applies to, is described in Section II under "Applicability". The Audit Protocols are designed for use by individuals who are already familiar with the federal regulations but require an updated comprehensive regulatory checklist to conduct environmental **compliance** audits at regulated facilities. Typically, compliance audits are performed by persons who are not necessarily media or legal experts but instead possess a working knowledge of the regulations and a familiarity with the operations and practices of the facility to be audited. These two basic skills are a prerequisite for adequately identifying areas at the facility subject to environmental regulations and potential regulatory violations that subtract from the organizations environmental performance. With these basic skills, audits can be successfully conducted by persons with various educational backgrounds (e.g., engineers, scientists, lawyers, business owners or operators). These protocols are not intended to

be a substitute for the regulations nor are they intended to be instructional to an audience seeking a primer on the requirements under Title 40; however, they are designed to be sufficiently detailed to support the auditor's efforts.

The term "Protocol" has evolved over the years as a term of art among the professional practices of auditing and refers to the actual working document used by auditors to evaluate facility conditions against a given set of criteria (in this case the federal regulations). Therefore these documents describe "what" to audit a facility for rather than "how" to conduct an audit. To optimize the effective use of these documents, you should become familiar with basic environmental auditing practices. For more guidance on how to conduct environmental audits, U.S. EPA refers interested parties to two well-known organizations: The Environmental Auditing Roundtable (EAR) and the Institute for Environmental Auditing (IEA).

Environmental Health and Safety Auditing Roundtable
35888 Mildred Avenue
North Ridgeville, Ohio 44039
(216) 327-6605

The Institute for Environmental Auditing
Box 23686
L'Enfant Plaza Station
Washington, DC 20026-3686

U.S. EPA's Public Policies that Support Environmental Auditing

In 1986, in an effort to encourage the use of environmental auditing, EPA published its "Environmental Auditing Policy Statement" (see 51 FR 25004). The 1986 audit policy states that "it is EPA policy to encourage the use of environmental auditing by regulated industries to help achieve and maintain compliance with environmental laws and regulation, as well as to help identify and correct unregulated environmental hazards." In addition, EPA defined environmental auditing as "a systematic, documented, periodic, and objective review of facility operations and practices related to meeting environmental requirements." The policy also identified several objectives for environmental audits:

- verifying compliance with environmental requirements,
- evaluating the effectiveness of in-place environmental management systems, and
- assessing risks from regulated and unregulated materials and practices.

In 1995, EPA published "Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations" – commonly known as the EPA Audit Policy – which both reaffirmed and expanded the Agency's 1986 audit policy (see 60 FR 66706 December 22, 1995). The 1995 audit policy offered major incentives for entities to discover, disclose and correct environmental violations. On April 11, 2000, EPA issued a revised final Audit Policy that replaces the 1995 Audit Policy (65 FR 19,617). The April 11, 2000 revision maintains the basic structure and terms of the 1995 Audit Policy while lengthening the prompt disclosure period to 21 days, clarifying some of its language (including the applicability of the Policy in the acquisitions context), and conforming its provisions to actual EPA practices. The revised audit policy continues the Agency's general practice of waiving or substantially mitigating gravity-based civil penalties for violations discovered through an environmental audit or through a compliance management system, provided the violations are promptly disclosed and corrected and that all of the Policy conditions are met. On the criminal side, the revised policy continues the Agency's general practice of not recommending that criminal charges be brought against entities that disclose violations that are potentially criminal in nature, provided the entity meets all of the policy's conditions. The policy safeguards human health and the environment by precluding relief for violations that cause serious environmental harm or may have presented an imminent and substantial endangerment. The audit policy is available on the Internet at www.epa.gov/auditpol.html.

In 1996, EPA issued its "Policy on Compliance Incentives for Small Businesses" which is commonly called the "Small Business Policy" (see 61 FR 27984 June 3, 1996). The Small Business Policy was intended to promote environmental compliance among small businesses by providing them with special incentives to participate in government sponsored on-site compliance assistance programs or conduct environmental audits. EPA will eliminate or reduce penalties for small businesses that voluntarily discover, promptly disclose, and correct violations in a timely manner.

On April 11, 2000, EPA issued its revised final Small Business Policy (see 65 FR 19630) to expand the options allowed under the 1996 policy for discovering violations and to establish a time period for disclosure. The major changes contained in the April 11, 2000 Small Business Policy revision include lengthening the prompt disclosure period from 10 to 21 calendar days and broadening the applicability of the Policy to violations uncovered by small businesses through any means of voluntary discovery. This broadening of the Policy takes advantage of the wide range of training, checklists, mentoring, and other activities now available to small businesses through regulatory agencies, private organizations, and the Internet.

More information on EPA's Small Business and Audit/Self-Disclosure Policies are available by contacting EPA's Enforcement and Compliance Docket and Information Center at (202) 564-2614 or visiting the EPA web site at: <http://www.epa.gov/oeca/ccsmd/profile.html>.

How to Use The Protocols

Each protocol provides guidance on key requirements, defines regulatory terms, and gives an overview of the federal laws affecting a particular environmental management area. They also include a checklist containing detailed procedures for conducting a review of facility conditions. The audit protocols are designed to support a wide range of environmental auditing needs; therefore several of the protocols in this set or sections of an individual protocol may not be applicable to a particular facility. To provide greater flexibility, each audit protocol can be obtained electronically from the U.S. EPA Website (www.epa.gov/oeca/ccsmd/profile.html). The U.S. EPA Website offers the protocols in a word processing format which allows the user to custom-tailor the checklists to more specific environmental aspects associated with the facility to be audited.

The protocols are not intended to be an exhaustive set of procedures; rather they are meant to inform the auditor, about the degree and quality of evaluation essential to a thorough environmental audit. U.S. EPA is aware that other audit approaches may also provide an effective means of identifying and assessing facility environmental status and in developing corrective actions.

It is important to understand that there can be significant overlap within the realm of the federal regulations. For example, the Department of Transportation (DOT) has established regulations governing the transportation of hazardous materials. Similarly, the Occupational Safety and Health Administration (OSHA) under the U.S. Department of Labor has promulgated regulations governing the protection of workers who are exposed to hazardous chemicals. There can also be significant overlap between federal and state environmental regulations. In fact, state programs that implement federally mandated programs may contain more stringent requirements that are not included in these protocols. There can also be multiple state agencies regulating the areas covered in these protocols. The auditor also should determine which regulatory agency has authority for implementing an environmental program so that the proper set of regulations is consulted. Prior to conducting the audit, the auditor should review federal, state and local environmental requirements and expand the protocol, as required, to include other applicable requirements not included in these documents.

Review of Federal Legislation and Key Compliance Requirements:

These sections are intended to provide only supplementary information or a "thumbnail sketch" of the regulations and statutes. These sections are not intended to function as the main tool of the protocol (this is the purpose of the checklist). Instead, they serve to remind the auditor of the general thrust of the regulation and to scope out facility requirements covered by that particular regulation. For example, a brief paragraph describing record keeping and reporting requirements and the associated subpart citations will identify and remind the auditor of a specific area of focus at the facility. This allows the auditor to plan the audit properly and to identify key areas and documents requiring review and analysis.

State and Local Regulations:

Each U.S. EPA Audit Protocol contains a section alerting the auditor to typical issues addressed in state and local regulations concerning a given topic area (e.g., RCRA and used oil). From a practical standpoint, U.S. EPA cannot present individual state and local requirements in the protocols. However, this section does provide general guidance to the auditor regarding the division of statutory authority between U.S. EPA and the states over a specific media. This section also describes circumstances where states and local governments may enact more stringent requirements that go beyond the federal requirements.

U.S. EPA cannot overemphasize how important it is for the auditor to take under consideration the impact of state and local regulations on facility compliance. U.S. EPA has delegated various levels of authority to a majority of the states for most of the federal regulatory programs including enforcement. For example, most facilities regulated under RCRA, and/or CWA have been issued permits written by the states to ensure compliance with federal and state regulations. In turn, many states may have delegated various levels of authority to local jurisdictions. Similarly, local governments (e.g., counties, townships) may issue permits for air emissions from the facility. Therefore, auditors are advised to review local and state regulations in addition to the federal regulations in order to perform a comprehensive audit.

Key Terms and Definitions:

This section of the protocol identifies terms of art used in the regulations and the checklists that are listed in the “Definitions” sections of the Code of Federal Regulations (CFR). It is important to note that not all definitions from the CFR may be contained in this section, however; those definitions, which are commonly repeated in the checklists or are otherwise critical to an audit process are included. Wherever possible, we have attempted to list these definitions as they are written in the CFR and not to interpret their meaning outside of the regulations.

The Checklists:

The checklists delineate what should be evaluated during an audit. The left column states either a requirement mandated by regulation or a good management practice that exceeds the requirements of the federal regulations. The right column gives instructions to help conduct the evaluation. These instructions are performance objectives that should be accomplished by the auditor. Some of the performance objectives may be simple documentation checks that take only a few minutes; others may require a time-intensive physical inspection of a facility. The checklists contained in these protocols are (and must be) sufficiently detailed to identify any area of the company or organization that would potentially receive a notice of violation if compliance is not achieved. For this reason, the checklists often get to a level of detail such that a specific paragraph of the subpart (e.g., 40 CFR 262.34(a)(1)(i)) contained in the CFR is identified for verification by the auditor. The checklists contain the following components:

- **“Regulatory Requirement or Management Practice Column”**
The “Regulatory Requirement or Management Practice Column” states either a requirement mandated by regulation or a good management practice that exceeds the requirements of the federal regulations. The regulatory citation is given in parentheses after the stated requirement. Good management practices are distinguished from regulatory requirements in the checklist by the acronym (MP) and are printed in italics.
- **“Reviewer Checks” Column:**
The items under the “Reviewer Checks:” column identify requirements that must be verified to accomplish the auditor’s performance objectives. (*The key to successful compliance auditing is to verify and document site observations and other data.*) The checklists follow very closely with the text in the CFR in order to provide the service they are intended to fulfill (i.e., *to be used for compliance auditing*). However, they are not a direct recitation of the CFR. Instead they are organized into more of a functional arrangement (e.g., record keeping and reporting requirements vs. technical controls) to accommodate an auditor’s likely sequence of review during the site visit. Wherever possible, the statements or items under the “Reviewer

Checks” column, will follow the same sequence or order of the citations listed at the end of the statement in the “Regulatory Requirement” column.

- **“NOTE:” Statements**

“Note:” statements contained in the checklists serve several purposes. They usually are distinguished from “Verify” statements to alert the auditor to *exceptions or conditions* that may affect requirements or to referenced standards that are not part of Title 40 (e.g., American Society for Testing and Materials (ASTM) standards). They also may be used to identify options that the regulatory agency may choose in interacting with the facility (e.g., permit reviews) or options the facility may employ to comply with a given requirement.

- **Checklist Numbering System:**

The checklists also have a unique numbering system that allows the protocols to be more easily updated by topic area (e.g., RCRA Small Quantity Generator). Each topic area in turn is divided into control breaks to allow the protocol to be divided and assigned to different teams during the audit. This is why blank pages may appear in the middle of the checklists. Because of these control breaks, there is intentional repetition of text (particularly “Note” Statements) under the “Reviewer Checks” column to prevent oversight of key items by the audit team members who may be using only a portion of the checklist for their assigned area.

Updates:

Environmental regulations are continually changing both at the federal and state level. For this reason, it is important for environmental auditors to determine if any new regulations have been issued since the publication of each protocol document and, if so, amend the checklists to reflect the new regulations. Auditors may become aware of new federal regulations through periodic review of Federal Register notices as well as public information bulletins from trade associations and other compliance assistance providers. In addition, U.S. EPA offers information on new regulations, policies and compliance incentives through several Agency Websites. Each protocol provides specific information regarding U.S. EPA program office websites and hotlines that can be accessed for regulatory and policy updates.

