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

- 1984 - Methyl isocyanate release at Union Carbide in Bhopal, India - 2,000 immediate fatalities

- 1985 – Aldicarb oxime release at Union Carbide facility in Institute, West Virginia - 100 people hospitalized
Emergency Planning and Community Right-To-Know Act

• Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (1980) – aka Superfund

• Superfund Amendments and Reauthorization Act (SARA) (1986)

• SARA Title III – (EPCRA) (1986)
  • “Establishes requirements for governments, Indian Tribes and industry regarding emergency planning and ‘community right to know’ reporting on hazardous and toxic chemicals”
EPRCA Benefits

• States and communities use the information to
  • Improve chemical safety
  • Protect public health
  • Protect the environment

• Increase the public’s knowledge and access to information on chemicals
  • At individual sites
  • Uses
  • Releases into the environment
EPCRA

Subtitle A
Emergency Planning and Notification

- Governmental Authorities [Section 301, 303]
- Emergency Planning Notification [Section 302]
- Facility Emergency Coordinator Identification [Section 303]
- Emergency Release Notification [Section 304]

Subtitle B
Reporting

- MSDS Submission [Section 311]
- Emergency and Hazardous Chemical Inventory [Section 312]
- Toxic Chemical Release Inventory [Section 313]

Subtitle C
General Provisions

- Trade Secrets [Section 322]
- Public Availability [Section 324]
- Enforcement [Section 325]
- Citizen Suits [Section 326]
Emergency Planning (301-303)

• Local Emergency Planning Committee (LEPC)

• State Emergency Response Commission (SERC)

• Emergency Response Plans:
  • Emergency response procedures
  • Community and facility coordinator
  • Emergency notification procedures
  • Local emergency equipment and facilities
  • Evacuation plans
Emergency Planning (301-303) cont’d

- Planning activities initially focused on 356 extremely hazardous substances (EHS)
  - Includes threshold planning quantities for each substance

- Notification to the SERC and LEPC within 60 days of shipment
What chemicals are regulated under EPCRA?

Region 4
EPCRA Enforcement Section also has the RMP Program

- OSHA HS
  - >500,000

- EPCRA §§311 & 312
- EPCRA §304
- CERCLA §103
  - Hazardous Substances (772)
- CAA §112r
  - RMP (140)
- EPCRA §302, EHSs (356)
- EPCRA §313
  - Toxic Release Inventory (582)
Emergency Release Notification (304)

- **EHS only:**
  - Notify SERC, LEPC
  - Within 15 minutes

- **CERCLA Hazardous Substance:**
  - Notify SERC, LEPC & National Response Center (NRC)
  - Within 15 minutes
Telephonic emergency notification should include

• EHS/non-EHS
• Estimate of quantity released
• Time and duration of release
• Media into where the release occurred
• Known or anticipated acute chronic health risks associated with the emergency
• Proper precautions
• Name and telephone of contact person
Emergency Release Notification (304) cont’d

• Written follow-up notice
  • To the SERC and LEPC
  • Within 7 calendar days
  • Information to include:
    • Initial notice
    • Information on actual response actions taken
    • Advice regarding medical attention
Hazardous Chemical Storage Reporting (311-312)

- **311** - Material Safety Data Sheets (MSDSs) or list of chemicals and hazards for chemicals above threshold
  - EHS – 500 lbs
  - Non EHS – 10,000 lbs

- Submitted to
  - SERC
  - LEPC
  - Local fire department
Hazardous Chemical Storage Reporting (311-312), cont’d

• 312 – Hazardous chemical inventory form (Tier II reports)
  • Chemical name
  • Maximum amount of chemical present at any time during calendar year
  • Manner of storage
  • Location of chemical

• Submitted to SERC, LEPC and local fire department
• Due annually March 1
Toxics Release Inventory (313)

• Annual reporting of toxic chemical releases and waste management activities
• Form R/Form A
• Due annually July 1
• Submitted for specified chemicals over reporting thresholds
  • Manufactured – 25,000 lbs
  • Processed – 25,000 lbs
  • Otherwise use – 10,000 lbs
Toxics Release Inventory (313) cont’d

- Manufacture, process or otherwise use above thresholds
- 10 or more full-time employees
- Sectors:
  - Manufacturing
  - Metal mining
  - Coal mining
  - Electrical utilities that combust coal and/or oil
  - RCRA facility
  - Chemical and allied products wholesale distributor
  - Petroleum bulk plants and terminals
  - Solvent recovery services
Penalties for Noncompliance

• Published in Federal Register
• Updated December 11, 2008 FR
• Maximum penalties of $112,500 per day
• Effective January 12, 2009
Self Disclosures

• Twenty-one (21) days from the time of discovery to disclose in writing the violation to EPA

• Include means of discovery, type of violation, and facility location

• Region 4 Contact – Kelly Sisaro
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    U.S. EPA Region 4
    Sam Nunn Atlanta Federal Center
    61 Forsyth Street SW
    Atlanta, GA 30303
    Fax: 404-562-9598
Emergency Response Information System (E-Plan)

• Features
  • Contains facility data from Tier II and Risk Management Plan (RMPs)
  • Geographic searches for facilities

• Benefits
  • Facility info available REAL TIME, 24/7
  • LEPCs can use risk analysis, without data entry
  • Fire departments and regulatory agencies can prioritize inspections
  • It’s FREE! -funded by Department of Homeland Security

• Website: www.erplan.net
EPCRA Region 4 Contacts

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