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

*[or Superfund Amendments and Reauthorization Act of 1986 (SARA Title III)]*

EPCRA [40 CFR 355] is a federal law, enforced by the federal Environmental Protection Agency, managed by the state emergency response commission (SERC) and local emergency planning committees (LEPC) (<http://www.scmd.org/Library/lepc/duties.pdf>). EPCRA applies to storage and handling of hazardous materials (chemicals). EPCRA requires that facilities report storage of certain chemicals above a certain amount to the state and local authorities. This law is called both “EPCRA” and “SARA Title III”. In this section, it will be referred to as “EPCRA.”

The principal reason for EPCRA is to provide planners, responders, and citizens with information on the manufacture, use, and environmental release of potentially toxic chemicals in their communities.

EPCRA has four major sections that require reporting to state and local authorities:

- ◆ Hazardous chemical storage reporting, or the “community right-to-know” requirements (Sections 311-312)
- ◆ Emergency planning (Section 301-303)
- ◆ Emergency release notification (Section 304)
- ◆ Toxic chemical release inventory (Section 313)

This section provides a summary of EPCRA and is designed to guide you to determine whether you might be required to comply.

## Reporting Hazardous Chemicals (EPCRA Section 311-312, or “Community Right-To-Know Requirements”)

### **EPCRA Section 311—List of Chemicals Form**

The Occupational Safety and Health Administration (OSHA) requires employers to keep copies of Material Safety Data Sheets (MSDS) for each hazardous chemical available for employees. Distributors are required to provide MSDSs for hazardous substances [29 CFR 1910.1200].

You must complete a “Section 311—List of Chemicals Form” if you have chemicals on site that are required under OSHA to have MSDSs and you meet one of the following two conditions:

1. You store one or more substance listed as an “extremely hazardous substance” in quantities equal to or greater than the listed “threshold planning quantity” or 500 lbs., whichever is less [The list of extremely hazardous substances and their threshold planning quantities is available in 40 CFR 355.30e(2)(1) or through the EPA website listed in the box below.]

*OR*

2. You store 10,000 pounds or more of any hazardous substance requiring a MSDS.

### **EPCRA Section 312 – Annual Tier II Reporting**

If you are subject to the Section 311 reporting requirements described above, you must also submit an annual “Tier II Emergency and Hazardous Chemical Inventory” form. The “Tier II Emergency and Hazardous Chemical Inventory” form requires you to inventory your facility’s hazardous chemicals and identify their storage locations.

You must submit a completed Tier II report to the SERC, *AND* the LEPC, *AND* your local fire department each year by March 1.

## **What are marinas likely to report under the Section 311 and Tier II reporting requirements?**

You must report storage of gasoline, diesel fuel, propane or fuel oil (all of which require MSDSs) in excess of 10,000 pounds. This does not include the fuel in boats dockside. Gasoline weighs roughly 6.19 pounds per gallon, diesel weighs roughly 7.05 pounds per gallon, and propane weighs roughly 4.23 pounds per gallon at 60 degrees Fahrenheit.

You must also report the sulfuric acid in lead acid batteries in excess of 500 pounds. The average small boat battery contains approximately 5 pounds of sulfuric acid. You must also report the lead in lead acid batteries in excess of 10,000 pounds. The average small boat battery contains approximately 30 to 40 pounds of lead per battery. (Note that this reporting requirement applies to the batteries that you store before or after use on your facility, but not the ones that boaters can physically move on and off their boats.)

# Reporting Storage of Extremely Hazardous Substances

## (EPCRA Section 302)

### **Section 302—Emergency Planning Notification Form**

If you store any of 356 listed “extremely hazardous substances” in excess of the listed Threshold Planning Quantity, you are required to complete a “Section 302-Emergency Planning Notification Form” and submit it to the SERC *AND* the LEPC within 60 days of when the substance becomes present at the facility. (<http://www.scdhec.gov/eqc/baq/html/eqcepcra.html>)

If you are required to file a “Section 302-Emergency Planning Notification Form,” you must also designate a facility emergency coordinator who will be the emergency contact person for your facility.