U.S. EPA will periodically update these audit protocols to ensure their accuracy and quality. Future updates of the protocols will reflect not only the changes in federal regulations but also public opinion regarding the usefulness of these documents. Accordingly, the Agency would like to obtain feedback from the public regarding the format, style and general approach used for the audit protocols. The last appendix in each protocol document contains a user satisfaction survey and comment form. This form is to be used by U.S. EPA to measure the success of this tool and future needs for regulatory checklists and auditing materials.

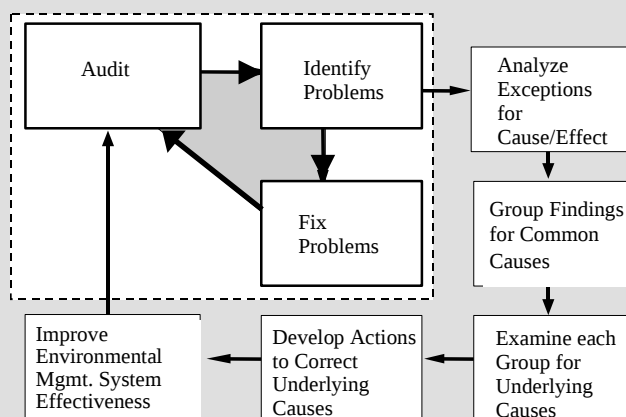
The Relationship of Auditing to Environmental Management Systems

An environmental auditing program is an integral part of any organization’s environmental management system (EMS). Audit findings generated from the use of these protocols can be used as a basis to implement, upgrade, or benchmark environmental management systems. Regular environmental auditing can be the key element to a high quality environmental management program and will function best when an organization identifies the “root causes” of each audit finding. Root causes are the primary factors that lead to noncompliance events. For example a violation of a facility’s wastewater discharge permit may be traced back to breakdowns in management oversight, information exchange, or inadequate evaluations by untrained facility personnel.

As shown in Figure 1, a typical approach to auditing involves three basic steps: conducting the audit, identifying problems (audit findings), and fixing identified deficiencies. When the audit process is expanded, to identify and correct root causes to noncompliance, the organization’s corrective action part of its EMS becomes more effective. In the expanded model, audit findings (exceptions) undergo a root cause analysis to identify underlying causes to noncompliance events. Management actions are then taken to correct the underlying causes behind the audit findings and improvements are made to the organizations overall EMS before another audit is conducted on the facility.

Expanding the audit process allows the organization to successfully correct problems, sustain compliance, and prevent discovery of the same findings again during subsequent audits. Furthermore, identifying the root cause of an audit finding can mean identifying not only the failures that require correction but also successful practices that promote compliance and prevent violations. In each case a root cause analysis should uncover the failures while promoting the successes so that an organization can make continual progress toward environmental excellence.

Figure 1 - Expanded Corrective Action Model



This Page Intentionally Left Blank

Section II Audit Protocol

Applicability

This audit protocol addresses facilities that manufacture, process, store, or otherwise use hazardous substances defined in 40 CFR Part 302, extremely hazardous substances (EHSs) defined in 40 CFR Part 355, and toxic chemicals defined in 40 CFR Part 372. This document is an update to the previous U.S. EPA document titled *Protocol for Conducting Environmental Compliance Audits under the Emergency Planning and Community Right-to-Know Act* (EPA Document No. 305-B-98-007) that was published by EPA in December 1998. This updated version clarifies and refines sections of the first version of the audit protocol and incorporates changes in the federal regulations that have occurred since December 1998.

There are numerous environmental regulatory requirements administered by federal, state, and local governments. Each level of government may have a major impact on areas at the facility that are subject to the audit. Therefore, auditors are advised to review federal, state, and local regulations in order to perform a comprehensive assessment.

Review of Federal Legislation

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

CERCLA, known commonly as Superfund, became law in 1980 and authorizes U.S. EPA to respond to releases or threatened releases of hazardous substances that may endanger public health, welfare, or the environment. The basic purpose of CERCLA is to provide funding and enforcement authority to U.S. EPA for overseeing the clean up of environmental contamination caused by responsible parties. The Superfund Amendments and Reauthorization Act (SARA) of 1986 revised various sections of CERCLA, and created a free-standing law, SARA Title III, also known as the Emergency Planning and Community Right-to-Know Act (EPCRA). The CERCLA hazardous substance release reporting regulations (Section 103; 40 CFR Part 302) direct the person in charge of a facility to report to the National Response Center any environmental release of a listed hazardous substance that equals or exceeds a reportable quantity. Reportable quantities are listed in 40 CFR Section 302.4. A release report may trigger a response by U.S. EPA or by one or more federal or state emergency response authorities.

Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA)

This act, also known as SARA Title III, was designed to promote emergency planning and preparedness at both the state and local level. It provides citizens, local governments, and local response authorities with information regarding the potential hazards in their community. EPCRA requires the use of emergency planning and designates state and local governments as recipients of information regarding certain chemicals used in the community. EPCRA has four major components:

- Emergency planning (Sections 301-303)
- Emergency release notification (Section 304)
- Community right-to-know reporting (Sections 311-312)
- Toxic chemical release reporting (Section 313)

Pollution Prevention Act of 1990 (PPA)

The goals of PPA were the following: preventing or reducing pollution at the source whenever feasible; pollution that cannot be prevented should be recycled in an environmentally safe manner whenever feasible; pollution that cannot be prevented or recycled should be treated in an environmentally safe manner whenever feasible; and disposal or other release into the environment should be employed only as a last resort and conducted in an environmentally safe manner. Section 6607 of the PPA requires owners or operators of facilities who have to file an annual toxic chemical release form (Form R) under EPCRA Section 313 to include a toxic chemical source reduction and recycling report for the preceding calendar year that has been incorporated into the Form R.

State/Local Regulations

State and local emergency response agencies may establish additional and/or more stringent reporting requirements under Section 312 of EPCRA and may require the use of state-specific reporting forms.

Key Compliance Requirements

Emergency Planning (40 CFR 355.30) (EPCRA Section 302)

A facility with quantities of extremely hazardous substances equal to or greater than the limits found in 40 CFR Part 355, Appendix A is required to notify the state emergency response commission within 60 days that the facility is subject to emergency planning requirements. The facility must designate a representative to participate in local emergency planning as a facility emergency response coordinator. The facility must also submit additional information to the local emergency planning committee upon request and notify them of any changes at the facility which might be relevant to emergency planning (i.e., designation of the emergency response coordinator, material changes in inventory) (40 CFR 355.10 through 355.30 and 40 CFR 355 Appendices A and B).

Emergency Release Notification (40 CFR 355.40) (EPCRA Section 304)

Under Section 304 of EPCRA, a facility that produces, uses, or stores a hazardous chemical must immediately notify the designated state and local emergency response authorities if there is a release of a listed EHS or a hazardous substance that equals or exceeds the reportable quantity for that substance. Refer to 40 CFR 355, Appendices A and B for the EHSs. The hazardous substances are designated under CERCLA (see 40 CFR 302.4). If the release is a CERCLA-listed hazardous substance, the National Response Center (NRC) in Washington, DC, must also be notified (1-800-424-8802). If the release is transportation-related, a 911 call will meet the requirement of notification to the state and local authorities. The NRC must always be contacted for reportable transportation-related releases.

The initial notice should give as much information as possible about the release as long as notification is not delayed. The initial notification of a release can be made by telephone, radio, or in person, but must be followed by a written notice to the state and local emergency response authorities as soon as practicable (40 CFR 355.40(b)(3)).

Community Right-to-Know Requirements

- **MSDS Reporting (40 CFR 370.21)**

Under Section 311 of EPCRA, those facilities which are required under OSHA's Hazard Communication Standard regulations to prepare or have Material Safety Data Sheets (MSDSs) available are also required to submit copies of the MSDSs (or corresponding lists as described below) to the state emergency response commission (SERC), local emergency planning committee (LEPC), and the fire department with jurisdiction over the facility. MSDSs (or corresponding lists) must be submitted for each hazardous chemical present at the facility according to the following thresholds:

- All hazardous chemicals present at the facility at any one time in amounts equal to or greater than 10,000 lb. (4540 kg) (Note: Hazardous chemicals requiring an MSDS are chemicals designated by OSHA under 29 CFR 1910.1200), and
- All extremely hazardous substances present at the facility in amounts equal to or greater than 500 lb. (227 kg - approximately 55 gal) or the threshold planning quantity, whichever is lower.

If a hazardous chemical is present in a mixture, the facility can either provide information on the mixture or on each hazardous chemical component of the mixture.

Instead of submitting the MSDSs, the facility can submit a list of hazardous chemicals for which MSDSs are required, grouped by hazard category (e.g., immediate health hazard, delayed health hazard, fire hazard, sudden release of pressure hazard, and reactive hazard). The list must include the chemical or common name of each substance. If the facility provides a list, it must provide a copy of the MSDS for any chemical on the list within 30 days of a request from the local emergency planning committee.

If a new hazardous chemical exceeds the threshold limit or significant new information is discovered, the facility has 3 months to submit the revised list of chemicals or new MSDS.

- **Inventory Reporting** (40 CFR 370.25, 370.40, 370.41)

Under Section 312 of EPCRA, those facilities that are required under OSHA's Hazard Communication Standard regulations to prepare or have MSDSs available are also required to submit annual emergency and hazardous chemical inventory forms to the state emergency response commission, the local emergency planning committee, and the fire department that has jurisdiction over the facility. The Tier I form includes chemical categories, quantities, and locations of hazardous chemicals on-site. More detailed information may be requested by emergency response organizations, in which case facilities must submit a Tier II form within 30 days. Facilities also can choose to submit the Tier II form instead of a Tier I report. Either report must be submitted on or before March 1 of each year.

The information in these reports does not include accidental releases or permitted discharges and is specifically targeted toward hazardous chemicals requiring MSDSs that are present on-site above the following threshold levels:

- All hazardous chemicals present at the facility at any one time in amounts equal to or greater than 10,000 lb. (4540 kg), and
- All extremely hazardous substances present at the facility in amounts equal to or greater than 500 lb. (227 kg - approximately 55 gal) or the threshold planning quantity, whichever is lower.

Facilities who submit inventory forms must allow the fire department to inspect the site upon request and must provide specific location information about hazardous chemicals at the facility.

Toxic Chemical Release Reporting (40 CFR 372)

Section 313 of EPCRA and Section 6607 of the PPA require certain facilities to report to the federal and state governments the annual quantity of toxic chemicals (listed in 40 CFR 372.65) entering each environmental medium, either through normal operations or as the result of an accident, quantities transferred offsite in waste, as well as other information. Facilities subject to this requirement must submit to EPA and state officials a toxic chemical release form (Form R) for each toxic chemical manufactured, processed, or otherwise used in quantities exceeding minimum threshold values during the preceding calendar year. Facilities that have a "reportable waste quantity" of 500 lb of a listed toxic chemical may take advantage of an alternate threshold of one million pounds. If the facility does not manufacture, process or otherwise use more than one million pounds, it may certify by filing a Form A certification statement rather than a Form R. Releases that must be reported include those to air, water, and land (including land disposal and underground injection). In addition, discharges to a POTW and transfers to off-site locations for treatment, disposal, energy recovery, and recycling must also be reported. Facilities must also report on the quantities of the chemicals treated, recycled, or combusted for energy recovery on-site.

Form R/Form A reports must be submitted to both the EPA and the state on or before July 1. Copies of Form R/Form A reports and related documentation must be kept at the facility for three years after the report is submitted.

The Pollution Prevention Act requires facilities subject to Form R/Form A reporting to also submit information on source reduction.

