



**Washington State Emergency
Response Commission
Emergency Planning &
Community Right-to-Know
Act**

Emergency Planning & Community Right-to-Know Act

Why a new law?



Emergency Planning & Community Right-to-Know Act

Superfund Amendments and Reauthorization Act (SARA) 1986

- Signed by President Reagan
- Commonly known as the Emergency Planning & Community Right-to-Know Act - EPCRA



Created for:

- Emergency Planning
- Preparedness and Training
- Community Right-to-Know

EPCRA Overview

- Expands the role of citizens
- Emphasizes the importance of response planning and training



- Provisions for emergency preparedness and chemical risk management in communities
- Ensures the public has access

EPCRA Subchapters

Subchapter I – Emergency Planning and Notification

- Requires development of local response plans
- Imposes reporting requirements for chemical releases

Subchapter II – Reporting Requirements

- Imposes Community Right-to-Know reporting requirements

Subchapter III – General Provisions



Subchapter I – Emergency Planning & Notification

- Establishes State commissions, planning districts, and local committees
- Identifies substances and types of facilities
- Requires response plans
- Requires emergency notification
- Requires training and review of response systems



Emergency Planning (Sections 301-303)

- LEPCs are required to develop and maintain response plans for their jurisdiction
- Planning activities focus on the 355 chemicals identified as Extremely Hazardous Substances (EHS)
- Identifies the required plan components



Emergency Release Notification (Section 304)

- Requires *immediate* notification to the LEPC and the SERC or TERC of a release equal to or exceeding the specified reportable quantity
- Includes not just the 355 EHS, but also >700 substances subject to CERCLA regulations
- Written follow-up notice must be sent and include response actions and any pertinent medical impact information



Reporting Thresholds

Table 1: EPCRA Chemicals and Reporting Thresholds

Chemicals Covered	Section 302 355 Extremely Hazardous Substances	Section 304 >1,000 substances	Sections 311/312 Approximately 800,000 hazardous chemicals	Section 313 > 650 Toxic Chemicals and categories
Thresholds	Threshold Planning Quantity 1-10,000 pounds on site at any one time	Reportable quantity, 1-5,000 pounds, released in a 24-hour period	500 pounds or TPQ whichever is less for EHSs; gasoline greater than or equal to 75,000 gallons (all grades combined)*; diesel greater than or equal to 100,000 gallons (all grades combined)*; 10,000 pounds for all other hazardous chemicals	25,000 pounds per year manufactured or processed; 10,000 pounds a year otherwise used; persistent bioaccumulative toxics have lower thresholds

Subchapter II – Reporting Requirements

- Requires submission of MSDS to SERC, LEPC, and local Fire Department
- Requires preparation of hazardous chemical inventory forms
- Requires completion of toxic chemical release form



Storage Reporting Requirements (Sections 311-312)

Community Right-to-Know Requirements

➤ Section 311

- Requires facilities to submit either a list of, or MSDS for, all substances held in amounts above identified threshold quantities
- If a list is submitted, it must identify the applicable hazard category of each substance



Storage Reporting Requirements (Sections 311-312)

Community Right-to-Know Requirements

➤ Section 311 – Hazard Categories

Physical Hazards	Health Hazards
Flammable (gases, aerosols, liquids, or solids)	Carcinogenicity
Gas under pressure	Acute toxicity (any route of exposure)
Explosive	Reproductive toxicity
Self-heating	Skin Corrosion or Irritation
Pyrophoric (liquid or solid)	Respiratory or Skin Sensitization
Oxidizer (liquid, solid, or gas)	Serious eye damage or eye irritation
Organic peroxide	Specific target organ toxicity (single or repeated exposure)
Self-reactive	Germ cell mutagenicity
In contact with water emits flammable gas	Aspiration Hazard
Corrosive to metal	Hazard Not Otherwise Classified (HNOC)
Hazard Not Otherwise Classified (HNOC)	

Storage Reporting Requirements (Sections 311-312)