### **What are marinas likely to report under the Section 302 reporting requirements?**

You must also report the sulfuric acid in lead acid batteries in excess of 1,000 pounds. The average small boat battery contains approximately 5 pounds of sulfuric acid. The management and disposal of lead acid batteries is covered by DHEC R.61-79.273 (Universal Waste Rule) and R.61-79.266.80 (spent lead acid batteries that are reclaimed.).

In the unlikely event that you store chlorine in liquid or granular form (not tablets or powder), you must report storage of 100 pounds or more.

## Accidental Release Notification (EPCRA Section 304)

If a spilled substance is a listed “extremely hazardous substance” or a Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) listed “hazardous substance released in amounts greater than the listed Reportable Quantity”, then you must notify the SERC by calling (888) 481-0125, *AND* your LEPC, *AND* the National Response Center at (800) 424-8802.

Under EPCRA, you are *not* required to report a chemical spill to the federal government above the Reportable Quantity if the release:

- ◆ Does not affect persons off-property;
- ◆ Is federally permitted;
- ◆ Is a continuous release, except when statistically significant;
- ◆ Is of certain nuclear material;
- ◆ Results from pesticide or fertilizer applications; and
- ◆ Is petroleum, unless “extremely hazardous substance” present. (Note: this does not exempt you from reporting an oil spill to state and federal authorities as described in Appendix E.)

Initial notification can be made by telephone, radio, or in person. Emergency notification requirements involving transportation incidents can be met by dialing 911, or in the absence of a 911 emergency number, calling the operator. This emergency notification needs to include:

- ◆ The chemical name;
- ◆ An indication of whether the substance is extremely hazardous;
- ◆ An estimate of the quantity released into the environment;
- ◆ The time and duration of the release;
- ◆ Whether the release occurred into air, water, and/or land;
- ◆ Any known or anticipated acute or chronic health risks associated with the emergency and, where necessary, advice regarding medical attention for exposed individuals;
- ◆ Proper precautions, such as evacuation or sheltering in place; and
- ◆ Name and telephone number of contact person.

The facility owner or operator is also required to provide a written follow-up emergency notice as soon as practicable after the release. The follow-up notice or notices must:

- ◆ Update information included in the initial notice, and
- ◆ Provide information on actual response actions taken and advice regarding medical attention necessary for exposed individuals.

NOTE: If you are unsure about whether to report a chemical spill to the National Response Center, it is better to report than not. Not reporting can result in a costly error.

## Toxic Release Inventory (EPCRA Section 313)

### Toxic Chemical Release Inventory Form

While it is unlikely that any marina in South Carolina will be subject to these reporting requirements, EPCRA Section 313 (commonly referred to as the Toxics Release Inventory or TRI) requires certain facilities to complete a Toxic Chemical Release Inventory Form annually for specified chemicals.

You are required to submit a “Toxic Chemical Release Inventory Form” each year by July 1 to the US-EPA’s EPCRA Reporting Center (address below) and the SC SERC for each potentially toxic chemical that is stored in quantities above a certain amount if your facility:

1. Is classified in major group 37 under Standard Industrial Classification code (primary classification), AND
2. Has 10 or more full-time employees, AND
3. Stores, uses, or otherwise processes a toxic chemical in an amount above the listed threshold quantity.

If your facility meets these three criteria, you must file a Toxic Chemical Release Inventory Form, either a “Form R” or “Form A,” annually by July 1 for each toxic chemical. The reports must be sent to the SERC and EPCRA Reporting Center:

EPCRA Reporting Center  
P.O. Box 3348  
Merrifield, VA 22116-3348  
ATTN: Toxic Chemical Release Inventory.

DHEC  
EPCRA Reporting Point  
2600 Bull Street  
Columbia, S.C. 29201  
Telephone: 803-898-3894

Copies of both forms can be obtained by calling the EPCRA hotline at (800) 424-9346, or at <http://www.epa.gov/tri>

## **FOR MORE INFORMATION...**

Contact the Emergency Planning and Community Right-to-Know Information Hotline at (800) 424-9346 or TDD (800) 535-7672. Monday through Friday, 9:00 am to 6:00 pm, Eastern Standard Time.

Or visit:

<http://www.epa.gov/ceppo>, or

<http://yosemite.epa.gov/oswer/CeppoWeb.nsf/content/EPCRA.htm?OpenDocument>