For further information regarding the EPCRA regulations, contact U.S. EPA's EPCRA, RCRA/UST, and Superfund Hotline at 800-424-9346 (or 703-412-9810 in the D.C. area) from 9 a.m. to 6 p.m., Monday through Friday.

This U.S. EPA hotline provides up-to-date information on regulations developed under EPCRA, as well as RCRA, CERCLA (Superfund), and the Oil Pollution Act. The hotline can assist with Section 112(r) of the Clean Air Act (CAA) and Spill Prevention, Control and Countermeasures (SPCC) regulations. The hotline also responds to requests for relevant documents and can direct the caller to additional tools that provide a more detailed discussion of specific regulatory requirements.

In addition, the U.S. EPA, as the chair of the National Response Team (NRT), has developed the NRT's Integrated Contingency Plan Guidance ("one plan"). This guidance is intended to be used by facilities to prepare emergency response plans. The guidance provides a mechanism for consolidating multiple plans that facilities may have prepared to comply with various regulations into one functional emergency response plan or integrated contingency plan (ICP). Copies of the guidance can be obtained by calling the Superfund Hotline number listed above. In addition, this guidance is available electronically at the home page of U.S. EPA's Chemical Emergency Preparedness and Prevention Office (www.epa.gov/swercepp/)

Key Terms and Definitions

Act

The Superfund Amendments and Reauthorization Act of 1986 (40 CFR 355.20).

Acts

Title III (40 CFR 372.3).

Article

A manufactured item which (40 CFR 372.3):

1. is formed to a specific shape or design during manufacture;
2. has end use functions dependent in whole or in part upon its shape or design during end use;
3. does not release a toxic chemical under normal conditions of processing or use of that item at the facility or establishments.

Beneficiation

The preparation of ores to regulate the size (including crushing and grinding) of the product, to remove unwanted constituents, or to improve the quality, purity, or grade of a desired product (40 CFR 372.3).

Boiler

An enclosed device using controlled flame combustion and having the following characteristics (40 CFR 372.3):

1. all of the following:
 - a) the unit must have physical provisions for recovering and exporting thermal energy in the form of steam, heated fluids, or heated gases; and
 - b) the unit's combustion chamber and primary energy recovery section(s) must be of integral design. To be of integral design, the chamber and the primary energy recovery section(s) (such as waterwalls and superheaters) must be physically formed into one manufactured or assembled unit. A unit in which the combustion chamber and the primary energy recovery section(s) are joined only by ducts or connections carrying flue gas is not integrally designed; however, secondary energy recovery equipment (such as economizers or air preheaters) need not be physically formed into the same unit as the combustion chamber and the primary energy recovery section. The following units are not precluded from being boilers solely because they are not of integral design: process heaters (units that transfer energy directly to a process stream), and fluidized bed combustion units; and
 - c) while in operation, the unit must maintain a thermal energy recovery efficiency of at least 60 percent, calculated in terms of the recovered energy compared with the thermal value of the fuel; and
 - d) the unit must export and utilize at least 75 percent of the recovered energy, calculated on an annual basis. In this calculation, no credit shall be given for recovered heat used internally in the same unit. (Examples of internal use are the preheating of fuel or combustion air, and the driving of induced or forced draft fans or feedwater pumps); or
2. the unit is one which the Regional Administrator has determined, on a case-by-case basis, to be a boiler, after considering the standards in 40 CFR 260.32.

CERCLA

The Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (40 CFR 355.20).

CERCLA Hazardous Substance

A substance on the list defined in section 101(14) of CERCLA. (NOTE: Listed CERCLA hazardous substances appear in table 302.4 of 40 CFR Part 302) (40 CFR 355.20).

Chief Executive Officer of the Tribe

The person who is recognized by the Bureau of Indian Affairs as the chief elected administrative officer of the tribe (40 CFR 355.20, 370.2, and 372.3).

Coal Extraction

The physical removal or exposure of ore, coal, minerals, waste rock, or overburden prior to beneficiation, and encompasses all extraction-related activities prior to beneficiation. Extraction does not include beneficiation (including coal preparation), mineral processing, in situ leaching or any further activities (40 CFR 372.3).

Commission

The emergency response commission for the State in which the facility is located except where the facility is located in Indian Country, in which case, commission means the emergency response commission for the tribe under whose jurisdiction the facility is located. In absence of an emergency response commission, the Governor and the chief executive officer, respectively, shall be the commission. Where there is a cooperative agreement between a State and a Tribe, the commission shall be the entity identified in the agreement (40 CFR 355.20 and 370.2)

Committee or Local Emergency Planning Committee (LEPC)

The local emergency planning committee appointed by the state emergency response commission (40 CFR 355.20 and 370.2).

Continuous

A continuous release is a release that occurs without interruption or abatement or that is routine, anticipated, and intermittent and incidental to normal operations or treatment processes (40 CFR 302.8(b))

Customs Territory of the United States

The 50 states, the District of Columbia, and Puerto Rico (40 CFR 372.3).

Disposal

Any underground injection, placement in landfills/surface impoundments, land treatment, or other intentional land disposal (40 CFR 372.3).

Environment

Water, air, and land and the interrelationship which exists among and between water, air, and land and all living things (40 CFR 355.20 and 370.2).

EPA

The United States Environmental Protection Agency (40 CFR 372.3).

Establishment

An economic unit, generally at a single physical location, where business is conducted or where services or industrial operations are performed (40 CFR 372.3).

Extremely Hazardous Substance

A substance listed in Appendices A and B of 40 CFR 355 (40 CFR 355.20).

Extremely Hazardous Substance

A substance listed in the appendices to 40 CFR Part 355, Emergency Planning and Notification (40 CFR 370.2).

Facility

All buildings, equipment, structures, and other stationary items that 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). A facility may contain more than one establishment. Facility shall include manmade structures as well as all 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 emergency release notification, the term includes motor vehicles, rolling stock, and aircraft (40 CFR 355.20 and 370.2).

Facility

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). A facility may contain more than one establishment (40 CFR 372.3).

Full-time Employee

2000 hours per year of full-time equivalent employment. To calculate the number of full-time employees, total the hours worked during the calendar year by all employees, including contract employees, and divide the total by 2000 hours (40 CFR 372.3).

Hazard Category

Any of the following (40 CFR 370.2):

1. immediate (acute) health hazard, including highly toxic, toxic, irritant, sensitizer, corrosive, (as defined under Sec. 1910.1200 of Title 29 of the Code of Federal Regulations) and other hazardous chemicals that cause an adverse effect to a target organ and which effect usually occurs rapidly as a result of short term exposure and is of short duration;
2. delayed (chronic) health hazard, including carcinogens (as defined under Sec. 1910.1200 of Title 29 of the Code of Federal Regulations) and other hazardous chemicals that cause an adverse effect to a target organ and which effect generally occurs as a result of long term exposure and is of long duration;
3. fire hazard, including flammable, combustible liquid, pyrophoric, and oxidizer (as defined under Sec. 1910.1200 of Title 29 of the Code of Federal Regulations);
4. sudden release of pressure, including explosive and compressed gas (as defined under Sec. 1910.1200 of Title 29 of the Code of Federal Regulations); and
5. reactive, including unstable reactive, organic peroxide, and water reactive (as defined under Sec. 1910.1200 of Title 29 of the Code of Federal Regulations).

Hazardous Chemical

Any hazardous chemical as defined under Sec. 1910.1200(c) of Title 29 of the Code of Federal Regulations, except for the following substances (40 CFR 355.20 and 370.2):

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 that 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 fertilizer held for sale by a retailer to the ultimate customer.

Hazardous Substance

Any substance designated pursuant to 40 CFR 302 (40 CFR 302.3).

Import

To intend a chemical to be imported into the customs territory of the United States and to control the identity of the imported chemical and the amount to be imported (40 CFR 372.3).

Indian Country

Indian country as defined in 18 U.S.C. 1151 (40 CFR 355.20, 370.2 and 372.3):

1. all land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation;
2. all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state;
3. all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

Indian Tribe

Those tribes federally recognized by the Secretary of the Interior (40 CFR 355.20, 370.2 and 372.3).

Industrial Furnace

Any of the following enclosed devices that are integral components of manufacturing processes and that use thermal treatment to accomplish recovery of materials or energy (40 CFR 372.3):

1. cement kilns
2. lime kilns
3. aggregate kilns
4. phosphate kilns
5. coke ovens
6. blast furnaces
7. smelting, melting and refining furnaces (including pyrometallurgical devices such as cupolas, reverberator furnaces, sintering machines, roasters, and foundry furnaces)
8. titanium dioxide chloride process oxidation reactors
9. methane reforming furnaces
10. pulping liquor recovery furnaces
11. combustion devices used in the recovery of sulfur values from spent sulfuric acid
12. halogen acid furnaces (HAFs) for the production of acid from halogenated hazardous waste generated by chemical production facilities where the furnace is located on the site of a chemical production facility, the acid product has a halogen acid content of at least 3%, the acid product is used in a manufacturing process, and, except for hazardous waste burned as fuel, hazardous waste fed to the furnace has a minimum halogen content of 20% as-generated
13. such other devices as the Administrator may, after notice and comment, add to this list on the basis of one or more of the following factors:
 - a) the design and use of the device primarily to accomplish recovery of material products;
 - b) the use of the device to burn or reduce raw materials to make a material product;
 - c) the use of the device to burn or reduce secondary materials as effective substitutes for raw materials, in processes using raw materials as principal feedstocks;
 - d) the use of the device to burn or reduce secondary materials as ingredients in an industrial process to make a material product;
 - e) the use of the device in common industrial practice to produce a material product; and
 - f) other factors, as appropriate.

Inventory Form

The Tier I and Tier II emergency and hazardous chemical inventory forms set forth in Subpart D of 40 CFR 370 (40 CFR 370.2).

Land Disturbance Incidental to Extraction

This includes: land clearing; overburden removal and stockpiling; excavating, handling, transporting, and storing ores and other raw materials; and replacing materials in mined-out areas as long as such materials have not been beneficiated or processed and do not contain elevated radionuclide concentrations (greater than 7.6 picocuries per gram or pCi/g of Uranium-238, 6.8 pCi/g of Thorium-232, or 8.4 pCi/g of Radium-226) (40 CFR 355.40)

Material Safety Data Sheet or MSDS

The sheet required to be developed under 29 CFR 1910.1200(g) (40 CFR 370.2).

Manufacture

To produce, prepare, import, or compound a toxic chemical. Manufacture also includes coincidental production of a toxic chemical during the manufacture, processing, use, or treatment of another chemical or mixture of chemicals, including a toxic chemical that is separated from that other chemical or mixture of chemicals as a byproduct, and a toxic chemical that remains in that other chemical or mixture as an impurity (>0.1% for carcinogens; otherwise >1%) (40 CFR 372.3).

Management Practice

Practice that, although not mandated by law, is encouraged to promote safe operating procedures.

Mixture (EPCRA 311, 312, and 313)

Any combination of two or more chemicals, if the combination is not, in whole or in part, the result of a chemical reaction. However, if the combination was produced by a chemical reaction but could have been produced without a chemical reaction, it is also treated as a mixture. A mixture also includes any combination that consists of a chemical and associated impurities (40 CFR 372.3).

Mixture (EPCRA 304)

A heterogeneous association of substances where the various individual substances retain their identities and can usually be separated by mechanical means. Includes solutions or compounds but does not include alloys or amalgams (40 CFR 355.20).

Normal Range

The normal range of a release is all releases (in pounds or kilograms) of a hazardous substance reported or occurring over any 24-hour period under normal operating conditions during the preceding year. Only releases that are both continuous and stable in quantity and rate may be included in the normal range (40 CFR 302.8(b)).