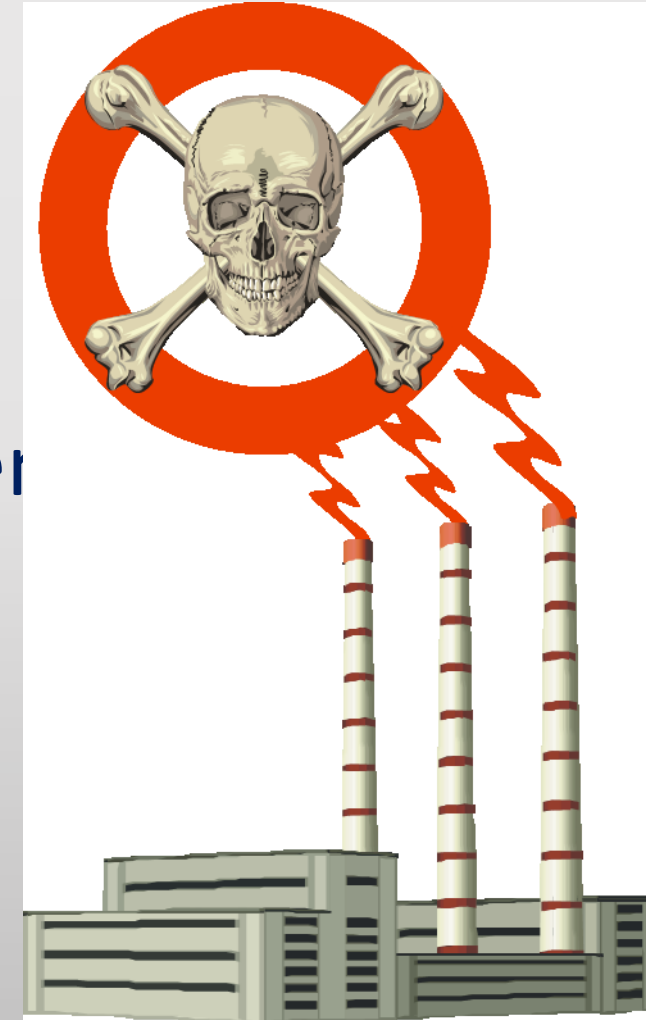
Community Right-to-Know Requirements

- Section 312
 - Requires annual submission of an Emergency and Hazardous Chemical Inventory Form
 - Tier I or Tier II
- Tier I is aggregated information by hazard category
- Tier II list specific chemicals



Toxic Chemical Release Inventory (Section 313)

- Tracks the management of certain toxic chemicals that pose a threat to humans or the environment
- Includes recycling, energy recovery, treatment and environmental releases
- Submitted to EPA, SERC or TERC by July 1
- Information is publicly available through the TRI program website



EPCRA Implementation in Washington

The Washington SERC
was established by
Executive Order from
the Governor

- April 17, 1987 -



SERC Responsibilities

Defined by WAC 118-40:

- Coordination with EPA on EPCRA implementation and programming
- Establishment and oversight of State EPCRA program
- Designation of LEPCs and oversight of their activities
- Review and evaluate local response plans
- Delegation of EPCRA responsibilities between Ecology, WSP, and EMD

SERC Responsibilities

Who is responsible for EPCRA enforcement?

EPA and the public

- ✓ **EPCRA Section 325 - Civil and Administrative** penalties ranging up to \$10,000 - \$75,000 per violation or per day per violation when facilities fail to comply with the reporting requirements. Potential penalties for facilities that fail to report in a timely manner are \$37,500 per violation per day. **Criminal** - <\$50K or 5 years in prison
- ✓ **EPCRA Section 326** - citizens to initiate civil actions against EPA, SERCs, and the owner/operator of a facility for failure to meet the EPCRA requirements.

Department of Ecology Responsibilities

- Implement and maintain an EPCRA Program (Sections 302 – 313) Advise SERC on emergency spill response and environmental restoration issues
- Advise the SERC on Community Right-to-Know issues
- Liaison between the SERC and the EPA on Community Right-to-Know issues
- Serve as SME on emergency responder equipment and training needs at state and local levels, and on-scene spill response

Military Department Responsibilities

- Provide administrative staff support for the SERC
 - Meeting information, correspondence, and written reports to SERC members, Tribes, and LEPCs
- Receive and record verbal emergency release notifications
- Provide assistance to LEPCs developing emergency response plans
 - Coordinate review of LEPC emergency response plan
 - Serve as repository for LEPC emergency response plans
- Administer training, exercise, and planning grant applications on behalf of the SERC

LEPCs Responsibilities

- Report tracking
- Hazard analysis
- HazMat Emergency Response Plans
- Coordination of exercises for community response partners
- Ensure public access to CRK information

Questions?