Otherwise Use

Any use of a toxic chemical that is not covered by the terms “manufacture” or “process” and includes use of a toxic chemical contained in a mixture, trade name product or waste. Otherwise use of a toxic chemical does not include disposal, stabilization (without subsequent distribution in commerce), or treatment for destruction unless (40 CFR 372.3):

1. the toxic chemical that was disposed, stabilized, or treated for destruction was received from off-site for the purposes of further waste management; or
2. the toxic chemical that was disposed, stabilized, or treated for destruction was manufactured as a result of waste management activities on materials received from off-site for the purposes of further waste management activities. Relabeling or redistributing of the toxic chemical where no repackaging of the toxic chemical occurs does not constitute otherwise use or processing of the toxic chemical.

Overburden

The unconsolidated material that overlies a deposit of useful materials or ores. It does not include any portion of ore or waste rock (40 CFR 372.3).

Person

Any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state, or interstate body (40 CFR 355.20 and 370.2).

Present in the Same Form and Concentration as a Product Packaged for Distribution and Use by the General Public

A substance packaged in a similar manner and present in the same concentration as the substance when packaged for use by the general public, whether or not it is intended for distribution to the general public or used for the same purpose as when it is packaged for use by the general public (40 CFR 370.2).

Process

The preparation of a listed toxic chemical, after its manufacture, for distribution in commerce (40 CFR 372.3):

1. in the same or different form or physical state from which it was received by the person preparing such substance, or
2. as part of an article containing the toxic chemical. Process also applies to the processing of a toxic chemical contained in a mixture or trade name product.

RCRA Approved Test Method

Includes Test Method 9095 (Paint Filter Liquids Test) in “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” EPA Publication No. SW-846, Third Edition, September 1986, as amended by Update I, November 15, 1992 (40 CFR 372.3).

Release

Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles) of any hazardous chemical, extremely hazardous substance, or CERCLA hazardous substance (40 CFR 355.20).

Release

Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles) of any toxic chemical (40 CFR 372.3).

Reportable Quantity

For a CERCLA hazardous substance, the reportable quantity is the amount established in 40 CFR 302 Table 302.4. For an extremely hazardous substance, the reportable quantity is the amount established in 40 CFR 355, Appendices A and B (40 CFR 355.20).

Routine

Routine release is a release that occurs during normal operating procedures or processes (40 CFR 302.8(b))

Senior Management Official

An official with management responsibility for the person or persons completing the report, or the manager of environmental programs for the facility or establishments, or for the corporation owning or operating the facility or establishment responsible for certifying similar reports under other environmental regulatory requirements (40 CFR 372.3).

Stable In Quantity and Rate

A release that is stable in quantity and rate is a release that is predictable and regular in amount and rate of emission (40 CFR 302.8(b)) [Added April 1999].

State

Any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Northern Mariana Islands, any other territory or possession over which the United States has jurisdictions and Indian Country (40 CFR 355.20, 370.2 and 372.3).

Statistically Significant Increase

A statistically significant increase in a release is an increase in the quantity of the hazardous substance released above the upper bound of the reported normal range of the release (40 CFR 302.8(b))

Threshold Planning Quantity

The threshold planning quantity for an extremely hazardous substance as listed in 40 CFR 355, Appendices A and B (40 CFR 355.20 and 370.2).

Title III

Title III of the Superfund Amendments and Reauthorization Act of 1986, also titled the Emergency Planning and Community Right-to-Know Act of 1986 (40 CFR 372.3).

Toxic Chemical

A chemical or chemical category listed in 40 CFR 372.65 (40 CFR 372.3).

Trade Name Product

A chemical or mixture of chemicals that is distributed to other persons and that incorporates a toxic chemical component that is not identified by the applicable chemical name or Chemical Abstracts Service Registry number listed in 40 CFR 372.65.

Treatment for Destruction

The destruction of a toxic chemical in waste such that the substance is no longer the toxic chemical subject to reporting under EPCRA section 313. Treatment for destruction does not include the destruction of a toxic chemical in waste where the toxic chemical has a heat value greater than 5,000 Btu and is combusted in any device that is an industrial furnace or boiler (40 CFR 372.3).

Unlisted Hazardous Substances

A solid waste, as defined in 40 CFR 261.2, which is not excluded from regulation as a hazardous waste under 40 CFR 261.4(b), is a hazardous substance under section 101(14) of CERCLA if it exhibits any of the characteristics identified in 40 CFR 261.20 through 261.24 (40 CFR 302.4(b))

Waste Stabilization

Any physical or chemical process used to either reduce the mobility of hazardous constituents in a hazardous waste or eliminate free liquid as determined by a RCRA approved test method for evaluating solid waste as defined in 40 CFR 372.3. A waste stabilization process includes mixing the hazardous waste with binders or other materials, and curing the resulting hazardous waste and binder mixture. Other synonymous terms used to refer to this process are “stabilization,” “waste fixation,” or “waste solidification” (40 CFR 372.3).

Typical Records to Review

- Emergency response plan(s)
- Emergency Release Notification Reports
- Chemical inventory forms
- MSDSs
- Pollution prevention plan (optional)
- Tier I/Tier II reports
- Toxic chemical source reduction and recycling reports (for facilities subject to Form R reporting)
- Toxic release inventory (TRI) reports (Form R/Form A) and related documentation
- Hazardous communication plan
- Contingency plan.

Typical Physical Features to Inspect

- Chemical storage areas
- Chemical manufacturing or processing areas (generation sites)
- Recordkeeping system
- Shop activities
- Hazardous material/waste transfer areas
- Treatment units
- Recycling sites
- Disposal sites
- Surface impoundments

List of Acronyms and Abbreviations

Btu	British Thermal Units
CAA	Clean Air Act
CAS	Chemical Abstract Service
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act (or Superfund)
CFR	Code of Federal Regulations
CWA	Clean Water Act
CY	Calendar Year
EHS	Extremely hazardous substance
EPA	Environmental Protection Agency
EPCRA	Emergency Planning and Community Right-to-Know Act of 1986
FR	Federal Register
gal.	Gallon
h	Hour
kg	Kilogram

lb.	Pound
lb/yr	Pounds per year
LEPC	Local Emergency Planning Committee
Mi	Mile
MP	Management practice
MSDS	Material Data Safety Sheet
NOV	Notice of violation
NRC	National Response Center
OSHA	Occupational Health and Safety Act
PAC	Polycyclic aromatic compound
PBT	Persistent bioaccumulative toxic
POTW	Publicly owned treatment works
PPA	Pollution Prevention Act of 1990
RCRA	Resource Conservation and Recovery Act
RQ	Reportable quantity
SARA	Superfund Amendments and Reauthorization Act of 1986
SERC	State Emergency Response Commission
SIC	Standard Industrial Classification
SPCC	Spill Prevention, Control and Countermeasures
TPQ	Threshold planning quantity
TRI	Toxic release inventory
U.S.C.	United States Code
yr	Year
=/>	Equal to or greater than
=/<	Equal to or less than

This Page Intentionally Left Blank

Index for Checklist Users

Compliance Category Index

Category	Refer To:	
	Checklist Items:	Page Numbers:
General	EP.1.1 through EP.1.3	15
Planning	EP.10.1 and EP.10.2	17
Release Notification/Reporting	EP.20.1 through EP.20.6	19
Recordkeeping	EP.30.1	33

Statute Index

Statute or Statute Section	Refer To:	
	Checklist Items:	Page Numbers:
EPCRA Section 302	EP.10.1	17
EPCRA Section 304	EP.20.1	19
CERCLA Section 103	EP.20.5	27
CERCLA Section 103(f)(2)	EP.20.6	28
EPCRA Section 311	EP.20.2	20
EPCRA Section 312	EP.20.3	22
EPCRA Section 313	EP.20.4 and EP.30.1	26 and 33

This Page Intentionally Left Blank

Checklist

COMPLIANCE CATEGORY: EPCRA	
REGULATORY REQUIREMENT OR MANAGEMENT PRACTICE	REVIEWER CHECKS
GENERAL	
EP.1	
EP.1.1. The current status of any ongoing or unresolved Consent Orders, Compliance Agreements, Notices of Violation (NOVs), or equivalent state enforcement actions should be examined.	Determine if noncompliance issues have been resolved by reviewing a copy of the previous audit report, Consent Orders, Compliance Agreements, NOVs, or equivalent state enforcement actions. Determine and indicate, for open items, what corrective action is planned and milestones established to correct problems.
EP.1.2. Facilities are required to comply with all applicable federal regulatory requirements not contained in this checklist.	Determine if any new regulations have been issued since the finalization of this guide. If so, annotate checklist to include new standards. Determine if the facility has activities or facilities that are federally regulated, but not addressed in this checklist. Verify that the facility is in compliance with all applicable and newly issued regulations.
EP.1.3. Facilities are required to abide by state and local regulations concerning hazardous materials.	Verify that the facility is abiding by state and local requirements. Verify that the facility is operating according to permits issued by the state or local agencies. (NOTE: Issues typically regulated by state and local agencies include: – notification requirements – response plan requirements – spill response requirements.)

This Page Intentionally Left Blank

COMPLIANCE CATEGORY: EPCRA	
REGULATORY REQUIREMENT OR MANAGEMENT PRACTICE	REVIEWER CHECKS
PLANNING EP.10	
EP.10.1. Facilities with quantities of extremely hazardous substances equal to or greater than the threshold limitations are required to follow specific emergency planning procedures (40 CFR 355.30 and 355 Appendix A).	(NOTE: For purposes of this checklist item, an amount of any extremely hazardous substance means the total amount of an extremely hazardous substance present at any one time at a facility at concentrations greater than one percent by weight, regardless of location, number of containers, or method of storage.) Verify that the facility has notified the Commission (see definitions) that it is subject to the emergency planning requirements within 60 days after the facility first becomes subject to these requirements. Verify that the facility has a designated representative who participates in the local emergency planning process as a facility emergency response coordinator. Verify that the facility has notified the local emergency planning committee, or governor if there is no committee, of the facility representative within 30 days after establishment of a local emergency planning committee. Verify that the local emergency planning committee is informed of any changes occurring at the facility that may be relevant to emergency planning. Verify that, upon request of the local emergency planning committee, the facility promptly provides to the committee any information necessary for development or implementation of the local emergency plan. (NOTE: If a container or storage vessel holds a mixture or solution of an extremely hazardous substance, then the concentration of extremely hazardous substance, in weight percent (greater than 1 percent sign), shall be multiplied by the mass (in pounds) in the vessel to determine the actual quantity of extremely hazardous substance therein. Extremely hazardous substances that are solids are subject to either of two threshold planning quantities (i.e., 500/10,000 lb). The lower quantity applies only if the solid exists in powdered form and has a particle size less than 100 microns; or is handled in solution or in molten form; or meets the criteria for a NFPA rating of 2, 3, or 4 for reactivity. If the solid does not meet any of these criteria, it is subject to the upper (10,000 lb) TPQ. The 100-micron level may be determined by multiplying the weight percent of solid with a particle size less than 100 microns in a particular container by the quantity of solid in the container. The amount of solid in solution may be determined by multiplying the weight percent of solid in the solution in a particular container by the quantity of solution in the container. The amount of solid in molten form must be multiplied by 0.3 to determine whether the lower threshold planning quantity is met.)

COMPLIANCE CATEGORY: EPCRA	
REGULATORY REQUIREMENT OR MANAGEMENT PRACTICE	REVIEWER CHECKS
EP.10.2. <i>The contingency plan developed for the facility should be compared to the local emergency contingency plan (MP).</i>	<i>Verify that the facility contingency plan is compatible with the contingency plan developed by the local emergency planning committee.</i> <i>Verify that the facility contingency plan considers how local emergency response officials will likely respond to a chemical release.</i>

COMPLIANCE CATEGORY: EPCRA	
REGULATORY REQUIREMENT OR MANAGEMENT PRACTICE	REVIEWER CHECKS
RELEASE, NOTIFICATION, REPORTING EP.20	(NOTE: Emergency release notification requirements do not apply to: – any release that results in exposure to persons solely within the boundaries of the facility – any release that is a federally permitted release as defined in section 101 (10) of CERCLA – any release that is continuous and stable in quantity and rate under the definitions in 40 CFR 302.8(b) – any release of a pesticide product exempt from CERCLA section 103(a) reporting under section 103(e) of CERCLA – any release not meeting the definition of release under Section 101(22) of CERCLA, and therefore exempt from Section 103(a) reporting – any radionuclide release which occurs: – naturally in soil from land holdings such as parks, golf courses, or other large tracts of land – naturally from land disturbance activities, including farming, construction, and land disturbance incidental to extraction during mining activities, except that which occurs at uranium, phosphate, tin, zircon, hafnium, vanadium, monazite, and rare earth mines – from the dumping and transportation of coal and coal ash (including fly ash, bottom ash, and boiler slags), including the dumping and land spreading operations that occur during coal ash uses – from piles of coal and coal ash, including fly ash, bottom ash, and boiler slags.) (NOTE: Exemption from these emergency release notification requirements for continuous releases does not include exemption from requirements for: – initial notifications as defined in 40 CFR 302.8(d) and (e) – notification of a “statistically significant increase” – notification of a “new release” – notification of a change in the normal range of the release as required under 40 CFR 302.8(g)(2).)
EP.20.1 When there is a release of a reportable quantity (RQ) of any extremely hazardous substance or CERCLA hazardous substance emergency release notification is required (40 CFR 355.40 and 355 Appendices A and B)	Determine if there has been a release of an extremely hazardous substance or CERCLA hazardous substance in excess of the RQ. Verify that, if a release has occurred in excess of the reportable quantity, the following are immediately notified: – community emergency coordinator for the local emergency planning committee of any area likely to be affected by the release – state emergency response commission of any state likely to be affected by the release – local emergency response personnel if there is no local emergency planning committee.

COMPLIANCE CATEGORY: EPCRA	
REGULATORY REQUIREMENT OR MANAGEMENT PRACTICE	REVIEWER CHECKS
	Verify that the notice contains the following, to the extent known at the time of notice, so long as no delay in notice or emergency response results: – the chemical name or identity of any substance involved in the release – an indication of whether the substance is an extremely hazardous substance – an estimate of the quantity of any such substance that was released into the environment – the time and duration of the release – the medium or media into which the release occurred – any known or anticipated acute or chronic health risks associated with the emergency, and, where appropriate, advice regarding medical attention necessary for exposed individuals – proper precautions to take as a result of the release, including evacuation (unless such information is readily available to the community emergency coordination because of the local emergency plan) – the names and telephone numbers of the person or persons to be contacted for further information. Verify that, after the immediate verbal notification, a written follow-up emergency notification is produced which contains the same information detailed in the verbal notice (outlined above), plus: – actions taken to respond to and contain the release – any known or anticipated acute or chronic health risks associated with the release – advice regarding medical attention necessary for exposed individuals.
EP.20.2. Releases in excess of or equal to the RQ of listed and unlisted hazardous substances shall be reported to the NRC immediately (40 CFR 302.5 through 302.6)	Verify that a release (other than a federally permitted release or application of a pesticide) of a hazardous substance from a vessel, an offshore facility, or an onshore facility is reported to the NRC immediately after the release is identified. (NOTE: 40 CFR 302.4 lists hazardous substances (see definitions section of this document) and RQs subject to the notification requirements outlined in 40 CFR 302.6. These hazardous substances contained in the tables and Appendix B of 40 CFR 302.4 are referred to in these regulations as “listed hazardous substances”. See 40 CFR 302.5(a).) (NOTE: The RQ of an unlisted hazardous substance (see definitions) is 100 lb, except for those unlisted hazardous wastes that exhibit extraction procedure (EP) toxicity identified in 40 CFR 261.24. Unlisted hazardous wastes that exhibit EP toxicity have the RQs listed in the table in 40 CFR 302.4 for the contaminant on which the characteristic of EP toxicity is based. The RQ applies to the waste itself, not merely to the toxic contaminant. If an unlisted hazardous waste exhibits EP toxicity on the basis of more than one contaminant, the RQ for that waste shall be

COMPLIANCE CATEGORY: EPCRA	
REGULATORY REQUIREMENT OR MANAGEMENT PRACTICE	REVIEWER CHECKS
	the lowest of the RQs listed in the table in 40 CFR 302.4 for those contaminants. If an unlisted hazardous waste exhibits the characteristic of EP toxicity and one or more of the other characteristics referenced in 40 CFR 302.4(b), the RQ for that waste is the lowest of the applicable reportable quantities.) Verify that, if mixtures or solutions (including hazardous waste streams) of hazardous substances are released, except for radionuclides, the release is reported when either of the following occur: – the quantity of all hazardous constituents of the mixture or solution is known and a reportable quantity or more of any hazardous constituent is released – the quantity of one or more of the hazardous constituents of the mixture or solution is unknown and the total amount of the mixture or solution released equals or exceeds the reportable quantity for the hazardous constituent with the lowest reportable quantity. (NOTE: Radionuclides are subject to these notification requirements only in the following circumstances: – if the identity and quantity (in curies) of each radionuclide in a released mixture or solution is known, the ratio between the quantity released (in curies) and the RQ for the radionuclide must be determined for each radionuclide. The only such releases notification requirements are those in which the sum of the ratios for the radionuclides in the mixture or solution released is ≥ 1 – if the identity of each radionuclide in a released mixture or solution is known but the quantity released (in curies) of one or more of the radionuclides is unknown, the only such releases subject to notification requirements are those in which the total quantity (in curies) of the mixture or solution released is $\geq$ the lowest RQ of any individual radionuclide in the mixture or solution – if the identity of one or more radionuclides in a released mixture or solution is unknown (or if the identity of a radionuclide released by itself is unknown), the only such releases subject to notification requirements are those in which the total quantity (in curies) released is equal to or greater than either one curie or the lowest RQ of any known individual radionuclide in the mixture or solution, whichever is lower.) (NOTE: The following categories of releases are exempt from the notification requirements: – releases of those radionuclides that occur naturally in the soil from land holdings such as parks, golf courses, or other large tracts of land – releases of naturally occurring radionuclides from land disturbance activities, including farming, construction, and land disturbance incidental to extraction during mining activities, except that which occurs at uranium, phosphate, tin, zircon, hafnium, vanadium, monazite, and rare earth mines. Land disturbance incidental to extraction includes: land clearing; overburden removal and

COMPLIANCE CATEGORY: EPCRA	
REGULATORY REQUIREMENT OR MANAGEMENT PRACTICE	REVIEWER CHECKS
	stockpiling; excavating, handling, transporting, and storing ores and other raw materials; and replacing materials in mined-out areas as long as such materials have not been beneficiated or processed and do not contain elevated radionuclide concentrations (greater than 7.6 pCi/g of Uranium-238, 6.8 pCi/g of Thorium-232, or 8.4 pCi/g of Radium-226) – releases of radionuclides from the dumping and transportation of coal and coal ash (including fly ash, bottom ash, and boiler slags), including the dumping and land spreading operations that occur during coal ash uses – releases of radionuclides from piles of coal and coal ash, including fly ash, bottom ash, and boiler slags.) (NOTE: Except for releases of radionuclides, notification of the release of an RQ of solid particles of antimony, arsenic, beryllium, cadmium, chromium, copper, lead, nickel, selenium, silver, thallium, or zinc is not required if the mean diameter of the particles released is larger than 100 micrometers (0.004 in.).
EP.20.3. Specific notifications are required for releases of hazardous substances that qualify for reduced reporting options (40 CFR 302.8)	Determine if there are any releases that are continuous and stable in quantity and rate. Verify that the following notifications have been given: – initial telephone notification – initial written notification within 30 days of the initial telephone notification – follow-up notification within 30 days of the first anniversary date of the initial written notification – notification of changes in: – the composition or source of the release – information submitted in the initial written notification – information submitted in the follow-up notification when there is an increase in the quantity of the hazardous substances in any 24-h period that represents a statistically significant increase. Verify that, prior to making an initial telephone notification of a continuous release, the person in charge of a facility or vessel establishes a sound basis for qualifying the release for reporting by one of the following: – using release data, engineering estimates, knowledge of operating procedures, or best professional judgment to establish the continuity and stability of the release – reporting the release to the NRC for a period sufficient to establish the continuity and stability of the release or when a basis has been established to qualify the release for reduced reporting, initial notification to the NRC is made by telephone. Verify that the notification is identified as an initial continuous release notification

COMPLIANCE CATEGORY: EPCRA	
REGULATORY REQUIREMENT OR MANAGEMENT PRACTICE	REVIEWER CHECKS
	report and includes the following information: – the name(s) and location(s) of the facility or vessel – the name(s) and identity(ies) of the hazardous substances being released. Verify that initial written notification of a continuous release is made to the appropriate U.S. EPA Regional Office for the geographical area where the releasing facility or vessel is located and occurs within 30 days of the initial telephone notification to the NRC. Verify that the initial written notification includes, for each release for which reduced reporting as a continuous release is claimed, the following information: – the name of the facility or vessel; the location, including the latitude and longitude; the case number assigned by the NRC or the U.S. EPA; the Dun and Bradstreet number of the facility, if available; the port of registration of the vessel; the name and telephone number of the person in charge of the facility or vessel – the population density within a one-mi radius of the facility or vessel, described in terms of the following ranges: 0-50 persons, 51-100 persons, 101-500 persons, 501-1,000 persons, more than 1,000 persons – the identity and location of sensitive populations and ecosystems within a one-mi radius of the facility or vessel (e.g., elementary schools, hospitals, retirement communities, or wetlands) – for each hazardous substance release claimed to qualify for reporting under CERCLA section 103(f)(2), the following information: – the name/identity of the hazardous substance; the CAS Registry Number for the substance (if available); and, if the substance being released is a mixture, the components of the mixture and their approximate concentrations and quantities, by weight – the upper and lower bounds of the normal range of the release (in pounds or kilograms) over the previous year – the source(s) of the release (e.g., valves, pump seals, storage tank vents, stacks). If the release is from a stack, the stack height (in feet or meters) – the frequency of the release and the fraction of the release from each release source and the specific period over which it occurs – a brief statement describing the basis for stating that the release is continuous and stable in quantity and rate – an estimate of the total annual amount that was released in the previous year (in pounds or kilograms) – the environmental medium affected by the release, such as the name of the surface water body; the stream order or average flowrate (in cubic feet/second) and designated use; the surface area (in acres) and average depth (in feet or meters) of the lake; the location of public water supply wells within two mi if on or underground – a signed statement that the hazardous substance release described is

COMPLIANCE CATEGORY: EPCRA	
REGULATORY REQUIREMENT OR MANAGEMENT PRACTICE	REVIEWER CHECKS
	continuous and stable in quantity and rate and that all reported information is accurate and current to the best knowledge of the person in charge. Verify that, within 30 days of the first anniversary date of the initial written notification (see above), each hazardous substance release reported is evaluated to verify and update the information submitted in the initial written notification. Verify that the follow-up notification contains all the information required in the initial notification, plus notification of changes in the release not otherwise reported (NOTE: Instead of the initial written report or follow-up report, a copy of the Toxic Release Inventory (TRI) form submitted under SARA Title III section 313 to U.S. EPA for the previous July 1 may be used if the following information is added: – the population density within a one mile radius of the facility or vessel described in terms of the following ranges: – 0 to 50 persons – 51 to 100 persons – 101 to 500 persons – 501 to 1000 persons – more than 1000 persons – the identify and location of sensitive populations and ecosystems within a one mile radius of the facility or vessel (e.g., elementary schools, hospitals, retirement communities, or wetlands) – the following information for each hazardous substance release that qualifies for reporting under CERCLA section 103(f)(2): – the upper and lower bounds of the normal range of the release (in pounds or kilograms) over the previous year – the frequency of the release and the fraction of the release from each release source and the specific period over which it occurs – a brief statement describing the basis for stating that the release is continuous and stable in quantity and rate – a signed statement that the release is continuous and stable in quantity and rate and that all reported information is accurate and current to the best knowledge of the person in charge.) (NOTE: If there is a change in any information submitted in the initial written notification or the follow-up notification other than a change in the source, composition, or quantity of the release, the person in charge of the facility or vessel shall provide written notification of the change to the U.S. EPA Region for the geographical area where the facility or vessel is located, within 30 days of determining that the information submitted previously is no longer valid. Notification shall include the reason for the change, and the basis for stating that the release is continuous and stable under the changed conditions. Notification of changes shall include the case number assigned by the NRC or the U.S. EPA and

COMPLIANCE CATEGORY: EPCRA	
REGULATORY REQUIREMENT OR MANAGEMENT PRACTICE	REVIEWER CHECKS
	also the signed certification statement.) Verify that notification of a statistically significant increase in a release is made to the NRC as soon as there is knowledge of the release. (NOTE: A determination of whether an increase is a “statistically significant increase” shall be made based upon calculations or estimation procedures that will identify releases that exceed the upper bound of the reported normal range.) Verify that each hazardous substance release is evaluated annually to determine if changes have occurred in the information submitted in the initial written notification, the follow-up notification, and/or in a previous change notification. (NOTE: Where necessary to satisfy the requirements of 40 CFR 302.8, the person in charge may rely on recent release data, engineering estimates, the operating history of the facility or vessel, or other relevant information to support notification. All supporting documents, materials, and other information shall be kept on file at the facility, or in the case of a vessel, at an office within the United States in either a port of call, a place of regular berthing, or the headquarters of the business operating the vessel.) Verify that supporting materials are kept on file for a period of one yr and that they substantiate the reported normal range of releases, the basis for stating that the release is continuous and stable in quantity and rate, and the other information in the initial written report, the follow-up report, and the annual evaluations. (NOTE: The supporting materials must be made available to U.S. EPA upon request.) (NOTE: Multiple concurrent releases of the same substance occurring at various locations with respect to contiguous plants or installations upon contiguous grounds that are under common ownership or control may be considered separately or added together in determining whether such releases constitute a continuous release or a statistical increase in the release; whichever approach is elected for purposes of determining whether a release is continuous also must be used to determine a statistically significant increase in the release.)

COMPLIANCE CATEGORY: EPCRA	
REGULATORY REQUIREMENT OR MANAGEMENT PRACTICE	REVIEWER CHECKS
EP.20.4. Facilities which are required to prepare or have available a MSDS for a hazardous chemical under OSHA are required to meet specific MSDS reporting requirements for planning purposes (40 CFR 370.20(a) through 370.21(a), 370.20(c), and 370.28).	(NOTE: The emergency response commission consists of the State Emergency Response Commission and the local Emergency Planning Committee. Some states have only one of these.) Verify that MSDSs (or a list as described below) are submitted to the emergency response commission, the local emergency planning committee, and the fire department with jurisdiction over the facility for each hazardous chemical present according to the following thresholds: – for all extremely hazardous substances present in amounts greater than or equal to 500 lb (227 kg, approximately 55 gal) or the threshold planning quantity, whichever is lower – for gasoline (all grades combined) in amounts greater than or equal to 75,000 gal (or approximately 283,900 L) when the gasoline is in tanks entirely underground at a retail gas station that was in compliance during the preceding calendar year with all applicable UST regulations (40 CFR Part 280 or requirements of the state UST program approved by U.S. EPA under 40 CFR Part 281) – for diesel fuel (all grades combined) in amounts greater than or equal to 100,000 gal (or approximately 378,500 L) when the diesel is in tanks entirely underground at a retail gas station that was in compliance during the preceding calendar year with all applicable UST regulations (40 CFR Part 280 or requirements of the state UST program approved by U.S. EPA under 40 CFR Part 281) – for all other hazardous chemicals present at any one time in amounts equal to or greater than 10,000 lb (4540 kg). (NOTE: For the purposes of these threshold values, a retail gas station is a retail facility engaged in selling gasoline and/or diesel fuel principally to the public, for motor vehicle use on land.) (NOTE: Commonly overlooked substances requiring an MSDS are propane and petroleum based fuels. For diesel and unleaded gasoline, 10,000 lb equals approximately 1379 gal using the weight of 7.25 lb/gal.) Verify that if the facility has not submitted MSDSs, the following have been submitted: – a list of hazardous chemicals for which the MSDS is required, grouped by hazard category (see <i>Key Terms and Definitions</i> section of this document for a definition of <i>Hazard Category</i>) – the chemical or common name of each hazardous chemical as provided on the MSDS – any hazardous component of each hazardous chemical as provided on the MSDS unless reported as a mixture (see 40 CFR 370.28(a)(2)).

COMPLIANCE CATEGORY: EPCRA	
REGULATORY REQUIREMENT OR MANAGEMENT PRACTICE	REVIEWER CHECKS
	Verify that revised MSDSs are provided to the local emergency planning committee, emergency response commission, and fire department within 3 mo after the discovery of significant new information concerning the hazardous chemical for which the MSDSs were submitted. (NOTE: When MSDSs for hazardous chemicals present at the facility have not been submitted to the local emergency planning committee, the facility owner or operator must submit the MSDSs within 30 days of the receipt of such a request.) (NOTE: These reporting requirements for a hazardous chemical that is a mixture of hazardous chemicals can be fulfilled by doing one of the following: – providing the required information on each component in the mixture that is a hazardous chemical – providing the required information on the mixture itself so long as the reporting of a mixture by a facility is in the same manner as required by 40 CFR 370.21 where practicable.)
EP.20.5. Facilities which are required to prepare or have available a MSDS for a hazardous chemical under OSHA are required to meet specific inventory reporting requirements for planning purposes (40 CFR 370.20(a), 370.20(b), 370.20(d), 370.25, and 370.28(a)).	Verify that the Tier I (or Tier II) Hazardous Chemical Inventory forms are submitted annually to the local emergency planning committee, the emergency response commission, and the fire department with jurisdiction over the facility. (NOTE: Hazardous chemicals and substances that must be included Hazardous Chemical Inventory forms are: – all extremely hazardous substances present in amounts greater than or equal to 500 lb (227 kg, approximately 55 gal) or the threshold planning quantity, whichever is lower – gasoline (all grades combined) in amounts greater than or equal to 75,000 gal (or approximately 283,900 L) when the gasoline is in tanks entirely underground at a retail gas station that was in compliance during the preceding calendar year with all applicable UST regulations (40 CFR Part 280 or requirements of the state UST program approved by U.S. EPA under 40 CFR Part 281) – diesel fuel (all grades combined) in amounts greater than or equal to 100,000 gal (or approximately 378,500 L) when the diesel is in tanks entirely underground at a retail gas station that was in compliance during the preceding calendar year with all applicable UST regulations (40 CFR Part 280 or requirements of the state UST program approved by U.S. EPA under 40 CFR Part 281) – all other hazardous chemicals present at any one time in amounts equal to or greater than 10,000 lb (4540 kg).) Verify that Tier I or Tier II forms are submitted on or before March 1 of the first year after the facility becomes subject to 40 CFR 370.20 through 370.28.

COMPLIANCE CATEGORY: EPCRA	
REGULATORY REQUIREMENT OR MANAGEMENT PRACTICE	REVIEWER CHECKS
	(NOTE: For the purposes of these threshold values, a retail gas station is a retail facility engaged in selling gasoline and/or diesel fuel principally to the public, for motor vehicle use on land.) (NOTE: Commonly overlooked substances requiring an MSDS are propane and petroleum based fuels.) (NOTE: A Tier II form may be submitted in lieu of the Tier I information with respect to any hazardous chemical at the facility. If requested, all Tier II forms must be submitted to the local emergency planning committee, the emergency response commission and the fire department with jurisdiction over the facility. Tier II forms must be submitted within 30 days of the receipt of each request.) (NOTE: The owner or operator of a facility that has submitted a Tier I or Tier II inventory form must allow on-site inspection by the fire department having jurisdiction over the facility upon request of the department and provide to the department specific location information on hazardous chemicals at the facility.) (NOTE: These reporting requirements for a hazardous chemical that is a mixture of hazardous chemicals may be fulfilled by doing one of the following: – providing the required information on each component in the mixture that is a hazardous chemical – providing the required information on the mixture itself so long as the reporting of mixtures by a facility is in the same manner as required by 40 CFR 370.21 where practicable.)
EP.20.6. Facilities that manufacture, process, or otherwise use a listed toxic chemical in excess of applicable threshold quantities and that have 10 or more employees are subject to certain reporting requirements (40 CFR 372.22 through 372.38 and 372.95(b)).	(NOTE: These reporting requirements apply to facilities that meet all of the following criteria for a calendar year: – the facility has 10 or more full-time employees – the facility is in Standard Industrial Classification (SIC) (as in effect on January 1, 1987) major group codes 10 (except 1011, 1081, and 1094), 12 (except 1241), or 20 through 39; industry codes 4911, 4931, or 4939 (limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce); or 4953 (limited to facilities regulated under the RCRA, subtitle C, 42 U.S.C. section 6921 et seq.), or 5169, or 5171, or 7389 (limited to facilities primarily engaged in solvent recovery services on a contract or fee basis) by virtue of the fact that it meets one of the following criteria: – the facility is an establishment with a primary SIC major group or industry code in the above list – the facility is a multi-establishment complex where all establishments have primary SIC major group or industry codes in the above list – the facility is a multi-establishment complex in which one of the following is true:

COMPLIANCE CATEGORY: EPCRA	
REGULATORY REQUIREMENT OR MANAGEMENT PRACTICE	REVIEWER CHECKS
	– the sum of the value of services provided and/or products shipped and/or produced from those establishments that have primary SIC major group or industry codes in the above list is greater than 50 percent of the total value of all services provided and/or products shipped from and/or produced by all establishments at the facility – one establishment having a primary SIC major group or industry code in the above list contributes more in terms of value of services provided and/or products shipped from and/or produced at the facility than any other establishment within the facility. – the facility manufactured (including imported), processed, or otherwise used a listed toxic chemical in excess of an applicable threshold quantity of that chemical.) (NOTE: The following are the threshold levels for a facility that is manufacturing (including importing), processing, or otherwise using a toxic chemical: – has manufactured or processed over 25,000 lb/yr of toxic chemicals, except for persistent bioaccumulative toxic (PBT) chemicals – has otherwise used over 10,000 lb of toxic chemicals during the year, except for PBT chemicals – for the chemicals listed in Appendix A of this document, the amounts indicated in the appendix. (NOTE: The reporting requirement thresholds for PBT chemicals are listed in Table 2 of Appendix A of this document.) Verify that a completed U.S. EPA Form R (U.S. EPA Form 9350-1) is submitted annually, for each toxic chemical known by the facility owner or operator to be manufactured (including imported) or otherwise used and exceeding threshold levels in one calendar year to the U.S. EPA and state on or before July 1 of the next year. (NOTE: Articles containing toxic chemicals are not included in calculations of total toxic chemical present. See 40 CFR 372.38(b) for procedure to determine whether an excess has occurred.) (NOTE: The owner or operator of a facility regulated under 40 CFR Part 372 is required to complete and submit U.S. EPA Form R, as described above, for a toxic chemical that is present as a component of a mixture or trade name product which the owner or operator receives from another person, if that chemical is imported, processed, or otherwise used by the owner or operator in excess of an applicable threshold quantity at the facility as part of that mixture or trade name product.) (NOTE: The owner or operator of a facility at which a toxic chemical was manufactured (including imported), processed or otherwise used in excess of an applicable threshold quantity may submit a separate Form R for each establishment or for each group of establishments within the facility to report the

COMPLIANCE CATEGORY: EPCRA	
REGULATORY REQUIREMENT OR MANAGEMENT PRACTICE	REVIEWER CHECKS
	activities involving the toxic chemical at each establishment or group of establishments, provided that activities involving the toxic chemical at all the establishments within the covered facility are reported. See 40 CFR 372.30(c) for instruction and procedures regarding alternatives for reporting when the facility consists of more than one establishment. (NOTE: A facility may apply an alternate threshold of one million lb/yr to a chemical if it is calculated that the facility would have an annual reportable amount of that toxic chemical not exceeding 500 lb for the combined total quantities released at the facility, disposed within the facility, treated at the facility (as represented by amounts destroyed or converted by treatment processes), recovered at the facility as a result of recycle operations, combusted for the purpose of energy recovery at the facility, and amounts transferred from the facility to offsite locations for the purpose of recycle, energy recovery, treatment, and/or disposal. The alternate threshold provisions do not apply to the chemicals listed in Appendix A of this document.) Verify that, if a facility uses the alternate reporting threshold, the facility owner or operator submits the required certification statement that contains the following information instead of the U.S. EPA Form R: – reporting year – an indication of whether the chemical identified is being claimed as trade secret – chemical name and CAS number (if applicable) of the chemical, or the category name – signature of a senior management official certifying the following: pursuant to 40 CFR 372.27, “I hereby certify that to the best of my knowledge and belief for the toxic chemical listed in this statement, the annual reportable amount, as defined in 40 CFR 372.27(a), did not exceed 500 lb for this reporting year and that the chemical was manufactured, or processed, or otherwise used in an amount not exceeding 1 million pounds during this reporting year” – date signed – facility name and address – mailing address of the facility if different than the above – toxic chemical release inventory facility identification number if known – name and telephone number of a technical contact – the four-digit SIC codes for the facility or establishments in the facility – latitude and longitude coordinates for the facility – Dun and Bradstreet number of the facility – U.S. EPA identification number(s) (RCRA) I.D. Number(s) of the facility – facility NPDES permit number(s) – underground Injection Well Code (UIC) I.D. Number(s) of the facility – name of the facility's parent company – parent company's Dun and Bradstreet Number.

COMPLIANCE CATEGORY: EPCRA	
REGULATORY REQUIREMENT OR MANAGEMENT PRACTICE	REVIEWER CHECKS
	Verify that, when more than one threshold applies to facility activities, the facility owner or operator reports if it exceeds any applicable threshold and reports on all activities at the facility involving the chemical unless otherwise exempted (see below). Verify that, when a facility manufactures, processes, or otherwise uses more than one member of a chemical category listed in 40 CFR 372.65(c), the facility owner or operator reports if it exceeds any applicable threshold for the total volume of all the members of the category involved in the applicable activity and the report covers all activities at the facility involving members of the category. (NOTE: A facility may process or otherwise use a toxic chemical in a recycle/reuse operation. To determine whether the facility has processed or used more than an applicable threshold of the chemical, the owner or operator of the facility counts the amount of the chemical added to the recycle/reuse operation during the calendar year. In particular, if the facility starts up such an operation during a calendar year, or in the event that the contents of the whole recycle/reuse operation are replaced in a calendar year, the facility owner or operator also counts the amount of the chemical placed into the system at these times.) (NOTE: Certain toxic chemicals, manufacturing methods used to produce these chemicals and/or the physical forms or colors of these chemical may limit reporting requirements under 40 CFR Part 372. These specific circumstances and conditions and reporting requirements are outlined in 40 CFR 372.25(f) through (h).) (NOTE: The following exemptions apply: – if a toxic chemical is present in a mixture of chemicals at a covered facility and the toxic chemical is in a concentration in the mixture which is below one percent of the mixture, or 0.1 percent of the mixture in the case of a toxic chemical which is a carcinogen as defined in 29 CFR 1910.1200(d)(4), the quantity of the toxic chemical present in such mixture does not have to be considered when determining whether an applicable threshold has been met or determining the amount of release to be reported under 40 CFR 372.30. This exemption applies whether the person received the mixture from another person or the person produced the mixture, either by mixing the chemicals involved or by causing a chemical reaction that resulted in the creation of the toxic chemical in the mixture. However, this exemption applies only to the quantity of the toxic chemical present in the mixture. If the toxic chemical is also manufactured (including imported), processed, or otherwise used at the covered facility other than as part of the mixture or in a mixture at higher concentrations, in excess of an applicable threshold quantity, the facility is required to report. This exemption does not apply to the chemicals listed in Appendix A of this document – if a toxic chemical is present in an article at a covered facility, the quantity of

COMPLIANCE CATEGORY: EPCRA	
REGULATORY REQUIREMENT OR MANAGEMENT PRACTICE	REVIEWER CHECKS
	the toxic chemical present in such article does not have to be considered when determining whether an applicable threshold has been met or determining the amount of release to be reported. This exemption applies whether the person received the article from another person or produced the article. However, this exemption applies only to the quantity of the toxic chemical present in the article. If the toxic chemical is manufactured (including imported), processed, or otherwise used at the covered facility other than as part of the article, in excess of an applicable threshold quantity, reporting is required. If a release of a toxic chemical occurs as a result of the processing or use of an item at the facility, that item does not meet the definition of article. – if a toxic chemical is used at a covered facility for one of the following purposes, it is not required to consider the quantity of the toxic chemical used for such purpose when determining whether an applicable threshold has been met under 40 CFR 372.25 or determining the amount of releases to be reported. However, this exemption only applies to the quantity of the toxic chemical used for the purpose described in the following list. If the toxic chemical is also manufactured (including imported), processed, or otherwise used at the covered facility other than as listed below, in excess of an applicable threshold quantity, reporting is required. The list includes: – use as a structural component of the facility – use of products for routine janitorial or facility grounds maintenance – personal use by employees or other persons at the facility of foods, drugs, cosmetics, or other personal items containing toxic chemicals, including supplies of such products within the facility such as in a facility operated cafeteria, store, or infirmary – use of products containing toxic chemicals for the purpose of maintaining motor vehicles operated by the facility – use of toxic chemicals present in process water and non-contact cooling water as drawn from the environment or from municipal sources – toxic chemicals present in air used either as compressed air or as part of combustion. – if a toxic chemical is manufactured, processed, or used in a laboratory at a covered facility under the supervision of a technically qualified individual, it is not required to consider the quantity so manufactured, processed, or used when determining whether an applicable threshold has been met or determining the amount of release to be reported (NOTE: This exemption does not apply in the following cases: specialty chemical production; manufacture, processing, or use of toxic chemicals in pilot plant scale operations; activities conducted outside the laboratory). (NOTE: Other exemptions may also apply to certain owners of leased property, certain operators of establishments on leased property, and owners and operators of facilities engaged in coal extraction activities, or metal mining overburden activities. See 40 CFR 372.38(e) through (h) for further detail regarding these types of exemptions.)

COMPLIANCE CATEGORY: EPCRA	
REGULATORY REQUIREMENT OR MANAGEMENT PRACTICE	REVIEWER CHECKS
RECORDKEEPING EP.30	
EP.30.1. Facilities that manufacture, process, or otherwise use a listed toxic chemical in excess of applicable threshold quantities and that have 10 or more employees are subject to certain recordkeeping requirements (40 CFR 372.22(a), 372.22(b), 372.22(c), 372.25(a), 372.25(b), 372.10(a) through 372.10(d), and 372.38).	(NOTE: These recordkeeping requirements apply to facilities that meet all of the following criteria for a calendar year: – the facility has 10 or more full-time employees – the facility is in Standard Industrial Classification (SIC) (as in effect on January 1, 1987) major group codes 10 (except 1011, 1081, and 1094), 12 (except 1241), or 20 through 39; industry codes 4911, 4931, or 4939 (limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce); or 4953 (limited to facilities regulated under the RCRA, subtitle C, 42 U.S.C. section 6921 et seq.), or 5169, or 5171, or 7389 (limited to facilities primarily engaged in solvent recovery services on a contract or fee basis) by virtue of the fact that it meets one of the following criteria: – the facility is an establishment with a primary SIC major group or industry code in the above list – the facility is a multi-establishment complex where all establishments have primary SIC major group or industry codes in the above list – the facility is a multi-establishment complex in which one of the following is true: – the sum of the value of services provided and/or products shipped and/or produced from those establishments that have primary SIC major group or industry codes in the above list is greater than 50 percent of the total value of all services provided and/or products shipped from and/or produced by all establishments at the facility – one establishment having a primary SIC major group or industry code in the above list contributes more in terms of value of services provided and/or products shipped from and/or produced at the facility than any other establishment within the facility. – the facility manufactured (including imported), processed, or otherwise used a toxic chemical in excess of an applicable threshold quantity of that chemical.) (NOTE: The following are the threshold levels for reporting purposes that apply to a facility that is manufacturing (including importing), processing, or otherwise using a toxic chemical: – has manufactured or processed 25,000 lb/yr of toxic chemicals – has used 10,000 lb of toxic chemicals in other ways during the year – for the chemicals listed in Appendix A of this document, the amounts indicated in the appendix. (NOTE: Articles containing toxic chemicals are not included in calculations of

COMPLIANCE CATEGORY: EPCRA	
REGULATORY REQUIREMENT OR MANAGEMENT PRACTICE	REVIEWER CHECKS
	total toxic chemical present. See 40 CFR 372.30(b)(3) for procedure to determine whether an excess has occurred.) Verify that the following records are kept 3 yr from the date of the submission of U.S. EPA Form R (U.S. EPA Form 9350-1): – a copy of each Form R report submitted – all supporting materials and documentation used by the person to make the compliance determination that the facility or establishments is a covered facility under 40 CFR 372.22 or 372.45 – documentation supporting the submitted report, including: – documentation supporting any determination that a claimed allowable exemption under 40 CFR 372.38 applies – data supporting the determination of whether a reporting threshold applies for each toxic chemical – documentation supporting the calculations of the quantity of each toxic chemical released to the environment or transferred to an off-site location – documentation supporting the use indications and quantity onsite reporting for each toxic chemical, including dates of manufacturing, processing, or use – documentation supporting the basis of estimate used in developing any release or off-site transfer estimates for each toxic chemical – receipts or manifests associated with the transfer of each toxic chemical in waste to off-site locations – documentation supporting reported waste treatment methods, estimates of treatment efficiencies, ranges of influent concentration to such treatment, the sequential nature of treatment steps, if applicable, and the actual operating data, if applicable, to support the waste treatment efficiency estimate for each toxic chemical. Verify that the following records are maintained for 3 yr at the facility to which the report applies or from which supplier notification was provided: – all supporting materials and documentation used to determine if supplier notification is required – all supporting materials and documentation used in developing each required supplier notification and a copy of each notification. (NOTE: Records retained under this section must be maintained at the facility to which the report applies or from which a notification was provided. Such records must be readily available for purposes of inspection by U.S. EPA.) Verify that, if it has been determined the alternate threshold (see 40 CFR 372.27 may be applied, the following records are kept for 3 yr from the date of

COMPLIANCE CATEGORY: EPCRA	
REGULATORY REQUIREMENT OR MANAGEMENT PRACTICE	REVIEWER CHECKS
	submission of the required certification statement: – a copy of each certification statement submitted – all supporting materials and documentation used to make the compliance determination that the facility or establishment is eligible to apply the alternate threshold – documentation supporting the certification statement submitted, including: – data supporting the determination of whether the alternate threshold applies for each toxic chemical – documentation supporting the calculation of annual reportable amount (see 40 CFR 372.37(a)), for each toxic chemical, including documentation supporting the calculations and the calculations of each data element combined for the annual reportable amount – receipts or manifests associated with the transfer of each chemical in waste to off-site locations. (NOTE: The following exemptions apply: – if a toxic chemical is present in a mixture of chemicals at a covered facility and the toxic chemical is in a concentration in the mixture which is below 1 percent of the mixture, or 0.1 percent of the mixture in the case of a toxic chemical which is a carcinogen as defined in 29 CFR 1910.1200(d)(4), the quantity of the toxic chemical present in such mixture does not have to be considered when determining whether an applicable threshold has been met or determining the amount of release to be reported under 40 CFR 372.30. This exemption applies whether the person received the mixture from another person or the person produced the mixture, either by mixing the chemicals involved or by causing a chemical reaction that resulted in the creation of the toxic chemical in the mixture. However, this exemption applies only to the quantity of the toxic chemical present in the mixture. If the toxic chemical is also manufactured (including imported), processed, or otherwise used at the covered facility other than as part of the mixture or in a mixture at higher concentrations, in excess of an applicable threshold quantity, the facility is required to report. This exemption does not apply to the chemicals listed in Appendix A of this document – if a toxic chemical is present in an article at a covered facility, the quantity of the toxic chemical present in such article does not have to be considered when determining whether an applicable threshold has been met or determining the amount of release to be reported. This exemption applies whether the person received the article from another person or produced the article. However, this exemption applies only to the quantity of the toxic chemical present in the article. If the toxic chemical is manufactured (including imported), processed, or otherwise used at the covered facility other than as part of the article, in excess of an applicable threshold quantity, reporting is required. If a release of a toxic chemical occurs as a result of the processing or use of an item at the facility, that item does not meet the definition of article.

COMPLIANCE CATEGORY: EPCRA	
REGULATORY REQUIREMENT OR MANAGEMENT PRACTICE	REVIEWER CHECKS
	– if a toxic chemical is used at a covered facility for one of the following purposes, it is not required to consider the quantity of the toxic chemical used for such purpose when determining whether an applicable threshold has been met under 40 CFR 372.25 or determining the amount of releases to be reported. However, this exemption only applies to the quantity of the toxic chemical used for the purpose described in the following list. If the toxic chemical is also manufactured (including imported), processed, or otherwise used at the covered facility other than as listed below, in excess of an applicable threshold quantity, reporting is required. The list includes: – use as a structural component of the facility – use of products for routine janitorial or facility grounds maintenance – personal use by employees or other persons at the facility of foods, drugs, cosmetics, or other personal items containing toxic chemicals, including supplies of such products within the facility such as in a facility operated cafeteria, store, or infirmary – use of products containing toxic chemicals for the purpose of maintaining motor vehicles operated by the facility – use of toxic chemicals present in process water and non-contact cooling water as drawn from the environment or from municipal sources – toxic chemicals present in air used either as compressed air or as part of combustion. – if a toxic chemical is manufactured, processed, or used in a laboratory at a covered facility under the supervision of a technically qualified individual, it is not required to consider the quantity so manufactured, processed, or used when determining whether an applicable threshold has been met or determining the amount of release to be reported (NOTE: This exemption does not apply in the following cases: specialty chemical production; manufacture, processing, or use of toxic chemicals in pilot plant scale operations; activities conducted outside the laboratory). (NOTE: Other exemptions may also apply to certain owners of leased property, certain operators of establishments on leased property, and owners and operators of facilities engaged in coal extraction activities, or metal mining overburden activities. See 40 CFR 372.38 (e) through (h) for further detail regarding these types of exemptions.)

**Protocol for Conducting Environmental Compliance
Audits under EPCRA and CERCLA Section 103**

**Appendix A:
Lower Thresholds for Chemicals of Special Concern (40 CFR 372.28)**

This Page Intentionally Left Blank

**Lower Thresholds for Chemicals of Special Concern
(40 CFR 372.28)
[Added January 2001]**

Table 1
Chemical Listing in Alphabetic Order.

Chemical Name	CAS NO.	Reporting Threshold
Aldrin	00309-00-2	100
Benzo(g,h,i)perylene	00191-24-2	10
Chlordane	00057-74-9	10
Heptachlor	00076-44-8	10
Hexachlorobenzene	00118-74-1	10
Isodrin	00465-73-6	10
Lead (this lower threshold does not apply to lead when contained in a stainless steel, brass or bronze alloy)	7439-92-1	100
Mercury	07439-97-6	10
Methoxychlor	00072-43-5	100
Octachlorostyrene	29082-74-4	10
Pendimethalin	40487-42-1	100
Pentachlorobenzene	00608-93-5	10
Polychlorinated biphenyl (PCBs)	01336-36-3	10
Tetrabromobisphenol A	00079-94-7	100
Toxaphene	08001-35-2	10
Trifluralin	01582-09-8	100

Table 2
Chemical Categories in Alphabetic Order

Category name	Reporting threshold
Dioxin and dioxin-like compounds (Manufacturing; and the processing or otherwise use of dioxin and dioxin-like compounds if the dioxin and dioxin-like compounds are present as contaminants in a chemical and if they were created during the manufacturing of that chemical) (This category includes only those chemicals listed below). – 1,2,3,4,6,7,8-Heptachlorodibenzofuran – 1,2,3,4,7,8,9-Heptachlorodibenzofuran – 1,2,3,4,7,8-Hexachlorodibenzofuran – 1,2,3,6,7,8-Hexachlorodibenzofuran – 1,2,3,7,8,9-Hexachlorodibenzofuran – 2,3,4,6,7,8-Hexachlorodibenzofuran – 1,2,3,4,7,8-Hexachlorodibenzo-p-dioxin – 1,2,3,6,7,8-Hexachlorodibenzo-p-dioxin – 1,2,3,7,8,9-Hexachlorodibenzo-p-dioxin – 1,2,3,4,6,7,8-Heptachlorodibenzo-p-dioxin – 1,2,3,4,6,7,8,9-Octachlorodibenzofuran – 1,2,3,4,6,7,8,9-Octachlorodibenzo-p-dioxin	0.1 grams

Category name	Reporting threshold
– 1,2,3,7,8-Pentachlorodibenzofuran – 2,3,4,7,8-Pentachlorodibenzofuran – 1,2,3,7,8-Pentachlorodibenzo-p-dioxin – 2,3,7,8-Tetrachlorodibenzofuran – 2,3,7,8 Tetrachlorodibenzo-p-dioxin	
Lead Compounds	100
Mercury compounds	10
Polycyclic aromatic compounds (PACs) (This 100 category includes only those chemicals listed below). – Benz(a)anthracene – Benzo(b)fluoranthene – Benzo(j)fluoranthene – Benzo(k)fluoranthene – Benzo(j,k)fluorene – Benzo(r,s,t)pentaphene – Benzo(a)phenanthrene – Benzo(a)pyrene – Dibenz(a,h)acridine – Dibenz(a,j)acridine – Dibenzo(a,h)anthracene – 7H-Dibenzo(c,g)carbazole – Dibenzo(a,e)fluoranthene – Dibenzo(a,e)pyrene – Dibenzo(a,h)pyrene – Dibenzo(a,l)pyrene – 7,12-Dimethylbenz(a)anthracene – Indeno[1,2,3-cd]pyrene – 3-Methylcholanthrene – 5-Methylchrysene – 1-Nitropyrene	100

**Protocol for Conducting Environmental Compliance
Audits under EPCRA and CERCLA Section 103**

**Appendix B:
User Satisfaction Questionnaire and Comment Form**

This Page Intentionally Left Blank

User Satisfaction Survey
(OMB Approval No. 1860.01)
Expires 9/30/2001

We would like to know if this Audit Protocol provides you with useful information. This information will be used by EPA to measure the success of this tool in providing compliance assistance and to determine future applications and needs for regulatory checklists and auditing materials.

1. Please indicate which Protocol(s) this survey applies to:

Title: _____

EPA Document Number: _____

2. Overall, did you find the Protocol helpful for conducting audits:

Yes ____ No ____

If not, what areas of the document are difficult to understand?

3. How would you rate the usefulness of the Protocol(s) for conducting compliance audits on a scale of 1-5?

1 = not useful or effective, 3 = somewhat useful/effective, 5 = very useful/effective

Low		Medium		High		
1	2	3	4	5		Introduction Section
1	2	3	4	5		Key Compliance Requirements
1	2	3	4	5		Key Terms and Definitions
1	2	3	4	5		Checklist

4. What actions do you intend to take as a result of using the protocol and/or conducting the audit? Please check all that apply.

- ____ Contact a regulatory agency
- ____ Contact a compliance assistance provider (e.g., trade association, state agency, EPA)
- ____ Contact a vendor
- ____ Disclose violations discovered during the audit under EPA's audit Policy
- ____ Disclose violations discovered under EPA's Small Business Policy
- ____ Obtain a permit or certification
- ____ Change the handling of a waste, emission or pollutant
- ____ Change a process or practice
- ____ Purchase new process equipment
- ____ Install emission control equipment (e.g., scrubbers, wastewater treatment)
- ____ Install waste treatment system (control technique)
- ____ Implement or improve pollution prevention practices (e.g., source reduction, recycling)
- ____ Improve organizational auditing program
- ____ Institute an Environmental Management System
- ____ Improve the existing Environmental Management System (e.g., improve training, clarify standard operating procedures, etc.)
- ____ Other _____

5. What, if any, environmental improvements will result from the actions to be taken (check all that apply)?

☐ reduced emissions
☐ waste reduction
☐ reduced risk to human health and the environment due to better management practices
☐ reduced quantity and toxicity of raw materials
☐ water conservation
☐ energy conservation
☐ conserved raw materials
☐ conservation of habitat or other environmental stewardship practice: _____
☐ other: _____
☐ no environmental improvements are likely to result from the use of this document

6. How did you hear about this document?

☐ trade association
☐ state technical assistance provider
☐ EPA internet homepage or website
☐ document catalog
☐ co-worker or business associate
☐ EPA, state, or local regulator
☐ other (please specify) _____

7. In order to understand your response, we would like to know what function you perform with respect to environmental compliance and the size of your organization.

☐ <u>Company Personnel</u>	☐ <u>Trade Association</u>	☐ <u>Compliance Assistance Provider</u>
☐ Environmental Auditor	☐ National	☐ EPA
☐ Corporate Level	☐ Regional	☐ State
☐ Plant-level	☐ Local	☐ State Small Business Assistance
☐ Legal	☐ Manager	☐ Local
☐ Environmental Manager	☐ Information Specialist	☐ Other _____
☐ Operator - (e.g., Pollution Control Equipment)		
☐ Other: _____		

☐ <u>Regulatory Personnel</u>	☐ <u>Vendor/Consultant</u>
☐ State	☐ Environmental Auditor
☐ Local	☐ Environmental Engineer/Scientist
☐ EPA	☐ Attorney

8. How many employees are located at your facility (including full-time contractors?)

☐ 0 - 9 ☐ 10 - 49 ☐ 50 - 100 ☐ 101-500 ☐ More than 500

Optional (Please Print)

Name: _____ Address: _____

Title: _____ City: _____ State: _____

Zip code: _____

Organization Name: _____

Phone: () _____ E-mail: _____

Please return all pages (1 thru 3) of this survey by folding pages 1 and 2 into page 3 and using the preprinted, pre-stamped address on the reverse side of page 3. If you have accessed this document electronically from one of EPA's web sites, simply e-mail this questionnaire to:
satterfield.richard@epa.gov.

This Page Intentionally Left Blank